

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 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	Bishop Machebeuf High School, Inc	Representative Name	Matt Oermann, United Properties
Address	1300 S Steele St	Address	1331 17th St, Suite 604
City, State, Zip	Denver, CO 80210	City, State, Zip	Denver, CO 80202
Telephone		Telephone	(720) 898-5889
Email		Email	matt.oermann@uproperties.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. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
SUBJECT PROPERTY INFORMATION			
Location (address):	8890 E. Lowry Blvd		
Assessor's Parcel Numbers:	0610200054000		
Area in Acres or Square Feet:	312,762 ac		
Current Zone District(s):	R-4 w/ Waivers		
PROPOSAL			
Proposed Zone District:	S-MX-5		
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"/> Yes - State the contact name & meeting date <u>Libbie Adams 2/18/2021</u> <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method _____ <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</p>	<p><input checked="" 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.</p> <p>Please provide a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how 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>2. Blueprint Denver</p> <p>In this section of the attachment, describe how 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>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable): Lowry Reuse Plan</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" 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 checked="" 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>In the review criteria narrative attachment, please provide an additional section describing how 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 and include a section in the review criteria narrative attachment.</p>	<p>Justifying Circumstances - One of the following circumstances exists:</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"/> 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.</p> <p>In the review criteria narrative attachment, please provide a separate section describing how 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>

REQUIRED ATTACHMENTS

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.

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)
- 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 below.



REZONING GUIDE

Rezoning Application Page 4 of 4

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)
EXAMPLE 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
Bishop Machebeuf High School, Inc. <i>DR. ANTHONY BONTA</i>	8890 E Lowry Blvd, Denver, CO 80230	100%	<i>Dr. Anthony Bonta</i>	<i>6/18/21</i>	A	<input checked="" type="radio"/> YES <input type="radio"/> NO
						<input type="radio"/> YES <input type="radio"/> NO
						YES NO
						YES NO

8890 E LOWRY BLVD

Owner	BISHOP MACHEBEUF HIGH SCHOOL INC 1300 S STEELE ST DENVER, CO 80210-2526
Schedule Number	06102-00-054-000
Legal Description	PT OF T4 R67 S9 & S10 COM E/4 COR SEC 9 N 1729.64FT TPOB THN53.2742E 185.13FT N53.2742E 25.19FT S81.4349E 69.63FTS36.3218E 589.93FT S53.2742W 491.72FT N36.2821W 639FTN53.2742E 231.26FT TPOB
Property Type	STADIUM
Tax District	DENVER

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	1850
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	2005	Basement/Finish:	0/0
Lot Size:	312,762	Zoned As:	R-4

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

Current Year				
	Actual	Assessed	Exempt	
Land		\$7,445,900	\$2,159,310	\$2,245,380
Improvements		\$296,800	\$86,070	
Total		\$7,742,700	\$2,245,380	

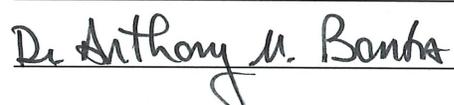
Prior Year				
	Actual	Assessed	Exempt	
Land		\$0	\$0	\$0
Improvements		\$0	\$0	
Total		\$0	\$0	

CERTIFICATE OF INCUMBENCY

To: UNITED PROPERTIES OF COLORADO, LLC ("UP")

The undersigned, Rebecca Welborn, Recording Secretary of BISHOP MACHEBEUF HIGH SCHOOL, INC., a Catholic high school and a Colorado nonprofit corporation (the "**Corporation**"), hereby certifies that:

- A. each of the persons named below are Members serving on the Corporation's governing Board of Members or duly elected officers of the Corporation, and presently hold the positions / titles opposite their name;
- B. said persons are authorized to act on behalf of the Corporation in transactions with UP concerning the Corporation's property located at 8890 East Lowry Boulevard, City and County of Denver, containing approximately 312,761 square feet, or 7.180-acres, improved with a baseball field and clubhouse, more or less (the "**Property**"), including transactions involving zoning activity and other general development activity, and conveyance transactions.
- C. the signature opposite each named person below is his or her true signature:

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Very Rev. Randy M. Dollins, VG	Member, Board of Members	
Keith A. Parsons	Member, Board of Members	
Dr. Anthony Bonta	President	

The undersigned further certifies that if any of the above-named persons is no longer authorized to act on behalf of the Corporation in transactions with UP, the Corporation shall immediately provide to UP a new Certificate of Incumbency.

UP is hereby authorized to rely on this Certificate of Incumbency until a new Certificate of Incumbency, certified by the Recording Secretary or other officer of the Corporation, is received by UP.

This Certificate of Incumbency is made effective as of July 15, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand as of July 15, 2021


Rebecca Welborn
Recording Secretary



BISHOP MACHEBEUF HIGH SCHOOL

June 16, 2021

City and County of Denver
Community Planning and Development
Attn: Libbie Adams
201 West Colfax
Denver, CO 80202

Re: 8890 E Lowry Boulevard Rezoning :: Letter of Authorization

The undersigned, as authorized representative of Bishop Machebeuf High School, Inc., a Colorado nonprofit corporation ("Owner") of that certain real property located at 8890 E. Lowry Boulevard, Denver, CO 80230 ("Property"), hereby authorizes United Properties Development LLC and Norris Design, together with their respective consultants, to apply for and pursue approval from the City and County of Denver of the attached request to rezone the Property.

Owner:

BISHOP MACHEBEUF HIGH SCHOOL, INC.,
a Colorado nonprofit corporation

By: Dr. Anthony Bonta

Name: Dr. Anthony Bonta

Title: President/Principal

January 3, 2022

City and County of Denver
Community Planning and Development
Atten: Libby Kaiser
201 West Colfax
Denver, CO 80202

Re: 8890 East Lowry Boulevard Rezoning Request
Application Number: 2021I-00031

Dear Ms. Kaiser,

Norris Design, on behalf United Properties Development LLC (“Applicant”) respectfully requests that the City and County of Denver consider our application to rezone 8890 East Lowry Boulevard in the Lowry neighborhood. Our team, noted below, has included the following rezoning application request for your consideration:

Applicant

United Properties
Contact: Matt Oermann
1331 17th Street
Suite 604
Denver, CO 80202
(720) 898-5889
matt.oermann@uproperties.com

Planner

Norris Design
Contact: Kayleigh Robinson
1101 Bannock St.
Denver, Colorado 80204
303-892-1166
krobinson@norris-design.com

Site Background and Rezone Request:

The proposed site is located at 8890 East Lowry Boulevard in Denver, Colorado. The approximate 6.9-acre property is one zone lot and generally bordered by East Lowry Boulevard to the north, North Yosemite Way to the east, Big Bear Ice Arena to the West, and Sports Boulevard and Lowry Open Space to the south. The property is currently a privately owned baseball field. Access to the field is not open to the public. Bishop Machebeuf High School (located within Lowry neighborhood) is the property owner and is selling this property to the Applicant. The school will be using the proceeds for capital improvements, scholarships for students, and new learning resources, all of which result in significant additional benefits to the neighborhood.

The property is currently zoned R-4 with Waivers under the former Chapter 59 code, pursuant to which all uses by right have been waived except for churches, public parks and playgrounds, schools, and theatrical studios. Further, the waivers also prohibit constructing improvements on the property more than 15,000 square feet and structures greater than 37 feet in height. The Applicant is requesting that the property be rezoned to S-MX-5.

The surrounding land uses include multifamily residential, single family residential, office, recreation, parks, and open space. The following table summarizes the existing context proximate to the subject site:

Direction	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Property	R-4 WVRS	Private Open Space	N/A	Regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid. Orthogonal streets provide connection and a mixed presence of alleys. Block sizes and shapes.
N	OS-A	Open Space	N/A	
S	O-1	Open Space	N/A	
E	B-3	Commercial/Office	Commercial/ Office building 4-stories	
W	B-3 WVRS	Commercial/Recreation	Ice rink / 2-stories	

The City’s Community Planning and Development (“CPD”) staff determined a LDR was not required for this property due to the existing adopted plan (Lowry Reuse Plan), open space and infrastructure being mostly constructed, and the fact that community engagement will occur in connection with the rezoning process.

Rezoning this property to S-MX-5 would allow this property to be developed with approximately 300 units in two buildings, an Active Adult 55+ for rent building (AA) and an Assisted Living and Memory Care building (ALMC). The requested zone district allows up to 5 stories.

As mentioned above, the Applicant proposes to develop the property for senior living, including some combination of age-restricted, active adult and assisted living and memory care uses. These proposed uses are consistent with the goals of the Lowry Neighborhood, as well as the City and County of Denver, as further explained below.

All future Site Development Plans for this site are required to comply with the Lowry Design Guidelines and will be subject to the review and approval of the Lowry Design Review Committee (LDRC). The LDRC helps Lowry maintain its unique community identity through the design and character of its neighborhoods, and works with developers, builders, property owners, business owners, and residents to carefully evaluate and synthesize architecture, landscape, and urban design so that they positively contribute to the fabric of their community.

Neighborhood Outreach

The development team held a community information meeting on June 1, 2021, to discuss this proposed rezoning with neighbors. Meeting attendees were given Norris Design and The Pachner Company’s contact information, should community members have requests for additional information. Notifications for the community information meeting were sent to all specifically identified adjacent property owners.

Adjacent property addresses contacted:

- 402 N Yosemite
- 412 N Yosemite
- 432 N Yosemite
- 460 N Yosemite
- 461 N Yosemite
- 470 N Yosemite
- 480 N Yosemite
- 490 N Yosemite
- 500 N Yosemite

- 8750 E Lowry Blvd
- 8580 E Lowry Blvd

Additionally, our team has put an emphasis on gathering community and neighborhood feedback, early in the process. Our team has met with the following stakeholders regarding this proposed development. Those organizations where more than one meeting has occurred is indicated in parentheses.

- Denver City Councilmembers (Flynn, Kniech, Ortega, Sawyer, Black, Herndon)
- Lowry United Neighborhoods (monthly meeting)
- Lowry United Neighborhood Planning Sub-Group
- Lowry Design Review Committee & Lowry Community Master Association (3 meetings)
- Denver HOST
- Lowry Redevelopment Authority
- Lowry East Park Neighborhood (2 meetings)

Please see Exhibit A for a complete list of the outreach meetings to date.

Our team is continually working with the following community stakeholders to gather additional feedback:

- Archdiocese of Denver/ Machebeuf High School
- Lowry Business Alliance
 - Lowry Foundation
 - Adjacent Businesses and community facilities
- Senior Community Businesses

Early in our outreach process, we identified Lowry United Neighborhoods (LUN) as a key stakeholder in the community envisioning process. Through meetings LUN, we established certain development items that were key to achieving their support. Those items were stated in LUN's June 28, 2021 letter of support. The development team has unilaterally agreed to implementing all of these items. As a recordation of implementing this community feedback, the Applicant offered to enter into a Good Neighbor Agreement with LUN and drafted this agreement for their review (see Exhibit B). LUN has recently stated they do not have the ability to be a party to this agreement. The Applicant recently reached out to both the Lowry Redevelopment Authority and the Lowry Community Master Association to gauge their ability to be a party to this agreement. At this time, both have declined to do so. Regardless of the agreement, the Applicant is committed to implement these requests with the development.

Two key improvement items were mentioned in the LUN follow up letters. These are the affordable unit offerings and the public trail easement. An agreement has been finalized with HOST for the affordable housing for the development that reflects the requests of LUN. The public trail easement will be finalized and granted during the site development plan process with the City of Denver.

Some of the items identified in the proposed Good Neighbor Agreement and LUN June 28, 2021 letter are specific to the site development plan and will be implemented during that process. Additional community outreach will occur during site development planning per the Lowry Design Review process and through the ongoing dialogue with Lowry United Neighborhoods.

East Park Neighborhood

As stated above and shown in Exhibit A, the Applicant has completed extensive community outreach prior to the November 3, 2021 Planning Board Commission hearing. Based on additional feedback received from the East Park neighborhood at the Planning Board Commission hearing, the applicant held and attended three additional meetings with the neighborhood and DOTI to collaborate on solutions for pre-existing traffic concerns at the Yosemite and Lowry roundabout. The Applicant will continue to work with DOTI through the SDP process to address these concerns, as it relates to the redevelopment of our site.

I. Review Criteria: Statement of Consistency with Adopted Plans

The proposed rezoning to S-MX-5 is consistent with the applicable adopted plan guidance as described in this Section I.

Lowry Reuse Plan

The Lowry Reuse Plan was adopted in 2005 and provides guidance for this site. The plan identifies this site to be within Education, Residential, or Community Service Land Use Categories (p.3-3). Furthermore, retirement housing and managed care facilities are allowed uses under the residential category (p.3-5). New development will contribute positively to the established character of the Lowry Neighborhood and improve the transition between commercial development (Big Bear Ice Arena to the southwest and adjacent residential areas to the northeast). This rezoning proposal of S-MX-5 fits within the existing recommendation on the Lowry Reuse Plan.

Denver Comprehensive Plan 2040

Rezoning the property to S-MX-5 is consistent with Denver's Comprehensive plan 2040.

- Equitable, Affordable, and Inclusive
 - Goal 2: This development will create a greater mix of housing options for all individuals and families. It will service a range of seniors who are both seeking a community of other senior citizens, and those who need assistance with their daily living activities. (p.28).
 - Goal 7: This development will increase accessibility of the neighborhood to senior citizens. We will be designing and constructing outdoor recreational spaces that will be senior citizen friendly, and ADA accessible.
 - Goal 8: We will expand the supply of housing accessible to seniors and people with disabilities. We will provide a continuum of care that allows seniors to age in place. There are very few Senior Living developments in Denver that provide Active Adult, Independent Living, Assisted Living, and Memory Care all at one location.
- Strong and Authentic Neighborhoods
 - Goal 1: We are creating a quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities. We are helping to ensure neighborhoods offer a mix of housing types and services for a diverse population.
 - Goal 4: We are providing a neighborhood-serving business that will create approximately 75 jobs.
 - Goal 8: This use follows the adopted Lowry neighborhood reuse plan established in 2005. Adding senior living units is a long-term strategy to accommodate the aging Baby Boomer generation.
- Connected, Safe, and Accessible Places
 - Goals 4 & 6: This site currently has a trail along the western border of the site, along Westerly Creek, that connects parks to the north and south. Although not owned by the Parks Department and no trail easement exists, the public uses this as a public trail. The project will

- continue to maintain this trail connection and intends to add new green space along this trail that will be outdoor amenity space for the residents.
- Economically Diverse & Vibrant
 - Goals 1 & 2: We are creating a quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities. We are helping to ensure neighborhoods offer a mix of housing types and services for a diverse population.
 - Goal 6: A unique benefit of this real estate transaction is the land sale proceeds are going back to Machebeuf High School. Machebeuf is in Lowry. This money will go to new learning resources, capital improvements, and scholarship funds. Roughly half of the school's students identify as "non-white". 88% of students receive financial aid, and over half receive scholarships for over half of their tuition.
 - Goal 10: The senior residents of this facility will support and frequent the local food economy.
 - Environmentally Resilient
 - Goal 8: This rezoning promotes infill development where infrastructure and services are already in place (p.54). Additionally, this site has environmental challenges due to contaminated ground water from the former Air Force base activities, as well as naturally occurring heavy metals. The Applicant will be incurring the cost of working with these conditions in order to redevelop the site to this beneficial use.
 - Healthy & Active
 - Goals 1, 3, & 4: The Applicant's senior living developments provide residents the opportunity to enjoy the later years of their life and thrive in an active and social environment. Healthy food plans, group exercise classes, cooking classes, art classes, field trips and more, are all part of our typical activities at these facilities. We also support programs that create interaction between our senior residents and the local community.

Blueprint Denver 2019

Blueprint Denver 2019 uses neighborhood contexts, places, and street types to provide a framework to evaluate proposed rezonings. The following will demonstrate how the proposed rezoning is consistent with Blueprint Denver's vision of this site.

- Future Neighborhood Context Map: According to *Blueprint Denver 2019*, the Neighborhood Context for this site is Suburban. For Suburban Future Neighborhood Context, Blueprint Denver offers the following guidance: "A range of uses from single-unit and multi-unit residential to commercial corridors and centers. Block patterns are generally irregular with curvilinear streets. Alleys are not commonly found. Buildings are typically set back from the street and range in scale." Rezoning this to S-MX-5 will allow this property to be developed with a multi-unit residential building. The block structure is already in place for this area and nearby existing buildings have varying setbacks as well as varying heights.
- Future Places Designation: While Blueprint Denver 2019 designates the Property's Future Place Designation as "Other Park and Open Space", Blueprint Denver 2019 indicates the land use of a privately owned open space can change and the community should be engaged in the planning for the vision of the site (p.75). As mentioned above, our team has undertaken extensive engagement with the community in connection with this rezoning request and has considered community feedback and desires with respect to the same. Overall, the community feedback has been very positive. As evidence for this support, the Applicant is in the process of collecting letters of support from a variety of stakeholders. Our proposed rezoning is consistent with all other requirements of Blueprint Denver 2019 and the site furthers many of the goals of Blueprint Denver (as shown throughout this section of the

application). Many of the surrounding property designations are “Community Center”, and our proposed rezoning is comparable with and fits with these surrounding designations extremely well. The properties directly to the west and east are both “Community Center” designations. Lastly, we have been given the support of the Lowry Redevelopment Authority to pursue and obtain this rezone as evidenced by their resolution permitting the Applicant to proceed, which was required under the existing private property restrictions.

- Growth Areas Strategy: The intent of Blueprint Denver’s general growth strategy is to guide growth toward key centers, corridors, and high-density residential areas that align with transportation options (p.51). The majority of growth is guided to regional centers, community centers and corridors, select districts, and higher intensity residential areas. “All other areas of the city”, anticipates nearly 20% of new housing growth and 10% of new employment growth by 2040. Our site is bordered by “Community Centers” on both the east and west, and a large portion of the Lowry neighborhood is designated as “Community Centers”.
- Future Street Type: The site sits at the southwest corner of the intersection of E. Lowry Boulevard and Yosemite Street. E. Lowry Boulevard is designed as a Mixed-Use Arterial, which is designed for the highest amount of through movement and the lowest degree of property access (p.157). Uses on this portion of roadway should include a varied mix such as retail, office, residential, and restaurants. Buildings are typically multi-story and pedestrian-oriented with a shallow front setback. Yosemite Street is a Residential Arterial and, like E. Lowry Boulevard, is also designed for the highest amount of through movement and the lowest degree of property access. Uses on a Residential Arterial are primarily residential uses, but others may be considered including schools, civic uses, parks, or other similar uses. Setbacks vary by neighborhood context on Residential Arterials. The proposed rezoning would intensify the existing site but also bring it into compliance with the current Zoning Code. The adjacent streets have been designed to accommodate a higher intensity of uses and this use will not create a need for new street classifications for either E. Lowry Boulevard or Yosemite Street.
- Equity Concepts: The rezoning request to S-MX-5 identifies the equity concepts with this site as “average to above average” access to opportunity. There is a “more equitable” index regarding determinants to health, access to healthcare, and child obesity. There is a “somewhat equitable” life expectancy and a less equitable built environment. This site has no access to transit and access to centers and corridors varies between 25-74% based on walking, cycling, or driving. This site is considered as “not vulnerable” to causing displacement for all three indicators for *Housing An Inclusive Denver* (percent of population with less than a college degree, percent of renter-occupied units, and median household income) as there are no existing residential units on this property.

Rezoning this property would expand housing diversity. Home size diversity, rental potential, and number of income restricted units are the three indicators driving housing diversity. A lack of middle-density housing (2-19 units) and housing costs are indicators not being realized for this request. Since this area has less than 100 jobs, there is no data on the job category breakdown. This new development would create approximately 75 jobs (12 salaried, manager level and 63 hourly).

The equity concepts worksheet provided by the City, states the proposed existing income restricted units are “diverse” within the subject census tract, having more than three and a half times the citywide average. The Lowry Master Development established a separate affordable housing plan with the City that laid out affordable housing goals specific to Lowry. The master development has far exceeded these goals and subsequently new residential developments within this established area are no longer



required to provide affordable housing or pay City established linkage fees. In this same vein, the equity concepts worksheet provided by the City states the existing income restricted units are “diverse” within the subject census tract, having more than three and a half times the citywide average. **In addition to this already robust offering of affordable living in Lowry, United Properties has committed to providing 10% affordable units at 80% AMI rent level of the age restricted rental building (active seniors). This meets the request made in the LUN June 28th letter. We have worked closely with LUN over the past 9 months to reach this goal. In addition, we have worked with HOST to finalize the affordable housing agreement, which reflects these requirements. This will provide the first income restricted senior rental units in this area. This will further increase housing diversity as it pertains to housing costs and options.** United Properties has been working with HOST and has their support for our affordable unit commitment. We are currently working with HOST to complete a voluntary affordable housing agreement.

Housing An Inclusive Denver

The requested map amendment would allow the applicant to develop the property with age restricted senior housing and an assisted living and memory care facility. According to *Housing An Inclusive Denver*, Denver is growing older. According to the plan, “*Denver’s senior population increased 35% between 2010 and 2017. Between 2017 and 2035, projections suggest that the number of seniors in Denver will increase by 52% between 2017 and 2035, representing the largest share of Denver’s population growth over that time. The city’s past and future growth in seniors aged 65 and older will clearly drive the needs and considerations of developing and siting future housing. These needs and considerations include creating more income-restricted housing targeted for seniors, incorporating accessibility features in senior housing, promoting access to health services, and supporting local programming to help seniors successfully age in place...and construction of additional senior housing will increase overall supply of senior housing... (p.109-110).*”

This rezone will help meet the goals of *Housing An Inclusive Denver* by providing much needed market rate and income restricted senior housing in the City of Denver.

II. Review Criteria: Statement of Uniformity of District Regulations

The rezoning request to S-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired. This proposed rezoning is consistent with the S-MX-5 zone district as it sits at the intersection of two arterial streets and is limited to five stories or less.

III. Review Criteria: Statement of Furthering the Public Health, Safety and Welfare

The proposed map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City’s adopted plans.

The requested rezoning would allow the property to accommodate a senior housing development which is compatible with surrounding land uses and would allow an aging population within the Lowry and surrounding neighborhoods to remain in the area as they continue to age. As the Baby Boomer generation continues to age and our average life expectancy as a population continues to rise, there is a growing need for senior living facilities like these. Additionally, Bishop Machebeuf High School, the current owner of the subject property, will be using the proceeds on capital improvements, scholarships for students, and new learning resources, all of which result in additional benefits to the Lowry Neighborhood.

IV. Review Criteria: Justifying Circumstances

The rezoning is justified under DZC Section 12.4.10.8, “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: c) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” This rezoning from Former Chapter 59 will bring the current property under the current Denver Zoning Code.

V. Review Criteria: Statement of Consistency with Neighborhood Context Zone District Purpose, and Intent

The purpose of the S-MX-5 Mixed Use Zone District is intended to promote safe, active, and pedestrian-scaled, diverse areas using building forms that clearly define and activate the public street edge. Mixed Use zones are intended to enhance convenience, ease and enjoyment of transit, walking, shopping, and public gathering within and around the city’s neighborhoods. Mixed Use standards are also intended to ensure new development contributes positively to established neighborhoods. Mixed Use districts are focused on creating mixed, diverse neighborhoods and are intended for corridors, embedded neighborhood business areas and larger sites (p. 5.2-4).

The S-MX-5 zone district is intended for use in the Suburban Neighborhood Context and are appropriate along corridors and intersections served primarily by collector or arterial streets where the building scale of 1 to 5 stories is desired. The subject site is at the southwest corner of Yosemite Way and E. Lowry Boulevard which is primarily served by residential collectors. The building form standards for S-MX-5 balance the importance of street presence and provision of adequate parking. The standards for S-MX-5 are intended to ensure new development contributes positively to established residential neighborhoods and character and improves the transition between commercial development and adjacent residential neighborhoods.

This rezoning request is consistent with being within a Suburban Neighborhood Mixed-Use Context and would allow for new development to occur that would further diversify housing options in the Lowry Neighborhood.

Conclusion:

The proposed S-MX-5 map amendment satisfies the criteria for rezoning and is consistent with guidance in the *Lowry Reuse Plan*, *Blueprint Denver 2019*, *Denver Comprehensive Plan 2040* and *Housing an Inclusive Denver*. In summary:

- Housing diversity will be expanded. United Properties committed to entering into a voluntary affordable housing agreement with HOST to provide active adult/age restricted rental units that will be affordable units. This will increase housing availability for senior citizens within the City.
- Senior housing meets a growing demand. This development also has the unique advantage of providing a full spectrum of senior housing options and services, allowing our residents to truly age in place.
- The rezone promotes safe, active, pedestrian-scaled diverse areas that enhance the convenience and ease of walking within and around the city’s neighborhoods. This site is in a walkable neighborhood which aligns with our mission of providing active and healthy lifestyles for our senior residents.
- The rezone aligns with Denver’s growth area strategy. The necessary infrastructure to support this development is already in place.
- The rezone conforms with the Suburban Neighborhood Context and is adjacent to corridors at major intersections (E. Lowry Blvd and Yosemite Way), which is explicitly suited for S-MX-5.
- Future buildings will comply with all building form standards, balancing the importance of street presence and provision of adequate parking through build-to requirements, street level activation and parking lot screening along the right-of-way.

- Future buildings will demonstrate the highest community and urban design standards, building upon the existing assets of the surrounding area.
- This site will become an extension of and supporting element for Denver's adopted plans for this area.

Thanks for your consideration of this request.

Sincerely,

Norris Design



Kayleigh Robinson
Associate

United Properties



Matt Oermann
Senior Development Manager

EXHIBIT A

<i>Date</i>	<i>Event</i>
12/04/2020	LRA (Lowry Redevelopment Authority)
12/08/2020	Lowry Vista Metro District Board (Public Notification)
12/16/2020	Site Visit with Council Member Sawyer
12/18/2020	Mary Carr LCMA (Lowry Community Master Association)
01/07/2021	LDRC Meeting (Public Notification)
1/21/2021	Meeting with Council Member Kneich & Aide
2/4/2021	LDRC Meeting (Public Notification)
2/24/2021	HOST Meeting (Department of Housing Stability)
3/1/2021	LUN Board Meeting
3/10/2021	Bishop Machebeuf / Archdiocese
3/19/2021	HOST Meeting
3/24/2021	Meeting on Site with Denver Parks
3/25/2021	Meeting with Council Member Black
3/25/2021	LUN Board Meeting
4/13/2021	Individual Lowry Resident /LUN member meeting
5/6/2021	LDRC Meeting (Public Notification)
5/25/2021	Adjacent Property-Innovage
6/1/2021	Meeting with Council Member Kniech
6/1/2021	Lowry Blvd/Yosemite Community Meeting
6/3/2021	LDRC Meeting (Public Notification)
6/3/2021	Meeting with Council Member Ortega
6/16/2021	LUN Board Meeting
7/20/2021	Meeting with Archdiocese
8/3/2021	Lowry Business Alliance
8/17/2021	Adjoining advocacy group meeting/Senior Planet
9/16/2021	LUN Board Meeting
10/19/2021	Individual Lowry resident outreach
10/21/2021	LUN Community Meeting (Public Notification)
11/3/2021	Planning Board (Public Notification and Property Posted)
12/7/2021	East Park Community Meeting (Public Notice)

Exhibit B

GOOD NEIGHBOR AGREEMENT CHERRYWOOD POINT INVESTMENT/LOWRY SENIOR LIVING AND LOWRY UNITED NEIGHBORHOODS

This Good Neighbor Agreement (this "Agreement") is made as of _____, 2021 (the "Effective Date") by and between Cherrywood Pointe Investment LLC, a Minnesota limited liability company ("Developer") and Lowry United Neighborhoods, a Colorado cooperative association ("LUN"), with respect to the following facts:

RECITALS

A. Developer and Bishop Machebeuf High School, Inc., a Colorado nonprofit corporation ("Seller") entered into a Purchase and Sale Agreement (as amended, the "PSA"), dated November 10, 2020, for the real property located at 8890 East Lowry Boulevard in the City and County of Denver (the "City").

B. Developer wishes to develop the Property into approximately 300 units in two buildings, an Active Adult 55+ for rent building ("AA Building") and an Assisted Living and Memory Care building (collectively, the "Project"). Developer seeks to have the Property rezoned from its current designation of R-4 to S-MX-5 which will permit the development of the Project ("Rezoning").

C. In connection with the proposed Rezoning of the Property, Developer has engaged in extensive community outreach in the Lowry neighborhood in order to obtain the community's feedback on and support of the Project.

D. Developer voluntarily initiated discussions on this Agreement with LUN to further demonstrate its commitment to continued collaboration and to actively address the issues articulated by LUN during the community outreach process.

E. In order to address LUN's concerns about the availability affordable housing and recreational spaces in the Lowry neighborhood, as well as in satisfaction of the linkage fee requirements set forth in Chapter 27 of the Denver Revised Municipal Code, Developer is voluntarily agreeing to provide affordable housing units within the Project and is agreeing to provide outdoor recreational space on the Property for the benefit of the residents of Lowry.

F. Developer and LUN are sometimes hereinafter referred to individually as a "Party" and together as the "Parties".

G. The Parties have agreed to execute this Agreement in order to memorialize their agreements relative to the obligations set forth below.

NOW, THEREFORE, in consideration of the foregoing Recitals, the mutual covenants, and other good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged, the Parties agree as follows:

AGREEMENT

1. Obligations of Developer.

a. Affordable Housing: Upon final, unappealed and unappealable approval of the Rezoning, Developer shall execute that certain Agreement to Build Affordable Units in favor of the City, which such agreement obligates Developer to make not less than 10% of all residential units constructed

within the AA Building on the Property income restricted for rent to tenants making not more than 80% AMI for a period of 99 years.

b. Open Spaces: The Developer agrees to the following:

1. Easement: Upon acquiring the Property from Seller, Developer will provide a permanent easement to the City for public use of the existing trail on the Property running along Westerly Creek.

2. Benches and Landscaping: Developer agrees to provide benches and appropriate landscaping along the existing Westerly Creek trail on the Property, all as shown and approved in Developer's site development plan for the Project, subject to City review and approval of the same.

3. Recreational Programing: Developer agrees to pursue opportunities for recreational programming on the Property that would be available to the public, subject to review and approval of such uses by the City.

2. Obligations of LUN.

a. Project Support: In consideration of the rights and benefits to LUN and the neighborhood provided by Developer in this Agreement, LUN hereby agrees to not engage in any public or private actions or lobbying against any portion of the Property, Project, or City Council approval of the Rezoning. Additionally, LUN agrees to prepare and deliver to Planning Board and City Council letters of support of the Project and the Rezoning (each, a "**Support Letter**"), in a timely manner to ensure the Support Letters are delivered to City Council prior to any hearings related to the Property, Project, or the Rezoning.

3. Relationship to Rezoning Approval: If the City Council fails to approve the Rezoning, then this Agreement and the obligations described herein shall automatically terminate and be of no further force or effect.

4. Miscellaneous.

a. Recording. The Parties agree that this Agreement shall not be recorded by either party. In the event of any recording, it shall automatically terminate and become null and void.

b. Benefits and Obligations. The covenants and agreements contained herein shall inure to the benefit of, and be binding upon, the Parties hereto and their respective heirs, successors and assigns; provided, however, in no event shall LUN be permitted to assign any of its right, title and interest in and to this Agreement. Developer reserves the right to assign its obligations to an affiliate that may purchase the Property. The Parties agree that there are no other third party beneficiaries to this Agreement.

c. Run with the Land: The terms and conditions described herein shall not run with the land.

d. Breach. If any Party hereto breaches any provision of this Agreement and fails to cure such breach within thirty (30) days after written notice thereof (or such longer period as is reasonably required to complete such cure, as long as the breaching Party has commenced and is diligently pursuing such cure), the non-breaching party shall be entitled to actual damages and specific performance. Each Party hereto expressly waives any right to recover and agrees not to seek injunctive relief or consequential, indirect, special, or punitive damages.

e. Governing Law. This Agreement is governed by the laws of the State of Colorado. The Parties irrevocably waive all right to trial by jury in any action, proceeding or counterclaim arising out

of or relating to this Agreement. In the event either party hereto commences litigation or arbitration to enforce its rights hereunder, the substantially prevailing party in such proceeding shall recover from the other party its reasonable attorneys' fees and expenses incidental to such proceeding, including the cost of appeals.

f. Authority. Each person executing this Agreement represents and warrants that it is duly authorized to execute this Agreement by the Party on whose behalf it is so executing.

g. Construction; Disclaimer of Joint Venture. The Parties hereto have participated jointly in the negotiation and drafting of this Agreement. In the event of any ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the Parties and no presumption or burden of proof shall arise favoring or disfavoring any Party by virtue of authorship of any of the provisions of this Agreement. This Agreement is not intended to create a joint venture, partnership or agency relationship between Developer and LUN, and such joint venture, partnership, or agency relationships is specifically hereby disclaimed.

h. Severability. The provisions of this Agreement are severable, and if any provisions are held to be illegal, invalid or unenforceable, such holding does not affect the legality, validity or enforceability of any other provision. In such event, the remaining provisions of this Agreement shall be enforced so as to give effect to the intent of the Parties in entering into this Agreement.

i. Amendment. This Agreement may be amended or supplemented by additional written agreements, sections or certificates, as may be mutually determined in writing by the Parties from time to time to be necessary, appropriate or desirable to further the purpose hereof, to clarify the intentions of the Parties, or to add to or modify the covenants, terms of conditions hereof or thereof. All such amendments or supplements shall be in writing and approved by the Parties.

j. Entire Agreement; Section Headings. This Agreement is the entire agreement between the Parties with respect to the subject matter thereof, and no alteration, modification or interpretation hereof shall be binding unless in writing and signed by both Parties. The headings of the various sections of this Agreement have been inserted only for convenience, and are not part of this Agreement.

k. Counterparts. This Agreement may be executed and recorded in one or more counterparts, each of which when so executed shall be deemed an original. Such counterparts, together, shall constitute but one and the same instrument.

[Signatures on the Following Page]

IN WITNESS WHEREOF, Developer and LUN have caused this Agreement to be duly executed as of the day and year first above written.

DEVELOPER:

Cherrywood Pointe Investment LLC,
a Minnesota limited liability company

By: United Properties LLC
A Minnesota limited liability company
Its Manager

By: _____
Name: _____
Title: _____

and

By: _____
Name: _____
Title: _____

LUN:

Lowry United Neighborhoods,
a Colorado cooperative association

By: _____
Name: _____
Title: _____

January 5, 2021

Blair E. Lichtenfels
Attorney at Law
303.223.1190 tel
303.223.1111 fax
blichtenfels@bhfs.com

City and County of Denver
City Council
c/o Community Planning and Development
201 W. Colfax Ave., Dept. 205
Denver, CO 80202

RE: Application for Rezoning for 8890 East Lowry Boulevard (No. 2021I-00031)

Ladies and Gentlemen:

We represent United Properties Development LLC, a Colorado corporation ("**Applicant**"), on behalf of Cherrywood Pointe Investment LLC, a Minnesota limited liability company, which is the contract purchaser of the approximately 7.18-acre property generally bordered by East Lowry Boulevard to the north, North Yosemite Way to the east, Big Bear Ice Arena to the west, and Sports Boulevard and Lowry Open Space to the south ("**Property**"), in the City and County of Denver, Colorado ("**City**") from the current Property owner, Bishop Machebeuf High School, with respect to the Applicant's pending application ("**Application**") to rezone Property from the existing zoning (R-4 with Waivers under the Former Chapter 59 zoning code) to S-MX-5 ("**Rezoning**") under the current the Denver Zoning Code, with effective date June 25, 2010 as restated in its entirety on July 1, 2021 and amended on July 26, 2021 (as amended and restated, the "**Zoning Code**"), with the standards described therein.

REQUEST FOR REZONING

This letter is intended to supplement the Application and provide City Council with additional information to aid it in reviewing and approving the requested Rezoning to S-MX-5. On behalf of the Applicant, we respectfully request that the City Council approve the Rezoning because the Application meets and exceeds the criteria for approval under the Zoning Code, and the Applicant is voluntarily providing significant community benefits in the form of an agreement to provide affordable housing and much needed senior housing.

DESCRIPTION OF PROJECT: SENIOR HOUSING

Applicant plans to develop the Property into a senior living facility with approximately 300 units in two buildings: an Active Adult 55+ for-rent building (“**AA Building**”) and an Assisted Living and Memory Care building (“**ALMC Building**”) (together, the “**Project**”), including a full spectrum of senior housing options, continuum of care services, increased amenities and outdoor recreational spaces, allowing its residents to truly age in place.

EXISTING ZONING, EXPIRATION OF LDRC USE RESTRICTIONS AND LONG TERM COMMUNITY VISIONING PROCESS FOR PROPERTY

As noted above, the Property is current zoned R-4 with Waivers under the Former Chapter 59 zoning code. The Property is owned by the Bishop Machebeuf High School, and used by the high school as a baseball field; as such, it is currently privately owned and not open for use by the public. Notwithstanding the current private sporting use, under the existing zoning, churches, schools, theaters and parks are all permitted uses on the Property. Further, those structures permitted under the existing zoning may be up to thirty seven feet (37’) tall. As it relates to height of structures on the Property, it should be noted that although the Rezoning to S-MX-5 would permit structures up to five (5) stories or seventy feet (70’) tall, the Property is subject to mandatory design review approval by the Lowry Design Review Committee (“**LDRC**”) in accordance with the Lowry Design Guidelines, and the LDRC and Lowry Design Guidelines limit maximum height of the Project to not more than four (4) stories or fifty feet (50’) – a mere 13’ increase from the existing height limitation under the current R-4 with Waivers.

Bishop Machebeuf High School purchased the Property in 2007 from the Lowry Economic Redevelopment Authority (“**LRA**”), a legal entity established by the City and County of Denver and City of Aurora pursuant to an Intergovernmental Agreement. When Bishop Machebeuf High School purchased the Property, it was restricted not only by the existing R-4 with Waivers zoning, but also by a deed restriction in favor of the LRA (“**Deed Restriction**”). The Deed Restriction restricted use of the Property for development and operation of a school, educational uses, recreational uses, athletic events, school/education gatherings and events, worship, fairs, bazaars, and accessory uses (including storage). It is clear that the LRA never contemplated that this Property would remain open space, and in fact, when Bishop Machebeuf High School purchased the Property, they elected to use it as such notwithstanding the ability to build a school or a church up to 37 feet tall. Notably, the Deed Restriction expired over a year ago on December 20, 2020.

Finally, this Property has been the subject of numerous long term community visioning processes. First, the Property is subject to the Lowry Reuse Plan, which was adopted in 1993 after 18 months of community outreach (hereinafter, the “**Lowry Reuse Plan**”). Second, the Property is subject to the Master Declaration of Covenants, Conditions and Restrictions for the Lowry Community and the Lowry Design Guidelines, each of which provide for not only vision and design regulation for the Lowry Neighborhood, but also a common plan and scheme for development. Third, as discussed above, the LRA imposed a time limited vision for the Property via the Deed Restriction

– which such Deed Restriction has expired, allowing for additional uses of the Property. Fourth, when Bishop Machebeuf High School decided to sell the Property, it conducted a significant request for proposal process to understand the market for sale and purchase of the Property. Fifth, the Applicant has worked with the LRDC to determine the context overlay for the Property - -- which context overlay limits the permitted height in a manner that is specific to the Project and more restrictive and lower than what is permitted under the requested Rezoning. Finally, the Applicant has conducted its own extensive community outreach and community visioning – for over a year – and the results of that outreach and visioning process have guided not only the requested Rezoning, but also the community benefits offered by the Applicant in connection with the Project, which include collaboration with neighbors to work with DOTI to remedy certain pre-existing offsite traffic conditions, a voluntary agreement to provide affordable housing, construction of much needed senior housing, building onsite trail enhancements to the existing Westerly Creek trail (including an easement for the benefit of the public granted to the City) and construction of a publicly available additional recreational opportunities for the community on the Property.

VOLUNTARILY PROVIDED AFFORDABLE HOUSING

The Property is exempt from the provisions of the Denver Revised Municipal Code (“**DRMC**”) Chapter 27 Article V Dedicated Funding for Affordable Housing, and from the Affordable Housing Permanent Funds Ordinance Administrative Rules and Regulations adopted July 7, 2017 and amended December 18, 2019 (the “**Rules**”) promulgated by the Denver Economic Development & Opportunity Department with respect to the payment of the linkage fee imposed on new developments by DRMC, § 27-151 et. seq. (“**Linkage Fee**”) and from implementation of a build alternative plan pursuant to DRMC, § 27-155 (“**BAP**”) due to the Property’s inclusion in the Lowry Master Development which is subject to the Lowry Reuse Plan and has established a separate affordable housing plan with the City that laid out affordable housing goals specific to the Lowry neighborhood, thus qualifying the Property for exclusion under DRMC, § 27-154(a) and Rules, § 2.II.A. Despite not being obligated to pay the Linkage Fee or build affordable units on-site, the Applicant has voluntarily entered into an Agreement to Build Affordable Units (“**Affordable Unit Agreement**”) with HOST which will obligate the Applicant to lease 10% of the AA Building units to income-restricted seniors (80% AMI or less). To the Applicant’s knowledge, no other senior living facility in the City has voluntarily provided affordable housing on-site as the Applicant has agreed to do. If the requested Rezoning is approved, the proposed Project would help Denver meet its goal of becoming an equitable and inclusive city that benefits all community members with an expansion of existing housing options for Denver’s aging community and allow seniors to age in place.

EXTENSIVE NEIGHBORHOOD OUTREACH

The Property is located within the Lowry neighborhood (“**Neighborhood**”). Applicant has put an emphasis on gathering community and neighborhood feedback throughout the Rezoning process. Applicant has met with a variety of community stakeholders to address any and all concerns to ensure that the Neighborhood is not only comfortable with, but actively supports the Project and the use of the Property as something other than private open space. To achieve this goal, Applicant has already met with a number of community organizations and leaders, often multiple times, as listed below:

- Lowry United Neighborhoods (monthly meetings)
- Lowry United Neighborhood Planning Sub-Group
- Lowry Design Review Committee & Lowry Community Master Association (3 meetings)
- Lowry Redevelopment Authority
- Lowry East Park Neighborhood

The development team held a community information meeting on June 1, 2021 to discuss the Rezoning with neighbors. Meeting attendees were given Norris Design and The Pachner Company’s contact information, should these community members have requests for additional information. The adjacent property owners that were notified of the June 1, 2021 community meeting are listed on Schedule 1 attached hereto.

In addition, Applicant continues to work with the following community stakeholders to gather additional feedback:

- Lowry United Neighborhood
- Lowry Business Alliance
 - Lowry Foundation
 - Adjacent businesses and community facilities
- Immediate neighbors
- Immediate surrounding businesses
- Lowry Residents
- Archdiocese of Denver/Machebeuf High School
- Senior community businesses (through Denver Aging Agency)

Attached as Schedule 2 is a list of complete community outreach undertaken by the Applicant. Applicant has been successful in gaining community support, evidenced by numerous community support letters delivered concurrently with this letter to the Planning Commission (“**Support Letters**”).

In response to ongoing discussions and feedback from Lowry United Neighborhoods (“**LUN**”), and a letter from LUN to the Denver Planning Board on November 1, 2021, Applicant has drafted and

agreed to enter into a Good Neighbor Agreement (“**GNA**”) for the benefit of LUN. The terms of the GNA include: Applicant’s commitment to designate 10% of the AA Building units for residents earning not more than 80% AMI, Applicant’s grant of an easement to the City allowing the public to access and use the trail along Westerly Creek, Applicant’s agreement to maintain the landscaping and certain amenities pursuant to the terms of the easement, and Applicant’s agreement to pursue additional recreational opportunities for the community on the Property. Applicant has worked closely with LUN over the past six months to determine what is important to LUN and is ready, willing and able to execute the GNA to benefit LUN to provide an enforceable mechanism to reach these aggressive goals; however, on or around December 20, 2021 LUN delivered a letter to City Council, which the Applicant later received a copy of, that LUN does not intend to enter into the GNA. In the December 20th letter, LUN expressed a desire for the Applicant to memorialize the affordable housing requirement in an agreement with the City, and to memorialize the easement with either the City or the Lowry Community Master Association (“**LCMA**”). As previously noted, the Applicant has executed an Agreement to Provide Affordable Housing with the City, which agreement obligates the Applicant to make 10% of the residential units in the AA Building available for occupants earning not more than 80% AMI. While LCMA does not want to be the beneficiary of such an open space easement, the Applicant remains committed to granting a public access easement to the City in connection with site development plan approval for the Project.

Immediately prior to and during the November 3, 2021 Planning Board hearing for the Rezoning, Applicant received feedback from residents of the East Park neighborhood related to the Rezoning. In response to this feedback, and in an effort to understand and mitigate neighbors’ concerns with respect to the Rezoning, the Applicant hosted and participated in three (3) additional meeting with East Park and other neighbors, as well as representatives of the Department of Transportation Infrastructure (“**DOTI**”) to collaborate with respect to solutions for address pre-existing traffic concerns at the Yosemite and Lowry traffic roundabout. The Applicant is committed to work with DOTI during the site development plan and zoning permit process to address those traffic concerns in connection with the Project.

COMPATIBILITY WITH REQUESTED REZONING DISTRICT

The Rezoning would bring the Property out of the purview of the Former Chapter 59 zoning code and into the current Zoning Code making it more compatible with the City’s planning objectives.

The Project fits well into the requested S-MX-5 zone district due to the mix of residential, open spaces and job generating on-site services which match the general character of the Suburban Neighborhood Context, which is characterized by both single-unit and multi-unit residential, commercial strips and centers, and office parks.

As intended for Mixed Use Zone Districts, the Project’s multi-family buildings would provide a transition between the commercial development to the southwest of the Property and the residential community to the east, promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking and public gathering within and around the neighborhood. The Project is also consistent with the existing surrounding neighborhood uses, which include multifamily residential, single family residential, office, recreation, parks, and open space.

Denver Community Planning and Development (“CPD”) staff determined a LDR was not required for this property due to the Lowry Reuse Plan, surrounding open space and infrastructure being constructed, and the fact that community engagement will occur in connection with the Rezoning. However, it should be noted that if City Council approves the Rezoning, the Applicant will undertake additional community outreach in connection with its application for a zoning permit for the ALMC Building, and in connection with the site development plan process.

THE REZONING IS CONSISTENT WITH THE CITY’S ADOPTED PLANS

Finally, as discussed in great detail below, the Project is consistent with the Comprehensive Plan, Blueprint, Housing an Inclusive Denver and the Lowry Reuse Plan (each as defined below).

ANALYSIS

An application for a rezoning must satisfy the criteria for approval applicable to all zone map amendments and the criteria applicable to non-legislative rezonings. Zoning Code, §§ 12.4.10.7 and 12.4.10.8. What follows is an analysis of how the Application for the Rezoning satisfies each of these criteria.

I. Criteria for Zone Map Amendments

The City Council may approve an official zone map amendment if the proposed rezoning complies with specified criteria. Zoning Code, § 12.4.10.7. The Rezoning complies with those criteria, as explained in detail below.

A. 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.

The Rezoning is consistent with the City’s adopted plans, as follows:

1. Comprehensive Plan 2040. The City’s Comprehensive Plan 2040 (“**Comprehensive Plan**”) is the vision for Denver and its people for the next twenty years. The vision is composed of six elements that set long-term, integrated goals to guide the future of the

City and provide guidance for City leaders, institutions and community members to shape the City. The Rezoning aligns closely with these six elements in several ways, including, but not limited to:

a) Equitable, Affordable and Inclusive: The Project will add additional housing to the Neighborhood and Applicant is committed to building an overall equitable and inclusive project. Pursuant to DRMC, § 27-154(a) and Rules, § 2.II.A, the Property is already exempt from the Linkage Fee due to its inclusion in the Lowry Master Development, which has established a separate affordable housing plan with the City that laid out affordable housing goals specific to the Neighborhood. The Lowry Master Development has far exceeded its goals in providing affordable housing and subsequently new residential developments within this established area are no longer required to provide affordable housing units or pay Linkage Fees. However, in addition to this already robust offering of affordable living in the Neighborhood, Applicant has voluntarily agreed to execute the Affordable Unit Agreement in favor of HOST. This Affordable Unit Agreement commits Applicant to building at least 10% of the AA Building units, for a period of not less than ninety nine years, as income-restricted units rented to tenants making not less than 80% AMI. In addition, the development would create a greater mix of housing options for all individuals and families by serving a range of seniors who are looking for a community and need assistance with their daily living activities. This will include providing outdoor recreational spaces that will be senior citizen friendly and ADA accessible. Finally, the Project expands the supply of senior housing by providing one of the few senior living developments in Denver that provides active adult, independent living, assisted living, and memory care all in one location.

b) Economically Diverse and Vibrant: Not only does the project help ensure a mix of housing types, but it provides an opportunity for approximately 75 jobs and additional services for a diverse population. The Project will bring senior residents to the community, many of whom will support the local food and service economy. A unique benefit of the Project is that the land sale proceeds are going back to Machebeuf High School. The money will go to new learning resources, capital improvements, and scholarship funds that will benefit a racially and economically diverse population of students in the Neighborhood.

c) Connected, Safe and Accessible Places: The site currently has a trail along the western border of the site, along Westerly Creek, that connects parks to the north and south. Applicant has voluntarily agreed to provide a permanent easement to the City for public use of the trail and has committed to maintaining the trail conditions for the benefit of the Neighborhood residents.

d) Environmentally Resilient: The Project will promote infill development where infrastructure and services are already in place. As mentioned above,

Applicant will provide a permanent easement for the public trail, and has committed to adding additional green space along the trail to be an outdoor amenity space for the residents. Applicant intends to seek opportunities for recreational programming that will be available to the public on the Property.

e) Healthy and Active: Applicant's Project will provide senior residents the opportunity to enjoy the later years of their life and thrive in an active and social environment. Healthy food plans, group exercise classes, cooking classes, art classes, field trips and more are all part of the typical activities to be provided at the facility. As mentioned, Applicant also plans to pursue recreational programming on site that can be enjoyed, not only by the facility's residents, but by the entire community.

f) Strong and Authentic Neighborhoods: The Project is a quality infill development that is consistent with the surrounding Neighborhood and offers opportunities for increased amenities. The Project helps ensure that the Neighborhood offers a mix of housing types and services for a diverse population and serves the long-term strategy of accommodating the aging Baby Boomer generation. The proposed use also follows the adopted Lowry Reuse Plan's vision for the site.

2. Blueprint Denver. Blueprint Denver ("**Blueprint**") provides further structure around the six elements that comprise the vision for Denver set forth in the Comprehensive Plan and sets forth the recommendations and strategies for growing an inclusive City. The Project aligns closely with many of the strategies and recommendations in Blueprint, including, but not limited to:

a) Future Neighborhood Context Map: According to Blueprint, the Neighborhood Context for this site is Suburban. For Suburban Neighborhood Context, Blueprint offers the following guidance: "A range of uses from single-unit and multi-unit residential to commercial corridors and centers. Block patterns are generally irregular with curvilinear streets. Alleys are not commonly found. Buildings are typically set back from the street and range in scale." The Project's multi-unit residential building conforms to the mixed-density character of the Suburban Context and fits the block structure already in place for this area. In addition, the Project's trail easement dedication and provisions for recreational space are in line with Blueprint's vision for parks, open spaces, and a range of recreational amenities in the Suburban Neighborhood Context.

b) Future Places Designation: While Blueprint designates the Property's Future Place Designation as "Other Park and Open Space", Blueprint indicates that the land use of a privately owned open space can change and that the community should be engaged in the planning for the vision of the site (p. 153). As mentioned above, Applicant has undertaken extensive engagement with the community in connection with

the Rezoning and has considered community feedback with respect to the same. Overall, the community feedback has been very positive, as evidenced by the collection of Support Letters from community stakeholders. In addition, while the Property is designated as “Other Park and Open Space,” the proposed Rezoning is consistent with the surrounding neighborhood, which includes multifamily residential, single family residential, office, recreation, parks, and open space. Many of the surrounding properties are designated as “Community Centers,” which include a mix of larger and smaller scale office, commercial, and residential buildings. Heights in “Community Center” places are generally up to five stories. The Project’s four-story, multi-unit residential buildings will seamlessly integrate into the mixed-density nature of the surrounding neighborhood. In addition, the proposed Rezoning is consistent with all other requirements of Blueprint and the site furthers the overall goals of Blueprint (as shown throughout this section of the Application).

c) Growth Areas Strategy: The intent of Blueprint’s General Growth Strategy is to guide growth toward key centers, corridors, and high-density residential areas that align with transportation options. The majority of growth is guided to Regional Centers, Community Centers and Corridors, and Higher Intensity Residential Areas. While the Project is not specifically designated for significant growth, Blueprint envisions all areas of the City to have employment and housing growth by 2040. Additionally, the Project site is bordered by, and much of the Neighborhood is designated as, “Community Centers” which are expected to have 20% employment and 25% housing growth by 2040. By bringing new residents to the community and infilling underutilized land, the Project will help the Neighborhood meet Blueprint’s growth goals.

d) Future Street Type: The purpose of Blueprint’s Future Street designation is to link a street’s design and operation to the character and land use around them. The Property sits at the southwest corner of the intersection of East Lowry Boulevard and Yosemite Street. East Lowry Boulevard is designated as a Mixed-Use Arterial, which is designed for the highest amount of through movement and should include a varied mix of uses such as retail, office, residential, and restaurants. Buildings are typically multi-story and pedestrian-oriented with a shallow front setback. Yosemite Street is designated as a Residential Arterial and, like East Lowry Boulevard, is also designed for the highest amount of through movement; however the uses are primarily residential, but may include schools, civic uses, parks, or other similar uses. Setbacks vary by neighborhood context on Residential Arterials. The proposed Rezoning would permit the type of higher-density development that Blueprint envisions lining Mixed-Use Arterials. Additionally, the Project’s use as a senior living center is in line with the residential uses designated for Residential Arterial. Finally, the adjacent streets to the Project’s location have been designed to accommodate a higher intensity of uses and the Project’s use will not create a need for new street classifications for either East Lowry Boulevard or Yosemite Street.

e) Equity Concepts: The rezoning request to S-MX-5 identifies this site as having “average to above average” access to opportunity. The Neighborhood is considered “more equitable” in regards to determinants of health, access to healthcare, and child obesity. The Neighborhood residents have a “somewhat equitable” life expectancy and a “less equitable built environment.” The site has no access to transit and access to centers and corridors varies between 25-74% based on walking, cycling, or driving. The Project will increase life expectancy by providing health care, recreational opportunities, and healthy meals to seniors and will provide additional transit access through Applicant’s easement grant for the recreation trail.

i. This site is considered “not vulnerable” to causing displacement for all three indicators noted in *Housing An Inclusive Denver* (percent of population with less than a college degree, percent of renter-occupied units, and median household income) as there are no existing residential units on this Property.

ii. Blueprint envisions improved and diversified housing and employment opportunities. Rezoning this property would expand housing diversity. Home size diversity, options for both ownership and rentals, and the number of income restricted units are the three indicators driving housing diversity. The Project will add needed housing options for the Neighborhood by providing a mix of affordable and market-rate apartment-style rental units specifically for Denver’s growing senior community. Since this area has less than 100 jobs, there is no data on the job category breakdown; however, the Project would create approximately 75 jobs (12 salaried, manager level and 63 hourly).

iii. The equity concepts worksheet provided by the City states the proposed existing income restricted units are “diverse” within the subject census tract, having more than three and a half times the citywide average. As mentioned above, despite its exemption from its obligations to pay Linkage Fees or implement a BAP, Applicant has voluntarily executed agreements with HOST to lease 10% of the units in the AA Building to seniors with incomes at 80% AMI or less for a period of 99 years. This will provide the first income restricted senior rental units in this area and will further increase housing diversity as it pertains to housing costs and options.

Granting the Rezoning would allow the kind of responsible development envisioned in Blueprint. The Project will serve an important need in the community, at a site that is compatible with the surrounding Neighborhood. Applicant has shown that, through neighborhood outreach and its commitments to providing public recreational spaces, the Project will be integrated into the community and enhance the overall character of the Neighborhood. The Project is directly

responding to Denver's need for a more diverse range of affordable housing options and greater access to a wider variety of services, amenities, and jobs. For these reasons and those described above, the Project matches the vision for the Property in Blueprint.

3. *Housing An Inclusive Denver.* The requested rezoning would allow Applicant to develop the property with age-restricted senior housing and an assisted living and memory care facility. According to *Housing An Inclusive Denver, Setting Housing Policy, Strategy & Investment Priorities (2018-2023)* ("**Housing an Inclusive Denver**"), Denver is growing older and states that "Denver's senior population increased 35% between 2010 and 2017. Between 2017 and 2035, projections suggest that the number of seniors in Denver will increase by 52% between 2017 and 2035, representing the largest share of Denver's population growth over that time. The City's past and future growth in seniors aged 65 and older will clearly drive the needs and considerations of developing and siting future housing. These needs and considerations include creating more income-restricted housing targeted for seniors, incorporating accessibility features in senior housing, promoting access to health services, and supporting local programming to help seniors successfully age in place...and construction of additional senior housing will increase overall supply of senior housing..." The Rezoning will help meet the goals of Housing An Inclusive Denver by providing much needed market rate and income restricted senior housing in the City of Denver.

4. *Lowry Reuse Plan.* The Lowry Reuse Plan was adopted in 1995 and presents the conclusions of the community's planning efforts for reuse of the Lowry Air Force Base. The Rezoning of Property to S-MX-5 fits within the existing recommendation in the Lowry Reuse Plan. The "Land Use" portion of the Lowry Reuse Plan identifies the Project site to be within Education, Residential, or Community Service Land Use Categories. Retirement housing and managed care facilities are permitted uses under the Residential category. The Lowry Reuse Plan's goals for the Property allow flexibility to respond to market demand, with a range of acceptable land uses. New construction is envisioned for the site and future development may capitalize on the site's access resulting from its location at the intersection of Yosemite and East Lowry Boulevard. There is a demand for senior housing in the Neighborhood and the goal of the Lowry Reuse Plan is to allow changes in the Property's use to better serve the needs of the community. Additionally, the Lowry Reuse Plan acknowledges that the site's location on a higher trafficked street would be better suited for a more intense use.

a) The Lowry Reuse Plan's Urban Design goals were developed to build upon Lowry's existing built features, existing natural and site features and anticipated uses, to define and communicate a vision for development of the public realm which can be implemented as redevelopment occurs over time. The Lowry Reuse Plan seeks to create highly livable and desirable environments by incorporating a variety of uses and enhancing the surrounding Neighborhood. On-site open space should be linked into the Neighborhood's open space and park systems. The Project would meet these goals by providing a needed form of housing in the Neighborhood. The Project's on-site

recreational amenities will transition seamlessly into the remaining open space and public trails. The Lowry Reuse Plan designates the Property as a “Focal Point,” a visual termination of a circulation path or axis, which can be a man-made form or natural feature. “Focal Points” are opportunities for special treatment and are designed for natural focus. The Project balances the Lowry Reuse Plan’s goals that provide for development of the site, while also maintaining some of the site’s open space to provide a pleasing visual as one drives past the Property.

b) The Lowry Reuse Plan’s Housing goals include providing a variety of housing types, including single-family and multi-family. It provides that the Neighborhood should serve a wide spectrum of the housing markets, ranging from affordable to expensive. While the Lowry Reuse Plan does not specifically designate the Property for new residential development, the Lowry Reuse Plan provides flexibility for responding to the housing needs of the community. The Project would provide much needed senior housing in the community and will provide affordable and market-rate options to allow all seniors to age in place.

c) In addition to the Land Use goals, the Lowry Reuse Plan was developed as a whole with a set of general goals for the Neighborhood. The Project aligns with these goals in the following ways:

i. Adding local and regional economic development, including local tax base expansion, education and training, job development and business opportunities

a. The Project will add approximately 75 jobs to the neighborhood and will bring a larger tax base by adding additional housing units.

ii. Building upon and enhancing the existing assets of the surrounding area, which include regional open space, trail systems and parkways, established residential neighborhoods serving a variety of income groups, and established neighborhood commercial areas.

a. The Project grants a permanent easement to the City for a public trail. Applicant will also be providing additional landscaping along the trail and recreational spaces for public use.

b. The Project serves a range of income groups by providing market-rate as well as affordable units, and by providing recreational space for people of all economic backgrounds.

iii. Serving the neighborhood, local, and regional community facility and service needs, which include recreation/open space, education/training, housing, social services, arts/culture, and public safety and promoting the health of the local environment and inhabitants.

a. The proceeds of the sale of the Property to Applicant will directly benefit the Bishop Machebeuf High School and will fund new learning resources, capital improvements, and scholarship funds that will benefit a racially and economically diverse population of students.

b. The facilities will promote the health of its resident seniors by providing an accessible place to age-in-place. The facility will provide healthy meals and exercise opportunities for residents.

c. The recreational spaces as described above will be available for the public to use and will provide a variety of outdoor activity spaces.

iv. Providing for multiple uses which are diverse, balanced and well-integrated, and that minimize negative impacts on surrounding neighborhoods.

a. The Project provides residential housing, as well as green and recreational spaces. By committing to landscaping the public spaces and providing recreational opportunities for the public, Applicant will be providing benefits to the community.

As demonstrated above, the Project meets and exceeds the goals and objectives of the Lowry Reuse Plan and approval of the Rezoning will help fulfill the Lowry Reuse Plan's vision for the Property.

For the reasons outlined above, the Rezoning is consistent with the City's adopted plans, specifically the Comprehensive Plan, Blueprint, Housing an Inclusive Denver and the Lowry Reuse Plan, and therefore satisfies the first criteria for official zone map amendments.

B. 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.

The Rezoning seeks to rezone the Property to S-MX-5. This would take the Property out of a R-4 zoning district under the Former Chapter 59 zoning code and put the Property into a zoning

district under the current Zoning Code that is compatible with the surrounding Neighborhood. Currently the majority of the properties surrounding the Property are used for multifamily residential, single family residential, office, recreation, parks, and open space. The S-MX-5 zone district allows a variety of uses similar and compatible to that of the surrounding community. Rezoning to S-MX-5 under the Zoning Code would make the site more compatible with the surrounding area, and would result 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.

C. The proposed official map amendment furthers the public health, safety and general welfare of the City.

The requested Rezoning would allow the Property to accommodate a senior housing development which is compatible with surrounding land uses and would allow an aging population within the Lowry and surrounding neighborhoods to remain in the area as they continue to age. As the Baby Boomer generation continues to age and the average life expectancy of the general population continues to rise, there is a growing need for senior living facilities like these. Additionally, Bishop Machebeuf High School, the current owner of the subject property, will be using the proceeds on capital improvements, scholarships for students, and new learning resources, all of which result in additional benefits to the Neighborhood. For these reasons and those described in detail above, the Rezoning furthers the health, safety and welfare of the City.

II. **Criteria for Non-Legislative Rezonings.** In order for City Council to approve an official map amendment that the City Attorney has determined is not a legislative rezoning, the application must also meet both of the following criteria (Zoning Code, § 12.4.10.8):

- A. Justifying Circumstances: *one* of the following justifying circumstances must exist:
1. The existing zoning of the land was the result of an error;
 2. The existing zoning of the land was based on a mistake of fact;
 3. 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;
 4. 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) Change 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 Denver Zoning Code and the property retained Former Chapter 59 zoning.

5. 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 the Zoning Code.

The Rezoning is a non-legislative rezoning and the circumstances described in Nos. 4(a) and 4(c) above exist with respect to the Property. In connection with justification 4(a), the City has seen significant population growth over the last decade. In particular, the population of seniors is growing so rapidly that they are projected to make up the largest share of Denver's population growth in the coming decade. This growth has led to increased senior housing demands in the City. The proposed Rezoning would permit the development of additional senior housing which will enable more of the senior population to age in place. In addition, justification 4(c) applies because the Property retained Former Chapter 59 zoning and the proposed Rezoning would bring the Property under the current Zoning Code.

B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements: The purpose of the amendment is consistent with the description of the applicable neighborhood context, and the stated purpose of the zone district.

The Zoning Code characterizes the Suburban Neighborhood Context as consisting of single-unit and multi-unit residential, commercial strips and centers, and office parks. Suburban Neighborhood developments should improve compatibility with and respect for the existing character and context of the neighborhood and to arrange uses to be compatible with each other. The Project is a natural fit for the Suburban Neighborhood Context because it consists of multi-unit residential development, includes on-site services for its residents, and is compatible with the surrounding Neighborhood. Additionally, the Project will incorporate recreational spaces within the Neighborhood through its grant of an easement to the City for a public trail along Westerly Creek and maintenance of landscaping alongside the same. These recreational uses are compatible with the residential uses and increase recreational opportunities for the existing Neighborhood.

The Suburban Neighborhood Context is intended to be along corridors and intersections served primarily by collector or arterial streets. The Project is at the southwest corner of Yosemite Way and East Lowry Boulevard which is primarily served by residential collectors. The standards for S-MX-5 are intended to ensure new development contributes positively to established residential neighborhoods and character and improve the transition between commercial

development and adjacent residential neighborhoods. Use of the S-MX-5 zone district is appropriate because the Project's multi-unit residential buildings would serve as a transition between the commercial district to the southwest of the Property and the residential neighborhoods to the east. Rezoning to allow a multi-unit structure would activate the street by adding additional residents to the neighborhood and providing amenities that bring the community to the Property. The Rezoning would enhance the quality of the Neighborhood and improve the compatibility of the Property with the surrounding uses. It is therefore consistent with the description of the applicable neighborhood context, and the stated purpose and intent of the proposed zone district.

The purpose of the S-MX-5 Mixed Use Zone District is to promote safe, active, and pedestrian-scaled, diverse areas using building forms that clearly define and activate the public street edge. Mixed Use zones are intended to enhance convenience, ease and enjoyment of transit, walking, shopping, and public gathering within and around the city's neighborhoods. The Project is in a walkable neighborhood which aligns with our mission of providing active and healthy lifestyles for our senior residents. The Project also has the unique advantage of providing a full spectrum of senior housing options and services, allowing our residents to truly age in place, which increases the convenience for the residents within the Neighborhood.

Because the Property retained Former Chapter 59 zoning and the proposed Rezoning would bring the Property under the current Zoning Code and because the Rezoning is consistent with the description of the Suburban Neighborhood Context and the stated purpose of the zone district, the Rezoning satisfies both criteria for approval of a non-legislative rezoning.

CONCLUSION

We hope the foregoing information proves helpful in the City's review of the proposed Rezoning. As discussed in detail above, the Rezoning meets or exceeds all three (3) criteria in the Zoning Code for approval of a zone map amendment, and meets or exceeds the two (2) criteria for a non-legislative rezoning. The Rezoning would result in an incredible benefit for the Neighborhood and for the City by satisfying a great need for housing the City's growing senior population and providing a full spectrum of senior housing options and services, thus allowing residents to truly age in place. Additionally, the Applicant has actively engaged with community stakeholders and organizations to ensure that the Project will be a welcomed benefit to the Neighborhood. The Applicant has listened to and addressed the community's feedback, and will continue to engage with stakeholders throughout the development process. The Rezoning is actively supported by the many Neighborhood organizations and stakeholders who see the benefit the Project will bring to the community. Finally, despite the Property's exemption from the Linkage Fee and BAP requirements, the Applicant has voluntarily committed to providing affordable housing units in the AA Building so that the Project can help continue to make Denver an economically inclusive

City. Therefore, for these reasons, and those described above, we respectfully request that the City Council recommend approval to City Council of the proposed Rezoning.

Sincerely,

Blair E. Lichtenfels

Schedule 1

Adjacent Property Owners Contacted for Community Meetings

- 402 N Yosemite
- 412 N Yosemite
- 432 N Yosemite
- 460 N Yosemite
- 461 N Yosemite
- 470 N Yosemite
- 480 N Yosemite
- 490 N Yosemite
- 500 N Yosemite
- 8750 E Lowry Blvd
- 8580 E Lowry Blvd

Schedule 2

Community Outreach

<i>Date</i>	<i>Event</i>
12/04/2020	LRA (Lowry Redevelopment Authority)
12/08/2020	Lowry Vista Metro District Board (Public Notification)
12/16/2020	Site Visit with Council Member Sawyer
12/18/2020	Mary Carr LCMA (Lowry Community Master Association)
01/07/2021	LDRC Meeting (Public Notification)
1/21/2021	Meeting with Council Member Kneich & Aide
2/4/2021	LDRC Meeting (Public Notification)
2/24/2021	HOST Meeting (Department of Housing Stability)
3/1/2021	LUN Board Meeting
3/10/2021	Bishop Machebeuf / Archdiocese
3/19/2021	HOST Meeting
3/24/2021	Meeting on Site with Denver Parks
3/25/2021	Meeting with Council Member Black
3/25/2021	LUN Board Meeting
4/13/2021	Individual Lowry Resident /LUN member meeting
5/6/2021	LDRC Meeting (Public Notification)
5/25/2021	Adjacent Property-Innovage
6/1/2021	Meeting with Council Member Kniech
6/1/2021	Lowry Blvd/Yosemite Community Meeting
6/3/2021	LDRC Meeting (Public Notification)
6/3/2021	Meeting with Council Member Ortega
6/16/2021	LUN Board Meeting
7/20/2021	Meeting with Archdiocese
8/3/2021	Lowry Business Alliance
8/17/2021	Adjoining advocacy group meeting/Senior Planet
9/16/2021	LUN Board Meeting
10/19/2021	Individual Lowry resident outreach
10/21/2021	LUN Community Meeting (Public Notification)
11/3/2021	Planning Board (Public Notification and Property Posted)

12/7/2021	East Park Community Meeting (Public Notice)