

Meeting Date and Time: 12/6/2023 9:00 AM to 12:00 PM

NOTES FROM FACILITATION MEETING

Attendees: (1) Belmar Commons Homeowners Association, through two board and 1 community committee member; (2) Kairoi Residential, via two principal owners; and (3) City of Lakewood Planning and Community Resources Departments.

Facilitator: Wes P. Wollenweber of WF Legal, Lakewood, Attorney, Mediator, and Arbitrator

Notetaker (City of Lakewood)

- The facilitator gave a brief welcome, and everyone present gave introductions
- The facilitator spoke about the difference between facilitation and mediation
 - Facilitations are not confidential
 - For this facilitation meeting, notes will be taken and made public
 - Mediations are highly confidential under CDRA (Colorado Conflict Dispute Resolution statute)
- The facilitator spoke about the structure and goals of the meeting
 - Some issues can be agreed on, while some probably cannot be mutually resolved considering the advance nature of Kairoi’s design and permitting status.
 - Focus on identifying and more deeply understanding the issues of concern
 - Engage in communication and collaboration with one another
- The group discussed the note-taking process
 - Importance of getting the notes out quickly with the mutual goal of finalizing and publishing the meeting minutes within 2 weeks of the meeting (December 20, 2023).
 - All participants will have a chance to review notes to verify accuracy and completeness while addressing the salient topics of discussion.
 - Notes will then be made publically available on Lakewood.org
- **The facilitator asked each participant to summarize why they were attending the meeting**
- **Kairoi Residential —**
 - It was important for Kairoi to meet with the neighbors during the formal Major Site Plan pause period in order to open up the lines of communication in order to identify and understand what the recently raised concerns and feedback are
 - Kairoi provided some additional historical context regarding how they originally identified the Property, their due diligence performed in connection with the purchase of the Property that closed in 2021 and the design and permitting work performed on the Project over the last three years. A few takeaways from this additional context were:
 - During their due diligence process, Kairoi learned that Property’s existing Mixed Use – Core – Urban (MCU) allows for building heights up to 120’ or approximately 12 story buildings and that there is no maximum residential density limits under MCU.
 - Kairoi’s original intent on the Property contemplated two to three 120’ residential towers featuring approximately 800 – 1,200 residential units that

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| <p>b. Concerns over potential purchasers being dissuaded to buy townhome once Apartments are in</p> | <p>*this could connect the communities around crime/safety concerns and provide a formal forum for regular communication between the BMCHOA and the apartment community regarding on all that's happening in/around the Neighborhood.</p> | <p>with the local culture of the community. b. If Kairoi sells the apartment complex, it may sell to an owner that could retain Kairoi as the 3rd party property manager, where prior commitments to BMCHOA (e.g. the Neighborhood Crime Watch Committee) could continue. c. Example of Art of Neighboring; creating crime watch program d. Kairoi substantially reduced the scale of their overall density and building heights to more thoughtfully integrate with the fabric of the Neighborhood and Belmar Park. e. Kairoi has seen renters of their apartment communities become the purchasers of the for-sale homes that are in the same Neighborhood.</p> |
| <p>2. Safety, trespassing, crime:</p> <p>a. concern that more apartments will result in more crime</p> <p>b. concern of more people walking through community to get to mixed use shops</p> <p>c. guests coming into area</p> | <p>-Neighborhood Crime Watch Committee as referenced above. -Potential to install a perimeter fence around the existing vacant office building to serve as a deterrent to trespassing until construction of the Project commences.</p> | <p>a. There is inherent alignment of interests between the BMCHOA, Kairoi and the City in terms of providing for a safe environment that's as crime-free as possible for the residents of the Neighborhood and guests of the Park to enjoy. b. The City of Lakewood and Kairoi both agreed that they see a reduction in crime in the areas where similar new apartment communities have been built as residents create a culture of self-protection and community-policing. b. Existing office building on-site is vacant and vacant buildings draw more</p> |

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| | | <p>trespassers. Kairoi is open to exploring installing a perimeter fence around the existing office building until construction of the Project commences.</p> <p>c. Kairoi commits to working with BMCHOA on how to more tangibly address safety concerns during the construction phase of the project.</p> <p>d. The West Metro Fire District has approved the Kairoi fire/life safety plans.</p> |
| <p>3. Traffic Density and Pedestrian Foot traffic increase:</p> <p>a. lack of crosswalk on SYS connecting BMCHOA's community to the Park creates a safety concern – especially for the BMCHOA residents with disabilities.</p> <p>b. there is an existing concern with the volume of traffic that comes onto SYS from Ohio and Virginia; how will vehicle traffic increase when apartments are occupied?</p> <p>c. cannot predict what increased traffic per hour will look like 3 or 4 years from now when apartment residents are there</p> | <p>-City says that these issues are not a Kairoi related issue and are open to discussing potential ideas and solutions for how to explore traffic concerns, address parking concerns along SYS and a potential crosswalk connecting BMCHOA to the Park.</p> | <p>a. Kairoi worked with the City engineering team to properly scope and perform a traffic study in accordance with City standards which was approved by the City in 2021.</p> <p>b. Kairoi responsible for traffic mitigation related improvements in connection with the construction of their Project.</p> |
| <p>4. Construction crew parking on SYS during the construction period</p> <p>a. Concern with the logistics and delivery routing of Amazon, UPS and other large commercial trucks once the community opens for operations;</p> | <p>- Kairoi may be able to negotiate construction contract terms that better protect BMCHOA in terms of location of construction vehicles, hours, etc.</p> <p>- As the party hiring the independent</p> | <p>a. Kairoi is not the General Contractor but will oversee construction of the Project.</p> <p>b. Kairoi is willing to consider a statement of intent or something along those lines to negotiate for specific construction requirements incorporated into the contract it forms with the General</p> |

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| | <p>contractor/General Contractor, Kairoi can ask for terms about parking locations, routing of vehicles and pushing for contractual consequences for breach of those limitations.</p> | <p>Contractor that Kairoi engages – i.e. parking requirements, hours of operation, etc. c. Kairoi plans for their General Contractor to explore temporary parking agreements with property owners in the area for interim construction parking during the construction period. Kairoi will mandate that their General Contractor and their Subcontractors will perform the work in accordance with City code. d. As part of ongoing operations, Kairoi will endeavor to have Amazon, UPS and other large commercial trucks access the Property coming from Ohio Street.</p> |
| <p>5. Tree Elimination & Replacement:</p> <p>a. BMCHOA understands there will be a loss of trees on the Property across from their community</p> <p><i>b. other community stakeholders are concerned about trees near park</i></p> | <p>-Kairoi providing specifics on tree species as they finalize them</p> <p>-committing to possible study for use of tree fund monies</p> | <p>a. Kairoi provided additional data regarding their plans associated with trees for their project: Existing trees on-site: 83 Existing dead trees: 7 Existing trees to remain: 7 New trees to be planted: 208 – a total of 132 new trees to be planted. Canopy tree size planned to be provided: 3” caliper vs. 2.5” required under City code. Ornamental tree size planned to be provided: 3” caliper vs. the 1.5” required under City code. Evergreen tree size planned to be provided: 3” caliper w/ ~10-12’ height vs. no caliper</p> |

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| | | <p>and 6’ minimum height required under City code.</p> <p><u>Important to note that the numbers above include site plan changes that have occurred after the 3rd Major Site Plan submittal that includes Kairoi saving an additional 4 trees (74”).</u></p> <p>Based on the current plans, Kairoi has 73 trees that are planned to be mitigated pursuant to the City’s fee-in-lieu requirements which would require a cash payment of \$87,600. Kairoi is open to working with the City team to plant these 73 trees in/around Belmar Park if desired.</p> |
| <p>6. Drainage</p> <p>a. BMCHOA worried about how ongoing drainage issues will impact their existing detention pond to the north of the Property.</p> <p>b. BMCHOA has reviewed prior drainage submissions and performed a plan-set review</p> | <p>-Kairoi to supply 3rd submittal showing drainage discussion</p> | <p>a. Kairoi’s 3rd Major Site Plan submittal eliminated the emergency overflow that discharged to the north of the Property to eliminate potential impacts to BMCHOA’s drainage facilities.</p> <p>b. Kairoi has supplied a copy of their 3rd Major Site Plan submittal for BMCHOA’s review.</p> <p>c. Kairoi is willing to facilitate a discussion with their engineering team should any further drainage questions arise.</p> |

B. Themes from this discussion for potential next steps

1. Kairoi’s continued interest to explore potential ways to address and/or mitigate community feedback and concerns.
2. Beginning plans for integration of BMCHOA and Kairoi’s future apartment community regarding aesthetics, safety planning, etc.
3. Construction planning and controls during the construction period.

Additional information that was discussed in detail, but that was not included in facilitator's whiteboard tracking discussion:

Parking –

- Kairoi's current plans meet City parking requirements for the MCU zoning district which require 1.25 spaces per unit plus 1 visitor space for every 15 units.
- All parking will be enclosed and screened by the building to minimize/eliminate visual impacts to the surrounding community.

Market Rate Community –

- The project will be market rate housing that will provide for rental housing options that have rental rates that are generally in line with the other newly built market rate communities in Lakewood.

Landscaping –

- Kairoi has incorporated landscaped buffers into the site plan in efforts to provide a thoughtful transition between the Property and the Park.
- After multiple attempts with West Metro Fire District, Denver Water and Bancroft-Clover Water & Sanitation District, Kairoi, their team of consultants and the City have all been unsuccessful in removing and/or revising (e.g. reducing) the design of the perimeter fire/life safety access ring road that includes a public water main due to the applicable requirements.
- As part of their project, Kairoi will be restoring the exterior of the on-site pumphouse.
- As part of their project, Kairoi will incorporate community elements that will be open to the public – i.e. bicycle rack(s), bicycle repair station(s), pollinator habitat gardens, etc.

Bird habitat loss –

- City of Lakewood, Community Resources
 - Want to see additional bird habitat in park
 - Have discussed with CPW (Colorado Parks and Wildlife)
- Kairoi
 - Have consulted with SWCA Environmental Consultants, a team of habitat and cultural resource professionals to learn about how to address community feedback and concerns associated with the birds that frequent the Park.
 - Nesting, mating season starts in February. One idea would be to remove the trees in January to minimize the impact to birds and their nesting season. Kairoi is open to exploring how to perform this work to mitigate potential impacts to birds and their habitats.
 - Kairoi is open to working with the City team to explore how bird-boxes (birdhouses) and birdbaths could be incorporated on-site and in the Park.

- Kairoi is open to working with the City team to explore how bird nesting posts/perches and feeding stations could be incorporated in the Park.
- Possibilities for bird-friendly amenities around park
 - Want to collaborate with City team to understand options, desires and needs.
 - City team has legacy knowledge on potential locations for these type of amenities
 - In efforts to increase community awareness and education, bird-related signage could be added around the Park.

Other -

- Kairoi is under contract to purchase the property at 777 S Wadsworth Blvd. This purchase agreement was entered into with the owner at the same time the purchase contract for 777 S Yarrow St. was agreed to. Plans for the Wadsworth property are TBD as Kairoi's focus has been on the Yarrow St. property.

C. Next Steps (continued from facilitator's whiteboard tracking discussion)

1. Notes to be agreed upon, finalized, and placed on appropriate website available to public
2. Kairoi to consider next steps, and what a potential MOU or other type of agreement with BMCHOA may look like
3. City will meet with BMCHOA to further discussions on:
 - a. Potential for trees near the to-be constructed trail head
 - b. Replacement of trees that appear to be dead/dying in the public right-of-way along SYS
 - c. Potential addition of a crosswalk connecting BMCHOA to the Park
 - d. Existing traffic flows, congestion and proper traffic signal cycling
 - e. Any questions associated with Kairoi's 3rd Major Site Plan submittal