

## Zone Map Amendment (Rezoning) for PUD - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT	
Property Owner Name	The Temple Hoyne Buell Foundation	Representative Name	Cherry Creek West Development Company, LLC
Address	1873 S Bellaire Street, #600	Address	1550 Wewatta Street
City, State, Zip	Denver, CO 80222	City, State, Zip	Denver, CO 80202
Telephone	Tom McGonagle (303) 226-9891	Telephone	Jenny Jacobs (303) 607-7650
Email	tmcgonagle@aresmgmt.com	Email	jjacobs@ewpartners.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	2500 East 1st Avenue, Denver Colorado 80206		
Assessor's Parcel Numbers:	0512300054000; 0512300051000		
Area in Acres or Square Feet:	Approximately 12.86 acres		
Current Zone District(s):	B-3 zone district		
PROPOSAL			
Proposed Zone District (See DZC Section 9.6.1.3(A) to determine if General or Detailed):	<input checked="" type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD	
Proposing SubAreas:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Standard Zone District: Please list the zone district(s) on which the PUD will be based:	C-CCN-12		
Deviations from Standard Zone District: As an attachment, please provide a list of proposed deviations and a detailed explanation of why the deviation is needed.	Deviation		Why deviation is necessary
	See Attachment A.		
PRE APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input checked="" type="checkbox"/> <b>Yes - State the contact name &amp; meeting date</b> <input type="checkbox"/> <b>No - Describe why not (in outreach attachment, see bottom of p. 3)</b>		The applicant team has had one to two meetings with CPD staff each month since January 2024.
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> <b>Yes - if yes, state date and method</b> <input type="checkbox"/> <b>No - if no, describe why not (in outreach attachment, see bottom of p. 3)</b>		The applicant team met with the District 5 Council Member on January 4, 2024 and have provided periodic updates since then on the PUD/rezoning status.

REVIEW CRITERIA	
<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> <b>Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <hr/>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> <b>Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input checked="" type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input checked="" type="checkbox"/> <b>The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

<p>Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria</p> <p>DZC Sec. 12.4.10.9</p> <p>Check boxes to the right to affirm and include a section in the review criteria narrative for each.</p>	<p><input checked="" type="checkbox"/> The PUD District and the PUD District Plan comply with the intent, purpose, all applicable standards and criteria stated in Article 9, Division 9.6 (Planned Unit Development).*</p> <p>*Provide a section describing how the PUD district responds to A.-D. of the General Purpose and Intent statement in DZC Section 9.6.1.1.</p> <p><input checked="" type="checkbox"/> The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).</p>
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Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- Review Criteria Narratives. See page 2 for details.
- Deviations from Standard Zone District List. See page 1 for details.

### ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged) See Exhibit A to Narrative
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this is document is required.)
- Other Attachments.** Please describe. See Equity Analysis Response attached to Narrative as Exhibit B

## PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES

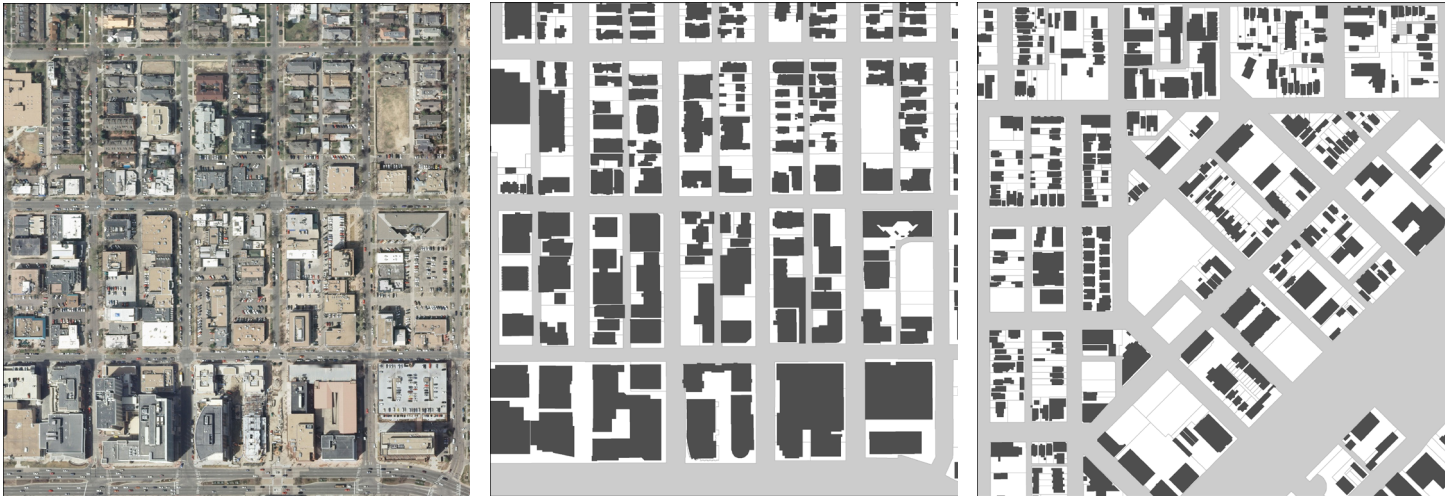
Attachment A

Summary of Deviations from Standard Zone District

Deviation	Why Deviation is Necessary
Increased building height allowance of 13 stories and 168' (See PUD-G 36 Section 4.3.2).	To incentivize development of affordable housing units in excess of what is required under Chapter 27, Article X of the Denver Revised Municipal Code, pursuant to the High Impact Compliance Affordable Housing Plan.
Required maximum zone lot size (See PUD-G 36 Section 4.3.2).	To ensure the site is developed with internal block sizes of an appropriate pedestrian scale.
Reduced transparency percentage requirements for Primary Street C frontages and residential only buildings (See PUD-G 36 Section 4.3.2).	To improve the quality of life and increase privacy for residents with respect to the residential only building frontages and to adequately plan for the placement of utilities and service areas along Primary Street C frontages, given that all street frontages throughout the site have transparency requirements.
Reduced active use percentage requirements for Primary Street C frontages (See PUD-G 36 Section 4.3.2).	To provide reasonable service access to buildings with no established alley. Service alleys have been replaced with actively used pedestrian paseos and open space.
Household Living as a permitted street level active use on certain street frontages (See PUD-G 36 Section 4.5.1.B).	To support a mixed-use development, maintain 24/7 neighborhood activation, and further consistency with the goals and policies of the City's adopted plans, as well as compatibility with adjacent developments.
Requirement of two internal, private street frontages, Road R and Road H, to adhere to Primary Street C zoning requirements (See PUD-G 36 Section 6.4.2.A).	To address the unique conditions and location of the site, including the lack of through street connections.
Creation of four mid-block north-south connections (See PUD-G 36 Section 6.4.2.A).	To provide improved connections through the site, between Cherry Creek North and the Cherry Creek Trail Corridor, through mid-block connections that serve as open space corridors and gathering spaces.
Customized permitted temporary use limitation regulations, including the Outdoor Retail Sales - Pedestrian / Transit Mall and Retail Food Establishment, Mobile (See PUD-G 36 Section 6.5.1).	To encourage and promote a wide range of seasonal programming and events through customization of certain permitted temporary uses.

## PUD-G 36

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Cherry Creek West 2500 E 1st Ave.  
Official Map Amendment #2022I-00264  
Effective Date: [Effective Date]

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## CHAPTER 1. ESTABLISHMENT AND INTENT

### SECTION 1.1 PUD-G 36 ESTABLISHED

#### 1.1.1 PUD- G 36 Established

A PORTION OF THE CHERRY CREEK B-3 DISTRICT; LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN; CITY AND COUNTY OF DENVER, STATE OF COLORADO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3-1/4 INCH DIAMETER BRASS CAP MARKED PLS 34579 IN RANGE BOX FOUND FOR THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 12;

THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 12, SOUTH 89°50'37" EAST, FOR 130.26 FEET;

THENCE PERPENDICULAR TO THE PREVIOUSLY DESCRIBED LINE, SOUTH 00°09'23" WEST, FOR 133.73 FEET TO THE NORTHWEST CORNER OF SAID B-3 DISTRICT AND THE POINT OF BEGINNING.

THENCE ALONG THE LINES OF SAID B-3 DISTRICT THE FOLLOWING FOUR (4) COURSES:

1. EASTERLY FOR 62.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET AND A CENTRAL ANGLE OF 54°42'12", THE CHORD OF WHICH BEARS NORTH 73°30'30" EAST FOR 59.73 FEET;
2. THENCE SOUTH 79°08'24" EAST FOR 58.20 FEET;
3. EASTERLY FOR 188.68 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1010.00 FEET AND A CENTRAL ANGLE OF 10°42'12", THE CHORD OF WHICH BEARS SOUTH 84°29'30" EAST FOR 188.40 FEET;
4. SOUTH 89°50'37" EAST FOR 520.41 FEET;

THENCE SOUTH 00°05'28" WEST FOR 688.28 FEET TO THE SOUTH LINE OF SAID B-3 DISTRICT;

THENCE ALONG THE LINES OF SAID B-3 DISTRICT THE FOLLOWING TWO (2) COURSES:

1. WESTERLY FOR 825.05 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2751.75 FEET AND A CENTRAL ANGLE OF 17°10'44", THE CHORD OF WHICH BEARS SOUTH 88°55'10" WEST FOR 821.97 FEET;
2. THENCE NORTH 00°02'37" EAST FOR 717.29 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 560,026 SQUARE FEET OR 12.856 ACRES, MORE OR LESS.

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR N00°02'37"E, MONUMENTED ON THE NORTH BY A 3-1/4" BRASS CAP STAMPED PLS 34879 IN RANGE BOX AND MONUMENTED ON THE SOUTH BY A 2" BRASS CAP, ILLEGIBLE, IN RANGE BOX.



## SECTION 1.2 PUD-G 36 GENERAL PURPOSE

The general purpose of PUD-G 36 is to provide more prescriptive requirements than the conventional building form regulations found in the Denver Zoning Code to facilitate redevelopment of an underutilized site with mixed residential and commercial uses and open space amenities that are compatible with and contribute to the vibrancy of the surrounding neighborhood. Future growth and development will take advantage of the unique location of the site and incorporate an enhanced open space that will connect to the Cherry Creek North area and the Cherry Creek Trail Corridor.

## SECTION 1.3 PUD-G 36 SPECIFIC INTENT

PUD-G 36 is intended to:

- 1.3.1 Respond to the unique and extraordinary circumstances associated with the land, which circumstances require redeveloping the site in a manner sensitive to the existing and surrounding context of this neighborhood, including but not limited to:
- A. Allow mixed use development that contributes to the vibrancy of the surrounding neighborhood and facilitates a transition between mixed use areas to the north and residential Districts to the south of Cherry Creek Drive through an appropriate building form and design standards and guidelines that respond to the surrounding neighborhood contexts;
  - B. Address the unique conditions and location of the site, including the lack of through street connections, by creating a key east-west vehicular connection as a private street through the site from North University Boulevard to North Clayton Lane, herein referenced as “Road R” and a north-south vehicular connection as a private street, from East 1st Avenue to “Road R”, herein referenced as “Road H”, in order to integrate the site into the surrounding urban fabric;
  - C. Provide meaningful open space, pedestrian-activated spaces and connections as envisioned in the City’s adopted plans, including the addition of a two-way, protected cycle track and pedestrian infrastructure throughout the site;
  - D. Create Mid-Block Connections from north to south between East 1st Avenue and Cherry Creek Drive North;
  - E. Ensure safe, accessible connections to surrounding recreation with improvements to City-owned park land, including additional lighting and landscape buffering;
- 1.3.2 Facilitate the creation of significant public benefits not allowed or guaranteed by a traditional zone district, including:
- A. Providing income-restricted dwelling units per a High Impact Compliance Affordable Housing Plan; and
  - B. Providing affordable housing linkage fees per a High Impact Compliance Affordable Housing Plan;
  - C. Providing enhanced and publicly accessible open space, as per the requirements specified in Section 10.8.1 of the Denver Zoning Code, with improved connections to Cherry Creek North to the Cherry Creek Trail Corridor, through Mid-Block Connections that serve as open space corridors and gathering spaces.
  - D. Incorporate Urban Design Standards and Guidelines utilizing the Cherry Creek North Design Advisory Board review process to administer and emphasize quality urban design outcomes for the site; and
  - E. Ensure the site contributes to the City’s future transportation and mobility planning efforts in the area.

## **CHAPTER 2. NEIGHBORHOOD CONTEXT DESCRIPTION**

This PUD-G 36 is based on Denver Zoning Code, Division 7.1, Urban Center Neighborhood Context description, as amended from time to time, except as modified in this PUD-G 36.

## **CHAPTER 3. DISTRICTS**

Development in this PUD-G 36 shall conform to the Denver Zoning Code, Division 7.2, Districts, as specifically applicable to the C-CCN-12 Zone District, as amended from time to time, except as modified in this PUD-G 36.

## CHAPTER 4. DESIGN STANDARDS

Development in this PUD-G 36 shall comply with the Denver Zoning Code, Division 7.3, Design Standards, as specifically applicable to the C-CCN-12 Zone District, as amended from time to time, with the following exceptions, additions and modifications:

### SECTION 4.1 GENERAL INTENT

- A. Address the site's unique location and conditions by applying the PUD-G 36 building form.
- B. Facilitate vehicular, pedestrian and bicycle access to PUD-G 36 by applying Primary Street standards to all public and private street frontages on this PUD-G 36.
- C. Facilitate the appropriate foundation for measurement of build-to and setbacks adjacent to open space and Mid-Block Connections adjacent to future zone lots. Open Space Thoroughfare and Mid-Block Connection standards shall be established in the Design Standards and Guidelines for Cherry Creek North/Cherry Creek West.

### SECTION 4.2 DESIGN STANDARDS AND GUIDELINES

Development in this PUD-G 36 shall be reviewed in concert with the Design Standards and Guidelines for Cherry Creek North/Cherry Creek West as amended from time to time. The Manager has the authority to adopt rules and regulations establishing design criteria and guidelines for this PUD-G 36.

### SECTION 4.3 BUILDING FORM INTENT

#### 4.3.1 Specific Building Form Intent

Establish a set of standards to define and activate the street. The building form requires design elements that promote an active street front. Compared to the Cherry Creek General building form, the PUD-G 36 building form allows structures containing Side-by-Side Dwelling Units on Primary Street B and Primary Street C frontages. PUD-G 36 has similar standards and design elements to the Cherry Creek General building form, such as build-to requirements, setbacks, transparency and mass reduction.

#### 4.3.2 Height

Allow flexibility in height throughout PUD-G 36 for additional affordable housing commitments set forth in the High Impact Compliance Affordable Housing Plan.

#### 4.3.3 Design Elements

- A. Provide appropriate pedestrian scale, height and massing along the street and publicly accessible open space.
- B. Reduce the horizontal scale of taller buildings, by sculpting building mass above the base of a building, to provide sun and light exposure through taller buildings, and to encourage architectural variety.

### SECTION 4.4 PRIMARY BUILDING FORM STANDARDS

#### 4.4.1 Applicability

All development in PUD-G 36, except detached accessory structures, shall comply with the Primary Building Form Standards in Section 4.3 and Table 4.1 below.

### 4.4.2 District Specific Standards - PUD-G 36 Primary Building Form Standards

**TABLE 4.1: PUD-G 36 PRIMARY BUILDING FORM**

The Primary Building Form Tables in Denver Zoning Code Section 7.3.3 shall not apply. The following standards in Table 4.1 of PUD-G 36 shall apply to all Primary Structures instead. Building form standards shall apply to any portion of a primary structure above finished grade.

<b>PUD-G 36</b>	
<b>HEIGHT</b>	
Stories (max)	13
Feet (max)	168'
Height Exceptions	See Section 7.3.7.1 in the Denver Zoning Code
<b>PUD-G 36</b>	
<b>SITING</b>	
<b>ZONE LOT</b>	
Zone Lot Size (max.)	62,000 sf
Number of Primary Structures per Zone Lot (max)	no max
<b>REQUIRED BUILD-TO</b>	
All Primary Streets (% within min/max)	70% 5'/15'
<b>SETBACKS</b>	
All Primary Streets (non residential/residential)	5'/7'
Side Interior (min)	0'
Setback Exceptions and Encroachments	See Sections 7.3.7.3 and 7.3.7.4 in the Denver Zoning Code
<b>PARKING</b>	
Surface Accessory Parking between building and Primary Street	Not Allowed
Surface Parking Screening Required	See Article 10, Division 10.5 in the Denver Zoning Code
Vehicle Access	Not Permitted on Primary Street A or Mid-Block Connections. Only one vehicular access point permitted along Cherry Creek North Drive (Primary Street B). Vehicle access are allowed on Primary Street Cs. See Section 4.5.2 of this PUD-G 36
<b>PUD-G 36</b>	
<b>DESIGN ELEMENTS</b>	
<b>BUILDING CONFIGURATION</b>	
Dwelling Unit Configuration	Structure may contain Side-by-Side Dwelling Units Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA Side-by Side Dwelling Units are Not Permitted along Primary Street A frontages.
Mass Reduction where Zone Lot is 42,000 square feet or less (min)	15%
Mass Reduction where Zone Lot is greater than 42,000 square feet (min)	18%
<b>STREET LEVEL ACTIVATION</b>	
Transparency, Primary Street A and B (min)	60% Residential Only Buildings 40%
Transparency, Primary Street C (min)	50% Residential Only Buildings 40 %
Pedestrian Access	Each Building shall have a street-facing Entrance.
Additional Pedestrian Access, Primary Street B and C	Each Street Level Dwelling Unit shall have a Dwelling Unit Entrance with Entry Feature
<b>PUD-G 36</b>	
<b>USES</b>	
Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirements) Primary Street A and B	100%
Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirements) Primary Street C	80%

All permitted Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking in the Denver Zoning Code

## **SECTION 4.5 DETACHED ACCESSORY BUILDING FORM STANDARDS**

Development in this PUD-G 36 shall comply with the Detached Accessory Building Form Standards in Section 7.3.4 of the Denver Zoning Code as applicable to the C-CCN-12 Zone District, as amended from time to time.

## **SECTION 4.6 SUPPLEMENTAL DESIGN STANDARDS**

Development in this PUD-G 36 shall comply with the Supplemental Design Standards in Section 7.3.5 of the Denver Zoning Code as applicable to the C-CCN-12 Zone District, as amended from time to time, with the following modifications:

### **4.6.1 Ground Stories of Parking Structures in this PUD-G 36**

#### **A. Applicability**

Section 4.6.1 shall be applicable where a building form table in Section 4.4 of this PUD-G 36 requires Street Level Active Uses in a structure containing above-grade parking spaces. The term “parking spaces” in this provision means both parking spaces accessory to a primary use and/or parking spaces that comprise the primary use of the structure.

#### **B. Permitted Street Level Uses**

The Street Level of a structure containing above-grade parking spaces shall be occupied by a primary use permitted in the C-CCN-12 zone district for 100% of the structure’s primary street frontage(s), as specified in Section 7.3.5.5 C of the Denver Zoning Code, with the following modifications:

1. Household Living is a permitted street level active use in all primary structures that do not abut a Primary Street A.

### **4.6.2 Vehicle Access in this PUD-G 36**

#### **A. Applicability**

Section 4.6.2 shall be applicable where the building form table in Section 4.4 of this PUD-G 36 defines Vehicle Access from driveways that access the zone lot from a public or private street to be located as specified in Section 7.3.5.6 of the Denver Zoning Code, with the following modifications:

#### **B. Location of Vehicle Access**

All vehicle access to a building within the PUD-G 36 shall be from Primary Streets C. Primary Streets B will allow for only one vehicle access off Cherry Creek North Drive.

## CHAPTER 5. USES AND REQUIRED MINIMUM PARKING

All development in this PUD-G 36 shall comply with the Denver Zoning Code, Division 7.4, Uses and Required Minimum Parking, as specifically applicable to uses allowed in the C-CCN-12 Zone District, as amended from time to time, with the following exceptions, additions and modifications:

### SECTION 5.1 USES

Primary, accessory and temporary uses allowed in this PUD-G 36 shall be those same uses allowed in the C-CCN-12 Zone District, as stated in the Denver Zoning Code, Section 7.4, Uses and Required Minimum Parking, as amended from time to time, with the following exceptions, additions and modifications:  
Uses and Required Minimum Parking, as amended from time to time, with the following exceptions:

KEY: \* = Need Not be Enclosed P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use ZP = Zoning Permit Review

USE CATEGORY	SPECIFIC USE TYPE •Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)	PUD-G 36	APPLICABLE USE LIMITATIONS
<b>RESIDENTIAL PRIMARY USE CLASSIFICATION</b>			
Household Living	Dwelling, Multi-Unit •Vehicle Parking: See Section 5.2 of this PUD-G 36 •Bicycle Parking: 1/ 2 units (80/20)	L-ZP	See Section 6.5.1 of this PUD-G 36
	Dwelling, Live / Work •Vehicle Parking: See Section 5.2 of this PUD-G 36 •Bicycle Parking: 1/2 units (80/20)	L-ZP	See Section 6.5.1 of this PUD-G 36
<b>COMMERCIAL SALES, SERVICES AND REPAIR PRIMARY USE CLASSIFICATION</b>			
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Outdoor* •Vehicle Parking: See Section 5.2 of this PUD-G 36 •Bicycle Parking: 1/7,500 s.f. GFA (20/80)	L-ZP	See Section 6.5.1 of this PUD-G 36
Parking of Vehicles	Parking, Surface*	L-ZP	See Section 6.5.1 of this PUD-G 36
<b>TEMPORARY USE CLASSIFICATION</b>			
Temporary Uses (Parking is Not Required for Temporary Uses)	Outdoor Retail Sales - Pedestrian/Transit Mall*	L-ZP	See Section 6.4.1 of this PUD
	Retail Food Establishment, Mobile*	L-ZP	See Section 6.4.1 of this PUD

### SECTION 5.2 REQUIRED MINIMUM PARKING

5.2.1 All uses established in this PUD-G 36 shall comply with the Denver Zoning Code, Section 7.4, Uses and Required Minimum Parking, as specifically applicable to uses allowed in the C-MX-12 Zone District, as amended from time to time.



## CHAPTER 6. ADDITIONAL STANDARDS

### SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

#### 6.1.1 Applicability

Development in this PUD-G 36 shall conform with the Denver Zoning Code, Article 1, General Provisions, as amended from time to time, with the following exceptions, additions and modifications.

#### 6.1.2 General Standards for All Zone Lots

Development in this PUD-G 36 shall conform with the Denver Zoning Code, Section 1.2.3 General Standards for all Zone Lots, as amended from time to time, with the following exceptions, additions and modifications.

##### A. Street Frontage Required for Zone Lots in PUD-G 36

Development in this PUD-G 36 shall not comply with Section 1.2.3.1, Public Street Frontage, of the Denver Zoning Code. Instead each Zone Lot designated in PUD-G 36 shall have at least one Zone Lot line abutting either:

- a. A Street dedicated for public use, or
- b. A Private Street with a public access easement.

##### B. Contiguous Land Area Required for PUD-G 36

Development in this PUD-G 36 shall conform with Section 1.2.3.2, Contiguous Land Area, Required in the Denver Zoning Code as amended from time to time, with the following exceptions, additions and modifications:

1. A Zone Lot May Cross Private or Public Streets. In this PUD-G 36, land divided by one or more public or private streets, Mid-Block Connection, alleys, or open space may be designated as a single Zone Lot. In cases where a single Zone Lot is divided by one or more primary streets, Mid-Block Connection, open space, or Open Space Thoroughfare, as shown in Figure 6.1 of this PUD-G 36, multiple street frontages within the Zone Lot shall comply with all building form standards tied to frontage on a primary street, including, but not limited to build-to standards, street level activation standards, setbacks and mass reduction standards unless otherwise specifically exempted by this PUD-G 36.

##### C. PUD-G 36 Specific Standards for Zone Lots

1. There must be a minimum of 7 zone lots within the subject PUD boundary.
2. Each Zone Lot size shall be of a maximum area of 62,000 sf. Such maximum area shall not include any portion of a Zone Lot that is designated as a Private Street, Open Space Thoroughfare, Mid-Block Connection, or Private open space.
3. For any independent primary structure proposed below grade or portion of it, the structure may cross zone lot boundaries within PUD-G 36.

### SECTION 6.2 ARTICLE 2 OF THE DENVER ZONING CODE

#### 6.2.1 Applicability

Development in this PUD-G 36 shall conform to Article 2, Using the Code, of the Denver Zoning Code, as amended from time to time.

### SECTION 6.3 ARTICLE 9 OF THE DENVER ZONING CODE

#### 6.3.1 Applicability

Development in this PUD-G 36 shall comply with Article 9, Special Districts of the Denver Zoning Code, as amended from time to time.

## SECTION 6.4 ARTICLE 10 OF THE DENVER ZONING CODE

### 6.4.1 Applicability

Development in this PUD-G 36 shall comply with the Denver Zoning Code, Article 10, General Design Standards, as specifically applicable to the C-CCN-12 Zone District, as amended from time to time, except as modified in Chapter 4 of this PUD-G 36 above and with the with the following exceptions, additions and modifications:

### 6.4.2 General Site Design and Facility Standards

Development in this PUD-G 36 shall conform with Section 10.2.3, General Site Design and Facility Standards, in the Denver Zoning Code as amended from time to time, with the following exceptions, additions and modifications:

#### A. Road R and Road H

##### 1. Intent

Design and operate Road R and Road H similar to public streets, facilitating vehicular, public, pedestrian and bicycle access to and through this PUD-G 36, and supporting special events.

##### 2. Requirements

- a. Provide an east-west vehicular connection through the site from North University Boulevard to North Clayton Lane, herein referenced as “Road R,” and a north-south vehicular connection, from East 1st Avenue to “Road R”, herein referenced as “Road H”. See Figure 6.1.
- b. Road R and Road H shall remain publicly accessible and usable at all times, except that sections may be closed to accommodate special events in accordance with use permitting requirements of the Denver Zoning Code, Division 7.4, Uses and Required Minimum Parking, as amended from time to time, as specifically applicable to the C-CCN-12 Zone District.

#### B. Open Space Thoroughfare and Mid-Block Connections

##### 1. Intent

Create, design and operate Open Space Thoroughfare and Mid-Block Connections similar to public streets, facilitating:

- a. Public, non-vehicular access to and through PUD-G 36,
- b. Occasional access by service vehicles, and
- c. Use for special events.

##### 2. Open Space Thoroughfare Requirements

- a. There shall be at least one north-south oriented paved pathway clear of obstructions, herein referred to as the “Open Space Thoroughfare” connecting Road R with a non-vehicular crossing of Cherry Creek North Drive. The Open Space Thoroughfare shall be located to the west of the private open space. As shown in Figure 6.1.
- b. The Open Space Thoroughfare shall be offset no more than 60’ in an easterly/westerly direction relative to the intersection of Road H and Road R, as shown in Figure 6.1
- c. An easement for public access shall be granted across the land occupied by the Open Space Thoroughfare. The easement shall have a minimum width of 20 feet.
- d. The Open Space Thoroughfare shall remain publicly accessible and usable at all times, except that it may be closed to accommodate special events in accordance with permitting requirements of the Denver Zoning Code, Division 7.4, Uses

and Required Minimum Parking, as amended from time to time, as specifically applicable to the C-CCN-12 Zone District.

### **3. Mid-Block Connections Requirements**

- a. There shall be a minimum of four north-south Mid-Block Connections. These shall include one from East 1st Avenue to Road R (east of road H, and west of Clayton Lane), one from Road R to Cherry Creek North Drive (east of the Open Space Thoroughfare, between the private open space and Clayton Lane), one from Road R to Cherry Creek North Drive (west of Open Space Thoroughfare and east of University Boulevard) one from East 1st Avenue to Road R (west of road H and east of University Boulevard), as shown in Figure 6.1 of this PUD-G 36.
- b. An easement for public access shall be granted across the land occupied by the Mid-Block Connections. The easement shall have a minimum width of 20 feet.
- c. All Mid-Block Connections, with the exception of the mid-block connection that connects Road R with Cherry Creek North Drive, located west of the Open Space Thoroughfare and east of University Boulevard, as referenced in figure 6.1, shall remain publicly accessible and usable at all times, except that they may be closed to accommodate special events in accordance with permitting requirements of the Denver Zoning Code, Division 7.4, Uses and Required Minimum Parking, as amended from time to time, as specifically applicable to the C-CCN-12 Zone District.
- d. The mid-block connection located west of the Open Space Thoroughfare, that connects Road R with Cherry Creek North Drive as referenced in figure 6.1, shall remain publicly accessible and usable from dawn to dusk, except that it may also be closed to accommodate special events in accordance with permitting requirements of the Denver Zoning Code, Division 7.4, Uses and Required Minimum Parking, as amended from time to time, as specifically applicable to the C-CCN-12 Zone District.

#### **6.4.3 Parking and Loading**

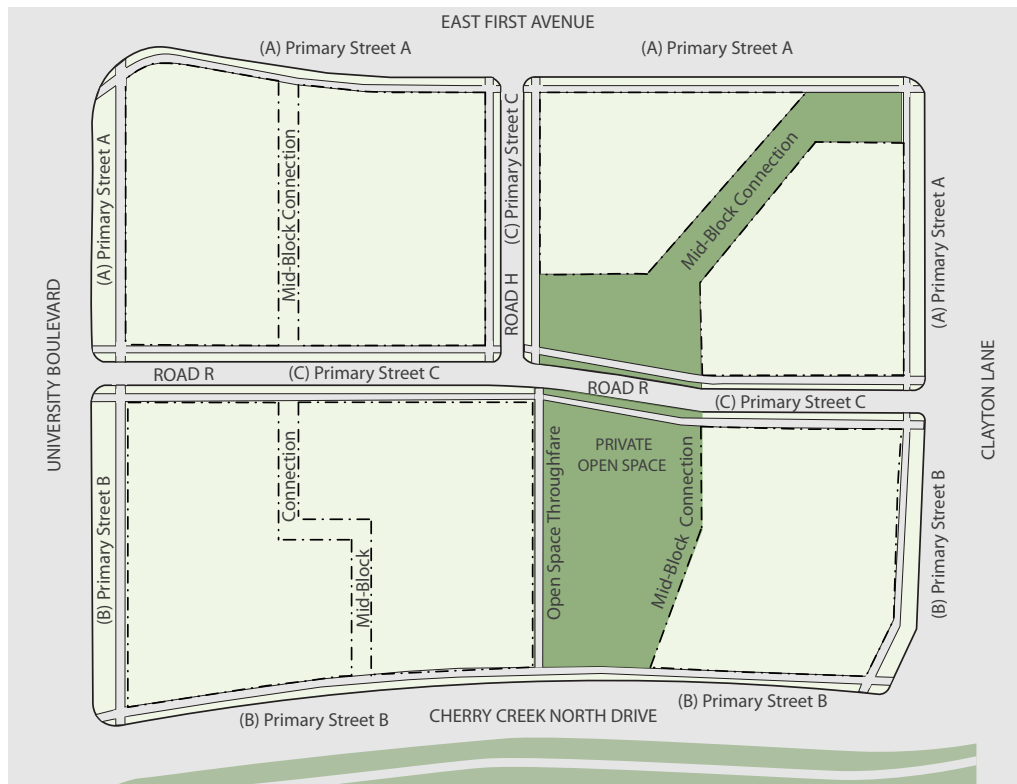
Development in this PUD-G 36 shall conform with Division 10.4 Parking and Loading, in the Denver Zoning Code, as specifically applicable to the C-MX-12 Zone District, as amended from time to time, with the following exceptions, additions and modifications:

##### **A. Location of Required Vehicle Parking**

Development in PUD-G 36 shall not comply with Section 10.4.4.5 Location of Required Vehicle Parking, of the Denver Zoning Code. Instead:

1. Required accessory vehicle parking serving a primary use established in PUD-G 36 zone district may be located on any zone lot in PUD-G 36 regardless of the location of the primary use.
2. A primary structure or portion of a primary structure, containing accessory vehicle parking spaces that is completely below grade may cross zone lot boundaries.

Figure 6.1 General Site Design for Illustrative Purposes Only.



## SECTION 6.5 ARTICLE 11 OF THE DENVER ZONING CODE

### 6.5.1 Applicability

Development in this PUD-G 36 shall comply with the Denver Zoning Code, Article 11, Use Limitations and Definitions, as specifically applicable to the C-CCN Zone Districts, as amended from time to time, with the following exceptions, additions and modifications:

#### A. All Household Living Uses in C-CCN Zone Districts

In this PUD-G 36, the limitations applied to all Household Living uses in C-CCN zone districts shall be those set forth in Denver Zoning Code Section 11.2.5, except for the following modification:

1. In a building that does not abut a Primary Street A, as referenced in Figure 4.1, Household Living uses may be located on any story of such building.

#### B. Arts, Recreation and Entertainment Services, Outdoor

In this PUD-G 36, the limitations applied to the Arts, Recreation and Entertainment Services, Outdoor use in All Zone Districts stated in the Denver Zoning Code, Section 11.4.3.1 shall not apply. Instead, where permitted with limitations, Arts, Recreation and Entertainment Services, Outdoor use in this PUD-G 36, are permitted subject to compliance with the following process and limitations:

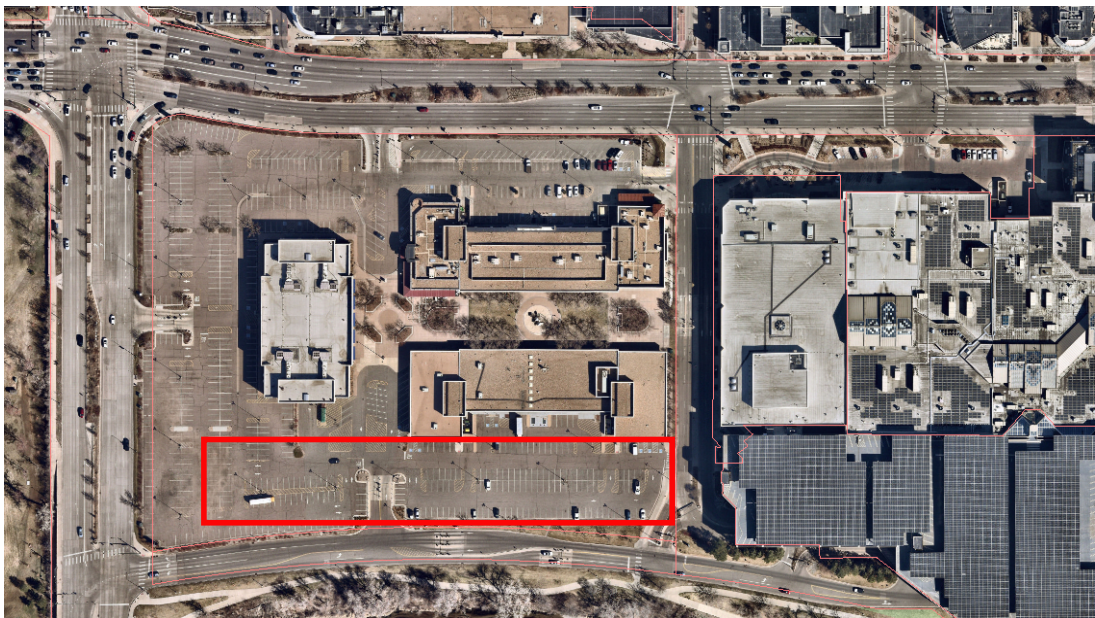
1. The use shall require a Zoning Permit, subject to limitations (L-ZP).
2. The use shall be permitted only on an approved Private Open Space, Mid Block Connections, or Primary Street C as shown in Figure 6.1 of this PUD-G 36.

### C. Parking, Surface

In this PUD-G 36, Surface Parking is allowed as a primary use, subject to the following limitations:

1. Surface Parking providing no more than 36 vehicle parking spaces is allowed for the purpose of compliance with the minimum off-street parking requirement of the Cherry Creek Shopping Center located at 3000 East 1st Avenue. Such Surface Parking primary use shall be permitted subject to compliance with the following standards:
  - a. Surface Parking may be located on one or more zone lots in PUD-G 36 and shall be permitted only upon submittal and approval of a special plan for location of off-street parking spaces for the Cherry Creek Shopping Center.
  - b. The Surface Parking primary use shall be located only within the area outlined in red, as shown in Figure 6.2 below, and shall not be located closer than 50 feet to the University Boulevard Right-of-Way.
  - c. All zoning permits to establish a Surface Parking primary use according to this Section 6.5.1.C.1 shall automatically expire and become null and void on January 1, 2030.

Figure 6.2 Surface Parking as a primary use permitted under Section 6.5.1.C.1 of this PUD-G 36 is allowed to be located only within the area outlined in red.



2. Except for the Surface Parking primary use allowed by Section C.1. above, Surface Parking is allowed in PUD-G 36 subject to compliance with the following standards:
  - a. Surface Parking shall be permitted only on Road R or Road H as shown in Figure 6.1 of this PUD-G 36, and shall be designed with a parking angle of 0 degrees for standard spaces according to DZC, Section 10.4.6.2.B.1 and Table A; and
  - b. Surface Parking shall not obstruct the movement of pedestrians through plazas or open spaces.



**D. Outdoor Retail Sales - Pedestrian / Transit Mall**

In this PUD-G 36, where permitted with limitations, temporary outdoor retail sales of articles such as books, artwork, craft work, food, flowers, clothing, newspapers and similar articles, without regard to the distance to the pedestrian and/or transit mall, are permitted subject to compliance with the following standards:

1. The use will not obstruct the movement of pedestrians through plazas or other areas intended for public usage, and shall not create congestion on adjoining public sidewalks;
2. The use will not generate an undue amount of noise, fumes, glare or other external effects; and
3. The use will not create a debris or litter problem.

**E. Retail Food Establishment, Mobile**

In this PUD-G 36, the limitations applied to all Retail Food Establishment, Mobile uses in All Mixed Use Commercial Zone Districts set in Section 11.11.14.1 shall not apply. Instead, where permitted with limitations, Mobile Retail Food Establishments in this PUD-G 36, are permitted subject to compliance with the following standards:

1. No more than 10 mobile retail food establishment shall be permitted to operate within the boundaries of PUD-G 36 in a single day.
2. Operations shall be at least 10 feet from any eating and drinking establishment lawfully existing at the time the permit or renewal permit was issued. The distance shall be measured as the closest distance between any part of the Mobile Retail Food Establishment and the building or portion of a building containing the existing eating and drinking establishment
3. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation, block access to a public or private street, Open Space Thoroughfare, or Mid-Block Connections or sidewalk.
4. Structures, canopies and outdoor tables and chairs are allowed.
5. Signs must be permanently affixed to or painted on the retail food establishment, mobile.
6. Signs shall not project from the retail food establishment, mobile and shall not illuminate.
7. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter.

**SECTION 6.6 ARTICLE 12 OF THE DENVER ZONING CODE****6.6.1 Applicability**

All development in this PUD-G 36 shall comply with the Denver Zoning Code, Article 12, Zoning Procedures and Enforcement, as amended from time to time.

**SECTION 6.7 ARTICLE 13 OF THE DENVER ZONING CODE****6.7.1 Applicability**

All development in this PUD-G 36 shall comply with the Denver Zoning Code, Article 13, Rules of Measurement and Definitions, as amended from time to time, with the following exceptions, additions and modifications:

### 6.7.2 Determination of Primary Street

Development in this PUD-G 36 shall not comply with Section 13.1.5.4, Determination of Primary Street, Side Interior, and Rear Zone Lot Lines for all C-CCN, D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts, of the Denver Zoning Code. Instead within PUD-G 36, Zone Lot Lines shall be determined using the following:

#### A. Intent

1. To provide a reference of measurement for standards related to form, building placement, and design elements (e.g. Build-to, Setbacks, Transparency, Mass Reduction) in Cherry Creek West.
2. Facilitate the development of residential buildings, mixed use buildings and office buildings by applying Primary Street A, Primary Street B or Primary Street C standards to Zone Lot Lines.

#### B. General Requirements

Each Zone Lot Line shall have a designation of Primary Street, except for Zone Lot Lines abutting a Mid-Block Connection or Open Space Thoroughfare.

#### C. Primary Street Zone Lot Lines in PUD-G 36

1. Primary Street A Zone Lot Lines  
Zone Lot Lines along East First Avenue, along the north section of University Boulevard and along the north section of Clayton Lane shall be designated as Primary Street A, as shown on Figure 6.1 of this PUD-G 36.
2. Primary Street B Zone Lot Lines  
Zone Lot Lines along Cherry Creek North Drive, Zone Lot Lines along the south section of University Boulevard and Zone Lot Lines along the south section of Clayton Lane shall be designated as Primary Street B, as shown on Figure 6.1 of this PUD-G 36.
3. Primary Street C Zone Lot Lines  
Zone Lot Lines along the new proposed private streets, Road R and Road H (east-west and north-south connections) shall be designated as Primary Street C, as shown on Figure 6.1 of this PUD-G 36.

### 6.7.3 Mass Reduction

#### A. Intent

To sculpt building mass above the base of a building, to reduce the horizontal scale of taller buildings, to provide sun and light exposure through taller buildings, and to encourage architectural variety in this PUD-G 36.

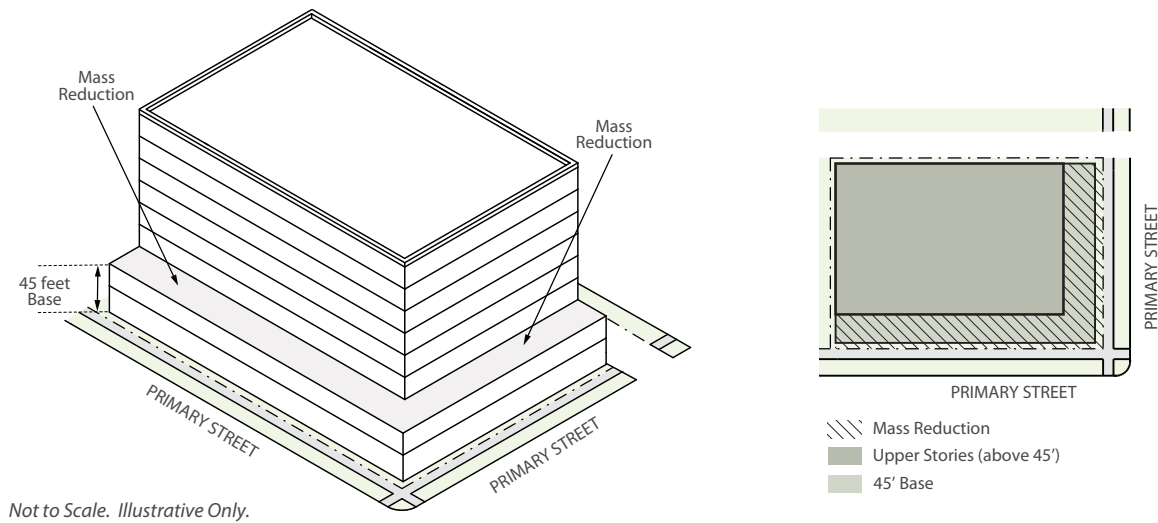
#### B. Rules of Measurement

Section 13.1.6.1.C of the Denver Zoning Code, Rules of Measurement for Mass Reduction, shall not apply. Instead, the following Rules of Measurement shall apply to development within PUD-G 36.

1. The Mass Reduction is calculated as a percentage (%) using the “gross floor area” at the ground level. For purposes of Mass Reduction, “gross area” shall be calculated as the gross area from the exterior faces of the structure: see Figure 6.2. Mass reduction shall begin at a maximum of 45 feet, measured from the building-specific base plane.
  - a. Structure, Completely Enclosed
  - b. Structure, Partially Enclosed; and
  - c. Balcony, Exterior.

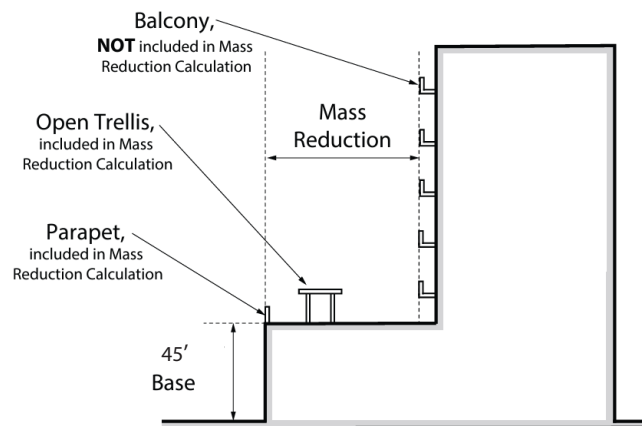


Figure 6.2



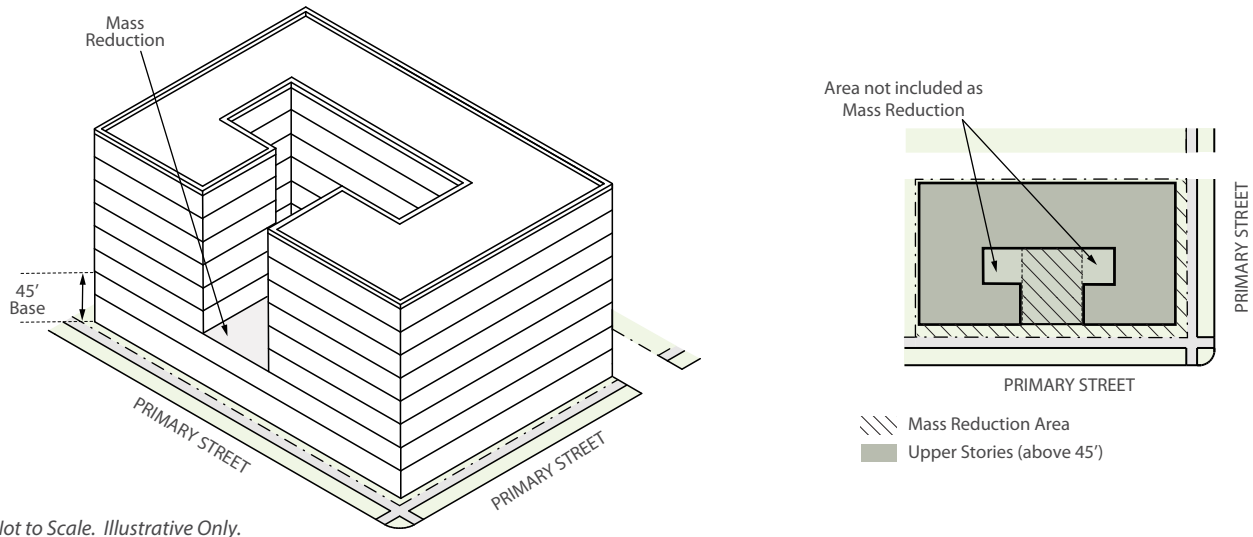
2. For purposes of measuring the Mass Reduction:
  - a. The Mass Reduction shall be open to the sky from above a height of 45 feet except the following shall be permitted:
    - a) Safety Railings and Parapet Walls no taller than 4 feet; and
    - b) Open Structures, excluding Exterior Balconies. See Figure 6.3

Figure 6.3



- b. All portions of the Mass Reduction shall have an uninterrupted perpendicular connection to the street. See Figure 6.4.

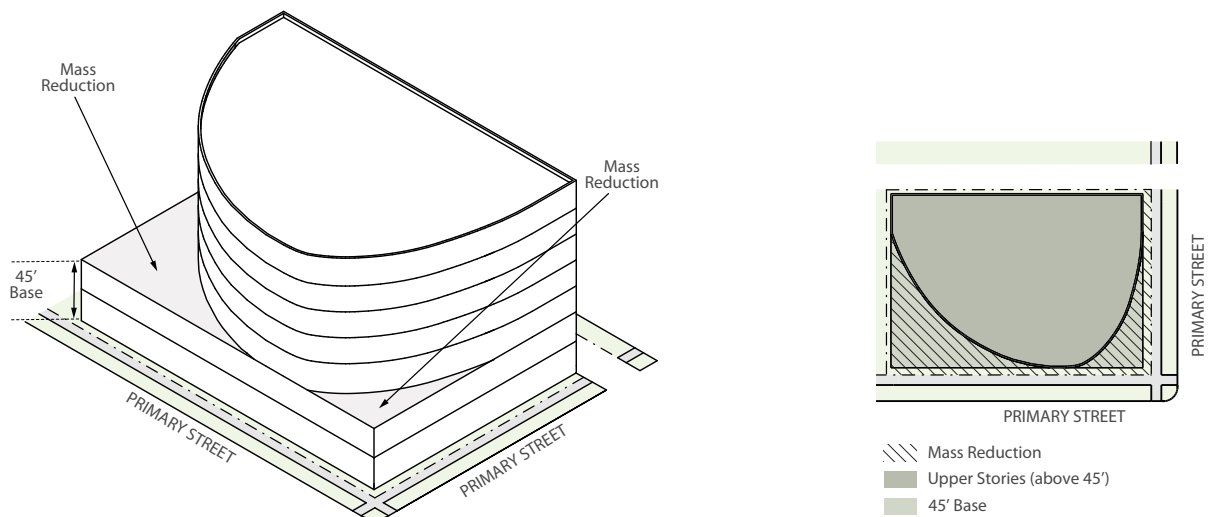
Figure 6.4



Not to Scale. Illustrative Only.

- c. Off Street Parking Area is not permitted in the Mass Reduction.
- d. A Zone Lot may have one or more Mass Reductions which may not be contiguous. The areas of multiple Mass Reductions may be summed to meet the minimum Mass Reduction requirement, provided that each Mass Reduction shall comply with all other standards in this Section 6.7.2.B of this PUD-G 36 Mass Reduction rule of measurement. See Figure 6.5

Figure 6.5



Not to Scale. Illustrative Only.

#### 6.7.4 Rules of Interpretation for PUD-G 36

All development in this PUD-G 36 shall comply with the Denver Zoning Code, Division 13.2, General Rules of Code Interpretation, as amended from time to time, with the following exceptions, additions and modifications:

##### A. References in PUD-G 36 to Figure 6.1

Figure 6.1 illustrates the general location and configuration of the required Road H, Road R, Open Space Thoroughfare and Mid-Block Connections. Some variation in general location and configuration may be approved as part of Site Development Plan review if the Zoning Administrator finds that the general intent of the connections shown in Figure 6.1 has been met.

#### 6.7.5 Definition of Words, Terms and Phrases

- A. **Road R:** For the purpose of this PUD-G 36, Road R shall mean the street running east-west from University Boulevard to Clayton Lane through the approximate middle of PUD-G 36. All, or portions of Road R may be a privately developed, owned, and maintained Private Street as designated in an approved Infrastructure Master Plan.
- B. **Road H:** For the purpose of this PUD-G 36, Road H shall mean the street running north-south from East 1st Avenue connecting to Road R of this PUD-G 36. All, or portions of, Road H may be a privately developed, owned, and maintained Private Street, as designated in an approved Infrastructure Master Plan.
- C. **Mid-Block Connections:** For the purposes of this PUD-G 36, Mid-Block Connections are the north-south public, non-vehicular connections to and through this PUD-G 36, they may allow for occasional use by service vehicles (as further described in the Cherry Creek North / Cherry Creek West UDSGs) and use for special events.
- D. **Open Space Thoroughfare:** For the purposes of this PUD-G 36, the Open Space Thoroughfare is a north-south public, non-vehicular connection located west of the open space that connects Road R with a non-vehicular crossing off Cherry Creek North Drive. The Open Space Thoroughfare may also allow for occasional use by service vehicles (as further described in the Design Standards and Guidelines for Cherry Creek North/Cherry Creek West) and use for special events, as contemplated in Section 6.4.2.B of this PUD-G 36.
- E. **Design Standards and Guidelines for Cherry Creek North/Cherry Creek West:** For the purposes of this PUD-G 36, the Design Standards and Guidelines for Cherry Creek North/Cherry Creek West outline the required design review process for applicants and serves as the basis for all findings issued by the Cherry Creek North Design Advisory Board (CCN DAB). The Zoning Administrator shall utilize the findings of the DAB and the Guidelines in making a determination of Approval, Approval with Conditions or Denial on all applications for zoning permits in PUD-G 36.

## **CHAPTER 7. RULES OF INTERPRETATION**

Subject to Chapter 8 of this PUD G-36, whenever a section of the Denver Zoning Code is referred to in this PUD-G 36, that reference shall extend and apply to the section referred to as subsequently amended, recodified, or renumbered; provided, however, if a section of the Denver Zoning Code, as subsequently amended, recodified, or renumbered conflicts with a provision of this PUD-G 36, this PUD-G 36 shall control.

## **CHAPTER 8. VESTED RIGHTS**

This PUD-G 36 shall be established in accordance with Denver Zoning Code sections 9.6.1.2.C Vested Rights and 9.6.1.5, Vested Rights and vested property rights shall be created 90 days after the effective date of the ordinance approving this PUD-G 36.

May 20, 2024

DIANA CARUSO JENKINS  
303 575 7519  
DJENKINS@OTTENJOHNSON.COM

Via E-Mail

Community Planning & Development  
City and County of Denver  
201 W. Colfax Avenue  
Denver, Colorado 80202

Re: PUD Rezoning Application for 2500 East 1<sup>st</sup> Avenue

Dear Community Planning & Development:

This firm represents East West Partners (the “**Applicant**”), with respect to certain real property located at 2500 East 1<sup>st</sup> Avenue (the “**Property**”) in the City and County of Denver (the “**City**”). This letter is submitted in support of the Applicant’s request to rezone the Property from the B-3 zone district, under the Former Chapter 59 zoning code, to the Planned Unit Development (“**PUD-G**”) zone district under the Denver Zoning Code (“**Code**”) (the “**Application**” or “**Rezoning**”). As further detailed herein, the PUD-G zone district with a base zone district of the Cherry Creek North – 12 (“**C-CCN-12**”) zone district will provide opportunity to further the City’s goals and policies, while supporting development of the Project, as defined below.

Prior to submitting this Application, the Applicant conducted extensive outreach, as outlined in the “Community Outreach Summary” attached here to as Exhibit A. The Applicant will continue to engage with such groups throughout the PUD rezoning process.

## **I. Property Background and Context**

The Property consists of 12.86 acres of a larger 47-acre parcel located within the Cherry Creek neighborhood. The area as a whole is well known as the Cherry Creek Shopping Center, originally developed in 1953 and renovated to its current state in 1990. The Property encompasses the northwest corner of the larger 47-acre parcel and is bounded by University Boulevard, 1st Avenue, the private street extension of Clayton Lane, and the private Cherry Creek North Drive. Today, the Property consists predominately of large surface parking lots, three large footprint buildings, and no supportive pedestrian and cyclist infrastructure, therefore, serving as a major physical barrier between the Cherry Creek Trail and the existing community.

The Applicant intends to redevelop the Property as a mixed-use development that will provide live, work and gathering opportunities, incorporate green spaces that connect the Cherry Creek Trail to the Cherry Creek North

Business Improvement District (“**Cherry Creek North**”), and allow for non-vehicular trips within a “15-minute” community (the “**Project**”). Due to the Property’s unique siting and configuration, based on feedback from City staff, a PUD-G based on the C-CCN-12 zone district was recommended with certain customizations from the zone district’s development standards, and in particular those building form standards outlined under DZC Section 7.3.3.3. Therefore, the Applicant is proposing the Property be zoned PUD-G in order to facilitate a Project that responds to City and community feedback in a cohesive, inclusive, and high-quality manner for both public and private spaces. Approval of the Application will facilitate redevelopment of the Property to further cement the Cherry Creek neighborhood as a regional destination in the City.

## II. Summary of Criteria for Rezoning.

Pursuant to the Code, this application for rezoning must meet:

1. All general review criteria set forth in Code Section 12.4.10.7 (the “**General Review Criteria**”);
2. At least one of the justifying circumstances set forth in Code Section 12.4.10.8.A, and maintain consistency with neighborhood context description, zone district purpose and intent pursuant to Code Section 12.4.10.8.B (the “**Review Criteria for Non-Legislative Rezoning**”); and
3. The additional review criteria for rezoning to PUD District set forth in Code Section 12.4.10.9 (the “**PUD Rezoning Review Criteria**”).

## III. General Review Criteria.

A. Consistency with Adopted Plans. Pursuant to Code § 12.4.10.7.A, either (i) the proposed official map amendment must be consistent with the City’s adopted plans or (ii) the proposed rezoning must be necessary to provide land for a community need that was not anticipated at the time of the adoption of the City’s plan. Code § 12.4.10.7.A. The Rezoning satisfies criteria (i) and, therefore, satisfies Code § 12.4.10.7.A. The Rezoning is consistent with the City’s adopted plans, as follows:

1. Comprehensive Plan 2040 (the “**Comp Plan**”). The Comp Plan includes goals and policies designed to drive outcomes that implement the City’s vision, including a Denver that is (1) equitable, affordable and inclusive; (2) made up of strong and authentic neighborhoods; (3) well-connected, safe and accessible places supporting multiple modes of transportation; (4) a community that is economically diverse and vibrant; (5) environmentally resilient in the face of climate change; and (6) healthy and active with access to the types of amenities and experiences that make Denver uniquely Denver. These are the six elements of the Comprehensive Plan 2040 vision, and they inform the long-term goals that will guide Denver’s future.

The proposed redevelopment of an underutilized site forges an opportunity to create a new neighborhood, public spaces, and connections that will address all aspects of the City’s vision. The Cherry Creek neighborhood is unique in its central location to the City and easily accessed across the region, drawing residents, employees and visitors. Redevelopment offers the opportunity to expand the scope of housing diversity and to provide more access to affordable housing resulting in a thriving



work-live-play community. Along with housing, redevelopment provides for new community-serving uses that address the social, health, and wellbeing needs of Denver citizens. The Project offers the opportunity to bridge missing multi-modal connections to the Cherry Creek Trail and Cherry Creek North, ensuring the Property is well-connected, safe and accessible to the public, and in compliance with adopted plans.

a) Equitable, Affordable, and Inclusive.

Goal 1 - *Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.* The Project will add housing units within a mixed-use development, including affordable units pursuant to Chapter 27, Article X, D.R.M.C. The Property is located at the intersection of a high-capacity transit corridor (1<sup>st</sup> Avenue) and medium-capacity transit corridor (University Boulevard), thus ensuring future residents and visitors to the Project have multi-modal transportation options. The Cherry Creek Transfer Station, a bus stop, is located along 1st Avenue adjacent to the northwest corner of the Property. The Project will improve the comfort and safety of this bus stop with increased pedestrian space and landscaping, ensuring an appealing option to access the Property via public transit.

The Project advances equitable access to services and amenities for the broader community, as it will introduce additional commercial uses and public space into the community and provide access between the amenity-rich Cherry Creek North neighborhood and the Cherry Creek multi-use trail system (the “**Cherry Creek Trail**”). The Project will provide a dedicated pedestrian crossing from the Property to the Cherry Creek Trail across Cherry Creek North Drive. The Applicant proposes to improve the existing Cherry Creek Trail with the addition of pedestrian lighting, enhanced landscape buffering, and a new crusher fine trail alongside the bike path, which will serve as a natural gravel-like trail for pedestrian users. These creek-side improvements were developed in coordination with Denver Parks in an effort to increase connectivity to and user experience of the Cherry Creek Trail without impacting the creek bank.

Goal 2 - *Build housing as a continuum to serve residents across a range of incomes, ages and needs.* The Project contemplates four residential buildings containing a combined total of approximately 800 residential units. New residential buildings located within the Project will comply with the City’s affordable housing requirements by reserving a certain number of residential units for low-to-moderate income households. The new housing provided by the Project will be located in a high-equity area in terms of access to opportunities like healthcare, built environment, and transit. The census tract within which the Property is located maintains

a median land value of \$202.30<sup>1</sup> – one of the highest in the City – signifying a compelling need for low-to-moderate income housing that the Project will deliver.

Goal 3 - *Develop housing that is affordable to residents of all income levels.* The Project’s residential component will cater to a wide range of income levels, including affordable units as further described in Goal 2 above.

Goal 5 - *Reduce the involuntary displacement of residents and businesses.* The Project will not result in any involuntary relocation of homes or businesses. As further detailed below, the Project will redevelop an underutilized, vacant commercial site—with no existing housing—and that is identified as a redevelopment opportunity in City-adopted plans. The Project presents a unique opportunity, as it allows for the addition of affordable housing in an amenity-rich area, without displacing any existing residents or businesses.

Goal 6 - *Integrate equity considerations into city policies, processes and plans.* During the Large Development Review process, the Applicant responded to the City’s Equity Analysis with an Equity Analysis Response, which is attached hereto as Exhibit B. The Equity Analysis Response provides an overview of how the Project could address equity goals and polices. As recommended by City staff, a development agreement will document the Applicant’s commitments based on the Equity Analysis Response. City staff and the Applicant are negotiating the development agreement concurrently with this Application, which may include the following specific commitments:

- (i) Providing percentage of the retail at below market rents;
- (ii) Establishing devoted incubator space, community non-profit, or social enterprise space;
- (iii) Conducting third-party study to determine child care needs and opportunities;
- (iv) Considering general contractors’ training and internship programs when evaluating hiring options; and
- (v) Maintaining Cherry Creek Farmers’ Market and elevating pop-up and small-scale retailers.

Goal 7 - *Make neighborhoods accessible to people of all ages and abilities.* The Project will create nodes of publicly-accessible open space and pedestrian connections spanning more than 10% of the Property. These spaces include four publicly-accessible mid-block paseos running north-south and serving as a connections the Property, including a major northeast corner connection point through the Property (the “**Confluence**”), a large publicly-accessible green

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<sup>1</sup>[https://denvergov.org/files/assets/public/v2/community-planning-and-development/documents/zoning/text-amendments/housing-affordability/high\\_cost\\_markets\\_vs\\_typical\\_markets\\_map.pdf](https://denvergov.org/files/assets/public/v2/community-planning-and-development/documents/zoning/text-amendments/housing-affordability/high_cost_markets_vs_typical_markets_map.pdf)

space (“**The Green**”), and an additional large open space (“**Market Square**”). The Confluence and additional paseos contribute to the many connection points to enter the Property from the north without a vehicle and further instill a sense of inclusivity for non-residents to access and enjoy the Project. The Green and Market Square will be located adjacent to the central intersection of the Property and visible from north and south entry points into the Project, ensuring a welcoming design that invites visitors into those publicly-accessible spaces. The multitude of open space, green space, and pedestrian connections available reinforce the pedestrian-oriented design throughout the Project.

b) Strong and Authentic Neighborhoods.

Goal 1 - *Create a city of complete neighborhoods*. Today, the Property consists predominately of large surface parking lots, three large footprint buildings, and no supportive pedestrian and cyclist infrastructure, therefore, serving as a major physical barrier between the Cherry Creek Trail and the existing community. The Project offers an opportunity to establish a major connection point between the Cherry Creek Trail and the greater Cherry Creek neighborhood, create community amenities, and reinforce the mixed-use character of the existing neighborhood.

Goal 2 – *Enhance Denver’s neighborhoods through high-quality urban design*. The Project will be designed for people first, with a specific focus on creating a human-scale public realm. This focus on urban design will contribute to the economic viability, safety, and enjoyment of the Property. The buildings will embody the characteristics typically found in successful Denver neighborhoods such as high-quality materials and articulated facades with ample transparency through the use of glazing along the street level. The building lobbies, retail spaces, and ground floor primary uses are all designed to contribute to ground floor activation while simultaneously minimizing the visibility of back-of-house functions as much as possible. Building alignment and spacing follow a grid pattern that continues the adjacent urban fabric onto the Property, where such consistency did not previously exist. In addition to development and design standards secured by the underlying C-CCN-12 base zone district, the Project will adhere to urban design standards and guidelines to reflect consistency in design and quality of neighboring CCN-zoned properties, while recognizing the Project’s unique identity.

Goal 4 - *Ensure every neighborhood is economically strong and dynamic*. The Cherry Creek neighborhood is already economically strong and dynamic, and this Project offers an opportunity to reinforce and expand that character onto the Property, which is currently inconsistent with the surrounding neighborhood. The Project will capitalize on one of the City’s most significant infill opportunities, allowing the conversion of an underutilized, single-use site into a vibrant, mixed-use expansion of the Cherry Creek North residential and business offerings. The Project will provide additional space for community-oriented businesses, which will further support Cherry Creek North and Cherry Creek shopping center. Given the current, post-COVID-19 economic climate for brick-and-mortar retail and office uses, the Project

presents a unique opportunity to cement Cherry Creek as one of the region's most successful mixed-use centers.

*Goal 5 - Create and preserve parks and public spaces that reflect the identity of Denver's neighborhoods.* Currently, no parks or activated public spaces exist on the Property. The Project proposes to integrate publicly-accessible spaces throughout—including the Confluence, additional paseos, The Green, Market Square, as well as provide pedestrian-friendly and multi-modal access to the Cherry Creek Trail. The Project will serve as an ideal setting to facilitate social connections and display community identity. Denver has a rich history of public/private spaces and the Project will continue this heritage with a series of spaces that are designed to support a variety of public programming flexible enough to meet current and future needs.

c) Connected, Safe and Accessible Spaces.

*Goal 1 - Deliver a multimodal network that encourages more trips by walking, rolling, biking and transit.* The Project's framework prioritizes pedestrians and alternative mobility options by limiting vehicular traffic throughout the Project's core and creating multiple pedestrian access and movement corridors. By placing the large majority of vehicle parking beneath the Project, limiting vehicle movement throughout the Property, and designating pedestrian-forward corridors, there is opportunity and incentive to transition from "a car-centric culture and mak[e] it easier to choose walking, rolling, biking and transit," which will "strengthen our economy, improve safety, protect our climate and advance public health." Comp Plan, p. 40. Notably, the Project will integrate a protected, two-way cycle track along Clayton Lane and 1<sup>st</sup> Avenue, providing a major multi-modal connection between Cherry Creek North and the Cherry Creek Trail. The Project will create a new internal street running east-west ("**R Street**") and connecting University Avenue and Clayton Lane. R Street will provide for ease of transportation for vehicles, as well as emergency accessibility, while maintaining a pedestrian-forward design by integrating speed reduction elements and slow zones where pedestrians and vehicles share the space. Moreover, the Property is located at the intersection of two transit priority corridors and directly adjacent to the Cherry Creek Trail, further reducing the potential demand for motor vehicle reliance to and from the Property.

*Goal 3 - Maximize the public right-of-way to create great places.* The Project will "[p]rotect, enhance and expand Denver's legacy pathways," like the Cherry Creek Trail, by providing multiple access points to and from the Cherry Creek Trail. Comp Plan, p. 40. The Project serves as a connection by providing multiple, safe internal pedestrian connections via paseos and sidewalks, amenitized sidewalks along all exterior boundaries of the Property, and a protected, two-lane cycle track along both Clayton Lane and 1<sup>st</sup> Avenue. Cherry Creek North Drive, although a private street, is directly adjacent to the Cherry Creek Trail. Cherry Creek North Drive will be widened and enhanced with a landscaped median, substantial tree plantings, sidewalk improvements, and an at-grade pedestrian connection from the Property to the Cherry Creek Trail. The Applicant proposes to improve the existing Cherry Creek Trail with the addition of pedestrian lighting, enhanced landscape buffering, and a new crusher fine trail

alongside the bike path, which will serve as a natural gravel-like trail for pedestrian users. These creek-side improvements were developed in coordination with Denver Parks in an effort to improve connectivity to and user experience of the Cherry Creek Trail without impacting the creek bank.

The Project is bounded by streets that each have their own unique character. Along University Boulevard, the Project will continue the designated greenway through landscape design and buildings set back appropriately from the street. Along 1<sup>st</sup> Avenue, the buildings will create an urban “street wall” maintaining consistent character with the adjacent commercial mixed-use zoning yet providing nodes of green space, pedestrian pathways, and sight lines to The Green. Tree planters, sidewalk, and amenity zone improvements are also proposed along 1<sup>st</sup> Avenue. Along Clayton Lane and 1<sup>st</sup> Avenue, a protected, two-way cycle track will be constructed in addition to the sidewalk, tree, and amenity zone improvements, resulting in a private street that feels public and devoted to community use.

Goal 6 - *Build and maintain safe bicycle and pedestrian networks.* The Project will fill a major multi-modal gap in the citywide network through both internal and exterior infrastructure improvements. The Property’s large size and existing configuration as a maze of surface parking lots functions as a barrier to such connectivity, resulting in little to no opportunity to move comfortably and safely through the Property without a vehicle. This development pattern presents an opportunity to provide a uniquely pedestrian and multi-modal focused space, as the Project proposes. Unfortunately, although people walking and rolling represent only 5% of all commute trips in Denver, they represent 38% of all traffic deaths. Comp Plan, p. 42. As described throughout this Narrative, the Project will not only create bicycle and pedestrian networks but prioritize safety in design and intended use of such networks. The protected, two-way cycle track along Clayton Lane and 1<sup>st</sup> Avenue and the new at-grade crossing from the Property to the Cherry Creek Trail signify a commitment to prioritize safe multi-modal routes to and from the Cherry Creek Trail, as well as the greater Cherry Creek neighborhood.

d) Economically Diverse and Vibrant.

Goal 2 - *Grow a strong, diversified economy.* The Project will “[l]everage Denver’s community assets, outdoor lifestyle, quality parks and recreation amenities and natural environment to attract a wide range of talent, entrepreneurs and businesses” by enhancing an underutilized site. Comprehensive Plan, p. 46. By integrating a mix of uses, the Project offers the opportunity to increase the number of “rooftops” supporting the existing Cherry Creek residential and commercial core. The added commercial space within the Project will provide additional opportunities for current and future residents to also work in their community and do so without reliance on a vehicle. The uniqueness of the Property’s access to the Cherry Creek Trail and the opportunity to provide publicly-accessible space will allow the Project to mimic other

examples of successful mixed-use communities adjacent to significant public gathering and recreational opportunities.

*Goal 3 - Sustain and grow Denver's local neighborhood businesses.* In addition to providing opportunity for business growth within the Project, the Project design has intentionally defined physical spaces and sought flexible use permissions through the PUD-G zone district. At this early development phase, these decisions are essential to provide opportunity for small business elevation and diverse programming, like food and arts fairs, the long-standing Cherry Creek Farmers' Market, and a myriad of small-scale festivals and cultural events. As noted above, a development agreement will provide for equity commitments like providing a percentage of retail at below market rents and establishing community-focused incubator, non-profit, or social enterprise space.

e) Environmentally Resilient.

*Goal 1 - Mitigate climate impact by significantly reducing greenhouse gas emissions.* All buildings, including underground parking structures, in the Project will be designed and constructed to meet the Project's high performance energy goals in alignment with Denver's 2030 targets.

*Goal 4 - Integrate stormwater into the built environment by using green infrastructure to improve water quality and reduce runoff.* The Project will be a leader in environmentally sensitive stormwater management. By placing the vast majority of Project parking below ground, the Project will replace acres of existing impervious parking lot with an integrated design that leverages pervious surfaces, rainwater gardens, and landscape areas to substantially reduce the stormwater impact of the Property in its existing form. In addition, the Project's design incorporates water-efficient native landscapes that are designed to slow and filter on-site storm water before returning it to the Cherry Creek and utilizes a series of landscape and hardscape elements to slow and clean storm water flows.

*Goal 6 - Protect and expand Denver's green infrastructure network.* The Project increases publicly-accessible open space in the City with the addition of smaller green space nodes and The Green at the core of the Project. Additionally, the Project connects on-site green infrastructure to the Cherry Creek Trail and adjacent waterway forming an integrated network of natural spaces, which includes a substantial increase in urban tree canopy throughout the Project and along all external street frontages.

*Goal 8 - Clean our soils, conserve land and grow responsibly.* The Project promotes infill development in an area where infrastructure and services are already in place, but further proposes significant infrastructure improvements and removal of impervious surface area. As a mixed-use community, the Project will support residents' ability to live, work and play in their own neighborhood through extensive publicly-accessible spaces and walkability.

Goal 9 – *Protect and improve air quality*. The Project will contribute to improving Denver’s air quality by “reducing the use of single-occupancy vehicles, expanding the use of transit” (and non-vehicular travel), and developing a mixed-use, walkable neighborhood, as recommended at Comp Plan, p. 54. Additionally, the Project will add green spaces, landscaping, and trees, which are nearly absent from the Property in its current state.

f) Healthy and Active.

Goal 1 - *Create and enhance environments that support physical activity and healthy living*. The Project will “[p]romote walking, rolling and biking through the development of a safe and interconnected multimodal network” on site and to the larger neighborhood. Comp Plan, p. 58. The Project will incentivize non-vehicular transportation modes and provide publicly accessible spaces for recreation, an especially valuable resource for residents and visitors who do not have private outdoor space or easily accessible public outdoor space near their place of residence. In addition to physical health components, the PUD-G customizes permitted accessory uses in a manner that will ensure quality of life resources like cultural, food, and arts events are supported on the Property following redevelopment.

2. Blueprint Denver 2019 (“Blueprint”). Blueprint’s overarching vision is to provide for an inclusive city, calling for the following vision elements: “An Equitable City,” “A City of Complete Neighborhoods and Networks,” and “An Evolving City.” Blueprint, p. 28. The Project achieves these broad visions, and the specific recommendations of Blueprint, as follows:

a) *Future Neighborhood Context: Urban Center*. The Property falls within the “Urban Center” future neighborhood context. Blueprint, p. 139. Urban Center neighborhoods have (i) a high mix of uses throughout the area, with multi-unit residential typically in multi-story, mixed-use building forms; (ii) high levels of pedestrian and bicycle use and good access to high-capacity transit with minimal reliance on cars; and (iii) publicly accessible outdoor spaces and plazas. Blueprint, p. 137. The Project will include a mix of commercial and residential uses, multi-story buildings, pedestrian orientation with limited surface-level vehicular access, and green spaces seamlessly integrated throughout the urban landscape. Therefore, the Project is consistent with the Urban Center context.

b) *Future Place Type: Regional Center*. The Property falls within the “Regional Center” future places designation. Blueprint, p. 143. Regional Centers should “[p]rovide a dynamic environment of residential, dining, entertainment and shopping, while incorporating a diverse set of employment options. Larger-scale mixed-use buildings are common. Structures respond in form and mass to the streets and public spaces around them.” Blueprint, p. 144. Additionally, “heights are generally the tallest in the context and transition gradually within the center to the surrounding residential areas.” Blueprint, p. 256. The Project furthers these characteristics of the Regional Center place type, as it will contain a mix of uses, will be oriented around streets and publicly-accessible open spaces, and building heights are anticipated to be consistent with the tallest buildings in the surrounding Cherry Creek neighborhood. The Project will create a

highly walkable, vibrant place, provide access via a bicycle network, and rely on publicly-accessible open space and park nodes to “provide moments of relief from the more intense activity.” Blueprint, p. 144.

c) *Growth Areas Strategy: Regional Center.* Blueprint directs that Regional Center place types are projected to accommodate 50% of new jobs and 30% of new households through the year 2040. Blueprint, p. 51. Consistent with this goal, the Project will direct significant growth into a designated Regional Center.

d) In addition to the foregoing consistencies, the Project meets the following specific Blueprint policies:

Land Use and Built Form, General.

*Policy 1 – Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail and transit priority streets.* The Project will “use zoning and land use regulations”, such as the PUD and general rezoning process, to “encourage higher-density, mixed-use development” in a regional center. The PUD-G will permit tall building heights yet balance that density with mass reduction design elements and frequent open space nodes. Further, the Property is subject to the Cranmer Park View Plane, which will not be pierced by any buildings within the Project. The result will be an appropriate balance of density, variation in building design, and substantial access to air and light.

*Policy 2. Incentivize or require efficient development of land, especially in transit-rich areas.* The Project will advance this policy by incorporating dense development on the Property and will fulfill the community vision for a vibrant walkable neighborhood. The Property’s location along two transit priority streets will enable the Project to take advantage of existing and future transit along these corridors. The Project’s development will also result in the removal of surface parking and underutilized commercial space, neither of which advance Blueprint goals.

*Policy 8. Promote environmentally responsible and resource-efficient practices for the design, construction and demolition of buildings.* The Project will facilitate the enhancement of existing natural areas along the Cherry Creek Trail and will incorporate efficient storm water management practices to clean and slow flows. Building design and construction will meet the Project’s high performance energy goals in alignment with Denver’s 2030 targets.

*Policy 9. Promote coordinated development on large infill sites to ensure new development integrates with its surroundings and provides appropriate community benefits.* The Project has followed “the large development review process to coordinate infrastructure and open space on large infill sites while minimizing and mitigating negative impacts on surrounding communities.” Blueprint, p. 78. Blueprint specifically



notes “suburban-style shopping” areas as potential opportunities for infill development. As noted in the LDR Scope for the Project, the “site is highly consistent with the types of properties this policy was intended to address” and the “site’s characteristics, including its proximity to the creek, its prominent location, its current discontinuity with the surrounding neighborhood, its lack of multi-modal connectivity and lack of on-site open space make it an excellent candidate for LDR.”

Land Use and Built Form, Housing.

*Policy 6. Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities.* The Project’s residential component will cater to a wide range of income levels, including affordable units as described in Chapter 27, Article X, D.R.M.C. Residents of the newly constructed units will enjoy multi-modal access options resulting from the Property’s adjacency to transit priority streets and location along the Cherry Creek Trail. The mixed-use nature of the Project, as well as proximity to the Cherry Creek commercial core, will reduce reliance on personal vehicles and reduce trip generation.

*Policy 7. Expand family-friendly housing throughout the city.* The Project will include multi-bedroom residential units to enable families to live within the Project. Additionally, residential units within the Project will provide a lower-maintenance housing option surrounded by easily accessible amenities, and which does not require a personal vehicle to meet every day needs. This housing will appeal to intergenerational residents.

*Policy 8. Capture 80 percent of new housing growth in regional centers, community centers, and corridors, high-intensity residential areas, greenfield residential areas, innovation flex districts and university campus districts.* The Project will provide the intentional, well-directed growth that the City requires in order to achieve city-wide equity goals, develop complete neighborhoods, and improve multimodal transportation. The PUD-G will provide a substantial amount of new housing in a full-service community supported by a mix of services, abundant green space, and multi-modal transportation options.

Land Use and Built Form, Economics.

*Policy 2. Improve equitable access to employment areas throughout the City to ensure all residents can connect to employment opportunities.* As noted in Blueprint, p. 90, the Cherry Creek neighborhood is a highly dense employment area. The Project will provide a mix of housing options in a location with existing nearby employment options, as well as create additional employment options within the Project. The prioritization of housing options that serve a broad range of income levels will provide a significant amount of accessible housing to existing and future Cherry Creek employees who support the

successful commercial core of the neighborhood, and who will enjoy convenient access to employment options. Further, the infrastructure improvements, such as significant multi-modal infrastructure and accessibility to public transit will allow future residents to easily access other employment hubs like the Downtown neighborhood. For example, a future resident commuting Downtown could drive, take public transit, or enjoy an estimated 3.5-mile bike ride along the Cherry Creek Trail.

Land Use and Built Form, Design Quality and Preservation.

*Policy 3. Create exceptional design outcomes in key centers and corridors.* The Property is located within a high-profile Regional Center. The Large Development Review process, exceptional design expectations by the Applicant, and reliance on community input will ensure a high-end, inclusive Project. In addition to development and design standards secured by the underlying C-CCN-12 base zone district, the Project will adhere to design guidelines and standards as a new subarea within the Cherry Creek North Design Standards & Guidelines, which is overseen by the Cherry Creek North Design Advisory Board. These urban design standards and guidelines reflect consistency in design and quality of neighboring CCN-zoned properties, while recognizing the Project's unique identity.

*Policy 4. Ensure an active and pedestrian friendly environment that provides a true mixed-use character in centers and corridors.* The Project will incorporate (i) activated street level uses with upper-story residential uses, (ii) below-grade vehicle parking, and (iii) coexistent retail, community, and recreation uses within a single development. The Project will develop without alleyways, resulting in a fully activated space with consistent transparency and active use along building frontages, as well as open and green spaces, and little pedestrian or multi-modal conflict with vehicles. These design characteristics are the result of using the PUD-G to customize C-CCN-12 and create a uniquely pedestrian-focused Project.

*Policy 7. Improve requirements for landscaping, with a focus on climate-appropriate vegetation, for private property.* Great attention will be given to connect residents and visitors alike to the natural and adapted Colorado, Front Range environment. The Project will showcase the very best of water-wise native plants, planned and managed with the goal of reducing urban heat island effect and substantially increasing the urban tree canopy on the Property.

Land Use and Built Form, Mobility.

*Policy 1. Encourage mode-shift – more trips by walking and rolling, biking and transit – through efficient land use and infrastructure improvements.* Blueprint, p. 108 correctly notes that “Denver streets are built out – in most areas of the City there is no room to build or widen streets...” The Property and Project present a major opportunity to create

just that – new infrastructure, in a manner that recognizes the City’s present-day need for well-amenitized multi-modal transportation infrastructure and doing so in a mixed-use Regional Center.

*Policy 3. On all streets, prioritize people walking and rolling over other modes of transportation.* The Project’s framework prioritizes pedestrians and alternative mobility options by limiting vehicular traffic in the Project’s core, integrating a protected, two-way cycle track along each Clayton Lane and 1<sup>st</sup> Avenue, and providing a major multi-modal connection between Cherry Creek North and the Cherry Creek Trail. Notably, the Property is bounded on two sides by roadways, University Boulevard and 1<sup>st</sup> Avenue, identified as Tier 2 on the Vision Zero High Injury Network <sup>2</sup>. As described above, the Project improvements will improve the pedestrian space with both safety and design measures along these prominent Property boundaries. The Project will provide a dedicated pedestrian crossing from the Property to the Cherry Creek Trail across Cherry Creek North Drive. The Applicant proposes to improve the existing Cherry Creek Trail with the addition of pedestrian lighting, enhanced landscape buffering, and a new crusher fine trail alongside the bike path, which will serve as a natural gravel-like trail for pedestrian users. These creek-side improvements were developed in coordination with Denver Parks in an effort to increase connectivity to and user experience of the Cherry Creek Trail without impacting the creek bank.

#### Quality of Life Infrastructure.

*Policy 3. Minimize flooding and effectively manage stormwater as part of a larger integrated ecological system.* The Project will provide an example of superior environmentally sensitive storm water management. By placing the vast majority of Project parking below ground, the Project will replace acres of existing impervious parking lot with an integrated design that leverages pervious surfaces, rainwater gardens, and landscape areas to substantially reduce the stormwater impact of the Property in its existing form. In addition, the Project’s design incorporates water-efficient native landscapes that are designed to slow and filter on-site storm water before returning it to the Cherry Creek.

*Policy 5. Ensure attractive streets and outdoor spaces in all centers and corridors, giving priority to pedestrian spaces and amenities.* The Project will meet this policy through (i) utilizing street design that minimizes impervious surfaces, (ii) prioritizing pedestrians and encouraging gathering and socializing through the Project design and layout, and (iii) ensuring access to the City’s natural realm accompanied by the comforts of shade, walkways, and adjacent amenities. In addition to development and design standards secured by the underlying C-CCN-12 base zone district, the Project will adhere to urban

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<sup>2</sup> <https://www.denvergov.org/files/assets/public/v/4/vision-zero/documents/denver-vision-zero-action-plan.pdf>

design standards and guidelines to reflect consistency in design and quality of neighboring CCN-zoned properties, while recognizing the Project's unique identity.

3. Cherry Creek Area Plan (2012) ("CCAP").

a) *CCAP Goals and Policies*. The Project is consistent with the CCAP's core principle of creating a successful mixed-use district surrounded by residential neighborhoods. CCAP, p. 7. The Project will also meet the specific goals and policies of the CCAP as follows:

*A.1 – Connect to the Region*. The Project will provide connectivity between the greater Cherry Creek neighborhood and the Cherry Creek Trail, and also presents an opportunity for increased transit usage, given the Property's location along two transit priority streets. Existing and future transit improvements will reinforce the multi-modal nature of the Project and ensure future residents and visitors various safe, accessible options to access the Project and greater Cherry Creek neighborhood.

*A.2 – A Walkable Cherry Creek*. The Project will integrate pedestrian enhancement options in the areas identified as a Pedestrian Priority Zone at CCAP p. 17, incorporating full ADA compliance, detached sidewalks and pedestrian networks, street trees, vegetated tree lawns, landscaped planters, pedestrian lighting, outdoor seating areas, trash receptacles, and wayfinding signage. Notably, the Project will improve two identified Pedestrian Priority Intersections along 1<sup>st</sup> Avenue, which also serve as major connection points to Cherry Creek North.

*A.3 – A Bikeable Cherry Creek*. Denver Moves recommends more intuitive connections between the Cherry Creek Trail, surrounding neighborhoods, and Cherry Creek North. The Project will provide a major connection point from the Cherry Creek Trail to the Project by way of the at-grade Cherry Creek North Drive improvements, internal publicly-accessible open spaces, pedestrian walkways, and a new protected, two-way cycle track along Clayton Lane and 1<sup>st</sup> Avenue.

*B.1 – Target Growth Appropriately*. The Property was designated as an Area of Change in Blueprint Denver (2002) and remained an Area of Change in the CCAP. CCAP, p. 29.

*B.1.B – Areas of Change*. CCAP acknowledges that "Cherry Creek must continue to grow and change" and that "[i]n order for this growth to occur in a way that reinforces the quality of life for Cherry Creek residents, the bulk of this growth should occur in [Areas of Change] rather than stable neighborhoods." *Id.* The Project exemplifies this goal by promoting growth without disturbance to existing neighborhoods. Further, the Project will rely on modified "zoning regulations and design guidelines" as explicitly recommended for Areas of Change. *Id.*

The Project will promote reinvestment in a growth area, as well as a high level of pedestrian activity through a variety of features, provide comfortable multi-modal public access, and reinforce a sense of place unique to Cherry Creek particularly by drawing attention to the waterway. In addition, the Project will reinforce the goal of maintaining higher-density development along 1<sup>st</sup> Avenue, thus avoiding the addition of tall buildings and high-density development in existing low-density residential neighborhoods.

*B.2 – Enhance the Pedestrian Nature and Character.* The Project will “promote high levels of pedestrian activity including pedestrian lighting, seating, landscaping, trash receptacles, and bike racks as appropriate to the area’s character.” CCAP, p. 30. The publicly-accessible space within the Project will provide a variety of access options for visitors to the Property from all directions, including four publicly-accessible mid-block paseos running north-south, the internal private street connections, and safe corridors between the Cherry Creek Trail and the Property. The Project will integrate pedestrian-scaled design concepts like ground level transparency, strategic air flow, and access to natural light.

*B.3 – Concentrate Economic Activity*

*B.3.A – Concentrate Higher Intensity Mixed-Use Buildings Along Multi-Modal Streets, Major Intersections and Major Public Open Spaces.* Cherry Creek’s high intensity nodes are appropriate for increased development intensity include major intersections like 1<sup>st</sup> Avenue and University Boulevard, situated at the northwest corner of the Property, and the Cherry Creek Greenway, directly south of the Property. As recommended at CCAP, p. 32, new development, such as the Project, will “reinforce the pedestrian scale and character of Cherry Creek,” structures will “enhance pedestrian experience with active uses” and an improved streetscape throughout the entirety of the Project, and the Project will incorporate “a unique identifying character along 1st Avenue” with multiple pedestrian access points and sight lines into the heart of the Project.

*B.4 – Great Neighborhoods.* Cherry Creek North has seen an introduction of high quality urban design introduced into a former pattern of renovated and obsolete commercial space. This emergence of quality, design integrity and mix of uses has set the standard for future development. The Project will continue and extend the existing design of active streetscapes with layers of pedestrian amenities and adjoining active retail space.

*C.1 – Cherry Creek Greenway.* The Project will improve visual and physical access to the Cherry Creek Greenway and direct, safe access to the Cherry Creek Trail. The CCAP specifically recommends “[t]hrough redevelopment of the west side of the shopping center to create a vibrant link to the Greenway through additional plazas and/or a bike/ped bridge...” CCAP, p. 39. The Project proposes to provide this missing connection point with a dedicated pedestrian crossing from the Property to the Cherry Creek Trail across

Cherry Creek North Drive. The Applicant proposes to improve the existing Cherry Creek Trail with the addition of pedestrian lighting, enhanced landscape buffering, and a new crusher fine trail alongside the bike path, which will serve as a natural gravel-like trail for pedestrian users. These creek-side improvements were developed in coordination with Denver Parks in an effort to increase connectivity to and user experience of the Cherry Creek Trail without impacting the creek bank.

*C.3 – Streets and Streetscapes.* The Project will enhance the public realm through the creation of new privately-owned publicly-accessible spaces. As noted in the CCAP, privately-owned public spaces activate a place and Cherry Creek is home to many successful privately-owned public spaces. The Project includes large swaths of publicly-accessible green space, space for community-centered events, and opportunity to access the already valuable, yet underutilized, Cherry Creek Trail.

*D.1 – Economic Vitality.* Cherry Creek neighborhoods are recognized for their high quality of life. All of the plan recommendations must contribute to complementing the elements that make it attractive to live, work, shop, and play in Cherry Creek.

*D.1.A – Synergistic Mix of Use.* The Project will continue the Cherry Creek Area’s reliance on a diverse mix of uses. The Project will provide additional retail uses adjacent to both the Shopping Center and Cherry Creek North, as well as office space, a mix of housing options, and dispersed open space to accommodate residents, employees, and visitors within the Project.

*D.1.B – More Housing.* CCAP, p. 46 notes that “the greatest potential for new residential is as a part of mixed-use development in the Shopping District,” which includes the Property. The Project will incorporate a mix of housing options within a mixed-use.

*D.1.D – Walkability Equals Prosperity.* Although most of the Cherry Creek area has adequate sidewalks, the Property maintains sidewalks only along 1<sup>st</sup> Avenue and Clayton Lane, and no internal pedestrian or multi-modal connections. The Project will provide exemplary pedestrian and multi-modal connections around and through the Property. The Project’s framework prioritizes pedestrians and alternative mobility options by limiting vehicular traffic throughout the Project’s core and creating multiple pedestrian access and movement corridors. Notably, the Project will integrate a protected, two-way cycle track along Clayton Lane and 1<sup>st</sup> Avenue, providing a major multi-modal connection between Cherry Creek North and the Cherry Creek Trail. The Project will create the new internal R Street, providing a connection between University Boulevard and Clayton Lane, but maintaining pedestrian-forward design by integrating speed reduction elements and slow zones where pedestrians and vehicles share the space. Finally, the Project will provide a dedicated pedestrian crossing from the Property to the Cherry Creek Trail across

Cherry Creek North Drive. The Applicant proposes to improve the existing Cherry Creek Trail with the addition of pedestrian lighting, enhanced landscape buffering, and a new crusher fine trail alongside the bike path, which will serve as a natural gravel-like trail for pedestrian users.

*D.1.E – Creating Community.* Having places and events where people can meet formally and informally is an important attribute of a healthy neighborhood. CCAP, p. 47. The Project will create opportunities for these formal and informal connections, where community members can run into each other on the sidewalk, at an outdoor patio, while enjoying The Green, or attending programmed events like the Farmers’ Market. The Project will provide endless opportunities for new and continued connections, as it will be accessible to and developed for all community members.

*D.2 – Reinvesting in the Future.*

*D.2.A – Local Character/National Prominence.* The CCAP recognizes that the “Shopping Center has sites at the east and west end, as well as along the Greenway that will benefit from more intense development.” CCAP, p. 48. The proposed Project, situated at the west end, will provide this more intense development, while balancing the relationship between Cherry Creek North and the Cherry Creek Shopping Center through consistent urban design standards and guidelines and exemplary pedestrian and multi-modal connections.

*D.2.B – Development Opportunities.* The CCAP specifically identifies the Property as a key development opportunity. Although much of the Cherry Creek neighborhood has seen significant redevelopment, the continued development and reinvestment presented by the Project will reinforce Cherry Creek’s unique identity in the region as a regional retail center and exciting mixed-use community. *Id.* The Project continues the identity of a retail hub, while integrating housing and mixed uses to increase community vitality. The draw of residents and visitors to the Project will substantially increase the numbers of residents and visitors within walking distance of surrounding businesses.

*D.2.C – High Quality Development.* In addition to development and design standards secured by the underlying C-CCN-12 base zone district, the Project will adhere to design guidelines and standards as a new subarea within the Cherry Creek North Design Standards & Guidelines, which is overseen by the Cherry Creek North Design Advisory Board. These urban design standards and guidelines will reflect consistency in design and quality of neighboring CCN-zoned properties, while recognizing the Project’s unique identity.

*D.2.D – Multi-Modal Streets.* The CCAP notes that “[m]uch of the Shopping District’s success depends on people being able to access the area from all directions on the street network.” The Project will provide exemplary pedestrian and multi-modal connections around and through the Property. The Project’s framework prioritizes pedestrians and alternative mobility options by limiting vehicular traffic throughout the Project’s core and creating multiple pedestrian access and movement corridors. Notably, the Project will integrate a protected, two-way cycle track along Clayton Lane and 1<sup>st</sup> Avenue, providing a major multi-modal connection between Cherry Creek North and the Cherry Creek Trail. The Project will create the new internal R Street, providing a connection between University Boulevard and Clayton Lane, but maintaining pedestrian-forward design by integrating speed reduction elements and slow zones where pedestrians and vehicles share the space. Finally, the Project will provide a dedicated pedestrian crossing from the Property to the Cherry Creek Trail across Cherry Creek North Drive. The Applicant proposes to improve the existing Cherry Creek Trail with the addition of pedestrian lighting, enhanced landscape buffering, and a new crusher fine trail alongside the bike path, which will serve as a natural gravel-like trail for pedestrian users.

*D.3 – Organization and Identity.* The Project is anticipated to be a destination providing retail and recreation opportunities.

*D.3.B – Perimeter Street Gateways.* The intersection at University Boulevard and 1<sup>st</sup> Avenue is a gateway to the Project and neighborhood, which can serve to reinforce the area’s identity through design continuity of the Cherry Creek neighborhood without sacrificing the unique character of the Project. The Applicant proposes to provide multiple connection points via 1<sup>st</sup> Avenue, through mid-block paseos, and, notably, provide a visual connection from 1<sup>st</sup> Avenue to the heart of the Project, inviting visitors to enjoy the Property.

- b) *CCAP – Subarea Recommendations: Entire Cherry Creek Shopping District.* The Cherry Creek Shopping District, including the area known as Cherry Creek West and Cherry Creek North, is designated in the CCAP as an area of change. Its central location, existing mixture of high-end retail, economic development opportunities, walkable streets, and access to regional multi-modal connections create an ideal location for encouraging additional residential and employment growth. This desire for growth is reiterated in the CCAP building heights graphic, which contemplates building heights across the Cherry Creek Shopping District and includes the Property within areas appropriate for the tallest building heights in the area. Thus, the Project is consistent with all recommendations provided. CCAP, p. 63.
- c) *CCAP – Key Issues: Cherry Creek Shopping Center.* All “Key Issues” related to the Cherry Creek Shopping Center and identified in the CCAP support the Project as follows:



*Redevelopment potential.* The Property is identified as a redevelopment opportunity due to its large, contiguous space.

*Limitations of current zoning.* The shopping center's current zoning is identified in the CCAP as not providing a predictable set of building forms or patterns. The requested PUD-G zone district largely adheres to the C-CCN zone district, which characterizes the majority of the adjacent business district that is Cherry Creek North. The PUD-G permits the Cherry Creek General building form.

*Long Term Success.* The Cherry Creek shopping center has evolved over time to meet the needs of the regional customer base. This Project will expand the array of retail options to this customer base, and further build upon the local neighborhood shopping district in the Cherry Creek neighborhood.

*Shopping Center as superblock.* The Property has historically been arranged within a superblock, as is typical of regional shopping center sites. The Project will include R Street, as well as a north-south connection from the center of the Property to 1<sup>st</sup> Avenue. Each of the private, internal streets will break up the long-standing superblock and ensure greater accessibility.

*Relationship to Greenway.* The relationship between the Shopping Center and Cherry Creek Greenway is presently diminished due to the placement of the shopping center parking garages. Plazas connecting the Shopping Center and the Cherry Creek Greenway lack vibrancy. The Project proposes a clear solution by providing a gateway from the shopping area to the Cherry Creek Greenway through enhanced multi-modal infrastructure.

d) *CCAP – Subarea Recommendations: Cherry Creek Shopping Center.* All Recommendations related to the Cherry Creek Shopping Center and identified in the CCAP are acknowledged by the Project as follows:

*Support Appropriate Change.* “The long-term vision for the Shopping Center as stated in the 2000 Neighborhood plan and further refined in [the CCAP] includes greater density at the east and west ends, as well as a greater mix of uses that may include higher intensity mixed-use office, hotel and residential along with ground floor retail.” CCAP, p. 60. The Project will provide balanced, yet dense development on the Property with a mix of primary uses, incorporated into mixed use structures. Additionally, the arrangement of buildings throughout the Project will reinforce key intersections, like 1<sup>st</sup> Avenue and University Boulevard, connect the Property to the Cherry Creek Greenway, and prioritize pedestrians navigating through and around the Property.

*Utilize Appropriate Land Use Regulations.* The redevelopment of the Property will “establish improved visual and physical connections across 1st Avenue” through

continuity in building design between Cherry Creek North and the Project, pedestrian and multi-modal linkage points, and creation of a community-focused space. In addition to the form and context based zoning regulations provided for by the base C-CCN-12 zone district, the Project will be regulated by urban design standards and guidelines developed by the collaborative efforts of the City and Applicant. Additionally, the Project underwent the Large Development Review process and is currently completing the Infrastructure Master Plan process – ensuring a planning approach that values consideration of all interested parties and experts in their respective fields.

*Embrace Continued Evolution.* The Project will “embrace [the Shopping Center’s] regional function while providing pedestrian scale, orientation and circulation.” *Id.* The Project will provide exemplary pedestrian and multi-modal connections around and through the Property. The Project’s framework prioritizes pedestrians and alternative mobility options by limiting vehicular traffic throughout the Project’s core and creating multiple pedestrian access and movement corridors. The Project will provide consistent open space nodes of varying sizes to accommodate a variety of passive recreation uses and highlight accessibility by walking and rolling.

*Create Welcoming Portals.* “All of the edges of the Shopping Center need well-defined portals for pedestrians and bicyclists and automobiles...To the extent possible, provide physical and visual connections to soften the seams and edges between 1st Avenue and the Greenway.” CCAP, p. 60. The Project will provide enhanced pedestrian infrastructure along all boundaries, including four mid-block paseo connections, the R Street connection between University Boulevard and Clayton Lane for vehicular use, and protected, two-lane cycle tracks along 1<sup>st</sup> Avenue and Clayton Lane. The Project will provide visual connections to the Cherry Creek Greenway via the north-south connection street from the center of the Property to 1<sup>st</sup> Avenue. The Green, in the central portion of the Property, will ensure buildings do not conflict with the newly established visual connections between 1<sup>st</sup> Avenue and the Cherry Creek Greenway.

*Celebrate the Greenway.* In addition to the many pedestrian and multi-modal improvements to allow better connectivity to and from the Cherry Creek Greenway, the Applicant proposes to improve the existing Cherry Creek Trail with the addition of pedestrian lighting, enhanced landscape buffering, and a new crusher fine trail alongside the bike path, which will serve as a natural gravel-like trail for pedestrian users. These creek-side improvements were developed in coordination with Denver Parks in an effort to increase connectivity to and user experience of the Cherry Creek Trail without impacting the creek bank.

4. Additional Plan Guidance.

a) *Vision Zero.*

In 2016, Denver announced its commitment to Vision Zero: to eliminate all traffic-related deaths and serious injuries on Denver’s roadways by 2030. This transportation philosophy recognizes that no other goal is acceptable, and that everyone has the right to safely travel on City streets no matter where they are going and how they travel. As a result, Denver collaborated across many departments to develop the Vision Zero Action Plan. This plan recognizes five primary needs that represent Denver’s priorities for achieving Vision Zero: (i) enhance City processes and collaboration; (ii) build safe streets for everyone; (iii) create safe speeds; (iv) promote a culture of safety; and (v) improve data and be transparent.

The Project supports these goals by creating a unique space in the City where individuals may enjoy an urban space without concern over vehicular-related risk and discomfort. By separating incompatible modes of transportation (pedestrian and vehicular) this Project provides an opportunity to fully realize the potential of truly pedestrian focused spaces where safe speeds are mandated by street design, resulting in safe movement for individuals of all mobility abilities. Further, the internal capture approach of a single, underground parking garage is expected to encourage users to park once, then enjoy the Project by walking or rolling.

b) *Denver Moves.*

Denver Moves: Pedestrians & Trails is a long-term, community-developed plan for achieving a vision for walking and trails in Denver. The Project will support each of the plan’s goals and performance standards, but in particular will provide (i) a complete network of well maintained, ADA-compliant sidewalks, walkways and crossings for users of all abilities, (ii) direct access to key destinations, and (iii) a safe network of pedestrian facilities that enables walking as a comfortable transportation mode.

Denver Moves: Cherry Creek is a year-long planning effort to develop a cohesive strategy for infrastructure development that achieves the City’s mobility goals in the Cherry Creek neighborhood and surrounding area. The Applicant is a committed member of the Denver Moves: Cherry Creek planning process, as evidenced by joining the steering committee and attending all related meetings, both virtual and in-person. Through this process, the steering committee developed priority multi-modal network recommendations, which the Applicant has integrated into the Project, including the protected, two-way cycle track along 1<sup>st</sup> Avenue and Clayton Lane, improved bus transit facilities, and an enhanced 1<sup>st</sup> Avenue pedestrian connection at Clayton Lane.

c) *Go Speer Leetsdale Corridor Study.*

The vision for Speer Boulevard/First Avenue/Leetsdale Drive, as one of Denver’s busiest and most important corridors, is a place where:

- Transportation systems and facilities contribute to “complete communities” by promoting choices for the comfortable and efficient movement of people and goods.
- There is a viable choice to leave automobiles at home and take advantage of efficient, safe, well maintained, comfortable, and seamless network of transit and accessible pedestrian and bicycle routes.
- Technology advances “out of the lab” and onto the street in support of an innovative and highly function multimodal corridor.

The Project has the potential to increase 1<sup>st</sup> Avenue efficiency and multi-modal connectivity by filling gaps in the bike network—particularly along 1st Avenue by adding a pedestrian and bicycle crosswalk at the west side of the 1st Avenue and Clayton Lane intersection and along Clayton Lane and 1<sup>st</sup> Avenue by providing a protected, two-way cycle track along each to connect Cherry Creek North to the Cherry Creek Trail.

B. Uniformity of District Regulations and Restrictions. The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

Approval of the Rezoning will result in the uniform application of building form, use, and design regulations. The PUD-G will largely utilize the C-CCN-12 zone district regulations and, particularly, implement the Cherry Creek General building form. Any modifications to these standards are addressed in the proposed PUD District Plan and summarized in Attachment A – Summary of Deviations from Standard Zone District submitted with this Application.

C. Public Health, Safety and General Welfare. The proposed Rezoning furthers the public health, safety and general welfare of the City. Code § 12.4.10.7.C. In addition to implementing the City’s adopted land use plans, as set forth in Section III.A, it will specifically provide the following:

- Housing Need. As evidenced by the City’s adopted land use plans and Expanding Housing Affordability Ordinance, there is a clear need for more affordable housing throughout the City. This Project provides affordable units pursuant to Chapter 27, Article X, D.R.M.C. situated in a high-equity area in terms of access to opportunities like healthcare, built environment, and transit. As noted above, the census tract within which the Property is located maintains a median land

value of \$202.30<sup>3</sup> – one of the highest in the City – signifying a compelling need for low-to-moderate income housing that the Project will deliver.

- Safety in Infrastructure. The Project will create public spaces that prioritize pedestrians and multi-modal users, not only due to the extensive network of connections, but through design as well. Currently, the Property is devoid of activity and supportive infrastructure. The Project will provide lighting, landscaping, tree cover, and designated connections through and around the Property to ensure residents and visitors feel safe. Further, all community members should find use of the Property. From residents to employees to visitors of both private and public spaces, like the extensive green space, there will be an opportunity to find belonging and community.
- Healthy Spaces. The Project design is intended to further access to health – both mental and physical. The Project will provide ample passive and active recreation spaces, building and streetscape design that prioritizes access to light and clean air, as well as function as a catalyst for human connection that cities may find themselves lacking in recent years.

#### IV. Review Criteria for Non-Legislative Rezoning.

A. Justifying Circumstances. Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: (a) changed or changing conditions in a particular area, or in the City generally; or (b) a City adopted plan; or (c) that the City adopted the Code and the property retained Former Chapter 59 zoning. Code § 12.4.10.8.A.4. Though only one of the three potential justifying circumstances is required, the Rezoning satisfies the criteria in both clauses (b) and (c), as follows:

With respect to clause (b), Comprehensive Plan 2040 was adopted in 2019, Blueprint Denver was adopted in 2002, and updated in 2019, and the Cherry Creek Area Plan was adopted in 2012, all following the initial zoning of the Property to the B-3 zone district under the Former Chapter 59 zoning code. As described in Section III.A above, City adopted plans prioritize equity, multi-modal transportation, economic diversity, environmental resilience, and health. The existing B-3 zone district limits both the use and density of development on the Property, which, while appropriate in certain areas of the City, is no longer supported in this location by City-adopted plans. Rezoning the Property to PUD-G, with a CCN-12 base zone district, will permit a greater mix of uses, increase the availability of housing at a range of affordability levels, and ensure the public realm, and pedestrian experience, is prioritized by the Project.

With respect to clause (c), the Property is currently zoned under the Former Chapter 59 zoning code. The proposed rezoning would re-designate the Property under the modern Code and better align with the City's current plans for the area.

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<sup>3</sup>[https://denvergov.org/files/assets/public/v/2/community-planning-and-development/documents/zoning/text-amendments/housing-affordability/high\\_cost\\_markets\\_vs\\_typical\\_markets\\_map.pdf](https://denvergov.org/files/assets/public/v/2/community-planning-and-development/documents/zoning/text-amendments/housing-affordability/high_cost_markets_vs_typical_markets_map.pdf)

B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements. The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. Code § 12.4.10.8.B.

The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district. The Application proposes to rezone the Property from B-3 to PUD-G. Although a PUD zone district is a customized zone district, the PUD-G zone district is based upon the City’s C-CCN-12 zone district and applies customized C-CCN-12 zone district standards to all frontages of the Property, including along private streets.

The Urban Center Neighborhood Context consists of multi-unit residential and mixed-use commercial strips and commercial centers, as well as consistent block sizes, pedestrian-supportive design such as detached sidewalks and landscaping, shallow building setbacks, moderate to high building heights, and high levels of pedestrian and bicycle use with the greatest access to multi-modal transportation. Code § 7.1. The base zone district, Cherry Creek North, should “promote development compatible with the character of the Cherry Creek North mixed use shopping district.” Code § 7.2.5.1. Further, Cherry Creek North zone districts are characterized by open space incentives and building forms that allow light and views between buildings – key components of the Project.

In line with the general purpose of Cherry Creek North zone districts, the Application will support delivery of an activated, pedestrian-focused development that (1) enhances the unique character of the area and maintains consistent, yet unique design with Cherry Creek North; (2) triggers reinvest in an area that will invoke benefits throughout Cherry Creek; (3) maximizes healthy, active public spaces; and (4) prevents monolithic streetscapes. The Project meets the purpose and intent of the base C-CCN-12 zone district, as well as the overlying PUD-G, as described in Section V.A.

## V. PUD Review Criteria.

A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code. Code § 12.4.10.9.A.

The general purpose of a PUD District is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections for the more prescriptive requirements in the Code. The PUD District is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided. Code § 9.6.1.1.

As noted at Code § 9.6.1.1.B. “unique and extraordinary circumstances” include circumstances “[w]here the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful, phased development,” as is the case for the Project. The Project maintains a unique ownership structure whereby the landowner, a charitable foundation, is obligated under its foundation’s mission to thoughtfully maintain revenues driven by this Property to infuse

back into its community impact initiatives. For this reason, the Project must develop within the bounds of both the foundation's and the City's best interest, resulting in a customized approach (i.e., a PUD) as the best zoning tool to ensure a Project that aligns with City regulations, goals, and policies. For example, the landowner will maintain ownership of private streets, which prompts a customized zoning approach for such streets to maintain the look and feel of public streets in order to create a sense of community and inclusivity.

In return for the flexibility in site design, the PUD-G will provide significant public benefit, including:

- *Diversification in the use of land.* The PUD-G will permit all uses permitted under the C-CCN-12 zone district and increase flexibility in certain temporary uses in order to increase the opportunity for community events within the Project.
- *Innovation in development.* The PUD-G will support a large-scale pedestrian-focused development that has a unique opportunity to develop under a consistent design plan. Such planning and design efforts will result in a high-quality, cohesive Project with the ability to maximize open space and, more generally, activate public spaces.
- *Exemplary pedestrian connections and amenities.* The PUD-G is essential to apply City-regulated building design standards to the private streets, which will ensure consistently pedestrian-focused principles are evident throughout the Project.
- *Development patterns compatible in character and design with nearby areas.* The PUD-G allows for customization but is heavily based on the C-CCN-12 zone district. The C-CCN zone district is consistently applied to properties to the north and northeast of the Property.
- *Goals and objectives of the Comprehensive Plan.* See Section III.A.1, which details the Project's robust consistency with the City's Comp Plan.

B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6. Code § 12.4.10.9.B.

The PUD-G and PUD District Plan will comply with all standards and criteria stated in Division 9.6, inclusive of all PUD District Plan contents and applicable procedures.

C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions. Code § 12.4.10.9.C.

Due to the unique and extraordinary circumstances described in Section V.A, the development proposed on the subject property is not feasible under any other zone district. If a conventional zone district were utilized, waivers and conditions with respect to building standards and permitted uses would be necessary. Further, the base C-CCN-12 zone district is the most appropriate zone district to further City goals and policies, except with respect to affordable housing. Code Section 10.12.1.1

encourages development of additional affordable housing beyond mandatory requirements in exchange for providing flexibility in building height in certain zone districts. The Code does not include C-CCN-12 as an applicable zone district. Therefore, the PUD-G has been customized to moderately increase the permitted maximum height to reflect commitments made in proportion to the High Impact Compliance Plan, and subject to the Cranmer Park View Plane. Additionally, the Project has been designed to prioritize a consistent, activated public realm throughout the entirety of the Property by developing without alleyways. The result is a PUD-G that applies public street standards to private streets, transparency and active use along all street frontages, and expansive nodes of open, green, and pedestrian-oriented spaces than would not be possible under the standard C-CCN-12 zone district.

D. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property. Code § 12.4.10.9.D.

The PUD-G and PUD District Plan permit all uses permitted under the C-CCN-12 zone district, ensuring compatibility with adjacent C-CCN zoned properties. To the east of the Property sits the Cherry Creek shopping center, which is zoned B-3 and used purely for retail uses. Directly south of the Property, the Cherry Creek and surrounding corridor, zoned Open Space, is used for passive and active recreation. The Project is not only consistent with but greatly increases opportunities for residents and visitors to access the Cherry Creek Trail and do so safely. Further south, roughly 350 feet from the southern boundary of the Project, exist multi-family residential developments that will greatly benefit from being located in short walking distance to the Project's community offerings.

E. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design). Code § 12.4.10.9.E.

The PUD-G and PUD District Plan will utilize the Cherry Creek General building form with minor deviations as set forth in Attachment A.

**VI. Conclusion.**

For the foregoing reasons, the Application meets and complies with the applicable rezoning criteria. As such, on behalf of the Applicant, we respectfully request that the City approve the Application.

Sincerely,



Diana Caruso Jenkins  
For the Firm



## Exhibit A

### **I. Community Outreach Summary for Cherry Creek West**

Starting in November of 2021, the Applicant and the project team has been meeting, presenting, and corresponding proactively with community groups, neighbors, adjacent property owners, business groups, and other interested parties in the Cherry Creek area and greater community. Given the importance of the Property, the Applicant has taken an expansive approach to meeting with Registered Neighborhood Organizations (RNOs) and other organizations in the area. The Applicant kicked off the Large Development Review (LDR) process in November 2021 with a press release ensuring broad media attention for the purpose of providing information and awareness to the public. Additionally, the Applicant created a website (<https://cherrycreekwest.com/>) where people from the public can view project information, learn about updates, sign up for more information, view answers to frequently asked questions (FAQs), and contact the project team.

To date, the Applicant and project team have held multiple meetings and presentations with the following listed organizations, amongst others:

1. **Cherry Creek Steering Committee**
2. **Cherry Creek North Neighborhood Association**
3. **Country Club Historic Neighborhood Association**
4. **Cherry Creek East Association**
5. **HOAs: Miller Park; Polo Club; 2700 E. Cherry Creek Drive; Monroe Point**
6. **Cherry Creek North BID and Cherry Creek Business Alliance**
7. **Cherry Creek Chamber of Commerce**
8. **Transportation Solutions**
9. **Denver Country Club – Long Range Planning Committee**
10. **Greenway Foundation**
11. **Denver Streets Partnership**
12. **Historic Denver**

Through the strong organization, inclusiveness, and regular meetings & coordination of the **Cherry Creek Steering Committee**, which includes the RNOs and Cherry Creek organizations above, the Applicant and project team have been able to present and discuss the Project and answer questions with a broader set of neighbors north of 6<sup>th</sup> Avenue, south of Cherry Creek, and east of Colorado Blvd including the Hilltop Neighborhood Association. We have also met with the Denver Country Club Long Range Planning Committee on multiple occasions.

The project team has met with countless individuals and provided 30+ presentations during the LDR process. The Applicant and project team held a **Community Information Meeting (CIM)** in August of 2022 (over 200 attendees) and a subsequent **Community Meeting and Open House** in August of 2023 with over 100 attendees. Further, the Applicant mailed postcards to an expanded area surrounding the Property for both community meetings. In both of these public meetings, the project team was able to respond to countless questions from neighbors and interested stakeholders.

The Applicant and project team hosted a tent and pop up station during **Bike to Work Day** in June 2023 to highlight the unique opportunity next to the Cherry Creek Trail and provide information on the Project, an opportunity to sign up for information, and refreshments for bikers and walkers on the trail. Additionally, the Applicant has partnered with numerous local organizations to present and provide information at the following local events:

1. **Transportation Solutions – The Road Home (2022, 2023, 2024)**
2. **Cherry Creek Arts Festival (2022, 2023)**
3. **Cherry Creek Alliance – State of Cherry Creek (2022, 2023)**
4. **Cherry Creek Chamber – Annual Luncheon (2022) and Annual Walking Tour (2023)**
5. **NAIOP Cherry Creek Walking Tour (2023)**
6. **Panels and presentations with the Colorado Real Estate Journal, BusinessDen, and BisNow**

In summary, the Applicant has taken community outreach seriously from day one of the Project and has provided open, proactive, and honest information for the entire three years of the Cherry Creek West LDR process.

## **II. City & County of Denver Outreach Summary for Cherry Creek West**

Starting in November of 2021, the Applicant and the project team not only reached out to community and neighborhood organizations but engaged proactively with City officials to begin a dialogue about the proposed Project and Large Development Review (LDR) process for Cherry Creek West.

To date, the Applicant has met multiple times with the following City offices and agencies about the plan, process, and components of the LDR framework (Infrastructure Master Plan, Rezoning, development agreement, traffic demand management plan, etc.):

- **Denver City Council** – The Applicant and project team has reached out to all City Council offices with a focus on District 5, District 10 and District 6 given proximity to site and redistricting that took place in 2023. The Applicant also offered and have met with certain Council Aides in the event the Council member was not available to meet.
- **Community Planning and Development (CPD)** – The Applicant and project team has consistently engaged with CPD staff and leadership. During the LDR phase, the Applicant and project team had regular Project Management Team (PMT) meetings convened by CPD staff with other LDR agencies/departments. Recently, in connection with the Application, the Applicant and project team has held bi-weekly meetings on the PUD, design standards and guidelines, and other aspects of the rezoning with CPD staff.
- **Parks and Recreation** – The Applicant and project team has met with Parks and Recreation leadership and staff to discuss the Project, the open space plan, and in particular, collaboration regarding the adjacent Cherry Creek Trail area improvements since the Property directly abuts City Parks' land. In early 2022, the Applicant organized a walking/site tour with representatives from Parks and CPD to

walk around the site and help envision the importance of the connection to the Creek.

- **Department of Transportation and Infrastructure (DOTI)** – The Infrastructure Master Plan (IMP) has been one of the most-discussed components of the Project with the City. The project team has worked continuously with DOTI staff and leadership on the IMP through concept and multiple rounds of comments on the formal IMP submittal to ensure the plan has the appropriate set of infrastructure and mobility improvements for the Property and adjacent properties. Additionally, the Applicant committed to addressing the traffic demand management (TDM) elements of the plan early in the process through meetings with DOTI’s TDM specialists as well.
- **Office of Housing Stability (HOST)** – The Applicant and project team engaged with HOST in early 2022 and has held numerous follow-up meetings to collaborate and develop the High Impact Compliance Plan for Cherry Creek West.
- **Denver Economic Development and Opportunity (DEDO)** – Neighborhood Equity and Stabilization Team (NEST) – While the Property is not located in an identified NEST neighborhood, given the commitment to advancing equity in the City, the Applicant and project team have held meetings with DEDO and NEST specialists to add additional recommendations to the development agreement.
- **Mayor’s Office / Special Projects Office** – Lastly, representatives from the Mayor’s Special Projects Office have been involved with various components of the Project, most notably the IMP, housing plan, and PUD.

Since submitting the LDR pre-application in November of 2021 and meeting continuously throughout all of 2022, 2023, and 2024 to date, there are too many meetings to list. However, as envisioned when the LDR process was created, the Applicant and project team for Cherry Creek West have collaborated with all involved City agencies continuously for the duration of the process.

A table tracking community outreach and meeting dates follows on the next pages.

**Cherry Creek West (CCW) Community Outreach**

<b>Meeting</b>	<b>Date of Meeting</b>	<b>Notes</b>
Cherry Creek Steering Committee	11/17/2021	
Cherry Creek Business Alliance	12/8/2021	
Cherry Creek Chamber	1/20/2022	
Cherry Creek North BID Board of Directors	1/26/2022	
Cherry Creek North Neighborhood Association	2/15/2022	
Greenway Foundation and Cherry Creek BID	2/16/2022	
Denver Country Club Board Members and Long Range Planning Committee	2/24/2022	
Country Club Historic Neighborhood Association	3/8/2022	
Cherry Creek Chamber Board	3/10/2022	
Cherry Creek East Association Development Committee Presentation	3/15/2022	
Miller Park RNO Board, Members	3/22/2022	
Transportation Solutions	4/26/2022	
Polo Club Meeting	6/2/2022	
Cherry Creek Chamber Luncheon presentation	5/16/2022	
2700 East Cherry Creek South Drive HOA	7/13/2022	
Cherry Creek Steering Committee Presentation	7/27/2022	
Downtown Denver Partnership	8/8/2022	
LDR - Community Information Meeting	8/10/2022	Over 187 attendees
Historic Denver	9/8/2022	
Denver Streets Partnership	10/12/2022	
Greenway Foundation	10/18/2022	
Burns Society at Denver University	10/21/2022	
Cherry Creek Steering Committee Presentation	1/25/2023	
Cherry Creek Business Alliance	2/21/2023	
Cherry Creek BID	2/22/2023	
Cherry Creek Alliance State of Cherry Creek Presentation	3/15/2023	
Polo Club North HOA Manager	3/27/2023	

Monroe Point HOA Manager	3/27/2023	
Transportation Solutions	3/29/2023	
Cherry Creek BID	4/5/2023	Met with staff to discuss the affordable housing plan
Cherry Creek Shopping Center	4/6/2023	Met with staff to discuss the affordable housing plan
Polo Club North HOA	5/23/2023	Presented to over 50 owners
Cherry Creek Steering Committee Presentation	5/24/2023	
Bike to Work Day station / event on CCW site	6/28/2023	
Cherry Creek East Development Committee and HOA	7/18/2023	
Community Open House	8/1/2023	Over 250 attendees
Country Club Historic Neighborhood Association Presentation	8/8/2023	
Cherry Creek North Neighborhood Association Presentation	8/15/2023	
Cherry Creek Alliance Leadership Council	1/23/2024	
Cherry Creek Steering Committee Presentation	1/24/2024	
Wayne New (former Councilman) and David Steel	2/16/2024	
Transportation Solutions	2/16/2024	
Denver Country Club Long Range Planning Committee	3/13/2024	
Cherry Creek Steering Committee Presentation	3/27/2024	
Cherry Creek Alliance State of Cherry Creek Panel Presentation	4/2/2024	
Cherry Creek Steering Committee Presentation	4/24/2024	
Cherry Creek North Neighborhood Association Presentation	5/21/2024	
Country Club Historic Neighborhood Association	6/18/2024	
Cherry Creek East Neighborhood Association Presentation	TBD, June/July	

## **Exhibit B**

### **Equity Analysis Response**

The Applicant has received the LDR Preliminary Scope, dated January 28, 2022 (“Preliminary Scope Review”). As requested, the Applicant provides this Equity Response, which analyzes how the Project will address equity goals and polices. The Applicant has carefully considered staff’s specific recommendations for metric improvements, as well as the provided Equity Menu of Strategies. The Applicant is confident that the Project will provide a myriad of benefits for the Cherry Creek neighborhood and greater Denver community, as described below.

#### *Adopted Area Plan Direction*

Applicable adopted plan direction for this Property includes Comprehensive Plan 2040, Blueprint Denver and the Cherry Creek Area Plan. Particularly, Blueprint Denver measures equity by three concepts: Access to Opportunity; Vulnerability to Displacement; and Housing and Jobs Diversity. These metrics establish the framework for the strategies and actions that contribute to creating a more equitable Denver.

The Preliminary Scope Review notes that “[w]hile there is not sufficient guidance within Blueprint Denver to orchestrate the extent of land use, infrastructure, and physical change anticipated by the Project, there is a clear recommendation for large infill sites to ensure future development integrates with the surrounding context and provides appropriate community benefits. The nature of this site as a regional destination and anchor for this part of Denver cannot be underestimated when considering the opportunity for this site to contribute back to the community in a significant manner through housing, jobs, commercial activities, community-serving uses and open space.

The Cherry Creek Area Plan, adopted in 2012, provides a high-level vision for the neighborhood. The Plan calls for a mix of uses at different scales (ex: small- and large-scale office; regional and boutique retail). Retail, residential, hotels and office uses are all highlighted. The Plan also calls for “creating community” through the enhancement of arts, culture and recreation. These land use recommendations are coupled with comprehensive goals for urban design and connectivity. The Cherry Creek West project presents an exceptional opportunity to meet the land use, design and connectivity objectives of the Cherry Creek Area Plan while also implementing Blueprint Denver’s goals for equity, inclusion and complete neighborhoods.”

**ACCESS TO OPPORTUNITY - Creating more equitable access to quality-of-life amenities, health, and education.**

The site area's average score is 3.56, with low score in Access to Transit. These specific metrics are defined below, along with considerations that align with the goals of the Cherry Creek Area Plan and Blueprint Denver. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

	Metric	Score	Description	Response from Applicant
	Social Determinants of Health	5 Most Equitable	Measured by a) % of high school graduates or the equivalent for those 25 years of age or older and b) percent of families below 100% of the Federal Poverty Line.	<ul style="list-style-type: none"> <li>This metric is Most Equitable. However, it should be noted that Applicant plans to develop affordable housing units on-site, which will increase access to opportunity in this area.</li> </ul>
Built Environment	Access to Parks	4 More Equitable	Measured by % of living units within ¼-mile walk to a park or open space.	<ul style="list-style-type: none"> <li>The metric is More Equitable. However, applicant is providing a significant amount of publicly accessible open space that is well beyond the 10% generally required in connection with development of this type and size. The Project features a large open space known as The Green, as well as the Market Square and spaces throughout the project.</li> <li>In addition to significant open space, the Applicant is prioritizing connections through the Property to and from the surrounding neighborhoods and the creek in all aspects of the Project, particularly at 1<sup>st</sup> Avenue and Clayton.</li> <li>The conversion of acres of parking lots to a publicly-accessible realm that includes substantial tree canopy will reduce atmospheric carbon, improve air quality and improve pedestrian experience by reducing heat island effects.</li> </ul>
	Access to Fresh Food	4 More Equitable	Measured by % of residents within ¼-mile walk to a full-service grocery store.	<ul style="list-style-type: none"> <li>This metric is More Equitable. However, applicant anticipates that the existing farmers' market is likely to improve even further as a result of a new location in the completed Project which will be more welcoming than the existing location.</li> </ul>
	Access to Healthcare	3 Somewhat Equitable	<p>Access to Health Services - such as clinics, prenatal services, and more.</p> <p>14.29% of women receive no prenatal care during the first trimester of pregnancy in this area</p>	<ul style="list-style-type: none"> <li>Applicant is mapping and identifying existing facilities and gaps for consideration in retail and office tenancy.</li> <li>Applicant is prioritizing a wellness focus throughout the Project and is conducting a needs assessment related to health and other wellness services for inclusion in the retail portions of the Project. For example, there are individual fitness uses, but there are no holistic wellness providers in the area.</li> </ul>

				<ul style="list-style-type: none"> <li>The Buell Foundation's mission is to provide support to the systems that serve children, particularly around early childhood education and development and teen pregnancy prevention, and this development will continue to support that mission through ground lease payments.</li> </ul>
	Child Obesity	4 More Equitable	<p>Child Obesity measure % of children in the area that are overweight/obese.</p> <p>8.33% of children and youth are obese</p>	<ul style="list-style-type: none"> <li>This metric is More Equitable. However, Applicant expects that the wellness focus throughout the Project, pedestrian connection to the creek for the overall neighborhood and substantial publicly accessible outdoor space should improve these outcomes.</li> <li>Pedestrian and cycling connections through the Property should improve these outcomes.</li> <li>Applicant is planning bicycle parking throughout the Project.</li> <li>The Green and other open space throughout the Project will provide opportunities for unprogrammed exercise and based on market demand may feature exercise classes or other health events like nature walks. Further study is necessary to determine feasibility.</li> </ul>
	Life Expectancy	4 More Equitable	<p>Life expectancy (in years): 82.30</p>	<ul style="list-style-type: none"> <li>Applicant agrees with the City's assessment that this metric is not expected to be directly impacted by the Applicant but may be indirectly improved via other metrics such as walkability, wellness initiatives, improved heat island effects and sustainability outcomes. See related answers above.</li> </ul>
	Access to Transit	0	<p>City's assessment: No Access to Transit. Site was completely outside of a transit buffer 1/4 mile from high-capacity transit or 1/8 mile from frequent transit</p>	<ul style="list-style-type: none"> <li>Applicant commits to the creation of a Traffic Demand Management Plan to help manage traffic needs through transit and other alternative modes of transportation. This will be further evaluated during the rezoning and IMP process.</li> <li>Applicant is providing a 2-way cycle track on the east side of the Property, along Clayton Lane, and providing direct connections to the Cherry Creek Trail for pedestrians and cyclists.</li> <li>Applicant is providing substantial improvements to the pedestrian connections through the Project that will benefit the Property itself, as well as the surrounding area.</li> </ul>



				<ul style="list-style-type: none"> <li>Applicant disagrees with the City's assessment that there is no access to transit at this Property. While the Property could be better served by BRT and benefit from additional frequency, there are two heavily used corridors on University Blvd. and 1<sup>st</sup> Avenue that provide transit opportunities. Additionally, the Cherry Creek Transfer Station, an RTD stop, is currently located along 1<sup>st</sup> Avenue and will be enhanced by the Project's addition of streetscape improvements through landscaping and expanded pedestrian zones. The Applicant is involved with the Denver Moves: Cherry Creek process and looks forward to working with the City and RTD on continuing to improve upon these options both in frequency and in type.</li> </ul>
	Access to Centers and Corridors	3.67	<p>Average Score: 3.67                  Total Evaluation: 50-74% of the area is covered by a walk, bike, and driveshed to a center or corridor.</p>	<ul style="list-style-type: none"> <li>Cherry Creek itself is an urban center as defined by Blueprint Denver. Applicant commits to mixed-use development which at this time is planned as approximately 600 residences, 750,000 square feet of office space and 90,000 square feet of retail area are currently anticipated, but other uses such as hotel or senior housing could also be provided, all in accordance with market demand.</li> <li>Applicant is providing a 2-way cycle track on the east side of the Property, along Clayton Lane, and creating substantial new pedestrian connections through and around the Property, as well as providing direct connections to the Cherry Creek Trail for pedestrians and cyclists with access to downtown.</li> <li>Applicant plans envision direct pedestrian access into Cherry Creek North with an emphasis on safety when crossing 1<sup>st</sup> Avenue.</li> </ul>

**REDUCING VULNERABILITY TO DISPLACEMENT** – Stabilizing residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents.

For Vulnerability to Involuntary Displacement, this area's average score is 0 out of 3. This means that the area is not considered to be vulnerable to displacement. Specific metrics are defined below, along with considerations that align with the goals of the Cherry Creek Area Plan and Blueprint Denver.

Metric	Score	Description	Response from Applicant
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<b>Educational Attainment</b>	<b>0 Not Vulnerable</b>	Percent of 25-year olds and older without a college degree: 25.22% Citywide Average: 50.6%  Lack of opportunities for higher education can leave residents unable to make more money and get jobs to offset increased costs	<i>NA as this metric is Not Vulnerable</i>
<b>Rental Occupancy</b>	<b>0 Not Vulnerable</b>	Percent of Renter Occupied: 47.63% Citywide Average: 50.12%	<ul style="list-style-type: none"> <li>NA as this metric is Not Vulnerable. There will be no displacement of residents as a result of this Project. The Property is currently occupied by three mostly vacant buildings and surface parking lots adjacent to a Shopping Center.</li> </ul>
<b>Median Household Income</b>	<b>0 Not Vulnerable</b>	Median Household income: \$108,560 Denver's Median household income: \$68,952	<ul style="list-style-type: none"> <li>Even though the City's score for this metric is a "0" (not vulnerable) for this Property, Applicant plans to include affordable housing and other equity measures identified within, aimed at creating an inclusive community.</li> </ul>

**EXPANDING HOUSING DIVERSITY - providing a better and more inclusive range of housing in all neighborhoods.**

For Housing Diversity, this area's average score is 3 out of 5, with the area scoring low on percentage of missing middle housing and housing costs. Specific metrics are defined below, along with considerations that align with the goals of the Cherry Creek Area Plan and Blueprint Denver. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

Metric	Score	Description	Applicant Response
<b>Missing Middle Housing</b>	<b>0 Not Diverse</b>	Percent Housing with 2-19 units: 15.93% Citywide:19% If an area had over 20% middle density housing units, it was considered "diverse", if it was less than 20% middle density it was considered "not diverse."	<ul style="list-style-type: none"> <li>Applicant will work with HOST to finalize the affordable housing plan for this Property and intends to build affordable housing on-site in accordance with Denver's new Expanding Housing Affordability ordinance.</li> <li>While the Property's location in a Regional Center with building heights recommended for 12-stories is not as conducive to 2 to 19-unit building types as other areas of the City, the Applicant anticipates that some impact to the missing-middle will come through providing a diversity of unit sizes throughout the Project.</li> </ul>
<b>Diversity of Bedroom Count Per Unit</b>	<b>1 Diverse</b>	Ratio: 1.42 Mix Type: Mixed Measured by comparing the number of housing units with 0-2 bedrooms to the number of units with 3 or more bedrooms.	<ul style="list-style-type: none"> <li>NA as this metric is Diverse</li> </ul>
<b>Owners to Renters</b>	<b>1 Diverse</b>	Owners: 52.37% Renters: 47.63% Denver Owners: 49.9% Denver Renters: 50.1%	<ul style="list-style-type: none"> <li>NA as this metric is Diverse</li> </ul>

Housing Costs	0 Not Diverse	Mix Type: Low The ratio of (a) housing units affordable to households earning up to 80% of the city's median income to (b) housing units affordable to households earning over 120% of the city's median income.	<ul style="list-style-type: none"> <li>Applicant will work with HOST to finalize the affordable housing plan for this Property and intends to build affordable housing on-site.</li> <li>Creation of additional housing density in an Urban Center/Regional Center context will help create much needed housing supply in an area of need.</li> </ul>
Income Restricted Units	1 Diverse	Income Restricted Units: 360 Citywide Average Income Restricted Units: 163.31	<ul style="list-style-type: none"> <li>This metric is Diverse. However, Applicant intends to build affordable housing on-site in accordance with Denver's new Expanding Housing Affordability initiative.</li> </ul>

**EXPANDING JOB DIVERSITY - providing a better and more inclusive range of employment options in all neighborhoods.**

Job Diversity in this area is dissimilar to the City's overall job mix, with more retail options compared to the city. Specific metrics are defined below, along with considerations that align with the goals of the Cherry Creek Area Plan and Blueprint Denver. The applicant is expected to consider additional proposals that are identified in Equity Menu of Strategies attached to this document.

Metric	Score	Description	Applicant Response
Total Jobs	4,943 Jobs	Total Jobs per Acre: 40.2	<ul style="list-style-type: none"> <li>Continuing to expand office space options in Cherry Creek was a key element of creating a Prosperous Cherry Creek in the Cherry Creek Area Plan. The Project is currently planned to create an additional 750,000 square feet of office space which could provide an additional 5,000 jobs in the area and significantly change the mix of job types. Further, because the Project is anticipated to provide more standard floorplate sizes than the smaller floorplates typically found within Cherry Creek today, the Project will likely encourage new, more diverse types of businesses to relocate here.</li> </ul>
Retail	3868 Jobs 78.25%.	This is more than the citywide Retail average of 53.5% Retail Jobs per Acre: 31.46	<ul style="list-style-type: none"> <li>Applicant plans to provide retail that is neighborhood centric and compliments the existing retail in the surrounding area.</li> </ul>
Innovation	1046 Jobs 21.16%.	This is lower than the citywide Innovation average of 35.7% Innovation Jobs per Acre: 8.51	<ul style="list-style-type: none"> <li>The Property is owned by the Buell Foundation, so the income from the ground lease of this development goes directly to the mission of the Buell Foundation, which includes early childhood education. This Project should substantially impact the Buell Foundation's ability to make a difference. The outdoor entertainment space (The Green) is expected to provide a venue for additional cultural engagement in this community.</li> <li>Applicant is evaluating how innovation can best be applied in this neighborhood – whether through innovation spaces in</li> </ul>

<p><b>Manufacturing</b></p>	<p><b>29 Jobs</b>  0.59%.</p>	<p>This is less than the citywide Manufacturing average of 10.7%</p> <p>Manufacturing Jobs per Acre: 0.24</p>	<p>the office, incubator spaces or the first and second floor retail/community spaces. Applicant will continue this study throughout the rezoning process. Meeting space for not-for-profits is limited in this area. Applicant is exploring creation of community space for not-for-profits and other cultural uses in the first-floor retail spaces as well.</p> <p>The Cherry Creek Area Plan, adopted in 2012, provides a high-level vision for the neighborhood. Retail, residential, hotels and office uses are all highlighted and a variety of those uses are central to this plan. This neighborhood and the planning for this area do not suggest that additional manufacturing jobs are appropriate here.</p>
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# 2500 E 1ST AVE

<b>Owner</b>	TEMPLE HOYNE BUELL FOUNDATION 200 E LONG LAKE RD STE300 BLOOMFIELD HILLS, MI 48304-2324
<b>Schedule Number</b>	05123-00-054-000
<b>Legal Description</b>	T4 R68 S12 PT SW/4 BEG CENTER 1/4 COR S12 W 2490.42FT S133.73FT TO TPOB S 658.49FT CV/R 825.15FT N 629.8FT W520.54FT CV/R 188.68FT WLY 85.2FT CV/L 62.06FT TO TPOB
<b>Property Type</b>	COMMERCIAL-SHOPPING CENTER
<b>Tax District</b>	DENVER

**Print Summary**

Property Description			
<b>Style:</b>	OTHER	<b>Building Sqr. Foot:</b>	165335
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	1979	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	512,179	<b>Zoned As:</b>	B-3

**Note:** Valuation zoning may be different from City's new zoning code.

Current Year			
	Actual	Assessed	Exempt
Land		\$153,653,700	\$42,861,010 \$0
Improvements		\$1,000	\$280
<b>Total</b>		<b>\$153,654,700</b>	<b>\$42,861,290</b>

Prior Year			
	Actual	Assessed	Exempt
Land		\$153,653,700	\$42,861,010 \$0
Improvements		\$1,000	\$280
<b>Total</b>		<b>\$153,654,700</b>	<b>\$42,861,290</b>

### Real Estates Property Taxes for current tax year

**System Upgrade Underway:**

Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy \* 77..486 \*

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
<b>Date Paid</b>			
<b>Original Tax Levy</b>	\$1,660,574.97	\$1,660,574.97	\$3,321,149.94
<b>Liens/Fees</b>	\$0.00	\$0.00	\$0.00
<b>Interest</b>	\$49,817.25	\$0.00	\$33,211.50
<b>Paid</b>	\$0.00	\$0.00	\$0.00
<b>Due</b>	\$1,710,392.22	\$1,660,574.97	\$3,354,361.44

### Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

<b>Additional Assessment</b> ⓘ	N	<b>Prior Year Delinquency</b> ⓘ	N
<b>Additional Owner(s)</b> ⓘ	N		
<b>Adjustments</b> ⓘ	N	<b>Sewer/Storm Drainage Liens</b> ⓘ	N
<b>Local Improvement Assessment</b> ⓘ	N	<b>Tax Lien Sale</b> ⓘ	N
<b>Maintenance District</b> ⓘ	N	<b>Treasurer's Deed</b> ⓘ	N
<b>Pending Local Improvement</b> ⓘ	N		

Real estate property taxes paid for prior tax year: **\$1,063,102.94**

### Assessed Value for the current tax year

<b>Assessed Land</b>	\$42,861,010.00	<b>Assessed Improvements</b>	\$280.00
<b>Exemption</b>	\$0.00	<b>Total Assessed Value</b>	\$42,861,290.00

# 2501 E CHERRY CREEK NORTH DR

<b>Owner</b>	TEMPLE HOYNE BUELL FOUNDATION 200 E LONG LAKE RD STE300 BLOOMFIELD HILLS, MI 48304-2324
<b>Schedule Number</b>	05123-00-051-000
<b>Legal Description</b>	T4 R68 S12 PT SW/4 BEG CENTER COR S12 W 1667.09FT S 774.8FTTO TPOB S 58.52FT CR/L 825.21 FT N 59.09FT CV/R 825.15FT TOTPOB
<b>Property Type</b>	COMMERCIAL-MISC IMPS
<b>Tax District</b>	DENVER

**Print Summary**

Property Description			
<b>Style:</b>	OTHER	<b>Building Sqr. Foot:</b>	0
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	0000	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	48,073	<b>Zoned As:</b>	B-3

**Note:** Valuation zoning may be different from City's new zoning code.

Current Year			
	Actual	Assessed	Exempt
Land		\$4,326,600	\$1,207,120 \$0
Improvements		\$1,000	\$280
<b>Total</b>		<b>\$4,327,600</b>	<b>\$1,207,400</b>

Prior Year			
	Actual	Assessed	Exempt
Land		\$4,326,600	\$1,207,120 \$0
Improvements		\$1,000	\$280
<b>Total</b>		<b>\$4,327,600</b>	<b>\$1,207,400</b>

### Real Estates Property Taxes for current tax year

**System Upgrade Underway:**

Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy \* **77.486** \*

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	<b>Installment 1 (Feb 28 Feb 29 in Leap Years)</b>	<b>Installment 2 (Jun 15)</b>	<b>Full Payment (Due Apr 30)</b>
<b>Date Paid</b>			
<b>Original Tax Levy</b>	\$46,778.30	\$46,778.30	\$93,556.60
<b>Liens/Fees</b>	\$0.00	\$0.00	\$0.00
<b>Interest</b>	\$1,403.35	\$0.00	\$935.58
<b>Paid</b>	\$0.00	\$0.00	\$0.00
<b>Due</b>	\$48,181.65	\$46,778.30	\$94,492.18

### Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

<b>Additional Assessment</b> ⓘ	N	<b>Prior Year Delinquency</b> ⓘ	N
<b>Additional Owner(s)</b> ⓘ	N		
<b>Adjustments</b> ⓘ	N	<b>Sewer/Storm Drainage Liens</b> ⓘ	N
<b>Local Improvement Assessment</b> ⓘ	N	<b>Tax Lien Sale</b> ⓘ	N
<b>Maintenance District</b> ⓘ	N	<b>Treasurer's Deed</b> ⓘ	N
<b>Pending Local Improvement</b> ⓘ	N		

Real estate property taxes paid for prior tax year: **\$99,803.90**

### Assessed Value for the current tax year

<b>Assessed Land</b>	\$1,207,120.00	<b>Assessed Improvements</b>	\$280.00
<b>Exemption</b>	\$0.00	<b>Total Assessed Value</b>	\$1,207,400.00



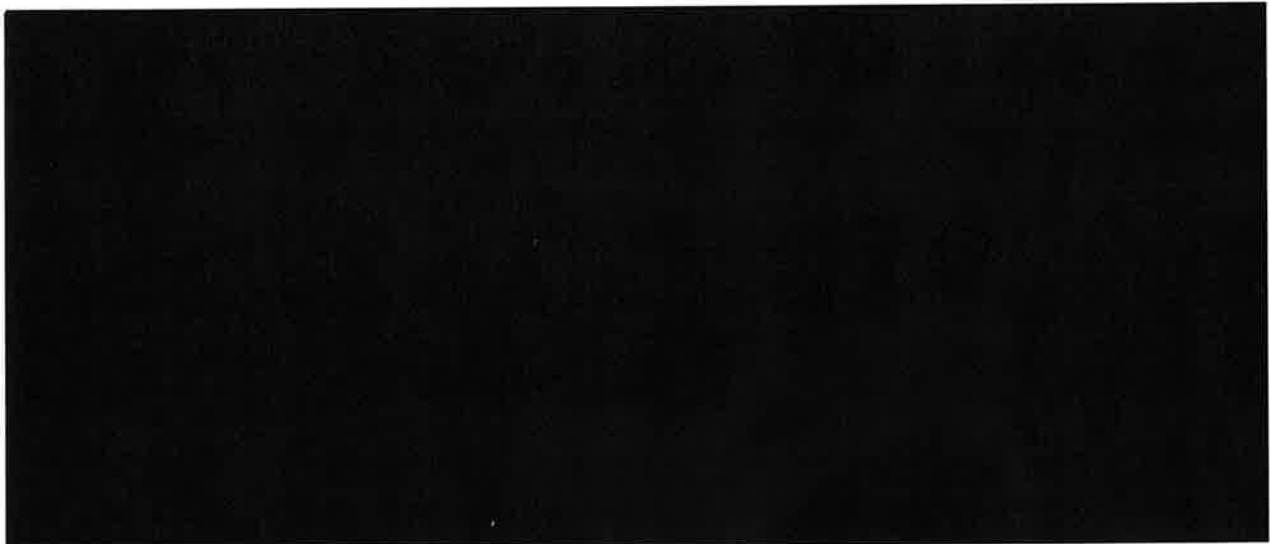
**MINUTES OF THE ANNUAL MEETING  
TEMPLE HOYNE BUELL FOUNDATION  
BOARD OF TRUSTEES  
February 23, 2022**

The annual meeting of the Board of Trustees of the Temple Hoyne Buell Foundation was held February 23, 2022 via videoconference. Trustees present were Arthur Bosworth, Thomas Curnes, Stephen ErkenBrack, Noelle Hagan, Priscilla Lucero, Thomas McGonagle, Maggie Morrissey, Daniel Ritchie, and Reginald Washington. Also in attendance were Susan Steele, Laura Carlson, Lisa Ernst, Erica Fukuhara, Bill Inama, MARRISA MORA, Cara Lawrence, Esq. (outside legal counsel), Grady Durham (investment advisor) and Carla Beal (investment associate).

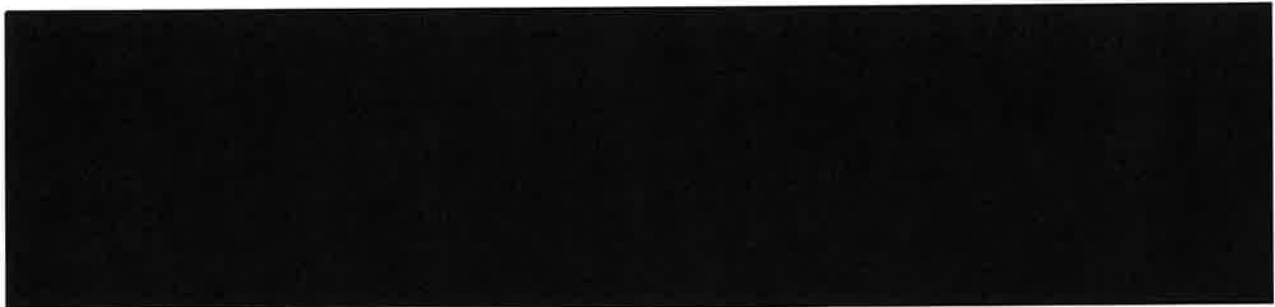
Dr. Washington (chair) called the meeting to order at 8:00 a.m. and noted that a quorum was present. The chair asked if there were any perceived or real conflicts of interest based on the agenda. No conflicts were declared. The chair asked if there were any changes to the agenda. No changes were noted.

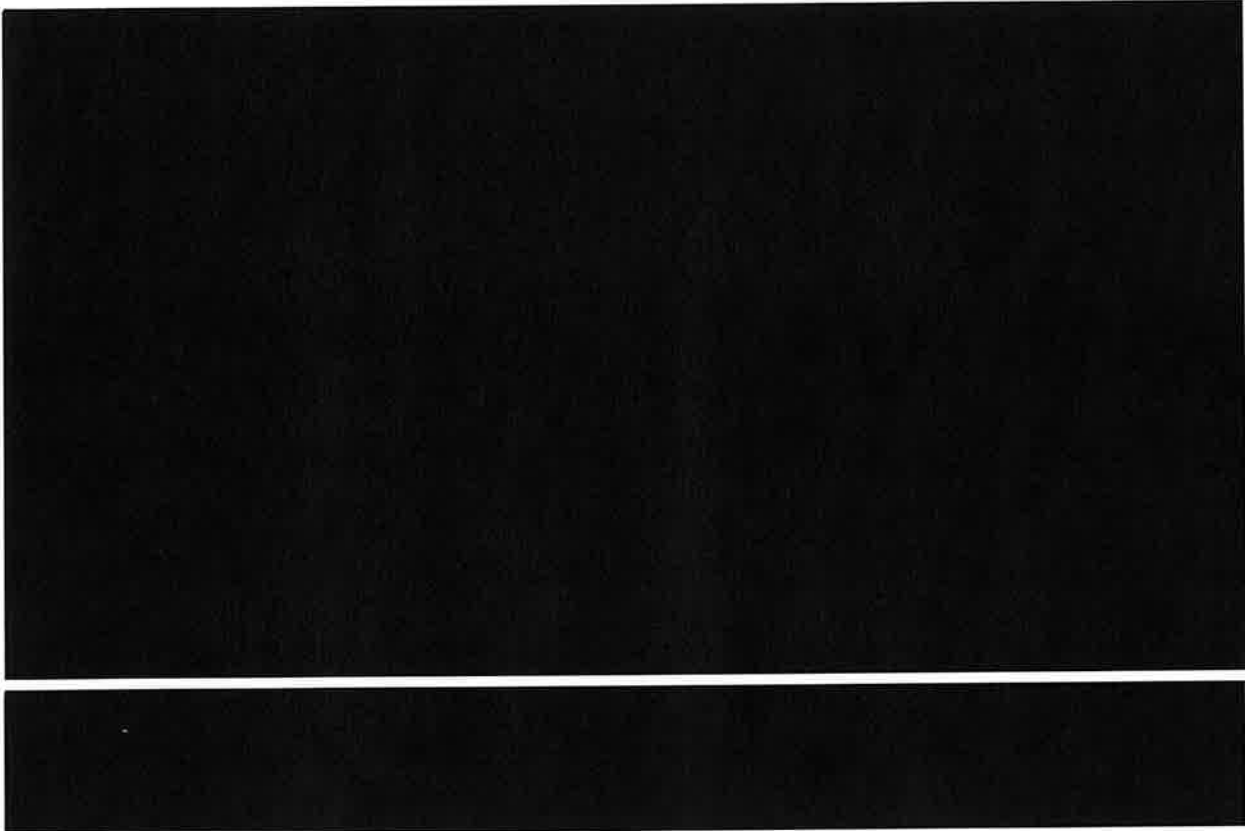
**Approval of Minutes**

Upon a motion by Ms. Hagan, and a second by Ms. Lucero, the Board approved the December 8, 2021 meeting minutes with changes.



Mr. McGonagle joined the meeting.





**Committee Report:**

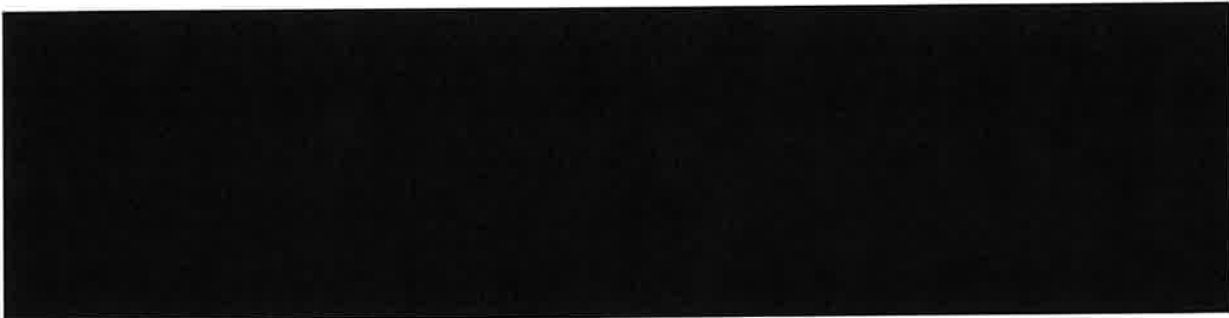
- ◆ Real Estate & Development

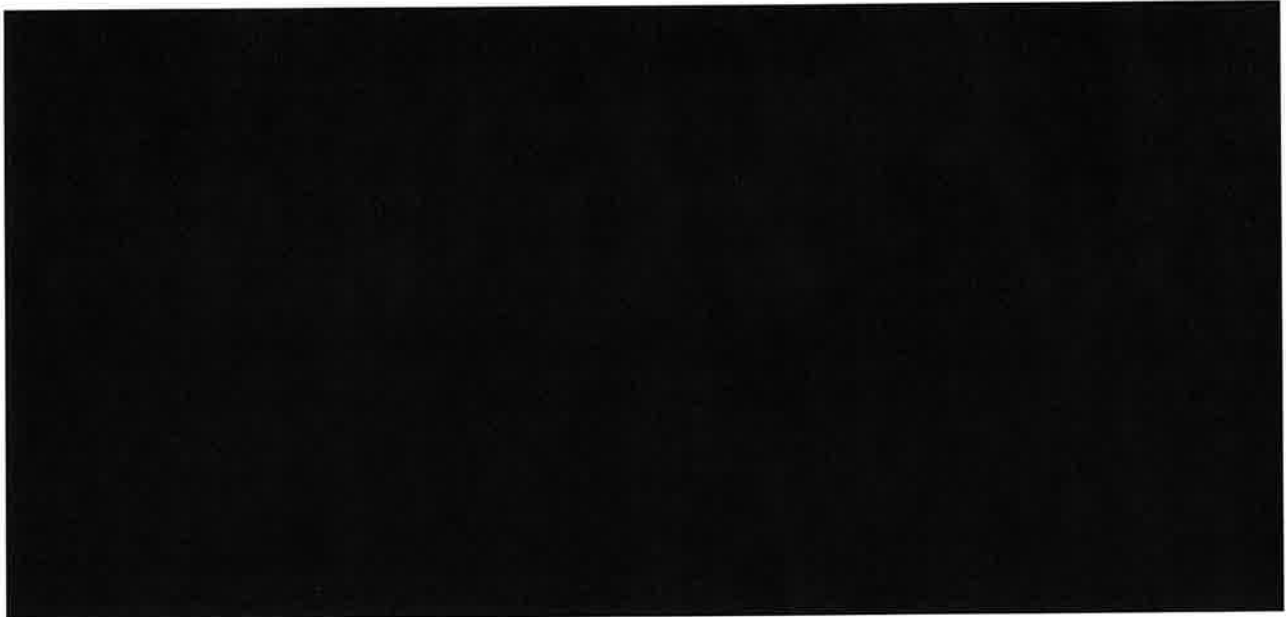
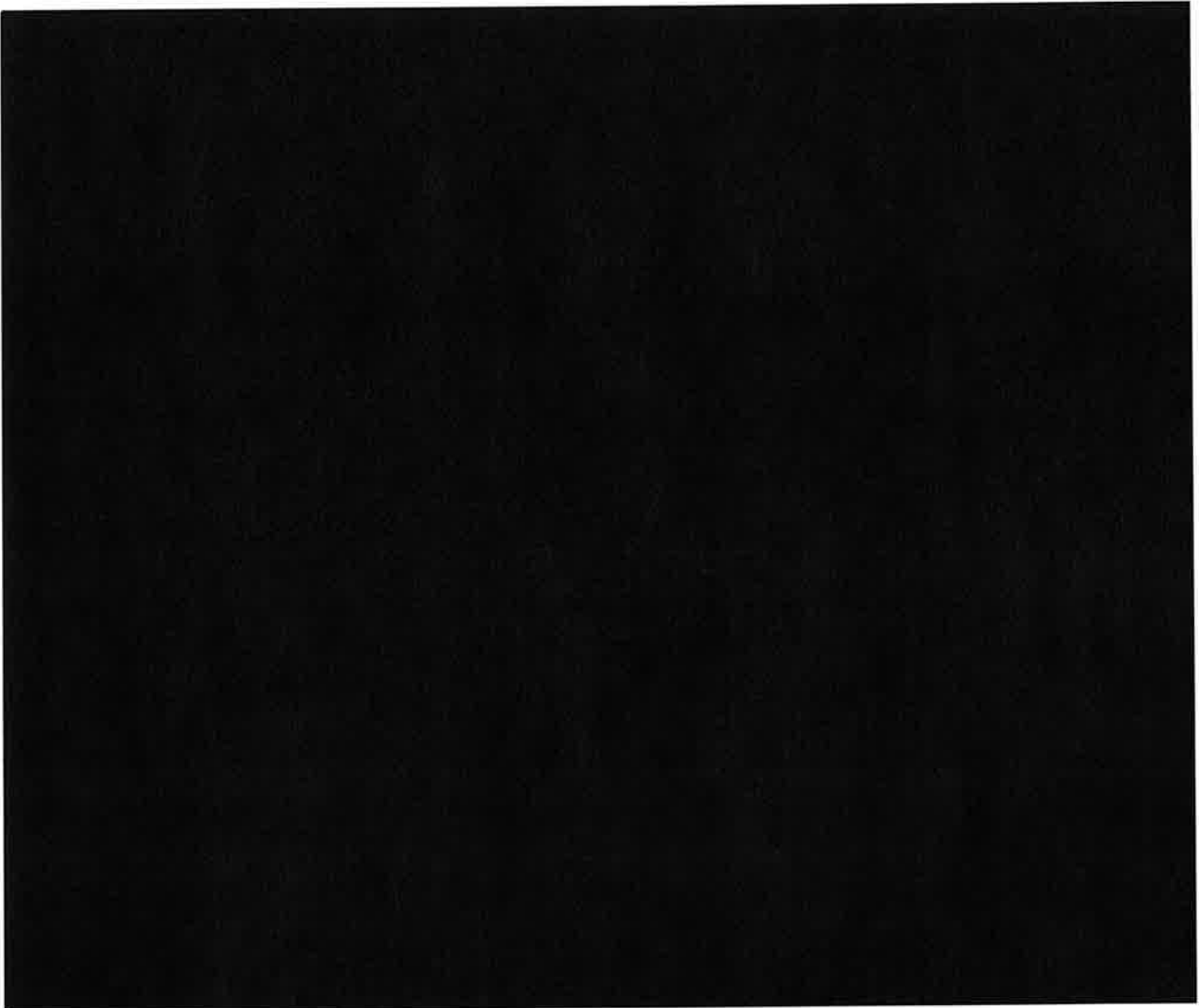
Mr. Ritchie and Mr. McGonagle provided a brief update concerning Cherry Creek Shopping Center onsite operations and Taubman/Cherry Creek Partnership finances, noting projected distributions for this calendar year.

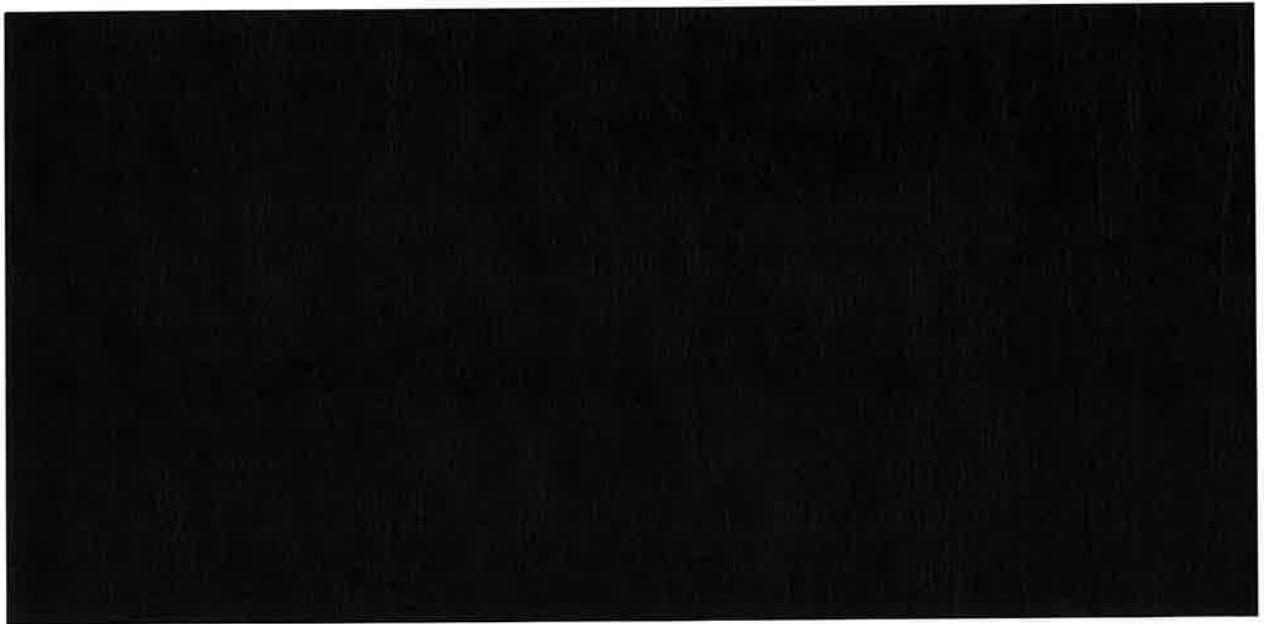
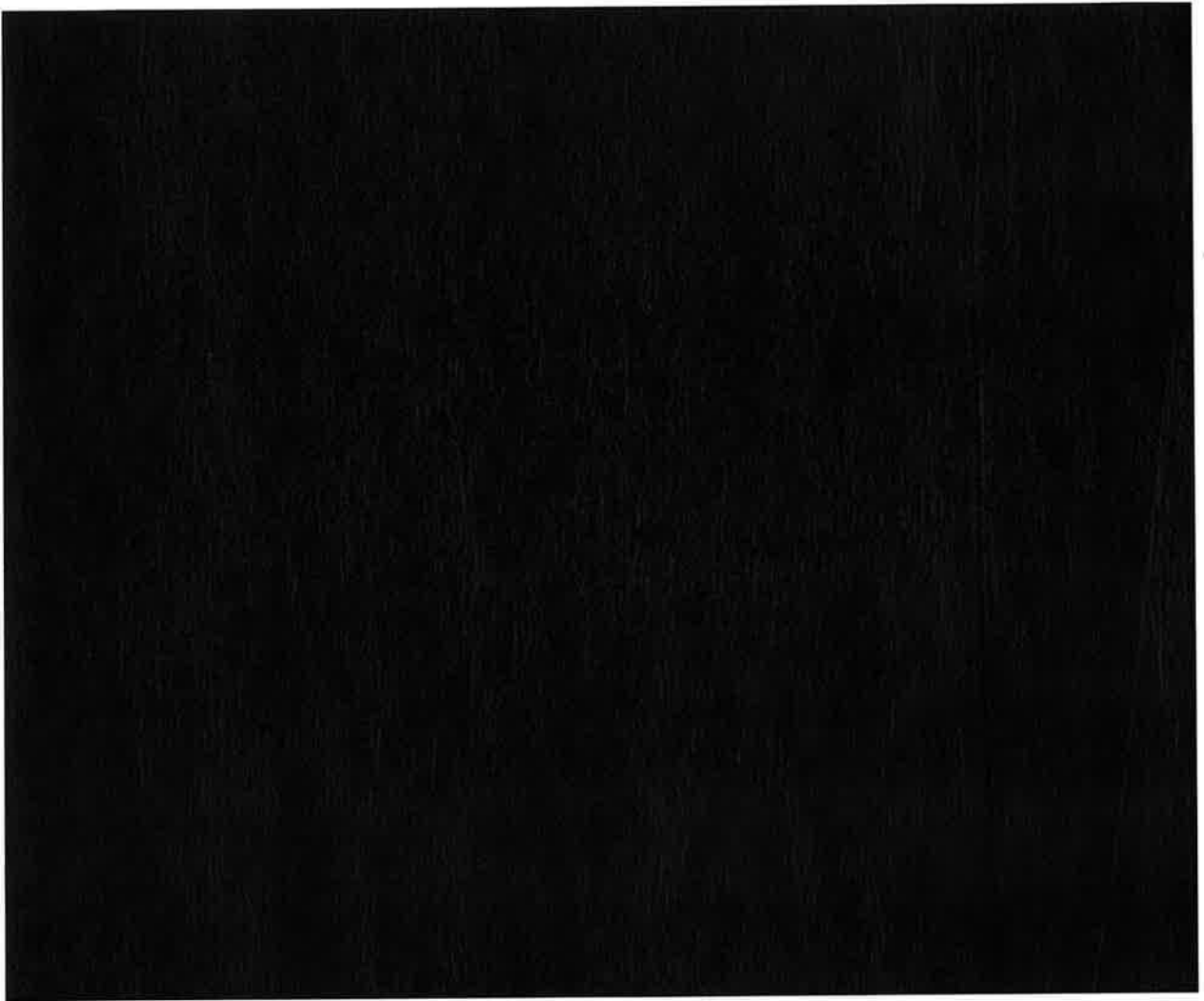
Mr. McGonagle provided a status report on the West End redevelopment, including an overview of the project status and status of transaction documents.

Upon a motion by Mr. Ritchie and a second by Ms. Hagan, the Board approved authorization of Mr. McGonagle as signatory on all documents related to the West End redevelopment transaction.

Ms. Lawrence left the meeting.









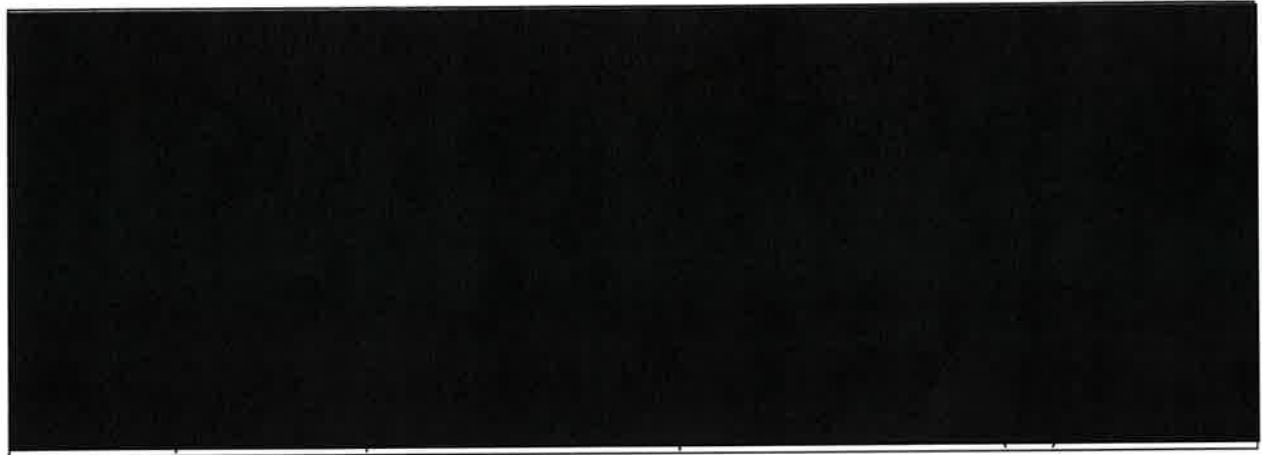
There being no further business, the meeting was adjourned at 1:00 p.m.

  
Reginald L. Washington, Chairman

  
Susan J. Steele, President & CEO

  
Noelle Hagan, Secretary

  
Erica Fukuhara, Recording Secretary



**Board Officers**

Chair: Reginald L. Washington  
Vice Chair: Arthur Bosworth  
Treasurer: Priscilla Lucero  
Secretary: Noelle Hagan

**Staff**

President and CEO:	Susan J. Steele
Vice President of Programs:	Laura Carlson
Controller:	Lisa Ernst
Director of Operations:	Erica Fukuhara
Program Officer:	Marrisa Mora
Grants Manager:	Bill Inama

**Guests**

Outside Legal Counsel: Cara Lawrence, Esq., Tierney Lawrence LLC  
Investment Advisor: Grady Durham, Monticello Associates  
Investment Associate: Carla Beal, Monticello Associates

The Temple Hoyne Buell Foundation  
1873 S Bellaire Street, #600  
Denver, CO 80222

May 30, 2024

Community Planning and Development  
City and County of Denver  
201 W. Colfax Avenue  
Denver, Colorado 80202

Re: Authorization with respect to the proposed land use application for the West Zone Lot to be established by 2023-ZLAM-0000149 (“**Property**”) in the City and County of Denver (“**City**”).


Community Planning and Development:

The undersigned is the duly authorized representative for The Temple Hoyne Buell Foundation, a Colorado nonprofit corporation (the “**Foundation**”). The Foundation, as the owner of the Property, hereby designates Jenny Jacobs (the “**Representative**”), on behalf of Cherry Creek West Development Company, LLC, a Delaware limited liability company, as authorized representative of the Foundation to submit on behalf of the Foundation all applications and supporting materials required or requested by the City in connection with the proposed Zone Map Amendment for the Property and any related development approvals in connection therewith, including without limitation the Development Agreement, the Infrastructure Master Plan, the High Impact Compliance Plan, and the Urban Design Standards and Guidelines. In furtherance of the foregoing, the Foundation requests that any verbal or written communication regarding this application be given to the Representative pursuant to such contact information provided by the Representative to the City.

Dated as of the 30th day of May, 2024.

**FOUNDATION:**

THE TEMPLE HOYNE BUELL  
FOUNDATION, a Colorado nonprofit  
corporation

By:   
Name: Tom McGonigle  
Title: BOARD Member