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September 22, 2005

Mark Heller
Executive Director
Golden Urban Renewal Authority
922 Washington Avenue, Suite 100
Golden, CO 80401

Subject: Washington Square re-development project in downtown Golden
September 26th GURA Board Meeting

Dear Mark,

We are pleased to provide the attached images for the Washington Square project and look forward to presenting them at the upcoming GURA board meeting on September 26th. As you will likely note, we have made a number of modifications to these images since we last presented the project to the GURA Board in an effort to clarify and respond to comments from the public, City Staff and GURA.

Based on our discussions in recent days, we understand that members of the GURA Board have raised questions regarding oversight of design architecture. As we have done with the GURA Board and other interested groups in the past and will continue to do, we are open to input on the project design. We are, however, getting to a point in the design and approval process where significant re-direction of the design would become problematic. As you know, the Planning Commission voted last evening 6-1 in favor of recommending to City Council the approval of our Planned Unit Development application, a copy of which is attached. Any design change at this point needs to be consistent with the PUD; otherwise the PUD approval process would be delayed such that we would not have the required entitlements approved before the November 15th contractual closing date. Therefore, we request that any comments on the project architecture from GURA be provided on Monday so that we can discuss the comments in light of Oz Architecture's design concept for the project and the City's approval process.

Regarding design review, it should be noted that we deliberately chose to go through a PUD process with the City partially for the purpose of affording the City more oversight of the architecture. Much of the building design shown in the attached plans is included in the PUD through the inclusion of building envelope plans for each level, a building section and architectural language that commits us to design aspects such as building heights, setbacks, lanais and terraces, replicating the historic character of the Linder façade, articulation of the historic 25' wide bays on the façade, changes in materials, and other architectural enhancements that give the building more architectural interest and character. The PUD approval process also involves the subsequent step of submitting a site development plan that requires Planning Commission approval. Per the code, the site development plan is to include

building elevations showing architectural details and materials and to specify other architectural features such as signage and screening of mechanical equipment and trash enclosures. It should also be noted that although some of the attached images presented to Planning Commission, such as perspective and axonometric views, are not included in the PUD, the fact that we have shown them publicly and made verbal commitments in public hearings that the design will be consistent with these images obligates us to these commitments. I understand that the Golden Planning Director, Steve Glueck, will speak at the GURA Board meeting to provide more clarity on the PUD and site development plan process and the level of design control.

Based on the foregoing, NexCore proposes the following process for architectural review:

- GURA and NexCore discuss design input from the GURA Board at the September 26th Board Meeting and agree to those design concepts that will either be incorporated into the project design or given more consideration with the understanding that such concepts don't cause a significant re-direction of the design and are consistent with the PUD.
- NexCore commits to the images presented, with any agreed-upon changes resulting from the above-mentioned discussion, by incorporating certain images into the Re-development Agreement or a separate agreement.
- GURA and NexCore agree that any architectural changes required by City Council as a result of the PUD application will be acceptable to GURA.
- NexCore agrees to present its site development plan to the GURA Board to solicit input before formally submitting it to Planning Commission.
- GURA and NexCore agree that any architectural changes resulting from the Planning Commission and Planning Staff review of the site development plan will be acceptable to GURA.
- GURA and NexCore agree that any architectural changes resulting from the advancement of the design from its current conceptual stage through design development and construction documents will be acceptable to GURA so long as such changes are acceptable to Planning Staff and are not material adverse changes from the images in the agreement.

Again, we look forward to presenting the project design and responding to feedback at the upcoming board meeting and coming to agreement on the design review process going forward. As always, thanks for your efforts and consideration.

Sincerely,



Tim Schlichting
Vice President