

## Zone Map Amendment (Rezoning) - 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 APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>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.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			



**REVIEW CRITERIA**

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input type="checkbox"/> 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. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</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 on 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 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="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-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. Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> 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. Please provide an attachment describing how the above criterion is met.</p>

**REQUIRED ATTACHMENTS**

Please ensure the following required attachments are submitted with this application:

<input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)
<input type="checkbox"/> Proof of Ownership Document(s)
<input type="checkbox"/> Review Criteria, as identified above

**ADDITIONAL ATTACHMENTS**

Please identify any additional attachments provided with this application:

<input type="checkbox"/> Written Authorization to Represent Property Owner(s)
<input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:




**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION**

We, the undersigned represent that we are the owners 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 or deed of trust, (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>	01/01/12	(A)	YES


 Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

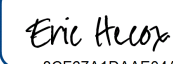

**SIGNATURE PAGE  
TO REZONING APPLICATION**

**8101 & 8351 E. Belleview Avenue**

MB Marina Square, LLC,  
a Delaware limited liability company

By: Shea Properties Management Company, Inc.,  
a Delaware corporation, its Manager

DocuSigned by:  
  
By: \_\_\_\_\_  
A19E5D061C3C4DA...  
Name: Peter Culshaw  
Title: Assistant Secretary

DocuSigned by:  
  
By: \_\_\_\_\_  
8CF67A1DAAE04A1...  
Name: Eric Hecox  
Title: Assistant Secretary

**Legal Description of Subject Property**  
**Rezoning Application for 8101 & 8351 E. Belleview Ave.**

**Parcel 1:**

A tract of land in the Southeast  $\frac{1}{4}$  of Section 9, Township 5 South, Range 67 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Southeast  $\frac{1}{4}$ ;

Thence East along the South line of said Southeast  $\frac{1}{4}$ , 664.91 feet;

Thence on an angle to the left of  $89^{\circ}33'46''$  and parallel with the West line of said Southeast  $\frac{1}{4}$ , 70.00 feet to the True Point of Beginning;

Thence continuing along the same course an additional distance of 726.00 feet;

Thence on an angle to the left of  $90^{\circ}26'14''$  and parallel with said South line of the Southeast  $\frac{1}{4}$ , 584.91 feet;

Thence on an angle to the left of  $89^{\circ}33'46''$  and parallel with said West line of the Southeast  $\frac{1}{4}$ , 65.00 feet;

Thence on an angle to the right of  $89^{\circ}33'46''$  and parallel with said South line of the Southeast  $\frac{1}{4}$ , 20.00 feet;

Thence on an angle to the left of  $89^{\circ}33'46''$  and parallel with said West line of the Southeast  $\frac{1}{4}$ , 558.72 feet to a point of curvature;

Thence along a curve to the left having a radius of 101.50 feet and a central angle of  $90^{\circ}26'14''$ , an arc distance of 160.21 feet to a point of tangency;

Thence along the tangent to the aforesaid curve, parallel with and 70.00 feet North of said South line of the Southeast  $\frac{1}{4}$  of Section 9, 502.63 feet to the True Point of Beginning.

**Parcel 2:**

A parcel of land located in the Southeast  $\frac{1}{4}$  of Section 9, Township 5 South, Range 67 West of the 6th Principal Meridian, Denver Technological Center-Superblock "F", City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Southeast  $\frac{1}{4}$ ;

Thence Easterly along the South line of said Southeast  $\frac{1}{4}$ , a distance of 664.91 feet;

Thence on an angle right of  $90^{\circ}24'29''$  and parallel with the West line of said Southeast  $\frac{1}{4}$ , a distance of 60.00 feet to the True Point of Beginning;

Thence continuing on the previously described course, a distance of 10.00 feet to the Southeast corner of a parcel of land as described in Book 3140 at Page 647, recorded on July 5, 1994 in the records of the Clerk and Recorder of the City and County of Denver, Colorado;

Thence continuing on the previously described course and along the Easterly line of said parcel, a distance of 726.00 feet to a point on the Southerly line of a parcel of land as described at Reception No.

92-0140336, recorded on November 25, 1992 in the records of the Clerk and Recorder of the City and County of Denver;

Thence on an angle left of  $89^{\circ}59'59''$  and along the Southerly line of said parcel, a distance of 15.00 feet to a point on the Southwesterly line of a parcel of land as described in Reception No. 95-00132628, recorded on November 19, 1992 in the records of the Clerk and Recorder of the City and County of Denver;

Thence on an angle left of  $141^{\circ}02'03''$  and along said Southwesterly line, a distance of 130.65 feet;

Thence on an angle right of  $118^{\circ}52'09''$ , a distance of 20.00 feet;

Thence on an angle left of  $90^{\circ}00'00''$ , a distance of 260.00 feet to a point on the Northerly line of a parcel of land described in Book 2818 at Page 14, recorded May 23, 1983 in the records of the Clerk and Recorder of the City and County of Denver;

Thence continuing along the Northerly and Southwesterly lines of said parcel the following two (2) courses:

1) Thence on an angle left of  $90^{\circ}00'00''$ , a distance of 20.00 feet;

2) Thence on an angle right of  $90^{\circ}00'00''$ , a distance of 37.88 feet;

Thence continuing on the previously described course, a distance of 147.15 feet to a point of curvature;

Thence along the arc of a tangent curve to the right having a radius of 322.86 feet, a central angle of  $21^{\circ}43'40''$ , and an arc length of 122.44 feet;

Thence along the tangent of said curve, a distance of 120.00 feet to a point on the Northerly right of way line of East Belleview Avenue, said point also being 60.00 feet North of the South line of the Southeast  $\frac{1}{4}$  of said Section 9;

Thence on an angle left of  $90^{\circ}00'00''$ , 60.00 feet North and parallel with said South line, a distance of 309.25 feet to the True Point of Beginning; City and County of Denver, State of Colorado.

# 8101 E BELLEVIEW AVE

<b>Owner</b>	MB MARINA SQUARE LLC 130 VANTIS DR STE 200 ALISO VIEJO, CA 92656-2691
<b>Schedule Number</b>	07094-00-009-000
<b>Legal Description</b>	T5S R67W PTN SE/4 SEC 9 DAF COM SW COR OF SD SE/4 SEC 9 TH E664.91FT A/L 70FT TO POB TH CONT 726FT A/L 584.91FT A/L 65FTA/R 20FT A/L 558.72FT CRV/L 160.21FT E 502.63FT TO
<b>Property Type</b>	COMMERCIAL-SHOPPING CENTER
<b>Tax District</b>	125B

**Print Summary**

Property Description			
<b>Style:</b>	OTHER	<b>Building Sqr. Foot:</b>	92193
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	1978	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	435,602	<b>Zoned As:</b>	B-8

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

Current Year			
	Actual	Assessed	Exempt
Land		\$20,908,900	\$6,063,580 \$0
Improvements		\$1,000	\$290
<b>Total</b>		<b>\$20,909,900</b>	<b>\$6,063,870</b>

Prior Year			
	Actual	Assessed	Exempt
Land		\$17,424,100	\$5,052,990 \$0
Improvements		\$1,000	\$290
<b>Total</b>		<b>\$17,425,100</b>	<b>\$5,053,280</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 \* **83.695** \*

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>	4/28/2021	4/28/2021	4/28/2021
<b>Original Tax Levy</b>	\$211,467.13	\$211,467.13	\$422,934.26
<b>Liens/Fees</b>	\$0.00	\$0.00	\$0.00
<b>Interest</b>	\$0.00	\$0.00	\$0.00
<b>Paid</b>	\$211,467.13	\$211,467.13	\$422,934.26
<b>Due</b>	\$0.00	\$0.00	\$0.00

**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: **\$412,428.50**

**Assessed Value for the current tax year**

<b>Assessed Land</b>	\$5,052,990.00	<b>Assessed Improvements</b>	\$290.00
<b>Exemption</b>	\$0.00	<b>Total Assessed Value</b>	\$5,053,280.00





# 8351 E BELLEVIEW AVE

<b>Owner</b>	MB MARINA SQUARE LLC 130 VANTIS DR STE 200 ALISO VIEJO, CA 92656-2691
<b>Schedule Number</b>	07094-00-068-000
<b>Legal Description</b>	T5S R67W PTN SE/4 SEC P DAF COM SW COR OF SD SE/4 SEC 8 TH E664.91FT A/L 60FT TO POB THN 10FT N 726FT A/R 15FT A/R130.65FT A/L 20FT A/R 260FT A/R 20FT A/L 37.88FT GRV/R122.44FT S 120FT A/R 309.25FT TO TPOB
<b>Property Type</b>	COMMERCIAL-RETAIL
<b>Tax District</b>	125B

**Print Summary**

Property Description			
<b>Style:</b>	OTHER	<b>Building Sqr. Foot:</b>	18687
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	1998	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	167,955	<b>Zoned As:</b>	B-8

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

Current Year			
	Actual	Assessed	Exempt
Land		\$8,061,800	\$2,337,920 \$0
Improvements		\$1,000	\$290
<b>Total</b>		<b>\$8,062,800</b>	<b>\$2,338,210</b>

Prior Year			
	Actual	Assessed	Exempt
Land		\$5,878,400	\$1,704,740 \$0
Improvements		\$1,000	\$290
<b>Total</b>		<b>\$5,879,400</b>	<b>\$1,705,030</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 \* **83.695** \*

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)
Date Paid	4/28/2021	4/28/2021	4/28/2021
Original Tax Levy	\$71,351.24	\$71,351.27	\$142,702.51
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$71,351.24	\$71,351.27	\$142,702.51
Due	\$0.00	\$0.00	\$0.00

## 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.

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

Real estate property taxes paid for prior tax year: **\$139,157.75**

## Assessed Value for the current tax year

Assessed Land	\$1,704,740.00	Assessed Improvements	\$290.00
Exemption	\$0.00	Total Assessed Value	\$1,705,030.00



MB Marina Square, LLC  
c/o Shea Properties  
8351 E. Belleview Avenue  
Denver, Colorado 80237

June 9, 2021

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 certain real property referred to as “Marina Square,” located at 8101 & 8351 E. Belleview Avenue (“**Property**”) in the City and County of Denver (“**City**”)


Ladies and Gentlemen:

The undersigned (“**Owner**”), as owner of the Property, hereby designates Peter Culshaw, as Executive Vice President of Shea Properties, and Eric Hecox, as Senior Vice President, Operations, of Shea Properties (each a “**Representative**”), each as an authorized representative of Owner to submit on behalf of Owner all applications and supporting materials required or requested by the City in connection with the large development review, rezoning and related land use applications with respect to the Property and any development approvals in connection therewith. In furtherance of the foregoing, Owner requests that any verbal or written communication regarding these applications be given to each Representative, and/or any individuals designated by such Representative, pursuant to such contact information provided by Representative to the City.

MB Marina Square, LLC,  
a Delaware limited liability company

By: Shea Properties Management Company, Inc.,  
a Delaware corporation, its Manager

DocuSigned by:  
  
By: \_\_\_\_\_  
Name: Peter Culshaw  
Title: Assistant Secretary

DocuSigned by:  
  
By: \_\_\_\_\_  
Name: Eric Hecox  
Title: Assistant Secretary

**WRITTEN CONSENT OF THE MANAGER  
OF  
MB MARINA SQUARE, LLC**

June 9, 2021

Shea Properties Management Company, Inc., a Delaware corporation (“SPMC”), being the sole manager of MB Marina Square, LLC, a Delaware limited liability company (the “Company”), hereby adopts, approves, and consents to the following preambles and resolutions by written consent pursuant to the Amended and Restated Operating Agreement of the Company (the “Operating Agreement”), and the Colorado Limited Liability Company Act (Colo. Rev. Stat. §§ 7-80-101, *et seq.*) (the “Law”):

WHEREAS, pursuant to the Operating Agreement, the Manager of the Company, acting individually, has the ability to direct, manage and control the business of the Company, without the consent or concurrence of any members or any other party;

WHEREAS, SPMC is the sole manager of the Company;

WHEREAS, the Company desires rezone (the “Rezoning”) certain real property owned by the Company, which is commonly referred to as “Marina Square” in Denver, Colorado;

WHEREAS, in connection with the Rezoning, the Company will execute and deliver certain documents necessary to effectuate the Rezoning (collectively, the “Rezoning Documents”); and

WHEREAS, SPMC deems that the Rezoning, and the execution and delivery of the Rezoning Documents, are each reasonably expected to benefit the Company, and are in the best interest of the Company.

NOW, THEREFORE, BE IT RESOLVED, SPMC, being a manager of the Company, hereby approves, in all respects, the Rezoning and the execution and delivery of the Rezoning Documents;

FURTHER RESOLVED, that the Company may authorize certain individuals, including without limitation Peter Culshaw, as Executive Vice President of Shea Properties, and Eric Hecox, as Senior Vice President, Operations, of Shea Properties, to execute and deliver the Rezoning Documents, each containing such terms, provisions, modifications, and changes as such person deems appropriate, and to take such other and further actions and to execute and deliver such other and further documents as may be reasonably necessary to effectuate the Rezoning, as such person(s) shall determine in their reasonable discretion;


FURTHER RESOLVED, that any and all actions taken on behalf of the Company prior to the date hereof and in connection with the Rezoning are hereby ratified, confirmed, and approved in all respects;

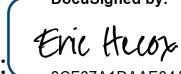
FURTHER RESOLVED, that this consent may be executed in counterparts, including facsimile or other electronic signatures, each of which shall be deemed an original for all purposes and all of which will constitute one and the same instrument; and

FURTHER RESOLVED, that the actions taken by this consent shall have the same force and effect as if taken by the undersigned at a special meeting of the managers of the Company, duly called and constituted pursuant to the Law and the Operating Agreement.

IN WITNESS WHEREOF, the undersigned, a manager of the Company, hereby consents to, approves, and adopts the foregoing preambles and resolutions effective as of the date first above written.

Shea Properties Management Company, Inc.,  
a Delaware corporation, its Manager

DocuSigned by:  
  
By: 419E5D061C3C4DA...  
Name: Peter Culshaw  
Title: Assistant Secretary

DocuSigned by:  
  
By: 8CF67A1DAAE04A1...  
Name: Eric Hecox  
Title: Assistant Secretary

January 4, 2022

THOMAS J. RAGONETTI  
303 575 7509  
TJR@OTTENJOHNSON.COM

**VIA E-MAIL**

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

Re: Rezoning Application for Marina Square

Dear Brandon:

As you know, this firm represents Shea Properties Management Company, Inc., together with its affiliates (the “**Applicant**”), with respect to certain real property located at 8101 E. Belleview Avenue and 8351 E. Belleview Avenue (collectively, the “**Property**”) in the City and County of Denver (the “**City**”). This letter is submitted in support of the Applicant’s application for rezoning of the Property from B-8, UO-1, UO-2, with waivers, to the Suburban Mixed Use Eight District (S-MX-8) (the “**Rezoning Application**”) under the Denver Zoning Code (“**Code**”). This Rezoning Application follows the approved Large Development Framework plan for the Property, which was recorded in the real property records of the City on October 23, 2020, at Reception No. 2020176055 (the “**LDR**”).

**Property Background and Context**

The Property is an approximately 13 acre area located north of East Belleview Avenue between South Ulster Street and DTC Boulevard within the Hampden South neighborhood of the City. The Property is also part of the Denver Tech Center. The Property was originally developed nearly four decades ago as a single story retail center, with six buildings on the interior of the site surrounded by parking. Initially, the Property was designed around an interior courtyard with all the shops facing inwards. The original design was turned inside out (by altering the locations of the entrances) as retail demanded more of a street presence. However, the concept, the infrastructure, and the buildings are well past their prime. The current state of the Property is not consistent with the City’s adopted plans, or the Applicant’s vision, for a more vibrant and dense mixed-use area. The area surrounding the Property comprises a broad mix of retail, office and residential uses, mostly in newer, multi-story buildings in a suburban setting. As a part of the Denver Tech Center, the Property is subject to private covenants that require, among other things, a heightened level of architectural design, a minimum of 30 percent open space, and substantial setbacks.



In connection with the LDR application, the Applicant team held a community meeting on July 30, 2020. Subsequently, and prior to submittal of this Rezoning Application, the Applicant met with HOST several times, along with members of the Denver City Council Land Use and Transportation Infrastructure Committee, to discuss this proposed Rezoning Application. The Applicant has also reached out to the adjacent properties regarding the Rezoning Application. The Applicant team will continue to put an emphasis on gathering community and neighborhood feedback throughout the redevelopment process for the Property, including scheduling a community wide meeting prior to the Denver Planning Board hearing on the Rezoning Application.

In connection with the Rezoning Application, the Applicant desires to redevelop the Property to create a mixed-use, retail, office and residential area with pedestrian connections to the neighboring uses, all of which, as discussed in the following sections, is more consistent with both the City's adopted plans for the Property and the surrounding area. To facilitate such redevelopment, the Applicant submits this Rezoning Application.

### **Equity Analysis and Responses**

In connection with the City's approval of the LDR, an equity analysis was conducted that determined that the Property scores: (1) relatively high on Access to Opportunity due to its location within the Denver Tech Center; (2) less vulnerable in the Vulnerability to Displacement category, and (3) and mid-range in Housing Diversity. Following the LDR and in connection with the review of the Rezoning Analysis, an additional equity analysis was conducted using the City's updated standards. That analysis determined that the Property scores as follows with respect to the Access to Opportunity component:

- Most Equitable (5.0) for Social Determinants of Health
- Less Equitable (2.5) for Access to Parks
- Less Equitable (2.5) for Access to Fresh Food
- Somewhat Equitable (3.0) for Access to Healthcare
- Somewhat Equitable (3.0) for Child Obesity
- More Equitable (4.0) for Life Expectancy
- Has No Access (0.0) for Access to Transit
- 50-74% Walk, Bike, or Driveshed (3.67) for Access to Centers and Corridors

In response to the foregoing, the Applicant and City staff have considered several possible means by which the equity analysis scores may be improved in connection with Applicant's contemplated redevelopment of the Property. Most notably, the proposed development of the Property, which would be enabled by the approval of the Rezoning Application, would facilitate additional retail space used to provide fresh food options, as opposed to traditional fast food. In order to address some of the other results of the equity analysis pertaining to Access to Opportunity, the Applicant would propose various other improvements and enhancements to the Property, which may include: improving connectivity to the existing regional trail network and parks; a minimum of 30 percent publicly accessible open space (which amount exceeds the 10 percent required by the underlying zoning), including amenity areas such as a central plaza, terrace amphitheater, and community retail, which both increase

access to parks and encourage physical movement; providing bicyclist support amenities, such as secured and enclosed bicycle parking areas, repair kits, and maintenance areas; working to provide e-bikes and scooters through shared micro-mobility programs in the northern portion of the Denver Tech Center; upgrading the amenities available at the adjacent RTD bus stop; and providing information regarding existing public transit options and routes to the future residents, retail tenants, and customers of the Property. Regarding the last improvements, the Applicant intends to emphasize the Property's proximity to Belleview Station and the Ulster/Tufts regional bus facility—each less than one mile away—as well as the numerous RTD bus stops—eleven within a quarter mile and sixteen within a half mile—serving multiple routes.

With respect to the Reducing Vulnerability to Displacement component, the analysis found the following:

- Not Vulnerable (0.0) for Educational Attainment
- Vulnerable (1.0) for Rental Occupancy
- Not Vulnerable (0.00) for Median Household Income

The overall score for Reducing Vulnerability to Displacement is 1.0, meaning that the area is “generally not considered vulnerable to displacement.” While the Applicant has considered whether the proposed redevelopment of the Property could feasibly include for-sale dwellings, the current environment with respect to construction defect claims make condominium development infeasible for the Property.

With respect to the Expanding Housing Diversity component of the equity analysis, the Property scored as follows:

- Diverse (1.0) for Missing Middle Housing
- Diverse (0.0) for Diversity of Bedroom Count per Unit
- Diverse (1.0) for Owners to Renters
- Diverse (1.0) for Housing Costs
- Not Diverse (0.0) for Income Restricted Units

In response to the foregoing, the Applicant and City staff have considered several possible means by which the equity analysis score for Expanding Housing Diversity may be improved in connection with Applicant's contemplated redevelopment of the Property. Most notably, as discussed in greater detail below, the Applicant and the City developed an Affordable Housing Agreement that commits the Applicant to either construct affordable housing on the Property or develop more affordable housing nearby off-site in order to increase the overall amount of affordable housing and housing diversity in the southern part of the City. Among other things, the agreement will provide for a variety of bedroom counts within the affordable program, including some three-bedroom homes.

As an additional component, the recent equity analysis included the following scores in the Expanding Job Diversity category:

- Below Average (25.32% to City-wide 53.5%) for Retail Jobs

- Above Average (74.40% to City-wide 35.7%) for Innovation Jobs
- Below Average (0.28% to City-wide 10.7%) for Manufacturing Jobs

While the area is dissimilar to the City’s overall job mix, as noted above, neither the equity analysis nor Blueprint Denver suggests that the relative job mix should be homogenous throughout the City. For example, the Applicant would not propose to *reduce* available innovation jobs, and the Property is not particularly suitable for manufacturing jobs—whereas other areas within the City may be more suitable for a larger proportion of manufacturing jobs, such as those identified as Manufacturing Preservation Areas or Manufacturing Districts by Blueprint Denver; the Property is not one such area. However, the proposed redevelopment of the Property would facilitate and encourage the growth of retail jobs to narrow the gap between the area and the City-wide average and to help complement the existing concentration of innovation jobs.

More holistically, it’s important to note that the Denver Tech Center was originally developed as a suburban office park intended to contain almost exclusively office uses. As such, there were, and still are, few retail, housing, or other more diverse uses within the Denver Tech Center that would score more highly on the equity analysis. Indeed, many of the lower scores attributable to the Property stem from the Denver Tech Center’s single-use origins. The approval of the Rezoning Application would facilitate redevelopment of the Property and, in addition to the improvements noted in the foregoing paragraphs, add much-needed opportunities for housing and additional retail in the Denver Tech Center as a whole, fostering a more mixed-use environment.

### **Criteria for Rezoning**

Pursuant to the Code, applications for rezoning must meet all of the “general review criteria” set forth in Section 12.4.10.7 as well as (i) at least one of the “justifying circumstances” of the first group of “additional review criteria” set forth in Section 12.4.10.8.A, and (ii) the additional review standard set forth in Section 12.4.10.8.B. The proposed rezoning to S-MX-8 meets these review criteria as follows:

General Review Criteria: 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 the adoption of the City’s plan. Code § 12.4.10.7.A.

As of the date of this letter, there are two plans applicable to this Property: the *Denver Comprehensive Plan 2040* and *Blueprint Denver 2019*. *Blueprint* designates the Property as within the “Suburban” future neighborhood context, which supports a range of uses, including multi-unit residential and commercial uses. *Blueprint*, p. 136. With respect to future land use, *Blueprint* describes the Property as a “Regional Center,” which provides “a dynamic environment of residential, dining, entertainment and shopping, while incorporating a diverse set of employment options.” In a Regional Center, “structures respond in form and mass to the streets and public spaces around them. *Blueprint*, p. 145. The Property is also within a “Regional Center Growth Area” per *Blueprint*, meaning that it, together with other Regional Center Growth Areas, is anticipated to accommodate 50 percent of the City’s new job growth and 30 percent of the City’s new households by 2040. *Blueprint*, p. 51.

The proposed rezoning is consistent with these designations in *Blueprint* in that it would allow for the growth and redevelopment of the Property consistent with the goals for Regional Center Growth Areas, while still responding

in form and mass to the surrounding area—indeed, while most of the land adjacent to the Property is located in Greenwood Village and therefore subject to its generally suburban zoning regulations, even the areas within the City are either subject to the old B-8 zone district, an open space zone district, or a larger lot (at least 6,000 square feet), single-family suburban district (S-SU-D). Of the various zone districts set forth in the Code, the proposed S-MX-8 district best allows for a smooth transition from the suburban environment to the south (which is not within the City) to the rest of the City’s more urbanized, yet still suburban, environment to the north.

More generally, each of the applicable plans stress the importance of allowing for density, and particularly residential density, in and around areas where investment in transit options has occurred. For example, residential development, which would be permitted by the S-MX-8 district, is desirable at this location due to its proximity to Belleview Station (within one-half mile), the Ulster/Tufts regional bus facility (within approximately one-quarter mile), and numerous bus stops serving multiple bus routes (eleven bus stops within one-quarter mile and sixteen bus stops within one-half mile). The Property is located in close proximity to Union Avenue, a major bicycle route, and *Blueprint* designates South Ulster Street as a “bicycle priority street” where it abuts the Property and it has been improved with protected bike lanes. *Blueprint*, p. 172. *Blueprint* specifically notes that the need for additional housing in the City’s highly dense employment areas, including the Denver Tech Center, and recommends promoting the development of additional housing options within such areas. *Blueprint*, p. 90.

More specifically, the Rezoning Application furthers the following strategies set forth in *Denver Comprehensive Plan 2040*:

- Equitable, Affordable and Inclusive, Strategy 1.A:  
*Increase development of housing units close to transit and mixed-use development.*  
As noted above, the Property is proximate to Belleview Station, regional and local bus routes, a designated “bicycle priority street” (South Ulster Street) and other streets that receive significant bicycle traffic (Union Avenue) Additionally, the Property itself is contemplated for mixed-use development, which would be consistent with and encouraged by the proposed Rezoning Application, and is also located within a larger mixed-use development—the Denver Tech Center—and the more residential neighborhoods to the east. By permitting additional density and a wider range of uses, approval of the Rezoning Application would further this strategy.
- Equitable, Affordable and Inclusive, Strategies 2.A, 2.B:  
*Create a greater mix of housing options in every neighborhood for all individuals and families.*  
*Ensure city policies and regulations encourage every neighborhood to provide a complete range of housing options.*  
Approval of the Rezoning Application would allow for higher density housing options than the majority of what is currently available in the surrounding area, which would allow for a more complete range of housing options.
- Equitable, Affordable and Inclusive, Strategy 3.B:  
*Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit.*  
In connection with the Rezoning Application, the Applicant has worked with the City to ensure that

adequate affordable housing is provided. The Applicant and the City have agreed that the Applicant will either construct affordable housing on the Property, or develop more affordable housing off-site in order to increase the overall amount of affordable housing in the southern part of the City. In either instance, such affordable housing will be developed pursuant to a covenant to be recorded against the Property concurrently with the approval of the Rezoning Application.

- Strong and Authentic Neighborhoods, Strategy 1.D:  
*Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.*  
Approval of the Rezoning Application would allow for redevelopment of the dated, underutilized Property in a manner that is more consistent with the surrounding area, and allow the Applicant to introduce amenities that will be accessible to the surrounding communities. Specifically, the Property is subject to certain design covenants that ensure consistency with the property to the south (much of which lies outside of the City, in the Denver Tech Center), and the Suburban context proposed by the Rezoning Application would ensure consistency with the area to the east and, presumably, any future rezoning or redevelopment of the areas to the north.

The Rezoning Application also furthers the following policies and strategies, among others, set forth in *Blueprint*:

- General, Strategy 1.A; Housing, Strategy 8.A:  
*Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including: Regional centers and community centers...  
Align high-density residential areas near regional centers to support housing growth near major job centers with access to transit priority streets.*  
As noted above, the Property is within a regional center, as designated by *Blueprint*. The Rezoning Application furthers this strategy by proposing additional density and a wider range of uses, including high-density residential. It also supports additional housing opportunities within a major job center with access to transit priority streets and other multi-modal transportation options.
- General, Strategy 3.A:  
*Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code.*  
The Property is currently zoned under Former Chapter 59, so the Rezoning Application furthers this strategy.
- General, Strategy 9.B:  
*Use large development review, or similar tools, to coordinate infrastructure and open space on large infill sites while minimizing and mitigating negative impacts on surrounding communities.*  
As noted above, the Property recently went through the large development review process to help guide the redevelopment of this infill (which specifically includes “suburban-style shopping areas”) site in a matter that recognizes the surrounding communities. During the community meeting held in connection

with the large development review process, public feedback was overwhelmingly positive, with no real opposition raised to the proposed redevelopment of the Property.

- Land Use & Built Form, Policy 03:  
*Create exceptional design outcomes in key centers and corridors.*  
Consistent with Strategy 03.A, given the Property’s location in the Denver Tech Center, the design of any future site planning, architecture, and landscape architecture will be subject to the review and approval of the Denver Tech Center Architectural Control Committee (DTC ACC), in addition to the City’s site development review process. The DTC ACC has been in place for over 40 years and has adopted a distinct set of design guidelines and standards aimed at ensuring an elevated quality of design and placemaking and delivering exceptional value to property owners, citizens, and the City alike. The DTC ACC’s process and design guidelines and standards are, consistent with Strategy 03.C, “scalable and repeatable to enable baseline design requirements that can be applied to a range of contexts and locations and be modified with a smaller subset of locally-applicable features.” Redevelopment of the Property will also require approval of an Infrastructure Master Plan (IMP), the standards of which will work in concert with the standards of the S-MX-8 district and the DTC ACC design guidelines and standards to deliver exceptional design outcomes.
- Land Use & Built Form, Policy 04:  
*Ensure an active and pedestrian-friendly environment that provides a true mixed-use character in centers and corridors.*  
In addition to the residential components of any proposed redevelopment of the Property, the Rezoning Application would support construction of commercial uses along East Belleview Avenue and South Ulster Street to create a truly mixed-use environment. Any redevelopment of the Property would be required to meet the activation and transparency goals described in the S-MX-8 district.
- Land Use & Built Form, Policy 05:  
*Create design outcomes in suburban and urban edge contexts that promote active, pedestrian-friendly places.*  
Consistent with Strategy 05.A, the DTC ACC design guidelines and standards and the standards of the S-MX-8 district will work in concert to promote active and pedestrian- and bicycle-friendly places. For example, the 40-foot required setbacks required by the DTC ACC design guidelines and standards is essentially the average of the allowable 0’-80’ build-to zone prescribed by the S-MX-8 district along East Belleview Avenue and South Ulster Street. Both East Belleview Avenue and South Ulster Street are designated Commercial Arterial Streets under *Blueprint*, and therefor are expected to include “wide tree lawns or planted areas with trees [being] used to provide a buffer between people walking and moving vehicles....” (*Blueprint* pg. 202). The proposed redevelopment of the Property will honor this landscaped, safe separation between the pedestrian uses and vehicular traffic while maintaining the above-referenced setbacks and build-to requirements. In addition, approval of the Rezoning Application will allow redevelopment of the Property in a way that creates an internal network of pedestrian-oriented spaces and destinations safely removed from the surrounding higher speed traffic on East Belleview Avenue and South Ulster Street. The heart of the proposed redevelopment will be its internal

public amenities and vibrant open spaces that create a strong sense of community within the mixed-use environment.

While none of the foregoing lists is exhaustive, put simply, *Blueprint* and the *Comprehensive Plan* clearly intend for this Property to be developed as a more vibrant, denser, mixed-use area than the current zoning allows. As such, the proposed rezoning to the S-MX-8 district, as identified in the LDR, is consistent with the City's adopted plans.

General Review Criteria: 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. Code § 12.4.10.7.B.

Approval of the Rezoning Application will result in the uniform application of building form, use, and design regulations of the S-MX-8 district. The Applicant seeks no further variance from these regulations.

General Review Criteria: Public Health, Safety, and Welfare. The proposed official map amendment furthers the public health, safety and general welfare of the City. Code § 12.4.10.7.C.

Approval of the Rezoning Application will further the public health, safety, and welfare by implementing the City's adopted land use plans, as set forth above. Moreover, the Rezoning Application will facilitate the redevelopment of an existing retail center to include higher density housing options in an area where such housing is highly desired. It will allow for increased housing options near major employers, allowing people to live closer to where they work and thereby reducing traffic congestion. Similarly, making better use of the Property itself would allow more residents and visitors to take advantage of its proximity to existing amenities, such as the open channel of Goldsmith Gulch within Wallace Park and easy access to bicycle and pedestrian systems including the Cherry Creek Trail and Reservoir and the Highline Canal.

Additional Review Criteria: 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.

Since the date of approval of the existing B-8 zone district, all three of the events set forth in clauses (a), (b) and (c) above have occurred. Firstly, although the current development and zoning suited the initial development of Property some four decades ago, the surrounding area (*i.e.*, the Denver Tech Center) has since become one of the fastest growing areas in the metro area, growing around the Property and dramatically altering the context in which the Property relates to the surrounding area. Moreover, in order to attract quality tenants, which are increasingly seeking locations that offer a balance of "live, work and play," the Property needs to foster integrated, mixed-use development that incorporates a better mix of retail uses, residential uses, and amenities. In light of those changes to both the region and best practices for mixed-use development, the proposed rezoning is in the public interest.

Additionally, the City has adopted *Blueprint*, which changes the future land use goals for the area from an “Area of Stability” with an “Employment” conceptual land use, which was summarized as an area containing office, warehousing, light manufacturing and high tech uses with more extensive commercial and “few residences,” to “a dynamic environment of residential, dining, entertainment and shopping” with “a diverse set of employment options,” all as discussed in more detail above. As such, a rezoning to a zone district, such as the S-MX-8 district, that supports such vibrant, mixed-use development is necessary to achieve consistency with the City’s adopted plans.

Finally, the Property remains within the Former Chapter 59 zoning, some ten years after the City’s adoption of the Code. As such, the proposed rezoning, which would allow the Property to become subject to the Code, is in the public interest.

Additional Review Criteria: 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.

Because *Blueprint* designates the Property as within the Suburban future neighborhood context, a rezoning to a zone district, such as the S-MX-8 district, that is within the “suburban” neighborhood context is inherently consistent. Pursuant to the Code, the suburban neighborhood context “is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks” and “multi-unit residential and commercial uses are primarily located along arterial and collector streets.” Code § 3.1.1. Specifically, the Code notes that “S-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired.” Code § 3.2.4.2.H. Although *Blueprint* does not provide specific building height guidance for the Property, it does recognize that, within the suburban context, “heights are generally the tallest” at regional centers. *Blueprint*, p. 195. Moreover, since both South Ulster Street and East Belleview Avenue are “(Commercial) Arterial” streets (as designated by *Blueprint*), the higher density designation of the S-MX-8 district is appropriate for the Property.

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

Sincerely,



Thomas J. Ragonetti  
For the Firm

cc: Cory M. Rutz (via e-mail)  
Eric Hecox (via e-mail)  
Ron McDaniel (via e-mail)  
John Kilrow (via e-mail)  
Peter Culshaw (via e-mail)



## **Marina Square COMMUNITY OUTREACH NARRATIVE**

### **Outreach Philosophy:**

The outreach process was built upon the premise that Marina Square is a puzzle and each piece is dependent and integral to the other in order to provide a complete and balanced mosaic. We created both an iterative and directed outreach platform purposely designed to engage the existing community on shaping the final pieces of the North Denver Tech Center puzzle.

Shea Properties partnered with community engagement specialists The Pachner Company to implement a comprehensive outreach process for Marina Square. The community engagement philosophy was created with the understanding that the outreach would have two distinct phases: iterative and directed outreach. First, we would work collaboratively with community partners to garner feedback, discuss enhancements and refine the underlying vision for the future of Marina Square. Secondly, we directed community engagement to share the vision and planning components encompassed in this rezoning application. We continue to inform, update and incorporate feedback from our community partners.

### **Iterative Outreach:**

We were desirous of community engagement first to help shape the underlying plan and vision for the site. Shea Properties engaged in an iterative process with key community partners to garner input on necessary changes and enhancements that would need to be reflected in the rezoning and the underlying planning for the site. The rezoning reflects the vision of Shea Properties and their community partners.

### **Directed Outreach:**

Secondly, as a team, we acknowledged and embraced the continued obligation to share the vision reflected in the rezoning with the larger community. We then dedicated our team to continued outreach to the community, making passes to organizations to provide updates on the application and plans for the future.

### **Marina Square Community Engagement:**

For our engagement, we initially communicated with stakeholders in a concentric pattern, with additional focus on immediate businesses, tenants and residents and then fanning out to broader stakeholder organizations and groups. Layered on this concentric approach was distinct passes and contacts with our stakeholders. This property does not sit within the designated boundaries of a local registered neighborhood organization, however it is close to several homeowners' associations. We walked the local businesses and tenants to inform them on the proposed plans and to listen to their feedback. We held required meetings as part of LDR as well as small group meetings with all entities interested in the site.

We met with civic and community organizations and thoughtfully balanced their desires for this project and incorporated their vision into ours.

Continued Outreach:

The puzzle is nearly complete. Through our commitment to community engagement and stakeholder outreach we refined our planning and are bringing forward a plan that is a true representation of the feedback we received and the missing uses in Marina Square today.

Shea Properties will continue to prioritize robust outreach at the neighborhood, community, and policy maker levels. As the picture moves from paper to build form, Shea will continue to work with and communicate to the nearby HOA's, property owner's tenants and other residents.

