ALTERNATIVE TECHNIQUES FOR RESOLVING LAND USE
DISPUTES:

TWO CASE STUDIES IN DENVER, COLORADO

by

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NOTE

At the time of submission of this paper, both committee processes were still underway. Because both processes are changing so quickly, and because the conclusions in this paper are not based on interviews with all of the committee members, this paper is not intended for wide distribution.

In addition, at the time of submission, this paper had been reviewed by David Straus, facilitator for the Downtown Area Plan Committee. Straus's comments on the paper are briefly outlined in the Appendix.

The author looks forward to the products of both committees, and hopes that both committees will achieve successful results.
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SARAH M. ROCKWELL

Submitted to the Department of Urban Studies & Planning on June 3, 1985 in partial fulfillment of the requirements for the Degree of Master of City Planning

ABSTRACT

Mediated negotiation emphasizes the presence of a neutral intervenor in formal processes involving multiple parties. Proponents of mediated negotiation argue that it is particularly adaptable to public sector disputes because it promotes communication and information sharing, results in durable, workable agreements which are more likely to be accepted by the parties, and increases the legitimacy of the agreement in the eyes of the broader public.

Under its new mayor, Federico Peña, the city of Denver, Colorado has been experimenting with various forms of mediated negotiation to make land use decisions. This thesis studies the processes of two such experiments: the Downtown Area Plan Committee (DAPC), formed to develop a land use plan for downtown Denver, and the Platte Valley Development Committee (PVDC) convened to create a land use plan for Denver’s Platte River Valley.

Analysis of the successes and failures of the two committees as of April 30, 1985 indicates that mediated negotiation has a better chance for success when six conditions exist: 1) public officials have the political strength to gather support for nonconventional decisionmaking, 2) the parties to the negotiation have clear incentives to negotiate, 3) third party facilitators have special expertise about the issues to be negotiated, are familiar to the parties and the community, and maintain a neutral position with respect to the parties, 4) the negotiation involves specific, finite issues, and 5) the parties have a clear understanding about how the agreement will fit back into traditional legal channels for implementation, monitoring, and enforcement.

Thesis Supervisor: Lawrence Susskind, Professor of Urban Studies and Planning
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By their nature, land use decisions involve multiple parties with competing interests. An optimal building density from a real estate developer's point of view may cause concern among neighborhood residents interested in reducing noise and traffic and maintaining land values. A building density agreeable to neighborhood groups may not provide the developer with an adequate return on his investment. A solution that satisfies both the developer and the neighborhood residents may conflict with environmental groups concerned with groundwater or air pollution. The public governing body concerned with enhancing revenues may want to impose costs on the developer to compensate for the demands which his development has created for infrastructure and increased city services.

Traditionally, competing parties have resolved such controversies through three mechanisms: 1) administrative bodies, including planning and zoning boards, 2) legislative processes, including lobbying and voting, and 3) litigation, resulting in out of court settlements or court imposed solutions. But such methods have severe limitations. Administrative bodies provide no guarantees that opinions expressed in public hearings will be reflected in final decisions, and often lack the technical expertise to make
sound decisions. Lobbying requires groups with financial resources and political know how, while voting results in a yes or no decision when the issue involves a broader range of choices. Court action tends to focus on procedure over substance, precludes direct participation by the parties, discourages information sharing and joint problem solving, polarizes the parties, and costs money and time. Court imposed sanctions are particularly inefficient when the dispute involves more than two parties.

Recognizing the limitations of these conventional methods, public officials, city planners, and students of conflict resolution have been developing new techniques for involving multiple parties in complex land use decisions. Generally, such techniques are more successful than conventional methods because they allow direct involvement by the parties to the dispute, produce settlements more rapidly and at lower cost than the courts can produce, and can be adapted to the particular needs of the parties and the larger public.

One such technique, mediated negotiation, emphasizes the presence of a neutral intervenor in a formal process involving multiple parties. Proponents of this alternative argue that mediated negotiation is particularly adaptable to public sector disputes because it promotes communication and information sharing, results in durable, workable agreements which are more likely to be accepted by the parties, and increases the legitimacy of the agreement in the eyes of the broader public. Mediated negotiation has been employed in
public sector disputes ranging from the distribution of federal block grant funds in Connecticut, resolving water policy in Colorado, and funding a state employment compensation fund in Wisconsin.

Under its new mayor, Federico Peña, the city of Denver, Colorado has been experimenting with forms of mediated negotiation in land use decisionmaking. During his first two years in office, Peña has organized six committees or task forces to develop recommendations about particular land use issues in Denver. Two of these committees, the Downtown Area Plan Committee (DAPC), and the Platte Valley Development Committee (PVDC), are particularly novel because they attempted to include representatives from all the stakeholding interests, were instructed to develop recommendations for large land areas rather than more restricted sites, and employed professional facilitators. These two committees are the subject of this thesis.

Evaluating the work of these committees first requires assumptions about the components of a successful negotiation. In general, proponents of mediated negotiation have established five criteria. First, the negotiation should produce an efficient agreement—one that maximizes the gains of all the parties. Second, the agreement should minimize the expenditure of time and money in reaching the agreement. Third, the agreement should appear fair to the parties and to the broader community. Fourth, the agreement should be implementable. Fifth, the process should improve, or at least
not damage the relationships among the parties.

Analysis of the two committees with respect to those five criteria indicates that mediated negotiation works better in some cases than in others. Specifically, cities who use mediated negotiation should insure that five conditions exist: 1) public officials have the political strength to gather support for nontraditional decisionmaking, 2) the parties to the negotiation have clear incentives to negotiate, 3) third party facilitators have special expertise about the issues to be negotiated, are familiar to the parties and the community, and maintain a neutral position with respect to the parties in the negotiation, 4) the negotiation involves specific, finite issues, and 5) the City and the parties to the negotiation have a clear understanding about how the agreement will fit back into traditional legal channels for implementation, monitoring, and enforcement. The more of these conditions that are absent, the more cities should consider leaving land use decisions to conventional administrative, legislative, and judicial decisionmaking.

This thesis contains four sections. Section I describes Denver's recent planning and real estate development history, and discusses the changes in planning which Mayor Peña implemented during his first two years in office. Section II describes the organization and activities of the Downtown Area Plan Committee and the Platte Valley Development Committee. Section III analyzes the work of the committees to date, using information gained from committee members, staff, and
facilitators involved. Section IV discusses lessons which can be learned from the two committee processes, and explains the six conditions which promote successful mediated negotiations.

At the time of writing, both committee processes were still underway. This analysis is limited, therefore, to an evaluation of the interim products of the committees as of April 30, 1985. Since that date, several changes in the committee processes may have occurred, requiring modifications in the conclusions of this thesis.

A. The McNichols Administration

1. Real Estate Development: Boom and Bust

Before the 1970's, Denver, Colorado lived up to its reputation as a sleepy western cowtown. While the city served as the government, communications, and financial center for the Rocky Mountain region, it still preserved a provincial atmosphere. Virtually untouched by real estate speculators, downtown Denver had only three skyscrapers; the largest was the 20-story clock tower of the 1900 Daniels and Fisher department store.

In part, Urban Renewal set the stage for the massive growth which occurred in downtown Denver in the 1970's and 1980's. Created in 1958, the Denver Urban Renewal Authority (DURA) chose as one of its five projects a 27 block area in lower downtown Denver. Under this project, called Skyline, DURA spent $33 million clearing dilapidated commercial buildings, bars, missions, and pawn shops in lower downtown. The land lay vacant for several years, but it provided a welcome invitation to developers eager to cash in on Denver's boom in the 1970's.

The 1973 Arab Oil embargo enhanced the attractiveness of hard-to-get domestic energy resources in the Rocky Mountains. The eight state region holds 90% of the nation's total uranium supplies, 70% of oil shale reserves, and 40% of coal supplies, as well as immense reserves of natural gas and other metals.
Not surprisingly, Denver became the region's hub for exploration activity. Some 1700 energy related companies, including equipment suppliers, subcontractors, computer firms, and service industries like law and banking had opened offices in Denver by 1980. The population in the eight state region grew 28% from 1970 to 1980, the highest percentage growth in the country. Employment growth during the same period averaged 5.5% per year.

These newcomers needed office space, and developers from throughout the United States and Canada responded eagerly. From 1979 to 1983, the amount of office space in Denver doubled--from 25 million square feet in 1979 to 54 million square feet in 1983. In 1981 alone, the office market expanded at a rate of more than two times the national average of 8.2%. In that year, Denver added 7.2 million square feet of office space, with the downtown area accounting for two million square feet of the total.

Canadian developers invested heavily in Denver. The city offered a public eager for growth, and an environment free from Canadian economic and political constraints. By 1981, more than 24 Canadian investment and development companies were active in the Denver area and they owned 3000 acres of choice Denver real estate. They had already built seven new office towers, and eight more were underway. Land prices soared. One Canadian company paid $400/square foot for land in downtown Denver's "Silver Triangle," traditionally worth $65/square foot.
By 1982, however, Denver began to feel the effects of a downturn in the national energy market. Falling oil prices, escalating costs, high interest rates, and competition from foreign markets reduced demand for new domestic oil and gas sources, and caused cutbacks in the production of minerals like uranium, copper, molybdenum, silver, and zinc. Oil and mineral companies responded by cutting work forces, closing regional offices and reducing spending. In early 1982, for example, Climax Molybdenum announced that it was laying off 2600 workers, and on May 2 of that year, Exxon USA announced that it was pulling out of its huge Colony Shale Oil project on Colorado’s western slope.

As the energy slump dominoed into energy service and equipment companies, real estate developers responded by curtailing building plans. In late spring, 1982, Canterra Petroleum, Inc., a Calgary-based oil firm, abandoned plans to build a $20 million, 29-story office and retail complex in downtown Denver, citing "low oil and gas prices and unsettled economic conditions in both the U.S. and Canada." Soon after, Reliance Development Company announced postponement of another large downtown project until the office vacancy rate in Denver decreased. Many oil companies began to sublease their excess space, and Denver’s office market swung in favor of tenants who could command rents as low as $10 per square foot including concessions. By mid 1984, Denver’s office vacancy rate stood at 21%, topped only by Houston, Texas.

2. Responses from the City Planning Office

While the city’s minimal controls over real estate
development before 1982 contributed to Denver's boom, they also aggravated the problems of a depressed market. Mayor William McNichols, Denver's mayor from 1968 to 1982, welcomed development as a way to expand the city's tax base and create new jobs. He had little interest in design and development review or long-range planning, fearing that such controls would discourage developers from coming to Denver. Representative of his limited belief in planning, McNichols cut the budget of the city planning office from $1.2 million to $700,000 in 1982, laying off 16 of the city's 39 planners. Planning office responsibilities by that time were limited to "collecting data, dispensing information, and answering requests."

McNichols also failed to push for modifications in the city's outdated comprehensive plan and zoning code to reflect current development patterns in Denver. The only downtown height restrictions are those imposed by a mountain view ordinance, and by the Federal Aviation Administration (FAA). Maximum density allowances under the city's outdated zoning code are far greater than most developers will risk building. As a result, the city has little leverage over developers, since they seldom need variances or other city approvals for their building plans. During the building boom, the city lost several opportunities to require developers to provide urban design amenities or mitigate negative impacts of their developments.

Other planning functions were scattered among various
independent agencies, including the Zoning Administration, the Community Development Agency, the Denver Housing Authority, and the Denver Urban Renewal Authority. The agencies interacted infrequently, and there was no mechanism for pooling resources, developing joint goals and policies, or coordinating activities. A 1972 management study of the City of Denver commented,

The necessary coordination among the many interested agencies and services concerned with the matters of housing and physical development is not effectively accomplished because of the fragmentation of responsibilities...Finally, there is no organizational mechanism or single point or responsibility for the development of a unified comprehensive housing and physical development program with equal authority to insure its implementation.17

3. The Denver Partnership

Virtually any planning that did occur in downtown Denver during the McNichols Administration resulted from the efforts of a private organization, The Denver Partnership. The Partnership grew out of a downtown merchants association created in 1955 to deal with issues like street lighting, traffic, and trash removal. It was reorganized in 1980, under Richard Fleming, a former HUD Deputy Assistant Secretary. With a membership of 500 downtown business people and property owners, the Partnership consists of two subsidiaries. Downtown Denver, Inc., the downtown promotion organization, has a $1 million budget raised from membership dues and income from its operation of the 16th Street mall maintenance district. Denver Civic Ventures, the nonprofit research and design arm, derives its funds solely from grants
McNichols deferred to the Partnership on most planning issues involving downtown. With that mandate, the Partnership achieved significant accomplishments during the late 1970's and early 1980's. First, it sponsored negotiations between the Urban Mass Transit Authority (UMTA), the Regional Transportation District (RTD), and the City, which led to the construction of Denver's new 16th Street transit mall. Designed by I.M. Pei & Partners, the mall cost $72 million, and now includes two bus terminals and specially designed shuttle buses. The Partnership also commissioned a study on a proposed taxing district for the mall. After complaints that the district was too narrowly based, Fleming convinced the city to expand the taxing district and let the Partnership manage the district. The mall maintenance district now operates smoothly, and few would disagree that the mall has dramatically improved downtown's attractiveness.

Second, the Partnership promoted several changes in downtown zoning. It commissioned studies for, and achieved passage of a "sunlight ordinance" for the 16th Street Mall. As an overlay to the existing B-5 zoning on the mall, the ordinance gives height bonuses to builders who include upper level setbacks and ground level retail space in their projects. In addition, the Partnership catalyzed the passage of a transferable development rights (TDR) ordinance in Denver, which increases densities on new buildings in exchange for revitalizing historic structures in the same
zone. Finally, it rewrote the lower downtown B-7 zoning ordinance to provide for TDR's and for density bonuses for 20 developers who build housing.

Third, the Partnership involved itself in several issues outside of downtown. During 1982 and 1983, it provided technical assistance, consultants, and management for a convention center task force, composed of business people and the city council, to study locations for a new convention center. As downtown's neighborhood organization, the Partnership also joined in a coalition with other neighborhood groups to study the impact of expansion of the nearby Cherry Creek shopping center. (map, p.25) The Partnership and Cherry Creek developers have long been competing to bring a major retail project to Denver. Recognizing that the city can support only one such project, the Partnership believes that locating the project in Cherry Creek would severely undermine their efforts to attract a major retailer, and thus, shoppers, to downtown. In the interest of promoting downtown retail, the Partnership provided staff, project management, and funding for the Cherry Creek coalition.

Finally, the Partnership commissioned a major study on Denver housing, and has been providing housing seminars and technical assistance for packaging downtown housing projects.

4. Broader Economic Issues

While the Partnership made significant contributions to
downtown revitalization, however, its efforts have produced only piecemeal solutions to larger scale problems. McNichols's laissez faire attitude promoted a city of shiny new buildings with few urban design amenities. New York Times architecture critic Paul Goldberger describes downtown as a "disappointing collection of mediocre skyscrapers." Most downtown night life is limited to Larimer Square, a one-block area of restored historic buildings; the rest of downtown goes dark after six o'clock.

Efforts to promote downtown housing have also failed. Because downtown land prices are so high, developers can only afford to build luxury housing. Homebuyers in that price range, however, have many attractive alternatives to downtown, and downtown does not offer them enough amenities to forego those alternatives. As a result, the average absorption rate in downtown is less than one home per month per project, and few developers have been able to build homes at affordable prices.

The city as a whole suffers from more serious problems. The "Poundstone Amendment", passed in 1974 by the State Legislature, prevents the city from annexing adjacent suburbs, so Denver's population has hovered around 500,000 for the past ten years. Meanwhile, the city is forced to provide services for an increasingly needy population. While Denver's overall population declined 4% from 1970 to 1980, the number of households increased by 14%, and the elderly population increased 2.5%, to 17% of the total population. (Table 1) The median household income grew 1% in the six
county region, but Denver's median income declined 5%. Per capita income increased 30% in the region, but only 23% in Denver. (Table 2) Finally, total employment increased 65% in the region, but Denver itself only recognized a 15% increase. (Table 3)

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**TABLE 1**

**Population, Denver vs. Six County Region: 1970 - 1980**

<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Six County Region</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1,618,461</td>
<td>1,235,927</td>
<td>31%</td>
<td>492,365</td>
<td>514,678</td>
<td>-4%</td>
</tr>
<tr>
<td>Households</td>
<td>608,402</td>
<td>394,497</td>
<td>54%</td>
<td>211,566</td>
<td>185,497</td>
<td>14%</td>
</tr>
<tr>
<td>Elderly</td>
<td>98,630</td>
<td>73,036</td>
<td>35%</td>
<td>41,388</td>
<td>42,155</td>
<td>-2%</td>
</tr>
<tr>
<td>60 - 69</td>
<td>98,630</td>
<td>73,036</td>
<td>35%</td>
<td>41,388</td>
<td>42,155</td>
<td>-2%</td>
</tr>
<tr>
<td>70 - 79</td>
<td>55,259</td>
<td>44,053</td>
<td>25%</td>
<td>27,939</td>
<td>27,654</td>
<td>1%</td>
</tr>
<tr>
<td>80 &amp; over</td>
<td>27,857</td>
<td>19,788</td>
<td>41%</td>
<td>14,564</td>
<td>12,068</td>
<td>21%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>181,746</td>
<td>136,877</td>
<td></td>
<td>83,891</td>
<td>81,877</td>
<td>2.5%</td>
</tr>
<tr>
<td>% of Population</td>
<td>11%</td>
<td>11%</td>
<td></td>
<td>17%</td>
<td>16%</td>
<td></td>
</tr>
</tbody>
</table>

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**TABLE 2**

**Household Income, Denver vs. Six County Region: 1970 - 1980**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td><strong>Six County Region</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>under $15K</td>
<td>219</td>
<td>146</td>
<td>50%</td>
<td>103</td>
<td>86</td>
<td>18%</td>
</tr>
<tr>
<td>$15K - $29.9K</td>
<td>233</td>
<td>162</td>
<td>44%</td>
<td>72</td>
<td>66</td>
<td>9%</td>
</tr>
<tr>
<td>$30K - $49.9K</td>
<td>119</td>
<td>68</td>
<td>75%</td>
<td>28</td>
<td>25</td>
<td>10%</td>
</tr>
<tr>
<td>$50K - $74.9K</td>
<td>26</td>
<td>10</td>
<td>150%</td>
<td>6</td>
<td>4</td>
<td>70%</td>
</tr>
<tr>
<td>$75K or more</td>
<td>12</td>
<td>9</td>
<td>34%</td>
<td>3</td>
<td>4</td>
<td>-22%</td>
</tr>
<tr>
<td><strong>Median Household Income</strong></td>
<td>19.9</td>
<td>19.7</td>
<td>1%</td>
<td>15.5</td>
<td>16.4</td>
<td>-5%</td>
</tr>
<tr>
<td><strong>Per Capita Income</strong></td>
<td>8.9</td>
<td>6.8</td>
<td>30%</td>
<td>8.5</td>
<td>6.9</td>
<td>23%</td>
</tr>
</tbody>
</table>
TABLE 3

Employment, Denver vs. Six County Region: 1970 - 1980
(000's)

<table>
<thead>
<tr>
<th></th>
<th>Six County Region</th>
<th>Denver County</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Civilian Labor Force</td>
<td>854</td>
<td>515</td>
<td>66%</td>
</tr>
<tr>
<td>Employed</td>
<td>819</td>
<td>496</td>
<td>65%</td>
</tr>
<tr>
<td>Unemployed</td>
<td>36</td>
<td>19</td>
<td>87%</td>
</tr>
<tr>
<td>Civilian Unemployment Rate</td>
<td>4.1</td>
<td>3.7</td>
<td></td>
</tr>
</tbody>
</table>

The City's financial position has also weakened significantly in the past ten years. Changes in Denver's economy, combined with legislative actions, have changed the relative contributions of Denver's two major sources of revenue--sales and property taxes.

From 1974 to 1984, Denver's property tax revenues declined from 23% to 16% of Denver's total revenues, due, in large part, to state legislative actions exempting large portions of the potential property tax base from taxation. In real 1967 dollars, property tax revenues declined from $21 million in 1974 to $15 million in 1984. (Table 4) All other sources of revenue except sales tax also declined during that period.

Sales tax revenues increased from 27% to nearly 50% of total revenues from 1974 to 1984. (Table 4) Although sales tax revenues grew in both real and nominal terms, that growth
was insufficient to make up for the decline in property tax revenues. As a result, per capita expenditures in 1967 real dollars declined from $198 million in 1975 to $177 million in 1983.

TABLE 4

Revenues from Sales and Property Taxes
Denver, Colorado, 1974 - 1984
(000's)

<table>
<thead>
<tr>
<th></th>
<th>1974 Nominal Dollars</th>
<th>1967 Dollars</th>
<th>%Total</th>
<th>1984 Nominal Dollars</th>
<th>1967 Dollars</th>
<th>%Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales Taxes</td>
<td>35.2</td>
<td>25.4</td>
<td>26%</td>
<td>145.2</td>
<td>42.4</td>
<td>48%</td>
</tr>
<tr>
<td>Property Taxes</td>
<td>30.9</td>
<td>22.3</td>
<td>22%</td>
<td>50.2</td>
<td>14.7</td>
<td>16%</td>
</tr>
</tbody>
</table>

This decline in revenues resulted in transfers from the City's Capital Improvements Fund to the General Fund and a corresponding depletion of the General Fund balance from $30 million in the late 1970's to $6 million in 1985. As a result, investment in the city's capital stock is inadequate, and the city's excellent bond ratings are threatened. Meanwhile, the city could lose some $12.4 million, four percent of its $320 million operating budget in 1985, if the federal government eliminates revenue sharing.

B. The Peña Administration

1. Peña's Election

Federico Peña was elected mayor on June 21, 1983. Incumbent McNichols had been defeated in the primary, and Peña beat his challenger, former District Attorney Dale
Tooley, by fewer than 4500 votes out of the record 155,000 votes cast. The 37 year old former state legislator is Denver's first Hispanic mayor.

Virtually unknown a year before election day, Peña secured his election by building a broad coalition of supporters, including Hispanics, gays, women, environmentalists, and young white professionals, while also cultivating the support of prominent business leaders. Campaign workers covered the city with yard signs, buttons, and t-shirts. His "Imagine a Great City" slogan struck the right chord with Denver voters weary of a lackluster city administration. Peña distinguished himself from his opponents by stressing that Denver needed not only a manager, but also a leader who could shape the direction of the city's future. He took strong stands on issues ranging from neighborhood planning, anti-discrimination for gays, and bringing major league baseball to Denver.

A major part of Peña's platform was his promise to strengthen the city's planning functions. He recognized that developers had virtually controlled planning decisions in Denver, and that McNichols had abrogated much of his power to private organizations like the Denver Partnership. Denver's decentralized planning activities, outdated comprehensive plan, and obsolete zoning code, he pointed out, exemplified McNichols's failure to fulfill important planning duties.

Besides supporting a strong planning office, Peña believed that effective planning and land use decisions
required participation by all stakeholders in such decisions. Too many such decisions had failed in Denver, he recognized, because major stakeholders had been excluded from the processes. Some such decisions had failed because they lacked necessary support for implementation. For example, the Regional Transportation District (RTD) developed a light rail proposal in 1977 without input from neighborhood groups. When it came time for voters to approve a sales tax increase to finance the system, RTD was unable to muster the necessary votes. Other decisions failed because they produced undesirable results. Without input from the City, urban designers, or historic preservationists, for example, private developers had redeveloped much of downtown void of attractive public amenities, and had torn down several historically significant buildings which could have preserved downtown's historic flavor.

Although Peña wanted more people to have a voice in development decisions, he did not want that participation to follow traditional methods. In Denver, the City Council defers to its "courtesy zoning" rule when making decisions on rezoning requests: the members agree that they will abide by the recommendations of the council member in whose district the property under consideration lies. Under this system, an interested party's influence on a rezoning request depends on his ability to persuade the appropriate city council member. Since council members listen first to their own constituents, people who live outside a particular council district have little participation in zoning questions within that
district. For areas like the Platte River Valley (map, p.25), courtesy zoning would disenfranchise large numbers of people who would be affected by a rezoning of the Valley but do not happen to live in the same council district in which the Valley is located.

2. Changes in the Planning Office

During his first year in office, Peña moved to implement his planning ideas. His appointment of former Boulder city planner, Bill Lamont, as his new planning director won praise. The press viewed Lamont as enthusiastic, dedicated, and capable of dealing with the myriad interest groups involved in Denver planning. Peña and Lamont immediately set to work strengthening the responsibilities of the city planning office. Zoning, community development, and economic development were consolidated under the umbrella of the new Office of Planning and Development. Lamont improved communications between the Planning Office and independent authorities like the Denver Urban Renewal Authority and the Denver Housing Authority. The planning office budget increased from $825,800 in 1982, to $1,211,500 in 1984.

Lamont also began to revise the outdated 1978 Comprehensive Plan. The revised plan will have three sections. Section 1 will contain an overview, mission statement, key concepts, and new goals and policies. Section 2 will contain plans for "functional" areas including land use, urban design, transportation, housing, open space, education, water and environmental quality, historic
preservation, and government; special plans for specific locations in Denver; and an implementation section. Section 3 will contain specific neighborhood plans developed within and by the neighborhoods. The Planning Office expects to obtain review and adoption of the plan by January, 1986.

C. Citizen Participation

Peña also began to formalize his ideas about citizen participation. Several important development issues in Denver, in various stages of discussion and planning under McNichols, demanded immediate attention. During his first nine months in office, Peña appointed six committees. The Cherry Creek Steering Committee was charged with developing a neighborhood plan for the Cherry Creek area, including recommendations to the mayor on the expansion of Cherry Creek shopping center. The Civic Center Task Force was responsible for designing an urban design plan for the Civic Center area, which encompasses the State Capitol, the City and County Building, and a large park which connects them. The Convention Center Task Force was charged with the most politically volatile issue: recommending the location for Denver's new convention center. The DCPA Task Force, an ad hoc committee convened by the Mayor, the Partnership, and the Denver Center for the Performing Arts (DCPA), was to meet periodically to develop a redevelopment proposal for the DCPA. The Platte Valley Development Committee replaced a similar committee under McNichols working to develop a comprehensive plan and rezoning recommendations for a 500 acre, industrially zoned parcel of land bordering downtown.
Finally, the Downtown Area Plan Committee sprung from previous plans of the Denver Partnership to develop a comprehensive plan for downtown Denver. (map, next page) The last two committees, the Platte Valley Development Committee and the Downtown Area Plan Committee, are the subjects of this analysis.
SECTION II: Case Studies of Two Committees

A. Introduction

The experiences of the Downtown Area Plan Committee (DAPC) and the Platte Valley Development Committee (PVDC), while not necessarily characteristic of all the committees, provide interesting lessons about public involvement in large scale land use decisionmaking. The two committees are special for three reasons. First, they are responsible for decisions involving large areas; most of the other committees deal with more restricted sites. Second, because the committees’ responsibilities are so immense, the City paid greater attention to process considerations, and used professional facilitators to manage parts of both processes. For the same reason, the City attempted to involve representatives from all of the stakeholders in the decision.

B. The Convention Center Debate

This paper does not discuss the Convention Center Task Force at length, because at the time of writing, task force members, the City, and the City Council were still involved in heated negotiations. Nevertheless, it is important to understand the history of the convention center debate, and its relationship to the decisions of both the Downtown Area Plan Committee and the Platte Valley Development Committee.

In 1980, consultants recommended that Denver triple the size of its Currrigan Exhibition Hall so that Denver could attract more convention business. In August, 1981, five
railroads that own Union Station in lower downtown invited redevelopment proposals for the station. They chose SOCMA Corporation of Argentina and Realities, Inc. of Denver to turn the station into a convention center, and transform Currigan into a retail and office complex. A convention center task force, appointed by McNichols, recommended that the City Council accept the SOCMA plan in January, 1983. After six months of heated negotiations with the City, City Council, and the task force, however, SOCMA withdrew its plan. The City wanted to place a higher value on Currigan than SOCMA was willing to accept, and there was skepticism about the developer's financial strength and commitment to the project.

In November, 1983, Peña appointed a new task force, comprised of two City Council members, two city officials, and two members of the business community, to determine how the City could develop its own convention center. A consultant to the task force recommended three possible sites: Currigan, the Denver Union Terminal (DUT) or Union Station, and the Golden Triangle near the City and County Building. (map, next page) The Union Station site was owned by the Denver Union Terminal Railway Company (DUT), a consortium of six railroads; and Glacier Park, the development arm of Burlington Northern, Inc. Glacier Park and developers Miller-Klutznik-Davis-Gray (MKDG) had previously formed a joint venture, Mile High Land Associates, to develop 155 acres of land adjacent to Union Station.
ALTERNATIVE CONVENTION CENTER SITES
Peha asked the three landowners to submit offers to sell their land. In November, 1984, the task force endorsed the Currigan site. The bid for the sale of Union Station, submitted by Glacier Park and MKDG, was actually the lowest, but contained an unacceptable condition. In exchange for the cost of relocating Burlington Northern's mainline tracks and its Trailer on Flat Car facility, the bidders had conditioned their offer on approval of the rezoning of Mile High's 155 acres.

Peha had openly supported the Union Station site since his election. When he received the task force's recommendation, he announced that all of the bids were too expensive or contained unacceptable conditions, and requested all three landowners to improve their offers and resubmit bids. His action angered some members of the City Council who had supported the Currigan site, and the press criticized him for circumventing the process which he had designed.

In January, 1985, the Currigan and Golden Triangle landowners each submitted lower bids, while DUT and MKDG submitted the same bid absent the rezoning condition. After several days of intense lobbying, the City Council voted seven to five, with one abstention, in favor of Union Station. By May, 1985, City Council had approved a financing concept and voted to accept a contract negotiated for the purchase of the site.

Members of both committees took extreme interest in the convention center site selection. Not only would the decision affect urban design plans for both downtown and the
Platte Valley, but some committee members had financial interests in particular sites. One DAPC member owned a development company which had joined in the Golden Triangle site proposal. Mile High Land Associates' actions on the PVDC were directly linked to the Convention Center decision. The Convention Center issue had a major impact on the activities of both committees.

C. The Downtown Area Plan Committee

1. Background

Prior to Peña's election, the Denver Partnership recognized that its work in downtown Denver had been piecemeal. In response, Partnership staff began to formalize plans for the creation of a Downtown Plan, to develop comprehensive goals for future development in downtown. After Peña's election, Partnership director Dick Fleming realized that the Partnership could not develop the plan without support from the City. He was able to convince Peña and Lamont to take advantage of the Partnership's efforts by creating a Downtown Plan committee jointly managed by the City and the Partnership.

2. Representation

The City and the Partnership agreed that the committee members should include representatives from those stakeholders who had an interest in and ability to block the implementation of a downtown plan. Jointly, they developed a list of fifteen different interest groups, and decided on varying numbers of members from each group, depending on
their perception of the relative importance of each group.

The original list included:

1. Auraria Higher Education Center, 1 member
2. The City, 2 members
3. The Denver Planning Board, 1 member
4. The City Council, 4 members
5. Interneighborhood Cooperation, a citywide coalition of neighborhood organizations, 1 member
6. The Neighborhood Partnership, a citywide coalition of neighborhood development organizations, 1 member
7. Downtown Denver Residents Organization, 1 member
8. Denver Civic Ventures (The Denver Partnership), 2 members
9. Downtown Denver, Inc. (The Denver Partnership), 5 members
10. Regional Transportation District (RTD), 1 member
11. Lower Downtown Property Owners, 1 member
12. Historic Preservation, 1 member
13. Newspapers, 2 members
14. State of Colorado, 1 member
15. Citizens at Large, 2 members
16. Denver Commission on Community Relations, 1 member

The Partnership and the City also considered including representatives from professional organizations including the American Institute of Architects (AIA) and the American Society of Landscape Architects (ASLA). They decided against including them, though, primarily because they were concerned about the already large size of the committee.

To identify representatives from most of the organizations, the City and the Partnership notified the organizations and asked them to select representatives for the DAPC. In some cases, the City and the Partnership asked specific individuals to sit on the committee. Because the Partnership had seven representatives on the committee (Denver Civic Ventures, and Downtown Denver, Inc.), it controlled a significant portion of the total membership.

3. Funding, Staff, and Timeline
The City and the Partnership agreed that they would both provide $500,000 in staff salaries and technical assistance for the committee. The City also agreed to contribute $100,000 from its Capital Improvements Program Budget, while the Partnership agreed to contribute $250,000 - $750,000, which it hoped to raise from foundation grants. As of 1985, 1 year later, the Partnership had contributed about $100,000, and the City had contributed less staff support than promised.

Because they recognized that the DAPC would not be preparing a traditional plan, the City and the Partnership also agreed to hire a facilitator for the committee. At the Partnership's suggestion, they chose David Straus, of Interaction Associates, a San Francisco and Boston based organization which concentrates primarily on private sector dispute resolution. Fleming had met Straus through the International Downtown Executive Association (IDEA), and had been impressed his work in cities like Newark, New Jersey, and Hartford, Connecticut.

The DAPC's timeline was partly determined by outside pressures. The Partnership stressed that foundations who were funding the committee wanted to see some product within one year. The City and the Partnership agreed, therefore, that the DAPC process would take about eighteen months, but that the committee would produce an interim document sometime during the first year.

4. Starting the Committee Process

On July 9, 1984, the Mayor announced the formation of a
Downtown Area Plan Committee (DAPC) to produce a plan for future public and private development of Downtown Denver. The DAPC would be governed by a "broad based policy committee" appointed by the Mayor, which would be responsible for coordinating a large, open process of designing the plan. According to a joint statement by the City and the Partnership, the DAPC would have three major goals: 1) to create a common vision for downtown among the citizens of Denver, and the major public and private actors in its development, 2) to guide decisions regarding the development and operation of downtown by public officials, developers, residents, merchants, and property owners, and 3) to link the investments of the public and private sectors to produce higher quality development and greater citizen enjoyment of downtown.

Products which would emanate from the DAPC included 1) an urban design and vision statement, outlining the direction for new development, presentation, public open space, transit, pedestrian and auto circulation, parking, streetscapes, and view corridors, 2) a strategic financial plan, explaining how the City and private sources would pay for capital improvements suggested in the plan, and the expected revenue stream which the plan would generate, and 3) a management plan, identifying how the plan would be implemented. The plan would enjoy the same status as any plan produced entirely internally by the City, and in fact, be incorporated in the City's revised comprehensive plan.
At the first DAPC meeting on July 19, 1984, Straus and the staff reviewed the role and responsibilities of the committee. They emphasized that the committee was not to design a downtown plan itself, but rather, design a framework for the plan, and a process for gathering public input. Even at this stage, some committee members were unclear about the committee’s responsibility, an issue which surfaced later in the process.

The committee also discussed how they would make decisions. At Straus’s suggestion, it agreed to make decisions in a "collaborative manner using consensus." Straus did not spend much time, however, explaining his duties as facilitator, or the consensus building process generally. The committee also agreed to establish a smaller executive committee to deal with ground rules, staffing needs, and the budget. Initially, the executive committee took a very limited role in the process.

5. An Initial Issue: Representation

At this first meeting, Eleanor Jefferson, the committee representative from Interneighborhood Cooperation (INC), argued that the neighborhoods close to downtown, comprised mainly of Blacks and Hispanics, were not adequately represented on the committee. Having agreed prior to the meeting to support Jefferson, David Cole, the representative from the Neighborhood Partnership, backed Jefferson’s request for two more INC representatives. Fleming, a Partnership representative, disagreed with Jefferson. Apparently, the two had discussed the issue before the meeting, and Fleming
thought that they had resolved the issue. Other members of
the committee expressed concern that the 27 member committee
was already too large.

Straus let the discussion flow, believing that the issue
needed resolving before the committee could move on. After
extensive discussion, Cole suggested that they add two more
minority members, not affiliated with any particular
neighborhood organization. When Straus went around the room
and asked if anyone objected to the idea, many supported the
idea. The Director of the City’s Commission on Community
Relations was asked to collect recommendations from committee
members and forward two names to the Mayor. By the next
meeting, a Hispanic and a Black had been added to the
committee as "mayoral appointees."

6. Gathering Information

At the urging of the Partnership and City staffs, the
committee spent the next several meetings receiving briefings
pertinent to downtown development. The briefings were of two
types. One type, conducted by the staff, consisted of
presentations on issues affecting downtown, including the
convention center, the Platte Valley, downtown retail,
transportation, Auraria Higher Education Center, and Cherry
Creek expansion. The second type consisted of lectures by
experts from Denver and other cities on larger trends,
including the impact of technology on downtown development,
economics and market trends, downtown retail, public spaces,
and housing. Again, the staff developed the lecture topics
and chose the speakers.

Eventually, the committee told the staff to stop the briefings. Members argued that they wanted to get a better handle on the committee's own direction before receiving more information. The staff resisted, but the committee prevailed.

As a result of the briefings, some committee members became concerned with the relationship of the DAPC to other committees working on issues affecting downtown. The representatives from the Partnership were particularly concerned about the plans being developed by the Platte Valley Development Committee and how they would affect downtown. Fleming raised the issue at the end of a meeting in December. As a result of the discussion, the committee sent a letter to the Platte Valley Development Committee stating its disapproval with four aspects of the Platte Valley Plan: 1) the Plan's creation of a "barrier" effect between downtown and the Valley, 2) the development of the Valley without a major shift of market absorption from downtown to the Valley, 3) housing and open space, and 4) access to and from downtown.

7. Developing the Product

Throughout the briefing period, the committee also discussed the scope and products of its work, and its timeline. In September, the committee agreed that by February, 1985, it would produce a document called "Concept Denver" which would include information on Denver today, summaries of the briefings, and a broadly scoped "vision
statement of the core area for year 2010." The committee agreed that the vision statement would include a list of critical issues facing downtown. Those issues would be the focus of the next phase of the process.

At its January 10 meeting, the committee set to work narrowing down some 35 issues which it had developed at prior meetings. Straus emphasized the need to focus on the "highest leverage issues which will make a difference in the future of downtown," and Tom Gougeon, from the Mayor's office, stressed the need to keep the list of issues short. At Straus's suggestion, the committee broke into smaller groups and prioritized the issues.

Eventually, the committee chose five issues: 1) connections between activity centers in downtown, 2) lower downtown, 3) districts and transition zones connecting downtown with the neighborhoods, 4) access to and circulation within downtown, and 5) downtown retail. The committee agreed to set up task forces for the first four issues, and for the time being, monitor the fifth issue. (The City and the Partnership were already involved in negotiations with Oxford Properties to bring a major retail project to downtown and the committee agreed that it would be inappropriate to duplicate their efforts.) The task forces would be responsible for devising specific design and development solutions for their issue by soliciting community input, and monitoring the work of other groups working on the issue.

8. Lower Downtown
Unlike the other issues, lower downtown was chosen as an issue for reasons somewhat beyond the work of the committee. Lower downtown has had a history of conflict between historic preservationists and property owners over appropriate land uses in the district. In September, 1984, Lisa Purdy, a historic preservationist long involved in lower downtown and a member of the DAPC, organized a group of lower downtown property owners and historic preservationists to consider the impact of a convention center at Union Station on lower downtown. In a draft agreement, they proposed the creation of a "Special Development District" for lower downtown, which would include parking districts, additional housing incentives, increased used of TDR’s, design and development review, creation of a "development and marketing office" in the district, tax increment financing for public improvements, and a smaller conservation district to preserve historic structures. Before informing the DAPC of her activities, Purdy told the City of the agreement on December 20. Eventually, the agreement was presented to the DAPC and they agreed that it would be incorporated into the work of the lower downtown task force. The committee members felt it was important to take advantage of the momentum which the agreement had established in lower downtown, and that the Plan should not attempt to reinvent already existing ideas or agreements.

9. Councilman Hackworth's Resignation

During a discussion at the January 10 meeting on connections between activity centers in downtown, Councilman
Ted Hackworth questioned the importance of the issue. He couldn’t understand, he stated, why the committee was concerned with walking connections between activity centers when most people did not want to walk longer than five minutes between locations. Committee members were unsympathetic. Hackworth had been skeptical of the process from the beginning, and most thought that his concern was invalid, if not ridiculous. Eager to keep the meeting moving, Straus acknowledged Hackworth’s point but quickly moved the discussion to another topic.

Hackworth left the meeting early, and attended no future meetings. Three weeks later, the Rocky Mountain News reported that Hackworth had resigned from the committee. The article quoted Hackworth as claiming that the committee’s work had degenerated into nonsense, that it was not addressing important issues like downtown retail, and that it was being manipulated by special interest groups like neighborhoods and historic preservation. Committee members tried several times to contact Hackworth and urge him to rejoin the committee, but Hackworth refused to return their phone calls. Eventually, the committee decided to forget Hackworth’s resignation and get on with its agenda.

10. The Committee Rears its Head

At the committee’s January 31 meeting, the staff presented a draft of the Concept Plan which was to be issued in February. The vision statement section of the draft included a discussion of the five issues and their respective
task forces, but did not specify the actual procedures of the
29 task forces. A few days later, the staff called an interim
meeting of the committee to obtain its authorization to fund
the Concept Plan report, a slide show, and a poster. Straus
was not present at the meeting. Before the committee began
to discuss the prepared agenda, Lisa Purdy asked if the
committee could discuss the Concept Plan draft.

Purdy argued that the Plan as presently written was too
general, and had not established a framework for the
operations or agendas of the task forces. Several other
committee members agreed, and refused to go public with the
Plan until it contained specific issues for the task forces
to address and specific guidelines on how they should
proceed. The committee elected two chairpersons from the
executive committee, and instructed the executive committee
to design a process for establishing these elements of the
Plan. It also agreed to postpone issuing the report. The
staff was disappointed and frustrated, but had to follow the
committee's decision.

When Straus learned of the meeting, he was pleased that
the committee had finally taken ownership of its product.
Recognizing that resolving this issue might determine the
very future of the committee, he helped the executive
committee through a long meeting to figure out the next step
in the process. At the next committee meeting, the
chairpersons took control of the meeting, instructing the
staff and Straus to sit at the side of the room. Leaving
little room for discussion, they told the committee that it
would establish a framework subcommittee, which would spend the next six to eight weeks developing more detailed concepts for the operations of the task forces.

By May 1, the framework committee had completed its task. At a weekend retreat, the whole committee reviewed the committee’s recommendations for how each task force will go public with its respective issue. At this point, it is too early to tell whether the committee will be able to look beyond its initial difficulties and carry out its responsibilities.

B. The Platte Valley Development Committee

1. Background

Denver’s Platte River Valley consists of over 500 industrially zoned acres of land lying between downtown Denver and a northwest Denver residential district, at the confluence of the South Platte and Cherry Creek rivers, and bordered by Interstate 25, Colfax Avenue, 23rd, and Wynkoop Streets. (map, next page) Once the hub of Denver’s mining, railroad, and trade industries, the Platte Valley now serves as the city’s transportation and utility corridor. Railroads and small industries dominate Valley activities.

As a major undeveloped area close to downtown, the Platte Valley offers immense planning and development opportunities. Presently, most Platte Valley land is worth $2 - $10 per square foot, compared to $300 - $400 per square foot in downtown. Greater possibilities exist for open space, housing, and offices whose prices rival suburban
office prices. The availability of such a large piece of vacant land owned by relatively few landowners offers a chance to create a large scale plan absent the problems of relocation and demolition. The Cherry Creek and South Platte Rivers could provide the water amenity so lacking in Denver.

The City holds two bargaining chips over developers interested in the Valley. First, existing zoning in most of the Valley does not permit housing or general retail, nor does it provide height and density restrictions, design review, open space requirements, or methods for avoiding incompatible uses. Some developers wishing to risk investment in the Valley, therefore, will want to obtain a rezoning from the City Council before they move forward with development projects. More important, the City must agree to finance a portion of the enormous infrastructure improvements necessary for redeveloping the Valley.

Several studies on the Platte Valley's reuse were conducted prior to the Peña Administration. One study, "In Response to a Flood" was commissioned by Mayor Tom Currigan in 1966 after a flood of the Platte in June, 1965 caused $325 million worth of damage in the Valley. While few of the plan's ideas were implemented, it did set up the idea for redevelopment of the Valley. Currigan also accomplished the city's cleanup of the river itself and the damming of the Platte upstream to prevent future flooding.

In 1975, BNL Development, whose parent company, Burlington Northern, Inc., owns a large portion of Platte
Valley property, teamed up with Del Webb Realty and Management Company to develop a "Concept Plan" for the Valley. The plan suggested a wide variety of uses, including housing, commercial centers, and parks and open space. Negotiations between BNL and the city to implement the plan eventually broke down because of an inability to reach agreement on who would pay the infrastructure costs for redevelopment.

During the downtown Denver building boom, developers began to assemble large parcels of land in the Valley, causing land prices to rise. In 1982, The Goff Corporation requested a rezoning for its twenty-two acre "Westbank" proposal, to redevelop the old Forney car museum and the area around it. While the nearby Jefferson – Highlands – Sunnyside neighborhood organization approved of some of Goff's idea, they protested his plans to build high rise offices, hotels, and a 7000-car parking garage. Employing the courtesy zoning mechanism, their city councilman, Sal Carpio, opposed the rezoning. Deferring to Carpio's recommendation, City Council eventually refused Goff's request. Council members also had questions about Goff's financial backing and ownership arrangement, and a general perception that piecemeal rezoning was an inappropriate way to redevelop the Valley.

During the same year, the Denver Union Terminal Railway Company (DUT), a consortium of six railroads that share Union Station, announced their desire to redevelop eighteen acres around the station. In addition, Mile High Land Associates, a joint venture between Burlington Northern and Miller-
Klutznik-Davis-Gray, began to develop a plan for their 155 acres. Wary of suffering a fate similar to Goff’s, Mile High initiated seven months of meetings with an organization of neighborhood groups, the Platte Valley Alliance of Neighborhoods (PLAN), to gain their support for a rezoning plan of their 155 acres. In response to apparent conflicts in the plans and pressure from Carpio and the neighborhoods, McNichols appointed a Platte Valley Framework Committee to encourage the Platte Valley landowners to negotiate with each other. McNichols intended that the city take only a monitoring role in the negotiations; he wanted the developers to propose the actual redevelopment plans.

One of Peña’s first actions when he took office was to suspend the Framework Committee. The Mayor believed that the City should take a more active role in the Valley’s planning process. To that end, he decided to establish a new committee with greater participation by the City. He instructed Lamont to develop the committee’s process and agenda.

2. Representation

In selecting committee members, the Mayor had two criteria. First, the process had to be manageable. Second, everyone who would eventually have to approve the plan would have to be represented. As a result, Peña and planning director Bill Lamont sought representatives from seven different interest groups: 1) the Platte Valley landowners, including Mile High, DUT, Trizec Corporation, Ltd., and a
Platte Valley Landowners Association (PVLA), who would have to agree to redevelop their property in accordance with the plan, 2) the City Council, which would have to approve rezoning requests and implementation mechanisms, 3) the City, which would have to provide a portion of infrastructure costs, 4) the Partnership, whose influential membership could provide support and expertise for the plan, as well as impede a plan designed without their input, 5) the neighborhoods, who were concerned about displacement caused by redevelopment, and who could employ courtesy zoning to oppose a rezoning request, 6) Auraria Higher Education Center, a 33,000 student, three university campus which lies directly adjacent to the Platte Valley, and 7) the Denver Planning Board, which would have to approve the plan before it went to City Council. Peña and Lamont also decided that other groups, including the Colorado Highway Department, railroads, Urban Drainage and Flood Control District, RTD, city agencies, university groups, and professional associations of architects, planners, and landscape architects, would provide resources and technical advice, but not be voting members of the committee.

3. Beginning the Process

On February 8, 1984, Peña announced the formation of the Platte Valley Development Committee (PVDC). The goal of the committee was to "facilitate successful redevelopment of the Platte Valley in a cooperative fashion." Active involvement by the City would allow both developers and the City to make financial commitments to the Valley with some
certainty about the overall direction of the area. During a "work program" of eight to nine months, the committee would 1) familiarize itself with issues in the Valley, 2) develop goals for the Valley's redevelopment, 3) create a preferred development scenario, and 4) adopt an implementation plan for the scenario. Peña instructed the committee to make periodic reports to the Mayor, City Council, and the Planning Board. Eventually, the committee was to make detailed recommendations on issues including the rezoning of the Platte Valley, financing techniques, allocations of costs between the City and developers, and institutional arrangements. The committee would be funded by local foundations and the Platte Valley developers, and staffed by the City Planning Office.

The committee held its first meeting on February 14, 1984. As unofficial chairperson, Lamont explained the Mayor's charge to the committee and asked members to state their goals and objectives for the committee's process and activities. Some interesting comments came to light. PVDC members wanted to create a climate in the Valley where investments could take place with confidence, and where rezoning requests could come to City Council with some certainty that they would be approved. They did not, however, want to take a lot of time, nor did they want to have all discussions open to the public.

Early on, the committee decided to appoint an official chairperson. Lamont had been serving a dual role as Planning
Director and committee chair, and the committee decided that it preferred to have a more neutral member run its meetings. Lamont supported the idea. The committee chose Stephanie Foote, a City Council member on the committee.

3. The Facilitators

Lamont had not expected to use facilitators for the PVDC. After the first meeting, at the urging of the Partnership and Mile High Land Associates, however, he enlisted the services of ACCORD Associates and the Center for Public/Private Sector Cooperation (CCPSC) to help the committee set up ground rules and processes, and determine the resources that it would need. ACCORD is a private, nonprofit organization which provides mediation, consulting, and technical training in conflict resolution. John Huyler, formerly with ACCORD, was the Project Director for the Metropolitan Water Roundtable, an organization of thirty representatives of the Denver metropolitan area, suburban governments, agriculture, environmental groups, western Colorado local governments and development interests who are negotiating a blueprint for meeting Denver's future water needs. Deanne Butterfield, from the CCPSC, specializes in cooperative problem solving and intergovernmental relations. Huyler and Butterfield donated their services for the initial organizing of the committee. The committee then agreed to continue using their services "as long as funding allowed."

Before the committee's next meeting, Huyler and Butterfield interviewed committee members and compiled their
suggestions for ground rules. The committee discussed those
ground rules at its second meeting. Among other things, the
rules required that members 1) make a "good faith attempt to
resolve issues collaboratively," before taking them to other
forums, 2) advise the committee of actions or decisions of
their organizations that are within the scope of committee
decisions, and 3) allow meetings to be open to the public as
often as possible. The committee also discussed the role of
the facilitators, and determined that they would be
responsible for forming agendas, getting members to agree to
those agendas before meetings, and facilitating the
meetings.

4. Gathering Information

The Committee then spent a two-day session organized by
Lamont and a Planning Office staff member, hearing
presentations from different groups involved in projects in
the Platte Valley, including the State, the City, Auraria,
private developers, and the neighborhoods. Those briefings
were compiled in a large document which provided committee
members and the public with current information on projects
in the Valley. Open to the public, the briefing sessions
attracted some 50 to 60 citizens each day. Committee members
generally felt that these briefings were extremely
informative.

Lamont and the staff also arranged and presented a
second set of briefings on more general issues, including
zoning, public finance, open space, and transportation. In
addition, the city arranged a detailed briefing by four local market analysts on Platte Valley market conditions, including information on the office, retail, and manufacturing markets, as well as hotels, housing, and theme parks. Committee members were less convinced about the value of these briefings. There was some feeling that the Planning Office staff was presenting biased information, and was not responding to the members' requests for particular information.

5. Abandoning the "Charette"

At one of its June meetings, the committee demonstrated for the first time its frustration with the way Lamont and the staff seemed to be controlling the process and direction of the meetings. For a month, the committee had been discussing an idea conceived by the Planning Office for a five day "charette" during which a team of nationally known consultants would visit the Valley and make recommendations to the committee. Some committee members commented that the charette was expensive and premature, and that they preferred to start making decisions and developing specific proposals rather than hearing more general comments from people unfamiliar with Denver. For the first time, Mile High used the fact that it was funding a large portion of the project as a bargaining tool, threatening not to fund the charette. Responding to Mile High's threat, the committee decided to abandon the charette idea altogether. Instead, it requested the staff to prepare for a two day working retreat. The product would be a draft plan for the Valley.
As facilitator, Huyler encouraged the free flow of discussion at the meeting. He commented later that he was pleased that the committee was finally taking "ownership" of its process, and exerting control over the staff.

6. The Retreat and Draft Plan

Prior to the retreat, the City and the City Planning Office documented, reviewed, and analyzed everyone's development schemes of the Valley, and formed them into a composite plan. At the retreat on July 21 and 22, committee members revised and refined the composite plan. On July 27, the committee presented its draft plan to the public. The plan contained general proposals on six issues: 1) consolidation of the railway corridor, 2) improved access to the Valley, 3) mixed use development, 4) use of the Cherry Creek and South Platte Rivers, 5) open space, and 6) connections to surrounding neighborhoods. In addition, the plan divided the Valley into ten subareas. Each subarea contained guidelines on character, land area, uses, densities, incentives, open space, parking, and other amenities.

7. Eliminating the Facilitators

The committee decided to stop using ACCORD and CCPSC after the retreat. There seemed to be three reasons for this decision. First, many committee members felt that although the facilitators had provided valuable advice in terms of process design and ground rules, that they could not help the committee in its second stage, making the difficult decisions
about specific elements of the Platte Valley plan. According to some committee members, the facilitators' system of stating interests and values did not result in actual decisionmaking.

Second, the committee recognized that the facilitators' services had been expensive. As of September 19, the committee had paid ACCORD and CCPSC $27,000, 30% of its $87,000 income from foundations, the developers, and the City. Since foundations had not come through with some of the funding which the committee had expected, the committee decided that it could no longer afford the facilitators' services. Third, some committee members had been uncomfortable with the process from the beginning and were more than happy to return to the traditional decisionmaking methods to which they were accustomed.

8. Setting up the Technical Committees

In August, the committee decided to set up six Technical Committees to go into more detail on the different elements of the draft plan: 1) land use/economics, 2) transportation, 3) open space/ flood control/urban design 4) Auraria, 5) finance/institutional, and 6) community affairs. The technical committees met separately to gather information and develop more specific proposals related to their topics. The committee hired a planning consultant, Doug Houston, to help with technical committee data collection and reports. For the next few weeks, the technical committees made progress reports to the whole committee.

By October 24, the technical committees had completed
evaluation of most of the elements of the composite plan. Still, committee members recognized that they had made no decisions on controversial elements of the plan. Foote and Lamont felt that the committees were beginning to go into too much detail and to make decisions which should be made by the whole committee. The committee decided, therefore, to meet weekly to work out the final details of the plan.

9. The Convention Center

The convention center issue, however, blew up in November. As explained earlier, the convention center task force chose Currigan Hall as its preferred site, and Peña requested the landowners to resubmit bids for all three sites. Because Mile High's plan depended so heavily on the site selection decision, the committee made little progress during November and December.

10. The Railroad Alignment Decision

On December 7, the committee approached its first major decision: how to consolidate and where to locate the railroads in the Platte Valley. Recognizing that reaching agreement might be difficult, Lamont called Huyler before the meeting and asked him to facilitate it. The railroad subcommittee had come up with three possible locations: 1) the "Westbank" alignment, along the east edge of Interstate-25, between the Valley and the northwest Denver neighborhood, 2) the existing Burlington Northern alignment (BN alignment), which runs at grade through the middle of the Valley, and 3) the "revised BN alignment," which would partially depress the
existing BN alignment. Huyler asked each committee member to voice his opinion on the issue.

David Cole, from the northwest Denver neighborhoods, and Tom Ragonetti, representing Trizec, were the most outspoken against the Westbank alignment. Cole insisted that the alignment would separate them from the river, bring hazardous materials closer to residential areas, and remove existing amenities and historic structures on the Westbank. Ragonetti argued that the alignment would ruin Trizec's site, which had taken substantial time and money to assemble.

In spite of Cole's and Ragonetti's comments, several committee members still supported the Westbank alignment. The Partnership, for example, believed that the alignment was best for downtown, since it would eliminate a barrier between downtown and the Platte Valley. Gougeon and the Planning Office believed that it made the most sense from a design standpoint to place the railroad at the edge of the Valley rather than through the middle. Yet neither of them were willing to risk vocalizing their positions and alienating the neighborhoods. Gougeon finally stated that the City would be willing to accept the BN Alignment, as long as the Planning Office could continue to analyze the issue.

A major procedural issue came up at this meeting. Contrary to the ground rules which the committee had established, Cole and Ragonetti suggested that the committee vote on the rail alignment decision. Huyler explained that voting on the issue would violate the process which the committee had adopted, and severely undermine the committee's
ability to insure buy in to its decisions. As it turned out, the committee did not vote, but rather, agreed to select the BN alignment with Gougeon's condition.

11. Final Negotiations

In December, the committee recognized that it still needed to reach agreement on particular aspects of the draft plan, and agreed to postpone its deadline for its recommendations to the Mayor. Meanwhile, the Mayor instructed his aides to reach some agreement with Mile High so that the developers could submit their convention center bid free of conditions. In early January, city officials and Mile High reached tentative agreements on their differences relating to 1) land uses (including housing) and densities, 2) heights, 3) open space, 4) infrastructure, and 5) barriers and design.

In January, the committee authorized the City to meet privately with each committee member to insure that each was satisfied with the plan's treatment of its property, and would be willing to enter into development agreements consistent with the plan. The City met with the committee members in January and February.

12. The Written Agreement

By May 1, the Planning Office had prepared a packet of draft policy statements for the plan, generated from the discussions with committee members. Once the committee agrees to the statements, Concept Denver will be presented to the Denver Planning Board, the Mayor, and City Council,
probably in June, 1985.

The document contains statements on the six issues described earlier. First, it describes allowable land uses and densities for eleven subareas in the Valley. Each subarea is allowed a certain floor area ratio (F.A.R.), F.A.R. bonuses, and transfers of density within subareas in exchange for certain uses. Certain areas are set aside for housing. If housing is not built within ten years after infrastructure and access are within reach, property owners must agree to 1) submit a firm commitment for the construction of residential units, 2) joint venture with the City to build housing, using the reserved residential area as free land, or 3) donate the required area to the City so that residential units can be built by the City.

Second, the document establishes three categories of maximum building heights for the subareas: 1) "point" towers of 18 - 22 stories having relatively small floor plates and clustered throughout the Valley, 2) mid-rise structures of ten to twelve stories on smaller parcels, and 3) lower structures of five to seven stories located along water amenities. In some cases, transfers of development density will allow exemption from the height district limits.

Third, the document provides for almost 150 acres of open space, and establishes priorities for the uses and activities for the open space, including biking and jogging paths, plazas, entertainment, and landscaping.

With respect to infrastructure, the agreement provides that the City will invest funds in the earliest years to
"prime the pump" before revenues from private development can be captured, but also provides that "the primary beneficiaries of development bear the greatest burden of the cost." The major sources of funding will be a tax increment financing district, which can issue long term bonds to be paid in future years from the incremental revenues generated by development, and special districts, which can also issue long term bonds.

Regarding barriers and design, the document discusses general design goals: conserving tradition street patterns, designing facades harmonious with existing facades, promoting setbacks, using interesting designs and materials, and promoting public art. Future development agreements will provide for design review.

The document also contains specific priorities for automobile circulation, traffic improvements, and mass transit, which are designed to enhance access to different development sites as well as downtown. In addition, the document provides that the railroads will be consolidated into a main corridor behind the Union Station Terminal, and depressed as much as possible.

The document also contains a general discussion about implementation, suggesting the need for a lead agency, separate from existing City departments, to administer the agreement. It recognizes, however, that determining the exact type of agency will require further study.

13. Implementing the Plan
Assuming that City Council approves the plan, the Planning Office will begin to determine the type of mechanism which will implement the plan. The committee has suggested designating the entire Platte Valley as an urban renewal area, so that it will be eligible for tax increment financing. The committee has endorsed using the Denver Urban Renewal Authority (DURA) as the lead agency for Platte Valley redevelopment, but restructuring the agency to fit that role. The Planning Office, however, supports an institutional mechanism which would give it a more direct role in implementation, monitoring, and enforcement.

Whatever the lead agency, it will enforce the plan by entering into a number of contractual agreements: 1) a Master Cooperation agreement between the City and DURA, 2) specific agreements with DURA and other non-city agencies related to financing, infrastructure construction, and special districts, and 3) participation and development agreements between the City and the developers of particular sites covered by the plan.

E. Public Perception of the Process

Assuming that most citizens learned about the committees through local media, public awareness of both the DAPC and the PVDC seems to have been quite limited. From February, 1984, when the PVDC got underway, to March, 1985, the Denver Post, one of Denver’s two major newspapers, carried fewer than fifteen articles about either of the committees. Part of the problem is that the press does not know how to report on the committee process, and individual reporters do not
have the time or the patience to sit through long meetings to find out what the committee is doing. The articles which did appear in the papers concerned only the announcement of the committees and significant committee events or decisions, like the PVDC railroad alignment decision, or Hackworth's resignation from the DAPC.

The Denver Post reacted positively to the initial announcements of the committees. Commenting on the PVDC, the paper said that the committee presented a great opportunity to do a comprehensive plan with goals and a vision.

Similarly, an editorial on the DAPC stated:

The process will offer Denver's leaders as well as its ordinary citizens an unprecedented chance to be visionary and realistic at the same time. Naturally, the result will be meaningless unless all involved are willing to work together in a genuine spirit of cooperation and commitment.

As the processes wore on, however, the newspapers seemed to lose their patience. On November 18, for example, the Rocky Mountain News headline stated "Platte Project Stymied," and the accompanying article explained how Mile High was threatening to pull out of the project because of the committee's decision to postpone its December 7 deadline.

(see Appendix B) The Denver Post also carried several articles regarding the committees' inability to make decisions.

An even more negative editorial about the DAPC showed up in the Rocky Mountain News in March, 1985. Al Knight, the assistant managing editor of the paper, questioned the effectiveness of the facilitators:
They keep attention focused and they fill up huge expanses of butcher paper draped over every available inch of wall space. In their tasks they use different colored inks for different kinds of ideas. It has been said that a planning or "consensus building" facilitator is an ordinary yuppie in all respects save for hands that have become gnarled from holding all those highlight pens at the same time.

His editorial also pointed out that no product had come from the committee. A sarcastic cartoon, mimicking the types of diagrams and phrases used by the facilitators, accompanied the editorial. (see Appendix A)
SECTION III: Evaluating the Committee Processes

A. Process

To analyze the successes and failures of the committee processes, I interviewed several committee members as well as committee staff. Because I was unable to speak to every committee member, I tried to interview members whom I thought would present diverse perspectives on the committee. Specifically, I interviewed the following people associated with the Downtown Plan Committee:

1. Tom Gougeon, Mayor's Office, DAPC Co-Chair
2. George Beardsley, Partnership Representative
3. David Cole, The Neighborhood Partnership Representative
4. Lisa Purdy, historic preservation representative
5. Richard Fleming, Partnership Representative
6. David Straus, Facilitator
7. Eileen Byrne, Partnership Staff
8. Will Fleissig, The Denver Planning Office

I also interviewed the following members of the Platte Valley Development Committee:

1. Bill Lamont, Denver Planning Office, Co-chair
2. Tom Gougeon, Mayor's Office Representative
3. Phillip Milstein, Planning Board Representative
4. Tom Ragonetti, Attorney and Representative for Trizec, a Platte Valley landowner
5. David Cole, PLAN Representative
6. Peter Neukirk, Mile High Land Associates Representative
7. Richard Fleming, Partnership Representative
8. John Huyler, ACCORD
9. Gordon Appell, City Staff

I focused the interviews on the interviewees' impressions of the committee processes and activities thus far. I urged them to discuss both positive and negative
aspects of the committees and to give me specific examples to illustrate their comments.

B. Framework for Analysis

Reporting the impressions of interviewees regarding the committee processes required me to develop a framework for evaluation. I adopted a framework which analyzes nine elements of the processes: 1) Incentives to Negotiate, 2) Representation, 3) Developing the Agenda, 4) Fact Finding, 5) Coalition Building, 6) Entry and Work of Facilitators, 7) Staff, 8) the Written Agreement, and 9) Assumptions about Implementation, Monitoring and Enforcement.

1. Incentives to Negotiate

Successful negotiations usually require that the parties have some reason for sitting at the negotiating table -- an incentive to negotiate. Fisher and Ury argue that this incentive encompasses a parties' BATNA, or best alternative to a negotiated agreement. Bacow and Wheeler suggest that any proposed settlement must be at least a bit "better" than the parties' BATNAs, or alternatives of not settling. In land use disputes, a party's BATNA usually involves his perception of what he can accomplish through traditional administrative, legislative, and judicial decisionmaking processes.

The four major participants in the PVDC had strong incentives to negotiate. The developers needed guarantees from the City to provide infrastructure, as well as rezoning from the City Council. The recognized that traditional
decisionmaking processes had fostered time consuming disputes with the neighborhoods, opposition from City Council, and inadequate infrastructure guarantees. By participating on the committee, they hoped to accelerate approvals and increase public contributions for their projects.

The neighborhoods (PLAN) felt that by negotiating, they might win open space and housing, protect themselves from land price speculation, and ameliorate the negative impacts of increased traffic and densities. Using "courtesy zoning" would only allow the neighborhoods to block development, it did not provide ways for the neighborhoods to accept development with conditions.

For the Denver Partnership, participation on the PVDC might insure as little competition between the Platte Valley and downtown as possible, linkage between the two areas, and better access to downtown through the Platte Valley. Its alternative method for addressing those concerns, using the political pull of its membership, might weaken the City's support for the Downtown Plan, and other downtown interests.

For the City, a successful negotiation would enhance the possibility of economic development and corresponding tax revenues from the Valley. In addition, success would help the Mayor politically—reelection was only two years away, and the "great city" looked much as it did two years before. By allowing the Platte Valley decisions to go through traditional channels, the Mayor would lose his ability to influence the direction of the Valley, and would be unable to take credit for a successful development plan.
Few of the DAPC members had such identifiable incentives to negotiate. The Partnership members had the greatest incentive—a downtown plan could enhance downtown’s attractiveness for business, entertainment, and shopping, and result in a stronger downtown economic climate. By designing the Plan singlehandedly, the Partnership might lose support from the Mayor and the newly empowered Planning Office.

The City’s incentive to negotiate was less apparent. Certainly, the Mayor recognized the importance of the economic development and beautification of downtown, but it was not clear that the Downtown Plan committee could produce a better plan than the Partnership or the Planning Office could produce alone. Probably a greater incentive came from a recognition of the political strength of the Partnership membership and a need to appear supportive of their interests.

Beyond the Partnership and the City, the other DAPC members had few incentives to negotiate. Lisa Purdy felt that sitting at the table might allow her to voice preservation interests. Yet her negotiations with the downtown property owners outside the committee indicated that she felt that she could still operate effectively without the committee. The neighborhoods had little incentive beyond that of enhancing downtown’s attraction and insuring better physical connections between downtown and the adjacent neighborhoods, but it was not clear that participation on the committee would result in better results than airing their
concerns through traditional methods.

These differences in incentives to negotiate may explain why the PVDC took ownership of its process early on, and rejected efforts by the City staff to guide the committee's agenda and decisions, and why the DAPC did not take control over the staff and its product until it actually saw a draft of the concept plan and realized that it was to be publicized as the work of the committee. The fact that the Partnership seemed to have more reasons for participating on the DAPC than the other members also seemed to foster some distrust among DAPC members.

Generally, committee members may be more committed to a process where they recognize and understand the importance of the committee's agenda and the need for reaching solutions. In addition, they may be more willing to accept the decisions of the committee if they feel that those decisions emanate from the committee process rather than the motivation of a particular committee member controlling the process.

2. Representation

Identifying the negotiating parties in public sector land use disputes presents particular difficulties. If every possible stakeholder in the negotiation sits at the bargaining table, the process can become unmanageable. If certain stakeholders are excluded from the process, however, they may try to block the agreement at a later time. Often, it is difficult to insure that committee members actually represent and have authority to speak for their interests.

The PVDC problem was clearly defined from the beginning,
so it was more apparent to the City who should sit on the committee. As a result, every voting member of the committee had an incentive to negotiate, as described earlier. By including nonvoting members, the City insured participation by a large variety of stakeholders without making the process unmanageable. In addition, committee members for the most part could be assured that other committee members actually represented their interests, and had authority to speak for those interests.

Because the DAPC problem was not as well defined, it was less clear to the City and the Partnership which interests should be represented on the committee, and who should represent those interests. As a result, the committee seems to be comprised more of a "blue ribbon panel" than of representatives of particular interests. The representation discussion early in the DAPC process, for example, indicated that the neighborhood representatives did not feel that they could represent all neighborhood interests. In addition, several members of the committee felt that its membership, twenty-seven, made the process difficult to manage.

The different aspects of representation on the committees affect committee members' perceptions of the fairness of the processes, and their impressions about the committees' ability to implement its decisions. Representation is most likely to become an issue as the committee plans are publicized. Because DAPC representatives are so loosely tied to the interests which they are supposed
to represent, it would not be surprising if new stakeholders surfaced. On the other hand, since the committee will be soliciting community input at the task force stage of its process, those additional stakeholders may still have an opportunity to participate before the plan is implemented.

The PVDC will probably have fewer problems implementing its plan, because all the important stakeholders seem to have had an opportunity to participate in the process, either by sitting on the committee or by presenting information to the committee. It is notable that two railroads who chose not to participate in the PVDC, Rio Grande and Union Pacific, are now requesting information from the Planning Office to see how their interests will be affected by the plan, and attending all PVDC meetings.

3. Developing the Agenda

Susskind and Ozawa argue that the points to consider in a negotiation and in what order to address them should be considered at the outset of the negotiation. It also seems particular parties should not dominate the agenda. Small parties controlled the agendas of both committees. On the DAPC, the Partnership staff and Straus initially set the agendas. At each meeting, they would present the agenda and ask if anyone objected. After members of the executive committee took control of the process, however, they also took control of agendamaking.

Early in the PVDC process, the facilitators were responsible for developing the agenda by conferring with individual committee members. Some committee members
commented, however, that the Planning Office and Mile High had the largest influence on the agenda. This was even more the case after the facilitators were eliminated from the committee. Some members commented they never knew what they would be discussing at a meeting until the meeting took place.

These aspects of agendamaking had some important effects on the committees. Because they had not helped design the agendas, many committee members felt that important issues were excluded from discussions. The DAPC’s decision to redesign its concept plan so late in the process exemplifies the problems which can occur when the whole committee does not agree on its agenda early in the process. Exclusion from agendamaking may cause committee members to lose trust in or commitment to the process.

4. Fact Finding

The committees’ experiences with fact finding indicate that the parties will be more willing to accept a base of information when they have participated in gathering it. On the DAPC, the briefings were entirely staff initiated and controlled, and took place before committee members had a clear sense of the information that it needed. This enhanced committee members’ sense that the Partnership staff controlled their agenda and decisions. Because the committee did not have a clear sense of its direction, however, it took several meetings before the committee decided not to continue the briefings.
Similarly, Planning Office staff initiated and controlled the PVDC briefings, but with one important difference. The first PVDC briefings consisted of presentations by committee members themselves about their particular interests or projects in the Platte Valley. This gave committee members a sense that they were participating in the fact finding process, and that their information was not controlled by one party. It was not until the second set of briefings, when Planning Office staff decided what information the committee needed and who should present it, that the committee reacted negatively. The technical committees also gave committee members an opportunity to gather information for the committee.

5. Coalition Building

Members from neither committee described strong coalitions that had developed among committee members on particular issues. DAPC members commented that the committee had not yet reached an issue where members took opposing positions. In fact, one member commented that the six issues which the committee chose were the issues which no one disagreed on, rather than those which the committee agreed were the most important. The only coalition which members identified was between the neighborhoods and historic preservation regarding their disapproval of the first draft of the concept plan.

PVDC members identified the coalition formed by Ragonetti and Cole on the rail alignment issue. This may be significant since neighborhood groups and developers have
traditionally been at odds with respect to Platte Valley issues. The committee may have provided them with a forum for recognizing that even though the reasons for their positions are varied, their positions themselves were similar. Also, Ragonetti and Cole both recognized that they supported each other on other issues, after having allied themselves on the rail alignment decision.

6. Entry and Work of the Facilitators

The way in which the facilitators entered the processes affected committee members' willingness to trust them and allow them to work with the committees. Straus was hired by the DAPC primarily on Fleming's recommendation. Committee members did not make the decision that they needed a facilitator, nor did they participate in choosing him. Furthermore, they had no knowledge of Straus's track record in other negotiations. In contrast, the PVDC itself decided to hire Huyler and Butterfield, and determined their role, albeit limited. Huyler also had an established track record in Denver, due to his work with the Denver Water Roundtable.

Few of the members from either committee thought the facilitators were particularly effective in assisting the processes of their committees. DAPC members criticized Straus for three reasons, which can be blamed, for the most part, on factors beyond Straus's control. First, Straus was not from Denver, and was unfamiliar with Denver politics and its major actors. He came to the city the night before the DAPC meetings, and left as soon as they were over. As a
result, DAPC members felt that Straus was unaware of the dissatisfaction of committee members, and did not have a good sense of their interpersonal dynamics. Second, because of Straus's association with the Partnership, most of his information about the committee came from the Partnership staff. Many DAPC members felt that this undermined Straus's ability to serve as a neutral party, and prejudiced his opinions about how the committee was operating. Third, committee members faulted Straus for failing to fulfill what they considered his primary responsibilities: insuring that committee members were permitted to express their opinions, and insuring that the committee members knew what decisions they had made. One committee member cited the Hackworth incident as an example of Straus's failure to insure that a committee member's issues were listened to and dealt with adequately.

PVDC members had very different responses to their facilitators. They praised Huyler and Butterfield for talking to committee members before meetings and getting a sense of the important issues which different members wanted to address. (Huyler and Butterfield were able to stay this close to the process, in part, because they lived in the area and knew most of the participants on the committee.) Committee members also felt that the facilitators had been very effective in helping the committee establish ground rules early in the process.

Committee members questioned, however, the facilitators' effectiveness beyond the committee's initial organizing
phase. Several commented that Huyler and Butterfield’s facilitating style did not lend itself to tough decisionmaking, particularly on complicated land use issues. Technical issues, they commented, got lost or glossed over. There seemed to be no method for getting from the point where everyone lays his interest on the table to the point where the committee reaches a decision about a particular use or density for a piece of property. Some members felt, however, that Huyler and Butterfield’s ineffectiveness was due, in part, to Lamont’s reluctance to relinquish control. Whatever the reasons, the ultimate result was that Huyler and Butterfield had extremely limited roles in the PVDC process.

7. Staff

Like the role of the facilitators, the role of the staffs of each committee generated much discussion among interviewees. In general, they felt that the staffs had tried to exert too much control over the committees. It is interesting that both committees eventually reached a point where they took control of process and decisionmaking away from the staffs.

The DAPC had two problems related to its staff. First, because the Partnership staff had been working on a downtown plan prior to the formation of the committee, they had already formed ideas and developed expertise about particular aspects of the plan. The committee, on the other hand, began with few preconceptions about the plan. As the staff grew impatient with the committee process, it tried to encourage
the committee to develop a plan which was consistent with the Partnership's ideas and which tied into the work which they had already completed. This led many committee members to suspect that their work was predetermined for them and created distrust between committee members and the Partnership staff.

Second, because the Partnership staff had been working on downtown issues for a long time, they inevitably conflicted with the Planning Office staff, some of whom were new to Denver and the Planning Office. Considerable animosity developed between the two staffs, which hindered their ability to work for the committee effectively.

The PVDC staff also seemed to have preconceived ideas about the Platte Valley plan. Because PVDC members had more expertise and more vested interests in particular elements of the plan, however, they were less willing to let the staff control their process or decisions. Committee members criticized the staff for failing to follow the instructions or respond to the committee's requests for certain information.

8. The Written Agreement

At this point, only the PVDC has neared a formal written agreement. The draft policies seem very comprehensive, and indicate concensus on a number of difficult issues. Every parties' interests seem to be addressed. The developers have specific land uses, heights, and density allowances, and assurances from the City that it will fund infrastructure early on. The neighborhoods have 150 acres of open space and
significant housing requirements. The City has assurances from the developers to build housing or donate land for it, as well as agreements from the developers to finance later infrastructure. The Partnership has assurances about access to downtown and mitigation of barriers between downtown and the Valley. Historic preservation, design, transportation, and flood control are also addressed. Assuming that City Council approves the plan, and that the proper implementation mechanisms are developed, the agreement has a good chance of being carried out.

The DAPC's Concept Denver will consist of statements, both general and specific, about the issues on which the steering committee intends to focus, and guidelines for eliciting public input on those issues. Presumably, steering committee members in charge of the different issues will be expected to abide by the framework set up in the document. The actual agreement, however, will not result until after the public participation stage.

9. Assumptions about Implementation, Monitoring, and Enforcement

While neither committee has reached the implementation, monitoring, or enforcement phases of its processes, the PVDC seems to have developed much clearer assumptions about those aspects of its plan than has the DAPC.

From the beginning, the PVDC knew that it would have to develop a framework for implementing the huge number of development decisions which the Platte Valley plan would contain. This was particularly important because each
committee member wanted to insure that other committee members would abide by the decisions made in by the committee. As a result, the committee created an implementation subcommittee early in its process. That subcommittee developed specific recommendations about how the development decisions will be put into effect, and who will monitor and enforce them. At this point, the committee is suggesting that the plan will be implemented through a large series of development agreements, and that an Urban Renewal type authority will have the power to monitor and enforce the agreements. Even though the plan is considered to be an advisory document, the committee has assumed all along that the Mayor and the City Council will follow their recommendations.

From the beginning, the DAPC was less concerned about how its product would be implemented, monitored, or enforced. This might be due to the fact that the committee was not clear about its product, and that few committee members had vested interests in seeing their product realized. It was not until the first phase of its plan, announcing the creation of the task forces, was almost publicized that the committee suddenly realized that it had not determined how it would actually implement the task forces. The committee then had to backtrack on its process, and spend several weeks working on its implementation plans. Also, the initial announcement of the committee stated that the final downtown plan would be incorporated into the City’s comprehensive
plan. It is not clear, however, that committee members understand or have thought about how the work of the committee will actually be realized.
SECTION IV: Conclusions

Proponents of mediated negotiation have established five criteria for evaluating the success of a negotiation. First, the negotiation should produce an efficient agreement—one that maximizes the gains of all the parties. Second, the agreement should minimize the expenditure of time and money in reaching the agreement. Third, the agreement should appear fair to the parties and to the broader community. Fourth, the agreement should be implementable—that is, the parties should be willing and able to carry out the terms of the agreement. Fifth, the process should improve, or at least not damage the relationships among the parties.

It is too early to make conclusive evaluations of the committees with respect to those five criteria. The PVDC seems to be achieving some of those criteria, but the agreement has yet to pass the test of implementability, and it is unclear whether the broader community accepts the agreement. The DAPC seems to be achieving fewer of those criteria—it has already spent considerable time and money, and the relationships between the parties are somewhat strained. The committee has yet to produce an agreement that can be evaluated with respect to the interests of the parties or the broader community.

Still, analysis of the two committees suggests that mediated negotiations have a better chance of meeting those criteria when the City can insure the existence of six
conditions:  1) public officials have the political ability to gather support for nontraditional decisionmaking,  2) the parties to the negotiation have clear incentives to negotiate,  3) third party facilitators have special expertise about the issues to be negotiated, are familiar to the parties and the community, and maintain a neutral position with respect to the parties in the negotiation,  4) the negotiation involves specific, finite issues, and  5) the parties have a clear understanding about how the agreement will fit back into traditional legal channels for implementation, monitoring, and enforcement.

1. Public officials should be able to gather support for nontraditional decisionmaking.

Mediated negotiation presents two political problems for public officials. First, it focuses as much on process as it does on results. While ultimately more durable, the negotiation may seem more time consuming and less result oriented than traditional decisionmaking. But the press, the public, and the negotiating parties often demand immediate results. Public officials, therefore, must be able to convince critics that the results of mediated negotiation are worth the added time and cost.

Mediated negotiation may also require public officials to take a less forceful roles in decisionmaking, acting as only one of many parties at the negotiating table. But that role varies from traditional leadership models, which describe strong leaders as those who can make decisions individually and sell them to the public. Public officials
using mediated negotiation must be able to overcome charges that they lack leadership or decisionmaking abilities.

Peña's experiences with the DAPC and the PVDC illustrate these two problems. Reelection year is 1987, and he needs to be able to point to tangible results of his first term. The committees may eventually reach workable long term agreements. If they do not show progress in the short term, however, Peña will have nothing to show for his first four years in office. If the committees fail, Peña will have to overcome charges that his committees were weak substitutes for a strong administrator. At least he has the advantage of his election year mandate to experiment with new planning ideas.

Public officials, therefore, need to find ways to gather support for mediated negotiation. They should work to educate the press and the public about the processes. They should also make efforts to create newsworthy successes along the way, so that the public feels that the process is achieving tangible results.

2. The parties should have clear incentives to negotiate.

Mediated negotiation works better where parties recognize that the potential agreement will win them more—or cost them less—than they would have won or spent in conventional legislative, administrative, or judicial processes. Incentives to negotiate encourage the parties to participate actively, and take responsibility for the processes and decisions of the negotiation. The PVDC
demonstrates how incentives to negotiate encouraged the parties to stay committed to the process. The fact that conventional processes had failed to achieve successful solutions in the Valley provided an added incentive to enter the negotiations.

Where it appears that conventional processes will reach solutions just as acceptable as mediated negotiation, public officials should question the wisdom of using mediated negotiation. In the case of the DAPC, for example, the Mayor might have considered letting the Partnership design the plan itself, and waiting to see if it survived the comprehensive plan process.

If public officials decide to use mediated negotiation, they should work to increase the incentives to negotiate by making conventional decisionmaking appear less attractive. For example, Peña might have told the neighborhoods that he would not support their interests in downtown unless they were willing to participate on the DAPC.

3. Third party facilitators should have special expertise about the issues to be negotiated, be familiar to the parties and the community, and maintain a neutral position with respect to the parties in the negotiation.

The list of examples of successful mediated negotiation is still relatively short. Third party facilitators must be able to overcome the skepticism inherent in any attempt to deviate from conventional decisionmaking mechanisms. The PVDC and the DAPC indicate that facilitators are more likely to overcome that skepticism if 1) they have special expertise about the issues to be negotiated, 2) they are familiar to
the parties and the community, and 3) they maintain a neutral position with respect to the parties in the negotiation.

When the facilitator has special expertise in the subject matter of the negotiation, he or she may be more able to separate important debates from less important ones, recognize the validity of particular statements, and steer the parties towards decisionmaking. Huyler’s problems on the PVDC demonstrate the importance of this quality. Many committee members questioned his expertise in real estate finance and land use, and were thus reluctant to let him control too much of the committee process.

Straus demonstrates the importance of using facilitators who are familiar to the committee members and the community, and the importance of maintaining a neutral position in the negotiation. If he had known the city and the committee members’ interests beforehand, he might have better understood the interpersonal dynamics which were occurring in the committee and the Partnership’s particular bias on the committee. If he had made more attempts to view the committee through perspectives other than the Partnership’s, he might have enhanced his effectiveness in working with the committee.

4. The negotiation should involve specific, finite issues.

The experiences of the two committees indicate that mediated negotiation works more effectively in cases where the issues are specific and finite. Both committees had difficulty determining which issues to negotiate. At least
the PVDC knew the possible issues which it could negotiate--it merely had to decide on which issues to focus. The link between the Convention Center selection and the Platte Valley plan, however, prevented the committee from addressing the Platte Valley issues separately.

The DAPC, on the other hand, had to actually develop the range of possible issues which it could deal with before deciding on a select few. Hackworth resigned primarily because he was frustrated with the issue selection process and did not feel that the committee was discussing the important issues.

Before using mediated negotiation, therefore, the City should examine the particular situation to see that there is at least an identifiable set of issues which demand resolution. With those issues generally described, the parties can more easily refine the issues, and determine which issues they will deal with.

5. The City and the parties to the negotiation should have a clear understanding of how their agreement will fit back into traditional legal channels for implementation, monitoring, and enforcement.

No matter how brilliant the agreement, if it cannot be implemented it is worthless. Mediated negotiation in the public sector presents special problems in this area, because agreements must be funneled back into traditional mechanisms for implementation, monitoring, and enforcement. When the City and the parties have a clear understanding of how that funneling will occur, mediated negotiation has a better chance of succeeding. That their agreement will be binding
will encourage the parties to take the negotiation seriously, and establish credibility for the process in the eyes of the press and the public.

The fact that the PVDC has had a better understanding of how its agreement will be implemented than the DAPC has fostered greater support and credibility for the PVDC process. The parties have taken the negotiation seriously, and parties who were not involved in the original process are now participating in committee meetings. Particularly given the political risks that the Mayor is taking in using the committee, this support and credibility is extremely important.

The Mayor deserves support for his efforts to take land use issues out of traditional decisionmaking processes. He should understand, however, that successful mediated negotiation requires the existence of a particular context and certain conditions. The more he can learn to create these conditions, the better chance he has to take advantage of mediated negotiation and its potential for positive results. When successfully organized and operated, committees like the DAPC and the PVDC can develop land use solutions which are more easily implemented, better informed, and of higher quality, and which encourage citizens to become involved in planning the future of their city.
FOOTNOTES

INTRODUCTION


2. Ibid.


5. Ibid.

6. Ibid., note 3.


SECTION I


2. Interview with Bruce Rockwell, Former Chairman, Denver Urban Renewal Authority, February 3, 1985.


8. Ibid.

9. Ibid., note 2.

11. Ibid., note 6, p. 49.
12. Ibid., p. 50.
13. Ibid.
15. Ibid., note 1, p. 20.
19. Ibid., note 2.
20. Ibid., note 18.
21. Ibid.
22. Ibid.
23. Ibid., note 1.
24. Interview with Larry Webb, Vice President and Head of Economic Department, HOH Associates, March 24, 1985.
27. Ibid.
29. Ibid.
31. Ibid.
34. Ibid., note 16.

36. Ibid.

37. Ibid., note 30.

SECTION II


3. Ibid., note 1, p. 1.


6. Ibid.

7. Interview with Tom Gougeon, Administrative Assistant to the Mayor, March 18, 1985.


9. Ibid., note 5.


11. Ibid.


19. Ibid., note 5.


21. Ibid., note 18.


26. Ibid., note 7.

27. Interviews with David Cole, Lisa Purdy, Tom Gougeon, and Eileen Byrne.


29. Ibid., note 23.

30. Ibid., note 27.

31. Ibid.

32. Ibid.

33. Ibid.


35. Ibid.

36. Ibid.

37. Ibid., note 7.

38. The Denver Post, February 9, 1984, p. 9A.

39. Ibid., note 7.

40. Ibid., note 38.


42. PVDC, Proposed Work Program, February 8, 1984.


44. Interview with John Huyler, April 6, 1985.
45. Letter to PVDC members from Bill Lamont, February 17, 1984.


47. PVDC Ground Rules, discussed at February 23, 1984 meeting.

48. Ibid., note 46.


51. Interviews with committee members.

52. Interviews with Gordon Appell, Planning Office; David Cole; Tom Gougeon; and Kent Gonzales.

53. Ibid., note 44.


56. Ibid., note 52.

57. Minutes, PVDC, September 7, 1984.

58. Memorandum from Bill Lamont and Stephanie Foote regarding PVDC meeting of October 24, undated.

59. Interview with Will Fleissig, Director for Downtown Development, April 11, 1985, and Tom Gougeon.


61. Interviews with Tom Ragonetti, Attorney for Trizec, March 22, 1985; and David Cole.

62. Ibid., note 7.

63. Ibid., note 44.

64. Ibid., note 59.

65. Ibid.


68. Ibid., note 7.

69. Interview with Will Fleissig, April 11, 1985.

70. Ibid., note 66.


74. The Denver Post, December 8, 1984, p. 6A.


SECTION III

1. Larry Susskind, Professor of Urban Studies and Planning at Massachusetts Institute of Technology (MIT) and the advisor for this paper, developed this framework, and suggested that it be applied to these case studies.


5. Ibid.

SECTION IV

SELECTED BIBLIOGRAPHY


Appendix A

Downtown Area Plan Committee
FOR INTERNAL USE ONLY: NOT FOR DISTRIBUTION

MEMORANDUM OF UNDERSTANDING
FOR
DEVELOPMENT OF THE DOWNTOWN AREA PLAN

The City and County of Denver and The Denver Partnership, Inc. are jointly embarking on a multi-year effort to produce a plan for future public and private development in downtown Denver. We will use a process for cooperative public/private planning that is unique nationally: a true partnership of public and private resources, rather than the mere support of one side for the planning actions of the other.

Due to the uniqueness of this partnership, we have found it helpful to clarify in advance certain elements of the process and our respective roles in it, for our mutual internal use only.

- **Status of the Plan.** The Downtown Area Plan produced in this joint effort will have the same status as any plan produced entirely internally by the City. Therefore, the City will take a visible lead in the process, such that the final product will become an integral part of City policy.

- **Governance of the process.** The effort will be governed by a broad-based policy committee composed of representatives of the executive and legislative branches of the City, The Denver Partnership, and other major stakeholders in downtown. The committee will be appointed by the Mayor based on the joint nominees of the City and the Partnership.

- **Preliminary decision-making process.** Prior to the convening of the policy committee, decisions related to the process will be made by consensus of the City and the Partnership. These will include preliminary decisions that are necessary in preparation for the work of the policy committee, in such areas as design of the process, identification of participants, scope of the Plan, work program and time line. When the policy committee is convened it will ratify or modify the direction of those decisions.

- **Staffing.** The Plan will be staffed jointly by the City and the Partnership. The staff of each organization will be supervised by its in-house staff director: the Director for Downtown Planning, for the City's Office of Planning and Development; and the Director of Civic Design and Development for The Denver Partnership.
The staff directors will moderate policy committee meetings and will jointly coordinate and allocate staff resources on a routine basis in response to the needs of the policy committee. To further assure coordination, the staff directors will meet regularly as a plan management team with Bill Lamont and Dick Fleming, and the Chair of the Policy Committee.

In addition to its Deputy Director, the City will contribute one full-time staff person to the effort and additional staff expertise as needed and available. The Deputy will also coordinate the assistance of other City agencies in the process.

The Partnership will commit the resources of its Civic Design Team, including its staff, director and consulting resources. The City and the Partnership will pool funds for necessary consultants and will jointly select and manage such consultants. We will proceed with the Plan on the basis of this understanding, and will modify it by consensus as needs arise.

William Lamont, Director
Office of Planning & Development, City & County of Denver  

Richard C.B. Fleming, President
The Denver Partnership, Inc.

Date 4/24/84  Date 4/24/84
The Downtown Plan

PROPOSED MANAGEMENT STRUCTURE

MAYOR

Aurora 11
City Admin 3
Council 3
Neighborhood 3
Citizens at large 12

POLICY COMMITTEE
18-25 PEOPLE

PROJECT MANAGEMENT TEAM
Richard Fleming, Eileen Byrne
William Lantzy, Will Fleissig
Policy Committee Chairman

CITY PLANNING DEPT.
Will Fleissig

D.C.V. STAFF
Eileen Byrne

TECHNICAL RESOURCES
- AIA
- Urban Design Forum
- ASLA
- Preservation
- Other

Consultants

Task Forces
MEMORANDUM

TO: Stephanie Foote  
Central Platte Valley Development Committee

FROM: Tom Gougeon
Chair, Downtown Area Plan Steering Committee

DATE: December 18, 1984

SUBJECT: DOWNTOWN AREA PLAN STEERING COMMITTEE RECOMMENDATIONS TO THE  
CENTRAL PLATTE VALLEY DEVELOPMENT COMMITTEE

On December 13, 1984, the agenda of the Downtown Area Plan Steering Committee meeting included an in-depth discussion of the current status of the proposed plan for development of the Central Platte Valley. As a result of that discussion, the Committee concluded by consensus that the Central Platte Valley Plan as presently configured, is incompatible with the criteria for downtown area development adopted by consensus of the Downtown Area Plan Steering Committee, until the following issues are resolved:

- elimination of the barrier effect between downtown and the Valley; and

- development of the Valley without a major shift of market absorption from downtown to the Central Platte Valley.

In addition, the Committee expressed concern regarding the extent to which the development plan improves or degrades downtown access, and the extent to which the Central Platte Valley will provide housing and open space.

Until these issues are resolved, it is the belief of the Downtown Area Plan Steering Committee that the Central Platte Valley Development Plan is not compatible with the goals of the Downtown Area Plan. It is our hope that you may be able to respond to these concerns as you proceed with your planning. If we can be of assistance, we would be happy to meet with you to help resolve these issues.

Our next Steering Committee meetings are scheduled for January 10th and 31st. It would be most helpful if we could have a response to share with them at one of these meetings.

cc: Downtown Area Plan Steering Committee
DENVER'S DOWNTOWN AREA PLAN:

A UNIQUE JOINT VENTURE OF PUBLIC AND PRIVATE INTERESTS

The City and County of Denver and The Denver Partnership, Inc. are jointly embarking on a multi-year effort to produce a plan for future public and private development in Downtown Denver. They will use a process for cooperative public/private planning that is unique nationally: a true partnership of city and business community resources and interests, rather than the mere support of one side for the planning actions of the other. The result will be an agenda for public and private development action in which both sectors have true ownership, and therefore a higher commitment to implementation.

The Plan will be governed by a broad-based policy committee appointed by the Mayor. It will include representatives of the executive and legislative branches of the City, The Denver Partnership and other major stakeholders in downtown. The committee will be staffed jointly by the City's Office of Planning and Development and the Partnership's Civic Design and Development Team. It will draw on the technical resources of various agencies and public interest groups, and on periodic consulting services made available through the Partnership's and the City's funding.

The Plan grows out of the recognition by both the City and The Denver Partnership, independently, of the need to:

- create a common vision for downtown among the citizens of Denver and the major public and private actors in its development;
- guide decisions regarding development and operation of downtown by public officials, developers, residents, merchants and property owners;
- link the investments of the public and private sectors to produce higher quality development and greater citizen enjoyment of downtown.

These are goals which the City is pursuing in its other planning efforts in Denver's neighborhoods. The Denver Partnership has also been addressing the attention of the business community to these needs in its planning, development and downtown management activities since 1980. The Downtown Area Plan will merge these efforts in the "neighborhood" that belongs to all the people of Denver.
By Al Knight
Assistant Managing Editor

Facilitators + stakeholders = consensus

The Peña administration has produced many mixed blessings, but none has been more mixed than the introduction of the mellifluous, multi-talented facilitator. Members of this special breed don't need to know much about the subject matter at hand. They are specialists in regulating "the process"— shorthand for the municipal decision-making process. It matters little if the subject begins with A or Z. The "process" is the same.

Facilitators keep meetings and task forces going. They make certain everyone has a chance to speak. They keep attention focused, and they fill up the huge expanses of butcher paper draped over every available inch of wall space. In their tasks they use different colored inks for different kinds of ideas. It has been said that a planning or "consensus building" facilitator is an ordinary Yuppie in all respects, save for hands that have become gnarled from holding all those highlight pens at the same time.

Whatever their merits, they are with us, aiding and, adding whatever is happening at the Platte Valley Committee and the Downtown Area Plan. They have even shown up when the future of the Cherry Creek Shopping Center or Civic Center is considered.

One of the firms that makes a decent living facilitating is ACCORD Associates, a Boulder company, formerly Rocky Mountain Center on the Environment, which has had ties with both Bill Lamont, Denver's planning director and John Parr, policy advisor, campaign aide, and general organizational whiz for the Peña administration.

The operative principle, as outlined by ACCORD VP Sean Carpenter, is really quite simple: Get all the parties and interests ("stakeholders" in the jargon) together, eschew adversarial discussions and build consensus. One, two, three.

Take the Platte Valley Development as an example. Without a task force, the old-fashioned process would have required prospective developers to put forward a plan and an accompanying zoning request. Neighborhood groups and affected interests would then have been able to take part and complain about the density, lack of open space, and so on. The developers would have had a chance to "give in" on some points or put the proposal to a vote.

In the present scheme, this old-fashioned friction is supposed to disappear. Stakeholders, watched over by facilitators, meet to discuss the issues. At the end, presumably, everyone will be supportive of the result. After all, it is a group effort. This is called "buy-in."

But would you know? Not everyone is happy.

One hint of trouble in planning paradise was the recent resignation of Councilman Ted Hackworth from the downtown group. He said the $100,000 or so being spent on the project was a waste of money and he wouldn't appropriate $10 if he had it to do again.

Another sign of trouble: In its heavy reliance on task forces and facilitators, the Denver Planning Board, lately an institutional oddity with uncertain duties, had been bypassed and ignored.

Late last year, Don Etter, chairman of the Denver Planning Board, resigned. He was a Peña appointee, well respected in the community and the author of several books on local historical themes.

Injuries from an auto accident last summer played a part in his decision to step down, but Etter wrote an extraordinary letter to Peña, asking questions that the mayor still has not answered.

"Is there a role today for a visible, effective and influential planning board?" Etter asked. "And, if so, what is that role?" More pointedly, he wanted to know, "What are you and the planning office going to do to assure the visibility, effectiveness and influence of the planning board?"

Etter went on to say that there is a growing concern in the city that the administration's commitment to planning "may be just window dressing."

Without a set of planning goals there is no way to tell whether a given result is the product of planning, or whether the planning process is simply a "thin veil over outside forces" that the city doesn't control.

Etter's position on the board is still vacant. Dick Deane, president of Deane Buick, has been asked to consider serving on the board, but hasn't made up his mind. "Don Etter has a lot of insight into that situation. It is a lot of time to devote to something with such a limited role in planning," Deane said. "I haven't made a decision."

These are important rumblings around the municipal clearing. All the more so because they remind us we haven't yet seen a product produced by "the process."

Have we?
Appendix B

Platte Valley Development Committee
FOR RELEASE February 8, 1984

The Mayor and City Planning and Development Director Bill Lamont today announced the commencement of a comprehensive planning process for the Central Platte Valley. Lamont outlined a work program which includes formation of a Central Platte Valley Development Committee which will include representatives of the following groups:

Platte Valley Alliance of Neighbors
Mile High Land Associates
Trizec Properties
Platte Valley Landowners Association
Auraria Campus
Denver Union Terminal
The Denver Partnership

A local government policy committee consisting of three representatives from the Denver City Council, two representatives from the Denver Planning Board and one representative from the Mayor's Office will also be part of the Platte Valley Development Committee. The Mayor indicated that the representatives on the Policy Committee would include:

Councilman Sal Carpio
Councilwoman Cathy Reynolds
Councilwoman Stephanie Foote
John Desmond (Denver Planning Board)
Phil Milstein (Denver Planning Board)
Tom Gougeon (Mayor's Office)

In addition to this committee structure, Lamont indicated that a number of other groups would serve as resource people and technical advisers to the process. This group includes the RTD, Colorado Highway Department,
Greenway Foundation, professional associations of architects, landscape architects and planners, the Urban Design Forum, universities, city agencies and others.

Lamont indicated that the goal of the process is to facilitate successful redevelopment of the Platte Valley in a cooperative fashion. Lamont distinguished this process from the previous Framework committee approach in two ways. "In the previous process, city policymakers were not directly involved and the city had not articulated any policy positions. In this process, the city policymakers will be addressing fundamental issues relating to the city's objectives in the redevelopment effort. In addition, this process is designed to provide the context within which both the city and private developers can make financial commitments in the Platte Valley with some degree of certainty about the area's future direction. The previous process did not provide that context." The work program outlined by Lamont is expected to be completed in 8 to 9 months. At that point, the city and developers would be prepared to move into an implementation phase.

The Mayor called the successful redevelopment of the Platte Valley "one of the highest priorities of my administration" and a "tremendous opportunity to positively influence the future of Denver's core area." The Mayor also indicated that redevelopment of such a large parcel of land in close proximity to the downtown area is an opportunity that is virtually unique in the nation.
To reduce these risks, a Local Government Policy Committee is being established to become deeply involved with the Central Work Committee. This Work Committee is being established as the Platte Valley Development Committee. The subcommittee of public policy officials is charged with developing and representing the City's position for input to the larger committee, while also participating on that committee. The participants are as shown:

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<tr>
<th>Platte Valley Development Committee (PVDC)</th>
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<tr>
<td>P.L.A.N (1)</td>
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<td>Mile High Land Associates (1)</td>
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<td>P.V.L.A. (1)</td>
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<td>TRIZEC Properties (1)</td>
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<td>Auraria (1)</td>
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<td>Denver Partnership (1)</td>
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<td>Local Government Policy Committee (6)</td>
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<td>D.U.T. (Railroads) (1)</td>
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<td>City agencies</td>
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The PVDC will initially meet to agree on the process and work program. It is suggested that the point of departure, the work program as proposed on the attached sheets will be reviewed and adopted, amended or replaced by the Platte Valley Development Committee. All participants will need to be brought up-to-date, however.
CENTRAL PLATTE VALLEY DEVELOPMENT PROGRAM

Introduction

Considerable analysis of the Central Platte Valley has already occurred. Besides the public and private studies in the 60's and 70's, there more recently have been two private planning efforts (Mile High and P.V.L.A.) and considerable neighborhood review (P.L.A.N.). Some new development or rehabilitation has already occurred within the Platte Valley, but not to an extent that would preclude the preparation of a comprehensive development plan.

In addition to the recent private efforts, there are numerous public studies underway of elements in, around and through the Valley (i.e., transportation, parking, drainage, etc.). Some are nearing completion.

Quite rightly, transportation needs have already been identified as the single most dominant issue and most costly public element that must be addressed. Access and circulation improvements are the key to enabling private development in the Valley and also essential to the further development of the downtown.

Because of the magnitude of potential public investment, creative financing concepts and establishment of priorities are also critical to success. How the costs are to be shared will be the subject of considerable public review. The form and level of public investment of other citywide needs must be answered.

The plan, as it is developed, will be the beginning. It will require periodic refinement and is interactive in nature. For example, the Goals and Policies as they are established, will be subject to testing and revision as the process proceeds. What is workable and achievable will be kept; what is not will be amended or dropped.

To have any chance of success, all available data and experience will have to be utilized. It is not the intent of this current effort to re-invent the wheel. But what has been missing, namely public policy positions, will very likely temper many of the conclusions some participants may have already reached.

The program will provide a public forum to educate the community as to the significance of the appropriate development of the Valley and to test alternatives. Everyone in Denver has a stake in the success of the process. Hopefully, with the direction established and concurrence with the plan, both public and private investments can proceed wisely.

Public Policy

What had been missing from the previous effort of the Framework Committee was guidance from the public policy makers. The Mayor, Council and Planning Board were only peripherally involved, if at all. Great risks were being taken, that the effort would have been successful when it came time for official public review and decision making, particularly with respect to the financial decisions necessary to facilitate development.
TO: Platte Valley Development Committee
FROM: DeAnne Butterfield, John Huyler and Kathy Butler
RE: July 21-22 Retreat
DATE: July 19, 1984

In developing the agenda for this weekend's retreat we are taking into account our own observations about the Committee's work since February, our conversations with Committee members, Lloyd Goff's memo to the Committee of June 20, Mile High's agenda suggestions of July 12 and discussions with the Planning Office. We are working from the assumptions that you agreed to last Thursday, specifically:

- that you want to get specific and make decisions
- that you want to roll up your sleeves and disagree with each other in a productive way
- that you don't want to make more lists
- that you want the retreat to launch the rest of the Committee's work
- that by the end of the retreat, you want to have agreed upon a concept for the entire Valley and produced the draft decisions about specific building blocks (transportation, flood plain, etc.).

The attached draft agenda for Saturday morning includes a presentation, with Committee discussion, of a city "strawman" by Ron Straka and Will Fleissig of the DPO. This presentation draws on their analysis of design, finance, institutional mechanisms and phasing, a look at citywide needs, plus an assessment of all the development proposals presented to date. It is based on the Goals and Evaluation Criteria contained in "The Progress Report." It will offer their ideas for a Valley-wide design and development framework.

Recognizing the value of moving discussions ahead by bridging back and forth between broad concepts and specific building blocks, a 3½ hour work session is scheduled Saturday afternoon. At this time, the Committee will discuss, analyze, react to, and critique the assumptions behind specific proposals as well as broad concepts for the role and image of the Valley.

Sunday morning will be devoted to capturing the items of agreement and disagreement. On Sunday afternoon we will pin down details for next steps such as a press release, appointment of any subcommittees and a continuing workplan for the committee, the staff and any additional outside consultants that may need to be hired.

In formulating this agenda we are aware of numerous frustrations shared by many of you. This retreat is the opportunity for you to move ahead together.

We look forward to the weekend.
1) The Platte Valley Development Committee (PVDC) is composed of representatives of various groups which participate at the invitation of the Mayor of Denver. It is the responsibility of the groups to identify their principal and alternate representatives and to notify the Committee of any changes. Because the success of the PVDC will ultimately depend upon personal relationships and trust, only designated representatives may serve on the Committee.

2) The members of the PVDC agree to participate in this cooperative effort believing this forum offers the best possibility for building consensus on a Plan for the Central Platte Valley. In this spirit, we will each make a good faith attempt to bring issues to the Committee and will try to resolve them collaboratively before taking them to other forums.

3) Consistent with the charge from the Mayor, the PVDC is responsible for its own process, timeline and product.

4) Except during times when public comment is solicited by the Committee, only Committee members or people who have been asked to make presentations may participate in Committee discussions.

5) In order to avoid "surprises," participants will advise the Committee of actions or decisions of their organizations that are within the scope of Committee discussions. It is the intention of this ground rule that financial or policy commitments within the Central Platte Valley that might affect other Committee members or influence the issues and policies under discussion by the Committee will be disclosed while still pending.

6) Unless explicitly stated otherwise, statements made by individual members of the Committee will not be interpreted as binding their organizations.

7) It is the policy of the PVDC to inform the community about its ongoing work and to encourage and actively solicit ideas and reactions from all Denver citizens. A variety of specific opportunities for community interaction with all aspects of the Committee's work will be offered during the process. To the extent possible the meetings of the PVDC will be open to the public. The Committee acknowledges the possibility that it may need to meet in private for particular discussions. In such an event the Committee will issue a public statement following the meeting.

8) It is the mutual responsibility of PVDC members to assure that these ground rules are observed. Participants are free to question, in good faith, actions of others which may come within the scope of these ground rules.

February 23, 1984
Student's slaying shocks peers/12

The Broncos 'D' given name/14-S

Platte project stymied
Relocation of rail yards at Union Station is a goal of Platte Valley Development Committee. Where to put them is one issue dividing members. Another—Denver and private developers will split the $125 million cost of public improvements that the massive project will require.

Problems that killed the redevelopment of Denver's central Platte Valley near downtown seven years ago are threatening to derail a new plan for a $1 billion mixed-use complex on the 500-acre site.

The Platte Valley Development Committee, appointed in March by Mayor Federico Pena, was supposed to negotiate transforming the run-down industrial district into offices, shops, parks and condominiums. Last week, it scrapped its Dec. 7 deadline for issuing a final report.

Conflicts on the 16-member committee have become so sharp that Denver planning director William Lamont has begun meeting privately with developers to try to work out a series of compromises.

Instead of issuing its report Dec. 7, the committee dejectedly agreed to spend that day in yet another work session—a move that had impatient developers hinting of a pullout.

"We're already a year behind schedule. How much longer can we be expected to stay in this thing without seeing some light at the end of the tunnel?" griped Peter Neukirch, chief negotiator for the partnership of railroad and real estate interests seeking zoning permits for the redevelopment.

"If we can't get a plan that's acceptable between now and January, nothing's going to happen down there."

Major unresolved issues facing Pena's committee are the same ones that killed a proposed redevelopment in 1977. They include:

- How the city and private developers will split the estimated $125 million in public improvements the massive project will require.
- The Pena administration favors using urban renewal-type subsidies, issuing city bonds backed by tax revenues the project will generate. A similar proposal was considered by the previous city administration, but never went anywhere.
- Where the railroads that have lucrative freight operations and land holdings in the river valley will agree to relocate their mainline tracks. Moving the tracks across the river would enhance the development potential of the east bank of the Platte, railroad officials say. But nearby neighborhoods and smaller developers in the valley oppose the plan.

Added to those items are these new questions:

- How many housing units and how much open space will the city require developers to include?
- Neighborhood groups want 140 acres set aside for parks and open space. Developers have pledged only 30 acres for parks.
- And Lamont's office wants 4,000 housing units included in the project, but developers say it doesn't make economic sense to build more than 1,000.

In the committee's first nine months, it has settled a lot of minor issues between developers and other interested parties: downtown retailers, city planners, neighborhood groups, small landowners in the valley and the Aurora Higher Education Center.

Now the committee is down to what one member described as "the brute-force confrontations."

"In the style Lamont is using, you resolve as many of the issues as you can through analysis, by letting the facts speak for themselves," said Tom Ragone, a lawyer representing a developer who holds 20 acres in the valley. "What's left after that are the issues where someone wins and someone loses."

All stake is a project that by most accounts would change the face of the city and buy it back into the economy. See PLATTE, page...
Platte: Relocation of track a problem

Continued from page 6

The river valley, 10 miles long and a mile wide through the heart of Denver, has long been the city's back alley. Nowhere is it more of an eyesore than along the stretch that divides downtown from the northwest neighborhoods: an expanse of abandoned warehouses, rubble-strewn lots and junkyards crisscrossed by railroad tracks and aging viaducts.

Studies dating to the early 1960s have concluded that redevelopment of the central part of the valley could create a major new economic base for Denver.

By the time city officials got around to taking a hard look at redevelopment in the early 1970s, however, federal funding for such projects had mostly dried up. So it turned to the railroad that owns most of the land there — Burlington Northern — to bankroll the project.

Burlington Northern wound up being a temperamental partner in the earlier venture. The railroad's "take-it-or-leave-it" attitude angered neighborhood groups concerned about traffic, noise and pollution from the high-density project.

But Burlington Northern is involved in the latest proposal. Its land-development subsidiary, Glacier Park Co., is teamed with Denver businessmen Marvin Davis and Myron "Micky" Miller.

About three-fourths of the land the partnership controls already is zoned to allow office, retail and light-industrial development. The rest will have to be rezoned for hotels and residential units.

Developers say they have spent more than $1 million on planning and engineering studies.

The studies and negotiations have not resolved the question of relocating tracks which carry about 20 trains a day through the valley. David Cole, representing north and west Denver neighborhood groups on the committee, says the tracks will be moved to the river's west bank "over our dead bodies."

Neukirch said last week that the developers aren't necessarily set on moving the mainline tracks across the river, but think it makes sense to consolidate highways and rail lines in a single corridor.

Lamont's staff appears to favor the idea and, over Cole's objections, has undertaken more detailed studies of the west-bank rail alignment.

That item will top the committee's agenda Dec. 7.

Also at the top of the list will be the question of who will pay for streets, sewers, sidewalks, utilities, rebuilt highway interchanges, river rechanneling and other public improvements.

Burlington Northern's earlier deal collapsed when the railroad couldn't agree with city officials on how to finance an estimated $90 million in public improvements.

The price tag is up to $125 million now, figures given to the committee by city Finance Director Jim Murray indicate.

How much of the cost the city would bear isn't known. Lamont and his staff are holding that out as a negotiating point.

Murray's figures, however, indicate the city has devised a complex scheme for splitting the cost of public improvements with the developers.

The plan relies heavily on tax-increment financing, a technique that would pay off public-improvement bonds issued by the city with the new sales- and property-tax revenues generated by the Platte Valley development.
Platte Valley development tied to convention center

By Joanne Ditmer
Denver Post Business Writer

When anyone talks about downtown housing, the focus invariably turns to the Central Platte Valley, a spiderweb of railroad tracks that is the largest parcel of land that might be redeveloped close to downtown.

Whether it will be developed could depend in part as to where Denver's proposed new convention center may be located, suggested Peter H. Neukirch, senior vice president of Miller-Klutznick-Davis-Gray Co., largest potential landowner with an option to buy 155 acres with Burlington Northern Inc. It is roughly half the land to be redeveloped.

Locating Denver's proposed new convention center next to Union Station could give a five-year head start on the redevelopment of the Central Platte Valley. Putting it elsewhere could markedly delay the redevelopment, he said firmly.

"I can't say yes or no if we will drop our option if the convention center doesn't go at Denver Union Terminal." Neukirch said carefully. "We've had no discussion that would say if the convention center is not built there that we'd pull out.

"But the convention center would be a tremendous catalyst to change and improve the image of the valley. We need some big first-rate project to get it started." He studied a map of the area for a moment before adding, "If we do drop our option, I'd guess the railroad yards would remain there the next 20 years."

The company's multi-billion dollar mixed-use development plan is for the valley between the South Platte River and Cherry Creek, behind and primarily south of the depot. October 10 Neukirch and many other observers of the urban scene were astonished when outside consultants judged a Golden Triangle location, south of Civic Center, as tops among six potential sites, followed by two Union Station proposals.

"The convention center location is one of the decision-makers, but not the only one as to if we develop the Platte Valley," Neukirch declared. He added that questions that were not asked and should be regarding the site selection include:

"Where will the convention center help the city the most in the long term?"

"If the city is truly interested in developing the Central Platte Valley, then that has to be a factor in picking the convention center site."

"And if we want to get rid of those eyesore tracks, the center should go to Union Station."

Given his "druthers" the new complex would be located parallel behind Union Station and up against 16th Street, on land that is partly optioned by his company and the remainder owned by Denver Union Terminal. Without the convention center there, the valley infrastructure for the city and developers is much more expensive.

He noted that Burlington Northern has similar properties - railroad yards next to downtown - all across the United States, and other cities have been urging the railroad company to come to their cities and redevelop those properties. B-N has been attempting to redevelop its Denver property for a decade.

"I'm afraid they'll decide to go elsewhere and drop Denver - the other cities would be smaller projects, so less expensive to do, and the cities are asking them to come, so it would be easier."

The Mile High Land Project, as the company has dubbed its project, is roughly half the Central Platte Valley to be redeveloped, and curves along the south side of the river. Tentative plans would be a mix of office and residential, with a build-out of 20 years, "depending on the..."
Platte Valley housing plans ‘touch and go’

market and real estate cycles in the core city and suburbs.” Planning consultant for the project is RTKL of Baltimore, which did the much-lauded Rouse Company Harborplace in Baltimore.

“It’s very touch and go residential. If we can get the density we want on offices, then we can afford residential,” Neukirch acknowledged. The housing is important because “it means you can complete the valley sooner; the interest on the complete infrastructure can kill you if it stretches out too long.”

It would be “affordable housing, not luxury, for the young professionals”, 800 to 1,000 units at approximately 1,000 square feet per unit. The housing would be to the southern part of the property, across the river from the Mile High Stadium and the Children’s Museum, and perhaps set back along the length of the South Platte, facing the Greenway trail.

“Market studies show the public has a terrible perception of the valley, and we’ll have to improve that if housing is to work,” he commented. The company plans to do extensive landscaping and maximize the river’s assets to counter that perception. There will be an “active” park near the apartments, “passive park” along the waterway and a “festival park” near the remnants of the historic railroad turntable and roundhouse. “The roundhouse would be a good place for a farmer’s market,” he said enthusiastically.

He listened thoughtfully when told that a group of railroad buffs would love to restore both turntable and roundhouse as a railroad park right across from the Children’s Museum. Such a park — complete with railroad engines the buffs own — could be a unique addition to the complex, he agreed.

Because the proposed development is in part on a 100-year-flood-plain, it would be necessary to deepen and broaden the South Platte, probably adding trails along the river in a terraced setback. Fill would have to be added — two feet at the north end by Cherry Creek, eight feet at the south — to the development area. “We’re willing to help pay for our part, but will the city and flood control district have the funds at the same time?”

Where the property crosses Cherry Creek, Neukirch envisions a River Walk in the spirit of San Antonio’s fabled attraction, with shops and restaurants linked by a promenade along the river. It would attract residents of the valley and downtown workers as well as tourists. “It’s our last chance to do this near downtown Denver,” he said soberly.

Total development would be about 11 million square feet, with eight million of that offices, and the remainder housing, support retail and entertainment. The offices would be primarily away from the river, from Speer Boulevard south to Fifth Street. From the residential area north most of the buildings would be eight stories tall, with an occasional 25-story building “for punctuation.” North of Cherry Creek they would reflect lower downtown with primarily 16- to 17-story buildings.

The heights and density — indeed the plan itself — have been discussed at great length with representatives of surrounding neighborhoods. “We’ve been talking to them for 18 to 20 months, and have paid considerable attention to their thoughts,” Neukirch said. That has resulted in a prospective height of 200 feet for buildings in the south, with “point towers” at strategic spots for emphasis.

“We don’t want to compete with downtown — think we’d lose. But we’d like to give tenants a third choice between the density of downtown and the Denver Tech Center office park concept — a little more open space, but right next to downtown and easy access to the freeway. We want to do something very significant with the property. Miller-Klutznick-Davis-Gray is still sticking with Denver.”

He said that there had been traffic studies to the year 2000, with and without Platte Valley development, and that it showed there would be a very small increase with such development. “After all, downtown Denver could add 50 million square feet with no zoning changes right now.”

A poll of national brokers on how they feel about Denver brought some interesting findings, he said. “There are some new companies who would like to come here, but are hesitant. There’s an oversupply of office space, they wonder where Denver is going. Is there the excitement of the Great City — what is our course, where are we going? Everything seems to be in the planning, not the doing stage”

It’s clear Neukirch believes that the convention center behind the union terminal would be a start to making some of those plans a reality.
Platte Valley: the Mayoral Committees

By Charlie Jordan

Planning, it is said, is the art of predicting the unknowable, persuading the recalcitrant, and implementing the improbable.

Planners may forget the difficulty of their task at times when they are caught up in the idealistic aura of people-oriented spaces and breathing urban design. But mayors seldom forget. Their response to controversial planning problems is to appoint committees. By 1985, the Central Platte Valley had been thoroughly committed.

Tom Currigan was one mayor who was quicker than the rule. He produced a plan without a committee in 1966 in response to the devastating flood of the previous year. The mayor thought that he would not need a committee; his plan depended upon federal urban renewal money rather than a specific consensus of private developers. In the final analysis, his plan was never implemented because the federal funds could not be leveraged without the support of private developers who were interested in specific projects.

The administration of Mayor William McNichols knew how to use committees. Starting with the premise that the most important factor in determining the future of the Platte Valley was an able and willing developer, Mayor McNichols relegated committees to specific defined tasks. He knew that the group, as defined by the mayor, was never to plan the property, but rather to integrate Burlington-Northern's plans with the needs and capabilities of the city.

The eventual failure of the Burlington Northern bid may have been partially due to the lack of independent "grassroots" representation on the Development Committee itself. (Opposition groups were represented on sub-committees but only as minorities.) Inflexibility developed because concerns from the adjoining neighborhoods and other citizen groups could not be discussed easily across a common table.

Mayor McNichols later corrected this oversight. When development plans began to surface from some of the Central Platte's smaller landholders as the decade of the '80s began, the Mayor appointed a Framework Committee that looked more like a debating society than the collegial Burlington Northern Development Committee had been.

The Framework Committee was composed of administrative representatives, developers, members of the Platte Valley Alliance of Neighbors (PLAN), as well as other interest groups. Councilman Sal Carpio, whose district included the Platte Valley, was appointed as well.

Finally, a committee had been formed with all the right ingredients. The only aspect of the package missing were the large landowners. The developers who seemed ready to move controlled less than five percent of the Central Platte land. The Framework Committee was doomed by the lack of proposals.

Tour of Saloons Offered

SALOONS OF DENVER TOURS

Dip into Denver's past with these springtime tours of historic neighborhoods. They're scheduled at cocktail time in notable local taverns, and they feature a walking tour of history-heavy streets to within wafting distance of the saloons. CU-Denver Associate Professor of history Tom Noel, the author-barfly-historian, leads the group with the folklore and history of these legendary inner city haunts:

May 2 — LARIMER STREET. Convene underground at La Mancha Restaurant, rear of 1430 Larimer Square, for introductory libations, followed by a twilight stroll along the old Larimer, Larimer's fancier sister street, a one-time main street become sink row that is now the barometer of the inner city renaissance. Then proceed up Larimer as an ancient caminata, La Casa de Manuel.

May 9 — NORTH DENVER. Meet at Carboni Restaurant, 3007 Tipton Street, for an introduction to Denver's most colorful ethnic neighborhood. After a walking tour of this landmark trudged area, stop in the 1880's St. Patrick's Catholic Church.

May 16 — GLOBEVILLE. Congregate at the Slovenian Home, 4664 Washington Street, to hear longtime saloonkeeper John Popovitch's recite of this immigrant-industrial neighborhood. After a walking tour of this old gold and silver smelting town, celebrate the one-time town's barometer at La Piazza.

3 Thursdays, 6 to approximately 9 PM, May 1 to 15
Fee: $15 (food and drinks NOT included)
S325-3725

-tions, followed by a twilight, stroll along
Redevelopment of the railyards flanking lower downtown will revive Denver's economic base, Mayor Federico Pena said Tuesday, and building a $100 million convention center at Union Station is "the spark to get it going."

The city has been trying for two decades to open up the river valley in which the railyards lie, Pena said, "and we're going to get it done under this administration."

The mayor held afternoon meetings with the editorial boards of both Denver daily newspapers to drum up support for the City Council's designation Monday of Union Station as the site for a new convention center.

The council voted 7-5, with one abstention, for Union Station to be the site of a complex that will ultimately be six times the size of Currigan Hall and has the potential to make Denver a big-league convention city.

Meanwhile, the downtown business community, which has been split for Nearly a year over the convention center issue, began to close ranks behind the Union Station site.

"We believe the important thing now is to reconcile any differences of opinion we may have had in the past and to get on with this important project without further delay," said Chamber of Commerce president Rex Jennings in a statement issued Tuesday afternoon.

The chamber's board of directors two weeks ago voted to endorse the expansion of Currigan Hall, rather than construction of a new facility.

The mayor told News editors that his administration has drawn up a plan to finance the convention center project with revenue bonds that would be paid off primarily through a 3 percent increase in the city's hotel-room tax.

The bond issue won't be submitted to the voters, the mayor said, because it involves specially earmarked revenues rather general tax money.

Pena was clearly pleased about the council's vote Monday but acknowledged that the battle isn't over.

"Now the hard work begins," he said.

Members of the council want strict conditions built into any agreement with developers of the land near Union Station. Among those conditions will be city approval of any site on which a convention hotel is built.

Some members of the council also have criticized Pena's plan to finance the convention center sweepstakes, entered only after being invited by one of the developers.

The next step is for the council to approve a resolution opening negotiations with the railroad subsidiary that owns the 21-acre site near Union Station on which the convention facilities would be built.

The resolution is expected to be up for a preliminary vote of the council on Jan. 28. A public hearing and a final vote would be held the following Monday.

Councilman Paul Swalm, who was a key vote on the Union Station site, said Tuesday that other members of the council who favored alternate sites seem to be most concerned about the link Pena has made between the convention center and the proposed railyards redevelopment.

Billionaire oilman Marvin Davis, attorney-developer Myron "Micky" Miller and a partnership of railroad interests are planning a $1.3 billion development containing up to 20 million square feet of offices, apartments, shops and warehouses.

"That's what has got people all goosey," Swalm said.

"They seem to think putting the convention center at Union Station is just a wedge to get the city committed to all these millions of dollars in costs. But I'm intending to keep an awful close eye on those costs."

Pena said he thinks some council members' fears about the possibility of hidden costs are based on lack of knowledge.

He said a recent briefing on the railyard-redevelopment plans was attended by only two members of the council.

"No wonder they don't know what's going on," he said. "They don't go to these meetings."

Mayor Federico Pena listens as Denver Planning Director Bill Lamont, left, explains to News editors how railroad tracks will be moved to make way for convention center at Union Station.

Peña’s aides see bright future for Currigan Hall

Mayor Federico Peña and his aides started Tuesday to give their Union Station bandwagon a shove, calling for opponents to drop their arms and join them. But there still were some pockets of resistance among Currigan Hall backers.

"There may be a bigger boom in the Silver Triangle as a result of the use of Currigan Hall," contended Lamont. He said the city has received inquiries from two parties who want to use the hall as a merchandise mart for recreational equipment and fashion, and as a media center and studio facility.

Another possibility, although remote, is to remodel the building as a city office.

But Currigan Hall backers, dejected by the 7-5 loss in the City Council a day earlier, noted that while Currigan may not have brought much spinoff development over the years, removing it will make a bad situation worse.

Neil Marey, a broker who was active in the pro-Currigan camp, said only one property has been put under contract and sold in the Silver Triangle between Stout Street, 14th Street, Speer Boulevard and Colfax Avenue in the past two years.
Platte Valley prognosis

HUGH GARDNER

When the history books of the future are written, 1985 will be remembered as a year in which the Platte Valley underwent a transformation from being a rural area to a metropolitan center. The Union Station development project, which was approved unanimously by the City Council last Monday, is expected to bring significant economic benefits to the region.

The decision was justified primarily in terms of projected costs to the city—the Union Station site proved dramatically cheaper, especially with debt service figured in. The Union Station site has also been studied in depth and has the potential to stimulate redevelopment in the Platte Valley, ultimately returning greater benefits to the community. The powerful constituencies involved, the decision was a triumph of creative thinking and careful planning.

As a result of this decision, we now have a new convention center in Denver, and this center is expected to attract a significant number of visitors to the city. The Union Station site is on the edge of downtown where such massive, warehouse-like structures belong. The decision will also invigorate Lower Downtown, boost the prospects of Union Station being reborn as a commuter rail hub and expedite new roadway and mall improvements that the valley needs anyway for improved access to downtown.

As important, though, is the catalytic effect this decision will have on Platte Valley redevelopment. It's true that the decision will make billionaires Marvin Davis and Phillip Anschutz still more money, which some civic activists seem to resent... as if it could happen any other way. But despite the misinformed protests, Platte Valley redevelopment is not the same as the Miller-Davis Mile High Land Project. With projected investments of $1.8 billion to redevelop 150 acres, this project is clearly of great magnitude and pivotal importance to the valley's future. But the full scope of redevelopment expected in the valley is four times this size, both in acreage and investments. The 650 acres studied by the city planning office in developing its concept plan, a leading international accounting firm has estimated that private investments in the valley could approach $7 billion over the next 30 years.

By choosing the Union Station site, the city will thereby stimulate an influx of private investment dollars in to the Denver economy so enormous as to dwarf the spin-off potential of the Curriican and Golden Triangle sites put together. And the bottom line for the city's future fiscal health is that we must have the new tax revenues that will develop in the Platte Valley will bring us.

The Union Station decision will prove to be the grain of sand that seeds the pearl of immeasurably greater value. So what if Marvin Davis makes more money? So will the city, which is fast approaching dire straits in the revenue department. And so will Denver's taxpayers, by reduced pressure for property and sales tax increases. Revitalization on this scale is seldom achieved without civic-conscious leadership from the private sector; Dallas has its Trammel Crowe, Ft. Worth its Bass Brothers, and perhaps we should be grateful that Denver has its Marvin Davis (and now Phil Anschutz as well).

The cycle of redevelopment in the valley will begin to yield its benefits significantly earlier than it could otherwise. National attention will focus on the valley and show Denver on the move there; new investments will flow in sooner, new city revenues will begin coming in more quickly and public indebtedness for the city's share of redevelopment costs can be retired faster with lower net interest payments. Best of all, we will all soon enjoy Great City pride in our town, a feeling that can never be authentic or complete until Denver's inner-city heartlands are reclaimed.

It was clear from witnessing the City Council vote last Monday that several councilpersons voting against the Union Station site were paying back key constituencies knowing that the Union Station site would win anyway. Consensus on the choice is actually much higher than the closely-split vote seemed to indicate. This kind of clear citywide commitment to greatness is what we get us there.

Hugh Gardner is a Denver-based media and politics consultant with a particular interest in downtown development.
APPENDIX C: COMMENTS OF DAVID STRAUS
David Straus, facilitator for the DAPC, reviewed this thesis before submission. Straus had three main objections to the paper.

First, Straus believes that the phrase "mediated negotiation" is inappropriate to describe the DAPC process. He does not feel that the DAPC was a "negotiation", and does not see himself as a mediator. He thus disagrees with the conclusions about mediated negotiation which this thesis reaches. He describes the DAPC process as collaborative problem solving, and believes that facilitators in collaborative problem solving processes should take very different roles that mediators in mediated negotiations.

Second, Straus does not believe that the thesis adequately explains the time frame in which the conclusions were reached. He commented that many of the feelings of DAPC committee members have changed since this thesis was concluded.

Third, Straus believes that this thesis presents a biased description of the DAPC since it is not based on interviews with all the committee members. He also believes that the comments in Section 3 should be more clearly identified with specific interviewees.