

## Travis Parker

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**From:** Travis Parker  
**Sent:** Friday, December 6, 2019 3:46 PM  
**To:** City Council Members; Planning Commissioners  
**Cc:** Kathy Hodgson  
**Subject:** Dec 4 Board of Adjustment meeting

City Council and Board of Adjustment:

I want to provide an explanation as to why the Board of Adjustment meeting to consider the appeal of the proposed development at the former White Fence Farm was continued to Jan. 15. In short, a miscommunication occurred regarding the required legal notifications of the appeal hearing. Because of this issue, it was determined that it would be best to delay the hearing to ensure that additional notifications are provided to property owners surrounding the development. Let me explain how this happened.

- The city's Zoning Ordinance and Municipal Code lack procedures for public notifications of such appeals before the Board of Adjustment. Given that, staff followed the notification process used in previous appeals including the most recent one, which occurred in 2015. This previous process included posting a legal notice on the city's website, but not providing letters of notification to surrounding landowners, and that is what occurred with this appeal hearing.
- Attorneys from outside law firms (lawyers not part of the City Attorney's Office) who represent the appellant, the developer, and the Board of Adjustment met to discuss the case and concluded that the board's policy and procedures required that letters of notification be sent to surrounding property owners. This determination, however, was not conveyed to city staff prior to the Wednesday, Dec. 4 meeting.
- The three outside attorneys met with city staff immediately prior to the Dec. 4 appeal hearing and determined they were uncomfortable proceeding without the surrounding property owners receiving letters of notification. This information was conveyed to the Board of Adjustment in an executive session because legal advice was being provided. As a result, the Board of Adjustment convened in an open session and approved continuing the hearing to Jan. 15 to allow for additional notifications to be sent to property owners within 300 feet of the proposed development.
- This written notice will be sent, and staff will post the legal notice of the Jan. 15 meeting on Lakewood.org. In addition, the meeting will be posted for public comment until Jan. 14 on LakewoodSpeaks.org, the city's platform for taking public comment on Planning Commission and City Council agenda items. This document explaining the situation will also be posted online.

An issue also arose over public comment at appeal hearings, and I want to provide information on that issue.

- Appeal hearings are not public hearings, and they function more as a hearing before an appeals court, which means only legal arguments are made by the attorneys representing the parties involved. In this case, it includes the appellant, the developer, and the city, and that is how previous appeal hearings have been handled by the Board of Adjustment.
- The board chair, however, has the prerogative to allow public comment from those who are not the involved parties. In light of the significant public interest this proposal has generated, the chair indicated he would take an hour of public comment at the Jan. 15 meeting. It has not been Lakewood's practice to place a limit on the total allotment for public input.
- The attorney representing the Board of Adjustment will work with the board chair regarding the hour limitation the chair set for public comment at the Jan. 15 meeting.

This was a difficult and regrettable night for all involved and was especially frustrating for residents because they were not informed as to what was occurring. I sincerely apologize for the inconvenience caused by the continuation of the hearing. If you have additional questions or concerns, please feel free to contact me.

**Travis Parker**

PLANNING DIRECTOR

303.987.7908

470 S. ALLISON PARKWAY

LAKEWOOD, COLORADO 80226

[LAKEWOOD.ORG/PLANNING](http://LAKEWOOD.ORG/PLANNING)



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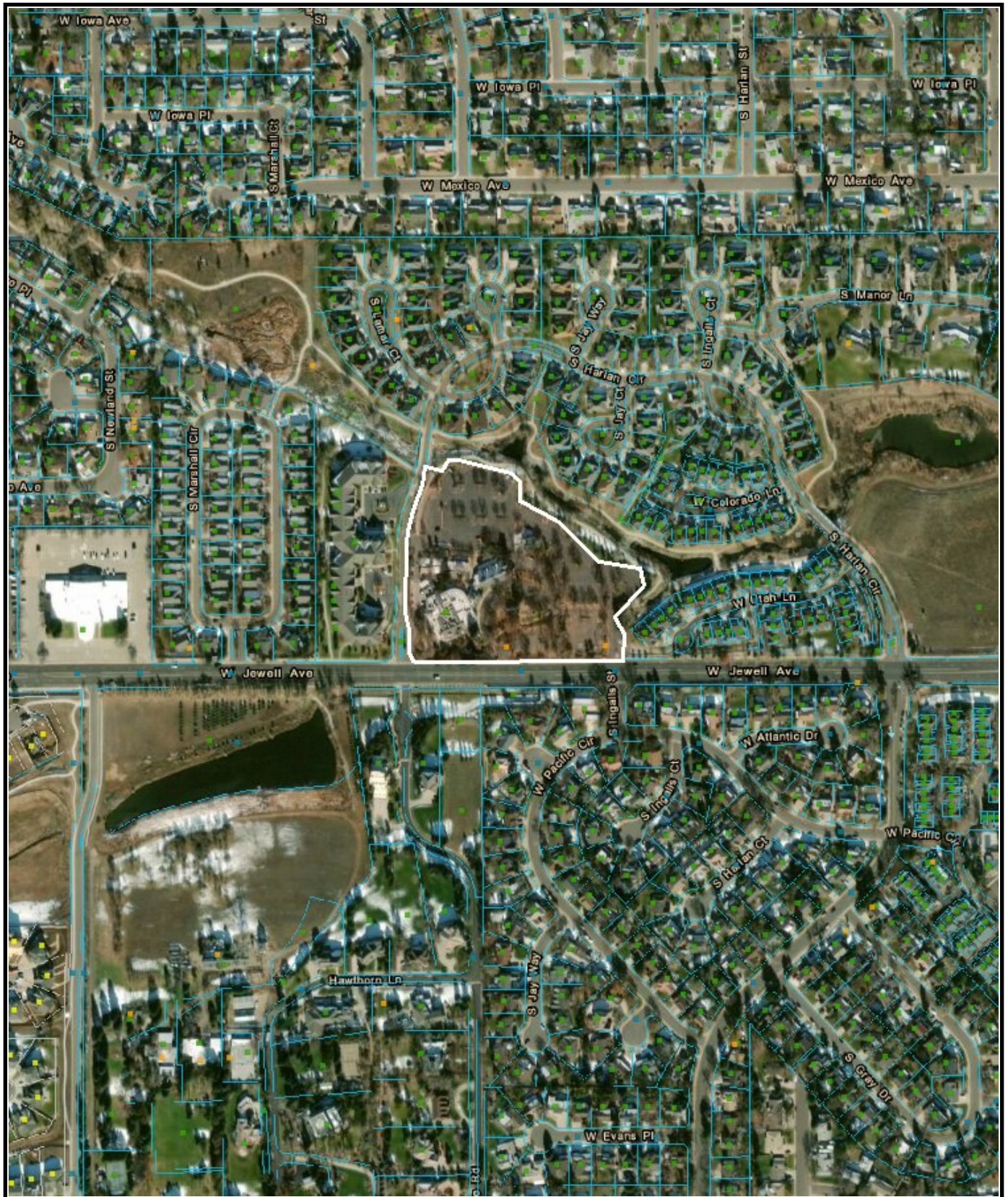
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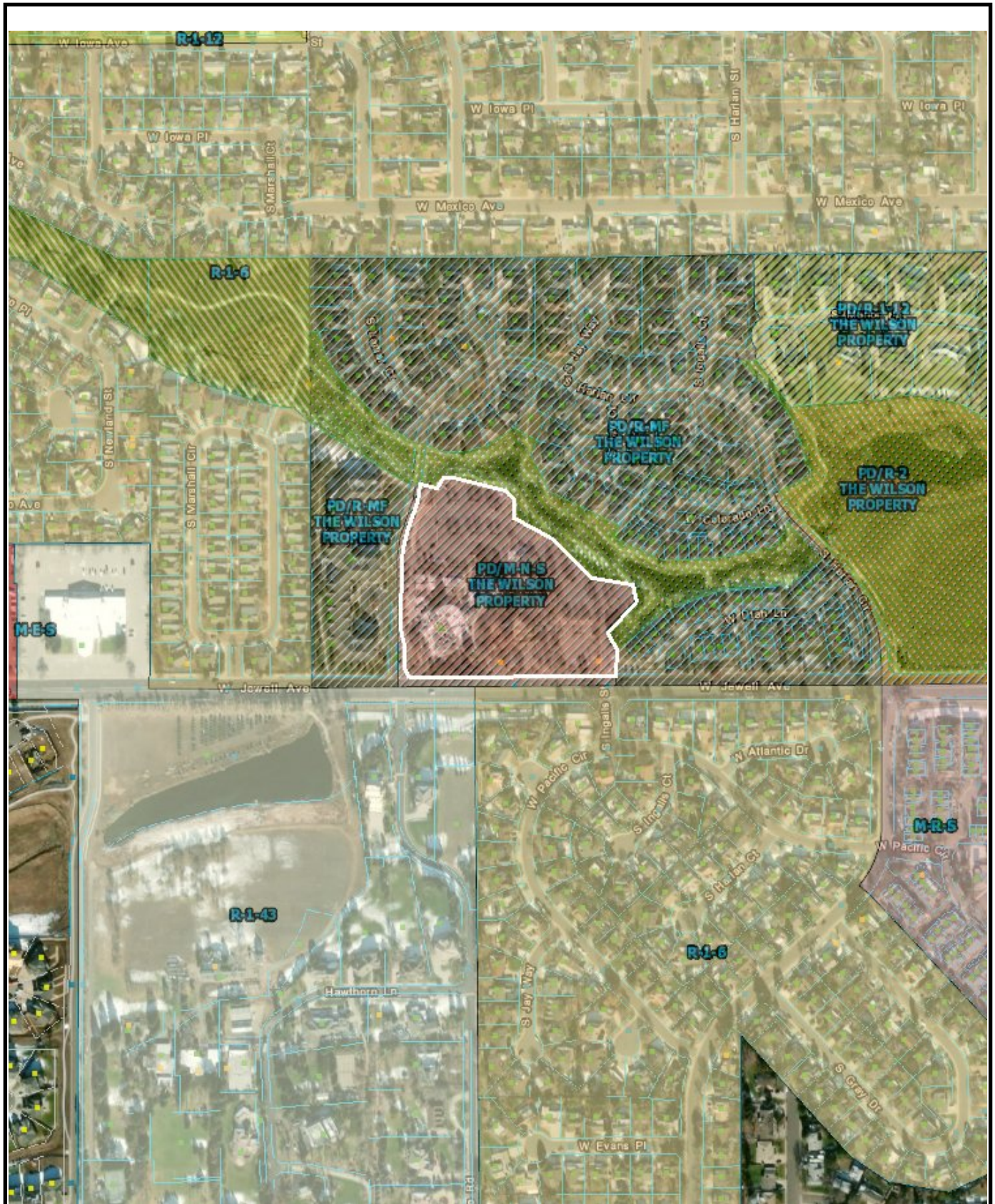
Aerial  
6263 W Jewell Ave, Lakewood, CO 80232





# Zoning

6263 W Jewell Ave, Lakewood, CO 80232



## Kara Mueller

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**From:** Paul Rice  
**Sent:** Monday, November 25, 2019 12:20 PM  
**To:** Kara Mueller  
**Subject:** FW: Lakewood BOA hearing

### Paul Rice, AICP

Manager, Planning – Development Assistance

303-987-7725  
CIVIC CENTER NORTH  
480 SOUTH ALLISON PARKWAY  
LAKEWOOD, COLORADO 80226  
[WWW.LAKEWOOD.ORG/PLANNING](http://WWW.LAKEWOOD.ORG/PLANNING)



**From:** William Tuthill [mailto:watuthill@gmail.com]  
**Sent:** Sunday, November 24, 2019 11:17 PM  
**To:** Paul Rice <PauRic@lakewood.org>  
**Subject:** Fwd: Lakewood BOA hearing

EXTERNAL - USE CAUTION

----- Forwarded message -----

**From:** William Tuthill <watuthill@gmail.com>  
**Date:** Fri, Oct 4, 2019 at 5:28 PM  
**Subject:** Lakewood BOA hearing  
**To:** Tim Cox <timcox@lakewood.org>, James Silvestro <JSilvestro@irelandstapleton.com>, White, Carolynne C. <Cwhite@bhfs.com>

Counsel - Thank you for participating in this morning's telephone conference call to discuss the process for the upcoming hearing on the appeal by Mr. Silvestro's clients of an interpretation of the zoning code made by Planning Director Travis Parker. Ms. White represents the party that wishes to proceed with its major site plan application that is the subject of Mr. Parker's interpretation.

Everyone agreed that this appeal involves primarily a legal interpretation of the applicable regulations, that oral argument was desired by all of you, and that public testimony or comment was not likely to play a significant factor in the Board's decision-making. The Board is expected to conduct a de novo review of the existing code, regulations, and land use planning documents to reach a determination as to whether the Planning Director's interpretation is correct or needs to be reversed or modified.

We all agreed that the current BOA rules of procedure for conducting public hearings are not well-suited to an appeal of this sort, but that trying to reach some common understandings (subject to agreement by the Board of Adjustment) in advance of the hearing would benefit everybody, including the Board.

Although all of you reserved the right to assert the need to call witnesses, nobody currently anticipates calling any witnesses, with the possible exception of Mr. Parker.

Counsel were in agreement that each party should be given 15 minutes to present its primary case and be allowed 10 minutes for rebuttal. The parties agreed that it made the most sense for the City/Planning Director to go first, so as to establish a context for the decision/interpretation that is subject to this appeal. The appellant will present next, and the applicant/developer will follow that. To the extent that public comment is allowed, it should follow the initial presentations of the parties. We are in agreement that if public comment is allowed by the Board, a limitation on time for total public comment is not objectionable to any of the parties, and that it would be appropriate for the Chairman to give a limiting instruction clarifying that this is primarily a legal dispute at this stage, such that comments as to the merits of the underlying site plan are not really relevant. As for rebuttal, the City will go first, the applicant will go next, and the appellant will go last.

Counsel agreed to supply me (and each other) a list of exhibits that they would like to have included in the record by October 30, 2019. It is anticipated that, barring objection, exhibits listed by the parties will be included in the record and will be available in the packet that is distributed to the Board and the public prior to the hearing. By Rule, the Zoning Ordinance, the Comprehensive Plan, including all amendments, and the Subdivision Ordinance do not have to be entered as separate exhibits, but are part of the record in all hearings.

To the extent that Ms. White would like to provide a written statement as to her client's position in this matter (other than what has already been submitted to the City), she will do so not later than Nov. 6. Mr. Silvestro will have until Nov. 20 to respond to that submission should he so choose.

The City has agreed to accept responsibility for properly posting the property with notice of the public hearing and mailing out notices as required by the City's rules and regulations.

All of the procedures suggested above are subject to the agreement of the Board of Adjustment. I will communicate with the Chairman of the Board, Dale Miller, and see if he concurs that the suggestions we have made as to how to structure the hearing are approaches he can support.

If you feel that I have misstated anything from this morning's conversation, please let me know asap.

Bill Tuthill

WATLegal LLC



2. Outdoor: A commercial business offering amusement, recreational or entertainment activities such as batting cages, miniature golf, grand prix miniature race cars, water slide and amusement rides where part or all of such activities are outdoors.

b) Non-Commercial: Recreation facilities owned or operated by a government agency, nonprofit entity, a homeowner's association or membership association which are open to the general public and where fees charged are intended to cover the cost of operation and not to provide financial gain to the operator. Recreation facilities accessory to a dwelling unit for use by the property owner or tenant residing on the property, family members or guests.

(306) **Recreational Vehicle Park:** See Campground.

(307) **Recycling Collection Facility:** An accessory use that serves as a neighborhood drop-off point for temporary storage of recyclable resources. No processing of such items is permitted.

(308) **Recycling Plant:** A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass; metal cans; plastics and other products, are recovered, reused, reprocessed, and treated to return such products to a condition in which they may again be used for production.

(309) **Redevelopment:** The process of removing existing structures and building new ones with or without land aggregation, or adding buildings to a developed site.

(310) **Remodel, Substantial:** See Substantial Remodel, Alteration.

(311) **Rental Center:** A retail establishment that rents machinery or tools, such as air compressors, chain saws, concrete mixers, ladders and scaffolding, power tools, trailers, trucks, welders, etc. For the purposes of this Code, equipment is classified as heavy or light. See Equipment- Heavy and Equipment- Light.

(312) **Residence Inn:** A hotel with rooms that have complete kitchen and bathroom facilities intended for semi-transient, longer-term occupancy, also referred to as extended stay facilities. See also Bed and Breakfast, Hotel, Motel.

(313) **Residential Health Care Facility:** A residential facility designed with a combination of residential living units, with or without individual kitchen facilities and group living facilities such as common kitchen, eating area, patio and/or recreational area as well as parking. The intended use is for the care of the infirm or aged, or for the rehabilitation of injured individuals, where medical attention in the form of skilled or intermediate nursing care is provided as a continual or intermittent benefit. See also Clinic, Hospital, Group Home, Group Living.

- F. Reduce the burden of traffic associated with a development on streets and highways located in the vicinity of the development.
- G. Provide a procedure which can better relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the natural characteristics of a site.

In return for flexibility in site design and development, PD districts are expected to include exceptional design that preserves critical environmental resources; provide above-average open space and recreational amenities; incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

#### **17.3.6.2: Applicability**

The PD district shall be applied only to sites of 5 acres or larger, provided that the site may be composed of multiple adjacent properties to be governed by a single Official Development Plan, and may thereafter be subdivided in compliance with the approved Official Development Plan. The Director may reduce the required minimum size of a PD district, if it is determined that the proposed district will still meet the intent of the PD zone identified in Section 17.3.6.1.

#### **17.3.6.3: Official Development Plan**

All PD zone districts shall be governed by an Official Development Plan (ODP). The ODP shall contain written stipulations and, when appropriate, graphic representation generally addressing land use, density, signage, fencing, lighting, access and circulation, architectural and landscape design requirements, and public and private improvements.

#### **17.3.6.4: Allowed uses**

A PD district shall include multiple land uses, and define the following:

- A. *Base Zone District:* All PD districts shall allow the uses identified for at least one zone district described in this Zoning Ordinance. The base zone district or districts shall be chosen based upon compatibility with surrounding land uses and most closely relate to the uses proposed as part of the PD. The base zone district or districts shall be specifically identified as part of the PD.
- B. *Additional Uses:* A PD district may include uses not allowed in the base zone district. However, the use or uses added to the based district shall be listed in Table 17.4.1, or determined to be permitted, subject to Section 17.4.3 of this Zoning Ordinance. Addition of uses to the base zone district shall be based on compatibility with the surrounding land uses.

#### **17.3.6.5: Other Standards**

The standards of the base zone district or districts included in the PD, as identified in this Zoning Ordinance, shall apply to the PD district unless specifically modified as part of the PD. Any modification to the standards shall be identified as part of an ODP.

# OFFICIAL DEVELOPMENT PLAN

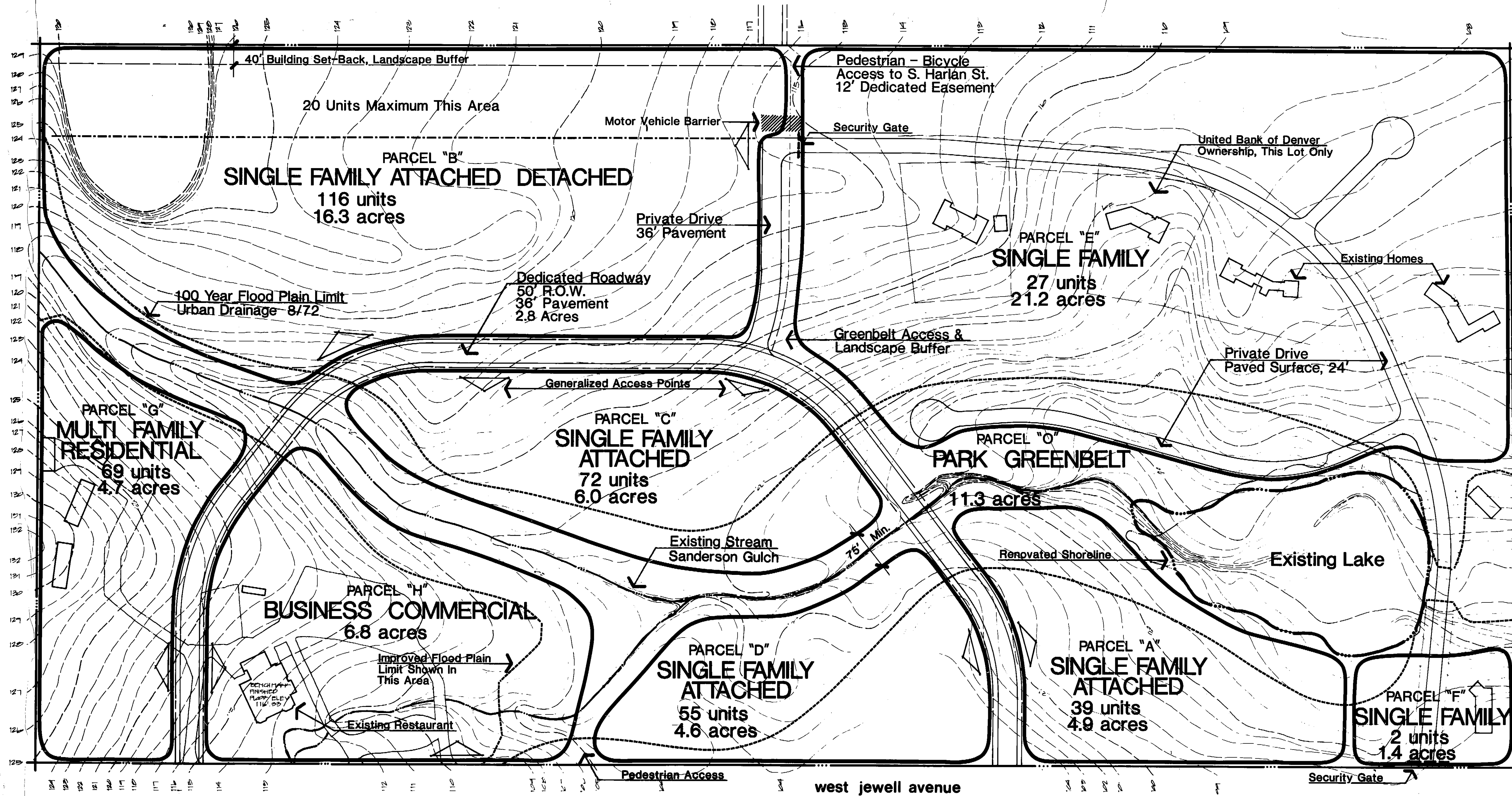
## WILSON PROPERTY

### WEST JEWELL AVE.

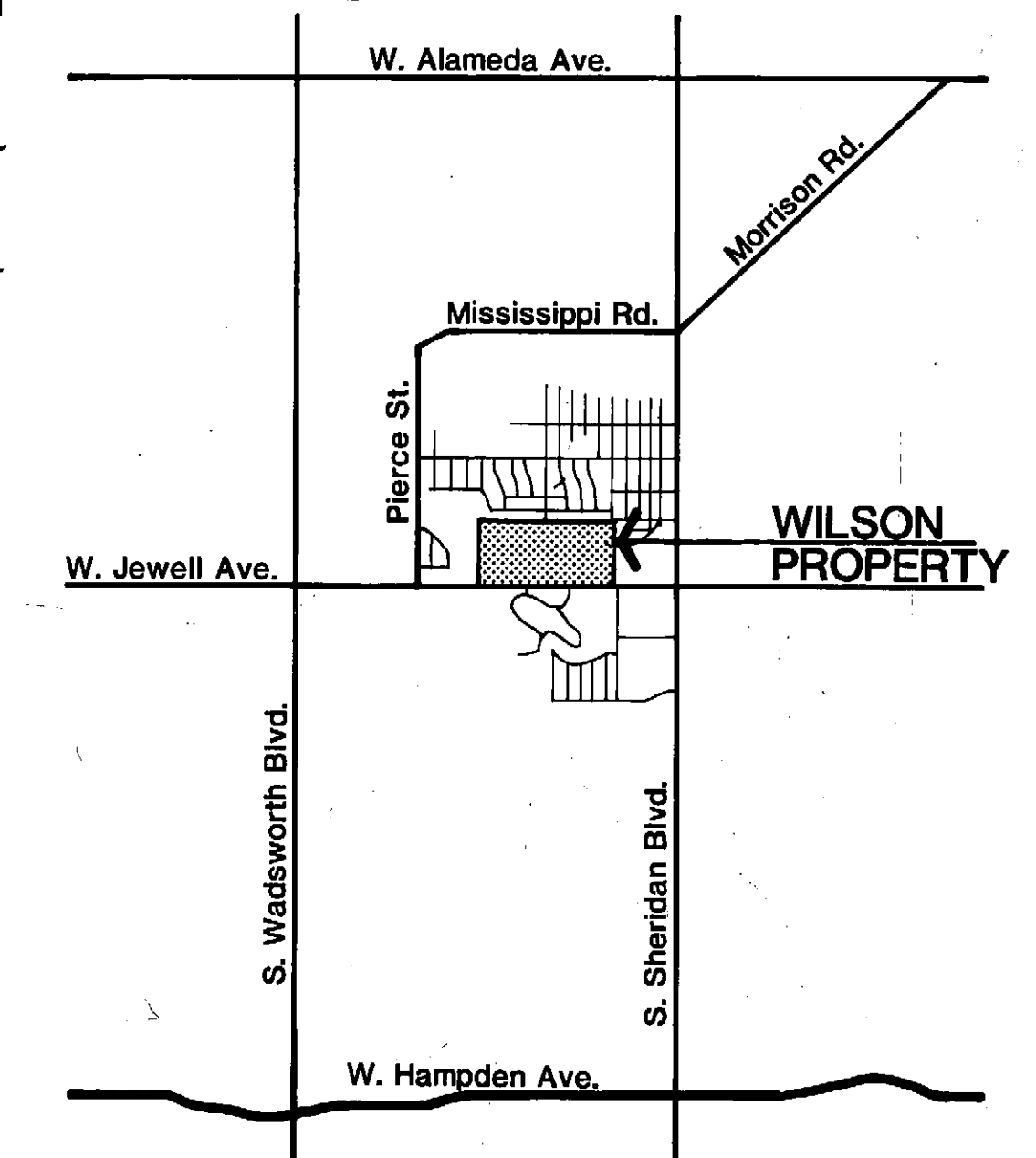
### LAKEWOOD COLORADO

82022526

1-2  
20.00



#### VICINITY MAP



#### APPROVALS

OWNER Lucas Wilson  
LUCAS WILSON

OWNER Harry Thomas  
UNITED BANK OF DENVER

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 9th DAY OF March, 1982.

MY COMMISSION EXPIRES Sept. 8, 1984

WITNESS MY HAND IN OFFICIAL SEAL

Mary Ellen Penman  
NOTARY PUBLIC  
1740 Broadway, Denver, Colo. 80217

APPROVED BY THE CITY OF LAKEWOOD PLANNING COMMISSION THIS 16th DAY OF December, 1982.

Anthony P. Babin CHAIRMAN  
Edie Bryan SECRETARY

APPROVED BY THE CITY OF LAKEWOOD CITY COUNCIL THIS 16th DAY OF December, A.D., 1982.

ATTEST:  
Paul R. Regard  
CITY CLERK

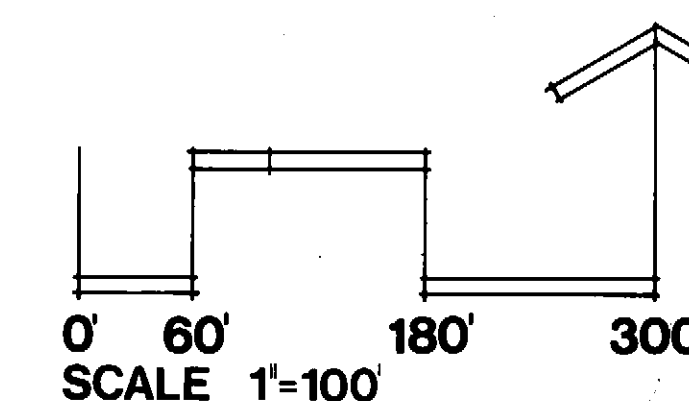
MAJOR C. E. Babin

## WILSON PROPERTY

### LAKEWOOD, COLORADO

PREPARED BY:  
DONALD H. GODI & ASSOCIATES  
7805 W. HAMPDEN, LAKEWOOD COLORADO 80227

DEVELOPER:  
LUCAS WILSON  
5555 W. JEWELL AVENUE, LAKEWOOD COLORADO



#### RECORDER'S CERTIFICATE

ACCEPTED FOR FILING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, ON THIS 5th DAY OF April, 1982 AT 3:02 O'CLOCK P.M.

Norman C. Allen  
JEFFERSON COUNTY CLERK AND RECORDER

BY: Mary C. Briggs  
DEPUTY CLERK

#### LEGAL DESCRIPTION

THE S.E. 1/4 OF THE S.W. 1/4 AND THE S.W. 1/4 OF THE S.E. 1/4 OF SEC. 24, T4S, R69W, 6TH P.M., CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, EXCEPT THE SOUTH 1/2 THEREOF.

NOTE: ELEVATION 100 EQUALS U.S.G.S. DATUM 5436.



EXISTING - ZONING - USE

A-1: MIXED SINGLE FAMILY, MULTI-FAMILY, COMMERCIAL, AGRICULTURE. PRESENT USES OF THE PROPERTY ARE AND SHALL BE AND REMAIN PERMITTED USES UNTIL CHANGED PURSUANT TO THE PROVISIONS OF THIS DEVELOPMENT PLAN, OR AS AMENDED.

LAND AREAS

USE	PARCEL	ACRES	MAX. DWELL. UNITS	MAX. AVG. DENSITY	APP. ZONE CATEGORY
SINGLE FAMILY	E,F	22.6	29	1.20 D.U./AC.	1-R
SINGLE FAMILY ATT.	A	4.9	39	7.96 D.U./AC.	4-R
SINGLE FAMILY ATT./DETACHED	B	16.3	116	7.12 D.U./AC.	4-R
SINGLE FAMILY ATT.	C	6.0	72	12.00 D.U./AC.	4-R
SINGLE FAMILY ATT.	D	4.6	55	11.96 D.U./AC.	4-R
MULTI-FAMILY	G	4.7	69	14.68 D.U./AC.	4-R
BUSINESS-COMMERCIAL	H	6.8	-	-	2-C
PARK-GREENBELT	G	11.3	-	-	C-N
DEDICATED ROADWAY	-	2.8	-	-	-
TOTAL:		80.0	380	4.75 D.U./AC.	

LAND USE EXCLUSIONS

THE FOLLOWING SPECIFIC USE EXCLUSIONS SHALL BE APPLICABLE: (1) FAST FOOD OPERATIONS; PROVIDED, HOWEVER, THAT AS USED HEREIN, "FAST FOOD" SHALL NOT INCLUDE FOOD, BEVERAGE OR CARRY-OUT SERVICE PROVIDED BY OR IN CONNECTION WITH, ALTHOUGH NOT NECESSARILY PHYSICALLY CONNECTED TO, THE OPERATION OF ANY EXISTING OR OTHER FULL SERVICE RESTAURANT; (2) DRIVE-THRU CAR WASH; (3) RENTAL SERVICES WITH OUTSIDE DISPLAY OR STORAGE; (4) GARAGE AND/OR SERVICE STATION; (5) MOTELS; (6) DISPLAY, SERVICE AND SALES OF MOTORCYCLES, SNOWMOBILES AND MOPEDS; (7) VETERINARY CLINICS; (8) COLD STORAGE LOCKERS.

NO MORE THAN 12 STRUCTURES SHALL BE CONSTRUCTED WITHIN THE DESIGNATED AREA IN PARCEL B LYING TO THE SOUTH OF AND ADJACENT TO THE NORTH LINE OF THE SAID PARCEL. EACH STRUCTURE MAY CONSIST OF ONE, TWO OR THREE UNITS, BUT THERE SHALL BE NO MORE THAN 20 UNITS PLACED IN THE DESIGNATED AREA. THE TOTAL OF THE PORTION OF SAID STRUCTURES FACING TO THE NORTH, WHETHER SIDE, BACK OR FRONT, WHEN ADDED TOGETHER, SHALL TOTAL NO MORE THAN 70 PERCENT OF 1,270 FEET (WHICH IS THE TOTAL WIDTH OF THE LOTS LYING TO THE NORTH). THE UNITS MAY BE PLACED ANYWHERE WITHIN OR PARTIALLY WITHIN THE DESIGNATED AREA, BUT NOT IN THE 40 FOOT LANDSCAPED SETBACK, SO LONG AS THE SOUTH FACING VIEW OF EACH LOT LYING TO THE NORTH, AS PRESENTLY SUBDIVIDED, SHALL NOT BE BLOCKED TO THE EXTENT OF MORE THAN 70 PERCENT OF THE WIDTH OF ANY SUCH LOT BY STRUCTURES CONSTRUCTED TO THE SOUTH THEREOF.

ACCESSORY AND SECONDARY USE

IN THE RESIDENTIAL AREAS, USES OF AN ACCESSORY OR A SECONDARY NATURE SHALL BE PERMITTED SUBJECT TO SITE PLAN APPROVAL, WAIVER OR VARIANCE, WHERE AND AS REQUIRED BY ARTICLE 15 OF THE CITY ZONING ORDINANCE, NO. 0-80-51 OR AS AMENDED. SUCH AREAS MAY INCLUDE BUT NOT NECESSARILY BE LIMITED TO: CLUBHOUSE, SWIMMING POOL, PUMP HOUSE, TENNIS COURTS, MAINTENANCE SHED, PARKING LOTS AND CARPORTS, ETC.

PLAN CONCEPT

THE GENERAL CONCEPT IS TO PROVIDE A HIGHLY ACCEPTABLE MIX OF COMPATIBLE LAND USES THAT CONSIDER THE EXISTING NATURAL SITE CONDITIONS AND WHICH HAVE A MINIMAL IMPACT UPON EXISTING LAND USES.

MAJOR CONCEPTUAL DESIGN ELEMENTS INCLUDE A PUBLIC STREET LOOKING FROM THE ILIFF-JEWELL INTERSECTION NORTH THEN WEST AND SOUTH TO JEWELL AVENUE; THE USE OF SANDERSON GULCH AS A NATURAL SEPARATOR AND BUFFER BETWEEN LAND USES, SEGREGATION OF THE PRIVATE SINGLE FAMILY AREA IN THE NORTHEAST PART OF THE SITE, AND A GENERAL INCREASE IN DENSITY FROM NORTHEAST TO SOUTHWEST ACROSS THE SITE.

ALL INTERNAL STREETS, EXCEPT THE DEDICATED ROADWAY EXTENDING IN A LOOP FROM JEWELL AVENUE WEST OF THE WHITE FENCE FARM RESTAURANT TO THE ILIFF-JEWELL INTERSECTION SHALL BE PRIVATE DRIVES. ALL INTERNAL STREETS HEREAFTER CONSTRUCTED SHALL BE CONSTRUCTED TO CITY OF LAKEWOOD SPECIFICATIONS AND DESIGN STANDARDS, OR APPROVED MODIFICATIONS; ALL PRIVATE DRIVES WILL BE MAINTAINED AS PROVIDED IN THE MAINTENANCE PROVISION HEREOF. THE PRIVATE GRAVEL SURFACED DRIVE SERVING THE EXISTING SINGLE FAMILY HOMES ON THE PROPERTY SHALL BE PAVED TO AN APPROVED NON-CURBED STANDARD IN ACCORDANCE WITH CITY OF LAKEWOOD "ENGINEERING REGULATIONS, CONSTRUCTION SPECIFICATIONS AND DESIGN STANDARDS" BEFORE ANY NEW HOME SHALL BE CONSTRUCTED AND ISSUED A CERTIFICATE OF OCCUPANCY BY THE CITY. PAVING TO BE COMPLETED TO THE POINT OF NEW CONSTRUCTION.

THE EXISTING POND WILL BE RETAINED AS AN OPEN SPACE FEATURE FOR USE BY RESIDENTS, SUBJECT TO SUCH REHABILITATION AND CHANGE IN CONFIGURATION AS MAY BE NECESSARY OR DESIRABLE. OTHER OPEN SPACE AREAS, AS DEVELOPED, SHALL BE DEVELOPED IN A NATURAL CONDITION WITH MODIFICATION TO THE STREAM CHANNEL TO ALLOW FOR GREATER ACCESS AND USE.

PHASING

FINAL DEVELOPMENT OF INDIVIDUAL PARCELS OF THE SITE MAY BE COMPLETED IN PHASES EITHER SEPARATELY OR JOINTLY AS DESIRED BY THE OWNER. FURTHERMORE, THE PLANNING PROCESS SHALL CONSIST OF THREE PHASES: PHASE I SHALL BE THE OFFICIAL DEVELOPMENT PLAN; PHASE II SHALL BE THE PRELIMINARY MAP; AND PHASE III SHALL BE THE FINAL PLATTING AND SITE PLAN (EXCEPT SINGLE FAMILY PARCELS "E" AND "F" AND PARK-GREENBELT PARCEL "G") OF EACH SPECIFIC PARCEL. NO TIME LIMITS SHALL BE PLACED UPON THE DEVELOPMENT OF THE SITE OTHER THAN RESTRICTIONS WHICH MAY BE IMPOSED BY THE CITY AT THE TIME OF APPROVAL OF THE OFFICIAL DEVELOPMENT PLAN.

THE SITE PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE PLANNING COMMISSION. THE FINAL PLAT SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE PLANNING COMMISSION AND CITY COUNCIL. THE FOLLOWING DOCUMENTS SHALL BE SUBMITTED AT TIME OF APPLICATION FOR PHASE III APPROVAL TO THE EXTENT REQUIRED FOR THE PARCEL OR PARCELS FOR WHICH APPLICATION FOR APPROVAL IS MADE.

1. A SITE PLAN SHALL BE PREPARED IN CONFORMANCE WITH ARTICLE 15 OF THE LAKEWOOD ZONING ORDINANCE OF ONE INCH=30 FEET. A MARGINAL LINE SHALL BE DRAWN COMPLETELY AROUND EACH SHEET OF THE SITE PLAN LEAVING AN ENTIRELY BLANK MARGIN OF TWO INCHES ON THE LEFT SIDE AND ONE-HALF INCH ON ALL OTHER SIDES. THE SITE PLAN SHALL ALSO CONTAIN THE FOLLOWING:

- A LEGAL DESCRIPTION OF THE SITE.
- THE RELATION OF THE SITE TO ADJACENT PROPERTIES. SURROUNDING NATURAL AND MAN-MADE FEATURES WITHIN ONE HUNDRED FEET, OR THE EXTENT THAT SUCH FEATURES INFLUENCE THE SUBJECT SITE, SHALL BE SHOWN. SUCH FEATURES AS PUBLIC RIGHTS-OF-WAY, BIKE/PEDESTRIAN PATHS, ADJOINING OR COMMON OPEN SPACE, RECREATIONAL AREAS AND ABUTTING PARKING AREAS SHALL BE ILLUSTRATED.
- BUILDING INFORMATION SUCH AS LOCATION AND ORIENTATION ON THE SITE, HEIGHT, BUILDING SETBACK, BUILDING MATERIALS, TYPE OF CONSTRUCTION AND EXTERIOR ELEVATIONS OF STRUCTURES EXCEPT FOR SINGLE FAMILY DETACHED HOMES SHALL BE SHOWN.
- THE PROPOSED USE OF THE STRUCTURE(S), INCLUDING AREAS IN SQUARE FEET TO BE DEVOTED TO EACH USE, PERCENTAGES OF TOTAL BUILDING AREA TO BE DEVOTED TO EACH USE, GROUND COVERAGE, AREA OF BUILDING,

# OFFICIAL DEVELOPMENT PLAN

## WILSON PROPERTY

### WEST JEWELL AVE.

### LAKEWOOD, COLORADO

TOTAL BUILDING AREA, AND THE NUMBER OF BEDROOMS PER DWELLING UNIT, WHERE APPROPRIATE.

- ACCESS TO THE SITE.
  - EXISTING AND PROPOSED STREETS, PRIVATE AND PUBLIC EASEMENTS, AND EMERGENCY VEHICLE ACCESS POINTS, TOGETHER WITH APPROPRIATE DIMENSIONS.
  - CURB CUTS AND MEDIAN CUTS WITH DIMENSIONS AND DETAIL.
  - PARKING INFORMATION, INCLUDING LOCATION, STALL SIZE AND LAYOUT, ACCESS DRIVEWAYS AND MANEUVERING AREAS, LOADING AND SERVICE AREAS, HANDICAPPED PARKING, LANDSCAPED ISLANDS, TRAFFIC CIRCULATION FACILITIES, LOCATION AND SIZE OF DIRECTIONAL GRAPHICS, AND DIMENSIONS OF ALL THE FOREGOING.
- LANDSCAPING PLAN.
  - THE LANDSCAPE PLAN SHALL INDICATE THE PROPOSED LOCATION OF ALL PLANTING OR LANDSCAPING MATERIALS, EXTENT OF VARIOUS GROUND COVER SUCH AS GRASS, ROCK, ETC., TREE SIZES, SPECIES, AND MAINTENANCE RESPONSIBILITIES.
  - THE LANDSCAPE PLAN SHALL SHOW THE AREA AND PERCENTAGE OF THE SITE TO BE LANDSCAPED.
  - THE LANDSCAPE PLAN SHALL SHOW THE SIZE, LOCATION AND MATERIALS TO BE USED FOR FENCES.
- THE LOCATION, SIZE, DIRECTION OF ILLUMINATION AND INTENSITY OF LIGHTING OF THE SITE.
- THE LOCATION, SIZE, LIGHTING AND OTHER RELEVANT INFORMATION SHALL BE SHOWN FOR ANY SIGNS TO BE CONSTRUCTED ON THE SITE.
  - UTILITIES
    - LOCATION AND SIZE OF EXISTING AND PROPOSED WATER AND SEWER MAINS SHALL BE ILLUSTRATED AND DESCRIBED.
    - THE LOCATION AND SIZE OF UTILITY INSTALLATIONS ON SITE, INCLUDING WATER, GAS, ELECTRICITY, SANITARY SEWER, STORM AND DRAINAGE FACILITIES, AND TELEPHONE FACILITIES SHALL BE SHOWN.
    - LOCATION OF EXISTING AND PROPOSED FIRE PLUGS WITHIN ONE-QUARTER MILE OF THE SITE SHALL BE DESCRIBED OR DEPICTED.
  - PROOF OF COMPLIANCE WITH PROVISIONS OF ZONING ORDINANCE AS AMENDED.
  - FINAL DRAINAGE PLAN FOR THE SUBJECT SITE.
  - A PLAT OF THE SUBJECT SITE CONFORMING TO THE SUBDIVISION REGULATIONS, IF SUCH A PLAT HAS NOT PREVIOUSLY BEEN PREPARED AND APPROVED, DEPICTING THE LOT LINES FOR THE SITE AND ANY OTHER MATTERS INCLUDING DEDICATIONS REQUIRED BY APPLICABLE LAW OR ORDINANCE AND THE CITY OF LAKEWOOD SUBDIVISION REGULATIONS.
  - ADDITIONAL LAND USE AND DEVELOPMENT STIPULATIONS AS NECESSARY TO ENSURE THAT THE SITE WILL BE DEVELOPED IN ACCORD WITH THE PHASE I DEVELOPMENT PLAN.
  - A SIGNED PUBLIC IMPROVEMENTS AGREEMENT PROVIDING FOR CONSTRUCTION OF ALL PUBLIC IMPROVEMENTS WHICH ARE TO BE CONSTRUCTED IN THE LAND TO BE DEVELOPED.

CIRCULATION

CIRCULATION WILL BE PROVIDED FOR BOTH PEDESTRIANS AND VEHICLES USING PUBLIC AND PRIVATE SYSTEMS. VEHICLE CIRCULATION WILL CONSIST OF THE EXISTING PUBLIC STREET (JEWELL AVENUE) ALONG THE SOUTH SIDE OF THE SITE AND A LOOP ROAD FROM JEWELL AVENUE AT ILIFF TO JEWELL AVENUE WEST OF THE RESTAURANT.

INTERNAL STREETS WITHIN SEPARATE LAND PARCELS WILL BE PRIVATE DRIVES WITHOUT DEDICATED RIGHTS-OF-WAY. EXACT CONFIGURATION AND DESIGN OF STREETS TO BE CONSTRUCTED OR RELOCATED WILL BE SUBJECT TO APPROVAL DURING PHASES II & III OF THIS O.D.P. ACCESS TO PUBLIC RIGHTS-OF-WAY BY THESE PRIVATE DRIVES WILL BE AT COORDINATED ACCESS POINTS OF LIMITED NUMBER. NO HOUSING UNITS WILL HAVE DIRECT ACCESS TO PUBLIC STREETS.

PEDESTRIAN CIRCULATION WILL BE ENCOURAGED IN DEVELOPMENT DESIGN IN ORDER TO FACILITATE ACCESS TO SEPARATE PARCEL LAND USES FROM WITHIN THE SITE AND THROUGH THE SITE. GREENBELT AREAS WILL HAVE TRAILS SUITABLE FOR PEDESTRIAN AND BICYCLE CIRCULATION WITH REST AREAS AT VARIOUS LOCATIONS. CIRCULATION THROUGH THE GREENBELT AREAS WILL NOT CONTINUE TO ADJOINING PRIVATE PROPERTY.

THE PEDESTRIAN/BICYCLE ACCESS TO SOUTH HARLAN STREET CONSISTING OF A 12-FOOT DEDICATED EASEMENT IS SHOWN AS BEING OFFSET FROM THE LINE OF THE TRAVELED ROADWAY OF SOUTH HARLAN STREET LYING TO THE NORTH OF THE WILSON PROPERTY. THE FINAL DESIGN OF THE PEDESTRIAN/BICYCLE ACCESS TO SOUTH HARLAN STREET SHALL REMAIN OFFSET FROM THE TRAVELED ROADWAY OF SOUTH HARLAN STREET LYING TO THE NORTH OF THE WILSON PROPERTY. THE MOTOR VEHICLE BARRIER TO THE PEDESTRIAN/BICYCLE ACCESS TO SOUTH HARLAN STREET SHALL BE DESIGNED SO AS TO PROHIBIT ACCESS TO MOTORCYCLES. SUCH DESIGN SHALL BE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER. THE APPLICANT, LUCAS WILSON, HIS HEIRS AND ASSIGNS, SHALL NOT HEREAFTER TAKE ANY STEP OR STEPS TO OPEN HARLAN STREET BETWEEN THE ABOVE-DESCRIBED PROPERTY AND EXISTING HARLAN STREET LYING TO THE NORTH.

TRAFFIC IMPACT

THIS OFFICIAL DEVELOPMENT PLAN WAS DEVELOPED USING TRAFFIC AND ROADWAY OPTION INFORMATION FROM A TRAFFIC AND ACCESS EVALUATION REPORT FOR THE PROPERTY PREPARED BY LEIGH, SCOTT & CLEARY, INC., 1615 DOWNING STREET, DENVER, COLORADO, 80218, DATED 24 AUGUST 1981. THE REPORT IS FILED AS AN INTEGRAL PART OF THIS PLAN AND EVALUATES VARIOUS ACCEPTABLE AND UNDESIRABLE OPTIONS FOR TRAFFIC FLOW AND THE IMPACT OF PROPERTY DEVELOPMENT UPON THE SURROUNDING AREA. THIS PLAN REFLECTS A LOGICAL SOLUTION TO EXPECTED TRAFFIC SITUATIONS WITH THE LEAST POSSIBLE OVERALL IMPACT TO THE SITE AND SURROUNDING AREA.

A SUMMARY OF THE ORIGINAL REPORT AS AMENDED AND REVISED IS AS FOLLOWS:

- TOTAL SITE DEVELOPMENT AS PLANNED WILL RESULT IN A GENERATION OF APPROXIMATELY 7,500-8,200 TRIPS.
- OF OPTIONS EXAMINED, THE LOOP ROAD CONCEPT IS THE BEST TRAFFIC AND PLANNING SOLUTION.
- THE LOOP ROAD ACCESS TO THE ILIFF-JEWELL INTERSECTION TRAFFIC LIGHT WILL PROVIDE FOR ALL ACCESS POINTS AT JEWELL TO BE NON-CRITICAL.
- IT IS RECOMMENDED THAT ACCESS NOT BE EXTENDED TO THE NORTH TO EXISTING HARLAN STREET.
- TRAFFIC PLANNING AND/OR SAFETY REQUIRE ACCESS FROM PARCELS G AND H TO THE ILIFF-JEWELL INTERSECTION.

PROPERTY OWNERS ASSOCIATION

COMMON PROPERTY WILL BE OWNED AND MAINTAINED BY A PROPERTY OWNERS ASSOCIATION. SUCH PROPERTY MAY INCLUDE, BUT WILL NOT NECESSARILY BE LIMITED TO PRIVATE DRIVES, RIGHTS OF WAY, PARKING LOTS, FENCING, GREENBELT LAND, BUFFER AND ACCESS LANES, PEDESTRIAN TRAILS, GATES, LANDSCAPE AND DRAINAGEWAYS; EXCEPTING

CITY BUILT STRUCTURES AND IMPROVEMENTS AND THOSE STRUCTURES AND IMPROVEMENTS ACCEPTED FOR MAINTENANCE BY THE CITY.

ONE OR MORE PROPERTY OWNERS ASSOCIATIONS MAY BE ESTABLISHED FOR DIFFERENT LAND USE PARCELS. JOINT RESPONSIBILITY FOR COMMON PROPERTY MAY BE ASSUMED BY MORE THAN ONE PROPERTY OWNERS ASSOCIATION, E.G., THE SANDERSON GULCH DRAINAGE WAY. REQUIREMENTS MAY BE ESTABLISHED BY PROPERTY OWNERS ASSOCIATIONS THAT ARE MORE RESTRICTIVE THAN THOSE ESTABLISHED BY LAW, AND SHALL BE BINDING UPON RESIDENTS AND DEVELOPERS TO THE EXTENT AND AS PROVIDED FOR IN INSTRUMENTS ESTABLISHING SUCH REQUIREMENTS.

DRAINAGE

OVERALL SITE DRAINAGE WILL BE COLLECTED IN THE SANDERSON GULCH NATURAL DRAINAGEWAY. STORM FLOW AND CALCULATION DATA WAS PROVIDED BY THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT REPORT VOL. 2, AUG. 1972, WITH ENGINEERING PLANS BY FRASIER & GINGERY, INC. AND PLANS BY CITY OF LAKEWOOD FOR SANDERSON GULCH DRAINAGE IMPROVEMENT (VARIOUS PLANS), 1981.

WHENEVER POSSIBLE STORM DRAINAGE WILL BE ACCOMMODATED BY SURFACE DRAINAGE METHODS WITHOUT SUBSURFACE METHODS. FINAL DRAINAGE PLANS FOR INDIVIDUAL PARCELS WILL BE A PART OF THE PHASE III FINAL PLAT. CHANNELIZATION OF SANDERSON GULCH AND NORTH SANDERSON GULCH WILL BE IN ACCORDANCE WITH THE URBAN STORM DRAINAGE CRITERIA MANUAL AND THE 100-YEAR FLOOD DISCHARGES CONTAINED IN "FLOOD HAZARD AREA DELINEATION, SANDERSON GULCH AND NORTH SANDERSON GULCH" DATED AUGUST, 1979.

UTILITIES

UTILITY NEEDS WILL BE MET BY PUBLIC UTILITY COMPANIES WITH CAPABILITY AND RESPONSIBILITY FOR SERVICE TO THE PUBLIC IN THE SITE AREA. NO SPECIAL DISTRICTS WILL BE ESTABLISHED FOR UTILITY SERVICE. UTILITIES WILL BE UNDERGROUND.

SIGNAGE

SIGNAGE SHALL BE IN CONCERT WITH THE CITY OF LAKEWOOD'S ORDINANCE REGULATIONS FOR SIGNS AND WILL BE APPLIED TO EACH USE AS APPROPRIATE TO THE PARTICULAR STANDARD ZONE CATEGORY IN WHICH EACH USE APPEARS AT THE TIME OF APPLICATION FOR PHASE III APPROVAL. SIGNS SHALL BE LIMITED IN LOCATION TO THE PREMISES ON WHICH THE USE IS LOCATED, EXCEPT THAT EXISTING SIGNS MAY REMAIN IN PRESENT LOCATION UNTIL USES ARE CHANGED. SIGNS SHALL BE CLEARLY INCIDENTAL TO AND CUSTOMARILY AND COMMONLY ASSOCIATED WITH THE OPERATION OF THE LEGAL USE. SIGNS MAY BE ILLUMINATED ONLY FROM A CONCEALED SOURCE, AND RED OR GREEN ILLUMINATED SIGNS SHALL NOT BE PERMITTED WITHIN FIFTY (50) FEET OF A STREET OR INTERSECTION. SIGNS WITH FLASHING, ANIMATED OR INTERMITTENT ILLUMINATION SHALL BE PROHIBITED.

A HEIGHT OF THIRTY-FIVE (35) FEET SHALL BE THE HIGHEST LEVEL FOR THE PLACEMENT OF A SIGN MOUNTED ON A BUILDING. POLE SIGNS WILL NOT BE PERMITTED OVER A HEIGHT OF 12'. ORIENTATION OF SIGNS SHALL BE SUCH AS TO NOT HAVE AN ADVERSE EFFECT ON ABUTTING RESIDENTIAL AREAS. MONUMENT SIGNS WILL HAVE A MAXIMUM HEIGHT OF 6'. LIGHTING

STREET AND SIGN LIGHTING WILL BE PERMITTED IN ACCORDANCE WITH THEIR RESPECTIVE ENGINEERING AND ZONING REGULATIONS AND ORDINANCES. IN ADDITION, FREESTANDING WALKWAY LIGHTING WILL BE PERMITTED WITH THE FOLLOWING LIMITATIONS: (1) THEY SHALL NOT EXCEED 16 FEET IN HEIGHT, AND (2) THEY SHALL NOT BE LOCATED CLOSER THAN 25 FEET TO ADJACENT PROPERTY LINES, AND, (3) LIGHTING PATTERNS WILL NOT BE BEYOND SITE BOUNDARIES.

ARCHITECTURAL CHARACTER

ALL ARCHITECTURAL PLANS WILL BE APPROVED BY AN ARCHITECTURAL REVIEW COMMITTEE OF THE PROPERTY OWNER'S ASSOCIATION. ARCHITECTURE WILL BE CLOSELY COORDINATED BETWEEN AREAS WITHIN LAND USES AND ALSO BETWEEN SEPARATE LAND USE PARCELS.

NO PARTICULAR THEME OR STYLE OF ARCHITECTURE WILL BE ESTABLISHED BEFORE PHASE III PLANNING, ALTHOUGH TRADITIONAL-CONTEMPORARY STYLES WILL BE ENCOURAGED THAT USE A COMPATIBLE BLEND OF HARMONIOUS BUILDING MATERIALS SUCH AS WOOD, BRICK, STONE AND PASTEL EARTH TONE PAINTS AND/OR STAIN.

SINGLE FAMILY HOMES (ATTACHED AND DETACHED, PARCELS A, B, C, D, E, F) WILL GENERALLY FOLLOW A LOW-HORIZONTAL TRADITIONAL CHARACTER. SOLAR HEATING SYSTEMS AND ENERGY CONSERVATION BUILDING TECHNIQUES WILL BE EMPHASIZED FOR THE SOUTH FACING SLOPE OF THE SINGLE FAMILY PARCELS E AND F. BUILDING HEIGHT WILL NOT EXCEED 36'.

THE COMMERCIAL BUSINESS (PARCEL H) WILL HAVE COMPATIBLE ARCHITECTURE THROUGHOUT THE TOTAL AREA. MAXIMUM HEIGHT OF BUILDINGS WILL NOT EXCEED 42'.

MULTI FAMILY BUILDINGS (PARCEL G) WILL NOT EXCEED 45' MAXIMUM HEIGHT AND BE NO MORE THAN FOUR STORIES. PRIMARY BUILDING MATERIALS SHALL BE MASONRY AND WOOD. OUTSIDE LIVING-USE AREAS WILL BE AN INTEGRAL PART OF THE ARCHITECTURAL SITE PLAN. FIRST FLOOR COVERED PARKING WILL BE A CONSIDERED ALTERNATIVE TO OPEN PARKING AREAS.

LANDSCAPE ARCHITECTURAL DESIGN AND TECHNOLOGY WILL BE A MAJOR ELEMENT IN THE OVERALL CONTINUITY OF DESIGN THROUGHOUT THE SITE.

ENFORCEABILITY

THE CONDITIONS, PROVISIONS, RESTRICTIONS AND REGULATIONS CONTAINED HEREIN SHALL INURE TO THE BENEFIT OF THE OWNERS, THEIR SUCCESSORS, HEIRS, REPRESENTATIVES AND ASSIGNS AND SHALL INURE TO THE BENEFIT OF AND BE BINDING UPON ANY PERSON WHO SHALL UNDERTAKE DEVELOPMENT OF THE PROPERTY.

PLAN MODIFICATION CLAUSE

MINOR MODIFICATIONS OF THE PLAN MAY BE MADE TO THE EXTENT THAT MAY BE REQUIRED BY THE CITY IN ORDER TO MEET SUBDIVISION REGULATIONS OR OTHER ENGINEERING CRITERIA OR AS PERMITTED BY CITY ORDINANCE. IN ANY CASE, THEY SHALL BE CONSISTENT WITH THE CONTENT AND INTENT OF THIS OFFICIAL DEVELOPMENT PLAN AS IT HAS BEEN APPROVED BY THE LAKEWOOD CITY COUNCIL.

SEVERABILITY

SHOULD ANY PART OF THESE STIPULATIONS AND REGULATIONS BE DECLARED INVALID OR UNENFORCEABLE BY ANY COURT OF COMPETENT JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE REMAINING PROVISIONS OF THESE REGULATIONS.

MAINTENANCE

PROPER MAINTENANCE OF THIS PLANNED DEVELOPMENT SHALL BE PROVIDED BY THE RESPECTIVE OWNERS, THEIR SUCCESSORS, HEIRS, AND ASSIGNS IN CONFORMITY TO THE DEPICTIONS, DESCRIPTIONS, AND STIPULATIONS OF THIS OFFICIAL DEVELOPMENT PLAN AND ALL APPLICABLE ORDINANCES, STATUTES, OR OTHER LAWFUL REGULATIONS. ALL WALKWAYS, PRIVATE STREETS, DRIVEWAYS, BUILDINGS, PARKING AREAS, AND LANDSCAPED AREAS WITHIN THE PROJECT, AS WELL AS LANDSCAPED AREAS WITHIN PUBLIC RIGHT-OF-WAYS IMMEDIATELY ADJACENT TO THE PROPERTY SHALL BE MAINTAINED.



# WILSON OFFICIAL DEVELOPMENT PLAN MODIFICATION NO. 2.

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 69 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO.

SHEET 1 OF 1

## LEGAL DESCRIPTION

LOTS 10, 11, 12, 13, 14, 15, 20, 21, 22, AND 23 OF BLOCK 2 AND LOTS 73, 74, 75, 76, 77, AND 78 OF BLOCK 1, ALL OF THE WHITE FENCE FARM SUBDIVISION FILING NO. 1 PLAT AS RECORDED UNDER RECEPTION NO. F1217305, PLAT BOOK 160, PAGE 15 IN THE OFFICE OF THE JEFFERSON COUNTY CLERK AND RECORDER ON APRIL 13, 2001.

## OWNERS CERTIFICATE

OWNER: White Fence Farm, Inc.  
CORPORATION OF Colorado  
ADDRESS: 1415 Connelley Remington Homes, Inc.  
1415 W. 55th Ave.  
Arvada, CO 80002

## NOTARY

STATE OF Colorado  
COUNTY OF Jefferson SS  
THE ABOVE SIGNATURE OF OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS 2nd DAY OF April, 2003.  
WITNESS MY HAND OFFICIAL SEAL

NOTARY PUBLIC: Karen Meek  
ADDRESS: 944 W 55th Ave.  
Arvada, CO 80002  
MY COMMISSION EXPIRES: 1/17/03



## APPROVALS

APPROVED BY THE DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT THIS DAY 16th OF APRIL, 2003

BY: Frank Gray, DIRECTOR  
COMMUNITY PLANNING AND DEVELOPMENT

## RECORDER'S CERTIFICATE

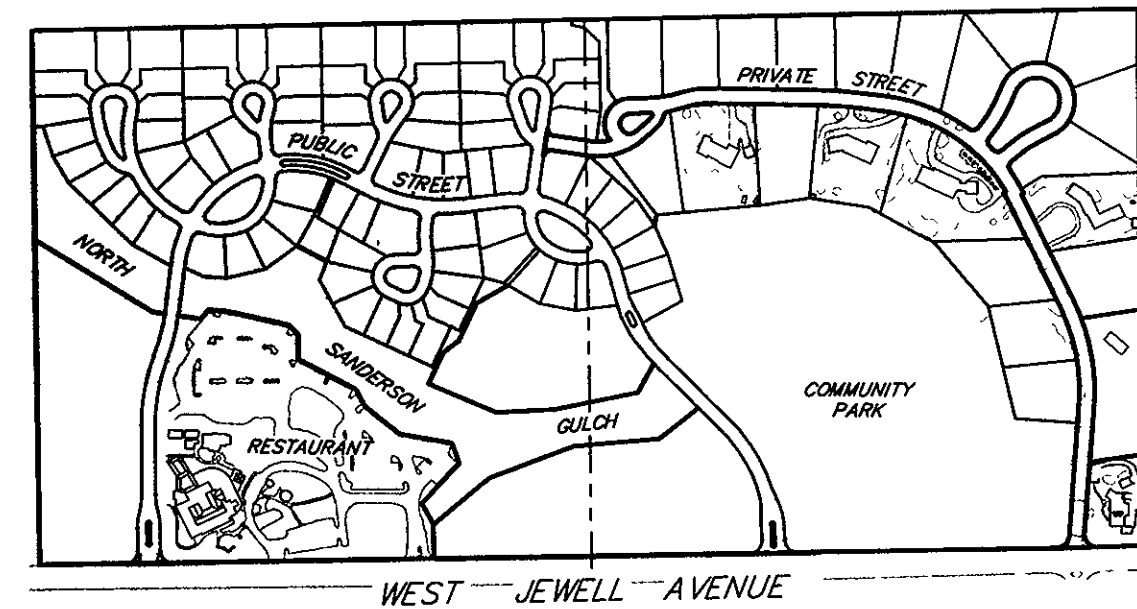
ACCEPTED FOR FILING IN THE OFFICE OF THE JEFFERSON COUNTY CLERK AND RECORDER AT GOLDEN, COLORADO ON THIS 18th DAY OF April, 2003.

JEFFERSON COUNTY CLERK AND RECORDER  
BY: William J. [Signature]  
DEPUTY CLERK

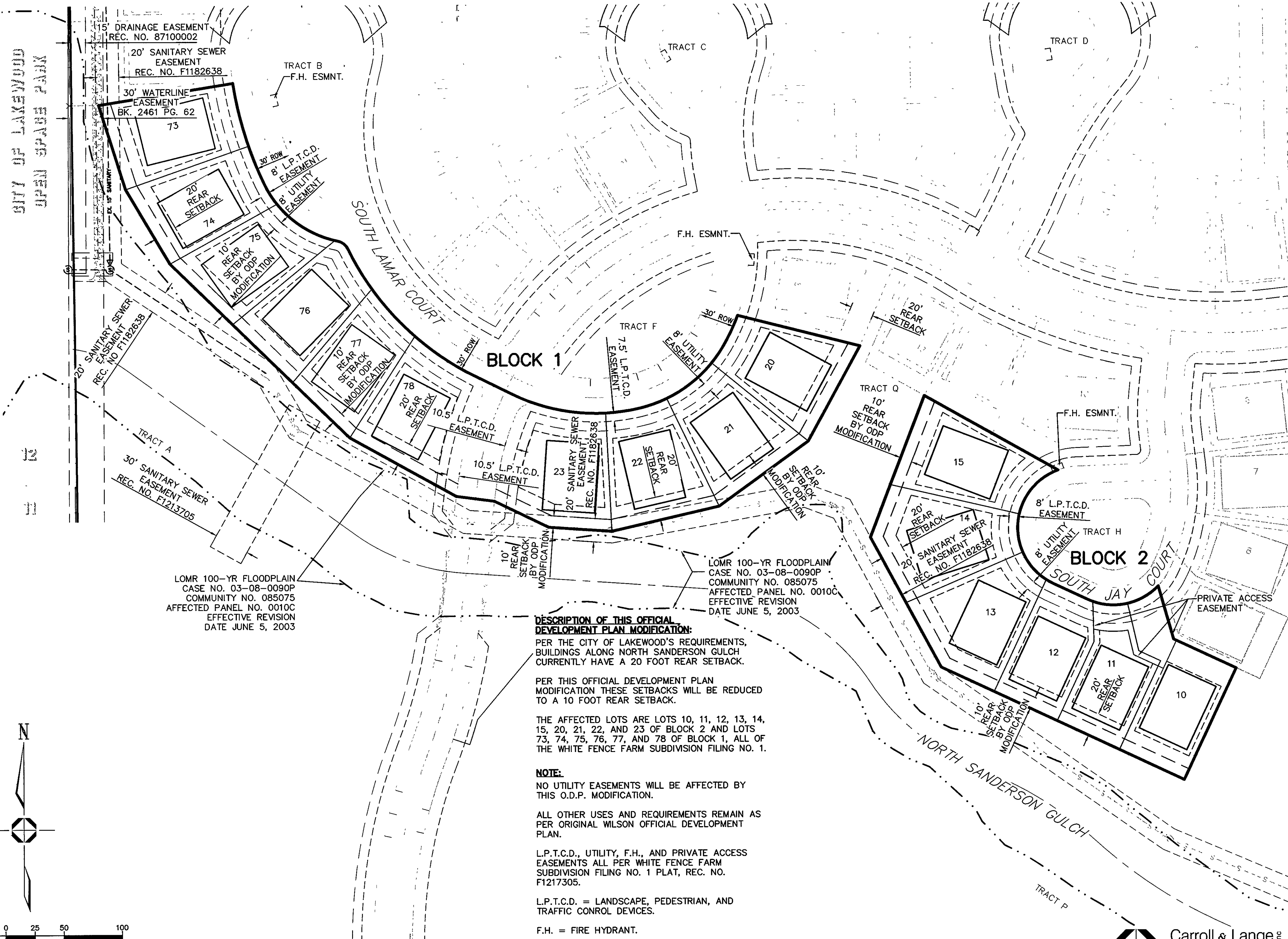
## WILSON OFFICIAL DEVELOPMENT PLAN MODIFICATION NO. 2

TITLE: WHITE FENCE FARM FILING NO. 1  
DESIGNED BY: REL  
DRAWN BY: REL  
CHECKED BY: SH  
SCALE: 1" = 50'  
DATE: JAN. 23, 2003  
SHEET 1 OF 1  
JOB NO. 1887  
FILE NO. ODPAMEND

MO-03-001  
WILSON OFFICIAL DEVELOPMENT PLAN MODIFICATION NO. 2  
SHEET 1 OF 1  
W1 - 115



KEY MAP  
1" = 500'



LOMR 100-YR FLOODPLAIN  
CASE NO. 03-08-0090P  
COMMUNITY NO. 085075  
AFFECTED PANEL NO. 0010C  
EFFECTIVE REVISION  
DATE JUNE 5, 2003

### DESCRIPTION OF THIS OFFICIAL DEVELOPMENT PLAN MODIFICATION:

PER THE CITY OF LAKEWOOD'S REQUIREMENTS, BUILDINGS ALONG NORTH SANDERSON GULCH CURRENTLY HAVE A 20 FOOT REAR SETBACK.

PER THIS OFFICIAL DEVELOPMENT PLAN MODIFICATION THESE SETBACKS WILL BE REDUCED TO A 10 FOOT REAR SETBACK.

THE AFFECTED LOTS ARE LOTS 10, 11, 12, 13, 14, 15, 20, 21, 22, AND 23 OF BLOCK 2 AND LOTS 73, 74, 75, 76, 77, AND 78 OF BLOCK 1, ALL OF THE WHITE FENCE FARM SUBDIVISION FILING NO. 1.

### NOTE:

NO UTILITY EASEMENTS WILL BE AFFECTED BY THIS O.D.P. MODIFICATION.

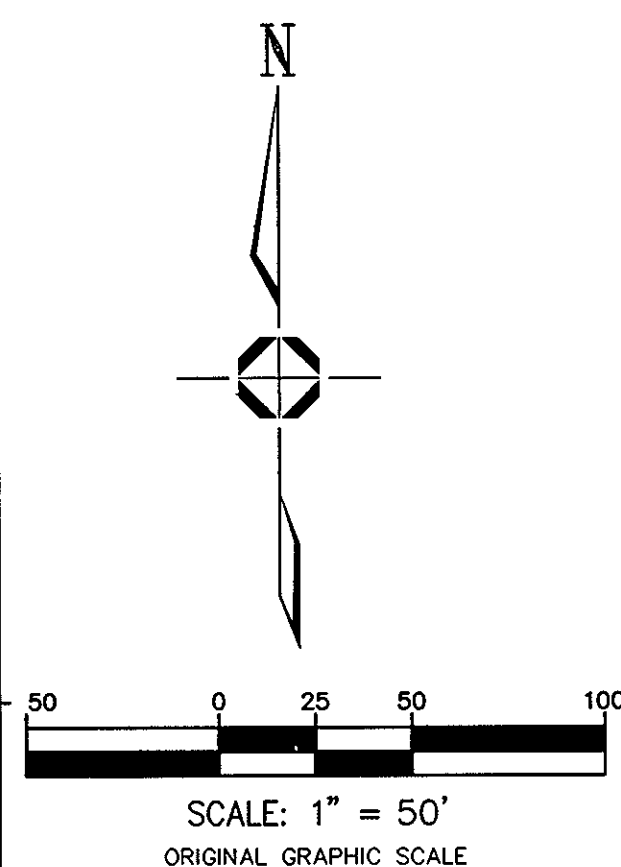
ALL OTHER USES AND REQUIREMENTS REMAIN AS PER ORIGINAL WILSON OFFICIAL DEVELOPMENT PLAN.

L.P.T.C.D., UTILITY, F.H., AND PRIVATE ACCESS EASEMENTS ALL PER WHITE FENCE FARM SUBDIVISION FILING NO. 1 PLAT, REC. NO. F1217305.

L.P.T.C.D. = LANDSCAPE, PEDESTRIAN, AND TRAFFIC CONTROL DEVICES.

F.H. = FIRE HYDRANT.

LOMR 100-YR FLOODPLAIN  
CASE NO. 03-08-0090P  
COMMUNITY NO. 085075  
AFFECTED PANEL NO. 0010C  
EFFECTIVE REVISION  
DATE JUNE 5, 2003



Carroll & Lange  
Professional Engineers & Land Surveyors  
165 South Union Blvd., Suite 156  
Lakewood, Colorado 80228  
(303) 980-0200



**Lakewood**  
Colorado

# PREPLANNING APPLICATION FORM

## Planning Department

Civic Center North  
480 South Allison Parkway  
Lakewood, CO 80226-3127  
Voice: 303-987-7505  
Fax: 303-987-7990  
Email: [pod@lakewood.org](mailto:pod@lakewood.org)  
<http://www.lakewood.org/planning>

### APPLICANT INFORMATION

Name: \_\_\_\_\_ Land Owner? Y ☐ N ☐  
Firm: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Fax: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ E-Mail: \_\_\_\_\_

### EXISTING LAND USE AND ZONING

Site Address: \_\_\_\_\_ Existing Use: \_\_\_\_\_  
Property Size: \_\_\_\_\_ Existing Zone District: \_\_\_\_\_  
Existing Building Size: \_\_\_\_\_ sq.ft. and/or number of existing residential units: \_\_\_\_\_

### DESCRIPTION OF PROPOSED PROJECT AND LAND USE (please check all applicable areas)

- ☐ Rezone from: \_\_\_\_\_ zone district to: \_\_\_\_\_ zone district for the following type of use(s): \_\_\_\_\_
- ☐ Subdivide from: \_\_\_\_\_ # existing lots to: \_\_\_\_\_ # proposed lots (*give numbers*)
- ☐ Special Use Permit for: \_\_\_\_\_ (*type of use*)
- ☐ Site Plan to build the following type of development:
- ☐ **Commercial:** Office, Retail, Restaurant, Automotive, Industrial or Other: \_\_\_\_\_  
Proposed square footage of new building: \_\_\_\_\_ or Addition: \_\_\_\_\_  
Number of existing parking spaces: \_\_\_\_\_ Number of proposed parking spaces: \_\_\_\_\_
- ☐ **Residential:** Multi-family (condos or apartments), Townhouses, Duplexes or Single-family Residential  
Proposed number of new residential units: \_\_\_\_\_
- ☐ Other type of request? Vacation of road or easement? Annexation of land?: \_\_\_\_\_

### For Staff to Complete

Case Number: \_\_\_\_\_ Case Address: \_\_\_\_\_  
Project Name: \_\_\_\_\_  
Project Description: \_\_\_\_\_  
Submittal Date: \_\_\_\_\_ Attachments: ☐ Written Request ☐ Graphics Staff Initials: \_\_\_\_\_  
PIN: \_\_\_\_\_ ☐ Zoning Map/Aerial ☐ Fee Case Manager: \_\_\_\_\_  
Neighborhood, Corridor, and Special Area Plans?: \_\_\_\_\_  
Business Organization? \_\_\_\_\_ Previous Case List?: \_\_\_\_\_

## PRE-PLANNING REVIEW PROCESS & SUBMITTAL CHECKLIST

The purpose of this required review is to provide information to the applicant. This information and feedback includes: determining which development review processes will be needed, what public improvements may be required, what engineering studies are required with a formal application, as well as identifying issues or concerns with the proposal and planning documents.

Prior to submitting a pre-planning application you must meet with a planner to discuss your proposal. You can call the Planner of the Day at 303-987-7571 to schedule a consultation meeting, visit the website at [www.lakewood.org](http://www.lakewood.org) or come in to visit with a planner, Monday thru Friday, 8 a.m. until 5 p.m.

You may view neighborhood, corridor and special area plans, process handouts, and the zoning ordinance [on-line](#).

Thank you for your interest in Lakewood. We look forward to working with you!

### Please include ALL of the following information with your submittal:

- ☐ **5 Paper Copies AND a digital copy (via e-mail or CD) of the following items:**

Application

Written Description

Dimensioned Plans

List of Questions for which you want specific answers

If this preplanning is for a Group Home or Rezoning, additional forms are required and found at:

[www.lakewood.org/planningforms](http://www.lakewood.org/planningforms)

- ☐ **\$150 Non-Refundable Application Fee**

- ☐ Consultation Meeting or Discussion with a Planner. This is required prior to submitting a pre-planning application.

Date: \_\_\_\_\_

Planner: \_\_\_\_\_

**I agree to provide all of the above items, paper and electronic, to be considered for the next staff review date by entering 'YES' in the box below. Delays or the inability to accept the case may occur if any items are not provided by the Thursday, 5:00 PM deadline. I agree that consent of those persons listed above, without whose consent the requested action cannot lawfully be accomplished, has been granted.**

☐

For plans larger than 5 Mb, please use our secure dropbox at <https://www.hightail.com/dropbox?dropbox=Lakewood-Planning>.

*All information, both paper and electronic submittals (including fee) must be submitted by Thursday to be considered a complete application. For plans larger than 5 Mb, please use our dropbox at <https://www.hightail.com/dropbox?dropbox=Lakewood-Planning> or call us at 303-987-7505 for further instructions.*

*Please click the **SUBMIT** button to send an e-mail using your client program (e.g. Outlook, Apple Mail, Lotus Notes). Remember to attach all other required additional documents. If you are using a web based e-mail program (e.g. Hotmail, Yahoo, Gmail, Comcast.net) please save using the **SAVE FORM** button below and continue by using your web browser to create an e-mail and attach this form and all other required electronic documents.*

*Please address e-mail to: [PlanningForms@lakewood.org](mailto:PlanningForms@lakewood.org). If this form or e-mail fails for any reason, please contact us at 303-987-7505.*

**Please use ONLY Adobe Acrobat Reader or Adobe Acrobat Pro as third party applications do not work correctly.**

# LAND DEVELOPMENT APPLICATION FORM

## Planning Department

Civic Center North  
470 South Allison Parkway  
Lakewood, CO 80226-3127  
Voice: 303-987-7505  
Fax: 303-987-7990  
Email: [pod@lakewood.org](mailto:pod@lakewood.org)  
<http://www.lakewood.org/planning>

**\*Incomplete applications will be returned to the applicant\***

### PROPERTY INFORMATION

Property Address: \_\_\_\_\_

Project Description: \_\_\_\_\_

Existing Use: \_\_\_\_\_

Existing Zone District: \_\_\_\_\_ if a PD, give ODP Name: \_\_\_\_\_

Legal Description: Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Property Size: \_\_\_\_\_ Jefferson County Assessor ID No.(s): \_\_\_\_\_

### ACTION REQUESTED

☐ Annexation \_\_\_\_\_ acres of land and \_\_\_\_\_ acres of Right-of-Way

☐ Appeal Application (specify): \_\_\_\_\_

☐ Landmark Preservation

☐ Other: \_\_\_\_\_

☐ Site Plan - Final / New Existing Building Square Footage: \_\_\_\_\_ Total Proposed Building Sq. Ft.: \_\_\_\_\_

☐ Site Plan - Amendment Existing Building Square Footage: \_\_\_\_\_ Total Proposed Building Sq. Ft.: \_\_\_\_\_

☐ Special Use Permit

☐ Zoning/Rezoning from: \_\_\_\_\_ to: \_\_\_\_\_

☐ Vesting

### APPLICANT / CONSULTANT INFORMATION

Name: _____	Phone: _____
Firm: _____	E-Mail: _____ Fax: _____
Address: _____	City: _____ State: _____ Zip: _____
Consultant Contact Person's Name: _____	Phone: _____
Consultant Firm: _____	E-Mail: _____ Fax: _____
Address: _____	City: _____ State: _____ Zip: _____

### PROPERTY OWNER INFORMATION

List legal name and address of all persons and/or entities holding any sort of interest in the property, which is the subject of the land development application. Attach additional sheets if necessary. Please see reverse side of this application for ownership documents to be submitted along with application.

#### Ownership

Name: _____	E-Mail: _____	Phone: _____	Fax: _____
Address: _____	City: _____	State: _____	Zip: _____

#### If Corporate or Partnership, please complete the following:

Name of Corporation/Partnership: \_\_\_\_\_

Registered Address: \_\_\_\_\_

State of Registration: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Officers/Partners/Members

Name: _____	Title (e.g. President, Member, Partner, etc.): _____
Name: _____	Title (e.g. President, Member, Partner, etc.): _____

**CERTIFICATION:** I hereby certify that to the best of my knowledge and belief, all information supplied with this application is true and accurate and that consent of the property owner listed above, without which the requested action cannot lawfully be accomplished, has been granted. Permission is also hereby granted to the City of Lakewood staff to physically enter upon and inspect the subject property and take photographs as necessary for preparation of the case.

☐

Please enter 'YES' in the box to affirm the above statement.

DOCUMENT SUBMITTAL REQUIREMENTS

The number of paper copies and types of plans that are required for your project submittal are determined and provided as part of the pre-planning response letter. You must submit both a digital copy and a paper copy of each of the required items. In the spaces below, fill in the number of each of the items that are included in your submittal.

Vesting Deed

Deed(s) of Trust

Letter of Authorization from Property Owner

Title Commitment including recorded copies of all documents referenced within the Title Commitment by Book and Page or Reception Number. The Title Commitment must have an "Effective Date" no earlier than 30 days prior to the date of the Land Development Application.

If the owner or lender is a corporation, a joint venture, or a partnership, an authorization or signatures (official verification that the signatures are authorized to sign on behalf of the corporation, joint venture, or partnership) will be required in the form of:

- A copy of the Articles of Incorporation and/or Corporate Bylaws, or a copy of the Partnership or Operating Agreement, which identifies by proper name and title those authorized to sign on behalf of the corporation, joint venture, or partnership, or

- A certified corporate resolution by the Board of Directors specifically identifying and authorizing the signatories.

Written description of the request

Annexation Petition

Annexation Plat (folded to 9" x 12")

Final Site Plan (folded to 9" x 12")

Official Development Plan (ODP) (folded to 9" x 12")

Survey of the property showing the property dimensions, existing structures, adjacent roadways, etc. (folded to 9" x 12")

Appeal summary, citing the particular sections of the code

Traverse Closure Sheet(s), which include the external boundary and all internal lots and street centerlines

Preliminary Drainage Report (folded to 9" x 12")

Final Drainage Report (folded to 9" x 12")

Preliminary Geological Report

Final Geological Report

Traffic Study

Final Grading and Erosion Control Plan (folded to 9" x 12")

Preliminary Street Construction Plans for Public Improvements (folded to 9" x 12")

Final Street Construction Plans for Public Improvements (folded to 9" x 12")

Quantities Estimates for Public Improvements including an 8 1/2" x 11" written legal description from a registered land surveyor

Public Improvement Agreement Signature Information Sheet

Storm Water Management Plan (SWMP) (folded to 9" x 12")

A written legal description prepared by a registered land surveyor

Digital legal description and survey of property including all properties within 125 feet from property line (CAD .DWG file)

A check in the amount of the total application fee, payable to the City of Lakewood

Other (please describe):

All information, both paper and electronic submittals (including fee) must be submitted by Thursday to be considered a complete application. For Planning documents larger than 5 Mb, please use our dropbox at <https://spaces.hightail.com/uplink/Lakewood-Planning> or call us at 303-987-7505 for further instructions. Please send all engineering files to [engsubmittals@lakewood.org](mailto:engsubmittals@lakewood.org). For questions regarding Engineering documents, please call 303-987-7945.

Please click the **SUBMIT** button to send an e-mail using your client program (e.g. Outlook, Apple Mail, Lotus Notes). Remember to attach all other required additional documents. If you are using a web based e-mail program (e.g. Hotmail, Yahoo, Gmail, Comcast.net) please save using the **SAVE FORM** button below and continue by using your web browser to create an e-mail and attach this form and all other required electronic documents. Please address e-mail to: [PlanningForms@lakewood.org](mailto:PlanningForms@lakewood.org). If this form or e-mail fails for any reason, please contact Diana Brown-Evens at 303-987-7505.

Please use ONLY Adobe Acrobat Reader or Adobe Acrobat Pro as third party applications do not work correctly.

I agree to provide all of the above required items, paper and electronic, to be considered for the next staff review date by entering 'YES' in the box below. Delays or the inability to accept the case may occur if any items are not provided by the deadline.

Applicant Name:

Signature:

Date:

For Staff to Complete

Case No.:

Case Address:

Project Name:

Project Description:

Staff Initials/Project Managers

Planning:

/

Engineering:

/

Property Managment:

/

Permits:

Neighborhood, Corridor, and Special Area Plans?:

Pre-Planning Case Number:

PIN:

Zoning:



## Planning Department

Civic Center North  
470 South Allison Parkway  
Lakewood, CO 80226-3127  
Voice: 303-987-7505  
Fax: 303-987-7990  
Email: [pod@lakewood.org](mailto:pod@lakewood.org)  
<http://www.lakewood.org/planning>

# LAND DEVELOPMENT APPLICATION FORM

**\*Incomplete applications will be returned to the applicant\***

## PROPERTY INFORMATION

Property Address: **6263 West Jewell Avenue, Lakewood, Colorado, 80232**

Project Description: **Wilson Property ODP**

Existing Use: **Restaurant**

Existing Zone District: **PD**

if a PD, give ODP Name: **Official Development Plan - Wilson Property**

Legal Description: Subdivision: **White Fence Farm**

Lot: **24** Block: **2**

Property Size: **7.37** Acres

Jefferson County Assessor ID No.(s):

## ACTION REQUESTED

☐ Annexation \_\_\_\_\_ acres of land and \_\_\_\_\_ acres of Right-of-Way

☒ Appeal Application (specify): **Sec. 17.1.7.3 Appeal to BOA from Dir. Parker's Interpretation of the Wilson Property ODP**

☐ Landmark Preservation

☐ Other: \_\_\_\_\_

☐ Site Plan - Final / New Existing Building Square Footage: \_\_\_\_\_ Total Proposed Building Sq. Ft.: \_\_\_\_\_

☐ Site Plan - Amendment Existing Building Square Footage: \_\_\_\_\_ Total Proposed Building Sq. Ft.: \_\_\_\_\_

☐ Special Use Permit

☐ Zoning/Rezoning from: \_\_\_\_\_ to: \_\_\_\_\_

☐ Vesting

## APPLICANT / CONSULTANT INFORMATION

Name: **UNIFIED UNDER THE WILSON PROPERTY ODP c/o James Silvestro, Esq.**

Phone: **303.628.3632**

Firm: **Ireland Stapleton Pryor & Pascoe, P.C.**

E-Mail: **jsilvestro@irelandstapleton.com**

Fax: **303.623.2062**

Address: **717 17th Street, Suite 2800**

City: **Denver**

State: **CO** Zip: **80202**

Consultant Contact Person's Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Consultant Firm: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Fax: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

## PROPERTY OWNER INFORMATION

List legal name and address of all persons and/or entities holding any sort of interest in the property, which is the subject of the land development application. Attach additional sheets if necessary. Please see reverse side of this application for ownership documents to be submitted along with application.

### Ownership

Name: \_\_\_\_\_ E-Mail: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### If Corporate or Partnership, please complete the following:

Name of Corporation/Partnership: \_\_\_\_\_

Registered Address: \_\_\_\_\_

State of Registration: \_\_\_\_\_

Phone: \_\_\_\_\_

Name of Officers/Partners/Members

Name: \_\_\_\_\_

Title (e.g. President, Member, Partner, etc.): **President**

Name: \_\_\_\_\_

Title (e.g. President, Member, Partner, etc.): **Partner**

**CERTIFICATION: I hereby certify that to the best of my knowledge and belief, all information supplied with this application is true and accurate and that consent of the property owner listed above, without which the requested action cannot lawfully be accomplished, has been granted. Permission is also hereby granted to the City of Lakewood staff to physically enter upon and inspect the subject property and take photographs as necessary for preparation of the case.**

☐ **YES** Please enter 'YES' in the box to affirm the above statement.

## DOCUMENT SUBMITTAL REQUIREMENTS

The number of paper copies and types of plans that are required for your project submittal are determined and provided as part of the pre-planning response letter. **You must submit both a digital copy and a paper copy of each of the required items.** In the spaces below, fill in the number of each of the items that are included in your submittal.

\_\_\_\_ Vesting Deed  
\_\_\_\_ Deed(s) of Trust  
\_\_\_\_ Letter of Authorization from Property Owner

\_\_\_\_ Title Commitment including recorded copies of all documents referenced within the Title Commitment by Book and Page or Reception Number. The Title Commitment must have an "Effective Date" no earlier than 30 days prior to the date of the Land Development Application.

\_\_\_\_ If the owner or lender is a corporation, a joint venture, or a partnership, an authorization or signatures (official verification that the signatures are authorized to sign on behalf of the corporation, joint venture, or partnership) will be required in the form of:  
- A copy of the Articles of Incorporation and/or Corporate Bylaws, or a copy of the Partnership or Operating Agreement, which identifies by proper name and title those authorized to sign on behalf of the corporation, joint venture, or partnership, or  
- A certified corporate resolution by the Board of Directors specifically identifying and authorizing the signatories.

\_\_\_\_ Written description of the request

\_\_\_\_ Annexation Petition

\_\_\_\_ Annexation Plat (folded to 9" x 12")

\_\_\_\_ Final Site Plan (folded to 9" x 12")

\_\_\_\_ Official Development Plan (ODP) (folded to 9" x 12")

\_\_\_\_ Survey of the property showing the property dimensions, existing structures, adjacent roadways, etc. (folded to 9" x 12")

\_\_\_\_ **1** Appeal summary, citing the particular sections of the code

\_\_\_\_ Traverse Closure Sheet(s), which include the external boundary and all internal lots and street centerlines

\_\_\_\_ Preliminary Drainage Report (folded to 9" x 12")

\_\_\_\_ Final Drainage Report (folded to 9" x 12")

\_\_\_\_ Preliminary Geological Report

\_\_\_\_ Final Geological Report

\_\_\_\_ Traffic Study

\_\_\_\_ Final Grading and Erosion Control Plan (folded to 9" x 12")

\_\_\_\_ Preliminary Street Construction Plans for Public Improvements (folded to 9" x 12")

\_\_\_\_ Final Street Construction Plans for Public Improvements (folded to 9" x 12")

\_\_\_\_ Quantities Estimates for Public Improvements including an 8 1/2" x 11" written legal description from a registered land surveyor

\_\_\_\_ Public Improvement Agreement Signature Information Sheet

\_\_\_\_ Storm Water Management Plan (SWMP) (folded to 9" x 12")

\_\_\_\_ A written legal description prepared by a registered land surveyor

\_\_\_\_ Digital legal description and survey of property including all properties within 125 feet from property line (CAD .DWG file)

\_\_\_\_ A check in the amount of the total application fee, payable to the City of Lakewood

\_\_\_\_ **13** Other (please describe): **Exhibits In Support of Appeal**

All information, both paper and electronic submittals (including fee) must be submitted by Thursday to be considered a complete application. For Planning documents larger than 5 Mb, please use our dropbox at <https://spaces.hightail.com/uplink/Lakewood-Planning> or call us at 303-987-7505 for further instructions. Please send all engineering files to [engsubmittals@lakewood.org](mailto:engsubmittals@lakewood.org). For questions regarding Engineering documents, please call 303-987-7945.

Please click the **SUBMIT** button to send an e-mail using your client program (e.g. Outlook, Apple Mail, Lotus Notes). Remember to attach all other required additional documents. If you are using a web based e-mail program (e.g. Hotmail, Yahoo, Gmail, Comcast.net) please save using the **SAVE FORM** button below and continue by using your web browser to create an e-mail and attach this form and all other required electronic documents. Please address e-mail to: [PlanningForms@lakewood.org](mailto:PlanningForms@lakewood.org). If this form or e-mail fails for any reason, please contact Diana Brown-Evens at 303-987-7505.

**Please use ONLY Adobe Acrobat Reader or Adobe Acrobat Pro as third party applications do not work correctly.**

I agree to provide all of the above required items, paper and electronic, to be considered for the next staff review date by entering 'YES' in the box below. Delays or the inability to accept the case may occur if any items are not provided by the deadline.

YES

Applicant Name: **UNIFIED c/o James Silvestro**

Signature: 

Date: **7/25/19**

### For Staff to Complete

Case No.: \_\_\_\_\_ Case Address: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Description: \_\_\_\_\_

### Staff Initials/Project Managers

Planning: \_\_\_\_\_ / \_\_\_\_\_ Engineering: \_\_\_\_\_ / \_\_\_\_\_ Property Management: \_\_\_\_\_ / \_\_\_\_\_ Permits: \_\_\_\_\_

Neighborhood, Corridor, and Special Area Plans?: \_\_\_\_\_

Pre-Planning Case Number: **2P-** \_\_\_\_\_ PIN: \_\_\_\_\_ Zoning: \_\_\_\_\_



June 7, 2018

Kara Mueller  
Senior Planner  
City of Lakewood  
470 S. Allison Parkway  
Lakewood, Colorado 80226

**RE: 6263 W. Jewell Avenue Pre-Planning Submittal**  
**KA#: 218036**

Dear Kara:

On behalf of the Applicant, Crescent Communities, we are pleased to provide this Pre-Planning Meeting Submittal for the 7.4 acre property located at the northeast corner of West Jewell Avenue and South Harlan Circle within the City of Lakewood. This property is the current home of White Fence Farms. The property is governed by an existing ODP, originally recorded in 1982, and was rezoned by the City MNS in 2012. The Applicant intends to initiate a site plan review in order to allow for the development and construction of a new multi-family housing neighborhood.

For over half a century, Crescent Communities has helped define moments that matter for everyone that lives, works and plays at their properties. Crescent's mission is to create single family, commercial / mixed use, multifamily and land sales that cultivate communities, grow relationships and establish legacies. Based out of Charlotte, NC, Crescent's offices and developments cross some of the most active real estate markets across the country including Charlotte, Denver, Phoenix, Houston, Dallas, Atlanta, Tampa, Nashville, and Raleigh. The ideal of community and the goal of improving people's lives for the better is at the forefront of everything Crescent does. They are inspired by vision and relentlessly pursue it every day. For Crescent's colleagues, investors, partners, and customers, their legacy will be the ability to build community and change lives for the better.

The applicant is proposing to develop  $\pm 220$  multi-family residences. This project will be comprised of two (2) 4-story elevator served buildings and four to five (4-5) 3-plex carriage buildings with attached, direct access garages. The 4-story buildings will be  $\pm 48'$  tall as measured from average grade to the midpoint of the highest peak of the pitched roof, which exceeds the allowed 45' height limit. In order to mitigate this, the Applicant is proposing to increase the allowable height by registering the buildings with the GBCI with the goal of LEED Gold Certification according to section 17.5.3.7 of the Lakewood Zoning Ordinance. The neighborhood will provide a mix of Studio, 1, and 2-bedroom homes, all of which have been proven to be attractive to residents in other communities. The municipal requirement for parking will be met through a combination of attached garages, detached garage buildings, and surface parking spaces.

The community will have both primary and secondary entrances on West Jewell Avenue and a secondary entrance on South Harlan Circle. Part of our proposal includes repurposing one of the existing buildings to use as our clubhouse/leasing space, and as such the westernmost entry on Jewell is imperative.

2555 Walnut Street, Denver, CO 80205

303.832.4474

fax 303.832.4476

[www.kephart.com](http://www.kephart.com)





The residences have been arranged onsite to take advantage of the unique location. Multiple buildings and a central internal courtyard space will help to organize the site. An amenity package featuring a clubhouse with pool, flexible indoor recreation areas, and fitness as well as outdoor amenities such as BBQs and gardening opportunities will be included.

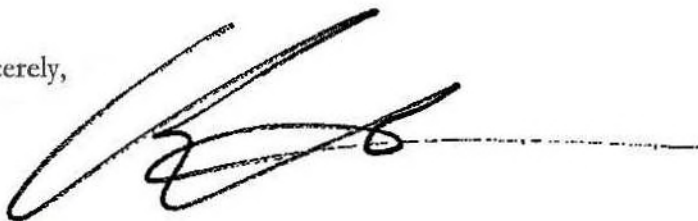
The exterior design of the buildings will promote a distinctive multi-family structure with materials, massing, and details that are compatible with the surrounding residential and commercial neighborhoods. The architectural character of the buildings will emphasize horizontal forms and vary the roof architecture to create visual interest. The four story massing is broken up with a variety in detailing, materials, color, and elevation forms. All open space features, driveways, and walks will be maintained by a property management group.

### Specific Questions

1. The existing center curb cut is crucial to the site plan that preserves the existing structure. Please confirm the ability to maintain this access point. In order to maintain the central access point we are willing to discuss eliminating the eastern curb cut.
2. Are there any anticipated public improvements needed given the proposed site plan?
3. Does the current M-N-S zone district supersede the previous ODP? Our current plan assumes density allowable under M-N-S zoning.
4. Please confirm that the maximum building height for the multifamily site plan is 45 ft.
5. Please confirm the maximum building height given LEED Gold delivery of the multifamily site plan.
6. Does the attached estimate accurately assume all anticipated costs associated with city permits and fees?
7. Are there any additional anticipated fees on the horizon that have not yet been implemented that we should be aware of?
8. Do you anticipate updates to any fees currently in place (i.e. Park Land Fee)?
9. Please outline what processes and timeline we can expect once we make our formal submittal.
10. Are tandem parking spaces permitted and counted toward fulfilling the parking requirement?
11. Are there any requirements for tree preservation?

We believe this addition to the community will not only help diversify the housing options in Lakewood, it will help to synergize and solidify the adjacent neighborhood. We are excited about the prospect of building this creative, high quality neighborhood in Lakewood. Crescent Communities and the design team look forward to working with city staff throughout the review process.

Sincerely,



Adam Kantor  
KEPHART

**Planning Department**

Civic Center North  
480 South Allison Parkway  
Lakewood, Colorado 80226-3127  
303.987.7505  
303.987.7057 TTY/TDD  
Lakewood.org/Planning

July 24, 2018

Scott Makee  
Crescent Communities  
6400 S. Fiddlers Green Circle, Ste. 1600  
Greenwood Village, CO 80111  
720-360-3687

**Re: ZP-18-047**  
**6263 W. Jewell Ave.**  
**Preplanning application to construct multifamily on the property**

Dear Mr. Makee:

Thank you for submitting a preplanning application with the City of Lakewood. The purpose of the preplanning process is to allow City staff the opportunity to provide preliminary feedback regarding your proposal early in the design process. City staff has reviewed the materials that were submitted with your preplanning application. We are providing this comment letter to identify the issues that you will need to address in your formal application.

Your preliminary proposal is to demolish the existing restaurant and construct approximately 225 multifamily units on the property located at 6263 W. Jewell Ave. The property is Lot 24 of Block 2 of the White Fence Farm Subdivision. The property is zoned Planned Development/ Mixed-Use Neighborhood Suburban (PD/M-N-S) and multifamily is allowed per the underlying M-N-S zone district for this property. It is my understanding that these units are for rent, therefore, this property will not require platting.

While it is your responsibility to understand the zoning standards that apply to this project, staff is available to help answer any questions you may have. In addition, as part of this pre-planning application comment letter, we have provided a summary of any major zoning related issues that may affect your project.

**General Comments**

1. **Process:** In order to develop the property for multifamily residential you will need to process a major site plan. The major site plan will include site layout, landscaping, site details, building elevations and a photometric plan. This major site plan process and further information on the submittal process is provided in the Next Steps section below.
2. **Review Standards:** The major site plan will be reviewed for compliance with the standards in the Lakewood Zoning Ordinance. Articles 5, 6 & 8 of the Zoning Ordinance will be the primary sections used for the review of your major site plan. The zoning ordinance is available on our website at [www.lakewood.org/zoning](http://www.lakewood.org/zoning). Please find attached a Major Site Plan Guidelines Checklist for your use while preparing your formal major site plan submittal.

The construction plans and associated documentation will be reviewed for compliance with the latest revision of the City of Lakewood Engineering Regulations, Construction Specifications and Design Standards, including the Transportation Engineering Design Standards and the Storm Drainage Criteria Manual. Copies of these documents are available on our website at [www.lakewood.org/engineering\\_standards](http://www.lakewood.org/engineering_standards).

3. **Zoning Ordinance Update:** The City of Lakewood is currently in the process of updating the current Zoning Ordinance. Information about the updated Zoning Ordinance is available on our Planning commission website at <https://www.lakewoodspeaks.org/zoning-ordinance-amendments-building-and-site-design>, <https://www.lakewoodspeaks.org/zoning-ordinance-amendments-housing-and-mixed-use>, <https://www.lakewoodspeaks.org/zoning-ordinance-amendments-parking> as well as the City Council Meeting Information webpage at <http://www.lakewood.org/CouncilMeetings/>.

The new zoning ordinance will apply to any formal development case that is submitted (and accepted as complete) after the date that the adopted ordinance takes effect.

4. **Outside Agency Standards:** Please contact all outside agencies and service providers including: West Metro Fire Protection District, Alameda Water & Sanitation District, Xcel Energy, Century Link and Comcast Cable to ensure your project can meet the standards that are applicable to the proposed development prior to submitting formal applications.
5. **Dimensional Standards:** The PD/M-N-S zone district standards are summarized below.
- a. Zoning Standards
    - i. Front Setback - minimum of 10 feet to a maximum of 85 feet as measured from the edge of the existing right-of-way improvements, or public easement along West Jewell Avenue and South Harlan Circle.
    - ii. Side Setback – 5 feet from property line.
    - iii. Rear Setback – 10 feet from property line.
    - iv. Build-to-Zone requirement is 40%. - 40% of the total lineal footage of West Jewell Avenue and South Harlan Circle must have building within the minimum and maximum setback, which is the Build-to-Zone.
    - v. Maximum building height is 42 feet for Parcel H per the ODP.
    - vi. Minimum open space requirement is 20%.
    - vii. Minimum residential density is 8 du/acre.

6. **Access:** The site access is unacceptable as shown and must meet the following requirements: Only one access will be permitted along West Jewell Avenue. The access on West Jewell Avenue must meet a minimum spacing of 300 feet from South Harlan Circle. Only one access will be permitted along South Harlan Circle. The access on South Harlan Circle must meet a minimum spacing of 150 feet from any adjacent or opposing access.

7. **Sight Triangles:**

The sight triangles must be shown on the major site plan and construction plans. The sight triangles must be shown on both sides of the access regardless of traffic direction or the presence of a median.

The sight triangle from the site access on West Jewell Avenue must be 55 feet.

The sight triangle from site access on South Harlan Circle must be 20 feet.

The sight triangle from West Jewell Avenue to South Harlan Street must be 40 feet.

8. **Building Design Standards:** All building elevations shall have a similar level of architectural treatment and detail, and be designed to encourage and complement pedestrian-scale interest and activity through the use of elements such as windows, awnings, and other similar features. See Section 17.6.2 of the Lakewood Zoning Ordinance for more information. It is required that the development of this property be complementary in roof forms, building materials, building colors, etc. with the adjacent single-family homes within the White Fence Farm Subdivision.
9. **Building Transparency:** Multifamily building facades oriented towards a public or private street and located within 20 feet of the back of existing or required right-of-way improvements shall be designed so that the ground-floor façade includes clear glass windows and doors to increase pedestrian interest. These opening shall be arranged so that the uses are visible from and to the street on at least 30 percent of that portion of the façade located within 2 and 10 feet above grade. See Section 17.6.2.1.C of the Lakewood Zoning Ordinance for more information.
10. **On-site Circulation:** On-site circulation systems shall be designed to provide safe pedestrian paths throughout multifamily sites, see Section 17.6.4 of the Lakewood Zoning Ordinance for more on-site circulation standards.
11. **Screening of Utility Structures, Outdoor Storage and Service Areas:** Section 17.6.3 of the Lakewood Zoning Ordinance requires that trash and recycling enclosures shall be covered with a roof, or they shall be self-contained. Trash enclosures must be large enough to incorporate recycling facilities.
12. **Parking Requirements:** A minimum of 0.75 of a parking space to a maximum of 3 parking spaces are required per unit. One long-term bicycle parking space is required for every 2 units and one short-term bicycle parking space is required for every 10 units; see Section 17.8.3 for further information. You will also need to comply with the regulations for the Americans with Disabilities Act (ADA) for handicapped parking.
13. **Grading Setback:** Please keep in mind that grading and setbacks for retaining walls must meet the requirements described in Section 14.21.130 of the Lakewood Municipal Code. Generally, any proposed grades within ten feet of the property boundaries must match the existing grades. Any proposed retaining walls must be set back from the property line a minimum of ten feet.
14. **Landscaping Requirements:** One deciduous tree will be required for every 35 lineal feet of street frontage along West Jewell Avenue and South Harlan Circle. You will also be required one tree and three shrubs for every 550 square feet of required landscape area. Since this site is adjacent to an open space tract to the north and east additional buffer to the single-family homes is not required per Section 17.6.5.4.D of the Lakewood Zoning Ordinance.

Per Section 17.6.5.8 an inventory will need to be prepared of existing trees that are greater than 8 inch caliper as measured 1 foot above grade that will need to be preserved on the site. Removal of any protected trees per this section of the ordinance will need to be approved by the Director. Please set up a meeting with me to walk the site to determine if any trees need to be evaluated as protected trees.

15. **Required Public Improvements:** At a minimum, the project will be required to construct the following public improvements along the full extents of the project:

West Jewell Avenue – A traffic study will be required for this development. The study will be evaluated to determine if any acceleration, or deceleration lanes may be required or if a median will be required as a result of the proposed development. If auxiliary lanes are required, then curb, gutter and a 5-foot wide detached sidewalk will also be required. In the event that auxiliary lanes

are not required, the existing curb, gutter and attached sidewalk can remain but accesses will require improvements to meet the requirements below.

**South Harlan Circle** - This project will be required to construct curb, gutter and a 5-foot wide detached sidewalk along the east side of South Harlan Circle adjacent to the site in accordance with City of Lakewood Engineering Regulations and Design Standards. The west side of South Harlan Circle consists of a unique design including several variations in width. Please schedule a meeting with the City review engineer, Ken Hargrave at 303-987-7906, as soon as a horizontal layout is available for discussion. The extent of the asphalt improvements will be based on the existing conditions of the roadway and the final horizontal layout.

16. **Required ROW/Easement Dedications:** If the required improvements do not fit within the existing right-of-way and easements, then right-of-way will need to be dedicated to the back of proposed curb and gutter. In addition, a pedestrian, utility, traffic control devices (PUTCD) easement will need to be dedicated to a minimum of two feet beyond the back of the proposed sidewalk improvements.

Show the existing drainage/floodplain easement on the major site plan for Sanderson Gulch, which runs parallel to West Jewell Avenue.

17. **Drainage Information:** Detention and water quality measures are required for this project. Detention or water quality storage cannot be located within a flood plain. Water quality facilities and minor storm runoff must be discharged into a public storm drain system or drainage way. Additional offsite drainage improvements may be required.
18. **Flood Plain:** This property is located within the Sanderson Gulch flood plain and will be subject to all of the applicable rules and regulations as specified in the City of Lakewood Flood Plain Management Ordinance. The floodplain should be clearly shown and labeled on all site and construction plans.
19. **Urban Drainage:** This property may require improvements within the major drainage way. The applicant is strongly urged to contact the Urban Drainage and Flood Control District (UDFCD) to discuss the outfall location and design prior to making a formal submittal. Please be sure to include the City in any discussions with the UDFCD. All improvements within the major drainage way must meet all UDFCD requirements for maintenance eligibility.
20. **Existing trail system:** The proposed site must connect to the existing trail system located in the gulch.
21. **Retaining Walls:** Any proposed retaining walls should not exceed eight feet in height and must be placed at least ten feet from property lines. Retaining wall materials and color need to be specified on the major site plan. All retaining walls over 30 inches in height will require a separate Engineering design review and permit.
22. **West Metro Fire Protection District:** West Metro Fire Protection District (WMFPD) review, via City referral, is required for all Major Site Plans and WMFPD acceptance of site layout is required prior to City approval. The WMFPD enforces the 2009 edition of the International Fire Code as adopted and amended by the City of Lakewood. If your fire protection consultant has specific questions about the application of the code, they may contact Bruce Kral, Fire Marshall with WMFPD at 303-989-4307.
23. **School Land Dedication:** The school district will determine whether land dedication or fees-in-lieu will be required at the time of formal application. If fees-in-lieu are required, then this fee is currently calculated at \$800 per multifamily unit.

24. **Parkland Dedication:** Fees in-lieu of parkland dedication are required with this development proposal and per the Parkland Dedication Ordinance and Policy will be \$2,100 per unit if submitted prior to 12/31/2019, at which time the fee will be reevaluated and may change. This fee will need to be paid at the time of building permit.

**Questions:**

25. The existing center curb cut is crucial to the site plan that preserves the existing structure. Please confirm that ability to maintain this access point. In order to maintain the central access point we are willing to discuss eliminating the eastern curb cut?

*See comment #6 above.*

26. Are there any anticipated public improvements needed given the proposed site plan?

*See comment #15 above.*

27. Does the current M-N-S zone district supersede the previous ODP? Our current plan assumes density allowable under M-N-S zoning.

*The M-N-S zone district does not supersede the ODP, rather it is the underlying zone district and governs where the ODP is silent. Underlying zone districts also add uses to PD zones, therefore, multifamily is allowed. Parcel H does not address residential density and therefore, the M-N-S zone district governs which has no maximum residential density.*

28. Please confirm that the maximum building height for the multifamily site plan is 45 feet.

*The maximum building height for Parcel H is 42 feet per the ODP. See Section 17.5.1.5 of the Lakewood Zoning Ordinance on height measurement, which is currently measured from the average grade to the highest point of the structure or the highest point of the highest gable of a pitched roof.*

29. Please confirm the maximum building height given LEED Gold delivery of the multifamily site plan.

*Section 17.5.3.7 of the Lakewood Zoning Ordinance allows the maximum building height within mixed-use districts to be increased by one story to a maximum of 12 additional feet for LEED GOLD certification.*

30. Does the attached estimate accurately assume all anticipated costs associated with City permits and fees?

*The building permit fee is based off of the valuation of the building materials and labor. Please contact the Permit Counter at 303-987-7500 with this valuation to calculate the fee. School and parkland fees are covered in comment #23 & 24 above. Please contact all utility agencies separately to determine water, sanitation and other fees.*

31. Are there any additional anticipated fees on the horizon that have not yet been implemented that we should be aware of?

*Currently, there are no additional fees for the City outside of planning case fees, building permit*



*fees, school land fees and parkland fees.*

32. Do you anticipate updates to any fees currently in place (i.e. Park Land Fee)?

*The Parkland Dedication Ordinance and Policy have been updated and are now in effect and the fee listed in comment #24 is current. However, there is a revision to the School Land Dedication Ordinance being considered.*

33. Please outline what processes and timeline we can expect once we make our formal submittal.

*See the Next Steps section below for process, timeline and required submittal documents.*

34. Are tandem parking spaces permitted and counted toward fulfilling the parking requirement?

*Tandem parking spaces are only allowed if there is a minimum of 18 feet from the garage door to the required internal drive aisle and required area of clearance for the West Metro Fire Protection District. These parking spaces will count toward fulfilling the parking requirement.*

35. Are there any requirements for tree preservation?

*Yes, see comment #14 above.*

### **Next Steps**

The major site plan formal application process typically takes approximately 4-6 months to complete. This case will be referred to outside referral agencies for their review. Please note that the timeline for review depends upon the quality of the original submittals, outside referral comments, number of comments, efficient response to comments, caseloads and schedules.

To initiate your formal application process, please submit the required electronic and paper copies of the items listed below. The applications are available online at: [www.lakewood.org/planningforms](http://www.lakewood.org/planningforms). You may complete the applications online however please provide a CD with digital files of the documents along with your paper submittal.

Item	Major Site Plan
Land Development Application Form for a Major Site Plan	E + 1
Vesting Deed	E + 1
Deed(s) of Trust	E + 1
Letter of Authorization from Property Owner	E + 1
Title Commitment with an effective date within 2-weeks of the application submittal with hyperlinks	E + 1
Detailed written description of the request	E + 5
Major Site Plan (folded to 9" x 12", PDF & DWFX)	E + 5
Survey of the property (folded to 9" x 12")	E + 1
Final Drainage Report	E
Final Street Construction Plans (folded to 9" x 12")	E + 1
Grading and Erosion Control Plan (folded to 9" x 12")	E + 1
Storm Water Management Plan (SWMP)	E + 1

Final Geological Report	E
Traffic Study	E
Public Improvement Signature Information Sheet	E + 1
Formal Application Submittal Appointment – contact Kara Mueller at <a href="mailto:karmue@lakewood.org">karmue@lakewood.org</a> or 303-987-7982 to set up a time to drop-off your formal application for acceptance.	Required
Application fee (based off of 7.4 acres):	\$7,210

Note: The major site plan fee is \$1,250 per acre up to 5 acres PLUS \$400 per each additional acre > 5 acres, rounded to the nearest 1/10<sup>th</sup> of an acre. Please contact me to determine fees prior to scheduling your formal submittals.

Please be aware that the above comments are for general information purposes only. The final public improvements and other site requirements may vary from this preliminary review and will be determined upon review of final plans, and/or other documents that may be required for approval and issuance of building permits.

I look forward to working with you on this project. If you have additional questions or need further assistance, feel free to contact me directly at 303-987-7982 or [karmue@lakewood.org](mailto:karmue@lakewood.org).

Sincerely,



Kara Mueller  
Project Planner

Enclosures: Major Site Plan Guidelines Checklist  
Wilson Property Official Development Plan  
Public Improvement Signature Information Sheet

cc: Case File # ZP-18-047  
Paul Rice - Manager, Planning – Development Assistance Division  
Ken Hargrave, P.E. - Project Engineer  
Shawn DeJong, Engineering - Development Assistance Coordinator  
Toni Bishop, Traffic Engineering  
Garrett Downs, Right-of-Way Agent





March 27, 2019

Kara Mueller  
Senior Planner  
City of Lakewood  
Planning Department  
470 South Allison Parkway  
Lakewood, CO 80226

**Re: Novel White Fence – Site Plan Application  
Written Description - Revised**

Dear Ms. Mueller:

Thank you for accepting this 1<sup>st</sup> Major Site Plan package to the City of Lakewood for the proposed Novel White Fence multifamily development located at 6263 West Jewell Avenue. This package includes the items listed on the Pre- Planning Letter received from Lakewood. A brief project description is provided below.

### **Project Description**

The site consists of approximately 7.4 acres located at 6263 West Jewell Avenue. The scope of the proposed project includes the redevelopment of the existing restaurant and farm grounds that currently exist on the property into an apartment community. The redevelopment project will offer amenities to residents including on-site leasing and property management, parking, fitness amenities, and a central courtyard with sundeck and swimming pool. Many of these amenities will be provided within the existing farmhouse that will be repurposed with the Project.

The multifamily project will consist of 234 rental apartments in two 4-story, Type 3 structures of wood construction. Onsite parking for the Project will provide approximately 1.33 spaces per unit, including 22 one-stall attached garages in Building 1, three detached garage buildings consisting of 20 stalls, and 269 surface parking spaces throughout the site. Accessible parking stalls and loading spaces are also provided to support the Project.

The Project will pursue LEED Gold certification to benefit the Project and the larger community. Based on this, the Project requests the additional twelve (12) feet of building height to increase the maximum building height from 42' to 54' as shown on the Site Plan. This is consistent with zoning code provisions to incentivize responsible and sustainable development. As a part of the LEED design, Transportation Demand Management techniques will be provided as a part of the Project. With this, parking instructions and information regarding public transportation and ride-sharing will be provided to the residents and their guests.

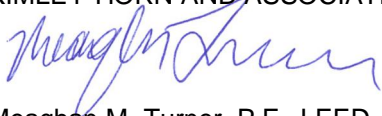
Access to the site will be provided by way of a full movement access at the northwest corner of the site along Harlan Circle aligned with the access across the street. Additionally, a right-in right-out access is provided on the southern portion of the site along Jewell Avenue. This access point reflects the design comments provided by the City during the Pre-Application review of the Project. The main lobby and leasing area will be located in the clubhouse (former farmhouse) at the center of the site and will provide visitor and guest parking.

An underground stormwater detention vault will be located in the easternmost portion of the site. This drainage facility will provide water quality and detention for the 100-year event prior to discharge to the adjacent gulch. Presently, no treatment or storage of development stormwater is provided with the existing restaurant development. The interior courtyard will be located in the center of the site behind the clubhouse and access to the courtyard will be from two separate walkways. Fire department access lanes will be provided throughout the entire private drive in the site, along with an access lane providing access to the courtyard and interior portions of the buildings along the northern side of the site.

Thank you in advance for your efforts in processing and reviewing the plans for the proposed Novel White Fence redevelopment project. We are excited about the asset this will provide to the community. Please feel free to contact me at (303) 228-2322 or [meaghan.turner@kimley-horn.com](mailto:meaghan.turner@kimley-horn.com) with any questions or comments during the course of your review.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Meaghan M. Turner, P.E., LEED AP  
Project Manager

# EXHIBIT A

**From:** Kara Mueller <[KarMue@lakewood.org](mailto:KarMue@lakewood.org)>  
**To:** [debora\\_emert@yahoo.com](mailto:debora_emert@yahoo.com) <[debora\\_emert@yahoo.com](mailto:debora_emert@yahoo.com)>  
**Cc:** Nancy Shepard <[winshep@comcast.net](mailto:winshep@comcast.net)>; Mike Beery <[jmichaelb80218@yahoo.com](mailto:jmichaelb80218@yahoo.com)>; Liz Breuer <[breuerb@comcast.net](mailto:breuerb@comcast.net)>; Laura McGee <[laura.j.mcgee@hotmail.com](mailto:laura.j.mcgee@hotmail.com)>; Paul Rice <[PauRic@lakewood.org](mailto:PauRic@lakewood.org)>; Travis Parker <[TraPar@lakewood.org](mailto:TraPar@lakewood.org)>  
**Sent:** Thursday, May 2, 2019, 6:44:27 PM EDT  
**Subject:** White Fence Farm Follow-up

Hi Debora,

I hope you are doing well. I followed up on several items from our meeting on Monday, April 22 including an appeal process to the Director's interpretation of the Zoning Ordinance. Section [17.1.7.3](#) Board of Adjustment states, "The duties and responsibilities of the Board of Adjustment shall be as set forth in the City of Lakewood Charter, the City of Lakewood Municipal Code, this Zoning Ordinance, and the Board of Adjustment Rules and Regulations. The Board of Adjustment shall have jurisdiction to hear and decide appeals from decisions and interpretations made by the Director pursuant to 17.1.7.1.B.1 of this Zoning Ordinance".

Section 17.1.7.1.B.1 of the Lakewood Zoning Ordinance states:

The Director shall have the authority to:

1. Interpret and apply the provisions set forth in this Zoning Ordinance. When this Zoning Ordinance does not specify what criteria are to be used in making a decision, the Director shall approve an application, or approve it with conditions, if the Director determines that:
  - a. The application complies with all applicable provisions of this Zoning Ordinance, or if it does not comply with one or more provisions, that the body authorized by this Zoning Ordinance to allow variations from those provisions has given its approval to the variations; and
  - b. The application is consistent with the Lakewood Comprehensive Plan and all other plans approved by the City Council and is applicable to the property.

In order to appeal the Director's interpretation of the Wilson Property Development Plan and the Mixed-Use Neighborhood Suburban (M-N-S) underlying zone district in regards to Parcel H, you will need to submit in writing your interpretation that includes the specific points of difference and questions you may have. Once we receive this request in writing, the Director will review the request and prepare a written response.

The application for the interpretation request is attached. There will be no fee. Please let me know if you have any questions. I have attached the following documents that you have requested: Zoning Ordinance Resolution for new code, Lakewood 2025 Comprehensive Plan Resolution and 2003 Comprehensive Plan Resolution. I look forward to our continued communication and please let me know if you have any questions.

Thank you,

**Kara Mueller**

SENIOR PLANNER

CITY OF LAKEWOOD, COLORADO

303.987.7982

470 S. ALLISON PARKWAY

LAKEWOOD, COLORADO 80226

[Lakewood.org](http://Lakewood.org)

[Facebook](#) | [Twitter](#) | [YouTube](#)



JAMES R. SILVESTRO  
ATTORNEY AT LAW

303.628.3632 (direct)  
jsilvestro@irelandstapleton.com

May 10, 2019

**SENT VIA EMAIL AND CERTIFIED MAIL**

Travis Parker  
Planning Director, City of Lakewood  
Civic Center North  
480 S. Allison Pkwy.  
Lakewood, CO 80226  
[trapar@lakewood.org](mailto:trapar@lakewood.org)

***Re: Opposition to the White Fence Farm Major Site Plan Application***

Dear Director Parker:

This law firm represents the homeowners association for Wild Flower Patio Homes (the "HOA").<sup>1</sup> The purpose of this letter is to express the HOA's opposition to the major site plan application that was submitted on March 27, 2019, and is currently pending for the parcel located at 6263 W Jewell Ave, Lakewood, CO 80232 (the "White Fence Farm Parcel"). The major site plan application seeks the City's permission to construct 234 rental apartments in two buildings with a height of up to 54 feet (the "Proposed Development"). As detailed below, the Proposed Development for the White Fence Farm Parcel violates applicable land use regulations in at least three separate ways that require your office to deny the major site plan application.

The White Fence Farm Parcel is subject to an Official Development Plan approved by the City of Lakewood on December 16, 1981 (as enacted and further amended by City Ordinance 0-81-192 dated Feb. 22, 1982) and formally identified as the "Wilson Property Official Development Plan" (the "ODP").<sup>2</sup> The ODP covers approximately 80 acres within the City of Lakewood north of West Jewell Avenue (the "Wilson Property"). Within the ODP, the White Fence Farm Parcel is referred to as "Parcel H." Although we understand that the City has taken the position that Parcel H was legislatively rezoned in 2012 to allow for multifamily residential

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<sup>1</sup> The formal incorporated name of the HOA is The Wild Flower Patio Homes @ White Fence Homeowners Association.

<sup>2</sup> The ODP was amended in 1991 and 2003. Neither amendment appears to be relevant to the currently pending major site plan application for the White Fence Farm Parcel.

development, the ODP has never been repealed. Even more importantly, following the 2012 zoning change, the City has repeatedly confirmed that the ODP remains in full force and effect, including but not limited to on the City's official zoning map and in a letter that your office sent to the proposed developer of the White Fence Farm Parcel dated July 24, 2018.

By its own terms, the ODP runs with the land, and the conditions and restrictions therein inure to the benefit of all owners of real property within the area covered by the ODP. Accordingly, the HOA and its homeowner members have both a unique interest and a legal right to ensure full compliance with the ODP. The members of the HOA purchased their homes and invested in their properties in reliance on the ODP, which was recorded and remains as a benefit and an encumbrance to all properties located within the Wilson Property. The ODP is a legally binding land use agreement between the City and the owners of properties within the Wilson Property. The ODP cannot be unilaterally altered in any material way by any party—including the City—without following the proper procedure and meeting all necessary preconditions for amending the ODP as set forth in the City's Municipal Code.

As currently formulated, the Proposed Development for the White Fence Farm Parcel violates the ODP in at least three distinct ways: (1) density; (2) height; (3) architectural review. Each of these deficiencies is fatal to the application and requires your office to deny the major site plan application.

#### **1. The Proposed Number of Dwelling Units Violates the ODP.**

The ODP explicitly provides that the total number of residential dwelling units within the Wilson Property shall not exceed 380 dwelling units. This is a maximum density standard. There are currently 229 dwelling units within the Wilson Property. Accordingly, no more than 151 additional dwelling units may be constructed anywhere within the Wilson Property. Even if, as the City now claims, multifamily residential is now permitted at the White Fence Farm Parcel (as a result of the purported change to the underlying zoning), the current proposal to construct 234 new dwelling units at the site violates the maximum density restriction set forth in the ODP. The Proposed Development would exceed the maximum density restriction set forth in the ODP by 83 dwelling units and result in a density of 5.79 dwelling units per acre—far beyond the 4.75 dwelling units per acre limit for the entirety of the Wilson Property as explicitly set forth in the ODP.

In a letter dated July 24, 2018, Senior Planner Kara Mueller erroneously concluded that the ODP “does not address residential density” with respect to the White Fence Farm Parcel. This reasoning, however, ignores the fact that the residential density restriction within the ODP explicitly applies across the entirety of the Wilson Property. Specifically, the density restriction under the ODP provides for an average maximum density of 4.75 dwelling units per acre over the entirety of the Wilson Property (a maximum of 380 dwelling units spread over the full 80-acre Wilson Property), which includes the 6.8-acre White Fence Farm Parcel. That is, irrespective of any purported change to underlying zoning, the ODP's residential density restriction applies with equal force to all parcels within the Wilson Property, including the White

Fence Farm Parcel. The ODP expressly addresses maximum residential density within the entirety of the Wilson Property, which necessarily includes the White Fence Farm Parcel.

As Ms. Mueller's letter did correctly note, the underlying zoning of the White Fence Farm Parcel "does not supersede the ODP, rather it . . . governs where the ODP is silent." This explanation is consistent with the fact that the ODP predated the purported rezoning by thirty years. When the City purportedly rezoned the White Fence Farm Parcel in 2012 (and in effect attempted to create an underlay zoning district beneath the preexisting overlay district that is the ODP), it could not unilaterally eliminate the vested rights that all property owners within the Wilson Property enjoy under the ODP, including but not limited to the ODP's density restriction which serves to benefit all properties covered by the ODP. If the City's regulatory change had attempted to take any of the property owners' vested rights under the ODP, the City would have been required to pay just compensation.

Here, the ODP is not "silent" with respect to the maximum residential density. The ODP expressly provides that no more than 380 dwelling units may be constructed across the entire 80-acre Wilson Property, which includes the White Fence Farm Parcel. This explicit limitation stands in marked contrast to the purported underlying zoning (M-N-S), which is silent as to maximum residential density and thus in effect does not set any standard whatsoever. However, even assuming arguendo that this M-N-S non-standard might provide an alternative, unlimited standard for maximum residential density, Section 17.1.6.2(A) City's Municipal Code expressly provides that whenever two standards are in conflict, the more restrictive standard must control. There is no lawful basis to ignore the more restrictive standard explicitly enumerated within the ODP.

Given the previous residential development under the ODP, the maximum number of additional dwelling units that may be constructed within the balance of the Wilson Property, which includes the White Fence Farm Parcel, is 151 dwelling units.<sup>3</sup> This maximum density restriction was included as part of the ODP to ensure measured development within the Wilson Property to the direct benefit of all owners of property within the Wilson Property. Unconstrained and unlawful development of the White Fence Farm Parcel will unquestionably result in increased traffic, noise, and parking needs (among other issues) beyond the capacity of the Wilson Property as long-since recognized and enshrined within the ODP. Accordingly, the construction of 234 additional dwelling units as part of the Proposed Development violates the ODP. For this reason, the major site plan application must be denied.

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<sup>3</sup> It should be further noted that if the maximum number of remaining available dwelling units under the ODP (151 dwelling units) are constructed on the White Fence Farm Parcel, then no additional units will be permitted anywhere within the Wilson Property—including the vacant "Parcel A" under the ODP, which is owned by the City of Lakewood. If the City permits 151 new dwelling units at the White Fence Farm Parcel, then no additional residential units may be constructed anywhere within the Wilson Property.



## **2. The Proposed Building Heights Violate the ODP.**

The ODP expressly provides that the maximum height of any building constructed at the White Fence Farm Parcel “shall not exceed 42’.” Accordingly, the Proposed Development, which would include two buildings with a maximum height of 54 feet, must be denied as a violation of the ODP.

The major site plan application acknowledges the 42-foot height restriction applicable to the White Fence Farm Parcel under the ODP, but nevertheless requests an exception to allow the developer to build up to 54-feet because the developer will purportedly pursue LEED Gold certification. This request, however, ignores the fact that the requested height exception relates solely to the purported underlying zoning and has no applicability to the height restriction set forth in the ODP. This is attempting to mix apples (the more restrictive height limit under the ODP) with oranges (the exception that may be obtained under the more permissive height restriction applicable to the purported underlying zoning). Unlike the more permissive height limit applicable to the purported underlying zoning, the ODP sets a stricter limit and has never been amended to allow for any exceptions to this strict height limitation.

Once again, as the City has correctly explained, the underlying zoning “does not supersede the ODP, rather it . . . governs where the ODP is silent.” And once again, with respect to height limitations, the ODP is anything but silent. The ODP expressly limits all building heights at the White Fence Farm Parcel to a maximum of 42 feet and does not provide for any variance or exception. Moreover, even if the City believes that there is a conflict between the ODP and the purported underlying zoning regarding the applicable height restriction, the City’s Municipal Code expressly provides that the more restrictive standard must control. Because the Proposed Development does not comply with the more restrictive height limitation set forth in the ODP, the major site plan application must be denied.

Separate from this height limitation, it is also unclear that the Proposed Development will comply with the so-called “height transition” requirements applicable to the underlying zoning. Unlike the ODP’s express requirement regarding maximum height limits, the ODP does not include a restriction regarding height transitions from adjacent parcels. The underlying zoning, however, mandates that any building constructed within a mixed-use zone (like the White Fence Farm Parcel) and within 75-feet of an adjacent residential parcel may not exceed the height restriction applicable to the neighboring residential property. The zoning ordinance further provides that any building constructed within 125-feet of an adjacent residential zone “shall demonstrate compatibility with any adjacent residential property through an analysis of building bulk and plane, potential buffering through the use of landscaping or decorative walls, building and parking orientation, and other similar site specific conditions.”

Unfortunately, the major site plan application for the White Fence Farm Parcel does not include sufficient information to determine how far the proposed new buildings will be located from adjacent residential properties. Nevertheless, it appears that the proposed new buildings may be located within these transitional zones, such that the developer must adhere to the



neighboring height restrictions and make a showing that the Proposed Development is compatible with the height and character of the existing surrounding uses. To date, the developer has not made any such showing. Unless and until, the developer can demonstrate that this requirement is either met (or inapplicable to the Proposed Development), this provides yet another independent basis for the City to deny the major site plan application.

**3. The Developer Has Not Complied with the Architectural Review Required by the ODP.**

Under the ODP, any development within the Wilson Property must “be approved by an architectural review committee of the property owner’s association” such that “[a]rchitecture will be closely coordinated between areas within land uses and also between separate land use parcels.” Here, the developer has not made any effort to submit architectural plans or to receive approval from the surrounding land owners and homeowners’ associations. Accordingly, as presented to the City, the Proposed Development under the major site plan application has not complied with this material aspect of the ODP. Unless and until the developer has complied with all of the requirements of the ODP, the major site plan application must be denied.

\* \* \*

Thank you for your time and careful consideration of these important matters. Each of the foregoing issues presents a separate basis upon which your office must deny the major site plan application. The HOA is committed to ensuring that any development at the White Fence Farms Parcel complies with all applicable land use regulations and will take all necessary actions to protect the quality of life and the real property rights of its homeowners. To that end, if your office ultimately approves the major site plan application (or any subsequent iteration that remains inconsistent with the ODP), then we formally request that you issue a written decision setting forth the reasons for your decision in light of the foregoing issues.<sup>4</sup> We also respectfully request a formal opportunity to respond to any such written decision.

Please include a copy of this letter in the land use file for this major site plan application. Please also include a complete copy of the City of Lakewood’s Municipal Code (including but

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<sup>4</sup> On May 2, 2019, Senior Planner Kara Mueller sent an email to representatives of the HOA, which provides that your office’s decision regarding the major site plan application and the Proposed Development may be appealed by first asking you to provide a written interpretation of the applicable land use regulations, which may then be appealed to the City of Lakewood Board of Adjustment (the “BOA”). Our understanding is that any decision of the BOA may then be appealed to the District Court for Jefferson County pursuant to C.R.C.P. 106. Please let us know immediately if the City disagrees with any of the foregoing. If the City does disagree with the foregoing, please immediately provide us with a written explanation as to the proper procedure for appealing an approval of the major site plan application as well as copies of all applicable rules and regulations.

Travis Parker  
May 10, 2019  
Page 6

not limited to the Zoning Ordinance located in Title 17) as well as any other ordinances, regulations, and/or guidance that might relate in any way to your office's decision regarding the major site plan application.

We are continuing to review the major site plan application and the applicable land use regulations, and this letter is not intended to be an exhaustive list of all defects with the proposal. Nothing in this letter shall be construed as a waiver of any kind, and the HOA reserves all of its rights, including but not limited to any challenge to the purported rezoning of some or all of the Wilson Property in 2012 and/or any previously unaddressed interpretation of the interplay between the ODP and the purported underlying zoning.

Please contact me if you have any questions or would like to discuss this matter further. I can be reached at 303-628-3632 or [jsilvestro@irelandstapleton.com](mailto:jsilvestro@irelandstapleton.com).

Sincerely,



James Silvestro

cc: Mark Lacis  
Timothy Cox, City Attorney ([tcx@lakewood.org](mailto:tcx@lakewood.org))



## **City of Lakewood**

### **Planning Department**

Civic Center North

480 South Allison Parkway

Lakewood, CO 80226-3127

Voice: 303-987-7908

Fax: 303-987-7908

TDD: 303-987-7057

<http://www.lakewood.org>

May 21, 2019

James Silvestro  
Ireland Stapleton Pryor & Pascoe, PC  
717 17<sup>th</sup> Street, Suite 2800  
Denver, CO 80202

### **Re: Opposition to the White Fence Farm Major Site Plan Application**

Dear Mr. Silvestro:

Thank you for your May 10<sup>th</sup> letter outlining your concerns with the review of the White Fence Farm major site plan application. I have reviewed your arguments and offer the following response.

While you are correct that the Wilson Property ODP is still applicable, in part, on the property, you mischaracterize the ODP as a “legally binding land use agreement.” It is rather a part of the zoning regulations applicable to the property, originally approved and subsequently amended by the Lakewood City Council. Zoning districts adopted by council, including ODPs, do not represent a permanent right by property owners over adjacent properties and property owners are not due compensation for changes lawfully made to zoning districts by City Council.

When approved in 1982, the ODP represented the full extent of regulations on the property, operating in the same manner as other ODPs at the time. In 2012, the Council adopted a new zoning code that removed the majority of ODPs in Lakewood. Those that were retained were assigned, and combined with, new base zone districts.

The relationship between remaining ODPs and their base zone districts has three main implications. First, per Section 17.3.6.4 of the zoning ordinance, the list of permitted uses is determined by the underlying zone. ODPs may add to, but not remove from, the list of allowed uses. This means that use prohibitions in ODPs that conflict with the underlying zone are void. As I will discuss below, this includes provisions in ODPs that have the effect of prohibiting allowed uses.

Second, while building form regulations of the ODP are controlling over the standards of the base zone, the absence of a standard in the ODP does not preclude the City from regulating that standard. For example, if an ODP does not contain a rear setback regulation it does not mean that there is no rear setback requirement; but rather that the rear setback of the base zone applies.

Finally, general regulations in the code that apply to all zones or subsets of zones, apply equally to ODPs. Examples of this include the developmental standards in Article 5, parking calculation standards in Article 8, and wireless regulations in Article 10. Again, ODPs are a zone in the zoning ordinance, treated like other zones, not a separate stand-alone contract.

### **Number of Dwelling Units**

Your first objection focuses on the density limitations within the ODP. You correctly state that the ODP contains a maximum residential density standard. However, as discussed earlier, ODPs are expressly allowed to **add** to the permitted uses but not limit them. Residential density tables such as the one in this ODP would have the effect of limiting or prohibiting residential uses that would otherwise be allowed in the underlying zone. Whether looked at as an aggregate, which would prohibit residential uses throughout the ODP after the overall cap is achieved, or on a parcel by parcel basis, which would prohibit residential uses altogether on “Parcel H,” the impact of density charts runs counter to the express language of the ordinance.

The Wilson Property ODP is not the only ODP where this interpretation has been applied. Both the Belmar ODP and the Solterra ODP have residential density limitations within the ODPs that have not been measured or enforced since the adoption of the new code in 2012.

### **Proposed Building Heights**

Your second objection relates to the height limitation in the ODP and the proposed height of the development. Every zone district in the zoning ordinance, including all of the ODPs, have height limitations. Property owners looking to the ordinance or their ODP for information on height do form an expectation of permitted height based on the number in each zone. However, in 2012 the City Council opted to provide an incentive for developers to build affordable housing and sustainable buildings. Per section 17.5.3.7, doing either of these things allows the right to an extra story, up to twelve feet, above the height limitation of the zone. This section applies to all zones equally, including ODPs. There are numerous examples across the city of 17.5.3.7 being applied to development.

### **Architectural Review**

You correctly point out that the ODP contains language requiring review by an architectural review committee (ACC). This is common language in ODPs and where architecture committees have been formed in accordance with these provisions the City enforces this requirement. To our knowledge an ACC has never been officially created and does not currently exist for this ODP.

Recent approvals subject to this ODP that have no documented approval by ACC or an HOA include:

1811 S. Harlan Circle  
1841 S. Manor Ln.  
1814 S. Harlan Cir.

1849 S. Harlan Cir.  
1833 S. Harlan Cir.  
6014 W. Colorado Ln.  
6094 W. Utah Ln.

Because we have no evidence that a Design Review Committee per Article VI of the document was created this requirement is unenforceable and void. Other examples of ODPs with requirements for ACC approval that do not have active ACCs are Academy Park, Thraemoor Meadows, Lakewood Estates, and Solterra Centre.

\* \* \*

Per section 17.1.7.3 of the ordinance, the Board of Adjustment has the right to hear appeals to “decisions and interpretations” of the zoning ordinance. Please submit any requests for appeal in the form of a letter to the Board Secretary Diana Brown-Evens at [diabro@lakewood.org](mailto:diabro@lakewood.org). As we have discussed with the neighborhood, we will be willing to waive any fees associated with an appeal.

Sincerely,

A handwritten signature in blue ink that reads "Travis Parker". The signature is written in a cursive, flowing style.

Travis Parker, Director  
Planning Department

Cc: Tim Cox, City Attorney  
Kara Mueller, Project Planner  
Diana Brown-Evens, Board Secretary

May 29, 2019

Carolynne C. White  
Attorney at Law  
303.223.1197 tel  
303.223.1111 fax  
cwhite@bhfs.com

**VIA E-MAIL TRAPAR@LAKEWOOD.ORG**

Travis Parker  
Planning Director, City of Lakewood  
Civic Center North  
480 Allison Pkwy.  
Lakewood, CO 80226

RE: White Fence Farm Major Site Plan Application

Dear Director Parker:

This law firm represents Crescent Communities ("**Crescent**"), the applicant for the major site plan submitted on March 27, 2019 (the "**Application**") and currently pending for the parcel located at 6263 W. Jewell Ave., Lakewood, 80232 ("**Property**"). The Application is for 234 rental apartment units located on the Property, with a maximum structure height of 54 feet (the "**Project**"). We are in receipt of a copy of the opposition letter dated May 10, 2019 (the "**Opposition Letter**") from attorney James Silvestro on behalf of The Wild Flower Patio Homes @ White Fence Homeowners Association (the "**HOA**") regarding the Application.

## **I. SUMMARY**

We object to the Opposition Letter on substantive and procedural grounds. As we will explain in additional detail below, the arguments it raises against the Application are incorrect. Further, the Opposition Letter is not proper in the context of the pending application, and attempts to subvert the City's review process for major site plans as set forth in Article 2 of the Lakewood Zoning Ordinance (the "**Zoning Ordinance**"). As a result, Crescent has no formal way to respond to the arguments being raised by the HOA. This threatens Crescent's due process rights; as the party with the burden to establish that it has satisfied the criteria for a major site plan approval, Crescent must have an opportunity to address and rebut these arguments. This correspondence is essentially attempting to manufacture a quasi-judicial process out of whole cloth, but without according to Crescent the due process required.

We therefore request that the City clarify that it is not considering the Opposition Letter as part of its review of the Application, and the City should further decline the HOA's requests for a written decision on the Application outside of the major site plan review process.

The Opposition Letter states that Senior Planner Kara Mueller has advised the HOA of an appeals process whereby, in the event of approval of the Application, the HOA may request a written interpretation of the land use regulations applicable to the Application. Apparently, according to the Opposition Letter, this interpretation may then be appealed to the City of Lakewood Board of Adjustment ("**BOA**"), and any decision by the BOA further appealed to the District Court for Jefferson County pursuant to C.R.C.P. 106(a)(4). It is not apparent from our review of the Zoning Ordinance or the City of Lakewood Municipal

410 Seventeenth Street, Suite 2200  
Denver, CO 80202-4432  
main 303.223.1100

Code (the "**Code**") where this appeals process is set forth – or indeed that any such process exists in the context of a major site plan. As discussed below, an appeal of a decision on a major site plan rests solely with the applicant. In other contexts, such as with an application for a minor variance, the Zoning Ordinance specifically sets forth a right for either the applicant or an owner of adjacent property to appeal to the BOA. *See Zoning Ordinance §§ 17.2.2 and 17.2.5.5(B)(5)*. This is not the case for a major site plan. The Zoning Code does not allow the creation of an appeals process where none exists. The appeals process outlined by staff to the HOA is not applicable in this context, and we request that the City clarify this issue in writing to the Applicant.

## **II. PROCEDURAL REQUIREMENTS**

If third parties or members of the public were intended to review and comment on major site plan applications, the Zoning Ordinance would include provisions for such public comment, typically in the form of a public hearing. The Zoning Ordinance does not include any such provisions with respect to a major site plan. A major site plan is required where the underlying zoning allows the proposed use, but there is a significant enough change in the site that an administrative review process is triggered. In this case, the Project proposes a change to the site that affects 20% or more of the site area. *Zoning Ordinance § 17.2.7.1(A)*. The review procedures require that an applicant submit a pre-planning application and a formal application. *Zoning Ordinance § 17.2.7.4(A)*. The City's Director of Community Development or other authorized person (the "**Director**") is then empowered to either review and act on the application, or refer it to the City of Lakewood Planning Commission (the "**Planning Commission**") to render a decision. *Zoning Ordinance § 17.2.7.3*.

Unlike other actions such as consideration of an initial zoning, rezoning or a special use permit, the City does not require neighborhood meetings, public notice or public hearings for a major site plan application. *See Zoning Ordinance §§ 17.2.2.2 and 17.2.2.3*. As a matter of policy, the City has determined that this type of administrative review is appropriate for development of new "uses by right." Even the appeal rights associated with a major site plan application rest solely with the applicant – only the applicant has the right to appeal the Director's decision on a major site plan to the Planning Commission under the Zoning Ordinance. *Zoning Ordinance § 17.2.7.4(C)*. This procedural summary illustrates the point made above, which is that unlike other entitlement processes, a major site plan approval does not include opportunities for third-party input; it is initiated by an applicant and finally determined by the City.

While not required, Crescent understands the importance of being a good neighbor, and as a result it held a neighborhood meeting on the Project, and has continued to meet with groups of neighborhood stakeholders over the last several months. These efforts have been above-and-beyond any requirements of the Zoning Ordinance for approval of a major site plan.

## **III. SUBSTANTIVE ISSUES**

In the event that the City determines to review the Opposition Letter, it should be clear that the HOA's objections fail to demonstrate how the Application violates applicable land use regulations.

### **1. Redevelopment May Apply the Standards of the Base Zone District**

The primary contention of the Opposition Letter is that the Project violates certain land use regulations, specifically the standards of the Wilson Property Official Development Plan, as amended (the "**ODP**"). Crescent does not contest City staff's interpretation that the ODP remains in effect. However, the ODP's application to the redevelopment of the Property has thus far been inaccurately characterized.



As stated in Sec. 17.3.6.4 of the Zoning Ordinance, all Planned Development (“**PD**”) districts must allow the uses identified for at least one base zone district. In this case, the applicable base zone district is Mixed-Use Neighborhood Suburban (M-N-S). The Opposition Letter does not assert that the Application violates the applicable standards in the M-N-S district in regard to density, height or architectural review – only that these elements of the Project supposedly conflict with provisions of the ODP. These contentions fail to take into account Sec. 17.3.6.5(A) of the Zoning Ordinance, which plainly states that “[r]edevlopment within a PD district may apply *either* the standards of the base zone district *or* the standards of the ODP.” *Emphasis added.*

In this case, the M-N-S district allows structures up to a height of 54 feet through application of the incentives for increased height described in Sec. 17.5.3.7 of the Zoning Ordinance, and the M-N-S district does not restrict density through specific maximums. And, with the exception of compliance with Article 7 (Mixed-Use Site Design Standards) and related provisions of the Zoning Ordinance, the M-N-S district does not proscribe a design review process for the Project. Therefore, applying the standards of the M-N-S base zone district, as is proper under the Zoning Ordinance, each of the Opposition Letter’s objections are clearly addressed and dismissed.

It is necessary to discuss the repeated assertion in the Opposition Letter that the 2012 legislative zoning of the Property was “purported” only, or that it was otherwise ineffective. A municipality’s ability to zone property within its boundaries is fundamental to its police powers to regulate for the advancement and protection of the health, morals, safety or general welfare of the community as a whole. The procedures for legislative zonings within the City are set forth in detail in Chapter 1.20 of the Code and Sec. 17.2.3 of the Zoning Ordinance. While uses existing within the ODP prior to 2012 may have been grandfathered in and allowed to continue subsequent to the rezoning, adoption of the ODP in the 1980s does not mean that the City relinquished all of its regulatory control over the Property on a go-forward basis. Specifically, the ODP’s “Plan Modification Clause” addresses only minor modifications, or otherwise limits changes to those consistent with the “content and intent of this Official Development Plan as it has been approved by the City of Lakewood City Council.” As the M-N-S district is similar to the old 2-C zone district referenced in the ODP, if not even more limited, the 2012 rezoning was consistent with the content and intent of the ODP. Therefore, the 2012 legislative rezoning of the Property was clearly valid.

## **2. In the Alternative, the Project Will Not Violate the ODP**

Even if the City were to determine that Sec. 17.3.6.5(A) of the Zoning Ordinance does not apply to redevelopment of the Property, in the alternative, the Application conforms with the applicable provisions of the ODP.

Regarding the Opposition Letter’s position that the Project exceeds the maximum number of dwelling units and maximum average density under the OPD, we concur with the City’s position stated in its pre-planning application letter to Crescent dated July 24, 2018, which is that the residential density limitations in the ODP do not apply to the Property, also known as “Parcel H.” The applicable rule of interpretation set forth in the Zoning Ordinance is that the standards of the base zone district shall apply to the PD district unless specifically modified as part of the PD. *Zoning Ordinance § 17.3.6.5.* In the case of the ODP, the “Land Area” table fails to indicate a residential density, and therefore, the applicable provision of the underlying M-N-S district applies. As previously stated, the M-N-S zone district has no express residential density limitation, and thus the Project’s entire proposed 234 apartment units are allowed.

The next point raised by the Opposition Letter is that the proposed maximum height of the Project at 54 feet exceeds the height limit of 42 feet stated in the “Architectural Character” section of the ODP. This height limitation is equivalent to the base heights set in every zone district under the Zoning Ordinance. In the applicable M-N-S base zone district, the maximum height is 45 feet. *Zoning Ordinance § 17.5.2.*

However, the ODP does not address the issue of incentives for increased heights; on this topic, the ODP is silent with no specific modification to the standard. Therefore, the 12 feet of incentive height allowed under Sec. 17.5.3.7 of the Zoning Ordinance with qualifying LEED requirements is permitted under the ODP as part of the base zone district.

Regarding the “height transition” issue discussed in the Opposition Letter, we note that the Project will comply with all applicable Zoning Ordinance requirements.

The Opposition Letter further states that the Project must be approved by an architectural review committee of the property owner’s association. This requirement was likely applicable to the initial buildout of areas within the ODP, but not the proposed redevelopment of the Property. The “Architectural Character” portion of the ODP states that “no particular theme or style of architecture will be established before Phase III of planning[...].” As referenced here, “Phase III of planning” means the final platting and site plan for each specific parcel. It follows that the intention was for the initial buildout of the ODP property to be “closely coordinated,” and at the time, there may have been a single homeowner’s association to administer this process. However, based on the City’s “Homeowner’s Association Map” online tool, there are now three homeowner’s associations located in the ODP area (Emerald Estates HOA, Wild Flower Patio Homes HOA and Summer Field Townhomes at White Fence Farm HOA). Each of these associations likely has its own covenants and design criteria, making it potentially impossible to comply with each one. Further, we understand that the Property is not located within the boundaries of any of these property owner’s association, and so is not subject to any association requirements. This administrative confusion further supports the view that the ODP’s architectural review provisions are not applicable to redevelopment. In any event, any architectural review requirement based on the ODP is a private covenant, and not meant to be enforced by the City.

#### **IV. CONCLUSION**

In conclusion, we request again that the City decline to take notice of the Opposition Letter in its review of the Application, and that it also decline the HOA’s requests for a written decision on the Application and a chance to formally respond. The procedures for review and approval of a major site plan application are set forth clearly in Article 2 of the Zoning Ordinance and do not permit third-party review and comment. Further, we request that the City clarify that the appeal rights for major site plan approval rest solely with the applicant, consistent with Sec 17.2.7.4(C) of the Zoning Ordinance.

While the Application is continuing to undergo review and comment by the City, the Project has been designed and the Application has been submitted in compliance with the various applicable sections of the Zoning Ordinance, including, but not limited to, Article 2 (Procedures and Appeals), Article 3 (Zone Districts), Article 4 (Use and Supplemental Standards), Article 5 (Dimensional and Development Standards), Article 7 (Mixed-Use Site Design Standards) and Article 8 (Parking and Load Standards). Further, as the Project is a redevelopment within a PD district, it may apply the standards of the base zone district M-N-S rather than those of the ODP. The Application’s compliance with these standards is not in question. Finally, even if the ODP is found to apply to the Application, we have demonstrated how it also complies with these standards. We therefore request that the City allow the Application to proceed to the next step in the development process.

Thank you for considering these comments. If you have any questions or would like to discuss this issue further, please do not hesitate to contact me.

Travis Parker  
May 29, 2019  
Page 5

Sincerely,

A handwritten signature in cursive script, appearing to read "Carolynne C. White".

Carolynne C. White

cc (via email): Benjamin Collins  
Ben Krasnow  
Blaine Kneeshaw  
Timothy Cox, City Attorney ([tcx@lakewood.org](mailto:tcx@lakewood.org))

19280579.3

## EXHIBIT E



# City of Lakewood

## Planning Department

Civic Center North

480 South Allison Parkway

Lakewood, CO 80226-3127

Voice: 303-987-7908

Fax: 303-987-7908

<http://www.lakewood.org>

May 31, 2019

James Silvestro, Esq.  
Ireland Stapleton Pryor & Pascoe, PC  
717 17<sup>th</sup> Street, Suite 2800  
Denver, CO 80202

### Re: Opposition to the White Fence Farm Major Site Plan Application

Dear Mr. Silvestro:

This letter is an addendum to my letter of May 20, 2019. In that letter I responded to your code interpretations related to the ODP and offered the opportunity to appeal the City's interpretation of those provisions. However, in that letter I neglected to point out a further code provision that may have an impact on your decision to appeal.

Section 17.3.6.5.A states:

**Redevelopment within a PD district may apply either the standards of the base zone district or the standards of the ODP.**

To date, we have been processing the White Fence Farm application, which would obviously be considered a "redevelopment" project, under the ODP (as modified by the overall zoning ordinance). The significance of Section 17.3.6.5.A is that even if the City's interpretation of the ODP's relationship to the underlying code were overturned, the applicant would still retain the opportunity under 17.3.6.5.A to set the ODP aside entirely and have the application processed under the regulations of the M-N-S zone. In so doing, the application would be measured solely against the standards of the M-N-S zone, as the ODP would no longer govern the proposal.

I'd be happy to discuss this issue and the contents of my previous letter with you and your clients at any time.

Sincerely,

Travis Parker, Director  
Planning Department

Cc: Tim Cox, City Attorney  
Kara Mueller, Project Planner

**James Silvestro**

---

**From:** James Silvestro  
**Sent:** Thursday, June 6, 2019 4:38 PM  
**To:** Tim Cox  
**Cc:** Mark E. Laci (MLaci@irelandstapleton.com)  
**Subject:** White Fence Farm

**FilingDate:** 6/13/2019 2:57:00 PM

Counsel,

Thank you for your call last week regarding the proposed development at the White Fence Farm Site. I returned your call earlier this week, but had to leave a voicemail and haven't heard anything further.

Please let me know if the City anticipates any further response to my letter dated May 10, 2019. If the City does not anticipate any further response, we will treat Mr. Parker's interpretive decision to be final as of the date of his supplemental letter, May 31, 2019.

We understand that Mr. Parker's final decision is now immediately appealable to the Board of Adjustment and that we are not required to take any other interim administrative steps. It appears that the City's Municipal Code is silent as to when such an appeal can or must be filed with the Board of Adjustment. Please let us know if the City and/or the BOA has promulgated any rules regarding the timing of such an appeal.

More generally, the Municipal Code suggests that the Board of Adjustment may have adopted its own rules and regulations. To date, we have been unable to locate any such document. If the Board of Adjustment has promulgated rules and regulations, please send me a copy of the rules and regulations that are currently in force.

Finally, it is our understanding that any decision from the Board of Adjustment would then be properly subject to judicial review pursuant to C.R.C.P. 106.

Please let us know if the City disagrees with any of the foregoing. I am in the office and available today and tomorrow if there is anything that we should discuss further.

Regards,  
James

June 14, 2019

**VIA EMAIL TRANSMITTAL**

Margy Greer, City Clerk  
City of Lakewood  
Civic Center North  
480 South Allison Parkway  
Lakewood, CO 80226-3127  
[margre@lakewood.org](mailto:margre@lakewood.org)

***Re: CORA Request***

Dear Ms. Greer:

This is a formal request under the Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.* ("CORA"). We have also submitted this request through the City of Lakewood's ("Lakewood") online public records request portal. This letter and the request submitted through the online portal are intended to be a single request and should not be treated as separate requests.

We request that Lakewood produce or otherwise make available for inspection any public records, documents, communications, or other information in Lakewood's possession, custody, or control that are responsive to the following requests:

- (1) All documents enforcing, applying, or otherwise interpreting the Official Development Plan approved by the City of Lakewood on December 16, 1981 (as enacted and further amended by City Ordinance 0-81-192 dated Feb. 22, 1982) and formally identified as the "Wilson Property Official Development Plan" (the "Wilson Property ODP"), including but not limited to all internal or external communications regarding the same;
- (2) All documents enforcing, applying, or otherwise interpreting Section 17.3.6.4 of the Municipal Code, including but not limited to all internal or external communications regarding the same;
- (3) All documents enforcing, applying, or otherwise interpreting Section 17.3.6.5.A of the Municipal Code, including but not limited to all internal or external communications regarding the same;

- (4) All documents setting forth all guidance, policies, rules, or regulations as to how conflicts should be resolved when a zoning designation conflicts with an Official Development Plan, including but not limited to all internal or external communications regarding the same;
- (5) All documents related to the major site plan application that was submitted March 27, 2019 (including any and all preliminary inquiries and/or proposals) and is currently pending for the parcel located at 6263 W. Jewell Ave., Lakewood, CO 80232 (the "White Fence Farm Parcel");
- (6) All internal and external communications regarding the White Fence Farm Parcel since January 1, 2017; and
- (7) All documents setting forth all guidance, policies, rules, and/or regulations as to how Lakewood decided whether to eliminate or retain existing official development plans when Lakewood's comprehensive zoning ordinance was overhauled in or around 2012.

Please also note that we are seeking these records from Lakewood as a whole and that this request should be forwarded to any government departments that may possess potentially responsive public records. To the extent that Lakewood does not possess documents responsive to any of these requests, please confirm that in writing.

As used herein, "documents" shall include any and all written or electronic correspondence, audiotapes, electronic records, videotapes, photographs, telephone messages, voice mail messages, e-mails, facsimiles, daily agendas and calendars, information about meetings and/or discussions, whether in-person or over the telephone, agendas, minutes and a list of participants for those meetings and/or discussions, and transcripts and notes of any such meetings or discussions.

We expect that you will provide these records within three working days of your receipt of this request as required by C.R.S. § 27-72-203(3). If these records are not in your custody or control please notify me immediately and state in detail to the best of your knowledge the reason for the absence of the records, their location, and what person or persons maintain custody or control of the records as required by C.R.S. § 24-702-203(2). If you deny access to any of these records, please provide a written statement articulating the express grounds for such denial, including the law or regulation under which access is denied as required by C.R.S. § 24-72-204(4).

Consistent with C.R.S. § 24-72-203(3.5), please produce searchable and sortable digital copies of any and all responsive public records that are stored in a digital format. If it is not technologically or practically feasible to provide such digital copies, please provide a written explanation as required under C.R.S. § 24-72-203(3.5)(c).



Margy Greer  
June 14, 2019  
Page 3

Finally, if Lakewood anticipates that fulfilling this request will result in a cost of more than \$300.00, please contact me before proceeding, so that we may consider whether or not we will need to alter or otherwise narrow our request. We also reserve the right to inspect any responsive materials in person to save on duplication costs. Please contact me if you have any questions about this request or if you anticipate any problems with fully complying within three working days. I can be reached at 303-628-3632 or [jsilvestro@irelandstapleton.com](mailto:jsilvestro@irelandstapleton.com).

Sincerely,



James R. Silvestro

cc: Mark Lacis  
Timothy Cox, City Attorney ([timcox@lakewood.org](mailto:timcox@lakewood.org))  
Travis Parker, Director, Planning Department ([trapar@lakewood.org](mailto:trapar@lakewood.org))



**Lakewood**  
Colorado

## **Planning Department**

Civic Center North  
470 South Allison Parkway  
Lakewood, Colorado 80226-3127  
303.987.7505  
303.987.7057 TTY/TDD  
[Lakewood.org/Planning](http://Lakewood.org/Planning)

June 19, 2019

Meaghan Turner  
Kimley-Horn  
4582 S. Ulster St., Ste. 1500  
Denver, CO 80237  
303-228-2322

**RE: Novel White Fence Major Site Plan  
Case SP-19-009  
6263 W. Jewell Ave.**

Dear Ms. Turner,

Thank you for submitting a Land Development Application for a major site plan for the property at 6263 W. Jewell Ave. for a multifamily development. Staff has completed the first zoning review of your proposal and has the following comments:

### **General Comments**

1. Engineering comments will be forthcoming. Please address all zoning and engineering comments together.
2. Enclosed is a copy of the outside referral responses. Please respond to all referral agency comments with your next submittal and continue to work with them throughout the planning process.
3. You will need to convey a Service, Emergency Vehicle Access (SEVA) easement via separate instrument per the West Metro Fire Protection District (WMFPD) comments. Please provide an exhibit and legal description for this easement with your next submittal for review. The City's Property Management Division will use this information to prepare the easement document.
4. Attached is a Major Site Plan Guidelines Checklist of items that need to be shown on each sheet. Please update the major site plan to include all pertinent items for each sheet.
5. The title block needs to be centered at the top of each sheet. Please add the case number, SP-19-009 to the information block in the lower right hand corner of each sheet.

### **Neighborhood Concerns**

6. Density is the primary concern with the neighborhood. Can this be decreased, if not, can additional surface parking be provided to assure sufficient parking is available for the future tenants?
7. Can the building height be decreased? Can the building floors be staggered/stepped to provide relief in the perception of the building height and to aid in the shadow effect of the building throughout the seasons?
8. Can the applicant provide a cellular/internet service impact study for the surrounding neighborhood?
9. Construction vehicle access needs to be directed to access the site from West Jewell Avenue. Through the development process City staff will work with the developer to educate contractors to access the site from West Jewell Avenue and the western access to South Harlan Circle only.
10. There are several weeds and branches that need to be removed from the site. Please address the weeds, mowing, any necessary trash and graffiti removal as soon as possible.

### **Sheet 1 – Cover Sheet**

11. The legal description needs to be updated per the redlined comments.
12. Remove the survey, grading and utility sheets and include this information on the site plan and landscape plan sheets.
13. Add a tree preservation/mitigation sheet. The survey sheet can be used as a base map for the tree preservation/mitigation sheet.

### **Sheet 3 – Site Plan**

14. The stacking distance for the standard drive cut from South Harlan Circle is 20 feet. This stacking distance needs to be perpendicular to South Harlan Circle as it enters the site. Do not use ramps for the standard driveway entrance. Carry the sidewalk through along the back of the driveway in accordance with City Design Standard #12. This comment may affect the building placement and/or design. See civil plan comments.
15. A 30-foot radius is required for the private access to West Jewell Avenue. Directional curb ramps need to be used at this intersection.
16. On-site parking is crucial for this site as there is no on-street parking in the immediate area. Please see redlines for potential locations on the site where additional parking can be installed. If more on-site surface parking spaces can be located along the northern property line, then these should be provided in place of the proposed detached garages.
17. No vertical or horizontal obstructions are allowed over 24 inches in height within the required 55-foot sight triangles formed at the private drive and West Jewell Avenue intersection. The proposed wood fence, columns and entry monument sign will need to be located outside of these sight triangles.

18. The following items need to be added to the site plan sheet:
  - a. Legend describing all line weights and styles;
  - b. Grading contours and major existing contours;
  - c. Existing grade contours a minimum of 50 feet from the subject property lines;
  - d. Finished floor elevations for each building;
  - e. All existing and proposed on-site and bordering easements, labeled as to purpose, document book and page/reception number or subdivision plat book and page;
  - f. Bearings and distances labeled for the property lines;
  - g. Label setbacks of building to property lines for the closest and farthest setbacks and label the distance between structures;
  - h. Label landscaped areas;
  - i. Label all existing and proposed utilities;
  - j. Label the on-site location for snow removal; and
  - k. Label and show the 75-foot Height Transition Boundary and 125-foot Design Transition Boundary from the single-family property lines to the north.
19. A Pedestrian, Utility and Traffic Control Device (PUTCD) easement may need to be dedicated to 2 feet behind the back of public sidewalk if the existing easements do not cover this area. If a PUTCD easement is necessary, then you will need to provide an exhibit and legal description for this easement with your next submittal for review. The City's Property Management Division will use this information to prepare the easement document.
20. There are several locations along South Harlan Circle where the retaining wall and on-site parking curb are too close to the public sidewalk. Vehicles will not be allowed to overhang the PUTCD easement, which extends to 2 feet behind the back of public sidewalk. Retaining walls, footers, associated geogrid and any other vertical or horizontal obstructions are not allowed to extend within the PUTCD easement.
21. Move the handicap parking spaces in front of the Building 1 main entry along South Harlan Circle with a crosswalk to the ramp as shown on the redlines. You will also be required to continue a raised on-site walk along the west side of Building 1 for pedestrian connectivity. In order for tandem parking spaces to be allowed in front of the garages you will need 23 feet from the garage doors to the mountable curb of the raised walk. This will allow for 18-foot deep parking spaces and a raised continuous 5-foot wide walk along the drive aisle. This expansive concrete area must be broken up with landscape islands that can soften the area and provide shade. See pictures of similar design included in the redlines.
22. All on-site sidewalks are required to be a minimum of 5 feet in width. When sidewalks are adjacent to parking this minimum sidewalk width must be increased to 7 feet. Please verify that all sidewalks meet these requirements and dimension in several locations.
23. One of the gulch pathway connections must meet ADA requirements.
24. Provide receiving ramps and crosswalks for paths that cross drives.
25. The proposed West Metro Fire Protection District fire lane turnaround between Buildings 1&2 will need to be paved and signed to meet their specifications. Pavers are not an acceptable material for fire lanes.
26. Whether underground detention will be allowed in a vault along the east side of the project will be determined with the civil engineering review. If underground detention is acceptable per the vault design, then this space needs to be paved to provide additional parking. Opaque

landscape screening or a screen wall will need to be provided to screen vehicle head lights to adjacent properties.

27. Retaining walls may not exceed 8 feet in height and must be non-smooth CMU, treated with color/form liner, or masonry material.
28. The retaining wall around the proposed detention vault conflicts with the stairs coming off of the gulch sidewalk. This sidewalk needs to be consistent in width. Further, the retaining wall needs to be stepped with landscape between the walls.
29. Please provide the TOW/BOW for the highest and lowest point of each proposed retaining wall.
30. There is a SEVA easement that exists on the property to the east. Please confirm with WMFPD whether they require that this SEVA easement connect to the site. If required, the drive area will need to be covered by a SEVA and a mountable curb will need to be provided at the southeast corner of the site.
31. Show and label the right-of-way and easements at the southeast corner of the site. If the public sidewalk transition falls outside of the right-of-way or easements for sidewalk improvements, then you will need permission from the adjacent property owner for this off-site work.
32. Many sanitary sewer clean outs are located in the walks on-site. You must maintain accessible clearance for walks. Please check with Alameda Water & Sanitation District to verify if the clean out locations are acceptable and dimension the clearance around the clean outs.
33. Label the floodplain boundary as existing or proposed and show the complete limits along the project boundary.
34. Label the gulch and all adjacent property per legal description and ownership.
35. Separation between the multifamily buildings is required to be 15 feet. Please dimension this separation on the site plan sheet.
36. Clean up text and line conflicts so that line work can be seen clearly.

#### **Sheets 4 & 5 – Materials Plan**

37. All details for on-site improvements must be provided with the major site plan set and not the civil set. Public Improvements within the City right-of-way need to be provided on the Final Street Construction Plan set.
38. Show and label all sight triangles formed at the private drives and public roadways.
39. Provide all distances for each property line.
40. Use mountable curb for the fire lane and make sure that the proposed concrete for the fire lane is capable of supporting 85,000 pounds for fire equipment.
41. Twenty-percent (20%) of the site must be open space. Overall on-site open space includes landscaped areas and private on-site sidewalks. Please update the Site Data Chart on Sheet

1 by providing the square footage of landscaped area and on-site sidewalk area to break down the overall open space being provided.

42. The public improvements are not depicted correctly and need to be revised per these redlines and the engineering comments on the Final Street Construction Plans.

### **Sheets 6 & 7 – Landscape Plan**

43. Provide the attached landscape charts on the landscape sheets.

44. This site requires landscape islands for a minimum of 12 percent of the parking area.

45. Provide a tree preservation/mitigation sheet that shows the location of each tree to be mitigated and each tree to remain. This sheet needs to include a chart with a list of these preservation/mitigation trees per species and size that corresponds to the drawing.

46. You are required one tree and three shrubs for every 550 square feet of required landscape area. The existing trees to remain on-site will count toward the required number of trees. However, you will need to mitigate all trees removed. This mitigation will be caliper inch for caliper inch. Therefore, you will either need to add additional trees to the site, increase the required caliper inches of the proposed trees and/or provide funds into the tree fund per Section 17.6.5.9 of the Lakewood Zoning Ordinance. Once additional information is provided I will be able to determine the total required number of caliper inches to be mitigated.

47. You may add additional plantings on the City property to the north in the area up to the public sidewalk to provide additional screening. You will need to maintain the landscaping for this portion of Tract P of the White Fence Farm Subdivision. If you propose to include landscaping within Tract P, then you will need to enter into a maintenance agreement with the City to maintain all or a portion of the landscaping within Tract P.

48. It is recommended that dog stations for dog feces be included on-site with this project. If landscaping is added to the City property to the north, then it is also recommended that additional dog stations be added as well to aid in keeping this area clean. If additional dog stations are added to the City property, then these would need to be included for maintenance by the owner/management company for this development within a maintenance agreement with the City of Lakewood.

49. The following items need to be added to the landscape plan sheets:

- a. Show and label all sight triangles per size;
- b. Provide proposed grading contours;
- c. Provide existing grade contours a minimum of 50 feet from the subject property lines;
- d. Label all existing and proposed on-site and bordering easements, as to purpose, document book and page/reception number or subdivision plat book and page;
- e. Label bearings and distances for the property lines;
- f. Label all existing and proposed utilities;
- g. Label the on-site location for snow removal;
- h. Label signs and other free-standing elements;
- i. Label all light pole locations; and
- j. Label any trash enclosures.

50. All trees must have a 7-foot clearance from grade to the bottom of the tree canopy and all shrubs may not exceed 24 inches in height at maturity when located within sight triangles.
51. There are three proposed trees that produce pods, fruit and flower that will be messy when located next to sidewalks. Please review the proposed locations of the Northern Catalpa, Common Hackberry and Kentucky Coffee trees on-site in regards to proximity to sidewalks.

### **Sheets 8 & 9 – Site Details**

52. The following items need to be added to the site details sheets:
- a. Retaining wall details, including color and material;
  - b. Fencing and columns;
  - c. On-site curb and gutter types;
  - d. On-site curb ramps;
  - e. On-site drainage pans;
  - f. Handrails and stairs;
  - g. Regulatory signs with post and mounting details;
  - h. On-site crosswalk striping;
  - i. Roofed trash enclosures (if applicable);
  - j. Cabana Structure; and
  - k. Trellis Structure, etc.

### **Sheet 10 – Architectural Site Plan**

53. Provide bearings and distances for property lines and overall linear length of South Harlan Circle and West Jewell Avenue on the drawing. Per the calculation chart are these lengths 655'-10" and 589'-5", respectively?
54. Does Building 1 have a trash room? Please indicate all trash rooms/ roofed trash enclosures on-site.
55. Provide the Finished Floor Elevations for all buildings on this sheet.

### **Sheet 11 – Architectural Roof Plan**

56. Show the locations of the downspouts on this drawing. Downspouts may not discharge over sidewalks.
57. Please provide an exhibit with the next submittal that shows a comparison of the existing building elevations and roof form and the buildings with a parapet type roof form to depict the difference in height between the two roof forms. This can be a simple exhibit that is intended for the purpose of discussing overall height.

### **Sheets 12-15 – Building Elevations**

58. The Finished Floor Elevations for the buildings differ on these sheets from the civil plans. Please verify which is correct and update as necessary. Building height will be recalculated with the next submittal.
59. There are several portions of the building facades that lack articulation, windows or doors. These need to be enhanced with windows, doors, plane changes and/or change in materials. See redlines for locations.



60. Label all light fixtures by light fixture type on the building elevations.

**Sheets 16-17 – Photometric Plan**

61. The photometric plan meets the requirements of Section 17.7.9 of Lakewood Zoning Code.

**Sheet 18 – Photometric Cutsheets**

62. Add a light pole detail including base, pole height and measurement from grade to top of light fixture. The base of the light poles may not project more than 6 inches above grade.

63. Address all other redlined comments.

**Next Steps**

Once you receive the engineering comments please revise the major site plan. Once revised, please email a revised PDF file of the major site plan, and submit one paper copy for further review; and

If you have any questions, please do not hesitate to call me at 303-987-7982 or e-mail me at [karmue@lakewood.org](mailto:karmue@lakewood.org).

Sincerely,



Kara Mueller  
Project Planner

Encl: Redlines  
Outside Referral Comments  
Landscape Charts

cc: Case Files – SP-19-009  
Paul Rice, Manager, Planning – Development Review  
Ken Hargrave, Project Engineer  
Garrett Downs, Right of Way Agent  
Shawn DeJong, Engineering Coordinator  
Toni Bishop, Transportation Engineering

**From:** Jessica Claussen <delivery@spaces.hightailmail.com>  
**Sent:** Tuesday, July 02, 2019 8:56 AM  
**To:** James Silvestro  
**Subject:** Re: Public Records Request  
**FilingDate:** 7/2/2019 11:04:00 AM




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Jessica Claussen has shared **54 files**.



54 files • 96.9 MB total • Expires 07/09/2019

Good Morning Mr. Silvestro, Here are the records responsive to your request. There may be some duplicates as the files were gathered from a few different places. Thank you, Jessica Claussen

	2012 CITY COUNCIL STUDY SESSION SUMMARY 11 05.pdf	330.5 KB
<hr/>		
	APPLICATION (3).PDF	1.1 MB
<hr/>		
	APPLICATION.PDF	1.4 MB
<hr/>		

	Building Height Calculation.docx	12.4 KB
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	CASE COVER SHEET (1).PDF	3.4 KB
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**City of Lakewood**  
**City Clerk's Office**

Lakewood Civic Center  
480 South Allison Parkway  
Lakewood, Colorado 80226-3127  
303/987-7079  
303/987-7088Fax  
303/987-7080TDD  
E-mail: [jescla@lakewood.org](mailto:jescla@lakewood.org)

July 17, 2019

James Silvestro  
717 17<sup>th</sup> Street, Suite 2800  
Denver, CO 80202

Re: Public Records Request received 06/17/2019

Dear Mr. Silvestro:

This is in response to your request for information regarding documents withheld from the City of Lakewood's response to your request under the Colorado Open Records Act (CORA). As you indicated, because the City withheld one or more documents from its response, you are entitled to request a "written statement of the grounds for the denial, which statement shall cite the law or regulation under which access is denied and shall be furnished forthwith to the applicant." C.R.S. 24-72-204(4).

In addition, you stated in your email that "[a] privilege log is also required to satisfy the City's burden to prove that such materials are in fact privileged from disclosure." We do not read C.R.S. 24-72-204 to require a formal privilege log, nor do we believe that the decision in the Parker Jordan Metro District case imposes such a requirement.<sup>1</sup> Again, the City is required to provide a *written statement* of the grounds for the denial and cite the law or regulation that is applicable.

The document withheld by the City is an email exchange between a City official and a representative of the City Attorney's Office. It is not disclosable because of the attorney-client privilege, and because it is a draft that constitutes work product. C.R.S. 24-72-204(3)(a)(IV); C.R.S. 24-72-202.

Please feel free to call me if you have any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jessica Claussen', written over a horizontal line.

Jessica Claussen  
Business Support Specialist  
City Clerk's Office

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<sup>1</sup> That case suggests that a privilege log may be used to identify which documents have not been disclosed and the reasons for non-disclosure, but it does not suggest it is the only method to comply with the requirements of C.R.S. 24-72-204.



JAMES R. SILVESTRO  
ATTORNEY AT LAW

303.628.3632 (direct)  
jsilvestro@irelandstapleton.com

July 25, 2019

**SENT VIA EMAIL**

Diana Brown-Evans  
Secretary, Board of Adjustment  
City of Lakewood, Colorado  
470 South Allison Parkway  
Lakewood, Colorado 80226-3127  
[diabro@lakewood.org](mailto:diabro@lakewood.org)

***Re: Appeal of Planning Department's Interpretation of the Lakewood Zoning Ordinance and the Wilson Property ODP***

Dear Ms. Brown-Evans:

This law firm represents The Wild Flower Patio Homes @ White Fence Homeowners Association (the "HOA") and UNIFIED Under the Wilson Property ODP ("UNIFIED"), a Colorado non-profit corporation formed to represent the property rights and interests of property owners and homeowner associations that are subject to the Official Development Plan approved by the City of Lakewood on December 16, 1981 (as enacted and further amended by City Ordinance 0-81-192 dated Feb. 22, 1982) and formally identified as the "Wilson Property Official Development Plan" (the "Wilson Property ODP" (attached hereto as **Exhibit 1**)).

On behalf of the HOA and UNIFIED (collectively, the "Appellants"), this letter constitutes formal notice of an appeal pursuant to Section 17.1.7.3 of the Lakewood Zoning Ordinance<sup>1</sup> to the Board of Adjustment (the "BOA") of Director Parker's interpretation of the

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<sup>1</sup> A complete copy of the Title 17 of the Lakewood City Code (the "Lakewood's Zoning Ordinance" or the "Zoning Ordinance") as it presently exists on the City of Lakewood's official website (<https://www.lakewood.org/Planning/Lakewood-Zoning-Ordinance>) is attached hereto as **Exhibit 2**. Please include this letter, all attached exhibits, and any additional submissions as part of the administrative record before the BOA. Please let us know if any of these materials should be submitted in a different format and/or manner to be included as part of the administrative record.



Wilson Property ODP and Lakewood's Zoning Ordinance as set forth in Director Parker's May 21, 2019 letter (attached hereto as **Exhibit 3**) and as further supplemented in Director Parker's May 31, 2019 letter (attached hereto as **Exhibit 4**). As confirmed in Director Parker's May 21, 2019 letter, his interpretation of the Wilson Property ODP and the Zoning Ordinance is now appealable to the BOA. Director Parker further confirmed that the City has agreed to waive any fees associated with this appeal. We are also providing notice of this appeal to the affected developer, Crescent Communities (the "Developer") through its attorney, Carolyn White of Brownstein Hyatt Farber Schreck, LLP.

## INTRODUCTION

This appeal arises out of Director Parker's erroneous interpretation of Lakewood's Zoning Ordinance as it specifically applies to a land use proposal and pending major site plan application for the construction of a new multifamily project (the "Proposed Project") at the site of the now-closed White Fence Farm Restaurant located at 6263 W Jewell Ave, Lakewood, CO 80232 (the "White Fence Farm Parcel"). Although the White Fence Farm Parcel has been subject to the Wilson Property ODP since 1982, the City has taken the position that the White Fence Farm Parcel is simultaneously subject to the Wilson Property ODP and an "underlay" zone district as a result of a rezoning that the City completed in 2012.

Although the City previously took the position that the underlay zoning does not supersede the Wilson Property ODP and only governs "where the ODP is silent," Director Parker has subsequently reversed course and now claims that any provisions within an ODP "that have the effect of prohibiting allowed uses" within the underlay zone "are void." In further correspondence, Director Parker stated that he interpreted another section of the Zoning Ordinance to allow for the City to ignore the Wilson Property ODP entirely with respect to the Proposed Project. Director Parker also incorrectly interpreted provisions in the ODP as simply "a part of the zoning regulations applicable to the property" as opposed to legally binding restrictions that run with the land and are enforceable by property owners within the ODP. Accordingly, Director Parker effectively determined that the Wilson Property ODP can be wholly ignored and, on that basis, Director Parker rejected each of the Appellants' objections to the Proposed Project.

The Appellants now appeal Director Parker's interpretation and application of the Wilson Property ODP and Lakewood's land use rules to the Proposed Project. Most notably, Director Parker's interpretation is inconsistent with his own department's earlier interpretations of the relevant regulations and the Wilson Property ODP and has the effect of unlawfully nullifying the Appellants' vested property rights under the Wilson Property ODP. Moreover, Section 17.1.6.2(A) of Lakewood's Zoning Ordinance expressly provides that in the event that different land use regulations appear to conflict with one another, the more restrictive regulation shall govern. Finally, Director Parker's erroneous interpretation is not supported by any past interpretations of the Zoning Ordinance.

Contrary to Director Parker's erroneous determination, the Proposed Project violates the applicable land use regulations because: (1) the 234 additional residential units to be built under the Proposed Project will result in a total number of units that exceeds the explicit density restriction set forth in the Wilson Property ODP; (2) the building heights planned under the Proposed Project violate the explicit height restriction set forth in the Wilson Property ODP; and (3) the Developer has not complied with the architectural review requirement explicitly set forth in the Wilson Property ODP. Ultimately, Director Parker misinterpreted and misapplied the Zoning Ordinance, and his decision should be reversed.

### **FACTUAL BACKGROUND**

The Wilson Property ODP was approved by the Lakewood City Council in 1982. It was signed by the Mayor and the two private parties, who at the time owned all of the property covered by the ODP. A copy of the Wilson Property ODP is attached hereto as **Exhibit 1**. The Wilson Property ODP covers approximately 80 acres within the City of Lakewood north of West Jewell Avenue (the "Wilson Property"). Within the ODP, the White Fence Farm Parcel is referred to as "Parcel H." At all times since, the Wilson Property, generally, and the White Fence Farm Parcel, specifically, have been governed by the Wilson Property ODP.<sup>2</sup>

As immediately relevant to this appeal, the Wilson Property ODP provides as follows:

- The maximum number of dwelling units permitted within the Wilson Property is 380 units. Presently, there are 229 dwelling units within the Wilson Property. Accordingly, under the Wilson Property ODP, no more than 151 additional dwelling units may be constructed within the Wilson Property;
- Any building constructed on the White Fence Farm Parcel may not exceed 42 feet in height;
- All architectural plans for construction within the Wilson Property must be approved by an architectural review committee of the property owners' associations to ensure that architecture will be closely coordinated within and across the different parcels covered by the Wilson Property ODP; and
- "Enforceability: The conditions, provisions, restrictions and regulations contained herein shall inure to the benefit of the owners, their successors, heirs, representatives and assigns and shall inure to the benefit of and be binding upon any person who shall undertake development of the property";

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<sup>2</sup> Although the Wilson Property ODP has been amended over the years, none of these minor modifications are relevant to the present dispute.

- Minor modifications may be made to the Wilson Property ODP without City Council approval to comply with subdivision and/or engineering requirements so long as they are consistent with the content and intent of the ODP “as it has been approved by the Lakewood City Council.” Since the parties clearly contemplated a process for minor modifications to the ODP without City Council approval, it follows that major modifications require City Council approval. Moreover, by its own terms the ODP exists as both a City land use regulation and a set of restrictive covenants that were negotiated and agreed to by all of the private landowners of the Wilson Property at the time it was adopted. Accordingly, major modifications to the restrictions in the ODP require agreement by both the City Council and the owners of property within the ODP.

(*Id.* at 2.)

The City claims that the White Fence Farm Parcel was rezoned through a larger, comprehensive rezoning process that was completed in 2012. Although this comprehensive rezoning caused many ODPs within the City to be extinguished, at the White Fence Farm Parcel, the City expressly retained the applicability of the Wilson Property ODP. Indeed, by its own terms the Wilson Property ODP creates a set of restrictive covenants that runs with the Wilson Property for the express benefit of the individual landowners within the Wilson Property ODP. Accordingly, the City continues to recognize the Wilson Property ODP and instead claims that the Wilson Property is now subject to both the ODP and the “underlay” zone that was created by the 2012 rezoning. This so-called underlay zone is Lakewood’s “M-N-S” zone district, which allows for certain types of mixed use development.

The Developer first approached the City regarding a pre-planning meeting related to the Proposed Project in 2018. (*See* June 7, 2018 Letter from A. Kantor to K. Mueller (attached hereto as **Exhibit 5**)). The Developer informed the City that, at that time, the Proposed Project contemplated the construction of approximately 220 residential units to be built as market-rate apartment units in two different four-story multifamily buildings at the White Fence Farm Parcel. (*Id.* at 1.) In this letter, the Developer specifically asked the City whether or not the “underlay” M-N-S zoning supersedes the Wilson Property ODP. (*Id.* at 2.) The Developer was specifically interested in the answer to this question because, it noted, the 220 residential units contemplated within its Proposed Project assumed that the less restrictive density requirement under the M-N-S zoning would apply. (*Id.*) Under the Zoning Ordinance, there is no maximum residential density standard within the M-N-S zone.

The City Planner assigned to the Proposed Project, Senior Planner Kara Mueller, responded to this letter on June 24, 2018. (June 24, 2018 Letter from K. Mueller to S. Makee (attached hereto as **Exhibit 6**)). In response to the Developer’s question regarding the applicable land use designation, Ms. Mueller responded as follows: **“The M-N-S zone district does not supersede the ODP, rather it is the underlying zone district and governs where the ODP is**

**silent.**” (*Id.* at 5.<sup>3</sup>) This letter from Kara Mueller was reviewed and adopted by Director Parker in an email that he sent to the City Manager on November 2, 2018, which expressly confirms that the City believes that the White Fence Farm Parcel is simultaneously governed by the land use restrictions in both the M-N-S zone designation and the Wilson Property ODP.

The Developer formally submitted a major site plan application for the Proposed Project on March 27, 2019. (Mar. 27, 2019 Letter from M. Turner to K. Mueller (attached hereto as **Exhibit 7**.) This application confirms that the Proposed Project will consist of 234 rental apartments in two 4-story buildings. (*Id.* at 1.) Each of these two buildings are planned to be 54 feet tall. (*Id.*) To date, the Developer has not presented any architectural plans to any architecture committee within the Wilson Property ODP.

### PROCEDURAL HISTORY

Following the Developer’s submission of its major site plan application, counsel for the HOA sent a letter to Director Parker on May 10, 2019, asking the City to reject the Developer’s application because the Proposed Project is inconsistent with the land use regulations applicable to the White Fence Farm Parcel. (May 10, 2019 Letter from J. Silvestro to T. Parker (attached hereto as **Exhibit 8**.) Consistent with the City’s instructions, this letter specifically asked Director Parker for a written interpretation of the relevant land use regulations, which, if necessary could then be appealed to this Board.

Director Parker responded to this letter with two letters dated May 21, 2019, and May 31, 2019, which set forth his interpretation and application of Lakewood’s land use regulations. (Exs. 3 & 4.) In his first letter, Director Parker claimed that the Developer can ignore any use prohibitions in the Wilson Property ODP that conflict with the underlying M-N-S zone and any other provisions in the Wilson Property ODP that “have the effect of prohibiting allowed uses.” (Ex. 3, at 1.) According to Director Parker’s interpretation, residential density tables such as the one in the Wilson Property ODP that could have the effect of limiting or prohibiting the intensity of residential uses that would otherwise be allowed in the underlying M-N-S zone are void. Director Parker also interpreted Section 17.5.3.7 (which provides an incentive for developers to build affordable housing and sustainable buildings by allowing the right to an extra story, up to twelve feet under the mixed-use zoning designation) as applying to all land use designations, including those properties that are governed by site-specific ODPs. Lastly, Director Parker found

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<sup>3</sup> Ms. Mueller nevertheless found that the residential density contemplated by the Proposed Project would be permitted, but relied on a different rationale than that which was formally adopted by Director Parker in response to Appellants’ request for an interpretation of the Zoning Ordinance. Accordingly, although the Appellants disagreed with Ms. Mueller’s application of the law to the facts, the Appellants do not address that herein. The Appellants have, however, always agreed with Ms. Mueller’s interpretation that the purported underlay zone only “governs where the ODP is silent.”

that because he was not aware of any past application of the architectural review process within the Wilson Property that this requirement under the Wilson Property ODP can be ignored. (*Id.* at 2-3.)

In his second letter dated May 31, 2019, Director Parker supplemented his earlier letter to state that even if his previous interpretation of the ODP's relationship to the underlying code were overturned, Section 17.3.6.5.A of the Zoning Ordinance would nevertheless permit the Developer to decide whether it wants to be governed by the standards of either the base zone or the Wilson Property ODP. (Ex. 4.)

Although Director Parker's letters vaguely allude to past interpretations of the Zoning Ordinance consistent with the positions set forth in his letters, neither of Director Parker's letters included or cited to any formal guidance from the City interpreting or applying the relevant provisions of the Zoning Ordinance or other similar ODPs. Accordingly, the Appellants thereafter set out to obtain any such records the City pursuant to the Colorado Open Records Act ("CORA"). (June 14, 2019 Letter from J. Silvestro to M. Greer (attached hereto as Exhibit 9).) The City provided an initial response to this request on July 2, 2019, and then—following additional conferral between the City and the Appellants—completed its response on July 17, 2019. (See July 2, 2019 Email from J. Claussen to J. Silvestro (attached hereto as Exhibit 10); July 17, 2019 Letter from J. Claussen to J. Silvestro (attached hereto as Exhibit 11).) The City's response to the Appellants CORA request confirms that the City has not promulgated any interpretive rules or guidance for resolving conflicts between ODPs and underlay zone designations. The City's response also confirms that the City has not previously issued any formal interpretations regarding the provisions of the Zoning Ordinance at issue here.

The Developer's major site plan application remains pending before the City. As confirmed by the City's response to the Appellants' CORA request, the City provided the Developer with formal comments identifying numerous outstanding concerns with the existing application. (June 19, 2019 Letter from K. Mueller to M. Turner (attached hereto as Exhibit 12).) However, apparently consistent with Director Parker's interpretation and application of the applicable land use regulations at the White Fence Farm Parcel, this most recent correspondence from the City to the Developer does not identify any conflicts between the Proposed Project and any applicable land use regulations. Indeed, this letter does not even make passing reference to the Wilson Property ODP.

Consistent with Director Parker's instructions (Ex. 3, at 3) and Section 17.1.7.3 of the Zoning Ordinance, the Appellants now present this appeal to the Board of Adjustment. The Appellants have attached a formal notice of appeal as Exhibit 13 consistent with the further instructions of the City. Consistent with Director Parker's instructions, we have not included any payment because any applicable fees have been waived by the City. (Ex. 3, at 3.) Please let us know if either the City or the BOA needs any additional information or action from the Appellants to set this appeal for a hearing before the BOA.



## ARGUMENT

### **1. Director Parker Erred in Interpreting the Zoning Ordinance to Allow for the Developer to Ignore the Wilson Property ODP.**

The combined substance of Director Parker's letters is a formal interpretation that the Developer can completely ignore the Wilson Property ODP, irrespective of the fact that it remains in effect and that all land owners within the Wilson Property have relied on it since its adoption in 1982. Director Parker's interpretation is inconsistent with the Zoning Ordinance and should be reversed because: (a) it conflicts with the Zoning Ordinance's explicit requirement that the most restrictive land use regulation control; (b) it conflicts with Director Parker's own staff's prior determination regarding the interplay between the underlay zone and the Wilson Property ODP; (c) Director Parker's interpretation constitutes a major modification to the Wilson Property ODP which requires action by the City Council and the owners of property within the area covered by the Wilson Property ODP; and (d) even if the Proposed Project may be classified as a redevelopment (despite the fact that it is the first new development for the White Fence Farm Parcel since the ODP was adopted), Section 17.3.6.5(A) only allows for a developer to use standards of the underlay zone when such standards actually exist.

#### **a. Section 17.1.6.2(A) Provides that When Zoning Regulations Conflict, the More Restrictive Standard Must Control.**

Section 17.1.6.2(A) of the Zoning Ordinance expressly provides that whenever one or more land use restrictions conflict, the more restrictive standard must control: "Where any regulation, requirement or condition imposed by any provision of this Zoning Ordinance conflicts with any other regulation, requirement, or law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern."

Here, as discussed below and as Director Parker concedes, the Wilson Property ODP provides for more restrictive land use standards with respect to residential density, height, and architectural review than what is otherwise required by the underlay zone. Appellants specifically raised this issue to Director Parker and argued that therefore the Wilson Property ODP must control over the more relaxed (and, in some cases, nonexistent) standards imposed by the underlay zone. Tellingly, Director Parker did not respond to this argument in either of his letters. Despite the fact that Director Parker concedes that the underlay zone provides for a less restrictive regulatory standard, Director Parker refused to follow the explicit direction set forth in Section 17.1.6.2(A) to apply the more restrictive standard.

Unlike the rules of general applicability set forth in the regulations defining the underlay zone, the Wilson Property ODP was adopted by the City Council in 1982 in coordination with the landowners of property within the Wilson Property at that time to impose specific, contextualized standards that have governed the Wilson Property for nearly four decades. Consistent with Section 17.1.6.2(A), the more restrictive standards set forth in the Wilson

Property ODP control and Director Parker erred in finding that the ODP can be ignored in its entirety.

b. As Confirmed by Lakewood's Earlier Interpretation of the Zoning Ordinance, the Underlay Zone Only Governs Where an ODP Is Silent.

Director Parker's interpretation also refused to grapple with the earlier guidance that his department provided to the Developer regarding the legal significance of the interplay between the Wilson Property ODP and the underlay zone. Specifically, in response to the Developer's request to set a pre-application meeting, the City's lead planner on this project confirmed that land use at the White Fence Farm Parcel remains subject to the Wilson Property ODP and that the standards of the underlay zone district only "governs where the ODP is silent." (Ex. 6, at 5.) In other words, because the Wilson Property ODP is not silent with regard to development standards for residential density, height, and architectural review, the standards of the underlay zone do not control.

Without explanation, Director Parker reversed this decision and reached the exact opposite conclusion. As set forth herein, Ms. Mueller's interpretation is faithful to the text of both the Zoning Ordinance and the Wilson Property ODP itself, which when read together confirm that the more restrictive standards set forth in the Wilson Property ODP must control. There is no support for Director Parker's interpretation, and he did not provide any explanation as to how or why he was reversing his department's earlier determination. In the face of this unexplained inconsistency, the appropriate action is to revert to the baseline standard within the Zoning Ordinance that in the face of conflicting land use regulations, the more stringent regulation must control.

c. Major Changes to the Wilson Property ODP May Only Be Made Through a Formal Modification to the ODP Which Has Never Occurred.

The unstated impact of Director Parker's interpretation is to effectively repeal the Wilson Property ODP. This is inconsistent with the express terms of the Wilson Property ODP.

Specifically, the so-called "Plan Modification Clause" within the Wilson Property ODP provides: "Minor modifications of the plan may be made to the extent that may be required by the City in order to meet subdivision regulations or other engineering criteria or as permitted by City Ordinance. In any case, they shall be consistent with the content and intent of this Official Development Plan as it has been approved by the Lakewood City Council." (Ex. 1, at 2.) Since the parties to the ODP clearly contemplated a process for minor modifications to the ODP without City Council approval, it follows that major modifications require City Council approval. This was not done. At no time has the Lakewood City Council taken action to affirmatively modify the Wilson Property ODP.

Moreover, by its own terms, the Wilson Property ODP exists as both a City land use regulation and a set of restrictive covenants that were negotiated and agreed to by all of the

private landowners of the Wilson Property at the time it was adopted.<sup>4</sup> Accordingly, major modifications to the restrictions in the ODP require agreement by both the City Council and the owners of property within the ODP.

Lakewood's Zoning Ordinance expressly recognizes the supremacy of privately negotiated land use covenants like the restrictions in the Wilson Property ODP. Specifically, Section 17.1.6.2(C) provides that the Zoning Ordinance is not intended to "interfere with, abrogate or annul" any private restrictive covenants or other land use agreement between private parties. Rather, this section provides that the Zoning Ordinance may only result in a *more* restrictive regulatory framework than that which might have been negotiated and agreed to by private parties.

Here, Director Parker seeks to do just the opposite. Through nothing more than his administrative authority, Director Parker seeks to use the Zoning Ordinance to nullify this privately negotiated and accepted land use restriction, which was then further accepted and codified as a part of the City's land use scheme by the City Council in 1982. This goes far beyond the type of minor modification allowed for under the express terms of the ODP and thus can only be effectuated through further action of both the City Council and the owners of the Wilson Property. Because no such amendment has been made to the ODP, the Wilson Property ODP remains in full force and effect and must apply to the Proposed Project.

- d. The Proposed Project Would Be the First Development Under the Wilson Property ODP on the White Fence Farm Parcel, But Even If Section 17.3.6.5(A) Applies, It Only Allows for "Other Standards" to Be Adopted When Such Other Standards Actually Exist.

In his supplemental response dated May 31, 2019, Director Parker cites Section 17.3.6.5(A) as an alternate basis for his decision to find that the Proposed Project is not inconsistent with the applicable land use regulations. Section 17.3.6.5(A) provides: "Redevelopment within a PD district may apply either the standards of the base zone district or the standards of the ODP." Director Parker claims that under this provision, the Developer could "set the ODP aside entirely and have the application processed under the regulations of the M-N-S zone." (Ex. 4.)

Initially, it must be noted that "redevelopment" is not defined within the Zoning Ordinance and there is nothing to distinguish "redevelopment" from "development." If a single-family home within the Wilson Property were being rebuilt, would that owner be free to

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<sup>4</sup> The Wilson Property ODP is a recorded document which explicitly provides: "The conditions, provisions, restrictions and regulations contained herein shall inure to the benefit of the owners, their successors, heirs, representatives, and assigns and shall inure to the benefit of and be binding upon any person who shall undertake development of the property." (Ex. 1, at 2.)

ignore all of the land use restrictions set forth in the Wilson Property ODP? If so, what is the purpose of the continuing applicability of the Wilson Property ODP to the Wilson Property? The City has repeatedly confirmed the continuing existence and enforceability of the Wilson Property ODP, such that Section 17.3.6.5(A) cannot be interpreted in a manner that renders the Wilson Property ODP wholly without meaning. Furthermore, the existing restaurant at the White Fence Farm Parcel predates the Wilson Property ODP (as reflected on the Wilson Property ODP (*see* Ex. 1, at 1)), such that the Proposed Project is actually the first proposed development to occur on the White Fence Farm Parcel under the Wilson Property ODP, and as such is not a “redevelopment” as that term is used within Section 17.3.6.5(A).

However, even if Section 17.3.6.5(A) could lawfully be interpreted to allow for the nullification of the land use standards and restrictive covenants set forth in the ODP at the time of “redevelopment,” the plain meaning of Section 17.3.6.5(A) confirms that this is only the case when the base zone actually provides for a standard. Here, as discussed in more detail, the M-N-S zone does not provide for any land use standard regarding residential density or architectural review. Accordingly, consistent with Section 17.3.6.5(A) there is no alternative “standard” applicable under the base zone to be applied to the Proposed Project and the standards for density and architectural review found in the Wilson Property ODP must be applied

**2. The Proposed Project Will Violate the Wilson Property ODP, and Director Parker Erred in Refusing to Reject the Developer’s Major Site Plan Application.**

By its own terms, the Wilson Property ODP runs with the land, and the conditions and restrictions therein inure to the benefit of (and enforceable by) all owners of real property within the area covered by the ODP. Accordingly, the Appellants have both a unique interest and a legal right to ensure full compliance with the Wilson Property ODP. The owners of properties within the Wilson Property purchased their homes and invested in their properties in reliance on the ODP, which was recorded and remains as a benefit and an encumbrance to all properties located within the Wilson Property. The Wilson Property ODP is a legally binding land use agreement both between the City and the owners of the Wilson Property as well as amongst the property owners themselves. As discussed above, the Wilson Property ODP cannot be unilaterally altered in any material way by any party—including the City—without following the proper procedure and meeting all necessary preconditions for amendment.

Absent such an amendment, the Proposed Project for the White Fence Farm Parcel violates the Wilson Property ODP in at least three distinct ways: (1) density; (2) height; (3) architectural review. Each of these deficiencies is fatal to the application and requires the Board to reverse Director Parker’s unlawful interpretation and application of the Zoning Ordinance.

**a. The Proposed Number of Dwelling Units Violates the Applicable Standard under the Wilson Property ODP.**

The ODP explicitly provides that the total number of residential dwelling units within the Wilson Property shall not exceed 380 dwelling units. This is a maximum density standard.

There are currently 229 dwelling units within the Wilson Property. Accordingly, no more than 151 additional dwelling units may be constructed anywhere within the Wilson Property. Even if, as the City now claims, multifamily residential is now permitted at the White Fence Farm Parcel (as a result of the purported change to the underlay zone), the current proposal to construct 234 new dwelling units at the site violates the maximum density restriction set forth in the ODP. The Proposed Project would exceed the maximum density restriction set forth in the ODP by 83 dwelling units and result in a density of 5.79 dwelling units per acre—far beyond the 4.75 dwelling units per acre limit for the entirety of the Wilson Property as explicitly set forth in the ODP.

Director Parker erroneously concluded that this explicit standard under the Wilson Property ODP can be ignored because the M-N-S zone does not contain any density limit on the number of residential units that can be packed onto a single property. Director Parker claims that this interpretation is consistent with the manner in which the City has purportedly dealt with density restrictions under other ODPs, but he did not supply any documentation of such past interpretations. Moreover, when the Appellants specifically asked the City for this information, the City responded that it did not have any responsive documents.

Regardless, this application of the Zoning Ordinance is directly at odds with Section 17.1.6.2(A), which provides that when competing land use restrictions conflict, the more restrictive standard must control. Here, the residential density standard under the Wilson Property ODP is unquestionably more restrictive than the non-standard under the M-N-S zone which allows for unlimited density. Consistent with the Zoning Ordinance, this more restrictive standard must be enforced, and the Proposed Project must be rejected unless and until it conforms to the density limit that has governed the Wilson Property since 1982.

b. The Proposed Building Heights Violate the Wilson Property ODP.

The Wilson Property ODP expressly provides that the maximum height of any building constructed at the White Fence Farm Parcel “shall not exceed 42’.” Accordingly, the Proposed Project, which would include two buildings with a maximum height of 54 feet, must be rejected as a violation of the ODP. The Developer’s major site plan application acknowledges the 42-foot height restriction applicable to the White Fence Farm Parcel under the ODP, but nevertheless requests an exception to allow the Developer to build up to 54-feet because the Developer claims that it will pursue LEED Gold certification. This request, however, ignores the fact that the requested height exception relates solely to the purported underlay zone and has no applicability to the height restriction set forth in the Wilson Property ODP. Accordingly, the Developer is improperly attempting to mix apples (the more restrictive height limit under the ODP) with oranges (the exception that may be obtained under the more permissive height restriction applicable to the purported underlay zone). Unlike the more permissive height limit applicable to the purported underlay zone, the Wilson Property ODP sets a stricter limit and has never been amended to allow for any exceptions to this strict height limitation.



Without citing to any applicable authority, Director Parker claims that it is perfectly acceptable for the Developer to mix apples with oranges. Specifically, Director Parker claims that the “sustainability” incentive to allow for increased height over the standard applicable to the base zone “applies to all zones equally, including ODPs.” (Ex. 3, at 2.) This reasoning fundamentally ignores the City’s own classification and treatment of ODPs. As repeatedly confirmed by the City, an ODP is completely distinct from a base zone and instead functions as a neighborhood-specific overlay district that serves to amend a base zone given the specific characteristics and context of a neighborhood. The undeniable fact that an ODP is not just another base zone is perhaps best confirmed by the fact that properties—like the Wilson Property—can simultaneously be subject to a base zone designation and an ODP.

Unlike the height provision applicable to the base zone, which can be increased under certain circumstances, the Wilson Property ODP sets forth a rigid 42-foot height limit at the White Fence Farm Parcel. Director Parker erred in determining that this restriction could be ignored by virtue of other, inapplicable provisions of the Zoning Ordinance, and his legally unsupported interpretation should be reversed.

c. The Developer Has Not Complied with the Architectural Review Required by the Wilson Property ODP.

Under the ODP, any development within the Wilson Property must “be approved by an architectural review committee of the property owner’s association” such that “[a]rchitecture will be closely coordinated between areas within land uses and also between separate land use parcels.” Here, the developer has not made any effort to submit architectural plans or to receive approval from the surrounding land owners and homeowners’ associations. Accordingly, as presented to the City, the Proposed Project under the major site plan application has not complied with this material aspect of the ODP. Unless and until the developer has complied with all of the requirements of the ODP, the major site plan application must be denied.

In his first response letter, Director Parker conceded that, by its terms, the Wilson Property requires the Proposed Project to first receive architectural approval from the homeowners’ associations. Nevertheless, Director Parker found that this explicit requirement had been waived because he is not aware of any evidence that it was applied in the past. Director Parker does not cite to any authority to support his claim that this explicit development standard can or should be deemed waived.

Again, the Wilson Property ODP is a document that, by its own terms, runs with the land and may be enforced by the other landowners within the Wilson Property. Nothing within the Wilson Property ODP provides that any of its provisions shall be deemed void if they have not been enforced in the past and there is no basis to do so now. While previous landowners were free to refrain from requiring past developments to comply with the architectural review requirement, there is nothing to stop the Appellants from doing so now. Director Parker erred in finding that this provision has been permanently waived and that the Developer may proceed

unabettted without the architectural review mandated by the express terms of the Wilson Property ODP.

### CONCLUSION

As set forth above, Director Parker misinterpreted and misapplied the Zoning Ordinance when he determined that the Developer may move forward with the Proposed Project despite its obvious inconsistencies with the Wilson Property ODP. Consistent with the Zoning Ordinance's requirement that the most restrictive land use regulation be applied, this Board should exercise its authority consistent with Section 17.1.7.3 to reverse Director Parker's unlawful interpretation and enforce the terms of the Wilson Property ODP that have remained in force since 1982 and continue to govern development within the neighborhood today.

On behalf of the Appellants, we look forward to the opportunity to present this appeal at a public hearing before the Board. Please let us know if the Board requires any further information or documentation in advance of that public hearing. Thank you for your time and careful consideration of these important matters.

The Appellants remain committed to ensuring that any development at the White Fence Farms Parcel complies with all applicable land use regulations. To that end, we respectfully request that the Board adopt a reasoned resolution to this appeal, in writing, which addresses each of the issues raised herein to ensure that the administrative record will be complete in the event of any subsequent appeals.

Sincerely,



James Silvestro

Enclosures

cc: Mark Lacis  
Timothy Cox, City Attorney ([tc Cox@lakewood.org](mailto:tc Cox@lakewood.org))  
Carolyn White, Counsel for Crescent Communities ([cwhite@bhfs.com](mailto:cwhite@bhfs.com))

Index of exhibits from ITEM 18 – July 25, 2019 Ireland Stapleton to Lakewood re: Appeal of Planning Department's Interpretation of Lakewood Zoning Ord. and Wilson Property ODP

EXHIBIT 1 – ITEM 3 - Wilson Property ODP

EXHIBIT 2 – ITEM 2 - Lakewood's Zoning Ordinance

EXHIBIT 3 – ITEM 10 - May 21, 2019 Lakewood Letter to James Silvestro re: Opposition to White Fence Farm Major Site Plan Application

EXHIBIT 4 – ITEM 12 - May 31, 2019 Lakewood Letter to James Silvestro re: Opposition to White Fence Farm Major Site Plan Application

EXHIBIT 5 – ITEM 5 - June 7, 2018 Letter re: 6263 W Jewell Pre-Planning Submittal

EXHIBIT 6 - ITEM 6 - July 24, 2018 City Letter to Scott Makee re: Preplanning Application to Construct Multifamily on Property

EXHIBIT 7 – ITEM 7 - March 27, 2019 Kimley-Horn Letter to City re: Site Plan Application

EXHIBIT 8 - ITEM 9 - May 10, 2019 Ireland Stapleton Letter to Travis Parker re: Opposition to White Fence Farm Major Site Plan Application

EXHIBIT 9 - ITEM 14 - June 14, 2019 Ireland Stapleton CORA Request

EXHIBIT 10 - ITEM 16 - July 2, 2019 Email re: CORA

EXHIBIT 11 – ITEM 17 - July 17, 2019 Lakewood Letter to James Silvestro re CORA Request June 14, 2019

EXHIBIT 12 – ITEM 15 - June 19, 2019 Meaghan Turner at Kimley Horn Letter to Lakewood re: Novel White Fence Major Site Plan

EXHIBIT 13 – ITEM 18 - July 25, 2019 Ireland Stapleton to Lakewood re: Appeal of Planning Department's Interpretation of Lakewood Zoning Ord. and Wilson Property ODP

August 15, 2019

**SENT VIA EMAIL**

Diana Brown-Evens  
Secretary, Board of Adjustment  
City of Lakewood, Colorado  
470 South Allison Parkway  
Lakewood, Colorado 80226-3127  
[diabro@lakewood.org](mailto:diabro@lakewood.org)

***Re: Appeal of Planning Department's Interpretation of the Lakewood Zoning Ordinance and the Wilson Property ODP***

Dear Ms. Brown-Evens:

This letter follows my earlier correspondence dated July 25, 2019, initiating an appeal before the Board of Adjustment on behalf of The Wild Flower Patio Homes @ White Fence Homeowners Association (the "HOA") and UNIFIED Under the Wilson Property ODP ("UNIFIED") and challenging Director Parker's interpretation of the Wilson Property ODP and Lakewood's Zoning Ordinance as set forth in his letters to me dated May 21, 2019, and May 31, 2019. The purpose of this letter is to provide the Board with additional information which only recently came to our attention and which we believe could be helpful to the Board's resolution of our appeal. Please include this letter and these additional materials as part of the administrative record.

First, please include as part of the administrative record the videotaped recording of the meeting of the Lakewood City Council that was held on July 22, 2019. This video may be accessed at the following location: <https://www.lakewood.org/City-Managers-Office/Communications/Videos/Meeting-Videos>. In particular, we would like to direct the Board's attention to the following statements that were made during this meeting on behalf of the City:

<u>Approx. Video Time</u>	<u>Speaker(s)</u>	<u>Statement</u>
47:58-50:50	Tim Cox, City Attorney	<p>“These kind of things come up in the ODP realm and since the legislative rezoning, we haven’t seen as many as we used to. But I’ve been involved – I don’t recall any discussions with the City Attorney’s Office on this application about this process. We have been involved in discussions in the past about what to do when there are multiple owners – and we’ve looked at the difference between, say, a rezoning that would change the zoning on all parcels versus a rezoning that would change the zoning on one parcel within the ODP. And the answer as to what percentage of signers or how many owners are needed I think it in the past has depended largely on that question: what are we changing? Does the rezoning in this corner impact somebody else in the ODP in the far corner 13 acres away? This is not specific to this parcel – I didn’t have an opportunity to consider that question. But that’s the way that we’ve looked at it in the past. . . . So I don’t know what process was used in this case because no one asked for my assistance on it. But in the past, we’ve had to look at it on a case-by-case basis to see who is affected by the change in zoning. . . . What I am referring to is what’s being changed. You can change an ODP so that every parcel is directly or indirectly affected. You can change an ODP so that only one use area changes and the answer as to who has to sign off on that depends on the impact on the other properties. . . . So again, it’s a case-by-case decision based on what exactly is changing. There’s no hard and fast rule that I am aware of.”</p>
59:50-1:02:00	<p>Mike Bieda, City Councilor for Ward 3</p> <p>Jack Reutzel, Private Land Use Attorney</p>	<p>Councilor Bieda: “So I understand it that this property was part of the overall rezone of the City of Lakewood in 2012, is that correct? How is it that this ODP survived that rezone when other – we’re told – other ODP’s, similar ODP’s around the city did not? How does that work? How does that happen?”</p> <p>Mr. Reutzel: “I spent eighteen months trying to figure that out myself. And I couldn’t, so I will defer to staff on that. I think that there are – what I understand is there are examples around the city where these two – where a</p>



		<p>PUD and the city initiated zoning continue to remain in effect and you sort of create a highest and best use, most restrictive apply so that you kind of create this maze of entitlements. But I will defer to staff on this.”</p> <p>Councilor Bieda: “And you’re an expert land use attorney in this and you can’t give me a clear answer on that.”</p> <p>Mr. Reutzel: “Yeah – the clear answer was the way that we’ve decided to move forward is to try to rezone this to MGS and take that whole mish mash out of it.”</p> <p>Councilor Bieda: “I’m not trying to put you on the spot but we’ve had citizens asking the same question and going ‘we don’t understand this’. And frankly as a Councilor and as an attorney, I’m not clear either.”</p> <p>Mr. Reutzel: “I mean – I’ll jump out of my lane a little bit. I think what traditionally happens is that when you have a PUD that is a site-specific zoning. A group of landowners get together try to come up with some common themes and land use protections. When a city-wide zoning, that doesn’t have any of those nuances gets over-laid, the PUD that is more refined, defined, detailed would control in many instances and I think that’s where we are here. That’s the beauty of this proposal is that it just kind of clears all of that up – in my mind anyway.”</p>
1:02:10-1:03:11	Kara Mueller, Senior Planner	<p>“Councilor Bieda, just to generally touch on it – when we looked at the overall legislative rezoning, we looked at all the PD’s on a case-by-case basis of each one. In a lot of instances when they’re as detailed as this Academy Park ODP is or they were residential or they had associated ACC’s or HOA formations or something very unique about it – those are the ones that pretty much remained. A lot of the ones that were disbanded or went away had singular uses or were very, very specific to a development</p>

		that never occurred on the property, so it was a snapshot in time to do a PD for very detailed specific development and it didn't occur and may not be the appropriate zoning for today and therefore those were a lot of the PD's that we actually saw go away through the evaluation."
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This discussion at the City Council meeting held on July 22, 2019, confirm: (1) in the past, the City has required the approval of all landowners within an ODP when a proposed land use change will affect the other land owners within the ODP; (2) at least some portion of the City Council is unclear as to why certain ODP's were preserved as part of the legislative rezoning that occurred in 2012 and at least one land use expert believes that certain ODP's were retained because they were "more refined, defined, and detailed" than the more generally applicable 2012 city-wide legislative rezoning; and (3) planning staff for the City confirmed that the ODP's that survived the 2012 legislative rezoning were the ODP's that remain "appropriate zoning for today" in light of the unique circumstances of those ODP's. More broadly, this discussion before the City Council confirms that a land user may only exceed the restriction of an ODP (in that case, the 75 percent limitation on use for storage under that ODP) by having their parcel extracted from an ODP through a rezoning that is approved by City Council. In other words, the provisions of an ODP that were retained following the 2012 legislative rezoning cannot simply be ignored as a matter of administrative interpretation and instead requires the approval of all land owners under the ODP and/or further action of City Council.

Second, a copy of the "Academy Park PD" that was specifically at issue at this July 22, 2019 City Council meeting is enclosed and labeled as **Exhibit A** to this letter. This ODP is instructive because, unlike the Wilson Property ODP, it does not contain an enforceability provision whereby its "conditions, provisions, restrictions and regulations contained herein shall inure to the benefit of the owners, their successors, heirs, representatives and assigns." Unlike the Wilson Property ODP, which by its own terms doubles as a set of private covenants that may be enforced by and against other landowners within the plan area, the Academy Park PD did not include restrictive covenants that were enforceable by and against other landowners and their successors. Accordingly, the City Council was able to "extract" the property at issue at the July 22, 2019 meeting from the Academy Park PD without the signoff of the other land owners with the plan area because that PD does not provide any separate, private rights to those other land owners.

Third, a copy of Colorado's 1973 model PUD Ordinance is enclosed and labeled as **Exhibit B**. This document is significant in that it confirms that in the years preceding the adoption of the Wilson Property ODP, the City of Lakewood was viewed as a leader in the adoption and use of PUD's, like the Wilson Property ODP. (*Id.* at 6.) Furthermore, the model ordinance repeatedly confirms that PUD's may coexist with private covenants and that the "plan" document governing a PUD may properly recognize private covenants created as part of a planned community between a group of neighboring land owners. (*Id.* at 11, 20, 25, 27.)

Please let us know if the Board requires us to submit these materials in any other format to ensure that they will be fully considered by the Board and included as part of the final administrative record.

Finally, we have not heard anything from the Board regarding the date for which this matter will be set for a hearing. Please let us know if the Board is waiting on anything further from us before this hearing can be set.

Thank you for your time and attention to this matter. Please contact me directly if you have any questions or concerns.

Sincerely,

*James Silvestro*  
*by ege*

James Silvestro

cc: Mark Lacis  
Timothy Cox, City Attorney ([timcox@lakewood.org](mailto:timcox@lakewood.org))  
Carolyn White, Counsel for Crescent Communities ([cwhite@bhfs.com](mailto:cwhite@bhfs.com))











# ACADEMY PARK PLANNED DEVELOPMENT

PARCEL BB, ACADEMY PARK PARCEL MAP, SHEET 1

LOT 1 ACADEMY PARK FILING NO. 1  
LOTS 1 & 2, ACADEMY PARK FILING NO. 3  
ATTEST:

OWNER: MARTIN-MARIETTA CORPORATION  
SIGNATURE: *Calvin B. Hunt*  
CALEB B. HUNT, VICE-PRESIDENT  
DENVER DIVISION

SEAL *M. E. McLain*  
ASSISTANT SECRETARY

STATE OF COLORADO } SS  
COUNTY OF JEFFERSON }

THE FOREGOING APPLICATION FOR INCLUSION OF LAND IN THE LAKEWOOD PLANNED DEVELOPMENT ZONE DISTRICT WAS ACKNOWLEDGED BEFORE ME THIS 24th DAY OF April, 1978 BY CALEB B. HUNT AS VICE-PRESIDENT, DENVER DIVISION AND M.E. MCCLAIN AS ASSISTANT SECRETARY OF MARTIN-MARIETTA CORPORATION, A MARYLAND CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES July 26, 1981

*Joseph E. Schlegel*  
NOTARY PUBLIC

LOT 1 ACADEMY PARK FILING NO. 5

LOT 1 ACADEMY PARK FILING NO. 6 EXCEPT THAT PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, ACADEMY PARK FILING NO. 6; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 30.92 FEET TO A POINT OF CURVE; THENCE ALONG CURVE TO THE RIGHT HAVING A RADIUS OF 895.95 FEET, A CENTRAL ANGLE OF 13°38'53" AN ARC LENGTH OF 234.83 FEET, TO A POINT ON A CURVE; THENCE ON AN ANGLE TO THE RIGHT OF 7°40'07" AND SOUTHERLY A DISTANCE OF 272.16 FEET; THENCE ON AN ANGLE TO THE RIGHT OF 80°21'00" AND WESTERLY 293.95 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID LOT 1; THENCE ON AN ANGLE TO THE RIGHT OF 80°39'00" AND NORTHERLY ALONG SAID WESTERLY BOUNDARY LINE A DISTANCE OF 300.00 FEET, TO THE TRUE POINT OF BEGINNING, CONTAINING 77,000 SQUARE FEET OR 1.797 ACRES.

ATTEST:

OWNER: DENVER FINANCIAL PROPERTIES, INC.  
SIGNATURE: *Charles C. Ray, Jr.*  
CHARLES C. RAY, JR., VICE-PRESIDENT

SEAL *J. M. West*  
ASSISTANT SECRETARY

STATE OF COLORADO } SS  
COUNTY OF JEFFERSON }

THE FOREGOING APPLICATION FOR INCLUSION OF LAND IN THE LAKEWOOD PLANNED DEVELOPMENT ZONE DISTRICT WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF April, 1978 BY CHARLES C. RAY, JR. AS VICE-PRESIDENT AND J. M. WEST AS ASSISTANT SECRETARY OF DENVER FINANCIAL PROPERTIES, INC., A COLORADO CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES December 3, 1979

*Mary Ann Fritz*  
NOTARY PUBLIC

A PART OF LOT 1, ACADEMY PARK FILING NO. 6 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, ACADEMY PARK FILING NO. 6; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 30.92 FEET TO A POINT OF CURVE; THENCE ALONG CURVE TO THE RIGHT HAVING A RADIUS OF 895.95 FEET, A CENTRAL ANGLE OF 13°38'53" AN ARC LENGTH OF 234.83 FEET, TO A POINT ON A CURVE; THENCE ON AN ANGLE TO THE RIGHT OF 7°40'07" AND SOUTHERLY A DISTANCE OF 272.16 FEET; THENCE ON AN ANGLE TO THE RIGHT OF 80°21'00" AND WESTERLY 293.95 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID LOT 1; THENCE ON AN ANGLE TO THE RIGHT OF 80°39'00" AND NORTHERLY ALONG SAID WESTERLY BOUNDARY LINE A DISTANCE OF 300.00 FEET, TO THE TRUE POINT OF BEGINNING, CONTAINING 77,000 SQUARE FEET OR 1.797 ACRES.

ATTEST: *H. D. Campbell*

OWNER: STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.  
SIGNATURE: *A. J. Todd*  
A. L. TODD, DEPUTY REGIONAL VICE-PRESIDENT

SEAL *Patsy Ruth Reimer*  
ASSISTANT SECRETARY

STATE OF COLORADO } SS  
COUNTY OF JEFFERSON }

THE FOREGOING APPLICATION FOR INCLUSION OF LAND IN THE LAKEWOOD PLANNED DEVELOPMENT ZONE DISTRICT WAS ACKNOWLEDGED BEFORE ME THIS 19th DAY OF December, 1978 BY A. L. TODD AS DEPUTY REGIONAL VICE-PRESIDENT AND P. RUTH REIMER AS ASSISTANT SECRETARY OF THE STATE FARM MUTUAL AUTOMOBILE INSURANCE CO., AN ILLINOIS CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES October 17, 1980

*John O. Reimick*  
NOTARY PUBLIC

LOT 2, ACADEMY PARK FILING 7,

PARCELS Q AND R, AND THOSE PORTIONS OF PARCELS S AND X-1 NOT INCLUDED IN ACADEMY PARK FILING 7, WHICH PARCELS ARE SHOWN ON PARCEL MAP, SHEET 1

ATTEST:

OWNER: V.N.J. CORPORATION  
SIGNATURE: *Charles C. Ray, Jr.*  
CHARLES C. RAY, JR., VICE-PRESIDENT

SEAL *J. M. West*  
ASSISTANT SECRETARY

STATE OF COLORADO } SS  
COUNTY OF JEFFERSON }

THE FOREGOING APPLICATION FOR INCLUSION OF LAND IN THE LAKEWOOD PLANNED DEVELOPMENT ZONE DISTRICT WAS ACKNOWLEDGED BEFORE ME THIS 19th DAY OF December, 1978 BY CHARLES C. RAY, JR. AS VICE-PRESIDENT AND J. M. WEST AS ASSISTANT SECRETARY OF THE V.N.J. CORPORATION, A COLORADO CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES December 3, 1979

*Mary Ann Fritz*  
NOTARY PUBLIC

PARCEL A, ACADEMY PARK PARCEL MAP, SHEET 1

ATTEST:

OWNER: LORETTO LITERARY AND BENEVOLENT INSTITUTION  
SIGNATURE: *Helene Sanders*  
HELEN SANDERS, PRESIDENT

SEAL *Stephen Marie Del Hobert*  
ASSISTANT SECRETARY

STATE OF COLORADO } SS  
COUNTY OF JEFFERSON }

THE FOREGOING APPLICATION FOR INCLUSION OF LAND IN THE LAKEWOOD PLANNED DEVELOPMENT ZONE DISTRICT WAS ACKNOWLEDGED BEFORE ME THIS 29th DAY OF March, 1978 BY HELEN SANDERS AS PRESIDENT AND STEPHEN MARIE DEL HOBERT AS ASSISTANT SECRETARY OF THE LORETTO LITERARY AND BENEVOLENT INSTITUTION, A KENTUCKY CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES April 1, 1981

*James Newman*  
NOTARY PUBLIC

PARCEL AA, ACADEMY PARK PARCEL MAP, SHEET 1  
I.O.S. REALTY TRUST

ATTEST:

OWNER: *Robert W. Long*  
SIGNATURE: *Robert W. Long*  
ROBERT W. LONG, REGIONAL VICE-PRESIDENT  
I.O.S. MORTGAGE DEVELOPMENT CORPORATION,  
AGENT FOR I.O.S. REALTY TRUST

SEAL *Michael D. Martin*  
ASSISTANT SECRETARY

STATE OF COLORADO } SS  
COUNTY OF JEFFERSON }

THE FOREGOING APPLICATION FOR INCLUSION OF LAND IN THE LAKEWOOD PLANNED DEVELOPMENT ZONE DISTRICT WAS ACKNOWLEDGED BEFORE ME THIS 27th DAY OF March, 1978 BY ROBERT W. LONG AS VICE-PRESIDENT AND MICHAEL D. MARTIN AS ASSISTANT SECRETARY OF THE I.O.S. MORTGAGE DEVELOPMENT CORPORATION, AGENT FOR I.O.S. REALTY TRUST.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES April 24, 1982

*James C. Lively*  
NOTARY PUBLIC

CO-OWNER: RICHARD P. HALL  
SIGNATURE: *Richard P. Hall*  
THE SIGNATURE OF RICHARD P. HALL, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 17th DAY OF March, 1978.  
WITNESS MY HAND AND OFFICIAL SEAL  
MY COMMISSION EXPIRES August 17, 1980

CO-OWNER: WILLIAM E. MURANE  
SIGNATURE: *William E. Murane*

THE SIGNATURE OF WILLIAM E. MURANE, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 16th DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 17, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

CO-OWNER: WILLIAM C. MCCLAREN  
SIGNATURE: *William C. McClaren*

THE SIGNATURE OF WILLIAM C. MCCLAREN, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 16th DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 17, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

CO-OWNER: BEN E. CHIDLAW  
SIGNATURE: *Ben E. Chidlawn*

THE SIGNATURE OF BEN E. CHIDLAW, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 16th DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 17, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

CO-OWNER: JAMES E. HEGARTY  
SIGNATURE: *James E. Hegarty*

THE SIGNATURE OF JAMES E. HEGARTY, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF April, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES June 21, 1980

*Mary Ann Fritz*  
NOTARY PUBLIC

CO-OWNER: GERALD L. MEER  
SIGNATURE: *Gerald L. Meer*

THE SIGNATURE OF GERALD L. MEER, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 19th DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 17, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

CO-OWNER: DONALD HANDLER  
SIGNATURE: *Donald Handler*

THE SIGNATURE OF DONALD HANDLER, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 24th DAY OF April, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES February 8, 1982

*Mary Ann Fritz*  
NOTARY PUBLIC

CO-OWNER: ROBERT V. ROSE  
SIGNATURE: *Robert V. Rose*

THE SIGNATURE OF ROBERT V. ROSE, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 22nd DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 17, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

CO-OWNER: WILLIAM W. AMBROSE  
SIGNATURE: *William W. Ambrose*

THE SIGNATURE OF WILLIAM W. AMBROSE, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 17th DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 17, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

CO-OWNER: CHRIS M. SAROS  
SIGNATURE: *Chris M. Saros*

THE SIGNATURE OF CHRIS M. SAROS, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 16th DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 18, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

CO-OWNER: HELMUT ASHER  
SIGNATURE: *Helmut Asher*

THE SIGNATURE OF HELMUT ASHER, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 16th DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 17, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

CO-OWNER: JOSEPH C. MARK  
SIGNATURE: *Joseph C. Mark*

THE SIGNATURE OF JOSEPH C. MARK, CO-OWNER OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 16th DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 17, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

TRUSTEE: EUGENE W. AMBROSE  
SIGNATURE: *Eugene W. Ambrose*

THE SIGNATURE OF EUGENE W. AMBROSE, TRUSTEE OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 17th DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 17, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

CO-OWNER: ROBERT L. HALL AND MARY TURNER  
SIGNATURE: *Richard P. Hall*

THE SIGNATURE OF RICHARD P. HALL, ATTORNEY-IN-FACT, FOR ROBERT L. HALL AND MARY TURNER, CO-OWNERS OF A PARCEL OF PROPERTY BEING REZONED TO PLANNED DEVELOPMENT, WAS ACKNOWLEDGED BEFORE ME THIS 16th DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 17, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

PARCEL CC, ACADEMY PARK PARCEL MAP, SHEET 1

OWNER: CHRIS SAROS  
SIGNATURE: *Chris Saros*

STATE OF COLORADO } SS  
COUNTY OF JEFFERSON }

THE FOREGOING APPLICATION FOR INCLUSION OF LAND IN THE LAKEWOOD PLANNED DEVELOPMENT ZONE DISTRICT WAS ACKNOWLEDGED BEFORE ME THIS 16th DAY OF March, 1978.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES August 17, 1980

*Patricia L. DePina*  
NOTARY PUBLIC

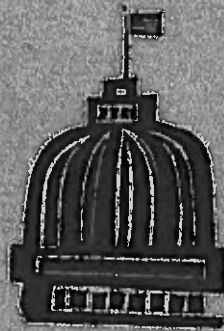
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**Exhibit B**

# STATE OF COLORADO



## DIVISION OF LOCAL GOVERNMENT

Department of Local Affairs

# Model for a Planned Unit Development

1973

STATE OF COLORADO

DIVISION OF LOCAL GOVERNMENT  
Department of Local Affairs

MODEL FOR A  
PLANNED UNIT DEVELOPMENT

1973



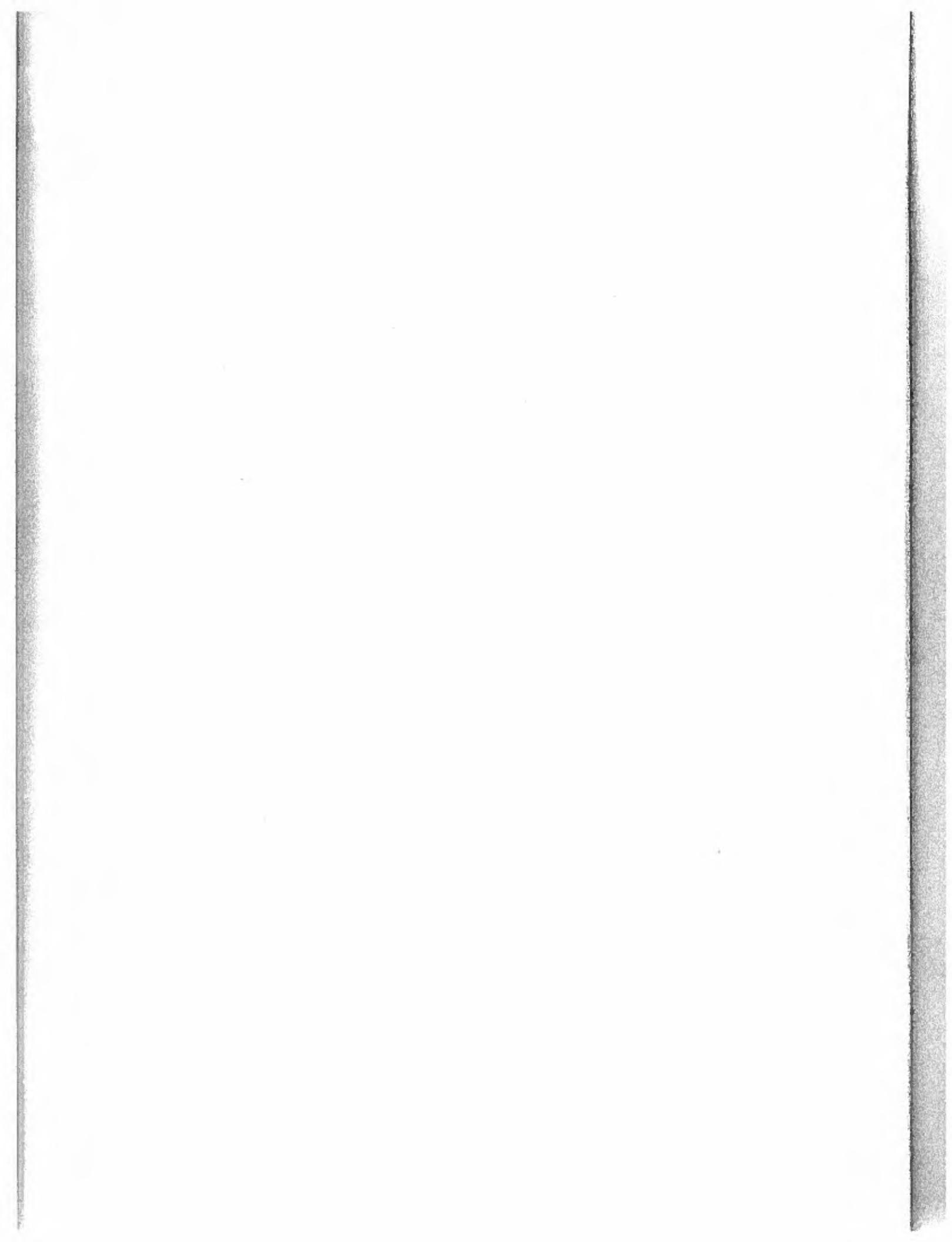


## PREFACE

In recent years, a new method of subdivision, called Planned Unit Development has emerged as a new method for solving contemporary development problems.

Planners and developers for many years have been concerned with the blandness of development, the rigid utilization of land and the result thereof. After considerable study and progressive examples, the concept of Planned Unit Development (PUD) and its potential for conserving natural landscape, providing open space, and providing alternative life styles emerges as a healthy system to provide better solutions for the home buyer, the developer and the community.

A PUD in its simplest definition is a project which is pre-planned in its entirety with variation permitted in the rigid subdivision regulations. Although it may function in any land use zone, its primary emphasis is residential. The uniqueness in the PUD approach is the variety, flexibility and order in establishing development patterns. Variety is achieved by permitting a mixture of uses within one development. Flexibility is achieved by permitting variations of the subdivision regulations, such as building setbacks, street width, sidewalk location, height restrictions, and order is achieved by requiring advance considerations of all the aspects of land development, including conservation of land, traffic





flow, utilities and services and the evaluation of each project for and on its own merits in relationship to long-range goals and/or objectives.

The 1972 session of the Colorado legislature enacted a law whereby the cities, towns, and counties of the state may adopt the concept of total community development (PUD) as a part of their local zoning ordinances or resolutions.

The Division of Local Government, Department of Local Affairs was charged with the responsibility of formulating a model Planned Unit Development to be used as a guide by the local entities. This model PUD was written by the Division of Local Government with the assistance of the Division of State Planning, the City of Lakewood Planning staff, the Colorado Association of County Commissioners and the Colorado Municipal League, as well as other interested governmental and private planners.

Research indicated many varied approaches to the concept of planned unit development. Hopefully, this model will provide a comprehensive base from which the local authorities can adopt a meaningful and useful ordinance or resolution to fit their particular situation.

This model shows PUD as a special use permit as opposed to a specific zoning classification as it was felt this approach would allow for a more flexible and efficient approach to PUD by the local entity. The adoption of a PUD is of course the



prerogative of the local authorities and this model illustrates just one approach to this end.

The areas covered in this model are not intended to be totally inclusive; for instance, the local entities should in the areas of definitions, sign control, etc., modify it to suit their particular needs.

Should any assistance be required in the preparation or adoption of a local PUD please feel free to call upon the Division of Local Government or the Division of State Planning at any time.

PART 1  
GENERAL PROVISIONS  
PLANNED UNIT DEVELOPMENT

I. Purpose

A. Encourage the total planning of land tracts consistent with the goals and objectives and/or long-range general plan;

B. Encourage innovative approaches to urban design and the sound application of proven design methods;

C. Provide flexibility in the application of zoning regulations so as to maximize the opportunities available to qualified professionals to utilize good design;

D. Provide a basic flexible framework in which a variety of private and public activities can co-exist harmoniously;

E. Provide for the integration of the Planned Unit Development (PUD) into the total fabric of development which makes up a community.

F. Provide for PUD as a special use by permit within a zoning district allowing PUD as a special use.

II. Consistency with the General Plan

No planned unit shall be approved unless the final PUD plan is found to be consistent with current goals and objectives and/or the long-range comprehensive plan for \_\_\_\_\_.

III. Relationship to the Subdivision Regulations

The uniqueness of each PUD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modifications from the specifications established in the subdivision regulations adopted by the \_\_\_\_\_,

if the reasons are well documented. Modifications may be incorporated only with the approval of the Planning Commission as a part of its review of the development plan for a PUD and shall conform to acceptable engineering, architectural, and planning principles and practices.

#### IV. General Intent for Approval of Planned Unit Developments

The Planning Commission shall consider the proposed PUD from the point of view of the relationship and compatibility of the individual elements which make up the development. No PUD shall be approved that contains elements which in the view of the Planning Commission cannot for any reason exist compatibly or provide an environment of lasting stability. It is the intent of this provision to recognize the fact that individual land uses, regardless of their adherence to all the design elements provided in this section, may not, due to any number of factors, exist compatibly with one another. Therefore, in addition to the review of the individual land uses involved in a PUD the Planning Commission must find that the total development can exist as an integrated whole.

In making its review of a PUD the Planning Commission may in any area where, in its opinion, conflicts may result due to possible friction between the various types of land uses, require setbacks or other standards of design in excess or in lieu of those standards normally applicable.

#### V. Phasing of Non-Residential Construction

If a PUD contains non-residential uses, of a commercial or industrial nature, these uses may be constructed first, but only if the Planning Commission finds--and records its findings

on the Final PUD Plan--that the non-residential uses are consistent with the goals and objectives and/or the comprehensive plan for the community even though the residential areas of the planned unit are not built or not completed.

VI. Staging of Development

Each stage within a PUD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PUD or its surroundings at any stage of the development.

VII. Definitions (If not previously defined in zoning ordinance or resolution.)

A. Common Open Space. Common open space shall mean a parcel or parcels of land, an area of water, or a combination of land and water within the site designated for a PUD, designed and intended primarily for the use or enjoyment of residents, occupants, and owners of the PUD.

B. Plan. A plan means the provisions for development of a PUD which may include, but need not be limited to, easements, covenants, and restrictions relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, utilities, private and public streets, ways, roads, pedestrian areas and parking facilities, common open space and other public facilities.

C. Planned Unit Development. A PUD means an area of land, controlled by one or more landowners to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses,



or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations. Because of the peculiarity of each individual PUD sign controls were not included in this model but each political subdivision should define and develop their own needs in this area.

C. Green Belt. A buffer area of native vegetation left substantially intact or supplemented by additional plant materials, as well as walkways and rest areas.

D. Gross Density. The average number of dwelling units per acre for the development.

E. Intensity of Use. The qualitative and quantitative levels of activity anticipated for any use of the given parcel of land.

F. Net Density. The average number of dwelling units per acre excepting all areas of dedicated public use.

G. Undeveloped Open Space. An area left completely in its natural state or the same condition in which it was found. (This does not preclude the reclaiming and rehabilitation of land to a natural state.)

A SUMMARY OF THE PLANNED  
UNIT DEVELOPMENT APPROVAL PROCESS

Step 1A

The applicant shall meet with the Planning Commission and/or its staff for a pre-application conference concerning the proposed development prior to filing any formal application.

Step 1B

The first mandatory step in the approval process is the formal filing with the Planning Commission of the Schematic Planned Unit Development Plan covering the entire proposed development.

Step 2

The Planning Commission considers the Schematic Planned Unit Development Plan and prepares a report which is submitted to the governing body of the city, town or county along with the Planning Commission's recommendation that the plan be approved or disapproved and reasons therefor.

Step 3

The governing body of the city, town or county considers the Schematic PUD Plan and the Planning Commission's recommendation concerning the plan. A public hearing is then held on the proposed plan prior to approval of a special use permit by the city, town or county.

Step 4

Once the Schematic PUD Plan has been approved the applicant may proceed to prepare a final PUD Plan. Unlike the schematic plan which must encompass the entire development the Final PUD Plan may be submitted in sections or stages and shall be substantially the same as the approved schematic.

#### Step 5

Upon approval of a Final PUD Plan and a preliminary subdivision plat for any portion of the property contained within the area encompassed by the Final PUD Plan which is to be subdivided, the applicant may proceed with Filing of a Subdivision Plat on that portion as per established practice.

#### Step 6A

Only after approval and filing of a final subdivision plat may the developer proceed with construction, sale of lots and transfer title to a property shown on the approved plat. Approval of a final subdivision plat shall include having receipt of proper surety to insure completion of public improvements.

Construction of dwelling units or structures on the final plat should not be allowed until the filing of that document.

#### Step 6B

Before any special use permit shall be issued for PUD development, the governing body of a city, town or county shall require that the applicant furnish evidence of a bank letter of credit or bond, or a certified check, in an amount calculated by the governing body of the city, town or county to secure all or part of the proposed site improvements in a workmanlike manner, and in accordance with specifications and construction schedules established or approved by the governing body.

1. In the event that the PUD is to be developed by stages, the governing body of a city, town or county may require such commitment, bond or check at the stage or stages when appropriate.

2. Any such commitments, bonds or checks shall be payable to and held by the city, town or county of \_\_\_\_\_.

## PART II

### ADMINISTRATIVE PROCEDURE GOVERNING

### APPROVAL OF PLANNED UNIT DEVELOPMENTS

#### I. Pre-Application Conference

Prior to actual submission of the Schematic PUD Plan and before any site improvements are made, the landowners shall confer with the Planning Commission and/or its staff to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data. This discussion shall concern, but not be limited to the following:

##### A. The Site

1. Placement of buildings or structures in floodable areas.
2. The location.
3. The existing zoning.
4. The surrounding type of development and land use.
5. The size of the site.
6. The accessibility of the site.
7. Any development proposal shall be accompanied by physiographic studies of the proposed site.

These studies shall be performed, and attested to by qualified professional authorities in the following fields: soil quality, slope and topography, geology, water rights and availability, sewage and solid waste disposal.

Plans for implementation must be reviewed and commented upon, such review and comments to be limited to thirty (30) days by the appropriate agencies as follows:

U.S. Soil Conservation Service

State Department of Natural Resources

State Health Department or Pollution Control

State Department of Wildlife

State Division of Planning

Land Use Commission

B. The Development

1. The type of development proposed (residential, commercial, industrial or combined) land use.
2. The density of the development.
3. The quantity and location of parking areas.
4. The location, type and method of maintenance of open space.
5. Proposed landscaping or other treatment of the tract.
6. Proposed internal circulation system, including pedestrian ways.
7. Area of ground coverage of roads, parking and buildings.

C. Community Facility Considerations

1. The effect the proposed development will have upon schools, fire and police services, etc.
2. The proximity and adequacy of utilities, fire protection, major traffic arteries, etc.
3. The effect of the development on the downstream utility uses and the effects of the runoff downstream.

D. Development Schedule

The estimated time span for construction of the proposed development including any anticipated staging.



## II. The Schematic Planned Unit Development Plan

A. It is the intent of this section to provide for a schematic plan and written statement which will give approving agencies and neighboring property owners enough information to inform them of the basic policy decision required by the proposal. The schematic plan must cover all property which is to be included in the total proposed development and must be sufficiently detailed to allow for effective review. However, detailed site plans are not necessary at this stage of the submission process and residential and others can be shown schematically. The written statement affords the developer an opportunity to express his intentions and elaborate on his plan in writing.

B. The maps which are part of the Schematic PUD Plan must be generalized from and must contain as an absolute minimum the following information:

1. The location and name of the proposed development to include a locator map of appropriate scale.
2. The name and address of the landowners (as defined by this article) and of the designers of the development.
3. Information regarding the physical characteristics of the surrounding area and the developments within at least three hundred (300) feet of the proposed HUD or as otherwise required.
4. The size in acres of the proposed development.

5. Existing zoning and land use both within the area encompassed by the proposed development and the area within at least three hundred (300) feet of the periphery.

6. Adjacent streets and proposed points of access.

7. The existing topographic character of the land and existing natural feature.

8. The property lines and names of adjoining landowners.

9. Location and description of any existing utilities or easements in the area encompassed by the proposed development.

10. North Arrow and graphic scale.

11. Existing and proposed land use and the approximate location of building and structures.

12. The character and approximate density of all dwellings.

13. The proposed circulation system.

14. Public uses, including schools, parks, playgrounds and other open spaces. This shall specifically include common open spaces which are reserved for use of the residents of the proposed development.

C. The written statement to accompany the Schematic PUD Plan may offer any additional supportive information which the applicant was unable to present graphically. However, as an absolute minimum the written statement must contain the following information:

1. An explanation of the character of the PUD and the manner in which it has been planned to take advantage of the PUD regulations.

2. A general statement of expected financing.

3. A statement of the present ownership of all land included within the PUD.

4. A general indication of the expected schedule of development indicating (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date when the construction of each stage can be expected to begin; (3) the common open space that will be provided at each stage. It is intended that the development schedule required by this section shall provide a general time span for development of an entire project and cannot in most instances involve stage developments and be highly accurate.

However, it is imperative that the Planning Commission have some general idea of the time span in which the proposed development can be expected to materialize.

5. The substance of proposed covenants, grants of easement or other restrictions to be imposed upon the use of the land, including common open areas, buildings and other structures within the development.

6. A general statement of the anticipated legal treatment of common ownership and maintenance of such areas.

### III. Approval of the Schematic Planned Unit Development Plan

A. An applicant shall make initial application for approval of a PUD to the Planning Commission.

B. The completed Schematic PUD Plan must be submitted to the Secretary of the Planning Commission thirty (30)

or more working days prior to the Planning Commission meeting at which it will be presented. Three copies of the plan and related documents will be required.

C. Within (60)days after the formal filing of the Schematic PUD Plan, the Planning Commission shall forward the plan to the governing body of a city, town or county along with a written report recommending that the plan be approved or disapproved.

Specifically this written report shall include, but not be limited to, such items as those covered by Section II, B and C and in conformance with the legislative purpose and intent and consistent with the adopted and accepted standards of development, as well as goals and objectives and/or policies and/or long-range plan.

D. Upon receipt of the written report prepared in accordance with III, C above, the governing body of a city, town or county shall consider said report, the Schematic PUD Plan and such other data as may be required. Prior to the issuance of any special use permit a public hearing as required by law shall be held. This hearing may be held jointly with the Planning Commission. The Planning Commission report must be made available to the public at least \_\_\_\_\_ days prior to the public hearing.

Within ten (10) days after the public hearing, the governing body of a city, town or county shall either approve the plan and grant the necessary special use permit or disapprove the plan.

E. Action Upon Disapproval. Should a development plan be disapproved, the governing body shall submit in writing detailed reasons for its action to the landowners within ten (10) days after said action. A copy of these comments shall be forwarded to the Planning Commission.

F. No building permits may be issued and no final plat be approved on land within the PUD zone until the Final PUD has been approved and filed.

#### IV. The Final Planned Unit Development Plan

A. Application for Final Approval. Within one year following the approval of the Schematic PUD Plan, the applicant shall file with the Planning Commission a Final PUD Plan containing in final form the information required. In its discretion and for good cause shown the Planning Commission may extend the time period for the filing of the PUD Plan. However, prior to any such extension the landowner shall be required to show cause for the requested extension.

In the event the Planning Commission finds that conditions of the Schematic PUD Plan have changed so as to raise reasonable question regarding the landowners ability to continue with the plan it may withdraw approval of the plan. Should the Planning Commission withdraw approval of the plan a report of this action shall be sent immediately to the governing body of a city, town or county along with its recommendation for disposition.

B. Final Approval of Stages. In accordance with the schedule

presented in the Schematic Plan, the landowner may elect to seek final approval of only a geographic section or sections of the land included within the total development.

C. Contents of the Final Planned Unit Development Plan. The Final PUD Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development, or portion thereof, and shall include, but not be limited to, all the following:

1. Final Planned Unit Development. Plan drawings at a scale of 1" - 200' indicating:

a. The anticipated finished topography of the area involved as well as existing topography at intervals suitable to the type of terrain for clarity as determined by the Planning Commission.

b. A circulation diagram indicating the proposed movement and volume of vehicles, goods and pedestrians within the PUD and to and from existing thoroughfares. This shall specifically include:

- i. Width of proposed streets;
- ii. A plan of any sidewalks or proposed pedestrian ways;
- iii. Any special engineering features and traffic regulation devices need to facilitate or insure the safety of the circulation pattern. All facilities shall conform to standards of the \_\_\_\_\_.

c. An off-street parking and loading plan indicating general coverage of parking areas.



d. Areas proposed to be conveyed, dedicated or reserved for parks, parkways, and other public or semi-public open space uses including any improvements which are to be deeded as part of any common use area.

e. Information regarding the physical characteristics of the sourrounding area and developments within three hundred (300) feet of the proposed PUD.

f. A plot plan showing the location of all buildings, structures, and improvements open spaces, legal descriptions and locator map.

g. A plan for proposed utilities including sewers, both sanitary and storm, including treatment plants capacity and type, gas lines, water lines, and electric lines showing proposed connections to existing utility systems and drainage plan showing estimated run-off and impoundments. Public water and sewer systems are required.

2. A plan showing the use, approximate height, bulk and location of all buildings and other structures. Any drawings used to meet this requirement need not be the result of final architectural decisions and need not be in detail.

3. A generalized land use map and a tabulation of land area to be devoted to various uses and activities.

4. A tabulation of proposed densities to be allocated to various parts of the area to be developed. This tabulation is to be both in numbers of dwelling units and in projected population.

5. Ratios of parking, landscaped open space and building coverage.

6. Final drafts of all proposed covenants and grants of easement (particularly those pertaining to common open-space) and the maintenance responsibilities thereof.

D. Relationship to the Subdivision Regulations. In any instance where land is to be subdivided or streets are to be dedicated the following procedure will be utilized. At the time application is made for approval of a Final PUD Plan, application shall also be made for preliminary approval of a subdivision plat. Both the Final PUD Plan and preliminary plat will be considered simultaneously by the Planning Commission. A final PUD Plan approved by the Planning Commission may form the basis for granting modification with respect to the subdivision regulations. Final subdivision plats may be submitted to the Planning Commission on any portion of a development which lies within the area encompassed by an approved Final PUD Plan and which consists of all or a portion of the property within the area encompassed by an approved preliminary subdivision plat.

E. Prior to approval of any Final PUD Plan the applicant shall insure that all land within the portion of the development proposed for final approval is owned or controlled by the applicant.

F. Procedure for Approval of the Final Planned Unit Development Plan

1. Within thirty (30) days after final submission the Planning Commission shall either approve or disapprove the Final PUD.

2. In the course of its consideration and prior to any final approval the Planning Commission shall give notice and provide each of the following an opportunity to be heard.

a. Any person who is on record as having appeared at the final public hearing on the Schematic PUD Plan.

b. Any other person who has indicated to the Planning Commission in writing that he wished to be notified.

3. The Planning Commission may approve the Final PUD Plan if it finds:

a. The Final PUD Plan is in substantial compliance with the Schematic PUD Plan; and,

b. That the plan complies with all other standards for review which were not considered when the Schematic PUD Plan was approved.

4. If the Planning Commission finds that the Final PUD Plan is not in substantial compliance with the Schematic PUD or does not comply with all other standards of review then it shall disapprove the plan. In the event of disapproval a written report shall be prepared by the Planning Commission and sent to the applicant. This report shall detail the grounds on which the plan was denied to include specifically ways in which the Final PUD Plan was not in substantial compliance with the Schematic PUD Plan or other standards of review which the Final PUD Plan failed to meet.

5. In the event a Final PUD Plan is disapproved the Planning Commission may allow the applicant to resubmit a revised plan within thirty (30) days.

V. Filing for Approved Final Planned Unit Development Plan

Upon approval of a Final PUD Plan said plan and all maps, covenants and other portions thereof shall be filed with the following agencies:

1. The Planning Commission
2. The building department.
3. County Clerk and Recorder
4. \_\_\_\_\_

VI. Failure to Begin Planned Development

If no construction has begun or no use established in the PUD within one year from the date of approval of the Final PUD Plan, the Planning Commission may require the landowner to appear before it and to present evidence substantiating that he has not abandoned the project and possesses the willingness and ability to continue its development.

In the event the Planning Commission finds that conditions in support of the granting of approval of the Final PUD Plan have changed so as to raise reasonable questions regarding the landowner's ability to continue with the plan it may withdraw its approval of the plan. Should the Planning Commission withdraw its approval of the plan a report of this action should be sent immediately to the governing body of the city, town, or county

along with a recommendation the PUD Zone be withdrawn.

In its discretion and for good cause shown the Planning Commission may extend the period for initiation of the development, but at least annually it must again require the landowner to demonstrate that he has not abandoned the project.

#### VII. Enforcement of the Development Schedule

The construction and provision of all common open spaces and public utilities and recreational facilities which are shown on the Final PUD Plan must proceed at no slower rate than the construction of dwelling units. From time to time the Planning Commission shall compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, then the Planning Commission may take either or both of the following actions:

1. Cease to approve any additional final plats.
2. Instruct the building official to discontinue the issuance of building permits.

In any instance where the above actions are taken the Planning Commission shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial or industrial nature and the provisions of common open spaces and public-recreational facilities are brought into adequate balance prior to the continuance of construction.

VIII. Minor Changes and Amendments to an Adopted Final Planned Unit Development Plan

The terms, conditions, and the adopted Final PUD Plan may be changed from time to time as provided in the following paragraph.

A. Minor Modifications. The building official or other agent as authorized by the Planning Commission may approve minor modifications in the location, sizing, and height of buildings and structures if required by engineering or other circumstance not foreseen at the time the Final Planned Unit Development Plan was approved so long as no modification violates any standard or regulation set forth in the article including bulk and open space regulations. The total of such modifications approved by the building official or other agent as authorized by the Planning Commission shall not in aggregate result in:

1. An increase of more than one (1%) percent in the residential density;
2. An increase of more than three (3%) percent in the floor area proposed for non-residential use of a commercial or industrial nature;
3. An increase of more than two (2%) percent in the total ground area covered by buildings; and
4. A reduction of more than one (1%) percent in the area set aside for common open space. Minor modifications in the location of streets and underground utilities may be approved under this section.

B. Amendments. Any uses not authorized by the approved Final PUD Plan but allowable in the zoning district as a permitted use may be added to the Final PUD Plan upon approval of any such



alteration by the Planning Commission. In the course of its consideration of any alteration to be approved under the provisions of this paragraph the Planning Commission shall hold a public hearing for all residents and owners within the PUD and for all other parties who have an interest in the amendment in the judgment of the Planning Commission.

All other changes in the adopted Final PUD Plan exceeding those limits established above must be made by the governing body of a city, town, or county under the regular procedures. However, prior to any action by the governing body of a city, town, or county on a proposed amendment the Planning Commission shall study the proposed amendment and shall prepare a report which will detail its recommendation on the proposed alteration and the reasons therefor.

PART III  
SPECIFIC USES AND REQUIREMENTS FOR  
PLANNED UNIT DEVELOPMENT

I. Permitted Uses

A planned unit development may include the uses allowed by right, and the conditional uses allowed, in the zoning district in which said PUD is located. In addition the PUD may include the following uses, separately or in combination, subject to the density and design standards designated below:

1. Single, double and multifamily residences;
2. Sale or rental of commercial grounds and services;
3. Recreation facilities;
4. Offices;
5. Convention facilities;
6. Eating and drinking places in connection with recreational facilities;
7. Public offices, utilities and facilities pertinent to the primary uses for which the PUD is intended;
8. Lodging places, including motels, hotels, lodges, and dormitories;
9. Schools;
10. Churches;
11. Mobile home parks;
12. Resort mobile home parks and tent camping parks;
13. Light industry.

## II. Requirements Regarding Density and Design

A. Open Space. A minimum of twenty-five (25) percent of the total PUD area shall be devoted to open air recreation or other useable public open space. "Useable public open space" shall be defined as open area developed and designed for use by the occupants of the development or by others for uses including, but not limited to, recreation, courts, gardens, parks, and walkways. The term shall not include space devoted to streets and parking and loading areas and accessory structures.

B. Residential Density. The density of the net residential area shall not exceed \_\_\_\_\_ units per acre. "Net residential area" shall mean the area devoted to residential uses, and the term shall not include streets and parking areas, or required useable open space areas.

C. Density of Other Uses. The overall average net density of the total area devoted to all other permitted uses shall not exceed a floor-to-land area ratio of \_\_\_\_\_. "Net density" shall apply to the area devoted to uses excluding streets and their right-of-way, and required useable open space.

III. The maximum height of buildings may be designated by the Planning Commission in relation to the following characteristics of the proposed building.

A. Its geographical location;

B. The probable effect on surrounding slopes and mountainous terrain;

C. Adverse visual effect to adjacent sites or other areas in the immediate vicinity;

D. Potential problems for adjacent sites caused by shadows, loss of air circulation, or closing of view;

E. Influence on the general vicinity, with regard to extreme contrast, vistas and open space;

F. Uses within the proposed building.

IV. Parking spaces shall be provided in the PUD according to the following:

A. Assembly Halls. For auditoriums, arenas, gymnasiums, exhibition halls, theatres, and other similar recreational or public gathering places, at least one (1) space for each one hundred (100) square feet of gross floor area, one (1) parking space for each four (4) seats, whichever is greater, plus one (1) additional space for every two (2) employees thereof. When individual seats are not provided, twenty-two (22) inches of undivided seating shall constitute one (1) seat.

B. Bowling Alleys. At least four (4) parking spaces for each alley, plus one (1) additional space for every two (2) employees.

C. Churches. There shall be one (1) parking space for each six (6) seats in the principal auditorium. Twenty-two (22) inches of undivided seating shall constitute one (1) space.

D. Educational Institutions. For high schools and colleges, one (1) parking space for every four (4) persons in the faculty and student body, and for elementary, primary and junior high school, two (2) parking spaces for every classroom plus sufficient off-street space for safe and convenient loading and unloading of students.

E. Hospitals. One (1) parking space for every three (3) beds.

F. Hotels. For hotels, boarding houses, rooming houses, clubs, dormitories, lodges, and other similar structures, at least one (1) parking space for each dwelling unit or one (1) parking space for each two (2) guest rooms, whichever is greater.

G. Libraries and Museums. One (1) parking space for each one thousand (1,000) square feet of gross floor area, plus one (1) parking space every two (2) employees.

H. Markets. For markets, retail bakeries, grocery stores, delicatessen and liquor stores, one (1) parking space for every one hundred (100) square feet of space dedicated exclusively for the sale and display of such merchandise, plus one (1) parking space for every two (2) employees.

I. Medical Clinics. For medical and dental clinics, two (2) spaces per doctor, plus one (1) parking space for every two (2) employees.

J. Professional Offices. For professional offices, banks, lending institutions, and to include sales, management and rental offices, one (1) parking space for every three hundred (300) square feet of gross floor area.

K. Residential Use. Two (2) parking spaces for each single family equivalent, dwelling unit, efficiency unit, townhouse or condominium. One (1) space for two (2) units of elderly and space for expansion in case of change in tenants.

L. Restaurants. For restaurants, bars, and taverns, one (1) parking space for each one hundred (100) square feet of gross floor area.

M. Retail Business. One (1) parking space for each four hundred (400) square feet of gross floor area, plus one (1) additional space for each two (2) employees, occupants, or tenants thereof.

N. Tourist Courts. For tourist courts and motels, one (1) parking space per unit.

O. Off-Street Parking. The intentions of the off-street parking regulation are to insure the provision and maintenance of adequate off-street parking in order to develop a proper flow of traffic, to reduce congestion, and to provide for the safety and general welfare of its inhabitants as follows:

1. Responsibility. The duty to provide and maintain off-street parking areas shall be the joint and several responsibility of the operator and owner of the land use(s) and the land for which the off-street parking areas are required to be provided and maintained.

2. New Structures Uses. For structures and/or uses established or placed into operation after the effective date of this Final PUD Plan there shall be provided the amount or number of off-street parking spaces set forth herein.

3. Alteration or Additions to Existing Structures or Uses. For all structures or uses meeting the parking requirements of this ordinance, but that are subsequently moved, converted, extended, enlarged, or increased in capacity by adding dwelling units, guest rooms, floor area or seats shall maintain the existing amount of parking spaces for the increment of increase, at least the amount or number of off-street parking spaces that would be required hereunder if the increment were a separate land use or structure. If the existing land use or structural use is converted to a different use, off-street parking spaces shall be provided to meet the requirements of the different use as hereinafter set forth.

4. Location. All required off-street parking spaces shall be provided within four hundred (400) feet of the structure or use generating the parking need.

5. Combined Off-Street Parking Areas. Off-street parking spaces may be provided in the areas that jointly serve two (2) or more structures or uses provided that the total number of off-street parking spaces shall not be less than that required for the total combined number of structures and/or uses. When two (2) or more businesses, structures and/or uses whose peak parking requirements occur at different periods of the day, they may apply for special parking review, subject to the approval of the Planning Commission.

6. Parking Limitations. In residential areas off-street



parking spaces shall be used by vehicles up to but not exceeding three-fourths (3/4) ton manufacturer's capacity rating.

7. Storage Restrictions. In residential areas off-street parking spaces shall not be used for the parking or storage of automobile trailers, boats, detached campers or any other object that will render the parking space unusable according to the intent and purpose of this ordinance.

8. Sales or Service Restriction. No off-street parking space shall be used for the sale, repair, dismantling or servicing of any vehicle, equipment, material or supplies.

9. All off-street parking spaces shall be graded for proper drainage maintaining grades from a minimum of one-half one percent (.5%) to four percent (4%). They shall be surfaced with asphalt, asphaltic concrete, gravel or an equivalent material.

10. Obstructions. All off-street parking spaces shall be unobstructed and free of other uses.

11. Snow Stacking. (If applicable.) Additional snow stacking space equal to one hundred (100) square feet shall be provided adjacent to each off-street parking space. Alternative approaches will be considered by the Planning Commission upon complete written presentation of snow removal methods, techniques, and the proposed

size and location of snow stacking areas. If the applicant or owners intend to utilize private snow removal equipment, a written guarantee of permanent, on-going snow removal services shall be necessary.

12. Design Standards. The following minimum design standards shall be required.

a. Size of Parking Spaces. Each parking space shall have dimensions equal to ten (10) by twenty (20) feet exclusive of space required for maneuvering.

b. Accessibility. Each parking space shall be easily accessible during both ingress and egress. All non-residential parking areas shall have sufficient maneuvering spaces so that all vehicles can head directly onto exit drives leading to public streets, alleys or highways.

c. Intersections. No portion of any entrance or exit driveway leading to or from a public street or highway for the purpose of off-street parking shall be closer than thirty-five (35) feet to an intersection of two (2) or more public streets or highways.

d. Width of Driveways. The width of any driveway connecting a public street or highway shall be at least twenty-two (22) feet in width but shall not exceed thirty-five (35) feet at its

intersection with the property line and/or curb line on the physically established edge of the street. Divided driveways may be accepted upon review of the Planning Commission.

e. Frequency of Driveways. No two (2) driveways connecting a public street or highway to an off-street parking area shall be within thirty (30) feet of one another at their intersections with the property line and/or curb line or the physical edge of the street.

f. Traffic. The location and number of driveways must be so arranged that they will reduce the possibility of traffic hazards as much as possible.

g. Set Back. No portion of a parking space shall be closer than five (5) feet in both directions along the curb line or the physically established edge of the street or highway.

h. Visual Clearance. All driveways leading to and/or from off-street parking spaces that intersect public pedestrian ways shall be visually unobstructed for a distance of thirty-five (35) feet in both directions along the curb line or the physically established edge of the street or highway.

i. Discretion for Exception. In the case of any structure or use not specifically mentioned herein or any special circumstances affecting the off-street parking requirements, variances or special allowances may be granted by the \_\_\_\_\_ Board of Adjustment.

V. Fees

PART IV  
SPECIAL CONDITIONS FOR PLANNED  
UNIT DEVELOPMENT

I. Maintenance of Common Open Space

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PUD fail to maintain the common open space in reasonable order and condition in accordance with the plan, the county or municipality may serve written notice upon such organization or upon the residents of the PUD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the county or municipality may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said thirty (30) days or any extension thereof, the county or municipality, in order to preserve the taxable values of the properties within the PUD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the county or municipality shall, upon its initiative

or upon the written request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PUD, to be held by the board designated by the county or municipality, at which hearing such organization or the residents of the PUD shall show cause why such maintenance by the county or municipality shall not, at the election of the county or municipality, continue for a succeeding year. If the board designated by the county or municipality shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the county or municipality shall cease to maintain such common open space at the end of said year. If the board designated by the county or municipality shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the county or municipality may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

The cost of such maintenance by the county or municipality shall be paid by the owners of properties within the PUD that have a right of enjoyment of the common open space, and any unpaid assessments shall become a tax lien on said properties. The county or municipality shall file a notice of such lien in the office of the county clerk and recorder, upon the properties affected by such lien within the PUD, and shall certify such unpaid assessments to the board of county commissioners and county treasurer for collection, enforcement, and remittance of general property taxes.

October 30, 2019

**SENT VIA EMAIL**

William Tuthill, Esq.  
WATLegal LLC  
Counsel, Lakewood Board of Adjustment  
[watuthill@gmail.com](mailto:watuthill@gmail.com)

***Re: December 4, 2019 Lakewood Board of Adjustment Appeal Hearing – List of  
Materials to Be Included in Board Packet***

Dear Counsel:

As you know, we represent The Wild Flower Patio Homes @ White Fence Homeowners Association (the “HOA”) and UNIFIED Under the Wilson Property ODP (“UNIFIED”) in their appeal challenging Director Parker’s interpretation of the Wilson Property ODP and Lakewood’s Zoning Ordinance as set forth in his letters to me dated May 21, 2019, and May 31, 2019 (the “Appeal”). The Appeal is now set for a hearing before the Board of Adjustment (the “Board”) on December 4, 2019.

When we spoke earlier this month, you asked the parties to submit a list of materials to be included in the packet to be distributed to the Board in Advance of the Hearing. This letter responds to that request.

Specifically, we believe that the following materials should be included in the Board’s Hearing packet in the following order:

- A. Official Development Plan – Wilson Property (recorded at Reception No. 82022526)
- B. July 24, 2018 Letter from K. Mueller to S. Makee
- C. May 10, 2019 Letter from J. Silvestro to T. Parker
- D. May 29, 2019 Letter from C. White to T. Parker



- E. May 21, 2019 Letter from T. Parker to J. Silvestro
- F. May 31, 2019 Letter from T. Parker to J. Silvestro
- G. July 25, 2019 Letter from J. Silvestro to D. Brown-Evens (including attached Exhibits 1 and 3 through 13<sup>1</sup>)
- H. August 15, 2019 Letter from J. Silvestro to D. Brown-Evens (including attached Exhibits A and B)
- I. Crescent Response (to be submitted on or before Nov. 6, 2019)
- J. UNIFIED Reply (to be submitted on or before Nov. 20, 2019)

Please let us know if the Board does not have copies of any of the foregoing materials or if the Board believes that there are additional materials that would assist in resolving the Appeal.

Thank you for your time and attention to this important matter. Please contact me if you have any questions or concerns.

Sincerely,



James Silvestro

cc: Mark Lacis, Esq.  
Timothy Cox, Esq.  
Carolyn White, Esq.

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<sup>1</sup> Although all of the exhibits attached to our July 25, 2019 Letter should be included as part of the administrative record (per our earlier request), Exhibit 2 (which is the entirety of the Lakewood's Zoning Ordinance and quite voluminous) may be omitted from the Board's packet so long as that document is otherwise available to the Board.

November 6, 2019

Carolynne C. White  
Attorney at Law  
303.223.1197 tel  
303.223.0997 fax  
cwhite@bhfs.com

**VIA E-MAIL DIABRO@LAKEWOOD.ORG**

Diana Brown-Evens  
Secretary, Board of Adjustment  
City of Lakewood  
470 South Allison Parkway  
Lakewood, CO 80226-3127

RE: Homeowners Association Appeal of Planning Department's Interpretation of the Lakewood  
Zoning Ordinance and the Wilson Property ODP

Dear Board Members:

This law firm represents Crescent Communities ("**Crescent**"), the applicant of a pending major site plan submitted on March 27, 2019 (the "**Application**") for the parcel located at 6263 W. Jewell Ave., Lakewood, Colorado 80232 ("**Property**"). The Application seeks approval for construction of 234 rental apartment units at the Property, with a maximum structure height of 54 feet (the "**Project**").

Although the Application is still pending before City of Lakewood ("**City**") Planning Department under Case File No. ZP-18-047, certain neighbors have attempted to appeal pre-decisional statements made by the Planning Director. This letter responds to their claims and provides the rationale for the Board of Adjustment ("**BOA**") to dismiss the appeal or deny all of its claims.

**I. SUMMARY**

After only about six weeks into reviewing the Application, Planning Department staff received a letter from certain neighbors from *The Wild Flower Patio Homes @ White Fence Homeowners Association*, who claimed that the Project—if approved—would violate the City's land use regulations. The neighbors claimed that the Wilson Property Official Development Plan ("**ODP**") (approved in 1982) prohibits certain aspects of the Project as reflected in the Application, despite those project components being expressly authorized under the current Zoning Ordinance that was last legislatively amended in a relevant way in 2012. See Letter from James Silvestro to Travis Parker (May 10, 2019).<sup>1</sup>

The City's Planning Director, Travis Parker, responded to the neighbors on May 21 and May 31, describing why they misunderstood the interaction between the current Zoning Ordinance and the 1982 ODP. See Letter from Travis Parker to James Silvestro (May 21, 2019); Letter from Travis Parker to James Silvestro (May 31, 2019). Director Parker also confirmed that the Land Use Ordinance plainly allows the City to

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<sup>1</sup> A mere six days after sending this letter and before the City even had an opportunity to respond, the HOA's attorneys formed an affiliated nonprofit organization, *UNIFIED Under the Wilson Property ODP*, to challenge the Project, appeal the City's ultimate decisions, and fund litigation. See **Exhibit A** (*Unified Under the Wilson Property ODP* Articles of Incorporation); see also GoFundME, *UNIFIED Under the Wilson Property ODP*, <https://www.gofundme.com/f/gofundmecomunified-under-the-wilson-property-odp> (last visited Nov. 6, 2019).

apply the standards of the base zone district rather than ODP standards when considering a redevelopment project, as here. On behalf of Crescent, we also submitted a letter to the Planning Director on May 29, 2019, describing why the neighbors' assertions were wrong.

On July 25, 2019, *The Wild Flower Patio Homes @ White Fence Homeowners Association* and an affiliated nonprofit, *UNIFIED Under the Wilson Property ODP* (together, the "**HOA**") then submitted an "appeal" of the Director's letters to the BOA. Letter from James Silvestro to Diana Brown-Evens (July 25, 2019) ("**HOA Appeal**"). The neighbors submitted the HOA Appeal before the City has taken any official action that could be subject to an appeal (i.e., approval, approval with modifications, or denial of the Application).

The purpose of this letter is to describe why the BOA lacks jurisdiction to consider this appeal. Relevant here, the Zoning Ordinance provides that decisions associated with a major site plan review—like the Application—are subject to an appeal before the Planning Commission, not the BOA. Moreover, the appeal rights associated with a major site plan application rest solely with the applicant, not various neighbors. Therefore, only Crescent can appeal the Planning Department's decisions and only the Planning Commission can consider it.

That jurisdictional bar aside, the BOA's jurisdiction is further limited by virtue of the appeal being unripe. The HOA first questioned the Application a mere six weeks after Crescent submitted it and the HOA "appealed" the Planning Director's pre-decisional responses even before the Planning Director had an opportunity to render a final decision on the Application. This fouls the integrity of the Planning Department's deliberative process and wastes the City's, Crescent's, and the HOA's time. It remains entirely possible that the Director Parker will deny the pending Application or approve it with modifications such that it renders the appealed issues moot. The BOA must dismiss the appeal because it is unripe.

This letter also describes why, even assuming the BOA did have jurisdiction, the BOA must uphold the Director's decisions concerning the Zoning Ordinance. The HOA's appeal ignores the fact that the City Council legislatively rezoned the entire City in 2012 (after it was also approved by the Planning Commission), the Property's base zone district is now M-N-S (*Mixed Use - Neighborhood - Suburban*), and that base zone district is binding upon the Property and the entire ODP. As such, the Zoning Ordinance explicitly empowers the Planning Director to apply the standards associated with base zone district M-N-S rather than the ODP's standards, and the M-N-S standards unequivocally authorize the Project's contested density and height. The Zoning Ordinance's standards also govern architecture review and allow the Planning Department to perform such review in lieu of a committee formed by unspecified property associations. The Planning Department's architecture review also will fully satisfy the intent of the ODP, especially considering that the Planning Department has similarly satisfied architectural review requirements in many Planning Developments in the past – including the ODP. For these reasons, the HOA Appeal must be dismissed, or at least denied in all respects.

## **II. ARGUMENT**

### **A. The BOA Lacks Jurisdiction to Consider this Appeal**

The BOA lacks jurisdiction to consider this appeal and must dismiss it because (1) Planning Director decisions made in the context of a major site plan review are subject to an appeal to the Planning Commission, not the BOA, and only the applicant may appeal, and (2) even if the BOA somehow determines that it does have jurisdiction over this major site plan dispute, the HOA's appeal must be dismissed because it is not yet ripe for the BOA's review.

1. Planning Director Decisions Made in the Context of a Major Site Plan Review are Subject to Appeal Before the Planning Commission, not the BOA, and Only the Applicant May Appeal

According to the HOA's July 25, 2019 letter, the HOA claims to have appealed Director Parker's May 21 and May 31 letters pursuant to Zoning Ordinance § 17.1.7.3. This general provision, appearing under Article 1 of the Zoning Ordinance ("Purpose and Administration"), vests the BOA with general authority to consider Planning Director "decisions and interpretations":

The duties and responsibilities of the Board of Adjustment shall be as set forth in the City of Lakewood Charter, the City of Lakewood Municipal Code, this Zoning Ordinance, and the Board of Adjustment Rules and Regulations. The Board of Adjustment shall have jurisdiction to hear and decide variances as set forth in Section 17.2.4 of this Zoning Ordinance, and to hear and decide appeals from decisions and interpretations made by the Director pursuant to 17.1.7.1.B.1 of this Zoning Ordinance.

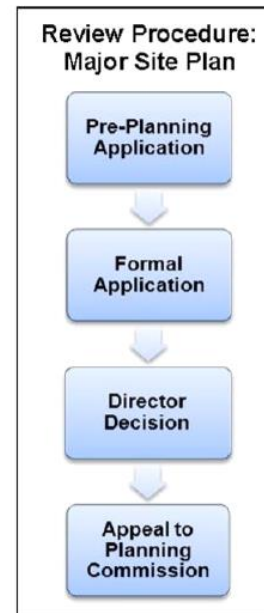
*Id.* § 17.1.7.3. In turn, Section 17.1.7.1.B.1 of the Zoning Ordinance generally allows the Planning Director to "[i]nterpret and apply" the provisions set forth in this Zoning Ordinance.

Critically, however, these general provisions are qualified by distinct, specific provisions concerning major site plan review and associated appeals. Article 2 of the Zoning Ordinance ("Procedures and Appeals") sets forth the detailed steps in various application processes. For a major site plan, like the Application, the prescribed process includes preplanning application review, formal application review, review and issuance of a decision by the Planning Director, and a right of appeal *to the Planning Commission* – not the BOA:

<b>Table 17.2.1: Procedures Summary Table</b>						
<b>Planning Applications</b>	<b>Application Processes</b>		<b>Review, Decision, and Appeal Authority</b>			
	<b>Preplanning Review</b>	<b>Formal Application Review</b>	<b>Director</b>	<b>Board of Adjustment Public Hearing</b>	<b>Planning Commission Public Hearing</b>	<b>City Council Public Hearing</b>
Initial Zoning and Rezoning	✓	✓	R		R	D
Special Use Permit	✓	✓	R		D	
Major Variance		✓	R	D		
Minor Variance		✓	D	A		
Major Waiver		✓	R		D	
Minor Waiver		✓	D		A	
Major Site Plan	✓	✓	D		A	
Comprehensive Sign Plan	✓	✓	D		A	
Zoning Lot	✓	✓	D		A	

✓ = Required Application R = Review D = Decision A = Appeal

Zoning Ordinance § 17.2.2.



Zoning Ordinance § 17.2.7.4.B.

The Zoning Ordinance prescribes the review criteria, authority, and procedures. The Planning Director must review the application and ensure that (a) the formal application is complete when submitted to the

City, (b) the applicant followed the procedures prescribed by the Zoning Ordinance, and (c) planning staff reviewed the application applying the review criteria in Section 17.2.7.2 and any other applicable City standards. *Id.* § 17.2.7.4.B. Once the Planning Director “make[s] a decision to approve, approve with modifications, or deny the application for a site plan based on the review criteria in Section 17.2.7.2, and any other applicable City standards,” only at that time does the application become subject to appeal. Furthermore, appeals are heard by the Planning Commission, and any right of appeal belongs to the applicant – not unrelated third parties like the HOA:

- a. **The applicant may appeal** the Director’s decision on a major site plan.
- b. A written appeal shall be submitted to the Secretary of the Planning Commission within 30 days of the Director’s decision.
- c. **The Planning Commission shall review appeals to the Director’s decision for a major site plan.** The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application.
- d. The Planning Commission’s review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.
- e. Any decision of the Planning Commission on review of an appeal to a major site plan shall include reasons for affirming, modifying, or reversing the Director’s decision.

*Id.* § 17.2.7.5.C (emphasis added).

Here, Director Parker’s May 21 and May 31 letters were not independent “decisions and interpretations” divorced from a zoning application; they clearly arose in the context of the Planning Department’s major site plan review. Rather, the Planning Director was “interpreting and applying” the Zoning Ordinance as part and parcel of its forthcoming major site plan decision. Therefore, the HOA’s reliance on Section 17.1.7.3 of the Zoning Ordinance is fundamentally misplaced.

Instead, the BOA’s general jurisdiction to consider appeals of Planning Director “interpretations and decisions” must yield to the Planning Commission’s specific jurisdiction to consider appeals of decisions arising in the context of major site plan review because it is axiomatic under Colorado law that a specific provision controls over a general provision. See, e.g., *City and County of Denver v. Expedia, Inc.*, 405 P.3d 1128, 1132 (Colo. 2017) (stating that municipal ordinances are subject to the same canons of construction as statutes); *Colo. Min. Ass’n v. Bd. of County Comm’rs of Summit Cnty.*, 199 P.3d 718, 733 (Colo. 2009) (stating the statutory rule of construction that “specific provisions trump general provisions”); *Delta Sales Yard v. Patten*, 892 P.2d 297, 298 (Colo. 1995) (“It is a well-accepted principle of statutory construction that in the case of conflict, a more specific statute controls over a more general one.”); *People v. Yoder*, 409 P.3d 430, 433 (Colo. App. 2016) (“Ordinarily, specific language in a statute acts to restrict more general language.”); see also C.R.S. § 2-4-205 (codifying same principle); *U.S. v. Gutierrez*, 859 F.3d 1261, 1269–70 (10th Cir. 2017) (“this court has long adhered to the “well-established” rule that “specific statutory provisions prevail over more general provisions”).

Because the Planning Director’s letters arose in the context of major site plan review, the BOA must recognize and adhere to the Zoning Ordinance’s established procedures for adjudicating appeals in the context of major site plan review. The Planning Commission, not the BOA, has jurisdiction to hear such appeals. Accordingly, the BOA must dismiss the HOA’s appeal.

## 2. An Appeal is Not Yet Ripe

Should the BOA somehow determine that it does have jurisdiction over this major site plan review dispute, the HOA's appeal still must be dismissed because it is not yet ripe for the BOA's review.

The HOA appealed the Planning Director's "interpretations," but the plain language of the Zoning Ordinance indicates that Planning Director interpretations can be appealed to the BOA only when such interpretations are applied in a decision. As stated above, the HOA's July 25, 2019 letter pursues an appeal under Zoning Ordinance § 17.1.7.3, which states in relevant part that the BOA shall have jurisdiction "to hear and decide appeals from "decisions and interpretations made by the Director pursuant to 17.1.7.1.B.1 of this Zoning Ordinance." *Id.* § 17.1.7.3 (emphasis added). And under Section 17.1.7.1.B.1 of the Zoning Ordinance, the Planning Director has the authority to "interpret and apply the provisions set forth in this Zoning Ordinance. *Id.* § 17.1.7.1.B.1 (emphasis added). But both of these provisions utilize a conjunctive, not a disjunctive construction. The BOA considers "decisions *and* interpretations" because interpretations are integral to decisions; the Planning Director interprets the Zoning Ordinance *in the context of making decisions or applying the Zoning Ordinance*, and it is only those interpretations that are appealable to the BOA. Stated otherwise, the BOA cannot consider "interpretations" that are divorced from an actual decision, as here. If the BOA's jurisdiction were that broad, the provisions would state that the BOA can consider "decisions or interpretations," under a disjunctive construction. See, e.g., *Encino Motorcars, LLC v. Navarro*, 138 S. Ct. 1134, 1141 (2018) ("The exemption uses the word 'or' to connect all of its nouns and gerunds, and 'or' is almost always disjunctive.' Thus, the use of 'or' . . . suggests that the exemption covers . . . either activity.") (citation omitted); *Reiter v. Sonotone Corp.*, 442 U.S. 330, 339 (1979) ("Canons of construction ordinarily suggest that terms connected by a disjunctive be given separate meanings."). But it doesn't. The Zoning Ordinance's plain language shows that interpretations can be appealed only when they are part of a final decision of the Planning Director.

Requiring interpretations to originate from a decision before the BOA can consider it on appeal is also supported by important policy interests. This construction is logical, it promotes administrative efficiency, and it protects the City from liability, and it conserves parties' and public resources. If the HOA had its way, any position held by the Planning Director—no matter how far removed (temporally or substantively) from the Planning Department's ultimate decision—would immediately become ripe for an appeal as soon as an email leaves the Planning Director. This would expose pre-decisional positions to review by the BOA (and possibly the District Court) before the Planning Department renders an actual decision on any particular application. This presents three serious problems for the City and applicants alike.

First, the HOA's proposed process would open the Planning Department's internal deliberative processes to scrutiny and challenges. Appellants may try to selectively quote and contrast various pre-decisional Planning Department statements in an attempt to manufacture inconsistency. For example, the HOA's own appeal attempts to generate controversy by characterizing pre-decisional statements made by Planning Department staff as being inconsistent with the Planning Director's later statements. See, e.g., HOA Appeal at 8 ("Director Parker's interpretation also refused to grapple with the earlier guidance that his department provided to the Developer regarding the legal significant of the interplay between the Wilson Property ODP and the underlay zone. . . . Without explanation, Director Parker reversed this decision and reached the exact opposite conclusion."). This exposes the City's pending decisionmaking to opportunistic scrutiny, enabling challengers to selectively quote pre-decisional statements and construe City's actions as being arbitrary and capricious before agency decisionmaking has concluded. The HOA Appeal is emblematic of this problem and thus, the need for the BOA to consider the HOA's appeal to be unripe.

Second, the HOA's proposed process manufactures a way for challengers to bootstrap a right to judicial review of such pre-decisional interpretations. If the BOA grants jurisdiction to consider the HOA's appeal

and renders a decision, the BOA's decision then immediately becomes subject to appeal to District Court under Rule 106(a)(4) of the Colorado Rules of Civil Procedure. This provision authorizes judicial review "[w]here any governmental body or officer or any lower judicial body exercising judicial or quasi-judicial functions has exceeded its jurisdiction or abused its discretion, and there is no plain, speedy and adequate remedy otherwise provided by law." C.R.C.P. 106(a)(4). It thus offers prospective plaintiffs, like the neighbors, a way to further appeal and delay consideration of the Application before City staff has even rendered a decision on it. And this is not a purely theoretical concern. The HOA's intentions to bootstrap a 106(a)(4) challenge of pre-decisional statements are laid bare in its very first letter to the Planning Director, where it stated: "Our understanding is that any decision of the BOA may then be appealed to the District Court for Jefferson County pursuant to C.R.C.P. 106." Letter from James Silvestro to Travis Parker at 5 n.4 (May 10, 2019). The attendant result, therefore, is that a state District Court will review selective pre-decisional statements made by City staff—even before they had an opportunity to fully consider the Application and render a decision on it—if the BOA decides that this appeal is ripe.

And third, the HOA's proposed process would waste appellants', applicants', and the City's resources, and it would be especially prejudicial to applicants. At best, applicants would have their pending applications tabled for months and possibly even years (e.g., if BOA decision is appealed to District Court) while one or more appeals over pre-decisional City positions unfold. At worst, applicants and other interested parties would be forced to adjudicate applications for months or years under the very real possibility that Planning staff might ultimately determine to deny an application. Here, for example, the Planning Director may change his mind during his review of the Application, or he may maintain his viewpoint but deny the Application (or approve it with conditions), such that it renders the HOA's objections moot. Yet rather than allow the Planning Director's decisionmaking to reach its natural conclusion, the HOA's appeal seeks to entangle Crescent, the HOA, and the City for months in disputing the Planning Director's pre-decisional positions. While such a dilatory tactic may be favored by the HOA or other parties, it is not what the City Ordinance intended. Rather, interpretations of the Planning Director are subject to appeal only when he renders a decision that implements the interpretation. Accordingly, the HOA's appeal is unripe and must be dismissed as such.

**B. If the BOA Does Have Jurisdiction to Consider the HOA's Appeal, the BOA Must Uphold the Planning Director's Decisions Concerning the Zoning Ordinance**

In the event that the BOA does grant jurisdiction to consider the HOA's appeal of Director Parker's "interpretations of the Zoning Ordinance," the BOA must uphold the Planning Director's decisions concerning the Zoning Ordinance. As discussed below, (1) the Property is zoned as PD/M-N-S and the M-N-S zone district is binding on the Property and the ODP, (2) the Planning Director is authorized to apply the base zone district standards, (3) the Property's M-N-S base zone district authorizes the Project's density and the ODP presents no limitation, (4) the Property's M-N-S base zone district authorizes the Project's height despite the ODP's purported limitation, and (5) the Project need not be approved by a separate architecture review committee.

1. The Property is Zoned as PD/M-N-S, and the M-N-S Base Zone District is Binding on the Property and the ODP

It is undisputed that zoning for the Property was amended in 2012—after separate review and approval by both the Planning Commission and the City Council—to zone district "PD/M-N-S" (*Planned Development/Mixed Use - Neighborhood - Suburban*) pursuant to a citywide legislative rezoning. The "PD" refers to the original ODP, but following the legislative rezoning, the PD now also adds a base zone district of M-N-S zoning, consistent with the requirement that all Planned Developments have a base zone district. Zoning Ordinance § 17.3.6.4.A.



Now, as a result, the ODP is subject to the entitlements and limitations of the M-N-S base zone district as recognized by the current Zoning Ordinance. The M-N-S zone district is intended to allow and accommodate a mix of lower-intensity neighborhood-scale commercial uses and a range of residential uses generally along collector streets and adjacent to light rail stations with walk-up access.

*Id.* § 17.3.4.2.A. The Suburban context reflects a more auto-oriented environment and allows for a limited amount of parking to be provided between adjacent public streets and the development. *Id.* § 17.3.4.3.C. Land uses that are permitted by right within this district include the following:

1. Single-Family Dwelling Unit	10. Entertainment Facility, Indoor	19. Religious Institution
2. Duplex	11. Fitness or Athletic Facility, Private	20. School, Public or Private
3. Attached Dwelling Unit	12. Gallery or Studio	21. Transportation Facility, Public
4. Multifamily Dwelling Unit	13. Office	22. Utility Facility, Minor
5. Group Home (1-8 client residents)	14. Personal Service	23. Horticulture
6. Group Residential Facility	15. Restaurant	24. Home Business, Major
7. Bar	16. Retail	25. Wireless Communications Facility (Stealth or New Freestanding Structure ≤ 60 ft. in height)
8. Club, Lodge, or Service Organization	17. Community Building	
9. Day Care Facility, Adult or Child	18. Park	

*Id.* § 17.4.1. Such uses carry specific supplemental standards, dimensional standards, and developmental standards. *Id.* §§ 17.4.3, 17.5.1, 17.5.3.

Despite the HOA's arguments to the contrary, this M-N-S base zone district—including its uses and standards—is binding upon the City and the ODP. The Zoning Ordinance specifically states that all Planned Developments must allow the uses identified by a zone district: "All PD districts shall allow the uses identified for at least one zone district described in this Zoning Ordinance." *Id.* § 17.3.6.4.A (emphasis added). That means, in no uncertain terms, that the ODP must allow all uses and associated standards identified by the M-N-S zone district and permitted under the Zoning Ordinance, including multifamily dwelling units, as Director Parker has stated. The HOA appears to concede this point, for it does not attempt to challenge the Property's base district zoning (nor could it, since the time to do so would have been immediately following the 2012 legislative rezoning).

It is important to note that City Council selected the M-N-S base zoning carefully and deliberately. According to the Zoning Ordinance, the base zone district "shall be chosen based upon compatibility with surrounding land uses and [shall] most closely relate to the uses proposed as part of the PD." *Id.* § 17.3.6.4.A. This means that City Council determined in 2012 that M-N-S zone district and its uses permitted by right were found to both be compatible with the HOA's land uses and to "closely relate" to the ODP. The HOA may now disagree with those City Council determinations, but it does not make the determinations any less binding upon the HOA and the ODP.

The City Council's act of legislative rezoning also was intended to reflect thoughtful policy decisions about future development within the ODP. As acknowledged by the Zoning Ordinance, "legislative zoning is intended to be a rezoning that is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level." *Id.* § 17.2.3.2.C.1. In fact, the City Council will approve a legislative rezoning only if it satisfies five criteria:

1. The legislative zoning affects a large number of properties and the proposed rezoning is not applicable only to a specific individual or readily identifiable group; and
2. The legislative zoning is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level; and
3. It would be inefficient, cumbersome, and unduly burdensome on the resources of the City to rezone the potentially affected properties in a quasi-judicial manner on a site-by-site basis; and
4. The proposed legislative zoning promotes the purposes of this Zoning Ordinance; and
5. The proposed legislative zoning promotes implementation of the Comprehensive Plan.

*Id.* § 17.2.3.3.B. This informs several conclusions. First, the M-N-S base zone district reflects City Council's thoughtful policy decisions about the impacts of rezoning to the City and each impacted neighborhood, including the area encompassing the ODP. Second, City Council found that the M-N-S base zone district at the Property will promote the purposes of the Zoning Ordinance, which, in relevant part, are to provide for a range of housing types and costs to meet current and future needs, promote the orderly development and redevelopment of land, ensure effective integration of development and redevelopment with surrounding land uses, respect the unique characteristics and attributes of individual neighborhoods, and promote mixes of uses within mixed-use zones. *Id.* § 17.1.2. And third, the M-N-S base zone district promotes the City's implementation of its own Comprehensive Plan. Accordingly, the HOA cannot simply wish away the base zone district and City Council's thought process in rezoning the Property. The Property's M-N-S base zone district and City Council's associated decisions are binding upon the City and the ODP.

## 2. The Planning Director is Authorized to Apply the Base Zone District Standards

Following the City's legislative rezoning in 2012, all Planned Developments retained by City Council, like the ODP, were assigned and combined with new base zone districts. See Letter from Travis Parker to James Silvestro, at 1 (May 21, 2019). During that rezoning process, City Council also added a critical provision describing how the Planning Department should treat applications for redevelopment within Planned Developments, like the Project at issue here.

City Council added to the Zoning Ordinance an authorization for the Planning Department to adhere to base zone district and supplemental standards in lieu of Planning Development standards:

"Redevelopment within a PD district may either apply the standards of the base zone district or the standards of the ODP." Zoning Ordinance § 17.3.6.5 (2012) (emphasis added).

City Council has not disturbed this provision since 2012; it still appears under the Zoning Ordinance under Section 17.3.6.5.A. As such, this provision expressly empowers the Planning Director to apply the M-N-S base zone district standards instead of the ODP standards, as discussed further below.

The HOA advances several arguments against applying the base zone district standards, but they all fail:

- The HOA contends that the ODP's standards must apply because Section 17.1.6.2 of the Zoning Ordinance provides that where zoning regulations conflict, the more restrictive standard must control. HOA Appeal at 7. This provision is inapplicable here because any potential "conflict" is resolved by Section 17.3.6.5.A, which expressly allows the Planning Director to apply the standards of either the base zone district or the Planned Development. In other words, the Zoning

Ordinance explicitly authorizes a choice between standards regardless of how comparatively “restrictive” a standard may be. The Planning Director need not parse through each standard of a Planned Development and base zone district to determine which one is more restrictive and then apply it. Such an interpretation would read-out Section 17.3.6.5.A of the Zoning Ordinance and render it entirely meaningless. And courts “reject interpretations that will render words or phrases superfluous and must avoid interpretations that produce illogical or absurd results.” *Treece, Alfrey, Musat & Bosworth, PC v. Dept. of Fin.*, 298 P.3d 993, 996 (Colo. App. 2011). Moreover, there is no conflict between the ODP and the Zoning Ordinance because the ODP establishes the floor, not the ceiling, of what is permitted on the Property. The ODP specifically states that “[p]resent uses of the property are and shall remain permitted uses until changed pursuant to the provisions of this development plan, or as amended.” ODP at 2 (emphasis added). Notably, the ODP does not state that present uses are *restricted* and shall remain static until changed. Likewise, the only qualification for such land uses are the stated “land use exclusions,” which prohibit fast food operations, drive-through car washes, rental services, hotels, motorcycle dealerships, veterinary clinics, and cold storage lockers. Multifamily dwelling units approved in conformance with the Zoning Ordinance are not prohibited on Property H or anywhere else in the ODP. There is no conflict between the ODP and the Zoning Ordinance.

- The HOA claims that the “underlay” zone (i.e., the base zone district) only governs where a Planned Development is silent. See HOA Appeal at 8. But this attempts to create an exception to the rule that plainly empowers the Planning Director to apply the base zone district’s standards in lieu of any standards under the ODP,<sup>2</sup> and courts reject interpretations that attempt to impose exceptions that were not legislatively adopted. See, e.g., *In re Marriage of Chalat*, 112 P.3d 47, 54 (Colo. 2005).
- The HOA argues that major changes to the ODP may only be made through City Council’s formal modification to the ODP. HOA Appeal at 8. But the HOA forgets that City Council legislatively rezoned the entire City in 2012 and added Section 17.3.6.5.A, which can render inapplicable any Planned Development standards, like those of the ODP land use regulation. A municipality’s ability to zone properties within its boundaries is fundamental to its police powers to regulate for the advancement and protection of the health, morals, safety, or general welfare of the community as a whole. Because “[z]oning is a legislative act representing a legislative judgment as to how the land within the City should be utilized and where the lines of demarcation between the several use zones should be drawn,” courts will not disturb it “unless it appears that the legislative body has exceeded its powers or has acted arbitrarily or unreasonably.” *City of Greeley v. Ells*, 527 P.2d 538, 542 (Colo. 1974); see also *Jafay v. Boulder Cnty. Comm’rs*, 848 P.2d 892 (Colo. 1993) (holding that countywide rezoning was a legislative act). While uses existing within the ODP prior to 2012 may have been grandfathered in and allowed to continue subsequent to the rezoning, adoption of the ODP in the 1980s does not mean that the City relinquished all of its regulatory control over the Property on a go-forward basis. Specifically, the ODP’s “Plan Modification Clause” addresses only minor modifications, or otherwise limits changes to those consistent with the “content and intent of this Official Development Plan as it has been approved by the City of Lakewood City Council.” As the M-N-S district is similar to the old 2-C zone district referenced in the ODP, if not even more limited, the 2012 rezoning was consistent with the content and intent of the ODP. Therefore, the 2012 legislative rezoning of the Property was clearly valid and the M-N-S base zone district is binding.

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<sup>2</sup> The HOA’s reliance on statements made by the City’s lead planner is misplaced; according to the HOA’s own appeal, the HOA is appealing “Director Parker’s interpretation of the Wilson Property ODP and Lakewood’s Zoning Ordinance,” not selectively-quoted statements from a Planning Department staff member. HOA Appeal at 1-2.

- The HOA claims that Section 17.3.6.5.A does not apply here because “redevelopment” is somehow synonymous with “development” and, because development is subject to the Wilson ODP standards, so too must redevelopment. HOA Appeal at 9-10. The HOA alternatively argues that the Project is not “redevelopment” under a strained, overly legalistic definition carved by the HOA’s counsel. HOA Appeal Letter at 10 (“the existing restaurant at the White Fence Farm Parcel predates the Wilson Property ODP . . . such that the Proposed Project is actually the first proposed development to occur on the White Fence Farm Parcel under the Wilson Property ODP, and as such is not a ‘redevelopment’”). As a threshold issue, it is well settled under Colorado law that absent a particularized definition, the plain meaning of a statute or regulation controls. See, e.g., *City of Golden v. Sodexo Am., LLC*, 441 P.3d 444, 448 (Colo. 2019) (“When interpreting a municipal ordinance, we . . . look first to the text of the ordinance, and if it is clear and unambiguous, we apply it as written.”); *People v. Luther*, 58 P.3d 1013, 1015 (Colo. 2002) (“If the statute is unambiguous and does not conflict with other statutory provisions, we need look no further.”); *City of Colo. Springs v. Securecare Self Storage, Inc.*, 10 P.3d 1244, 1249 (Colo. 2000) (“If courts can give effect to the ordinary meaning of words used by the legislative body, an ordinance should be construed as written, being mindful of the principle that courts presume that the legislative body meant what it clearly said.”). Therefore, redevelopment means exactly as it sounds – the act of improving or developing an area again. See, e.g., CAMBRIDGE DICTIONARY, *redevelopment*, <https://dictionary.cambridge.org/us/dictionary/english/redevelopment> (last accessed Sept. 10, 2019) (“the improvement of an area that is in bad condition, esp. an area of old buildings in a city” or “the act or process of changing an area of a town by replacing old buildings, roads, etc. with new ones”); MERRIAM-WEBSTER, *redevelop*, <https://www.merriam-webster.com/dictionary/redeveloping> (last accessed Sept. 10, 2019) (“to change the appearance of an area especially by repairing and adding new buildings, stores, roads, etc.”); see also AM. PLANNING ASS’N, *APA Policy Guide on Public Redevelopment* (Apr. 25, 2004) (“Redevelopment generally involves the development or improvement of an area that was developed at some time in the past but presently suffers from real or perceived physical deficiencies such as blight or environmental contamination or is developed for uses that have become obsolete or inappropriate as a result of changing social or market conditions.”). This is consistent with prior versions of the Zoning Ordinance, which defined “redevelopment as the “process of removing existing structures and building new ones with or without land aggregation, or adding buildings to a developed site.” See, e.g., Zoning Ordinance § 17-2-2(309) (May 30, 2011). Furthermore, the Zoning Ordinance distinguishes between “development” and “redevelopment” by referring to the terms either individually or jointly as the context so requires. For example, in the nonconforming use context (where development has already occurred), the Zoning Ordinance refers solely to “redevelopment.” See, e.g., Zoning Ordinance § 17.12.3.B (The Planning Director may extend the discontinuance period for a nonconforming use where, in relevant part, “[t]here are no substantial redevelopment opportunities for that site in the near future; and “[n]o redevelopment has occurred in the vicinity of the site; and the “use for which the extension is being requested will not have a detrimental impact on the surrounding uses or potential redevelopment.”) (emphasis added). In contrast, the Zoning Ordinance refers to both terms in broader contexts, such as in the Ordinance’s purpose and intent. See, e.g., *id.* § 17.1.2.E (“To promote the orderly development and redevelopment of land within the City of Lakewood.”). Accordingly, Section 17.3.6.5.A applies to “redevelopment,” not “development,” and it therefore plainly applies to the Project to redevelop the Property.

Contrary to the HOA’s claims, the Planning Director is fully authorized to apply the base zone district standards instead of the ODP’s standards.

3. The Property's M-N-S Base Zone District Authorizes the Project's Density and the ODP Presents No Limitation

The Project's density of 234 dwelling units is authorized under the Property's and ODP's base zone district. The M-N-S zone district—like all mixed-use zone districts—does not restrict residential density through specific maximums. Instead, the M-N-S zone district provides a *minimum* residential density standard of at least 8 dwelling units per acre. Here, the Planning Department has likewise stated that the M-N-S zone district governs, the zone district's standard has no maximum on residential density (though subject to other limitations, like height), and the Property's proposed density is acceptable. Letter from Kara Mueller to Scott Makee, at 5 (July 24, 2018).

The HOA argues that the proposed density violates the “applicable standard” under the ODP because the total residential dwelling units within the ODP somehow cannot exceed 380 dwelling units. HOA Appeal at 10. Contrary to the HOA's contention, the ODP does not actually address residential density for the Property. As shown in the “land areas” table below, the Property—identified as “Parcel H” within the ODP—has no maximum dwelling units, consistent with its prior base zone district of 2-C:

EXISTING - ZONING - USE

A-1: MIXED SINGLE FAMILY, MULTI-FAMILY, COMMERCIAL, AGRICULTURE. PRESENT USES OF THE PROPERTY ARE AND SHALL BE AND REMAIN PERMITTED USES UNTIL CHANGED PURSUANT TO THE PROVISIONS OF THIS DEVELOPMENT PLAN, OR ALL AMENDED.

LAND AREAS

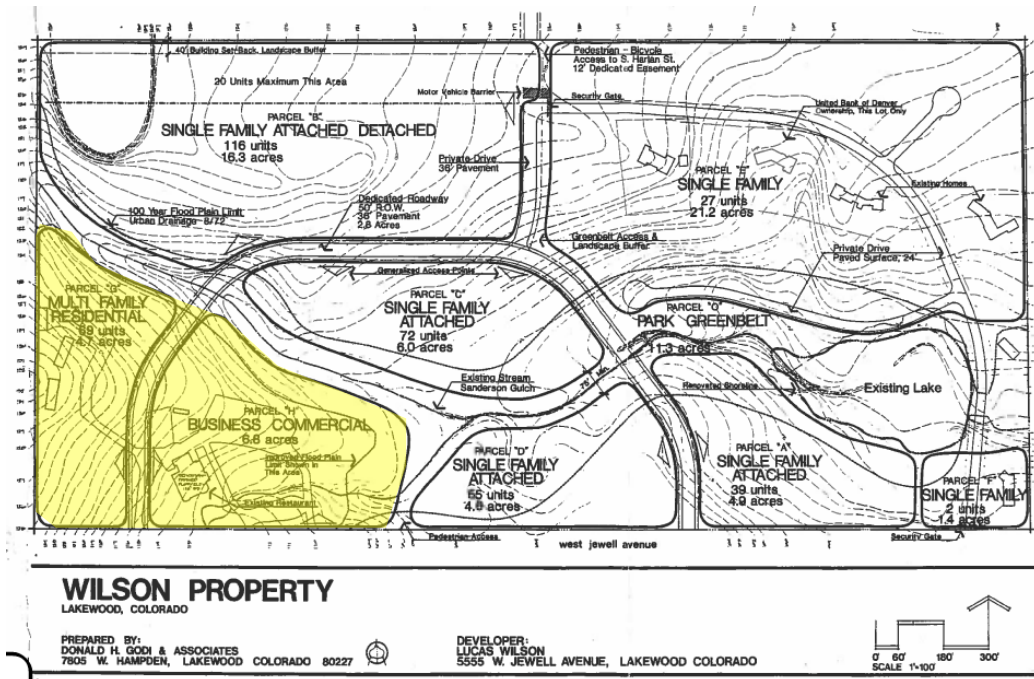
USE	PARCEL	ACRES	MAX. DWELL. UNITS	MAX. AVG. DENSITY	APP. ZONE CATEGORY
SINGLE FAMILY	E, F	22.6	29	1.20 D.U./AC.	1-R
SINGLE FAMILY ATT.	A	4.9	39	7.96 D.U./AC.	4-R
SINGLE FAMILY ATT./DETACHED	B	16.3	116	7.12 D.U./AC.	4-R
SINGLE FAMILY ATT.	C	6.0	72	12.00 D.U./AC.	4-R
SINGLE FAMILY ATT.	D	4.6	55	11.96 D.U./AC.	4-R
MULTI-FAMILY	G	4.7	69	14.68 D.U./AC.	4-R
BUSINESS-COMMERCIAL	H	6.8	-	-	2-C
PARK-GREENBELT	-	11.3	-	-	C-N
DEDICATED ROADWAY	-	2.8	-	-	-
<b>TOTAL:</b>		<b>80.0</b>	<b>380</b>	<b>4.75 D.U./AC.</b>	

ODP at 2. While the HOA is correct that its own properties' densities were contemplated in this table, Parcel H clearly was not.

Furthermore, even assuming this table did somehow extend to Parcel H, the table does not function as a “limitation” or a maximum density “standard.” The table's preceding paragraph expressly states that the “present uses are and shall be and remain permitted uses.” It does not state that the “present uses are and shall remain permitted uses *subject to the following density limits*,” nor is the table entitled “maximum density standard,” as the HOA seems to think. Moreover, even assuming both (a) the density table did apply to Parcel H, and (b) the density table was in fact a “maximum density standard,” it is of no matter. The Planning Director can freely apply the standards of the base zone district in lieu of the ODP's under Section 17.3.6.5.A of the Zoning Ordinance. Indeed, that is exactly what the Planning Department has done historically in other projects similarly proposed in existing ODPs. See Letter from Travis Parker to James Silvestro, at 2 (May 21, 2019) (citing the Belmar ODP and the Solterra ODP as examples where the Planning Department applied the base zone district density standards in lieu of an ODP's standards). For these reasons, the HOA's arguments are meritless.

Finally, no other limitation on multiuse density on Parcel H can be inferred from the rest of the ODP. As stated above, the ODP sets forth express land use exclusions but does not mention residential density on Parcel H. The land use exclusions are highly prescriptive and address the types of prohibited uses as well

as the allowed quantity, orientation, frontage, and dimensions of buildings within relevant parcels. The stated exclusions do not mention density nor do they mention Parcel H. Additionally, just below the land use exclusions, the ODP's "Plan Concept" actually acknowledges that higher density in the southwest portion of the ODP (in the area of the Property) was the developer's original intent. The Plan Concept states, in relevant part: "Major conceptual design elements include a public street looking from the Iliff–Jewell intersection north then west and south to Jewell Avenue; the use of Sanderson Gulch as a natural separator and buffer between land uses, segregation of the private single family area in the northeast part of the site, and a general increase in density from the northeast to southwest across the Site." ODP at 2. This contemplates higher density in the southwest portion of the ODP, in the locations of Parcel G (multifamily residential) and at-issue Parcel H:



Accordingly, the ODP presents no prohibition on multiuse density within Parcel H; in fact, it contemplates higher density in Parcel H.

4. The Property's M-N-S Base Zone District Authorizes the Project's Height Despite the ODP's Purported Limitation

The Property's proposed height of 54 feet is also authorized under the Property's and the ODP's base zone district. The M-N-S zone district allows structures up to a height of 40 feet under Standards Table 17.5.2, however the maximum building height within mixed-use districts may be increased by one story to a maximum of 12 additional feet under supplemental standards if the development registers with the Green Building for LEED Gold certification or greater or it includes affordable units utilizing federal low-income housing tax credits. Zoning Ordinance § 17.5.3.7. Because the Project will achieve LEED Gold certification, the Zoning Ordinance expressly authorizes development up to the proposed height of 54 feet.

It is important to note that the height-incentive supplemental standards are not arbitrary; rather they reflect and advance important policy interests related to sustainability. In 2015, the City adopted a Sustainability Plan after 6 workgroups conducted 24 meetings with 87 participants, and after both the Planning

Commission and the City Council reviewed and approved the plan. See CITY OF LAKEWOOD, *Sustainability Plan*, 3 (2015) (attached hereto as **Exhibit B**). The plan sets forth several goals concerning energy, water, and the “built environment,” including: (1) ensure affordable energy while transitioning to renewable energy sources, (2) significantly enhance resource efficiency in buildings, and (3) encourage development that values the natural environment and supports public health and community cohesion. See *id.* at 30, 48-49, 51. As relevant here, in order to meet the goals, the Sustainability Plan specifically aims to increase the percentage of certified green buildings—like the Project—each year from 2015-2025. *Id.* at 30, 48. The Project’s LEED Gold certification therefore not only meets the intent of the supplemental standards, but it also directly advances the City’s sustainability goals.

The HOA claims that the height “exception” (i.e., incentive) is unavailable for Parcel H, and that the ODP’s limit of 42 feet should control instead because the “requested height exception relates solely to the purported underlay zone and has no applicability” to the ODP’s limit. But the HOA again overlooks Section 17.3.6.5.A of the Zoning Ordinance, which empowers the Planning Director to apply base zone district standards and associated supplemental standards. The height incentive applies to the base zone district, and the Planning Director can apply the base zone district standards in lieu of the ODP standards, as he has chosen to do. Therefore, contrary to the HOA’s claim, the ODP’s 42-foot limit can freely yield to the standards under the Zoning Ordinance, including the incentive height available thereunder.

Equally mistaken is the HOA’s suggestion that adhering to the Zoning Ordinance’s standards in lieu of the ODP’s standards will somehow run afoul of the “characteristics and context” of the neighborhood. See HOA Appeal at 12. City Council thoughtfully selected the M-N-S base zone district “based upon compatibility with surrounding land uses” and based upon its assessment that the district “most closely relate[d] to the uses proposed as part of the PD.” Zoning Ordinance § 17.3.6.4.A. City Council also adopted the height-incentive supplemental standards to encourage greater LEED-certified buildings in mixed-use districts, which advances an explicit Sustainability Plan goal of increasing the number of certified green buildings in the City. Therefore, if the Project’s proposed height is permitted under the base zone district standards and supplemental standards, it is compatible with surrounding uses and it closely relates to the uses originally contemplated by the ODP. The Property’s proposed height is fully authorized under the base zone district.

5. The Project Need Not be Approved by a Separate Architecture Review Committee

Lastly, the Project need not be independently approved by an architecture review committee, as the HOA claims.

First, the Planning Department is authorized to adhere to the Zoning Ordinance’s architecture review standards instead of the ODP standards. The HOA argues that the ODP standards require formation of a new committee to perform architecture review. But the Planning Director can apply base zone district standards and associated supplemental standards instead under Section 17.3.6.5 of the Zoning Ordinance, and such standards call for the Planning Department’s own architectural review. Indeed, Section 17.6.2 of the Zoning Ordinance sets forth prescriptive standards for site and building design to ensure “quality, sustainable development that interacts and functions well with the surrounding community.” *Id.* § 17.6.1. At minimum, the Zoning Ordinance requires the Planning Department to perform an architectural review specific to architectural treatment and detail, building transparency, structure variation, façades and entryways, rooftops, garages, parking, and exterior building elements. *Id.* §§ 17.6.2.1 to 17.6.2.3. The Planning Department is therefore authorized to follow the Zoning Ordinance’s standards regarding architectural review in lieu of the ODP’s.

Second, the Planning Department will impose architectural standards that satisfy the intended result of the architecture review committee. According to the ODP, architectural review aims to ensure that architecture



is “closely coordinated between areas within land uses and also between separate land use parcels” and to ensure that Parcel H has “compatible architecture throughout the total area.” But according to the Planning Department’s July 24, 2018 letter, the Planning Department is required to and in fact will impose architectural standards to achieve precisely the same result:

All building elevations shall have a similar level of architectural treatment and detail, and be designed to encourage and complement pedestrian-scale interest and activity through the use of elements such as windows, awnings, and other similar features. See Section 17.6.2 of the Lakewood Zoning Ordinance for more information. It is required that the development of this property be complementary in roof forms, building materials, building colors, etc. with the adjacent single-family homes within the White Fence Farm Subdivision.

Letter from Kara Mueller to Scott Makee, at 3 (July 24, 2018); see also Zoning Ordinance §§ 17.6.2.1 to 17.6.2.3 (setting forth detailed standards).

The Planning Department’s decision to satisfy the ODP provision through staff review is reasonable and entitled to deference. Not only is the Planning Department actually qualified to evaluate architecture, as opposed to the HOA (which failed to even claim, let alone demonstrate, that its residents are qualified), but the ODP is internally conflicted as to who should comprise the architecture review committee in the first instance. The ODP states that plans “will be approved by an architecture review committee of the property owner’s association.” ODP at 2 (emphasis added). This contemplates a single property owner’s association, yet the ODP also inconsistently states that “[o]ne or more property owners associations may be established for different land use parcels.” And indeed, that is what has occurred; there are at least three different property owners associations (not including Carmel Oaks Senior Living Facility) covering the various parcels within the ODP.<sup>3</sup> The ODP does not state which property owners association has primacy to evaluate architecture, so the Planning Department would be put in the impossible position of determining which of these associations—and which residents therefrom—should or must comprise the architecture review committee. In light of this challenging ambiguity, the Planning Department is entitled to satisfy the intended result of the architecture review committee by performing its own, qualified architectural review that achieves the same result.

Third, the ODP’s architecture review committee requirement has been satisfied by Planning Department staff in several other cases. As Director Parker noted, no architecture review committee has ever been formed under the ODP. Letter from Travis Parker to James Silvestro, at 2 (May 21, 2019). Furthermore, several approvals subject to the ODP have no documented review and approval by an architecture review committee, or even by the HOA contesting this issue here. *Id.* These include:

- 1811 S. Harlan Circle
- 1841 S. Manor Lane
- 1814 S. Harlan Circle
- 1849 S. Harlan Circle
- 1833 S. Harlan Circle
- 6014 W. Colorado Lane
- 6094 W. Utah Lane

---

<sup>3</sup> These include the Wild Flower Patio, Summer Field Townhomes at White Fence Farm, and Country Manor HOAs. See, e.g., CITY OF LAKEWOOD, *Registered Home Owner Associations*, <http://lakewoodco.maps.arcgis.com/apps/opsdashboard/index.html#/ac7cb94f03ad4a49b5c8b9fd841297d6> (last visited Nov. 6, 2019).

*Id.* Yet in all of these cases, the Planning Department satisfied applicable architecture review requirements by ensuring that any projects adhere to applicable standards.

Finally, the Planning Department has similarly performed an architecture review function in other, similar contexts. As Director Parker noted, several other Planned Developments also have an architecture review committee requirement like the ODP's, but such committees were never formed for projects within those Planned Developments:

- Academy Park
- Thraemoor Meadows
- Lakewood Estates
- Solterra Centre

Instead, the Planning Department evaluated proposed architecture and applied all necessary requirements. Similarly, here, the Planning Department is qualified, capable, and willing to review architecture and ensure that it is closely coordinated between areas within land uses. For these reasons, the HOA's claim regarding the architectural review committee must be rejected.

### **III. CONCLUSION**

In summary, the BOA lacks jurisdiction to consider the HOA's appeal because Planning Director decisions made in the context of a major site plan review are subject to appeal before the Planning Commission, not the BOA, and only the applicant may seek such appeal. Even if the BOA is empowered to consider the Planning Director's decisions outside the scope of major site plan review, the BOA still lacks jurisdiction because the HOA's appeal concerning a pending major site plan review application is unripe.

If the BOA somehow determines that it can properly exercise jurisdiction to consider the HOA's appeal, the BOA must uphold the Planning Director's decisions. The City was legislatively rezoned in 2012 and City Council intentionally and thoughtfully selected base zone district M-N-S (*Mixed Use - Neighborhood - Suburban*) as the Property's base zone district. City Council also added a provision in 2012 that governs how applications for redevelopment are reviewed where there is an existing Planned Development in addition to a base zone district, as here. That provision states that the Planning Director may apply either the standards of the base zone district or the standards of the ODP. Because the Planning Director's decisions governing the Project's density, height, and architectural review are all subject to this provision, each of the HOA's claims fail.

Thank you for considering these comments. If you have any questions or would like to discuss these issues further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carolynne C. White".

Carolynne C. White

Exhibit A:        *Unified Under the Wilson Property ODP* Articles of Incorporation  
Exhibit B:        City of Lakewood Sustainability Plan

cc:        Travis Parker, Planning Director  
             Timothy Cox, Michow Cox & McAskin LLP  
             William Tuthill  
             Mark Lacis, Ireland Stapleton  
             James Silvestro, Ireland Stapleton  
             Ben Krasnow, Crescent Communities  
             Blaine Kneeshaw, Crescent Communities

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Colorado Secretary of State  
Date and Time: 05/16/2019 05:11 PM  
ID Number: 20191409845  
Document number: 20191409845  
Amount Paid: \$50.00

ABOVE SPACE FOR OFFICE USE ONLY

### Articles of Incorporation for a Nonprofit Corporation

filed pursuant to § 7-122-101 and § 7-122-102 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name for the nonprofit corporation is UNIFIED Under the Wilson Property ODP.

*(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)*

2. The principal office address of the nonprofit corporation's initial principal office is

Street address Advanced Management LLC  
*(Street number and name)*  
7935 E. Prentice Ave., #301  
Greenwood Village CO 80111  
*(City) (State) (ZIP/Postal Code)*  
United States  
*(Province – if applicable) (Country)*

Mailing address  
**(leave blank if same as street address)** (Street number and name or Post Office Box information)  
(City) (State) (ZIP/Postal Code)  
(Province – if applicable) (Country)

3. The registered agent name and registered agent address of the nonprofit corporation's initial registered agent are

Name  
(if an individual) (Last) (First) (Middle) (Suffix)

**OR**

(if an entity) The Corporation Company  
*(Caution: Do not provide both an individual and an entity name.)*

Street address 7700 East Arapahoe Rd.  
*(Street number and name)*  
Suite 220  
Centennial CO 80112  
*(City) (State) (ZIP Code)*

Mailing address

(leave blank if same as street address)

\_\_\_\_\_  
(Street number and name or Post Office Box information)

\_\_\_\_\_  
(City)

CO  
(State)

\_\_\_\_\_  
(ZIP Code)

(The following statement is adopted by marking the box.)

☒ The person appointed as registered agent above has consented to being so appointed.

4. The true name and mailing address of the incorporator are

Name

(if an individual)

\_\_\_\_\_  
(Last) (First) (Middle) (Suffix)

**OR**

(if an entity)

Ireland Stapleton Pryor & Pascoe, PC

(**Caution:** Do not provide both an individual and an entity name.)

Mailing address

Attn: Eric R. Benson, Esq.

(Street number and name or Post Office Box information)

717 17th Street, Suite 2800

Denver

(City)

CO

(State)

80202

(ZIP/Postal Code)

United States

(Province – if applicable)

(Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ The corporation has one or more additional incorporators and the name and mailing address of each additional incorporator are stated in an attachment.

5. (If the following statement applies, adopt the statement by marking the box.)

☐ The nonprofit corporation will have voting members.

6. Provisions regarding the distribution of assets on dissolution:

In the event of the dissolution of the Corporation or the winding up of its affairs, the Corporation shall discharge or make provision for the discharge of its liabilities, complete every other act necessary to wind up and liquidate its assets and affairs, and distribute any remaining assets to the members of the Corporation, in accordance with the provisions set forth in the Bylaws

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☒ This document contains additional information as provided by law.

8. (**Caution:** Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are \_\_\_\_\_.  
(mm/dd/yyyy hour:minute am/pm)

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Benson Eric R.  
(Last) (First) (Middle) (Suffix)  
Ireland Stapleton Pryor & Pascoe PC  
(Street number and name or Post Office Box information)  
717 17th Street, Suite 2800  
Denver CO 80202  
(City) (State) (ZIP/Postal Code)  
United States.  
(Province – if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

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ATTACHMENT TO  
ARTICLES OF INCORPORATION  
OF  
UNIFIED UNDER THE WILSON PROPERTY ODP

Pursuant to § 7-122-102 and Part 3 of Article 90, Title 7, Colorado Revised Statutes (C.R.S.), this attachment to the Articles of Incorporation is delivered to the Colorado Secretary of State for filing.

1. The name of the corporation is UNIFIED Under the Wilson Property ODP (the "**Corporation**").

2. The street and mailing address of the principal office of the Corporation is 7935 E. Prentice Ave., #301, Greenwood Village, CO 80111.

3. The registered agent of the Corporation is The Corporation Company. The street and mailing address of the registered agent of the Corporation is 7700 East Arapahoe Road., Suite 220, Centennial, CO 80112. The person appointed as registered agent of the Corporation in these Articles of Incorporation has consented to being so appointed.

4. The incorporator of the Corporation is Ireland Stapleton Pryor & Pascoe, PC. The street and mailing address of the incorporator of the Corporation is Ireland Stapleton Pryor & Pascoe, PC, 717 17<sup>th</sup> Street, Suite 2800, Denver, Colorado 80202.

5. The Corporation's period of duration is perpetual.

6. (i) The purpose for which the Corporation is organized is to engage in any lawful business for which corporations may be incorporated pursuant to the Colorado Revised Nonprofit Corporation Act.

(ii) In furtherance of its lawful purposes the Corporation shall have and may exercise all of the rights, powers and privileges now or hereafter exercisable by corporations organized under the laws of Colorado. In addition, it may do everything necessary, suitable, convenient or proper for the accomplishment of any of its corporate purposes.

7. The Corporation will not have voting members.

8. The number of directors of the Corporation shall be fixed by the Bylaws, or if the Bylaws fail to fix such number, then by resolution adopted from time-to-time by the Board of Directors.

9. No director of the Corporation shall be liable to the Corporation for monetary damages for breach of fiduciary duty as a director, except that this provision shall not eliminate or limit the liability of a director to the Corporation for monetary damages for (i) any breach of the director's duty of loyalty to the Corporation (ii) acts or omissions not in good faith or which involve intentional misconduct or a knowing



violation of law, (iii) acts specified in C.R.S. § 7-108-403, or (iv) any transaction from which the director derived an improper personal benefit. Nothing contained herein shall be construed to deprive any director of his or her right to all defenses ordinarily available to a director nor shall anything herein be construed to deprive any director of any right he or she may of contribution from any other director or other person, nor shall this provision increase the liability of any director beyond that otherwise existing from time to time.

10. The Corporation may indemnify any director, officer, employee, fiduciary or agent of the Corporation as permitted by law or as provided in the Bylaws of the Corporation.

11. In the event of the dissolution of the Corporation or the winding up of its affairs, the Corporation shall discharge or make provision for the discharge of its liabilities, complete every other act necessary to wind up and liquidate its assets and affairs, and distribute any remaining assets to the members of the Corporation, in accordance with the provisions set forth in the Bylaws.

12. The name and address of the individual causing this document to be delivered for filing is Eric R. Benson, Esq., Ireland, Stapleton, Pryor & Pascoe, P.C., 717 17<sup>th</sup> Street, Suite 2800, Denver, Colorado 80202.

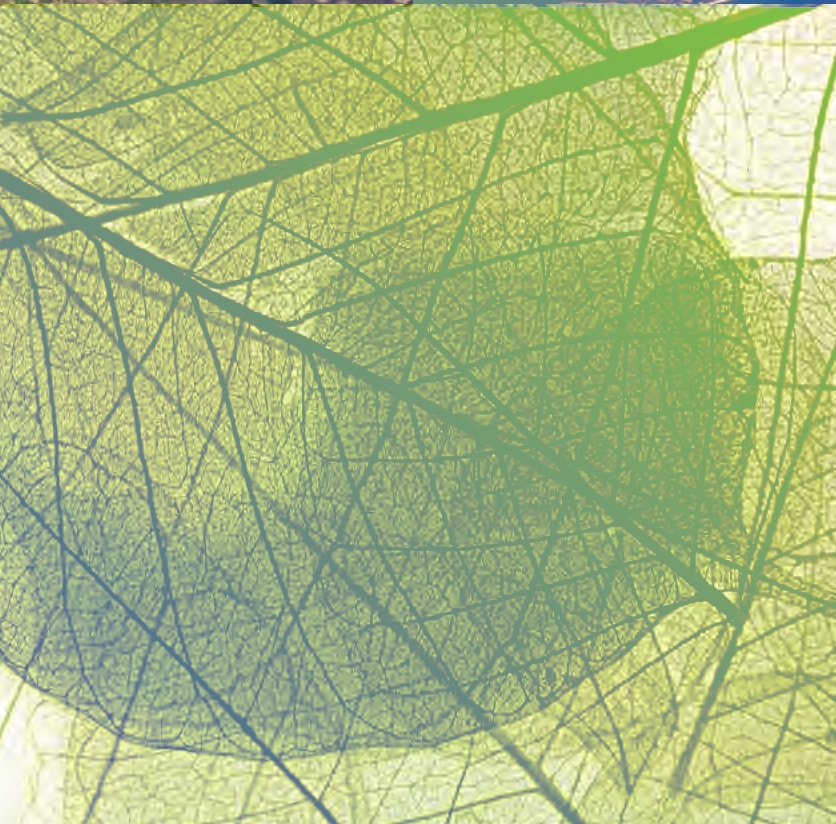


# CITY OF LAKEWOOD

## SUSTAINABILITY PLAN **2015**



**Lakewood**  
Full of Possibilities.



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RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On April 1, 2015, the Lakewood Planning Commission held a public hearing at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado, to consider the *City of Lakewood Sustainability Plan*.

Motion was made by COMMISSIONER MESCH and seconded by COMMISSIONER MILLER to ADOPT AND RECOMMEND APPROVAL of the *City of Lakewood Sustainability Plan* by City Council. The roll having been called, the vote of the Lakewood Planning Commission was as follows:

Johann Cohn	Aye
Stuart Crawford	Aye
Robert Eadie	Aye
Henry Hollender	Aye
Julia Kirkpatrick	Absent
Carrie Mesch	Aye
Dale Miller	Aye

FINDINGS OF FACT AND ACTION

The Planning Commission finds that:

- A. The City of Lakewood has prepared a document entitled the *City of Lakewood Sustainability Plan*.
- B. The Sustainability Plan guides the City in efforts to achieve sustainability through goals and targets that ensure we balance environmental, social, and economic well-being.
- C. Six work groups were formed to develop the Sustainability Plan's goals, targets, objectives, and strategies. Work groups consisted of Lakewood residents, City staff, community stakeholders, and industry experts. In total, 24 work group meetings were attended by 87 work group participants.
- D. Four joint study sessions were held with the Planning Commission and City Council to update the City Council on the status of the development of the Sustainability Plan.
- E. Eight open houses were held to gain input from residents. In addition, drafts of the Sustainability Plan were placed on the website and the opportunity for the public to comment on the draft Sustainability Plan was made available on the website.
- F. The Sustainability Plan complements and expands upon the goals of the draft City of Lakewood Comprehensive Plan, *Moving Forward Together: 2025* through measurable targets and specific strategies.

NOW, THEREFORE, BE IT RESOLVED by the City of Lakewood Planning Commission on April 1, 2015:

1. The *City of Lakewood Sustainability Plan*, dated March 24, 2015, is hereby ADOPTED AND RECOMMENDED FOR APPROVAL to the Lakewood City Council.

  
Julia Kirkpatrick, Chair

  
Henry Hollender, Secretary of the  
Planning Commission

CERTIFICATION

I, WALTER M. JAUCH, Secretary to the City of Lakewood Planning Commission, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 1<sup>st</sup> day of April, 2015, as the same appears in the minutes of said meeting.

April 1, 2015  
Date approved

  
Walter M. Jauch, Secretary to the  
Planning Commission

2015-39

A RESOLUTION

APPROVING THE CITY OF LAKEWOOD SUSTAINABILITY PLAN

WHEREAS, the City Council has the authority to review and approve the City of Lakewood Sustainability Plan (the "Sustainability Plan") as adopted by the Lakewood Planning Commission; and

WHEREAS, six (6) work groups, which consisted of Lakewood residents, City staff, community stakeholders and industry experts, were formed to develop goals, targets, objectives and strategies for the Sustainability Plan; and

WHEREAS, a total of twenty-four (24) work group meetings were held and attended by eighty-seven (87) work group participants; and

WHEREAS, eight (8) open houses were held to gain input from residents; and

WHEREAS, drafts of the Sustainability Plan were placed on the City's website, and the opportunity for the public to comment on drafts of the Sustainability Plan was also made available on the City's website; and

WHEREAS, the Sustainability Plan complements and expands upon the goals of the Lakewood Comprehensive Plan, *Lakewood 2025: Moving Forward Together*, through measurable targets and specific strategies; and

WHEREAS, the Lakewood Planning Commission unanimously adopted the Sustainability Plan at a public hearing held on April 1, 2015.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The City of Lakewood Sustainability Plan as presented to City Council and adopted by Planning Commission on April 1, 2015, is hereby APPROVED.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to affix their signatures to the Sustainability Plan as evidence of the approval and adoption of the same by the City Council.

SECTION 3. This Resolution shall become effective immediately upon its adoption.


INTRODUCED, READ AND ADOPTED by a vote of 8 for and 2 against at a regular meeting of the City Council on May 11, 2015, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

ATTEST:



  
Margy Greer, City Clerk

APPROVED AS TO FORM:

  
Tim Cox, City Attorney

  
Bob Murphy, Mayor



# ACKNOWLEDGEMENTS

The City of Lakewood Sustainability Plan would not have been possible without the support and dedication of City of Lakewood leadership, staff, and the Sustainability Plan Work Group Participants.

## CITY COUNCIL

Mayor Bob Murphy  
Ramey Johnson  
Karen Kellen  
Scott Koop  
Cindy Baroway  
Shakti  
Pete Roybal  
David Wiechman  
Adam Paul  
Karen Harrison  
Tom Quinn

## PLANNING COMMISSION

Stuart Crawford  
Julia Kirkpatrick  
Johann Cohn  
Jay Goldie  
Dale Miller  
Henry Hollender  
Carrie Mesch

## CITY OF LAKEWOOD STAFF

Travis Parker, *Planning Department Director*  
Jonathan Wachtel, *Sustainability Manager*  
Lynn Coppedge, *Sustainability Planner*

## TECHNICAL ASSISTANCE

Emily Artale, *Lotus Engineering & Sustainability, LLC*  
Ligature Creative Group

## SUSTAINABILITY PLAN WORK GROUP STAFF PARTICIPANTS

### CITY MANAGER'S OFFICE

Mary Ruther, *Strategic Initiatives Manager*  
Rachel Griffin, *Economic Development Specialist*

### COMMUNITY RESOURCES DEPARTMENT

Allison Scheck, *Marketing and Communications  
Relations Manager*  
Drew Sprafke, *Regional Parks Supervisor*  
John Paliga, *Landscape Architect*  
Peggy Boccard, *Recreation Manager*  
Robert Buck, *Fitness/Wellness Programs Administrator*  
Steve Carpenter, *Urban Parks Manager*

## EMPLOYEE RELATIONS

Lauren Briggs, *Employee Wellness Coordinator*

## FINANCE DEPARTMENT

Terri Kindsfather, *Purchasing/Mailroom Supervisor*

## INFORMATION TECHNOLOGY DEPARTMENT

Pieter Bruintjes, *Telecommunications Engineer*

## PLANNING DEPARTMENT

Alexis Moore, *Associate Planner*  
Amy Deknikker, *Associate Planner*  
Kara Mueller, *Associate Planner*  
Mallory Bettag, *Associate Planner*

## POLICE DEPARTMENT

Gail Spencer, *Code Enforcement Coordinator*

## PUBLIC WORKS DEPARTMENT

Alan Searcy, *Stormwater Quality Coordinator*  
Bill Clayton, *Codes Administrator*  
Ken Hargrave, *Civil Engineer III*  
Kyle Beck, *Special Project Manager*  
Nina Hoffert, *Fleet Manager*  
Pat Matthews, *Environmental Services Technician*

## SUSTAINABILITY PLAN WORK GROUP RESIDENTS & STAKEHOLDERS

Adam Paul, *City Council, Ward 4*  
Angelo Minuti  
Bonnie Kelnberger  
Brian Nicholson  
Cabell Hodge  
Cara Hartsen  
Carol Marsala  
Carol Quinn  
Carrie Mesch, *Planning Commission, at-large*  
Carrie Sonneborn  
Christy Cerrone  
Dana Gutwein  
Darlene Boord  
David Anderson  
Deb Phenice  
Derek and Kamise Mullen  
Diane Frei  
Dylan Anderson  
Edie Bryan  
Eleanor Jefferson  
Ellen Kennedy  
Emily Artale  
Emily Freeman  
Frank Rukavina

Gary Harty

Gay Dugan

Henry Hollender, *Planning Commission, at-large*

Janan Platt

Jen Teeuwen

Jessica Prosser

Johann Cohn, *Planning Commission, Ward 3*

John Peters

Julia Kirkpatrick, *Planning Commission, Ward 2*

Julie Byerlein

Kathi Hasford

Ken Bagstad

Ken Boden

Maddie Nichols

Marjorie Griek

Max Gibson

Mel Johnston

Mike Seibert

Molly Hanson

Nichole Goodman

Padma Polepeddi

Patricia Merkel

Rob Smith

Robert Brayden

Robert Melvin

Robin Smith

Ron Chard

Ran McCaw

Sarah Davis

Shakti, *City Council, Ward 3*

Stephen Alley

Susan Franklin

Taylor Jones

Theresa Worsham

Thomas Slabe

Tim Galloway

Tim Rehder

Tom Figel

Tom Quinn, *City Council, Ward 5*

Tricia Lee

Yvette Alley

Zachary Vigil

## SPOTLIGHT CONTRIBUTORS

Dana Gutwein, *Southern Gables Neighborhood:*

*Southern Gables Sustainable Neighborhood, Page 100*

Derek and Kamise Mullen,

*Addenbrooke/Belmar Park Neighborhood:*

*Everitt Farms: A Vision for Change, Page 59*

Doug Wells, *Belmar Neighborhood:*

*Walk / Run / Bike Belmar, Page 107*

Drew Sprafke, *Regional Parks Supervisor, City of Lakewood:*

*Lakewood's Natural Systems and Regional Parks, Page 131*

GRID Alternatives: *Renewable Energy for Everyone, Page 37*

John Paliga, *Landscape Architect, City of Lakewood:*

*Morse Park Rain Garden, Page 138*

Julie Elam, *Heritage Center Visitor Services Coordinator,*

*City of Lakewood:*

*Zero Waste at Lakewood Heritage Center, Page 75*

Ken Bagstad, *U.S. Geological Survey:*

*Ecosystem Services, Page 126*

Kenneth Boden, *Denver Regional Council of Governments:*

*Way to Go: A Better Way to Build Community, Page 154*

Rob Smith, *Rocky Mountain MicroFinance Institute:*

*Microfinancing, Page 60*

SustainAbility: *Learning from Neighboring Communities, Page 89*

Thomas Slabe, *Eiber Neighborhood:*

*Garden for Wildlife: A Sustainable Thing to Do in the City, Page 129*

Tom Quinn, *City Council, Ward 5:*

*Foreword: Climate Change and the City of Lakewood, Page 16*

## DESIGN ACKNOWLEDGEMENTS

Ligature Creative Group

[www.ligcreative.com](http://www.ligcreative.com)

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**MAY 28, 2015**

**I AM PROUD TO INTRODUCE THE CITY OF LAKEWOOD'S FIRST SUSTAINABILITY PLAN.** This is a remarkable milestone that will ensure Lakewood's leadership and excellence in sustainability. Sustainability is a subject we must all care about because it helps us consider the impacts of our decisions and behaviors so that we can achieve a balance among the natural environment, social values, and the economy.

This document offers ambitious goals, detailed strategies, and concrete measurements aimed at advancing a culture of permanence where community leaders, businesses, and residents work together to ensure that Lakewood remains a healthy and vibrant place for generations to come.

Over the past several years, the City of Lakewood has taken large strides toward sustainability within our municipal operations and throughout our community from expanding opportunities for solar access to enabling residents to lead sustainable initiatives within their own neighborhoods. It is evident that our community cares deeply about sustainability.

I invite you to view this plan as a living document, reflecting our community's vision and accelerating our progress toward sustainability. Please delve into this plan to see where we need to head in the coming years.

This plan wouldn't be possible without our community. Thank you to the hundreds of residents, businesses and community partners who generously donated their time, knowledge, and passion to create a sustainable vision and strategy for Lakewood. Now that our goals are before us, it is time for each and every one of us to do our part to turn this vision into a reality and ensure that Lakewood remains a great city for generations to come.

Sincerely,



**Bob Murphy**  
Mayor

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# WHAT IS SUSTAINABILITY?

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**SUSTAINABILITY MEANS** creating balance among the environment, the economy, and society to ensure that practices and decisions do not compromise the quality of life for future generations. Sustainability is not an end goal, but an approach that recognizes the interplay between natural, economic, and social interests. As our population and economy continue to grow, we depend on the resources and services that our surrounding ecosystems provide. Sustainable development requires an understanding of these systems and how we can survive and thrive within the patterns and cycles of the natural world.

In Lakewood, the term sustainability made its first appearance in the 2003 Comprehensive Plan, which included a chapter on Community Sustainability. Since then, support for sustainability has grown throughout the Lakewood community and City organization:

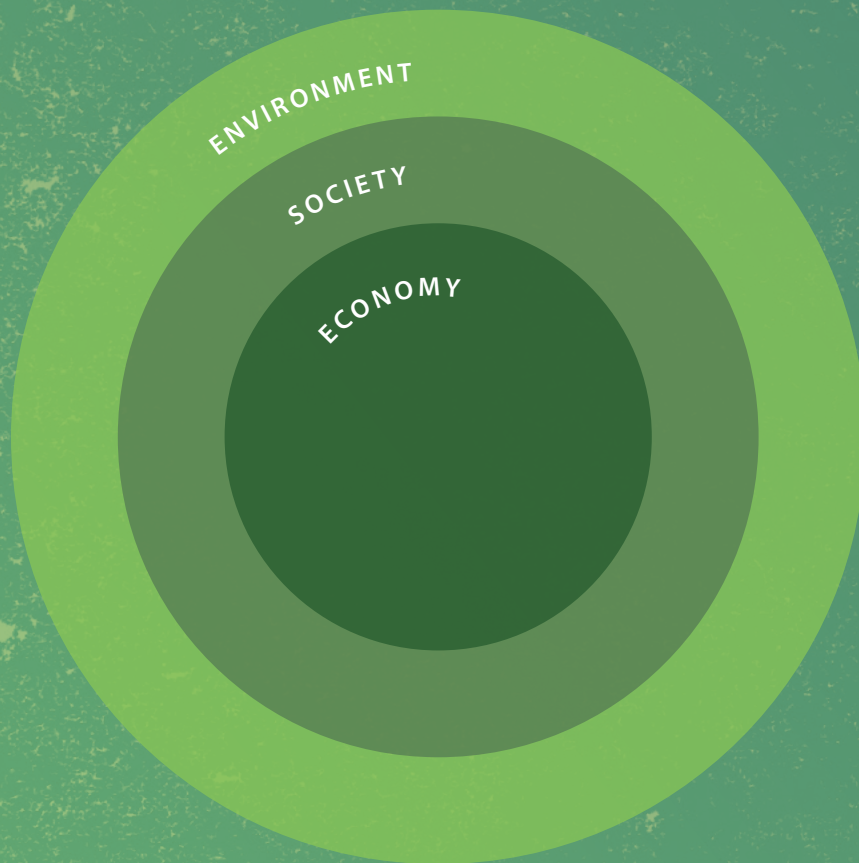
- 2003 – City of Lakewood Comprehensive Plan included a chapter on Community Sustainability.
- 2007 – Employees from each City department formed the Employees Committee for a Sustainable Lakewood (ECSL) to provide education and outreach and launch employee-led sustainability events and initiatives.
- 2008 – The ECSL hosted the first annual Sustainability Awards ceremony to recognize community, youth, and employee initiatives.
- 2009 – City Council approved funding for the ECSL.
- 2010 – The sustainability coordinator position was funded through federal grants and placed in the City Manager's Office.
- 2012 – The Sustainability Division was formed and relocated to the Planning Department.
- 2013 – The Community Sustainability Framework was endorsed by City Council.
- 2013 – The Sustainability Plan process began, gathering community input through open houses, work groups, and the City website.



## ILLUSTRATING THE CONCEPT OF SUSTAINABILITY

The concept of sustainability can be illustrated through two different models. First, the “nested model” illustrates our dependence on a healthy environment to support social well-being, which in turn enables us to sustain a robust economy. In other words, without a healthy environment, a community would be unable to achieve social well-being and economic success.

Second, the “overlapping-circles model” illustrates the importance of considering equally the environmental, social, and economic impacts of our decisions and behaviors. It is the goal of sustainability to achieve balance between the natural environment, social values, and the economy.



## WHAT IS A SUSTAINABILITY PLAN?

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**COMMUNITIES TODAY FACE A WIDE VARIETY OF CHALLENGES** that affect their ability to move toward a vibrant future, including natural resource availability, pollution, social isolation, public health concerns, and climate change. Local governments are uniquely suited to address these complex challenges through sustainability planning, which incorporates strategic assessments of challenges, development of creative solutions, and tracking progress toward community goals. Successful implementation of sustainability plans support the long-term resilience of communities.

The first step in developing the City of Lakewood Sustainability Plan was the formation of the Sustainability Division in 2012 and subsequent development of the Community Sustainability Framework, which states Lakewood's commitment to creating a culture of permanence where community leaders, businesses, and residents recognize that the vibrancy of our social, economic, and environmental systems are interdependent and work together to ensure that Lakewood and the surrounding region remains a healthy and vibrant place for generations to come.

The formal planning process for the City of Lakewood Sustainability Plan began in the fall of 2013 with a series of community open houses and was developed over the past year and a half through a series of working groups consisting of residents, City staff, community

partners, and industry experts. In total, the planning process included 33 meetings and engaged more than 400 residents, representing more than 450 hours of community support and dedication. The City of Lakewood is grateful to all the residents and stakeholders who contributed to the development of this plan.

**The planning process engaged more than 400 residents, representing more than 450 hours of community support and dedication.**

### HOW DO WE READ IT?

The City of Lakewood Sustainability Plan was developed to improve the social, environmental, and economic conditions of the Lakewood community through seven chapters that address topics identified through community outreach and best practices from

sustainability leaders and organizations around the country.

The first chapter, **Climate Change and Adaptation**, focuses on reducing our greenhouse gas emissions; protecting and preserving our social, economic, and environmental well-being;

and preparing for future challenges associated with a changing climate, thereby laying the foundation for the six subsequent chapters in the plan, which include the following topics:

- **Energy, Water, and the Built Environment**
- **Sustainable Economy**





- **Zero Waste**
- **Community Cohesion and Public Health**
- **Natural Systems**
- **Transportation**

Each chapter is organized around **Goals, Targets, Objectives, Indicators**, and three types of **Strategies**.

- **Goals** reflect the ultimate desired state or condition of the community related to each chapter.
- **Targets** are measurable results that indicate whether or not we are achieving our goals.
- **Objectives** are clear desired results intended to move the community toward the broader goal.
- **Indicators** are measurable pieces of information that demonstrate

whether or not we are trending in the right direction.

- **Strategies** are actions that our community can take to achieve our goals, targets, and objectives. There are three types of strategies included in the Sustainability Plan:
  - **Implementation Strategies** outline a series of action steps, including assessments, policies, operational improvements, infrastructure projects, and programs and services. The benefits and feasibility of each implementation strategy are assessed through two tables located at the end of each chapter that serve to inform decision making and prioritization.
  - **Supporting Strategies** are actions that are common to each chapter and support multiple implementation strategies with minor variations depending on the topic. The four types of supporting strategies found throughout the plan include

collaboration, education and promotion, tools and technology, and research and tracking.

- **Crosscutting Strategies** leverage the cross-benefits of multiple implementation strategies. There are three crosscutting strategies in the Sustainability Plan: **the Sustainable Energy and Water Resource Center, the Sustainable Business Hub, and the Sustainable Neighborhoods Program**. These strategies are introduced as implementation strategies in the Energy, Water, and Built Environment; Sustainable Economy; and Community Cohesion and Public Health chapters, but are incorporated into each of the plan's goals in order to enhance the scope and effectiveness of implementation.

Supplemental content providing data, illustrating concepts, and highlighting community and City initiatives are found throughout the plan.



## HOW DOES IT INTERACT WITH THE COMPREHENSIVE PLAN?

The Sustainability Plan expands and complements the existing communitywide vision and sustainability efforts of the Lakewood community. It will build upon the recommendations contained in the City of Lakewood Comprehensive Plan, Lakewood 2025: Moving Forward Together, which was adopted in 2015 as a guide for physical and economic development in the city over the next 10 to 20 years. Distinct from the Comprehensive Plan, the Sustainability Plan will set measurable targets that will be tracked and updated on a regular basis. In this regard, the Sustainability Plan will be a flexible document that will be regularly adjusted based on new data and information.

**The Sustainability Plan will set measurable targets that will be tracked and updated on a regular basis. In this regard, the Sustainability Plan will be a flexible document that will be regularly adjusted based on new data and information.**

## HOW DO WE USE IT?

The Sustainability Plan is intended to be an interactive document that City leadership, staff, and the community can use to launch, expand, and track sustainability initiatives. The Sustainability Plan can be applied in several ways.

- Readers can use it to better understand sustainability topics through chapter introductions and supplemental information scattered throughout the document.
- City leadership can use it to prioritize implementation and resource allocation by reviewing strategies and their associated costs and benefits.
- City staff can use it to prioritize and guide implementation by referring to strategy details.

- Community members, City staff, and City leadership can track the City's progress through measurable targets and indicators.

The Sustainability Plan does not include a specific implementation schedule because many of the strategies require multiple steps of implementation, each of which may be ongoing, short-term or long-term in nature. The implementation strategies contained in the plan should be viewed as a menu of opportunities to achieve the community's goals and targets. Implementation of each strategy is dependent upon resource availability, windows of opportunity, and community support.

Strategy Benefits and Strategy Feasibility tables included in each chapter summarize the potential environmental, economic, and social benefits of each strategy as well as implementation costs, potential for payback or revenue, and communitywide financial impacts for each strategy. This analysis provides residents, stakeholders, City staff, and elected officials with an overall summary of the range of benefits and cost associated with each strategy and can be used to assist in identifying funding and implementation priorities. ■

## SUSTAINABILITY PLAN STRUCTURE



### TARGETS



### OBJECTIVES

- INDICATORS



### IMPLEMENTATION STRATEGIES

#### SUPPORTING STRATEGIES

#### CROSSCUTTING STRATEGIES



### SUPPLEMENTAL INFORMATION

- CONCEPTS
- SPOTLIGHTS
- DATA

## DEFINITIONS

- **GOAL:** desired state or condition of the community
- **TARGET:** Numeric representation of the goal
- **OBJECTIVE:** Clear desired results intended to move the community toward the goal
- **INDICATOR:** Measurable pieces of information that demonstrate trends
- **IMPLEMENTATION STRATEGY:** Series of action steps that help the community achieve the goal
- **SUPPORTING STRATEGY:** Common actions that support multiple implementation strategies and achievement of the goal
- **CROSSCUTTING STRATEGY:** Implementation Strategies that are incorporated into multiple chapters to enhance implementation
- **CONCEPT:** Explanation of complex topics
- **SPOTLIGHT:** Features sustainability initiatives by a community member or City employee
- **DATA:** Charts and graphics that illustrate information and statistics

## CLIMATE CHANGE AND THE CITY OF LAKEWOOD

BY TOM QUINN, CITY COUNCIL, WARD 5

**OF ALL THE SUSTAINABILITY CHALLENGES** facing Lakewood and other Colorado cities, climate change stands out as a truly global issue with negative impacts on environmental, economic, and social systems locally and throughout the world. There is now overwhelming scientific evidence of climate warming, most recently noted in the 2013 report of the Intergovernmental Panel on Climate Change (IPCC), which concludes, “Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and oceans have warmed, the amounts of snow and ice have diminished, sea level has risen, and the concentrations of greenhouse gases have increased.”

Most recently, the National Oceanic and Atmospheric Administration’s (NOAA) National Climatic Data Center concluded 2014 was the warmest year on record across global land and ocean surfaces since record keeping began in 1880. Furthermore, according to NOAA, the 10 warmest years have all occurred since 1997.

Since the onset of the Industrial Revolution in the 1750s, local atmospheric concentrations of the greenhouse gases carbon dioxide, methane and nitrous oxide have all dramatically increased. According to the IPCC, levels of carbon dioxide currently are higher than at any time in at least the past 800,000 years. There is widespread scientific consensus that increases in emissions by human activity are primarily the result of burning fossil fuels such as coal, natural gas, and gasoline and industrial agriculture and large-scale land use changes; and that the increase in greenhouse gases is the dominant cause of global climate change.

In Colorado, statewide average temperatures have increased 2 F over

the past 30 years. The consequences of this warming are already being felt in communities on the Front Range. Extreme heat has increased, with one study showing that in the first 14 years of this century, the City of Fort Collins averaged nearly three times the number of 95 F days per year as in the last four decades of 20th century. There has also been an increase in the frequency and severity of drought

damages to forests and increasing the risk of wildfires. These developments are all consistent with scientific projections of the impacts of climate change, and these impacts are expected to become more severe as the climate continues to warm. This is particularly true if future emissions of greenhouse gases continue to increase.

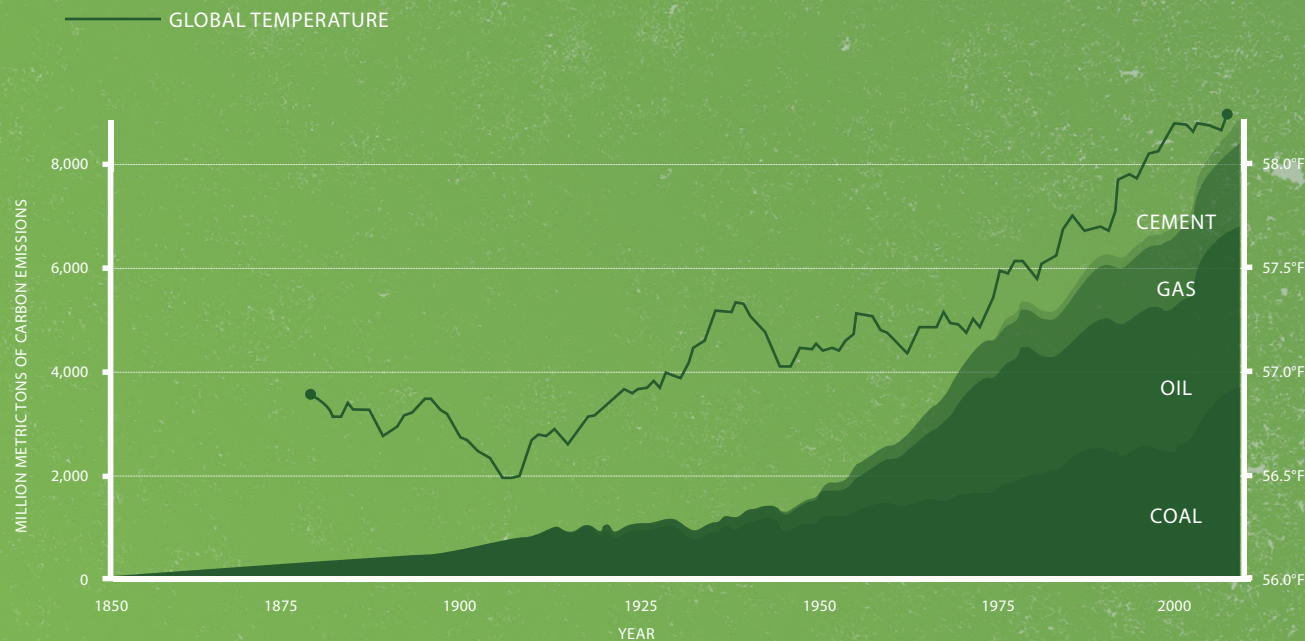
**Lakewood and other Colorado communities can play a vital role in showing emissions can be reduced in ways that lead to consumer savings, economic prosperity, and a healthy living environment.**

and wildfires. In Colorado, the three wildfires causing the greatest amount of property damage have all occurred since 2010. Moreover, previously burned areas of the state have experienced more extreme flash flooding, including some of the flooding in Colorado’s costliest natural disaster, the September 2013 floods that caused \$3 billion in damages. Higher temperatures and drought also have allowed for the spread of bark beetle outbreaks resulting in millions of dollars in

The risks to Colorado’s economy posed by climate change are potentially severe and will likely reverberate throughout the state. These include reduced snowpack, affecting water supply and the state’s thriving tourism industry as well as agricultural economics. Extreme heat events and degraded air quality from wildfires may result in increased health care costs and a lower quality of life.



## TEMPERATURE AND CARBON EMISSION TRENDS



Climate related risks cut across all governmental boundaries. The world's cities are the cornerstone of effective collaborative action to address climate change. Lakewood can set an example by acting decisively to both mitigate the impacts of climate change on its residents and plan for climate adaptation. Lakewood and other Colorado communities can play a vital role in reducing emissions in ways that lead to consumer savings, economic prosperity, and a healthy living environment.

Efforts to slow climate change are critical to avoid its most severe impacts. If climate change is not sufficiently mitigated, the best efforts of state and local governments to prepare for its effects may be completely ineffective. Along Colorado's Front Range, the consequences of climate change would be far greater from unchecked emissions of greenhouse gases.

The strategies and actions recommended in this plan to reduce

greenhouse gas emissions can only be achieved in Lakewood with strong public support from an engaged citizenry and determined civic commitment from elected leaders and the business community. While some of the recommended actions will require the investment of financial resources, they will ultimately lead to cost savings and will be small in comparison to the cost of inaction on climate change. It is possible to find common ground in certain unifying principles including the desire of all residents to live in a healthy and resilient community with a prosperous economy in which we conserve and make more efficient use of energy, water, and other natural resources, and leave to future generations a legacy of stewardship.

This Sustainability Plan outlines realistic, measureable goals and targets with strategies for reducing Lakewood's greenhouse gas emissions accomplished through collaborative pathways, which allow us to work together to build a thriving, prosperous, and resilient community. ■

# CLIMATE CHANGE AND ADAPTATION

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## GOALS

- Minimize Lakewood's communitywide greenhouse gas emissions and prepare and adapt to ongoing climate change impacts.

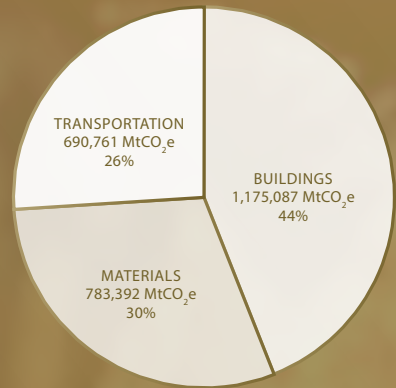
## TARGETS

- Reduce communitywide greenhouse gas emissions by 20 percent below 2007 levels by 2025.
- Reduce communitywide greenhouse gas emissions by 50 percent below 2007 levels by 2050.
- Reduce municipal greenhouse gas emissions annually through 2025.

SUSTAINABILITY PLAN STRATEGIES: GREENHOUSE GAS (GHG) EMISSIONS REDUCTION POTENTIAL

BASELINE		
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E		
BUILDINGS	1,175,087	44%
MATERIALS	783,392	30%
TRANSPORTATION	690,761	26%
TOTAL GHG	2,646,240	100%

2007 BASELINE EMISSION BREAKDOWN



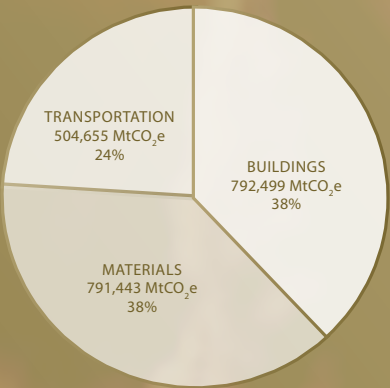
2025 BUSINESS AS USUAL (BAU)			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	1,053,368	42%	–121,719
MATERIALS	903,600	36%	+120,209
TRANSPORTATION	539,165	22%	–151,596
TOTAL GHG	2,496,133	100%	–153,107

BUSINESS AS USUAL (BAU)

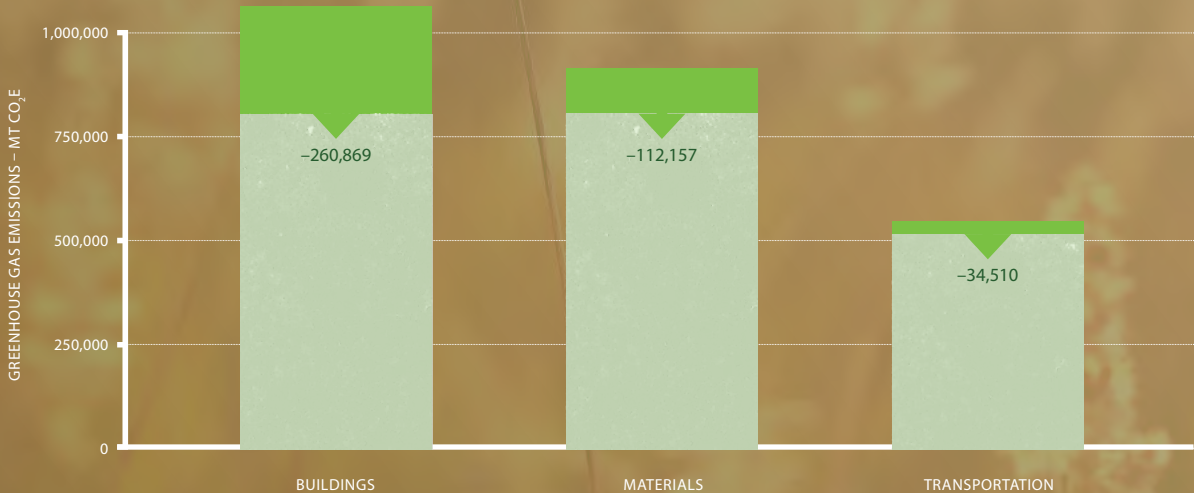
The term “business as usual (BAU)” is an emission value defined in a future year to represent emissions that would occur if an attempt had not been made to reduce emissions. The BAU considers changes to population and changes in emission factors. While the City of Lakewood’s population and material sector emission factors are expected to increase annually, the emission factors for electricity and transportation are expected to decrease annually as a result of the state of Colorado’s Renewable Portfolio Standard and improvements to vehicle fuel efficiency required by the Federal Corporate Average Fuel Economy (CAFE) emission standards.

2025 AFTER STRATEGIES ARE IMPLEMENTED			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	792,499	38%	–260,869
MATERIALS	791,443	38%	–112,157
TRANSPORTATION	504,655	24%	–34,510
TOTAL GHG	2,088,598	100%	–407,535

2025 – TARGET YEAR EMISSION BREAKDOWN



IMPACT OF GREENHOUSE GAS (GHG) REDUCTION STRATEGIES ON 2025 BUSINESS AS USUAL (BAU)



## SCIENTISTS CHARACTERIZE EARTH'S CLIMATE SYSTEM BY MEASURING THE AVERAGE METEOROLOGICAL CONDITIONS—INCLUDING TEMPERATURE, PRECIPITATION, AND WIND.

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**UNLIKE THE WEATHER WE EXPERIENCE EVERY DAY**, Earth's climate changes relatively slowly, varying from year to year and over centuries and millennia. Climate scientists studying past and present climate trends have found that over the past several decades, the dynamics of the Earth's atmosphere have been changing significantly, affecting all parts of our climate system. Some of the most evident and observable changes can be seen in increasing surface and ocean temperatures, rising sea levels, decreasing snow and ice cover, and increasing intensity of storms. While fluctuations in Earth's climate have occurred over the course of the planet's history, scientific evidence overwhelmingly points to human activity as the primary driver of these current rapid and dramatic changes.

One of the most direct lines of evidence linking human activity to climate change is the effect that certain gases, such as carbon dioxide (CO<sub>2</sub>), have when released into the atmosphere. Referred to as greenhouse gases (GHG), CO<sub>2</sub>, methane, and several other gases, act

Beginning with the Industrial Revolution in the late 1700s, human civilization has increasingly emitted CO<sub>2</sub> and other greenhouse gases into the atmosphere. Using historic data from tree rings, ice cores, and coral reefs, scientists have determined that preindustrial

Green house gases, CO<sub>2</sub>, methane, and several other gases, act like a blanket in the lower levels of Earth's atmosphere, causing the greenhouse gas effect.

like a blanket in the lower levels of Earth's atmosphere, causing the greenhouse gas effect, which blocks radiant heat (heat generated by the sun and reflected off of the Earth's surface) from escaping the Earth's atmosphere.

levels of CO<sub>2</sub> in the atmosphere were around 275 parts per million (ppm). Currently levels of CO<sub>2</sub> in the atmosphere exceed 400 ppm, a 40 percent increase from historic levels. This steady and rapid increase in GHG emissions, unprecedented in Earth's history, has been

shown to directly correlate with rising surface and ocean temperatures. Since 1880, the global annual average temperature on Earth has increased 1.5 F. Consensus from the world's leading climate scientists estimate that at current emission rates, temperatures will increase between 6.7 and 8.4 F by the end of the century.<sup>1</sup> In 2014, the average temperature across global land and ocean surfaces was the highest among all 135 years in the 1880–2014 record. Including

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<sup>1</sup> IPCC. Summary for Policymakers. "Climate Change 2014: Mitigation of Climate Change." Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. 2014. [http://www.ipcc.ch/pdf/assessment-report/ar5/wg3/ipcc\\_wg3\\_ar5\\_summary-for-policymakers.pdf](http://www.ipcc.ch/pdf/assessment-report/ar5/wg3/ipcc_wg3_ar5_summary-for-policymakers.pdf).





## THE RISE OF SEA LEVEL

Global sea level has risen 8 inches since 1880.

2014, nine of the 10 hottest years have occurred in the 21st century.<sup>2</sup>

While there has been past debate over the role of human activity on climate change, there is mounting evidence from studies examining alternative theories that the cause is directly related to human GHG emissions. These studies examine naturally occurring factors that have historically contributed to variation in the planet's climate. For example, climate scientists looking at the impact of increased solar

output on climate change have found that temperatures in upper layers of the Earth's atmosphere are cooling, despite the warming of lower atmosphere layers. This reinforces the conclusion of more than 97 percent of the world's climate scientists that GHG emissions and the greenhouse effect are responsible for our current climate trends.<sup>3</sup>

## CLIMATE CHANGE IMPACTS

The planet is experiencing unprecedented changes in all parts of the global climate system. These changes have impacts both locally and worldwide. Understanding how these changes are affecting our community and how they might affect us

in the future is critical to ensuring our long-term sustainability and prosperity.

## OCEANS

Oceans cover more than 70 percent of the Earth's surface. Oceans play a significant role in determining Earth's climate by absorbing CO<sub>2</sub>, strongly influencing weather patterns across continents. As heat-trapping gases, primarily CO<sub>2</sub>, have increased, ocean surface temperatures and levels of acidity have also increased. Rising ocean temperatures and acidification are having significant impacts on ocean circulation (currents), chemistry, and ecosystems.

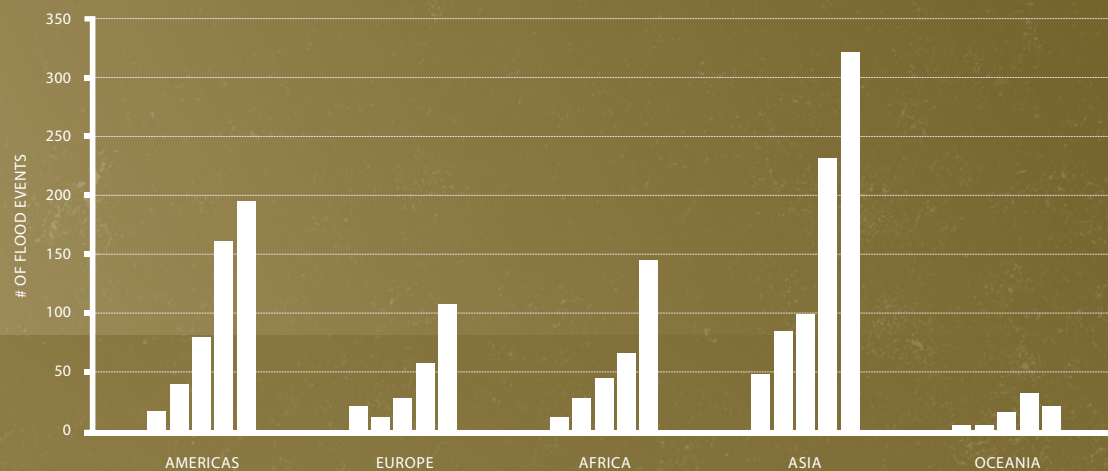
<sup>3</sup> U.S. Global Change Research Program. "2014 National Climate Assessment." GlobalChange.gov <http://nca2014.globalchange.gov>.

<sup>2</sup> NOAA. "Global Analysis – Annual 2014." National Climatic Data Center. <http://www.ncdc.noaa.gov/sotc/global/2014/13>.

## ARE WE EXPERIENCING MORE FREQUENT EXTREME WEATHER EVENTS?

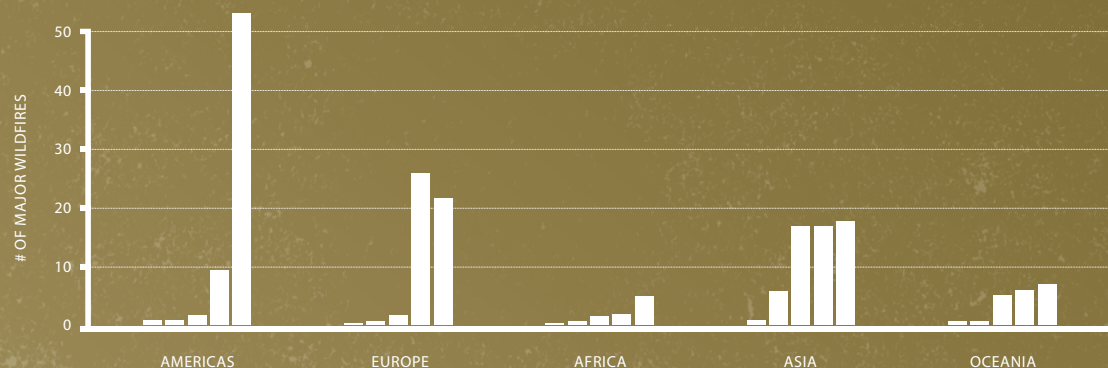
### NUMBER OF FLOOD EVENTS 1950-2000

Data plotted by decade



### NUMBER OF MAJOR WILDFIRES 1950-2000

Data plotted by decade



Source: Millenium Ecosystem Assessment

## SEA LEVEL

Another critical ocean-related impact of climate change is the rise in sea level due to warming ocean temperatures, which causes water to expand, and from melting sea ice. Arctic sea ice has decreased in every decade since 1979. Global sea level has risen 8 inches since 1880 and is projected to rise another 1 to 4 feet by the end of the century. In the United States, more than 5 million people live within four feet of the local high-tide level.<sup>4</sup> The potential impacts of rising sea levels along with rising high tides and storm surges are far reaching and include impacts to infrastructure, local and national economies, personal property loss, and population displacement. A 2009 assessment for the state of California on the impacts of seal level rise estimated that a 4.6 feet sea-level rise would put nearly \$100 billion worth of property at risk if no adaptation actions were taken.<sup>5</sup>

## EXTREME WEATHER EVENTS

The most common way people experience climate change is through extreme weather events, such as heat waves, droughts, wildfires, hurricanes, heavy downpours, and floods. The intensity, frequency, and duration of heat waves have increased in recent decades, making it the leading weather-related cause of death in the United States.<sup>6</sup> Heat waves also contribute to droughts and wildfires because rising temperatures and evaporation rates increase the drying of vegetation. Since 2000, Arizona, Colorado, Utah, California, and New Mexico have experienced record-breaking wildfires.<sup>7</sup> The frequency and intensity of extreme weather and prolonged drought could also have significant impacts on U.S. crop yields, which supply more than 30 percent of all wheat, corn, and rice on the global market.<sup>8</sup> Projections indicate that the normal state for most of the nation at the end of this century will be what is considered moderate to severe drought conditions today.<sup>9</sup>

Heavy precipitation events and floods are also increasing and are projected to intensify in the coming decades,<sup>10</sup> affecting agriculture

and property. Between 1959 and 2005, floods in the U.S. caused 4,586 deaths,<sup>11</sup> and in September 2013 flooding in Colorado resulted in an estimated 2,000 damaged or destroyed homes.<sup>12</sup>

## WATER

Drought and subsequently reduced groundwater, combined with changing precipitation patterns and earlier spring snowmelt, all affect water supply. Climate change impacts are projected to reduce Colorado's water supply, which is already constrained under current climate conditions. Strained water supplies affect our ability to meet consumption demands of cities and agriculture, significantly influencing our economy, water quality, and ecological health.

## HUMAN AND ECOSYSTEM HEALTH

The environment also directly affects human health and well-being. Existing health risks, such as respiratory and cardiovascular diseases, infectious diseases, mental health, and stress-related disorders are all amplified by extreme weather, air pollution, and altered infectious disease transmission cycles. Vulnerable populations, such as children, older adults, low-income groups, and those with chronic illnesses, will disproportionately suffer from the added stresses of climate change impacts.

Human health is strongly connected to ecosystem health and biodiversity. The current rate of global species extinction is estimated to

be 1,000 to 10,000 times higher than the rate of extinction across our planet's history. Scientists estimate that 25 percent or more of all terrestrial species will be threatened with extinction by 2050.<sup>13</sup> When we lose a gene or species, we lose it forever, and along with the loss of each species we lose the contribution or services that it provided.

Collectively, the impacts of climate change pose serious threats to our physical systems and social well-being. Potential financial impacts are just as devastating, causing disruption and recovery costs to our infrastructure, agricultural productivity, water and energy prices, and human health. In order to capture the costs to our society from increasing concentrations of CO<sub>2</sub>, the U.S. government developed the "Social

## Strained water supplies affect our ability to meet consumption demands of cities and agriculture, significantly impacting our economy, water quality, and ecological health.

Cost of Carbon" (SCC), which is intended to monetize damages associated with an incremental increase in carbon emissions in a given year. Measuring the costs of climate change allows communities to devote the necessary attention and resources to the greatest challenge of the 21st century.

## A PATHWAY FORWARD

As GHG emissions increase and changes to climate systems escalate, so

### SOCIAL COST OF CARBON (SCC)

Monetizes damages associated with CO<sub>2</sub> emissions (see p. 28).

do the risks of severe and sometimes irreversible impacts to our natural and human systems. Collectively, our actions as individual nations and cities contribute to the resilience and vibrancy of our future. Solutions cannot be achieved independently, as GHG emissions accumulate over time in our planet's atmosphere. A coordinated approach is crit-

ical to limiting current damages and successfully adapting to future conditions.

## MITIGATION

Mitigation means limiting the magnitude and rate of climate change and associated impacts. Mitigation strategies largely consist of preventing or reducing GHG emissions. As communities assess and prioritize potential mitigation strategies, many refer to the "carbon budget" or the

<sup>4</sup> U.S. Global Change Research Program. "2014 National Climate Assessment." GlobalChange.gov <http://nca2014.globalchange.gov>.

<sup>5</sup> California Climate Change Center. "The Impacts of Sea-Level Rise on the California Coast." 2009. <http://pacinst.org/wp-content/uploads/sites/21/2014/04/sea-level-rise.pdf>.

<sup>6</sup> U.S. Global Change Research Program. "2014 National Climate Assessment." GlobalChange.gov <http://nca2014.globalchange.gov>.

<sup>7</sup> J.D. Walsh, et al. "Appendix 3: Climate Science Supplement." Climate Change Impacts in the United States: The Third National Climate Assessment. U.S. Global Change Research Program. 2014. doi:10.7930/J0KS6PHH.

<sup>8</sup> U.S. EPA. "Agriculture and Food Supply." Climate Change. Last Updated September 9, 2013. <http://www.epa.gov/climatechange/impacts-adaptation/agriculture.html>.

<sup>9</sup> J.D. Walsh, et al. "Appendix 3: Climate Science Supplement." Climate Change Impacts in the United States: The Third National Climate Assessment. U.S. Global Change Research Program. 2014. doi:10.7930/J0KS6PHH.

<sup>10</sup> U.S. Global Change Research Program. "2014 National Climate Assessment." GlobalChange.gov <http://nca2014.globalchange.gov>.

<sup>11</sup> U.S. Global Change Research Program. "2014 National Climate Assessment." GlobalChange.gov <http://nca2014.globalchange.gov>.

<sup>12</sup> Kevin Duggan. "Recovering after rivers rage." The Coloradoan. <http://www.coloradoan.com/story/news/local/2014/09/05/september-flood-anniversary-colorado/15151647>.

<sup>13</sup> UNEP and UN-HABITAT. "Ecosystems and Biodiversity The Role of Cities." Nairobi, 2005. [http://www.unep.org/urban\\_environment/PDFs/Ecosystems\\_and\\_Biodiversity\\_Role\\_of\\_Cities.pdf](http://www.unep.org/urban_environment/PDFs/Ecosystems_and_Biodiversity_Role_of_Cities.pdf).

amount of carbon dioxide that can be emitted in order to avert the most dangerous climate change impacts. The carbon budget was identified by the International Panel on Climate Change (IPCC), a scientific body established in 1988 by the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO). The carbon budget was established to reflect the amount of atmospheric carbon that would hold global temperature increases to 2 C (3.6 F) above pre-industrial temperatures, which was identified by the international com-

## The cumulative effect of the proposed strategies in the plan is projected to decrease Lakewood's emissions by 20 percent by 2025.

munity as the upper limit in order to avert the most dangerous climate change impacts.

Maintaining the carbon budget will require 40 percent to 70 percent reductions in GHG emissions by 2050 compared to 2010<sup>14</sup> and require cities, which account for more than half of global GHG emissions and two-thirds of energy production, to lead the way in mitigation efforts. Well-planned, resource-efficient cities can reduce GHG emissions through simple improvements, such as proper insulation and energy efficient technologies. Cities are uniquely positioned to facilitate policy

changes and bottom-up initiatives, leading to immediate results.

### ADAPTATION

Adaptation means preparing for new conditions, reducing vulnerabilities, and leveraging changes to create new opportunities for growth and sustainability. Even if all GHG emission from human activity ceased, global temperatures are still expected to rise by 0.5 F over the next few decades.<sup>15</sup> In Colorado, moderate to aggressive efforts to mitigate CO<sub>2</sub>

emissions would still lead to increased average annual temperatures of 2.5 F by 2025 and 4 F by 2050.<sup>16</sup>

With the majority of the world's population living in cities, the impacts of extreme weather call for a proactive plan for responding to future climate variability in order to increase resilience. In order to fully understand these impacts, many local governments and agencies are

conducting climate vulnerability assessments to identify their specific climate-related risks and vulnerabilities. These assessments can be used to inform policy decisions, infrastructure investments, and resource allocations based on anticipated climate change impacts.

Preparing for the impacts of changing global and local climate systems necessitates both a comprehensive and local strategy, as well as coordination between neighboring jurisdictions, all levels of government, and partners within the community. Action today will lead to a more resilient tomorrow.

### CITY OF LAKEWOOD

In Lakewood, drought, reduced snowpack, strained water supply, disaster recovery costs, and other impacts are already influencing municipal operations and household economies. These impacts will continue to challenge our community in years and decades to come. Our ability to adapt and ensure a resilient future will be largely determined by today's actions.

<sup>14</sup> IPCC. "Climate Change 2014 Synthesis Report." 2014. [http://www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR\\_AR5\\_SPMcorr1.pdf](http://www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR_AR5_SPMcorr1.pdf).

<sup>15</sup> U.S. Global Change Research Program. "2014 National Climate Assessment." GlobalChange.gov <http://nca2014.globalchange.gov>.

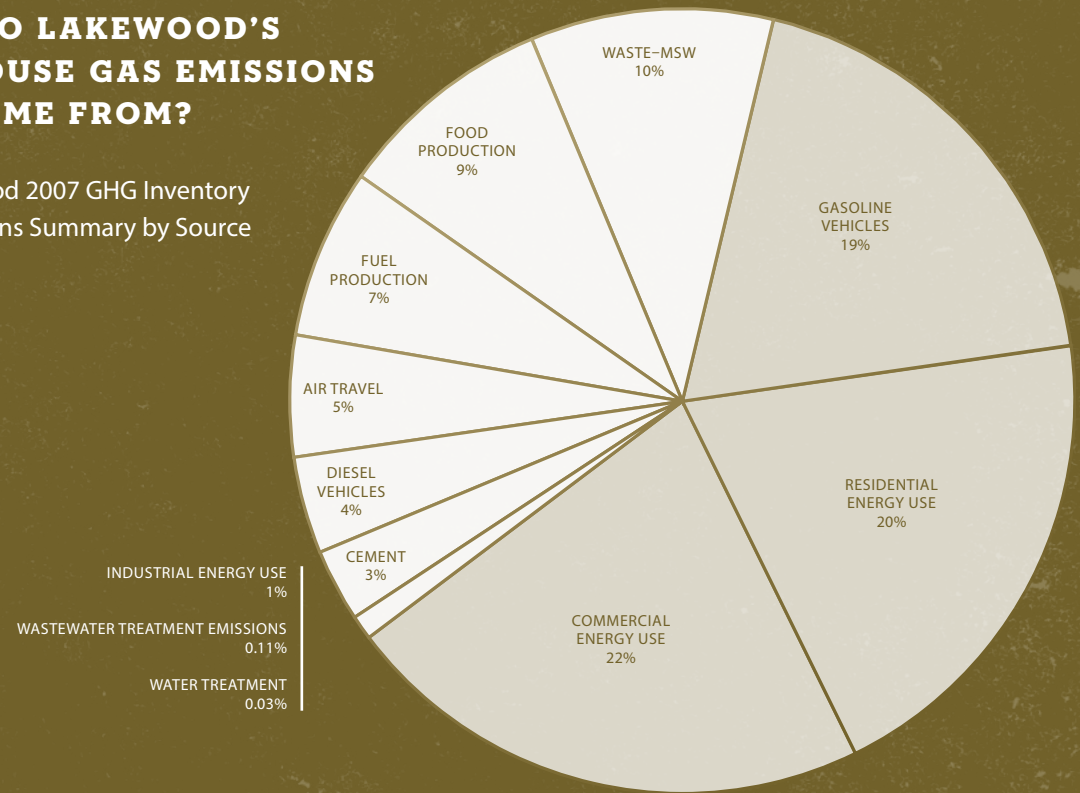
<sup>16</sup> Jeff Lukas, et. al. "Climate Change in Colorado: A Synthesis to Support Water Resources Management and Adaptation." Second Edition. University of Colorado, August 2014. <http://cwcb.state.co.us/environment/climate-change/Pages/main.aspx>.





## WHERE DO LAKEWOOD'S GREENHOUSE GAS EMISSIONS (GHG) COME FROM?

City of Lakewood 2007 GHG Inventory  
Report: Emissions Summary by Source



In 2007, the City of Lakewood completed a greenhouse gas inventory, which measured our communitywide annual GHG emissions. The inventory reported GHG emissions totaling 2,646,593 metric tons of CO<sub>2</sub> equivalent (MtCO<sub>2</sub>e). The results are broken down by sector and source, allowing us to measure and track change over time. Residential and commercial energy use are the largest contributors, accounting for 44 percent of total emissions, compared with a national average of 38 percent. Vehicle gasoline use and waste management processes follow behind, contributing 19 percent and 10 percent, respectively. Understanding where our GHG emissions come from and what might be driving their growth is critical in order to mitigate our contribution to global GHG emissions.

This Sustainability Plan uses this GHG data as a baseline from which to measure future emission reductions. The strategies included in this plan aim to reduce the community's overall greenhouse gas emissions and achieve its sustainability goals.

Recommendations from leading organizations urge cities to reduce GHG emission by 80 percent by 2050 through comprehensive strategies, as proposed in the STAR Community Rating System. STAR provides a sustainable community framework, developed by technical experts, sustainability leaders, and local government officials across the country in order to move communities toward sustainable practices, programs, and policies.<sup>17</sup> Tacoma, Washington, a similarly sized city, aims to reduce GHG

emissions by 40 percent below 1990 levels by 2020. Evanston, Illinois, a first-ring suburb like Lakewood, set a target of 17 percent below 2007 levels by 2020. Our neighbor, the City and County of Denver, set a 20 percent reduction goal below 1990 levels by 2020. For additional examples see Appendix B: Target Methodology.

The cumulative effect of the proposed strategies in the plan is projected to decrease Lakewood's communitywide emissions by 20 percent by 2025. ■

<sup>17</sup> STAR Communities. <http://www.starcommunities.org>.

## MINIMIZE LAKEWOOD'S COMMUNITYWIDE GREENHOUSE GAS EMISSIONS AND PREPARE AND ADAPT TO ONGOING CLIMATE CHANGE IMPACTS.

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### TARGETS

- Reduce communitywide greenhouse gas emissions by 20 percent below 2007 levels by 2025.
- Reduce communitywide greenhouse gas emissions by 50 percent below 2007 levels by 2050.
- Reduce municipal greenhouse gas emissions annually through 2025.

### OBJECTIVES

- **OBJECTIVE:** Contribute to national and global efforts to reduce and report greenhouse gas emissions.
- **OBJECTIVE:** Implement City of Lakewood Sustainability Plan strategies in order to achieve greenhouse gas emission reduction targets.
- **OBJECTIVE:** Ensure long-term community resilience by preparing for future impacts of climate change.

## IMPLEMENTATION STRATEGIES

### CCA1-A GREENHOUSE GAS DATA COLLECTION, TRACKING, AND REPORTING

Regularly monitor Lakewood's greenhouse gas emissions. Specifically:

- Regularly update the "City of Lakewood Greenhouse Emissions Inventory";
- Conduct and regularly update a municipal operations greenhouse gas inventory;
- Identify appropriate national or international emission tracking entities and regularly report data; and
- Develop tools and standards for tracking Lakewood emissions.

### CCA1-B GREENHOUSE GAS REDUCTION STRATEGIES

Utilize emission reduction assessments to prioritize and implement greenhouse gas reduction strategies. Specifically:

- Use emission reduction assessments contained in the Sustainability Plan to inform implementation efforts; and
- Consider impacts of all future City actions on emission reduction goals.

### CCA1-C CLIMATE CHANGE VULNERABILITY STUDY

Conduct a climate change vulnerability assessment, recognizing that future conditions and threats will be different from current or historical conditions. Specifically:

- Identify potential changes to Lakewood's climate including potential future climate scenarios;
- Identify vulnerabilities and potential impacts of each scenario on Lakewood's infrastructure, natural resources, ecosystems, public safety, economic well-being, population, and overall resiliency.





## SOCIAL COST OF CARBON: \$38/TON

**THE SOCIAL COST OF CARBON (SCC)** is a monetary estimate of the economic damages associated with a small increase in carbon dioxide (CO<sub>2</sub>) emissions and can be used to determine the benefit of policies that reduce carbon emissions. The SCC considers the costs to society of a range of climate impacts like agricultural productivity, human health, property, and infrastructure damage from extreme weather events and sea level rise, diminished biodiversity, and loss of ecosystem services. The Social Cost of Carbon is reported in dollars per metric ton of carbon dioxide.

The most recent SCC estimates were calculated in 2013 by a federal interagency working group consisting of representatives from 12 federal agencies. To determine the SCC, the working group used three assessment models that each assume different climate change processes, economic growth scenarios, and variations in the interactions between the economy and climate impacts.

Using the average results of all three of the assessments, the SCC for 2015 is \$38 per metric ton of CO<sub>2</sub>. The working group also published an additional value that is intended to

represent the potential for higher-than-average damages. Rather than using the average of all three assessment models, this number represents the most severe outputs (95th percentile) of the assessment models. This number places the SCC at \$109 per metric ton of CO<sub>2</sub>.

The City of Lakewood Sustainability Plan sets a target of reducing greenhouse gas emissions by 20 percent by 2025. Based on the SCC estimates, if the city met its reduction target, it would save \$26.5 million in the year 2025 alone. ■

### LEARN MORE ABOUT THE SOCIAL COST OF CARBON:

[www.epa.gov/climatechange/EPAactivities/economics/scc.html](http://www.epa.gov/climatechange/EPAactivities/economics/scc.html)

[www.epa.gov/climatechange/Downloads/EPAactivities/scc-fact-sheet.pdf](http://www.epa.gov/climatechange/Downloads/EPAactivities/scc-fact-sheet.pdf)

[www.whitehouse.gov/sites/default/files/omb/inforeg/social\\_cost\\_of\\_carbon\\_for\\_ria\\_2013\\_update.pdf](http://www.whitehouse.gov/sites/default/files/omb/inforeg/social_cost_of_carbon_for_ria_2013_update.pdf)

### CCA1-D CLIMATE PREPAREDNESS PLAN

Based on the climate change vulnerability study, develop a climate preparedness plan to prepare for multiple climate futures. Specifically:

- Expand existing emergency preparedness plans to encompass the full range of climate-related risks that could lead to emergencies;
- Upgrade existing infrastructure and update standards to minimize vulnerability;
- Develop economic, social, and natural resource management policies that address vulnerabilities and potential impacts;
- Incorporate climate change preparedness into all municipal operations, programs, planning efforts, and policies;
- Monitor impacts of climate change and effectiveness of adaptation strategies in order to adapt strategies and plans as necessary.









# ENERGY, WATER, AND THE BUILT ENVIRONMENT

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**THE CITY OF LAKEWOOD** and its residents recognize the role of energy, water, and the built environment in fostering a vibrant and sustainable community. Lakewood’s residents envision a collective future where low-impact development, renewable energy sources, and resource-efficient buildings protect local ecosystems, enhance water quality, reduce man-made greenhouse gas emissions, and ensure energy availability and affordability.

## GOALS

- Ensure affordable energy for Lakewood while transitioning to renewable energy sources.
- Significantly enhance resource efficiency in Lakewood buildings.
- Encourage development in Lakewood that values the natural environment and supports public health and community cohesion.

## TARGETS

- Generate 45 percent of municipal energy from renewable sources by 2025.
- Generate 45 percent of residential energy from renewable sources by 2025.
- Generate 45 percent of commercial and industrial energy from renewable sources by 2025.
- Reduce municipal building and facility energy use intensity by 30 percent by 2025.\*
- Reduce citywide building\*\* energy use intensity by 20 percent by 2025†.
- Reduce citywide water use by 20 percent by 2025†.
- Increase the percentage of certified†† green buildings (new construction and renovations receiving occupancy permits) each year from 2015 to 2025.

\* Baseline: 2008–2010 normalized data

\*\* Includes resource use for the entire site

† Baseline: 2007

†† Certifications systems include Green Globes, USGBC LEED, and Living Building Challenge

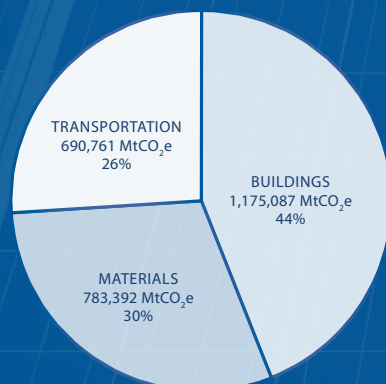
## ENERGY, WATER, THE BUILT ENVIRONMENT: GREENHOUSE GAS EMISSIONS REDUCTION POTENTIAL

BASELINE		
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E		
BUILDINGS	1,175,087	44%
MATERIALS	783,392	30%
TRANSPORTATION	690,761	26%
TOTAL GHG	2,649,240	100%

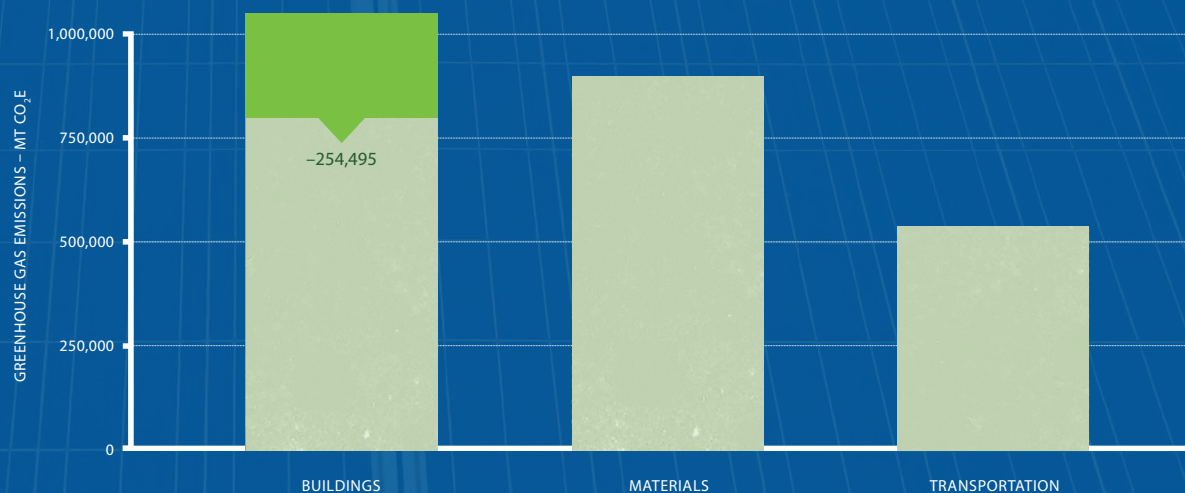
2025 BUSINESS AS USUAL (BAU)			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	1,053,368	42%	– 121,719
MATERIALS	903,600	36%	+ 120,209
TRANSPORTATION	539,165	22%	– 151,596
TOTAL GHG	2,496,133	100%	–153,107

2025 AFTER ENERGY, WATER, AND THE BUILT ENVIRONMENT STRATEGIES ARE IMPLEMENTED			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	798,873	36%	– 254,495
MATERIALS	903,600	40%	0
TRANSPORTATION	539,165	24%	0
TOTAL GHG	2,241,638	100%	– 254,495

2007 BASELINE EMISSION BREAKDOWN



IMPACT OF ENERGY, WATER, AND THE BUILT ENVIRONMENT STRATEGIES  
ON 2025 BUSINESS AS USUAL (BAU)



## ENERGY AFFECTS EVERYONE.

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**IT POWERS OVER** 65,000 Lakewood homes and 14,000 Lakewood businesses.<sup>1</sup> As Lakewood continues to grow, so does our reliance on nonrenewable resources. Currently, our nation gets 90 percent of its energy from nonrenewable sources. Over 80 percent of those are fossil fuels,<sup>2</sup> which include petroleum, natural gas, and coal. In Colorado, 56 percent of our energy comes from coal, which releases CO<sub>2</sub> emissions, smog, acid rain, and other toxic air pollutions.

Conserving energy and transitioning to renewable energy sources provide an enormous opportunity for reducing greenhouse gas emissions. The energy supply sector is the largest contributor to global emissions, comprising 35 percent<sup>3</sup> of total man-made emissions, and is the main contributor to the growth of emissions over the past 20 years due to increasing demands of energy use and the high share of fossil fuels in global and local fuel mixes.

In order to address energy, we must turn our focus to the built environment. Buildings are responsible for 44 percent of Lakewood's greenhouse gases, making it the largest contributing sector. If business

continues as usual, with minor increases in building efficiency, U.S. building energy use is projected to increase by 30 percent.<sup>3</sup> By investing in a resource-efficient built environment with clean energy sources,

**By investing in a resource efficient built environment with clean energy sources, we can reduce greenhouse gas emissions and add high-quality buildings to our community.**

we can reduce greenhouse gas emissions, increase our energy security, and add high-quality buildings to our community.

Our built environment also plays a large role in water use and water quality. The building sector is responsible for 12 percent of total water use in the U.S.,<sup>4</sup> widening the gap between our water supply and wa-

ter demand. In Colorado, even with the completion of proposed water projects, projected 2050 shortfalls could total more than 500,000 acre-feet statewide.<sup>5</sup>

<sup>1</sup> U.S. Census Bureau. "State and County QuickFacts." Last Revised: December 4, 2014. <http://quickfacts.census.gov/qfd/states/08/0843000.html>.

<sup>2</sup> U.S. Energy Information Administration. "What are the major sources and users of energy in the United States?" Last Updated: May 30, 2014. [http://www.eia.gov/energy\\_in\\_brief/article/major\\_energy\\_sources\\_and\\_users.cfm](http://www.eia.gov/energy_in_brief/article/major_energy_sources_and_users.cfm).

<sup>3</sup> U.S. Energy Information Administration. Annual Energy Outlook. Washington DC: U.S. Energy Information Administration.

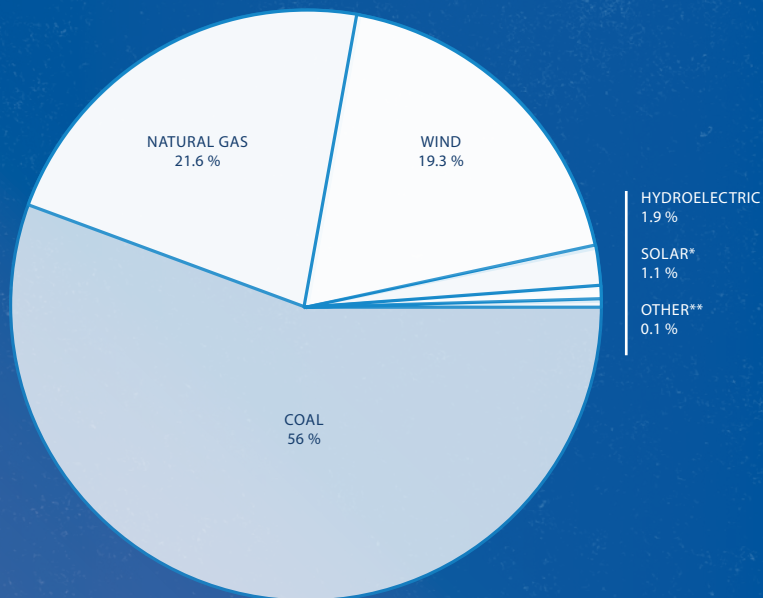
<sup>4</sup> McGraw Hill Construction. "Green Outlook 2011: Green Trends Diving Growth. 2010." <http://aiacc.org/wp-content/uploads/2011/06/greenoutlook2011.pdf>.

<sup>5</sup> Colorado Water Conservation Board. "SWSI 2010 Mission Statement, Key Findings, and Recommendations. 2011." <http://cwcb.state.co.us/water-management/water-supply-planning/documents/swsi2010/swsi2010factsheet.pdf>.



## WHERE DOES LAKEWOOD GET ITS ENERGY?

Public Service Company of Colorado (Xcel) Energy Mix



\*Includes solar energy generated by customer-owned systems through Solar Rewards.

\*\*Includes purchased biomass, oil, and nuclear power.

Our existing built environment also affects water quality. As our city developed and natural landscapes were replaced with buildings and pavements, the ability of our landscapes to absorb rainwater decreased, increasing demand for irrigation and vulnerability to flooding.

These issues are further exacerbated by our changing climate. Future warming is projected to cause early snowmelt and runoff and increase water demand for irrigation of crops, landscaping, and natural vegetation.<sup>6</sup> These changes not only affect water availability, but could also

increase the concentration of pollutants flowing through our water. Moving forward we need to design and construct our built environment to reduce consumption, protect water quality, and reduce our vulnerability to climate change.

## TRENDS AND OPPORTUNITIES

### RENEWABLE ENERGY

Renewable energy opportunities are exploding across the nation. New technology and policies are enabling the construction of renewable energy generation facilities, including solar, wind,

hydropower, biomass, and geothermal. In addition, many industries are transitioning to the use of natural gas, which produces half as much<sup>7</sup> carbon dioxide as coal-fired generation.

In order to keep up with this development, we must ensure our infrastructure has the capacity for alternative energy generation and transmission. A 2008 study from the National Renewable Energy Laboratory found that only 22–27 percent of residential rooftop area is suitable for hosting an on-site solar photovoltaic system. This has two implications: First, we must ensure future buildings and sites are capable of hosting and advancing renewable energy generation and distribution. Second, we must find alternative options for those who cannot access renewable

<sup>6</sup> Jeff Lukas, et al. "Climate Change in Colorado: A Synthesis to Support Water Resources Management and Adaptation." University of Colorado Boulder, 2014. [http://www.colorado.edu/climate/co2014report/Exec\\_Summary\\_Climate\\_Change\\_CO\\_Report\\_2014\\_FINAL.pdf](http://www.colorado.edu/climate/co2014report/Exec_Summary_Climate_Change_CO_Report_2014_FINAL.pdf).

<sup>7</sup> U.S. Environmental Protection Agency. "Natural Gas." Last Updated: September 25, 2013. <http://www.epa.gov/cleanenergy/energy-and-you/affect/natural-gas.html>.

## SUSTAINABLE BUILT ENVIRONMENT

Eighty percent of Lakewood homes were built before 2000, presenting an enormous opportunity for energy and cost savings through retrofits.

energy. One alternative is a community sharing model, which allows people to pool their resources into a shared system that delivers financial payback and educational value.

### RESOURCE EFFICIENCY

Energy and water efficiency upgrades are one of the simplest and most effective ways to conserve resources, save money, and reduce greenhouse gas emissions. New resource-efficient building techniques have decreased energy consumption dramatically. Although newer U.S. homes are 30 percent larger,<sup>8</sup> they consume about as much energy as older homes. These improvements ensure higher efficiency for new construction, but it means that our older buildings have a lot of catching up to do. According to the 2010 U.S. Census, 80 percent of Lakewood homes were built before 2000, presenting an enormous opportunity for energy and cost savings through retrofits.

Retrofits and upgrades provide opportunities to conserve water by fixing

<sup>8</sup> U.S. Energy Information Administration. Residential Energy Consumption Survey 2009. <http://www.eia.gov/consumption/residential/index.cfm>.

leaks, capturing rainwater, and using water-wise landscaping. Buildings account for 12 percent of all water use in the U.S., and heating water is responsible for 12 percent of a building's energy consumption. On average, water efficiency efforts decrease water use by 15 percent, energy use by 10–11 percent, and operating costs by 11–12 percent.<sup>9</sup>

### GREEN BUILDINGS AND SUSTAINABLE SITE DESIGN

The demand for green buildings is increasing nationwide. Not only have green construction techniques been shown to save energy and water, they have also demonstrated improvements to the health and well-being of occupants. Certain building features, such as daylight, natural features, and spaces for social interaction and physical activity have positive psychological and social benefits. Other features, like improved ventilation and low-VOC furniture and paints enhance occupant health. The green building market demand is rapidly accelerating, and by 2035 approximately 75 percent<sup>10</sup> of the built environment will be either new or renovated. Now is the time to take advantage of the savings and benefits that green buildings can provide.

A sustainable built environment goes beyond buildings to encompass the entire building site. As we continue to develop and redevelop, we must do so in a way that honors and enhances our natural environment. This includes considering stormwater drainage, biodiversity, and microclimate regulation in order to ensure healthy functioning landscapes. Sustainable landscapes strengthen our ability to withstand and recover from floods, droughts, wildfires, and other climate threats. ■

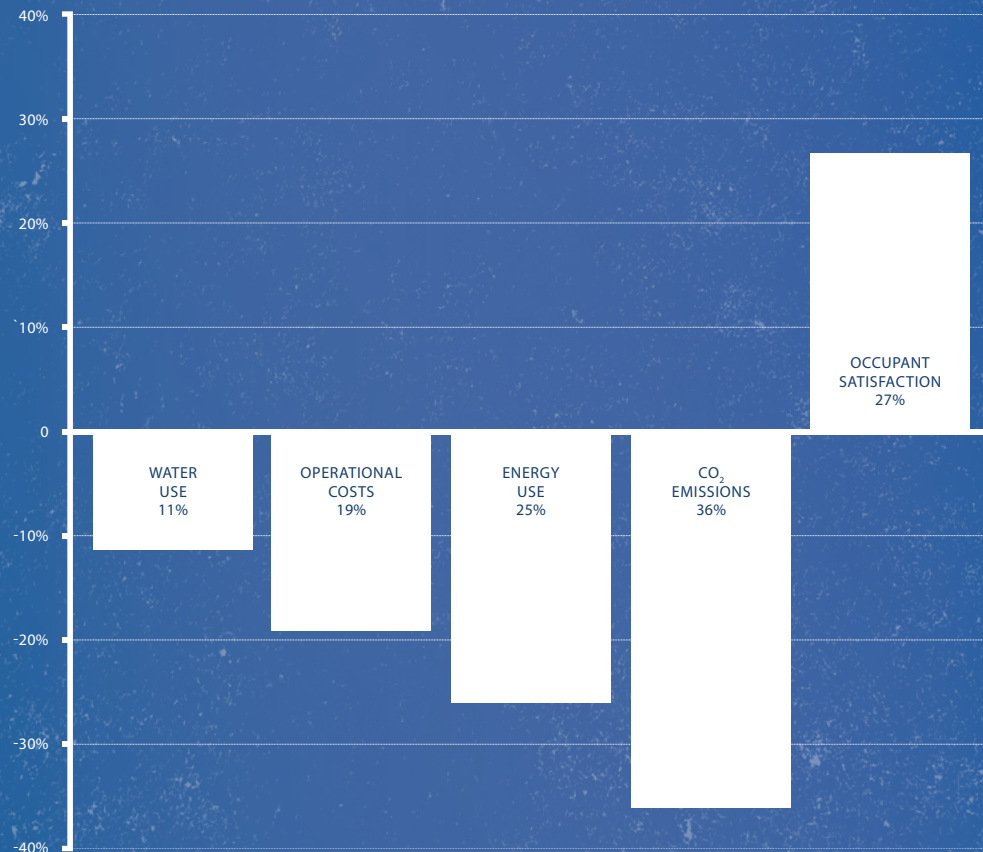
<sup>9</sup> McGraw Hill Construction. "Green Outlook 2011: Green Trends Diving Growth." 2010. <http://aiacc.org/wp-content/uploads/2011/06/greenoutlook2011.pdf>.

<sup>10</sup> Architecture 2030. "A Historic Opportunity." 2011. [http://architecture2030.org/the\\_solution/buildings\\_solution\\_how](http://architecture2030.org/the_solution/buildings_solution_how).



## WHAT ARE THE BENEFITS OF GREEN BUILDINGS?

Compared with the average commercial buildings, LEED\* certified buildings can offer considerable performance in terms of resource savings and positively affect the health of occupants.



\*The Leadership in Energy & Environmental Design (LEED) building rating system was developed by the U.S. Green Building Council to recognize sustainable building strategies and practices. Learn more about the LEED system at <http://www.usgbc.org/leed>.



## ENSURE AFFORDABLE ENERGY FOR LAKEWOOD WHILE TRANSITIONING TO RENEWABLE ENERGY SOURCES

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### TARGETS

- Generate 45 percent of municipal energy from renewable sources by 2025.
- Generate 45 percent of residential energy from renewable sources by 2025.
- Generate 45 percent of commercial and industrial energy from renewable sources by 2025.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Increase the ability of Lakewood's infrastructure to support the expanded use and transmission of renewable energy.
  - INDICATOR: Kilowatts of on-site solar energy installed
- **OBJECTIVE:** Ensure that all Lakewood residents have opportunities to access renewable and affordable energy.
  - INDICATOR: Number of residential subscribers to community solar projects and windsource
  - INDICATOR: Annual energy resource mix as reported by Xcel Energy
  - INDICATOR: Residential electricity and gas costs
- **OBJECTIVE:** Ensure that Lakewood businesses, industry, and institutions have opportunities to access renewable and affordable energy.
  - INDICATOR: Number of business subscribers to community solar projects and windsource
  - INDICATOR: Commercial electricity and gas costs
- **OBJECTIVE:** Expand the use of renewable and affordable energy in municipal buildings and infrastructure.
  - INDICATOR: Kilowatts of energy generated from on-site renewable energy systems
  - INDICATOR: Kilowatts of energy purchased from off-site renewable energy systems

## IMPLEMENTATION STRATEGIES

### BE1-A RENEWABLE ENERGY TRANSMISSION AND GENERATION

Expand renewable energy generation and access while ensuring necessary transmission infrastructure. Specifically:

- Work with Xcel to analyze existing infrastructure to understand capabilities and limitations;
- Identify potential opportunities for public and private renewable energy access and development, including on-site, community shared, and centralized systems;
- Assess public policies to identify barriers and facilitate implementation;
- Actively encourage residents and businesses to install renewable energy systems or to purchase shares or credits in off-site renewable energy projects; and
- Prioritize future investments for municipal generation and transmission.

## COMMUNITY SPOTLIGHT

# RENEWABLE ENERGY FOR EVERYONE

BY GRID ALTERNATIVES

**GRID ALTERNATIVES**, a nonprofit solar installer, brings together community partners, volunteers, and job trainees to implement solar power and energy efficiency for families that need it most, providing energy cost savings, valuable hands-on job training experience, and a source of clean, local energy that benefits us all.

GRID Alternatives' Colorado office opened its doors officially in January 2013, after a 2012 kickoff event in Lakewood that included installations for 12 local families. Since then, GRID has installed solar electric systems for another five Lakewood families. These 17 installations will produce over two million kWh of clean solar energy over the solar systems' lifetimes, saving these Lakewood families over \$350,000 in electricity costs and mitigating over 2,000 tons of greenhouse gas emissions. The installations also have provided more than 700 hours of job training opportunities for students, job trainees, and community volunteers looking for experience in the solar industry.

GRID Alternatives plans to complete more solar installations in Lakewood as it expands its Colorado program services and is also piloting community solar projects in 2015 in order to reach renters and other qualified clients that may not have suitable roofs for residential solar. ■



## DISTRICT-SCALE SUSTAINABILITY

**DISTRICT-SCALE SUSTAINABILITY** is an innovative concept that applies the latest sustainable technologies and best practices in a specific geographic area. New technologies and creative solutions are constantly emerging in the field of sustainability. However, it is not often economically or politically feasible to implement these strategies across the entire city. For example, the FortZED initiative in Ft. Collins, Colo., is

level of implementation is a defined district, rather than the entire city. This enables experimentation and testing of the latest and greatest sustainability concepts to identify what works best for the broader community.

Approaches to district-scale sustainability are in development and implementation in cities across the country. Some use certifications to prescribe specific elements,

The FortZED initiative in Ft. Collins, Colo., is piloting crowdsourced thermostats to increase energy efficiency through slight, automated adjustments to HVAC controls in residences.

piloting crowdsourced thermostats to increase energy efficiency through slight, automated adjustments to HVAC controls in residences. Although it would be impractical to fund this type of technology replacement for all households, testing it in a unique district could demonstrate the effectiveness of the device to justify a rebate program or other funding mechanism.

Although the leadership, strategies, and funding varies from project to project, one characteristic remains: The

and others provide a broader framework that lay out goals, principles, or guidelines that could be implemented at various stages in the project's development. In Oberlin, Ohio, public and private partners joined together to develop a Green Arts Zone (GAZ), which meets LEED-ND Platinum standards, commits to carbon neutrality, and aims to source 70 percent of its food from local sources. These ambitious goals have already spread in the community, where surrounding properties are already planning projects to expand the GAZ impact. ■

### BE1-B DISTRICT-SCALE SUSTAINABILITY

Establish unique districts within Lakewood where community sustainability goals are achieved through customizable guidelines. Specifically:

- Assess and identify potential locations and appropriate district-scale models;
- Develop location-specific guidelines around green building, district energy and microgrid projects, transportation infrastructure, natural resource and ecosystem protection, waste diversion, and community cohesion and wellness; and
- Transfer lessons learned and successful practices from district-scale sustainability projects into citywide policies.

### LEARN MORE ABOUT DISTRICT-SCALE SUSTAINABILITY:

<http://ecodistricts.org>  
<http://fortzed.com>  
<http://www.oberlinproject.org>



## CITY SPOTLIGHT

# COMMUNITY SOLAR

IN 2014, after years of evaluating the feasibility of solar on top of municipal buildings and parking structures, the City of Lakewood found a new and creative way to increase renewable energy usage and save money. The City purchased 40 percent of a community-owned solar garden developed by Clean Energy Collective. The City will purchase 274 kilowatts of solar energy over a 20-year period, after which the contract can be renewed.

The purchase was the result of a thorough assessment and strategic planning by City staff, who identified the project as a way to meet the City's financial and sustainability goals. The City is able to apply solar energy credits from the project to peak energy times when electricity rates are higher because of the demand. This opportunity for savings will enable the City to repay its loan for the panels in only 10 years. After the repayment, the City will be generating savings from the solar energy credits and renewable energy certificate payments.

This success story accounts for 2.3 percent of the City's total power usage, leaving the City eager for more opportunities to invest in renewable energy. As community solar gardens continue to develop across Colorado, both the City and its residents will be able to participate in the clean energy revolution. ■



### BE1-C SUSTAINABLE ENERGY AND WATER RESOURCE CENTER

#### CROSSCUTTING STRATEGY

Establish a resource center to provide information and consulting services to residents and businesses related to energy and water conservation and renewable energy generation. Specifically:

- Gather and distribute information on available educational resources, assessments and audits, technical and design support, rebates, tax incentives, and financing mechanisms;
- Provide supportive services to facilitate use of resources; and
- Use the resource center to incorporate specific strategies from other Sustainability Plan goals. These can be found throughout the Sustainability Plan under "Crosscutting Strategies."

### BE1-D MUNICIPAL RENEWABLE ENERGY GENERATION

Develop a municipal renewable energy generation strategy to increase the percentage of municipal energy and fuel generated from renewable sources such as wind, solar, advanced biofuels, and other alternatives to fossil fuels.

## SUPPORTING STRATEGIES

### COLLABORATION

- Work with Front Range communities in Xcel territory to increase collaboration and stay informed about energy regulatory issues and opportunities, share best practices, speak with a unified voice (when applicable), and reduce energy costs.

### EDUCATION & PROMOTION

- Promote the benefits of renewable and affordable energy and provide information and resources to support access.
- Educate residents and businesses on energy issues including where and how energy is generated and how regional and state policies impact energy systems and costs.

### TOOLS & TECHNOLOGY

- Develop an interactive sustainability dashboard that demonstrates progress toward goals and provides real time data, including renewable energy generation. Identify opportunities to provide interactive displays in public buildings.

### RESEARCH & TRACKING

- Monitor communitywide energy data including overall energy use, renewable energy generation, participation in demand-side management programs, and energy costs.
- Research the impact of renewable energy systems and energy-efficiency upgrades on property values.
- Monitor policies, requirements, fees, and obligations included in Lakewood's franchise agreement with Xcel Energy.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE BUSINESS HUB

SE1-E | P. 61





- Explore opportunities to integrate energy and water systems and upgrades into appraisal, assessments, inspections, and property listings.
- Utilize the hub network to support successful district-scale sustainability efforts and share district scale sustainability guidelines and successful practices.
- Collaborate with the Sustainable Energy and Water Resource Center [BE1-C | P. 39](#) to share information and available resources.

### SUSTAINABLE NEIGHBORHOODS

CC1-D | P. 102

- Solicit recommendations and ongoing feedback from participating neighborhoods to strengthen the Sustainable Energy and Water Resource Center [BE1-C | P. 39](#)
- Recognize the role of the Sustainable Neighborhoods Program as a district-scale sustainability program and work to enhance the program in order to realize outcomes that support community sustainability goals.
- Share the Sustainable Neighborhoods Program model with other communities interested in adopting resident-driven district-scale sustainability programs.



TABLE BE1-1: STRATEGY BENEFITS						
STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
BE1-A: Renewable Energy Transmission and Generation		■	■	■	⊘	■
BE1-B: District-Scale Sustainability		■ ■ ■	■ ■ ■	■ ■ ■	■ ■ ■	■ ■ ■
BE1-C: Sustainable Energy and Water Resource Center		■ ■	■ ■	■ ■	⊘	■
BE1-D: Municipal Renewable Energy Generation		■	■ ■	⊘	⊘	■

 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions     ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

■ ■ ■ High    ■ ■ Medium    ■ Low    ⊘ Does Not Apply

TABLE BE1-2: STRATEGY FEASIBILITY					
STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
BE1-A: Renewable Energy Transmission and Generation	\$\$	–	✓	✓	✓
BE1-B: District-Scale Sustainability	\$\$\$\$	–	✓	✓	✓
BE1-C: Sustainable Energy and Water Resource Center	\$	✓	–	✓	✓
BE1-D: Municipal Renewable Energy Generation	\$\$\$\$	✓	✓	–	–

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000

## SIGNIFICANTLY ENHANCE RESOURCE EFFICIENCY IN LAKEWOOD BUILDINGS.

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### TARGETS

- Reduce municipal building and facility energy use intensity by 30 percent by 2025.\*
- Reduce citywide building\*\* energy use intensity by 20 percent by 2025.†
- Reduce citywide water use by 20 percent by 2025.†

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Enhance citywide building energy efficiency.
  - INDICATOR: Energy use intensity by sector
  - INDICATOR: Municipal energy use intensity
- **OBJECTIVE:** Enhance citywide building water efficiency.
  - INDICATOR: Water use by sector
  - INDICATOR: Municipal water use

---

\* Baseline: 2008–2010 normalized data

\*\* Includes resource use for entire site

† Baseline: 2007

## IMPLEMENTATION STRATEGIES

### BE2-A EFFICIENCY IN RESOURCE INTENSIVE BUILDINGS

Target resource intensive buildings for efficiency improvements. Specifically:

- Identify buildings likely to have high-intensity resource use based on available data, building age, type of construction, use, and occupancy;
- Assemble customized tools, resources, and financing mechanisms for energy and water efficiency upgrades; and
- Employ a targeted outreach strategy to engage facility managers and property owners.



## ENERGY STAR PORTFOLIO MANAGER

**STRATEGIC ENERGY** and water management starts with understanding current and past usage. Through benchmarking, organizations can identify opportunities for efficiency improvements and set goals that will save money and reduce their environmental

Cities have used Portfolio Manager in a variety of ways. Over forty local governments currently use the tool to compete in the EPA ENERGY STAR National Building Competition. Others, such as Beaverton, Ore., and Atlanta, Ga., host a local buildings competition for

According to 2012 ENERGY STAR data trends, buildings that consistently benchmark energy performance experience an average annual 2.4 percent in energy savings.

impact. ENERGY STAR Portfolio Manager is an interactive energy management tool that enables users to track and assess energy and water consumption and greenhouse gas emissions across their entire portfolio of buildings. The U.S. Environmental Protection Agency (EPA) created the Portfolio Manager to be available at no cost to all users. Forty percent of U.S. commercial building space is already benchmarked in Portfolio Manager, making it easier to compare building performance, gain recognition, and share best practices.

their community. Boston, Seattle, and New York have passed mandatory benchmarking laws for buildings over a certain size and help organizations use Portfolio Manager through guides, checklists, and other supportive materials.

According to 2012 ENERGY STAR data trends, buildings that consistently benchmark energy performance experience an average annual 2.4 percent in energy savings. In fact, if all buildings in the U.S. participated, over 18 million metric tons of CO<sub>2</sub>e could be saved each year. ■

### BE2-B REPORTING & BENCHMARKING ENERGY AND WATER USE

Develop a campaign to encourage voluntary benchmarking of energy and water consumption at the building or site scale through the use of utility data tracking software.\* Specifically:

- Assess existing utility data tracking software to identify preferred options;
- Employ a targeted outreach strategy to encourage participation by commercial and multifamily buildings;
- Encourage the use of submetering to more efficiently manage energy and water use; and
- Consider a building square footage threshold for required reporting and benchmarking.

### LEARN MORE ABOUT ENERGY STAR PORTFOLIO MANAGER:

<http://www.energystar.gov/buildings/facility-owners-and-managers/existing-buildings/use-portfolio-manager>

\* Potential utility data tracking software include Energy Star, Wegowise, Bright Power, and Scope 5.

## BE2-C RESOURCE EFFICIENT

### MUNICIPAL FACILITIES

Effectively manage and reduce municipal energy and water use. Specifically:

- Collect and track energy and water use data for all municipal operations using utility data tracking software;
- Prioritize facilities for energy and water audits based on existing resource use data;
- Secure funding for facility improvements through the City budgeting process and grant programs, and consider utilizing performance-based programs where future cost savings fund efficiency improvements;
- Set facility-specific efficiency targets when appropriate;
- Implement facility audit recommendations with consideration of resource limitations and other constraints;
- Increase accountability for resource use through reporting mechanisms that attribute use to each building, City department or division; and
- Develop facility and job specific behavior modification strategies.

## BE2-D RESOURCE EFFICIENT

### BUILDING CODES

Conduct a review of the newest edition of building and energy codes on a regular basis to ensure the best fit for protecting life and safety, economic climate, and support of City sustainability goals. Specifically:

- Include participation by the Sustainability Division during standard review process for energy related codes;
- Provide necessary resources to train staff; and
- Conduct community outreach on updated code requirements.

## SUPPORTING STRATEGIES

### COLLABORATION

- Leverage programs and resources from state, federal, and nonprofit agencies, such as the Colorado Energy Office, the Department of Energy, and Environmental Protection Agency.
- Work with the state of Colorado to support the goals and strategies included in the Colorado State Water Plan.
- Work with Denver Water and Lakewood water and sewer providers to coordinate conservation efforts, programs, and policies.

### EDUCATION & PROMOTION

- Promote the importance of conserving water resources and reducing energy consumption. Develop specific communication strategies for various audiences throughout the Lakewood community, specifically including educational institutions.
- Promote the importance of both efficiency retrofits and behavior modification strategies in achieving significant levels of resource conservation.
- Promote opportunities and strategies for energy and water efficiency to neighborhoods through workshops, neighbor-to-neighbor challenges, DIY classes, partnerships, and other assorted resources.
- Educate planners, plan reviewers, building inspectors, and developers on updates to building and energy codes and available design and green building resources.

### TOOLS & TECHNOLOGY

- Develop an interactive sustainability dashboard that demonstrates progress toward goals and provides real-time data, including energy and water usage. Identify opportunities to provide interactive displays in public buildings.
- Utilize mobile and online technology to assist residents and property owners in tracking energy and water usage.
- Utilize behavior-learning smart control technologies to increase resource efficiency in buildings and landscapes.

### RESEARCH & TRACKING

- Monitor communitywide energy data including overall energy use, renewable energy generation, participation in demand-side management programs, and energy costs.
- Research the impact of renewable energy systems and energy-efficiency upgrades on property values.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE ENERGY & WATER RESOURCE CENTER

BE1-C | P. 39

- Provide information on demand-side management programs from Denver Water and Xcel Energy.
- Provide information on financing mechanisms, low-interest loan programs, and fee incentives for resource efficiency retrofits.
- Provide tips and strategies for resource conservation through behavior modification.
- Provide consultation services for goal setting and tracking.

### SUSTAINABLE BUSINESS HUB

SE1-E | P. 61

- Celebrate and recognize achievements in resource efficiency.
- Provide technical assistance to businesses through the program's network.

























### SUSTAINABLE NEIGHBORHOODS

CC1-D | P. 102

- Solicit recommendations and ongoing feedback on how to utilize resource-efficient technologies and practices in homes.
- Work with neighborhoods to pilot resource-efficiency programs.



TABLE BE2-1: STRATEGY BENEFITS

STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
BE2-A: Efficiency in Resource Intensive Buildings						
BE2-B: Reporting & Benchmarking Energy and Water Use						
BE2-C: Resource Efficient Municipal Facilities						
BE2-D: Resource Efficient Building Codes						

 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions     ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

 High     Medium     Low     Does Not Apply

TABLE BE2-2: STRATEGY FEASIBILITY

STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
BE2-A: Efficiency in Resource Intensive Buildings	\$	✓	-	✓	✓
BE2-B: Reporting & Benchmarking Energy and Water Use	\$	✓	-	✓	✓
BE2-C: Resource Efficient Municipal Facilities	\$\$\$\$	✓	✓	-	-
BE2-D: Resource Efficient Building Codes	\$	✓	-	✓	✓

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000

## ENCOURAGE DEVELOPMENT IN LAKEWOOD THAT VALUES THE NATURAL ENVIRONMENT AND SUPPORTS PUBLIC HEALTH AND COMMUNITY COHESION.

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### TARGET

- Increase the percentage of certified\* green buildings (new construction and renovations receiving occupancy permits) each year from 2015 to 2025.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Promote green building construction and retrofits that use sustainable materials and enhance occupant well-being.
  - INDICATOR: Number of certified\* green building projects
  - INDICATOR: Number of indoor air quality investigations and/or complaints filed with Jefferson County Public Health
- **OBJECTIVE:** Promote sustainable site design in order to create harmony between the built and natural environments.
  - INDICATOR: Number of certified sites through the Sustainable Sites Initiative

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\* Certifications systems include Green Globes, USGBC LEED, and Living Building Challenge

## IMPLEMENTATION STRATEGIES

### BE3-A LEED STANDARDS FOR MUNICIPAL BUILDINGS

Adopt an ordinance requiring that all newly constructed municipal buildings with year-round occupancy meet at least LEED Silver standards from the USGBC.<sup>†</sup>

### BE3-B GREEN BUILDING CONSTRUCTION AND RETROFITS

Target significant developments for green building and sustainable site design support, including minimizing hazardous materials, creating healthy indoor spaces, using resource efficiency, and using locally and sustainably sourced materials. Specifically:

- Establish reporting and tracking mechanism for green building certifications;
- Train staff involved in the development process on the benefits and principles of green buildings practices and the resources available to applicants;
- Identify and secure funding and grant opportunities to be used to provide technical assistance to developers; and
- Employ a targeted outreach strategy to engage developers.

### BE3-C SUSTAINABLE SITE PLANNING AND DEVELOPMENT

Integrate key elements of the Sustainable Sites Initiative (SSI) to integrate into the City's site planning standards. Specifically:

- Conduct a comprehensive assessment of the Sustainable Sites Initiative to identify key concepts and requirements applicable to Lakewood; and
- Incorporate sustainable site planning requirements and guidelines into the City's Zoning Ordinance with consideration of the benefits and costs.

<sup>†</sup> U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED)

## CONCEPT

# SUSTAINABLE SITES INITIATIVE

THE SUSTAINABLE SITES INITIATIVE™ (SITES™) is a program based on the understanding that built landscapes have the capacity to protect and restore our natural systems. Developed by the American Society of Landscape Architects, the United States Botanic Garden, and the Lady Bird Johnson Wildflower Center at the University of Texas at Austin, SITES offers a rating system and guidelines to define land development and management practices that complement the functions of healthy ecosystems. The program lays out requirements and recommended strategies to achieve sustainable concepts, such as reducing energy and water use, restoring native plant communities, reducing urban heat island effects, using recycled and regional materials, and supporting social connections.

The current rating system, SITES v2, was informed by the SITES Pilot Program, which certified 34 projects across the country, including the National Renewable Energy Lab (NREL) South Table Mountain campus, which is adjacent to the Lakewood community. The campus includes a 175-acre conservation easement to protect native habitats and provide a recreational amenity to staff and community members. It also incorporates natural drainage for stormwater and provides incentives for alternative commuting options. The project demonstrates the holistic approach that SITES uses to protect and leverage the benefits of nature. ■

## LEARN MORE ABOUT THE SUSTAINABLE SITES INITIATIVE:

<http://www.sustainablesites.org>



## SUPPORTING STRATEGIES

### COLLABORATION

- Work with the American Society of Landscape Architects, U.S. Green Building Council, and other similar organizations that may be able to provide technical support for green building and sustainable site design.
- Work with the Urban Drainage and Flood Control District to coordinate water quality efforts, programs, and policies.

### EDUCATION & PROMOTION

- Promote the benefits of green building and sustainable site design, including benefits to public health, community cohesion, and the natural environment.

### TOOLS & TECHNOLOGY

- Monitor emerging technologies and best practices for green building and sustainable site development.

### RESEARCH & TRACKING

- Research opportunities to develop financial incentives for sustainable site design, such as variable stormwater fees dependent on the type of landscaping and water quality features on-site.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE ENERGY & WATER RESOURCE CENTER

BE1-C | P. 39

- Provide information on green building and sustainable site design.

### SUSTAINABLE BUSINESS HUB

SE1-E | P. 61




- Recognize achievements in green building and sustainable site design.
- Provide technical assistance to businesses through the program's network.

### SUSTAINABLE NEIGHBORHOODS

CC1-D | P. 102

- Work with neighborhoods to identify public or private spaces in their neighborhoods suitable for sustainable site improvements.

TABLE BE3-1: STRATEGY BENEFITS

STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
BE3-A: LEED Standards for Municipal Buildings		■ ■ ■	■ ■	■	■ ■	■ ■ ■
BE3-B: Green Building Construction and Retrofits		■ ■ ■	■ ■ ■	■ ■	■	■ ■
BE3-C: Sustainable Site Planning and Development		■ ■ ■	■ ■	■	■ ■	■ ■ ■

 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions     ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

■ ■ ■ High    ■ ■ Medium    ■ Low    ∅ Does Not Apply

TABLE BE3-2: STRATEGY FEASIBILITY

STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
BE3-A: LEED Standards for Municipal Buildings	\$\$	—	✓	—	—
BE3-B: Green Building Construction and Retrofits	\$\$	✓	✓	✓	✓
BE3-C: Sustainable Site Planning and Development	\$	—	✓	✓	✓

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000

# SUSTAINABLE ECONOMY

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**THE CITY OF LAKEWOOD** and its residents recognize the importance of a thriving local economy in fostering a vibrant and sustainable community. Lakewood's residents envision a collective future where local businesses are resource efficient, provide high quality jobs, and provide locally sourced goods and services; where community organizations, government, businesses, and residents build cooperative relationships; and where educational opportunities, job training, and the cost of living contribute to secure household economies and upward mobility.

## GOALS

- Cultivate a sustainable, prosperous, and self-reliant local economy.
- Foster self-sufficiency and upward mobility of Lakewood households.

## TARGETS

- Increase local food assets annually through 2025 (baseline to be established after the completion of Implementation Strategy SE1-A).
- Achieve participation from 20 local businesses in the first three years of implementing a green business certification program.
- Increase the percentage of households in CDBG qualified neighborhoods spending less than 45 percent of income on housing and transportation costs to 60 percent by 2025.
- Increase number of households above Living Wage Standard by 15 percent by 2025.\*
- Increase number of housing units within a designated Complete Neighborhood by 25 percent by 2025.

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\* Baseline: 2010



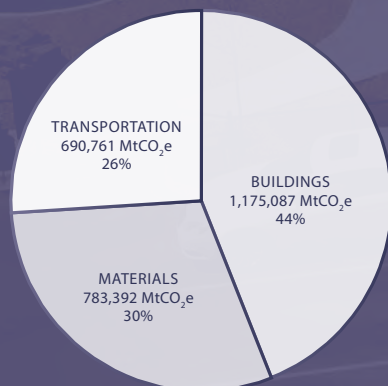
## SUSTAINABLE ECONOMY: GREENHOUSE GAS EMISSIONS REDUCTION POTENTIAL

BASELINE		
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E		
BUILDINGS	1,175,087	44%
MATERIALS	783,392	30%
TRANSPORTATION	690,761	26%
TOTAL GHG	2,649,240	100%

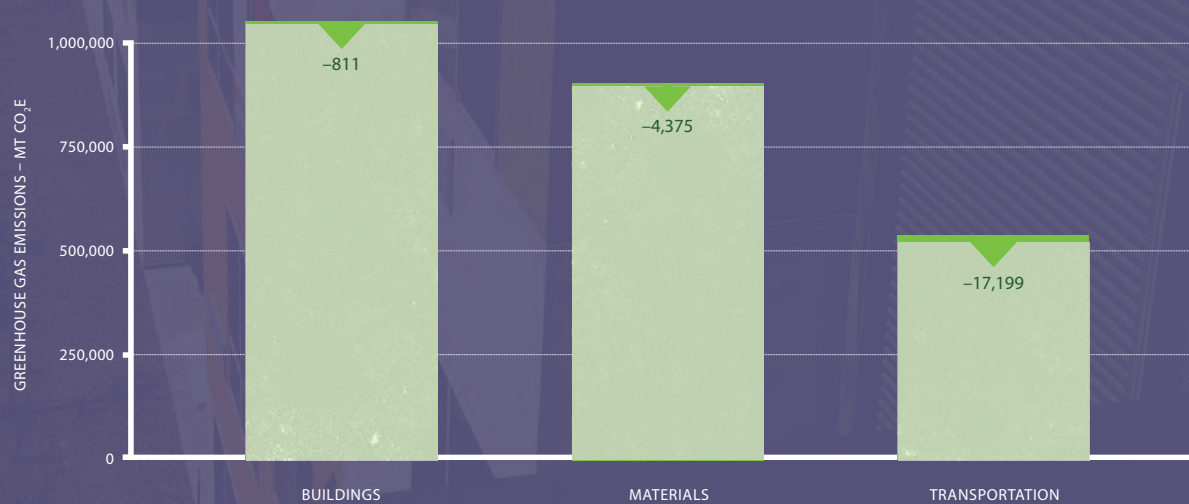
2025 BUSINESS AS USUAL (BAU)				
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E				CHANGE
BUILDINGS	1,053,368	42%		– 121,719
MATERIALS	903,600	36%		+ 120,209
TRANSPORTATION	539,165	22%		– 151,596
TOTAL GHG	2,496,133	100%		–153,107

2025 AFTER SUSTAINABLE ECONOMY STRATEGIES ARE IMPLEMENTED				
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E				CHANGE
BUILDINGS	1,052,557	43%		– 811
MATERIALS	899,225	26%		– 4,375
TRANSPORTATION	521,966	31%		– 17,199
TOTAL GHG	2,473,748	100%		–22,385

2007 BASELINE EMISSION BREAKDOWN



IMPACT OF SUSTAINABLE ECONOMY STRATEGIES ON 2025 BUSINESS AS USUAL (BAU)



## A SUSTAINABLE ECONOMY CONSIDERS ALL ASPECTS OF A VIBRANT COMMUNITY, INCLUDING FINANCIAL STABILITY, SOCIAL WELL-BEING, AND ENVIRONMENTAL HEALTH.

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**SUSTAINABLE ECONOMIES** consist of a strong, connected local business community, employment and professional development opportunities, and a sufficient tax base and revenue to support public infrastructure and services. A thriving local economy can propel a society toward resiliency, growth, health, and equity. It has the power to create and attract businesses that are able to meet the community's needs for quality jobs, goods, and services.

Projected increases in Lakewood's population and employment present an opportunity to shape our economy into one that supports a self-reliant, prosperous local economy. According to the Denver Regional Council of Governments (DRCOG), Lakewood's population is expected to increase by almost 25 percent and employment by over 30 percent.

Connecting existing and new businesses to each other and additional resources can help direct this growth toward an expanded local economy to meet the demand for sustainable business practices. Partnership between the business community and community leaders can also provide opportunities to improve individual household well-being through quality jobs and career development.

The business community itself is uniquely poised to provide leadership in sustainability. Changes in business policies and practices

can have a ripple effect on the entire community, reducing the consumption of natural resources and enabling residents to make smart household economic choices. These changes often require a shift in

**“According to the DRCOG, Lakewood’s population is expected to increase by almost 25 percent and employment by over 30 percent.”**

the traditional view of business toward a triple-bottom-line business model that measures how well an organization affects profit, people, and the planet. Businesses have a large footprint on the city's overall resource usage. Commercial energy use alone was responsible for 22 percent of Lakewood's greenhouse gas emissions in 2007, representing enormous opportunities for energy cost savings for Lakewood businesses. The triple-bottom-line approach can also provide other

economic benefits for the business itself, such as reduced waste disposal costs, increased employee satisfaction, and new marketing opportunities. In 2011, 94 percent of Gallup poll respondents agreed

that is important for companies to be environmentally responsible,<sup>1</sup> and in 2013 over half of respondents prioritized the protection of the environment over economic growth.<sup>2</sup>

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<sup>1</sup> Bryant Ott. "Time to Green Your Business." Gallup Business Journal. April 22, 2011. <http://www.gallup.com/businessjournal/147221/time-green-business.aspx>.

<sup>2</sup> "Environment." Gallup.com. <http://www.gallup.com/poll/1615/environment.aspx>.



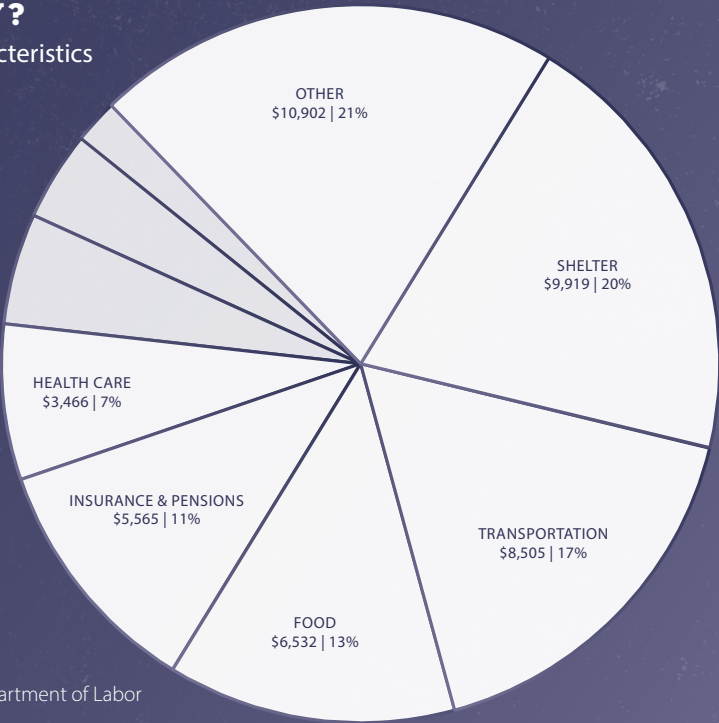
## HOW DOES THE TYPICAL HOUSEHOLD SPEND ITS MONEY?

Average annual expenditures and characteristics of all consumer units, 2012.

ENTERTAINMENT	\$2,573   5%
HOUSEHOLD ENERGY FUELS	\$1,923   4%
READING & EDUCATION	\$1,243   2%

Average number of people in consumer unit (household):	
Persons:	2.5
Earners:	1.3
Vehicles:	1.9
Percent homeowner:	64%
Income before taxes	\$65,596

Source: Bureau of Labor Statistics, United States Department of Labor  
average annual expenditures and characteristics of all consumer units, 2012.



### INDIVIDUAL & COMMUNITY VALUES

## Those who shop local are casting a vote...

The City of Lakewood maintains a strong commitment to its local business community and seeks to create an environment that fuels innovation. The City's Comprehensive Plan sets goals for entrepreneurship, economic diversification, and business attraction and retention. These goals encourage new development and redevelopment in a manner that capitalizes on the community's strengths and supports the community's sustainability goals.

### TRENDS AND OPPORTUNITIES LIVING LOCAL

The past century was witness to an economic boom fueled by efficient transportation of goods and continuous innovations for mass production. This shift had unforeseen impacts on our local communities and natural ecosystems. The competitive efficiency of global markets influences the viability of many small, local businesses, making self-sufficiency in cities and regions increasingly difficult to attain. Impacts to the natural environment include unchecked resource extraction and greenhouse gas emissions from the transportation of goods. Many communities have recognized these impacts and are pursuing alternative investments for their future.

Living locally has become a value for many cities that are working toward a vibrant and resilient future. Living local involves everyone, including those who supply and process local resources, local businesses that distribute goods and services, and residents who purchase and share with their families and neighbors. Those who shop local are casting a vote with their dollars that represents their values as an individual and as a community. As local involvement increases, so does awareness and accountability. Residents begin to feel the impact of their business decisions on their natural environment and relationships with other community members.

Living locally not only respects the limits of our natural resources and promotes community cohesion, but it also stimulates local markets

## LOCAL FOOD

### One of the most popular ways to begin living locally.

and builds a resilient economy. This phenomenon is known as the local multiplier effect and describes the percentage of spending recirculated into the local economy through payroll, purchase of goods and services, business profits, and donations to local charities. On average, local spending returns almost three times as much money to the local economy compared to spending at chain businesses.<sup>3</sup> Living locally supports existing businesses and highlights opportunities for new business development. Living locally can only be fully accomplished if existing businesses can meet the needs of the community. When a gap is identified, local entrepreneurs have the opportunity to step in and create a new business.

With a direct connection to health, nature, and culture, local food has become one of the most popular ways to begin living locally. Food systems comprise all aspects of food production and distribution—harvest, processing, packing, transportation, and sales. When individuals make the decision to eat locally, it often leads to the consideration of other food qualities, including freshness, nutrition value, or production practices. Many choose to participate in community gardens or

community-supported agriculture programs in order to ensure local and accountable food sources. All of these considerations work together to increase access to healthy food and to foster a vibrant and sustainable economy.

support sustainable business efforts, many cities have created sustainable business certification programs that provide resources, supportive networks, incentives, and recognition to participating businesses. The results benefit businesses, educate customers, and move communities closer to their sustainability goals.

**“According to a 2011 study by MIT, 65 percent of businesses have permanently integrated sustainability into management priorities.”**

#### SUSTAINABLE BUSINESS PRACTICES

Sustainability is rapidly becoming a common business strategy consideration. According to a 2011 study by MIT, 65 percent of businesses have permanently integrated sustainability into management priorities.<sup>4</sup> Businesses are recognizing that the economic landscape is increasingly being shaped by climate change, resource scarcity, and economic fluctuations. In order to remain competitive and maintain the support of the surrounding community, businesses are looking beyond immediate profits and taking a forward-thinking approach.

Businesses can achieve sustainable results in a number of ways, including efficiency upgrades, sustainable procurement, and creating a culture of sustainability for its employees and customers. In order to

#### SELF-SUFFICIENT HOUSEHOLDS AND COMPLETE NEIGHBORHOODS

A skilled labor force and a reliable customer base fuel a vibrant local economy. Strong households require stable incomes that allow them to meet their needs, opportunities for education and professional development, and financial management skills. With the proper economic support, individuals can contribute more to the labor force and the consumer base.

Self-sufficient households are supported by community cohesion, easy access to goods and services, and affordable housing and transportation options. After World War II, the nation experienced a severe housing shortage for returning veterans and their families. The solution

<sup>3</sup> American Independent Business Alliance. “The Multiplier Effect of Local Independent Businesses. 2014. <http://www.amiba.net/resources/multiplier-effect>.

<sup>4</sup> Knut Haanaes, et al. “Sustainability Nears a Tipping Point.” MIT Sloan Management Review. 2012. <http://sloanreview.mit.edu/reports/sustainability-innovation>.



was a series of long-term mortgage loans that fueled a housing boom formed by single-use zoning laws. While providing affordable housing options, one of the unintended outcomes of the housing boom and zoning laws was a pattern of isolated, auto-dependent communities. Over the past two decades, the demand for walkable neighborhoods has resurfaced. A 2013 survey by the National Association of Realtors demonstrated the growing preference for walkable neighborhoods: 60 percent of respondents chose a walkable neighborhood compared with 35 percent who chose a neighborhood that requires driving to stores and other businesses.<sup>5</sup> Aging populations and the millennial generation have both vocalized their desires for walkable, transit-oriented, and economically dynamic neighborhoods that meet their needs and preferences. Transportation costs plummet when shops, services, and transit are accessible by foot or bicycle. Neighborhood cafes and other local businesses reduce anonymity and build social resilience. Ownership of the natural environment increases when people walk their streets daily and send their children to play at the local park. Community leaders around the world are responding to this trend through development policies and neighborhood programs. In 2013, the City of Lakewood revised its Zoning Ordinance to reflect these trends and support mixed-use development that fosters social and economic resilience. ■

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<sup>5</sup> National Association of Realtors. "2013 Community Preference Survey," <http://www.realtor.org/reports/nar-2013-community-preference-survey>.



## CULTIVATE A SUSTAINABLE, PROSPEROUS, AND SELF-RELIANT LOCAL ECONOMY.

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### TARGETS

- Increase local food assets annually through 2025 (baseline to be established after the completion of Implementation Strategy SE1-A).
- Achieve participation from 20 local businesses in the first three years of implementing a green business certification program.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Ensure the availability of locally produced goods and locally available services.
  - INDICATOR: Location quotients of specifically identified sectors
  - INDICATOR: Urban agriculture permits issued
  - INDICATOR: Acreage of community gardens and urban farms
  - INDICATOR: Funds deposited in locally owned and managed financial institutions
- **OBJECTIVE:** Support a local business community that attracts and develops local talent and investment and provides leadership in sustainable business practices.
  - INDICATOR: Unemployment level
  - INDICATOR: Jobs to labor force ratio
  - INDICATOR: Average “click-rate” for the City Economic Development electronic newsletter



## IMPLEMENTATION STRATEGIES

### SE1-A LOCAL AND HEALTHY FOOD

Develop a comprehensive strategy to increase production, availability, and consumption of locally grown, affordable, and healthy food. Specifically:

- Identify existing local food assets and gaps throughout the city;
- Assess and minimize barriers to local food production and sales;
- Promote opportunities for residents to participate in community supported agriculture and other farm-to-table programs;
- Connect residents with opportunities to develop local food production skills;
- Foster relationships between existing food stores, the City of Lakewood, and neighborhood residents to encourage expansion of local food availability;
- Support community-based local food distribution through cooperatives, neighborhood food stands, markets, and community-supported agriculture programs; and
- Support Comprehensive Plan Action Steps regarding food availability, including
  - increasing community gardens;
  - identifying and eliminating food deserts; and
  - expanding farmers' markets.

## COMMUNITY SPOTLIGHT

# EVERITT FARMS: A VISION FOR CHANGE

BY DEREK AND KAMISE MULLEN, ADDENBROOKE/BELMAR PARK NEIGHBORHOOD

**WE DECIDED TO CREATE EVERITT FARMS** because we believe the world is in need of true change. We saw the family land as an opportunity very few people have. The goal is to prove not only a financially viable model but one that honors the environment and the community.

As we began farming we started to realize the true meaning of sustainability and how far we need to go as a society to reach that goal. We began implementing sustainable practices in our everyday life, but we had no one to learn from. We often hear the saying, "I know this is a problem, but I don't know how to fix it." We see our farm as a place where our community can come together to teach and learn the daily life skills to begin fixing the problems.

Our vision is to build a "Functioning Historic Town Center" that is rooted in the traditions of times past. The center will be designed to maximize community engagement and education. Our "Functioning Historic Town Center" will be anchored by

seven core food-based businesses. The farm, a grocery, a bakery, a butcher shop, brew pub, sit down restaurant, and a bed and breakfast. The shops will be those one would have found throughout history, each using techniques known for many generations. They will function in ways that enhance and educate the surrounding community by producing goods directly used by community members.

My wife and I are blessed to have this opportunity to create something out of the last of our family's homestead. We see the power of creating change through action, and that farming real food is an action at the root of real political, social, and economic change in our world. ■



# MICROFINANCING

BY ROB SMITH, ROCKY MOUNTAIN MICROFINANCE INSTITUTE

**MICROENTERPRISE** development programs provide business development services to people who need access to capital and training to acquire the resources and business knowledge they need to be successful. A microenterprise, also known as a “mom and pop,” is a business with five or fewer employees. Most are solopreneurs, which create employment for the owner. Some grow into larger businesses, employing other community members. They are defined as requiring less than \$35,000 in capital to start. A microentrepreneur is typically someone who is looking for a way to advance from a position of low-income to a place where they can create self-sufficiency for themselves and their households through the business. Microenterprises are wide ranging businesses across the service, wholesale, and retail markets. Typical microenterprises can be anything from caterers to auto mechanics to massage therapists.

Most microenterprise development programs offer access to core services including business training and technical assistance, and access to credit or business loans. Other services include business management assistance, such as access to markets and technology training.

## WHY MICROENTERPRISE DEVELOPMENT?

- Assists people to become more economically self-sufficient, increasing personal and household wealth
- Diversifies local economies and builds well-being in the community
- Preserves the distinctive character of communities that make them appealing
- Contributes to the economy through tax revenues and eventual employment growth
- Represent 89 percent of existing businesses in Colorado and accounts for over 24 percent of employment ■

## LEARN MORE ABOUT MICROFINANCING:

<http://www.rmmfi.org>

## SE1-B LOCAL PRODUCTS AND SERVICES

Develop a comprehensive strategy to increase the production, availability, and consumption of local products and services. Specifically:

- Identify key products and services unavailable from local sources;
- Approach existing, sector-appropriate businesses to provide unavailable products and services;
- Foster entrepreneurship through local colleges and incubators to provide unavailable products and services; and
- Recruit businesses through targeted industry attraction to provide unavailable products and services.

## SE1-C LIVE LOCAL AND HIRE LOCAL CAMPAIGN

Develop a brand and marketing campaign that promotes use of local goods and services along with a hire local Lakewood campaign to encourage businesses to hire local talent.

## SE1-D LOCAL INVESTMENT

Facilitate investment and entrepreneurship in the local economy. Specifically:

- Promote opportunities for residents to invest locally through crowd-funding projects and local investment funds;
- Connect local businesses with local financial institutions, microfinancing institutions, and other alternative lenders and funders;
- Support incubators and co-working establishments; and
- Research creative financing mechanisms for small businesses.

## SE1-E SUSTAINABLE BUSINESS HUB AND CERTIFICATION PROGRAM

### CROSSCUTTING STRATEGY

Form a dynamic community to foster a self-reliant local economy, increase adoption of sustainable business practices, and set a standard for business sustainability by connecting businesses to local producers, potential employees, the education community, technical resources, existing sustainability and economic development programs, and funding opportunities. Specifically:

- Identify potential partners;<sup>1</sup>
- Host workshops with partners to identify needs and opportunities;
- Develop an online resource to facilitate connections between Hub participants;
- Identify available programs and expertise to support participants, including best practices from the City and peer-to-peer exchange;
- Facilitate mentorship, internship, and apprenticeship programs and other techniques that connect businesses with students and residents;
- Connect retirees to businesses as potential part-time employees, consultants, volunteers, and mentors;
- Develop a green business certification program to encourage and recognize businesses demonstrating leadership;
- Consider providing additional advisory and technical support to businesses achieving green business certification; and
- Use the Hub to incorporate specific strategies from other Sustainability Plan goals. These can be found throughout the Sustainability Plan under “Crosscutting Strategies.”

<sup>1</sup> Local retailers, producers, manufacturers, and service providers, business associations, local financial institutions, nonprofit and governmental organizations providing economic development support and workforce training programs, high schools, tech and trade schools, college and universities.







## SUPPORTING STRATEGIES

### COLLABORATION

- Work with regional agencies and organizations to coordinate and support shared economic development goals.

### EDUCATION & PROMOTION

- Promote Lakewood's high quality of life in order to attract and retain a talented workforce, entrepreneurs, and primary employers.

### TOOLS & TECHNOLOGY

- Monitor emerging technologies and best practices for supporting sustainable business.

### RESEARCH & TRACKING

- Research barriers to individuals living and working within the city.
- Monitor emerging trends in green industries and employment.
- Monitor trends and opportunities in the emerging sharing economy.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE ENERGY & WATER RESOURCE CENTER

BE1-C | P. 39

- Share information and supportive services between the Sustainable Business Hub and Sustainable Energy and Water Resource Center.

### SUSTAINABLE BUSINESS HUB





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- Encourage businesses to participate in the Live Local and Hire Local Campaign.

### SUSTAINABLE NEIGHBORHOODS

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- Work with neighborhoods to pilot community-based local food programs.
- Work with neighborhoods to pilot the use of crowdsourced funding to implement neighborhood-level projects.

TABLE SE1-1: STRATEGY BENEFITS						
STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
SE1-A: Local and Healthy Food		■	■ ■	■ ■	■ ■	■ ■
SE1-B: Local Products and Services		■	■ ■	■	■	■
SE1-C: Live Local and Hire Local Campaign		⊘	■ ■	■	■	■
SE1-D: Local Investment	⊘	■	■ ■	■ ■	■ ■	■
SE1-E: Sustainable Business Hub and Certification Program		■ ■ ■	■ ■ ■	■ ■ ■	■ ■	■ ■ ■

 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions     ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

■ ■ ■ High    ■ ■ Medium    ■ Low    ⊘ Does Not Apply

TABLE SE1-2: STRATEGY FEASIBILITY					
STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
SE1-A: Local and Healthy Food	\$	✓	-	-	✓
SE1-B: Local Products and Services	\$	✓	✓	-	✓
SE1-C: Live Local and Hire Local Campaign	\$	✓	-	✓	✓
SE1-D: Local Investment	\$	✓	✓	✓	✓
SE1-E: Sustainable Business Hub and Certification Program	\$\$	✓	✓	✓	✓

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000

## FOSTER SELF-SUFFICIENCY AND UPWARD MOBILITY OF LAKEWOOD HOUSEHOLDS.

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### TARGETS

- Increase the percentage of households in CDBG qualified neighborhoods spending less than 45 percent of income on housing and transportation costs to 60 percent by 2025.
- Increase number of households above Living Wage Standard by 15 percent by 2025.\*
- Increase number of housing units within a designated Complete Neighborhood by 25 percent by 2025.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Increase opportunities for upward mobility across all households.
  - INDICATOR: Median household income
  - INDICATOR: Percentage of households that meet or exceed the living wage standard
- **OBJECTIVE:** Make household costs affordable and accessible for Lakewood residents.
  - INDICATOR: Percentage of households that spend more than 45 percent of income on housing and transportation costs
  - INDICATOR: Number of residents on waiting lists for subsidized units at Metro West Housing Solutions properties
  - INDICATOR: Number of households in areas within a designated Complete Neighborhood
- **OBJECTIVE:** Expand access to education and training in order to secure quality jobs and support career advancement.
  - INDICATOR: Jefferson County Schools postsecondary and workforce readiness score
  - INDICATOR: High school graduation rates and postsecondary educational attainment
  - INDICATOR: Participation in workforce development programs and skills training

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\* Baseline: 2010



## IMPLEMENTATION STRATEGIES

### SE2-A SELF-SUFFICIENCY EDUCATION

Host events and provide information for residents to encourage self-sufficient household practices. Specifically:

- Focus on financial education, including retirement planning, debt reduction, and basic money management through partnerships with local lending institutions, libraries, and community organizations;
- Highlight higher education and workforce empowerment opportunities; and
- Provide understanding of household expenses, including the connection between housing types, location, transportation options and the true cost of housing choices.

### SE2-B COMPLETE NEIGHBORHOOD INDEX

Develop an index for assessing the completeness of neighborhoods in order to reduce transportation costs, build community cohesion, increase housing values, and provide other household and community benefits. Specifically:

- Develop specific criteria that define what makes a Complete Neighborhood in Lakewood and identify appropriate neighborhoods for analysis;
- Conduct a geospatial analysis to establish a baseline for the completeness of each appropriate neighborhood; and
- Develop neighborhood-specific strategies to address deficiencies.

## CONCEPT

# COMPLETE NEIGHBORHOOD

**WHAT MAKES A GREAT NEIGHBORHOOD?** Although the necessary ingredients are as diverse as the people living in them, there are common elements that support resilient and dynamic neighborhoods. Assorted housing options and multimodal transportation services ensure that people of all ages, incomes, and abilities are able to live and engage in the neighborhood. Quality schools, healthy food sources, open space, recreational facilities, and public gathering spaces contribute to community and individual well-being. Commercial services and quality jobs increase the resiliency of individual households and the neighborhood as a whole.

Collectively, these elements come together to form a “complete neighborhood,” where one has safe and convenient access to a mix of uses that meet daily needs for people of all ages and abilities. An array of household and communitywide benefits is linked to complete neighborhoods, including:

- **AFFORDABLE, MULTIMODAL TRANSPORTATION INFRASTRUCTURE:** Residents are able to walk to take transit to work, shopping, and other activities.
- **STRONG SOCIAL FABRIC:** Residents interact frequently and are more aware of each other's strengths and needs.
- **STABLE AND DESIRABLE HOUSING VALUES:** Easily accessible goods, services, and activities make the neighborhood a desirable place to live.
- **UNIQUE NEIGHBORHOOD IDENTITY:** Public spaces reflect the neighborhood's character and vision for the future.
- **HEALTHY EATING AND ACTIVE LIVING:** Residents have greater access to healthy food and more opportunities for walking and biking.
- **AIR QUALITY:** Fewer cars on the road reduce vehicle emissions.
- **VIBRANT LOCAL ECONOMY:** Residents patronize local businesses and value local talent. ■

## LEARN MORE ABOUT COMPLETE NEIGHBORHOODS:

<https://www.eugene-or.gov/index.aspx?NID=506>

<http://www.portlandonline.com/portlandplan/index.cfm?c=52256&a=288098>



## SUPPORTING STRATEGIES

### COLLABORATION

- Partner with Jefferson County and area nonprofits to promote workforce development programs and self-sufficiency skills.
- Work with regional transportation agencies, property managers, and neighborhood organizations to reduce household transportation costs through assorted transportation management programs.

### EDUCATION & PROMOTION

- Promote the importance of affordable housing, types of housing programs and subsidies, and how these programs strengthen the overall community.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE ENERGY & WATER RESOURCE CENTER

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- Support and promote policies and resources to rehabilitate and increase the energy efficiency of older housing within Lakewood, thereby reducing household overhead costs.

### SUSTAINABLE BUSINESS HUB





















SE1-E | P. 61

- Develop mentoring, shadowing, apprenticeship, and internship programs for students to assist them with career choice and educational program selections.

### SUSTAINABLE NEIGHBORHOODS

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- Work with neighborhoods to host self-sufficiency education workshops.
- Work with neighborhoods to help develop the Complete Neighborhood Index.

TABLE SE2-1: STRATEGY BENEFITS						
STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
SE2-A: Self-Sufficiency Education				 		
SE2-B: Complete Neighborhood Index		 	 	  	  	 

 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions     ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

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TABLE SE2-2: STRATEGY FEASIBILITY					
STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
SE2-A: Self-Sufficiency Education	\$	✓	–	✓	–
SE2-B: Complete Neighborhood Index	\$\$	✓	–	✓	✓

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000

# ZERO WASTE

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**THE CITY OF LAKEWOOD** and its residents recognize their responsibility to minimize the harmful impacts of waste in order to foster a vibrant and sustainable community. Lakewood envisions a future where the community collaborates with the surrounding region to practice responsible procurement, reuse, and recovery of materials through which jobs are created, business networks grow, and resources are conserved.

## GOALS

- Create a culture of zero waste in Lakewood through education, municipal operations, infrastructure, and services.
- Foster sustainable household waste management.
- Foster sustainable commercial waste management.

## TARGETS

- Achieve a 60 percent communitywide diversion rate by 2025.
- Achieve an 80 percent diversion rate at the Civic Center by 2025.
- Achieve increased diversion rates for specific municipal facilities (to be established after the completion of Implementation Strategy ZW1-B).
- Achieve a 90 percent diversion rate at City of Lakewood Earth Day and Cider Days events.
- Achieve a 60 percent residential\* diversion rate by 2025.
- Achieve a 60 percent construction and demolition diversion rate by 2025.
- Achieve a 60–90 percent diversion rate for priority waste streams\*\*.

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\* Single-family residences and complexes with eight units or fewer.

\*\* Priority waste streams will be established through Implementation Strategy ZW3-A.



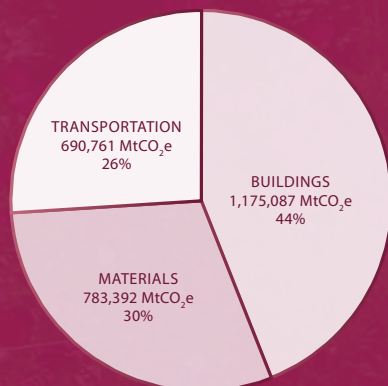
## ZERO WASTE: GREENHOUSE GAS EMISSIONS REDUCTION POTENTIAL

BASELINE		
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E		
BUILDINGS	1,175,087	44%
MATERIALS	783,392	30%
TRANSPORTATION	690,761	26%
TOTAL GHG	2,649,240	100%

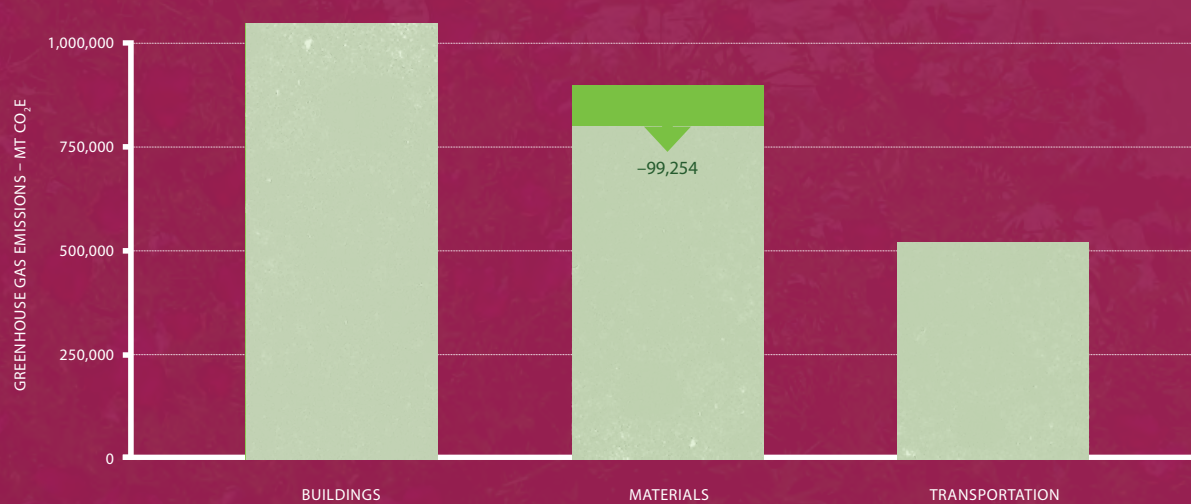
2025 BUSINESS AS USUAL (BAU)			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	1,053,368	42%	– 121,719
MATERIALS	903,600	36%	+ 120,209
TRANSPORTATION	539,165	22%	– 151,596
TOTAL GHG	2,496,133	100%	–153,107

2025 AFTER ZERO WASTE STRATEGIES ARE IMPLEMENTED			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	1,053,368	44%	0
MATERIALS	804,346	34%	– 99,254
TRANSPORTATION	539,165	22%	0
TOTAL GHG	2,396,879	100%	– 99,254

2007 BASELINE EMISSION BREAKDOWN



IMPACT OF ZERO WASTE STRATEGIES ON 2025 BUSINESS AS USUAL (BAU)



## EACH AMERICAN GENERATES AN AVERAGE OF 4.4 POUNDS OF WASTE PER DAY.

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**WHAT MANY OF US DON'T REALIZE** is that for every pound of waste we produce, 87 pounds of waste have already been generated through the manufacturing of those products.<sup>1</sup> The average American recycles or composts 34 percent of their waste; however, in Colorado the recycling and composting rate, often referred to as the “diversion rate,” is just 26.5 percent.<sup>2</sup> Although diversion rates have steadily increased over the past five years, 164 million tons of waste still end up in U.S. landfills and incinerators every year.<sup>3</sup> Increasing our diversion rate to 100 percent would have a significant positive environmental impact, but it would still not address all the waste generated during the manufacturing process.

The flow of material in our society is commonly a one way stream to the dump. Natural resources are extracted from the earth, processed into goods, transported to our communities, consumed, and disposed of in landfills or incinerated into our air. In this model, even before the waste is disposed of, we negatively impact ecosystems, extract nonrenewable resources, and contribute to greenhouse gas emissions through the manufacturing and transportation processes. Waste buried in the landfill contaminates groundwater and soil and releases potent greenhouse gas emissions, including methane, into the air.

Communities around the country and the world are changing how they think about the flow of materials. Our natural ecosystems provide a healthy and efficient model that functions without creating waste. Outputs from one process, such as decomposing plant matter, provide input for another, such as creating nutrient rich soil for the next crop of plants. Communities are exploring ways to mimic nature's material cycle where used resources are repurposed and given a new life, an approach known as zero waste. Zero waste shifts the focus from simply managing how we dispose of waste to reducing how much we generate and finding value in our used materials.

Moving toward zero waste calls for partnerships within and between communities, businesses, industries, and government. With extensive collaboration, we can address the complexity of addressing diverse waste streams and the presence of hazardous materials in the goods we use daily. The outcomes of zero waste not only reduce negative impacts, but also create economic value through job creation, efficient material use, and industry innovation.

<sup>1</sup> Eco-Cycle. “Zero Waste: The Choice for a Sustainable Community.” 2012. <http://www.ecocycle.org/zerowaste>.

<sup>2</sup> Colorado Department of Public Health and Environment. “Annual Solid Waste Diversion Totals 2007–2013.” <https://www.colorado.gov/pacific/cdphe/swreports>.

<sup>3</sup> U.S. Environmental Protection Agency. “Municipal Solid Waste (MSW) in the United States: Facts and Figures.” Last Updated: February 28, 2014. <http://www.epa.gov/osw/nonhaz/municipal/msw99.htm>.

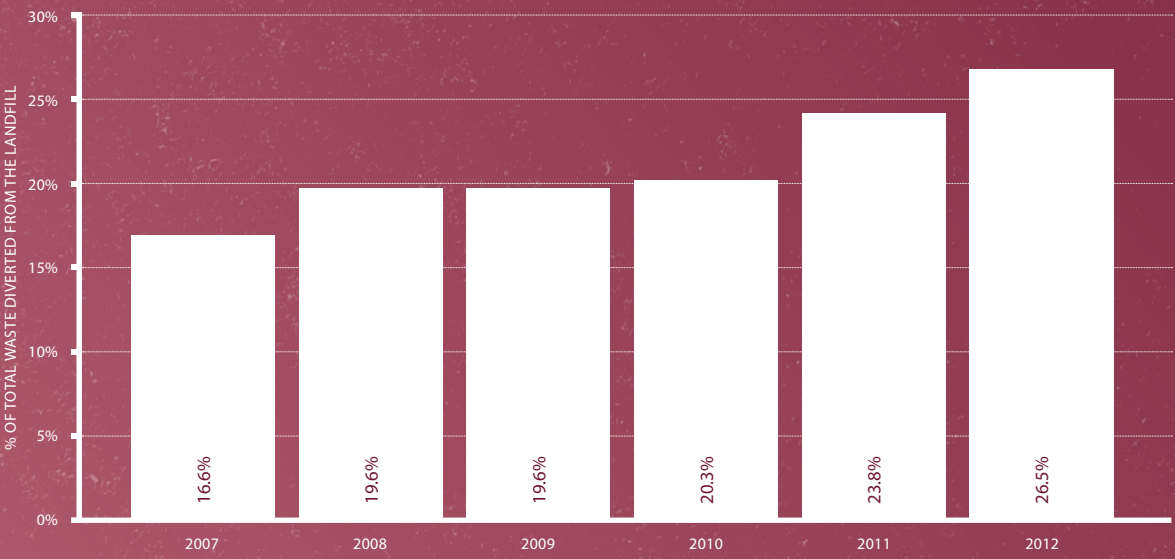


# HOW MUCH WASTE ARE WE DIVERTING FROM THE LANDFILL?

U.S. MUNICIPAL SOLID WASTE\* DIVERSION TOTALS



COLORADO MUNICIPAL SOLID WASTE\* DIVERSION TOTALS



\*Municipal solid waste includes residential and commercial waste, but does not include industrial, hazardous, or construction waste.



## TRENDS AND OPPORTUNITIES

### UPSTREAM: WASTE REDUCTION AND GREEN PROCUREMENT

The zero waste approach considers the three phases of a product's lifecycle: upstream, midstream, and downstream. The upstream phase addresses resource extraction and production. Producers can play a large role in this stage through responsible manufacturing processes, reducing toxicity in their products, reducing packaging, and redesigning products that can be cycled back into the materials system. Consumers play an equally important role by consuming less and choosing to purchase from responsible producers. Although there are rarely "green" or "not green" items, purchasers can place items on a spectrum of sustainable production in order to compare items and make the more sustainable choice. Many organizations establish purchasing guidelines that align with their waste diversion targets and other sustainability goals. In 2012, the City of Lakewood adopted a Green Procurement Policy to encourage the purchase of green products throughout City operations.

### MIDSTREAM: LONGEVITY AND REUSE

The midstream phase in the zero waste approach addresses how we use our materials. Disposable products are a common and inexpensive choice for many; yet the true cost is rarely represented on the price tag. The use of natural resources, production, transportation, and disposal are all costs of a single disposable item that is rapidly discarded. Plastic bags are a common example; according to the U.S. Environmental Protection Agency, the average American uses 500 plastic bags a year, using each bag for an average of 12 minutes

before it is discarded. Choosing products that can be reused over and over again is an easy and effective way of reducing waste.

As our needs change and we no longer find our products useful, there are several alternatives before disposal. The growing sharing economy encourages people to share resources, reducing waste, saving money, and building relationships. These exchange networks can take many

**The average American uses 500 plastic bags a year, using each bag for an average of 12 minutes before it is discarded. Choosing products that can be reused over and over again is an easy and effective way of reducing waste.**

forms and happen in many places, including online neighborhood forums, garage sales, thrift stores, and donation sites. If there still is no demand for a product, there might be an opportunity for repurposing. Artists, entrepreneurs, and thrifty households have demonstrated that tires can be turned into chairs, wooden pallets into playgrounds, and leather airline seats into travel bags. Product reuse processes, such as repairs and reclamation, can create between 25 and 300 more jobs than landfilling and incineration.<sup>4</sup> Sharing and repurposing are midstream waste solutions with benefits far beyond our waste diversion goals.

### DOWNSTREAM: RESOURCE RECOVERY

The downstream phase includes all resource recovery operations. Recycling, composting, and waste-to-energy technologies are all ways to recapture the value of our discarded materials. Each of these

processes is dependent on having the proper infrastructure and markets to support the redistribution of materials back into the zero waste system. Ensuring the proper facilities are available locally reduces transportation costs for waste haulers and creates jobs in the local economy. Resource recovery is also influenced by the upstream, green procurement process. By choosing products that can be recycled or composted, we are creating the inputs for the resource recovery industry.

Resource recovery is a critical mechanism for reducing community greenhouse gas emissions. Organic waste such as food scraps and yard trimmings that are sent to landfills produce methane, a greenhouse gas that is 72 times more potent than carbon dioxide. Organic waste makes up the largest portion of our current waste stream, resulting in 123 pounds of methane gas emissions for each ton of landfilled municipal solid waste.<sup>5</sup> Composting provides a healthy and economic alternative where recycled organic materials become nutrient-rich soil that can be used to grow new crops or fertilize our landscapes. Organic waste also can be processed into biogas through anaerobic digestion. Biogas can be combusted to generate electricity and heat or processed into fuel.

Each phase of the zero waste approach reduces negative health and environmental impacts and adds value to our economic and natural systems. Zero waste is an approach, vision, and way of life that everyone can participate in to create a vibrant and sustainable future. ■

<sup>4</sup> Institute for Local Self-Reliance. *Waste to Wealth: Recycling Means Business*. February 1, 2002. <http://ilsr.org/recycling-means-business>.

<sup>5</sup> Forster, P., V. Ramaswamy, et al. "2007: Changes in Atmospheric Constituents and in Radiative Forcing." *Climate Change 2007: The Physical Science Basis*. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. Eds. Solomon, S., New York: Cambridge University Press, 2007. pp. 129–234.



## ZERO WASTE DRIVERS

Programs, practices, and resources that support and contribute to a zero waste society.

- Producer Responsibility
- Green / Responsible Procurement
- Consumer Values
- Zero Waste Policies / Facilities



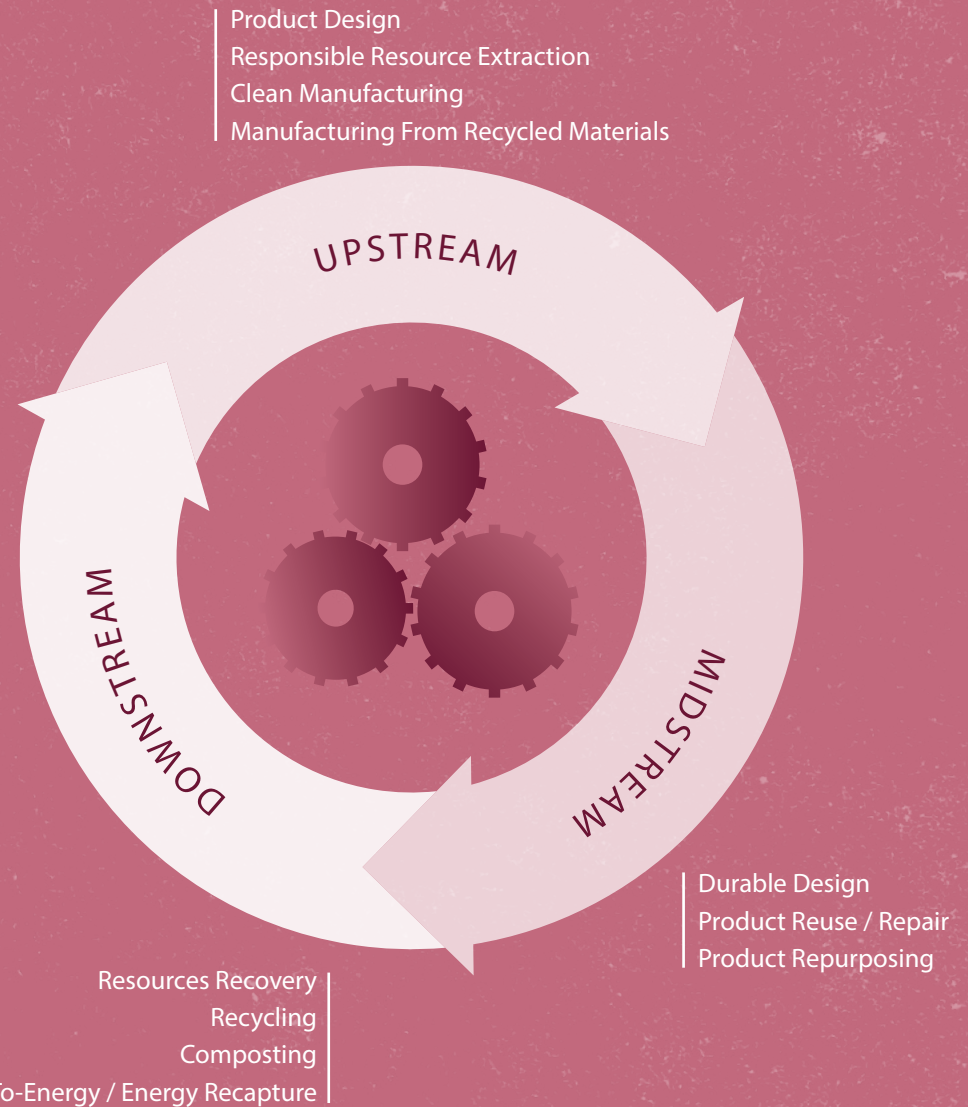
## ZERO WASTE OUTPUTS

Social, economic and environmental benefits from a zero waste society.

- Jobs
- Energy Recovery
- Industry Innovation
- Sharing Economy
- Environmental Health



## ZERO WASTE CYCLE



## GOAL ZW1

# CREATE A CULTURE OF ZERO WASTE IN LAKEWOOD THROUGH EDUCATION, MUNICIPAL OPERATIONS, INFRASTRUCTURE, AND SERVICES.

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### TARGETS

- Achieve a 60 percent communitywide diversion rate by 2025.
- Achieve an 80 percent diversion rate at the Civic Center by 2025.
- Achieve increased diversion rates for specific municipal facilities (to be established after the completion of Implementation Strategy ZW1-B).
- Achieve a 90 percent diversion rate at City of Lakewood Earth Day and Cider Days events.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Encourage the adoption of zero waste thinking with regard to the production, use, and disposal of resources.
  - INDICATOR: Number of residents engaged through zero waste outreach and education campaigns
- **OBJECTIVE:** Work toward zero waste in City facilities, operations, and events.
  - INDICATOR: Number of City facilities that offer recycling and composting collection
- **OBJECTIVE:** Increase the availability of facilities and specialized services to support reuse and resource recovery.
  - INDICATOR: Participation at special collection events
  - INDICATOR: Volume of material collected at Quail Street Recycling Center
  - INDICATOR: Volume of hazardous material collected at Rooney Road Recycling Center



## ZERO WASTE AT LAKEWOOD HERITAGE CENTER

### THE LAKEWOOD HERITAGE CENTER'S (LHC)

20th Century Museum and festival grounds is home to the City's large community events. The LHC approach to zero waste has been a gradual, but continuous effort. Beginning in 2008 with the creation of waste sorting stations at large community events like the Sounds Exciting concert series, Cider Days, and Heritage Days, LHC has looked for ways to provide an overall reduction in waste. These events, which on average attract 5,000, 8,500, and 800 patrons respectively, are viewed as chances to serve museum visitors by implementing larger scale sustainable practices. By reducing our operational footprint and educating the Lakewood community about reducing theirs, we have an opportunity to cultivate awareness and foster change.

At both the Sounds Exciting concert series and Heritage Days, sorting stations with recyclable, compostable, and landfill containers have been very successful from the start. On average, 75 percent of each event's waste is recycled and composted each year. Unfortunately, Cider Days, which draws a substantially larger crowd, did not experience the same immediate success. After a couple of unsuccessful years with a mix of attended and unattended sorting stations, LHC decided the only way to create a meaningful difference in waste diversion was to hand sort every bag generated over a two day period. In order to achieve this goal, a large-scale hand sorting station was created and routinely staffed by a team of employees and volunteers. During the first year in 2011, sorters filled a 20 cubic yard container with recyclable materials and estimated that 75-80 percent of the total volume of material generated at the event was diverted from the landfill. That same year, 4,000 pounds of compostable material

made up mostly of apple mash and wood shavings, generated from the event's cider pressing and saw mill demonstrations, were donated for pig feed and landscaping purposes. In 2014, LHC added additional composting to the Cider Days waste reduction efforts. The event was attended by 10,500 patrons, the biggest crowd in the event's history. The hand-sorting station collected 7,045 pounds of compostable/repurposed materials and 280 pounds of recyclable materials. Of the total waste generated, 84 percent was composted, 3 percent was recycled, with just 13 percent of waste going to the landfill.

In addition to special events, LHC practices zero waste in its day-to-day operations. The facility has integrated kitchen compost containers for staff/volunteer use and began composting organic waste generated from four large on-site flower and vegetable gardens in 2013 within a series of bins constructed of recycled palettes. The LHC compost bins have become a valuable tool for educating our visitors during events, tours and summer camps regarding the benefits of composting and organic gardening. The compost generated as part of this system is placed back in to our gardens annually and provides a nutrient-rich soil amendment more effective and safer than anything commercially available.

Many visitors at LHC share their appreciation of our endeavors toward waste reduction and the education that they use to become greener at home. Together, through these large- and small-scale efforts, LHC has witnessed firsthand the significant impacts a zero-waste approach has made and, as a result, continues to seek to improve, enhance, and expand our efforts. ■





## IMPLEMENTATION STRATEGIES

### ZW1-A ZERO WASTE OUTREACH AND EDUCATION CAMPAIGN

Develop sector-specific outreach materials and educational campaigns to promote zero waste concepts and resources. Specifically:

- Develop campaigns for the municipal organization, single-family residences, multifamily residences, businesses by sector, and construction and development;
- Identify opportunities to provide zero waste education, including City employee orientation and HOA and business association meetings;
- Use City events as opportunities for public outreach and to demonstrate leadership;
- Create standards for clear and consistent zero waste messaging, including bin signage, colors, design, placement, and terminology that makes it easy to participate;
- Customize and distribute information on resource recovery facilities in Lakewood, including Rooney Road Recycling Center, Quail Street Recycling Center, and private collection sites;
- Develop and distribute specific recycling resource lists by sector; and
- Utilize City website and other communication channels to provide information to residents, businesses, and waste haulers on communitywide zero waste goals and related municipal policies.



#### ZW1-B MUNICIPAL FACILITY ZERO WASTE PROGRAMS

Develop customized zero waste strategies for new and existing municipal facilities based on the type of use and users, waste characteristics, and unique constraints. Specifically:

- Assess facilities to understand the range of services provided, types of facility users, and potential for waste reduction and diversion;
- Prioritize facilities for zero waste program implementation;
- Conduct waste characterization studies to determine the specific composition and quantity of waste generated;
- Identify opportunities to minimize waste generation and increase diversion rates through enhanced services or infrastructure;
- Set diversion targets when appropriate;
- Identify budget requests required for implementation;
- Implement enhanced services and infrastructure, provided appropriate resources are allocated;
- Develop educational and behavioral change strategies;
- Identify on-site leaders and mechanisms for communication to support implementation; and
- Track effectiveness and concerns in order to adjust the program as necessary to ensure success.

#### ZW1-C GREEN PROCUREMENT PROGRAM

Expand the City's green procurement program for the preferential purchase of green products and services and provide guidance for implementation. Specifically:

- Identify the potential environmental, economic, and social benefits of sustainable procurement practices;
- Establish a set of criteria, specific to product or service categories, that can be used to identify preferred products and services.  
Consider impacts on the environment, human well-being, energy use, greenhouse gas emissions, natural resources, and support of local businesses;
- Assess existing purchases and contracts to identify opportunities to transition to more sustainable products or services;
- Set a threshold for an acceptable cost increase for sustainable alternatives and consider establishing requirements for purchases to be assessed for compatibility with City sustainability goals if they are 1) over a certain dollar amount or 2) from specifically identified product or service categories;
- Continue to host regular green procurement training sessions for City staff and green procurement vendor fairs to learn about sustainable products and services;
- Provide customized support to City departments to support implementation of the green procurement program.



## RECYCLING SERVICES

**THE CITY OF LAKEWOOD** offers a variety of recycling services for its residents and employees. Since 1993, the City has provided single-stream recycling in City offices, recreation centers, community and art centers, and at the Heritage Center. Education and employee initiative support strong participation from users, resulting in approximately 300 tons of recycled materials each year from City facilities. The City also recycles shredded paper, which requires a separate sorting and bailing process and in 2014, launched compost service at the Lakewood Civic Center.

The City provides several recycling services for the Lakewood community and is continuously seeking ways to improve and expand operations. The Quail Street Recycling Center is open seven days a week and accepts common recyclable materials. Since the reopening of the Quail Street Recycling Center in early 2012, more than 3,000 tons of materials have been recycled, and in 2013 300 cars used the facility every day. The City also contributes funding and operational support to the Rooney Road Recycling Center (RRRC), which accepts household hazardous waste, chemicals, and electronics. The RRRC is owned and operated by a coalition of cities and towns in Jefferson County and provides a safe, responsible option for recycling hazardous materials. The City also provides Community Cleanups, which are special events that give residents an affordable opportunity to get rid of bulk items, electronics, and other household waste. ■

### ZW1-D MUNICIPAL ZERO WASTE TOOLS

Develop resources and tools for City employees and facility users to support zero waste events, meetings, and operations. Specifically:

- Expand the green vendor list of businesses that provide products and services consistent with the City's zero waste goals;
- Provide model contract language and vendor agreements;
- Create a list of green products that meet the City's green procurement criteria and can be reused, recycled, or composted;
- Assemble facility-specific zero waste toolkits for events and meetings that provides step-by-step instructions, relevant signage, messaging standards, and additional materials and resources; and
- Provide customized support to City departments for green purchasing and other opportunities to reduce waste.

### ZW1-E REUSE AND RESOURCE RECOVERY FACILITIES

Assess existing resource recovery facilities and infrastructure for capacity and material limitations in order to expand opportunities for landfill diversion. Specifically:

- Inventory existing public and private facilities to identify waste streams collected and processing capacity;
- Identify waste streams with insufficient recovery facilities;
- Identify funding opportunities and resources to address limitations and expand service; and
- Utilize the facility, waste stream, and budget assessments to prioritize investments in resource recovery facilities. Consider:
  - Expanding the level of service at City facilities, including Quail Street Recycling Center and Rooney Road Recycling Center;
  - Developing additional recycling drop-off sites and material recovery facilities (Example: City of Boulder CHaRM: Center for Hard to Recycle Materials);
  - Maintaining existing or expanding regular community cleanups and special collection events;
  - Facilitating additional collection sites for thrift stores and other charitable reuse outlets on private and public locations, ensuring the credibility of the collection organizations; and
  - Partnering with businesses to safely collect hard-to-recycle and hazardous materials related to their products and services. (Example: Paint Care, Colorado Paint Stewardship Program).

## ZW1-F YARD WASTE COLLECTION SITE

### AND SERVICES

Establish a collection site and provide supportive services to divert yard waste from landfills and generate revenue for expanded recycling and sustainability services. Specifically:

- Identify and secure a location of sufficient size to accommodate a slash collection operation, as well as accommodate additional future recovery operations, such as food composting or a materials recovery facility;
- Identify the management process for the slash collection operation and establish operational responsibilities, collection and drop fees, and a revenue agreement to support operating costs and to generate additional revenue for expanded recycling and sustainability services; and
- Provide community and neighborhood-level yard waste collection events on an ongoing and consistent schedule (specific implementation steps for residential organic waste collection can be found in ZW2-B). Consider including special collection events as an operational responsibility of the site manager.

## SUPPORTING STRATEGIES

### COLLABORATION

- Work with nearby jurisdictions to expand opportunities for resource recovery and landfill diversion.
- Collaborate with local businesses and community organizations to support collection, special events, and outreach.

### EDUCATION & PROMOTION

- Identify opportunities to introduce the concept of zero waste into area schools and institutions.
- Recognize leadership in zero waste efforts by employees, residents, and businesses through the Sustainability Awards and other City communication channels.
- Promote City zero waste initiatives.

### TOOLS & TECHNOLOGY

- Utilize digital and mobile technology to facilitate zero waste behavior, such as location based services, crowdsourced material exchange, and resource directories.
- Develop tracking software and reporting standards for collecting waste diversion data.

### RESEARCH & TRACKING

- Research funding streams to expand zero waste services and infrastructure, including grants, advertising, and sponsorships.
- Research best practices and emerging material reuse and recovery technologies.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE BUSINESS HUB

SE1-E | P. 61







- Ensure zero waste educational materials and strategies are transferrable and share with local businesses.
- Identify opportunities for enhanced business services through collection of hard-to-recycle materials.

### SUSTAINABLE NEIGHBORHOODS

CC1-D | P. 102

- Work with neighborhoods to identify zero waste “experts” in each neighborhood to answer questions and provide guidance for zero waste initiatives.
- Share zero waste educational materials with neighborhoods.

TABLE ZW1-1: STRATEGY BENEFITS

STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
ZW1-A: Zero Waste Outreach and Education Campaign		■ ■ ■	■ ■	■	■	■ ■
ZW1-B: Municipal Facility Zero Waste Programs		■ ■ ■	■ ■	⊘	■	■ ■
ZW1-C: Green Procurement Program		■ ■ ■	■ ■	■	■	■ ■
ZW1-D: Municipal Zero Waste Tools		■ ■	■ ■	⊘	■	■ ■
ZW1-E: Reuse and Resource Recovery Facilities		■ ■ ■	■ ■	■	■	■
ZW1-F: Yard Waste Collection Site and Services		■ ■ ■	■ ■	■	■	■ ■

 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions     ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

■ ■ ■ High    ■ ■ Medium    ■ Low    ⊘ Does Not Apply

TABLE ZW1-2: STRATEGY FEASIBILITY

STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
ZW1-A: Zero Waste Outreach and Education Campaign	\$	✓	-	✓	✓
ZW1-B: Municipal Facility Zero Waste Programs	\$\$\$	✓	✓	-	-
ZW1-C: Green Procurement Program	\$	✓	✓	✓	✓
ZW1-D: Municipal Zero Waste Tools	\$	-	-	-	-
ZW1-E: Reuse and Resource Recovery Facilities	\$\$\$\$	✓	✓	✓	✓
ZW1-F: Yard Waste Collection Site and Services	\$\$\$\$	✓	✓	✓	✓

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000

## FOSTER SUSTAINABLE HOUSEHOLD WASTE MANAGEMENT.

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### TARGET

- Achieve a 60 percent residential\* diversion rate by 2025.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Minimize the amount of waste sent to landfills from single-family residences and complexes with eight units or fewer.
  - INDICATOR: Residential diversion rate (eight units or fewer)
  - INDICATOR: Percentage of residents with recycling/composting services
  - INDICATOR: Percentage of residents who compost at home
- **OBJECTIVE:** Minimize the amount of waste sent to landfills from residences with more than eight units.
  - INDICATOR: Residential diversion rate (more than eight units)
  - INDICATOR: Percentage of multifamily residences with recycling/composting services

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\* Single-family residences and complexes with 8 units or fewer



## IMPLEMENTATION STRATEGIES

### ZW2-A RESIDENTIAL CURBSIDE RECYCLING AND WASTE DIVERSION

As an immediate priority, present City Council with potential programs and policies for residential waste haulers that address the inclusion of recycling services in collection contracts, minimize impacts to neighborhoods from traffic and noise, and explore the use of variable rate collection systems where the cost of service is based on the volume of trash generated. Specifically:

- Assess the current waste hauling operations within the city, costs and types of services offered, companies providing hauling services, scheduling and number of vehicles operating, and the social, environmental, and economic benefits and impacts;
- Conduct a communitywide, residential waste composition study to determine the mix and volume of waste streams and the current landfill diversion rate for the community;
- Launch a formal residential outreach process to introduce potential programs and policies. Collect feedback and identify resident needs and concerns;
- Launch a formal waste hauler outreach process to introduce potential programs and policies. Collect feedback and identify hauler concerns and business impacts, including costs, logistical limitations, vehicle requirements, collection route efficiency, likely rate structures, existing contractual obligations, licensing processes, and implementation timing;
- Utilize the community assessment, waste characterization study, public and waste hauler outreach outcomes, and best practices to develop a set of potential program or policy recommendations; and
- Present recommendations to residents, haulers, City staff, and City leadership to collect comments, refine proposed program or policy details, and implement.

## CONCEPT

# PAY-AS-YOU-THROW

**PAY-AS-YOU-THROW (PAYT)** is a trash collection program where the cost of service reflects how much you throw away and provides incentives for you to recycle. There are several models of PAYT programs; most include free, unlimited recycling services to encourage more recycling and less trash. This model can reduce household costs and help the community reduce the volume of waste ending up in landfills, which causes air and water pollution.

Similar to utilities, such as electric and water, PAYT systems require that charges are based on the services provided to each household. For example, some models offer three sizes of trash cans to residents. Those who choose the smallest size pay the least, and the price increases with the can size. Simply put, the less you throw away, the less you pay.

The two common ways of implementing PAYT are through a City ordinance or contracting with haulers. In both scenarios, haulers coordinate services to increase efficiency, which lowers hauling costs and significantly reduces the wear and tear on City streets. PAYT has also been shown to be the most effective way to increase recycling and can increase recycling volume by more than 50 percent .

Residents have expressed a strong demand for recycling solutions in Lakewood. In the City of Lakewood 2013 Citizen Survey, 94 percent of residents agreed that curbside recycling should be a standard option in residential trash services and that the City should investigate strategies for increased recycling. PAYT is one option to respond to resident demand and meet City waste diversion goals. ■

## LEARN MORE ABOUT PAY-AS-YOU-THROW:

<http://www.epa.gov/osw/conserve/tools/payt>

<http://www.epa.gov/osw/conserve/tools/payt/top13.htm>



#### **ZW2-B RESIDENTIAL ORGANIC WASTE**

Provide opportunities for residents to divert organic waste from landfills. Specifically:

- Facilitate access to a yard waste collection site and associated services; **ZW1-F | P. 79**
- Support community yard waste collection events on an ongoing and consistent schedule in order to increase ease of participation;
- Explore opportunities to support resident-initiated, neighborhood-scale yard waste collection events through financial or operational support;
- Assess feasibility of curbside collection of yard and food waste through waste hauler requirements, voluntary neighborhood-organized collection programs, and other strategies; and
- Connect residents with opportunities to learn how to effectively compost organic waste at home.

#### **ZW2-C MULTIFAMILY RECYCLING AND COMPOSTING**

Assist multifamily developers, owners, managers, and homeowner associations in implementing recycling and composting programs in residential developments. Specifically:

- Assess waste collection systems for multifamily properties including types of waste collected, costs, site constraints, and other limitations to providing recycling and compost collection;
- Conduct a communitywide, multifamily residential waste composition study to determine the mix and volume of waste streams and the current landfill diversion rate for multifamily properties;
- Develop policies and site plan requirements that minimize barriers to recycling and composting;
- Develop a suite of strategies, policies, and behavior-change programs to address challenges of implementing recycling and composting programs; and
- Promote strategies and provide consulting services to assist multifamily developers, owners, managers, and homeowner associations to implement strategies and programs.

## SUPPORTING STRATEGIES

### COLLABORATION

- Work with residents to regularly review needs, concerns, and opportunities related to residential waste.
- Work with haulers to convey the City's sustainability goals, requirements, and processes for waste diversion, including data collection, efficient operations, and proper disposal.

### EDUCATION & PROMOTION

- Educate residents on sustainable household purchasing and disposal that reduces waste through source reduction, reuse, recycling, and composting. [ZW1-A | P. 76](#)
- Promote opportunities and locations (public and private) to properly dispose of hazardous, bulk, and other hard-to-recycle items.
- Develop ongoing and seasonally specific outreach to residents.

### TOOLS & TECHNOLOGY

- Utilize or customize digital search tools that identify resource recovery outlets.
- Encourage the use of neighborhood-level online platforms that facilitate reuse and material exchange.

### RESEARCH & TRACKING

- Research best practices for residential waste diversion.
- Track waste collection costs, diversion rates, and number of City service requests related to residential waste collection.



















## CROSSCUTTING STRATEGIES

### SUSTAINABLE NEIGHBORHOODS

[CC1-D | P. 102](#)

- Work with neighborhoods to assist in public outreach efforts for proposed residential waste programs.
- Work with neighborhoods to pilot waste diversion programs including household organic waste collection.

TABLE ZW2-1: STRATEGY BENEFITS

STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
ZW2-A: Residential Curbside Recycling and Waste Diversion						
ZW2-B: Residential Organic Waste						
ZW2-C: Multifamily Recycling and Composting						

 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions     ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions





 High     Medium     Low     Does Not Apply

TABLE ZW2-2: STRATEGY FEASIBILITY

STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
ZW2-A: Residential Curbside Recycling and Waste Diversion	\$	✓	✓	✓	—
ZW2-B: Residential Organic Waste	\$	✓	—	✓	—
ZW2-C: Multifamily Recycling and Composting	\$	✓	—	✓	—

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000





## GOAL ZW3

# FOSTER SUSTAINABLE COMMERCIAL WASTE MANAGEMENT.

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## TARGET

- Achieve a 60 percent construction and demolition diversion rate by 2025.
- Achieve a 60–90 percent diversion rate for priority waste streams\*.

## OBJECTIVES & INDICATORS

- **OBJECTIVE:** Minimize the amount of commercial waste sent to landfills.
  - INDICATOR: Commercial landfill diversion rates
  - INDICATOR: Number of restaurants and grocery stores participating in food composting programs
- **OBJECTIVE:** Add value to Lakewood’s economy through materials exchange and recovery.
  - INDICATOR: Number of individuals employed at reuse and resource recovery businesses
- **OBJECTIVE:** Minimize the amount of construction and demolition (C&D) material sent to landfills.
  - INDICATOR: C&D landfill diversion rates

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\* Priority Waste Streams will be established through Implementation Strategy ZW3-A.



## IMPLEMENTATION STRATEGIES

### ZW3-A COMMERCIAL WASTE ASSESSMENT AND PRIORITIZATION

Assess commercial waste systems to identify gaps in resource recovery facilities and prioritize the development of programs and policies. Specifically:

- Conduct a commercial waste characterization study to determine the mix and volume of waste streams, gaps in resource recovery facilities, and current landfill diversion rates;
- Identify priority waste streams based on volumes generated and environmental impact;
- Inventory existing resource recovery infrastructure; and
- Establish landfill diversion targets for priority waste streams.

### ZW3-B COMMERCIAL WASTE DIVERSION PROGRAMS AND POLICIES

Develop commercial waste diversion programs and policies that support responsible disposal choices, enhance efficiency, minimize environmental impacts, and convert waste into valuable products. Specifically:

- Identify best practices and prioritize the development of programs, policies, and regulations to support landfill diversion of priority waste streams. Specific assessments may include cardboard, styrofoam, food waste, and single-use bags;
- Provide customizable tools and materials, technical assistance, financing mechanisms, behavior-change strategies, and other resources for priority waste streams;
- Identify and secure funding and grant opportunities to be used to subsidize program costs and provide technical assistance to businesses;
- Develop formal business and community outreach programs when considering adoption of commercial waste management regulations; and
- Employ a targeted outreach strategy to promote available resources to businesses.

### ZW3-C CONSTRUCTION AND DEMOLITION WASTE

Adopt construction and demolition (C&D) waste diversion requirements and provide supportive materials for businesses. Specifically:

- Assess C&D regulations and requirements adopted by other municipal governments to determine efficacy, costs of implementation, and impact on the local economy;
- Develop requirements for C&D waste diversion through a municipal ordinance. Consider requirements for project-specific diversion rates, mandated waste management plans, and on-site posting to support compliance; and
- Develop resources to support adopted regulations, including materials exchange networks and directories of businesses providing recycled construction materials and C&D material recovery services.

## COMMUNITY SPOTLIGHT

# SUSTAINABILITY: LEARNING FROM NEIGHBORING COMMUNITIES

**SUSTAINABILITY** is an Arvada recycling company with a mission to create meaningful work for people who have developmental disabilities, a segment of our society that faces an over 70 percent unemployment rate. The company combines a passion for the environment and recycling with an understanding that every human being is unique and has something to offer the community and the planet.

SustainAbility opened in July 2012 as a result of a private public partnership led by the City of Arvada. The founders of SustainAbility recognized the need and demand for expanded recycling services in the city. The center offers free, single-stream recycling and accepts a variety of hard-to-recycle items. The company's innovative business model is shaped by the abilities of its employees, including meticulously disassembling electronics and transforming furniture material scraps into eco-friendly bags.

Through creativity and collaboration, the Arvada community found a way to reduce its waste footprint and fill employment demands for a unique population. SustainAbility is a true model of sustainability, incorporating environmental, social, and economic concepts to create a stronger community. ■

# SUSTAINABILITY

## SUPPORTING STRATEGIES

### COLLABORATION

- Work with recyclers that employ populations with developmental disabilities.
- Work with U.S. Green Building Council and Construction & Demolition Recycling Association to expand resources and best practices.
- Work with nonprofit organizations to support tax-deductible donations of surplus and used construction and commercial materials.

### EDUCATION & PROMOTION

- Educate businesses on sustainable purchasing and disposal that reduces waste through source reduction, reuse, recycling, and composting. **ZW1-A | P. 76**
- Promote alternatives to traditional demolition of buildings, including renovation and historic preservation.

### TOOLS & TECHNOLOGY

- Develop or utilize existing online resources to facilitate the exchange of surplus and used construction and commercial materials.

### RESEARCH & TRACKING

- Track economic benefits resulting from reuse and recycling services and companies.
- Research and track new types of construction materials to understand zero waste impacts.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE BUSINESS HUB




**SE1-E | P. 61**

- Incorporate zero waste concepts into the green business certification program.
- Utilize participating businesses to pilot commercial waste management programs.
- Help businesses develop zero waste management plans and provide toolkits to support efforts.

### SUSTAINABLE NEIGHBORHOODS

**CC1-D | P. 102**

- Encourage participating neighborhoods to support local businesses demonstrating zero waste principles.

TABLE ZW3-1: STRATEGY BENEFITS						
STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
ZW3-A: Commercial Waste Assessment and Prioritization		■ ■	■ ■	⊘	⊘	■
ZW3-B: Commercial Waste Diversion Programs and Policies		■ ■ ■	■ ■	■	■	■ ■
ZW3-C: Construction and Demolition Waste		■ ■ ■	■ ■	⊘	■	■ ■



 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions   
  ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions
 
 ■■■ High   ■■ Medium   ■ Low   ⊘ Does Not Apply

TABLE ZW3-2: STRATEGY FEASIBILITY					
STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
ZW3-A: Commercial Waste Assessment and Prioritization	\$\$	–	–	–	–
ZW3-B: Commercial Waste Diversion Programs and Policies	\$	✓	–	–	✓
ZW3-C: Construction and Demolition Waste	\$	–	–	–	✓

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000

# COMMUNITY COHESION AND PUBLIC HEALTH

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**THE CITY OF LAKEWOOD** and its residents recognize that health, sense of well-being, and social connectedness are the foundation for a vibrant and resilient community. Lakewood actively supports a future where residents live healthy lifestyles and connect with their neighbors and where businesses, visitors, and residents alike are supported by a strong sense of place and a healthy environment.

## GOALS

- Strengthen community cohesion, increase civic participation, and celebrate diversity.
- Promote physical well-being through healthy eating and active living.
- Promote social equity and provide strong supportive services.

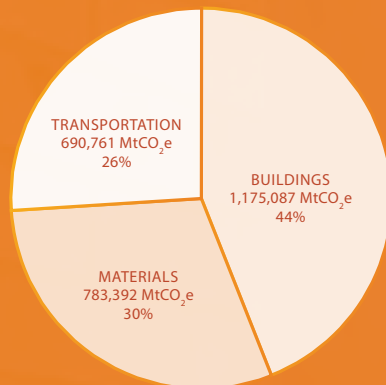
## TARGETS

- Increase the percentage of residents reporting “good” or “very good” satisfaction ratings for Lakewood’s efforts at welcoming citizen involvement as reported in the City of Lakewood Citizen Survey to 60 percent by 2025.
- Increase resident subscriptions to City communication tools each year through 2025.
- Certify 12 neighborhoods as “Outstanding Sustainable Neighborhoods” in the Sustainable Neighborhoods Program by 2025.
- Increase recreation program participation each year through 2025.
- Eliminate USDA-defined food deserts in Lakewood.
- Achieve community affordable housing targets (to be established after the completion of Implementation Strategy CC3-A).
- Increase the percentage of residents reporting “good” or “very good” satisfaction ratings for Lakewood programs for people with special needs, older adults, low-income persons, and homeless people to above Front Range benchmarks.

## COMMUNITY COHESION AND PUBLIC HEALTH: GREENHOUSE GAS EMISSIONS REDUCTION POTENTIAL

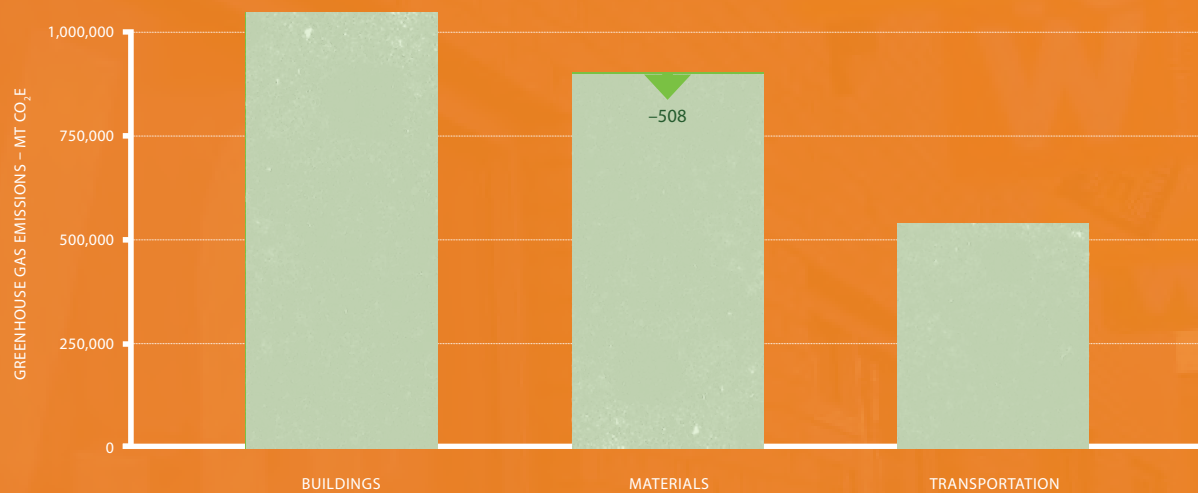
BASELINE		
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E		
BUILDINGS	1,175,087	44%
MATERIALS	783,392	30%
TRANSPORTATION	690,761	26%
TOTAL GHG	2,649,240	100%

2007 BASELINE EMISSION BREAKDOWN



2025 BUSINESS AS USUAL (BAU)			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	1,053,368	42%	– 121,719
MATERIALS	903,600	36%	+ 120,209
TRANSPORTATION	539,165	22%	– 151,596
TOTAL GHG	2,496,133	100%	–153,107

IMPACT OF COMMUNITY COHESION AND PUBLIC HEALTH STRATEGIES  
ON 2025 BUSINESS AS USUAL (BAU)



2025 AFTER COMMUNITY COHESION AND PUBLIC HEALTH STRATEGIES ARE IMPLEMENTED			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	1,053,368	42%	0
MATERIALS	903,092	36%	– 508
TRANSPORTATION	539,165	22%	0
TOTAL GHG	2,495,625	100%	–508

## COMMUNITY COHESION AND PUBLIC HEALTH ARE CRITICAL COMPONENTS OF SOCIAL SUSTAINABILITY AND WORK TOGETHER TO IMPROVE OVERALL COMMUNITY WELL-BEING.

**BOTH ARE STRONGLY INFLUENCED** by the natural and built environment, community leadership, economic opportunities, and connectivity between individuals and groups. Communities that foster cohesion and health benefit from increased social equity, enhanced community pride, happier residents, and a more productive workforce.

Community well-being encompasses not only how individuals perceive their quality of life, but also how the community as a whole interacts. A cohesive community is inclusive of people of all backgrounds and circumstance and values civic involvement, strong supportive networks, and cultural engagement, all of which contribute to a more resilient community.

Public health is another critical component of community well-being. There are many ways to think about health, including safety, physical fitness, and relationships. The World Health Organization states:

"Health is as a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity."

Health is as a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.

Public health trends are costing the nation billions of dollars in medical costs, absenteeism, and lack of productivity. Developing health solutions involves participation from regional and local partners to implement strategies for healthy eating, active living, and mental wellness.

The Comprehensive Plan includes goals that support the character, health, and safety of neighborhoods, as well as goals that provide quality housing, human services, recreation opportunities, and schools. The Comprehensive Plan also addresses the importance of historical preservation, arts and culture, and emergency preparedness in order to ensure a sustainable future. The City of Lakewood brings these values to life in many ways, including offering a variety of community services to help people connect to one another and access services to meet

their needs. Lakewood prides itself as a great place to live. In the 2013 Citizen Survey, 93 percent of respondents rated the overall quality of life as "good" or "very good" and indicated regular use of Lakewood parks and other community amenities.

### TRENDS AND OPPORTUNITIES DIVERSITY

Just as a biological diversity strengthens the overall health and resilience of an ecosystem, social diversity creates a stronger, more vibrant community that is able to take a more holistic view on issues and opportunities. As communities recognize the value of social diversity, many have faced the challenges of providing equitable access to resources and opportunities for their increasingly diverse populations. By developing strategies to overcome these challenges, communities cultivate new sets of skills to create a resilient community and spur economic growth.





Creating a more equitable community also means encouraging diversity in civic participation and leadership. Cities who actively engage all types of racial, economic, and social groups gain a better understanding of residents' needs and, by working together, can develop unique solutions suited to their community. Civic engagement, along with training and development opportunities, builds capacity for individuals from all backgrounds to pursue leadership positions to represent the community's diverse population.

Equitable access to affordable housing and services also is critical to supporting diversity in a community. Housing is inextricably linked to the well-being of individuals and communities as a whole. Housing to

support a community's workforce is a key component of a city's infrastructure, like transit, schools, and parks and leads to better living condi-

## A community's diversity is reflected in its arts and culture and is a strong indicator of social cohesion and sustainability.

tions for families, stronger household finances, and a greater ability for a community to attract primary employers. A comprehensive housing strategy requires planning for existing and future demographics to ensure developments offer a mix of housing types that are affordable and sustainable, and consider community needs. Together, with adequate

human services and social support, quality housing options enable individuals to pursue personal development and a high quality of life.

A community's diversity is reflected in its arts and culture and is a strong indicator of social cohesion and sustainability. Arts and culture give identity to neighborhoods and can be catalysts for innovation and civic participation. The catalytic effect of diversity can be applied to all community institutions, including schools where diversity

contributes to academic development, satisfaction, cultural awareness, and advocacy.<sup>2</sup> The Lakewood City Council has recognized this value through a formal commitment to promote an inclusive environment for all residents. The City has enormous opportunities to continue its engagement with residents from all backgrounds through arts and culture programs, family and human services, volunteer opportunities, and neighborhood development programs.

## SOCIAL CAPITAL

Increasing evidence shows that social connectedness can improve overall community well-being. A sense of belonging and access to a network of human resources enable people to live happy and healthy lives. The term, social capital, is often used to represent the value of those interactions and relationships. Building social capital has a number of positive effects on our society. Research has shown the following:

- In high social capital areas public spaces are cleaner, people are friendlier, and the streets are safer. Places have higher crime rates in large part because people don't participate in community organizations, don't supervise younger people, and aren't linked through a network of friends;<sup>2</sup>
- Social capital can help address inequality through organized advocacy efforts;<sup>2</sup>
- Child development is strongly affected through family, school, and community support;<sup>3</sup>
- Social capital improves access to health education and information, health care delivery systems, and prevention efforts;<sup>4</sup>
- Social capital is also strongly associated with happiness. Regular club attendance, volunteering, entertaining, or church attendance is

## LAKESWOOD LINKED

The Lakewood Linked initiative and the Sustainable Neighborhoods Program provide residents with resources to connect with their neighbors to create a stronger, collaborative community.

the happiness equivalent of getting a college degree or more than doubling your income.<sup>5</sup>

A community can build social capital anywhere, from informal face-to-face interactions in neighborhood parks to organized community groups to virtual communities and online social networks. The City of Lakewood strongly supports social connectedness through a variety of

## The way we design our communities affects how we spend our time.

community programs and facilities, as well as through the Lakewood Linked initiative and the Sustainable Neighborhoods Program. The Lakewood Linked initiative provides residents with resources to connect with their neighbors to create a stronger, collaborative community. The Sustainable Neighborhoods Program gives residents the opportunity to become active in making a vibrant community, using guidance from staff to organize workshops, projects, and events that enhance the livability of their neighborhood and reduce their ecological footprint.

When residents reach out to one another and build relationships, they are creating a stronger, more sustainable community.

## HEALTHY EATING / ACTIVE LIVING

Improving public health can support workplace productivity, lower health care costs, increase community engagement, and enhance personal satisfaction. In order to address the challenges of improving

public health, communities across the country are focusing on healthy eating and active living initiatives.

Healthy eating is essential to good overall health. Diet choices contribute to many of the leading causes of death in Jefferson County, including cardiovascular disease and cancer. In 2013, 86 percent of adult Coloradans did not meet recommendations for fruit and vegetable consumption.<sup>6</sup> This percentage was strongly correlated with several

<sup>2</sup> Mitchell Chang. "Who Benefits from Racial Diversity in Higher Education?" Diversity Digest. <http://www.diversityweb.org/Digest/W97/research.html>.

<sup>3</sup> Robert Putman. "Bowling Alone." New York: Simon & Schuster, 2000.

<sup>4</sup> The World Bank Group. "Social Capital and Health, Nutrition, and Population." 2011. <http://go.worldbank.org/5DODHAB-MT0>.

<sup>5</sup> Robert Putman. "Bowling Alone." New York: Simon & Schuster, 2000.

<sup>6</sup> Colorado Department of Public Health. "Fruit and Vegetable Consumption in Colorado. November, 2014. [https://www.colorado.gov/pacific/sites/default/files/DC\\_fact-sheet\\_Fruit-vegetables\\_Nov-2014\\_without-Appendix.pdf](https://www.colorado.gov/pacific/sites/default/files/DC_fact-sheet_Fruit-vegetables_Nov-2014_without-Appendix.pdf).



adverse health outcomes, including diabetes, high blood pressure, and depressive disorders. Although individual behaviors account for many diet decisions, they are also influenced by many outside factors. A holistic view of nutrition is critical for healthy communities. Communities can promote healthy eating by ensuring access to healthy foods, advancing nutritional education, and supporting behavior changes.

Equally as important, regular physical activity can help reduce the risk of chronic illnesses, as well as improve mental health, mood, and life span. Despite these benefits, 25 percent of American adults neglect physical activity, and childhood obesity rates have tripled since 1980.<sup>7</sup> The City of Lakewood encourages physical activity through a wide variety of recreation facilities and classes, supporting 450,000 admissions to recreation centers and pools.

## DESIGNING FOR HEALTH

The way we design our communities affects how we spend our time and energy. Public gathering spaces can provide more time for family and friends, recreation, civic engagement, and other activities that build a cohesive community. Infrastructure can provide opportunities for physical activity. Signage and multiple transportation options can ensure that people of all background, ages, and abilities can access, understand, and use community facilities. Incorporating nature into our built environment can improve mental well-being and environmental awareness. Communities are updating zoning codes, design standards, and development guidelines to facilitate an environment that supports and facilitates a healthy and cohesive community. ■

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<sup>7</sup> Tammy Zborel and Stephanie Rozsa. "Healthy People, Healthy Places - Building Sustainable Communities through Active Living." The Missouri Municipal Review. March 8, 2012. [http://cymcdn.com/sites/www.mocities.com/resource/resmgr/march2012\\_review\\_files/healthysustainablecomm\\_march.pdf](http://cymcdn.com/sites/www.mocities.com/resource/resmgr/march2012_review_files/healthysustainablecomm_march.pdf).



## STRENGTHEN COMMUNITY COHESION, INCREASE CIVIC PARTICIPATION, AND CELEBRATE DIVERSITY.

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### TARGETS

- Increase the percentage of residents reporting “good” or “very good” satisfaction ratings for Lakewood’s efforts at welcoming citizen involvement as reported in the City of Lakewood Citizen Survey to 60 percent by 2025.
- Increase resident subscriptions to City communication tools each year through 2025.
- Certify 12 neighborhoods as “Outstanding Sustainable Neighborhoods” in the Sustainable Neighborhoods Program by 2025.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Ensure that Lakewood residents of all racial and economic backgrounds are able to participate in civic life.
  - INDICATOR: Voter turnout in regular municipal elections
  - INDICATOR: Enrollment in citizen academies
  - INDICATOR: Number of applications for citizen boards and commissions
  - INDICATOR: Number of volunteers participating in City programs and activities
  - INDICATOR: Total page views on Lakewood.org
  - INDICATOR: Number of followers of Lakewood social media channels
  - INDICATOR: Number of Google Translate requests for Lakewood.org Web pages
  - INDICATOR: Minority resident satisfaction with the job Lakewood government does at welcoming citizen involvement

■ **OBJECTIVE:** Support diverse social networks to build community cohesion.

- INDICATOR: Resident satisfaction with overall quality of life
- INDICATOR: Number of participants in the Sustainable Neighborhoods Program
- INDICATOR: Number of registered neighborhood organizations
- INDICATOR: Number of neighborhoods, households, and people registered on NextDoor.com

■ **OBJECTIVE:** Promote cultural engagement in Lakewood through the arts and community events.

- INDICATOR: Participation in Lakewood's Inspire Arts Week
- INDICATOR: Attendance at City cultural and heritage programs and events
- INDICATOR: Annual number of public art installations





## SOUTHERN GABLES SUSTAINABLE NEIGHBORHOOD

BY DANA GUTWEIN, SOUTHERN GABLES NEIGHBORHOOD

**THE SUSTAINABLE NEIGHBORHOODS PROGRAM** encourages and empowers neighbors to enhance neighborhood sustainability by supporting communities as they take on sustainability projects and initiatives. Our neighborhood, Southern Gables, was thrilled to be accepted into this program in 2014. In the year and a half since, we have made exciting and meaningful strides toward living more sustainably as a community. But there was an even more powerful and somewhat unintended consequence. Being a part of the Sustainable Neighborhoods Program taught us the power of what it means to build and be a part of a “community” and how it directly relates to and improves quality of life.

Southern Gables has worked on projects to educate and provide resources on topics such as solar, energy efficiency, water efficiency, xeriscaping, gardening, recycling, and composting. As neighbors came together over these shared goals and passions, something special, yet simple, happened. We got to know each other

“...maybe this sharing is what sustainability is all about.”

and care about each other, and from there, all of these really cool things took off. Sharing resources from hand-me-down clothes to gardening tools. Carpooling. We share our meals and holidays together. We plant our trees, our tomatoes, our tulips together. We share ideas, information, and experiences on everything from how to go solar to how to solve a composting issue. Since sharing

reduces demand for new resources and makes it easier to implement positive household changes, maybe this sharing is what sustainability is all about.

That’s when I started noticing another surprising effect of the Sustainable Neighborhoods Program. People that participated in our events and projects were, quite simply, happier. It started in our leadership level. Sharing the joy and work of making meaningful accomplishments made this project something each of us didn’t just like, but something we actually loved. It’s fulfilling. It feels great. As our group grew, this feeling spread through the community. Getting together and sharing life with friends is always fun and makes you happy. With this program, though, we’re getting together over a common cause, one that people care and feel good about. Giving, working on something you believe in, making progress and sharing that experience with those around you feels great. It adds laughter, companionship, fulfillment, and accomplishment to our lives. In other words, this program is increasing our quality of life.

We came together to advance sustainability, and we are, slowly but surely. In coming together for that cause, we built community. While building our community, we experienced happiness and an enhanced quality of life. Now, there’s been yet another unintended result. What do you suppose is happening thanks to our strengthened and growing, happy, and involved community? A stronger, bigger, more united team taking on higher impact community projects, ones that will have long lasting results on that original goal we set out to tackle... sustainability. ■





## IMPLEMENTATION STRATEGIES

### CC1-A DIVERSITY IN CIVIC PARTICIPATION AND LEADERSHIP

Build capacity for residents of all ages, abilities, and backgrounds to participate in civic life and assume leadership roles in order to ensure accurate representation of the city's diverse population. Specifically:

- Identify opportunities to engage residents in various locations throughout the city. Consider creative ways to increase civic participation by hosting public meetings at off-site locations like schools and community centers;
- Identify methods to increase participation from underrepresented populations in citizen academies, boards, and commissions in order to foster diversity in community leadership roles; and
- Coordinate and promote available volunteer and leadership opportunities with the City, partner agencies, and local organizations.

### CC1-B OPEN AND HONEST COMMUNICATION

Support the City's core community value of open and honest communication. Specifically:

- Use a diverse range of media platforms and regularly review emerging communication technologies in order to optimize and expand communication;
- Review City communications to identify opportunities to enhance accessibility by all residents;
- Assess needs, potential impacts, and costs of expanding Lakewood's communication services to multilingual;
- Provide employee trainings to enhance intercultural awareness and increase effective communication; and
- Develop customized marketing and outreach strategies to increase participation in City programs, planning efforts, and projects.

### CC1-C SOCIAL RESILIENCE AND PERSONAL NETWORKS

Strengthen and expand community social networks to foster collaboration, communication and cooperation. Specifically:

- Support existing neighborhood programs that increase social capital and enhance neighborhood identity, including Lakewood Linked, annual neighborhood organization registrations, the Neighborhood Participation Program, and the Sustainable Neighborhoods Program;
- Continue to use Lakewood Linked to strengthen relationships between neighborhood residents, businesses, the faith community, and schools;
- Recognize and promote the role of online social networks, such as NextDoor.com, as key mechanisms to inform and connect residents; and
- Promote the formation of social resiliency circles where residents come together to increase personal security through learning, mutual aid, social action, and community support. Utilize the successful Eiber Resiliency Circle as a model to support the formation of similar groups.

**CC1-D SUSTAINABLE NEIGHBORHOODS PROGRAM****CROSSCUTTING STRATEGY**

Expand the Sustainable Neighborhoods Program and the Sustainable Neighborhood Network in order to encourage direct citizen action, assist residents in enhancing neighborhood sustainability and reduce the environmental footprint of residents. Specifically:

- Expand the technical and financial resources available to participating neighborhoods in order to support neighborhood-specific initiatives;
- Facilitate the expansion of the Sustainable Neighborhood Network through professional affiliations, speaking engagements, formal outreach and marketing;
- Increase program credibility and effectiveness through the formation of an advisory council made up of representatives from participating communities and neighborhood leaders;
- Establish a revenue stream to support the program through a fee structure charged to new communities joining the Sustainable Neighborhood Network based on technical support needs and the size of the community; and
- Support the ongoing University of Colorado Denver research study evaluating participant motivations and outcomes of the Sustainable Neighborhoods Program and Sustainable Neighborhood Network.

**CC1-E ARTS, CULTURE, AND EVENTS**

Recognize arts, culture, and community events as important components of sustainability. Specifically:

- Identify opportunities to incorporate arts and culture into sustainability programs, outreach strategies, and events;
- Collaborate with City of Lakewood Heritage, Culture & Arts programs, the 40 West Arts District, Rocky Mountain College of Art + Design, and other organizations to communicate the role of arts and culture as a critical element of community sustainability;
- Support the growth of creative industries in Lakewood; and
- Support the Comprehensive Plan, Lakewood Public Art Master Plan, and other City plans that promote and expand art and cultural activity in Lakewood.

## SUPPORTING STRATEGIES

### COLLABORATION

- Collaborate with organizations providing databases of area volunteer opportunities in order to ensure opportunities in Lakewood are listed.
- Work with Jefferson County Public Library, the Learning Source, and other organizations that provide training on the use of digital media in order to increase access to City information.
- Work with schools to identify opportunities to integrate civic participation into curricula.

### EDUCATION & PROMOTION

- Development mechanisms to recognize civic leadership and volunteers in the community.

### TOOLS & TECHNOLOGY

- Monitor emerging technology and communication strategies to connect residents to each other and to the City.

### RESEARCH & TRACKING

- Monitor Lakewood's social and community diversity to inform effective communication strategies.
- Ask residents about how they use City communication outlets as sources of information about Lakewood.
- Research community-based social marketing strategies in order to identify opportunities to utilize best practices.
- Track creative industries in Lakewood.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE BUSINESS HUB

SE1-E | P. 61

- Connect participating businesses and local artists to integrate commerce, arts, and culture.

### SUSTAINABLE NEIGHBORHOODS

CC1-D | P. 102

- Promote civic participation opportunities, volunteer programs, and openings on boards and commissions to residents in participating neighborhoods.
- Share City expertise on effective communication with participating neighborhoods through training sessions highlighting resources, technologies, and best practices.

TABLE CC1-1: STRATEGY BENEFITS

STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
CC1-A: Diversity in Civic Participation and Leadership	⊘	■	■	■ ■	■ ■ ■	■
CC1-B: Open and Honest Communication	⊘	■	■ ■	■ ■ ■	■ ■ ■	■ ■
CC1-C: Social Resilience and Personal Networks	⊘	■	■ ■	■ ■ ■	■ ■ ■	■ ■
CC1-D: Sustainable Neighborhoods Program	🌿	■ ■ ■	■ ■ ■	■ ■ ■	■ ■ ■	■ ■ ■
CC1-E: Arts, Culture, and Events	⊘	■	■ ■	■	■ ■ ■	■

🌿 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions    🌿 ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

■ ■ ■ High    ■ ■ Medium    ■ Low    ⊘ Does Not Apply

TABLE CC1-2: STRATEGY FEASIBILITY

STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
CC1-A: Diversity in Civic Participation and Leadership	\$	✓	-	-	-
CC1-B: Open and Honest Communication	\$\$	✓	-	✓	✓
CC1-C: Social Resilience and Personal Networks	\$	✓	-	✓	✓
CC1-D: Sustainable Neighborhoods Program	\$\$	✓	✓	✓	✓
CC1-E: Arts, Culture, and Events	\$	✓	✓	-	✓

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000







## PROMOTE PHYSICAL WELL-BEING THROUGH HEALTHY EATING AND ACTIVE LIVING.

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### TARGETS

- Increase recreation program participation each year through 2025.
- Eliminate USDA-defined food deserts in Lakewood.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Increase access to healthy foods and nutritional information.
  - INDICATOR: Acreage of community gardens and urban farms
  - INDICATOR: Number of households in identified food deserts
- **OBJECTIVE:** Support active living and participation in recreation programs and facilities.
  - INDICATOR: Residents' satisfaction with recreation programs and facilities
  - INDICATOR: Number of unique visits to City recreation facilities
  - INDICATOR: Bicycle traffic counts
  - INDICATOR: Level of Bicycle or Walk Friendly Community certification
- **OBJECTIVE:** Increase personal health awareness.
  - INDICATOR: Jefferson County Public Health selected health conditions and causes of death

## IMPLEMENTATION STRATEGIES

### CC2-A REGIONAL HEALTH EFFORTS AND ORGANIZATIONS

Collaborate with regional partners in order to identify critical issues, develop programs and policies, and track effectiveness. Specifically:

- Identify appropriate staff representatives to participate in regional work groups, committees, and health initiatives;
- Support efforts by Jefferson County to collect local health data and secure grant funding;
- Support the formation of a regional health coalition; and
- Continue participation in the LiveWell Colorado Healthy Eating Active Living (HEAL) Cities and Towns Campaign.

### CC2-B LOCAL AND HEALTHY FOOD FOR FULL STRATEGY SEE SE1-A | P. 59

Develop a comprehensive strategy in order to increase production, availability, and consumption of locally grown, affordable, and healthy food.

### CC2-C COMMUNITY PHYSICAL WELLNESS PROGRAMS

Promote healthy eating and active living programs in businesses, schools, and other community organizations. Specifically:

- Assemble and distribute best practices and resources to facilitate implementation of wellness programs; and
- Develop a healthy food connection program that matches local producers and vendors of healthy foods (including residential growers, community gardens and farms, and local retailers) with businesses, schools, and other community organizations interested in purchasing healthy food.

## COMMUNITY SPOTLIGHT

# WALK/RUN/BIKE BELMAR

BY DOUG WELLS, BELMAR NEIGHBORHOOD

**THE BELMAR** neighborhood's physical activity groups grew out of the City's Sustainable Neighborhoods Program. When the Belmar Sustainable Neighborhood chapter was founded, a Health and Wellness Committee was formed, and leaders hatched the idea of creating regular activities with three primary goals in mind. The first goal was to get neighbors engaged in physical activity on a regular basis. The second goal was to create social connections between neighbors and foster greater community engagement, and the third goal was to encourage a greater awareness of the natural beauty abounding in Lakewood's parks and recreation areas. The results of these efforts were the formation of three groups: Walk, Run, and Bike Belmar. Walk Belmar takes groups weekly on a circuit of Belmar or O'Kane Park while Bike Belmar conducts easy to intermediate group bike rides throughout the city. Subsequently, the Walk Belmar group has added trash pickup to its weekly walks, and areas where trash collection was repeatedly noticed to be an issue have been adopted to make sure receptacles are emptied and kept tidy. The Walk Belmar group is a great example of how we can foster community cohesion and public health, while contributing to sustainability. ■





#### **CC2-D ACCESS TO PHYSICAL ACTIVITY FACILITIES AND PROGRAMS**

Increase use of physical activity facilities and participation in recreation classes and programs. Specifically:

- Identify gaps in facilities and programs in underserved areas;
- Explore opportunities to establish joint-use agreements with schools and other partners;
- Explore opportunities to provide “pop-up” recreation activities in neighborhood parks and other strategic locations;
- Identify opportunities to incorporate fitness infrastructure as an element of park improvement projects;
- Review opportunities to subsidize access to City facilities and programs for low-income residents, such as revised fee structures and scholarships; and
- Assess barriers to facility access, including public transportation routes, bicycle and pedestrian infrastructure, and hours of operation.

#### **CC2-E DESIGN FOR ACTIVE LIVING**

Integrate key elements of the Center for Active Design’s Active Design Guidelines into the City’s development guidelines. Specifically:

- Conduct a comprehensive assessment of the Active Design Guidelines to identify key concepts applicable to Lakewood; and
- Develop and adopt customized active design guidelines with consideration of benefits and impacts on the cost of development.

## SUPPORTING STRATEGIES

### COLLABORATION

- Work with schools to support existing and new Safe Routes to Schools programs.
- Work with schools and youth organizations to support opportunities for a variety of youth sports and physical activities year-round.
- Work with nutrition experts to educate residents, schools, and businesses about the importance of healthy eating.
- Work with LiveWell Colorado to support school-based nutrition education programs and efforts to establish a statewide farm-to-school program.

### EDUCATION & PROMOTION

- Continue to market Lakewood's range of recreation and wellness programs and facilities.
- Market Lakewood as Healthy Eating Active Living (HEAL) community.
- Promote the 9News Health Fair and opportunities for residents to regularly track their critical health numbers.

### TOOLS & TECHNOLOGY

- Promote mobile technologies and apps that track personal wellness goals and activities.

### RESEARCH & TRACKING

- Track fitness trends and activities.
- Track diversity of physical activity facilities and recreation program participants.
- Track private recreation center business trends.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE BUSINESS HUB

SE1-E | P. 61

- Reach out to businesses to record and promote worksite wellness programs.

### SUSTAINABLE NEIGHBORHOODS

CC1-D | P. 102

- Provide support to neighborhoods looking to incorporate active lifestyle initiatives into their program, such as wellness challenges among participating neighborhoods.

TABLE CC2-1: STRATEGY BENEFITS

STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
CC2-A: Regional Health Efforts and Organizations	⊘	■ ■	■ ■	■ ■ ■	■ ■	■ ■ ■
CC2-B: Local and Healthy Food (For full strategy see Sustainable Economy Chapter: SE1-A)	⊘	■	■ ■	■ ■	■ ■	■ ■
CC2-C: Community Physical Wellness Programs	⊘	■	■ ■	■ ■	■ ■	■ ■ ■
CC2-D: Access to Physical Activity Facilities and Programs	⊘	■	■	■ ■	■ ■	■ ■ ■
CC2-E: Design for Active Living	⊘	■	■ ■	■ ■	■ ■	■ ■ ■

✂ <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions    ✂ ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

■■■ High    ■■ Medium    ■ Low    ⊘ Does Not Apply





TABLE CC2-2: STRATEGY FEASIBILITY

STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
CC2-A: Regional Health Efforts and Organizations	\$	✓	–	✓	✓
CC2-B: Local and Healthy Food (For full strategy see Sustainable Economy Chapter: SE1-A)	\$	✓	–	✓	✓
CC2-C: Community Physical Wellness Programs	\$	✓	–	–	✓
CC2-D: Access to Physical Activity Facilities and Programs	\$ – \$\$\$*	✓	✓	✓	–
CC2-E: Design for Active Living	\$	–	✓	✓	✓

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000

\* Costs will vary significantly based on infrastructure component



## PROMOTE SOCIAL EQUITY AND PROVIDE STRONG SUPPORTIVE SERVICES.

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### TARGETS

- Achieved community affordable housing targets (to be established after the completion of Implementation Strategy CC3-A).
- Increase the percentage of residents reporting “good” or “very good” satisfaction ratings for Lakewood programs for people with special needs, older adults, low-income persons, and homeless people to above Front Range benchmarks.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Ensure a range of housing options across incomes and neighborhoods.
  - INDICATOR: Number of residents on waiting lists for subsidized units at Metro West Housing Solutions properties
  - INDICATOR: Percentage of households that spend more than 45 percent of income on housing and transportation costs
- **OBJECTIVE:** Support the provision and promotion of high quality human services for all ages and abilities.
  - INDICATOR: Participation in City of Lakewood Family Services programs
  - INDICATOR: Number of people served through the Action Center
  - INDICATOR: Residents’ feelings of safety
- **OBJECTIVE:** Design community spaces to support mental wellness through natural, accessible, safe, and social features.
  - INDICATOR: Jefferson County Public Health selected health conditions and causes of death

## IMPLEMENTATION STRATEGIES

### CC3-A AFFORDABLE HOUSING

Create and periodically update a locally adopted comprehensive housing strategy in collaboration with other jurisdictions and organizations in the region. Specifically:

- Assess housing needs and establish targets for the creation of new affordable housing units;
- Encourage the production of affordable, accessible rental units for people with disabilities;
- Align housing and transportation planning to increase household accessibility to low-cost transportation options;
- Develop an outreach plan aimed at educating residents on the connection between housing types, location, transportation options, and the true cost of housing choices;
- Develop a community outreach and marketing plan aimed at educating residents on the types of affordable and subsidized housing and the benefits to neighborhoods and the community;
- Integrate housing strategies into other City plans; and
- Support Comprehensive Plan goals to supply an adequate mix of housing.

### CC3-B COMMUNITY HAPPINESS

Catalyze happiness by designing spaces and supporting services that support mental wellness. Specifically:

- Identify opportunities to incorporate mental wellness into City recreation programs and services;
- Create a “Find Your Spot” outreach campaign that highlights favorite public places in Lakewood;
- Continue to offer Crime Prevention Through Environmental Design (CPTED) security services to residents and businesses;
- Incorporate natural features into all new and redesigned public spaces; and
- Identify opportunities to develop therapeutic gardens in public spaces that address specific needs of the surrounding community.







### CC3-C AGING IN PLACE

Develop and support programs, policies, and resources that allow residents to age in place. Specifically:

- Regularly assess barriers and challenges for older adults;
- Work with the Consortium for Older Adult Wellness and similar organizations to connect community-based organizations to health systems that support older adults;
- Encourage neighborhood groups, faith-based organizations, and other community-based organizations to engage and support older adults, such as senior check-in programs and home repair support;
- Ensure housing for older adults is addressed in the local comprehensive housing strategy [CC3-A | P. 113](#)
- Identify opportunities to increase accessibility and reliability of transportation routes with high use by senior populations, including crosswalk safety and clear transit signage; and
- Design public spaces that are user-friendly to people of all ages and abilities, such as well-placed benches and ramps.

### CC3-D ACCESS TO HUMAN AND FAMILY SERVICES

Support programs and services that enable residents to meet their fundamental needs. Specifically:

- Continue to provide supportive services and programs for children, teens, families and older adults, including Head Start and early childhood education;
- Conduct outreach to inform residents about how to enroll in available service programs to help meet basic needs;
- Work with partner organizations to hold events that attract high-needs populations and first-time customers needing human services in order to provide individual guidance and information;
- Support the development and implementation of a communitywide poverty reduction plan; and
- Support Comprehensive Plan goals to support efforts that provide services and resources to reduce and prevent homelessness.

## SUPPORTING STRATEGIES

### COLLABORATION

- Work with Jefferson County Human Services, Metro West Housing Solutions, Seniors' Resource Center, and other area human services agencies and organizations to support implementation of programs and improve access to services.

### EDUCATION & PROMOTION

- Look for creative opportunities to provide outreach and information on human services through related City efforts.

### TOOLS & TECHNOLOGY

- Use the City website and social media to share information on supportive services.

### RESEARCH & TRACKING

- Monitor mental health trends through Jefferson County Public Health Reports.
- Research best practices for universal design, which ensures accessibility for people of all ages and abilities.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE ENERGY & WATER RESOURCE CENTER

BE1-C | P. 39

- Target outreach toward low-income households to increase awareness of financial incentives and training opportunities for energy-efficiency upgrades and removal of toxic building materials.

### SUSTAINABLE BUSINESS HUB

SE1-E | P. 61

- Educate employees at major area organizations and companies about available supportive services.
- Share best practices for incorporating universal design and programs to support employee happiness and mental well-being into businesses.

### SUSTAINABLE NEIGHBORHOODS

CC1-D | P. 102

- Utilize neighborhoods to spread awareness of available supportive services and identify community needs.
- Provide recommendations on how to implement neighborhood-level programs that provide assistance to neighbors.



TABLE CC3-1: STRATEGY BENEFITS

STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
CC3-A: Affordable Housing	⊘	■	■ ■	■ ■ ■	■ ■ ■	■ ■
CC3-B: Community Happiness	⊘	■	■	■	■ ■ ■	■ ■ ■
CC3-C: Aging in Place	⊘	■	■	■ ■ ■	■ ■ ■	■ ■
CC3-D: Access to Human and Family Services	⊘	■	■ ■	■ ■ ■	■ ■ ■	■ ■ ■

🌿 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions    🌿 ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

■■■ High    ■■ Medium    ■ Low    ⊘ Does Not Apply

TABLE CC3-2: STRATEGY FEASIBILITY

STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
CC3-A: Affordable Housing	\$	✓	-	✓	✓
CC3-B: Community Happiness	\$	✓	-	✓	-
CC3-C: Aging in Place	\$	✓	-	✓	-
CC3-D: Access to Human and Family Services	\$	✓	-	✓	✓

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000



# NATURAL SYSTEMS

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**THE CITY OF LAKEWOOD** and its residents recognize the value of healthy ecosystems and rich biodiversity, which provide critical services that support our community's environmental, economic, cultural, physical, and mental health. Lakewood envisions a future where nature at all scales and its benefits are valued, conserved, enhanced, and responsibly managed, sustaining a resilient and thriving community.

## GOALS

- Mitigate the negative effects of the built environment and human behavior on Lakewood's natural systems to ensure biodiversity and enhance ecosystem services.
- Enhance Lakewood's resilience to the impacts of climate change using green infrastructure and ecosystem-based adaptation.

## TARGETS

- Increase the acreage of functional and healthy natural ecosystems (Specific target to be established after the completion of Implementation Strategy NS1-C).
- Ensure that all waters within Lakewood meet or exceed the Colorado Department of Public Health and Environment's Water Quality Standards for the uses assigned.
- Achieve tree canopy coverage of 30 percent by 2025.



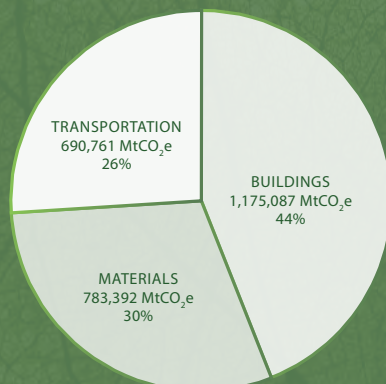
## NATURAL SYSTEMS: GREENHOUSE GAS EMISSIONS REDUCTION POTENTIAL

BASELINE		
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E		
BUILDINGS	1,175,087	44%
MATERIALS	783,392	30%
TRANSPORTATION	690,761	26%
TOTAL GHG	2,649,240	100%

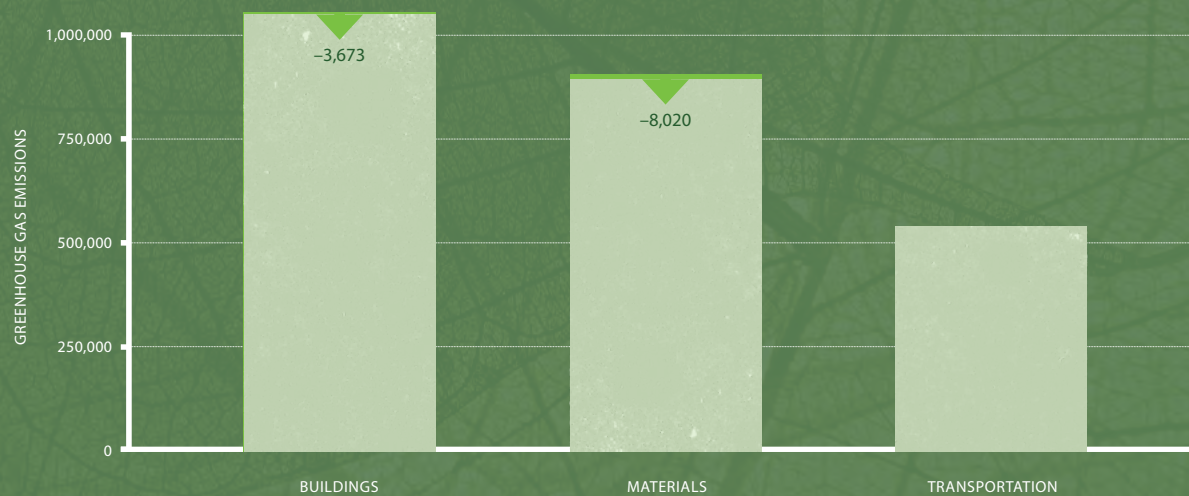
2025 BUSINESS AS USUAL (BAU)			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	1,053,368	42%	– 121,719
MATERIALS	903,600	36%	+ 120,209
TRANSPORTATION	539,165	22%	– 151,596
TOTAL GHG	2,496,133	100%	–153,107

2025 AFTER NATURAL SYSTEMS STRATEGIES ARE IMPLEMENTED			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	1,049,695	42%	– 3,673
MATERIALS	895,580	36%	– 8,020
TRANSPORTATION	539,165	22%	0
TOTAL GHG	2,484,440	100%	– 11,693

### 2007 BASELINE EMISSION BREAKDOWN



### IMPACT OF NATURAL SYSTEMS STRATEGIES ON 2025 BUSINESS AS USUAL (BAU)





## NATURAL SYSTEMS ARE THE FOUNDATION OF A HEALTHY AND SUSTAINABLE COMMUNITY.

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**OUR ECONOMIC AND SOCIAL STABILITY** relies on functioning ecosystems for food, energy, clean air and water, aesthetic value, and other natural products and processes. These ecosystems include collections of species, habitats, and the interactions between the two. Maintaining biological diversity (biodiversity) is essential to ecosystem health and ensures that we retain our natural heritage.

When our natural systems are functioning correctly, we receive a myriad of benefits that enable us to meet our present and future needs. These benefits, known as ecosystem services, can be categorized into four types:

- **Provisioning services** are the material and energy outputs from ecosystems. Examples include food, water, and medicine.
- **Regulating services** are the results of ecosystem processes that regulate climate and soil erosion; protect air, water, and soil quality; moderate extreme weather events; facilitate pollination; and control pests and diseases.
- **Cultural services** are the aesthetic, spiritual, intellectual, and physical benefits we receive from nature, including recreation, ecotourism, inspiration, and sense of place.
- **Habitat or supporting services** make all other ecosystems services possible by creating a place for species to survive and maintaining genetic diversity.

Unfortunately, our natural systems' health and critical functions have been severely affected and face increasing threats and pressures. Population growth and development has resulted in habitat loss and habitat fragmentation, which isolates species and prevents the flow of genetic material between populations. High levels of nitrate and phosphorous pollution from sources like sewage and agricultural runoff, leaching of heavy metals and plastics from common waste streams,

weren't enough, changes in climate have resulted in an additional layer of stress on biodiversity and ecosystem health.

These threats to our natural systems have serious implications for the future of our cities and our world. Disrupted and damaged ecosystems affect our ability to continue living healthy lives. The impacts of these collective threats are evident by the current rate of global

### These threats to our natural systems have serious implications for the future of our cities and our world.

and spraying of chemicals like herbicides and pesticides all increase the toxicity in our soils, water, and air. Invasive species outcompete native plants and animals, significantly altering the intricate interactions and relationships that took millennia to evolve. As if all of these threats

species extinction, which is estimated to be 1,000 to 10,000 times higher than the rate of extinction across our planet's history. Climate change is expected to worsen this trend, potentially resulting in the extinction of 25 percent or more of all species on land by 2050.<sup>1</sup> When



**ECOSYSTEM SERVICES**

Natural ecosystems perform fundamental life-support services upon which human civilization depends. There are four categories of ecosystem services: provisioning, regulating, cultural, and supporting. Learn more about ecosystem services on page 126.

**PROVISIONING**

Material or energy outputs from ecosystems that benefit people

- Food
- Fiber
- Medicine
- Fuel
- Dye, Wax, Resin, Oil

**REGULATING**

Benefits provided by ecosystem processes that moderate natural conditions

- Air Purification
- Water Purification and Storage
- Decomposition
- Pollination and Dispersal

**CULTURAL**

Nonmaterial benefits that contribute to the development and cultural advancement of people

- Beauty
- Spirituality
- Behavior

**SUPPORTING**

Natural processes that sustain ecosystems and associated benefits

- Soil Formation
- Habitat
- Biological Diversity
- Nutrient Cycling



## BIODIVERSITY

# When we lose a gene or species, we lose it forever.

we lose a gene or species, we lose it forever, and along with the loss of each species, we lose the contribution or services that it provided. For example, services from bees and other pollinators affect one-third of the human food supply.<sup>2</sup>

Incorporating biodiversity and ecosystem considerations into our policy and planning is critical to protecting and restoring our natural systems. Rich biodiversity not only can exist in cities, but also help cities thrive. When we take a holistic approach to our natural, economic, and social systems, we can create a sustainable future for everyone.

## TRENDS AND OPPORTUNITIES

### URBAN LAND STEWARDSHIP

We use our land to produce food, aesthetic value, and recreational activities. Lakewood's large lots, neighborhood parks, and abundance of open space give residents of all backgrounds an opportunity to utilize and enjoy the land. However, the common use of pesticides and herbicides can have severe impacts on human health, flora, and fauna. Recognizing that the use of chemicals to control invasive weeds and public health

related pests is often the most practical and effective management tool, their use should be evaluated and reduced where possible. One example of the negative impacts associated with the use of pest control chemicals is the damage caused by neonicotinoids on pollinator species. Neonicotinoids, one of the most widely used classes of insecticides in the world, are systemic, persistent neurotoxins that spread throughout a treated plant including to the pollen that is gathered by pollinators. A review of more than 800 scientific studies concluded that neonicotinoids

By understanding how our land and the web of life it supports, we can become good stewards of our landscapes and our earth.

are causing significant damage to a wide range of beneficial invertebrate species and are a key factor in the decline of bee populations. In response to this threat, several communities have banned neonicotinoids and increased awareness on the severe, unintended consequences of pesticide and herbicide use.

Increasing awareness and sharing best practices can help communities manage their land in responsible and productive ways. Ecological stewardship can be practiced at all levels, including individual residences. Backyard gardens can accommodate significant biodiversity with the proper shelter, food, and water. In a study of 61 gardens, researchers found more than 4,000 species of invertebrates, 80 species of lichen,

and more than 1,000 species of plants.<sup>3</sup> By understanding our land and the web of life it supports, we can become good stewards of our landscapes and our earth.

### RESTORING AND RECONNECTING

Habitat loss is the no. 1 threat to biodiversity<sup>4</sup> and is steadily increasing with the rapid growth of cities and mismanagement of existing lands. Patches of isolated habitats prevent the movement of species

and genetic variation. In order to reverse this trend, we must restore and reconnect habitats throughout the urban environment. This includes protecting large patches of habitat that provide shelter for species that are less tolerant of human activity, restoring connectivity between habitats to facilitate the movement of species, and providing a variety of habitats to preserve biodiversity.

Restoration and connectivity not only ensures healthy ecosystems and biodiversity, but also enhances ecosystem services. By increasing the scope of our natural systems, we are cleaning our air and water, providing opportunities to produce food and medicine, and creating an environment that supports mental and physical health.

<sup>1</sup> Eric Chivian and Aaron Bernstein. "How Our Health Depends on Biodiversity." Center for Health and the Global Environment. Harvard Medical Center. 2010.

<sup>2</sup> T. Tschamtko. "Global food security, biodiversity conservation and the future of food security and sustainability in a changing world." FAO: 2011.

<sup>3</sup> UNEP & UN-HABITAT. "Ecosystems and Biodiversity The Role of Cities." Nairobi, 2005.

<sup>4</sup> City of Surrey. "Biodiversity Conservation Strategy." January, 2014.



## CLIMATE ADAPTATION

In recent decades, Colorado has experienced increases in extreme heat, large wildfires, flooding, and drought. As our state and other communities across the world prepare for the effects of climate change, many are choosing to use ecosystem services to adapt. The capacity of our natural landscapes to store and filter stormwater can be applied to our urban environment through rain gardens, permeable pavements, bioswales, and simply increasing urban vegetation. Many of these features also serve to reduce urban temperatures and reduce carbon in the atmosphere. The metro Denver urban forest saves residences \$21.8 million in cooling costs each year,<sup>5</sup> and a healthy tree can store 13 pounds of carbon each year. Collectively, these features are called “green infrastructure” and can be incorporated into our built infrastructure in order to help us successfully prepare for climate change. ■

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<sup>5</sup> E. Gregory McPherson, et al. “Metro Denver Urban Forest Assessment.” March 28, 2013.



## MITIGATE THE NEGATIVE EFFECTS OF THE BUILT ENVIRONMENT AND HUMAN BEHAVIOR ON LAKEWOOD'S NATURAL SYSTEMS TO ENSURE BIODIVERSITY AND ENHANCE ECOSYSTEM SERVICES.

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### TARGETS

- Increase the acreage of functional and healthy natural ecosystems. (Specific target to be established after the completion of Implementation Strategy NS1-C).
- Ensure that all waters within Lakewood meet or exceed the Colorado Department of Public Health and Environment's Water Quality Standards for the uses assigned.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Protect, restore, and enhance ecosystem health and biodiversity throughout Lakewood's natural and built environments.
  - INDICATOR: Acreage of land cover by habitat type
  - INDICATOR: Acres of Colorado List A noxious weed species on cityowned property
  - INDICATOR: Population counts of key indicator species
- **OBJECTIVE:** Minimize the volume of pollutants entering Lakewood's terrestrial and aquatic ecosystems.
  - INDICATOR: Number of developments that have installed or retrofitted BMPs to improve water quality
- **OBJECTIVE:** Facilitate communitywide stewardship of Lakewood's natural heritage and biological diversity.
  - INDICATOR: Number of environmental education programs and outreach events
  - INDICATOR: Attendance at Lakewood's annual Earth Day Celebration







## ECOSYSTEM SERVICES

BY KEN BAGSTAD, U.S. GEOLOGICAL SURVEY

AT THE U.S. FOREST SERVICE regional headquarters in Lakewood, a forest manager spreads out a map of the Pike-San Isabel, White River, and Arapaho-Roosevelt National Forests. Most of us only think about the forests when we're driving to the mountains for a ski trip, taking the kids to go hiking or camping, or pausing for a moment to admire the mountains from a distance. But today, let's think about fire and water. Here in a dry state like Colorado, these can quite literally be a matter of life or death, prosperity or ruin.

Forest fires are costly. Along with lost life and property, health effects from smoke, and the costs of firefighting, there are risks to our drinking water supplies. The 2002 Hayman Fire, southwest of Denver, burned nearly 140,000 acres — an area five times the size of Lakewood. On slopes where trees burned, soil and debris flowed into Cheesman Reservoir, and Denver Water spent more than \$41 million to dredge the reservoir and keep it functional — costs that were passed on to their customers. Today, Denver Water and the Forest Service are getting proactive. There are maps that show areas around the reservoirs that are most important to keeping the reservoirs sediment-free. By charging each water user a nominal fee, Denver Water is raising \$16.5 million over five years, which will be matched by the Forest Service to thin forests in these water supply protection zones, reducing fire risks and the potential for costly dredging in the future. So, in this example, the value of a healthy forest is at least \$33 million. Economists call programs like this “payments for ecosystem services,” and in everyday terms it's a classic example of paying for an ounce of prevention today to avoid the cost of a pound of a cure tomorrow.

Nature provides value to people in many ways. It can supply clean air and water, protection from flooding and other natural disasters,

pollination for our crops, and recreational, educational, therapeutic, and spiritual benefits. Ask one person about the value of nature, and they may tell you that nature has no value because it has no price tag. Ask another, and they might say that it is impossible, undesirable, or unethical to value nature. But we know that without natural resources as inputs to the economy and places to put the waste products of economic production, our economy would quickly grind to a halt. In mountain towns across the state, outdoor recreation provides a critical economic engine, adding \$34 billion

**Like any economic good or service, something becomes more valuable as it gets scarcer. Today nature provides value to 5.2 million Coloradans and 7.2 billion people around the world.**

in economic activity per year to the state's economy. In cities, trees add property value for homeowners, reduce summer air conditioning bills, and filter air and water pollution. In addition, nature provides many less tangible values — places to disconnect from an increasingly fast-paced world, to meditate or find spiritual peace, to pass on outdoor skills and traditions from parent to child, even for psychological therapy and healing for returning veterans seeking nonthreatening environments or inner-city children experiencing wild nature for the first time.

For an economist then, the truth of how to value nature lies somewhere between the extremes of valueless and priceless. Like any economic good or service, something becomes more valuable as it gets scarcer. Today nature provides value to 5.2 million Coloradans and 7.2 billion people around the world. And in a globalizing world, connections matter. The choices we make in managing

Colorado's forests affect water users in 13 downstream states (1 in 10 Americans), while choices made in coastal states to protect wetlands, dunes, and coral reefs can reduce the cost of natural disasters that are borne by all U.S. taxpayers. Meanwhile, economics, environmental science, satellite mapping, and computing technology are providing the technical tools scientists need to more accurately map and value nature's contributions to society's well-being. Public awareness of nature's importance to economic prosperity and community well-being are growing, and new policies to value and pro-

tect nature's economic benefits are being tested and developed in communities around the country and world. As we learn to build the value of nature into everyday economic decision-making, economic development strategies are emerging that protect a high level of economic and environmental quality.

Bio: Ken Bagstad, PhD, is a research economist working with the U.S. Geological Survey at the Denver Federal Center in Lakewood. His work focuses on mapping and valuing how nature provides economic and cultural values to people. He has worked with communities, state governments, federal agencies, and international organizations (<https://profile.usgs.gov/kjbagstad>). ■

### LEARN MORE ABOUT ECOSYSTEM SERVICES:

[http://www.usgs.gov/climate\\_landuse/lcs/projects/ecosys\\_val.asp](http://www.usgs.gov/climate_landuse/lcs/projects/ecosys_val.asp)  
<http://www.fs.fed.us/ecosystemservices>

## IMPLEMENTATION STRATEGIES

### NS1-A CULTURE OF ECOLOGICAL STEWARDSHIP

Facilitate communitywide stewardship of Lakewood's natural heritage by advancing understanding of the importance of biological diversity and the value of ecosystem services. Specifically:

- Continue to provide environmental education programs for residents of all backgrounds and ages;
- Identify opportunities for interpretive signage and on-site messaging in Lakewood's parks, natural areas, and other appropriate public spaces;
- Integrate environmental education into community events like Earth Day, Cider Days, and the annual Community Resources Plant Sale;
- Develop resources and tools that enable residents to share ecological stewardship concepts and programs with neighbors, employers, and co-workers; and
- Recognize efforts of residents, businesses, and organizations demonstrating stewardship of Lakewood's natural systems.

### NS1-B LANDSCAPE AND AGRICULTURAL STEWARDSHIP

Reduce the impacts to ecosystem health, air and water quality resulting from landscaping and agricultural practices in Lakewood. Specifically:

- Increase resident awareness of the impacts associated with the use of chemical fertilizers, pesticides and other toxins on pollinator species and overall ecological health through education and outreach, including promoting alternatives;
- Consider enacting policies or regulations that limit the use of systemic persistent neurotoxins linked to significant declines in critical invertebrate species and pollinators;
- Work with the Colorado State Cooperative Extension and other organizations to develop urban agriculture stewardship standards including pest and invasive species management and animal waste management techniques;
- Encourage the use of "cover crops" during off season to reduce soil erosion and improve aesthetics; and
- Address the impact of open burns on air quality and public health through outreach and education. Consider adopting regulations to address the size, frequency, and timing of private open burns in the city.



#### NS1-C BIODIVERSITY INVENTORY, CLASSIFICATION, AND BEST MANAGEMENT PRACTICES

Identify natural habitat types in the city and establish management areas based on land-use context. Specifically:

- Inventory and map land-use cover and habitat types;
- Identify and count indicator species on an ongoing basis to monitor change over time. Host or support an annual “bioblitz” to conduct species counts. Consider opportunities such as the Audubon Society annual Christmas Bird Count;
- Establish management areas with consideration of habitat types, biodiversity value, current and potential future land use, level of human disturbance, restoration potential, level of fragmentation, and vulnerability to natural hazards;
- Maintain a database and map of management areas that include data on habitat type and size, ownership information, and potential restoration opportunities and constraints; and
- For each management area, develop restoration guidelines, best management practices, site development recommendations or standards with the intent of effectively managing and restoring habitat and biodiversity.



# GARDEN FOR WILDLIFE: A SUSTAINABLE THING TO DO IN THE CITY

BY THOMAS SLABE, EIBER NEIGHBORHOOD

**THE CITY OF LAKEWOOD** is a great place to live for a host of reasons, including, but not limited to, a responsive city government, a healthy economy, copious amenities, world-class cultural and recreational opportunities, and local natural areas. Those natural areas are largely protected public lands now. But they are fragmented and surely not as wild as they once were. Some natural areas even to this day are being converted into housing or other kinds of developments. It goes without saying, then, that built-up environments exist at the expense of the city's wildness.

## Just four elements are required for a wildlife garden: 1. Cover 2. Water 3. Food and 4. Places to rear young.

The good news is that there is something that each one of us can do to help wildlife within the city. And by helping wildlife you are also helping yourself and people around you. Why is that? Because, for one matter, wildlife is part of the natural heritage of the region. Wildlife, especially native plant and animal species, is what helps to make this place what it is — a high plains, prairie ecosystem. This ecosystem sustained itself somewhat uniformly over many millennia. But in recent times, starting a little over 150 years ago, wildlife habitat has become radically altered due to ongoing population increases and changing land-use patterns. Preserving remaining fragments of wildlife habitat is critical to our long-term sustainability.

Taking efforts to preserve our natural heritage is important. We obviously cannot bring back conditions in which the region's original Native American tribesmen were found hunting the bison. But we

can preserve small fragments in wildlife gardens that have their origins rooted back to a time when Colorado was truly wild.

Wildlife gardens are many things to many people. They may be a single rabbit bush or a cottonwood tree or a rehabilitated short grass prairie. Wildlife gardens are forever changing and offer a level of complexity that the human mind craves. Our brains thrive on complexities, including different textures, odors, and colors that change with the seasons, and the various surprises one regularly encoun-

ters in their wildlife habitat, like the precision aerobatics of a dragon fly divebombing gnats and mosquitoes or the chance visit from a Western Tanager at the birdbath. We must cultivate "wildness" in today's day and age because wild areas are vulnerable to multiple threats such as pesticide applications, infestation from species on Colorado's noxious weed list, or ongoing development.

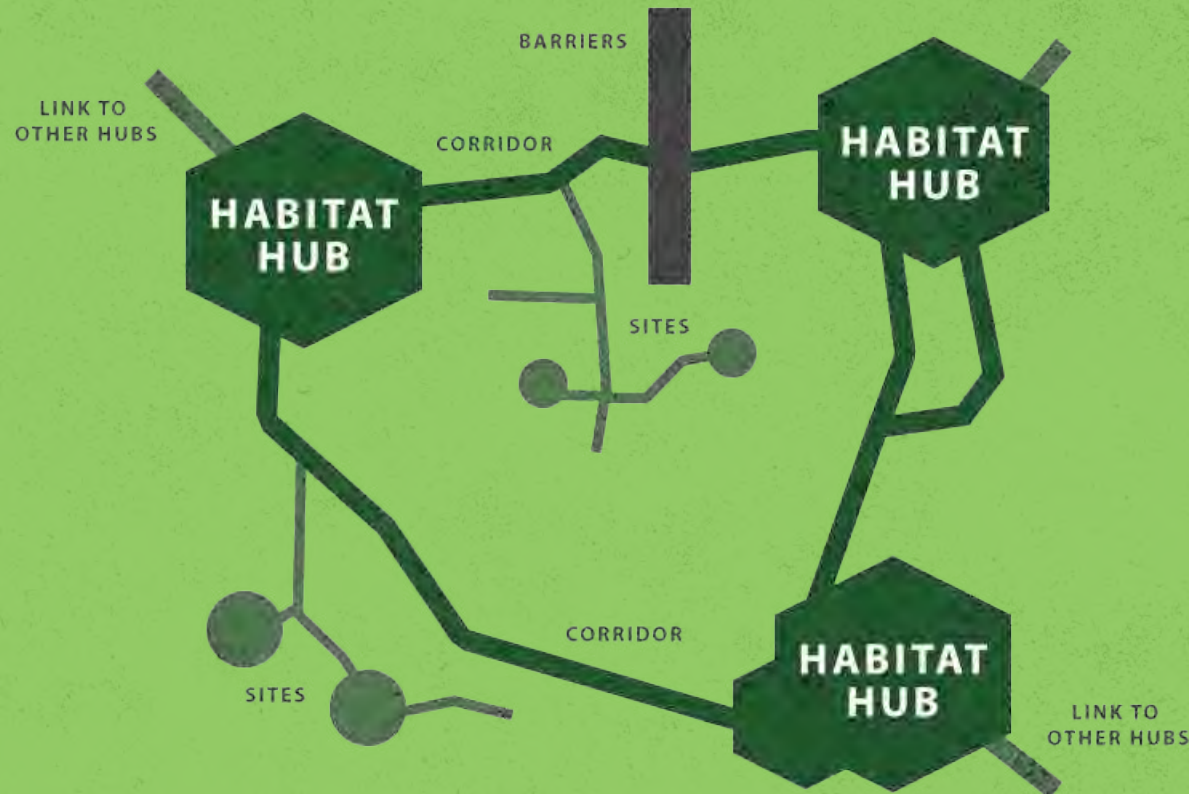
Gardening for wildlife in my yard has naturally reduced the numbers of pests, like aphids, while visibly increasing the numbers of beneficial animals living in and visiting the habitat — such as hummingbirds, ladybird beetles, and lacewings. Insect pests are naturally fecund, which means they reproduce rapidly, and as such they are meant to be food for other species. This is just one other of the multiple reasons why wildlife habitats are important and beneficial.

Gardening for wildlife is simply what you make of it. It can range from a simple, affordable, relaxing diversion to a major landscape restoration/design and implementation project. It simply depends upon your intention. You can garden for wildlife on the balcony, in a small grotto or nook in your yard, or, perhaps, at the neighborhood elementary school you may create a schoolyard habit.

Just four elements are required for a wildlife garden: 1. Cover 2. Water 3. Food and 4. Places to rear young. When you garden for wildlife you most likely are providing cover, food, and places to rear young with the plants you choose to grow in the habitat. So what's left is to maintain a regular supply of water. Adding accessories, such as bird feeders, pollinator houses, logs, brush piles, rocks, and suchlike, is desirable but not required. The intent above all is to be aware of the importance of gardening for wildlife and to appreciate and enjoy the habitat you have created. The activity is as good for the soul and for one's mental perspective as it is for the wildlife and your community.

So, grow some "wild" on your balcony or in your yard or in your neighborhood schoolyard. You can access a wealth of information on the National Wildlife Foundation (NWF) website. For those who are so inclined, you may wish to join ranks with the approximately 176,000 others who have created NWF certified wildlife habitats to "protect wildlife for our children's future." It is up to us to turn the corner now and be better stewards of Earth's biosphere, starting in our very own neighborhoods. ■

## LAKEWOOD GREEN INFRASTRUCTURE NETWORK



### NS1-D GREEN INFRASTRUCTURE NETWORK

Establish a Green Infrastructure Network (GIN) to strategically facilitate habitat protection, restoration, and connectivity across the urban landscape. Specifically:

- Identify potential habitat hubs (large intact areas of habitat), sites (smaller patches of habitat), corridors (connections between hubs and sites), and connectivity barriers like road crossings;
- Prioritize key GIN elements for acquisition and preservation;
- Develop financing strategies for land acquisition for priority GIN elements;
- Identify ways to protect existing GIN elements on private property through various tools and resources including development standards, conservation easements, and technical support; and
- Assess opportunities and develop strategies to reduce barriers to movements including fencing and roadways.

### DEFINITIONS

- **HABITAT HUB:** Parks and other large areas of natural area
- **SITE:** Backyard gardens, pocket parks, and other small patches of habitat
- **CORRIDOR:** Gulches and other connections between hubs and sites
- **BARRIER:** Highways and other interruptions to connectivity





## CITY SPOTLIGHT

# LAKEWOOD'S NATURAL SYSTEMS AND REGIONAL PARKS

**THE CITY OF LAKEWOOD** manages thousands of acres of open space and natural areas within the city boundaries that serve as important wildlife habitat, water resources, and recreational resources for hundreds of thousands of users each year. A variety of high quality wildlife habitats are found within the natural areas including riparian, wetland, rangeland, and shrub land. The natural areas also contain important wildlife corridors that link open space and park areas and provide food, cover, and other habitat needs for wildlife. All of the natural areas provide exceptional wildlife viewing opportunities for the public, along with endless opportunities for nature based recreation, and they serve as the outdoor classroom for Lakewood's active environmental education programs. The parks also serve as regional wildlife and recreational connectors to properties managed by other governmental agencies including Jefferson County, Foothills Parks and Recreation District, and the City of Denver.

The most abundant habitat type found within the natural areas is rangeland, made up of a wide variety of native shortgrass prairie plant species including blue grama grass, buffalo grass, Western heatgrass, and sand dropseed, as well as a variety of native wildflower species. This prairie ecosystem serves many wildlife species including deer, elk, coyotes, cottontail rabbits, raptors, prairie rattlesnakes, and ground nesting birds such as the Western meadowlark. The rangeland areas within Lakewood transition into many areas of shrub land near the foothills, dominated by pockets of shrub species including mountain mahogany, three leaf sumac, and golden currant. These areas serve various songbirds, bobcats, and the occasional mountain lion. Creeks, springs, drainages, ponds, and reservoirs within these areas create additional riparian

and wetland habitats dominated by willows, cottonwoods, and areas of cattails. These areas are vital wildlife habitat, serving a large variety of bird, reptile, amphibian, insect, and mammal species. Many of these habitats are connected within the city by parks, golf courses, greenbelts, and ditches, providing important routes for wildlife to move between natural areas. These areas are known as wildlife corridors, and they are vitally important to many wildlife species to prevent habitat fragmentation and allow for migration and movement between wildlife populations.

All of the native habitat areas within Lakewood have been affected by human uses over the years, including agriculture, development, and mining. This has disturbed the native plant and wildlife communities and has allowed many invasive and noxious plants to take hold, reducing the overall quality of habitat and the scenic values. Lakewood manages these areas with the intent of restoring them as much as possible to presettlement conditions in order to provide the best possible wildlife and plant habitat, while also providing high quality outdoor recreation. A variety of techniques are used for this restoration. These include controlling noxious weeds through Integrated Pest Management; restoring native vegetation in highly disturbed areas; managing wildlife populations; restoring and improving existing wetland and riparian areas; enforcing park and environmental regulations; and providing high-quality environmental educational programs. Prescribed burns are also occasionally used to help manage and improve habitat. Historically, shortgrass prairies burned naturally every 1–10 years, but fire suppression by humans since the 1900s dramatically altered this process. Fire helps to remove dense vegetation areas, replaces soil nutrients, and can help control invasive species. ■



## NS1-E MUNICIPAL NATURAL RESOURCE

### MANAGEMENT

Manage municipal natural areas, parks, right of ways, and other properties to maximize ecological health and biological diversity. Specifically:

- Integrate ecosystem health and biodiversity considerations in Citywide plans and policies;
- Implement prioritized GIN (NS1-D) strategies and management area best practices (NS1-C) on cityowned properties;
- Develop a water quality strategic plan to identify sites in need of water quality protection strategies;
- Coordinate with Urban Drainage and Flood Control District, Bear Creek Watershed Association, and other water quality managers to prioritize projects aimed at reducing point-source and nonpoint-source pollution in local waterways;
- Research and implement nontoxic management practices for pest and weed control where possible. Consider testing alternative management techniques on pilot sites and incorporate environmental education and outreach opportunities; and
- Support regional and state level air quality programs/initiatives.

### SUPPORTING STRATEGIES

#### COLLABORATION

- Work with neighboring communities and regional organizations to protect regional natural areas and corridors.
- Work with Denver Urban Gardens (DUG) to ensure Lakewood's native plants are preserved through seed banks.
- Collaborate with Project Learning Tree and other similar organizations to provide environmental education.

#### EDUCATION & PROMOTION

- Promote watershed awareness in schools, neighborhoods, and for City staff involved in the development process.
- Increase community awareness of the value of ecosystem health. Activities could include: community conversations, curriculum development, signage, website development, and nature walks.
- Educate garden centers and landscape companies on the impacts of fertilizers, pesticides, and other chemicals.
- Increase community awareness regarding air and water quality. Activities could include website development, stormwater vs. wastewater educational campaign, informational materials on mechanical systems maintenance, and publicizing available rebates for water conservation practices.

#### TOOLS & TECHNOLOGY

- Explore crowdsourced data collection tools to enhance habitat and biodiversity inventories and monitoring.

#### RESEARCH & TRACKING

- Monitor threatened and endangered species and habitats.
- Monitor the presence and extent of state-listed noxious weeds on public and private property.
- Monitor the water quality of Lakewood's water bodies.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE ENERGY & WATER RESOURCE CENTER

BE1-C | P. 39

- Share information and supportive services regarding water quality protection.

### SUSTAINABLE BUSINESS HUB

SE1-E | P. 61

- Utilize the Hub network and technical resources to implement management area best practices and GIN priorities.




### SUSTAINABLE NEIGHBORHOODS

CC1-D | P. 102

- Work with neighborhoods to develop neighbor-to-neighbor tools for education on ecological stewardship.
- Work with neighborhoods to pilot urban agriculture stewardship standards.
- Encourage initiatives aimed at ecological restoration, including backyard wildlife habitat and utilizing Neighborhood Participation Program grants for habitat restoration on public property.



TABLE NS1-1: STRATEGY BENEFITS

STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
NS1-A: Culture of Ecological Stewardship		■ ■ ■	■ ■ ■	■	■ ■	■ ■ ■
NS1-B: Landscape and Agricultural Stewardship		■ ■ ■	■ ■	■ ■	■ ■	■ ■ ■
NS1-C: Biodiversity Inventory, Classification, and Best Management Practices		■ ■ ■	■ ■	■	■ ■	■ ■ ■
NS1-D: Green Infrastructure Network		■ ■ ■	■ ■ ■	■	■	■ ■ ■
NS1-E: Municipal Natural Resource Management		■ ■ ■	■ ■	■	■	■ ■ ■

 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions     ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

■ ■ ■ High    ■ ■ Medium    ■ Low    ∅ Does Not Apply



TABLE NS1-2: STRATEGY FEASIBILITY

STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
NS1-A: Culture of Ecological Stewardship	\$	✓	✓	–	–
NS1-B: Landscape and Agricultural Stewardship	\$	✓	–	✓	–
NS1-C: Biodiversity Inventory, Classification, and Best Management Practices	\$\$	✓	✓	✓	✓
NS1-D: Green Infrastructure Network	\$\$\$– \$\$\$\$	✓	✓	✓	✓
NS1-E: Municipal Natural Resource Management	\$	✓	✓	–	–

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000



## ENHANCE LAKEWOOD'S RESILIENCE TO THE IMPACTS OF CLIMATE CHANGE USING GREEN INFRASTRUCTURE AND ECOSYSTEM-BASED ADAPTATION.

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### TARGETS

- Achieve 30 percent tree canopy coverage by 2025.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Leverage natural and built landscapes to regulate climate and manage stormwater runoff.
  - INDICATOR: Percentage of permeable land
  - INDICATOR: Percentage of 100-year flood plain with vegetative coverage

## IMPLEMENTATION STRATEGIES

### NS2-A STORMWATER MANAGEMENT AND FLOOD CONTROL

Increase the capacity of Lakewood's landscape to manage stormwater and protect water quality. Specifically:

- Utilize the City of Lakewood's climate vulnerability study [CCA1-C](#) and Climate Preparedness Plan [CCA1-D](#) to help prioritize stormwater management projects and to guide development standards;
- Develop a suite of requirements, resources, and incentives that promote the use of green infrastructure for stormwater management, including green roofs, rain gardens, and bioswales;
- Explore opportunities to work with utility providers to create utility fee structures that create incentives for sustainable site designs;
- Identify funding mechanisms that can be used to acquire property in flood plains and floodways; and
- Review regularly and test emerging technologies and methods for managing and improving stormwater quality.



## MORSE PARK RAIN GARDEN

**THE MORSE PARK RAIN GARDEN** is a water-quality feature designed to include a bermed, xeriscape garden. The shallow depressions within the garden collect rain water from the surrounding parking lots, street, and tennis courts and then filter out sediments and contaminants as the water drains through a sand filter located beneath the pond.

The primary goals in the design of the Morse Park Rain Garden were functionality and sustainability. Designed to reduce the risk of flooding and maximize water storage and treatment capacity, the rain garden uses swales to increase groundwater infiltration. Landscape materials were carefully selected for low water-use and low-maintenance operations and a soil moisture sensor controls garden irrigation cycles to conserve water. Dark gray, rock mulch was used to enhance

aesthetics and obscure sediment deposits after storm events. Three stages of water filtration capture sediment prior to rain water entering the garden area to prevent clogging and reduce maintenance. The Morse Park Rain Garden is an example of multipurpose green infrastructure providing stormwater management, enhancing water quality, and providing a community amenity. ■



### NS2-B COOLING AND CARBON

#### SEQUESTRATION

Adapt to increased temperatures and reduce carbon in the atmosphere through healthy vegetation, tree canopy coverage, and use of low-reflective materials. Specifically:

- Track threats to Lakewood's trees and vegetation from pests and disease;
- Develop a suite of requirements, resources, and incentives to protect vulnerable trees, including funding sources and technical assistance;
- Utilize the Metro Denver Urban Forest Assessment to identify potential planting sites and facilitate community plantings;
- Develop a suite of strategies to facilitate tree and shrub planting including site planning requirements, funding sources, technical assistance, and incentives or requirements for vacant properties;
- Update recommended tree and plant species lists to focus on diversity of species and plants that can thrive under future climate scenarios; and
- Adopt site plan requirements or recommendations that facilitate the use of low-reflective landscaping and construction materials.

## SUPPORTING STRATEGIES

### COLLABORATION

- Collaborate with Lakewood water providers and ditch companies to facilitate implementation of water quality and vegetation strategies.
- Work with Urban Drainage and Flood Control to address existing and expected stormwater challenges.

### EDUCATION & PROMOTION

- Increase community awareness regarding proper tree/shrub care, stormwater drainage, and soil erosion. Activities could include fairs for new products and techniques, an arboretum to showcase tree varieties, annual tree/shrub sales, tours of sustainable sites, and workshops on pruning, dying/dead tree care, and groundcover options.
- Promote low-cost erosion control techniques.

### TOOLS & TECHNOLOGY

- Utilize available GIS and remote sensing technologies to monitor changes in land cover and composition.
- Utilize crowdsourcing tools to monitor flood and drainage patterns and problems.

### RESEARCH & TRACKING

- Research and pilot permeable pavement systems.
- Research ways to leverage ecosystem services for climate adaptation.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE ENERGY & WATER RESOURCE CENTER

BE1-C | P. 39

- Provide information, technical assistance, and other resources on ecological climate adaptation strategies including cooling and carbon sequestration.

### SUSTAINABLE BUSINESS HUB



SE1-E | P. 61

- Provide technical resources and establish certification criteria related to climate adaptation.

### SUSTAINABLE NEIGHBORHOODS

CC1-D | P. 102

- Encourage initiatives that enhance Lakewood's urban forests.
- Use neighborhood workshops to educate residents on the importance of implementing resiliency strategies.

STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
NS2-A: Stormwater Management and Flood Control		■ ■ ■	■ ■	■	■	■ ■
NS2-B: Cooling and Carbon Sequestration		■ ■ ■	■ ■	■ ■	■	■ ■ ■

 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions     ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

■ ■ ■ High    ■ ■ Medium    ■ Low    ☒ Does Not Apply

STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
NS2-A: Stormwater Management and Flood Control	\$\$\$\$	✓	✓	-	-
NS2-B: Cooling and Carbon Sequestration	\$\$\$	✓	✓	✓	✓

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000





# TRANSPORTATION

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**THE CITY OF LAKEWOOD** and its residents recognize and value the importance of multiple safe, reliable, and affordable transportation choices for all users in order to foster a healthy and thriving community. Lakewood envisions a future with a convenient and resilient transportation system that improves our quality of life by making our streets safer, our air cleaner, and our community better connected.

## GOALS

- Develop, maintain, and operate sustainable transportation systems and infrastructure.
- Foster sustainable transportation choices in Lakewood.

## TARGETS

- Convert all streetlights to LED or other high efficiency lighting technologies by 2025.\*
- Reduce Lakewood's daily per capita vehicle-miles-traveled by 10 percent by 2025.\*
- Reduce the percent of trips to work by single-occupancy vehicles from 75 percent to 65 percent by 2025.\*
- Reduce petroleum-based fuel consumption of the City fleet by 10 percent by 2025.\*\*

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\* Baseline: 2007

\*\* Baseline: 2014



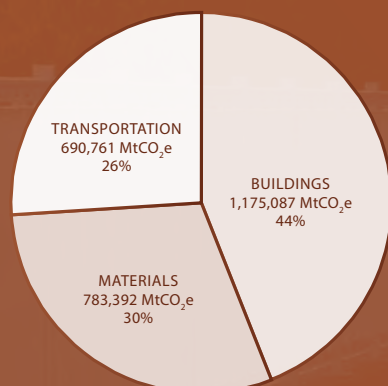
## TRANSPORTATION: GREENHOUSE GAS EMISSIONS REDUCTION POTENTIAL

BASELINE		
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E		
BUILDINGS	1,175,087	44%
MATERIALS	783,392	30%
TRANSPORTATION	690,761	26%
TOTAL GHG	2,649,240	100%

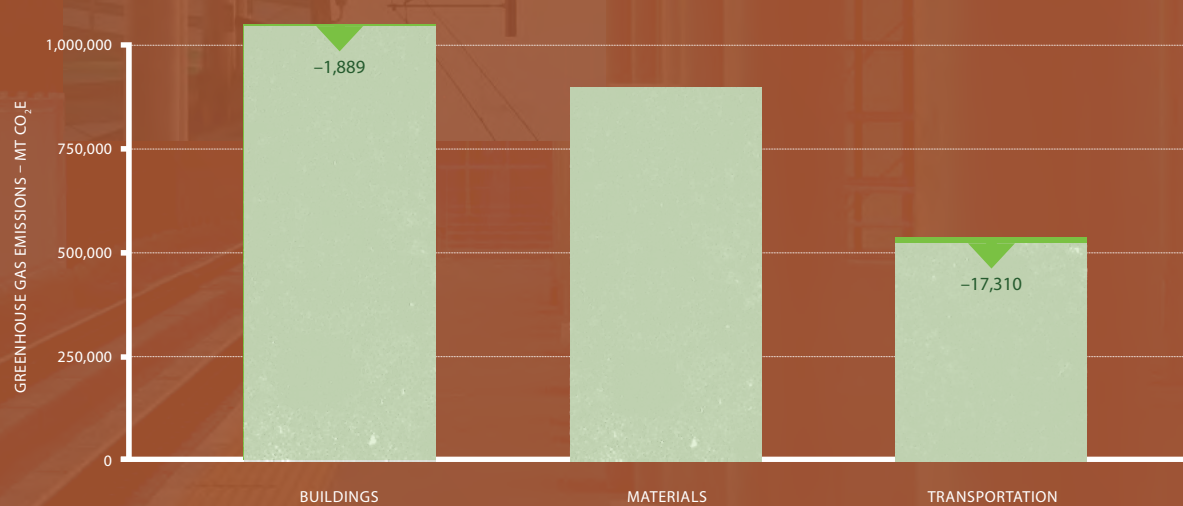
2025 BUSINESS AS USUAL (BAU)			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	1,053,368	42%	– 121,719
MATERIALS	903,600	36%	+ 120,209
TRANSPORTATION	539,165	22%	– 151,596
TOTAL GHG	2,496,133	100%	–153,107

2025 AFTER TRANSPORTATION STRATEGIES ARE IMPLEMENTED			
EMISSIONS BY SECTOR – MT CO <sub>2</sub> E			CHANGE
BUILDINGS	1,051,479	42%	– 1,889
MATERIALS	903,600	36%	0
TRANSPORTATION	521,854	21%	– 17,310
TOTAL GHG	2,476,934	100%	– 19,199

2007 BASELINE EMISSION BREAKDOWN



IMPACT OF TRANSPORTATION STRATEGIES ON 2025 BUSINESS AS USUAL (BAU)



## A SUSTAINABLE TRANSPORTATION SYSTEM ENHANCES THE CONNECTION BETWEEN PEOPLE AND PLACES.

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**RESOURCE EFFICIENT INFRASTRUCTURE**, effective maintenance, and low impact-travel produces accessible and affordable multimodal transportation options. Sustainable transportation systems provide the infrastructure and systems that people need to choose travel options that reduce greenhouse gas emissions and are healthier and more affordable than the traditional single-occupancy vehicle.

Today's transportation system is predominantly focused on an efficient network of highways and roads that connect communities and businesses. In Lakewood, 77 percent of commuters drive alone to work, creating traffic congestion and releasing pollutants and greenhouse gas emissions into the air.<sup>1</sup> The transportation sector contributes 27 percent of Lakewood's greenhouse gas emissions, 19 percent of which comes from gasoline vehicles. Reducing the number of vehicle-miles-traveled and switching to cleaner fuels protects air quality and reduces greenhouse gas emissions.

The Comprehensive Plan includes the chapter, *Lakewood Moves*, to address multimodal transportation systems, future transportation planning, complete streets, and transportation signage. These concepts lay a strong foundation for a sustainable transportation system that fuels

our economy and is accessible by all. The strategies in the Sustainability Plan support, complement, and expand on the concepts found in the Comprehensive Plan.

### TRENDS AND OPPORTUNITIES SUSTAINABLE TRANSPORTATION SYSTEMS AND INFRASTRUCTURE

Transportation systems require continuous maintenance and repair in order to ensure safe and efficient travel. Operations, such as snow and ice removal, traffic signal timing, and road repair, can significantly affect the natural environment through chemical use and vehicle emissions. In the last decade, a variety of technologies and techniques have been developed to more effectively manage the use of materials, improve route efficiency, and extend the life span of roads.

Electronic fleet management systems are an increasingly popular choice

for organizations seeking more efficient ways to track vehicle and driver performance. On-board diagnostics and GPS technology enable both a fleet manager and an operations manager to coordinate schedules and anticipate needs. For the street maintenance division, this has the potential to reduce vehicle miles traveled, and idling and to help manage the amount of materials used for snow and ice removal.

The City of Lakewood is continuously seeking ways to incorporate sustainable features into its transportation systems. From LED traffic signals to recycling asphalt, the City recognizes the impact of its transportation system on the social, environmental, and economic well-being of the community.

### MULTIMODAL NETWORKS

A multimodal transportation system provides infrastructure for pedestrians, bicycles, automobile, and transit. Expanding that system to

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<sup>1</sup> Denver Regional Council of Governments. "Lakewood Community Profile." Last Updated: March 2014. <http://gis.drcog.org/datacatalog/content/lakewood-community-profile>.

## INTEGRATED NETWORKS OF TRANSPORTATION OPTIONS CAN MAKE TRAVEL EASY, AFFORDABLE, AND FUN



**COMMUTE** by light rail or bus.



**BIKE** for short trips and errands.



**CAR SHARE** for when the weather doesn't cooperate and other convenience trips.



**RIDE SHARE** services for when you want someone else to do the driving for you.

create a network involves creating connections between the various modes in order to increase accessibility and build awareness. The City of Lakewood covers more than 27,000 acres of land, which requires a mix of well-connected travel modes to provide access for people with different travel preferences and abilities. This network looks different throughout the city. While some neighborhood streets might be suited for a shared road and sidewalk, more urban areas might include a separate bicycle lane, sidewalks, automobile traffic lanes, and transit routes. The network as a whole should be planned and designed to safely facilitate all types of uses and users.

Multimodal transportation also ensures that active transportation infrastructure is available to support public health. Many who might

choose to walk or bike are often deterred by barriers that affect safety or result in significantly increased travel times. Sustainable, multimodal transportation networks address these concerns through education, infrastructure, and supportive facilities, ensuring accessibility for all users.

### **RIDE SHARING**

Ride sharing is a rapidly growing facet of the sharing economy. Ride sharing ranges from informal carpooling between neighbors to formal car share memberships, such as Car2Go and Zipcar. As more people participate in the trend and the industry grows, convenience and reliability improves, making it an attractive alternative to the expenses of car ownership. Many organizations coordinate ride sharing as part of

their commuting programs, which saves employees money, reduces parking and traffic congestion, and improves air quality by taking vehicles off the road.

**The network as a whole should be designed to safely facilitate all types of uses.**

Common barriers to ride sharing include lack of awareness and perceived inflexibility that comes with coordinating with another's schedule. Researchers have shown that a variety of improvements and incentives can remove these barriers and increase participation. Some





examples include priority parking spaces and ride matching, which identifies people who live and work close to each other. Ride sharing programs can attract between 10 to 30 percent of commuter trips if they offer information, engagement, and financial incentives.<sup>2</sup>

## ALTERNATIVE FUELS

Over a dozen alternative fuels are in production or under development for use in the United States.<sup>3</sup> Compared to conventional fuels, which are derived from petroleum, alternative fuels reduce air pollution and other vehicle emissions. Although public and private vehicle

fleets are the primary users of alternative fuel vehicles, individuals are increasingly joining the alternative fuel market. In 2013, 32 new alternative fuel incentives were established by public and private entities, and 54 new laws and regulations were enacted.<sup>4</sup> The most popular alternatives include ethanol blends (E85), propane, compressed natural gas, and electricity.<sup>5</sup> In Colorado, there are approximately 1,300 plug-in electric vehicles, and such cars are expected to grow over the next 10 years.<sup>6</sup> Community partners, such as the Denver Metro Clean Cities Coalition, are working to increase that number, along with other alternative fuel vehicles through education, policy development,

## RIDE SHARING

Ride sharing programs can attract between 10 to 30 percent of commuter trips.

and partnerships. The City of Lakewood actively collaborates with regional partners to further this mission and currently has four electric vehicles. The City recognizes the environmental and economic benefits from alternative fuels and continues to explore opportunities to expand its alternative fuel vehicle fleet. ■

<sup>2</sup> Victoria Transport Policy Institute. "Ridesharing: Carpooling and Vanpooling." TDM Encyclopedia. Last Updated: June 4, 2014. <http://www.vtpi.org/tdm/tdm34.htm>.

<sup>3</sup> U.S. Department of Energy. "Alternative Fuels and Advanced Vehicles." Last Updated: November 22, 2014.

<sup>4</sup> U.S. Department of Energy. "State Alternative Fuel and Advanced Vehicle Laws and Incentives: 2013 Year in Review." Last Updated: August 6, 2014.

<sup>5</sup> Energy Information Administration. Alternative Fuel Data. [http://www.eia.gov/renewable/afv/users.cfm#tabs\\_charts-2](http://www.eia.gov/renewable/afv/users.cfm#tabs_charts-2).

<sup>6</sup> Denver Metro Clean Cities Coalition. "Project FEVER." 2014. [http://www.denvercleancities.org/project\\_fever.html](http://www.denvercleancities.org/project_fever.html).





## GOAL T1

# DEVELOP, MAINTAIN, AND OPERATE SUSTAINABLE TRANSPORTATION SYSTEMS AND INFRASTRUCTURE.

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### TARGETS

- Convert all streetlights to LED or other high efficiency lighting technologies by 2025.

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Ensure efficient and effective street maintenance operations that protect the environment.
  - INDICATOR: Annual vehicle miles traveled (VMT) in street maintenance operations
  - INDICATOR: Concentration of criteria air pollutants
- **OBJECTIVE:** Enhance resource efficiency of lighting, street construction materials, and other transportation infrastructure.
  - INDICATOR: Street construction waste diversion rates
  - INDICATOR: Percentage of recycled materials used in street maintenance and construction
  - INDICATOR: Street and signal lighting energy use



## IMPLEMENTATION STRATEGIES

### T1-A ENVIRONMENTALLY FRIENDLY AND EFFICIENT STREET MAINTENANCE OPERATIONS

Protect the environment, reduce air and water pollution, and improve vehicle efficiency while maintaining a high level of service in street maintenance operations. Specifically:

- Use electronic fleet management systems to improve route and resource efficiency in City fleet;
- Use on-board technologies to manage and track materials used in snow and ice operations; and
- Update standards and procedures for street sweeping and snow and ice operations regularly.

### T1-B ROADSIDE VEGETATION

Increase the viability and extent of roadside landscaping and vegetation through coordinated planning efforts to assess infrastructure, design, plant selection, and street maintenance operations.

### T1-C STREET AND SIGNAL LIGHTS

Convert street and signal lights to LEDs or other high-efficiency technologies. Specifically:

- Customize streetlight replacement programs through acquisition of existing infrastructure, metering, or tariff adjustments;
- Work with Xcel to install LED or other high-efficiency technologies for all new street and signal lights; and
- Research and, when appropriate, pilot emerging high-efficiency streetlighting technologies and design (e.g., solar, motion detection, ambient light detection).

### T1-D SUSTAINABLE STREET REPAIR AND CONSTRUCTION

Ensure sustainable street repair and construction. Specifically:

- Explore opportunities to use sustainable technologies and materials; and
- Incorporate zero waste principles for projects that maximize local and recycled material sources, recycle waste materials, and maximize the lifespan of materials through an efficient street repair schedule.



## SUPPORTING STRATEGIES

### COLLABORATION

- Work with nearby jurisdictions and agencies to share best practices and maximize networks (e.g., signal timing efficiency).

### EDUCATION & PROMOTION

- Educate the public about sustainable street maintenance, including snow removal chemicals and signal light timing and route efficiency.

### TOOLS & TECHNOLOGY

- Monitor emerging technologies and data-analysis tools to support efficient and adaptive transportation systems.

### RESEARCH & TRACKING

- Research environmentally friendly transportation materials and technology, including treatments, signage, striping, and lighting.
- Research technologies, materials, and design that improve stormwater drainage, including permeable pavements, heated streets, and green infrastructure.





## CROSSCUTTING STRATEGIES

### SUSTAINABLE BUSINESS HUB

- Transfer sustainable transportation infrastructure and operational knowledge from the City to property owners and managers responsible for surface maintenance on private property.

SE1-E | P. 61



TABLE TE1-1: STRATEGY BENEFITS						
STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
T1-A: Environmentally Friendly and Efficient Street Maintenance Operations		■ ■ ■	■	⊘	■	■ ■
T1-B: Roadside Vegetation		■ ■ ■	■	⊘	■	■ ■ ■
T1-C: Street and Signal Lights		■ ■	■	⊘	■	■ ■
T1-D: Sustainable Street Repair and Construction		■ ■ ■	■ ■	⊘	■	■ ■ ■

 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions     ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions

■ ■ ■ High    ■ ■ Medium    ■ Low    ⊘ Does Not Apply

TABLE TE1-2: STRATEGY FEASIBILITY					
STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
T1-A: Environmentally Friendly and Efficient Street Maintenance Operations	\$ \$	✓	✓	–	–
T1-B: Roadside Vegetation	\$	✓	–	–	–
T1-C: Street and Signal Lights	\$\$\$	–	✓	–	–
T1-D: Sustainable Street Repair and Construction	\$	✓	–	–	–

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000

## GOAL T2

# FOSTER SUSTAINABLE TRANSPORTATION CHOICES IN LAKEWOOD.

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### TARGETS

- Reduce Lakewood's daily per capita vehicle-miles-traveled by 10 percent by 2025.\*
- Reduce the percent of trips to work by single-occupancy vehicles from 75 percent to 65 percent by 2025.\*
- Decrease petroleum-based fuel consumption of the City fleet by 10 percent by 2025.\*\*

### OBJECTIVES & INDICATORS

- **OBJECTIVE:** Facilitate the use of an affordable and accessible, multimodal transportation system.
  - INDICATOR: Commuter mode split
  - INDICATOR: Transit ridership
  - INDICATOR: Percentage of household income spent on transportation
  - INDICATOR: Bicycle level of service
  - INDICATOR: Number of miles of bike trails and routes and number and length of missing segments
  - INDICATOR: Bicycle traffic counts
- **OBJECTIVE:** Promote alternative fuel vehicles and fuel efficiency.
  - INDICATOR: Number of alternative fuel vehicles in Lakewood
  - INDICATOR: Number of alternative fuel vehicles in the City's fleet
  - INDICATOR: Number of alternative fuel stations in Lakewood
  - INDICATOR: Average miles per gallon of vehicles in Lakewood

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\* Baseline: 2007

\*\* Baseline: 2014

## IMPLEMENTATION STRATEGIES

### T2-A BICYCLE AND PEDESTRIAN PLANNING AND OUTREACH

Remove barriers to bicycle and pedestrian transportation through a comprehensive strategy. Specifically:

- Coordinate with diverse community groups to identify barriers in bicycle and pedestrian networks;
- Facilitate participation in initiatives and programs that encourage residents to use bicycle and pedestrian transportation, including bike to work days, neighborhood challenges, transit riding training, traffic safety workshops, and various school based programs;
- Utilize available technologies to gather bicycle user reviews and feedback to measure bicycle level of service and stress, and encourage bicycle advocates to lead the effort;
- Develop strategies to encourage maintenance of pedestrian and bicycle routes on private and public property, including snow removal and landscape maintenance;
- Incorporate bicycle level of stress, which classifies routes based on perceived safety issues, into a bicycle level of service rating; and
- Support Comprehensive Plan goals to improve the pedestrian and bicycle environment within the city.



## WAY TO GO: A BETTER WAY TO BUILD COMMUNITY

BY KENNETH BODEN, DENVER REGIONAL COUNCIL OF GOVERNMENTS

### ANALYZE AND INFORM

Way to Go understands that organizing a community to do the right thing often leaves one wondering where to start. Whether the decision is to build customized commute plans for participants, to set up the schoolpool program for neighborhood children, or to start a friendly competition to see who can leave their car at home the most, Way to Go has the tools to help launch small or large initiatives and can help organizers ask the right questions and analyze the results to learn what programs are the most effective for the community. Way to Go can provide support every step of the way, helping to explain the nuts and bolts of the program.

### COMMUNITY BENEFITS

When communities partner with Way to Go, positive results happen. Participants who pledge to use active transportation (walking or biking) see health benefits and help make their communities a friendlier place to get around. Those who form carpools and vanpools save money, reduce stress, and build their professional networks. Those who take public transportation increase their work productivity, reduce stress, and help to take single-occupancy vehicles off of increasingly congested roads. By seeking greater community connectivity and improving the quality and number of viable transportation options, neighborhoods thrive.

### MYWAYTOGO.ORG

MyWayToGo.org is an easy-to-use website where you can learn how to save money, burn more calories, save time, and reduce carbon emissions by adopting smart commuting practices. The Way to Go program helps concerned citizens take those first steps toward building a better community. ■

### T2-B TRANSPORTATION MANAGEMENT SERVICES

Collaborate with west metro agencies to develop an approach, or several, to provide sustainable transportation management services. Specifically:

- Develop mode-shift programs;
- Participate in transportation policy monitoring and advocacy;
- Coordinate vehicle share and transit operations;
- Enhance transit facilities and technologies;
- Expand transit pass options and incentives; and
- Support Comprehensive Plan goals related to transportation management, connectivity, transit service, and multimodal transportation.

## **T2-C WAY TO GO**

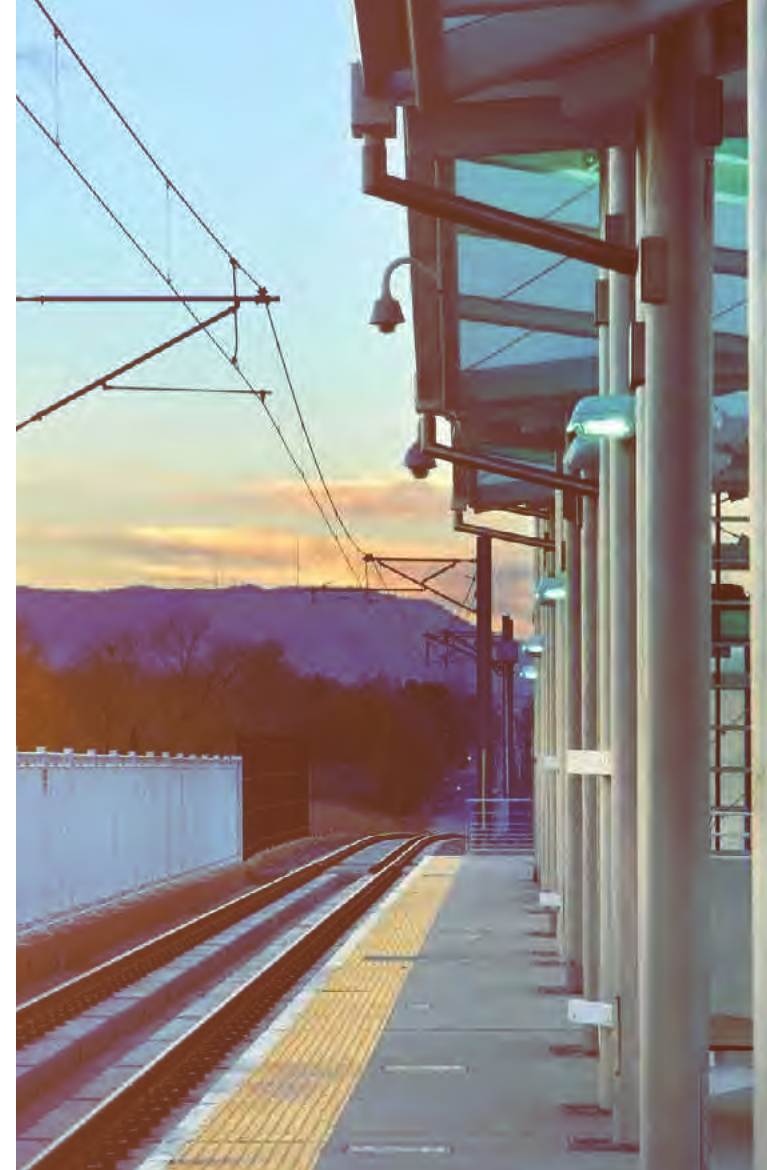
Utilize and promote the suite of transportation management tools available through Denver Regional Council of Governments' Way to Go program. Specifically:

- Use Way to Go employer services and Web-based tools to coordinate transportation options for City employees, including carpool, vanpool, transit, biking, and guaranteed-ride-home programs;
- Identify opportunities to use Way to Go's customizable crowdsourced ride share platform to coordinate transportation to City of Lakewood events;
- Encourage businesses to use Way to Go's employer services;
- Promote the suite of Way to Go tools for daily travel and special events to neighborhood groups, Homeowners Associations, schools, and other community organizations; and
- Support the Comprehensive Plan goals to promote the use of shared transportation options through shared bicycle systems and expanded car share operations.

## **T2-D CITY FLEET**

Develop a strategic plan to increase fuel efficiency and incorporate alternative fuel vehicles into the City vehicle fleet. Specifically:

- Assess the City fleet to understand the range of vehicle classes, roles of vehicles used, and potential for reducing petroleum-based fuel consumption;
- Research and recommend cost effective and maintainable fuel-efficient or alternative fuel vehicle options to departments that are replacing or acquiring new vehicles;
- Educate employees on the benefits of fuel-efficient practices and alternative vehicles;
- Consider adopting vehicle class or use specific strategies to reduce petroleum-based fuel consumption;
- Consider incorporating fuel efficiency or emission requirements during licensing and in contracts for City projects; and
- Explore opportunities to develop and encourage development of alternative fuel infrastructure, including compressed natural gas and electric charging stations.





## SUPPORTING STRATEGIES

### COLLABORATION

- Partner with other jurisdictions and agencies on bike way finding systems, including digital and print resources and signage.

### EDUCATION & PROMOTION

- Promote the benefits of alternative fuel vehicles and fuel-efficient practices to Lakewood residents and businesses.
- Promote transportation management programs to residential property managers to include as an amenity to renters.

### TOOLS & TECHNOLOGY

- Monitor mobile technologies that facilitate multimodal transportation use and efficiency.
- Explore crowdsource data collection tools to inform transportation management and infrastructure.

### RESEARCH & TRACKING

- Research best practices for incorporating alternative fuel vehicle infrastructure, including electric vehicle charging stations, into site planning requirements.
- Monitor resident satisfaction with Lakewood's transportation environment.
- Monitor pedestrian and bicycle safety statistics.

## CROSSCUTTING STRATEGIES

### SUSTAINABLE BUSINESS HUB





SE1-E | P. 61

- Incorporate sustainable commuting programs aimed at employees into a green business certification program.
- Incorporate sustainable commuting programs and infrastructure aimed at customers into a green business certification program.

### SUSTAINABLE NEIGHBORHOODS

CC1-D | P. 102

- Work with neighborhoods to pilot community-based transportation management programs.
- Work with neighborhoods to collect bicycle user review and feedback data to measure level of service and stress.

TABLE TE2-1: STRATEGY BENEFITS						
STRATEGY	ENVIRONMENTAL BENEFITS		ECONOMIC BENEFITS		SOCIAL BENEFITS	
	GHG REDUCTION POTENTIAL	ECOSYSTEM HEALTH	SELF-RELIANCE	HOUSEHOLD BENEFITS	COMMUNITY COHESION	PUBLIC HEALTH
T2-A: Bicycle and Pedestrian Planning and Outreach		■	■ ■	■ ■	■ ■	■ ■ ■
T2-B: Transportation Management Services		■ ■	■ ■	■ ■	■ ■	■ ■ ■
T2-C: Way to Go		■ ■	■ ■	■ ■	■ ■	■ ■ ■
T2-D: City Fleet		■ ■	■	⊘	⊘	■



 <5,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions   
  ~10,000 MtCO<sub>2</sub>e Greenhouse Gas Emissions
 
 ■■■ High    ■■ Medium    ■ Low    ⊘ Does Not Apply

TABLE TE1-2: STRATEGY FEASIBILITY					
STRATEGY	CITY OF LAKEWOOD			COMMUNITY	
	UPFRONT COSTS	ONGOING COSTS	PAYBACK / REVENUE POTENTIAL	FINANCIAL BENEFIT FOR RESIDENTS	FINANCIAL BENEFIT FOR BUSINESSES
T2-A: Bicycle and Pedestrian Planning and Outreach	\$\$	✓	–	✓	✓
T2-B: Transportation Management Services	\$\$	✓	–	✓	✓
T2-C: Way to Go	\$	–	–	✓	✓
T2-D: City Fleet	\$\$\$\$	✓	–	–	–

\$ < 50,000    \$\$ = 50,000–100,000    \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000

# GLOSSARY

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## #

**100-YEAR FLOOD** A flood having a 1 percent chance of occurring in any given year.

**100-YEAR FLOOD PLAIN** The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

## A

**ACRE-FOOT** A volume of water equal to 1 foot in depth covering an area of 1 acre or 43,560 cubic feet or approximately 325,851 gallons. One acre-foot of water serves about 2½ households for one year.

**ACTIVE DESIGN GUIDELINES** Strategies for designing neighborhoods, streets, and outdoor spaces that encourage active transportation and recreation, including walking and bicycling.

**ADAPTIVE TRANSPORTATION SYSTEMS** Systems that continuously monitor arterial traffic conditions and the queuing

at intersections and dynamically adjust the signal timing to optimize one or more operational objectives (such as minimizing overall delays).

Adaptive Traffic Signal Control approaches typically monitor traffic flows upstream of signalized locations or segments with traffic signals, anticipating volumes and flow rates in advance of reaching the first signal, then continuously adjusting timing parameters (e.g., phase length, offset, cycle length) during each cycle.

**AFFORDABLE AND SUBSIDIZED HOUSING** Housing for which the occupant(s) is/are paying no more than 30 percent of income for gross housing costs, including utilities. Some jurisdictions may define affordable housing based on other, locally determined criteria and use this definition as an approximate guideline or general rule of thumb.

**ALTERNATIVE FUELS** Alternative fuels are derived from resources other than petroleum. Some are produced domestically, reducing dependence on imported oil, and some are derived from renewable sources. They often produce less pollution than gasoline or diesel. Examples include biodiesel (derived from vegetable oils and

animal fats), natural gas, propane, hydrogen, and electricity.

**ANAEROBIC DIGESTION** A biological process that occurs when organic matter (in liquid or slurry form) is decomposed by bacteria in the absence of oxygen (i.e., anaerobic). As the bacteria “work,” biogas is released, which consists of approximately 60 percent methane and 40 percent carbon dioxide. Biogas can be used to generate electricity.

## B

**BENCHMARKING (ENERGY)** The process of accounting for and comparing a metered building's current energy performance with its energy baseline, or comparing a metered building's energy performance with the energy performance of similar types of buildings (based on use, such as comparing the energy performance of a hospital to that of other hospitals).

**BICYCLE LEVEL OF SERVICE** An evaluation of bicyclists' perceived safety with respect to motor vehicle traffic. It identifies the

quality of service for bicyclists that currently exists within the roadway environment.

**BICYCLE LEVEL OF STRESS** A planning tool used to analyze existing and potential future conditions by measuring bicyclist stress with factors such as intersection crossings, traffic speeds, traffic volumes, and separation from vehicle lanes.

**BIKE FRIENDLY COMMUNITY** A program by the League of American Bicyclists to assess engineering, education, incentive programs and how a community encourages people to bike for transportation and recreation.

**BIOBLITZ** An intense period of biological recording within a specific area. A BioBlitz usually takes place over a 24 hour period and involves experts and amateurs taking an inventory of all the living organisms within an area. These areas are commonly parks or other urban spaces.

**BIODIVERSITY** The variety and variability among living organisms and the ecological complexes in which they occur. Although it most often refers to the numbers of species, the term can apply to levels of organization ranging from genes to ecosystems.

**BIOGAS** The gaseous emissions from anaerobic degradation of organic matter (from plants or animals) by a consortium of bacteria. Biogas is principally a mixture of methane (CH<sub>4</sub>) and carbon dioxide (CO<sub>2</sub>) along with other trace gases.

**BIOLOGICAL INTEGRITY RATINGS** A scientific tool where several biological indicators are combined to identify and classify the biological integrity of water bodies of water.

**BIOMASS** Materials that are biological in origin, including organic material (both living and dead) from above and below ground, such as trees, crops, grasses, tree litter, roots, animals, and animal waste.

**BIOSWALES** Vegetated, mulched, or xeriscaped channels that provide treatment and retention as they move stormwater from one place to another. Bioswales slow, infiltrate, and filter stormwater flows. As linear features, bioswales are particularly suitable along streets and parking lots.

**BUSINESS AS USUAL (BAU)** A method of measuring future conditions using the assumption that future trends follow those of the past, and no changes in policies will take place.



**CAR SHARE** Automobile rental service intended to substitute for private vehicle ownership.

**CARBON BUDGET** The precise quantity of carbon dioxide that humans can emit and still limit warming to 2 C (3.6 F) above pre-industrial levels.

**CARBON SEQUESTRATION** The process by which trees and plants absorb carbon dioxide, release the oxygen, and store the carbon.

**CDBG** Community Development Block Grant program from the United States Department of Housing and Urban Development that provides communities with resources to address a wide range of unique community development needs.

**CIDER DAYS** Lakewood's signature event held on the first full weekend in October each year. Celebrating the area's agricultural heritage in remembrance of more than 40 apple orchards that were once landmarks in Lakewood, the event hosts the state's largest classic and antique tractor pull and features vintage machinery displays, interactive activities and amusements, historic demonstrations, and a variety of exhibitors and vendors.

**CITIZEN ACADEMIES** City of Lakewood opportunities for residents to learn more about the City. Academies include Citizens' Planning Academy, Youth Police Academy, Civics 101, Small Business Academy, and Citizen Police Academy.

**CITY CORE COMMUNITY VALUES** City Council's core community values are the following: safe community, open and honest communication, fiscal responsibility, education and information, quality transportation options, quality economic development, physical & technological infrastructure, quality living environment, and community sustainability.

**CLIMATE CHANGE** Any significant change in the measures of climate lasting for an extended period of time. In other words, climate change includes major changes in temperature, precipitation, or wind patterns, among others, that occur over several decades or longer.

**CLIMATE FUTURES** Also referred to as climate scenarios, which are plausible and often simplified descriptions of how the future may develop based on a coherent and internally consistent set of assumptions about driving forces and key relationships.

**CLIMATE PREPAREDNESS PLAN (CLIMATE ADAPTATION PLAN)** A comprehensive set of strategies developed to guide a community in efforts to adapt to climate-related risks and impacts to infrastructure, ecology, economic systems, and social well-being.

**CLIMATE VULNERABILITY STUDY** The analysis of the expected impacts, risks, and the adaptive capacity of a region or sector to the effects of climate change.

**CO-WORKING ESTABLISHMENTS** Establishments that provide office space or other working environments for people who are self-employed or working for different employers. Co-working spaces facilitate sharing of equipment, ideas, and knowledge.

**CO<sub>2</sub> EQUIVALENT (MtCO<sub>2</sub>e)** Emissions of greenhouse gases are typically expressed in a common metric so that their impacts can be directly compared, as some gases are more potent (i.e., have a higher global warming potential) than others. The international standard practice is to express greenhouse gases in carbon dioxide equivalents (CO<sub>2</sub>e).

**COMMUNITY COHESION** A state of harmony or tolerance between people from different backgrounds living within a community.

**COMMUNITY RESILIENCE** The capability to anticipate, prepare for, respond to, and recover from significant multihazard threats with minimum damage to social well-being, the economy, and the environment.

**COMMUNITY SOLAR PROJECTS** A solar-electric system that provides power and/or financial benefit to multiple community members.

**COMMUNITY-BASED SOCIAL MARKETING** An approach to achieving behavior change that merges knowledge from psychology with expertise from social marketing.

**COMMUNITY-SUPPORTED AGRICULTURE** A community of individuals who pledge support to a farm operation so that the farmland becomes, either legally or spiritually, the community's farm, with the growers and consumers providing mutual support and sharing of the risks and benefits of food production.

**COMPLETE STREETS** Roadway design and operating practices that are intended to safely accommodate diverse users and activities including pedestrians, cyclists, motorists, public transport users, people with disabilities, and adjacent businesses and residents.

**COMPOSTING** The bio decomposition of organic material, such as animal wastes, plant residues or sludges in the presence of air by controlled methods including mechanical mixing and aerating.

**COMPREHENSIVE HOUSING STRATEGY** A planning tool to assist communities establish priorities for creating and preserving diverse, affordable housing choices.

**CONSERVATION EASEMENTS** A legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values. It allows landowners to continue to own and use their land, and they can also sell it or pass it on to heirs.

**CORRIDORS** Components of the landscape that facilitate the movement of organisms and processes between areas of intact habitat.

**COVER CROPS** Cover crops are plants sowed into agricultural fields, either within or outside of the regular growing season, with the primary purpose of improving or maintaining ecosystem quality.

**CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)** A strategy used by architects, city planners, law enforcement officers and others, using the physical environment to reduce the incidence and fear of crime, including graffiti.

**CRITERIA AIR POLLUTANTS** A group of six widespread and common air pollutants that EPA regulates on the basis of standards set to protect public health or the environment (see National Ambient Air Quality Standards). The six criteria pollutants are carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide.

**CROSSCUTTING STRATEGIES** Strategies that leverage the benefits of multiple implementation strategies. There are three crosscutting strategies in the Sustainability Plan: The Sustainable Energy and Water Resource Center, the Sustainable Business Hub, and the Sustainable Neighborhoods Program. These strategies are introduced as implementation strategies in the Energy, Water, and Built Environment; the Sustainable Economy; and the Community Cohesion and Public Health chapters, but are incorporated into each of the plan's goals in order to enhance the scope and effectiveness of implementation.

**CROWDFUNDING** The use of small amounts of capital from a large number of individuals to finance a project.

**CROWDSOURCING** The practice of obtaining needed services, ideas, or content by soliciting contributions from a large group



of people and especially from the online community rather than from traditional employees or suppliers.

## D

**DEMAND-SIDE MANAGEMENT PROGRAMS** Utility sponsored programs designed to encourage consumers to modify their level and pattern of resource use.

**DENVER REGIONAL COUNCIL OF GOVERNMENTS (DRCOG)** A nonprofit, membership organization of local governments in the Denver region. DRCOG is the designated Metropolitan Planning Organization (MPO), Regional Planning Commission, and Area Agency on Aging (AAA).

**DISTRICT-SCALE SUSTAINABILITY** A wide spectrum of activities and focused strategies that have the potential to help cities achieve sustainability goals by shifting the focus from an individual building or citywide efforts to a customized district scale.

**DIVERSION RATE** The amount of material being diverted for recycling or composting compared to the total amount that was previously disposed of.

## E

**EARTH DAY CELEBRATION** The City of Lakewood's annual Earth Day fair.

**ECOLOGICAL (ENVIRONMENTAL) STEWARD-SHIP** The responsibility for environmental quality shared by all those whose actions affect the environment.

**ECOSYSTEM SERVICES** The benefits people obtain from ecosystems. These include provisioning services such as food and water; regulating services such as flood and disease control; cultural services such as spiritual, recreational, and cultural benefits; and supporting services, such as nutrient cycling that maintain the conditions for life on Earth.

**ECOSYSTEMS** The interacting system of a particular biological community and its nonliving environmental surroundings, or a class of such systems (e.g., forests or wetlands).

**EMISSION PATHWAY** The trajectory of greenhouse gas emissions over time.

**ENERGY FROM RENEWABLE SOURCES** Energy from resources that are naturally replenishing such as biomass, hydro, geothermal, solar, wind, ocean thermal, wave action, and tidal action.

**ENERGY RESOURCE MIX** The types and proportion of resources used to produce energy.

**ENERGY USE INTENSITY** A measure of a building's energy use as a function of its size or other characteristics, typically expressed as energy per square foot per year.

**ENDANGERED SPECIES** Plants and animals that have become so rare they are in danger of becoming extinct.

## F

**FLOOD PLAINS** The area which would be inundated during the occurrence of the base flood or 100-year flood.

**FLOODWAY** The channel of a gulch or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than six inches at any point.

**FOOD DESERTS** An identified area, generally within lower-income neighborhoods, that has low access to healthful whole foods, fresh fruits and vegetables, and may have a higher concentration of fast-food restaurants and convenience stores. The U.S. Department of Agriculture defines low access as an area where at least 500 people of 33 percent of the census tract's population resides more than one mile from a supermarket or large grocery store.

**FOSSIL FUELS** A general term for organic materials formed from decayed plants and animals that have been converted to crude oil, coal, natural gas, or heavy oils by exposure to heat and pressure in the Earth's crust over hundreds of millions of years.

## G

**GENETIC VARIATION** Naturally occurring genetic differences among organisms in the same species.

**GPS TECHNOLOGY** Technologies that use satellite navigation systems to determine ground position and velocity (location, speed, and direction). GPS stands for Global Positioning System.

**GREEN BUILDINGS** Buildings and sites designed with consideration of efficient use of energy, water, and materials, and reduced impacts on human health and the environment through better siting, design, construction, operation, maintenance, and waste removal.

**GREEN INFRASTRUCTURE** An adaptable term used to describe an array of products, technologies, and practices that use natural systems to enhance overall environmental quality and provide utility services. As a general principle, green infrastructure techniques use soils and vegetation to infiltrate, evapotranspire, or recycle stormwater runoff.

**GREEN INFRASTRUCTURE NETWORK (GIN)** An interconnected network of green open spaces that bring together natural and built environments to provide a range of ecosystem services including clean air and water, wildlife habitat, and carbon sinks.

**GREEN PROCUREMENT** The purchase of environmentally friendly products and services, the selection of contractors and the setting of environmental requirements in a contract.

**GREEN ROOFS** Also known as rooftop gardens, green roofs are planted over existing roof structures and consist of a waterproof, root-safe membrane that is covered by a drainage system, lightweight growing medium, and plants.

**GREENHOUSE GAS EFFECT** Trapping and buildup of heat in the atmosphere (troposphere) near the Earth's surface. Some of the heat flowing back toward space from the Earth's surface is absorbed by water vapor, carbon dioxide, ozone, and several other gases in the atmosphere and then reradiated back toward the Earth's surface. If the atmospheric concentrations of these GHGs rise, the average temperature of the lower atmosphere will gradually increase.

**GREENHOUSE GAS EMISSIONS** The release into the Earth's atmosphere of any of various gases that contribute to the greenhouse gas effect.

**GREENHOUSE GAS INVENTORY** An accounting of greenhouse gases (GHGs) emitted to or removed from the atmosphere over a period of time.

**GREENHOUSE GASES** Any gas that absorbs infrared radiation in the atmosphere. Greenhouse gases include carbon dioxide, methane, nitrous oxide, ozone, chlorofluorocarbons, hydrochlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

## H

**HABITAT CONNECTIVITY** The degree to which the landscape facilitates animal movement and other ecological flows.

**HABITAT CORRIDORS** Components of the landscape that facilitate the movement of organisms and processes between areas of intact habitat.

**HABITAT FRAGMENTATION** The process by which habitat loss results in the division of large, continuous habitats into a greater number of smaller patches of lower total area, isolated from each other by a matrix of dissimilar habitats.

**HABITAT HUBS** Large patches of continuous habitat, the size of which is determined by local factors and management standards.

**HABITAT TYPES** An ecological or environmental area that is inhabited by a particular species of animal, plant, or other type of organism. It is the natural environment in which an organism lives or the physical environment that surrounds a species population.

**HEALTHY EATING AND ACTIVE LIVING (HEAL)** A program sponsored by LiveWell Colorado that provides training and technical assistance to help city officials adopt policies that improve their communities' physical activity and retail food environments.

**HOUSING AND TRANSPORTATION COSTS** The combined household expenses for housing and transportation.

## I

**ICE CORES** A cylindrical section of ice removed from a glacier or an ice sheet in order to study climate patterns of the past. By performing chemical analyses on the air trapped in the ice, scientists can estimate the percentage of carbon dioxide and other trace gases in the atmosphere at a given time. Analysis of the ice itself can give some indication of historic temperatures.

**INCUBATORS (BUSINESS)** A flexible combination of business development processes, infrastructure, and people designed to help businesses grow through vulnerable or early stages of development.

**INDICATOR SPECIES** An individual species that serves as a measure of the environmental conditions that exist in a given locale.

**INTERNATIONAL PANEL ON CLIMATE CHANGE (IPCC)** The IPCC was established jointly by the United Nations Environment Programme and the World Meteorological Organization in 1988. The purpose of the IPCC is to assess information in the scientific and technical literature related to all significant components of the issue of climate change. The IPCC draws upon hundreds of the world's expert scientists as authors and thousands as expert reviewers. Leading experts on

climate change and environmental, social, and economic sciences from some 60 nations have helped the IPCC to prepare periodic assessments of the scientific underpinnings for understanding global climate change and its consequences. With its capacity for reporting on climate change, its consequences, and the viability of adaptation and mitigation measures, the IPCC is also looked to as the official advisory body to the world's governments on the state of the science of the climate change issue.

**INVASIVE SPECIES** Nonindigenous plant or animal species that can harm the environment, human health, or the economy.

## J

**JOBS TO LABOR FORCE RATIO** A ratio comparing the total number of jobs available in a community against the total number of individuals available for work.

## K

**KILOWATT HOUR** A standard metric unit of measurement for electricity. One kilowatt-hour is equal to 1,000 watt-hours, and one watt-hour is the amount of energy delivered at a rate of one watt for a period of one hour.

**KILOWATTS** A unit of electric power equal to 1,000 watts.

## L

**LAKEWOOD LINKED INITIATIVE** A City initiative started by Mayor Bob Murphy that fosters collaboration, communication, and cooperation in Lakewood's neighborhoods.

**LAKEWOOD'S INSPIRE ARTS WEEK** A multiple day event that encourages local residents to get out and experience arts and culture in Lakewood. Participating Lakewood art and cultural organizations offer discounted or free special events.

**LAND COVER** The observed biophysical cover or physical land type such as forest or open water on the Earth's surface.

**LAND USE** The human use of land including the arrangements, activities, and inputs people undertake on the land.

**LED** Light-emitting diode; a semiconductor diode that emits light when conducting current.

**LEED SILVER** A level of LEED certification - there are four levels: certified, silver, gold, and platinum.

**LEED** Leadership in Energy & Environmental Design (LEED) is a green building certification program that recognizes best-in-class building strategies and practices. To receive LEED certification, building projects satisfy prerequisites and earn points to achieve different levels of certification.

**LIVEWELL COLORADO** A nonprofit organization committed to reducing obesity in Colorado by promoting healthy eating and active living through education, policy, and environmental efforts.

**LOCAL FOOD ASSETS** Resources, facilities, services, or spaces that are available to Lakewood and are used to support the local food system. This includes assets such as community gardens and orchards, urban farms, farmers markets, food processing infrastructure, community composting facilities, and neighborhood food networks.

**LOCAL MULTIPLIER EFFECT** The greater local economic return generated by money spent at locally owned independent businesses compared to corporate chains or other absentee-owned businesses. The multiplier results from the fact that independent locally owned businesses recirculate a far greater percentage of revenue locally compared to absentee-owned businesses.

**LOCATION QUOTIENTS** An analytical statistic that measures a region's industrial specialization relative to a larger geographic unit (usually the nation). An LQ is computed as an industry's share of a regional total for some economic statistic (earnings, GDP by metropolitan area, employment, etc.) divided by the industry's share of the national total for the same statistic. For example, an LQ of 1.0 in mining means that the region and the nation are equally specialized in mining while an LQ of 1.8 means that the region has a higher concentration in mining than the nation.

**LOW-VOC MATERIALS** Volatile Organic Compounds (VOCs) are organic chemical compounds whose composition make it possible for them to evaporate under normal indoor atmospheric conditions. VOCs are commonly found in paints sealants, adhesives, and cleaners. VOCs are of concern as an indoor air pollutant due to the potential for VOCs to adversely affect the health of people that are exposed. Impacts may include various health problems, such as nausea, tremors, and headaches. Low-VOC is a general term that defines a broad spectrum of VOC contents that are significantly less than those of conventional products.

## M

**MICROGRID PROJECTS** A small-scale power grid that can operate independently or in conjunction with the area's main electrical grid. Any small-scale localized station with its own power resources,

generation and loads, and definable boundaries qualifies as a microgrid.

**MODE-SHIFT** A change between methods of travel.

**MODERATE DROUGHT** As defined by the U.S. Department of Agriculture Drought Mitigation Center: “Some damage to crops, pastures, streams, reservoirs, or wells; some water shortages developing or imminent; voluntary water-use restrictions requested.”

**MULTIMODAL TRANSPORTATION** Transportation systems that include various modes (walking, cycling, automobile, public transit, etc.) and connections among modes.

**MUNICIPAL SOLID WASTE** Residential solid waste and some nonhazardous commercial, institutional, and industrial wastes. This material is generally sent to municipal landfills for disposal.

## N

**NATURAL HERITAGE** The sum total of the elements of biodiversity, including flora and fauna and ecosystem types, together with associated geological structures and formations.

**NATURAL SYSTEMS** Ecological systems that exist independent of any human involvement. Natural systems consist of all the physical and biological materials and their intertwined processes.

**NEIGHBORHOOD PARTICIPATION PROGRAM** A City-funded, annual program that accepts applications for community improvements that will provide benefits to the residents of the community.

**NEONICOTINOIDS** A group of insecticides that are used widely on farms, as well as around our homes, schools, and city landscapes. Used to protect against sap-sucking and leaf-chewing insects, neonicotinoids are systemic, which means they are absorbed by the plant tissues and expressed in all parts, including nectar and pollen. Unfortunately, bees, butterflies, and other flower-visiting insects are harmed by the residues. Extremely concerning is the prolific inclusion of these insecticides in home garden products. Home garden products containing neonicotinoids can legally be applied in far greater concentrations in gardens than they can be on farms—sometimes at concentrations as much as 120 times as great, which increases the risk to pollinators.

**NEUROTOXINS** A substance that is poisonous or destructive to nerve tissue.

**NEXTDOOR.COM** An online social network that allows users to connect with people in their neighborhood.

**NONRENEWABLE SOURCES** Any natural resource that exists in limited supply and cannot be replaced if it is used up; also, any natural resource that cannot be replenished by natural means at the same rates that it is consumed.

**NONPOINT-SOURCE POLLUTION** A diffuse source of pollution, having no single point of origin, commonly used to describe water pollution caused by rainfall or snowmelt moving over and through the ground and carrying natural and human-made contaminants into lakes, rivers, streams, wetlands, estuaries, other coastal waters, and groundwater. Atmospheric deposition and hydrologic modification are also sources of nonpoint water pollution

## O

**ON-BOARD DIAGNOSTICS** Hardware or software that monitors and reports the status of a vehicle's systems.

**ORGANIC WASTE** The biodegradable component of the waste stream that is of biological origin but does not contain any listed waste, radioactive waste or hazardous waste.

**OUTSTANDING SUSTAINABLE NEIGHBORHOODS** The highest level of certification achievable for neighborhoods participating in the City of Lakewood Sustainable Neighborhoods Program.

## P

**PERMEABLE PAVEMENTS** A range of sustainable materials and techniques for permeable pavements with a base and subbase that allow the movement of stormwater through the surface. In addition to reducing runoff, these pavements effectively trap suspended solids and filters pollutants from the water.

**PLUG-IN ELECTRIC VEHICLES** Any motor vehicle that can be recharged from an external source of electricity, such as wall sockets, and the electricity stored in the rechargeable battery drives or contributes to drive the wheels.

**POINT-SOURCE POLLUTION** A fixed location or facility that discharges pollution, such as a factory smokestack, a ship, an ore pit, a ditch, or a pipe discharging treated industrial wastewater or treated sewage into a waterway.

**POP-UP RECREATION ACTIVITIES** Organized but temporary activities intended to increase engagement or test new concepts or programs.

**PREINDUSTRIAL** Pertaining to society before industrialization.

## R

**RAIN GARDENS** A depressed area of the ground planted with vegetation, allowing runoff from impervious surfaces such as parking lots and roofs the opportunity to be collected and infiltrated into the groundwater supply or returned to the atmosphere through evaporation and evapotranspiration.

**REGULAR MUNICIPAL ELECTIONS** Held on the first Tuesday in November in odd-numbered years.

**RENEWABLE ENERGY** Energy resources that are naturally replenishing such as biomass, hydro, geothermal, solar, wind, ocean thermal, wave action, and tidal action.

**RESILIENT COMMUNITY** The capability to anticipate, prepare for, respond to, and recover from significant multihazard threats with minimum damage to social well-being, the economy, and the environment.

**RETROFITS** Involve the installation of more efficient equipment into an existing building or process.

**RIDE SHARING** Refers to carpooling and vanpooling, in which a vehicle carries additional passengers when making a trip, with minimal additional mileage.

## S

**SAFE ROUTES TO SCHOOLS PROGRAM** Sustained efforts by parents, schools, community leaders and local, state, and federal governments to improve the health and well-being of children by enabling and encouraging them to walk and bicycle to school.

**SELF-RELIANT LOCAL ECONOMY** Economic self-reliance refers to an individual's ability to supply his or her own needs without external assistance. It refers to the amount of income needed to satisfy basic needs, such as food, clothing, and shelter, without receiving public assistance like food stamps, Medicaid, child care, public housing or aid from family or friends. A self-reliant local economy extend this concept to the community as a whole.

**SENSE OF PLACE** A term that includes a broad range of factors. It is the combination of natural location and created features that makes each place unique.

**SEVERE DROUGHT** As defined by the U.S. Department of Agriculture Drought Mitigation Center: Crop or pasture losses likely; water shortages common; water restrictions imposed.

**SHARING ECONOMY** An economic model in which individuals are able to borrow or rent assets owned by someone else.

**SLASH** Debris from trees and other plants.

**SOCIAL CAPITAL** The collective value of all social networks, and interactions and the inclinations that arise from these networks to do things for each other. The term social capital refers to a wide variety of specific benefits that flow from the trust, reciprocity, information, and cooperation associated with social networks. Social capital creates value for the people who are connected and, at least sometimes, for bystanders as well.

**SOCIAL COST OF CARBON** A monetary estimate of the economic damages associated with a small increase in carbon dioxide (CO<sub>2</sub>) emissions. Used to determine the benefit of policies that reduce carbon emissions, the SCC considers the costs to society of a range of climate impacts to agricultural productivity, human health, property, and infrastructure damage from extreme weather events and sea level rise, diminished biodiversity, and loss of ecosystem services. It is reported in dollars per metric ton of carbon dioxide.

**SOCIAL EQUITY** The fair, just, and equitable access to livelihood, education, and resources; full participation in the political and cultural life of the community; and self-determination in meeting fundamental needs.

**SOLAR OUTPUT** Also referred to as solar radiation, radiation emitted by the sun, or short-wave radiation. Solar radiation has a distinctive range of wavelengths (spectrum) determined by the temperature of the sun.



**STAR COMMUNITY RATING SYSTEM** A national certification program that recognizes sustainable communities through a framework of best practices intended to help community leaders assess their sustainability, set targets, and measure progress. For more information, visit [www.starcommunities.org](http://www.starcommunities.org).

**STATE-LISTED NOXIOUS WEEDS** Nonnative, aggressive, and invasive plant species with the potential to be eradicated or controlled in the state. List A weeds are nonnative species whose distribution in Colorado is still limited. Preventing new infestations are the highest priority. Eradication of all List A species is required by law.

**SUBMETERING** The installation of metering devices to measure actual consumption. Submetering allows you to monitor energy or water usage for individual tenants, departments, pieces of equipment or other loads individually to account for their actual energy or water usage.

**SUBSIDIZED HOUSING** Economic assistance aimed at alleviating housing costs and expenses for people with low to moderate incomes. Forms of subsidies include direct housing subsidies, nonprofit housing, public housing, rent supplements, and some forms of cooperative and private sector housing. In the United States, subsidized housing is often called “affordable housing.”

**SUSTAINABILITY DASHBOARD** An easy to read, often single page, real-time user interface, showing a graphic presentation of the current status (snapshot) and historical trends of an organization's key performance indicators to enable instantaneous and informed decisions to be made at a glance.

**SUSTAINABLE BUSINESS HUB** See Implementation Strategy SE1-E, Page 61.

**SUSTAINABLE ENERGY AND WATER RESOURCE CENTER** See Implementation Strategy BE1-C, Page 39.

**SUSTAINABLE NEIGHBORHOODS PROGRAM** See Implementation Strategy CC1-D, Page 102.

**SUSTAINABLE SITES INITIATIVE (SSI)** A program based on the understanding that built landscapes have the capacity to protect and restore our natural systems. Developed by the American Society of Landscape Architects, the U.S. Botanic Garden, and the Lady Bird Johnson Wildflower Center at the University of Texas at Austin, SSI offers a rating system and guidelines to define land development and management practices that complement the functions of healthy ecosystems.

**SYSTEMIC, PERSISTENT NEUROTOXINS** A toxin that specifically acts upon neurons, their synapses, or the nervous system in its entirety.

**T**  
**THREATENED SPECIES** Plants and animals that are likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Endangered species are those plants and animals that have become so rare they are in danger of becoming extinct.

**TREE CANOPY COVERAGE** The proportion of land area covered by tree crowns as viewed from the air.

**TRIPLE BOTTOM LINE BUSINESS MODEL** A measure of a company's economic value through “people account,” which measures the company's degree of social responsibility, and through

“planet account,” which measures the company's environmental responsibility.

**U**  
**UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)** A program developed in 1972 to assess global, regional, and national environmental conditions, to develop international and national environmental instruments, and to strengthen institutions for the wise management of the environment.

**UNIVERSAL DESIGN** Creating places and environments that can be accessed, understood, and used regardless of age, size, and ability.

**UPWARD MOBILITY** The capacity or facility for rising to a higher social or economic position.

**URBAN DRAINAGE AND FLOOD CONTROL DISTRICT** An independent agency that assists local governments in the Denver metropolitan area with multijurisdictional drainage and flood control problems.

**V**  
**VARIABLE RATE COLLECTION SYSTEM** A trash collection program, often referred to as Pay-As-You-Throw (PAYT), where the cost of service reflects how much you throw away and provides incentives for you to recycle.

**VULNERABLE POPULATIONS** Groups that are not well integrated into community systems due to socioeconomic status, geography, gender, age, disability status, ethnicity, or health characteristics.

## W

**WALK FRIENDLY COMMUNITY** A national recognition program developed to encourage towns and cities across the U.S. to establish or recommit to giving a high priority to supporting safer walking environments. The WFC program recognizes communities that are working to improve a wide range of conditions related to walking, including safety, mobility, access, and comfort.

**WALKABLE NEIGHBORHOODS** Places where people live within walking distance of places they commonly want to visit including schools, grocery stores, park and recreational facilities, community institutions, and neighborhood-serving commercial businesses.

**WASTE CHARACTERIZATION STUDIES** Studies that identify categories of waste generated and methods of disposal. Waste characterization studies can be conducted on a variety of scales including individual buildings and entire communities or regions.

**WASTE DIVERSION** The prevention and reduction of generated waste through source reduction, recycling, reuse, or composting.

**WASTE-TO-ENERGY TECHNOLOGIES** The conversion of nonrecyclable waste materials into useable heat, electricity, or fuel through a variety of processes, including combustion, gasification, pyrolyzation, anaerobic digestion, and landfill gas (LFG) recovery.

**WATER USE INTENSITY** A measure of water use as a function of a building or site size or other characteristics.

**WATERSHED** An area from which water drains and contributes to a given point on a stream or river.

**WAYFINDING SYSTEMS** A system of signs, maps, and other graphic or audible methods used to convey location and directions to travelers.

**WINDSOURCE** A voluntary program from Xcel Energy that allows customers to pay a monthly fee to purchase renewable energy generated from wind.

**WORKFORCE** The number of people in a community engaged in or available for work.

**WORKFORCE READINESS SCORE** A Colorado Department of Education diploma endorsement criteria that measures the level of preparedness of students for postsecondary education or the workforce upon completing high school. The indicator reflects student graduation rates, dropout rates, and school averages of the Colorado ACT composite scores.

**WORLD METEOROLOGICAL ORGANIZATION (WMO)** A specialized agency of the United Nations (UN) that is the UN system's authoritative voice on the state and behavior of the Earth's atmosphere, its interaction with the oceans, the climate it produces, and the resulting distribution of water resources.

## X

**XERISCAPE** Landscape with water conservation and environmental protection as a major objective. Features may include efficient irrigation, limited turf areas, and native plant selection.

## Z

**ZERO WASTE** A goal that is ethical, economical, efficient, and visionary to guide people in changing their lifestyles and practices to emulate sustainable natural cycles, where all discarded materials are designed to become resources for others to use. Zero waste means designing and managing products and processes to systematically avoid and eliminate the volume and toxicity of waste and materials, conserve and recover all resources, and avoid burning or burying them. Implementing zero waste will eliminate all discharges to land, water or air that are a threat to planetary, human, animal or plant health.

# STRATEGY BENEFITS AND STRATEGY FEASIBILITY ASSESSMENTS

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**THE STRATEGY BENEFITS AND STRATEGY FEASIBILITY TABLES** included after each goal summarize the potential environmental, economic, and social benefits of each strategy as well as implementation costs, potential for payback or revenue, and communitywide financial impacts for each strategy. This analysis provides residents, stakeholders, City staff, and elected officials with an overall summary of the range of benefits and costs associated with each strategy and can be used to assist in identifying funding and implementation priorities.







STRATEGY BENEFITS ASSESSMENT

The Strategy Benefits Table provides a ranking for each strategy found in the plan for six different benefit factors within three benefit categories.

BENEFIT FACTORS AND CATEGORIES	
ENVIRONMENTAL BENEFITS	
GHG REDUCTION POTENTIAL: The potential to reduce emissions of greenhouse gases	ECOSYSTEM HEALTH: The potential to enhance or protect ecosystems, ecosystem services, or biological diversity
ECONOMIC BENEFITS	
SELF-RELIANCE: The potential to support the growth and development of local resources, goods and services, and economy	HOUSEHOLD BENEFITS: The potential to enhance opportunities, services, or economic well-being for Lakewood households
SOCIAL BENEFITS	
COMMUNITY COHESION: The potential to foster supportive social networks, civic participation, and diversity	PUBLIC HEALTH: The potential to enhance physical or mental health of community members

BENEFIT FACTOR	RANKING METHOD	LOW	MED	HIGH
ECOSYSTEM HEALTH	Each strategy was assessed for its potential to directly or indirectly support nine objectives (found across each of the plan's chapters) that relate to ecosystem health. The results were ranked based on the number of objectives supported.	1–3 Objectives supported	4–6 Objectives supported	7–9 Objectives supported
SELF-RELIANCE	Each strategy was assessed for its potential to directly or indirectly support seven objectives (found across each of the plan's chapters) that relate to self-reliance. The results were ranked based on the number of objectives supported.	1–2 Objectives supported	3–5 Objectives supported	6–7 Objectives supported
HOUSEHOLD BENEFITS	Each strategy was assessed for its potential to directly or indirectly support eight objectives (found across each of the plan's chapters) that relate to household benefits. The results were ranked based on the number of objectives supported.	1–2 Objectives supported	3–5 Objectives supported	6–8 Objectives supported
COMMUNITY COHESION	Each strategy was assessed for its potential to directly or indirectly support eight objectives (found across each of the plan's chapters) that relate to community cohesion. The results were ranked based on the number of objectives supported.	1–2 Objectives supported	3–4 Objectives supported	5–6 Objectives supported
PUBLIC HEALTH	Each strategy was assessed for its potential to directly or indirectly support 12 objectives (found across each of the plan's chapters) that relate to public health. The results were ranked based on the number of objectives supported.	1–3 Objectives supported	4–6 Objectives supported	7+ Objectives supported

GREENHOUSE GAS REDUCTION

(GHG) POTENTIAL:

An assessment was completed for each individual strategy to identify the potential GHG emissions reduction that would result from implementation. The potential emission reduction for each strategy is expressed in metric tons of carbon dioxide equivalent (MtCO<sub>2</sub>e).

BENEFIT FACTOR RANKINGS:

Each strategy was ranked and assigned a value of “Low,” “Medium,” “High,” or “Not Applicable.” The rankings were conducted as described above.



## STRATEGY FEASIBILITY ASSESSMENTS

The Strategy Feasibility Table provides a broad estimate of the costs associated with implementation of each strategy found in the plan along with an indication of whether the strategy will likely have ongoing costs, whether the strategy has the potential to pay for itself through cost saving or revenue generation, and whether the strategy provides a potential financial benefit or cost savings to Lakewood residents or the business community.

### UPFRONT COSTS:

Upfront costs were determined by estimating costs associated with staffing, supplies, technical equipment and software needs and whether the strategy included major capital improvements. The total estimated costs were then assigned a ranking based on the following structure:

\$ < 50,000    \$\$ = 50,000–100,000  
 \$\$\$ = 100,000–1,000,000    \$\$\$\$ > 1,000,000

### ONGOING COST:

Each strategy was assessed to determine whether there were ongoing costs associated with implementation.

### PAYBACK/POTENTIAL FOR REVENUE:

Each strategy was assessed to determine whether the City could expect to directly recoup implementation costs within a reasonable time frame.

### FINANCIAL BENEFITS FOR RESIDENTS:

Each strategy was assessed to determine whether implementation would likely result in household savings or other benefits related to household economics for Lakewood residents.

### FINANCIAL BENEFITS FOR BUSINESSES:

Each strategy was assessed to determine whether implementation would likely result in a reduction of expenses or potential increases in revenue for Lakewood businesses.

### UPFRONT COSTS MATRIX:

STAFF		CONSULTANT		SUPPLIES AND OTHER SERVICES		SOFT INFRASTRUCTURE		HARD INFRASTRUCTURE	
Salary & Wages: Assumes staff time of a City of Lakewood average salaried full-time employee (FTE)		Contract-Based: Assumes use of a consultant with technical expertise		Advertising, Postage, Printing, Training, Travel, Office Supplies, Software		Software Development, Web Development, Fees, Other Small Capital Improvements		Requires Construction or Major Capital Improvements	
High=FTE+ Med=.5FTE Low=.25FTE		\$100/hr							
High	\$60,000	High	\$75,000	High	\$20,000	High	\$50,000	High	\$10,000,000
Med	\$30,000	Med	\$50,000	Med	\$10,000	Med	\$25,000	Med	\$1,000,000
Low	\$15,000	Low	\$15,000	Low	\$5,000	Low	\$10,000	Low	\$100,000

# TARGET METHODOLOGY

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	TARGET	JUSTIFICATION	DATA SOURCES
GOAL: CCA1	REDUCE COMMUNITYWIDE GREENHOUSE GAS EMISSIONS BY 20% BELOW 2017 LEVELS BY 2025.	Target was set based on the cumulative GHG emissions reduction potential of Plan strategies.	<ul style="list-style-type: none"> <li>■ 2007 City of Lakewood Communitywide GHG Emission Inventory</li> <li>■ Periodic communitywide GHG emission inventories</li> <li>■ Assorted data sources detail in City of Lakewood GHG emission calculators</li> </ul>
	REDUCE COMMUNITYWIDE GREENHOUSE GAS EMISSIONS BY 50% BELOW 2007 LEVELS BY 2050.	Worldwide and national recommendations for levels necessary to avoid catastrophic impacts associated with climate change would establish this to be 80%. Based on 2025 goals and local limitations on control of energy generation and transmission, the target was set at 50%.	<ul style="list-style-type: none"> <li>■ 2007 City of Lakewood CommunityWide GHG Emission Inventory</li> <li>■ Periodic communitywide GHG emission inventories</li> <li>■ Assorted data sources detailed in City of Lakewood GHG emission calculators</li> </ul>
	REDUCE MUNICIPAL GREENHOUSE GAS EMISSIONS EACH YEAR THROUGH 2025.	It is important for the City to demonstrate leadership in efforts to reduce GHG emissions. The 2007 GHG Inventory did not provide data specific to Lakewood municipal operations. A specific reduction target should be established once the data is available.	Periodic municipal GHG emission inventories

CALCULATION TOOLS/METHODS	INDUSTRY ORGANIZATION & SCIENTIFIC RECOMMENDATIONS	NATIONAL EXAMPLES	COLORADO & SIMILAR EXAMPLES
Customized GHG calculators developed for the City of Lakewood to track trends and cumulative GHG reductions	President's Climate Action Plan, June 2013 – Reduce U.S. GHG emissions by 17% by 2020 (2005 baseline)	<ul style="list-style-type: none"> <li>■ Philadelphia – Reduce GHG emissions by 20% by 2015 (1990 baseline)</li> <li>■ Boston – Reduce GHG emissions by 25% by 2020 (2005 baseline)</li> <li>■ Houston – Reduce GHG emissions by 36% by 2016 (2007 baseline)</li> <li>■ Vancouver – Reduce GHG Emissions by 33% by 2020 (2007 baseline)</li> </ul>	<ul style="list-style-type: none"> <li>■ Aurora – Reduce GHG emissions by 10% by 2025 (2007 baseline)</li> <li>■ Denver – Reduce GHG emissions to below 1990 levels by 2020</li> <li>■ Ft. Collins – Reduce GHG emissions by 20% by 2020 (2005 baseline)</li> <li>■ Tacoma – Reduce GHG emissions by 40% by 2020 (1990 baseline)</li> <li>■ Evanston – Reduce GHG emissions by 17% by 2020 (2007 baseline)</li> </ul>
Customized GHG calculators developed for the City of Lakewood to track trends and cumulative GHG reductions	<ul style="list-style-type: none"> <li>■ U.S. Conference of Mayors Climate Protection Agreement – Reduce communitywide GHG emissions by 80% by 2050</li> <li>■ STAR Communities – Reduce communitywide GHG emissions by 80% by 2050</li> </ul>	<ul style="list-style-type: none"> <li>■ Austin – Net-zero communitywide GHG emissions by 2050</li> <li>■ Chicago – Reduce GHG emissions by 80% by 2050 (1990 baseline)</li> <li>■ Portland – Reduce GHG emissions by 80% by 2050 (1990 baseline)</li> </ul>	<ul style="list-style-type: none"> <li>■ Ft. Collins – Reduce GHG emissions by 100% by 2050 (2005 baseline)</li> <li>■ Tacoma – Reduce GHG emissions by 80% by 2050 (1990 baseline)</li> </ul>
Customized GHG calculators developed for the City of Lakewood to track trends and cumulative GHG reductions	U.S. Conference of Mayors Climate Protection Agreement – Reduce communitywide GHG emissions by 80% by 2050	Cleveland – Reduce municipal GHG emissions by 20% by 2020 (2010 baseline)	Ft. Collins – Reduce GHG emissions from municipal operations by 20% by 2020 (2005 baseline)



	TARGET	JUSTIFICATION	DATA SOURCES
GOAL: BE1	GENERATE 45% OF MUNICIPAL ENERGY FROM RENEWABLE SOURCES BY 2025.	State renewable energy portfolio standards require 30% of energy from renewable source by 2020. This target was established to encourage the City to secure an additional 15% of its energy from renewable sources by 2025.	Municipal energy bills and reports
	GENERATE 45% OF RESIDENTIAL ENERGY FROM RENEWABLE SOURCES BY 2025.	State renewable energy portfolio standards require 30% of energy from renewable source by 2020. This target was established to encourage Lakewood residents to secure an additional 15% of their energy from renewable sources by 2025.	Xcel annual community energy report, city building permit data
	GENERATE 45% OF COMMERCIAL AND INDUSTRIAL ENERGY FROM RENEWABLE SOURCES BY 2025.	State renewable energy portfolio standards require 30% of energy from renewable source by 2020. This target was established to encourage Lakewood commercial and industrial entities to secure an additional 15% of their energy from renewable sources by 2025.	Xcel annual community energy report, city building permit data
GOAL: BE2	REDUCE MUNICIPAL BUILDING AND FACILITY ENERGY USE INTENSITY BY 30% BY 2025 <i>(Baseline: 2008-2010 normalized data)</i> .	Based on other communities and research on potential energy and cost savings from building efficiency improvements. Target was set above communitywide level to demonstrate leadership and because of the City's ability to control its energy use.	Municipal energy bills and reports
	REDUCE CITYWIDE BUILDING ENERGY USE INTENSITY BY 20% BY 2025 <i>(Baseline: 2007)</i> .	Based on targets from other communities and research on potential energy and cost savings from building efficiency improvements.	Xcel annual community energy report; Voluntary data from participants in benchmarking programs
	REDUCE CITYWIDE WATER USE BY 20% BY 2025 <i>(Baseline: 2007)</i> .	Based on targets from other communities and the Colorado Water Conservation Board's projection of 163 billion gallon shortfall for the state by 2050.	Denver Water and other local water provider consumption reports
GOAL: BE3	INCREASE THE PERCENTAGE OF CERTIFIED GREEN BUILDINGS EACH YEAR FROM 2015 TO 2025. <i>(new construction and renovations receiving occupancy permits)</i>	Green building certifications indicate community recognition of the value of resource efficiency and occupant health and well-being in building design. Recognizing that buildings can achieve these benefits without certification, no mandate or specific numeric target was set.	Green Globes, U.S. Green Building Council, Living Building Challenge

CALCULATION TOOLS/METHODS	INDUSTRY ORGANIZATION & SCIENTIFIC RECOMMENDATIONS	NATIONAL EXAMPLES	COLORADO & SIMILAR EXAMPLES
–	–	Orlando – 5% of municipal energy from renewable sources by 2017, 100% by 2030	<ul style="list-style-type: none"> <li>■ Golden – 50% of municipal energy from renewable sources by 2017 (2007 baseline)</li> <li>■ Ft. Collins – Purchase 20% of energy from renewable sources by 2020 with 10% provided by on-site distributive energy</li> <li>■ Flagstaff – Increase renewable energy production to 50% of annual municipal energy consumption (long-term goal)</li> </ul>
Reported kwh generation from Xcel report and additional generation from sources not integrated into the grid (from permit data)	Star Communities – Increased number of renewable energy certificates (RECs) purchased by residents annually	San Diego – 100% electricity used in the City to be from renewable sources by 2035	<ul style="list-style-type: none"> <li>■ Golden – 20% of communitywide energy from renewable sources by 2017 (2007 baseline)</li> <li>■ Colorado Springs – 50% of Pike's Peak energy from sustainable sources by 2030</li> <li>■ Denver – 50% of communitywide energy from renewable sources by 2020</li> </ul>
Reported kwh generation from Xcel report and additional generation from sources not integrated into the grid (from permit data)	–	–	<ul style="list-style-type: none"> <li>■ Golden – 20% of communitywide energy from renewable sources by 2017 (2007 baseline)</li> <li>■ Colorado Springs – 50% of Pike's Peak energy from sustainable sources by 2030</li> <li>■ Denver – 50% of communitywide energy from renewable sources by 2020</li> </ul>
–	Star Communities – 80% reduction in energy use by selected public infrastructure by 2050	<ul style="list-style-type: none"> <li>■ Philadelphia – Lower city government energy consumption by 30% by 2015 (2008 baseline)</li> <li>■ Orlando – 10% reduction in municipal energy consumption by 2017, 50% by 2030</li> </ul>	<ul style="list-style-type: none"> <li>■ Golden – Reduce City energy consumption by 25% by 2017 (2007 baseline)</li> <li>■ Denver – Reduce energy consumed in city-operated buildings and vehicles by 20% by 2020</li> <li>■ Ft. Collins – Reduce City energy consumption by 20% by 2020 (2005 baseline)</li> </ul>
–	Star Communities – 80% reduction of communitywide building energy use intensity by 2050	Philadelphia – Lower citywide building energy consumption by 10% by 2015 (2006 baseline)	<ul style="list-style-type: none"> <li>■ Golden – Reduce communitywide energy use by 20% by 2017 (2007 baseline)</li> <li>■ Colorado Springs – Reduce Pike's Peak regional energy use by 20% by 2030 (2010 baseline)</li> </ul>
–	<ul style="list-style-type: none"> <li>■ Star Communities – 80% reduction of communitywide building water use intensity by 2050</li> <li>■ Denver Water – Reduce overall water use by 22% by 2016 (2002 baseline)</li> </ul>	Vancouver – Reduce per capita water consumption by 33% from 2006 levels by 2020.	<ul style="list-style-type: none"> <li>■ Golden – Reduce per capita water use by 15% by 2012 (2007 baseline)</li> <li>■ Denver – Reduce per capita use of potable water in Denver by 22% by 2020 (2001 baseline)</li> </ul>
Sum of certified buildings according to each of the program's certified projects maps	Star Communities – Increase percentage of buildings achieving certification in LEED, Green Globes, and Living Building Challenge programs	Vancouver – Require all buildings constructed from 2020 onward to be carbon neutral in operations.	Golden – 90% of all new construction and 50% of remodels are built to green building standards by 2017 (2007 baseline)

	TARGET	JUSTIFICATION	DATA SOURCES
GOAL: SE1	INCREASE LOCAL FOOD ASSETS ANNUALLY THROUGH 2025 ( <i>baseline to be established after the completion of Implementation Strategy SE1-A</i> ).	Subject to change after local food asset assessment is completed – Target reflects estimated opportunities in Lakewood based on recently adopted zoning ordinance facilitating urban agricultural production and sales.	To be established as part of implementation strategy
	ACHIEVE PARTICIPATION FROM 20 LOCAL BUSINESSES IN THE FIRST THREE YEARS OF IMPLEMENTING A GREEN BUSINESS CERTIFICATION PROGRAM.	Based on number of participating and certified and businesses in Certifiably Green Denver's program and normalized to Lakewood based on number of commercial businesses.	To be established as part of implementation strategy
GOAL: SE2	INCREASE THE PERCENTAGE OF HOUSEHOLDS IN CDBG QUALIFIED NEIGHBORHOODS SPENDING LESS THAN 45% OF INCOME ON HOUSING AND TRANSPORTATION COSTS TO 60% BY 2025.	The 45% of income on housing and transportation costs is based on recommendations from the Department of Housing and Urban Development and the Center for Neighborhood Technology.	Center for Neighborhood Technology Housing + Transportation Affordability Index
	INCREASE NUMBER OF HOUSEHOLDS ABOVE LIVING WAGE STANDARD BY 15% BY 2025, ( <i>Baseline: 2010</i> ).	Increasing the percentage of those who meet the living wage standard (wage rate necessary to meet basic needs), allows workers to achieve financial independence and live where they work and has also been linked to employer benefits from decreased turnover, increased morale, and increased productivity.	Massachusetts Institute of Technology Living Wage Calculator
	INCREASE NUMBER OF HOUSING UNITS WITHIN A DESIGNATED COMPLETE NEIGHBORHOOD BY 25% BY 2025.	Established as a key strategy to reduce greenhouse gas emissions and support other sustainability goals. Target reflects recently adopted zoning ordinance facilitating high density around transit hubs and transportation corridors.	To be established as part of implementation strategy

CALCULATION TOOLS/METHODS	INDUSTRY ORGANIZATION & SCIENTIFIC RECOMMENDATIONS	NATIONAL EXAMPLES	COLORADO & SIMILAR EXAMPLES
Number of food hubs, community kitchens, farmers markets, community produce stands, community food composting facilities, community garden plots, and urban farms	Star Communities – Increase over the past three years in the amount of fresh food produced through local urban agriculture or sold through direct farm-to-consumer activities	Vancouver – Increase citywide and neighborhood food assets by a minimum of 50% over 2010 levels by 2020.	Denver – Grow and process at least 20% of the food purchased in Denver entirely within Colorado
–	–	Vancouver – Double the number of companies that are actively engaged in greening their operations over 2011 levels by 2020.	Breckenridge – Positive yearly growth trend of certified "green businesses"
–	Star Communities – 60% of Census block groups with households earning 80% AMI spend less than 45% on housing and transportation	–	Denver – At least 80% of neighborhoods in Denver are rated as affordable using the H+T Index while preserving the diversity of the neighborhoods
Use the formula included in the Star Community Index = local living wage X average household size X work hours per year	Star Communities – 90% of median household incomes meet or exceed the living wage standard	Corvallis – Living Wage Ordinance for City employees and contractors that service the city, adjusted each year based on consumer price index	–
–	Star Communities – Increased access and proximity to residents of diverse income levels and race/ethnicity to the community facilities, services, and infrastructure	Seattle – 45% of households in urban centers/villages	–

	TARGET	JUSTIFICATION	DATA SOURCES
GOAL: ZW1	ACHIEVE A 60% COMMUNITYWIDE DIVERSION RATE BY 2025.	Based on Colorado Association for Recycling statewide diversion target and strong work group recommendations.	Hauler reports and/or waste characterization study
	ACHIEVE AN 80% DIVERSION RATE AT THE CIVIC CENTER BY 2025.	Established to demonstrate leadership and determined to be achievable based on existing programs (recycling, composting, green purchasing) and participation rates.	Hauler reports
	ACHIEVE INCREASED DIVERSION RATES FOR SPECIFIC MUNICIPAL FACILITIES <i>(to be established after the completion of Implementation Strategy ZW1-B).</i>	To be established as part of implementation strategy.	To be established as part of implementation strategy
	ACHIEVE A 90% DIVERSION RATE AT CITY OF LAKEWOOD EARTH DAY AND CIDER DAYS EVENTS.	Standard for zero waste event according to Zero Waste International Alliance.	Self and/or hauler reported
GOAL: ZW2	ACHIEVE A 60% RESIDENTIAL DIVERSION RATE BY 2025 <i>(single-family residences and complexes with eight units or fewer).</i>	Based on Colorado Association for Recycling statewide diversion target and strong work group recommendations.	Hauler reports and/or waste characterization study
GOAL: ZW3	ACHIEVE A 60% CONSTRUCTION AND DEMOLITION DIVERSION RATE BY 2025.	Based on Colorado Association for Recycling statewide diversion target and the U.S. EPA national target for the construction and demolition industry.	Hauler reports and/or waste characterization study
	ACHIEVE A 60-90% DIVERSION RATE FOR PRIORITY WASTE STREAMS <i>(priority waste streams will be established through implementation Strategy ZW3-A).</i>	To be established as part of implementation strategy.	To be established as part of implementation strategy



CALCULATION TOOLS/METHODS	INDUSTRY ORGANIZATION & SCIENTIFIC RECOMMENDATIONS	NATIONAL EXAMPLES	COLORADO & SIMILAR EXAMPLES
–	<ul style="list-style-type: none"> <li>■ Colorado Association for Recycling – 66% diversion of total solid waste in Colorado by 2021 (2009 baseline – 36%)</li> <li>■ Star Communities – Achieve 100% reduction in communitywide solid waste that is disposed of via landfill or incinerator by 2050</li> </ul>	Philadelphia – Divert 70% of solid waste from landfill by 2015	<ul style="list-style-type: none"> <li>■ Golden – Reduce waste by 25% by 2017 (2007 baseline)</li> <li>■ Colorado Springs – 70% diversion by 2030</li> <li>■ Denver – Reduce waste disposed of by delivery to a landfill by 20% by 2020 (2012 baseline)</li> <li>■ Boulder – 85% waste diversion by 2017</li> <li>■ Tacoma – 70% solid waste diversion by 2028</li> </ul>
–	–	–	–
–	–	Orlando – 60% recycling rate at all city facilities	Ft. Collins – Reduce waste from publicly accessible facilities by 5% per year; municipal workplaces and offices by 10% per year; and industrial operations by 10% per year based on data reported for previous year
–	–	–	–
–	<ul style="list-style-type: none"> <li>■ Colorado Association for Recycling – 66% diversion of total solid waste in Colorado by 2021 (2009 baseline – 36%)</li> <li>■ Star Communities – Achieve 100% reduction in communitywide solid waste that is disposed of via landfill or incinerator by 2050</li> </ul>	Philadelphia – Divert 70% of solid waste from landfill by 2015	<ul style="list-style-type: none"> <li>■ Golden – Reduce waste by 25% by 2017 (2007 baseline)</li> <li>■ Denver – Reduce waste disposed of by delivery to a landfill by 20% by 2020 (2012 baseline)</li> <li>■ Tacoma – 70% solid waste diversion by 2028</li> </ul>
–	U.S. EPA – 75% diversion of construction and demolition waste in the U.S. by 2015	<ul style="list-style-type: none"> <li>■ Seattle – 70% construction and demolition waste diversion by 2020</li> <li>■ San Diego – Requires the majority of construction and demolition projects to divert at least 50% of waste</li> </ul>	–
–	–	–	–

	TARGET	JUSTIFICATION	DATA SOURCES
GOAL: CC1	INCREASE THE PERCENTAGE OF RESIDENTS REPORTING "GOOD" OR "VERY GOOD" SATISFACTION RATINGS FOR LAKEWOOD'S EFFORTS AT WELCOMING CITIZEN INVOLVEMENT AS REPORTED IN THE CITY OF LAKEWOOD CITIZEN SURVEY TO 60% BY 2025.	Identified as measurable indicator of civic engagement in conjunction with City Manager's Office.	City of Lakewood Citizen Survey
	INCREASE RESIDENT SUBSCRIPTIONS TO CITY COMMUNICATION TOOLS EACH YEAR THROUGH 2025.	Identified as measurable indicator of civic engagement in conjunction with City Manager's Office.	City of Lakewood Communications Division
	CERTIFY 12 NEIGHBORHOODS AS "OUTSTANDING SUSTAINABLE NEIGHBORHOODS" IN THE SUSTAINABLE NEIGHBORHOODS PROGRAM BY 2025.	Based on existing interest and growth potential of the program.	City of Lakewood Sustainability Division
GOAL: CC2	INCREASE RECREATION PROGRAM PARTICIPATION EACH YEAR THROUGH 2025.	Identified as measurable indicator of public health in conjunction with the Community Resources Department.	City of Lakewood Community Resources Department
	ELIMINATE USDA-DEFINED FOOD DESERTS IN LAKEWOOD.	Based on a combination of opportunities for additional food outlets and momentum of local food movement.	U.S. Department of Agriculture Food Access Research Atlas
GOAL: CC3	ACHIEVE COMMUNITY AFFORDABLE HOUSING TARGETS <i>(to be established after the completion of Implementation Strategy CC3-A)</i> .	To be established as part of implementation strategy.	To be established as part of implementation strategy
	INCREASE THE PERCENTAGE OF RESIDENTS REPORTING "GOOD" OR "VERY GOOD" SATISFACTION RATINGS FOR LAKEWOOD PROGRAMS FOR PEOPLE WITH SPECIAL NEEDS, OLDER ADULTS, LOW-INCOME PERSONS, AND HOMELESS PEOPLE TO ABOVE FRONT RANGE BENCHMARKS.	Identified as measurable indicator of civic satisfaction in conjunction with City Manager's Office.	City of Lakewood Citizen Survey

CALCULATION TOOLS/METHODS	INDUSTRY ORGANIZATION & SCIENTIFIC RECOMMENDATIONS	NATIONAL EXAMPLES	COLORADO & SIMILAR EXAMPLES
–	Star Communities – Increase percentage of residents who believe they are able to have a positive impact on their community	–	–
–	–	–	–
–	–	–	Denver – Additional two neighborhoods every six months supported by two full time employees
–	–	–	–
–	Star Communities – Decrease over the past three years in the percentage of residents living in an urban or rural food desert	–	–
–	Star Communities – Achieve targets for creation of new affordable housing identified in local housing strategy	–	–
–	–	–	–

	TARGET	JUSTIFICATION	DATA SOURCES
GOAL: NS1	INCREASE THE ACREAGE OF FUNCTIONAL AND HEALTHY NATURAL ECOSYSTEMS. <i>(Specific target to be established after the completion of Implementation Strategy NS1-C).</i>	To be established as part of implementation strategy.	To be established as part of implementation strategy
	ENSURE THAT ALL WATERS WITHIN LAKEWOOD MEET OR EXCEED THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S WATER QUALITY STANDARDS FOR THE USES ASSIGNED.	Based on the Clean Water Act requirements and recommendations from city staff.	U.S. EPA and Colorado Department of Public Health and Environment (CDPHE)
GOAL: NS2	ACHIEVE 30% TREE CANOPY COVERAGE BY 2025.	Based on recommendations from the 2013 Metro Denver Urban Forest Assessment and work group recommendations.	To be established as part of implementation strategy

CALCULATION TOOLS/METHODS	INDUSTRY ORGANIZATION & SCIENTIFIC RECOMMENDATIONS	NATIONAL EXAMPLES	COLORADO & SIMILAR EXAMPLES
–	Star Communities – Achieve targets for acres of land conserved in priority natural system areas identified in a locally adopted natural systems or land conservation plan	–	–
–	Star Communities – All nonindustrial water bodies are swimmable and fishable during 90% of days in the past year	Baltimore – Ensure that Baltimore water bodies are fishable and swimmable	Denver – Make all Denver rivers and creeks swimmable and fishable
–	<ul style="list-style-type: none"> <li>■ 2013 Metro Denver Urban Forest Assessment estimated a 20% existing tree canopy coverage for Lakewood and recommended a 34% target to fill 50% of potential planting sites.</li> <li>■ Star Communities – 35% of land area has protected vegetated surface performing a minimum of two of the following: cooling, water management, recreation</li> </ul>	<ul style="list-style-type: none"> <li>■ Philadelphia – Increase tree coverage toward 30% in all neighborhoods by 2025</li> <li>■ Orlando – 95% of potential street tree spaces contain living trees by 2030</li> </ul>	Ft. Collins – Maintain a 30% forest canopy density in suitable areas of City Parks and 70% of native vegetative cover in Natural Areas



	TARGET	JUSTIFICATION	DATA SOURCES
GOAL: T1	CONVERT ALL STREETLIGHTS TO LED OR OTHER HIGH-EFFICIENCY LIGHTING TECHNOLOGIES BY 2025.	Significant energy and financial savings with quick payback period. This target requires cooperation from Xcel.	City of Lakewood Traffic Engineering and Xcel
GOAL: T2	REDUCE LAKEWOOD'S DAILY PER CAPITA VEHICLE-MILES-TRAVELED BY 10% BY 2025 ( <i>Baseline: 2007</i> ).	Based on DRCOG Metro Vision 2035 target.	Denver Regional Council of Governments (DRCOG)
	REDUCE THE PERCENT OF TRIPS TO WORK BY SINGLE-OCCUPANCY VEHICLES FROM 75% TO 65% BY 2025 ( <i>Baseline: 2007</i> ).	Based on DRCOG Metro Vision 2035 target.	Denver Regional Council of Governments (DRCOG)
	DECREASE PETROLEUM-BASED FUEL CONSUMPTION OF THE CITY FLEET BY 10% BY 2025 ( <i>Baseline: 2014</i> ).	Based on a combination of increased fuel-efficiency standard and evolving alternative fuel vehicle market.	City of Lakewood Fleet Division

CALCULATION TOOLS/METHODS	INDUSTRY ORGANIZATION & SCIENTIFIC RECOMMENDATIONS	NATIONAL EXAMPLES	COLORADO & SIMILAR EXAMPLES
–	–	<ul style="list-style-type: none"> <li>■ Los Angeles – Convert 147,700 streetlights converted, 61% energy savings, \$7.7 million energy cost savings, 7 year payback</li> <li>■ Seattle – 41,000 streetlights, 15 million kWh energy savings, \$2.6 million annual energy cost savings, 7.6 year payback</li> </ul>	–
DRCOG travel modelling	<ul style="list-style-type: none"> <li>■ The DRCOG Metro Vision 2035 aims to reduce daily vehicle-miles-traveled per capita in the Denver metro area by 10%.</li> <li>■ Star Communities – Annual decrease in VMT</li> </ul>	<ul style="list-style-type: none"> <li>■ Philadelphia – Reduce VMT by 10% by 2015 (2008 baseline)</li> <li>■ Seattle – 20% VMT reduction by 2030</li> </ul>	Golden – Reduce communitywide VMT by 15% by 2017 (2007 baseline)
DRCOG travel modelling	<ul style="list-style-type: none"> <li>■ The DRCOG Metro Vision 2035 aims to lower single-occupancy vehicle trips to work in the Denver metro area from 74% to 65%.</li> <li>■ Star Communities – 60% maximum for drive alone for journey-to-work trips</li> </ul>	Vancouver – Make the majority (over 50%) of trips by foot, bicycle, and public transit.	Denver – Provide mobility options that reduce personal travel in Denver done in single-occupant vehicles to no more than 60% of all trips.
–	–	<ul style="list-style-type: none"> <li>■ Philadelphia – Reduce fuel consumption of the city fleet by 15% by 2015 (2006 baseline)</li> <li>■ Columbus – Reduce fuel consumption of the City fleet by 2% by 2014 (2010 baseline)</li> <li>■ San Jose – 100% alternative fuel vehicles by 2022</li> <li>■ Seattle – 42% reduction in petroleum-based fuel use by 2020</li> <li>■ Austin - Carbon Neutral Fleet by 2020</li> </ul>	<ul style="list-style-type: none"> <li>■ Littleton - Reduce city vehicle fuel consumption by 10% by 2010 (2008 baseline)</li> <li>■ Ft. Collins - Reduce the traditional fuel use of the city's fleet by 20% by 2020</li> <li>■ Flagstaff - Phase out 100% of inefficient and underutilized vehicles from fleet (long-term goal)</li> </ul>

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November 20, 2019

**SENT VIA EMAIL**

Diana Brown-Evens  
Secretary, Board of Adjustment  
City of Lakewood, Colorado  
470 South Allison Parkway  
Lakewood, Colorado 80226-3127  
[diabro@lakewood.org](mailto:diabro@lakewood.org)

***Re: Appeal of Planning Department's Interpretation of the Lakewood Zoning Ordinance and the Wilson Property ODP – Reply to Developer's Response***

Dear Ms. Brown-Evens:

This letter follows the earlier correspondence dated July 25, 2019, and August 15, 2019 on behalf of our clients, The Wild Flower Patio Homes @ White Fence Homeowners Association (the "HOA") and UNIFIED Under the Wilson Property ODP ("UNIFIED"), to appeal Director Parker's interpretation of the Wilson Property ODP and Lakewood's Zoning Ordinance as set forth in his letters dated May 21, 2019, and May 31, 2019. The purpose of this letter is to respond to the issues raised in the response letter from counsel for the developer of the subject property,<sup>1</sup> Crescent Communities ("Crescent"), dated November 6, 2019.<sup>2</sup>

Introduction

Crescent's letter largely ignores the most important issue before the Board—namely, the Zoning Ordinance cannot be interpreted in a way that nullifies the explicit land use standards set forth in the Wilson Property ODP given that the private parties, who hold a continuing right to enforce the ODP, have never consented to such a change. In past instances, the City has always required that the private property owners who are subject to an ODP and will be affected by a

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<sup>1</sup> The property that is subject to Crescent's proposed multifamily residential development is located at 6263 W. Jewell Avenue in Lakewood (the "Property").

<sup>2</sup> By the advance agreement of the City Attorney, counsel for the Board, and counsel for Crescent, all parties agreed that the HOA and UNIFIED would submit this reply letter to Crescent's response letter on or before November 20, 2019.

proposed change to the OPD, first consent to such a change. Here, the private property owners covered by the Wilson Property ODP have never consented to deleting the more stringent land use standards set forth in the Wilson Property ODP and expressly retained by the Lakewood City Council when it retained the Wilson Property ODP as part of the 2012 rezoning of the Property.

Instead, Crescent's letter begins with a meritless procedural argument regarding standing. This procedural argument is completely unsupported by the City's Zoning Ordinance and directly at odds with the express instructions of the City's Planning Department, including Director Parker.

Beyond this procedural red herring, Crescent's letter fundamentally misunderstands the impact of Lakewood's 2012 rezoning given that the City expressly retained the Wilson Property ODP as applicable to the Property. Although the 2012 rezoning created an underlay base zone for the Property which created additional allowable uses, the Wilson Property ODP continues to serve as an overlay district which places stricter standards upon those permitted uses. Crescent's letter repeatedly confuses (perhaps intentionally) the difference between permitted uses, on the one hand, and the standards that limit those uses, on the other. As the City's Planning Staff previously confirmed, any allowable uses under the base zone nevertheless remain subject to the standards set forth in the ODP. The less restrictive land use standards of the base zone only apply where the ODP is silent.

Crescent then attempts to avoid this reality by citing to a provision added to the Zoning Ordinance in 2012 that purportedly allows a developer to pick and choose between conflicting standards of a base zone and an ODP. But this argument ignores the basic fact that the conditions, provisions, and restrictions in the Wilson Property ODP expressly inured to the benefit of the original private property owners and their successors under the ODP and may still be enforced by those same private property owners. These conditions, provisions, and restrictions have never been amended and—consistent with the City's past practice—cannot be amended without the consent of all private property owners under the ODP. A one sentence addition to the Zoning Ordinance in 2012 cannot nullify these longstanding and vested property rights. To the extent that this conflicting land use rules cannot be reconciled, the Zoning Ordinance is clear: the more restrictive land use standards must control.

Finally, Crescent all but concedes that its proposed development will violate the maximum residential density, height, and architectural review standards set forth in the Wilson Property ODP. Because the Wilson Property ODP prohibits the proposed development, Director Parker misinterpreted and misapplied the City's land use ordinances in finding that the proposal may continue to move forward through major site plan review.

Each of these arguments is addressed in turn below.

Argument

**A. The Board Has Jurisdiction to Immediately Consider this Appeal.**

Crescent's response letter begins by raising two new procedural issues, which have never been raised by the Planning Department, the City Attorney, or this Board. Crescent argues that despite the explicit text of the City Code, the HOA and UNIFIED may not appeal Director Parker's final decision interpreting the City's land use regulations to this Board because, according to Crescent, any decision relating to its site plan application can only be appealed to the Planning Commission and such appeal can only be made by an applicant and only after Planning Staff has taken final action on the site plan application. In other words, Crescent claims that affected neighbors and property owners under an ODP can never challenge a determination of the Planning Director which directly affects their rights under the ODP. Crescent is wrong on all points—the City Code expressly provides the HOA and UNIFIED with the right to appeal Director Parker's decision interpreting the City's land use regulations to this Board. Because Director Parker's decision was final, there is similarly no basis to delay the Board's immediate consideration of this appeal.

- a. *The Board Has Jurisdiction to Hear this Appeal as Expressly Set Forth in the City Code and Confirmed by the City.*

Crescent first argues that this Board does not have jurisdiction to review appeals of Director Parker's final interpretation of Lakewood's land use regulations (including but not limited to the interplay between the Zoning Ordinance and the ODP) because—according to Crescent—all issues relating to Crescent's application for a major site plan approval can: (1) only be appealed to the Planning Commission; and (2) can only be appealed by Crescent itself.

This argument fundamentally misconstrues the instant appeal. As Crescent correctly notes, the City has not taken final action on Crescent's major site plan application. Rather, pursuant to his authority under Section 17.1.7.1.B.1 of the Zoning Ordinance to "[i]nterpret and apply the provisions set forth in this Zoning Ordinance," Director Parker made a final decision to resolve a dispute regarding the meaning and application of the Zoning Ordinance as further modified at the Property by the Wilson Property ODP. Section 17.1.7.3 of the Zoning Ordinance explicitly provides that such decisions are then immediately appealable to this Board: "The Board of Adjustment shall have jurisdiction . . . to hear and decide appeals from decisions and interpretations made by the Director pursuant to 17.1.7.1.B.1 of this Zoning Ordinance."

Contrary to Crescent's unfounded assertions, there is nothing within Section 17.1.7.3 which would render this Board's appellate authority inapplicable to the Director's final interpretations regarding pending site plan applications. Similarly, there is no support for Crescent's claim that this Board can only hear appeals that relate to decisions that are "independent" and "divorced from a zoning application." Finally, Crescent's argument that the "general authority" delegated to this Board must yield to the "specific authority" granted to the Planning Commission with respect to major site plan applications is ultimately fatally undermined

by Crescent's position that such appeals to the Planning Commission can only be made by a disappointed applicant. If affected neighbors and other interested parties have no meaningful recourse before the Planning Commission, then that purportedly more "specific" procedure is completely inapplicable here. As the representative entities for neighboring property owners whose rights will be directly and negatively impacted, basic notions of due process compel this Board to now consider this appeal consistent with its explicit authority under Section 17.1.7.3 of the Zoning Ordinance.

This Board's jurisdiction over the instant appeal has been confirmed on numerous occasions by every City official who has considered the issue:

- First, in an email dated May 2, 2019, Lakewood Senior Planner Kara Mueller advised City residents that any challenge to the City's interpretation and application of the Wilson Property ODP could be commenced by submitting a request to Director Parker, who would then prepare a written response which could then be appealed to this Board. (May 2, 2019 Email from K. Mueller to D. Emert (attached hereto as **Exhibit A**.)
- Consistent with these instructions, undersigned counsel presented Director Parker with a formal request for an interpretation of the interplay between the Zoning Ordinance, the Wilson Property ODP, and Crescent's proposed development in a letter dated May 10, 2019. (May 10, 2019 Letter from J. Silvestro to T. Parker (attached hereto as **Exhibit B**.) In this letter, undersigned counsel explicitly asked Director Parker to clarify whether any subsequent decision could be appealed to this Board and then, if necessary, to the District Court for Jefferson County pursuant to C.R.C.P. 106. (Ex. B, at 5 n.4.) Director Parker responded by letter dated May 21, 2019 and confirmed that he was making a final decision under Section 17.1.7.1.B.1 which could then be appealed to this Board pursuant to Section 17.1.7.3. (May 21, 2019 Letter from T. Parker to J. Silvestro, at 3 (attached hereto as **Exhibit C**.) Director Parker copied the Board's Secretary and the City Attorney on this correspondence.
- Separately, counsel for Crescent submitted a letter dated May 29, 2019, objecting to undersigned counsel's original letter in part based upon Crescent's contention that it would be procedurally improper for Director Parker to render a final decision pursuant to Section 17.1.7.B.1. (May 29, 2019 Letter from C. White to T. Parker, at 2 (attached hereto as **Exhibit D**.) Director Parker did not respond to this letter, but without addressing the purported procedural issues raised in Crescent's letter, Director Parker affirmatively acted to supplement his final decision in a letter dated May 31, 2019. (May 31, 2019 Letter from T. Parker to J. Silvestro (attached hereto as **Exhibit E**.)

- In an email to the Lakewood City Attorney dated June 6, 2019, undersigned counsel memorialized the HOA and UNIFIED's understanding that Director Parker's final decision was immediately appealable to this Board. (June 6, 2019 Email from J. Silvestro to T. Cox (attached hereto as Exhibit F.) The City Attorney did not respond to this email and has never disputed this interpretation of the Zoning Ordinance and the Board's jurisdiction over this appeal.
- Following undersigned counsel's initiation of this appeal, the Board set this matter for a hearing on December 4, 2019. The Board also retained outside counsel, who has worked with counsel for all parties to facilitate any issues in advance of this hearing.

The HOA and UNIFIED have appealed Director Parker's final decision to this Board consistent with the Zoning Ordinance and the guidance provided by all City officials. The Board has jurisdiction to hear this appeal.

*b. This Appeal Was Ripe Following Director Parker's Final Decision Interpreting the Zoning Ordinance and the ODP.*

Because the Board has jurisdiction to hear Director Parker's final decision, there is similarly no basis to reject this appeal on ripeness grounds. By his letters dated May 21, 2019 and May 31, 2019, Director Parker memorialized his interpretation of the interplay between the Zoning Ordinance and the Wilson Property ODP and the manner in which the City will apply those land use regulations to Crescent's proposed development. Contrary to Crescent's claim, Director Parker and the Planning Department have taken a final position on these issues and—absent a successful challenge before this Board—the City will continue to process Crescent's application consistent with this final interpretation.

Again, Crescent itself has taken the position that any final action on Crescent's application may only be appealed by Crescent itself. Accordingly, there is no basis to delay the immediate resolution of the HOA and UNIFIED's appeal of Director Parker's interpretation and application of the City's land use regulations. If, as the HOA and UNIFIED contend, Director Parker has misapplied these regulations, then this Board should intercede immediately to prevent the Planning Department from continuing to apply the City's land use regulations to Crescent's application and proposed development in an unlawful manner.

The remainder of Crescent's arguments relate to irrelevant policy concerns that are not addressed by the Zoning Ordinance. To the extent that these concerns have any merit, they can and should be addressed within the text of the Zoning Ordinance. As it stands, the Zoning Ordinance creates an appellate framework whereby Director Parker's decision and interpretations can be directly appealed to this Board. This appeal is ripe and should be immediately heard and resolved by this Board.



**B. The Development Standards Set Forth in the Wilson Property ODP Have Never Been Amended, Could Not Be Nullified by the 2012 Rezoning, and Cannot Now Be Ignored.**

Crescent does not dispute that the Property remains subject to the Wilson Property ODP. Nevertheless, Crescent claims that the more restrictive land use standards set forth in the Wilson Property ODP can be completely ignored. Crescent's position is inconsistent with both the plain terms of the Wilson Property ODP and the Zoning Ordinance.

Crescent's argument begins by confusing the land uses that are allowed at the Property with the land use standards that apply to those uses. While Section 17.3.6.4.A does provide that all uses permitted within the M-N-S zone must be allowed along with all allowable uses under the Wilson Property ODP, that provision does not say anything about the *standards* that nevertheless still apply to such uses. As a context-specific overlay district, the Wilson Property ODP provides more restrictive land use standards that uniformly apply to the uses authorized under either the base zone or the Wilson Property ODP. This reality is consistent with the Planning Department's original position on this issue: "The M-N-S zone district does not supersede the ODP, rather it is the underlying zone district and governs where the ODP is silent." (June 24, 2018 Letter from K. Mueller to S. Makee, at 5 (attached hereto as Exhibit G).)<sup>3</sup> As set forth below, it is undisputed that the standards set forth in the Wilson Property ODP are more restrictive than the base zone of the Property. Accordingly, as correctly explained by Senior Planner Kara Mueller, the more lenient standards of the base zone only apply where the ODP is silent.

Critically, the more restrictive land use *standards* in the Wilson Property ODP have never been amended. Crescent nevertheless argues that the Wilson Property ODP was impliedly amended by the 2012 rezoning. Crescent argues that this implied repeal of the Wilson Property ODP now gives the City and Crescent *carte blanche* to completely ignore all of the land use standards explicitly set forth in the Wilson Property ODP. This ignores the full context of the 2012 rezoning and the City's longstanding requirement that substantive amendments to ODPs require the consent of the affected property owners under the ODP.

Crescent claims, without support, that the City acted thoughtfully in applying the M-N-S zoning to the Property as part of the citywide rezoning in 2012. (Crescent Nov. 6, 2019 Letter, at 7-8.) But in making this argument, Crescent completely ignores the fact that the City specifically retained the Wilson Property ODP as part of that same 2012 rezoning. As the City's Planning Department has previously explained, the City considered the existing ODPs "on a case-by-case basis" as part of the 2012 rezoning and only retained an ODP if it had "something very unique about it." (See Aug. 15, 2019 Letter from J. Silvestro to D. Brown-Evens, at 3-4 (quoting K. Mueller at July 22, 2019 Meeting of the Lakewood City Council).) In other words, ODPs like the

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<sup>3</sup> In its response letter, Crescent objects to the Board's consideration of this letter from Senior Planner Kara Mueller as "selectively-quoted statements from a Planning Department staff member" (Crescent Nov. 6, 2019 Response Letter, at 9 n.2), but neither Crescent nor Director Parker has ever disputed Ms. Mueller's statement or made any effort to explain why it is incorrect.

Wilson Property ODP were only retained as part of the 2012 rezoning if the City determined that the restrictions set forth therein would continue to apply following the rezoning. The City's careful consideration of the Wilson Property ODP determined that it could and should have continuing effect following the 2012 citywide rezoning. The arguments of Crescent and Director Parker, which seek to nullify the Wilson Property ODP, are wholly contradicted by that 2012 determination.

Moreover, the City has only allowed ODPs to be amended after first obtaining the approval of all affected property owners under the particular ODP. For example, when the City Council asked the City Attorney at the same July 22, 2019 City Council meeting what process is required to amend an ODP, the City Attorney responded that the City has historically required that changes to an ODP include the consent of all parcels that are directly impacted by a change. (*See* Aug. 15, 2019 Letter from J. Silvestro to D. Brown-Evens, at 2 (quoting T. Cox at July 22, 2019 Meeting of the Lakewood City Council).)

Here, the Wilson Property ODP expressly provides that the restrictive covenants set forth in the ODP run with all of the properties covered by the ODP and may be privately enforced by private property owners. Specifically, the "Enforceability" section of the ODP provides: "The conditions, provisions, restrictions and regulations contained herein shall inure to the benefit of the owners, their successors, heirs, representatives and assigns and shall inure to the benefit of and be binding upon any person who shall undertake development of the property." At the time it was adopted, in addition to being approved by the City, the Wilson Property ODP was agreed to and signed by all of the private owners of the properties subject to the ODP and recorded against all of those same properties. Because the restrictive covenants under the ODP were expressly intended to run with the land, these restrictions have remained binding upon all subsequent property owners and may be enforced by those same property owners. Accordingly, any changes to the restrictive covenants set forth in the Wilson Property ODP would directly affect all of the property owners under the Wilson Property ODP.

Consistent with land use law and the City's historic practice, the ODP could not have been amended without the approval of all of these private property owners. Similarly, changes to the Zoning Ordinance in 2012 cannot now be interpreted so as to have retroactively nullified the private property rights vested within the Wilson Property ODP and recorded against all properties covered by the ODP. Section 17.1.6.2(C) of the Zoning Ordinance expressly provides that the Zoning Ordinance should never be interpreted in a manner that would cause it to "interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties."

This same reasoning applies to Crescent's alternative argument that the standards set forth in the Wilson Property ODP may be ignored by virtue of Section 17.3.6.5.A, which Crescent argues allows it to selectively choose the less restrictive standards of the base zone and ignore the more restrictive standards of the Wilson Property ODP. Even if Crescent's proposed development could be considered a "redevelopment" under Section 17.3.6.5.A (which the HOA and UNIFIED dispute given the obvious difference between "development," which has never occurred at the

Property under the ODP, and “redevelopment”), this new land use ordinance (which was also enacted as part of the 2012 rezoning) cannot be used to nullify either the longstanding land use standards set forth in the Wilson Property ODP (which were themselves expressly reaffirmed by the City Council as part of the 2012 rezoning) or the vested right of the private property owners to enforce those same land use standards.

To the extent that the more restrictive standards of the Wilson Property ODP stand in direct conflict with the optional standards allegedly permitted under Section 17.3.6.5.A, the Zoning Ordinance provides explicit guidance for resolving such contradictory standards. Section 17.1.6.2.A of the Zoning Ordinance provides that whenever two land use rules or standards are in conflict, the more restrictive rule or standard must be applied. Crescent argues that there is no conflict between the Wilson Property ODP and Section 17.3.6.5.A because Section 17.3.6.5.A purportedly allows Crescent to ignore the land use standards in the Wilson Property ODP—but this is circular reasoning which assumes in the first instance that Section 17.3.6.5.A can overrule the standards in the Wilson Property ODP (which, as discussed above, cannot be the case because the property owners did not agree to amend the Wilson Property ODP and a change to the zoning ordinance in 2012 cannot nullify the property owners longstanding and vested property rights). Rather, Section 17.1.6.2.A is clear that any conflict between these standards must be resolved in favor of the more restrictive standard. Here, as evidenced by Crescent’s steadfast resistance to the application of the standards under the Wilson Property ODP, the Wilson Property ODP provides the more restrictive land use standards and must be applied.

The City has always maintained that the Wilson Property ODP remains a binding land use regulation on the Property. Nevertheless, Director Parker’s interpretation and application of the Zoning Ordinance and the Wilson Property ODP ultimately renders the Wilson Property ODP completely meaningless. The basic tenets of legal interpretation mandate that a regulation must never be interpreted in a manner that ultimately renders the provision meaningless. *See Well Augmentation Subdistrict of Central Colo. v. City of Aurora*, 221 P.3d 399, 420 (Colo. 2009) (“When interpreting a statute, we must give meaning to all portions of the statute, and avoid a construction rendering any language meaningless.”).

By its own terms, the Wilson Property ODP is clear that it is enforceable by the property owners that remain subject to the same, and the City never obtained the necessary permission from these property owners to amend the Wilson Property ODP or to otherwise rezone the Property such that it is no longer subject to the Wilson Property ODP. Because the Wilson Property ODP remains binding on the Property, any purported conflict with the newer provisions to the Zoning Ordinance must—consistent with Section 17.1.6.2(A)—be resolved in favor of the more restrictive standard. Here, the Wilson Property ODP supplies the more restrictive standard, and Director Parker erred as a matter of law in disregarding the same.

**C. As Applied Here, Crescent's Proposal Will Violate the Wilson Property ODP in Three Distinct Ways.**

Because the land use standards set forth in the Wilson Property ODP could not be nullified by the 2012 rezoning and still apply to the Property, Crescent's development proposal is unlawful for three separate reasons. Each is addressed in turn below.

a. *Crescent's Proposal Violates the Maximum Residential Density Standard under the Wilson Property ODP.*

Crescent argues that the Wilson Property ODP "does not actually address residential density for the Property." (Crescent Nov. 6, 2019 Response Letter, at 11.) But this argument ignores that the Wilson Property ODP plainly sets a total maximum number of dwelling units for all properties that are subject to the Wilson Property ODP. Specifically, the Wilson Property ODP expressly provides that no more than 380 dwelling units may be constructed within the properties covered by the Wilson Property ODP, which includes the Property. Crescent nevertheless maintains that this maximum is not truly a "maximum" because the language of the Wilson Property ODP suggests that this maximum could be amended at some time in the future. Again, however, the land use standards under the Wilson Property have never been amended.

Separately, even if Section 17.3.6.5.A does allow a developer like Crescent to pick and choose whether it wants to be subject to the land use standards of the base zone or the more restrictive standards of the Wilson Property ODP, this purported choice only applies when the base zone actually provides a standard. *See* Section 17.3.6.5.A ("Redevelopment within a PD district may apply either the standards of the base zone district or the standards of the ODP."). As Crescent itself recognizes, the M-N-S base zone of the Property does not provide for any maximum residential density standard. In the absence of a standard, there is no opportunity for Crescent to choose between applicable standards under Section 17.3.6.5.A. The density standard under the Wilson Property ODP must apply.

Given the existing residential uses under the Wilson Property ODP, Crescent is limited to building no more than 151 additional dwelling units. (HOA/UNIFIED July 25, 2019 Letter, at 10-11.) Accordingly, Crescent's proposal to construct 234 dwelling units is not permitted under the Wilson Property ODP.

b. *Crescent's Proposal Violates the Height Standard under the Wilson Property ODP.*

Crescent's Response confirms that Crescent's proposal cannot abide by the strict 42-foot height limit explicitly included as a land use standard within the Wilson Property ODP. Without allowing for any exceptions, waivers, or variances, the "Architectural Character" section of the ODP provides: "Maximum height of buildings [constructed on the Property] will not exceed 42'." As explained above, this land use standard has never been properly amended and the City Council reaffirmed the efficacy of this standard when it voluntarily chose to preserve the Wilson Property ODP as part of the 2012 rezoning. Because the ODP is not silent, this more restrictive standard



applies to the Property, and Crescent's arguments regarding the more permissive standard under the base zone are wholly inapplicable.

*c. Crescent's Proposal Must Seek Architectural Review and Approval.*

Crescent advances three arguments to claim that it can ignore the Wilson Property ODP's express requirement that Crescent's architectural plans must first be reviewed and approved by an architectural review committee comprised of property owners under the ODP. Crescent first argues that the architectural review that must be completed under the Wilson Property ODP can somehow be supplanted by the review that the Planning Staff is required to perform under the Zoning Ordinance. Again, this argument assumes that the particularized and more restrictive standards set forth in the ODP can be ignored in favor of the less restrictive standards that apply to all properties under the Zoning Ordinance. Accordingly, this argument turns completely on Crescent's claim that the Wilson Property ODP can be ignored in its entirety. Again, however, the Wilson Property ODP has never been amended and was in fact reaffirmed by the City as part of the 2012 rezoning. Crescent cannot ignore the Wilson Property ODP's requirement that all developments first seek architectural review and approval by the other owners within the area covered by the Wilson Property ODP.

Crescent next argues that even if the architectural review requirement does apply under the Wilson Property ODP, this standard can nevertheless be satisfied through a completely different process to be used by the Planning Department. Of course, this different review standard is not found anywhere within the Wilson Property ODP and cannot be used to satisfy the same. Crescent suggests that this substitute review is appropriate given that there are now three homeowner's associations within the area covered by the Wilson Property ODP, but this argument ignores the fact that the Wilson Property ODP's "Property Owners Association" provision expressly authorizes the creation of more than one homeowner's association without any suggestion that this would negate any of the standards under the ODP, including the architectural review standard. Rather, the architectural review requirement can and should be enforced through an architectural review committee comprised of representatives from each of the three homeowner's associations.

Finally, like Director Parker, Crescent does not cite to any controlling authority to support its argument that the architectural review requirement under the Wilson Property ODP could have been waived through a purported lack of enforcement with respect to past developments. The HOA has confirmed its intent to enforce the architectural review requirements under the Wilson Property ODP, and the ODP does not provide that this land use standard can lapse or otherwise terminate through purported non-use.

Conclusion

The Board has jurisdiction to immediately review Director Parker's interpretation of the interplay between the Zoning Ordinance and the Wilson Property ODP and to specifically apply that interpretation to Crescent's proposed development of the Property. The Board should reverse Director Parker's interpretation because it unlawfully seeks to nullify the land use standards set



forth in the Wilson Property ODP and reaffirmed by the City as part of the 2012 rezoning when the City expressly reaffirmed the continuing applicability of the land use standards under the Wilson Property ODP. Because Crescent's proposed development will violate the density, height, and architectural review standards under the Wilson Property ODP, the Planning Department must refuse to continue its consideration of Crescent's unlawful major site plan application barring the necessary changes to bring the proposal into compliance with all applicable land use standards under the Wilson Property ODP.

Thank you and the Board of Adjustment for your time and for your careful consideration of this important matter. We look forward to presenting before the Board at the hearing to be held on December 4, 2019. Please contact me directly with any questions or concerns in advance of that hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Silvestro", is written over the word "Sincerely,". The signature is stylized with a large initial "J" and a long horizontal stroke.

cc: Mark Lacis  
William Tuthill, Counsel for the Board of Adjustment ([watuthill@gmail.com](mailto:watuthill@gmail.com))  
Timothy Cox, Lakewood City Attorney ([tcov@lakewood.org](mailto:tcov@lakewood.org))  
Carolyn White, Counsel for Crescent Communities ([cwhite@bhfs.com](mailto:cwhite@bhfs.com))

Index of exhibits from ITEM 22 – November 20, 2019 Ireland Stapleton Letter to Lakewood re: Appeal of Planning Department's Interpretation of Lakewood Zoning Ord. and Wilson Property ODP

EXHIBIT A – ITEM 8 – May 2, 2019 Lakewood Email to Deborah Emert re: White Fence Farm Follow-up

EXHIBIT B – ITEM 9 – May 10, 2019 Ireland Stapleton Letter to Travis Parker re: Opposition to White Fence Farm Major Site Plan Application

EXHIBIT C – ITEM 10 – May 21, 2019 Lakewood Letter to James Silvestro re: Opposition to the White Fence Farm Major Site Plan Application

EXHIBIT D – ITEM 11 – May 29, 2019 BHFS Letter to Lakewood re: White Fence Farm Major Site Plan Application

EXHIBIT E – ITEM 12 – May 31, 2019 Lakewood Letter to James Silvestro re: Opposition to the White Fence Farm Major Site Plan Application

EXHIBIT F – ITEM 13 – June 6, 2019 James Silvestro Email to Lakewood re: White Fence Farm

EXHIBIT G – ITEM 6 – June 24, 2019 City Letter to Scott Makee re: Preplanning Application to construct multifamily on the property

1 second code will indicate that neighborhood core,  
2 employment, residential or employment scale in  
3 intensity. And then the third digit will be the  
4 context, suburban, urban, or transit.

5 So we've covered residential. We've  
6 covered what will now be mixed-use zones. Finally  
7 is how are we dealing with planned developments?

8 One of the major sources of conflict in  
9 cases that the Planning Department works on and one  
10 of the major sources of our time is dealing with  
11 some of the difficulties that are created by very  
12 old PDs, 30 and 40-year-old PDs.

13 And it really falls into two categories.  
14 Actually, two categories that are based on the fact  
15 that these PDs were all created individually. There  
16 was no template. We didn't use a zone to create  
17 them from. They were all written for individual  
18 cases and individual pieces of property and to meet  
19 a set of needs at that time.

20 And one of the problems is they don't  
21 change with time. They don't age with the property.  
22 And what we found is two sources of problem that  
23 have come from this.

24 First is when the issues have changed and  
25 we have standards that are needed that weren't

1     addressed in the old PDs. A common example in  
2     residential PDs might be not having accessory  
3     building regulations, like accessory building  
4     heights, that sort of thing.

5             Where they address the needs that they had  
6     at the time, but thirty years on we have standards  
7     that we need that aren't addressed in that PD.

8             Another example of problems is where there  
9     were over-specification of uses, maybe saying this  
10    lot is going to be a single-family home. This lot  
11    is going to be an assisted live facility. And this  
12    lot over here's going to be a 7-Eleven.

13            And that was well and good for that first  
14    round of development. But thirty years on the  
15    assisted living facility leaves and now we've got no  
16    legal use of that property.

17            Even going back to a residential house  
18    isn't allowed by the language of the PD. And so we  
19    have situations where we've zoned ourselves into  
20    corners, and it happens a lot.

21            So the solution that is proposed in the new  
22    code is to in the future base all PDs that are  
23    written on an existing zone.

24            So if we have an area that's residential  
25    now and we want to build an assisted living

1 facility, instead of just staying we're going to  
2 zone this property for an assisted living facility  
3 and only an assisted living facility, we keep the  
4 base zone.

5 Let's say it's R-1-12 and we add assisted  
6 living facility onto to the list of uses for that  
7 property. And that eliminates both these problems.

8 We have all the standards still in place of  
9 the base zone and thirty years on when that assisted  
10 living facility goes away, we still have the R-1-12.  
11 So we can still do all the basic things that are  
12 allowed. We could do a single-family home again,  
13 basically what was allowed prior to the PD.

14 So it solves both of those problems and in  
15 a way that ensures equity across the City. Right  
16 now, all of our residential zones allow the same  
17 basic uses. We allow single-family homes, schools,  
18 churches, municipal uses.

19 When we get creative about how we place  
20 that, we end up zoning ourselves into a corner and  
21 we end up creating situations where we don't have  
22 that equity across districts.

23 Another change that we've talked a lot  
24 about over the past few years is accessory dwelling  
25 units. The version of this as clarified by the



1     could? And the answer to that is no. That will be  
2     interpreted more broadly to mean that a large format  
3     retail couldn't go there.

4             So anything above a certain size or  
5     stand-alone retail wouldn't be permitted. So that's  
6     a broad interpretation of that.

7             MAYOR MURPHY: Without going through the  
8     process.

9             MR. PARKER: Without applying and going  
10    through the public rezoning process, absolutely.

11            The second change, the code needs an  
12    effective date. And so we've inserted an effective  
13    date of April 1st, 2013. If the code's approved  
14    tonight as written and you don't change the date  
15    further, that's when the code would be implemented.

16            This third one is significant. Every code  
17    in the country has a zoning administrator or someone  
18    in a position similar to that that's tasked with  
19    interpreting the standards of the code.

20            Where there's some question about what  
21    something means, that person does that, interprets,  
22    figures out what that means. In Lakewood that  
23    power's entrusted to the Planning Director.

24            We had some concern about that  
25    interpretation being in one person's hands and

1 unfettered power to interpret the zoning code.

2 And as the person with that power, I don't  
3 need it. So one thing that we've done is added the  
4 ability to appeal any interpretation of the Planning  
5 Director so that any of my interpretations could be  
6 appealed or future Planning Director's  
7 interpretations could be appealed to the Board of  
8 Adjustment.

9 And then finally we added language  
10 recommended by a Council person from the current  
11 code about the public process in working with  
12 neighbors. We've taken that intent language and put  
13 that here in Article 1.

14 A couple of just minor clarification edits  
15 in Article 3. One is about the process for the City  
16 Council to make corrections to errors in the zoning  
17 map. This isn't changing how re-zonings are done,  
18 but when there errors in the map, how the Council  
19 makes those changes, and then clarifying that the PD  
20 standards in this chapter apply to both existing and  
21 new developments. There was some confusion about  
22 that.

23 Article 4 is the use article. A few  
24 changes here based on some comments from Legal. We  
25 clearly stated that uses that are prohibited are

1           Well, the only term that's used throughout  
2     the code is household. We call things one-family  
3     homes and two-family homes, but the definition of  
4     that is a home built for one household, built and  
5     occupied by one household.

6           So when you go to the definition of  
7     household, it says a household is these several  
8     things, one of which is a family. A household is a  
9     family or these other things.

10          And then you had to jump to the definition  
11     of family to figure out what that definition was.  
12     So we've combined those. We've tried to avoid  
13     people having to jump around in the code. And we've  
14     just taken the definition of family, inserted it  
15     into the definition of household. So nothing's  
16     changed. We've just put it all together to keep  
17     people from have gone to jump around.

18          So lastly tonight I want to talk about some  
19     of the misconceptions. We've heard a lot of  
20     comments. We've made a lot of changes based on  
21     those comments. But we've also, especially in the  
22     last few weeks, heard a lot of misinformation and  
23     misconceptions.

24          I've had a lot of conversations with people  
25     and I've started to collect some of those things.

1     So hopefully we can start to spread some of the  
2     right information about what's being proposed and  
3     what's in the new code.

4             The first is one of the common questions  
5     we're getting, are you allowing new commercial uses  
6     in residential zones? And the simple answer is  
7     absolutely not.

8             There are no businesses that are allowed to  
9     come in and buy property and open up shop in a  
10    residential zone. Somebody can't buy the home next  
11    to you and build a 7-Eleven or a McDonalds or a  
12    Walmart or a grocery store. We have not expanded  
13    the permissions for businesses to open in  
14    residential homes, period.

15            There are two instances where people can do  
16    in their private houses, businesses, and one is home  
17    occupations. That exists now and it will continue  
18    to exist in the new code.

19            The other is live/work, which is basically  
20    a home occupation along arterial or collector roads.  
21    These are homes that are located along arterial or  
22    collector roads, have the opportunity to do an  
23    enhanced home occupation, but is very limited in the  
24    types of things you can do, basically limited to  
25    galleries, offices, or personal services and strict

1 conditions on those types of uses.

2 Another question, are you expanding  
3 permission for controlled businesses? And by  
4 controlled businesses I mean things like medical  
5 marijuana and adult businesses and pawnshops.

6 Again, the answer is absolutely not. All  
7 of these uses are controlled elsewhere in the  
8 municipal code by very strict spacing restrictions.  
9 They have to be so many feet from residential homes,  
10 from schools, from churches, from each other. None  
11 of that is changing in this process, and so there  
12 are no new permissions in the City for these  
13 particular uses.

14 Are we expanding auto uses in the City?  
15 Not only are we not expanding auto uses, but the  
16 permissions for auto uses are actually decreasing,  
17 especially in -- we talked about context. In urban  
18 and transit zones, the ability to do auto sales, gas  
19 stations, et cetera, is actually going down.

20 So there are no lots that currently don't  
21 allow auto uses that will in the future. In fact,  
22 there are some that do that will not.

23 Is the code becoming less clear? I hope  
24 I've been clear tonight that we're actually going in  
25 the opposite direction. Our code is explicitly



1 intended to be more clear, more consistent in its  
2 standards, in its permission and its flexibility.

3 We've added tables. We've added graphics.  
4 We've changed the organization to make sure that all  
5 the information about one subject is in one place.  
6 So ideally this code will require a whole lot less  
7 interpretation than the existing one does. And I  
8 can testify to that.

9 Are these changes purely driven by City  
10 staff? Quite the opposite, actually. These ideas,  
11 the policies that we've talked about tonight, I  
12 don't know of a single one that was the brain child  
13 of the Planning Department. These were the results  
14 of discussions that happened at open houses, at ward  
15 meetings, at early meetings to garner input and to  
16 have discussions with community and get ideas.

17 Are we removing plan development standards?  
18 Any PD that has a unique standard, something that  
19 can't be replicated or isn't replicated in one of  
20 our proposed zone is staying in place.

21 There are PDs out there, older PDs and a  
22 couple newer PDs that match one of our proposed  
23 zones. And we have taken that proposed zone and  
24 replaced the PD with it but not in any case where  
25 something would be lost in the process, where a

1 right would be lost or a unique protection would be  
2 lost. Those PDs will stay in place and we will not  
3 change one single word of those PDs.

4 Finally, a question I get a lot is about  
5 setbacks. Is this code taking away our setbacks?  
6 And there's two answers to that.

7 The first is, not where you have commercial  
8 and residential abutting. We talked about this with  
9 height transitions, with landscaping. We're  
10 increasing the protections between commercial  
11 properties and residential properties.

12 The answer changes though when we talk  
13 about how properties relate to the street. And we  
14 are absolutely talking about, especially in the  
15 urban and transit areas, reducing that massive front  
16 setback that's in our current code because front  
17 setback development looks like this. (Indicating).  
18 Zero setback development in the front looks like  
19 this. (Indicating).

20 And I think it's a function of our vision  
21 for what we want our City to be to start bringing  
22 our buildings up to the street and eliminating the  
23 incentive that our code has to put parking lots, big  
24 parking lots in front of our buildings.

25 So that concludes my presentation tonight.

1 longer discussion about farm animals was the issue  
2 of covenants and just kind of reinforce a kind of  
3 sort of mid-debate, mid-testimony conversation we  
4 had. And I would turn to Councilor Baroway just to  
5 kind of verify this so we can move on.

6 COUNCILOR BAROWAY: Some of this is for  
7 Mr. Parker or Mr. Cox, but the whole thing from the  
8 Mahans about the Green Mountain Village covenants  
9 and the restricted abilities to have urban  
10 agriculture and the ADUs.

11 If we can just make sure that we have that  
12 conversation tied up that nice little bow. So folks  
13 in that part of Green Mountain who live in the area  
14 where their covenant is restrictive for those level  
15 of uses, even if we were to overlay a zone of R-1-6,  
16 which might allow it -- we haven't had that  
17 conversation yet of whether or not that's going to  
18 happen -- then those homes that are within that  
19 covenant controlled area would not be allowed to  
20 have chicken, urban agriculture and the ADUs; is  
21 that correct?

22 MR. COX: Per the restrictive covenants,  
23 that would be a prohibited set of uses on those  
24 properties.

25 Since we had that discussion, I've looked

1 at the covenants that were submitted with the  
2 written comments from the Mahans.

3 I can't speak to the current situation, but  
4 the covenants did refer to the organization of an  
5 architecture control committee and also provided for  
6 any individual owner of property within the  
7 subdivision to have the right to enforce the  
8 covenants in court.

9 Sometimes you have an HOA that maybe is  
10 voluntary or has no funds or has no power, and the  
11 covenants become largely meaningless. At least in  
12 this case there's the indication that those would be  
13 enforceable.

14 But you're really talking about two  
15 different sets of rules, the City's zoning, the  
16 restrictive covenants of the neighborhood, and  
17 they're enforced by two different bodies. The  
18 existence of one does not preclude the City from  
19 changing zoning regulations.

20 It goes to enforceability and what people  
21 can do if one set of regulations prohibits and the  
22 other allows.

23 COUNCILOR BAROWAY: So long as the  
24 covenants are not illegal. So for example where I  
25 live, the covenants are very old and they say that

1     certain people of certain races, for example, aren't  
2     allowed -- or religions aren't allowed to live in  
3     that neighborhood. That would be illegal.

4             So as long as the covenant restrictions are  
5     not illegal, they can be more restrictive than what  
6     the City puts over it.

7             MR. COX: That is correct.

8             COUNCILOR BAROWAY: But the City puts into  
9     play if it becomes an R-1-6 zoning, that does allow  
10    urban agriculture?

11            MR. COX: That's right.

12            COUNCILOR BAROWAY: Great. Thank you.

13            MAYOR MURPHY: Sure, Scott and then Ramey.

14            COUNCILOR KOOP: If an area in town wants  
15    to start a homeowners association and write their  
16    own covenants, if this is voted on, after this is  
17    voted on at some time and if it passes, can they  
18    write their new covenants excluding things that were  
19    in this ordinance?

20            MR. COX: Yeah. The issue is not priority  
21    in time, it's which is more restrictive.

22            Now, how easily a neighborhood can put  
23    together an HOA after the fact, typically you become  
24    bound by the covenants when you acquire property.  
25    It's part of the paperwork that you sign. So you



1     become contractually obligated from the time you  
2     acquire the property.

3             Getting people in the neighborhood to all  
4     agree to impose covenants may be a little more  
5     difficult, but it can be done. And if those  
6     restrictions are put in place and if they are  
7     enforceable, they can be enforced notwithstanding  
8     City zoning.

9             COUNCILOR KOOP: Thank you.

10            MAYOR MURPHY: Councilor Johnson, Councilor  
11     Quinn.

12            COUNCILOR JOHNSON: I had the same  
13     question. You've answered it.

14            MAYOR MURPHY: Tom.

15            COUNCILOR QUINN: Thanks. Travis, just a  
16     question about mixed-use zoning. We had a couple of  
17     comments from people tonight --

18            MAYOR MURPHY: I just want to make sure  
19     we're done with covenants, if I may.

20            MR. COX: Nope. No more covenants.

21            MAYOR MURPHY: Okay. Sorry. Now we're  
22     onto mix-use, apparently. That's fine.

23            COUNCILOR QUINN: We had a couple of  
24     comments tonight and actually more than two that  
25     somehow we're trying to do a one-size fits all thing