



September 20, 2024

To: Denver City Council

Regarding: Cherry Creek West PUD Rezoning Application #2022I-00264 (the “Application”)

Applicant: The Buell Foundation, presented by and through East West Partners (the “Applicant”)

Property Location: 2500 East 1<sup>st</sup> Avenue, Denver CO 80206 comprised of over 13 acres (the “Property”)

Dear Member of Denver City Council:

The undersigned is the Chair of the Cherry Creek Steering Committee (“CCSC”), which is a Colorado unincorporated nonprofit organization representing and comprised of the Registered Neighborhood Organizations of Cherry Creek North Neighborhood Association, Cherry Creek East Association, Country Club Historic Neighborhood Association, Hilltop Neighborhood Association (collectively, the “Area RNOs”), Capitol Hill United Neighbors and various other residential stakeholders to the south of the Cherry Creek and those residents north of 6<sup>th</sup> Avenue. Other members of the CCSC include the Cherry Creek Mall and the Cherry Creek North Business Improvement District (the “BID”) acting in concert with the Cherry Creek Business Alliance (collectively with the Cherry Creek Mall, the “CC Business Interests”). The area’s transportation management association, Transportation Solutions (of which, for purpose of disclosure, the undersigned is a board member) is also a member of the CCSC. Transportation Solutions is actively advising the Applicant and has not been included in this specific discussion.

This letter is written solely with respect to the residential Area RNO member representatives of the CCSC. The CCSC and representatives of these Area RNO residential members have met with the Applicant numerous times over the last two and a half years and have reached agreement on the rezoning of the Property under the Application. The specifics of the proposed development project (the “Project”) are shown in the Project website at <https://cherrycreekwest.com>, to include 7 buildings averaging less than 10.5 stories as follows: (i) 4 residential buildings, three of which will be a height of 13 stories (using the affordable housing regulations allowing for increased height in exchange for affordable housing units) and one of which will be located along University and will be 8 stories, and (ii) 3 commercial buildings along 1<sup>st</sup> Avenue including two 8 story office buildings and one 11 story office building.

The many Applicant neighborhood presentations had resulted in substantial comments and concerns being raised regarding the Project, including questions regarding the amount of traffic that will be generated by the Project. Many residents have also applauded the Applicant’s promise to develop much needed affordable housing in the area. These discussions with the Applicant have resulted in a positive and collaborative process to enter into a Development and Community Benefit Agreement and Declaration of Restrictive Covenants dated September 16, 2024, a copy of which is attached hereto (the “DCBA”).

The DCBA addressed many of these neighborhood concerns and Applicant commitments, the result of which has allowed these Area RNOs to fully support the Project. Each of the CCSC and the Area RNOs has received their organizational approvals for the Project under the terms of the DCBA. The DCBA has included specifics that were not in the PUD rezoning documents, but which were deemed material and important for inclusion by the CCSC and the Area RNOs, including a minimum number of 99 affordable housing units would actually be built on the Property as a part of the Project. Cherry Creek desperately needs more affordable housing and we are thrilled that the Applicant will deliver that to our neighborhood. Among the other key points of agreement in the DCBA are the following:

1. The DCBA confirms that there will be 7 buildings with the average height to be not more than 10.5 stories (or specific to the building stories, similar to the maximum heights identified to the residents as shown in their presentation materials.
2. The uses of the buildings are not specified in the PUD. The DCBA confirms that the Project will be mixed use with at least 99 affordable units. Medical office uses are restricted due to the tremendous amount of traffic generation that medical office uses creates.
3. The 37% open space requirements in the DCBA assures the neighborhood that the Project will include a 'green space' similar to that included in the representations of the Applicant which can be enjoyed by all of the Cherry Creek Area and which will be that true 'connection to the Creek' that the Applicant has proposed.
4. The Applicant has committed to including bike lanes, a bike facility and increased landscaped pedestrian access areas. This requirement is important for the neighborhood bike lane connections and to set the stage for implementation of the recommendations made by the Denver Moves Cherry Creek team with DOTI.
5. Parking requirements shall include the minimum number required under the CMX-12 District and the Applicant has agreed to unbundle parking to allow for more parking available to other users.
6. The Applicant has agreed to continue its arrangements with Transportation Solutions, the transportation management association for the Cherry Creek Area to create a transportation management plan that will implement traffic management tools to address the anticipated trip generation of the Project and which will help to mitigate the increased traffic in the area.
7. The Applicant has agreed to continue the dialogue with the CCSC and the Area RNOs to present to them regularly regarding the ongoing planning and development implementation of the Project.

8. The Applicant has agreed to continue the efforts to reconfigure the major intersection of 1<sup>st</sup> Avenue and University Boulevard in order to promote a safer pedestrian crossing.
9. The Cherry Creek Area will finally realize its goal of having a true ‘Gateway’ to the neighborhood, as is addressed and anticipated in the Cherry Creek Area Plan. The Applicant has agreed to work with the CCSC and the Area RNOs to realize upon this goal and will provide electrical and water for whatever the team ultimately decides will best represent the entrance to the Cherry Creek Area neighborhoods.
10. The BID design guidelines will apply the Project and that assures the neighborhoods that the continued development will be consistent with the BID and will reflect the unique character of the blend of shopping and residential development that now defines much of Cherry Creek North.
11. The Applicant has agreed to work with the neighborhoods in its ongoing development by implementing good construction practices that will, for example, mitigate inconveniences in the neighborhood by allow neighbors to know when material construction activities will be being conducted that interrupt access or services.

Based on the extraordinary efforts made by the Applicant and its stakeholders and the neighborhood representatives to reach agreement on these and other important issues addressed in the DCBA, we are thrilled to welcome this important Project to the neighborhood and encourage all members of City Council to join us in supporting this Application. Thank you in advance for your consideration.

Sincerely yours,

*M. Lou Raders*

M. Lou Raders, President, Cherry Creek  
Neighborhood Association and Chair, Cherry Creek  
Steering Committee