BOULDER CITY COUNCIL MEETING
CANYON THEATER, BOULDER PUBLIC LIBRARY, 1001 ARAPAHOE AVE
Tuesday, November 19, 2013
5 p.m.

AGENDA

1. **CALL TO ORDER AND ROLL CALL**

   A. **Items relating to the certification of the General Coordinated mail Ballot Election held on November 5, 2013:**

      1. Motion to adjourn from the Boulder City Council and convene as the General Canvassing and Election Board for the City of Boulder General Coordinated Municipal Election

      2. Roll Call of the General Canvassing and Election Board

      3. Administration of oath and signing by Board Members

      4. Consideration of a motion nominating a member to chair the Board

      5. Submission to the Board by the Secretary of the following:

         i. Certificate of the official ballot

         ii. Certificates of the official Public Notices of the November 5, 2013 Election

         iii. Certificate of election returns

      6. Public Hearing

      7. Consideration of a motion that the abstract and result sheets be approved and signed

      8. Motion to adjourn from the General Canvassing and Election Board for the General Coordinated Municipal Election and reconvene as the Boulder City Council

   B. **Mayor and Mayor Pro Tem Public Hearing and Selection**

   C. **Presentation from Xcel Energy**

   D. **Staff presentation Municipalization Exploration Update**

2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE** (limited to 45 min.) Public may address any city business for which a public hearing is not scheduled later in the meeting (this

includes the consent agenda and first readings). After all public hearings have taken place, any remaining speakers will be allowed to address council. All speakers are limited to three minutes.

3. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time. (Roll call vote required)

A. Introduction, **first reading** and consideration of a motion to order published by title only an **emergency ordinance amending Section 3-2-5, "Rate of Tax,"** B.R.C. 1981 to implement the taxation rates, revenue spending limitations and other requirements **approved by the voters** pursuant to Ordinance Nos. 7912 and 7913 **at the November 5, 2013 election**, and setting forth related details

B. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance approving supplemental appropriations** to the 2013 budget

C. Consideration of a **motion to authorize the city manage** as ex officio general manager of Central Area General Improvement District (CAGID) **to acquire and dispose of any real or personal CAGID property interests necessary for the creation and formation of the Randolph Center Commercial and Parking Condominiums**

D. Consideration of a **motion to authorize** the City Manager to enter into **a three-year lease** containing an option to extend the lease term for an additional three years **with Mustard's Last Stand, Inc.**, for 1,307 square feet **located at 1719 Broadway Street** for restaurant purposes

4. **POTENTIAL CALL- UP CHECK IN**
Opportunity for Council to indicate possible interest in the call- up of an item listed under agenda Item 8-A1.

ORDER OF BUSINESS

5. **PUBLIC HEARINGS**

A. **Second reading** and consideration of a motion to adopt **Ordinance No. 7947** adopting varying requirements of Title 9, "Land Use Regulations," Title 10, "Structures," and Chapter 6-6, "Protection of Trees and Plants," B.R.C. 1981, **to allow for the relocation of two historic residential structures from 1220 and 1243 Grandview Avenue to 905 Marine Street**, variations include a reduction of setbacks, an increase in density above the allowed density, and modifications of building codes, tree removal mitigation requirements, and fee payments

6. **MATTERS FROM THE CITY MANAGER**

A. Discussion and input on the proposed **2014 State and Federal Legislative Agenda**

B. **Request for direction on the 2014 Community Survey**

7. **MATTERS FROM THE CITY ATTORNEY**

None

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL**

A. Potential Call-Ups

1. **Site review to redevelop** the former Boulder County Fire Training Center site located at **820 Lee Hill Drive into 31 single-family homes served by new public rights-of-way** Information Packet Date: November 19 Last Opportunity: November 19

B. **Evaluation Committee Six Month Check In**

C. **Appointment to Council Subcommittee on the Community Survey**

9. **PUBLIC COMMENT ON MATTERS** (15 min.) Public comment on any motions made under Matters.

10. **FINAL DECISIONS ON MATTERS** Action on motions made under Matters.

11. **DEBRIEF** (5 Min.) Opportunity for Council to discuss how the meeting was conducted

12. **ADJOURNMENT**

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 19, 2013

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only an emergency ordinance amending Section 3-2-5, "Rate of Tax," B.R.C. 1981 to implement the taxation rates, revenue spending limitations and other requirements approved by the voters pursuant to Ordinance Nos. 7912, 7913 and 7922 at the Nov. 5, 2013 election, and setting forth related details.

PRESENTERS
Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Paul J. Fetherston, Deputy City Manager
Bob Eichem, Chief Financial Officer

EXECUTIVE SUMMARY

If approved, the attached ordinance amends Section 3-2-5, "Rate of Tax," B.R.C. 1981 to implement and codify the following ballot measures approved by the voters at the Nov. 5, 2013 election.

1. Ord. 7912 is a measure that extends indefinitely an existing 0.33 percent sales and use tax dedicated to open space and changes the revenue limitations to allow it to be used for open space and general government services.

2. Ord. 7913 is a measure that authorizes the collection of a new 0.15 percent sales tax to fund transportation construction and services for the period between Jan. 1, 2014 and Dec. 31, 2019.

3. Ord. 7922 is a measure that extends an existing 0.15 percent sales and use tax dedicated to open space and changes the revenue limitations to allow it to be used for transportation purposes until the end of 2029 and thereafter to be general fund revenue source until it expires in 2039.

The proposed ordinance also amends and clarifies implementing language included in Ord. 7922, the extension and redistribution of the 0.15 percent open space tax that would expire in 2019. It adds a

provision that designates the tax to the transportation fund from Jun. 1, 2020 through Dec. 31, 2029, and then reallocates to the general fund from Jan. 1, 2030 until Dec. 31, 2039, at which time the tax expires.

In order for this ordinance to become effective on Jan. 1, 2014, it needs to be adopted as an emergency measure.

STAFF RECOMMENDATION

Suggested Motion Language:
Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only an emergency ordinance amending Section 3-2-5, "Rate of Tax," B.R.C. 1981 to implement the taxation rates, revenue spending limitations and other requirements approved by the voters pursuant to Ordinance Nos. 7912, 7913, and 7922 at the Nov. 5, 2013 election, and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic:
  - The economic impacts to the city were covered in detail in the text of the July 16, 2013 (Item 5A), Aug. 5, 2013 (Item 5D) and Aug. 20, 2013 (Item 3D).
    - First reading July 16: https://documents.bouldercolorado.gov/weblink8/0/doc/121299/Electronic.aspx;
    - 2nd reading August 5: https://documents.bouldercolorado.gov/weblink8/0/doc/123266/Electronic.aspx;
    - 3rd reading and final August 20: https://documents.bouldercolorado.gov/weblink8/0/doc/123443/Electronic.aspx.
- Environmental:
  - The environmental impacts to the city were covered in detail in the text of the July 16, 2013 (Item 5A), Aug. 5, 2013 (Item 5D) and Aug. 20, 2013 (Item 3D).
- Social:
  - The social impacts to the city were covered in detail in the text of the July 16, 2013 (Item 5A), Aug. 5, 2013 (Item 5D) and Aug. 20, 2013 (Item 3D).

OTHER IMPACTS

- Fiscal:
  - The fiscal impacts to the city were covered in detail in the text of the July 16, 2013 (Item 5A), Aug. 5, 2013 (Item 5D) and Aug. 20, 2013 (Item 3D).

- Staff Time:
  - The staff time needed to complete the background work for ballot items is included within the departmental work plans.

ANALYSIS

On Nov. 5, 2013, voters extended existing sales and use taxes and approved changes to some of the limitations on how the revenue collected can be spent through the annual budget and appropriation process. Below is a description of those sales and use tax measures and the B.R.C. changes needed to implement them.

Section 3-2-5, "Rate of Tax," B.R.C. 1981, provides the city's requirements for its sales and use tax. Subsection (a) provides the tax rate, which will be increased to 3.56 percent. Subsection (b) describes an additional tax that is levied on food sold in or by a food service establishments. No changes are proposed for this section. Subsection (c) describes the limitations placed on portions of the sales and use tax. Those limitations include the duration of portions of the sales and use tax, and limitations on how its revenues can be spent.

The attached ordinance proposes minor organizational changes to § 3-2-5(c), B.R.C. 1981 to improve readability. Rather than a long run-on sentence, the taxes that have time or revenue limitations have been changed to a list format to improve readability. Also, a reference to a 0.15 percent general sales and use tax, that does not expire, was removed. Generally, such non-expiring references are included only as part of the **total** amount of sales tax in § 3-2-5(a). At the end of this memorandum a table is provided to show <u>all</u> sources of the City's sales and use tax.

1. Ord. 7912 is a measure that extends indefinitely an existing 0.33 percent sales and use tax dedicated to open space and changes the revenue limitations to allow it to be used for open space and general government services.

The revenue limitations change over time as follows.

   a. Until Dec. 31, 2018 the 0.33 percent tax will be dedicated to open space,
   b. From Jan. 1, 2019 through Dec. 31, 2034, 0.22 percent will go to open space and 0.11 percent to general fund.
   c. Starting on Jan. 1, 2035 and continuing indefinitely, 0.10 percent will go to open space and 0.23 percent to the general fund.

2. Ord. 7913 is a measure that authorizes the collection of a new 0.15 percent sales tax to fund transportation construction and services for the period between Jan. 1, 2014 and Dec. 31, 2019. This ballot measure is implemented by increasing the overall sales and use tax rate to 3.56 percent and by adding a provision to the ordinance noting the revenue and time limitations.

3. Ord. 7922 is a measure that extends an existing 0.15 percent sales and use tax dedicated to open space and changes the revenue limitations to allow it to be used for transportation purposes until the end of 2029 and thereafter to be general fund revenue source until it expires in 2039. When combined with Ordinance No. 7913, the result is that there will be a dedicated transportation tax that will run from Jan. 1, 2014 until Dec. 31, 2029.

The table below shows what sales and use tax, and excise tax, will be beginning Jan. 1, 2014 if the attached ordinance is passed. The 0.33 percent and 0.15 percent sales and use taxes that are currently dedicated to Open Space will be reallocated starting in 2019 and 2020 respectively.

SALES AND USE TAX COMPONENTS IN 2014

	Rate	Start Date	Expiration Date
Transportation Fund	0.15%	January 1, 2014	December 31, 2019
Open Space Fund	0.33%	January 1, 1990	N/A*
Open Space Fund	0.15%	January 1, 2004	December 31, 2039 **
General Fund	0.15%	January 1, 2005	December 31, 2024
.25 Percent Sales Tax Fund (Parks and Recreation)	0.25%	January 1, 1996	December 31, 2035
General Fund	1.00%	January 1, 1964	N/A
General Fund	0.38%	January 1, 2009	N/A
General Fund	0.15%	January 1, 2010	N/A
Open Space Fund	0.40%	January 1, 1967	N/A
Transportation Fund	0.60%	January 1, 1967	N/A
2014 Sub Total	3.56%		

* Beginning in 2019, this tax will be reallocated in accordance with the attached ordinance, as will the subsequent reallocation.

** Beginning in 2020, this tax will be reallocated in accordance with the attached ordinance, as will the subsequent reallocation.

ADDITIONAL TAXES ON RECREATIONAL MARIJUANA IN 2014

	Rate	Start Date	Expiration Date
Excise Tax on Cultivation Facility	5.00%	January 1, 2014	N/A
Sales and Use Tax	3.50%	January 1, 2014	N/A

Staff requests that the council pass this as an emergency measure so that it can be effective on Jan. 1, 2014. Jan. 1 is the beginning of the fiscal year, as required by City Charter § 88. The budget and the fees ordinances target this date for implementation. Using this date, rather an effective date of Jan. 3 if passed as a routine legislative matter, will streamline city financial and auditing practices by having unified implementation dates.

ATTACHMENT

A. Proposed ordinance

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE AMENDING SECTION 3-2-5, "RATE OF TAX," B.R.C. 1981 TO IMPLEMENT THE TAXATION RATES, REVENUE SPENDING LIMITATIONS AND OTHER REQUIREMENTS APPROVED BY THE VOTERS PURSUANT TO ORDINANCE NOS. 7912, 7913 AND 7922 AT THE NOVEMBER 5, 2013 ELECTION; AND SETTING FORTH RELATED DETAILS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 3-2-5, "Rate of Tax," B.R.C. 1981 is amended as follows.

3-2-5 Rate of Tax.

(a) Except as specified in subsection (b) of this section, the amount of the tax hereby levied is ~~3.41~~ 3.56[1] percent of the purchase price of tangible personal property or taxable services sold or purchased at retail.

(b) The amount of the tax hereby levied on food sold in or by a food service establishment shall be the amount levied in subsection (a) of this section plus 0.15 percent of the purchase price of such food. Cover charges, admission or entrance fees and mandatory service or service-related charges shall be included as part of the purchase price of such food. However, a mandatory service or service-related charge shall not be included as part of the purchase price of such food, if the full amount of the charge is passed on to the employees of the food service establishment who have provided direct service to each person paying the charge, and if all federal and state income and other applicable taxes due on such charge have been withheld by the food service establishment and paid to the appropriate government.

(c) Of said amount:~~,~~

(1) Parks and Recreation: 0.25 percent shall be deemed a parks and recreation tax, which tax shall expire at ~~12:00~~ midnight on December 31, 2035;

(2) Open Space and General: 0.33 percent shall be ~~deemed~~ used for the purposes, during the time periods and in the following amounts, as follows:

A. an open space tax through~~, which tax shall expire at 12:00~~ midnight on December 31, 2018,~~;~~

[1] The rate of tax was increased from 3.41 percent to 3.56 percent effective January 1, 2014, in accordance with subsection (c).

B. an open space tax for 0.22 percent, and a general sales and use tax for 0.11 percent from January 1, 2019 through midnight on December 31, 2034,

C. an open space tax for 0.10 percent, and a general sales and use tax for 0.23 percent from January 1, 2035 and continuing without expiration;

~~0.15 percent shall be deemed a general sales and use tax;~~

(3) Open Space: 0.15 percent shall be deemed an open space tax through~~, at 12:00~~ midnight on December 31, 2019;

(4) Transportation and General: 0.15 percent ~~the tax~~ shall be used for the purposes, during the time periods and in the following amounts, as follows:

A. ~~deemed~~ a transportation tax from January 1, 2014 through ~~which tax shall expire at 12:00~~ midnight on December 31, 2029;

B. ~~and, beginning on January 1, 2005, 0.15 percent shall be deemed~~ a general sales and use tax from January 1, 2030, which tax shall expire at ~~12:00~~ midnight on December 31, ~~2024~~2039.

As each tax expires, the aggregate tax shall be reduced accordingly.

Section 2. Passage of this ordinance as an emergency measure is necessary for the preservation of the public peace, health or property. The city council finds that an emergency exists due to the need to implement changes approved by the voters on November 5, 2013. There is insufficient time for implementing this ordinance to become effective on January 1, 2014, the first day of the 2014 fiscal year, as provided in the ballot measure. Therefore the city council orders that this ordinance be passed as an emergency and that the ordinance be effective on January 1, 2014.

Section 3. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 4. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of November 2013.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this 3rd day of December 2013.

_____
Mayor

Attest:

_____
City Clerk

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C I T Y O F B O U L D E R
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 19, 2013

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only an ordinance approving supplemental appropriations to the 2013 Budget.

PRESENTERS:
Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
Bob Eichem, Chief Financial Officer
Peggy Bunzli, Budget Manager
Elena Lazarevska, Budget Analyst

EXECUTIVE SUMMARY

As described in the *Budget Philosophy and Process* section of the annual budget document, each year two supplemental ordinances are presented to City Council for review and approval. Council receives the first ordinance, the **Carryover and First Budget Supplemental**, in April/May. Council receives the second ordinance, **the Second and Final Budget Supplemental**, in November/December.

The supplemental ordinances adjust only the current year budget and are considered "one-time" adjustments. As a result, they have no direct or immediate impact on the following year's budget. In contrast, the city assigns budget requests with "ongoing" or multi-year impacts only to the annual budget process (budget planning for the coming fiscal year) and not to either budget supplemental.

This packet includes budget supplemental "one-time" line items that represent new budgeted amounts for 2013. A proposed ordinance is provided as **Attachment A** to this packet. Detailed narrative information on each budget supplemental request is included in **Attachment B**.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only an ordinance approving supplemental appropriations to the 2013 Budget.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

This supplemental ordinance appropriates funding for a variety of citywide projects and services that positively affect economic, environmental or social sustainability in the community.

OTHER IMPACTS

- Fiscal: In the **General Fund** this ordinance will appropriate $1,410,350 from additional revenue, $485,939 from fund balance reserves, and $3,543,829 from fund balance. It also includes increases in revenue only of $15,800.

  In **restricted funds**, this ordinance will appropriate $10,061,492 from additional revenue and $13,241,334 from fund balance. It also includes increase in revenue only of $1,080,000.

- Staff time for this process is allocated in the Budget Division's regular annual work plan.

ANALYSIS

Types of Requests

The following requests provide examples of General Fund supplemental appropriations from various types of fund balance:

- Increased costs of Elections and Campaign Finance Reform
- Increased costs for implementation of recreational marijuana
- Costs associated with the flood cleanup

The following requests provide examples of supplemental appropriations from new revenue:

- Appropriation for program costs from Wildland fire reimbursements (General Fund)
- Appropriation for additional program funding from grant revenue (multiple funds)

A third category of supplemental appropriation is a negative appropriation, an example of which is reduced appropriation due to reduced grant funding or accounting requirements.

This packet also includes appropriation requests for transfers between funds. One reason this may be requested is that multiple funds are covering a single project's costs and it is more efficient and effective to have all the funds available in one place to administrate project expenses or track total project activity and costs. An example of this is the replacement of the Finance, Payroll and Human Resources software, known as the Transform Boulder Business Initiative (TBBI) project, which is being funded from multiple sources, including the 2011 capital bond proceeds and the General Fund.

Finally, a number of adjustments are made in this final supplemental ordinance to meet accounting requirements or interest transfers.

Supplemental Requests Related to the 2013 Flood

The following requests, totaling $6,817,818 were submitted as a result of the flood:

- Police, emergency response - $193,400
- Community Planning and Sustainability, debris cleanup - $1,647,240
- Open Space and Mountain Parks, infrastructure repair - $1,000,000
- Transportation, infrastructure repair and cleanup - $982,178
- Water Utility, infrastructure repair and cleanup - $1,000,000
- Wastewater Utility, infrastructure repair and cleanup - $750,000
- Stormwater Utility, infrastructure repair and cleanup- $1,000,000
- City Manager's Office, Consulting Services for FEMA - $245,000

13th Street Plaza Cleanup

In October 2013, the Colorado Department of Public Health and Environment approved the city's Voluntary Clean-Up Program (VCUP) for remediation of a former coal gasification plant. The clean-up will impact the entire 13th Street Plaza and parking lot east of the plaza. Since late 2010, the City of Boulder and Xcel Energy have been investigating the potential contamination of a former coal gasification plant at the 13th Street Plaza. In September 2010, the city and Xcel Energy undertook a preliminary investigation of potential soil and groundwater contamination at city-owned property at the 13th Street Plaza. Six monitoring wells installed in the area indicated the presence of benzene and naphthalene in the groundwater and two compounds, benzo(a)anthracene and benzo(a)pyrene in the soil in the parking lot east of the Dushanbe Teahouse, but did not provide enough information to identify potential source areas or to fully characterize the site. In August 2011, the city also tested air quality in the Atrium Building (1300 Canyon Blvd) and at the Dushanbe Teahouse (1170 13th Street). The indoor air test results indicated levels of benzene and naphthalene were far below EPA thresholds. In November 2012 and March 2013, the city conducted additional subsurface work in the parking lot east of the Dushanbe Teahouse to further characterize the site and confirm the presence of remaining below-grade structures for the VCUP. Xcel Energy (a former property owner) has been and continues to be a partner with the city on the investigation. Although the city will be funding the VCUP initially, prior agreements with Xcel are interim in nature and do not restrict the city's ability to seek additional recovery costs from Xcel. Cleanup and restoration is expected to start in December and be finished by April 2014 in time for opening of the Farmer's Market. Additional information can be found on the city's website under 13th Street Plaza.

The supplemental request included in this packet transfers $4 million from the Capital Development Fund to the Facilities Renovation and Replacement Fund and then appropriates the $4 million in the Facilities Renovation and Replacement Fund to pay for the cleanup. Although the total funds available to spend through these adjustments will be $4 million, the total of the supplemental adds up to $8 million, including transferring funds from one fund to another.

Overview of Total Requests

A summary table of the carryover and supplemental requests by fund can be found in **Attachment C**. In this table, in the narrative information (**Attachment B**) and in common usage in city meetings, the April/May and November/December budget supplementals are also referred to as the **First Adjustment to Base** and **Second Adjustment to Base**, respectively. The current year's council-approved budget is the "base" in the term Adjustment to Base (ATB).

In total, the city recommends $28,756,944 in appropriations, of which $11,471,842 come from new revenues and $17,271,102 from fund balance. Of the $17 million from fund balance, $6.8 million relates to flood costs and $8 million relates to the 13th Street Plaza cleanup, as noted above. Most of the appropriations ($23,302,826 or 81% of the total) are in the city's restricted funds, such as Wastewater, Open Space, and Transportation. **Attachment D** is a schedule reflecting the impact of the supplemental appropriations for 2013 on the projected fund balance for each fund.

The council's second reading of this item is scheduled for the Dec. 3 City Council meeting.

ATTACHMENTS

A. Proposed Ordinance containing supplemental appropriations to the 2013 Budget
B. Narrative descriptions of all supplemental appropriations to the 2013 Budget by fund
C. Table of all supplemental appropriations to the 2013 Budget by fund
D. 2013 Fund Activity Summary

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE FINANCIAL AFFAIRS OF THE CITY OF BOULDER, COLORADO, MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013 SETTING FORTH DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, Section 102 of the Charter of the City of Boulder provides that: "At any time after the passage of the annual appropriation ordinance and after at least one week's public notice, the council may transfer unused balances appropriated for one purpose to another purpose, and may by ordinance appropriate available revenues not included in the annual budget;" and

WHEREAS, the City Council now desires to make certain supplemental appropriations for purposes not provided for in the 2013 annual budget; and,

WHEREAS, required public notice has been given;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, that the following amounts are appropriated from additional projected revenues and from unused fund balances to the listed funds:

Section 1. General Fund

Appropriation from Fund Balance	3,543,829
Appropriation from Fund Balance - Reserves	485,939
Appropriation from Additional Revenue	1,410,350
Increase in Revenue Only	15,800

Section 2. Capital Development Fund

Appropriation from Fund Balance	4,000,000

Section 3. Affordable Housing Fund

Appropriation from Additional Revenue	450,000

Section 4. .25 Cent Sales Tax Fund (1995 Ballot Issue)

Appropriation from Fund Balance	26,500
Appropriation from Additional Revenue	276,846

Section 5. Library Fund

Appropriation from Additional Revenue	1,394,240

Section 6. Recreation Activity Fund

Appropriation from Fund Balance	133,252
Appropriation from Additional Revenue	121,428

Section 7. Climate Action Plan Fund

Appropriation from Additional Revenue	15,000

Section 8. Open Space Fund

Appropriation from Fund Balance	1,285,083
Appropriation from Additional Revenue	259,521

Section 9. Airport Fund

Appropriation from Additional Revenue	260,000

Section 10. Transportation Fund

Appropriation from Fund Balance	982,178
Appropriation from Additional Revenue	238,936

Section 11. Community Development Block Grant Fund

Appropriation from Additional Revenue	174,211

Section 12. HOME Fund

Appropriation from Additional Revenue	495,886

Section 13. Permanent Parks and Recreation Fund

Appropriation from Additional Revenue	4,000

Section 14. Boulder Junction Improvement Fund

Appropriation from Fund Balance	324,826
Appropriation from Additional Revenue	601,635

Section 15. 2011 Capital Improvement Fund

Appropriation from Additional Revenue	1,308,366

Section 16. .15 Cent Sales Tax Debt Service Fund

Appropriation from Additional Revenue	1,700

Section 17. Water Utility Fund

Appropriation from Fund Balance	2,008,495
Appropriation from Additional Revenue	300,000

Section 18. Wastewater Utility Fund

Appropriation from Fund Balance	750,000
Increase in Revenue	1,080,000

Section 19. Stormwater Utility Fund

Appropriation from Fund Balance	1,000,000
Appropriation from Additional Revenue	49,950

Section 20. Telecommunications Fund

Appropriation from Fund Balance	300,000

Section 21. Compensated Absences Fund

Appropriation from Fund Balance	146,000

Section 22. Fleet Replacement Fund

Appropriation from Additional Revenue	78,473

Section 23. Computer Replacement Fund

Appropriation from Fund Balance	240,000

Section 24. Equipment Replacement Fund

Appropriation from Fund Balance	1,330,000

Section 25. Facility Renovation and Replacement Fund

Appropriation from Fund Balance	715,000
Appropriation from Additional Revenue	4,031,300

Section 26. The City Council finds that this ordinance is necessary to protect the public health, safety, and welfare of the residents of the City and covers matters of local concern.

Section 27. If any part or parts hereof are for any reason held to be invalid, such shall not affect the remaining portion of this ordinance.

Section 28. The Council deems it appropriate that this ordinance be published by title only and order that copies of this ordinance be made available in the Office of the City Clerk for public inspection and acquisition.

INTRODUCED, READ, ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of November, 2013.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE this 3rd day of December, 2013.

_____
Mayor

Attest:

_____
City Clerk

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DEFINITIONS AND REQUEST NARRATIVE
2nd BUDGET SUPPLEMENTAL OF 2013

DEFINITIONS

Budget Supplementals

Budget Supplemental from Fund Balance
Adjustments for new appropriation from a specific fund's available fund balance.

Budget Supplemental from Fund Balance Reserve
Adjustments for new appropriation from a specific fund's available fund balance where use is limited for specific purposes, typically due to legal restrictions or management assignment.

Budget Supplemental from Additional Revenue

Grants – Budget supplementals from grant revenues are required throughout the year since either the grant was not anticipated and was therefore not incorporated into the original budget, or because the grant amount actually received was more than the amount specified in the original budget.

Miscellaneous – This category includes annual unanticipated funds received for city programs and services, including items such as donations, fundraisers, wildland fire costs or cooperative agreements between municipalities. In addition, beginning in 2007, reimbursements for some services (e.g. insurance proceeds, off-duty police officer services, city-sponsored training programs) are now officially recognized as miscellaneous revenues instead of reducing expenditures. Best practices accounting and reporting standards require these revenues to be reflected through the formal appropriation process.

Transfers to/from Other Funds
Transfers between funds requiring City Council approval.

Budget Adjustments Necessitated by Accounting Requirements
Adjustments required based on generally accepted accounting and reporting requirements. These adjustments are made in the final adjustments to base.

Negative Appropriations
Adjustments reducing approved appropriations based on identified reductions in revenue sources (e.g. grant funding reductions).

BUDGET SUPPLEMENTAL DETAILS BY FUND

GENERAL FUND

Budget Supplemental(s) from Fund Balance

Municipal Court – Justice Center Improvements – $24,892

This request appropriates funds for payment of the City's share for the Boulder Justice Center improvements. The share is 3.8% of costs and is set in the lease agreement.

City Manager's Office – FEMA Consultants – $245,000

This request appropriates funds for consulting work performed for our FEMA claims. The invoice through November is $130,000, with an additional bill of $115,000 estimated through the end of December.

City Manager's Office – Recreational Marijuana Contingency – $200,000

This request appropriates funds needed for the accelerated implementation of recreational marijuana. These funds will be used as a contingency for unexpected costs for the implementation. Funds that are not used will go back to fund balance at the end of year, or if necessary, be re-appropriated in 2014.

City Manager's Office – Legal Costs – $100,000

This request appropriates funds for legal expenses related to the Airport litigation.

City Manager's Office – Energy Future Community Guide – $61,859

This request appropriates funds for design, print, newspaper inserts and mail of the Energy Future Community Guide.

City Manager's Office – Campaign Finance Reform – $24,288

This request appropriates funds for campaign finance reform. There is currently $46,000 budgeted for Campaign Finance Reform matching funds for candidates for council. Each candidate can receive matching funds up to $8,786. This year, there were 8 candidates anticipated to receive the full amount of matching funds totaling $70,288. An additional $24,288 over the original budget is needed to comply with campaign finance reform rules.

City Manager's Office – Elections – $11,500

This request appropriates funds for the November elections. Based on a projected estimate form the County Clerk of $88,650 for the 2013 coordinated election and direct costs already incurred, it is estimated that an additional $11,500 will be needed to cover election costs in 2013.

Human Resources – Reorganization Costs– $170,000

This request appropriates funds for the expenses related to customer service

improvements for the organization and the community in 2013. Ongoing reorganization was built in to the 2014 budget and approved by council on October 15, 2013.

Human Resources – Recruitment of HR Director- $30,000
This request appropriates funds for the recruitment of the HR Director.

Human Resources – Medicare Reimbursement Expenses- $25,500
This request appropriates funds for the expenses related to the Medicare Reimbursement Expenses. Revenues will be received in 2014 to offset this cost related to a tax reimbursement to the city and to employees.

Finance – Operating Expenditures – $85,000
This request appropriates funds for unbudgeted expenditures resulting from audit and organization assessment. Specific projects include a new cost allocation study, which was required by the external audit; organizational assessment related to budget development; and various expenses that were higher than expected such as postage and mailing.

Finance – Sales Tax Software – $40,000
This request appropriates funds for sales tax software changes that will need to be made to accommodate the separate sales and use tax and excise tax passed in November 2013.

Finance – Recreational Marijuana – $20,000
This request is to appropriate funds for expenditures that will be incurred in 2013 due to the changes in the timing of recreational marijuana implementation. The funds are needed for staffing and office reconfiguration.

Risk Management – Unemployment Insurance- $78,000
This request appropriates additional funding for unemployment insurance. Based on current year trend analysis, additional appropriation is needed to cover the city's liability for the rest of year.

Police- Flood Expenses- $193,400
This request appropriates additional funding for the flood first response costs. These include $19,853 for fleet charges; $165,940 for overtime costs; $1,630 to replace damaged boots for officers; and $5,977 for food and hotels during the event for officers, command staff, and dispatchers. These expenditures were not budgeted for.

Police – Recreational Marijuana – $3,440
This request is to appropriate funds for expenditures that will be incurred in 2013 due to the changes in the timing of recreational marijuana implementation.

Community Planning and Sustainability – Flood Debris Collection – $1,647,240
This request appropriates funds for expenses related to flood debris collection. This amount will cover contracts with Swingle, True North, and Western Disposal for curbside pick up and debris removal.

Community Planning and Sustainability – Bag Ordinance – $245,237
This request appropriates funds for costs incurred during the implementation of the 10 cent fee on disposable plastic and paper checkout bags at food stores, beginning July 1, 2013. This is a request to appropriate 2013 implementation expenses through September 2013, including reusable bags for the community, administrative costs and an educational campaign. Future revenues are expected to cover all costs.

Budget Supplemental(s) from Fund Balance – Reserves

City Manager's Office – Education Excise Tax Grants – $421,439
This request appropriates funds for education grants. On May 5, the City Council authorized the City Manger to disburse funds in the amount of $486,214 from the city's education excise tax revenue. Funds were awarded to community non-profit organizations through a selection process. Of this amount, $421,439 had been previously reserved in fund balance for this purpose, and the remainder is from additional revenue received from excise tax in 2013.

Police- Federal Asset Forfeiture- $64,500
This request appropriates funds from the Federal Asset Forfeiture account for the Training Academy for new police officers; ethics training for the police officers; and to offset the total cost of the video camera server.

Budget Supplemental(s) from Additional Revenue

City Manager's Office – Education Excise Tax Grants – $64,775
This request appropriates funds for education grants. On May 5, the City Council authorized the City Manger to disburse funds in the amount of $486,214 from the city's education excise tax revenue. Funds were awarded to community non-profit organizations through a selection process. Of this amount, $421,439 had been previously reserved in fund balance for this purpose, and the remaining $64,775 is from additional revenue received from excise tax in 2013.

City Manager's Office – Education Access Funding, PEG Fees – $74,494
This request appropriates funds for Public Education Programming. The City of Boulder currently receives a .50 cents subscriber fee from Comcast to fund equipment for both a government and public access channel. The projected revenue from 2013 subscriber fees is $148,988. This amount is to be distributed between Municipal Channel 8

(government station managed by the city) and the entity the City of Boulder contracts with to provide Education Access service (Ch 22). Currently this contract is held by Boulder Valley Media Alliance. This request would appropriate the Education Access portion of revenue to fund equipment replacement.

City Manager's Office – Channel 8 Revenue – $39,000

This request appropriates funds for Channel 8. Channel 8 is projected to generate $39,000 in revenue producing requested additional programming. This request would appropriate these revenues to fund the additional costs associated with production requests and special projects in delivering the City message.

Police – Off Duty Overtime– $325,500

This request appropriates funds to offset expenditures from Off Duty Police Overtime Services. Off Duty overtime is unfunded, and the program is entirely reliant upon revenue received by the contracting vendors.

Police – JAG 2013– $52,387

This request appropriates funds received from the U.S. Department of Justice, Office of Justice Programs, for the 2013 Edward Byrne Justice Assistance Grant (JAG) for a joint submission with the City of Longmont Police Department. The JAG will provide $23,971 to the Boulder Police Department for a CaseCracker workstation; hard drives; suppressors for rifles; Level IIIA tactical shield; and GPS devices for the motorcycles. This equipment will be used to prevent and control crime in the community. The balance of the grant, $28,416, was awarded to the Longmont Police Department to fund the Longmont Ending Violence Initiative.

Police – Open Records Research– $50,000

This request appropriates funds to offset expenditures related to archive records. Of these funds, $15,000 was collected for copies of dispatch tapes/CD's for the District Attorney, lawyers, and clients. The other $35,000 was collected for providing copies of records to the public, newspapers, lawyers, and insurance companies.

Police – Miscellaneous Services– $31,400

This request appropriates funds to offset costs of $29,400 in Communications and $2,000 in Code Enforcement. The Police Department received this revenue from American Medical Response (AMR), which has contracted with the Communications Center to dispatch their services on emergency calls. Code Enforcement hires outside agencies for snow removal on community properties that do not comply under the city ordinance guidelines for snow removal.

Police – Insurance Proceeds– $29,750

This request appropriates monies received to fund repairs to vehicles. Insurance

proceeds are received from insurance companies who reimburse the department for the damages to patrol vehicles caused by their clients. Repairs are paid out of the department's vehicle account. The department does not budget in the annual budget process for damages to vehicles caused by outside parties.

Police – Blood and Chemical Testing- $26,000

This request appropriates funds for blood and chemical testing on DUI enforcements. The request will be funded by revenue received from DUI Fines. The State of Colorado law requires that the fees charged be returned to the testing agency to offset expenses.

Police – Training Classes- $11,400

This request appropriates funds for multi-agency training provided by the department. The training unit collected funds from outside agencies and these funds will be needed to offset the expenditures which paid for outside instructors. Multi-agency training is important to the department's need for advanced training at no cost. Multi-agencies pay for instructors and the department receives two to four slots free per classes held.

Police – 2013 Click-it-or-Ticket Campaigns- $7,808

This request appropriates funds from grant revenue to support Police Officer overtime for seatbelt enforcement during the May and Nighttime campaigns. The revenue was received from a grant issued by the Colorado Department of Transportation through the National Highway Transportation Safety Association. The May and the Nighttime Seatbelt Click-it-or-Ticket Campaigns are used to increase compliance with the Colorado seatbelt laws and increase the public awareness of suffering serious or fatal injuries for failure to properly use a seatbelt.

Police – Bullet Proof Vest Grant- $6,233

This request appropriates funds from grant revenue to purchase twenty ballistic vests for police officers. The revenue was received from a grant from the U.S. Department of Justice. The Boulder Police Department (BPD) will receive $6,233.44 which represents funding of 50% of the purchase price with the BPD matching the remaining 50%.

Police – COVA Scholarship- $5,070

This request appropriates funds from grant revenue from the Colorado Office of Victim Advocates (COVA). These funds are used to send the Victim Advocates and several officers to the annual training and conference for Victim Advocates. Victim Advocates help members of the community who have been victims of or witnessed violent crimes.

Police – Law Enforcement Assistance Fund (LEAF) Grant 2013- $5,000

This request appropriates funds from grant revenue from the Colorado Division of Transportation 2013 LEAF Grant. The department was awarded the funds to increase and improve the enforcement of laws pertaining to alcohol and drug related traffic

offenses. These funds will be used to conduct saturation patrols and DUI enforcement throughout the year.

Fire – Wildland Fire Reimbursement- $441,531
This request appropriates funds for expenses incurred by the City for sending resources to wildland fires and other emergencies around the country.

Fire – Medical Advisor- $60,000
This request appropriates funds for fees for a medical advisor. This revenue is received from the city's ambulance service provider.

Fire – Classes and Coverage- $3,831
This request appropriates funds received for classes or standby coverage provided by the fire department to local businesses. The revenue is collected from these classes and coverage and is used to offset the costs incurred to provide the services.

Fire – Hazardous Materials Reimbursement- $2,082
This request appropriates funds received for expenses incurred by the City for sending HazMat resources to an emergency.

Fire – Restitution – $1,300
This request appropriates funds from a court-ordered restitution for a damaged fire vehicle.

Human Services – Boulder County Child Care Resource and Referral – $44,000
This request appropriates funds from Boulder County Child Care Resource and Referral Grant. The pass through funds will provide GAP payments to families in Longmont.

Human Services – Silver Sneakers® – $20,000
This request appropriates funds for the Human Services costs of the Silver Sneakers program. The City of Boulder's Department of Parks and Recreation and the Senior Services Division of the Department of Human Services (HS) have entered into a contract with Healthcare Dimensions Inc. (Healthways) to introduce the nationally successful Silver Sneakers® program on a pilot basis in the City of Boulder. The Silver Sneakers® program, which is free to eligible participants, enhances the fitness and wellness of Medicare eligible seniors and disabled people. The $20,000 revenue is the HS portion of what will be received in fees from Healthways in 2013.

Human Services – 21st Century Learning Center- $18,000
This request appropriates 21st century Learning Center Grant funds received.

Human Services – Yamagata Donation- 11,569

This request appropriates funds received from our sister city Yamagata, Japan, in donation to the city, for the purposes of helping to cover costs related to the flood. The funds will be used to help children services impacted by the flood.

Human Services – Family Resource Schools- $10,000

This request appropriates funds received from additional revenue from afterschool programming activities at Columbine, Creekside, Crestview, UniHill and Whittier Elementary Schools.

Human Services – Infant/Toddler Quality and Accessibility Grant - $3,000

This request appropriates Infant/Toddler Quality & Accessibility Grant funds received. The funds will be appropriated for a new Early Childhood Center of Boulder County award to provide program planning and QI coaching services between November 2013 and June 2014.

Human Services – Qualistar Early Learning - $1,448

This request appropriates Qualistar Early Learning Grant funds received.

Human Services – Prevention and Intervention - $521

This request appropriates funds received for Mental Health Partners intervention services to Southern Hills Middle School.

Housing – Boulder Housing Partners PILOT - $12,656

This request appropriates funds to reimburse Boulder Housing Partners (BHP) for property tax payments. BHP is required to pay Payment in Lieu of Taxes (PILOT) to various property taxing districts. This amount represents the city portion of the 2013 PILOT payment from BHP.

Community Planning and Sustainability – Bag Ordinance- $51,594

This request appropriates funds received for expenses incurred from the implementation of the bag ordinance, which includes Nexus study and staff resources. In 2012, City Council passed an ordinance implementing a 10 cent fee on disposable plastic and paper checkout bags at food stores, beginning July 1, 2013.

General Fund Transfer(s) to Other Funds

Citywide – TBBI Project Transfer- $1,308,366

This transfer moves IT system replacement funds into the TBBI project fund from the GF.

City Manager's Office – Legal Costs- $260,000

This request transfers funds to the Airport Fund to support litigation fees. This is an

interfund loan and will be repaid to the General Fund over six years.

Citywide- Hail Damage to Vehicles- $78,473

This request transfers funds to the Fleet Fund to repair damage caused by hail. In June 2013, a large hail storm caused $78,743 in damage to 30 General Fund vehicles. Fleet services coordinated the repair of these vehicles and rather than charging-back individual departments for each General Fund vehicle repair, staff requested one reimbursement in the form of an inter fund transfer from the General Fund.

General Fund Transfer(s) From Other Funds

Citywide – Interest Income – $15,800

This request transfers interest revenue from the Recreation Activity Fund in the amount of $14,000 and from the .15 Cent Sales Tax Debt Service fund in the amount of $1,700.

CAPITAL DEVELOPMENT FUND

Transfer(s) to Other Funds

Public Works – 13th Street Plaza Clean Up – $4,000,000

This request transfers funds from the Capital Development Fund to the Facilities Renovation and Replacement fund for 13th Street Plaza Clean Up. The Voluntary Clean-Up Program is for remediation of a former coal gasification plant. Costs will initially be absorbed by the city with cost sharing to be pursued with other responsible parties. Cleanup is expected to be finished by April 2014 in time for opening of the Farmer's Market.

AFFORDABLE HOUSING FUND

Budget Supplemental(s) from Additional Revenue

Housing – Boulder Junction Revenue – $450,000

This request will adjust for accounting transactions during the closing of Boulder Junction.

.25 CENT SALES TAX FUND

Budget Supplemental(s) from Fund Balance

Parks and Recreation – Forestry Invasive Species Mitigation – $22,500

This request appropriates funds to assist with invasive species mitigation. The City of Boulder has received official confirmation from the US Department of Agriculture that the emerald ash borer tree (EAB) is infected with a federally quarantined tree pest. This is the first time this insect has been found in Colorado. Initial funding is needed to hire staff and to purchase GIS software to map, track and record the infestation and mitigation efforts. Additional costs will likely be incurred in 2014 as well.

Parks and Recreation – Pay Period 27 Seasonal Salaries – $4,000

This request appropriates funds to assist with unbudgeted personnel costs. Funds will

be used to cover additional costs related to the additional pay period in 2013 for seasonal employees.

Budget Supplemental(s) from Additional Revenue

Parks and Recreation – Capital Lease Agreement– $106,846

This request appropriates funds from a lease agreement.

Parks and Recreation – GOCO Grant – $100,000

This request appropriates grant funds that will be used to design and develop a school play area at Horizon School, adjacent to Burke Park.

Parks and Recreation – State Historical Grave Marker Grant– $70,000

This request appropriates grant funds that will be used to restore historical grave markers at the Columbia Cemetery.

LIBRARY FUND

Budget Supplemental(s) from Additional Revenue

Library – State Funded Grant for Libraries – $20,654

This request appropriates funds from the State. In the 2013 legislative session, Colorado Legislature included $2 million of state funding for publically funded school, public, and academic libraries to fund library materials. The materials will support and enhance opportunities for early literacy and early learning.

Library – Bookshop Sales– $17,330

This request appropriates funds for library materials acquisition. Proceeds from used books sales supplement the library materials acquisition budget.

Library – Library Fines and Fees– $8,800

This request appropriates funds for library materials acquisition. Collection of overdue or lost books has surpassed the initial projections. Proceeds from library fines and fees will supplement the library materials acquisition budget.

Library – AWE Computers – $7,856

This request appropriates funds for the purchase of two AWE children's literacy computers. The Library and Arts Department received funds from the Boulder Library Foundation for this purpose.

Library – Carnegie Photos– $4,800

This request appropriates funds for Carnegie photos. In 2004, a service to provide scanning of historic photographs was implemented. Revenues from this service will be used to offset the cost of digitizing the photographic collections; equipment maintenance and replacement; and supplement the library materials acquisition budget.

Library – Boulder County Jail MOU- $3,000

This request appropriates funds from the Boulder County Jail. The boulder County Jail provides the BoulderReads! Program with $3,000 in exchange for tutoring, literacy, and GED support.

Library – Overdrive Fee Collection- $1,800

This request appropriates funds to support Overdrive content. In 2005, the library entered into a cost-sharing arrangement with Loveland, Lafayette, Broomfield, Westminster, Louisville and Longmont to allow their patrons to use the Overdrive downloadable content service. These additional revenues are pass through funds which off-set additional costs of materials.

Transfer from Other Funds

Library – Automated Materials Handling- $1,330,000

This request appropriates transferred funds from the Equipment Replacement Fund (Fund 640) to the Library Fund (Fund 120). The Library and Arts Department is scheduled to replace the existing Automated Materials Handling system (AMH), and implement Radio Frequency Identification (RFID) tagging for library materials. The AMH checks in and sorts returned library materials into bins for re-shelving. The RFID system provides materials security and facilitates inventory processes.

RECREATION ACTIVITY FUND

Budget Supplemental(s) from Fund Balance

Parks and Recreation – Boulder Reservoir 4th of July Event- $24,000

This request appropriates funds to cover additional costs associated with new programming at the Boulder Reservoir for the 4th of July. The new programming of a family-oriented event offered games, activities, and live music and mitigated past concerns of overcrowding, safety and medical problems, and over-consumption of alcohol concerns.

Parks and Recreation – EXPAND Inclusion- $20,000

This request appropriates funds received in 2012 to hire additional staff or interpreters for persons who are deaf. Inclusion is the federally-mandated process of providing accommodations to individuals with disabilities to enable them to participate in general recreation programs.

Parks and Recreation – EXPAND Summer Fun Program- $6,852

This request appropriates funds to support the summer fund program. This program focuses on leisure education and independent living skills such as transportation, safety, social, health and well being. The request is to appropriate funding received from PLAY Boulder Foundation, received in 2012, to support Summer Fun, a summer program

serving Young Adults with developmental disabilities ages 18-30 years of age.

Parks and Recreation - Pay Period 27 Seasonal Salaries- $79,000
This request appropriates funds to assist with unbudgeted personnel costs. Funds will be used to cover additional costs related to the additional pay period in 2013 for seasonal employees.

Parks and Recreation - EXPAND Paralympic Grant- $3,400
This request appropriates funds for EXPAND programs. The US Olympic Committee has awarded the EXPAND Program this grant to be used to support the growth of community-based Paralympics sport programs that accommodates injured service members. Activities include Wheelchair Rugby, Track and Field and Hand cycling. These funds were received in 2012.

Budget Supplemental(s) from Additional Revenue
Parks and Recreation - EXPAND Scholl Grant- $42,750
This request appropriates funds for EXPAND programs. This grant was received from the Dr. Scholl Foundation to be used for the EXPAND program. EXPAND program will use the proceeds to fund the Outdoor Adventure Camp Program, Youth Services Initiative, and other EXPAND programs and services.

Parks and Recreation - EXPAND Scholarship Donation- $20,245
This request appropriates funds for scholarships for people with disabilities. This request is funded with donations.

Parks and Recreation - EXPAND Boulder County Grant- $16,154
Request is to appropriate a grant from Boulder County to the EXPAND program. Funds will be used to provide weekly Special Olympic sport training programs and will assist with inclusion costs. Inclusion is the federally-mandated process of providing accommodations to individuals with disabilities to enable them to participate in general recreation programs. Often inclusion costs include hiring additional staff or interpreters for persons who are deaf.

Parks and Recreation - EXPAND Paralympic Grant- $10,250
This request appropriates funds for EXPAND programs. The US Olympic Committee has awarded the EXPAND Program this grant to be used to support the growth of community-based Paralympics sport programs that accommodate injured service members. Activities include Wheelchair Rugby, Track and Field and Hand cycling.

Parks and Recreation - EXPAND Summer Fun Program- $8,376
This request appropriates funds for EXPAND programs. Request is to appropriate funding received from PLAY Boulder Foundation to support Summer Fun, a summer

program serving Young Adults with developmental disabilities ages 18-30 years of age. This program focuses on leisure education and independent living skills such as transportation, safety, social, health and well being.

Parks and Recreation - YSI Get Fit Grant- $6,553

This request appropriates funds for Get Fit programs. Grant funds were received from the Youth Opportunity Advisory Board (YOAB) "Get Fit Grant." The grant helps the YSI program facilitate positive development of youth by empowering them to make positive choices for healthy lifestyle and leisure pursuits.

Parks and Recreation - YSI Scholarships- $3,000

This request appropriates funds for scholarships. Donations will be used to create scholarships for participants of the YSI programs. Specific funding is from the fund-raising event "Boulder Nites Classic."

Transfer to Other Funds

Parks and Recreation - Interest Allocation- $14,100

This request transfers interest earned in the Recreation Activity Fund to the General Fund.

CLIMATE ACTION PLAN TAX FUND

Budget Supplemental(s) from Additional Revenue

Community Planning and Sustainability - Boulder County Sustainability Grant - $15,000

This request appropriates funds from the Community Sustainability Matching Grant IGA. The city was awarded a $15,000 matching grant from Boulder County to develop a simulation training software to enhance SmartRegs inspector-candidate training for the benefit of the local contractor and rental housing communities.

OPEN SPACE FUND

Budget Supplemental(s) from Fund Balance

Open Space and Mountain Parks (OSMP) - 2013 Flood Repair/Reconstruction - $1,000,000

This request appropriates funds for repairs and reconstruction of infrastructure damage caused by the 2013 flood. Any unexpended funds will be carried over to 2014 for the same purpose. The Open Space Board of Trustees (OSBT) recommended approval of this supplemental appropriation.

Open Space and Mountain Parks (OSMP) - Real Estate Acquisition Funds- $223,000

This request appropriates funds for real estate properties acquired in 2013. More properties were available in 2013 than were anticipated and it was necessary to use funds from other programs to acquire the properties. All real estate acquisitions were approved by both the OSBT and City Council.

Open Space and Mountain Parks (OSMP) – Cherryvale South Sprinkler System- $35,000
This request appropriates funds for the sprinkler system in the Cherryvale South office building. The sprinkler system is beginning to show signs of corrosion leading to leakage and potential failure. Parts to repair the system are no longer available in the marketplace given the age of the system. OSMP facilities staff is of the opinion that the system should be replaced to prevent damage and avoid costly repairs if the sprinkler system would fail or have a major leak.

Open Space and Mountain Parks (OSMP) – BMPA Interest accrual- $27,083
This request appropriates funds from note proceeds. BMPA note 2013A E.R.T.L., for $5,000,000 closed on October 31, 2013. The year end interest accrual for this new note must be recorded. The Governmental Accounting Standards Board statement #34 requires the accrual method of accounting for financial statement presentation.

Budget Supplemental(s) from Additional Revenue

Open Space and Mountain Parks (OSMP) – OSMP Land Disposal- $256,377
This request appropriates funds from OSMP disposed land and temporary easements to the Colorado Department of Transportation to accommodate the U.S. 36 Managed Lanes Project Phase 2. Compensation to OSMP for the disposal included a land exchange and this additional revenue of $256,377. As the funds to originally purchase the land came from the real estate acquisition CIP, it is requested that the funds be appropriated to that account.

Open Space and Mountain Parks (OSMP) – Community Farm Development Initiative Grant- $1,644
This request appropriates funds for a test of cover crops on one of OSMP's agriculture parcels currently leased to grow organic vegetables. Cover crops have the potential to reduce erosion, increase nutrient cycling, lower insect pest pressure, and reduce off-farm purchased inputs, thereby increasing the economic and environmental sustainability of this operation. While OSMP does have funds set aside in its agriculture budget to cover seed costs, these grant funds will allow staff to measure the performance of these cover crops and draw statistically-sound decisions regarding their merit for Front Range vegetable production.

Open Space and Mountain Parks (OSMP) – Colorado Mountain Club Trail Stewardship Grant – $1,500
This request appropriates funds for a collaborative project between OSMP and the Access Fund. A trail system is being developed in the Contact Corner/ Crown Rock climbing area. In 2012, OSMP received a grant from the Colorado Mountain Club and were able to implement Phase 1 of this project. In 2013, the OSMP work plan includes implementation of Phase 2. OSMP designed the project and will be responsible for

ordering supplies; however the work will be accomplished over a series of volunteer days, one occurring on National Public Lands Day.

AIRPORT FUND

Transfer from Other Funds

Public Works – Legal Costs– $260,000

This request appropriates funds transferred from the General Fund for legal expenses.

TRANSPORTATION FUND

Budget Supplemental from Fund Balance

Public Works – Flood Expenses– $982,178

This request appropriates fund for expenses related to the 2013 Flood.

Budget Supplemental(s) from Additional Revenue

Public Works – Safe Routes to School Grant– $68,936

This request appropriates funds for Safe Routes to School. The city received this grant which will be used to continue our partnership with BVSD to design and deliver the Heads Up Boulder public outreach campaign to promote safe and civil interaction between motorists and all users of City of Boulder crosswalks. The total project is $86,170, with $68,936 coming from the grant and $17,234 in city match.

Public Works – FASTER Grant for 14th and Walnut Improvements– $170,000

This request appropriates funds for 14th and Walnut Improvements. The city received an additional FASTER Grant from CDOT for 14th and Walnut improvements. The total grant amount is $212,500, with $170,000 coming from CDOT, and $42,500 match coming from the city. The match amount will be reallocated from existing budget.

COMMUNITY DEVELOPMENT BLOCK GRANT

Budget Supplemental(s) from Additional Revenue

Housing – Mental Health Returned Funds– $140,000

This request appropriates funds that were returned from Mental Health. The funds will be used for allowable housing activities.

Housing/Human Services – Community Development Block Grant Adjustment– $34,211

This request adjust the appropriation levels to the federal grant award. Housing will receive $29,080 and Human Services will receive $5,131, additional to original projections.

HOME FUND

Budget Supplemental(s) from Additional Revenue

Housing and Human Services – Goss Street Returned funds – $405,000

This request appropriates returned funds. The funds will be used for allowable housing

activities.

Housing - HOME Grant Adjustment - $90,886
This request adjust the appropriation levels to the federal grant award. Additional funds were received above projections. The funds will be used for allowable housing activities.

PERMANENT PARKS AND RECREATION FUND
Budget Supplemental(s) from Additional Revenue
Parks and Recreation- Memorial Bench Donations - $4,000
This request appropriates donations received in 2013 from citizens to install memorial park benches.

BOULDER JUNCTION IMPROVEMENT FUND
Budget Supplemental(s) from Fund Balance
Public Works - City Portion of Junction Place Bridge at Goose Creek - $300,000
This request appropriates funds needed for the expenses for the City Portion of Junction Place Bridge at Goose Creek.

Public Works - Parks and Recreation Portion of BNSF Culvert Inlet- $24,826
This request appropriates funds needed for the expenses of the Parks portion of the BNSF Culvert inlet hydraulic enhancements, associated with the development of the Boulder Junction Pocket Park.

Budget Supplemental(s) from Additional Revenue
Public Works - Developer Contributions for Depot Square: Pearl Parkway Improvements (30th - RR)- $203,718
This request appropriates funds for the developer's portion of Boulder Junction expenses. As part of the development agreement, the developer is required to fund the cost of construction for the developer's portion of applicable key public improvements at Boulder Junction.

Public Works - Developer Contributions for Depot Square: BNSF Culvert Inlet Hydraulic Enhancements and Junction Place Bridge at Goose Creek - $173,384
This request appropriates funds for the developer's portion of Boulder Junction expenses. As part of the development agreement, the developer is required to fund the cost of construction for the developer's portion of applicable key public improvements at Boulder Junction.

Public Works - Developer Contributions for Depot Square: Off-site Sanitary Sewer Improvements - $164,533
This request appropriates funds for the developer's portion of Boulder Junction expenses.. As part of the development agreement, the developer is required to fund the

cost of construction for the developer's portion of applicable utility main upsizings required of the development.

Public Works – Developer Contributions for Depot Square: Traffic Signal at Pearl/Junction PL – $60,000

This request appropriates funds for the developer's portion of Boulder Junction expenses. As part of the development agreement, the developer is required to fund the cost of construction for the developer's portion of applicable key public improvements at Boulder Junction.

2011 CAPITAL IMPROVEMENT BOND FUND

Transfer(s) from Other Funds

IT – TBBI Project – $1,308,366

This transfer moves IT system replacement funds into the TBBI project fund from the General Fund.

.15 CENT SALES TAX DEBT SERVICE

Transfer(s) to Other Funds

Citywide– Interest Income– $1,700

This request transfers interest income to the General Fund.

WATER UTILITY FUND

Budget Supplemental(s) from Fund Balance

Public Works – Flood Expenses– $1,000,000

This request appropriates funds for flood related costs incurred in 2013. Additional budget adjustments related to the flood will be requested in 2014 when more cost information is available. A portion of flood costs will be reimbursed by FEMA and the State but the amounts are unknown at this time. Flood costs to the Water Fund include pipeline and transmission line stabilization, sediment removal from valve boxes, stream gauge replacement, repair to access roads, and irrigation ditch repairs.

Public Works – Consultant Costs – $350,000

This request appropriates funding for consultant costs in the Water Resources workgroup. This includes support for more detailed water rights accounting requirements and also project management assistance.

Public Works – Kohler Storage Tank Rehabilitation – $235,000

This request appropriates funds for rehabilitation work at the Kohler treated water tank. A larger rehabilitation project exists in the CIP planned for 2015 and 2016, but the condition of the facility warranted proceeding with some of the work this year. The future project costs will be reduced by $235,000 since that portion of the work has now been completed.

Public Works – Water Rights Case Management – $200,000

This request appropriates funds for legal expenses in the Water Resources workgroup. Additional costs have been incurred this year due to a transition in legal counsel and new firms becoming familiar with the water rights caseload.

Public Works – Energy Performance Contract– $112,895

This request appropriates funds for project costs for the Energy Performance Contract energy efficiency upgrades. This project included installing solar panels and lighting upgrades at both Water Treatment Facilities. While these upgrades resulted in energy savings at these facilities, total electric costs in 2013 have increased. Upgrades affecting the Wastewater Fund will be funded using existing appropriations.

Public Works – CBT Carryover– $110,600

This request appropriates funds for carryover of Colorado Big Thompson leased water. The City had the option by April of this year to carry over an unused water allotment from CBT, and this was done due to drought concerns early in the year.

Budget Supplemental(s) from Additional Revenue

Public Works – Relocation of Barker Reservoir Caretaker Residence– $300,000

This request appropriates funds to relocate the Barker Reservoir caretaker residence to a location more in line with best practices in dam safety. It is anticipated that the expense will be offset by the sale of the current residence.

WASTEWATER UTILITY FUND

Budget Supplemental(s) from Fund Balance

Public Works – 2013 Flood Response/Impact Expenses– $750,000

This request appropriates funds for flood related costs incurred in 2013. Additional budget adjustments related to the flood will be requested in 2014 when more cost information is available. A portion of flood costs will be reimbursed by FEMA and the State but the amounts are unknown at this time. Flood costs to the Wastewater Fund include sewer line repairs and stabilization, sediment removal, and cleanup costs.

Increase in Estimated Revenue

Public Works – Wastewater Treatment Nutrient Compliance Grant– $1,080,000

This request increases the estimated revenue form a grant the City was awarded from the State. The grant will reimburse the City for work done on the Nutrient Compliance CIP project. The project is related to necessary improvements to wastewater treatment due to new environmental regulations.

STORMWATER AND FLOOD MANAGEMENT UTILITY FUND

Budget Supplemental(s) from Fund Balance

Public Works – 2013 Flood Response/Impact Expenses- $1,00,000

This request appropriates funds for flood related costs incurred in 2013. Additional budget adjustments related to the flood will be requested in 2014 when more cost information is available. A portion of flood costs will be reimbursed by FEMA and the State but the amounts are unknown at this time. Flood costs to the Stormwater/Flood Management Fund include sediment removal, storm sewer repair, and repairs along the major drainageways throughout the system.

Budget Supplemental(s) from Additional Revenue

Public Works – Boulder Creek Watershed Grant- $49,950

This request appropriates funds for a grant the City was awarded from the State. This grant will provided funding for the development of a watershed plan for the Boulder Creek watershed.

TELECOMMUNICATIONS FUND

Budget Supplemental(s) from Fund Balance

IT- Connectivity Expenses- $300,000

This request appropriates funds needed to support flood related repair expenses, and fiber remediation and staffing to support the Zayo fiber purchase.

COMPENSATED ABSENCES FUND

Budget Supplemental(s) from Fund Balance

Finance – Compensated Absences- $146,000

This request appropriates funds needed for compensated absences liability payouts above original 2013 budgeted costs.

FLEET REPLACEMENT FUND

Transfer(s) to Other Funds

Public Works –Hail Damage Reimbursement- $78,473

This request appropriates revenue from a transfer from the General fund for hail damage repairs. In June 2013, a large hail storm caused $78,743 in damage to 30 General Fund vehicles. Fleet services coordinated the repair of these vehicles and rather than charging-back individual departments for each General Fund vehicle repair, staff requested one reimbursement in the form of an inter fund transfer from the General Fund.

COMPUTER REPLACEMENT FUND

Budget Supplemental from Fund Balance

IT – Backup System Replacement- $200,000

This request appropriates funds for the city's data backup system. The system was

scheduled and budgeted for replacement in 2012. The purchase didn't actually occur until the 3rd quarter of 2013.

IT – Cogsdale Software Maintenance- $40,000
This request appropriates funds to support higher than anticipated fees for the Boulder Financial System (BFS) software package.

EQUIPMENT REPLACEMENT FUND
Transfer(s) to Other Funds
Public Works – ERF to Library for Materials System and Library RFID – $1,330,000
This request transfers funds from the Equipment Replacement Fund to the Library Fund. The Library and Arts Department is scheduled to replace the existing Automated Materials Handling system (AMH), and implement Radio Frequency Identification tagging for library materials. The AMH is used to deliver returned materials to a sorter in the basement where items are checked in and sorted into bins for re-shelving. The RFID system will allow for better security of materials and improved inventory processes.

FACILITY RENOVATION AND REPLACEMENT FUND
Budget Supplemental from Fund Balance
Public Works – Council Chambers Remodel- $415,000
This request appropriates funding for audiovisual, dais and kitchen remodel costs in Council Chambers.

Public Works – Main Library Carpet – $300,000
This request appropriates funding to support additional costs for replacing carpet and electrical systems in the Main Library with a raised flooring system in some portions. This raised design will allow flexibility as shelving and furniture are re-arranged.

Budget Supplemental from Additional Revenue
Public Works – RAQC Grant- $31,300
This request appropriates grant funding from a Regional Air Quality Grant (RAQC). This grant promotes use of electric vehicles and charging stations. Of the total grant amount, $18,780 supports charging stations and $12,520 supports two electric vehicles.

Transfer(s) from Other Funds
Public Works – Transfer for 13th St Plaza VCUP Loan- $4,000,000
This request appropriates funds transferred from the Capital Development fund to the Facility Renovation and Replacement Fund for the 13th Street Plaza and Parking Lot Voluntary Clean-Up Program. Funds will be used for remediation of a former coal gasification plant. Costs will initially be absorbed by the city with cost sharing to be pursued with other responsible parties.

REQUEST BY FUND AND DEPT
2ND BUDGET SUPPLEMENTAL OF 2013

Fund	Dept	Type / Item	Budget Supplemental	Source: Additional Revenue	Source: Fund Balance	Increase (Decrease) in Revenue
GENERAL FUND						
		Budget Supplemental(s) from Fund Balance				
	Municipal Court	CIP for Justice Center 2013	24,892		24,892	
	City Manager's Office	FEMA Consultants	245,000		245,000	
	City Manager	Recreational Marijuana	200,000		200,000	
	City Manager	Litigation fees	100,000		100,000	
	City Manager	Energy Future Community Guide	61,859		61,859	
	City Manager	Campaign Finance Reform	24,288		24,288	
	City Manager	Elections	11,500		11,500	
	Human Resources	Reorganization Costs	170,000		170,000	
	Human Resources	HR Director Recruitment	30,000		30,000	
	Human Resources	Medicare Reimbursement Expenses	25,500		25,500	
	Finance	Operating Expenditures	85,000		85,000	
	Finance	Sales Tax Software Updates	40,000		40,000	
	Finance	Recreational Marijuana	20,000		20,000	
	Risk Management	Unemployment insurance	78,000		78,000	
	Police	Flood	193,400		193,400	
	Police	Recreational Marijuana	3,440		3,440	
	Community Planning & Sustainability	Flood Debris Collection	1,647,240		1,647,240	
	Community Planning & Sustainability	Bag Ordinance	245,237		245,237	
		Budget Supplemental(s) from Fund Balance Reserves				
	City Manager	Education Excise Tax grants to community organizations	421,439		421,439	
	Police	Federal Asset Forfeiture	64,500		64,500	
		Budget Supplemental(s) from Additional Revenue				
	City Manager	Education Excise Tax grants to community organizations	64,775	64,775		
	City Manager	Education Access Funding (PEG)	74,494	74,494		
	City Manager	Channel 8 Revenue	39,000	39,000		
	Police	Off Duty Overtime	325,500	325,500		
	Police	JAG 2013	52,387	52,387		
	Police	Open Records Research	50,000	50,000		
	Police	Miscellaneous Services	31,400	31,400		
	Police	Insurance Proceeds	29,750	29,750		
	Police	Blood/Chemical Testing	26,000	26,000		
	Police	Training classes	11,400	11,400		
	Police	2013 Click-it-or-Ticket Campaigns	7,808	7,808		
	Police	Bullet Proof Vest Grant	6,233	6,233		
	Police	COVA Scholarship	5,070	5,070		
	Police	Law Enforcement Assistance Fund (LEAF) Grant 2013	5,000	5,000		
	Fire	Wildland Reimbursement	441,531	441,531		
	Fire	Medical Advisor	60,000	60,000		
	Fire	Classes and Coverage	3,831	3,831		
	Fire	Hazardous Materials Reimbursement	2,082	2,082		
	Fire	Restitution	1,300	1,300		
	Human Services	Bldr Co Child Care Resource & Referral	44,000	44,000		
	Human Services	Silver Sneakers	20,000	20,000		
	Human Services	21st Century Learning Center	18,000	18,000		
	Human Services	Yamagata donation	11,569	11,569		
	Human Services	Family Resource Schools	10,000	10,000		
	Human Services	Infant/Toddler Quality & Accessibility Grant	3,000	3,000		
	Human Services	Qualistar Early Learning	1,448	1,448		
	Human Services	Prevention & Intervention	521	521		
	Housing	Pilot Reimbursement Boulder Housing Partners	12,656	12,656		
	Community Planning & Sustain.	Bag Ordinance	51,594	51,594		
		Transfers to Other Funds				
	IT	Transfer to the 2011 Capital Improvement Fund	1,308,366		1,308,366	
	City Manger's Office	Transfer to the Airport Fund	260,000		260,000	
	Citywide	Transfer to Fleet Fund	78,473		78,473	
		Transfers from Other Funds				
	Citywide	Transfer from Recreation Activity Fund				14,100
	Citywide	Transfer from .15 Cent Devt Service Fund				1,700
		Negative Appropriation				
	IT	Transfer to the 2011 Capital Improvement Fund, these funds have already been appropriated.	(1,308,366)		(1,308,366)	
		Subtotal	**$ 5,440,118**	**$ 1,410,350**	**$ 4,029,768**	**$ 15,800**

REQUEST BY FUND AND DEPT
2ND BUDGET SUPPLEMENTAL OF 2013

Fund	Dept	Type / Item	Budget Supplemental	Source: Additional Revenue	Source: Fund Balance	Increase (Decrease) in Revenue
CAPITAL DEVELOPMENT FUND						
		Transfers to Other Funds				
	Public Works	Transfer to the Facilities and Renovation Fund for 13th St. Plaza VCUP loan	4,000,000		4,000,000	
		Subtotal	**$ 4,000,000**	**$ -**	**$ 4,000,000**	**$ -**
AFFORDABLE HOUSING FUND						
		Budget Supplemental from Additional Revenue				
	Housing	Boulder junction transfer revenue	450,000	450,000		
		Subtotal	**$ 450,000**	**$ 450,000**	**$ -**	**$ -**
.25 CENT SALES TAX (1995 Ballot Issue)						
		Budget Supplemental(s) from Fund Balance				
		Forestry Invasive Species Mitigation	22,500		22,500	
		Pay Period 27 Seasonal Salaries	4,000		4,000	
		Budget Supplemental(s) from Additional Revenue				
	Parks and Recreation	Capital Lease Agreement	106,846	106,846		
	Parks and Recreation	GOCO Gant for Horizon School Play Area	100,000	100,000		
	Parks and Recreation	State Historical Grave Marker Grant	70,000	70,000		
		Subtotal	**$ 303,346**	**$ 276,846**	**$ 26,500**	**$ -**
LIBRARY FUND						
		Budget Supplemental(s) from Additional Revenue				
	Library and Arts	State Funded Grant for Libraries	20,654	20,654		
	Library and Arts	Bookshop Sales	17,330	17,330		
	Library and Arts	Library Fines and Fees	8,800	8,800		
	Library and Arts	AWE Computers	7,856	7,856		
	Library and Arts	Carnegie Photos	4,800	4,800		
	Library and Arts	Boulder County Jail MOU	3,000	3,000		
	Library and Arts	Adjustment to Overdrive Fee Collection - MARC Record Cost Sharing	1,800	1,800		
		Transfers from Other Funds				
	Library and Arts	Transfer from Equipment Replacement Fund: Automated Materials Handling System and Radio Frequency Identification System	1,330,000	1,330,000		
			$ 1,394,240	**$ 1,394,240**	**$ -**	**$ -**
RECREATION ACTIVITY FUND						
		Budget Supplemental(s) from Fund Balance				
	Parks and Recreation	Boulder Reservoir 4th of July Event	24,000		24,000	
	Parks and Recreation	EXPAND Inclusion	20,000		20,000	
	Parks and Recreation	EXPAND Summer Fun Program	6,852		6,852	
	Parks and Recreation	Pay Period 27 Seasonal Salaries	79,000		79,000	
	Parks and Recreation	EXPAND Paralympic Grant	3,400		3,400	
		Budget Supplemental(s) from Additional Revenue - Grants				
	Parks and Recreation	EXPAND Scholl Grant	42,750	42,750		
	Parks and Recreation	EXPAND Scholarship Donation	20,245	20,245		
	Parks and Recreation	EXPAND Boulder County Grant	16,154	16,154		
	Parks and Recreation	EXPAND Paralympic Grant	10,250	10,250		
	Parks and Recreation	EXPAND Summer Fun Program	8,376	8,376		
	Parks and Recreation	YSI Get Fit Grant	6,553	6,553		
	Parks and Recreation	YSI Scholarships	3,000	3,000		
		Transfer(s) to Other Funds				
	Parks and Recreation	Transfer of Interest to General Fund	14,100	14,100		
		Subtotal	**$ 254,680**	**$ 121,428**	**$ 133,252**	**$ -**
CLIMATE ACTION PLAN FUND						
		Budget Supplemental(s) from Additional Revenue				
	Community Planning & Sustain.	Boulder County Sustainability Grant	15,000	15,000		
		Subtotal	**$ 15,000**	**$ 15,000**	**$ -**	**$ -**
OPEN SPACE FUND						
		Budget Supplemental(s) from Fund Balance				
	OSMP	2013 Flood Repair/Reconstruction	1,000,000		1,000,000	
	OSMP	Real Estate Acquisition Funds	223,000		223,000	
	OSMP	Cherryvale South Sprinkler System	35,000		35,000	
	OSMP	BMPA Interest accrual	27,083		27,083	
		Budget Supplemental(s) from Additional Revenue				
	OSMP	OSMP Land Disposal Revenue	256,377	256,377		
	OSMP	Community Farm Development Initiative Grant	1,644	1,644		
	OSMP	Colorado Mountain Club Trail Stewardship Grant	1,500	1,500		
		Subtotal	**$ 1,544,604**	**$ 259,521**	**$ 1,285,083**	**$ -**
AIRPORT FUND						
		Transfer from Other Fund				
	Public Works	Transfer from the General Fund for Litigation Costs	260,000	260,000		
		Subtotal	**$ 260,000**	**$ 260,000**	**$ -**	**$ -**

REQUEST BY FUND AND DEPT
2ND BUDGET SUPPLEMENTAL OF 2013

Fund	Dept	Type / Item	Budget Supplemental	Source: Additional Revenue	Source: Fund Balance	Increase (Decrease) in Revenue
TRANSPORTATION FUND						
		Budget Supplemental(s) from Fund Balance				
	Public Works	2013 Flood Expenses	982,178		982,178	
		Budget Supplemental(s) from Additional Revenue				
	Public Works	Safe Routes to School Grant	68,936	68,936		
	Public Works	Improvements	170,000	170,000		
		Subtotal	**$ 1,221,114**	**$ 238,936**	**$ 982,178**	**$ -**
COMMUNITY DEVELOPMENT BLOCK GRANT						
		Budget Supplemental(s) from Additional Revenue				
	Housing	Mental Health returned funds	140,000	140,000		
	Housing	CDBG Grant Adjustment	29,080	29,080		
	Human Services	CDBG Grant Adjustment	5,131	5,131		
		Subtotal	**$ 174,211**	**# $ 174,211**	**$ -**	**$ -**
HOME FUND						
		Budget Supplemental(s) from Additional Revenue				
	Housing	Goss Street HUD returned funds from AHF	405,000	405,000		
	Housing	HOME Grant Adjustment	90,886	90,886		
		Subtotal	**$ 495,886**	**$ 495,886**	**$ -**	**$ -**
PERMANENT PARKS AND RECREATION						
		Increase in Revenue				
	Parks and Rec	Memorial Bench Donations	4,000	4,000		
		Subtotal	**$ 4,000**	**$ 4,000**	**$ -**	**$ -**
BOULDER JUNCTION IMPROVEMENT FUND						
		Budget Supplemental(s) from Fund Balance				
	Public Works	City Portion of Junction Place Bridge at Goose Creek	300,000		300,000	
	Public Works	Parks and Recreation Portion of BNSF Culvert Inlet	24,826		24,826	
		Budget Supplemental(s) from Additional Revenue				
	Public Works	Developer Contributions for Depot Square: Pearl Parkway Improvements (30th - RR)	203,718	203,718		
	Public Works	Developer Contributions for Depot Square: BNSF Culvert Inlet Hydraulic Enhancements ($99,304) and Junction Place Bridge at Goose Creek ($74,080)	173,384	173,384		
	Public Works	Developer Contributions for Depot Square: Off-site Sanitary Sewer Improvements	164,533	164,533		
	Public Works	Developer Contributions for Depot Square: Traffic Signal at Pearl/Junction PL	60,000	60,000		
		Subtotal	**$ 926,461**	**$ 601,635**	**$ 324,826**	**$ -**
2011 CAPITAL IMPROVEMENT FUND						
		Transfer(s) from Other Funds				
	IT	Transfer from IT for TBBI	1,308,366	1,308,366		
		Subtotal	**$ 1,308,366**	**$ 1,308,366**	**$ -**	**$ -**
.15 CENT SALES TAX DEBT SERVICE FUND						
		Transfer(s) to Other Funds				
		Transfer of Interest to General Fund	1,700	1,700		
		Subtotal	**$ 1,700**	**$ 1,700**	**$ -**	**$ -**

REQUEST BY FUND AND DEPT
2ND BUDGET SUPPLEMENTAL OF 2013

Fund	Dept	Type / Item	Budget Supplemental	Source: Additional Revenue	Source: Fund Balance	Increase (Decrease) in Revenue
WATER UTILITY FUND						
		Budget Supplemental(s) from Fund Balance				
	Public Works	2013 Flood Response/Impact Expenses	1,000,000		1,000,000	
	Public Works	Consultant Costs	350,000		350,000	
	Public Works	Kohler Storage Tank Rehabilitation	235,000		235,000	
	Public Works	Water Rights Case Management	200,000		200,000	
	Public Works	Energy Performance Contract	112,895		112,895	
	Public Works	CBT Carryover	110,600		110,600	
		Budget Supplemental(s) from Additional Revenue				
	Public Works	Relocation of Barker Reservoir Caretaker Residence	300,000	300,000		
		Subtotal	**$ 2,308,495**	**$ 300,000**	**$ 2,008,495**	**$ -**
WASTEWATER UTILITY FUND						
		Budget Supplemental(s) from Fund Balance				
	Public Works	2013 Flood Response/Impact Expenses	750,000		750,000	
		Increase in Revenue				
	Public Works	Wastewater Treatment Nutrient Compliance Grant				1,080,000
		Subtotal	**$ 750,000**	**$ -**	**$ 750,000**	**$ 1,080,000**
STORMWATER AND FLOOD MANAGEMENT UTILITY FUND						
		Budget Supplemental(s) from Fund Balance				
	Public Works	2013 Flood Response/Impact Expenses	1,000,000		1,000,000	
		Budget Supplemental(s) from Additional Revenue				
	Public Works	Boulder Creek Watershed Grant	49,950	49,950		
		Subtotal	**$ 1,049,950**	**$ 49,950**	**$ 1,000,000**	**$ -**
TELECOMMUNICATIONS FUND						
		Transfer(s) from Other Funds				
	IT	Connectivity Expenses	300,000		300,000	
		Subtotal	**$ 300,000**	**$ -**	**$ 300,000**	**$ -**
COMPENSATED ABSENCES FUND						
		Budget Supplemental(s) from Fund Balance				
	Finance	Compensated Absences Payouts	146,000		146,000	
		Subtotal	**$ 146,000**	**$ -**	**$ 146,000**	**$ -**
FLEET REPLACEMENT FUND						
		Transfer(s) from Other Funds				
	Public Works	Damage Reimbursement	78,473	78,473		
		Subtotal	**$ 78,473**	**$ 78,473**	**$ -**	**$ -**
COMPUTER REPLACEMENT FUND						
		Budget Supplemental(s) from Fund Balance				
	IT	Backup System Replacement	200,000		200,000	
	IT	Cogsdale Software Maintenance	40,000		40,000	
		Subtotal	**$ 240,000**	**$ -**	**$ 240,000**	**$ -**
EQUIPMENT REPLACEMENT FUND						
		Transfer(s) to Other Funds				
	Public Works	Transfer to Library Fund	1,330,000		1,330,000	
		Subtotal	**$ 1,330,000**	**$ -**	**$ 1,330,000**	**$ -**
FACILITY RENOVATION AND REPLACEMENT FUND						
		Budget Supplemental(s) from Fund Balance				
	Public Works	Council Chambers Remodel	415,000		415,000	
	Public Works	Main Library Carpet	300,000		300,000	
		Budget Supplemental(s) from Additional Revenue				
	Public Works	RAQC Grant	31,300	31,300		
		Transfer(s) from Other Funds				
	Public Works	Transfer from Capital Development Fund for 13th St Plaza VCUP Loan	4,000,000	4,000,000		
		Subtotal	**$ 4,746,300**	**$ 4,031,300**	**$ 715,000**	**$ -**
		Total General Fund	5,440,118	1,410,350	4,029,768	15,800
		Total Restricted Funds	23,302,826	10,061,492	13,241,334	1,080,000
		Total All Funds	**$ 28,742,944**	**$ 11,471,842**	**$ 17,271,102**	**$ 1,095,800**

2013 FUND ACTIVITY SUMMARY
CARRYOVER AND 1ST BUDGET SUPPLEMENTAL OF 2013

	At January 1, 2013			Appropriation Ordinance February 5, 2013		Carryover & 1st Budget Supplemental		2nd Budget Supplemental		Projected Dec 31, 2013
FUND	Unreserved Fund Balance	Original Estimated Revenues (Including Xfers In)	Original Appropriations (Including Xfers Out)	Increase in Estimated Revenues	Appropriations	Increase in Estimated Revenues	Appropriations (Including Xfers Out)	Increase in Estimated Revenues	Appropriations (Including Xfers Out)	Fund Balance
General	32,608,132	109,752,151	112,476,542			573,743	8,623,843	1,426,150	5,440,118	17,819,672
Capital Development	6,301,706	376,152	132,292			0	110,117	-	4,000,000	2,435,449
Lottery	1,156,406	836,690	836,000			0	953,854	-	-	203,242
Planning and Development Services	7,072,749	8,803,975	9,565,537			66,453	1,715,265	-	-	4,662,376
Affordable Housing	15,124,367	1,539,713	1,562,966			0	15,101,114	450,000	450,000	0
Community Housing Assistance Program	3,330,773	2,246,581	2,266,725			0	3,306,715	-	-	3,914
.25 Cent Sales Tax	3,074,845	7,124,262	7,766,889			3,288	2,334,310	276,846	303,346	74,695
Library	1,438,026	7,574,177	7,574,177			-12,178	79,441	1,394,240	1,394,240	1,346,407
Recreation Activity	1,261,923	9,892,100	10,197,713			17,713	42,767	121,428	254,680	798,004
Climate Action	829,695	491,489	491,489	1,358,511	1,358,511	0	727,827	15,000	15,000	101,868
Open Space Fund	17,614,723	26,723,013	26,184,265			1,325,500	8,314,375	259,521	1,544,604	9,879,513
Airport Fund	383,658	929,431	558,932			223,077	251,890	260,000	260,000	725,345
Transportation	8,794,769	29,102,329	31,239,067			4,925,615	9,521,519	238,936	1,221,114	1,079,949
Transportation Development	1,135,842	717,736	716,748			0	623,981	-	-	512,849
Community Development Block Grant	0	719,969	719,969			806,363	806,363	174,211	174,211	0
Home Investment Partnership	0	800,445	800,445			1,866,339	1,866,339	495,886	495,886	0
Permanent Parks and Recreation	2,029,869	2,412,224	2,713,536			0	1,370,086	4,000	4,000	358,471
Fire Training Center Construction	50,181	0	0			0	46,540	-	-	3,641
Boulder Junction Improvement	1,436,505	1,241,055	1,401,688			85,046	678,322	601,635	926,461	357,770
2011 Capital Improvement	46,345,629	506,094	0			2,157,705	48,380,716	1,308,366	1,308,366	628,712
Water Utility	30,799,299	27,553,290	27,727,767			194,000	3,204,931	300,000	2,308,495	25,605,396
Wastewater Utility	11,725,874	14,437,455	15,882,091			0	2,070,189	1,080,000	750,000	8,541,049
Stormwater and Flood Management Utility	13,919,414	7,110,559	7,428,469			300,000	8,135,669	49,950	1,049,950	4,765,834
Telecommunications	1,213,524	728,534	767,374			0	3,840	-	300,000	870,844
Compensated Absences	1,592,402	857,368	731,442			0	0	-	146,000	1,572,328
Workers Compensation Fund	2,271,089	1,434,289	1,843,200			0	541	-	-	1,861,637
Fleet	10,173,343	9,311,347	11,764,668			0	1,224,832	78,473	78,473	6,495,190
Computer Replacement	6,708,650	1,830,296	2,304,789			0	18,136	-	240,000	5,976,021
Equipment Replacement	6,126,352	771,077	816,426			35,324	1,244,420	-	1,330,000	3,541,907
Facility Renovation and Replacement	7,170,345	2,876,795	2,624,443			149,679	5,120,124	4,031,300	4,746,300	1,737,252

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE:

AGENDA TITLE: Consideration of a motion to authorize the city manage as ex officio general manager of Central Area General Improvement District (CAGID) to acquire and dispose of any real or personal CAGID property interests necessary for the creation and formation of the Randolph Center Commercial and Parking Condominiums

PRESENTER/S
Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
Molly Winter, Director of DUHMD/PS…
Kurt Matthews, Manager Parking Services

EXECUTIVE SUMMARY

The Central Area General Improvement District (CAGID) and Broadway Walnut Company (BWC) have reached agreement regarding the formation of a condominium association related to the structure (office and garage) located at 1100 Walnut. The condo declaration continues the relationship that has been in place for several years in much the same fashion and cost sharing ratio. As a part of this agreement, a transfer of storage space within the shared structure was consummated with Broadway Walnut agreeing to purchase additional storage space from CAGID for the sum of $9,901.00. If approved by council, final agreements will be executed by the City Manager in substantially identical form to the attached documents.

STAFF RECOMMENDATION

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to adjourn from Boulder City Council and to convene as the Central Area General Improvement District (CAGID) Board of Directors.

Consideration of a motion to authorize the city manage as ex officio general manager of CAGID to acquire and dispose of any real or personal property interests necessary for the creation and formation of the Randolph Center Commercial and Parking Condominiums, including without limitation execution of the condominium declaration, the form of which is attached to this memo as **Attachment A**, **B** and **C**, and deeds, instruments, or other agreements necessary to create the common interest community, the ownership units and the associated common elements and limited common elements.

Consideration of a motion to adjourn from the CAGID Board of Directors and reconvene as the Boulder City Council.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The condominium agreements keeps a long standing arrangement in place. The current and future relationship allows CAGID to collect revenue through paid parking in the parking structure. The new condominium declaration clearly identifies individual ownership and shared ownership for maintenance and upkeep obligations.
- Environmental – The express purpose of CAGID is to provide shared, unbundled, and managed parking in the downtown area. This facility and this agreement maintain those obligations by providing parking in an accessible site.
- Social – Parking at the CAGID structure remains open to all. Paid parking is required Mondays through Fridays, free to the public on Saturdays and Sundays.

OTHER IMPACTS

- Fiscal – No additional funding or budgeting issues will arise as a result of this agreement.
- Staff time – No additional staff time will be required.

BOARD AND COMMISSION FEEDBACK

The condominium declaration and sale of property was presented to the Downtown Management Commission (DMC) at its regularly scheduled meeting of May 6, 2013. After a brief discussion, commission members voted unanimously to endorse the sale and creation of the declaration.

PUBLIC FEEDBACK

There was no public feedback offered at the DMC meeting.

BACKGROUND

The Randolph Center commercial building and the parking garage was opened approximately 20 years ago as a pioneering public/private partnership. When first opened an agreement was in place where CAGID had a lease to purchase agreement for the parking piece of the structure. The parking is now paid for and owned by CAGID and the lease purchase has expired. Since that time CAGID and Broadway Walnut have been working under a short term lease agreement. Condominium ownership is the standard legal means to address similar types of public private partnerships. The condominium declaration is intended to reflect and codify existing practices between the parties in the management of the property. See **Attachment A** for details.

Staff has been in discussion with Broadway Walnut representatives for several years to change the current agreement into a more formal condominium association agreement. During this discussion, storage space within the structure was addressed. At the time of discussion some storage space utilized by the parties was inside the boundaries envisioned as belonging to the other party in the condo declaration. An exchange of space was deemed prudent and a sale arrangement was reached which required Broadway Walnut to pay CAGID $9,901 towards the purchase of addition square footage as a result of the exchange. Current sale and rental prices were analyzed to determine fair market value. Independent studies were conducted by both Broadway Walnut and City of Boulder representatives to arrive at a fair market price. The square footage of each affected storage area was calculated, a square foot price was attached, and the difference between the values of the exchanged spaces resulted in the sale cost. A purchase and sale agreement (**Attachment B**) will be executed prior to the recording of the condominium declaration.

The condo declaration outlines areas of general common elements (GCE's), limited common elements (LCE's), and unit specific elements (Parking Elements and Commercial Elements). The cost sharing ratio for common elements will remain at the current level of 70% CAGID and 30% BWC. This ratio was initially decided upon based upon usage estimates, and is now borne out based upon square footage ratios.

A Board of Directors for the Condominium Association will be formed with two representatives from each of the owners. The board will have responsibilities over maintenance of the common and limited areas, while each owner will remain responsible for individual ownership areas (commercial and parking elements). While a budget remains to be drafted and agreed upon, that process is underway based upon existing financials.

The terms and conditions of the condominium declaration have been reviewed by the City Attorney Office and have been approved as presented. The condo map has been approved and will be recorded. (**Attachment C, D and E**).

ANALYSIS

Staff respectfully requests that council grant the resolution to allow the city manager to act on behalf of council as the Board of Directors of CAGID and authorize the creation of the condominium declaration and approve the sale of real property.

The creation of the condominium declaration codifies the agreement between Broadway Walnut regard the mixed use structure known commonly as the Randolph Center. CAGID will continue to operate the garage portion as a public garage and Broadway Walnut will continue to operate the commercial space. Cost sharing ratios will be maintained and clarified.

There are no proposed alternatives to this recommendation. CAGID is currently in a similar relationship with another mixed use facility, the St. Julien Hotel. The model created by the St. Julien Hotel and Parking Garage was carried forward to Depot Square. The Boulder Junction Access District (BJAD) board has entered into a purchase arrangement with the property owner. BJAD-P District will own a parking unit that will provide public parking services within a mixed use project that includes other land uses. This project is presently under construction. The Randolph Center Garage will be owned and managed in a similar manner. It is not anticipated that this transaction will have any effect on the customers that use the Randolph Center garage.

ATTACHMENTS

Attachment A: proposed condominium declaration.
Attachment B: proposed sales agreement between CAGID and Broadway Walnut.
Attachment C: proposed condominium map.
Attachment D: Articles of Incorporation
Attachment E: By Laws

After recording, please return to:

Faegre Baker Daniels LLP
1470 Walnut Street, Suite 300
Boulder, Colorado 80302
Attn: David L. Kuosman

CONDOMINIUM DECLARATION

OF

RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS

_____, 2013

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Exhibit C	Limited Common Elements
Exhibit D	Schedule of Pro Rata Shares
Exhibit E	General Common Elements
Exhibit F	Intentionally Deleted
Exhibit G	Easements and Licenses of Record

CONDOMINIUM DECLARATION

OF RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS

THIS CONDOMINIUM DECLARATION OF RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS (hereinafter referred to as the "Declaration") is made as of this _____ day of _____, 2013, by BROADWAY-WALNUT COMPANY, LLP, a Colorado limited liability partnership ("Broadway") and the CENTRAL AREA GENERAL IMPROVEMENT DISTRICT, a general improvement district formed pursuant to Chapter 8-4, Boulder Revised Code and the laws of the State of Colorado ("CAGID") (Broadway and CAGID are individually referred to as a "Declarant" and collectively hereinafter referred to as the "Declarants").

RECITALS

A. Broadway is the owner in fee simple of those certain parcels of real property located in the City of Boulder, County of Boulder, State of Colorado, and improvements located thereon, as described more particularly on Exhibit A attached hereto and by this reference incorporated herein (the "Commercial Property").

B. CAGID is the owner in fee simple of the real property located in the City of Boulder, County of Boulder, State of Colorado, and improvements located thereon, as described more particularly on Exhibit B attached hereto and by this reference incorporated herein (the "Parking Property"). The Commercial Property and the Parking Property are hereinafter collectively referred to as the "Property".

C. Declarants have caused to be constructed on the Property five (5) above and one (1) below grade levels of parking facilities (the "Parking Space"), and a two-story office building and related facilities for ancillary uses, and a two-story retail building and related facilities for ancillary uses (collectively, the "Commercial Space" and collectively with the Parking Space, the "Building Spaces"). Declarants are desirous of establishing a condominium project covering the Property and the Building Spaces pursuant to the Colorado Common Interest Ownership Act, C.R.S. §§ 38-33.3-101, et seq. (the "Act").

D. This Declaration is executed pursuant to and in furtherance of a common and general plan to protect and enhance the quality, value, desirability and attractiveness of the Property and to provide for certain duties, powers and rights of the "Association" and each "Owner", as those terms are hereinafter defined.

NOW, THEREFORE, Declarants, pursuant to the Act, hereby state and declare on behalf of themselves, and their successors and assigns, that the Property, and all other improvements now or hereafter built upon the Property and all appurtenances thereto, shall, from and after the date of this Declaration, be owned, held, transferred, conveyed, sold, leased, rented, hypothecated, encumbered, used, occupied, maintained, altered and improved subject to the covenants, conditions, restrictions, easements, limitations, reservations, exceptions, equitable

servitudes and other provisions set forth in this Declaration for the duration thereof, all of which shall constitute covenants running with the land, shall run with the title to such property and be binding upon all parties having any right, title or interest in said property or any part thereof and upon their heirs, personal representatives, successors and assigns, and shall inure to the benefit of each party having any such right, title or interest in said property or any part thereof.

ARTICLE 1
DEFINITIONS

The following terms when used in this Declaration, in the Condominium Map, the Articles and the Bylaws of the Association shall be deemed to have the meanings hereinafter set forth, unless otherwise expressly provided to the contrary herein or therein.

1.1 "**ACT**" shall mean the Colorado Common Interest Ownership Act, C.R.S. §§ 38-33.3-101, et seq., as the same has been and may hereafter be amended or replaced from time to time.

1.2 "**AFFILIATE**" shall have the meaning provided under the Act.

1.3 "**ALLOCATED INTERESTS**" shall mean those rights and interests allocated to a particular Unit as provided in this Declaration, as follows: (a) the undivided interest in and to and right to use General Common Elements allocated to a Unit under this Declaration; (b) the undivided interest in and to and right to use Limited Common Elements allocated to a Unit under this Declaration; (c) the number of votes in the Association allocated to a Unit pursuant to Article 10; (d) the General Pro Rata Share of General Charges allocated to a Unit; (e) the Limited Pro Rata Share of Limited Charges allocated to a Unit; and (f) the use of easements appurtenant to a Unit as provided in this Declaration.

1.4 "**ARTICLES**" shall mean the Articles of Incorporation of the Association, as the same may be amended or replaced from time to time.

1.5 "**ASSOCIATION**" shall mean the Randolph Center Condominium Association, Inc., a Colorado nonprofit corporation, its successors and assigns.

1.6 "**ASSOCIATION DOCUMENTS**" shall mean this Declaration, the Articles, the Bylaws, the Condominium Map, and any Rules and Regulations, procedures or policies adopted under such documents by the Association.

1.7 "**BOARD**" shall mean the board of directors of the Association duly elected pursuant to the Bylaws and this Declaration. The Board is an "executive board" as defined in the Act.

1.8 "**BYLAWS**" shall mean the bylaws of the Association, which have been or will be adopted by the Board, for the regulation and management of the Association, as the same may be amended or replaced from time to time.

1.9 "**CHARGES**" shall include General Charges, Parking Charges, Commercial Charges and Limited Charges.

1.10 "**COMMERCIAL CHARGES**" shall mean and include (a) the reasonable and necessary costs and expenses (including capital expenses), whether ordinary or extraordinary, of repair, maintenance and replacement of Commercial LCE; and (b) any other expenses designated as Commercial Charges by the provisions of this Declaration. There is hereby allocated to Unit Commercial, and the Owner thereof will be liable for, all Commercial Charges.

1.11 "**Commercial EXPANSION AREA**" shall mean the real property located on the north, south and east sides of the Office Space as depicted on the Condominium Map, which property may be added to the Property for subsequent development and expansion in the number of Units in the Condominium Community.

1.12 "**COMMERCIAL LCE**" shall mean those Limited Common Elements that are for the exclusive use of Unit Commercial and that are designated as Commercial LCE either pursuant to the provisions of this Declaration, including those so designated on Exhibit C attached hereto, or on the Condominium Map.

1.13 "**COMMON ELEMENTS**" shall mean all of the Condominium Community except the portions thereof which constitute Units.

1.14 "**CONDOMINIUM**" shall mean a Unit, together with the undivided interest in the Common Elements and all easements, rights, licenses, and appurtenances allocated or made appurtenant to such Unit pursuant to this Declaration, including such rights to use such Limited Common Elements as may have been made appurtenant to such Unit by or in accordance with this Declaration, and all other rights and burdens created by this Declaration and imposed thereon.

1.15 "**CONDOMINIUM COMMUNITY**" shall mean the common interest community, as defined in Section 38-33.3-103(9) of the Act, created by this Declaration, consisting of the Property as it may be expanded in accordance with the terms herein.

1.16 "**CONDOMINIUM MANAGER**" shall mean any Person employed or engaged from time to time by the Association, acting pursuant to a Supermajority Vote of the Board, to perform management services for the Association.

1.17 "**CONDOMINIUM MAP**" or "**MAP**" shall mean the Condominium Map for Randolph Center Commercial and Parking Condominiums of even date herewith, executed by Declarants, and to be Recorded on the same date as the Recordation of this Declaration, and any amendments or supplements thereto from time to time. The Condominium Map, and any amendments or supplements thereto from time to time, constitute a "map" as defined in the Act.

1.18 "**CONTESTING NOTICE**" shall mean any written notice given to the Association by a Defaulting Owner pursuant to Section 22.3 contesting the allegation that the Defaulting Owner is in default.

1.19 "**DECLARATION**" shall mean this document and any amendments or supplements hereto, and also, as and to the extent as provided in the Act, includes the Condominium Map.

1.20 "**DEFAULT NOTICE**" shall mean any written notice given by the Association or a Nondefaulting Owner to a Defaulting Owner pursuant to Section 22.1.

1.21 "**DEFAULTING OWNER**" shall have the meaning given in Section 22.1.

1.22 "**EMERGENCY**" shall mean an event creating a material likelihood of significant damage to person or property.

1.23 "**FIRST MORTGAGE**" shall mean a Mortgage, as hereinafter defined, that has priority of record over all other recorded liens except those liens made superior by statute (such as general ad valorem tax liens and special assessments) and except as otherwise provided in this Declaration.

1.24 "**FIRST MORTGAGEE**" shall mean a Mortgagee holding or benefiting from a First Mortgage.

1.25 "**GENERAL CHARGES**" shall mean and include the reasonable and necessary costs and expenses, whether ordinary or extraordinary, of (a) unless otherwise specifically designated in this Declaration as another type of Charge (e.g., Parking Charge, Commercial Charges), operation, repair, maintenance and replacement of General Common Elements, (b) unless otherwise specifically designated in this Declaration as another type of Charge, acquisition or installation of any improvements to the General Common Elements, (c) administration, management and operation of the Association, (d) administration, management and operation of the Condominium Community generally (as opposed to the administration, management and operation of an individual Unit) for the joint or common benefit of the Units and the Owners and Permittees of the Units, (e) unless allocated to specific Unit Owners, all amounts incurred by the Association for insurance carried pursuant to Article 13, (f) unless exclusively serving and allocated to specific Unit Owners, providing telephone, fiber optic, water, sewer, waste disposal, electricity, natural gas, and other energy and utilities ("Utilities") to the General Common Elements (including elevators and stairway lighting) and the Association's personal property and equipment located in, or used in connection with the operation or maintenance of, the Common Elements, (g) any other expenses made or incurred by or on behalf of the Association and declared to be General Charges by the provisions of this Declaration, and (h) any other expenses which are expressly designated as General Charges in this Declaration.

1.26 "**GENERAL COMMON ELEMENTS**" shall mean all portions of the Condominium Community, including General Common Elements described by any other provision of this Declaration or on the Map, except (i) the Units (including the improvements within Units), and (ii) Limited Common Elements. Without limiting the generality of the foregoing definition, General Common Elements shall include all of those General Common Elements described on Exhibit E attached hereto. The Condominium Map and each supplement thereto will provide for

allocation of General Common Elements by Declarants to all Unit Owners in accordance with their General Pro Rata Shares described by and included within the filed Map.

1.27 "**GENERAL PRO RATA SHARE**" shall mean the undivided interest in and to General Common Elements and the portion of General Charges allocated to and payable by each Unit. The General Pro Rata Share for each Unit will be a percentage equivalent to a fraction, the numerator of which is the Gross Floor Area of the Unit and the denominator of which is the Gross Floor Area of all Units. In determining General Pro Rata Shares, increments of less than one-half of a percentage point (.5%) shall be rounded down to the closest full percentage point, and increments equal to or greater than one-half of a percentage point (.5%) shall be rounded up to the closest full percentage point. Declarants agree that the General Pro Rata Shares set forth on Exhibit D are substantially accurate and that so long as Declarants or Affiliates of Declarants own all of the Units in the Condominium Community, they will not modify the General Pro Rata Shares set forth on Exhibit D unless there is a material change to the Gross Floor Area of one or more Units (including by subdivision).

1.28 "**GROSS FLOOR AREA**" shall mean the sum of the gross horizontal areas of the several floors of a Building Space, including interior partitions, but excluding Common Elements included therein. All horizontal dimensions of each floor are to be measured from the inside of the exterior walls of a Building Space, to the center line of party walls and to the exterior of any walls abutting Common Elements.

1.29 "**INSURANCE TRUSTEE**" shall mean a Person appointed by the Association as such pursuant to Section 24.5.

1.30 "**LAND**" shall mean the land described on Exhibits A and B with all appurtenances, excluding any improvements now or hereafter situated thereon.

1.31 "**LAW**" shall mean all laws, statutes, ordinances, resolutions, orders, codes, rules, regulations, judgments, decrees and other requirements (including requirements under permits, licenses, consents and approvals) of any federal, state, county, city, town, or other governmental authority having jurisdiction.

1.32 "**LIEN NOTICE**" shall mean either an "Association Lien Notice" given by the Association pursuant to Section 22.6, or a "Nondefaulting Owner Lien Notice" given by a Nondefaulting Owner who has cured a default of a Defaulting Owner pursuant to Section 22.8, to be filed in the Records.

1.33 "**LIMITED CHARGES**" shall mean the reasonable and necessary costs and expenses (including capital expenses), whether ordinary or extraordinary, of repair, maintenance and replacement of Limited Common Elements (including Commercial LCE and Parking LCE) and any other expenses designated as Limited Charges by the provisions of this Declaration.

1.34 "**LIMITED COMMON ELEMENTS**" shall mean the (a) Commercial LCE and Parking LCE, as are specifically designated in this Declaration (including Exhibit C), (b) those Limited Common Elements so designated pursuant to the provisions of this Declaration

(including Exhibit C) or on the Condominium Map, (c) those Limited Common Elements as may be so designated by operation of the Act, and (d) except as otherwise designated in this Declaration or on the Condominium Map, any portions of the Common Elements, chute, flue, duct, utility line, wire, conduit, mechanical system improvement, bearing wall, bearing column, or other fixture which are designated, reserved, allocated by or pursuant to this Declaration, or as indicated on the Condominium Map for the exclusive use of one or more but less than all of the Units or any portion of Common Elements.

1.35 "**LIMITED PRO RATA SHARE**" shall mean, as to a Unit to which a Limited Common Element has been allocated, such Unit's undivided interest in and to the Limited Common Element and the portion of Limited Charges allocated to and payable by each Unit with respect to the Limited Common Element. Each Unit shall have a Limited Pro Rata Share for each Limited Common Element that is allocated to such Unit as set forth in this Declaration. The Limited Pro Rata Shares for a Unit to which a Limited Common Element has been allocated will be a percentage equivalent to a fraction, the numerator of which is the Gross Floor Area of such Unit and the denominator of which is the Gross Floor Area of all Units to which the Limited Common Element is allocated. In determining Limited Pro Rata Shares, increments of less than one-half of a percentage point (.5%) shall be rounded down to the closest full percentage point, and increments equal to or greater than one-half of a percentage point (.5%) shall be rounded up to the closest full percentage point. Declarants agree that the Limited Pro Rata Shares set forth on Exhibit D are substantially accurate and that so long as Declarants or Affiliates of Declarants own all of the Units in the Condominium Community, they will not modify the Limited Pro Rata Shares set forth on Exhibit D unless there is a material change to the Gross Floor Area of one or more Units (including by subdivision).

1.36 "**MORTGAGE**" shall mean a mortgage or deed of trust or any other consensual lien or title retention contract intended as security for an obligation encumbering all or any portion of a Unit, or an interest therein.

1.37 "**MORTGAGEE**" shall mean the holder or beneficiary of a Mortgage.

1.38 "**NONDEFAULTING OWNER**" shall have the meaning given in Section 22.1.

1.39 "**OWNER**" shall mean the Person (including, if applicable, each Declarant), or all Persons collectively, who holds fee simple Record title to a Unit (including a contract seller, but excluding a contract purchaser) but excluding any Person holding a Mortgage on a Unit unless such Person has acquired record title to the Unit pursuant to foreclosure or by transfer in lieu of foreclosure.

1.40 "**OWNER'S MODIFICATIONS**" shall mean any repairs, installations, additions, improvements, substitutions, alterations, restoration, major redevelopment, remodeling, replacement, and demolition and rebuilding made to a Unit by an Owner of a Unit, subject to the provisions of Article 17.

1.41 "**PARKING Charges**" shall mean and include (a) the reasonable and necessary costs and expenses (including capital expenses), whether ordinary or extraordinary, of repair, maintenance and replacement of Parking LCE; and (b) any other expenses designated as Parking

Charges by the provisions of this Declaration. There is hereby allocated to Unit Parking, and the Owner thereof will be liable for, all Parking Charges.

1.42 "**PARKING EXPANSION AREA**" shall mean the real property located on the west, north and south sides of the Office Space as depicted on the Condominium Map, which property may be added to the Property for subsequent development and expansion in the number of Units in the Condominium Community.

1.43 "**PARKING LCE**" shall mean those Limited Common Elements that are for the exclusive use of Unit Parking and that are designated as Parking LCE either pursuant to the provisions of this Declaration, including those so designated on Exhibit C attached hereto, or on the Condominium Map.

1.44 "**PERMITTED USE**" shall mean (a) for Unit Commercial: office, retail and storage purposes and for other ancillary uses incidental thereto or consistent therewith; (b) for Unit Parking: the parking of motor vehicles and bicycles and for other ancillary uses incidental thereto or consistent therewith.

1.45 "**PERMITTEE**" shall mean a Person, other than an Owner, rightfully present on, or in rightful possession of, all or any portion of a Unit or Common Element, or any portion thereof, including a tenant of an Owner or the Association or an agent, employee, customer, contractor, subcontractor, licensee, guest, or invitee of an Owner or the Association or of a tenant of either.

1.46 "**PERSON**" shall mean a natural person, corporation, partnership, limited liability company, association, trust, governmental body, agency or instrumentality or other legal entity or any combination thereof.

1.47 "**PRIME RATE**" shall mean the publicly announced prime interest rate published from time to time as such in the "Money Rates" section of the Wall Street Journal (or in the event the Wall Street Journal ceases to publish said rate, or if said publication shall cease to exist, then such other publication as selected by the respective payee in its reasonable discretion).

1.48 "**RECORD**," or a derivation thereof, including "Recording," "Recordation", "of Record" or "Recorded" shall mean the recording of any documents in the real estate records in the office of the Clerk and Recorder of Boulder County, Colorado.

1.49 "**RECORDS**" shall mean the real estate records in the office of the Clerk and Recorder of Boulder County, Colorado.

1.50 "**REPRESENTATIVE**" shall mean as to any Person, its respective partners, managers, members, officers, directors, employees, agents, trustees and contractors.

1.51 "**REQUESTING PARTY**" shall mean any Owner or Mortgagee or prospective purchaser of a Unit who delivers a request to the Condominium Manager or Association to receive a statement of status pursuant to Section 22.15.

1.52 "**RULES AND REGULATIONS**" shall mean reasonable rules and regulations adopted from time to time by the Association with respect to the regulation and management of the Condominium Community, as the same may be amended or replaced from time to time. Rules and Regulations may govern the use of the Units, Common Elements and any personal property owned by the Association. All such rules and regulations shall be consistent with, and shall not materially diminish, the rights and duties established in this Declaration and the reasonable enjoyment of the Permitted Uses described hereunder, and in no event shall any such Rules and Regulations change the uses to which any Unit is restricted under this Declaration. The initial Rules and Regulations and any amendments or modifications thereafter shall be approved by Owners holding seventy-five percent (75%) of the votes in the Association.

1.53 "**SUPERMAJORITY VOTE**" shall mean and refer to any decision reached by the Board in accordance with the Bylaws, which is agreed to by a number constituting seventy-five percent (75%) or more of the total number of directors elected by the Owners as hereinafter provided.

1.54 "**UNIT**" shall mean a portion of the Condominium Community designated for separate ownership. Each Unit is designated for separate ownership in this Declaration and its boundaries are delineated on the Map and described in this Declaration.

1.54.1 "Unit Commercial" (or any Units resulting from the subdivision of Unit Commercial) identified on the Condominium Map, consists of the fee simple interest and title in and to an individual airspace (together with structural elements and improvements contained therein) defined as the entire Commercial Space (other than the areas depicted on the Condominium Map or described in this Declaration as a part of Unit Parking, a General Common Element or a Limited Common Element), the upper boundary of which is the unfinished surface of the bottom of the roof structure above such Unit, and the lower boundary of which is the unfinished surface of the top of the floor slab beneath such Unit. Where areas between the floor and roof are penetrated by openings (i.e., to accommodate a flue, conduits or a chase), the boundaries will be deemed to be the surface which would result from the horizontal extension of the nearest adjacent interior unfinished surface of the area in which the opening occurs. The side boundaries of Unit Commercial are the unfinished interior surfaces of such Unit's perimeter walls, windows and doors as shown on the Map. All lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring and any other materials constituting any part of the finished surfaces within Unit Commercial are a part of Unit Commercial. Unless otherwise designated as General Common Elements in this Declaration or on the Condominium Map, all other portions of the floors, roof, and exterior walls surrounding Unit Commercial are Commercial LCE allocated exclusively to Unit Commercial.

1.54.2 "Unit Parking" identified on the Condominium Map, consists of the fee simple interest and title in and to an individual airspace (together with structural elements and improvements contained therein) defined as the entire Parking Space (other than the areas depicted on the Condominium Map or described in this Declaration as a part of Unit Commercial, a General Common Element or a Limited Common Element), the upper boundary of which is unfinished surface of the bottom of the roof structure above such Unit, and the lower boundary of Unit Parking is the unfinished surface at the top of the concrete floor slab

beneath such Unit (and shall also include the recessed lighting fixtures and appurtenances (excluding the dropped ceiling and its components) in ceiling under 6th level of the Building Space); provided, however that the topmost boundary of Unit Parking is located at elevation 5375.76 as shown on the Map above the unfinished surface at the top of concrete floor slab beneath such Unit. Where areas between the floor and roof are penetrated by openings (i.e., to accommodate a flue, conduits or a chase), the boundaries will be deemed to be the surface which would result from the horizontal extension of the nearest adjacent interior unfinished surface of the area in which the opening occurs. The side boundaries of Unit Parking are the unfinished interior surfaces of such Unit's perimeter walls, openings, and doors as shown on the Map. Unless otherwise designated as General Common Elements in this Declaration or on the Condominium Map, all other portions of the perimeter walls, openings and doors surrounding Unit Parking are Parking LCE allocated exclusively to Unit Parking.

Each Unit shall be designated by a separate number, letter, address or other symbol or combination thereof that identifies only one Unit in the Condominium Community as shown on the Condominium Map.

ARTICLE 2
SUBMISSION OF THE PROPERTY

Declarants hereby (a) submit the Condominium Community to condominium ownership under the Act, (b) impose upon all of the Condominium Community the covenants, conditions, restrictions, easements, reservations, rights-of-way, and other provisions of this Declaration, and (c) declare that all of the Condominium Community shall be held, sold, conveyed, encumbered, leased, rented, occupied, and improved subject to the covenants, conditions, restrictions, easements, reservations, rights-of-way and other provisions of this Declaration. The condominium ownership of the Condominium Community created under this Declaration shall continue until this Declaration is terminated or revoked as hereinafter provided.

ARTICLE 3
CONDOMINIUM MAP

3.1 **RECORDATION AND CONTENT**. Prior to the conveyance of any Unit, the Condominium Map shall be Recorded. The Condominium Map may be filed in whole or in part from time to time and may be amended from time to time as provided in this Declaration. Any Condominium Map Recorded subsequent to the first Condominium Map shall be termed a supplement to such Condominium Map, and the numerical sequence of such supplements shall be shown thereon. The Condominium Map shall contain the certificate of an independent engineer, surveyor or architect, licensed or registered in the State of Colorado, certifying that (a) the Condominium Map substantially depicts the location and the horizontal and vertical boundaries of the Units to which it pertains; (b) such Condominium Map was prepared subsequent to substantial completion of the depicted improvements; and (c) the Condominium Map contains all the information that is required by Section 209 of the Act. Each supplement

shall set forth a like certificate. The Condominium Map shall include a ”plat” as defined in the Act. The Condominium Map shall include the appropriate identification for each Unit.

3.2 **AMENDMENTS**. Except as otherwise provided herein, the Condominium Map may be amended or supplemented with the prior written approval of (i) Owners holding seventy-five percent (75%) of the votes in the Association and seventy-five percent (75%) of First Mortgagees, and (ii) (to the extent not otherwise included) any Mortgagee whose lien encumbers any portion of a Unit included in the proposed amendment or supplement. In addition, the Association or a Declarant shall be entitled to amend or supplement the Condominium Map without the approval of Unit Owners not owning affected Units: (a) for the subdivision, combination or expansion of Units as permitted in this Declaration; (b) to conform the Condominium Map to the actual location of constructed improvements; and (c) at the expense of the Association or a Declarant, to establish, vacate, and relocate easements of any kind, provided that in each case the prior written consent shall be obtained from the Unit Owner and any Mortgagee whose lien encumbers any portion of a Unit that is included in the proposed amendment or supplement.

ARTICLE 4
NAME OF CONDOMINIUM

The Condominium Community shall be known as the Randolph Center Commercial and Parking Condominiums. The address of the Condominium Community is 1877 Broadway Street, Boulder, Colorado 80302.

ARTICLE 5
COMMON INTEREST OWNERSHIP OF PROJECT

5.1 **GENERAL DESCRIPTION OF UNITS**. Declarants, pursuant to the Act, do hereby divide the Property into the Units identified as Unit Commercial and Unit Parking, which are described in this Declaration and depicted on the Map and the Common Elements, and do hereby designate such Units for separate ownership and the Common Elements for common ownership solely by the Owners. The Condominium Community is hereby initially divided into two (2) Condominiums, each consisting of a separate fee simple estate in such designated airspace of a particular Unit, and an appurtenant undivided fee simple interest in the General Common Elements and an undivided fee simple interest in the Limited Common Elements appurtenant thereto. The undivided interest in the General Common Elements appurtenant to a particular Condominium shall be determined in accordance with Section 1.3 hereof and as set forth on Exhibit D attached hereto. Each Owner shall own its appurtenant undivided interest in General Common Elements as a tenant in common with all other Owners. Each Owner shall own its appurtenant undivided interest in Limited Common Elements as a tenant in common with those other Owners holding appurtenant undivided interests in such Limited Common Elements, if any. The Declarants have reserved the right (but not the obligation) to create additional Condominiums by the expansion of the Condominium Community as set forth in Article 18.

5.2 **UNIT COMMERCIAL**. Unit Commercial consists of the Office Space and the Retail Space, each of which is described in this Declaration and is delineated on the Map. Unit Commercial holds (a) an undivided interest in and right to use General Common Elements; (b) the undivided interest in and right to use of Limited Common Elements appurtenant to Unit Commercial; and (c) the non-exclusive right to use the easements appurtenant to Unit Commercial as provided in this Declaration.

5.3 **UNIT PARKING**. Unit Parking consists of the Parking Space as described in this Declaration and shown on the Condominium Map. Unit Parking holds (a) an undivided interest in and right to use General Common Elements; (b) the undivided interest in and exclusive right to use of Limited Common Elements appurtenant to Unit Parking; and (c) the non-exclusive right to use the easements appurtenant to Unit Parking as provided in this Declaration.

5.4 **CONVEYANCE OF UNITS**. Each conveyance, transfer, devise, lease, encumbrance or other disposition of a Unit shall be deemed to be a conveyance, transfer, devise, lease, encumbrance or other disposition, as the case may be, of the entire Unit, together with its Allocated Interests and all other appurtenant rights, interests, duties and obligations created by Law or by this Declaration.

5.5 **INSEPARABILITY OF UNITS**. Except as otherwise provided in this Declaration: (a) no part of a Unit or of the legal rights comprising ownership of a Unit may be partitioned or separated from any other part thereof during the period of condominium ownership pursuant to this Declaration; (b) each Unit shall always be conveyed, transferred, devised, bequeathed, encumbered, and otherwise affected only as a complete Unit; provided, however, that the foregoing shall not be construed to prohibit the lease or license by an Owner of all or any portion of its Unit, or of any Limited Common Elements which are appurtenant to and for the exclusive use of such Unit, to any other Person, subject, however, to the other provisions of this Declaration; and (c) every conveyance, transfer, gift, devise, bequest, encumbrance, or other disposition (other than any lease or license) of a Unit or any part thereof shall be presumed to be a disposition of the entire Unit, together with all appurtenant rights and the Allocated Interests with respect thereto created by Law or by this Declaration, including the Owner's membership and voting rights in the Association, the Owner's undivided interest in and rights of use of General Common Elements and Limited Common Elements appurtenant to such Unit, and the rights of use of the easements appurtenant to such Unit or provided in this Declaration.

5.6 **NON-PARTITIONABILITY OF COMMON ELEMENTS**. General Common Elements and Limited Common Elements shall be proportionately owned in common by the Owners based on their Allocated Interests, and no Owner shall bring any action for partition or division of General Common Elements or Limited Common Elements. Any purported conveyance, encumbrance, individual sale or other voluntary or involuntary transfer of an undivided interest in General Common Elements or Limited Common Elements made without the Unit to which that interest is appurtenant is void.

ARTICLE 6
UTILITY SERVICES

Except as otherwise provided in this Declaration, each Unit Owner shall arrange for and pay for all Utilities exclusively serving such Unit. Notwithstanding the foregoing, there shall be installed an electric meter or sub meter and related appurtenances that measures electricity usage which serves the General Common Elements (the "Common Meter"), which Common Meter shall be a General Common Element and all costs associated with the installation, repair and maintenance thereof shall be General Charges.

ARTICLE 7
USE OF UNITS

7.1 **PERMITTED USE**. Unless otherwise expressly agreed by each of the Owners and the Association, each Unit shall be used exclusively for the respective Permitted Use for such Unit as provided in Section 1.44. If an Owner desires to use its Unit for any other purpose, it shall have the right to do so only if and to the extent that such purpose is legally permissible pursuant to applicable Laws affecting the Condominium Community, the Association Documents, and all recorded covenants, restrictions, easements and other documents affecting the Condominium Community.

7.2 **RESTRICTIONS ON USE**. The occupation and use of the Condominium Community by each Owner, the Association, and their respective Permittees, will be subject to the following restrictions:

7.2.1 *Exterior Appearance*. (1) In order to maintain the architectural aesthetics of the Condominium Community, all exterior walls and roofing materials of the Condominium Community shall be predominantly muted earth tone colors and architectural standards and treatments shall be consistently applied to all exterior improvements in the Condominium Community. (2) No Owner may make any alteration, repair, decoration, or improvement to the exterior of such Owner's Unit or Limited Common Elements that would change the exterior appearance of the Condominium Community without the reasonable prior consent of the other Owners.

7.2.2 *Leases*. Owners will have the right to lease (or with respect to Unit Parking, to enter into parking agreements) all or a part of their Units provided that the lease: (a) is in writing; and (b) except for any lease in effect as of the date of this Declaration, is expressly made subject to the Declaration, and expressly states that any breach of the Declaration by the tenant will also be a breach of the lease. The restrictions set forth in this Section 7.2.2 will not apply to the lease or license of parking spaces within Unit Parking.

7.2.3 *Signs*. Except as otherwise permitted by this Declaration, no signs will be displayed to the public view on or from any Unit or the Common Elements without the prior written approval of the Board, except (a) signs approved by the Board of a reasonable size (and at locations approved by the Board), providing direction, prohibiting trespass, or identifying the

Condominium Community, the Owners or their tenants and otherwise complying with any applicable Law; (b) signs located within Unit Parking or on or within Parking LCE providing information regarding parking within the Parking Space; (c) signs maintained and used by a Declarant at the time this Declaration is initially Recorded, and (d) signs that satisfy the requirements as have been approved by the City of Boulder.

7.2.4 *Obstruction of Common Areas*. Nothing will be stored in or on the Common Elements, except in designated storage areas, without the prior written consent of the Board. Further, nothing will obstruct or otherwise impair access to the Common Elements.

7.2.5 *Antennas*. No exterior television or radio antennas, masts, or satellite dishes of any sort ("Antennas") shall be placed, allowed, or maintained upon the Condominium Community without prior written approval of the Board. Notwithstanding the foregoing, the approval of the Board shall not be unreasonably withheld in connection with installation of direct broadcast service (DBS) and multi-channel multi-point distribution service (MMDS) satellite dishes that are one (1) meter or less in diameter and traditional rooftop antennas designed to receive television broadcast signals, provided that any such dish or antenna is installed, to the extent feasible, in a location as unobtrusive as possible. Any application for the installation of an Antenna of the type described in this paragraph shall be acted on as expeditiously as feasible by the Board and in any event within thirty (30) days. The foregoing restriction shall not apply to any Antennas located in the Condominium Community as of the date of this Declaration or the additional Antenna contemplated by Broadway as of the date of this Declaration to be installed in the Condominium Community. If it is now or hereafter lawful to prohibit satellite dishes or television antennas or to place more restrictive provisions governing their installation or use, the Board shall have the right to prohibit the installation of satellite dishes and/or television antennas or to impose more restrictive provisions on their installation and use to the extent permitted by Law. All costs associated with the installation and maintenance of satellite dishes and television antennas and any damage caused to a Unit, General Common Element or Limited Common Element resulting from the same shall be the responsibility of the Owner.

7.3 **PROHIBITION OF INCREASES OF INSURABLE RISKS AND CERTAIN ACTIVITIES**. No Owner or Permittee shall do, suffer, or permit to be done, anything in any Unit which would impair the structural soundness or safety of the Condominium Community, or which would result in the cancellation of or material increase in premiums for insurance applicable to the Condominium Community, or which would be noxious or unreasonably offensive or interfere with the peaceful possession and proper use of any other Permittee or Owner of a Unit, or which would be in violation of applicable Law, or the requirements of insurance bodies insuring the Condominium Community, or the requirements of the Association Documents. No Owner shall discharge or intentionally or negligently permit to be discharged any materials into waste lines, vents or flues of the Condominium Community which might reasonably be anticipated to cause damage thereto. Nothing in this Section 7.3, including the prohibition against noxious activity, shall be deemed to prohibit or prevent the parking of automobiles in Unit Parking.

7.4 **PERMITS**. If any governmental license or permit, other than a certificate of occupancy or a license or permit applicable to the Condominium Community as a whole, shall be required for use of a Unit by the Owner of such Unit or any of its Permittees, and the failure to

secure such license or permit would in any way affect any other Owner or the Association, the Owner of such Unit shall duly procure and thereafter maintain such license and permit and submit the same to inspection by the Association and all other Owners. Such Owner shall at all times comply with the terms and conditions of each such license or permit, and any certificate of occupancy applicable to the Unit of such Owner and all licenses or permits applicable to the Condominium Community as a whole. If any Owner requires the consent or cooperation of the other Owners in order to obtain any such license or permit, the other Owners shall give such consent and render such cooperation.

7.5 **STORAGE** Any use of a Unit for storage purposes shall be conducted in such a manner so as not to exceed the permissible floor loads for the floor of said Unit.

7.6 **SECURITY DEVICES**. Each Owner shall have the right at its sole cost to construct, install and maintain within the Unit of such Owner at the boundaries between such Unit and any General Common Elements or Limited Common Elements, gates, barricades, or other improvements or devices to provide security for or control access to such Unit, as well as signs to identify ownership of such Unit, to provide information as to the parties entitled to use such Unit and to give directions to such parties, subject to the prior written approval of the Association as to the aesthetics of such signs, gates, barricades or other devices to the extent they are visible from outside the Unit, and subject to the access easements set forth in Articles 15 and 16.

ARTICLE 8
SUBDIVISION AND EXPANSION OF UNITS

8.1 **GENERAL SUBDIVISION OF UNITS**. Each Owner of a Unit shall have the right from time to time to subdivide its Unit into two or more Units subject to, and in accordance with, the requirements of this Section 8.1. An Owner that desires to subdivide a Unit under this Section 8.1 must submit an application to the Board that includes the following: (a) evidence that the Owner has complied with all building codes, fire codes, zoning codes, planned unit development requirements, master plans, and other applicable ordinances or resolutions adopted and enforced by the local governing body and that the proposed subdivision does not violate the terms of any document evidencing a security interest encumbering the Unit; (b) the proposed reallocation of Allocated Interests; (c) the proposed form for amendments to this Declaration or the Condominium Map as may be necessary to show the Units that are created by the subdivision, their dimensions and identification and the reallocation of Allocated Interests among the Units resulting from such subdivision; (d) a deposit against attorneys' fees and costs that the Association will incur in reviewing and effectuating the application, in an amount reasonably estimated by the Board; and (e) such other information as may be reasonably requested by the Board. In no event shall the Allocated Interests (including votes) allocated to such subdivided Units exceed the total Allocated Interests allocated to such Unit prior to subdivision. The amendments to this Declaration and to the Condominium Map required to reflect the subdivision of a Unit shall comply with the requirements of Subsections 38-33.3-217 (3) and (5) of the Act. All costs and attorneys' fees incurred by the Association as a result of an application for subdivision of a Unit shall be the sole obligation of the Owner submitting such application.

8.2 **NO SUBDIVISION OR EXPANSION**. Except as expressly provided in this Article 8 and Article 18, no portion of the Condominium Community (including General Common Elements and all Limited Common Elements) shall be subject to an action for division or expansion, and no Unit shall be subdivided.

ARTICLE 9
OWNERSHIP, CONVEYANCE AND TAX ASSESSMENTS

9.1 **FORM OF OWNERSHIP**. A Unit may be held and owned in any real property relationship recognized under the laws of the State of Colorado, and sold, conveyed and encumbered without prior approval of the Association or the Owners of any other Units (or their Mortgagees), subject to the terms and conditions of this Declaration.

9.2 **CONTRACTS TO CONVEY AND CONVEYANCES SUBSEQUENT TO RECORDING**. Subsequent to the Recording of this Declaration and the Condominium Map, the legal description for a Unit in contracts to convey or instruments of conveyance, and every other instrument affecting title to a Unit, shall be in substantially the following form with such omissions, insertions, recitals of fact, or other provisions as may be required by the circumstances or which are appropriate to conform to the requirements of any governmental authority, practice or usage or requirement of Law with respect thereto:

> Unit ____, Randolph Center Commercial and Parking Condominiums, according to the Condominium Map of Randolph Center Commercial and Parking Condominiums recorded on _____, 20__, at Reception No. _____, and as defined by the Condominium Declaration of Randolph Center Commercial and Parking Condominiums recorded on _____, 20__, at Reception No. _____, in the Office of the Clerk and Recorder of Boulder County, Colorado.

9.3 **SEPARATE TAX ASSESSMENTS.** Upon the filing of this Declaration and the Condominium Map in the Records, Declarants shall deliver a copy of this Declaration to the assessor of Boulder County, Colorado as provided by Law. The lien for taxes, assessments or other governmental charges assessed shall be confined to the Units. No forfeiture or sale of any Unit for delinquent taxes, assessments, or other governmental charges shall divest or in any way affect the title to any other Unit or its appurtenances. The valuation of General Common Elements shall be assessed proportionately to each Unit in accordance with each Unit's General Pro Rata Share and the valuation of Limited Common Elements shall be assessed to those Units to which such Limited Common Elements are appurtenant proportionately in accordance with each Unit's Limited Pro Rata Share in such Limited Common Elements, if any. The Association shall not take any steps that could jeopardize the tax-exempt status of CAGID in connection with any such filings.

ARTICLE 10
THE ASSOCIATION

10.1 **FORMATION**. Contemporaneously with the execution of this Declaration, Declarants have caused the Association to be formed for the purposes herein outlined. Each Owner upon becoming an Owner shall automatically be a member of the Association and shall remain a member for the period of its ownership of its Unit. Accordingly, an Owner shall be responsible for compliance not only with the provisions of this Declaration, but also with the provisions of the other Association Documents. All amendments to the Articles or the Bylaws shall require consent of Owners holding at least seventy-five percent (75%) of the votes in the Association.

10.2 **MEMBERSHIP AND VOTING RIGHTS**. Membership in the Association is appurtenant to a Unit, and such membership shall automatically pass with the conveyance of title to such Unit, whether or not any reference thereto is made in the instrument of conveyance. Each Owner shall be entitled to the benefits, and subject to the burdens, relating to membership in the Association during the period in which it is an Owner. In the event of any expansion, with respect to all matters on which Unit Owners are entitled or may be requested to vote or approve, each Owner of a Unit shall be entitled to one vote for each 100 square feet of Gross Floor Area included within a Unit, except that increments of less than 50 square feet of a Unit shall be rounded down to the closest full vote, and increments equal to or greater than 50 square feet of a Unit shall be rounded up to the closest full vote. For example, a Unit having 1,140 square feet shall be entitled to eleven votes and a Unit having 1,160 square feet shall be entitled to twelve votes. The square footage of each Unit shall be as reasonably determined by the Declarant. As of the date hereof, Declarants agree that the square footage of Unit Commercial equals 41,206 square feet and Unit Parking equals 87,782 square feet. The number of votes allocated to each Unit will be set forth on Exhibit D, as may be amended pursuant hereto. Declarants agree that the number of votes in the Association assigned to each Unit as set forth on Exhibit D is substantially accurate and that so long as Declarants or Affiliates of Declarants own all of the Units in the Condominium Community, they will not modify the number of votes in the Association assigned to each Unit as set forth on Exhibit D unless there is a change in the number of Units in the Condominium Community (including by subdivision or expansion). If title to a Unit is held by more than one individual, or by a firm, corporation, partnership, association, governmental agency, or other legal entity or any combination thereof, such individuals, entity, or entities shall appoint and authorize one individual or alternate individual(s) to represent the Owner of the Unit. Such representative shall be a natural person who is an Owner, or a board member or officer of a corporate Owner, or a general partner of a partnership Owner, or a comparable representative of any other entity, or in the case of an Owner which is a governmental agency, an individual representative appointed by such agency, and such representative shall have the power to cast votes on behalf of the Owner as a member of the Association, and serve on the Board if elected, subject to the provisions of and in accordance with the procedures more fully described in the Bylaws. The Association shall have the right to obtain evidence of a representative's designation as the authorized representative of an Owner. Notwithstanding the foregoing, if only one of the multiple Owners of a Unit is present at a meeting of the Association, such Owner is entitled to cast the vote(s) allocated to that Unit. If more than one of the multiple Owners are present and there is no written designation of an

authorized representative, the vote(s) allocated to the Unit may be cast only in accordance with the agreement of a majority in interest of the Owners, which majority agreement may be assumed for all purposes if any one of the multiple Owners casts the vote(s) allocated to that Unit without protest being made promptly to the person presiding over the meeting by any of the other Owners of the Unit.

10.3 **POWERS**. The Association shall have, subject to the limitations contained in this Declaration and the Act, the powers necessary for the administration of the affairs of the Association the upkeep of the Condominium Community and the performance of all of its other duties and obligations, and the exercise of its rights, under this Declaration; which shall include the power to:

10.3.1 hire and discharge managing agents, including the Condominium Manager;

10.3.2 hire and discharge other employees, agents and independent contractors;

10.3.3 institute, defend or intervene in litigation or administrative proceedings or seek injunctive relief for violation of any provision in the Association Documents, in the Association's name on behalf of the Association on matters affecting the Condominium Community;

10.3.4 make contracts and incur liabilities;

10.3.5 regulate the use, maintenance, repair, replacement and modification of General Common Elements;

10.3.6 cause additional improvements to be made as part of General Common Elements;

10.3.7 acquire, hold, encumber and convey in the Association's name any right, title or interest to real property or personal property, but General Common Elements and Limited Common Elements may be conveyed or subjected to a Mortgage only pursuant to the requirements of the Act;

10.3.8 grant easements, leases, licenses and concessions, through or over General Common Elements;

10.3.9 impose and receive a payment, fee or charge for the use, rental or operation of General Common Elements, and for services provided to Owners;

10.3.10 impose a reasonable charge for late payments of Charges, recover costs of enforcement for collection of Charges and other actions to enforce the powers of the Association, regardless of whether or not suit was initiated;

10.3.11 impose a reasonable charge for the preparation and recordation of amendments to this Declaration or for preparation of statements of unpaid Charges;

10.3.12 provide for the indemnification of the Association's officers and Board and maintain directors' and officers' liability insurance;

10.3.13 assign the Association's right to future income, including the right to receive Charges;

10.3.14 by resolution, establish committees of the Board and/or Owners, permanent and standing, to perform any of the above functions under specifically delegated administrative standards, as designated in the resolution establishing the committee;

10.3.15 exercise any other powers conferred by the Association Documents or the Act;

10.3.16 exercise any other power that may be exercised by Colorado nonprofit corporations; and

10.3.17 exercise any other power necessary and proper for the governance and operation of the Association.

10.4 **ASSOCIATION MANAGEMENT DUTIES**. Subject to the rights and obligations of Owners as set forth in this Declaration, the Association shall be responsible for the administration and operation of the Condominium Community and for the exclusive management, control, maintenance, repair, replacement, and improvement of General Common Elements, and shall keep the same in good, clean, attractive, and sanitary condition, order, and repair.

10.5 **ASSOCIATION MEETINGS**. A meeting of the Association shall be held at least once each year. Special meetings of the Association may be called by the president of the Association, a Supermajority Vote of the Board or Owners having at least twenty percent (20%) of the votes in the Association. Not less than ten (10) and not more than fifty (50) days in advance of any meeting, the secretary or other officer specified or authorized in the Bylaws to give such notice shall cause notice of the meeting to be hand delivered or sent prepaid by United States Mail to the mailing address of each Owner. The notice of any meeting shall state the time and place of the meeting and the items on the agenda including the specific text of any proposed amendment to the Association Documents, any budget changes, and any proposal to remove an officer or a member of the Board. A quorum is deemed present throughout any meeting of the Association if persons entitled to cast seventy-five percent (75%) of the votes which may be cast for election for the Board are present, in person or by proxy at the beginning of the meeting.

10.6 **ANNUAL BUDGET APPROVAL**. At the annual meeting of the Association or at a special meeting of the Association called for such purpose, the Owners shall be afforded the opportunity to adopt or reject a budget of the projected revenues, expenditures and reserves for the Association's next fiscal year as proposed by the Board. A summary of the proposed budget

approved by the Board shall be mailed to the Owners within ninety (90) days after its adoption by the Board along with a notice of a meeting of the Association to be held not less than fourteen (14) nor more than sixty (60) days after mailing of the summary to the Owners. Unless at the meeting a majority vote of the Owners, rather than a majority of those present and voting in person or by proxy, reject the proposed budget, the budget is adopted whether or not a quorum is present at the meeting. In the event the proposed budget is rejected, the budget last adopted by the Owners continues until such time as the Owners adopt a subsequent budget proposed by the Board as provided above.

10.7 **OWNERS' AND ASSOCIATION'S ADDRESSES FOR NOTICES**. The Owner of each Unit shall have one and the same registered mailing address to be used by the Association or other Owners for notices, demands, and all other communications or notices required or permitted to be given under this Declaration or regarding Association matters. The Owner or Owners of a Unit shall furnish such registered address to the Association within ten days after transfer of title to the Unit to such Owner. Such registration shall be in written form and signed by all of the Persons collectively constituting the Owner of the Unit or by such persons as are authorized to represent the interests of the Owner of the Unit. If no address is registered for an Owner or if all of the Persons collectively constituting an Owner cannot agree on an address for such Owner, then the address of the Unit shall be deemed the registered address for such Owner until another registered address is furnished as required under this Section. If the address of the Unit is the registered address of an Owner, then any notice shall be deemed duly given if delivered to any person occupying the Unit or, if the Unit is unoccupied, if the notice is held and available for such Owner at the principal office of the Association. All notices and demands intended to be served upon the Association or the Board shall be sent to the following address or such other address as the Board may designate from time to time by notice to the Owners:

Board of Directors
Randolph Center Condominium Association, Inc.
c/o Broadway-Walnut Company, LLP
1942 Broadway, Suite 314
Boulder, Colorado 80302.

ARTICLE 11
BOARD OF DIRECTORS AND OFFICERS

11.1 **DUTIES**. The affairs of the Association shall be managed by the Board, which may act in all instances on behalf of the Association except as otherwise provided in this Declaration or the Act. The Board may not act on behalf of the Association to amend this Declaration, to terminate the Condominium Community, or to elect members of the Board or determine the qualifications, powers and duties or terms of office of members of the Board. All references herein to determinations or decisions to be made or standards or guidelines to be adopted by the Board shall be made or adopted, as the case may be, by a Supermajority Vote, unless expressly stated to the contrary herein, in the Act, or in the Articles or in the Bylaws. In the event the Board cannot reach a decision by the requisite votes required hereunder, then the Board shall retain a mediator who shall not be an Affiliate of any Owner or member of the

Board. Such mediator shall assist the Board to endeavor to reach a decision or determination; however, no action or decision by the mediator shall be binding on the Board. The cost of such mediator shall be paid by the Owners in accordance with their General Pro Rata Shares.

11.2 **NUMBER, ELECTION AND TERM**. The Board shall consist of four persons, with the vote of at least three members of the Board of Directors constituting a Supermajority Vote. All members of the Board shall be Members of the Association, or in the event that a Member is an entity other than a natural person, such member of the Board shall be a Representative of such entity Member. Each Owner (including Declarants to the extent Declarants own Units) shall be entitled to appoint two (2) members of the Board. The term for each member of the Board shall be the later of one (1) year or the date upon which the successor to such member is elected. The members of the Board shall take office upon election.

11.3 **REMOVAL**. Notwithstanding any provision of this Declaration or the Bylaws to the contrary, following notice and an opportunity to be heard as required by this Declaration, the Bylaws and the Act, Owners holding at least seventy-five percent (75%) of the votes in the Association that are present and entitled to vote at a meeting at which a quorum is present may remove a member of the Board with or without cause.

11.4 **MEETINGS**. All meetings of the Board at which action is to be taken by vote shall be open to the Owners, and agendas for meetings of the Board shall be made reasonably available for examination by all Owners and Owner Representatives.

11.5 **OFFICERS**. Officers of the Association, including a President, Secretary and Treasurer, will be appointed by the Board as set forth in the Bylaws. In addition, the Board may delegate authority to a Condominium Manager pursuant to Article 12 below and may engage other employees as it deems necessary.

ARTICLE 12
CONDOMINIUM MANAGER

12.1 **RESPONSIBILITIES**. Except as otherwise provided herein, any Condominium Manager shall be selected by a Supermajority Vote of the Board, and any contract with a Condominium Manager must be approved by a Supermajority Vote of the Board. The Association may delegate any or all of its powers to the Condominium Manager, but no such delegation shall relieve the Association of any of its liabilities or obligations, including any liabilities or obligations under the Association Documents or the Act. Any contract with a Condominium Manager shall provide for the right of the Association to terminate such contract without penalty or termination fee at any time upon not more than ninety (90) days' notice.

12.2 **INSPECTION**. Upon reasonable prior notice, the Condominium Manager shall have the right periodically to inspect all utility, mechanical and electrical systems located wholly or partially within a Unit. Further, the maintenance records with respect to all such equipment located wholly or partially within any Unit shall be made available to the Condominium

Manager upon request. The Condominium Manager shall also have the rights set out in Section 15.1.

12.3 **BUDGET**. The Board shall, with the assistance and advice of the Condominium Manager, adopt an operating and capital expenditure budget for each fiscal year of the Association, which budget shall be based on estimated General Charges, Limited Charges, Parking Charges and Commercial Charges. No costs or expenses in excess of the applicable amount set forth in the approved budget for that fiscal year shall be incurred by the Condominium Manager except to the extent reasonably necessary in the case of an Emergency, or as specially approved by the Board.

12.4 **INITIAL MANAGER**. Declarants hereby appoint P.N. Eklund Interests, Inc. as the initial Condominium Manager for the Condominium Community.

ARTICLE 13
INSURANCE AND RELEASE FROM LIABILITY

13.1 **COVERAGE**. Commencing no later than the Recording of this Declaration, and to the extent reasonably available, the Association shall obtain and maintain insurance coverage as set forth in this Article 13 and otherwise as may be required pursuant to the Act. The Board shall use commercially reasonable efforts to obtain insurance coverages required by a First Mortgagee and requested by an Owner. If such insurance is not reasonably available, and the Association determines that any insurance described herein will not be maintained, the Association shall promptly cause notice of that fact to be given to all Owners and First Mortgagees.

13.1.1 *Property Insurance*. The Association shall maintain property insurance on the Common Elements of the Condominium Community (including the Limited Common Elements but not including the finished interior surfaces of the walls, floors, and ceilings constituting the boundaries of the Units or personal property contained within a Unit) in broad form or special form as determined by the Association, with such endorsements as determined by the Association, in an amount of insurance not less than the full insurable replacement cost of the insured property, exclusive of land, excavations, foundations, and other items normally excluded from property insurance policies, with such deductible amounts and self-insured retention amounts as shall be determined by the Association; provided, however, that if a First Mortgagee requires specific deductibles, the Board will follow such First Mortgagee's requirements (with the incremental insurance cost incurred to be specifically allocated by the Association as a charge of the Unit securing the requiring First Mortgagee's Mortgage).

13.1.2 *Liability Insurance*. The Association shall maintain commercial general liability insurance against claims and liabilities arising in connection with the ownership, existence, use, or management of the Condominium Community, insuring the Board, the Association, the Condominium Manager, and their respective employees and agents, in an amount and with such endorsements as shall be commercially reasonable as determined by the Board from time to time. Owners shall be included as additional insureds under such liability

insurance but only for claims and liabilities arising in connection with the ownership, existence, use, or management of General Common Elements or Limited Common Elements. The insurance shall cover claims of one or more insured parties against the other insured parties. Owners shall be responsible for maintaining their own liability coverage for their Units, as set forth in Section 13.1.3.

13.1.3 *Fidelity Insurance*. The Association shall maintain fidelity insurance on all persons who control or disburse funds of the Association. Coverage of such fidelity insurance shall be in an amount as determined by the Association, but in no case be in an amount less than the aggregate than two months' current General Charges and Limited Charges plus reserves, as calculated from the current budget of the Association. Any person employed as an independent contractor by the Association, including the Condominium Manager, shall be required to obtain and maintain fidelity insurance in like amount for the benefit of the Association, unless the Association names such person as an insured employee in the policy of fidelity insurance specified above.

13.1.4 *Owners' Policies*. Each Owner at its own cost and for its own benefit and the benefit of such additional insureds as such Owner may elect to name (a) shall maintain commercial general liability insurance against claims and liabilities arising in connection with the ownership, existence, use, or occupancy of such Owner's Unit, in such amounts and with such coverage as are from time to time customarily maintained by prudent owners of similar property (and which shall include coverage for liquor liability at any time that alcoholic beverages may be sold, served or otherwise consumed in an Owner's Unit); and (b) may obtain additional insurance (including casualty insurance on the personal property and contents of such Owner contained within its Unit), provided (i) all such policies shall contain waivers of subrogation; (ii) all such policies shall be written as a primary policy, not contributing with and not supplemental to the coverage that the Association may carry; (iii) all such policies shall provide that it may not be canceled, nor may coverage be reduced, without 30 days prior notice to the Association; (iv) the liability of the carriers issuing insurance to the Association hereunder shall not be affected or diminished by reason of any such insurance carried by any Owner; and (v) such additional insurance is not prohibited by any policy maintained by the Association. Notwithstanding the foregoing, Declarants agree that so long as CAGID or any other governmental entity owns Unit Parking, such Owner may self-insure all or any part of the insurance required hereunder so long as such Owner maintains an active program of self-insurance.

13.1.5 *Flood Insurance*. If the Condominium Community is located within an area which has been officially identified by the Secretary of Housing and Urban Development as having special flood hazards and for which flood insurance has been made available under the National Flood Insurance Program (NFIP), the Association shall obtain and pay the premiums upon, as a Common Expense, a "master" or "blanket" policy of flood insurance on the buildings and any other property covered by the required form of policy (herein insurable property), in an amount deemed appropriate by the Association, but not less than the lesser of (i) the maximum coverage available under the NFIP for all buildings and other insurable property within the Condominium Community to the extent that such buildings and other insurable property are

within an area having special flood hazards; or (ii) one hundred percent (100%) of current "replacement cost" of all such buildings and other insurable property within such area.

13.1.6 *Workers' Compensation and Employer's Liability Insurance*. The Association will maintain such workers' compensation and employer's liability insurance as may be determined from time to time by the Board, provided that such insurance will in no event be maintained in an amount or with coverages less than that required by applicable Law.

13.1.7 *Other Insurance*. The Association may procure and maintain such other insurance (in types and amounts) as the Board may from time to time reasonably deem necessary or prudent to protect the Association or the Owners.

13.2 **PROVISIONS**. All insurance policies carried by the Association pursuant to the requirements of this Article 13 shall provide that:

13.2.1 each Owner is an insured person under the policy with respect to liability arising out of such Owner's interest in General Common Elements and Limited Common Elements or membership in the Association, in an amount as shall be commercially reasonable as determined by the Board from time to time;

13.2.2 the insurer waives its rights to subrogation under the policy against any Owner or Permittee;

13.2.3 no act or omission by any Owner, unless acting within the scope of such Owner's authority on behalf of the Association, will void the policy or be a condition to recovery under the policy;

13.2.4 if, at the time of a loss under the policy, there is other insurance in the name of an Owner covering the risks covered by the policy, the Association's policy provides primary insurance;

13.2.5 any loss covered by the policies shall be adjusted with the Association;

13.2.6 the insurance proceeds for any loss shall be payable to an insurance trustee designated for that purpose, or otherwise to the Association, and not to any holder of a Mortgage unless such holder has rightfully demanded insurance proceeds in accordance with Section 24.1.4 below;

13.2.7 the insurer shall issue certificates or memoranda of insurance to the Association and, upon request, to any Owner or holder of a Mortgage; and

13.2.8 the insurer issuing the policy may not cancel or refuse to renew it until thirty (30) days after notice of the proposed cancellation or non-renewal has been mailed to the Association and any Owner(s) and holder(s) of a Mortgage to whom a certificate or memorandum of insurance has been issued at their respective last known address.

13.3 **ADJUSTMENT OF CLAIMS**. As part of the Rules and Regulations, the Association may adopt and establish written nondiscriminatory policies and procedures relating to the submittal of insurance claims and any other matters of insurance claims adjustment.

13.4 **PREMIUMS AS CHARGES**. The premiums paid by the Association for the insurance required to be carried hereunder, and any deductible or self-insured amounts paid or incurred by the Association in connection with a particular insurance claim, shall be considered a General Charge, a CAGID Charge, an Commercial Charge or a Limited Charge, as determined by the Association. Notwithstanding the foregoing, if some of the insurance is attributable to some but not all of the Units or to a Limited Common Element, the Association shall only charge those specific Units (or those Units to which the Limited Common Element is allocated) to which the insurance coverage is attributable an amount equal to the premium attributable to such insurance coverage.

ARTICLE 14
RESPONSIBILITY FOR MAINTENANCE

14.1 **ASSOCIATION DUTIES**. Subject to the provisions of Articles 24 and 25, the Association will have the following rights and responsibilities with respect to the operation, maintenance, and repair of the Condominium Community:

14.1.1 *General Common Elements*. The Association will govern, manage, maintain, insure, repair, replace, and restore the General Common Elements and other property owned by the Association, and the costs thereof will be included in General Charges, except to the extent paid by insurance or condemnation proceeds or by Owners as provided in this Declaration. Without limiting the generality of the foregoing, said obligations shall include: (a) the keeping of the General Common Elements and other property owned by the Association and the landscaped areas in good, clean, attractive and sanitary condition, order, and repair consistent with at least the customary standards of a class B+ building; (b) removing snow and any other materials from General Common Elements and which might impair access to the Property or to the Units, or other Limited Common Elements of any Condominium; (c) maintaining the landscaping within the Condominium Community; (d) keeping the Condominium Community safe, attractive, and desirable; and (e) making necessary or desirable alterations, additions, betterments, or improvements to or on the General Common Elements and repairing (which term as used herein shall include painting and other surface maintenance required by ordinary wear and tear) Limited Common Elements and General Common Elements, except to the extent that the Owners are responsible for such repair pursuant to Section 14.2 hereof.

A. Notwithstanding anything in this Section 14.1.1 to the contrary, the Declarants agree that the costs of the maintenance of General Common Element east stairway providing access from the street level to the seventh (7th) level of the Building Space shall be borne solely by the Owner of Unit Commercial for so long as Unit Commercial is restricted to commercial uses and at such time, if at all, that Unit Commercial ceases to restricted to commercial uses, the maintenance costs of such General Common Element east stairway shall be

included in General Charges and paid for by the Owners fifty percent (50%) each. The maintenance costs for such General Common Element east stairway shall in no event include the costs of any capital improvements thereto.

B. In addition to the foregoing and notwithstanding anything in this Section 14.1.1 to the contrary, the Declarants agree that, notwithstanding that the south elevator at the Property is owned by the Owner of Unit Commercial, for so long as (1) Unit Parking continues to be used for parking on a 24-hour basis; and (2) the Owner of Unit Commercial is able to and does restrict access via the south elevator to the sixth (6th) and seventh (7th) levels of the Building Space, the Owner of the Unit Parking shall pay thirty percent (30%) of the maintenance costs therefor and the Owner of the Unit Commercial shall pay seventy percent (70%) of the maintenance costs therefor. In the event the Owner of Unit Commercial is unable or elects not to restrict access via the south elevator to the sixth (6th) and seventh (7th) levels of the Property, the south elevator shall no longer have shared use or shared maintenance costs and the Owner of Unit Commercial shall be able to restrict the usage of the south elevator as it elects and shall bear the maintenance costs therefor. The maintenance costs for such south elevator shall in no event include the costs of any capital improvements thereto.

14.1.2 *Limited Common Elements*. Except to the extent that the Owners are responsible for the maintenance of certain Limited Common Elements pursuant to Section 14.2 hereof, the Association will govern, manage, maintain, insure, repair, replace, and restore the Limited Common Elements, and the costs thereof will be allocated to the Unit which they serve, as Parking Charges or Commercial Charges, as the case may be, except to the extent paid by insurance or condemnation proceeds or by Owners as provided in this Declaration.

14.2 **OWNERS' DUTIES**. Subject to the provisions of Section 14.1 and Articles 24 and 25, each Owner will, at its expense: (i) maintain at all times in good and clean condition and in compliance with applicable Laws, and perform all required repairs, replacements or restorations of its Unit, including all mechanical, electrical and plumbing systems, lines, equipment or components that are located in, and exclusively serve, such Unit; (ii) except as otherwise provided herein, maintain at all times in good and clean condition and in compliance with applicable Laws, and perform all required repairs, replacements or restorations of, such Limited Common Elements allocated to its Unit; (iii) perform its responsibilities in such a manner so as not to disturb unreasonably other Owners or their Permittees; and (iv) promptly report to the Association any defect or need for repairs for which the Association is responsible.

14.3 **NOTICE**. Each Owner shall give prompt notice to the Association of any written notice received by such Owner of any accusation of violation of any Law affecting its Unit, or other portions of the Condominium Community, and shall comply with all such Laws which pertain to its Unit, or any Limited Common Elements appurtenant or allocated to its Unit, the maintenance, repair or replacement of which is delegated to it. The Association shall be responsible for compliance with all Laws which affect all General Common Elements, but may contest, and defer compliance with the same, subject to conditions similar to those set forth in Section 14.5. If, however, any compliance with a Law affecting General Common Elements is required as a result of (a) such Owner's use of its Unit for purposes other than the Permitted Uses; (b) any cause or condition created by or at the instance of an Owner or Permittee or its

representatives, or (c) the breach of any obligation imposed on such Owner pursuant to this Declaration, then the responsible Owner shall pay all costs and expenses incurred in connection with such compliance.

14.4 **ELECTION TO PERFORM OWNERS' DUTIES**. The Association may elect to maintain, repair, replace or restore any Unit or Limited Common Element, or portion thereof, the maintenance, repair, replacement or restoration of which is the responsibility of an Owner pursuant to this Article 14 if (i) such Owner has failed, for more than thirty (30) days after notice from the Association, to perform its responsibilities under this Declaration with respect to the maintenance, repair, replacement, or restoration of its Unit or Limited Common Element, as applicable, and (ii) such failure has a material effect on the appearance of such Unit or Limited Common Element when viewed from any area outside such Unit or Limited Common Element, or impairs the structural integrity or building systems of any portion of the Condominium Community, or has a materially adverse effect on the use of another Unit or Common Element for its permitted and intended use; provided, however, that if such failure is not susceptible of being cured within such 30-day period, the Association will not be entitled to perform any repairs, maintenance, replacement, or restoration if such Owner commences performance of its obligations within such 30-day period and thereafter diligently completes such performance. Such Owner will pay all costs incurred by the Association in accordance with this subsection. Such payment will be made upon receipt of a demand from the Association therefor. If an Owner fails to make such payment within thirty (30) days of receipt of a demand therefor, the Association will be entitled to take whatever lawful action it deems necessary to collect such payment including foreclosing its lien or instituting an action at law or in equity. Notwithstanding the foregoing, if the need to make any maintenance, repairs or modifications to a Unit, General Common Element or Limited Common Element is attributable to the direct action, fault or neglect of an Owner or Permittee of the Unit, or failure of any of them to comply with the provisions of this Declaration, the expense thereof shall be borne by such Owner, except to the extent covered by insurance proceeds. The Owners hereby agree that Limited Common Elements shall not be deemed to have caused the need for repairs in adjoining Units solely as a result of their location, natural qualities, component materials and/or routine maintenance, except through the negligent action of the Owner(s) of the Unit(s) for which such Limited Common Elements are appurtenant.

14.5 **CONTEST**. Any Owner, in its own name (and if necessary, in the name of, but without expense to, the Association), may contest, by appropriate proceedings prosecuted diligently and in good faith, the validity or applicability to its Unit or any Limited Common Elements which are appurtenant or allocated to its Unit of any Law, and the Association shall cooperate with such Owner in such proceedings provided that (a) such Owner shall defend, indemnify and hold harmless the Condominium Manager, the Association, and each other Owner, and their respective representatives, against all liability, loss or damage which any such party shall suffer by reason of such contest, including reasonable attorneys' fees and other expenses reasonably incurred by such parties, and (b) such Owner shall keep the Association advised as to the status of such proceedings. Such Owner need not comply with any Law so long as such Owner shall be contesting the validity thereof or the applicability thereof to its Unit in accordance with this Section 14.5, if and only if such non-compliance shall not constitute a crime or offense punishable by fine or imprisonment, and no part of the Condominium Community

shall be subject to being condemned or vacated, and the use of any Unit, General Common Elements or Limited Common Elements by the Owner or Permittee of such Unit shall not be restricted, prohibited or otherwise impaired by reason of non-compliance or otherwise by reason of such contest.

14.6 **MAINTENANCE STANDARD**. For the benefit of all Owners, each Owner and the Association will perform its respective maintenance and repair obligations under this Section in a manner consistent with a public parking garage with appurtenant first class office and retail uses located in the Boulder, Colorado area and substantially similar to the original construction and installation of the Condominium Community (but such maintenance and repairs may be undertaken with contemporary building materials and equipment).

ARTICLE 15
ACCESS FOR MAINTENANCE AND REPAIRS

15.1 **RIGHT OF ACCESS**. The Condominium Manager, the Association, and their Representatives shall have the right, upon request made to any Owner and Permittee of a Unit, to enter such Unit or any part or parts thereof to examine such Unit and to perform such maintenance and make such repairs, installations or additions in or to such Unit, General Common Elements or Limited Common Elements as may be provided for or permitted by this Declaration or as may be required to comply with Laws and requirements of the providers of any insurance policy carried by the Association. Such right of access shall be exercised in such manner as not to unreasonably interfere with such Owner's and Permittee's use and enjoyment of such Unit, and only after reasonable notice thereof, except in case of an Emergency.

15.2 **COMMON ELEMENTS WITHIN ANY UNIT**. The Association, or the Condominium Manager on behalf of the Association, shall have the right of access to each Unit to perform the Association's obligation to maintain and repair and replace General Common Elements, including access to those which are entirely surrounded by a Unit or any Limited Common Element appurtenant to a Unit or which are located elsewhere in the Condominium Community, or which are otherwise accessible only through a Unit, including all machinery and equipment located therein, and to make additions and modifications thereto, provided that such additions or modifications do not reduce the floor area of any Unit or affect its layout, without the consent of the Owner affected thereby, and the appearance of any Unit affected by such additions or modification is restored as near as reasonably possible to the condition it was in prior to such addition or modification; and provided, further, that all such work is performed at such times and in such manner as to create the least practical interference with the Owner's use of such Unit, other than in the case of an Emergency.

15.3 **EMERGENCY**. In the event of any Emergency, each Owner of a Unit, the Association and the Condominium Manager shall have the right to gain immediate access, without notice, to and from the other Units for the purpose of taking such action as may be reasonably necessary to eliminate the Emergency.

15.4 **DAMAGE**. Any damage to a Unit or any Limited Common Element appurtenant to a Unit caused by the act of the Association or the Condominium Manager on behalf of the Association or its designee pursuant to this Article 15 shall be repaired by the Association, and the cost and expenses incurred therewith shall be considered a General Charge. Any damage to a Unit or any Limited Common Element appurtenant to such Unit caused by an Owner or Permittee of another Unit exercising its rights of access pursuant to this Article 15 shall be repaired to no less than the condition existing prior to the damage or impairment by such Owner or Permittee at its expense.

ARTICLE 16
ENCROACHMENTS AND EASEMENTS

The Declarants hereby create and grant the easements and rights as set forth in this Article 16.

16.1 **EASEMENT OF ENJOYMENT**. Every Owner shall have a non-exclusive easement for the use and enjoyment of General Common Elements, which shall be appurtenant to and shall pass with the title to every Unit, subject to the easements and other provisions set forth in this Declaration.

16.2 **DELEGATION OF USE**. Any Owner may delegate, in whole or in part and in accordance with this Declaration, the Owner's right of enjoyment in and to General Common Elements to a Permittee of the Owner's Unit.

16.3 **RECORDED EASEMENTS**. The Condominium Community shall be subject to any easements as shown on any recorded plat, if any, affecting the Condominium Community, as shown on the Recorded Condominium Map and as reserved or granted under this Declaration. The Recording data for Recorded easements and licenses appurtenant to or included in the Condominium Community or to which any part of the Condominium Community may become subject is set forth on Exhibit G attached hereto.

16.4 **EASEMENTS FOR ENCROACHMENTS**. The Condominium Community, and all portions of it, are subject to an easement hereby created for encroachments between Units and General Common Elements and between Units and Limited Common Elements, and the maintenance thereof, as follows:

16.4.1 in favor of all Owners so that they shall have no legal liability when any part of General Common Elements or Limited Common Elements encroaches upon a Unit;

16.4.2 in favor of each Owner so that the Owner shall have no legal liability when any part of its Unit encroaches upon General Common Elements, Limited Common Elements or upon another Unit; and

16.4.3 in favor of all Owners, the Association, and the Owner of any encroaching Unit for the maintenance and repair of such encroachments.

Encroachments referred to in this Section include encroachments caused by error or variance from the original plans in the construction of the Condominium Community or any Unit constructed on the Property, by error in the Condominium Map, by settling, rising, or shifting of the earth, or by changes in position caused by repair or reconstruction of any part of the Condominium Community. Such encroachments shall not be considered to be encumbrances upon any part of the Condominium Community; provided, however, that an encroachment created by the intentional act of an Owner ("Owner Created Encroachment") shall not be deemed to create an easement on the Condominium Community and shall be considered an impermissible encroachment upon the Condominium Community. An Owner Created Encroachment shall be removed at the expense of the Owner who created the same immediately upon notice from the Association. In the event an Owner Created Encroachment is not timely removed, the Association may effect removal of the Owner Created Encroachment and the expense thereof, including attorneys' fees, shall be paid by the Owner to the Association upon demand.

16.5 **UTILITY EASEMENTS**. There is hereby created an easement upon, across, over, in, and under all of the Condominium Community for the installation, replacement, repair, and maintenance of all utilities, including water, sewer, gas, telecom, electricity, and for ingress and egress in connection therewith. By virtue of this easement, it shall be expressly permissible and proper for the companies providing such utilities to erect and maintain the necessary equipment on the Condominium Community and to affix and maintain water, sewer, gas, electrical and communications pipes, lines, wires, circuits, and conduits and other related facilities under and in the Condominium Community. Any utility company using this easement shall use its best efforts to install and maintain the utilities provided without disturbing the uses of other utilities, the Owners, the Association, and Declarants; shall complete its installation and maintenance activities as promptly as reasonably possible; and shall restore any portion of the Condominium Community affected thereby substantially to its original condition as soon as possible after completion of its work. Should any utility company furnishing a service covered by this easement request a specific easement by separate document in Recordable form, the Association shall have the right and authority to grant such easement upon, across, over, or under any part or all of the Condominium Community without conflicting with the terms hereof. The easements provided for in this Section 16.5 shall in no way affect, void, extinguish, or modify any other Recorded easement on or affecting the Condominium Community.

16.6 **SUPPORT EASEMENTS**. Each Owner shall have a non-exclusive easement for horizontal, vertical and lateral support of such Owner's Unit, including a non-exclusive easement in and to all structural members, columns, beams, foundations, load bearing walls, and other structural components located in or constituting a part of the General Common Elements, Limited Common Elements or another Owner's Unit for the support of such Owner's Unit, and the support of any Limited Common Elements surrounding, adjoining or located within such Owner's Unit.

16.7 **EMERGENCY ACCESS EASEMENT**. An easement is hereby granted to all police, sheriff, fire protection, ambulance, and all other similar emergency agencies or persons to enter upon the Condominium Community, or any portion thereof, including Units, in the proper performance of their duties in connection with an Emergency.

16.8 **MAINTENANCE EASEMENT**. An easement is hereby created for the benefit of the Association upon, across, over, in, and under General Common Elements and Limited Common Elements to make such use of General Common Elements and Limited Common Elements as may be necessary or appropriate to perform the duties and functions which the Association is obligated or permitted to perform pursuant to this Declaration. Such easement may be used by the Association, the Owners and the Permittees of the Condominium Community.

16.9 **UNIT PARKING'S ACCESS EASEMENT**. The Owner of Unit Commercial hereby grants to the Owner of Unit Parking, for the use of such Owner and its respective Permittees during business hours of the Retail Space (as may change from time to time), a permanent, non-exclusive easement to use the entrance and exit areas of the Retail Space to and from the Parking Space and public streets and sidewalks located adjacent to the Condominium Community, in the specific locations as is designated on the Condominium Map as "Unit Parking Access Easement".

16.10 **UNIT COMMERCIAL MECHANICAL AREAS ACCESS**. The Owner of Unit Commercial hereby grants to the Association a permanent, non-exclusive easement to access boiler, mechanical and utility rooms through the portion of Unit Commercial located in the Parking Space, as depicted on the Condominium Map, for installation and maintenance of generators, pumps and other equipment servicing the Condominium Community.

16.11 **UNIT COMMERCIAL GARAGE ACCESS**. The Owner of Unit Parking hereby grants to the Owner of Unit Commercial for the use of such Owner and its Permittees, a permanent, non-exclusive easement to, over and across any public portion of Unit Parking, or Parking LCE, as may be necessary for the purpose of equipment servicing and repair and pedestrian ingress and egress to and from Unit Commercial and/or to and from the Commercial LCE, provided that nothing in this Section 16.11 relieves the Owner of Unit Commercial from having to pay applicable parking fees and charges for the use of such easement. In addition, the Owner of Unit Parking grants to the Owner of Unit Commercial, for the use of such Owner and its Permittees, an easement for access at all times to Storage 5W.

16.12 **EASEMENTS DEEMED RESERVED**. All conveyances of Units hereafter made, whether by Declarants or otherwise, shall be construed to grant and reserve the easements in this Article 16, even though no specific reference to such easements or to this Article 16 appears in the instrument for such conveyance.

ARTICLE 17
OWNER'S MODIFICATIONS

17.1 **RIGHTS TO MODIFY**. Subject to such reasonable regulations as shall be established by the Association (as determined by the Board), all terms and provisions contained in any Recorded document affecting the Condominium Community and the requirements of Law, each Owner may, at any time, and from time to time at its sole expense, make or have made Owner's Modifications in and to its Unit and appurtenant Limited Common Elements as

such Owner may desire provided that (i) the outside appearance of any other Unit, or the strength or structural integrity of the Building Spaces, and the utility and mechanical systems of the Building Spaces, are not at any time adversely affected by such Owner's Modifications as determined by the Association; (ii) no part of the Condominium Community outside of the Unit and Limited Common Elements appurtenant to such Unit is adversely affected subsequent to completion of such Owner's Modifications; (iii) the making of such Owner's Modifications would not result in violation of any Law or requirements of any entity providing insurance to the Association or any Owner pursuant to this Declaration; and (iv) if any Owner's Modifications would, under the provisions of the Building Code of the City of Boulder, Colorado, in effect at the time of such Owner's Modifications, require an alteration permit or building permit, such Owner shall, prior to the commencement of such Owner's Modifications, obtain such permit. All other improvements to or modifications of a Unit or Limited Common Elements appurtenant to such Unit shall, except as otherwise expressly permitted by the provisions of this Declaration, be made only with the prior approval of the Owner of such Unit and the Association. Security gates may be installed by the Owners within their respective Units and appurtenant Limited Common Elements provided that all such installations shall be subject to the terms and provisions of this Article 17.

17.2 **WORKMANLIKE MANNER**. All work performed in connection with any Owner's Modifications shall be performed in a good and workmanlike manner, with materials of at least as good or better quality than those originally installed in a Unit. Furthermore, such work shall be performed in a manner so as not to unreasonably interfere with the Owners or Permittees of any other Unit.

17.3 **INSURANCE**. Prior to the commencement of any Owner's Modifications, such Owner shall obtain from the contractor performing such work workmen's compensation insurance as required by Law and comprehensive public liability insurance, naming the Owners of the other Units and the First Mortgagees of the respective Units as additional insureds, in reasonable amounts as directed by the Association.

17.4 **NO MECHANICS' LIENS**. Subsequent to recording of this Declaration and the filing of the Condominium Map in the Records, no labor performed or materials furnished for use and incorporation in any Unit with the consent of or at the request of the Owner of such Unit or such Owner's agent, contractor or subcontractor, shall be the basis for the filing of a lien against a Unit of any other Owner not expressly consenting to or requesting such labor to be performed or materials to be furnished, or against any interest in General Common Elements and Limited Common Elements except as to the undivided interest therein appurtenant to the Unit of the Owner for whom such labor shall have been performed or such materials shall have been furnished. Each Owner shall indemnify and hold harmless each of the other Owners and the Association from and against any liability or loss arising from the claim of any mechanics' lien or for labor performed or for materials furnished in work on such Owner's Unit, against the Unit of another Owner or against General Common Elements and Limited Common Elements, or any part thereof. At its own initiative or upon the written request of any Owner (if the Association determines that further action by the Association is proper), the Association shall enforce the foregoing indemnity by collecting from the Owner of the Unit on which the labor was performed or materials furnished the amount necessary to discharge by bond or otherwise any such

mechanics' lien, to pay all costs and reasonable attorneys' fees incidental to the lien, and to obtain a release of such lien. If the Owner of the Unit on which the labor was performed or materials furnished refuses or fails to indemnify within five (5) days after the Association shall have given notice to such Owner of the total amount of the claim, then the failure to so indemnify shall be a default by such Owner under this Declaration, and such amount to be indemnified shall be determined and levied against such Unit, and the levy shall be enforceable pursuant to this Declaration.

ARTICLE 18
RESERVED DEVELOPMENT RIGHTS

18.1 **RESERVATION OF BROADWAY DEVELOPMENT RIGHTS**. Broadway, as a Declarant, reserves the right for itself and any successor Declarant, at any time and from time to time to exercise the following development rights within the Condominium Community: (a) to subdivide, resubdivide or combine Unit Commercial, (b) to convert portions of Unit Commercial into Limited Common Elements, (c) to exercise any other rights of Broadway as Declarant provided for in this Declaration, and (d) to amend the Condominium Map to show the actual location of constructed improvements and reflect the subdivision of any Unit as provided under Section 8.1.

18.2 **RESERVATION OF CAGID DEVELOPMENT RIGHTS**. CAGID, as a Declarant, reserves the right for itself and any successor Declarant, at any time and from time to time to exercise the following development rights within the Condominium Community: (a) to subdivide, resubdivide or combine Unit Parking, (b) to convert portions of Unit Parking into Limited Common Elements, (c) to exercise any other rights of CAGID as Declarant provided for in this Declaration, and (d) to amend the Condominium Map to show the actual location of constructed improvements and reflect the subdivision of any Unit as provided under Section 8.1.

18.3 **RESERVATION OF WITHDRAWAL RIGHTS.** CAGID, as a Declarant, reserves the right for itself and any successor Declarant, without consent of the Association, any other Declarant, any Owner or any First Mortgagee being required, at any time and from time to time to withdraw from the provisions of this Declaration the Parking Expansion Area; provided, however, that none of the Parking Expansion Area may be withdrawn after any Unit created within the Parking Expansion Area has been conveyed by CAGID to a purchaser. Broadway, as a Declarant, reserves the right for itself and any successor Declarant, without consent of the Association, any other Declarant, any Owner or any First Mortgagee being required, at any time and from time to time to withdraw from the provisions of this Declaration the Commercial Expansion Area; provided, however, that none of the Commercial Expansion Area may be withdrawn after any Unit created within the Commercial Expansion Area has been conveyed by Broadway to a purchaser.

18.4 **RESERVED DEVELOPMENT RIGHTS OF EXPANSION.** CAGID, as a Declarant, reserves the right for itself and any successor Declarant, without consent of the Association, any other Declarant, any Owner or any First Mortgagee being required, at any time and from time to time to expand the number of Units by (i) completion of improvements in the Parking Expansion

Area; or (ii) completion of improvements in the Commercial Expansion Area by exercising the Parking Refusal Right or taking an assignment of the Commercial Expansion Area as provided below. Broadway, as a Declarant, reserves the right for itself and any successor Declarant, without consent of the Association, any other Declarant, any Owner or any First Mortgagee being required, at any time and from time to time to expand the number of Units by (i) completion of improvements in the Commercial Expansion Area; or (ii) completion of improvements in the Parking Expansion Area by exercising the Commercial Refusal Right or by taking an assignment of the Parking Expansion Area as provided below. Notwithstanding anything to the contrary herein, in the event CAGID elects to offer to sell to a third party (an "Offer to Sell") Unit Parking and the Parking Expansion Area or only the Parking Expansion Area to any party to be used for any use other than parking or CAGID receives a bona fide third party offer that it desires to accept (a "Bona Fide Offer") for Unit Parking and the Parking Expansion Area or for the Parking Expansion Area alone, CAGID hereby grants to Broadway a right of first refusal (the "Commercial Refusal Right") with respect to the Parking Expansion Area to be exercised in accordance with the terms and conditions set forth below. The Parking Refusal Right and/or the Commercial Refusal Right are sometimes referred to herein as a "Refusal Right". Similarly, in the event Broadway elects to Offer to Sell Unit Commercial and the Commercial Expansion Area or receives a Bona Fide Offer for Unit Commercial and the Commercial Expansion Area, Broadway hereby grants to CAGID a right of first refusal (the "Parking Refusal Right") with respect to the Parking Expansion Area to be exercised in accordance with the terms and conditions set forth below. CAGID, with respect to the Commercial Refusal Right and Broadway, with respect to the Parking Refusal Right, shall provide written notice of the Offer to Sell to the other party or its receipt of a Bona Fide Offer describing the terms thereof, including without limitation, the sales price, the closing date, any seller carryback financing terms and such other terms as are customarily provided by seller's of real property (either, an "Offer Notice") and the receiving party shall have fifteen (15) business days (the "Refusal Period") from receipt of the Offer Notice to notify the offering party of its exercise of its Refusal Right (the "Exercise Notice"). If the receiving party fails to deliver the Exercise Notice within the Refusal Period, the receiving party shall be deemed to have irrevocably waived its Refusal Right and the offering party shall have the right to sell Unit Parking and the Parking Expansion Area (with respect to CAGID) or Unit Commercial and the Commercial Expansion Area (with respect to Broadway) on the terms of the Offer to Sell or the Bona Fide Offer contained in the Offer Notice. If CAGID (with respect to Unit Parking and the Parking Expansion Area) or Broadway (with respect to Unit Commercial and the Commercial Expansion Area) fails to sell such property (a) within twelve (12) months after the expiration of the Refusal Period in the case of an Offer to Sell; or (b) within three (3) months of the proposed closing date set forth in the Offer Notice in the case of a Bona Fide Offer, then the receiving party's rights hereunder shall be renewed. If the receiving party properly exercises its Refusal Right in the manner and within the time period specified herein, the parties shall, within thirty (30) days after the receiving party delivers its Exercise Notice, enter into a written purchase and sale agreement for Unit Parking and the Parking Expansion Area or Unit Commercial and the Commercial Expansion Area (as the case may be). In addition to the foregoing Refusal Rights, either CAGID as a Declarant or Broadway as a Declarant, reserves the right for itself and any successor Declarant, without consent of the Association, any other Declarant, any Owner or any First Mortgagee being required, at any time and from time to time to assign to the other, the Parking Expansion Area (with respect to CAGID) and the Commercial Expansion Area (with

respect to Broadway) for a fee to be mutually agreed upon by Broadway and CAGID at the time of such assignment and assumption.

18.4.1 *Supplemental Declarations and Supplemental Maps.* Such expansion may be accomplished by a Declarant Recording one or more supplemental Declarations and supplemental Maps in the Records setting forth the Units and other real property, if any, to be included in the expansion, together with any covenants, conditions, restrictions and easements particular to such property. The expansion may be accomplished in stages by successive supplements or in one supplemental expansion. Declarant may exercise such rights for expansion on all or any portion of other property owned by Declarant in whatever order of development Declarant, in its sole discretion, determines. All improvements to be constructed on such other property shall be substantially completed prior to Recording the supplemental Declaration and supplemental Map adding additional Units. No Declarant shall be obligated to expand the Condominium Community beyond the number of Units initially submitted to this Declaration.

18.4.2 *Expansion of Definitions.* In the event of such expansion, the definitions used in this Declaration shall be expanded automatically to encompass and refer to the Property subject to this Declaration as so expanded. For example, "Unit" or "Units" shall mean the Units as shown on Condominium Map plus any additional Units added by any supplemental Declarations and supplemental Maps, and reference to this Declaration shall mean this Declaration as supplemented. Declarant may also supplement or add to a definition used in this Declaration to encompass and refer to one or more Units created as part of any expansion. In addition, Declarant may add definitions as necessary and appropriate to continue the general concepts contained in the Declaration with respect to the expansion Units. All conveyances of Units shall be effective to transfer rights in the Property as expanded.

18.4.3 *Declaration Operative on Other Property.* Units added by supplemental Declarations and Maps shall be subject to all of the terms and conditions of this Declaration and of any supplemental Declarations, upon Recording the supplemental Map(s) depicting such other property and supplemental Declaration(s) in the Records. In the event that a portion of such other contiguous property is submitted to the provisions of this Declaration, Declarant shall retain the right (upon receipt of the approval of all Owners) to, but shall not be obligated to, submit any additional portion of such other contiguous property to the provisions of this Declaration. The rights of Declarant and any successor Declarant, as described herein, shall apply to all Units that are added to this Declaration in accordance with these provisions relating to enlargement thereof. No rights or obligations of any character in such other property shall attach until a supplemental Declaration and supplemental Map are filed in the Records annexing the Units constructed in such area to the Condominium Community.

18.4.4 *Effect on Expansion*. Notwithstanding any inclusion of additional Units under this Declaration, each Owner (regardless of whether such Owner is the owner of a Unit shown on the original Map or is the owner of a Unit constructed in other property owned by Declarant and included by a supplemental Declaration and Map) shall remain fully liable with respect to its obligation for the payment of the Common Expenses of the Association, including the expenses for such new Common Elements, costs and fees, if any. The recording of a

supplemental Declaration or supplemental Map shall not alter the amount of the Common Expenses assessed to a Unit prior to such recording.

18.4.5 *City Approval* In the event either Broadway elects to exercise its right to expand into the Commercial Expansion Area or CAGID elects to exercise its right to expand into the Parking Expansion Area and seeks approval or any exemption from the City of Boulder for such expansion, the expanding party shall, prior to submitting any request or application for or negotiating for any such approval and/or exemption, first ask the other party if it wishes to have similar terms or the exemption also apply to its expansion area. In the event the non-expanding party elects to have such terms and/or exemption also apply to its expansion area, the expanding party shall, concomitantly with its submittal of any request or application for any such approval and/or exemption, include the non-expanding party's expansion area in such submittal or application.

18.5 **CHANGE IN ALLOCATED INTERESTS.** In the event a Declarant, or any successor Declarant, exercises the right to add, convert, subdivide, resubdivide, expand or combine Units as set forth above, the Allocated Interests of the resulting Units after such addition, conversion, subdivision, expansion or combination shall be adjusted in accordance with the formulas described in Sections 1.25, and 10.2, provided that in no event will the number of votes allocated to the Owner of Unit Parking be effectively diluted to less than fifty percent (50%) without the prior written consent of the Owner of Unit Parking.

18.6 **TERMINATION OF RIGHTS**. Except for such longer period as is specifically set forth and provided in this Declaration, the rights reserved to Declarants for themselves, their successors and assigns in this Declaration (including under this Article 18) shall expire on the earlier to occur of: (a) the conveyance of the last Unit to an Owner who is not Declarant or a successor Declarant; or (b) ninety (90) years from the date of Recording this Declaration in the Records, unless such rights are reinstated or extended by the Association, subject to whatever terms, conditions and limitations the Board may impose on the subsequent exercise of the rights by a Declarant. Notwithstanding anything to the contrary in this Article 18, a public trustee sale or sale in lieu of foreclosure of any Unit shall not be deemed to be a conveyance resulting in the termination of Declarant's rights reserved herein, provided that the Mortgagee instituting or benefiting from such public trustee sale or sale in lieu of foreclosure has been named a successor Declarant in a collateral assignment of Declarant's rights and such assignment has been recorded prior to the effective date of the conveyance of the Unit.

ARTICLE 19
COMPLIANCE

Each Owner shall comply with the provisions of the Association Documents. Each Owner shall be responsible for compliance by any Permittees of its Unit with all the terms and provisions of the Association Documents and may not delegate such responsibility.

ARTICLE 20
REVOCATION, AMENDMENT OR TERMINATION

This Declaration shall not be revoked or amended, nor shall the condominium created by this Declaration be terminated, unless Owners holding one hundred percent (100%) of the votes in the Association and all of the Mortgagees of any Recorded Mortgages covering or affecting each Unit within the Condominium Community, any portion thereof or any interest therein, consent and agree to such revocation, termination or amendment by an instrument or instruments duly executed, acknowledged and Recorded; provided, however, that the consent or approval of any tenant under any lease, shall not be required to be obtained for any such revocation, amendment or termination. The agreement of the Owners and Mortgagees to so terminate the condominium created by this Declaration shall be evidenced by a termination agreement, or ratification thereof, executed by the Owners and Mortgagees in accordance with, and otherwise satisfying the requirements of, the applicable provisions of the Act. In the case of the termination of the condominium created by this Declaration, unless the parties otherwise agree in the termination agreement all improvements on the Property shall be demolished, the Land shall be restored to its condition prior to the construction of the improvements on the Property, and title to the Commercial Property shall revert to the Owner of Unit Commercial and title to the Parking Property shall revert to the Owner of Unit Parking. Each party shall cooperate with the other and shall execute any and all documents necessary to cause the Property to revert to the ownership as aforesaid free and clear of all liens, easements and encumbrances except those of record prior to the recording of this Declaration. Each Owner shall be responsible for demolition and paying the costs of demolishing its Unit, and the Owner of Unit Parking shall be responsible for causing the Parking Property to be restored and for paying the costs thereof, and the Owner of Unit Commercial shall be responsible for causing the Commercial Property to be restored and for paying the costs thereof. The costs of demolishing General Common Elements shall be shared by the Owners in accordance with their respective General Pro Rata Shares, and the costs of demolishing all Limited Common Elements shall be shared by Owner or Owners of such appurtenant Unit or Units in accordance with their respective Limited Pro Rata Shares for such Limited Common Elements.

ARTICLE 21
ASSESSMENTS FOR AND PAYMENT OF CHARGES

21.1 **CHARGES**. Each Owner shall be responsible for its respective General Pro Rata Share of General Charges and its Limited Pro Rata Share of Limited Charges associated with any allocated Limited Common Element, subject, however, to the following:

21.1.1 Any Limited Charge associated with the maintenance, repair or replacement of a Limited Common Element shall be assessed only against the Unit or Units to which such Limited Common Element is appurtenant in accordance with its or their Limited Pro Rata Shares;

21.1.2 Any Charges paid to Affiliates of the Condominium Manager shall in no event exceed the commercially reasonable and customary charges paid for performance of such services in the Boulder, Colorado, area; and

21.1.3 If any Charge is caused by the negligence or willful misconduct of any Owner, or Permittee, other than ordinary wear and tear, the Association may assess that expense exclusively against the responsible Owner and such Owner's Unit. Each Owner is liable for Charges assessed against such Owner and such Owner's Unit during the period of ownership of such Unit by such Owner. No Owner may be exempt from liability for payment of the Charges by waiver of the use or enjoyment, or by the non-use or non-enjoyment, of any of General Common Elements or Limited Common Elements or by abandonment of such Owner's Unit.

21.2 **DISAGREEMENT**. If any Owner disagrees with the allocation or assessment of any Charges in any respect, upon the request of such Owner to the Association, the matter may be submitted to arbitration as hereinafter provided (in any case, "**Dispute Resolution**").

ARTICLE 22
DEFAULT AND REMEDIES

22.1 **DEFAULT**. If any Owner (herein the "Defaulting Owner") or any Permittees for whom such Owner is responsible shall be alleged to have failed to perform in accordance with any of the provisions of this Declaration, then and in such event, any other Owner (herein "Nondefaulting Owner"), shall have the right to request that the Association deliver, and the Association shall at its option also have the right to deliver, a Default Notice to the Defaulting Owner. The Defaulting Owner shall have 30 days after the delivery of a Default Notice within which to cure such default, or in the case of a default which by its nature cannot reasonably be cured within such 30-day period, the Defaulting Owner shall take such action as is reasonably calculated to commence the curing thereof, and thereafter diligently prosecute the same to completion. If the Defaulting Owner fails to so cure such default within the time period as aforesaid, the Association shall have the right (but not the obligation) to proceed to take such actions or make such payments as may be necessary to cure such default, all in the name of and at the cost and for the account of the Defaulting Owner. If the Association fails to take such actions or make such payments, a Nondefaulting Owner shall have the right (but not the obligation) to deliver such Default Notice and/or to cure such default as set forth above with respect to cure by the Association.

22.2 **REIMBURSEMENT**. The Defaulting Owner shall within 10 days after written demand reimburse the Association or the Nondefaulting Owner, whichever is taking the action described above or making the payment, for all amounts reasonably expended by the Association or the Nondefaulting Owner, as the case may be, in connection therewith, including court costs and attorneys' fees.

22.3 **CONTESTING NOTICE**. If the Defaulting Owner, within the 30-day time period set forth above in Section 22.1 following receipt of a Default Notice, delivers a Contesting Notice to the Association, then the Owners and the Association shall use commercially

reasonable efforts to resolve the matter, but if they are unable to do so within 60 days after receipt by the Association of the Contesting Notice, such matter may be submitted to Dispute Resolution, as hereinafter provided. Pending any determination through Dispute Resolution, the Association and the Nondefaulting Owner shall not take any action or otherwise remedy the alleged default unless the Association or the Nondefaulting Owner believes in good faith that the alleged default is of such a nature that if it is not immediately cured, the rights of the Nondefaulting Owner will be materially adversely affected, in which event the Association or Nondefaulting Owner may proceed to cure such default, but the question of whether or not it is entitled to reimbursement by the Defaulting Owner will still be subject to a determination in any Dispute Resolution proceeding; provided, however, that unless the matter is submitted by either party for determination through Dispute Resolution within seventy (70) days after the Association's receipt of the Contesting Notice, it shall be conclusively presumed that the allegations set forth in the Default Notice are correct. When the dispute is resolved or deemed resolved as aforesaid, regardless of the method, if the contention of the Defaulting Owner shall be sustained, or partially sustained, it need not make payment to the Association or the Nondefaulting Owner, or take any corrective action, as the case may be, with respect to the portions of the allegations which have been determined to be unfounded.

22.4 **DEFAULT IN CHARGES; EMERGENCY**. Notwithstanding anything contained herein, the Association shall not be required to follow the above-described procedure regarding Default Notices and submission of a matter to Dispute Resolution prior to cure of the default by the Defaulting Owner with respect to any amounts to be paid to the Association for Charges, and any Owner not making such payment within the time periods herein provided shall be considered to be in default without further notice. Accordingly, any amount asserted by the Association to be required to be paid to the Association for Charges shall be paid by the Defaulting Owner and, following such payment, the dispute may be submitted by the Defaulting Owner to Dispute Resolution, as hereinafter provided, within thirty (30) days following the date of any such payment. Additionally, in the event of a default by an Owner other than a failure to pay Charges to the Association, if the Association shall in good faith deem that an Emergency is occurring or has occurred, such that the default requires immediate curing, then no prior Default Notice shall be required to be given by the Association to the Defaulting Owner, and the Association may act promptly take such actions or make such payments as may be necessary to cure the alleged default. Under such circumstances, the Association shall be entitled to reimbursement by the Defaulting Owner as provided above, subject, however, to the right of the Defaulting Owner to submit to Dispute Resolution, within 30 days after receipt of a notice from the Association demanding reimbursement, the question of whether the Defaulting Owner is in fact in default, and if so, the amount of reimbursement owing to the Association. In determining the amount of reimbursement, the decision-maker may consider whether the Association reasonably determined that an Emergency occurred or was about to occur and if not, whether the amount incurred by the Association for which reimbursement is requested would have been less had the Association followed the standard procedure set forth above. Any disputed amount not submitted to Dispute Resolution within the time periods set forth in this Section 22.4 shall be deemed properly due and payable, and the Association shall be entitled to reimbursement by the Defaulting Owner for costs incurred as provided above.

22.5 **INTEREST**. Any amounts not reimbursed to the Association or to any Nondefaulting Owner within the time periods set forth above in this Article 22 shall thereafter bear interest at the lesser of (a) the highest annual rate then permitted under Colorado usury Law, or (b) the Prime Rate, from time to time, plus 5% per annum, until paid to the Association or to the Nondefaulting Owner, as the case may be.

22.6 **LIEN OF ASSOCIATION**. The Association has a statutory lien ("Association Lien") on a Unit for all amounts payable by the Owner of such Unit to the Association under this Declaration, including those amounts payable to the Association for Charges and those amounts payable to the Association as the result of a cure of a default by such Owner pursuant to this Article 22 (an "Association Assessment"). Recording of this Declaration constitutes Record notice and perfection of such Association Lien. However, the Board of the Association may also elect to file a claim of lien against the Unit of the delinquent Owner by Recording a notice ("Association Lien Notice") setting forth (a) the amount of the claim of delinquency, (b) the interest and costs of collection which have accrued thereon, (c) the legal description and street address of the Unit against which the lien is claimed, and (d) the name of the Record Owner thereof. Such Association Lien Notice shall be signed and acknowledged by an officer, a member of the Board or other duly authorized agent of the Association. The Association Lien shall continue until the amounts secured thereby and all subsequently accruing amounts are fully paid or otherwise satisfied. When all amounts claimed under the Association Lien Notice have been fully paid or satisfied, the Association shall execute and Record a notice releasing the Association Lien upon payment by the Owner of a reasonable fee as fixed by the Board of the Association to cover the cost of preparing and recording the release of the Association Lien.

22.7 **PRIORITY OF THE ASSOCIATION LIEN**.

22.7.1 An Association Lien is prior to all other liens and encumbrances on a Unit except:

(a) Liens and encumbrances Recorded before the Recording of this Declaration;

(b) A First Mortgage on the Unit, which was Recorded or perfected before the date on which the Association Assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the Unit.

22.7.2 An Association Lien is also prior to the First Mortgage described in the preceding subsection 22.7.1(b) to the extent of an amount equal to the Charges payable for such Unit based on the most recent budget adopted by the Association in accordance with this Declaration that would have become due, in the absence of any acceleration, during the six (6) months immediately preceding institution by either the Association or any party holding a lien senior to any part of the Association Lien, of an action or nonjudicial foreclosure either to enforce or extinguish the lien.

22.8 **NONDEFAULTING OWNER LIEN**. In addition to the above, all amounts owing by an Owner to a Nondefaulting Owner which has cured a default of a Defaulting Owner, as herein provided ("Nondefaulting Owner Assessment"), shall constitute a perpetual lien on the Defaulting Owner's Unit ("Nondefaulting Owner Lien"). To further evidence the Nondefaulting Owner Lien, the Nondefaulting Owner curing the default of the Defaulting Owner shall prepare a lien notice ("Nondefaulting Owner Lien Notice") setting forth (a) the amount owing, including any interest and collection costs, and a brief statement of the nature thereof; (b) the name of the Record Owner of the Unit, if known; (c) the legal description of the Unit; and (d) reference to this Declaration as the source and authority for such Nondefaulting Owner Lien. The Nondefaulting Owner Lien Notice shall be signed and acknowledged by the party desiring to file the same and shall be Recorded or otherwise filed or recorded as required by applicable Law to perfect such Nondefaulting Owner Lien. A copy of such Nondefaulting Owner Lien Notice shall be mailed or otherwise given pursuant to Article 26 hereof to the purported Defaulting Owner and to the Mortgagee or other holder of a lien of Record encumbering the Defaulting Owner's Unit if such holder has notified the Association of its name and address. Any such Nondefaulting Owner Lien Notice shall not constitute a condition precedent to the effectiveness or validity, or delay attachment of the Nondefaulting Owner Lien. The Nondefaulting Owner Lien shall be a perpetual lien upon the Unit and shall attach without notice when any Nondefaulting Owner Assessments are due. Such Nondefaulting Owner Lien in favor of a Nondefaulting Owner shall be superior and prior to all other liens and encumbrances then or thereafter encumbering the Defaulting Owner's Unit, except only for (i) tax and special assessment liens on the Unit in favor of any governmental body; (ii) all rights of the First Mortgagee under any First Mortgage then covering any portion of the Unit, (iii) any Association Lien encumbering such Unit, and (iv) liens and encumbrances Recorded before the Recording of this Declaration. With respect to (ii) above, any purchaser of a Unit at any foreclosure sale under any such First Mortgage (as well as any grantee in a deed delivered in lieu of foreclosure under any such First Mortgage) shall take title subject to the provisions of this Declaration, including any amounts payable for such Unit under this Section 22.8 which shall arise or accrue on or after the date upon which such purchaser or grantor acquires title to such Unit. The Nondefaulting Owner Lien Notice may be released by Recording or otherwise filing as required by applicable Law, a release of the Nondefaulting Owner Lien Notice.

22.9 **FORECLOSURE**. Any Association Lien encumbering a Unit may be enforced by the Association, and any Nondefaulting Owner Lien may be enforced by the Nondefaulting Owner, by a judicial foreclosure upon the Unit owned by the Defaulting Owner in like manner as a mortgage on real property is foreclosed under the laws of the State of Colorado. In any proceeding to enforce any such lien, the Defaulting Owner shall be required to pay the costs, expenses and reasonable attorneys' fees incurred for filing such lien and in pursuing any foreclosure proceeding thereon. Additionally, in the case of an Association Lien, the Defaulting Owner shall also be required to pay to the Association any additional Charges attributable to its Unit that become due during the period of such foreclosure, and such amounts may be added to and become a part of such foreclosure. The Association or the Nondefaulting Owner, as the case may be, shall be entitled in any such proceeding to apply for (on ex parte application if it so desires) the appointment of a receiver, and such receiver may be appointed notwithstanding the solvency or insolvency of the Defaulting Owner. The Association or Nondefaulting Owner, as

the case may be, shall have the power to bid at the foreclosure or other legal sale and thereby to purchase the Unit.

22.10 **MORTGAGEE NOTICE**. Any Mortgagee that shall have so requested by notice given to the Association pursuant to Section 26.2 shall be entitled to receive notice of the default of the Owner whose Unit is encumbered by such Mortgage at the same time any Default Notice is given to such Owner. Such Mortgagee may pay, but shall not be required to pay, any unpaid Charges or other amounts owing for which a lien shall arise with respect to such Unit, or may, but shall not be required to, cure any other default by an Owner hereunder.

22.11 **MONEY JUDGMENT**. Suit to recover a money judgment for any unpaid Association Assessments or Nondefaulting Owner Assessments by a Defaulting Owner may be maintained with or without foreclosing the respective lien securing payment of the same.

22.12 **PERSONAL LIABILITY**. Notwithstanding anything contained herein to the contrary, the amount of Charges and any amounts owed by an Owner to another Owner, or to the Association, pursuant to the provisions hereof shall be the personal debt and liability of the Owner at the time such debt and liability arises. No Owner may exempt itself from liability therefor by waiver of the use or enjoyment, or by the non-use or non-enjoyment, of any General Common Elements or Limited Common Elements or by abandonment of its Unit. No Owner shall relieve itself of such liability by conveyance of all of its interest in the Unit, and the successor of such Owner shall, upon acquisition of the Unit, automatically take the Unit subject to such liability, but the same shall not be a personal debt and liability of such successor. Any successor Owner shall, as the new Owner of such Unit, have liability, as its personal debt and liability, for all obligations applicable to such Owner and such Owner's Unit which shall arise or accrue on or subsequent to the date of its acquisition of such Unit, and during the period of its ownership. If more than one Person constitutes the Owner of a particular Unit, all such Persons shall be jointly and severally liable for all such obligations.

22.13 **REMEDIES CUMULATIVE**. Any remedies set forth herein shall be in addition to and not in lieu of all other remedies provided by law or equity, including an action for damages, the right to restrain by injunction any violation or threatened violation of any of the terms or provisions hereof, and the right by specific performance or other equitable relief to compel performance of any such terms and provisions hereof. It is agreed that the remedy at law for a breach of any of the terms and provisions hereof may not be adequate depending upon the nature of the same. All remedies herein shall be considered to be cumulative and nonexclusive, and may be exercised in any manner or order that the Nondefaulting Owner or the Association, as the case may be, determines.

22.14 **PAYMENT OF COSTS**. If the Association or any Owner or both institutes any legal or equitable action against another Owner, relating to the alleged default of any of the provisions hereof, including any action to collect any amounts owing hereunder, the unsuccessful litigant in such action shall be obligated to reimburse the successful litigant therein for all reasonable costs and expenses incurred in connection therewith, including attorneys' fees. Such reimbursement shall include all such costs and fees incurred by the successful litigant in connection with any appeals.

22.15 **STATEMENT OF STATUS**. On or before fourteen (14) calendar days after receipt of written notice to the Condominium Manager or, in the absence of a Condominium Manager, to the Association, and payment of a reasonable fee set from time to time by the Board, any Requesting Party shall be furnished a statement of a specified Owner's status setting forth:

22.15.1 the amount of any unpaid Charges or other Association Assessments then existing against such Owner's Unit;

22.15.2 the amount of the current installments of the Charges and the date that the next installment is due and payable;

22.15.3 whether or not a particular Owner is in default under this Declaration and if so, the nature of such default; and

22.15.4 any other information, deemed proper by the Association, including the amount, to the best of Association's knowledge, of any delinquent Nondefaulting Owner Assessments created or imposed under the terms of this Declaration.

Upon issuance of such a certificate signed by an officer of the Association, a member of the Board or the Condominium Manager, the information contained therein shall be conclusive upon the Association as to the Person to whom such certificate is addressed and that relies on the certificate in good faith. If such statement is not furnished by the Association to the Requesting Party, delivered personally or by certified mail, first-class postage prepaid, return receipt requested, within such time period, then the Association shall have no right to assert an Association Lien upon such Unit for unpaid Association Assessments which were due as of the date of the Association's receipt of the written request from the Requesting Party.

ARTICLE 23
ARBITRATION

23.1 **ARBITRATION RULES**. Whenever it is specified in this Declaration that a dispute is to be resolved by arbitration, or if any Owner disputes the reasonableness of any Rules or Regulations or decisions made or adopted as described in this Declaration, or the validity of any liens securing any amount payable either to the Association or to a Nondefaulting Owner, such matter shall be submitted to arbitration. In addition, arbitration shall be pursued by the parties as provided in this Article 23 whenever a disagreement otherwise arises between the parties hereto except that, if such disagreement involves a default under this Declaration, then the provisions of Article 22 shall control, and arbitration shall not take place except under the circumstances provided in said Article 22. All such arbitration shall be in accordance with the Commercial Arbitration Rules of the American Arbitration Association as then in effect ("Rules") as modified by the provisions of this Article 23. Arbitration shall be initiated by giving notice to the parties to be parties to the arbitration of the matter to be arbitrated and commenced within five days thereafter of an arbitration proceeding in accordance with Rules. The parties to the arbitration shall endeavor to agree upon one arbitrator, but if they are unable to agree, then the

Owner of Unit Commercial and the Owner of Unit Parking shall each appoint one arbitrator, and the two arbitrators shall appoint a third arbitrator. If a party fails to appoint its arbitrator within 30 days following the appointment of an arbitrator by the other party, the other arbitrator alone shall serve. If three arbitrators are serving, a decision of a majority of the arbitrators shall control. Any decision made in arbitration shall be conclusive and binding on the parties involved therein and may be entered as a final judgment in any court having jurisdiction thereof, subject to the then applicable Colorado Rules of Civil Procedure.

23.2 **ALTERNATIVE RULES**. If the American Arbitration Association is not functioning, or the Rules are not then in effect, arbitration shall be conducted in accordance with the requirement of such other organization as the parties may agree, or in lieu of such agreement, the matter may be submitted to the District Court in and for the County of Boulder, State of Colorado, to determine the procedure to be followed with respect to such arbitration, and such decision shall be final and binding on the parties.

23.3 **DISCOVERY COSTS**. In any arbitration proceeding, each party shall have full access to the books and records of the other party with respect to its Unit, or if the Association is the other party, the books and records of the Association, and the power to call for testimony any Representative of any other party, and all other rights to discovery afforded under the then applicable Colorado Rules of Civil Procedure, all of which shall be fully enforceable by the arbitrator(s), or if the arbitrator(s) fail to effect such enforcement, then any District Court in and for the County of Boulder, State of Colorado shall have such right of enforcement. The costs of arbitration shall be borne equally by the parties thereto, except that each party shall pay its own attorneys' fees unless the arbitrator(s) shall conclude that the party initiating such arbitration did so without reasonable justification, in which event the arbitrator(s) may, if the arbitrator(s) so determine, award attorneys' fees to the prevailing party. The costs, however, associated with calling expert witnesses, or in assembling materials for the hearing shall be separately borne by the party who desired the same. All arbitration proceedings shall be conducted in the County of Boulder, State of Colorado.

ARTICLE 24
RESTORATION UPON DAMAGE OR DESTRUCTION

24.1 **DUTY TO RESTORE**. Any portion of the Condominium Community for which insurance is required under the Act or for which insurance carried by the Association is in effect that is damaged or destroyed shall be repaired or replaced promptly by the Association unless:

24.1.1 the condominium created by this Declaration is terminated pursuant to Article 20;

24.1.2 repair or replacement would be illegal under any Law governing health or safety;

24.1.3 Owners holding at least sixty-seven percent (67%) or more of the votes in the Association, including every Owner of a Unit or assigned Limited Common Element that will not be rebuilt, agree, within 90 days following the casualty, not to rebuild; or

24.1.4 prior to the conveyance of any Unit to a person other than a Declarant, the holder of a Mortgage on the damaged portion of a Unit, Limited Common Element or General Common Element rightfully demands all or a substantial part of the insurance proceeds, in which case the Association shall cause such insurance proceeds to be disbursed directly to the holder of such Mortgage.

In the event the Condominium Community is not repaired or replaced as allowed by Sections 24.1.1, 24.1.2, 24.1.3 or 24.1.4 above, and no Owner exercises its option to purchase pursuant to Section 24.9, then insurance proceeds shall be applied and distributed pursuant to Section 24.4, and the provisions of Article 20 shall apply as if the condominium created by this Declaration had been terminated as of the date of the casualty.

24.2 **COST**. The cost of repair or replacement of the Units in excess of insurance proceeds and reserves shall be paid by the Owners of the Units, and the costs of repair or replacement of Limited Common Elements appurtenant to Units shall be paid by the Owners of such appurtenant Units proportionately based on their Limited Pro Rata Shares in such Limited Common Elements. The costs of repair or replacement of General Common Elements in excess of insurance proceeds and reserves shall be paid as General Charges by the Owners.

24.3 **PLANS**. The Condominium Community shall be repaired and restored in accordance with either the original plans and specifications for the Condominium Community or other plans and specifications which have been agreed upon by Owners holding at least seventy-five percent (75%) of the votes in the Association.

24.4 **REPLACEMENT OF LESS THAN ENTIRE PROPERTY**. If the entire Condominium Community is not repaired or replaced, the insurance proceeds attributable to damaged General Common Elements shall be used to restore the damaged area to a condition compatible with the remainder of the Condominium Community and:

24.4.1 the insurance proceeds attributable to a Unit or Limited Common Elements that are not rebuilt shall be distributed to the Owner of the Unit or the Unit or Units to which Limited Common Elements were appurtenant (in accordance with such Units' respective Limited Pro Rata Shares in such Limited Common Elements), or to Mortgagees as their interest may appear; and

24.4.2 the remainder of the proceeds shall be distributed to each Owner or Mortgagee, as its interest may appear, in proportion to their respective General Pro Rata Shares in General Common Elements.

24.5 **INSURANCE TRUSTEE**. The Association may authorize a Person (the "Insurance Trustee") to act for it in connection with losses under any policy providing property or liability insurance, including: the collection and appropriate disposition of the proceeds thereof; the

negotiation and adjustment of losses and execution of releases of liability relating thereto; the execution of all documents relating thereto; and the performance of all other acts necessary to accomplish such purposes. The Insurance Trustee may be appointed the Association's attorney-in-fact for such purpose and also be empowered to receive, hold or otherwise properly dispose of any proceeds of insurance in trust for Owners and their Mortgagees as their interest may appear.

24.6 **INSURANCE PROCEEDS**. The Insurance Trustee, or if there is no Insurance Trustee, then the Board, acting by the President of the Association, shall hold any insurance proceeds in trust for the Association, Owners and Mortgagees as their interests may appear. Subject to the provisions of the sections above, the proceeds shall be disbursed first for the repair or restoration of the Condominium Community, or damaged or destroyed portions thereof, and the Association, Owners and Mortgagees shall not be entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the Condominium Community, or damaged or destroyed portions thereof, has been completely repaired or restored or unless the condominium created by this Declaration is terminated, in which event the surplus proceeds shall be distributed as provided in Article 20.

24.7 **CERTIFICATES BY THE BOARD**. The Insurance Trustee, if any, may rely on the following certifications made by the Board in writing:

24.7.1 whether or not the Condominium Community, or damaged or destroyed portions thereof, is to be repaired or restored; and

24.7.2 the amount or amounts to be paid for repairs or restoration and the names and addresses of the parties to whom such amounts are to be paid.

24.8 **CERTIFICATES BY ATTORNEYS OR TITLE INSURANCE COMPANIES**. If payments are to be made to Owners or Mortgagees, the Board and the Insurance Trustee, if any, shall obtain and may rely on a title insurance company or attorney's certificate of title or a title insurance policy based on a search of the Records from the date of recording of this Declaration stating the names of the then-current Owners and Mortgagees.

24.9 **SUBSTANTIAL LOSS, OPTION TO PURCHASE**. If 75% or more of the usable area of the Building Spaces is destroyed or substantially damaged, and if the Owner of Unit Commercial or Unit Parking is desirous of repairing or restoring the portions of the Condominium Community which are damaged or destroyed, but the other Owner is not willing to do so, the Owner desiring to repair or restore (the "Purchasing Owner") shall have an option for a period of 180 days after the date of the casualty to purchase the interest of the other Owner (the "Selling Owner") in the Condominium Community and in and to the net insurance proceeds payable to the Selling Owner at a purchase price equal to the fair market value thereof. If the Purchasing Owner desires to exercise such option, written notice shall be given to the Selling Owner within said 180-day period, failing which either Owner or a Mortgagee may commence an action for termination of the condominium created by this Declaration and reversion of title to the Property as provided in Article 20. If the option is timely exercised, the purchase transaction shall take place within a reasonable period of time not to exceed 250 days from the date of Purchasing Owner's exercise at which time the entire purchase price will be paid in full in cash

and the Selling Owner shall convey, transfer and assign to the Purchasing Owner all of the Selling Owner's right, title and interest in and to Condominium Community (including its Unit and its interest in all Common Elements) and such net insurance proceeds, free and clear of all liens and encumbrances. If the Selling Owner and Purchasing Owner are unable to agree upon the fair market value within 60 days following the Purchasing Owner's timely exercise of its option, the fair market value shall be determined as follows. The Selling Owner shall appoint one independent appraiser (who shall be an M.A.I. appraiser with respect to real property and otherwise reasonably qualified and experienced in valuing the type of real property in question), the Purchasing Owner shall appoint one independent appraiser satisfying the same criteria, and such appointed independent appraisers shall thereupon choose a third independent appraiser satisfying such criteria who alone shall determine the fair market value of the Condominium Community and the Selling Owner's interest therein, which values shall be final and binding on all Owners. Any action or decision of an Owner required under this Section 24.9 shall also require the consent of all Mortgagees of that Owner's Unit or any interest therein at the time such action decision is made or required, as the case may be.

ARTICLE 25
CONDEMNATION

If all or part of the Condominium Community is taken or condemned by any power having the authority of eminent domain, all compensation and damages for and on account of the taking or condemnation shall be payable in accordance with the provisions on eminent domain in the Act. To the extent consistent with the provisions governing eminent domain under the Act, compensation and damages for and on account of a taking or condemnation of a Unit will be distributed as required by any Mortgagee whose lien encumbers any portion of such Unit.

ARTICLE 26
NOTICE

26.1 **MANNER**. Any notice, demand or other communication desired or required to be given by or to an Owner, the Association or the Condominium Manager shall be in writing and shall be deemed given three (3) business days following its deposit in the U.S. Mail, postage prepaid, certified or registered mail, addressed to such party at such address as that provided in Section 10.7.

26.2 **MORTGAGEE NOTICE**. Upon request of a Mortgagee of a Unit, the Association shall in the manner provided herein give notice to the Mortgagee of such Unit a copy of any notice given by the Association to the Owner of such Unit; provided, however, that such Mortgagee shall have furnished to the Association (in the manner provided herein) a notice of such encumbrance and of the address to which all such notices from the Association are required to be sent.

26.3 **MORTGAGEE ACTION**. If this Declaration requires the approval of any Mortgagee, then, if any Mortgagee fails to respond to any written proposal for such approval

within thirty days after such Mortgagee receives proper notice of the proposal (or such longer time as may be set forth in the notice), such Mortgagee shall be deemed to have approved such proposal, provided that the notice was mailed to the Mortgagee by certified or registered mail, return receipt requested.

ARTICLE 27
MISCELLANEOUS

27.1 **SEVERABILITY**. The invalidity of any covenant, restriction, condition, limitation or provision of this Declaration, or the application thereof to any person or circumstance, will not impair or affect in any manner the validity, enforceability or effect of the rest of this Declaration, or the application of any such covenant, restriction, condition, limitation or provision to any other person or circumstances. However, to the extent legally permissible, a court of law with proper jurisdiction shall substitute for such invalid provisions such other provisions as are legally valid and will carry out the intent of the parties expressed in any such invalid provision.

27.2 **WAIVER**. No provision contained in this Declaration shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches of such provision which may occur.

27.3 **INTERPRETATION**. Whenever appropriate, singular terms may be read as plural, plural terms may be read as singular, and the masculine gender may be read as the feminine or neuter gender. The term "including" as used in this Declaration shall, unless otherwise specified, be interpreted in its broadest sense to mean "including without limitation."

27.4 **CAPTIONS.** The titles, headings, and captions which have been used throughout this Declaration are for convenience only and are not to be used in construing this Declaration or any part hereof.

27.5 **ACCEPTANCE OF PROVISIONS**. The conveyance or encumbrance of a Unit shall be deemed to include the acceptance of all of the provisions of the Association Documents and shall be binding upon each Owner, Permittee and Mortgagee without the necessity of including an express provision to this effect in the instrument of conveyance or encumbrance.

27.6 **RIGHTS OF ACTION**. The Association on behalf of itself and any aggrieved Unit Owner shall be granted a right of action against any and all Unit Owners for failure to comply with the provisions of the Association Documents, or with decisions of the Board made pursuant to authority granted to the Association in the Association Documents. In any action covered by this Section 27.6, the Association or any Unit Owner shall have the right but not the obligation to enforce the Association Documents by any proceeding at law or in equity, or as set forth in the Association Documents, or by mediation or binding arbitration if the parties so agree. The prevailing party in any arbitration or judicial relief shall be entitled to reimbursement from the non-prevailing party or parties, for all costs and expenses, including attorney's fees, in connection with such arbitration or judicial relief. Failure by the Association or by any Owner to

enforce compliance with any provision of the Association Documents shall not be deemed a waiver of the right to enforce any provision thereafter.

27.7 **ATTORNEYS' FEES**. All references herein to attorneys' fees shall be deemed to mean and refer to reasonable attorneys' fees whether expressly so stated or not.

27.8 **NO THIRD-PARTY BENEFICIARY**. Declarants do not intend for any third party not specifically granted rights in this Declaration to rely on or have rights under this Declaration as a third-party beneficiary hereof, and no such third party shall have any such rights. Any third party granted rights in this Declaration shall have only such rights as are expressly granted to such third party herein.

27.9 **EXHIBITS INCORPORATED**. All exhibits to this Declaration are incorporated herein and made a part hereof as if fully set forth herein.

27.10 **INCONSISTENCIES BETWEEN LAWS AND INSTRUMENTS**. In the event of any inconsistency between this Declaration, the Articles or Bylaws of the Association or any Rules and Regulations, this Declaration shall control. In the event of any inconsistency between the Act and this Declaration, the Articles, the Bylaws or any Rules and Regulations, the Act shall control.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, this Declaration has been executed as of the date first set forth above.

DECLARANTS:

BROADWAY-WALNUT COMPANY, LLP,
a Colorado limited liability partnership

By:_____
Name:_____
Title:_____

STATE OF COLORADO)
) ss
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____ as General Partner of Broadway-Walnut Company, LLP, a Colorado limited partnership.

Witness my hand and official seal.

My commission expires: _____

_____
Notary Public

CENTRAL AREA GENERAL IMPROVEMENT DISTRICT, a General Improvement District Formed Pursuant To Chapter 8-4, Boulder Revised Code 1981

By:_____
Name:_____
Title:_____

STATE OF COLORADO)
) ss
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____ as _____ of Central Area General Improvement District, a general improvement district formed pursuant to Chapter 8-4, Boulder Revised Code 1981.

Witness my hand and official seal.

My commission expires: _____

_____
Notary Public

EXHIBIT A

(LEGAL DESCRIPTION OF COMMERCIAL PROPERTY)

Lots 1 and 2 and the North 4 feet 8 inches of the vacated alley abutting said Lots on the South, Block 43, BOULDER, in the City of Boulder, County of Boulder, State of Colorado

EXHIBIT B

(LEGAL DESCRIPTION OF PARKING PROPERTY)

Lots 3, 4, 5 and 6 and the North 4 feet 8 inches of the vacated alley abutting said Lots on the South, Block 43, BOULDER, in the City of Boulder, County of Boulder, State of Colorado

EXHIBIT C

(LIMITED COMMON ELEMENTS)

Commercial LCE:

- Exterior walls of the Office Space.
- Exterior walls of the Retail Space.
- Roof membrane of the Seventh (7th) Floor Office Space.
- Elevator exclusively serving Office Space.
- Concrete slab on grade located beneath the Office Space on the garden level
- Courtyards
- Structural elements above elevation 5375.76
- Dropped ceiling and components under 6th level of the Building Space

Parking LCE

- Car ramps entering the Parking Space.
- Exterior walls of the Parking Space.
- Columns and structural elements located west of Column Line denoted as the Structural Maintenance Division Line as shown on the Map.
- Parking garage decks over the Retail Space which constitute the roof of the Retail Space.
- Ceiling tiles above Level 5 of the Parking Space.
- Two (2) exterior stairwells (and everything therein) located on the west side of the Parking Space.
- Concrete ramps and slab on grade west of Column Line denoted as the Structural Maintenance Division Line as shown on the Map

EXHIBIT D

SCHEDULE OF PRO RATA SHARES AND VOTES

General Pro Rata Share:

Unit Parking	70% (seventy percent)
Unit Commercial	30% (thirty percent)

Limited Pro Rata Shares:

Commercial LCE	100% Unit Commercial
Parking LCE	100% Unit Parking

EXHIBIT E

GENERAL COMMON ELEMENTS

- The Property
- Shared Elevator
- Entry Areas
- Life Safety Systems
- All foundations and the structural elements (columns, Twin-Tees, girders, etc.) that provide support for both Office Space and Parking Space located east of Column Line denoted as the Structural Maintenance Division Line as depicted on the Condominium Map below elevation 5375.76
- Utility systems serving all Units, including, without limitation, sand trap and sump pump in boiler room; electrical power from shared panel(s); and common meters and sub meters
- Central Stairwell
- Stairwell located on the East side of the Property
- Emergency electrical generator system

EXHIBIT F

INTENTIONALLY DELETED

EXHIBIT G

EASEMENTS AND LICENSES OF RECORD

CONSENT AND SUBORDINATION

The undersigned as the holder of that certain Deed of Trust recorded on _____, in Book _____ at Page _____ of the records of the Clerk and Recorder of the County of Boulder encumbering the real property described therein hereby joins in the execution of this Condominium Declaration of Randolph Center Commercial and Parking Condominiums and the Condominium Map referred to herein for the purpose of subordinating its interest in the Deed of Trust to the terms and provisions of this Declaration and the Condominium Map.

_____

_____

ATTEST:

By: _____ By: _____
Secretary President

STATE OF _____)
)ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 200__, by _____ as President and by _____ as Secretary of _____, a _____.

Witness my hand and official seal.

_____
Notary Public
My commission expires: _____

PURCHASE AND SALE AGREEMENT
(Randolph Center)

THIS PURCHASE AND SALE AGREEMENT, (the "Agreement"), is made and entered into as of this _____ day of _____, 2013, by BROADWAY-WALNUT COMPANY, LLP, a Colorado limited liability partnership ("Broadway") and the CENTRAL AREA GENERAL IMPROVEMENT DISTRICT, a general improvement district formed pursuant to Chapter 8-4, Boulder Revised Code and the laws of the State of Colorado ("CAGID"), each a "Party" and collectively the "Parties", effective the date hereof.

R E C I T A L S

A. Broadway owns those certain parcels of real property located in the City of Boulder, County of Boulder, State of Colorado, and improvements located thereon, as described more particularly on Exhibit A attached hereto and by this reference incorporated herein (the "Broadway Property").

B. CAGID is the owner in fee simple of the real property located in the City of Boulder, County of Boulder, State of Colorado, and improvements located thereon, as described more particularly on Exhibit B attached hereto and by this reference incorporated herein (the "CAGID Property"). The Broadway Property and the CAGID Property are hereinafter collectively referred to as the "Property".

C. CAGID leases a portion of the Broadway Property from Broadway pursuant to that certain Lease Agreement by and between Broadway's predecessor-in-interest and CAGID, dated as of July 15, 1977, as amended ("Lease II") and Broadway leased a portion of the CAGID property from CAGID pursuant to that certain Lease Agreement by and between Broadway's predecessor-in-interest and CAGID, dated as of July 15, 1977, as amended ("Lease I" and collectively, with Lease II, the "Lease").

D. The Lease contemplates that certain storage areas leased by the Parties will be conveyed by one Party to the other.

E. The Parties desire to purchase and sell the storage units on the terms and conditions set forth herein.

A G R E E M E N T

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained in this Agreement, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged by Broadway and CAGID, Broadway and CAGID hereby agree as follows:

1. AGREEMENT TO PURCHASE THE STORAGE UNITS.

a. Purchase Agreement.

Subject to the terms and conditions set forth herein, Broadway hereby agrees to sell and convey to CAGID, and CAGID hereby agrees to acquire and purchase from Broadway a storage space containing approximately 135.0 square feet (as more particularly depicted on Exhibit C attached hereto), which storage unit shall be subsequently known as Storage 5W (the "Broadway Storage Unit") according to that certain Condominium Map for Randolph Center Commercial and Parking Condominiums, which shall be recorded by the Parties (the "Map"). Subject to the terms and conditions set forth herein, CAGID hereby agrees to sell and convey to Broadway, and Broadway hereby agrees to acquire and purchase from CAGID, four (4) storage spaces (as more particularly depicted on Exhibit C attached hereto) which storage spaces shall subsequently be known as Storage 3, containing approximately 160.9 square feet; Open Area 4, containing approximately 120.6 square feet; Open Area 5, containing approximately 21.2 square feet; and Storage 5E, containing approximately 211.9 square feet (collectively, the "CAGID Storage Units") according to the Map. The Broadway Storage Unit and the CAGID Storage Units are hereinafter collectively referred to as the "Storage Units".

b. Purchase Price.

The Purchase Price (herein so called) for the CAGID Storage Units shall be Nine Thousand Nine Hundred One and No/100 Dollars ($9,901.00). The Purchase Price for the BW Storage Unit shall be One and No/100 Dollars ($1.00).

2. CLOSING.

Provided all conditions to Closing have been satisfied, the purchase and sale of the Storage Units shall take place at a single closing (the "Closing") at the offices of Broadway, or at some other place as the Parties may mutually agree prior to such date.

a. Broadway's Obligations at Closing.

At the Closing, Broadway shall do the following:

i. Pay to CAGID the Purchase Price in cash; and

ii. Deliver possession of the Broadway Storage Unit to CAGID as required herein.

b. CAGID's Obligations at Closing.

i. Pay to Broadway the Purchase Price in cash; and

ii. Deliver possession of the CAGID Storage Units to Broadway as required herein

c. Closing Costs. Each Party shall pay its costs and expenses in connection with the Closing.

3. CONDITION OF THE STORAGE UNITS. The Parties shall convey the Storage Units to each other in their "AS-IS" conditions, "WITH ALL FAULTS" and without warranty express or implied.

4. REMEDIES. If a Party defaults in performing its obligations hereunder for any reason other than the other Party's default, the non-defaulting Party shall be entitled, as its sole and exclusive remedy, to (i) waive the contractual obligations of the defaulting Party in writing; (ii) extend the time for performance by such period of time as may be mutually agreed upon in writing by the Parties hereto; (iii) terminate this Agreement; or (iv) seek all available remedies at law or in equity, including the enforcement of specific performance.

5. COMMISSION.

The Parties each hereby warrant and represent to the other that no brokers', agents', finders' fees or commissions, or other similar fees, are due or arising in connection with the entering into of this Agreement, the sale and purchase of the Storage Units, or the consummation of transactions contemplated herein.

6. NOTICE AND RIGHT TO CURE.

Except for failure to timely close, each party shall be entitled to written notice of any default and shall have thirty (30) days from receipt of such notice to cure such default prior to the exercise of any remedy provided herein. As to a failure to Close each party shall be entitled to ten (10) days written notice and opportunity to cure, prior to the other party's exercise of any remedy. Each party agrees to cooperate with the defaulting party in any and all attempts by the defaulting party to cure any default within the default cure period.

7. MISCELLANEOUS PROVISIONS.

a. Any covenant or agreement herein which contemplates performance after the time of Closing shall not be deemed to be merged into or waived by the instruments of the Closing, but shall expressly survive Closing and be binding upon the Parties obligated thereby.

b. The terms, provisions, warranties, representations, covenants, and agreements contained in this Agreement shall apply to, be binding upon, and inure to the benefit of, the Parties hereto and their respective legal representatives, successors, and assigns.

c. Time is of the essence in the performance of this Agreement.

d. The Parties will each cooperate with each other, their employees, and agents to facilitate the purchase of Lots by Buyer under the terms and conditions herein set forth.

e. This Agreement shall be governed and interpreted under the laws of the State of Colorado.

f. In the event either party retains an attorney to enforce this Agreement, the prevailing party to the dispute shall recover his or its costs and attorneys' fees.

g. The paragraph headings used in this Agreement are for convenience purposes only, and shall not be used in the interpretation of this Agreement.

h. All exhibits attached hereto are incorporated herein by reference and made a part of this Agreement.

i. Failure of a Party to insist in any one or more instances upon the performance of any of the covenants, agreements, and/or conditions of this Agreement, or to exercise any right or privilege herein conferred shall not be construed as a waiver of any such covenant or condition.

j. This Agreement contains the entire agreement between the Parties relating to the Lots, and neither party shall be bound by any verbal statement or agreement made heretofore. This Agreement cannot be varied except by written agreement executed by Parties.

k. If any items, terms, or provisions contained in this instrument are in conflict with any applicable Federal, state, or local laws, this Agreement shall be affected only as to its application to such items, terms, or provisions, and shall in all other respects remain in full force and effect.

l. Nothing contained herein is intended to create, nor shall it ever be construed to make, Seller and Buyer partners or joint venturers.

m. The provisions of this Agreement are severable, and if any provision or part hereof or the application thereof to any person or circumstances shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement and the application of such provisions or part hereof to other persons or circumstances shall not be affected thereby.

n. The parties acknowledge that this Agreement was initially prepared by Broadway solely as a convenience and that all Parties and their counsel hereto have read and full negotiated all the language used in this Agreement. The Parties acknowledge that because all parties and their counsel participated in negotiating and drafting this Agreement, no rule of construction shall apply to this Agreement which construes ambiguous or unclear language in favor or against any Party.

o. SPECIAL TAXING DISTRICTS MAY BE SUBJECT TO GENERAL OBLIGATION INDEBTEDNESS THAT IS PAID BY REVENUES PRODUCED FROM ANNUAL TAX LEVIES ON THE TAXABLE PROPERTY WITHIN SUCH DISTRICTS. PROPERTY OWNERS IN SUCH DISTRICTS MAY BE PLACED AT RISK FOR INCREASED MILL LEVIES AND EXCESSIVE TAX BURDENS TO SUPPORT THE SERVICING OF SUCH DEBT WHERE CIRCUMSTANCES ARISE RESULTING IN THE INABILITY OF SUCH A DISTRICT TO DISCHARGE SUCH INDEBTEDNESS WITHOUT SUCH AN INCREASE IN MILL LEVIES. BUYER SHOULD INVESTIGATE THE DEBT

FINANCING REQUIREMENTS OF THE AUTHORIZED GENERAL OBLIGATION INDEBTEDNESS OF SUCH DISTRICTS, EXISTING MILL LEVIES OF SUCH DISTRICT(S) SERVICING SUCH INDEBTEDNESS, AND THE POTENTIAL FOR AN INCREASE IN SUCH MILL LEVIES.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in multiple copies, each of which shall be deemed to be an original, on the dates set forth below.

BROADWAY:

BROADWAY-WALNUT COMPANY, LLP,
a Colorado limited liability partnership

BY: _____
NAME: _____
TITLE: _____
DATE OF EXECUTION _____

CAGID:

CENTRAL AREA GENERAL IMPROVEMENT DISTRICT, a General Improvement District Formed Pursuant To Chapter 8-4, Boulder Revised Code 1981

BY: _____
NAME: _____
TITLE: _____
DATE OF EXECUTION_____

EXHIBIT A

(LEGAL DESCRIPTION OF BROADWAY PROPERTY)

Lots 1 and 2 and the North 4 feet 8 inches of the vacated alley abutting said Lots on the South, Block 43, BOULDER, in the City of Boulder, County of Boulder, State of Colorado

EXHIBIT B

(LEGAL DESCRIPTION OF CAGID PROPERTY)

Lots 3, 4, 5 and 6 and the North 4 feet 8 inches of the vacated alley abutting said Lots on the South, Block 43, BOULDER, in the City of Boulder, County of Boulder, State of Colorado

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CONDOMINIUM MAP
FOR
RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS

COVER SHEET

LOCATED IN THE SOUTHWEST 1/4, OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6th PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

LEGAL DESCRIPTION:

PARCEL A:

LOTS 1 AND 2, TOGETHER WITH THE NORTH 4 FEET 8 INCHES OF THE VACATED ALLEY ABUTTING SAID LOTS ON THE SOUTH, BLOCK 43, BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL B:

LOTS 3, 4, 5 AND 6, TOGETHER WITH THE NORTH 4 FEET 8 INCHES OF THE VACATED ALLEY ABUTTING SAID LOTS ON THE SOUTH, BLOCK 43, BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

GENERAL NOTES:

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY ACCURATE TO DETERMINE TITLE OR EASEMENTS OF RECORD. RESEARCH FOR THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH CRS 38-51-106 AND THE RULES OF PROCEDURE AND BOARD POLICY STATEMENTS OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, SPECIFICALLY THOSE BOARD RULES AND POLICY STATEMENTS RELATING TO THE DEPICTION OF EASEMENTS AND RIGHTS OF WAY ON SUBDIVISION PLATS. TITLE COMMITMENT 515-F0365742-170-TVO, AMENDMENT NO. 1, DATED FEBRUARY 6, 2012, PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, WAS RELIED UPON FOR ALL INFORMATION REGARDING EASEMENTS OF RECORD, RIGHTS OF WAY, TITLE OF RECORD AND CIVIL COURT ACTIONS OF RECORD.
3. BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE CENTERLINE OF CANYON BOULEVARD, BEING N74°47'00"E PER LAND SURVEY PLAT LS-87-0015 AS DEPOSITED WITH THE BOULDER COUNTY CLERK AND RECORDER ON DECEMBER 11, 1987.
4. BENCH MARK: U.S.G.S. MONUMENT RM21 PROJECT 5343.09 FEET N.G.V.D. DATUM.
5. SITE BENCH MARK: CHISELED "X" ON NORTHWEST BONNET BOLT OF FIRE HYDRANT LOCATED 330 FEET WEST OF ELEVENTH STREET ON NORTH SIDE OF CANYON BOULEVARD ELEVATION 5352.15 N.G.V.D.
6. IT IS HEREBY CERTIFIED, AS OF THE DATE OF THIS PLAT, THE SUBJECT PROPERTY IS WITHIN ZONE "AE" IN ACCORDANCE WITH CURRENT F.E.M.A. FLOOD INSURANCE RATE MAPS, DATED JUNE 2, 1995, MAP NO. 08013C0395 F. ZONE "AE" BASE FLOOD ELEVATION DETERMINED.

DECLARANTS' CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS THAT, BROADWAY - WALNUT COMPANY, LLP, A COLORADO LIMITED LIABILITY PARTNERSHIP, A DECLARANT, AND THE CITY OF BOULDER CENTRAL AREA GENERAL IMPROVEMENT DISTRICT, A GENERAL IMPROVEMENT DISTRICT FORMED UNDER CHAPTER 8-4, B.R.C. 1981, A DECLARANT, HAVE CAUSED THE SUBJECT PROPERTY TO BE SURVEYED AND IDENTIFIED AS SHOWN ON THIS CONDOMINIUM MAP TO BE KNOWN AS "CONDOMINIUM MAP FOR RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS" PURSUANT TO THE CONDOMINIUM DECLARATION FOR THE RANDOLPH CENTER AS RECORDED ON _____, 2013, AT RECEPTION NO. _____ OF THE RECORDS OF THE COUNTY OF BOULDER, STATE OF COLORADO.

BROADWAY-WALNUT COMPANY, LLP

BY: _____
(NAME) (TITLE)

STATE OF COLORADO)
) SS.
COUNTY OF BOULDER)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2013, BY _____, _____ OF BROADWAY-WALNUT COMPANY, LLP.

WITNESS MY HAND AND OFFICIAL SEAL.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

CITY OF BOULDER CENTRAL AREA
GENERAL IMPROVEMENT DISTRICT

BY: _____
(NAME) (TITLE)

STATE OF COLORADO)
) SS.
COUNTY OF BOULDER)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2013, BY _____, _____ OF CITY OF BOULDER CENTRAL AREA GENERAL IMPROVEMENT DISTRICT.

WITNESS MY HAND AND OFFICIAL SEAL.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

TITLE EXCEPTIONS:

11

11. A lease with certain terms, covenants, conditions and provisions set forth therein.

Lessor: Broadway-Walnut Company
Lessee: Cricket Colorado Property Company
Recording Date: March 19, 2001
Recording No: Reception No. 2128610
(BLANKET IN NATURE, NOT PLOTTED)

12

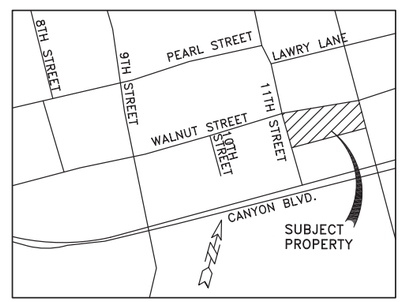
12. Terms, conditions, provisions, agreements and obligations contained in the City of Boulder Communications Conduit Lease REV2007-00019 as set forth below:

Recording Date: October 11, 2007
Recording No.: Reception No. 2888658
(PLOTTED)

13

13. Terms, conditions, provisions, agreements and obligations contained in the City of Boulder Communications Conduit Lease REV2007-00009 as set forth below:

Recording Date: October 11, 2007
Recording No.: Reception No. 2888659
(PLOTTED)



VICINITY MAP
NTS

TABLE OF CONTENTS:

SHEET 1 OF 8 - COVER SHEET
SHEET 2 OF 8 - SITE SHEET
SHEET 3 OF 8 - 1ST FLOOR LEVEL
SHEET 4 OF 8 - 2ND FLOOR LEVEL
SHEET 5 OF 8 - 3RD FLOOR LEVEL
SHEET 6 OF 8 - 4TH FLOOR LEVEL
SHEET 7 OF 8 - 5TH FLOOR LEVEL
SHEET 8 OF 8 - SECTION "A"

LIENHOLDER:

U.S. BANK NATIONAL ASSOCIATION

BY:_____

ACKNOWLEDGEMENT

STATE OF COLORADO }
} SS
COUNTY OF BOULDER }

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____DAY OF _____, 2013, BY_____.

MY COMMISSION EXPIRES:_____
_____
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE:

I, DOUGLAS H. ORT III, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE DIVISION OF THE AIR SPACE OF "CONDOMINIUM MAP FOR "RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS" WAS MADE UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING AND THAT THE ACCOMPANYING MAP ACCURATELY REPRESENTS SAID DIVISION AND MEETS THE REQUIREMENTS OF C.R.S. 38-33.3-209. BASED ON ARCHITECTURAL DRAWINGS, THIS MAP FULLY AND ACCURATELY DEPICTS THE LAYOUT, MEASUREMENTS AND LOCATION OF ALL OF THE BUILDING, THE CONDOMINIUM UNITS, THE DIMENSIONS OF THE CONDOMINIUM UNITS AND THE ELEVATIONS OF THE FLOORS.

DOUGLAS H. ORT, PLS 37066
THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF LAND SURVEYOR

CLERK AND RECORDERS CERTIFICATE:

STATE OF COLORADO }
} SS.
COUNTY OF BOULDER}

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT_____ O'CLOCK____M., _____ 2013 AND DULY RECORDED.

RECEPTION NO. _____

CLERK AND RECORDER; EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER.

BY _____, DEPUTY

FEE $ _____

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CONDOMINIUM MAP FOR:
BROADWAY - WALNUT COMPANY, LLP

SHEET 1 OF 8

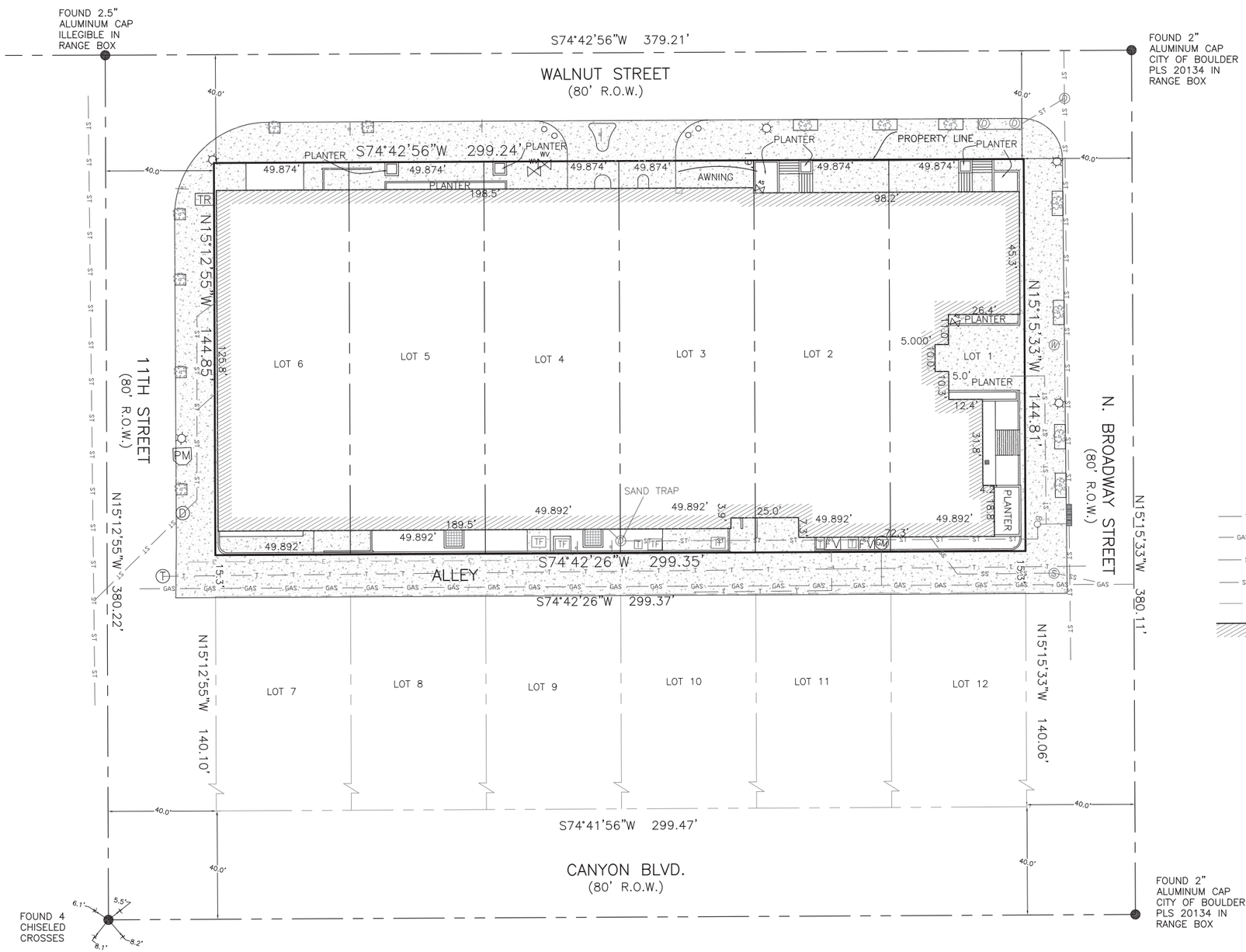
REVISIONS

DRAWN BY: TJB	APPROVED BY: DHO
FIELD WORK BY: DP	DATE OF SURVEY: 7-19-13
DATE OF DWG: 8-5-13	PROJECT NO. 1BR00901

CONDOMINIUM MAP
FOR
RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS

LOCATED IN THE SOUTHWEST 1/4, OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6th PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SITE PLAN



LEGEND

- =FOUND MONUMENT AS DESCRIBED
- =TRAFFIC LIGHT BOX
- =ELECTRICAL TRANSFORMER
- =FIBER VAULT
- =PARKING METER
- =GAS METER
- =WATER MANHOLE
- =STORM MANHOLE
- =SEWER MANHOLE
- =TELEPHONE MANHOLE
- =CLEAN OUT
- =LIGHT
- =SIGN
- =WATER VALVE
- =INLET
- =FIRE WATER HOOK UP
- =TELEPHONE PED
- =TELEPHONE LINE
- =GAS LINE
- =STORM LINE
- =SANITARY SEWER LINE
- =ELECTRICAL LINE
- =BUILDING FOOT PRINT

20 0 20 60

Scale 1" = 20 ft

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CONDOMINIUM MAP FOR:

BROADWAY – WALNUT COMPANY, LLP

SHEET 2 OF 8

REVISIONS

DRAWN BY: TJB	APPROVED BY: DHO
FIELD WORK BY: DB	DATE OF SURVEY: 7-19-13
DATE OF DWG: 8-5-13	PROJECT NO. 1BR00901

8/22/2013 3:01 PM

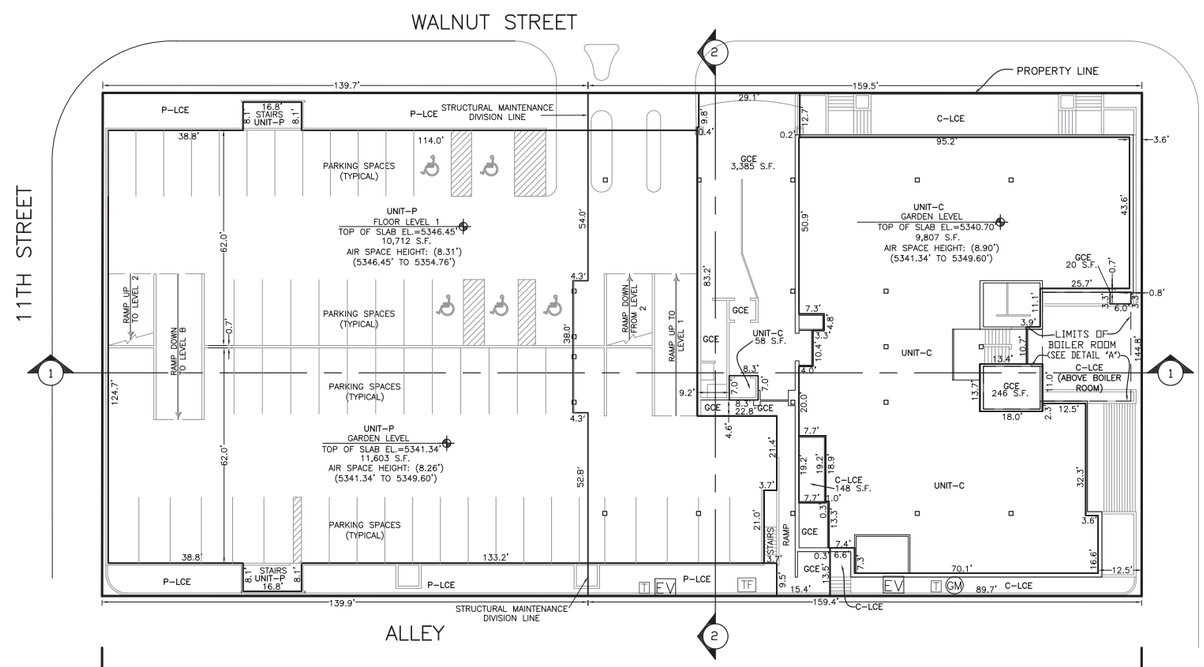
P:\PROJECTS\1BR00901\DWG\P2-SITE PLAN.DWG

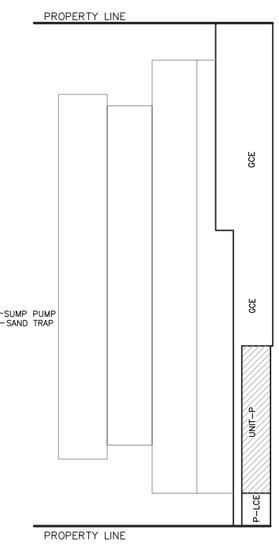
Attachment C Proposed Condominium Map

CONDOMINIUM MAP
FOR
RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS

LOCATED IN THE SOUTHWEST 1/4, OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6th PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

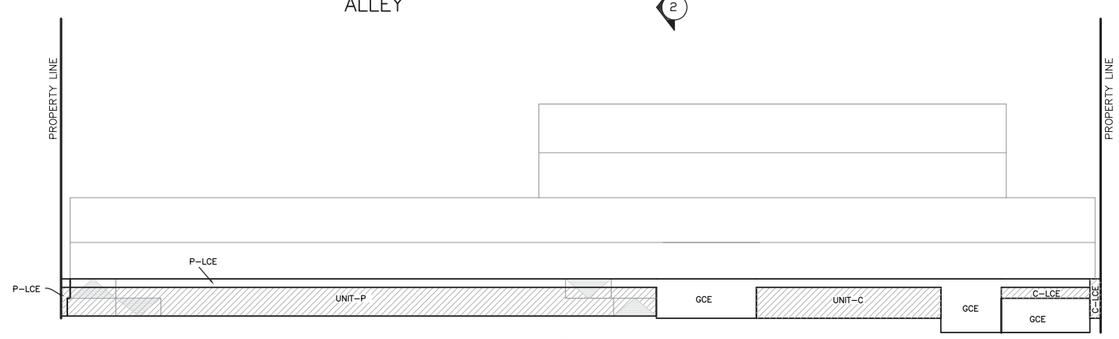
FLOOR LEVEL B & 1





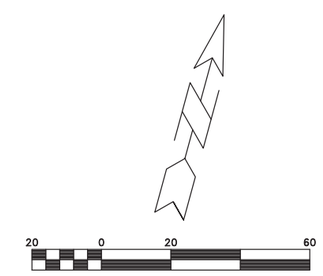
DETAIL "A"
BOILER ROOM
BOILER ROOM
TOP OF SLAB EL.=5336.60'

SECTION 2-2
FLOOR LEVEL GARDEN & 1



SECTION 1-1
FLOOR LEVEL GARDEN LEVEL & 1

LEGEND
UNIT DESIGNATION
P= PARKING
C= COMMERCIAL
LCE= LIMITED COMMON ELEMENTS
GCE= GENERAL COMMON ELEMENTS



Scale 1" = 20 ft

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CONDOMINIUM MAP FOR: BROADWAY – WALNUT COMPANY, LLP

SHEET 3 OF 8

REVISIONS

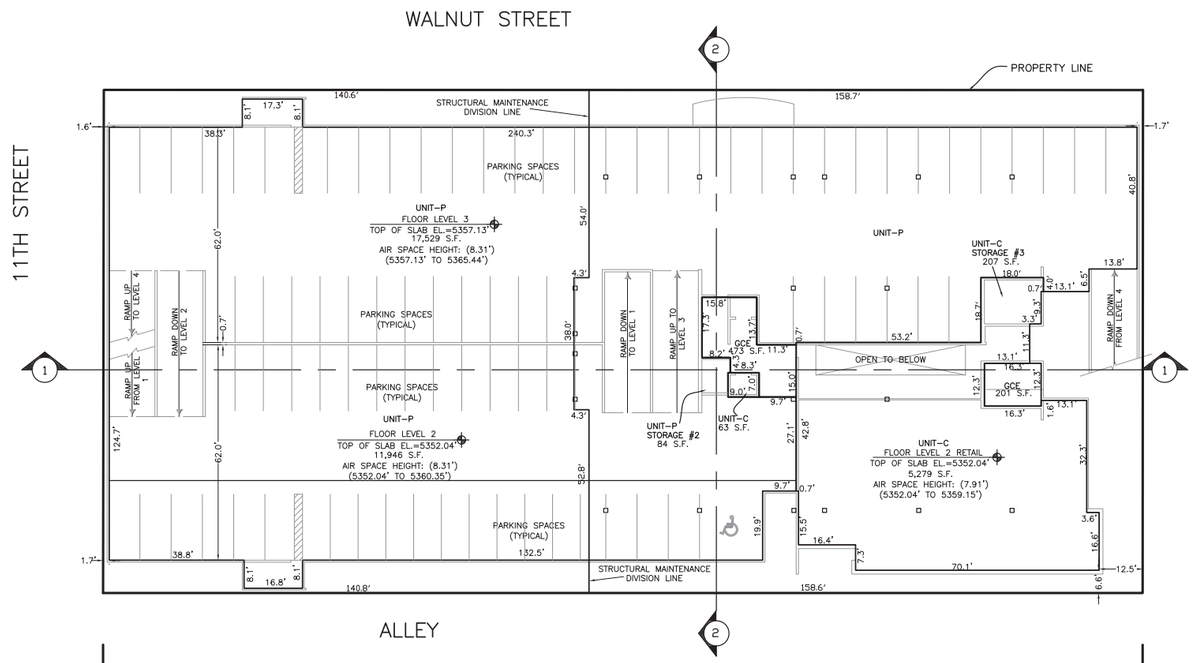
DRAWN BY: TJB	APPROVED BY: DHO
FIELD WORK BY: DP	DATE OF SURVEY: 7-19-13
DATE OF DWG: 8-8-13	PROJECT NO.: 1BR00901

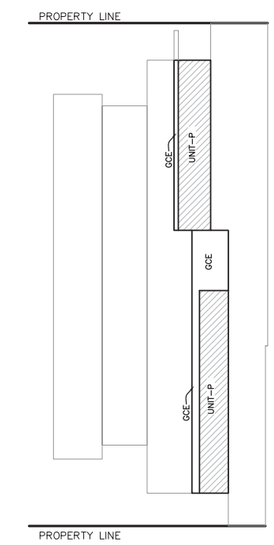
P:\PROJECTS\1BR00901\DWG\P3-B-1 FLOOR.DWG

CONDOMINIUM MAP
FOR
RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS

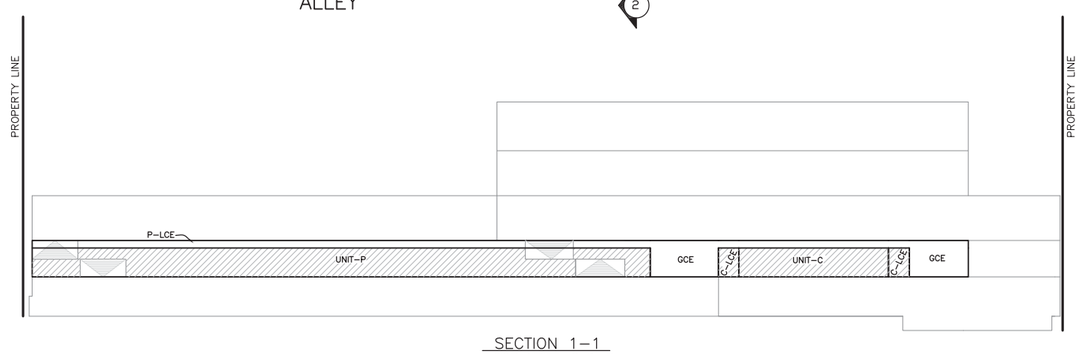
LOCATED IN THE SOUTHWEST 1/4, OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6th PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

FLOOR LEVEL 2 & 3



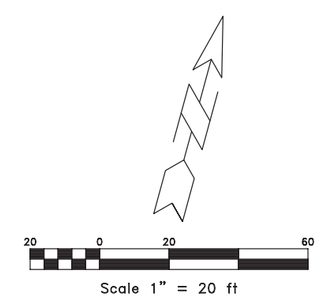


SECTION 2–2
FLOOR LEVEL 2 & 3



SECTION 1–1
FLOOR LEVEL 2 & 3

LEGEND
UNIT DESIGNATION
P= PARKING
C= COMMERCIAL
LCE= LIMITED COMMON ELEMENTS
GCE= GENERAL COMMON ELEMENTS



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CONDOMINIUM MAP FOR: BROADWAY – WALNUT COMPANY, LLP

SHEET 4 OF 8

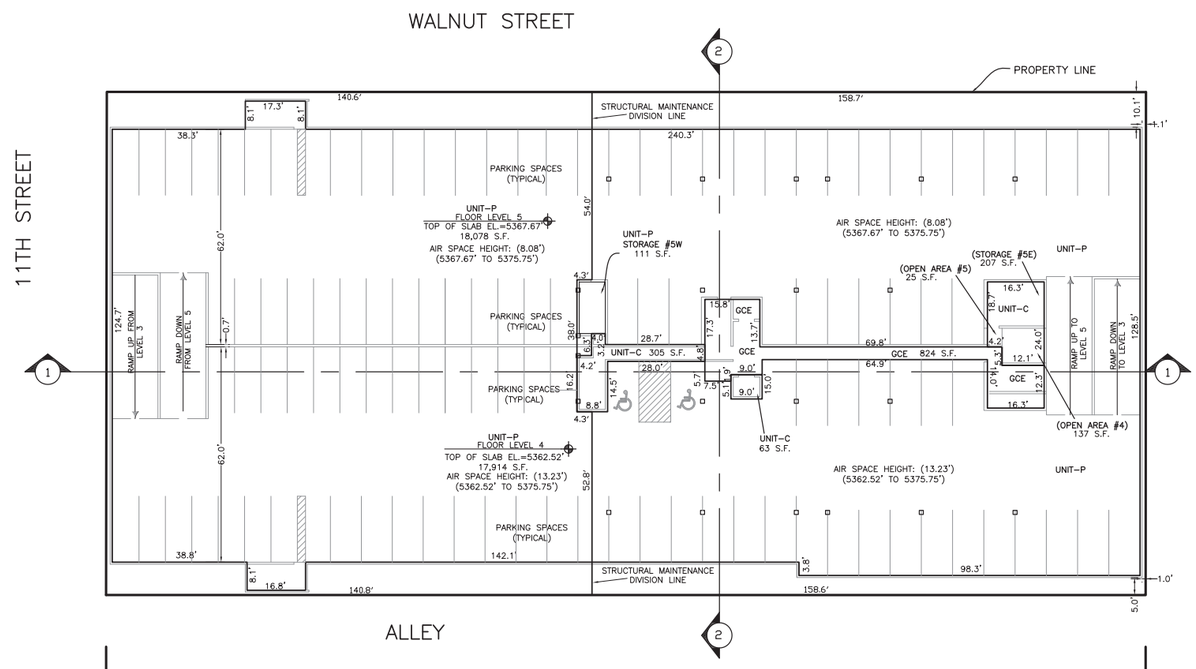
REVISIONS

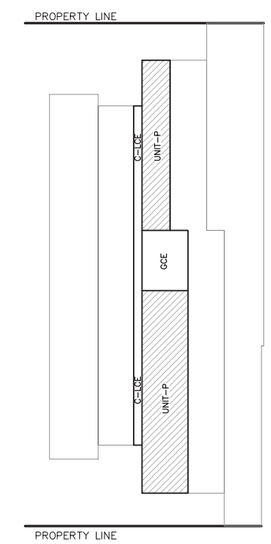
DRAWN BY: TJB	APPROVED BY: DHO
FIELD WORK BY: DP	DATE OF SURVEY: 7-19-13
DATE OF DWG: 8-8-13	PROJECT NO.: 1BR00901

CONDOMINIUM MAP
FOR
RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS

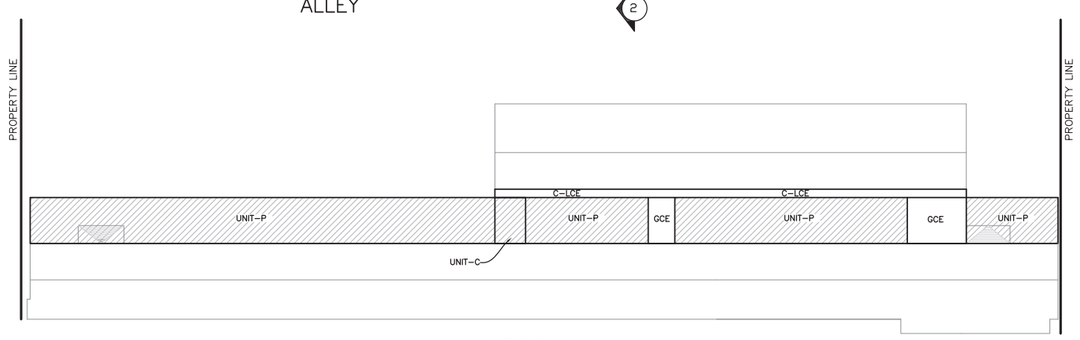
LOCATED IN THE SOUTHWEST 1/4, OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6th PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

FLOOR LEVEL 4 & 5

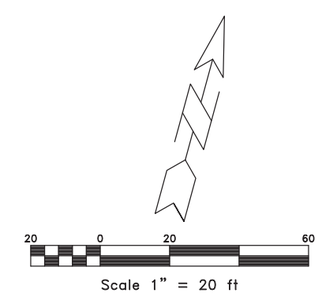




SECTION 2–2
FLOOR LEVEL 4 & 5



SECTION 1–1
FLOOR LEVEL 4 & 5



LEGEND
UNIT DESIGNATION
P= PARKING
C= COMMERCIAL
LCE= LIMITED COMMON ELEMENTS
GCE= GENERAL COMMON ELEMENTS

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SHEET 5 OF 8

REVISIONS

DRAWN BY: TJB	APPROVED BY: DHO
FIELD WORK BY: DP	DATE OF SURVEY: 7-19-13
DATE OF DWG: 8-5-13	PROJECT NO.: 1BR00901

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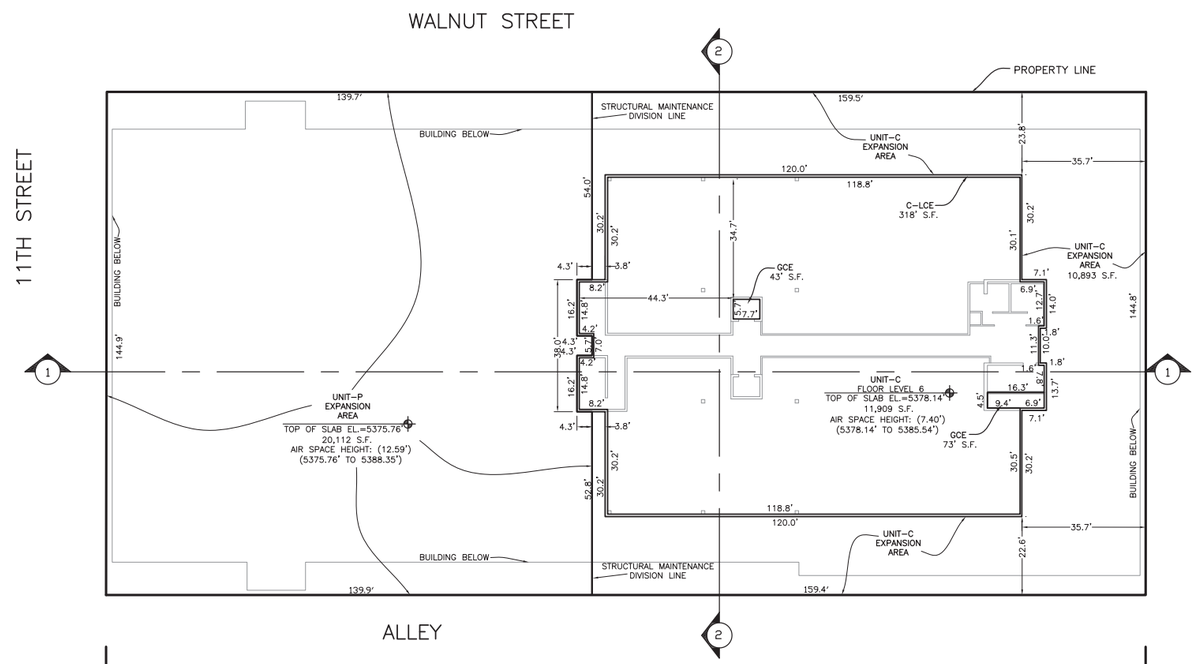
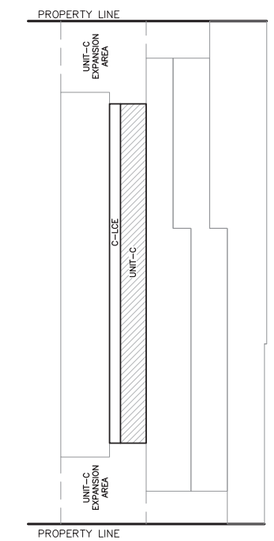
CONDOMINIUM MAP
FOR
RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS

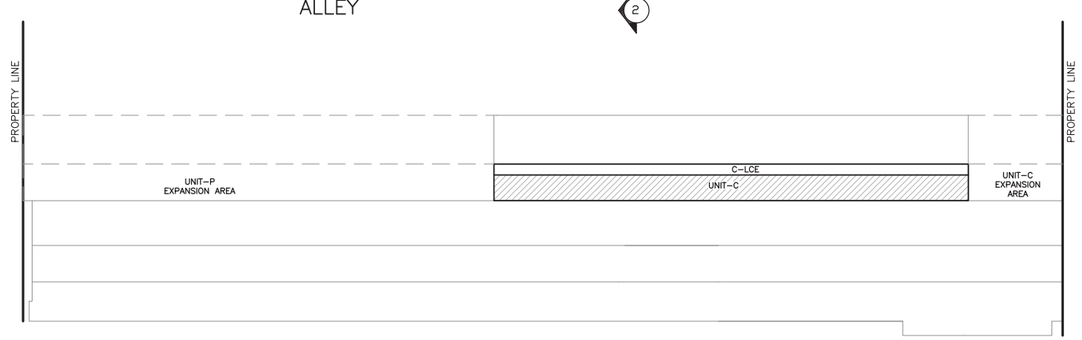
LOCATED IN THE SOUTHWEST 1/4, OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6th PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

FLOOR LEVEL 6

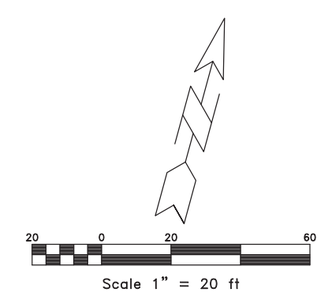




SECTION 2-2
FLOOR LEVEL 6



SECTION 1-1
FLOOR LEVEL 6



LEGEND
UNIT DESIGNATION
P= PARKING
C= COMMERCIAL
LCE= LIMITED COMMON ELEMENTS
GCE= GENERAL COMMON ELEMENTS

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CONDOMINIUM MAP FOR: BROADWAY – WALNUT COMPANY, LLP

SHEET 6 OF 8

REVISIONS

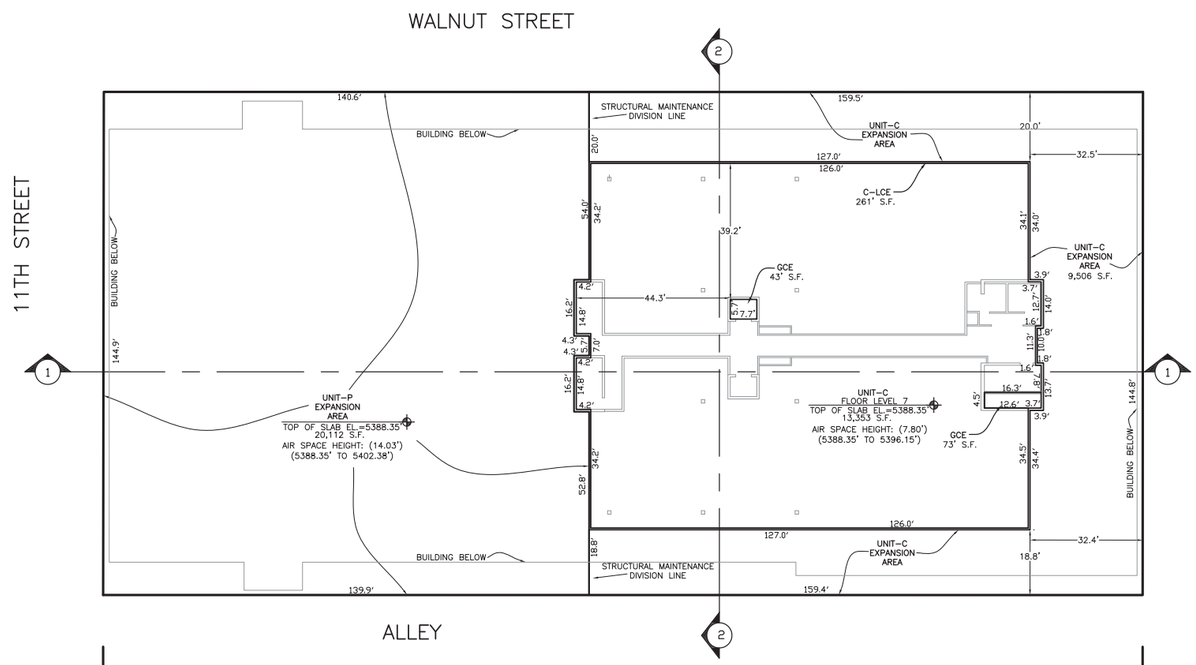
DRAWN BY: TJB	APPROVED BY: DHO
FIELD WORK BY: DP	DATE OF SURVEY: 7-19-13
DATE OF DWG: 8-6-13	PROJECT No. 1BR00901

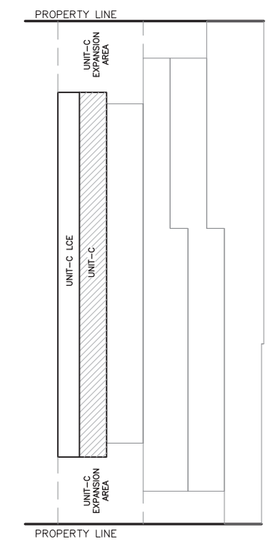
P:\PROJECTS\1BR00901\DWG\P6-6 FLOOR.DWG

CONDOMINIUM MAP
FOR
RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS

LOCATED IN THE SOUTHWEST 1/4, OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6th PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

FLOOR LEVEL 7





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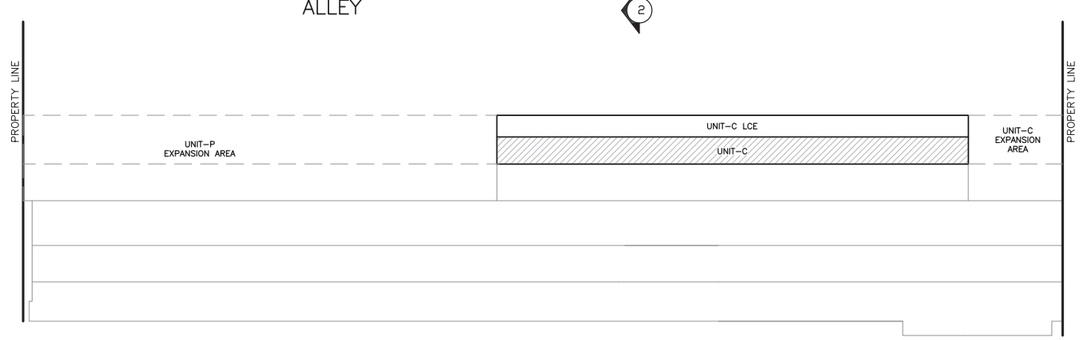

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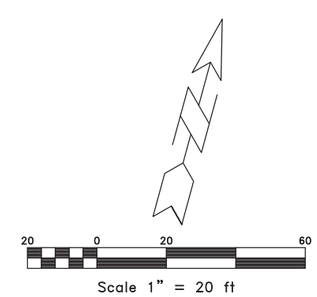

LEGEND
UNIT DESIGNATION
P= PARKING
C= COMMERCIAL
LCE= LIMITED COMMON ELEMENTS
GCE= GENERAL COMMON ELEMENTS

ACCURATE EngiSurv LLC
LAND PLANNERS · LAND ENGINEERS · LAND SURVEYORS
10155 WESTMOOR DRIVE, SUITE 120
WESTMINSTER, COLORADO 80021
(303)665-5505 FAX: (303)665-5160
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CONDOMINIUM MAP FOR: BROADWAY – WALNUT COMPANY, LLP

SHEET 7 OF 8

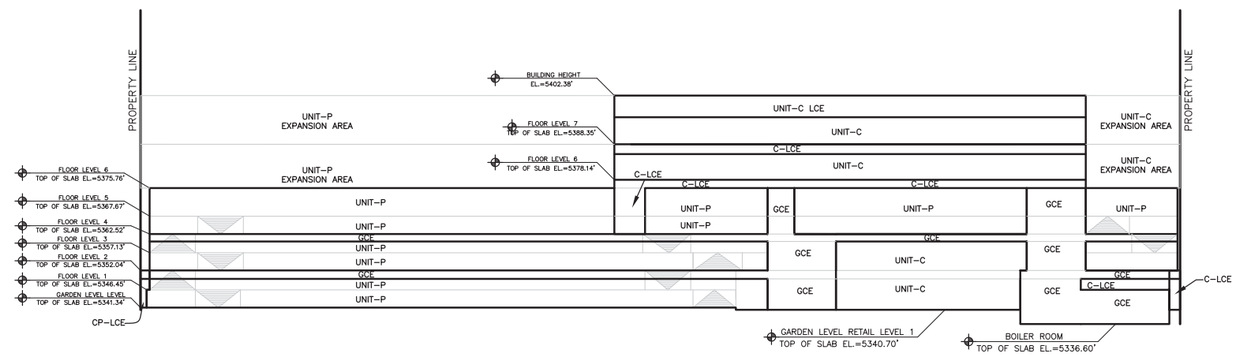
REVISIONS

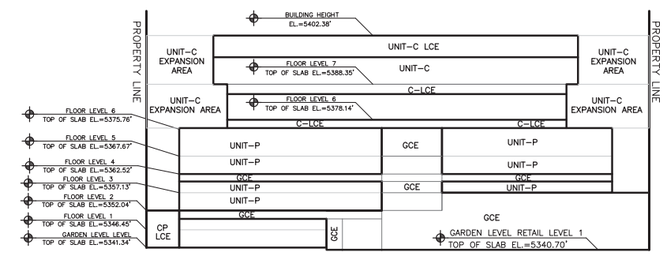
DRAWN BY: TJB	APPROVED BY: DHO
FIELD WORK BY: DP	DATE OF SURVEY: 7-19-13
DATE OF DWG: 8-6-13	PROJECT NO. 1BR00901

CONDOMINIUM MAP
FOR
RANDOLPH CENTER COMMERCIAL AND PARKING CONDOMINIUMS

LOCATED IN THE SOUTHWEST 1/4, OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6th PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SECTION 1 & 2





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Scale 1" = 20 ft

LEGEND
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SHEET 8 OF 8

REVISIONS

DRAWN BY: TJB	APPROVED BY: DHO
FIELD WORK BY: DP	DATE OF SURVEY: 7-19-13
DATE OF DWG: 8-5-13	PROJECT NO.: 1BR00901

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AMENDED AND RESTATED ARTICLES OF INCORPORATION OF RANDOLPH CENTER CONDOMINIUM ASSOCIATION, INC.

Pursuant to the provisions of the Colorado Revised Nonprofit Corporation Act (the "Act"), the undersigned corporation adopts the following amended and restated Articles of Incorporation. These articles correctly set forth the provisions of the Articles of Incorporation, as amended, and supersede the original Articles of Incorporation and all amendments thereto.

I. NAME

The name of this corporation shall be RANDOLPH CENTER CONDOMINIUM ASSOCIATION, INC. ("Association").

II. DURATION

The period of duration of the Association shall be perpetual.

III. PURPOSES

The Association shall exist (a) to provide for the operation, administration, use, and maintenance of certain common areas and other property (the "Condominium Community") more fully described under the Condominium Declaration of Randolph Center Office and Parking Condominiums recorded in the office of the Clerk and Recorder of Boulder County, Colorado, as amended or supplemented from time to time (the "Declaration"); (b) to preserve, protect, and enhance the values and amenities of such property; and (c) to promote the health, safety, and welfare of the members of the Association. Terms initially capitalized herein and not defined herein shall have the meanings ascribed to them in the Declaration.

IV. POWERS

The Association shall have all of the powers which a nonprofit corporation may exercise under the Act and the laws of the State of Colorado in effect from time to time.

V. REGISTERED OFFICE AND AGENT/PRINCIPAL OFFICE

The initial registered office in the State of Colorado of the Association shall be at 1942 Broadway, Suite 314, Boulder, CO 80302, and the initial registered agent of the Association upon whom process may be served is Paul N. Eklund at the same address. The registered office and registered agent may be changed, without amendment of these Articles of Incorporation, as provided by statute. The principal office of the Association shall be 1942 Broadway, Suite 314, Boulder, CO 80302. The mailing address of the registered office and registered agent shall be 1942 Broadway, Suite 314, Boulder, CO 80302.

VI. BOARD OF DIRECTORS

The affairs of the Association shall be managed by a Board of directors. The duties, qualifications, number and term of directors and the manner of their election, appointment and removal shall be as set forth in the Bylaws.

The number of the first Board of directors shall be four. The names and addresses of the persons who are to serve on the initial Board as directors are as follows:

Name	**Address**
_____	_____ _____
_____	_____ _____
_____	_____ _____
_____	_____ _____

VII. MEMBERS

Members. A "Member", as defined in the Bylaws, is the Person, or if more than one, all Persons collectively, who constitute the Owner of a Unit.

Memberships Appurtenant to Units. Each Membership shall be appurtenant to the fee simple title to a Unit. The Person or Persons who constitute the Owner of fee simple title to a Unit shall automatically be the holder of the Membership appurtenant to that Unit and the Membership shall automatically pass with fee simple title to the Unit. Notwithstanding the foregoing, each Owner shall be entitled to appoint two (2) members of the Board.

Voting Rights of Members. The Association shall have one (1) class of membership. There shall be a total of 100 votes in the Association. Each Owner of a Unit shall be entitled to one vote for each 100 square feet of Gross Floor Area included within a Unit, except that increments of less than 50 square feet of a Unit shall be rounded down to the closest full vote, and increments equal to or greater than 50 square feet of a Unit shall be rounded up to the closest full vote. For example, a Unit having 1,140 square feet shall be entitled to eleven votes and a Unit having 1,160 square feet shall be entitled to twelve votes.

VIII. PROXY VOTING

A Member shall be entitled to vote in person and may be authorized as provided in the Bylaws of the Association to vote by proxy on any matters on which such Members are entitled to vote.

IX. CUMULATIVE VOTING

Cumulative voting by Members in the election of Directors shall not be permitted.

X. BYLAWS

The Association shall have the power to make and alter Bylaws, not inconsistent with these Articles of Incorporation, the Declaration or the laws of the State of Colorado, for the administration and regulation of the affairs of the Association. The initial Bylaws of the Association shall be adopted by the Board of Directors. The power to alter, amend or repeal the Bylaws or adopt new Bylaws shall be vested in the Members.

XI. AMENDMENT OF ARTICLES

The Association may amend these Articles of Incorporation from time to time in accordance with the Act by vote of the Members, but only so long as the Articles of Incorporation as amended contain such provisions as are lawful under the Act and are not contrary to or inconsistent with any provision of the Declaration. In the event of a conflict between the terms and provisions of these Articles and the terms and provisions of the Declaration, the terms and provisions of the Declaration shall govern and control. In the event of a conflict between the terms and provisions of these Articles and the terms and provisions of the Bylaws adopted by the Association, the terms and provisions of the Articles shall govern and control.

XII. DISSOLUTION

Upon dissolution, unless the Owners otherwise agree in the termination agreement all improvements on the property shall be demolished (the cost of demolition of each Unit (and any Limited Common Elements appurtenant thereto) shall be borne by such Unit Owner and the cost of demolition of the General Common Elements shall be borne by the Owners in accordance with their respective General Pro Rata Shares), the land shall be restored to its condition prior to the construction of the improvements on the Property, and title to the Broadway Property shall revert to the Owner of Unit BW and title to the CAGID Property shall revert to the Owner of Unit CP.

XIII. LIMITATION OF LIABILITY

The Association, Directors, Officers, Declarant (as defined in the Declaration), and any Member, agent or employee of any of the same, shall not be liable to any person for any action taken or for any failure to act if the action taken or failure to act was not a breach of the duty of loyalty, was done in good faith, and did not result in an improper personal benefit to the party taking such action or failing to act.

XIV. FILING

The (a) name or names, and (b) mailing address or addresses, of the individual who causes this document to be delivered for filing, and to whom the Secretary of State may deliver notice if filing of this document is refused, is: Paul N. Eklund, 1942 Broadway, Suite 314, Boulder, CO 80302.

* * * * *

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BYLAWS

OF

RANDOLPH CENTER CONDOMINIUM ASSOCIATION, INC.

BYLAWS
OF
RANDOLPH CENTER CONDOMINIUM ASSOCIATION, INC.

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BYLAWS
OF
RANDOLPH CENTER CONDOMINIUM ASSOCIATION, INC.

1 GENERAL

1.1 Purpose of Bylaws. These Bylaws are adopted for the regulation and management of the affairs of RANDOLPH CENTER CONDOMINIUM ASSOCIATION, INC. ("Association"). The Association has been organized as a Colorado corporation under the Colorado Revised Nonprofit Corporation Act to act as the Association under the Condominium Declaration of Randolph Center Commercial and Parking Condominiums ("Declaration"). The Declaration has been or will be executed by Broadway-Walnut Company, LLP, a Colorado limited liability partnership and the Central Area General Improvement District, a general improvement district formed pursuant to Chapter 8-4, Boulder Revised Code and the laws of the State of Colorado. The Declaration relates to real property in Boulder County, Colorado, which becomes subject to the Declaration ("Common Interest Community").

1.2 Terms Defined in the Declaration. Terms used in these Bylaws which are defined in the Declaration shall have the same meaning and definition as in the Declaration.

1.3 Controlling Laws and Instruments. These Bylaws are controlled by and shall always be consistent with the provisions of the Colorado Nonprofit Corporation Act, the Colorado Common Interest Ownership Act, the Declaration and the Articles of Incorporation of the Association filed with the Secretary of State of Colorado, as any of the foregoing may be amended from time to time.

2 OFFICES

2.1 Principal Office. The Board of Directors, in its discretion, may fix and may change, from time to time, the location of the principal office of the Association provided that, until such time as suitable quarters can reasonably be obtained within the Common Interest Community, the principal office of the corporation shall be located at 1942 Broadway, Suite 314, Boulder, CO 80302.

2.2 Registered Office and Agent. The Colorado Revised Nonprofit Corporation Act requires that the Association have and continuously maintain in the State of Colorado a registered office and a registered agent whose business office is identical with such registered office. The registered office need not be the same as the principal office of the Association. The initial registered office and the initial registered agent are specified in the Articles of Incorporation of the Association but may be changed by the Association at any time, without amendment to the Articles of Incorporation, by filing a statement as specified by law in the Office of the Secretary of State of Colorado.

3 MEMBERS

3.1 Members. A "Member" is a Person, or if more than one, all Persons collectively, who constitute the Owner of a Unit.

3.2 Memberships Appurtenant to Units. Each Membership shall be appurtenant to the fee simple title to a Unit. The Person or Persons who constitute the Owner of fee simple title to a Unit shall automatically be the holder of the Membership appurtenant to that Unit and the Membership shall automatically pass with fee simple title to the Unit.

3.3 Voting Rights of Members. Each Membership shall be appurtenant to the fee simple title to a Unit. The Person or Persons who constitute the Owner of fee simple title to a Unit shall automatically be the holder of the Membership appurtenant to that Unit and the Membership shall automatically pass with fee simple title to the Unit. Notwithstanding the foregoing, each Owner shall be entitled to appoint two (2) members of the Board.

3.4 Voting by Joint Owners. If there is more than one person who constitutes the Owner of a Unit, each such Person shall be entitled to attend any meeting of Members, but the voting power attributable to the Unit shall not be increased. In all cases in which more than one Person constitutes the Owner of a Unit, including instances in which a Unit is owned by a husband and wife, then, unless written notice to the contrary, signed by any one of such Persons, is given to the Board of Directors of the Association prior to the meeting, only one such Person shall be entitled to cast, in person or by proxy, the vote attributable to the Unit. If, however, more than one Person constituting such Owner attends a meeting in person or by proxy, then such Persons shall designate one Person to vote on behalf of such Owner, and the vote of such person shall be the vote attributable to such Unit.

3.5 Resolution of Voting Disputes. In the event of any dispute as to the entitlement of any Member to vote or as to the results of any vote of Members:

(a) **Negotiation**. Before resorting to any formal dispute resolution process concerning any dispute arising from or in any way relating to these Bylaws, the Members and the Board will attempt to engage in good faith negotiations in an effort to find a solution that serves their respective and mutual interests. The Members and the Board agree to participate directly in the negotiations when requested. Unless otherwise agreed in writing, the Members and the Board shall have five (5) business days from the date the questioning party requests such negotiations and fifteen (15) business days from the request to complete these negotiations.

(b) **Mediation**. If the negotiations do not take place within the time provided in (a) above, or do not conclude with a mutually agreed upon solution within that time frame, the Members and the Board agree to mediate any dispute. If the Members and the Board cannot agree upon a mediator, each shall select one name from a list of mediators maintained by any bona fide dispute resolution provider or other private mediator; the two selected shall then choose a third person who will serve as mediator. The Members and the Board agree to participate in the mediation process, including being present throughout the mediation session(s). The Members and the Board shall have forty-five (45) calendar days within which to commence the first mediation session following the conclusion of their good faith negotiations described in paragraph (a) above.

(c) **Limitations**. The mediator shall have no authority or jurisdiction to determine matters relating to the entitlement of Declarant to vote or relating to the manner of exercise by Declarant of its voting rights. No dispute as to the entitlement of any Member to vote shall postpone or delay any vote for which a meeting of Members has been duly called pursuant to the provisions of these Bylaws and a quorum is present.

3.6 Suspension of Voting Rights. The Board of Directors may suspend, after Notice and Hearing, the voting rights of a Member during any period of breach by such Member of any provision of the Declaration or of any Rule or Regulation adopted by the Association including, but not limited to, the failure to pay any assessment pursuant to the Declaration, and for a period of up to ten (10) days following the cure of any such breach by such Member; provided, however, such Notice and Hearing shall not be required where a Member has failed to pay any assessment levied in accordance with the provisions of the Declaration.

3.7 Determination of Member Voting Percentage. Notwithstanding anything to the contrary contained herein, only Members whose voting rights are in good standing (e.g., voting rights which have not been suspended as provided herein) shall be entitled to vote on Association matters. In accordance therewith, any and all provisions contained herein requiring the approval of a requisite percentage of Members of the Association shall be deemed satisfied when the requisite percentage of Members entitled to vote has been met.

3.8 Transfer of Memberships on Association Books. Transfers of Memberships shall be made on the books of the Association only upon presentation of evidence, satisfactory to the Association, of the transfer of ownership of the Unit to which the Membership is appurtenant. Prior to presentation of such evidence, the Association may treat the previous owner of the Membership as the owner of the Membership entitled to all rights in connection therewith, including the rights to vote and to receive notice.

3.9 Assignment of Voting Rights to Tenants and Mortgagees. A Member may assign his right to vote to a tenant occupying his Unit or to a Mortgagee of his Unit for the term of the lease or the Mortgage and any sale, transfer or conveyance of the Unit shall, unless otherwise provided in the document of sale, transfer or conveyance, be subject to any such assignment of voting rights to any tenant or Mortgagee. Any such assignment of voting rights and any revocation or termination of any assignment of voting rights shall be in writing and shall be filed with the Secretary of the Association.

4 MEETINGS OF MEMBERS

4.1 Place of Members' Meetings. Meetings of Members shall be held at the principal office of the Association or at such other place, within or convenient to the Common Interest Community, as may be fixed by the directors of the Board (each, a "Director" and collectively, the "Board of Directors") and specified in the notice of the meeting.

4.2 Annual Meetings of Members. Annual meetings of the Members shall be held in _____of each year beginning in 2012, on such day and at such time of day as is fixed by the Board of Directors and specified in the notice of meeting. The annual meetings shall be held to transact such business as may properly come before the meeting.

4.3 Special Meetings of Members. Special meetings of the Members may be called by the Board of Directors of the Association, the president of the Association or by Members holding not less than twenty percent (20%) of the total votes of all Members entitled to vote, excluding votes of Declarant, or by Members holding not less than twenty percent (20%) of the total votes of all Members entitled to vote, including votes of Declarant. No business shall be transacted at a special meeting of Members except as indicated in the notice thereof.

4.4 Record Date. For the purpose of determining Members entitled to notice of, or to vote at, any meeting of Members or in order to make a determination of such Members for any other proper purpose, the Board of Directors of the Association may fix, in advance, a date as the record date for any such determination of Members. The record date shall be not more than fifty (50) days prior to the meeting of Members or the event requiring a determination of Members.

4.5 Notice of Members' Meetings. Written notice stating the place, day and hour or any meeting shall be delivered not less than ten (10) nor more than fifty (50) days before the date of the meeting, either personally or by mail, by or at the direction of the President or the Secretary of the Association or the officers or persons calling the meeting, to each Member entitled to vote at such meeting. The notice of an annual meeting shall identify any matter which it is known may come before the meeting including, but not limited to, the general nature of any proposed amendment to the Declaration or Bylaws, any Budget changes,

and any proposal to remove an officer or member of the Board of Directors. The notice of a special meeting shall state the purpose or purposes for which the meeting is called. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the Member at his address as it appears on the records of the Association, with postage thereon prepaid. To the extent feasible and practicable, such notice shall be posted in a conspicuous place in the Project, such as on a notice board outside the principal office of the Association. If electronic means are available to the Association, the Association shall provide notice of regular and special meetings by electronic mail to all Owners who so request and furnish the Association with their electronic mail address. Electronic notice of special meetings shall be provided as soon as possible, but at least twenty-four (24) hours prior to the special meeting.

4.6 Proxies. A Member entitled to vote may vote in person or by proxy executed in writing by the Member or his duly authorized attorney-in-fact and filed with the Chairman of the meeting prior to the time the proxy is exercised. Any proxy may be revocable by attendance of a Member in person at a meeting or by revocation in writing filed with the Chairman of the meeting prior to the time the proxy is exercised. A proxy shall automatically cease upon the conveyance by a Member of the Unit of the Member and the transfer of the Membership on the books of the Association. No proxy shall be valid: (a) sixty (60) days after the date of its execution unless otherwise provided in the proxy; and in any event, for no more than eleven (11) months after the date of its execution; (b) unless the signatures of the Members providing the proxy are notarized; (c) unless the proxy contains the signature of all Members entitled to vote such interest; and (d) unless the proxy states the specific purpose and the specific meeting for which it was granted. Any form of proxy furnished or solicited by the Association and any form of written ballot furnished by the Association shall afford an opportunity thereon for Members to specify a choice between approval and disapproval of each matter or group of related matters which is known at the time the form of proxy or written ballot is prepared, may come before the meeting and shall provide, subject to reasonably specified conditions, that if a Member specifies a choice with respect to any such matter, the vote shall be cast in accordance therewith.

4.7 Quorum at Members' Meetings. Except as may be otherwise provided in the Declaration, the Articles of Incorporation or these Bylaws, and except as hereinafter provided with respect to the calling of another meeting, the presence, in person or by proxy, of Members entitled to cast at least twenty percent (20%) of the votes of all Members entitled to vote shall constitute a quorum at any meeting of such Members. Members present in person or by proxy at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of Members so as to leave less than a quorum. If the required quorum is not present in person or by proxy at any such meeting of Members, another meeting may be called, subject to the notice requirements hereinabove specified, and the presence, in person or by proxy, of Members entitled to cast at least ten percent (10%) of the votes of all Members, shall, except as may be otherwise provided in the Declaration, the Articles of Incorporation or these Bylaws, constitute a quorum at such meeting.

4.8 Adjournments of Members' Meetings. Members present in person or by proxy at any meeting may adjourn the meeting from time to time, whether or not a quorum shall be present in person or by proxy, without notice other than announcement at the meeting, for a total period or periods of not to exceed thirty (30) days after the date set for the original meeting. At any adjourned meeting which is held without notice other than announcement at the meeting, the quorum requirement shall not be reduced or changed, but if the originally required quorum is present in person or by proxy, any business may be transacted which might have been transacted at the meeting as originally called.

4.9 Vote Required at Members' Meetings. At any meeting, if a quorum is present, a majority of the votes present in person or by proxy and entitled to be cast on a matter shall be necessary for the adoption of the matter, unless a greater proportion is required by law, the Declaration, the Articles of Incorporation or these Bylaws.

4.10 Order of Business. The order of business at any meeting of Members shall be as follows: (a) roll call to determine the voting power represented at the meeting; (b) proof of notice of meeting or waiver of notice; (c) reading of minutes of preceding meeting; and (d) the conducting of the business for which the meeting was called.

4.11 Chairman of Meetings. At any meeting, the Members present shall select a Chairman and Secretary of the meeting.

4.12 Expenses of Meetings. The Association shall bear the expenses of all annual meetings of Members and of special meetings of Members.

4.13 Waiver of Notice. A waiver of notice of any meeting of Members, signed by a Member, whether before or after the meeting, shall be equivalent to the giving of notice of the meeting to such Member. Attendance of a Member at a meeting, either in person or by proxy, shall constitute waiver of notice of such meeting except when the Member attends for the express purpose of objecting to the transaction of business because the meeting is not lawfully called or convened.

4.14 Action of Members Without a Meeting. Any action required to be taken or which may be taken at a meeting of Members may be taken without a meeting if a consent, in writing, setting forth the action so taken, shall be signed by all of the Members entitled to vote with respect to the subject matter thereof.

5 BOARD OF DIRECTORS

5.1 General Powers and Duties of Board. The Board of Directors shall have the duty to manage and supervise the affairs of the Association and shall have all powers necessary or desirable to permit it to do so. Without limiting the generality of the foregoing, the Board of Directors shall have the power to exercise or cause to be exercised for the Association, all of the powers, rights and authority of the Association, not reserved to Members, and provided in the Declaration, the Articles of Incorporation, these Bylaws, the Colorado Revised Nonprofit Corporation Act or the Colorado Common Interest Ownership Act, as the same may be amended from time to time.

5.2 Special Powers and Duties of Board. Without limiting the foregoing statement or general powers and duties of the Board of Directors or the powers and duties of the Board of Directors as set forth in the Declaration, and subject to any limitations in the Declaration, the Board of Directors of the Association shall be vested with and responsible for the following specific powers and duties:

(a) Assessments. The duty to fix and levy from time to time as it deems necessary Common Assessments, Special Assessments, and Reimbursement Assessments upon the Members of the Association as provided in the Declaration; to determine and fix the due date for the payment of such Assessments and the date upon which the same shall become delinquent; and to enforce the payment of such delinquent assessments as provided in the Declaration.

(b) Taxes. The duty to pay all taxes and assessments, if any, levied upon the General Common Elements and all taxes and assessments payable by the Association. The Board of Directors shall also have the power to contest any such taxes or assessments in accordance with the provisions contained in the Declaration.

(c) Insurance. The duty to contract and pay premiums for fire and casualty and blanket liability and other insurance in accordance with the provisions of the Declaration.

(d) Agents and Employees. The power to select, appoint, and remove all officers, agents, and employees of the Association and to prescribe such powers and duties for them as may be consistent with law, with the Articles of Incorporation, the Declaration and these Bylaws; and to fix their compensation and to require from them security for faithful service as deemed advisable by the Board.

(e) Borrowing. The power, with the approval of Members representing at least eighty percent (80%) of the voting power of the Association (exclusive of the voting power of the Declarant and those Members not entitled to cast votes), to borrow money and to incur indebtedness for the purposes of the Association, and to cause to be executed and delivered therefor, in the Association's name, promissory notes, bonds, debentures, mortgages, pledges, hypothecations or other evidences of debt and securities therefor.

(f) Enforcement. The power to enforce the provisions of the Declaration, the Rules and Regulations, these Bylaws or other agreements of the Association.

(g) Delegation of Powers. The power to delegate its powers according to law.

(h) Easements. The power to grant easements where necessary for utilities and other facilities over the General Common Elements to serve the Common Interest Community as set forth in the Declaration and to grant and convey such other easements as the Board of Directors deems prudent including, but not limited to, easements which benefit property located outside the Common Interest Community.

(i) Rules and Regulations. The power to adopt such Rules and Regulations as the Board may deem necessary for the management of the Common Interest Community. Such Rules and Regulations may concern, without limitation, signs, parking restrictions, collection and disposal of refuse, minimum standards of property maintenance consistent with the Declaration, and any other matters within the jurisdiction of the Association as provided in the Declaration; provided, however, that such Rules and Regulations shall be enforceable only to the extent that they are consistent with the Declaration, the Articles and these Bylaws.

5.3 Qualifications of Directors. A Director may be any natural person that is an Owner or Representative of a Unit within the Common Interest Community; provided, however, that each Owner shall be entitled to appoint two (2) Directors. A Director may be reelected and there shall be no limit on the number of terms a Director may serve.

5.4 Number of Directors. The initial number of Directors of the Association shall be four (4). The number of Directors may be increased in accordance with these Bylaws provided that the number of Directors shall not be less than two and no decrease in number shall have the effect of shortening the term of any incumbent director. The number of Directors may be increased from time to time by a vote of the majority of the Board of Directors or as expressly provided herein.

5.5 Appointment, Election and Term of Office. Notwithstanding any other provision contained herein, each Owner shall be entitled to appoint two (2) Directors. The term for each Director shall be the later of one (1) year or the date upon which the successor to such member is elected. The members of the Board shall take office upon election.

5.6 Removal of Directors. Except as set forth in Section 5.5, at any meeting of Members, the notice of which indicates such purpose, any Director may be removed, with or without cause, by vote of at

least seventy-five percent (75%) of the votes in the Association that are present and entitled to vote at a meeting at which a quorum is present and a successor may be then and there elected to fill the vacancy thus created.

5.7 Resignation of Directors. Any Director may resign at any time by giving written notice to the President, to the Secretary or to the Board of Directors stating the effective date of such resignation. Acceptance of such resignation shall not be necessary to make the resignation effective.

5.8 Vacancies in Directors. Any vacancy occurring in the Board of Directors shall, unless filled in accordance with Sections 5.5 and 5.6 or by election at a special meeting of Members, be filled by the affirmative vote of a majority of the remaining Directors, though less than a quorum of the Board of Directors may be present. Any Director elected or appointed to fill a vacancy shall be elected or appointed for the unexpired term of his predecessor in office. Except as provided herein, a Directorship to be filled by reason of an increase in the number of Directors shall be filled only by vote of the Members.

5.9 Executive Committee. The Board of Directors, by resolution adopted by a majority of the Directors in office, may designate and appoint an Executive Committee, which shall consist of three (3) or more Directors and which, unless otherwise provided in such resolution, shall have and exercise all the authority of the Board of Directors except authority with respect to the matters specified in the Colorado Revised Nonprofit Corporation Act and the Colorado Common Interest Ownership Act as matters which such committee may not have and exercise the authority of the Board of Directors.

5.10 Other Committees of Association. The Board of Directors, by resolution adopted by a majority of the Directors in office, may designate and appoint one or more other committees, which may consist of or include Members who are not Directors. Any such committee shall have and exercise such authority as shall be specified in the resolution creating such Committee except such authority as can only be exercised by the Board of Directors.

5.11 General Provisions Applicable to Committees. The designation and appointment of any committee and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed upon it or him by law. The provisions of these Bylaws with respect to notice of meeting, waiver of notice, quorums, adjournments, vote required and action by consent applicable to meetings of Directors shall be applicable to meetings of committees of the Board of Directors.

6 MEETINGS OF DIRECTORS

6.1 Place of Directors' Meetings. Meetings of the Board of Directors shall be held at the principal office of the Association or at such other place, within or convenient to the Common Interest Community, as may be fixed by the Board of Directors and specified in the notice of the meeting.

6.2 Annual Meeting of Directors. Annual meetings of the Board of Directors shall be held on the same date as, or within ten (10) days following, the annual meeting of Members. The business to be conducted at the annual meeting of Directors shall consist of the appointment of officers of the Association and the transaction of such other business as may properly come before the meeting. No prior notice of the annual meeting of the Board of Directors shall be necessary if the meeting is held on the same day and at the same place as the annual meeting of Members at which the Board of Directors is elected or if the time and place of the annual meeting of the Board of Directors is announced at the annual meeting of such Members.

6.3 Other Regular Meetings of Directors. The Board of Directors shall hold regular meetings at least quarterly and may, by resolution, establish in advance the times and places for such regular meetings. No prior notice of any regular meetings need be given after establishment of the times and places thereof by such resolution.

6.4 Special Meetings of Directors. Special meetings of the Board of Directors may be called by the President or any two members of the Board of Directors.

6.5 Notice of Directors' Meetings. In the case of all meetings of Directors for which notice is required, notice stating the place, day and hour of the meeting shall be delivered not less than three (3) nor more than fifty (50) days before the date of the meeting, by mail, telegraph, telephone or personally, by or at the direction of the persons calling the meeting, to each member of the Board of Directors. If mailed, such notice shall be deemed to be delivered at 5:00 p.m. on the second business day after it is deposited in the mail addressed to the Director at his home or business address as either appears on the records of the Association, with postage thereon prepaid. If telegraphed, such notice shall be deemed delivered at 5:00 p.m. on the next calendar day after it is deposited in a telegraph office addressed to the Director at either such address, with all charges thereon prepaid. If by telephone, such notice shall be deemed to be delivered when given by telephone to the Director or to any person answering the phone who sounds competent and mature at this home or business phone number as either appears on the records of the Association. If given personally, such notice shall be deemed to be delivered upon delivery of a copy of a written notice to, or upon verbally advising, the Director or some person who appears competent and mature at his home or business address as either appears on the records of the Association. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Directors need be specified in the notice or waiver of such meeting.

6.6 Proxies. A Director shall not be entitled to vote by proxy at any meeting of Directors.

6.7 Quorum of Directors. A majority of the number of Directors fixed in these Bylaws shall constitute a quorum for the transaction of business.

6.8 Adjournment of Director's Meetings. Directors present at any meeting of Directors may adjourn the meeting from time to time, whether or not a quorum shall be present, without notice other than an announcement at the meeting, for a total period or periods not to exceed thirty (30) days after the date set for the original meeting. At any adjourned meeting which is held without notice other than announcement at the meeting, the quorum requirement shall not be reduced or changed, but if the originally required quorum is present, any business may be transacted which may have been transacted at the meeting as originally called.

6.9 Vote Required at Directors' Meeting. At any meeting of Directors, if a quorum is present, a majority of the votes present in person and entitled to be cast in a matter shall be necessary for the adoption of the matter, unless a greater proportion is required by law, the Declaration, the Articles of Incorporation or these Bylaws.

6.10 Order of Business. The order of business at all meetings or Directors shall be as follows: (a) roll call; (b) proof of notice of meeting or waiver of notice; (c) reading of minutes of preceding meeting; (d) reports of officers; (e) reports of committees; (f) unfinished business; and (g) new business.

6.11 Officers at Meetings. The President shall act as chairman and the Board of Directors shall elect a Director to act as secretary at all meetings of Directors.

6.12 Waiver of Notice. A waiver of notice of any meeting of the Board of Directors, signed by a Director, whether before or after the meeting, shall be equivalent to the giving of notice of the meeting to such Director. Attendance of a Director at a meeting in person shall constitute waiver of notice of such meeting except when the Director attends for the express purpose of objecting to the transaction of business because the meeting is not lawfully called or convened.

6.13 Action of Directors Without a Meeting. Subject to Declarant's right to disapprove actions in Section 5.6 hereof, any action required to be taken or which may be taken at a meeting of Directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the Directors.

7 OFFICERS

7.1 Officers, Employees and Agents. The officers of the Association shall consist of a President, one or more Vice Presidents, a Secretary, a Treasurer and such other officers, assistant officers, employees and agents as may be deemed necessary by the Board of Directors. Officers need not be Directors. No person shall simultaneously hold more than one office except the offices of Secretary and Treasurer.

7.2 Appointment and Term of Office of Officers. The officers shall be elected by the Board of Directors at the annual meeting of the Board of Directors and shall hold office, subject to the pleasure of the Board of Directors until the annual meeting of the Board of Directors or until their successors are appointed, whichever is later, unless the officer resigns, or is earlier removed.

7.3 Removal of Officers. Any officer, employee or agent may be removed by the Board of Directors, with or without cause, whenever in the Board's judgment the best interests of the Association will be served thereby. The removal of an officer, employee or agent shall be without prejudice to the contract rights, if any, of the officer, employee or agent so removed. Election or appointment of an officer, employee or agent shall not of itself create contract rights.

7.4 Resignation of Officers. Any officer may resign at any time by giving written notice to the President, to the Secretary or to the Board of Directors of the Association stating the effective date of such resignation. Acceptance of such resignation shall not be necessary to make the resignation effective.

7.5 Vacancies in Officers. Any vacancy occurring in any position as an officer may be filled by the Board of Directors. An Officer appointed to fill a vacancy shall be appointed for the unexpired term of his predecessor in office.

7.6 President. The President shall be the principal executive officer of the Association and, subject to the control of the Board of Directors, shall direct, supervise, coordinate and have general control over the affairs of the Association, and shall have the powers generally attributable to the chief executive officer of a corporation. The President shall preside at all meetings of the Board of Directors and of Members of the Association. The President may cause to be prepared and may execute amendments, attested by the Secretary, to the Declaration and these Bylaws on behalf of the Association, following authorization or approval of the particular amendment as applicable.

7.7 Vice President. The Vice President may act in place of the President in case of his death, absence or inability to act, and shall perform such other duties and have such authority as is from time to time delegated by the Board of Directors or by the President.

7.8 Secretary. The Secretary shall be the custodian of the records and the seal of the Association and shall affix the seal to all documents requiring the same; shall see that all notices are duly given in accordance with the provisions of these Bylaws and as required by law and that the books, reports and other documents and records of the Association are properly kept and filed; shall take or cause to be taken and shall keep minutes of the meetings of Members, of the Board of Directors and of committees of the Board; shall keep at the principal office of the Association a record of the names and addresses of the Members; and, in general, shall perform all duties incident to the office of Secretary and such other duties as may, from time to time, be assigned to him by the Board of Directors or by the President. The Board may appoint one or more Assistant Secretaries who may act in place of the Secretary in case of his death, absence or inability to act.

7.9 Treasurer. The Treasurer shall have charge and custody of, and be responsible for, all funds and securities of the Association; shall deposit all such funds in the name of the Association in such depositories as shall be designated by the Board of Directors; shall keep correct and complete financial records and books of account and records of financial transactions and condition of the Association and shall submit such reports thereof as the Board of Directors may, from time to time, require; and, in general, shall perform all the duties incident to the office of Treasurer and such other duties as may from time to time be assigned to him by the Board of Directors or by the President. The Board may appoint one or more Assistant Treasurers who may act in place of the Treasurer in case of his death, absence or inability to act.

7.10 Bonds - Segregation of Funds. The Association shall obtain and keep in force at all times a fidelity bond or bonds for any person handling funds of the Association. Each such bond shall name the Association as obligee and shall be in an amount not less than the aggregate than two months' current General Charges and Limited Charges plus reserves, as calculated from the current budget of the Association or such higher amount as the Board of Directors may require. In addition to the foregoing, any Person or Condominium Manager managing any funds or accounts of the Association shall keep such funds or accounts separate from the funds and accounts of other associations managed by such person or Condominium Manager and maintain all reserve accounts of each association so managed separate from operational accounts of the Association. The person or Condominium Manager maintaining the funds and accounts of the Association shall prepare an annual accounting for Association funds and a financial statement. Such documents may be prepared by the Condominium Manager, a public accountant or a certified public accountant.

8 INDEMNIFICATION OF OFFICIALS AND AGENTS

8.1 Certain Definitions. A "Corporate Official" shall mean any Director, officer and any former Director, officer of the Association. A "Corporate Employee" shall mean any employee and any former employee of the Association. "Expenses" shall mean all costs and expenses, including attorneys' fees, liabilities, obligations, judgments and any amounts paid in reasonable settlement of a Proceeding. "Proceeding" shall mean any claim, action, suit or proceeding, whether threatened, pending or completed, and shall include appeals.

8.2 Right of Indemnification. The Association shall indemnify any Corporate Official and any Corporate Employee against any and all Expenses actually and necessarily incurred by or imposed upon him to the fullest extent provided by law. The right of indemnification shall not extend to any matter as to which such indemnification would not be lawful under the laws of the State of Colorado.

(a) Standards of Conduct. The Association shall indemnify any Corporate Official and any Corporate Employee against liability incurred in or as a result of the Proceeding if the Corporate Official or Corporate Employee: (i) conducted himself or herself in good faith; (ii) reasonably believed (A) in the case of a Director acting in his or her official capacity, that his or her conduct was in the Association's best

interests, or (B) in all other cases, that the Corporate Official's or Corporate Employee's conduct was at least not opposed to the Association's best interests; and (iii) in the case of any criminal proceeding, the Corporate Official and Corporate Employee had no reasonable cause to believe his or her conduct was unlawful.

(b) ***Settlement***. The termination of any Proceeding by judgment, order, settlement or conviction, or upon a plea of nolo contendere or its equivalent, is not of itself determinative that the Corporate Official or Corporate Employee did not meet the applicable standards of conduct as set forth in subsection 8.2(a).

8.3 Indemnification Prohibited. The right of indemnification shall not extend to matters as to which the Corporate Official or Corporate Employee: (i) has been adjudged liable for gross negligence or willful misconduct in the performance of the Corporate Official's or Corporate Employee's duty to the Association; or (ii) in connection with any Proceeding charging improper personal benefit to such Corporate Official or Corporate Employee, in which the party was adjudged liable on the basis that personal benefit was improperly received by such Corporate Official or Corporate Employee (even if the Association was not thereby damaged). Notwithstanding the foregoing, the Association shall indemnify such Corporate Official or Corporate Employee if and to the extent required by the court conducting the Proceeding, or any other court of competent jurisdiction to which such Corporate Official or Corporate Employee has applied, if it is determined by such court, upon application by such Corporate Official or Corporate Employee, that despite the adjudication of liability in the circumstances in subsections 8.3(i) and (ii) or whether or not the party met the applicable standards of conduct set forth in subsection 8.2(a), and in view of all relevant circumstances, the Corporate Official or Corporate Employee is fairly and reasonably entitled to indemnification for such expenses as the court deems proper in accordance with the Colorado Revised Nonprofit Corporation Code.

8.4 Prior Authorization Required. Any indemnification under Section 8.2 (unless ordered by a court or in accordance with Section 8.5 below) shall be made by the Association only if authorized in the specific case after a determination has been made that the Corporate Official or Corporate Employee is eligible for indemnification in the circumstances because such Corporate Official or Corporate Employee has met the applicable standards of conduct set forth in subsection 8.2(a) and after an evaluation has been made as to the reasonableness of the Expenses. Any such determination, evaluation and authorization shall be made by the Board of Directors by a majority vote of a quorum of such Board, which quorum shall consist of Directors not parties to the Proceeding, or by such other person or body as permitted by law.

8.5 Success on Merits or Otherwise. Notwithstanding any other provision of this Article 8, the Association shall indemnify such Corporate Official or Corporate Employee to the extent that such party has been successful, on the merits or otherwise, including, without limitation, dismissal without prejudice or settlement without admission of liability, in defense of any Proceeding to which the party was a party against Expenses incurred by such party in connection therewith.

8.6 Advancement of Expenses. The Association may, but shall not be obligated to, pay for or reimburse the Expenses, or a portion thereof, incurred by a party in advance of the final disposition of the Proceeding if: (a) the party furnishes the Association a written affirmation of such party's good faith belief that he or she has met the standard of conduct described in subsection 8.2(a)(i); (b) the party furnishes the Association a written undertaking, executed personally or on behalf of such party, to repay the advance if it is ultimately determined that the party did not meet such standard of conduct; and (c) authorization of payment and a determination that the facts then known to those making the determination would not preclude indemnification under this Article have been made in the manner provided in Section 8.4. The undertaking required by subsection 8.6(b) must be an unlimited general obligation of the party, but need not be secured and may be accepted without reference to financial ability to make repayment.

8.7 Payment Procedures. The Association shall promptly act upon any request for indemnification, which request must be in writing and accompanied by the order of court or other reasonably satisfactory evidence documenting disposition of the Proceeding in the case of indemnification under Section 8.4 and by the written affirmation and undertaking to repay as required by Section 8.5 in the case of indemnification under such Section 8.6. The right to indemnification and advances granted by this Article shall be enforceable in any court of competent jurisdiction if the Association denies the claim, in whole or in part, or if no disposition of such claim is made within ninety (90) days after written request for indemnification is made. A party's Expenses incurred in connection with successfully establishing such party's right to indemnification, in whole or in part, in any such Proceeding shall also be paid by the Association.

8.8 Notification to Members. Any indemnification of or advance of Expenses to a Director (but not to any other party) in accordance with this Article, if arising out of a Proceeding by or on behalf of the Association, shall be reported in writing to the Members with or before the notice of the next meeting of Members.

8.9 Authority to Insure. The Association may purchase and maintain liability insurance on behalf of any Corporate Official or Corporate Employee against any liability asserted against him and incurred by him as a Corporate Official or Corporate Employee or arising out of his status as such, including liabilities for which a Corporate Official or Corporate Employee might not be entitled to indemnification hereunder.

8.10 Right to Impose Conditions to Indemnification. The Association shall have the right to impose, as conditions to any indemnification provided or permitted in this Article, such reasonable requirements and conditions as may appear appropriate to the Board of Directors in each specific case and circumstances, including, but not limited to, any one or more of the following: (a) that any counsel representing the party to be indemnified in connection with the defense or settlement of any proceeding shall be counsel mutually agreeable to the party and to the Association; (b) that the Association shall have the right, at its option, to assume and control the defense or settlement of any Proceeding made, initiated, or threatened against the party to be indemnified; and (c) that the Association shall be subrogated, to the extent of any payments made by way of indemnification, to all of the indemnified party's right of recovery, and that the party to be indemnified shall execute all writings and do everything necessary to assure such rights of subrogation to the Association.

8.11 Other Rights and Remedies. The indemnification provided by this Article shall be in addition to any other rights which a party may have or hereafter acquire under any law, provision of the Articles of Incorporation, any other or further provision of these Bylaws, vote of the Members or Board of Directors, agreement, or otherwise.

8.12 Applicability; Effect. The indemnification provided in this Article shall be applicable to acts or omissions that occurred prior to the adoption of this Article, shall continue as to any party entitled to indemnification under this Article who has ceased to be a Director, officer, or employee of the Association. The repeal or amendment of this Article or of any Section or provision hereof that would have the effect of limiting, qualifying, or restricting any of the powers or rights of indemnification provided or permitted in this Article shall not, solely by reason of such repeal or amendment, eliminate, restrict, or otherwise affect the right or power of the Association to indemnify any person, or affect any rights of indemnification of such person, with respect to any acts or omissions that occurred prior to such repeal or amendment. All rights to indemnification under this Article shall be deemed to be provided by a contract between the Association and each party covered hereby.

8.13 Indemnification of Agents. The Association shall have the right, but shall not be obligated, to indemnify any agent of the Association not otherwise covered by this Article to the fullest extent permissible by the laws of Colorado. Unless otherwise provided in any separate indemnification arrangement, any such indemnification shall be made only as authorized in the specific case in the manner provided in Section 8.3.

8.14 Savings Clause; Limitation. If this Article or any Section or provision hereof shall be invalidated by any court on any ground, or if the Colorado Revised Nonprofit Corporation Act is amended in such a way as to affect this Article, then the Association shall nevertheless indemnify each party otherwise entitled to indemnification hereunder to the fullest extent permitted by law or any applicable provision of this Article that shall not have been invalidated. The Central Area General Improvement District ("CAGID") is an initial member of the Association as a member because of its ownership of Unit P in the Randolph Center Commercial and Parking Condominium. Any obligation of the Association to indemnify any party under these by-laws shall not be passed through to CAGID or any governmental successor that is a member because of the ownership of a unit; except to the extent resulting from the acts or omissions of CAGID in which case CAGIS shall immediately pay or discharge its respective obligations.

9 MISCELLANEOUS

9.1 Amendment of Bylaws. The Board of Directors shall not have the power to alter, amend or repeal these Bylaws or to adopt new Bylaws. The Members, at a meeting called for that purpose, shall have the sole power to alter, amend or repeal the Bylaws and to adopt new Bylaws by a majority of votes present at the meeting and entitled to vote hereunder, if a quorum is present. The Bylaws may contain any provision for the regulation or management of the affairs of the Association not inconsistent with law, the Declaration or the Articles of Incorporation. Notwithstanding anything to the contrary contained herein and to the extent permitted by the Act, prior to the termination of the Declarant's Control Period, these Bylaws shall not be amended without Declarant's prior written consent and approval.

9.2 Compensation of Officers, Directors and Members. No Director or Officer shall have the right to receive any compensation from the Association for serving as such Director except for reimbursement of expenses as may be approved by resolution of disinterested members of the Board of Directors.

9.3 Books and Records. The Association shall keep correct and complete books and records of account and shall keep, at its principal office in Colorado, a record of the names and addresses of its Members, including Declarant, and copies of the Declaration, the Articles of Incorporation and these Bylaws which may be purchased by any Member at reasonable cost. All books and records of the Association, including the Articles of Incorporation, Bylaws as amended and minutes of meetings Members and Directors may be inspected by any Member, or his agent or attorney, and any First Mortgagee of a Member for any proper purpose. The right of inspection shall be subject to any reasonable rules adopted by the Board of Directors requiring advance notice of inspection, specifying hours and days of the week during which inspection will be permitted and establishing reasonable fees for any copies to be made or furnished.

9.4 Annual Report. The Board of Directors shall cause to be prepared and distributed to each Member and to each First Mortgagee who has filed a written request therefor, not later than ninety (90) days after the close of each fiscal year of the Association, an annual report of the Association containing: (a) an income statement reflecting income and expenditures of the Association for such fiscal year; (b) a balance sheet as of the end of such fiscal year; (c) a statement of changes in financial position for such fiscal year; and (d) a statement of the place of the principal office of the Association where the books and records of the Association, including a list of names and addresses of current Members, may be found. The financial

statements of the Association shall be reviewed by an independent public accountant and a report based upon such review shall be included in the annual report.

9.5 Statement of Account. Upon written request of an Owner of a Unit or any person with any right, title or interest in a Unit or intending to acquire any right, title or interest in a Unit, the Association shall furnish a written statement of account setting forth the amount of any unpaid assessments, or other amounts, if any, due or accrued and then unpaid with respect to the Unit, the Owner of the Unit and the amount of the assessments for the current fiscal period of the Association payable with respect to the Unit. Such statement shall be issued within fourteen (14) business days after receipt of such request by the Association and, with respect to the party to whom it is issued, shall be conclusive against the Association and all parties, for all purposes, that no greater or other amounts were then due or accrued and unpaid and that no other assessments have then been levied.

9.6 Biennial Corporate Reports. The Association shall file with the Secretary of State of Colorado, within the time prescribed by law, biennial Corporate reports on the forms prescribed and furnished by the Secretary of State and containing the information required by law and shall pay the fee for such filing as prescribed by law.

9.7 Fiscal Year. The fiscal year of the Association shall begin on January 1 and end the succeeding December 31 except that the first fiscal year shall begin on the date of incorporation. The fiscal year may be changed by the Board of Directors without amending these Bylaws.

9.8 Seal. The Board of Directors may adopt a seal which shall have inscribed thereon the name of the Association and the words "SEAL" and "COLORADO."

9.9 Shares of Stock and Dividends Prohibited. The Association shall not have or issue shares of stock and no dividend shall be paid and no part of the income or profit of the Association shall be distributed to its Members directors or officers. Notwithstanding the foregoing, the Association may issue certificates evidencing membership therein, may confer benefits upon its Members in conformity with its purposes and, upon dissolution or final liquidation, may make distributions as permitted by law, and no such payment, benefit or distribution shall be deemed to be a dividend or distribution of income or profit.

9.10 Loans to Directors and Officers Prohibited. No loan shall be made by the Association to any Director or officer, and any Director or officer who assents to or participates in the making of any such loan shall be liable to the Association for the amount of such loan until the repayment thereof.

9.11 Limited Liability. As provided in the Articles of Incorporation and Declaration, the Association, the Board of Directors, the Design Review Committee, Declarant, and any Member, agent or employee of any of the same, shall not be liable to any Person for any action or for any failure to act if the action taken or failure to act was in good faith and without malice.

9.12 Special Rights of First Mortgagees. Any First Mortgagee of a Mortgage encumbering any Unit in the Common Interest Community, upon filing a written request therefor with the Association, shall be entitled to: (a) receive written notice from the Association of any default by the Mortgagor of such Unit in the performance of the Mortgagor's obligations under the Declaration, the Articles of Incorporation, these Bylaws or Rules and Regulations, which default is not cured within sixty (60) days after the Association learns of such default; (b) examine the books and records of the Association during normal business hours; (c) receive a copy of financial statements of the Association including any annual financial statement within ninety (90) days following the end of any fiscal year of the Association; (d) receive written notice of all meetings of Members; (e) designate a representative to attend any meeting of Members; (f) receive written notice of

abandonment or termination of the Declaration; and (g) receive thirty (30) days written notice prior to the effective date of any proposed, material amendment to the Declaration, the Articles of Incorporation or these Bylaws.

9.13 Minutes and Presumptions Thereunder. Minutes or any similar record or the meetings of Members, or of the Board of Directors, when signed by the Secretary or acting Secretary of the meeting, shall be presumed to truthfully evidence the matters set forth therein. A recitation in any such minutes that notice of the meeting was properly given shall be prima facie evidence that the notice was given.

9.14 Record of Mortgagees. Under the Declaration, First Mortgagees have certain special rights. Therefore, any such First Mortgagee or, upon the failure of such First Mortgagee, any Member who has created or granted a First Mortgage, shall give written notice to the Association, through its Manager, or through the Secretary in the event there is no Manager, which notice shall give the name and address of the First Mortgagee and describe the Unit encumbered by the First Mortgage. The Association shall maintain such information in a book entitled "Record of First Mortgages on Units." Any such First Mortgagee or such Member shall likewise give written notice to the Association at the time of release or discharge of any such First Mortgage.

9.15 Checks, Drafts and Documents. All checks, drafts or other orders for payment of money, notes or other evidences of indebtedness, issued in the name of or payable to the Association, shall be signed or endorsed by such person or persons, and in such manner as, from time to time, shall be determined by resolution of the Board of Directors.

9.16 Execution of Documents. The Board of Directors, except as these Bylaws otherwise provide, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name and on behalf of the Association, and such authority may be general or confined to specific instances; and unless so authorized by the Board of Directors, no officer, agent or employee shall have any power or authority to bind the Association by any contract or engagement or to pledge its credit or to render it liable for any purpose or in any amount.

9.17 Working Capital. A working capital fund is established pursuant to the Declaration. Any amounts paid into this fund shall not be considered as advance payment of Assessments. Until paid to the Association, the contribution to the working capital shall be considered an unpaid Assessment.

10 NOTICE AND HEARING PROCEDURE

10.1 Association's Enforcement Rights. In the event of an alleged violation by a Member ("Respondent") of the Declaration, these Bylaws or the Rules and Regulations, the Board of Directors on behalf of the Association shall have the right, after Dispute Resolution or Arbitration as set forth in the Declaration, and upon an affirmative vote of a majority of all Directors on the Board, to take any one or more of the following actions: (a) levy a fine against such Member in an amount determined by the Board; or (e) enforce any remedy provided for in the Declaration. The failure of the Board to enforce the Rules and Regulations, these Bylaws or the Declaration shall not constitute a waiver of the right to enforce the same thereafter. The remedies set forth above and otherwise provided in the Declaration or these Bylaws shall be cumulative and not be deemed exclusive. However, any individual Member must exhaust all available internal remedies of the Association prescribed by these Bylaws and the Rules and Regulations, before that Member may resort to a court of law for relief with respect to any alleged violation by another Member of the Declaration, these Bylaws or the Rules and Regulations, provided that the foregoing limitation pertaining to exhausting administrative remedies shall not apply to the Board.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify that:

1. I am the duly elected and acting Secretary of Randolph Center Condominium Association, Inc., a Colorado non-profit corporation ("Association"); and

2. The foregoing Bylaws, comprising 17 pages including this page, constitute the Bylaws of the Association duly adopted by unanimous consent of the Board of Directors of the Association.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed the seal of the Association this _____ day of _____, 2012.

(SEAL) _____
Secretary

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 19, 2013

AGENDA TITLE: Consideration of a motion to authorize the City Manager to enter into a three-year lease containing an option to extend the lease term for an additional three years with Mustard's Last Stand, Inc. for 1,307 square feet located at 1719 Broadway Street for restaurant purposes.

PRESENTER/S
Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
Maureen Rait, Executive Director, Public Works
Michael D. Patton, Director, Open Space and Mountain Parks
Joe Castro, Facilities and Fleet Manager
James Schmidt, Open Space and Mountain Parks, Property Agent, Real Estate Services

EXECUTIVE SUMMARY
The City of Boulder ("City") has been leasing restaurant space at 1719 Broadway Street to Mustard's Last Stand, Inc. ("Mustard's") continuously since 1983. The current lease expires on Dec. 31, 2013 and the tenant desires to enter into a new long-term lease agreement in advance of the expiration date to insure economic stability and the continuing operations of its restaurant at its present location. While the City has been willing to lease this space for ten-year periods in the past, because of the possibility of the Civic Center Plaza project being constructed in the near future, the City is willing to only lease the space for a three-year period, but giving Mustard's an option to renew the lease for an additional three years. The City would retain the right to terminate the lease upon six months notice at any time during the second three-year period. The rent of $1,600 per month represents a 33 percent increase from the previous rental rate with the new lease calling for 2 percent increases per annum thereafter.

STAFF RECOMMENDATION

Suggested Motion Language:
Staff recommends council consideration of this matter and action in the form of the following motion:

Motion to authorize the City Manager to enter into a new three-year lease containing an option for an additional three years with Mustard's Last Stand, Inc. for 1,307 square feet of restaurant space at 1719 Broadway Street.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The City's General Funds would receive $19,200 per year, plus 2 percent annual increases as rent during the term of the lease.
- Environmental – None.
- Social – Approval of this lease would maintain a long-term, locally-owned small business that has practically become a landmark establishment in the downtown area.

OTHER IMPACTS

- Fiscal – Mustard's business generates between $20,000 and $25,000 in City sales taxes each year.
- Staff time – The generation and review of the new lease agreement is within the normal work process for City staff.

PUBLIC COMMENT AND PROCESS

None.

ANALYSIS

The Mustard's Last Stand business has been at its present location in downtown Boulder for so many years that it is almost a local landmark. The rental monies received from the space help the City to recover the expenses which have been incurred over the years for the site. While the City has no present use for the site, should the City need to remove Mustard's to implement construction associated with the Civic Center Plaza, it has the ability to terminate the lease during the second three-year term.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 19, 2013

AGENDA TITLE
Second reading and consideration of a motion to adopt Ordinance No. 7947 adopting varying requirements of Title 9, "Land Use Regulations," Title 10, "Structures," and Chapter 6-6, "Protection of Trees and Plants," B.R.C. 1981, to allow for the relocation of two historic residential structures from 1220 and 1243 Grandview Ave. to 905 Marine St., variations include a reduction of setbacks, an increase in density above the allowed density, and modifications of building codes, tree removal mitigation requirements, and fee payments.

Applicant/Owner: Christian Griffith

PRESENTERS
Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
David Driskell, Executive Director of Community Planning and Sustainability
Susan Richstone, Deputy Director of Community Planning and Sustainability
Charles Ferro, Development Review Manager for Community Planning and Sustainability
James Hewat, Senior Historic Preservation Planner
Jessica Vaughn, Planner II

EXECUTIVE SUMMARY:
The City Council is asked to consider an ordinance to allow for the relocation of two historic residential structures from 1220 and 1243 Grandview Ave. to 905 Marine St. The proposed ordinance can be found in **Attachment A**. A summary of the history of the two houses can be found in **Attachment B**, Historic Building Background. As proposed, the ordinance:

- Amends Title 9, "Land Use Code," B.R.C. 1981, with regard to building setbacks and density as a result of a proposed subdivision of the project site from one lot into three;

- Authorizes the city manager to defer the payment of fees for land use review applications and building permits to the earlier of Jan. 1, 2015 or the issuance of a certificate of occupancy as a result of difficulty in obtaining financing for the relocation of the houses prior to city approval;

- Amends Title 10, "Structures," B.R.C. 1981, allowing the two houses to be considered individual landmarks for the limited purposes of reviewing and approving building permit applications, in particular to waive window replacement and insulation requirements; and

- Authorizes the city manager to find that the planting of new street trees satisfies the tree removal mitigation requirements of Section 6-6-7, B.R.C. 1981, as a result of removing a street tree along 9th Street.

Overall, staff finds that the application as presented would result in a defined community benefit for the City of Boulder that justifies the variances requested by the applicant. Staff finds:

- The relocation and preservation of the bungalows is consistent with and furthers the Boulder Valley Comprehensive Plan (BVCP) goals and policies relating to historic preservation and housing;

- The applicant has agreed to submit an application for an individual landmark for each of the buildings proposed for relocation pursuant to the city's landmarking process;

- The relocation of the bungalows to 905 Marine St. is generally consistent with the identifiably residential character of the area;

- The proposed setback modifications were found to promote a safer and better subdivision design as it allows for the residential structures to be located outside of the regulatory floodplain; and

- The proposed increase in density to roughly nine dwelling units per acre was found to be generally consistent with both the range of densities intended for the Mixed Density Residential BVCP land use designation (six-18 dwelling units per acre) and the range of densities currently present in proximity to the project site (9.5-39 dwelling units per acre).

Based on these findings, staff finds that the benefits of the relocation and preservation of the bungalows supports the modifications to the Land Use Code requirements included in the ordinance.

On Oct. 10, 2013, Planning Board voted unanimously to recommend approval of the proposed ordinance to allow for the relocation of two structures from 1220 and 1243 Grandview Ave. to 905 Marine St. and setting forth specific details outlined in the Proposal section below. Refer to the city's website for the staff memorandum to Planning Board and the audio of the proceedings related to the Planning Board's review (www.bouldercolorado.gov➔City A to Z➔Planning Board➔Search for Past Meeting Materials).

On Oct. 22, 2013, City Council approved first reading of the draft ordinance and did not have questions for staff. The ordinance to allow for the relocation of two historic residential

structures from 1220 and 1243 Grandview Ave. to 905 Marine St. is provided in **Attachment A**.

STAFF RECOMMENDATION:
Staff requests council consideration of this matter and action in the form of the following motions:

> *Suggested Motion Language:*
> *Motion to approve on second reading and order published by title only, an ordinance varying requirements of Title 9, "Land Use Regulations," Title 10, "Structures," and Chapter 6-6, "Protection of Trees and Plants," B.R.C. 1981, to allow for the relocation of two residential structures from 1220 and 1243 Grandview Ave. to 905 Marine St.*

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- Economic: None identified.
- Environmental: None identified.
- Social: The Historic Preservation Ordinance was adopted to "…enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage" (pursuant to section 10-13-1 (a), B.R.C., 1981). The preservation of the two bungalows is consistent with the intent of the Historic Preservation Ordinance.

FISCAL IMPACT:
City services are existing and available to this site. All development will be subject to city development fees, including payment of Storm Water and Flood Management and Utility Plant Investment Fees (PIFs). The requested deferment of city development fees, including building permit fees, only defers the payment of these fees; it does not eliminate the requirement of their payment.

The city is contributing $100,000 to aid in the relocation and preservation efforts of the two bungalows. The funds were identified as being available as part of the General Fund fund balance.

Staff time: The ordinance has been processed through the provisions of a standard application process and is within normal staff work plans.

PLANNING BOARD ACTION:
Planning Board reviewed the proposed ordinance on Oct. 10, 2013. Overall, the board was pleased that the historic buildings could be saved and commended the applicant for his efforts and commitment to the preservation of the buildings.

A motion was made by A. Brockett and seconded by C. Gray to recommend that the City Council approve the proposed ordinance:

- Amending Title 9, "Land Use Code," B.R.C. to modify building setbacks and density;

- Deferring the payment of fees for land use review applications and building permits to the earlier of Jan. 2015 or certificate of occupancy;
- Amending Title 10, "Structures," B.R.C. in that limited regard for the purposes of preserving the two houses; and
- Incorporating the staff memorandum as findings of fact.

The vote was 5-0 (M. Young and L. May absent).

PUBLIC COMMENT:

All notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. Compliance with these requirements included public notice in the form of written notification mailed to all property owners within 600 feet of the subject property, and a sign posted on the property for at least 10 days prior to the public hearing as required.

In response to the public notice, two comments were received via telephone. The comments expressed concerns about the additional density that is being requested and potential adverse impacts associated with student rentals, such as noise, littering and parking deficiencies.

BACKGROUND:

Grandview History: Jan. 22, 2001, a Memorandum of Agreement (MOA) was executed between the Regents of the University of Colorado and the City of Boulder. The MOA recognizes the importance of preserving the buildings in the area known as the Grandview area, which is generally described as the area between the eastern boundary of Broadway, northern boundary of University Avenue and southern boundary of the abandoned railroad right-of-way as shown in Figure 1 at the right.

Figure 1: General Grandview Area

The MOA provides protective covenants for buildings located within an area identified as the Grandview Preserve. The Grandview Preserve is a smaller area within the general Grandview area that is described as the properties fronting Grandview Avenue between 13th and 14th streets. The MOA covenant protects the bungalows located within the Grandview Preserve from demolition or relocation for a period of 25 years, until 2026.

While the MOA protects the bungalows located within the Grandview Preserve from demolition or relocation, the MOA does not provide protective covenants for those buildings located within the general Grandview area. The two subject bungalows are located outside of the Grandview Preserve, in the larger Grandview area. Specifically, the MOA states that "*…bungalows not located within the Grandview Preserve, may be demolished or relocated at any time…*" While the MOA has expired as of July 2011, the University of Colorado and the city have continued to work together to honor the

agreement in an effort to preserve the historic buildings located within the general Grandview area.

To date, a total of two bungalows have been relocated from the general Grandview area to other locations within the city. In 2001, one house was relocated from 1513 13th St. to Chautauqua Park within the Chautauqua Historic District. Another house, now a duplex with two units, was relocated from 1434 15th St., to 905 Marine St., the project site. All of the relocations to date involved the approval of an ordinance modifying city development and building code standards as described below.

As part of the ordinance that permitted the relocation of 1434 15th St. to 905 Marine St., Ordinance No. 7148, modifications to the land use code were granted, including a reduction of the required side yard setback from five feet to three feet, the combined side yard from 15 feet to 13 feet, and the front yard setback to allow parking to encroach into the front yard setback. A 20 percent parking reduction (four spaces were required where three were provided) was also granted as part of the ordinance. Finally, a waiver of the building and energy code requirements related to insulating the structure and replacing windows was granted as part of the ordinance.

In 2001, the project site was 23,000 square feet in size. Since then, a roughly 2,000-square-foot unplatted piece of property, located between the project site and the adjacent property to the north, 1638 9th St., became available. The unplatted property was split equally between each of the adjacent property owners and quitclaimed; roughly 1,000 square feet was quitclaimed to the property owner of 905 Marine St. The proposed relocation project would include a subdivision that would include this portion of land in the 905 Marine parcel increasing its size to 24,077 square feet. Today, given the size of the project site, a total of four units would be permitted on the site where three units already exist.

Land Use and Zoning:
Boulder Valley Comprehensive Plan (BVCP) Land Use Designation. As indicated in Figure 2, the project site is designated as Mixed Density Residential (MDR) by the BVCP. As noted in the BVCP, areas designated as MDR are defined as having densities ranging from six up to 18 dwelling units per acre. Generally, mixed density areas surround the downtown and are located in some areas planned for new development.

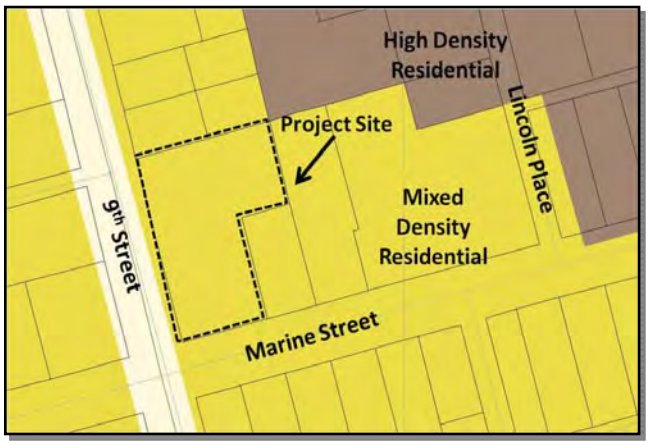

Figure 2: BVCP Land Use Designation

Densities within proximity to the project site range from 9.5 dwelling units per acre to roughly 39 dwelling units per acre. The development proposal at roughly nine dwelling units per acre is consistent with the surrounding densities as well as the BVCP range of densities intended to be developed in the MDR land use designation.

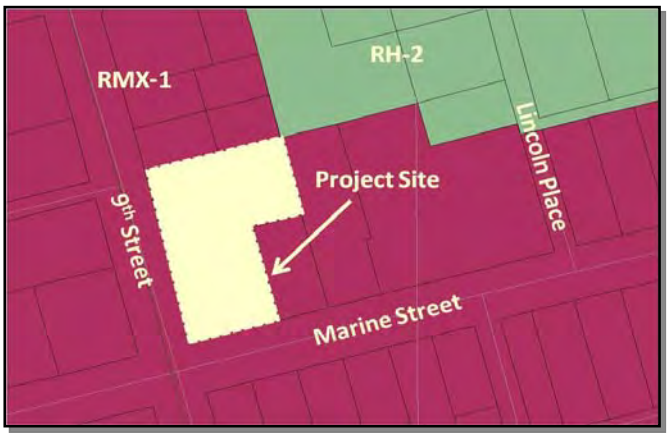

Figure 3: Zoning

Zoning. The project site is zoned Residential Mixed-1 (RMX-1) which is defined as:

"*Mixed density residential areas with a variety of single-family, detached, duplexes, and multi-family units that will be maintained; and where existing structures may be renovated or rehabilitated*" (section 9-5-2(c)(1)(D), B.R.C. 1981).

Detached dwelling units are allowed uses in the RMX-1 district. All of the properties surrounding the project site are zoned RMX-1 with the exception of those adjacent to the northeast, which are zoned Residential High-2.

Site Context. The project site, shown in Figure 4 is a single lot, roughly 24,077 square feet in size, located at the northeast corner of Marine and 9th streets. Currently, the property is comprised of three residential units, a duplex, (originally addressed 1434 15th St., that was located within the Grandview Preserve area and relocated to the project site in 2001), and a single family residence that was originally constructed around the turn of the century.

Figure 4: Vicinity Map

Unique to the project site is its topography and the presence of the conveyance zone and the 100-year floodplain, the majority of which are all located on the northern portion of the property. Refer to Figure 5 at the left. Improvements or work in the conveyance zone is not permitted to cause a rise in the elevation of the 100-year flood. In addition, a new residential structure in the 100-year floodplain, is required to be floodproofed by raising the lowest floor, including basement, to or above the flood protection elevation (two feet above the base flood elevation). Given the location and extent of the conveyance zone and the 100-year floodplain on the project site and the development restrictions within each zone, any new buildings to be located on the northern portion of the lot would have to be setback as much as possible to avoid development in the floodplain and conveyance zone that would cause a rise in the floodwater elevation.

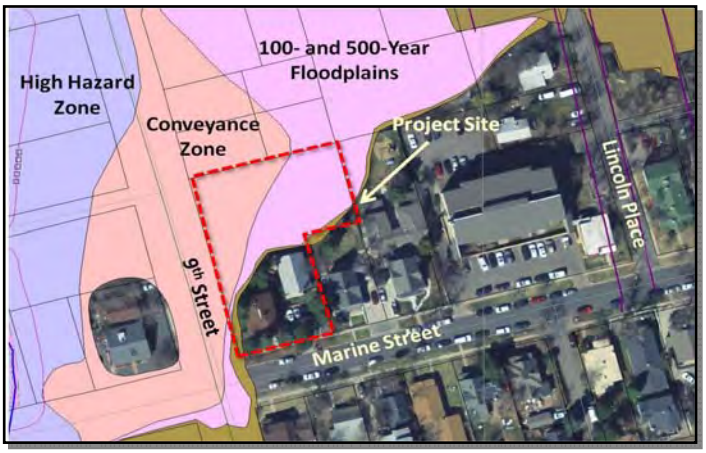

Figure 5: Flood Map

A Floodplain Development Permit has been submitted and was reviewed through the standard development review process. A Floodplain Development Permit is a staff level decision that is subject to a 14-day Planning Board call-up period. The permit was approved in Sept. 2013.

The project site also has significant topography. Moving across the project site from south to north, there is roughly 20 feet of grade change, with Marine Street edge being the highest point. Overall, the grade across the project site is roughly 10 percent. Refer to Figure 6 at the right.

Figure 6: Topography

The project site is surrounded primarily by residential development in an area where the general character is identified as residential development with a variety of student rental housing, including apartments, condos and single-family houses. Although the area is primarily residential in nature, nonresidential uses are also located in proximity to the project site including office uses and the West Senior Center, both of which are located to the north of the project site at the corner of Arapahoe Avenue and 9th Street.

PROPOSAL:

The proposal calls for the relocation of two historic buildings currently located at 1220 and 1243 Grandview Ave., to 905 Marine St. Once relocated, the applicant is proposing to utilize the buildings as single-family residences and to subdivide the project site into three lots.

The relocation of the buildings to the project site can only be approved if City Council approves the requested modifications to the Boulder Revised Code through an ordinance, including:

- Amending Title 9, "Land Use Code," B.R.C. 1981, with regard to building setbacks and density as a result of a proposed subdivision (refer to table 1 and 2 below for specific setback and density modifications);

- Authorizing the city manager to defer the payment of fees for land use review applications and building permits to the earlier of Jan. 1, 2015 or the issuance of a certificate of occupancy as a result of difficulty in obtaining financing to relocate the bungalows prior to their relocation;

- Amending Title 10, "Structures," B.R.C. 1981, to waive building code requirements primarily relating to insulating the houses and replacing windows; and

- Authorizing the city manager to find that the planting of new street trees satisfies the tree removal mitigation requirements of Section 6-6-7, B.R.C. 1981 as a result of removing the one street tree along 9th Street.

The proposed subdivision of the project site from one lot into three will require several Land Use Code modifications, including setbacks and density. The requested modifications can only be approved by City Council through an ordinance. Refer to Table 1 below, which details the requested setback modifications.

Table 1: Setback Modifications		
Yard	**Required Setback**	**Proposed Setback**
Rear yard for principal structures, Lot 1	25 feet	13.4 feet
Rear yard for principal structures, Lot 2	25 feet	14 feet
Rear yard for principal structures, Lot 3	25 feet	20 feet
Combined side yards, Lot 2	15 feet	11 feet
Combined side yards, Lot 3	15 feet	11 feet

In addition, as a result of the proposed subdivision, Lot 1, where the three existing units are currently located, will exceed the permitted density. Development in the RMX-1 zone district is subject to a minimum lot area per dwelling unit requirement of 6,000 square feet. Given the size of the proposed Lot 1 of roughly 10,482 square feet, only one dwelling unit would be permitted by-right where three will be located, and all of which are already located on site today. Therefore, the applicant is proposing to modify the permitted density pursuant to section 9-8, "Intensity Standards," B.R.C. 1981, to allow for the three existing units, including the previously relocated historic house, to remain on the Lot 1 portion of the project site. The proposed lots 2 and 3 will meet the lot standards and no modifications will be required.

Table 2: Subdivision Summary					
Lots	**Existing**	**Proposed**	**Existing No. of Units**	**Permitted No. of Units pursuant to Land Use Code**	**Proposed No. of Units**
1	24,077 sq. ft.	10,482 sq. ft.	3	4	3
2	N/A	6,150 sq. ft.	N/A	N/A	1
3	N/A	7,445 sq. ft.	N/A	N/A	1
	Total	24,077 sq. ft.	3	4	5

All of the required parking will be provided on site for Lots 2 and 3. Pursuant to section 9-9-6, "Parking Standards," B.R.C. 1981, a total of two parking spaces, one for each single-family residence, are required where three will be provided. It is important to note that, as part of the original special ordinance for the relocation of 1434 15th St. to 905 Marine St., a parking reduction was granted. A total of five spaces are required where four are provided. That parking reduction will not be changed as part of this proposal.

Refer to **Attachment C** for the applicant's proposed site plan.

ANALYSIS:
As part of Council's consideration of the proposed ordinance, staff has identified the key issues provided below:

Key Issue #1: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the overarching BVCP goals and policies?

Key Issue #2: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the intent of the city's Historic Preservation regulations?

Key Issue #3: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the intent of the zone district designation and the general character of the area?

Staff's analysis can be found below.

Key Issue #1: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the overarching BVCP goals and policies?

Yes, on balance the development proposal was found to be consistent with a wide range of Boulder Valley Comprehensive Plan (BVCP) goals and policies as well as the BVCP land use designation densities. The project site has a BVCP land use designation of Mixed Density Residential, which is identified as areas where densities may range from six up to 18 dwelling units per acre. Given the size of the project site and the proposed number of dwelling units totaling five (two new units and three existing) the density of the project site will be roughly nine dwelling units per acre which is within the range of densities identified for the MDR land use designation.

The most applicable goals and policies in the BVCP are those that specifically speak to historic preservation found in Section 2 and housing found in Section 7, including policies 2.24 *(Preservation of Historic and Cultural Resources)*, 2.27 (Eligible Historic District and Landmarks), 7.07 (Preserve Existing Housing Stock), 7.09 (Housing for a Full Range of Households),

Similarly, the development proposal was found to be consistent with BVCP policies 2.15 (Compatibility of Adjacent Land Uses), 2.21 (Commitment to a Walkable and Accessible City) which are related to compatibility of adjacent land uses and providing housing in proximity to service centers.

Key Issue #2: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the intent of the city's Historic Preservation regulations?

Yes, the intent of the Historic Preservation regulations is to:

> *"…promote the public health, safety and welfare by protecting, enhancing and perpetuating buildings, sites and areas of the city reminiscent of past eras, events and person important to local, state or national history or providing significant examples of architectural styles of the past*" (section 9-11-1, "Purpose and Legislative Intent," B.R.C. 1981).

Although the relocation of the buildings will result in a loss of some contextual significance, the proposal will preserve two buildings with historic and architectural significance. To this end, staff considers the proposal consistent with the purpose of the Historic Preservation Ordinance.

As noted above, 1220 Grandview Ave. has architectural significance as a representative example of Edwardian Vernacular architecture, popular during the late 19th and early 20th centuries in the United States. Notable details include the gabled roof, decorative wood shingles, double-hung windows with stone sills and lintels, and classical porch details. The house also has historic significance for its association with notable persons, George and Mabel Reynolds.

The building located at 1243 Grandview Ave. is a representative example of Craftsman Bungalow architecture popular at the beginning of the twentieth 20th century. Notable features include wide, overhanging eaves with exposed rafter tails, half-timbering, multi-light windows, and a prominent porch supported by wooden posts. Its historic significance is based upon its association with persons, Edwin and Rosa Finch. Refer to Attachment B, Historic Building Background for additional information.

It is important to note that an individual landmark designation for each building is required as a condition of the funding provided by the city to assist with the cost of moving the houses. An application for an Individual Landmark designation is required to be submitted following the relocation of each house.

Key Issue #3: Is the development proposal to relocate two historic structures to 905 Marine St. consistent with the intent of the zone district designation and the general character of the area?

Yes, on balance the proposal was found to be generally consistent with both the RMX-1 zoning designation and the character of the area. The intent of the RMX-1 zone district is identified as "*Mixed density residential areas with a variety of single-family detached, duplexes and multi-family units that will be maintained and where existing structures may be renovated or rehabilitated*" (section 9-5-2(c)(1)(D), B.R.C. 1981). The proposal to relocate the two buildings to the project site and rehabilitate them for the purposes of utilizing them as single-family residences is generally consistent with the intent of the zone district. Detached dwelling units are also an allowed use in the RMX-1 zone district.

Although the requested setback modifications are required as a result of the proposed subdivision, they were found to be supportable given the development constraints present on the project site, including the conveyance zone and 100-year floodplain. The proposed rear yard setback modifications on the proposed lots 2 and 3 are a result of the presence of the conveyance zone and 100-year floodplain on the majority of the western portion of the project site, requiring the bungalows to be setback to a location outside of the floodplains. In addition, the requested setback modifications, specifically the side yard combined setbacks were found to have minimal adverse impacts to the adjacent properties, given that the impacted setbacks are interior to the overall project site. Given the development constraints located on the project site and the limited impacts to adjacent development, overall, the requested setback modifications were found to provide for a better, safer subdivision design.

As discussed above in Key Issue #1, the overall density of the development proposal at roughly nine dwelling units per acre, was found to be consistent with the densities that are currently present within proximity to the project site (9.5-39 dwelling units per acre) as well as those intended in the Medium Density BVCP land use designation. In addition, the modification to the density will also allow for the existing three dwelling units to be maintained, consistent with the previously approved Ordinance No. 7148, which permitted the relocation of a historic house from the Grandview area to the project site.

Overall, the proposal was also found to be consistent with the general character of the area, which has been identified as primarily residential providing a mix of housing opportunities, including apartments, condos and houses. The proposal will result in additional residential development, consistent and compatible with the general character of the area.

ATTACHMENTS:

A. Ordinance No. 7947
B. Historic Building Background
C: Proposed Site Plan

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ORDINANCE NO. 7947

AN ORDINANCE GRANTING AUTHORITY TO THE APPROVING AUTHORITIES UNDER TITLE 9, "LAND USE CODE," AND TITLE 10, "STRUCTURES," B.R.C. 1981, TO APPROVE THE MOVING OF TWO SINGLE-FAMILY DWELLING UNIT STRUCTURES FROM 1220 AND 1243 GRANDVIEW AVENUE TO 905 MARINE STREET, AND AS AN AMENDMENT TO CHAPTER 6-6, "PROTECTION OF TREES AND PLANTS," TITLE 9, "LAND USE CODE,", AND TITLE 10, "STRUCTURES," B.R.C. 1981, TO WAIVE OR MODIFY CERTAIN TREE MITIGATION, LAND USE, AND BUILDING CODE REGULATIONS AS THEY APPLY TO THESE STRUCTURES, AND SETTING FORTH RELATED DETAILS.

WHEREAS the City Council finds that:

A. The City of Boulder and the University of Colorado entered into a Memorandum of Agreement (the "MOU") dated January 22, 2001.

B. The purpose of the MOU was to protect some historic structures in the Grandview area from demolition through a covenant and to protect other historic structures from demolition through the requirement of notice of the intent to demolish and an opportunity to relocate such structures.

C. While the MOU expired on July 1, 2011, consistent with the spirit of the MOU, the University of Colorado has provided the City of Boulder with written notice of its plans to remove two Cottage structures, one located at 1220 Grandview Avenue and another located at 1243 Grandview Avenue, (the "Cottages") and its intent to make the Cottages available to the City and/or the public for off-site relocation.

D. Christian Griffith (the "Applicant") has proposed moving the Cottages to the location shown on the site plan attached to this ordinance as **Exhibit A**.

E. The City Council is interested in preserving each of the Cottages in the location proposed by the Applicant.

F. The purpose of this ordinance is to permit the Cottages that would otherwise be demolished by the University of Colorado to be relocated to the parcel of land generally known as 905 Marine Street (the "Property") and more particularly described on **Exhibit B** attached to this ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The City Council authorizes the city manager to grant the necessary permits under Title 10, "Structures," B.R.C. 1981, to permit the moving of the Cottages from 1220 and 1243 Grandview Avenue to 905 Marine Street in the location shown on the site plan attached to this ordinance as **Exhibit A**.

Section 2. Moving permits required by this ordinance shall be reviewed under the provisions of Title 10, "Structures," B.R.C. 1981, in effect on October 22, 2013. In order to accomplish the objectives of this ordinance, the City Council authorizes the city manager to vary or waive the following City regulations:

a. Notwithstanding that the site is neither in an historic district nor an individual landmark, the residential Cottages to be moved to the site will be considered as individual landmarks for the purposes of reviewing and approving building permits under Chapter 10-5, "Building Code," B.R.C. 1981, Chapter 10-5.5, "Residential Building Code," B.R.C. 1981, Chapter 10-7, "Energy Conservation Code," B.R.C. 1981, and Chapter 10-7.5, " Green Building and Green Points Program," B.R.C. 1981, for the initial occupancy of the structures at the proposed new location. In particular, the city manager is authorized to waive building and energy code requirements related to insulating the structures and replacing windows on the structures.

Section 3. The City Council authorizes the city manager to approve a subdivision, generally as shown on the site plan attached to this ordinance as **Exhibit A**, creating three lots.

The City Council authorizes the city manger to approve the following modifications to zoning requirements for lots and structures in the RMX-1 zoning district in the subdivision review process:

a. A reduction in the rear yard set back for principal structures from twenty-five feet to thirteen feet for proposed Lot 1, to fourteen feet for proposed Lot 2, and to twenty feet for proposed Lot 3.

b. A reduction in the combined side yard setback from fifteen feet to eleven feet for proposed Lot 2 and to 11 feet for proposed Lot 3.

c. A reduction in minimum lot area per dwelling unit from 6000 square feet to allow three dwelling units on proposed Lot 1 with a total lot area of roughly 10,482 square feet.

Section 4. In order to accomplish the objectives of this ordinance, the City Council authorizes the city manager to vary the requirements of Section 6-6-7, "Mitigation of Trees or Plants Removed or Destroyed," B.R.C. 1981, related to the removal of the existing tree in the 9th Street right of way adjacent to 905 Marine Street and to find that the planting of new street trees in accordance with Section 9-9-13, "Streetscape Design Standards," B.R.C. 1981, satisfies the requirements of Section 6-6-7, "Mitigation of Trees or Plants Removed or Destroyed," B.R.C. 1981.

Section 5. All other City of Boulder regulations that have not been specifically mentioned herein continue to apply to the Property.

Section 6. The City Council authorizes the city manager to waive the due dates of any applicable fees and taxes associated with the moving, constructing, or otherwise making the Cottages habitable structures under the Boulder Revised Code; however, the Applicant shall pay any such waived fees or taxes by the later date of the date required under the Boulder Revised Code and May 1, 2014, but in no event later than receipt of a certificate of occupancy related to any moving permit for the Cottages onto the Property.

Section 7. This ordinance shall be considered an amendment to Chapter 6-6, "Protection of Trees and Plants," B.R.C. 1981, Title 9, "Land Use Code," B.R.C. 1981, and Title 10, "Structures," B.R.C. 1981. To the extent that this ordinance conflicts with any other ordinance of the City, such ordinance shall be suspended for the limited purpose of implementing this ordinance. Nothing in this ordinance shall be construed as a waiver of the City's police power.

Section 8. The City Council finds that this ordinance furthers important historic preservation goals for the City of Boulder. Further the City Council finds that the benefits of the City's historic preservation goals made possible through this ordinance outweigh benefits that accrue to the city ordinances that are waived by this ordinance.

Section 9. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the City, is consistent with the goals and policies of the Boulder Valley Comprehensive Plan, and covers matters of local concern.

Section 10. The City deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 22nd day of October, 2013.

.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of November, 2013.

.

_____
Mayor

Attest:

_____
City Clerk

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HISTORIC BUILDING BACKGROUND:
In an effort to prevent demolition of the two historically significant houses located within the Grandview Preserve area, the applicant, Christian Griffith, is proposing to relocate two historic buildings currently located at 1220 and 1243 Grandview Ave., to the project site, 905 Marine St. Below is a brief historic background on each building.

1220 Grandview Ave. The brick and frame house at 1220 Grandview Ave. was constructed in 1906 and is a well-preserved example of the Edwardian Vernacular architecture popular in Colorado during the late nineteenth and early twentieth centuries. The façade features a flat-roof porch with classical columns and a wooden railing. A paneled and glazed door with a transom is located on the west side of the north façade and a large, double-hung window is located on the east side of the same façade. Decorative elements on the front gable include a vent with scalloped louvers, decorative wooden shingles, and a door flanked by double-hung windows with dentil trim and decorative sills. Gabled dormers are located on the east and west elevations and feature shingled walls and paired windows. Small eyebrow vents are located on the east and west roof slopes. An addition, constructed in 1929, in located on the east elevation of the building and features 12-light, steel casement windows with stone sills. A one-car garage is located on the lower level. The west elevation features a two-story bay window. The building rests on an evenly coursed stone foundation.

Figure 7: Reynolds House, 1220 Grandview Ave. c. 1949 (left) and 2012 (right)

The house remains largely intact, although an attached garage was constructed in 1929 at the east elevation of the house. A building permit for “repair of dwelling” was issued in 1933, however, the extent of the alterations is unknown. All original materials, including exterior sheathing, decorative elements and windows and doors remain. The original wood roofing has been replaced with asphalt shingles.

As with many houses in this area, the building at 1220 Grandview Ave. provided housing for a series of University of Colorado professors. In 1910, Wilford Robbins, a biology teacher, and his mother, Jennie, were residents of the house. In 1913, Esther White, a teacher at Washington School and widow of Reverend Edgar White lived in the house. Drs. George F. and Mabel S. Reynolds purchased the house in 1919, the year they joined the University of Colorado faculty. George was a professor and head of the Department of English Literature, while Mabel taught English literature and speech. The Reynolds, along with Professor Wolle, co-founded the Little Theater at the University of Colorado.

In 1962, Mr. Reynolds sold the property to the University of Colorado. He died in 1964 and donated money to the City of Boulder to build its first branch library, located on Table Mesa Drive, which was named in his honor.

The house was converted for office use by the University of Colorado, but has been vacant for the past several years.

1243 Grandview Ave. The building at 1243 Grandview Ave. was constructed in 1909 and is an example of the Craftsman Bungalow influenced style popular during the early twentieth century. The one-and-half story building features a side gable roof with wide, overhanging eaves and exposed rafters. The building rests on a cut fieldstone with brick walls to the sill level and stucco and half-timbering above. A long, shed-roof dormer is located on the north and south roof slopes and each feature five multi-light casement windows. Two windows on the south façade gable and one on the east elevation have been removed for the installation of air conditioning units. The asymmetrical porch features a gable above the entrance with stucco and half-timbering and is supported by wood post supports with arched brackets atop brick pillars. The off-center, paneled and glazed door is located on the east side of the façade. Multi-over-single light double-hung windows are located on the first floor. The west elevation features a shed roofed bay window with paired windows. A small gable-roof addition is located on the east elevation and features paired, double hung windows and a solid wood door on the lower level.

Figure 8: 1243 Grandview Ave. c. 1949 (left) and 2012 (right)

The building is relatively intact. An addition was constructed on the east elevation around 1930. The divided-light wood windows on the shed dormer, evident in the 1987 survey photograph, have been removed and boarded over to accommodate air conditioning units.

Edwin J. and Rosa C. Finch resided in this house from the time of its construction until Mrs. Finch died in 1930. Edwin was a bookkeeper for the Boulder National Bank for 20 years and was also a prominent member of the Freemason Fraternal Organization and active in the Eastern Star Social Organization. Rosa was also active in many social organizations, including the Eastern Star, the Daughters of the American Revolution, the Women's Club and the Garden Club. A 1930 newspaper article notes that the garden at 1243 Grandview was one of the finest in town. Their daughter, Frances, graduated from the State Preparatory School and the University of Colorado.

The next occupants of 1243 Grandview Ave. were Percy and Virginia Paddock. Percy served as postmaster of Boulder. His brother was A. “Gov.” Paddock, publisher of the Boulder Daily Camera. Percy worked as a linotype operator for the Boulder Daily Camera until he sustained an eye injury, and was later involved in the Central Colorado Power Company and operated Paddock’s Store on University Hill. In 1934 he was appointed postmaster of Boulder and served in this position until his death in 1946. Following Percy’s death, Virginia moved to California and later remarried.

From 1946 until 1952 the property was occupied by a series of short-term residents, including Capt. Clifford Fines, a university professor, John and Beverley Thompson, CU students, and in 1953 the fraternity Alpha Epsilon Phi was listed at this address.

In 1954 the house was purchased by Gordon and Miriam Yager. Gordon was an insurance auditor for the K. L. Pearce Company. The Yagers resided in the house until they sold it to the University of Colorado in 1971. For the next forty years, the property was used as offices for the Institute of Behavioral Sciences.

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PROPOSED SITE PLAN

905 Marine Street
located in the northeast 1/4 of Section 36
Township 1 North . Range 71 West of the 6th P.M.
City & County of Boulder . State of Colorado
24,077 SQUARE FEET

LAND USE SUMMARY TABLE		
SITE AREA: 24,077 S.F.		
BUILDING FLOOR AREA	EXISTING	PROPOSED
LOT 1 (WEST BLDG)		
1ST FLOOR	972	972
2ND FLOOR	972	972
LOT 1 (EAST BLDG)		
1ST FLOOR	1,080	1,080
2ND FLOOR	520	520
FINISHED BASEMENT	1,232	1,232
LOT 1 TOTAL	4,776	4,776
LOT 2		
1ST FLOOR	0	983
2ND FLOOR	0	1,108
BASEMENT	0	362
LOT 2 TOTAL	0	2,453
LOT 3		
1ST FLOOR	0	986
2ND FLOOR	0	836
BASEMENT	0	736
LOT 3 TOTAL	0	2,558
UNITS/BEDROOMS		
LOT 1	3/10	3/10
LOT 2	0	1/4
LOT 3	0	1/4
LOT COVERAGE (BLDG)		
LOT 1	2,204	2,204
LOT 2	0	1,034
LOT 3	0	959
LOT COVERAGE (PORCHES)		
LOT 1	223	223
LOT 2	0	210
LOT 3	0	199
OPEN SPACE		
LOT 1	6,922	6,922
LOT 2	0	3,866
LOT 3	0	4,929
PAVED AREA		
LOT 1	1,133	1,133
LOT 2	0	1,040
LOT 3	0	1,358
LANDSCAPE AREA		
LOT 1	6,527	6,527
LOT 2	6,150	3,866
LOT 3	7,445	4,929

LOT AREA SUMMARY

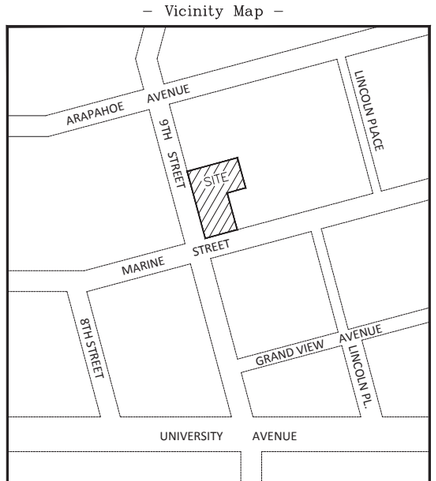
EXISTING

PARCEL A: 23,982 S.F.
PARCEL B: 95.6 S.F.
TOTAL GRIFFITH PARCEL: 24,077 S.F.

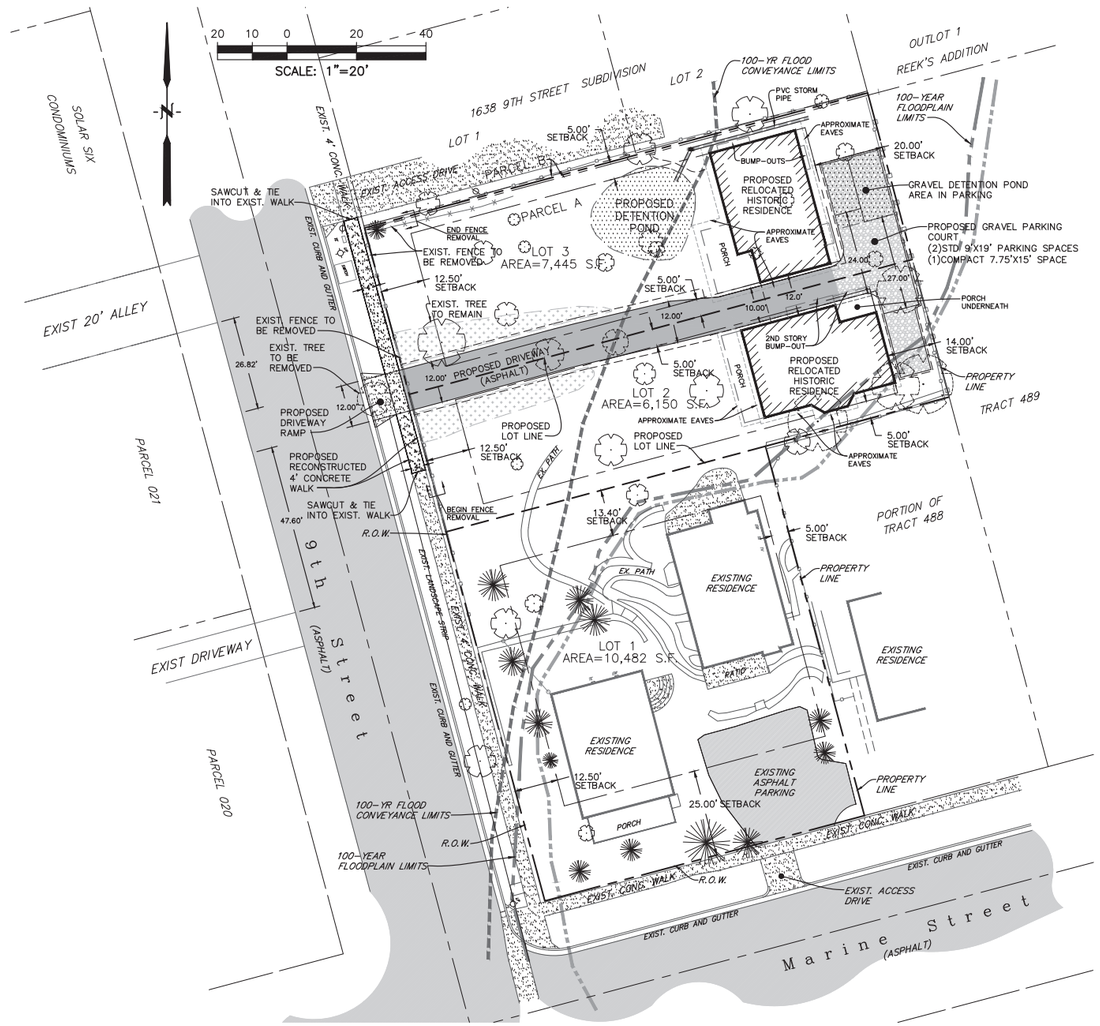
PROPOSED

LOT 1: 10,482 S.F.
LOT 2: 6,150 S.F.
LOT 3: 7,445 S.F.
TOTAL: 24,077 S.F.

– Vicinity Map –



SCALE - 1 INCH = 200 FEET



SEE SHEET 2 - DRIVEWAY PLAN & PROFILE FOR PROPOSED SITE IMPROVEMENT DETAILS

SEE SHEET - GRADING & DRAINAGE PLAN FOR PRELIMINARY GRADING AND DRAINAGE DETAILS

LEGEND

PROPERTY BOUNDARY
ADJACENT PROPERTY BOUNDARY
PROPOSED LOT LINE
PROPOSED EASEMENT
PROPOSED SETBACK
EXIST ELECTRICAL CABINET — SWTCH
EX. GAS METER — GM
EX. ELECTICAL METER — EM
PROPOSED DRIVEWAY (ASPHALT OR CONCRETE)
PROPOSED GRAVEL PARKING
PROPOSED CONCRETE
PROPOSED TURF OR SIMILAR
PROPOSED DETENTION POND AREA
EX. TREES (TO REMAIN)
EX. TREES (TO BE REMOVED)

SURVEY & FLOOD INFO NOTES:

1. EXISTING ONSITE SURVEY DATA INCLUDING TOPOGRAPHY AND BOUNDARY INFORMATION WAS PREPARED BY FLAGSTAFF SURVEYING, INC. AND PROVIDED TO THE SANITAS GROUP IN CAD FORMAT.
2. EXISTING OFFSITE TOPOGRAPHIC INFORMATION IS FROM THE AERIAL SURVEY DATA UTILIZED IN THE GREGORY CANYON CREEK LOMR COMPLETED IN 2010 FOR THE CITY OF BOULDER. CAD DWG OF MAPPING INFORMATION PROVIDED BY CITY IF BOULDER.
3. BASIS OF BEARINGS - PER RECORDED PLAT AND DEEDS. I HELD THE BEARING NORTH 15°00'00" WEST, ALONG THE CENTERLINE OF 9TH STREET BETWEEN EXISTING SURVEY MONUMENTS AS SHOWN HEREON.
4. ALL UNDERGROUND UTILITIES SHOULD BE FIELD LOCATED BY THE APPROPRIATE AGENCY PRIOR TO ANY CONSTRUCTION OR DIGGING ON OR ADJACENT TO THE SUBJECT PROPERTY.
5. THE SUBJECT PARCEL CONTAINS A GROSS AREA OF 24,077 SQUARE FEET.
6. ALL ELEVATIONS SHOWN ARE BASED UPON CITY BENCHMARK ID "A-1", A CUT "L" AT THE NORTHEAST CORNER OF MARINE AND 9TH STREET ELEVATION = 5398.56 FEET, NAVD'88 DATUM.
7. ZONING INFORMATION - THE SUBJECT PARCEL IS ZONED "RMX-1" (RESIDENTIAL MIXED - 1). SETBACKS ARE PER ORDINANCE NO. 7148: 13 FOOT COMBINED SIDE YARD SETBACK - 3 FOOT MINIMUM.
8. FLOOD INFORMATION - THE SUBJECT PARCEL IS LOCATED IN ZONE AE, SHADED ZONE X AND UNSHADED ZONE X, AS SHOWN ON THIS MAP BASED UPON THE FEMA FLOOD INSURANCE RATE MAP NO. 08013C 0393 J, DATED 18 DECEMBER 2012.
9. BUILDING FOOTPRINTS FOR RELOCATED HISTORIC RESIDENCES ARE BASED ON INFORMATION PROVIDED BY FLAGSTAFF SURVEY AND THE CLIENT. THE SANITAS GROUP HAS NOT VERIFIED OR PERFORMED A SITE SURVEY OF EXISTING BUILDINGS. PORCH DIMENSIONS AND EAVE SIZES ARE BASED ON APPROXIMATE SITE MEASUREMENTS.

REVIEW ONLY
NOT FOR CONSTRUCTION
DATE 9/3/13

811 Know what's below. Call before you dig.

1041SP

PREPARED BY:

The Sanitas Group
801 MAIN ST, SUITE 210
LOUISVILLE, CO 80027
720.346.1656
PROJECT CONTACT:
CURTIS C. STEVENS, P.E.

PREPARED FOR:

CHRISTIAN GRIFFITH
P.O. BOX 428
ELDORADO SPRINGS, CO
303.990.3100

PRELIMINARY SITE PLAN FOR:

905 MARINE STREET SPECIAL ORDINANCE
NORTHEAST CORNER OF 9TH STREET AND MARINE STREET
CITY OF BOULDER, STATE OF COLORADO

ISSUE	DATE
CITY REVIEW	8/6/13
CLIENT EDITS	8/8/13
CITY COMMENTS	8/26/13
CITY COMMENTS	8/30/13
PLANNING BOARD	9/3/13

DESIGNED BY:	CCS
DRAWN BY:	CCS
CHECKED BY:	LRE

DRAWING SCALE:
HORIZONTAL: 1"=20'
VERTICAL: N/A

CIVIL SITE PLAN

PROJECT NO. B1041

1

SHEET: 1 OF 1

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 19, 2013

AGENDA TITLE: Discussion and input on the proposed 2014 State and Federal Legislative Agenda

PRESENTERS:
Jane S. Brautigam, City Manager
Carl Castillo, Policy Advisor

EXECUTIVE SUMMARY

The purpose of this item is to allow council to review and provide input on the city's proposed 2014 State and Federal Legislative Agenda (the "2014 Agenda," **Attachment A**). Proposed changes from the 2013 Agenda are summarized below and reflected with strike-through and double-underline formatting in **Attachment B**.

Once approved, the 2014 Agenda will be available to present to the city's state legislative delegation at a breakfast scheduled for Dec. 12, 2013 and to its congressional delegation in a city visit to Washington D.C. anticipated for early next year. The 2014 Agenda will also provide individual council members and city staff with authority to advocate on behalf of the city for the stated positions as opportunities arise during the rest of this year and throughout 2014.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic –** City lobbying efforts have and are expected to continue to contribute to the city's economic sustainability goals. In 2013 this included passage of HB13-1295, which simplified Colorado's sales tax system in anticipation of passage of the federal Marketplace Fairness Act. It also included efforts to maintain and increase funding for the city's federally funded labs, the University of Colorado at Boulder, and the Community Development Block Grant program.

- **Environmental –** City lobbying efforts have and are expected to continue to contribute to the city's environmental sustainability goals. In 2013 this included passage of SB13-027, concerning charging for parking at RTD facilities; SB13-048, authorizing local government use of Highway Users Trust Fund revenue for transit; and HB13-1044, authorizing graywater use.

- **Social** - City lobbying efforts have and are expected to continue to contribute to the city's social sustainability goals. In 2013 this included passage of SB13-011, the Colorado Civil Union Act; HB13-1258, the Community and Law Enforcement Trust Act; SB13-033, concerning tuition equity; SB13-043, concerning liability for allowing removal of alcohol from licensed premises, and: SB13-251, concerning driver's licenses for undocumented immigrants.

OTHER IMPACTS

- **Fiscal** – The proposed 2014 Agenda includes several positions that would protect the city's financial resources, including positions opposing state limitations on the city's tax collection authority. In terms of financial outlays, the city anticipates entering into, renewing, or contributing to coalition contracts for consulting services with the following consultants:

    - *Smith Dawson & Andrews* - $35,000/year for city-specific representation before Congress and the Executive Branch.
    - *Dutko Grayling* - $23,340/year for the city's portion of a contract for federal representation of the US 36 Mayors and Commissioners Coalition.

  The city is also in the process of hiring a state lobbyist to represent the city at the Colorado General Assembly on a variety of issues, including energy and water rights interests. Approximately $45,000 has been budgeted for this contract.

- **Staff time** - Creation of a legislative agenda, and devoting time to advance it, is part of staff's approved work plan.

COUNCIL LEGISLATIVE COMMITTEE FEEDBACK

Three members of Council's legislative committee (Council Members Jones, Karakehian and Wilson, the "Committee") met on Friday, Nov. 8 to review a draft of the 2014 Agenda. The Committee expressed general support for the proposed agenda and the priorities. The major change the Committee proposed was to revise the description of the proposed state and federal legislative priorities to highlight relevant examples and to make greater reference to the fully described positions within the legislative agenda. They also agreed to allow Council Member Jones to submit suggested revisions to the section on oil and gas both to address pass legislative action and expected changes in 2014. All changes proposed by the Committee were incorporated into the proposed 2014 Agenda being considered by council.

BACKGROUND

The 2014 regular session of the Colorado General Assembly is scheduled to convene on Jan. 8, 2014. Each legislator is allowed to introduce five bills. The deadline for legislators to request their first three bills is Dec. 2, 2013. The deadline for requesting their remaining two bills is Jan. 7, 2014. Unless "late bill" status is granted, all of these bills must be introduced no later than Jan. 29, 2014.

In order to develop the proposed 2014 Agenda, modifications from the city's 2013 Agenda were made. In making these modifications, several considerations were taken into account, including:

1. A review of the 2013 state legislative session;
2. A review of the 1st session of the 113th Congress;
3. Input from city staff and council's legislative committee, and;
4. Discussions with the city's regional partners

ANALYSIS

Several changes are proposed for the 2014 Agenda with the following representing the most significant:

1) **Energy** – Specified support in existing position for:
    a. Unbundling rates to clearly differentiate fixed and variable energy costs;
    b. Promoting best practices related to energy data, such as adoption of Green Button by regulated utilities;
    c. Facilitating the development of a third-party energy data center and/or demand-side management program implementer;
    d. Enabling regulated utilities to provide aggregated whole-building data to building owners and property managers for use in building benchmarking and energy efficiency improvements;
    e. Standardizing regulated utility filings to increase transparency at the PUC;
    f. Requiring utilities to file grid modernization plans;
    g. Enhancing governments' access to information from regulated utilities through regular reporting on designated undergrounding funds and the ability to obtain communitywide energy information relevant to climate action programs;
    h. Making it easier for local governments to purchase street lighting.

2) **Immigration –** Specified support in existing position for the Uniting American Families Act, federal legislation to ensure that all Americans, regardless of sexual orientation, receive equal treatment under immigration laws.

3) **Equal Rights –** Specified support in existing position for the Employment Non-Discrimination Act (ENDA) of 2013 (S. 815), a federal bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

4) **Emerald Ash Borer –** New position in support of legislation necessary to allow for state support to address the city's emerald ash borer infestation.

5) **Pesticides** – New position supporting legislation providing for more balance in the composition of Colorado's "Pesticide Advisory Committee" and for restoration of local government authority to regulate certain pesticide uses.

6) **Flood Disaster Recovery Needs -** New position in support of legislation necessary to seek state and federal assistance for flood disaster recovery needs and expenses.

7) **Marijuana -** Support Amendment 64-implementing legislation that ensures the safe use of recreational marijuana by allowing local government access to background checks and the seed-to-sale tracking information for commercial operators.

8) **Transportation** – Specified support for legislation to:
    a. Require all public-private partnerships for managed lanes to undergo a transparent approval process and to demonstrate:
        i. A priority on the movement of people, and not only the movement of vehicles;
        ii. Reinvestment of at least a portion of toll operating revenues into the corridor for continued improvements; and,
        iii. Prioritization of travel choices with a portion of toll revenues supporting transit and/or travel demand management, in order to maximize the value of the transportation investment and to ensure that lower-income residents benefit from the public investment in a toll road.
    b. Direct a small portion of FASTER safety funds to continue the Safe Routes to School Program, helping ensure safe transportation for our most vulnerable population

NEXT STEPS

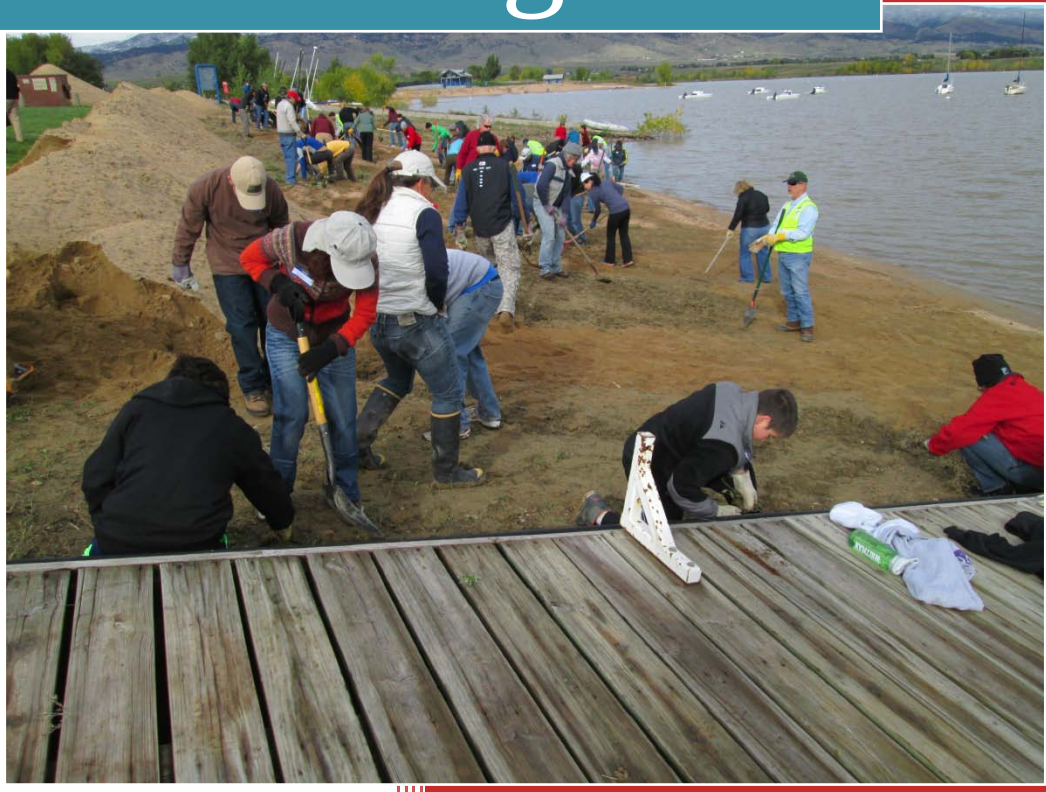
Staff will incorporate changes provided by council into a revised 2014 Agenda and bring it back for approval on Dec. 3, 2013. A breakfast with council members and state legislators has been scheduled for Dec. 12, 2013.

ATTACHMENTS

Attachment A – Proposed 2014 Agenda, clean
Attachment B – Proposed 2014 Agenda, substantive revisions reflected

2014

State and Federal Legislative Agenda



Approved on ___

{Proposed}

CONTACTS

City Council			
NAME/ADDRESS	**CURRENT TERM**		**CONTACT INFORMATION**
Matt Appelbaum, Mayor 200 Pawnee Drive Boulder, CO 80303	Began 11/19/2009	Expires 11/21/2017	303-499-8970 appelbaumm@bouldercolorado.gov
Macon Cowles PO Box 4623 Boulder, CO 80306-4623	Began 11/19/2009	Expires 11/17/2015	303-638-6884 cowlesm.bouldercouncil@gmail.com
Suzanne Jones 714 Marine Street Boulder, CO 80302	Began 11/15/2011	Expires 11/17/2015	720-633-7388 joness@bouldercolorado.gov
George Karakehian 534 Mapleton Avenue Boulder, CO 80304	Began 11/15/2011	Expires 11/17/2015	303-218-8612 karakehiang@bouldercolorado.gov
Lisa Morzel, Mayor Pro Tem 2155 Poplar Avenue Boulder, CO 80304	Began 11/15/2011	Expires 11/17/2015	303-815-6723 lisamorzel@gmail.com
Tim Plass 655 Maxwell Avenue Boulder, CO 80304	Began 11/15/2011	Expires 11/17/2015	720-299-4518 plasst@bouldercolorado.gov
Andrew Shoemaker 1064 10th St. Boulder, CO 80302	Began 11/19/2013	Expires 11/21/17	303-332-8646 shoemakera@bouldercolorado.gov
Sam Weaver 2423 23rd Street Boulder, CO 80304	Began 11/19/2013	Expires 11/21/17	303-588-5148 weavers@bouldercolorado.gov
Mary Young 1420 Alpine Ave Boulder, CO 80304	Began 11/19/2013	Expires 11/21/17	303-447-9378 youngm@bouldercolorado.gov

City Manager
Jane S. Brautigam
303-441-3090
brautigamj@bouldercolorado.gov

City Attorney
Tom Carr
303-441-3020
carrt@bouldercolorado.gov

Policy Advisor
Carl Castillo
303-441-3009
castilloc@bouldrecolorado.go

Mailing Address
P.O. Box 791, Boulder, CO 80306

bouldercolorado.gov/policy-advisor/state-federal-legislative-matters

Physical Address
1777 Broadway, Boulder, CO 80302

Legislative Website

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- Protect workers' compensation system 23
- Protect governmental immunity 23
- Oppose state legislation that could unnecessarily result in increased contributions or force a reduction in benefits for members of the Public Employees Retirement Association (PERA) 24

LOCAL CONTROL **25**

- Oppose legislation threatening local control and home rule authority 25

NATURAL RESOURCES, WILDLIFE AND PARKS **25**

- Support legislation protecting the ability of local governments and the land trust community to acquire and protect parks and open space 25
- Support state legislation furthering implementation of the city's Urban Wildlife Management Plan 26
- Support Legislation Necessary to allow for state support to address the city's emerald ash borer infestation 26
- Support legislation providing for more balance in the composition of Colorado's "Pesticide Advisory Committee" and for restoration of local government authority to regulate certain pesticide uses 27

PUBLIC HEALTH AND SAFETY **28**

- Support legislation necessary to seek state and federal assistance for flood disaster recovery needs and expenses 28
- Support Amendment 64-implementing legislation that ensures the safe use of recreational marijuana by allowing local government access to background checks and the seed-to-sale tracking information for commercial operators 28
- Support legislation that promotes the health and safety concerns associated with alcohol abuse in the greater community 29
- Support federal legislation that would close the federal gun show loophole 29
- Oppose legislation that would expand the application of the "make my day" law beyond personal residences 29
- Oppose legislation that limits the state's ability to regulate concealed weapons or local government's ability to restrict possession of weapons in public facilities 29
- Oppose mandates for local government enforcement of federal immigration laws 30
- Oppose legislation that would infringe on employment and personnel decisions made by municipal police and fire departments 30
- Oppose legislation that imposes onerous information gathering and reporting requirements on public safety, especially when those requirements come with substantial costs that are not supported by adequate funding 31
- Support legislation that increases the financial threshold of property damage that triggers a police investigation of non-injury traffic accidents 31
- Oppose legislation limiting municipal authority to operate red light or photo radar cameras to enforce traffic safety 31

ROCKY FLATS 32

- Support legislation providing funding to the Department of Energy for the Office of Legacy Management and U.S. Fish and Wildlife Service in order to manage Rocky Flats as a national wildlife refuge with the appropriate systems in place for long term stewardship 32

TAX POLICY 32

- Support the Market Fairness Act and other Action to preserve and expand the authority of local governments to collect taxes 32

TELECOMMUNICATIONS 33

- Support legislation that makes strides towards reestablishing the right of municipalities to provide telecommunication services such as large and complex city-wide fiber and premise networks 33

TRANSPORTATION 33

- Support legislation that increases transportation funding and prioritizes its expenditure on projects that maintain existing infrastructure, are multimodal in design and that otherwise promote smart growth 33
- Support efforts to realign the Colorado Transportation Commission to include population, not just geography, to ensure fair representation of the metropolitan area 35
- Support legislation that promotes "Complete Streets," accommodating all modes of travel 35
- Oppose legislation limiting the city's ability to regulate vehicle use on sidewalks, multi-use pathways, and bike lanes, or that requires the city to alter its current code in order to maintain current policy on allowed uses of those facilities 35
- Oppose legislation that would transfer the maintenance responsibilities for regional highways from the Colorado Department of Transportation to local governments 35

UNIVERSITY OF COLORADO 36

- Support a renewed commitment by the state and federal governments to fund the University of Colorado and its capital programs 36

WATER 37

- Support legislation that promotes the efficient utilization and conservation of water . 37
- Oppose state legislation that significantly threatens the city's water rights 37

QUICK FACTS ABOUT BOULDER

Demographic Characteristics: (2013 data unless otherwise stated)

Land Area: 25.8 Square Miles
Housing Units: 43,791
Median Value of Owner-Occupied Housing Units: $477,200
Median Rent: $1,189
Population: 99,716
Employment: 99,400
Median Family Income: $102,930
Median Household Income: $56,274
Median Age: 27.7
Education: 37% Advanced degree, 35% BA/BS; 18% some college
Unemployment Rate (July 2013): 5.4%
Sales and Use Tax Rate: 3.41%
Use of Alternative Transportation (2011 estimates): 36%
Open Space/Mountain Parks: 45,000 acres
City of Boulder Employees: 1,264

Key Industry Clusters: Aerospace; biotech; clean tech/renewable energy and energy research; IT-data storage, digital media and software development; nanotechnology; natural and organic products; outdoor products and recreation; photonics and tourism.

Major Employers: University of Colorado, IBM Corp, Boulder Community Hospital, Covidien, City of Boulder, Ball Aerospace, Lockheed Martin, Boulder County, UCAR/NCAR, Micro Motion/Emerson, Amgen, Cisco, GE, Google, Hain Celestial Group, Naropa Institute, NOAA, NIST, Whole Foods, Microsoft, Wall Street on Demand, and McGuckin Hardware.

2013 Best of Boulder:

- **Top 100 Best Places to Live (#2) -** *Livability.com*, Oct. 16, 2013.
- **No. 1 City in Country for Technology Startups** - *FOX31 Denver KDVR-TV*, Sept. 10, 2013.
- **Best Urban Green Spaces in North America -** *USA Today*, Aug. 18, 2013.
- **The 25 Best U.S. Cities for Tech Startups (#1) -** *Entrepreneur*, Aug. 14, 2013.
- **Most Popular City for Tech Startups -** *The Wall Street Journal*, Aug. 14, 2013.
- **The Most Start-up 'Dense' Area in the U.S. -** *Inc.*, Aug. 14, 2013.
- **2013 eCity Award: Colorado's Digital Capital -** *Google*, Aug. 13, 2013.
- **Top 10 College Towns 2013 (#1) -** *Livability*, Aug. 2, 2013.
- **Top Urban Bike Paths Across the USA (Boulder Creek Path: #2)** - *USA Today*, July 23, 2013.
- **The Top 3 Cities for Startups: Austin, Seattle and Boulder -** *GeekWire*, July 17, 2013.
- **Best Places for Work-Life Balance -** *NerdWallet*, July 14, 2013.
- **10 Best U.S. Cities for Young Adults (#3) -** *MSN Money*, May 22, 2013.
- **10 Fittest and 10 Fattest Cities in America (#1 Fittest) -** *MSN Healthy Living*, May 17, 2013.
- **The Best Midsize Cities For Jobs 2013 (#1) -** *Forbes*, May 6, 2013
- **The 2013 Best Cities for Job Growth (#1 Medium-sized City and #7 Overall) -** *New Geography*, May 6, 2013.
- **2012 Least-obese Metro Areas (#1) -** *Gallup*, April 11, 2013.
- **Dynamic Locales For Walkable Living -** *Where to Retire*, April 10, 2013.

- **Tree City USA (for the 29th consecutive year) -** *National Arbor Day Foundation*, April 9, 2013.
- **Top 10 Metros for Female Executives (#1) -** *Avalanche Consulting*, Feb. 18, 2013.

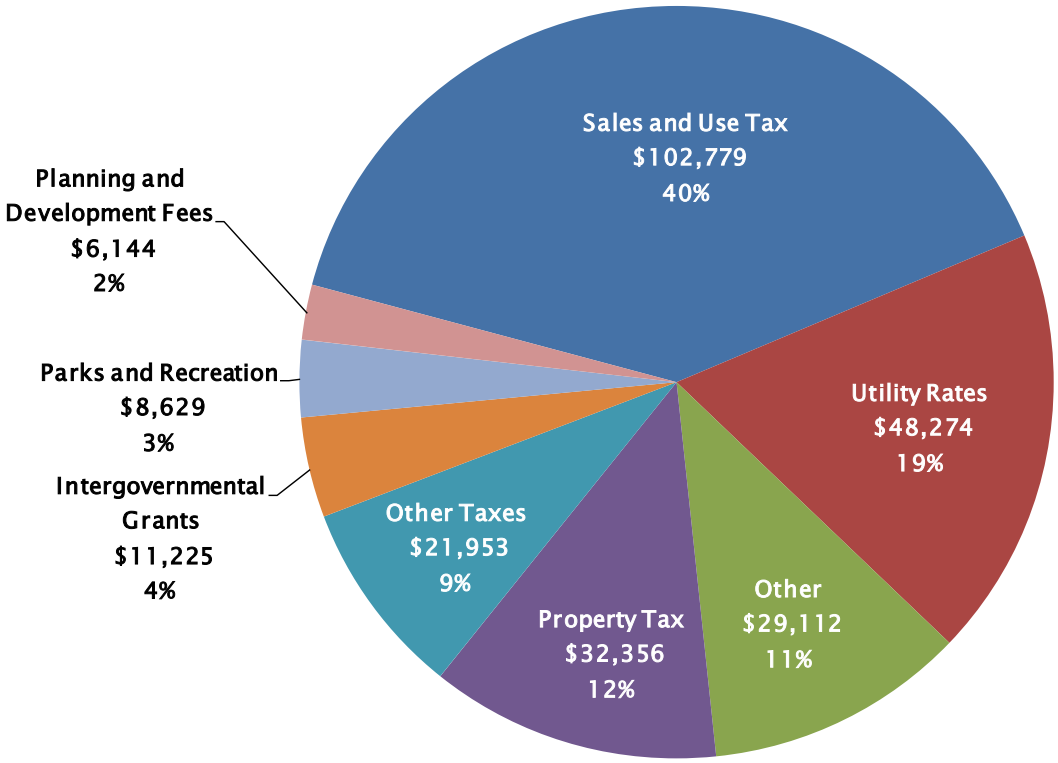
The 20 Most Innovative Cities in the U.S. (#5) - *Business Insider*, Feb. 1, 2013.

Revenue – Where the Money Comes From…

The 2014 Approved Budget is based on projected citywide revenues of $260 million. The three largest revenue sources for the city are sales/use taxes, property taxes and utility rate charges. These three funding sources represent 71 percent of the total sources of city funds and are described in more detail below.

Citywide Revenues (Sources) for 2014
(in $1,000s)

TOTAL = $260,471



Sales and use taxes comprise 40 percent of the city's total revenues. Sales or use tax is a transaction tax levied upon all sales, purchases, and leases of tangible personal property and taxable services sold or leased by persons engaged in business in the city and is collected by the vendor or lessor and remitted to the city.

PURPOSE OF THE LEGISLATIVE AGENDA

The purpose of the city's 2014 State and Federal Legislative Agenda (the "Legislative Agenda") is to formalize city positions on legislation expected to be considered by the Colorado General Assembly and the U.S. Congress. The city offers the Legislative Agenda as a guideline to legislators for reference when considering legislation impacting the City of Boulder. Strategic, targeted, and/or abbreviated versions of the information contained in this agenda will also be created throughout the year for use in further legislative communications.

The Legislative Agenda was developed in advance of the convening of the 2013 Colorado General Assembly. Consequently, it does not address state legislation by bill number. Instead, it describes the underlying interest the city has on specific issues. With the coordination of the city's Policy Advisor, it will be used by individual council members and city staff to inform city positions taken on specific bills once the legislative session begins. At that point, council may also consider amendments to the Legislative Agenda and address specific bills that have been proposed.

Council may revisit the city's legislative strategy at any point. It may do so as a body, or through its Council Legislative Committee. Council created this committee for the purpose of convening on an ad hoc basis with the Policy Advisor and other city staff as appropriate when one or more of the following circumstances exist:

1. There is an immediate need for council members to participate with staff in developing a communication strategy to advance or defeat a bill which is clearly addressed by the city's legislative agenda or other established council policy, or;

2. There is a question about whether a bill, which was clearly not anticipated or addressed by council in the approved legislative agenda or by other established council policy, but which could be of significant concern to the city, should be brought to the full council for consideration of a position.

In recent years, Council's Legislative Committee has also been used during non-legislative periods to provide suggestions on revisions to the legislative agenda and to plan agendas for meetings with legislators.

As has been done in years past, council is again adopting a goal that modifications to this legislative agenda require consistency, when applicable, with the six criteria described below:

1. Uniformity with current city council goals;
2. Expected relevance in the upcoming or present state and federal legislative sessions;
3. Uniqueness of issue or impact to the City of Boulder;
4. Viability, or likelihood of achieving goal;
5. Opportunity for providing funding for City of Boulder; and,

6. High probability of metrics of success in order to allow the position to be deleted from future agendas if achieved.

The city welcomes the opportunity to discuss the city's Legislative Agenda. Please direct any questions to City Council members or to the city's Policy Advisor at 303-441-3009.

STATE LEGISLATIVE PRIORITIES AT A GLANCE

1. Support legislation enhancing the ability of local governments to develop and implement effective energy strategies that reduce environmental impacts, provide stable rates and promote economic vitality and, conversely, oppose legislation that would diminish that ability, including the ability of cities to form a municipal utility. As described on page 15 of the agenda, this includes support for a variety of legislative ideas and above all, opposition to any legislation that impedes the above objectives or that limits a cities ability to form a municipal utility.

2. Support legislation that makes strides towards reestablishing the right of municipalities to provide telecommunication services such as large and complex city-wide fiber and premise networks. This position is explained in greater detail on page 33 of the agenda.

3. Support Amendment 64 implementing legislation that ensures the safe use of recreational marijuana by allowing local government access to background checks and the seed-to-sale tracking information for commercial operators. This position is explained in greater detail on page 26 of the agenda.

4. Support legislation that increases transportation funding and prioritizes its expenditure on projects that maintain existing infrastructure, are multimodal in design and that otherwise promote smart growth. As described on page 33, this may include legislation to continue funding the Safe Routes to School Program and to require public private partnerships for state-funded managed lanes to meet certain criteria including prioritizing the number of people moved by the project over the amount of vehicles moved or revenue generated. Legislative support may also be required for a possible state ballot measure.

FEDERAL LEGISLATIVE PRIORITIES AT A GLANCE

1. Seek federal support for Boulder's federally funded labs and the University of Colorado Boulder. As described further on pages 13 and 36, these institutions are foundational to the economic and cultural well being of the city. One important way to assist them in 2014, as described further on page 15, is to support revisions to the federal budget sequestration.

2. Support legislation necessary to seek state and federal assistance for flood disaster recovery needs and expenses described further on page 28.

3. Continue to brief federal officials on the city's municipalization efforts and seek support as necessary, while positioning Boulder as a national pilot for the new energy utility, as explained further on page 15 of the agenda.

DEMOCRACY AND GOVERNANCE

- **SUPPORT FOR AN AMENDMENT TO THE U.S. CONSTITUTION ABOLISHING CORPORATE PERSONHOOD**

On November 1, 2011, the residents of Boulder voted, by a 73 percent majority, to approve Ballot Question No. 2H which called for "reclaiming democracy from the corrupting effects of corporate influence by amending the United States Constitution to establish that: 1) Only human beings, not corporations, are entitled to constitutional rights; and 2) Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech."

The City of Boulder will support state and federal legislation similar to SJR12-1034, or action by other intergovernmental partners, that furthers efforts to amend the U.S. Constitution with language that captures the sentiment, if not the exact language, expressed by Ballot Question No. 2H. This includes support for the joint resolution that was introduced in the U.S. Senate on December 8, 2011 by Senator Bernie Sanders to amend the Constitution to exclude corporations from First Amendment rights to spend money on Political Campaigns (a.k.a. the Saving American Democracy Amendment).

- **SUPPORT GENERAL ASSEMBLY ACTION TO SUBMIT TO THE COLORADO ELECTORATE A REFERRED MEASURE TO REFORM THE CURRENT PROCESS FOR CITIZEN-INITIATED CONSTITUTIONAL AND STATUTORY AMENDMENTS BY ALTERING THE SIGNATURE COLLECTION REQUIREMENTS; REQUIRING A SUPERMAJORITY VOTER APPROVAL, EXCEPT FOR THOSE MEASURES THAT LOOK TO AMEND PREVIOUS VOTER-APPROVED CONSTITUTIONAL AMENDMENTS; AND REQUIRING FOR A TIME A SUPERMAJORITY APPROVAL BY THE GENERAL ASSEMBLY TO CHANGE CITIZEN-INITIATED STATUTORY AMENDMENTS**

Over the past 25 years, as a result of its low threshold requirements, Colorado has experienced a surge in citizen-initiated ballot measures. In the last 18 years alone, the constitution has been amended 35 times, adding detailed and sometimes conflicting provisions with far-reaching consequences. The city supports state legislation similar to HCR12-1003 that would reform the citizen initiative process to make it more difficult to amend the state constitution while providing assurance to Colorado citizens that statutory amendments will be respected by state elected officials.

ECONOMIC VITALITY

- **PROTECT CORE PROVISIONS OF THE COLORADO URBAN RENEWAL LAW, WHICH PROVIDE EFFECTIVE REDEVELOPMENT TOOLS FOR MUNICIPALITIES SUCH AS TAX INCREMENT FINANCING AND EMINENT DOMAIN**

Unlike many communities that contain vast areas of undeveloped land planned for future commercial and residential use, Boulder's future economic sustainability will depend on effective and ongoing re-use of existing developed property. The majority of future redevelopment in Boulder will be completed by private entities and through private investment. However, in rare circumstances, and based on the requirements of the urban renewal law, projects that demonstrate a compelling community need may only be achievable through a public/private urban renewal partnership. Municipalities should retain the capacity to facilitate revitalization of their urbanized areas. The city, however, recognizes that there have been instances of abuse of this tool that threaten to jeopardize its continued availability. Accordingly, the city will support legislation designed to address such abuses, including changes to assure that the tax increment base is set at a fair level or requirements that the impacts of projects in the urban renewal area are adequately communicated to the other taxing districts.

- **SUPPORT FEDERAL LEGISLATION PROVIDING FOR CONTINUED FUNDING AND SUPPORT FOR THE FEDERALLY FUNDED LABS LOCATED IN BOULDER**

The city's economic vitality policy strongly supports the federally funded laboratories that are located in the city, specifically:

- Cooperative Institute for Research in Environmental Sciences (CIRES)
- Joint Institute for Laboratory Astrophysics (JILA)
- Laboratory for Atmospheric and Space Physics (LASP)
- National Center for Atmospheric Research (NCAR)
- National Ecological Observatory Network (NEON)
- National Institute of Standards and Technology (NIST)
- National Oceanic and Atmospheric Administration (NOAA)
    - Earth System Research Laboratory (ESRL)
    - National Geophysical Data Center (DGDC)
    - National Weather Service (NWS)
    - National Environmental Satellite, Data and Information Service (NESDIS)
    - Space Weather Prediction Center (SWPC)
- National Telecommunications and Information Administration (NTIA)
- University Corporation for Atmospheric Research (UCAR)
- UNAVCO
- United States Geological Survey (USGS)

The labs, the research they conduct, and the researchers and staff they employ are vitally important to the City of Boulder, Boulder County, the Denver metropolitan region, the state, and the nation as a whole. The research funding they receive is redistributed throughout Colorado and beyond in the form of discretionary employee income, purchases of goods and services from suppliers, and contractual agreements with universities and private industry. Technologies they've created have led to technology transfer and spin-off companies.

In the Boulder metro area alone, federal research labs employed over 3,539 people in 2012. The NOAA, NIST and NTIA labs accounted for over one-third of this employment. These are high-skilled, highly educated employees whose average annual compensation in 2012 was $107,900. In August 2013, CU's Leeds School of Business released a study entitled, "CO-LABS Economic Impact Study: Economic and Fiscal Impacts of Federally Funded Research Facilities". According to the report, the net economic benefit to Boulder County of the federal labs, combined with other federally funded research laboratories in Colorado, totaled $743.2 million in FY 2012.

Boulder highly values the scientific contributions the labs and their employees have made to the entire nation, as well as the economic impact they have on our community. These institutions work closely with scientific researchers from the University of Colorado in Boulder and Colorado State University in nearby Ft. Collins. This synergy of scientific knowledge is found nowhere else in the United States.

Just as the labs generate direct benefits (employment, local spending) and associated indirect activity through an economic multiplier effect, the opposite holds true for funding reductions. According to CU's Leeds School of Business, for every job lost at these federal laboratories, an additional 1.17 jobs will be lost in Colorado. For every $1 million in funding cuts to the labs, an additional $1.13 million in economic impact will be lost. Perhaps even more troubling, our national capacity for research and innovation will be damaged by lay-offs of scientists and researchers, jeopardizing new advanced technologies, future businesses formed to commercialize developing technologies, and our global competitiveness.

- **SUPPORT FOR LEGISLATION FACILITATING THE ABILITY OF MUNICIPALITIES TO ENTER INTO REVENUE SHARING AGREEMENTS**

The city believes that there are a number of shortcomings associated with the current reliance municipalities have on sales tax generation. These include revenue-driven development detached from community land use goals, the use of incentives to capture development at the expense of municipal budgets, and sales tax revenue volatility resulting from counterproductive competition of regional retail outlets. In order to address these and other limitations, the City of Boulder, in conjunction with the Boulder County Consortium of Cities, is exploring the possibility of a revenue sharing agreement with one or more of its municipal neighbors. The significant challenge of such an undertaking would be diminished if the state were to provide mechanisms to encourage such agreements. One possibility would

be for the state to establish a task force to evaluate the possibility of exploring revenue sharing as it may relate to the creation of a service tax or the removal of barriers to collecting Internet sales tax.

- **SUPPORT REVISIONS TO THE FEDERAL BUDGET SEQUESTRATION AS IT HAS AND WILL CONTINUE TO DRASTICALLY IMPACT FUNDING FOR VITAL PROGRAMS AND SERVICES PROVIDED BY THE FEDERAL LABS, THE UNIVERSITY OF COLORADO BOULDER, THE BOULDER VALLEY SCHOOL DISTRICT, BOULDER COUNTY AND THE CITY OF BOULDER**

Automatic cuts, enacted as a part of the debt ceiling and "Super Committee" debates of last year, are expected to trim $1.2 trillion from federal spending over the next decade. The city recognizes the importance of reducing the national debt through a combination of revenue increases and targeted budget reductions. However, the city is very concerned about the direct and indirect health, safety, education, human service and economic impacts to the Boulder community of across-the-board cuts to the federal budget. Instead, the city would support an approach that generates the Budget Control Act-mandated savings through administrative efficiencies and strategic cuts to obsolete or duplicative programs.

ENERGY AND CLIMATE

- **SUPPORT LEGISLATION TO ADDRESS CLIMATE CHANGE BY IMPROVING ENERGY EFFICIENCY, INCREASING USE OF RENEWABLE ENERGY, REDUCING GREENHOUSE GAS EMISSIONS AND DEPENDENCE ON FOSSIL FUELS, AND DEVELOPING CLIMATE CHANGE ADAPTATION STRATEGIES**

In May 2002, the Boulder City Council passed Resolution 906, also known as the Kyoto Resolution, setting the goal of reducing community greenhouse gas emissions to seven percent below 1990 levels by 2012. In June 2006, Council adopted a climate action plan to serve as a roadmap to Boulder's Kyoto goal. The overarching vision of the plan is to develop a sustainable energy future for Boulder. The city supports a variety of approaches to reach this goal, including legislation that would support creating a new rate category, similar to Windsource, that customers of publicly owned utilities could voluntarily sign up for with such funding going to support distributed energy generation systems (e.g., community solar gardens and rooftop solar) within the locality where such funds were raised; change the Public Utilities Commission regulations to encourage investments in conservation by replacing the current focus on minimization of energy rates to one focusing on minimization of the consumer's total energy bill; unbundle rates to clearly differentiate fixed and variable energy costs; facilitate the use of investor–owned transmission lines at fair and reasonable prices to convey renewable energy from multiple sources (a.k.a. retail wheeling); allow distribution of city-generated or city-owned renewable energy sources at fair and reasonable prices; allow for aggregation of residential or commercial electric customers in municipal

purchase of renewable energy on behalf of these groups of customers (a.k.a. community choice aggregation); make any necessary changes to the community solar gardens law (HB10-1342) to allow for its successful implementation, especially with regard to facilitating formation of smaller (500 kW and under) solar gardens; require time-of-day electricity price signals that would, among other things, promote charging of vehicles at night; move the state toward feed-in tariffs so that electric utilities would be obligated to buy electricity from renewable energy sources at rates that are economically viable for the creation of such sources; fund local government energy efficiency and renewable energy programs; extend the federal production tax credit for wind energy which is due to expire at the end of 2013; establish high performance residential and commercial building codes; allow mobile home owners to receive the same rebates and incentives for installation of solar panels as are available to other homeowners; promote best practices related to energy data, such as adoption of Green Button by regulated utilities; facilitate the development of a third-party energy data center and/or demand-side management program implementer; enable regulated utilities to provide aggregated whole-building data to building owners and property managers for use in building benchmarking and energy efficiency improvements; standardize regulated utility filings to increase transparency at the PUC; require utilities to file grid modernization plans; enhance governments' access to information from regulated utilities through regular reporting on designated undergrounding funds and the ability to obtain communitywide energy information relevant to climate action programs; make it easier for local governments to purchase street lighting; and, require statewide lighting, appliance and other equipment efficiency standards and/or incentives, as appropriate, for efficient technologies. Conversely, the city will oppose any legislation that impedes the above objectives or that limits a city's ability to form a municipal utility.

The city also supports legislation similar to HB12-1234 that would clarify that, for purposes of the rules governing intervention in administrative hearings before the Colorado Public Utilities Commission (PUC), customers of a business regulated by the PUC qualify as persons who "will be interested in or affected by" the PUC's order.

The city understands that the early impacts of climate change have already appeared and scientists believe that further impacts are inevitable, no matter what happens to future global greenhouse gas emissions. In addition, the city recognizes that decisions we make today about land use, infrastructure, health, water management, agriculture, biodiversity and housing will have lasting consequences. It is therefore important to begin planning now for the impacts of climate change in the future. Consequently, the city supports legislation that expands the development of climate change adaptation strategies such as those that initiate, foster, and enhance existing efforts to improve economic and social well-being, public safety and security, public health, environmental justice, species and habitat protection, and ecological function.

Specific to vehicle usage, the city supports legislation that would reduce growth in vehicle miles traveled; authorize collection of vehicle registration fees based on vehicle fuel efficiency levels if implementation can address social equity concerns; establish vehicle efficiency standards as called for in the Colorado Climate Action Plan; increase state biofuel

infrastructure and develop a statewide biofuels policy; require more data during vehicle registration relating to fuel efficiency; change current regulations so that net metering of vehicle-to-grid charge and discharge cycling can be accommodated; and, encourage the proliferation of public charging stations for plug-in-electric vehicles by requiring new parking lots and parking structures to provide a minimum number of public charging stations.

- **SUPPORT REFORM OF PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCE STATUTES TO ALLOW FOR RESUMPTION OF BOULDER COUNTY'S CLIMATESMART LOAN PROGRAM (CSLP)**

The city has been an active supporter of Boulder County's PACE finance program, the CSLP. Many city residents have taken advantage of the CSLP to secure low-interest loans to make energy efficiency and renewable energy upgrades to their homes. Actions taken in 2010 by Fannie Mae, Freddie Mac, and the Federal Housing Finance Agency have forced local governments across the country, including Boulder County, to suspend their PACE financing programs. The city supports reversal or resolution of these federal actions, either through legislation or regulation, to allow PACE programs to again move forward. If such federal action is taken, the city would also urge the Colorado General Assembly to quickly take any action necessary to conform Colorado's PACE enabling statutes to the new federal requirements.

- **SUPPORT LEGISLATION PROMOTING WASTE REDUCTION AND DIVERSION EFFORTS**

In Colorado, there are currently no statewide minimum waste diversion goals. In addition, there exist artificially inexpensive landfill tip fees and no minimum recycled content standards. This makes the most environmentally responsible management practices like recycling and composting often cost prohibitive. The city supports statewide legislation that would encourage product stewardship and take-back programs (a.k.a. "extended producer responsibility"); ban specific materials; advance waste to energy technologies; require post-consumer minimum content standards for product manufacture; and implement statewide or regional landfill tip fee surcharges to be used for waste reduction, and/or a statewide waste diversion goal structured to include incentives and assistance programs to spur waste diversion state-wide, and encourage additional resource recovery. The city also has specific concerns about the environmental hazards posed by electronic waste in landfills. Therefore, the city supports legislation that requires extended producer responsibility that is regulated to be environmentally and socially acceptable. Finally, the city would support repeal of the prohibition contained in state law (C.R.S. Section 25-17-104) on local government bans on "use or sale of specific types of plastic materials or products" or restrictions on "containers . . . for any consumer products."

- **SUPPORT IMPROVEMENTS TO THE COLORADO OIL AND GAS CONSERVATION COMMISSION'S OVERSIGHT OF OIL AND GAS DRILLING AND PRESERVATION OF LOCAL CONTROL TO ADOPT**

REGULATIONS, MORATORIUMS OR OTHER LIMITS AS NECESSARY

Oil and gas drilling is an industrial activity that is increasing in Colorado and within the northern Front Range, and which poses significant risks and potential adverse impacts, including damage to air and water quality, scenic values, property values, public infrastructure, and public health and that can significantly affect local quality of life and economic prosperity. There is growing public concern about the proximity of oil and gas development to communities and other sensitive resources and about industry techniques, such as hydraulic fracturing (or "fracking"), which are being used to access oil and gas resources. Fracking is a process whereby fluids are injected at high pressure into underground rock formations to blast them open and enable new or increased exploitation of fossil fuel resources. Chemicals typically used in the fracking process include diesel fuel, benzene, industrial solvents, and other carcinogens and endocrine disrupters. According to the Colorado Oil and Gas Conservation Commission (COGCC), nearly all of the more than 51,000 oil and gas wells operating in Colorado are fracked. New requirements to substantiate trade secrets and disclose all chemicals and concentrations included in fracking fluids, save for those included in trade secrets, were positive steps forward. In addition, there is increasing evidence and growing concern that oil and gas operations emit toxic air pollutants, volatile organic compounds that cause ground-level ozone, and potentially large amounts of methane, one of the most powerful greenhouse gasses. Further, according to the COGCC, since 2010, there have been more than 1,500 spills in Colorado – an average of 500 each year – and more than 20% of these have contaminated water supplies. Accordingly, the city believes that fracking should not be an exempted activity under the Clean Water Act or Safe Drinking Water Act or from other federal environmental laws.

In July of 1993 the City of Boulder adopted its own regulations to govern oil and gas operations or production on Open Space lands. Those regulations require an application to the city manager, and hearings conducted by the Open Space Board of Trustees and City Council. Since the adoption of the regulations in 1993, no one has applied to conduct new drilling operations on Open Space lands. These regulations, however, do not address the issue of fracking or other emerging concerns about oil and gas impacts, nor do they address any potential drilling that might be proposed within city limits on non-open space lands.

Boulder County and many of the communities surrounding Boulder are facing increased oil and gas drilling activity and are in various stages of adopting moratoria or crafting new rules to address potential risks and adverse impacts from fracking and other drilling activities. The State of Colorado argues that state authority preempts local rules and is currently suing Longmont for adopting its own rules. In addition, the oil and gas industry is suing Longmont challenging a ban on fracking within city limits that was adopted by Longmont citizens by a 60% vote. Furthermore, several multi-year studies are underway—including one by CU—to analyze air, water and public health impacts of fracking, the results of which won't be out for several years. In response, the Boulder City Council adopted a year-long moratorium in June 2013 on processing any new permits for oil and gas exploration or development within the city limits or on our city open space. The council subsequently placed an initiative on the

November ballot to extend this moratorium until June 2018, while waiting for the results of these pending studies and lawsuits; voters passed this ballot initiative (2H) by over 78%.

The City of Boulder believes that local governments have both the right and responsibility to take action to protect the public health and well being of our residents as well as the environment. The city supports the state setting minimum standards and best management practices for the oil and gas industry, but also believes that local jurisdictions must be allowed to adopt strong rules as needed to address local concerns and conditions. To that end, the city supports legislation that clarifies and strengthens the authority of local governments to use their existing land use authorities to manage and tailor oil and gas activities within their borders to ensure public health, safety and welfare, and to protect the environment. The city also opposes legislation that would preempt local authority to establish bans, temporary moratoriums, or to establish and enforce regulations over such fracking operations.

In addition, the city also supports legislation that would address specific oil and gas drilling impacts, including legislation to:

- Better protect homes and communities by increasing the minimum distance between wells and occupied buildings from the current 350' setback to 1000', 1,500' for schools, giving local governments an effective role in controlling the pace and footprint of development in their jurisdictions, and; lifting the current prohibition on local governments passing along the cost of inspections to industry.
- Adopt statewide protections for water including: requiring setbacks from all streams and lakes; requiring baseline and periodic water monitoring at all drilling sites; raising casing and cementing standards to ensure wellbore integrity; and requiring operators to formulate a water management plan and recycle wastewater before acquiring new supplies.
- Better protect air quality at and near oil and gas operations and decrease greenhouse gas emissions by requiring strict controls on fugitive emissions from oil and gas facilities, including adopting the latest technology in leak detection and repair.
- Increase fines for negligent, repeated or significant spills.
- Address the dual mandate and composition of the COGCC to make its primary role the regulation of the oil and gas industry to protect the public health, safety and the environment.
- Support further study of air, water and public health impacts oil and gas operations and ways to mitigate or avoid impacts.

HOUSING

- **OPPOSE FEDERAL EFFORTS TO REDUCE APPROPRIATIONS FOR HUD PUBLIC HOUSING AND SECTION 8 PROGRAMS WHICH PROVIDE RENTAL ASSISTANCE TO LOW-INCOME HOUSEHOLDS**

In the continuum of housing options for Boulder citizens, public housing and Section 8 vouchers provide a unique source of safe and affordable homes for approximately 1,000 families. Public housing and voucher assistance serve the most low income families in Boulder, 95 percent of whom have incomes below $14,000 annually and pay an average of less than $300 per month in rent. There are very few, if any, market options for these families who depend entirely on the availability of federal assistance in order to live with dignity and assurance of shelter.

- **OPPOSE FEDERAL REDUCTIONS TO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIPS**

Boulder has participated in the CDBG program since 1975, and funds have been used in the past for a variety of projects ranging from assistance to nonprofit agencies that provide services to the city's low and moderate income residents, to construction of the Pearl Street Mall, and renovation of the Chautauqua Auditorium. Boulder has also participated in the HOME program since 1992 and program funds have supported the production and preservation of affordable housing. For the past six years Boulder has been the lead agency for a regional HOME Consortium including all of Boulder and Broomfield Counties. Half of the HOME funds received by Boulder are used in Boulder and half in the other Consortium communities. In 2013, the city received $754,180 in CDBG funding and $891,331 in HOME funding from the U.S. Department of Housing and Urban Development. The CDBG and HOME programs allow the city to strengthen public infrastructure, increase supply of affordable housing, and improve the quality of life for the city's low and moderate income residents.

- **SUPPORT FOR STATE HOUSING TRUST FUND**

The city is supportive of legislative efforts that would lead to creation and financing of a state affordable housing trust fund.

- **SUPPORT LEGISLATION THAT HELPS ADDRESS THE POWER IMBALANCE BETWEEN OWNERS OF MOBILE HOMES AND OWNERS OF MOBILE HOME PARKS**

It is the policy of the city to encourage affordable housing ownership, including manufactured housing. Current market conditions place owners of manufactured housing at

a disadvantage compared to other potential investors in the purchase of manufactured home communities. These dynamics often lead to the exclusion of the potential buyers who have the most at stake and the greatest need for an opportunity to purchase the park.

- **OPPOSE FURTHER CUTS TO STATE FUNDED HEALTH AND HUMAN SERVICE PROGRAMS, ESPECIALLY THOSE THAT ARE PREVENTIVE IN NATURE**

The state recently made drastic cuts to services that help provide a safety net to thousands of city residents. This includes services to very low income residents, children and families, mentally ill, disabled and people without health insurance. The city urges the General Assembly to avoid making further cuts to those essential services that serve the city's most vulnerable, especially intervention and prevention services that keep people out of crisis.

HUMAN SERVICES/HUMAN RIGHTS

- **SUPPORT COMPREHENSIVE FEDERAL IMMIGRATION REFORM**

The City of Boulder has been, and remains, committed to the protection of civil and human rights for all people. It believes in the dignity of all Boulder residents, regardless of immigration status, and recognizes the importance of their many contributions to the social, religious, cultural and economic life of the city.

The failures of the U.S. immigration system have had profound impacts within the Boulder community. These include very young students losing motivation to excel in their learning because of knowledge that they lack affordable higher educational opportunities and the existence of an underclass, climate of fear, informal economy and work force inequities.

Accordingly, the city welcomes and encourages cooperation at all levels of government to work together to support swift and responsible legislative action to produce equitable, humane, effective and comprehensive federal immigration reform that provides for:

1. Enforceable immigration laws;
2. A rational and humane approach to the undocumented population;
3. A simplified visa system which allows for family unification of those who have been separated by the legal immigration backlog process and which provides for legal status for the existing immigrant workforce;
4. A rate and system of controlled immigration that matches the needs of our economy;
5. Social integration for our existing immigrant workforce and their families;
6. Recognizing employers as key allies in implementing immigration policy and enhancing enforcement of labor laws to remove the market advantage that leads to exploiting immigration status to pay lower wages, avoid taxes and violate labor laws;
7. A system which ultimately aids in border control, and;

8. Bilateral partnerships with other countries to promote economic development that will reduce the flow of immigrants.

The city also supports federal legislation, such as the often introduced Development, Relief, and Education for Alien Minors Act (The "DREAM Act"), that would qualify students for immigration relief if they have resided in the United States for several consecutive years, arrived in the U.S. as young children and demonstrated good moral character; put such students on a pathway to citizenship if they graduate from high school or obtain a GED and complete at least 2 years towards a 4-year degree or serve in the U.S. military for at least two years, and; eliminate a federal provision that discourages states from providing in-state tuition to their undocumented immigrant student residents, thus restoring full authority to the states to determine state college and university fees.

Finally, the city supports the Uniting American Families Act of 2013 (S.296), federal legislation to ensure that all Americans, regardless of sexual orientation, receive equal treatment under immigration laws. This bill specifically allows partners and children of U.S. citizens and lawful permanent residents to obtain lawful permanent resident status the same way heterosexual spouses can. It would allow for family-based immigration for gay and lesbian Americans and the reunification of families, which strengthens our communities.

- **SUPPORT LEGISLATION FURTHERING THE RIGHTS OF ALL PEOPLE REGARDLESS OF THEIR ACTUAL OR PERCEIVED SEXUAL ORIENTATION OR GENDER VARIANCE STATUS**

On May 18, 2004, Boulder's City Council adopted Resolution No. 947. This resolution affirms the city's commitment to the protection of civil rights for all people as outlined in the city's human rights ordinance. Furthermore, the resolution recognized the many contributions that the city's gay, lesbian, bisexual and transgender residents have provided that have enhanced the lives of all in the community. Finally, the resolution declared support for repealing or legislatively challenging the Colorado state law prohibiting the issuance of same sex marriage licenses.

Consistent with the city's long history of support for the equal rights of all people regardless of their actual or perceived sexual orientation or gender variance status, the city will continue to support the right for same-sex couples to enjoy and be bound by the same legal rights and responsibilities as married, opposite-sex couples, including the right to be issued a marriage license.

The city supports the Employment Non-Discrimination Act (ENDA) of 2013 (S. 815), a federal bill to prohibit employment discrimination on the basis of sexual orientation or gender identity. With no clear federal law prohibiting workplace discrimination on the basis of sexual orientation or gender identity, many lesbian, gay, bisexual, and transgender workers live with uncertainty and fear about whether they'll be able to keep a job and care for their families. Without a comprehensive federal law like ENDA, these workers lack

antidiscrimination protections in a majority of states. The city also supports the Tax Parity for Health Plan Beneficiaries Act (S. 738 and H.R. 2523), bills that are pending in both the House and Senate of the 113th Congress. Under the existing federal tax code, health benefits for same-sex domestic partners (unlike those of heterosexual spouses of employees) are taxed as income to the employee. The Tax Parity for Health Plan Beneficiaries Act would provide tax equity for same-sex couples. It has received support from 77 of the nation's largest companies, including Microsoft, Boeing and Alaska Airlines. Under the umbrella organization named the Business Coalition for Benefits Tax Equity, they have stated that the current tax inequity puts them at a competitive disadvantage.

INTERNAL ADMINISTRATIVE MATTERS

- **PROTECT WORKERS' COMPENSATION SYSTEM**

The city's self-insurance program is a cost efficient method to provide workers' compensation. The workers' compensation system serves a dual purpose, providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Consequently, the city will support legislation that improves the administrative efficiency of the State of Colorado's Division of Workers' Compensation.

State intervention or taxation can negatively impact the city. Consequently, the city will oppose legislation that increases insurance premium costs to employers, adds administrative burdens or taxes to self-insurance programs, promotes litigation, or removes existing off-sets to workers' compensation benefits.

The city also opposes efforts to expand "presumptive disease" claims associated with workers' compensation insurance. Presumptive disease claims are a change in the philosophy guiding workers' compensation insurance. They presume an existing or previous employee obtained the disease from work associated with that person's employer unless the employer can prove otherwise. The 2007 legislative session enacted legislation that requires that, under the Workers' Compensation Act of Colorado, if a firefighter contracts cancer of the brain, skin, digestive system, hematological system or genitourinary system, the condition be deemed to have occurred within the scope of employment unless the employer can prove that the covered cancer did not occur within the scope of employment. This is a particularly difficult proposition for employers as many diseases have a genetic component and cannot be definitively detected in baseline (time of hiring or imposition of new law) testing. The result of this legislation was a 15 percent increase in premiums associated with fire employees. The city opposes any effort to further shift the burden of proof for workers' compensation claims.

- **PROTECT GOVERNMENTAL IMMUNITY**

The complexity and diversity of city operations and services required to meet the needs of the residents of Boulder may expose the city and its officers and employees to liability for damage and injury. City officers and employees must be confident that they have the city's support in the lawful and proper performance of their assigned duties and responsibilities.

Consequently, the city will support legislation that provides immunity to municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities and that discourages baseless and frivolous claims against the same. Conversely, the city will oppose legislation that expands or increases municipal liability or further limits municipal immunity beyond current law.

- **OPPOSE STATE LEGISLATION THAT COULD UNNECESSARILY RESULT IN INCREASED CONTRIBUTIONS OR FORCE A REDUCTION IN BENEFITS FOR MEMBERS OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA)**

Two significant pieces of legislation were enacted in recent years aimed at putting PERA back on track to being fully funded. The first, SB06-235, passed in 2006, made several changes, including: (1) temporary increases in the amount that employers from each division must contribute to PERA, with increases staying in effect until accounts in those divisions are found to be 100% funded; (2) the addition of an eight percent cap per year on the Highest Average Salary (HAS) for new hires; (3) a change of the Rule of 80 to a Rule of 85 with a minimum retirement age of 55 for new hires; (4) a prescribed amortization period reduced from 40 years to 30 years; (5) a requirement for independent actuarial studies to be conducted before future benefit increases could occur; and, (6) a new requirement to purchase service at full actuarial cost.

Then in 2010, SB10-001 was enacted to require, among other things: (1) additional increases in the temporary employer contributions beyond previous requirements, with exemptions for the local government division where further increases were deemed unnecessary; (2) reductions in the cost of living adjustments (COLA); (3) application of the 3-year HAS with a base year and an eight percent spike cap applicable to current members not eligible to retire on January 1, 2011; (4) extension of the Rule of 85 to existing members with less than five years of service credit as of January 1, 2011, creation of a Rule of 88 for new hires and a Rule of 90 for hires after 2017, and; (5) a new requirement for contributions from retirees who return to work.

Despite this legislation, a result of comprehensive and collaborative efforts by PERA, legislators and representatives of employer groups, and despite a 2012 independent auditor finding that PERA's assumed 8% rate of return is "within a reasonable range of possible scenarios," a variety of legislation has since been and is expected to continue to be introduced in the Colorado General Assembly to further change the PERA system. The city recognizes that further reforms may indeed be required and consequently supports legislation deemed necessary to stabilize PERA's funds, but only when informed by a comprehensive evaluation of the impacts of those changes so as to protect against unnecessary increases to employer or employee contributions or reductions in employee benefits. One reform the city would support without further analysis is changes to the composition of the 16-member PERA Board of Trustees to provide more balanced representation from non-PERA covered members. However, as one of the largest of the 24 member governments in PERA's Local

Government Division, Boulder will oppose piecemeal state legislation that has unknown financial impacts.

LOCAL CONTROL

- **OPPOSE LEGISLATION THREATENING LOCAL CONTROL AND HOME RULE AUTHORITY**

Several bills are introduced each session that threaten to erode local powers. As a general matter, the city believes that local problems need local solutions and that the current authority and powers of municipal governments in areas such as land use, zoning, personnel matters and sales tax, should not be further eroded. Legislation threatening local control, that does not otherwise further interests specified in this legislative agenda or otherwise recognized by City Council, will be opposed by the city.

NATURAL RESOURCES, WILDLIFE AND PARKS

- **SUPPORT LEGISLATION PROTECTING THE ABILITY OF LOCAL GOVERNMENTS AND THE LAND TRUST COMMUNITY TO ACQUIRE AND PROTECT PARKS AND OPEN SPACE**

Colorado Lottery proceeds have been one of the few sources of state funding for conservation of natural resources, wildlife and parks, providing $2.3 billion statewide over the past 28 years. Profits from the sale of lottery products are allocated according to the following formula: up to 50 percent to the Great Outdoors Colorado (GOCO) Trust Fund, 40 percent to the Conservation Trust Fund (CTF), and 10 percent to the Colorado Division of Parks and Outdoor Recreation. GOCO provides competitive grants to projects that preserve, protect and enhance Colorado's wildlife, parks, rivers, trails and open space. The fund is capped (approximately $54 million in 2011) and any spillover is directed to the BEST rural school capital construction assistance fund. The CTF funds are used by local communities across the state for outdoor projects including trail construction, ball fields, playgrounds, and adding new parks or enhancing existing parks.

CTF and GOCO funds have for years been a critical part of the city's capital budget. Important acquisitions have been added to Boulder's inventory of parks and open space that have helped shape our community, preserve ecological systems and create opportunities for active and passive recreation for people of all ages. Among the projects accomplished with GOCO funding include Valmont Bike Park, winner of the 2011 Colorado Parks and Recreation Association award for recreation facility design and future host of the 2014 USA Cyclo-Cross National Championships.

The city supports preservation of the current lottery distribution formula and will oppose legislation that would change that allocation or create new lottery scratch tickets for other purposes that would decrease demand for the existing lottery tickets.

- **SUPPORT STATE LEGISLATION FURTHERING IMPLEMENTATION OF THE CITY'S URBAN WILDLIFE MANAGEMENT PLAN**

The Urban Wildlife Management Plan (UWMP) was developed to provide guidance on how Boulder's urban areas will provide diverse, self-sustaining, native wildlife populations in a manner compatible with basic human needs, social and economic values and long-term ecological sustainability. The plan also seeks to reduce conflicts between humans and wildlife in the urban core. Management of the city's lands outside of the urban core such as Open Space and Mountain Parks lands and utilities lands (Silver Lake Watershed, Boulder Reservoir) are covered by the plans of the appropriate managing department.

Because of the network of nearby natural lands, its geographic setting at the intersection of the mountains and plains, Boulder's urban areas are visited or inhabited by a wide range of wildlife species. Some species keep a low profile, present little or no conflict and go unnoticed by most urban residents. Other species are highly valued by the community, but most of these present little or no conflict with urban services or land uses. There are, however species that are valued by the community that do come into conflict with people. These include prairie dogs, black bear, mountain lions, Canada geese and mule deer. The city is often attempting to simultaneously conserve these species on open space lands, while managing conflict in the urban area.

There are often opportunities on a species-specific level to support legislation at a state or federal level to complement our conservation and conflict management efforts. Examples include support of funding for mosquito management to address state or federal public health issues/mandates; modifications of laws to allow prairie dog relocation to other counties without commissioner approval; and, modifications to in-stream flow legislation that would allow the city to retain the value of its water rights while simultaneously conserving native and sport fisheries.

- **SUPPORT LEGISLATION NECESSARY TO ALLOW FOR STATE SUPPORT TO ADDRESS THE CITY'S EMERALD ASH BORER INFESTATION**

In late September of 2013, the emerald ash borer (EAB), an invasive pest of ash trees, was identified within the city limits of Boulder. The EAB is a hard to detect, and even more difficult to exterminate, insect that kills even healthy ash trees within 2-4 years of first symptoms. Although the EAB flies, infestation normally results from movement of infested ash trees and wood (e.g., firewood, chips, packing and industrial materials).

To determine the full extent of infestation, a survey is being conducted by staff from city forestry, Colorado Department of Agriculture (CDA), Colorado State University Extension,

and forestry staff from other Front Range cities. The results of the survey are expected by the end of January and will guide the future city of Boulder EAB Response Plan to manage the infestation within the city and potentially slow the spread to nearby communities.

The EAB poses a significant threat to the ash trees within the city. There are approximately 38,000 city park and public street rights-of-way trees under the jurisdiction of the Boulder Parks and Recreation Urban Forestry Division: approximately 6,000 are ash trees (15 percent of the public tree population). That number rises to 98,000 when you include private ash trees within the city and 1.45 million when you take into account all the ash trees in the Denver metro area. Consequently, local governments may require significant support from the state to contain the threat, enforce a quarantine, remove dead trees and to educate the public.

The city will support necessary state legislation, including requests for supplemental funding for the CDA or the creation of an account to support emergency response to pests when no specific agricultural or horticultural industry is primarily impacted, to allow the state to partner with the city in addressing the challenges presented by the EAB.

- **SUPPORT LEGISLATION PROVIDING FOR MORE BALANCE IN THE COMPOSITION OF COLORADO'S "PESTICIDE ADVISORY COMMITTEE" AND FOR RESTORATION OF LOCAL GOVERNMENT AUTHORITY TO REGULATE CERTAIN PESTICIDE USES**

The Colorado Pesticide Applicators' Act applies to pesticide applicators with the focus primarily on testing and licensing of commercial pesticide applicators. It also incorporates EPA rules and federal pesticide law. Until 2006, when industry-backed legislation was enacted, the Act allowed local governments in Colorado wide discretion to enact pesticide regulations. Since 2006, however, local control to regulate almost all aspects of pesticide use has been preempted by state law. The 2006 legislation expanded state preemption for all pesticide users. The only exception is for the posting of notification of pesticide applications for non-commercial pesticide applicators.

Revisions to the Act can now be expected in 2015, following a sunset review initiated this fall and expected to be concluded with a report and recommendations by the end of 2014. Given the city's vested concerns in regaining some of its former authority to protect human health and the environment from the potential adverse effects of pesticides, city representatives expect to be involved at several steps in the sunset review. During this time, it will advocate for legislation that provides a more balanced perspective on pesticide use that takes into account recent studies concerning the human health and environmental impacts of pesticides that were not known at the time the Act was initially enacted. Specifically, it will support expansion of the state's Pesticide Advisory Committee to include members with technical expertise in human health risk (particularly to children), non-target species impacts including pollinators, water quality impacts, local governments, and others to ensure the publics' best interests; state protections for children and pollinators; and, restoration of the ability in specific situations for local governments to regain some authority to restrict

pesticide use when immediate risk to human health or the environment cannot be addressed by the federal or state governments to adequately safeguard the public interest in a timely manner.

PUBLIC HEALTH AND SAFETY

- **SUPPORT LEGISLATION NECESSARY TO SEEK STATE AND FEDERAL ASSISTANCE FOR FLOOD DISASTER RECOVERY NEEDS AND EXPENSES**

This past September, the city received historic rainfalls, with nearly a year's worth of precipitation falling in less than a week. As a result of the floods and mudslides, it sustained a significant amount of damage. Preliminary recovery estimates to city assets exceed $43 million. This assessment is likely to increase as staff and contractors gain access to additional damaged areas and begin restoration. There was also a yet un-quantified amount of significant damage to residential properties, businesses, irrigation ditches and agricultural crops and livestock operations.

The city continues to work with state and federal agencies to connect impacted residents to individual disaster assistance and is working to restore city facilities and streets. It is anticipated that in years to come there will be a role for state and federal legislation to facilitate these efforts.

- **SUPPORT AMENDMENT 64-IMPLEMENTING LEGISLATION THAT ENSURES THE SAFE USE OF RECREATIONAL MARIJUANA BY ALLOWING LOCAL GOVERNMENT ACCESS TO BACKGROUND CHECKS AND THE SEED-TO-SALE TRACKING INFORMATION FOR COMMERCIAL OPERATORS**

The city will support state implementing legislation that furthers the following principles:

1. Provides mechanisms to ensure marijuana is appropriately labeled and regulated so that only adults intentionally choosing to use marijuana are exposed to it, that such users receive a safe product with complete information about the impacts of what they are choosing to ingest, and that these substances are kept away from children.
2. Maintains a dual licensing system to allow both the state and local governments to issue and enforce licensing of commercial marijuana facilities.
3. Allows local governments to recover the full costs of any commercial licenses they choose to allow.
4. Specifically enumerates as a matter of state interest and responsibility the creation of overall safety requirements related to recreational marijuana while reserving to local governments specific abilities, but not requirements, to adopt additional requirements and monitor and enforce those rules.

5. Does not expand the declaration of statewide concern beyond the scope of what is included in Amendment 64.
6. Allows local governments to have access to Colorado Bureau of Investigation records for background checks and the seed-to-sale tracking system implemented by the state for marijuana businesses within the city.

- **SUPPORT LEGISLATION THAT PROMOTES THE HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ALCOHOL ABUSE IN THE GREATER COMMUNITY**

Boulder's City Council adopted Resolution 960 on October 19, 2004, concerning alcohol abuse within the community. This resolution affirmed the city's commitment to finding solutions to address the critical issues of health, safety and well being stemming from alcohol abuse within the city.

Since this time, Council has expressly stated its support for appropriate legislation that would:

1. Require the sale of kegs containing alcohol to have a tag attached that would permit tracing of the purchaser, and;
2. Require mandatory server training.
3. Repeal the provision contained in C.R.S. Section 27-81-117 preventing municipalities from adopting public drunkenness ordinances; and
4. Permit municipalities to regulate licensees' hours of alcohol service.

The city will support appropriate legislation that furthers these goals. Conversely, the city will oppose any legislation that undermines these goals, including efforts similar to SB12-118 which would eliminate the 25 percent food requirement for Hotel and Restaurant liquor licenses.

- **SUPPORT FEDERAL LEGISLATION THAT WOULD CLOSE THE FEDERAL GUN SHOW LOOPHOLE**

While criminal background checks are currently required for purchases of guns at gun shows in Colorado, there are states that do not have such laws. In order to ensure that guns are not placed in the hands of criminals, a federal law eliminating the gun show loophole is necessary.

- **OPPOSE LEGISLATION THAT WOULD EXPAND THE APPLICATION OF THE "MAKE MY DAY" LAW BEYOND PERSONAL RESIDENCES**

- **OPPOSE LEGISLATION THAT LIMITS THE STATE'S ABILITY TO REGULATE CONCEALED WEAPONS OR LOCAL GOVERNMENT'S**

ABILITY TO RESTRICT POSSESSION OF WEAPONS IN PUBLIC FACILITIES

H.R.822, the National Right-to-Carry Reciprocity Act of 2011, is pending in Congress. This legislation would require Colorado to honor concealed carry permits granted by other states, even when those permit holders could not meet the standards required by Colorado law. This would strip Colorado of the power to create its own public safety laws and hand that power over to the federal government – and the states with the weakest protections. H.R.822 would also empower gun traffickers and threaten the safety of our police officers. To protect vulnerable people, states have set standards for carrying handguns that include criteria beyond an applicant's ability to pass a federal background check. For example, many states issue permits to people with alcohol abuse problems, no firearms safety training, or who are under the age of 21. Colorado does not. Colorado also grants limited discretion to law enforcement to approve or deny a permit. Colorado's standards also keep guns out of the hands of dangerous criminals. H.R.822, however, would permit citizens of states with less strict laws to freely carry concealed weapons in our state. Because of these problems, the city urges its federal delegation to stand up for law enforcement and support Colorado's right to make its own decisions about how to protect public safety.

Boulder also has concerns with regard to the open carrying of guns. While cities are prevented from restricting permitted holders of concealed weapons, Boulder wants to make sure it maintains the ability to prevent the open carrying of guns in its public facilities. The open carrying of weapons is alarming to many people and can create logistical issues for the police department.

- **OPPOSE MANDATES FOR LOCAL GOVERNMENT ENFORCEMENT OF FEDERAL IMMIGRATION LAWS**

The city supports preserving the option for its police officers to enforce federal laws, including federal immigration laws. However, it will vigorously oppose any state or federal legislation that mandates that its police enforce federal immigration laws, especially if they are unfunded mandates or are likely to result in enforcement officers engaging in racial profiling or discrimination based on race, ethnicity or national origin.

- **OPPOSE LEGISLATION THAT WOULD INFRINGE ON EMPLOYMENT AND PERSONNEL DECISIONS MADE BY MUNICIPAL POLICE AND FIRE DEPARTMENTS**

Employees of the city's fire and police departments are part of collective bargaining units. As part of those units, they have the right to negotiate the terms of their employment. The city opposes any state or federal law that would mandate municipalities to collectively bargain with public safety employee labor unions over wages, benefits, or working conditions, under one-size-fits-all rules.

- **OPPOSE LEGISLATION THAT IMPOSES ONEROUS INFORMATION GATHERING AND REPORTING REQUIREMENTS ON PUBLIC SAFETY, ESPECIALLY WHEN THOSE REQUIREMENTS COME WITH SUBSTANTIAL COSTS THAT ARE NOT SUPPORTED BY ADEQUATE FUNDING**

An example of a reporting requirement that has been imposed on local law enforcement agencies in the past is the state law requiring the arrest of undocumented immigrants to be reported to Immigration and Customs Enforcement.

- **SUPPORT LEGISLATION THAT INCREASES THE FINANCIAL THRESHOLD OF PROPERTY DAMAGE THAT TRIGGERS A POLICE INVESTIGATION OF NON-INJURY TRAFFIC ACCIDENTS**

It takes very little damage to a vehicle to reach the current threshold of $1,000. While the city's police department currently responds to most accidents, increasing the damage threshold will provide greater flexibility and more local control over the use of police resources.

- **OPPOSE LEGISLATION LIMITING MUNICIPAL AUTHORITY TO OPERATE RED LIGHT OR PHOTO RADAR CAMERAS TO ENFORCE TRAFFIC SAFETY**

Boulder is one of nine cities in Colorado that use photo enforcement to enhance the safety of its streets. The red light locations in Boulder were carefully selected due to a historic rate of higher accidents over other locations. Use of photo enforcement at these red light locations has yielded significant safety benefits and reduced red light running accidents by 50 percent. Moreover, fewer and fewer red light tickets are issued at these locations each year due to increased compliance. Removal of these cameras could result in accident rates and non-compliance returning to pre-enforcement levels.

Quantifying photo speed enforcement success is somewhat more difficult. It is implemented per strict state statute requirements that limit where it can be placed. It enables the city to enforce speed limits in neighborhood locations that do not have a high enough volume of traffic to justify deployment of officers. It is particularly effective in school zones. One conclusion that can be made is that photo speed enforcement has enhanced the safety of neighborhood streets and school zones by reducing speeding.

In 2011, the city's photo enforcement program processed 10,802 speeding and 16,687 red light running violations. Fines associated with these violations generated $1,450,000 in revenue at a cost to the city of $1,306,000.

The true cost associated with motorists running red lights and speeding through neighborhoods is not captured in the financial information provided above. It is best

quantified in the cost to our community associated with the personal injury and property damage from motorists speeding and running red lights. Recent studies have shown that the average red light camera location in the U.S. results in $38,000 a year in reduced societal costs, not to mention the number of lives and grief saved from fewer right-angle crashes. For Boulder, with our eight (8) red light running cameras, this results in $304,000 in societal cost saved annually.

For these reasons, the city will oppose any legislation similar to SB12-050 that would prohibit or otherwise further restrict the rights of local governments to use red light cameras or photo radar enforcement.

ROCKY FLATS

- **SUPPORT LEGISLATION PROVIDING FUNDING TO THE DEPARTMENT OF ENERGY FOR THE OFFICE OF LEGACY MANAGEMENT AND U.S. FISH AND WILDLIFE SERVICE IN ORDER TO MANAGE ROCKY FLATS AS A NATIONAL WILDLIFE REFUGE WITH THE APPROPRIATE SYSTEMS IN PLACE FOR LONG TERM STEWARDSHIP**

In February of 2006, the Rocky Flats Stewardship Council (RFSC) was formed to focus on the post-closure management of Rocky Flats, the former nuclear weapons plant southwest of Boulder. As a member of RFSC, the city is very supportive of the 2001 federal legislation (Rocky Flats National Wildlife Refuge Act of 2001) that designates Rocky Flats as a future national wildlife refuge site as well as the requirement that long-term liability, ownership and management of the site remain with the federal government. The city supports legislation authorizing, funding, or otherwise providing assistance for the Rocky Flats Legacy Stakeholders Organization, or alternative organization, to work on coordinating regional open space and conservation efforts as they relate to Rocky Flats

TAX POLICY

- **SUPPORT THE MARKET FAIRNESS ACT AND OTHER ACTION TO PRESERVE AND EXPAND THE AUTHORITY OF LOCAL GOVERNMENTS TO COLLECT TAXES**

According to research undertaken by Forrester Research for Internet Retailer, national online retail spending climbed to nearly $200 billion in 2011, up from $30 billion in 2000, and will grow approximately 10 percent per year to reach $280 billion and comprise more than seven percent of overall national retail spending by 2015. At the state level, the National Conference of State Legislatures estimates that Colorado will lose $352 million in 2012 from uncollected sales taxes. The growth in internet retail activity presents a clear challenge to the operating budgets of Colorado's local governments, many of which rely on sales taxes to fund critical municipal services, as well as the state budget. Consequently, the city supports

legislation, such as the Marketplace Fairness Act, that provides authority for states and Colorado local governments to collect sales taxes on purchases made over the internet, regardless of whether the vendor has a physical nexus with the state. Appropriate limitations on this authority might include exemptions for small businesses, centralized collection of taxes on non-nexus sales and adoption of a common tax base for non-nexus sales. However, the city will not support changes which would allow the state to collect and remit tax revenues on non-nexus sales based on anything other than each municipality's individual sales tax rate (e.g., the city opposes use of a blended tax rate) or which would dictate the tax base or assume authority to collect revenues on local nexus sales which the city already has the authority to tax and collect.

TELECOMMUNICATIONS

- **SUPPORT LEGISLATION THAT MAKES STRIDES TOWARDS REESTABLISHING THE RIGHT OF MUNICIPALITIES TO PROVIDE TELECOMMUNICATION SERVICES SUCH AS LARGE AND COMPLEX CITY-WIDE FIBER AND PREMISE NETWORKS**

The provision of telecommunication access to ensure effective and appropriate access to educational and city resources is seen as a must in today's society. Utilizing current infrastructure and public-private partnerships can create necessary competition to retain low-cost, high-speed access to our residents, regardless of economic status. Senate Bill 05-152 preempted home rule municipalities from providing telecommunication services (with certain limited exceptions) without a vote of the people, even if infrastructure had already been built. Boulder believes that this legislation is overly restrictive in its private sector "non-compete" provisions. Given the very "low and slow" market evolution in providing low-cost and easily accessible Internet and other telecommunication services, the city is completely hamstrung in seeking ways of legitimately investing public dollars in infrastructure and services to resolve the digital divide and general access issues in our communities.

TRANSPORTATION

- **SUPPORT LEGISLATION THAT INCREASES TRANSPORTATION FUNDING AND PRIORITIZES ITS EXPENDITURE ON PROJECTS THAT MAINTAIN EXISTING INFRASTRUCTURE, ARE MULTIMODAL IN DESIGN AND THAT OTHERWISE PROMOTE SMART GROWTH**

The city and the entire Denver metropolitan area are in need of new funding to maintain existing infrastructure and transit services, for multi-modal transportation improvements related to roadway, bicycle, pedestrian, carpool/vanpool and for travel demand management activities that would increase the efficiency of the existing system. In addition, despite the commencement of construction on Phase 1 and scheduled construction of Phase 2 asphalt improvements on Highway US 36, there remains a critical need for federal and state funds

to ensure the project includes a robust system of bus rapid transit and supports the travel demand management components of the project.

The city supports turning to funding sources that are tied to transportation use, including vehicle registration, car rentals, gasoline consumption, or vehicle miles traveled, provided that a significant portion of the funding generated is directed toward specific, identified projects, including US Highway 36, or to programs that fund alternative modes of transportation. This city also supports the recent trend of turning to managed lanes as practical solution for improving mobility by providing viable travel options in congested corridors. Managed lanes should result in regulation of demand to ensure choices for the traveler beyond the single occupancy vehicle by providing for the option of travel by bus and free or discounted access to high occupancy vehicles ("HOVs"), as well as allowing pricing to help manage the corridor Public-private partnerships (PPPs) are often essential to identifying funding to construct managed lanes. The challenge, however, is that the partnerships can sometimes focus too much on revenue generation and insufficiently on transportation performance. Moreover, decisions can be made by the state that do not receive sufficient vetting and/or oversight from the affected local governments. In order to ensure that only appropriate toll projects are built, the city would support legislation to require all PPPs for managed lanes to undergo a transparent approval process and to demonstrate maximization in the transportation of people (not just vehicles); reinvestment of at least a portion of toll operating revenues into the corridor for continued improvements; and prioritization of travel choices with a portion of toll revenues supporting transit and/or travel demand management, in order to maximize the value of the transportation investment and to ensure that lower-income residents benefit from the public investment in a toll road. The city also support legislation mandating a determination by the appropriate Metropolitan Planning Organizations (MPOs) that all toll projects, including those which do not use state or federal funding, be analyzed for consistency with the development policies of the MPO's plan, and that the MPOs assess implications of such projects on the region's fiscal health, air and water quality, energy, climate change and long-term sustainability. Finally, the city would support legislation similar to HB12-1171 that would prohibit the use of so called "non compete" clauses which are sometimes included in PPPs to preclude maintenance of, or improvements to, existing roads (e.g., Highway 93) in order to increase travel demand on new tolled lanes.

The city believes that new or existing funding should be used for regional priorities as determined by the area MPO, or, where no MPO exists, by the local Transportation Planning Region (TPR) where the improvements are supported by the affected local governments. In furtherance of Colorado's Climate Action Plan goal to reduce emissions of greenhouse gases by 20 percent by 2020, state legislation should require MPOs and TPRs to model projects for their expected contribution to greenhouse gases and vehicle miles traveled and to prioritize those projects that reduce both.

With regard to federal transportation funding, MAP-21, the latest federal transportation authorization bill, made continued funding for the federal government's Safe Routes to School (SRTS) program beyond the 2013-14 fiscal year very unlikely. The SRTS program has

proven itself a successful and popular program in Colorado. It has provided CDOT with approximately $2.5 million/year allowing capital and programmatic funding to flow to more than 500 schools across Colorado to improve safe access to schools, ranging from small towns like Ridgeway and Brush, to our largest cities like Denver and Colorado Springs. As a result, the number of children walking and biking to school has increased by as much as 31 percent. SRTS helps make kids safer, improves congestion near schools, and gives students opportunities to become more comfortable with travel options at an early age. The city would support legislation that would direct a small portion of FASTER safety funds to continue this existing program, helping ensure safe transportation for our most vulnerable population; our children.

- **SUPPORT EFFORTS TO REALIGN THE COLORADO TRANSPORTATION COMMISSION TO INCLUDE POPULATION, NOT JUST GEOGRAPHY, TO ENSURE FAIR REPRESENTATION OF THE METROPOLITAN AREA**

- **SUPPORT LEGISLATION THAT PROMOTES "COMPLETE STREETS," ACCOMMODATING ALL MODES OF TRAVEL**

The city supports legislation that furthers the concept of "Complete Streets" where modes are interconnected and a complete set of options are made available to improve efficiency and mobility for all. The city also supports legislation that promotes sustainable transportation solutions recognizing energy sources, impacts of vehicle miles traveled, connections to land use, urban design, and increased accessibility for all.

- **OPPOSE LEGISLATION LIMITING THE CITY'S ABILITY TO REGULATE VEHICLE USE ON SIDEWALKS, MULTI-USE PATHWAYS, AND BIKE LANES, OR THAT REQUIRES THE CITY TO ALTER ITS CURRENT CODE IN ORDER TO MAINTAIN CURRENT POLICY ON ALLOWED USES OF THOSE FACILITIES**

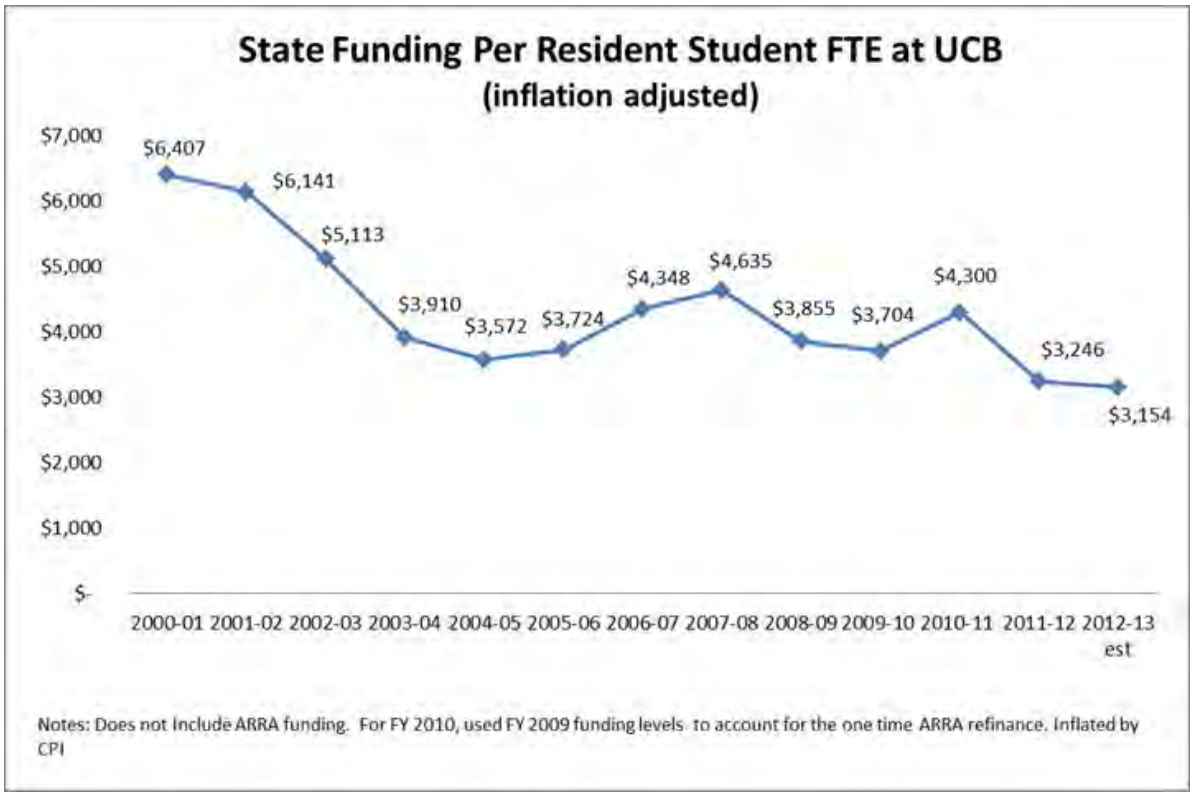
The city's current ordinances prohibit the use of Segways or motorized "toy vehicles" such as scooters, electric skateboards or mini bikes on sidewalks, multi-use paths or bike lanes. City-initiated changes to such policies would best be informed by a public process where input from the various sidewalk, multi-use path, and trail users could be solicited and evaluated. The city opposes changes to state law that would require the city to change its policy or force an unnecessary and potentially controversial re-evaluation of its policy.

- **OPPOSE LEGISLATION THAT WOULD TRANSFER THE MAINTENANCE RESPONSIBILITIES FOR REGIONAL HIGHWAYS FROM THE COLORADO DEPARTMENT OF TRANSPORTATION TO LOCAL GOVERNMENTS**

In past years, the Colorado General Assembly has been asked to consider legislation that would lead to the unilateral transfer to local governments of state highways. Boulder has several state highways that would be subject to such "devolution," including U.S. 36 and Highways 93, 7 and 119. The city believes that these types of regional highways, which service multiple communities and counties, need to remain the responsibility of the state government.

UNIVERSITY OF COLORADO

- **SUPPORT A RENEWED COMMITMENT BY THE STATE AND FEDERAL GOVERNMENTS TO FUND THE UNIVERSITY OF COLORADO AND ITS CAPITAL PROGRAMS**



The City of Boulder has been the proud home to the flagship campus of the University of Colorado (CU) since 1876. CU's Boulder campus (CU-Boulder) brings to the city the Colorado Shakespeare Festival, the Conference on World Affairs, the CU Concerts and Artist Series, access to libraries, athletic events, noncredit courses, and numerous other social and cultural offerings, all of which significantly contribute to the city's vibrancy. Furthermore, it directly employed 14,803 people in fiscal year (FY) 2011, 8,105 which were non-students (including temporary workers) earning average salaries of $57,216, accounting for 5.2 percent of total employment in Boulder County. Through research, teaching, operations, construction, student spending, and visitation, CU is an economic driver in Boulder County, contributing

more than $1.5 billion in economic activity locally driven off $809 million in direct expenditures in the county in FY2011. This funding is by and large non-local, thus leveraging outside investment for the local economy. The presence of CU's research facilities and the highly skilled labor force that CU produces, have attracted major federal facilities, satellite institutions, and major private firms to the city. Yet, as reflected in the above graph, state funding for CU-Boulder has seen a dramatic decline over the last decade, a decline that is anticipated to continue over at least the next two years. In light of the extraordinary importance of CU to the city, the city will support state and federal legislation that provides a renewed attention to funding CU, its capital programs (currently facing a maintenance backlog of approximately $320 million), and particularly legislation that helps preserve the flagship status of the CU-Boulder campus.

WATER

- **SUPPORT LEGISLATION THAT PROMOTES THE EFFICIENT UTILIZATION AND CONSERVATION OF WATER**

Boulder is on the forefront of support for water conservation and efficient utilization of water. Boulder uses a water budget rate structure to reward the efficient use of water and penalize wasteful practices. Boulder has adopted water conservation goals for build-out that will help meet the city's adopted reliability criteria for water supplies without significant new water acquisitions when fully using water sources already owned by the city. Water conservation can be an important public outreach and educational tool and can help to maximize reservoir storage levels and water use reductions needed during drought periods. Although the first priority for conserved water is drought protection and the extent to which the city can direct conserved water to any particular use is limited, when reservoirs are full, some conserved water can be provided for non-permanent uses such as annual agricultural leasing or instream flow enhancement. Accordingly, Boulder will support legislation that promotes water conservation, instream flow enhancement and the efficient utilization of water when such legislation is structured to also be protective of the city's water rights. By way of example, the city would support legislation that wouldphase in a requirement that new indoor water fixtures (including toilets, urinals, showers and faucets) sold in Colorado meet reduced flush volume requirements consistent with the US Environmental Protection Agencies WaterSense guidelines, provided that the legislation would not mandate retrofitting nor require local governments to assure compliance.

- **OPPOSE STATE LEGISLATION THAT SIGNIFICANTLY THREATENS THE CITY'S WATER RIGHTS**

In prior years, Boulder has lost thousands of acre-feet of the city's water because of the lack of proper well augmentation on the South Platte River. Loss of this reservoir water increases Boulder's risk of severe water shortage during drought years. In non-drought years, the city supports Boulder Creek basin farmers through annual leases of any water in excess of the

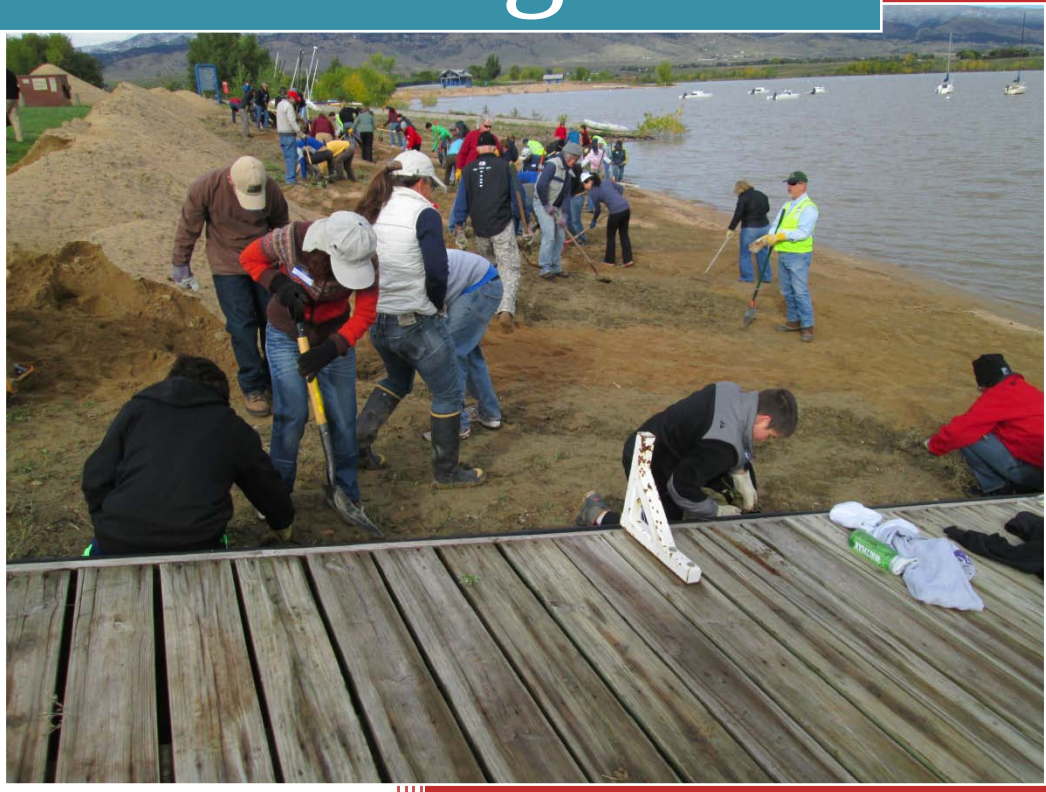
city's short-term and long-term needs for approximately $30 per acre foot. Offsetting un-augmented well use in the South Platte basin would represent a $120,000 loss to the city in a year that 4,000 acre-feet of water is given up and would also decrease water for Boulder Creek farmers by reducing the city's leasable supplies. If other water users with junior water rights were to operate without proper augmentation and cause Boulder to need to permanently replace the water rights for 4,000 acre-feet of municipal water to protect the city against drought and any negative effects of climate change that might occur, it would cost $48,000,000 or more.

Recent Colorado Supreme Court decisions have found that the State Engineer was not properly administering some water rights, such as for agricultural irrigation wells that were operating under junior water rights without providing senior water rights owners with sufficient augmentation water. New state legislation passed in the years from 2003 to 2009 clarifies that many well owners must file in water court for well augmentation plans and address the amount of augmentation water to be provided. To protect the yield of its existing water rights, Boulder has coordinated with other water users owning senior surface water rights, including many farmers, to participate in water court cases and monitor legislative actions regarding water rights. Many of the underlying disputes have now been addressed. Nevertheless, some issues remain that may result in the General Assembly again becoming the arena for water bills that attempt to incrementally adjust, or in many cases by-pass, the state constitution's Prior Appropriation Doctrine.

Bills that may be introduced might include attempts to limit the amount of augmentation water that junior diverters are required to return to the river to less than their impact on more senior water rights or to replace the jurisdiction of water courts with state engineer authority such that decisions on the adequacy of augmentation plans would be less transparent and subject to political influence. The city is committed to the legal principle of maximum utilization of both surface water and groundwater and believes this can best be achieved through water court-approved augmentation plans rather than the political process. To the extent that future bills significantly threaten the city's water rights, such as by shifting responsibility for well augmentation from well users to senior water rights owners, or increasing reliability for junior water rights by decreasing reliability for senior water rights, they will be vigorously opposed.

2014

State and Federal Legislative Agenda



Approved on ___

{Proposed}

CONTACTS

City Council			
NAME/ADDRESS	**CURRENT TERM**		**CONTACT INFORMATION**
Matt Appelbaum, Mayor 200 Pawnee Drive Boulder, CO 80303	Began 11/19~~7~~/2009	Expires 11/21~~19~~/2017~~3~~	303-499-8970 appelbaumm@bouldercolorado.gov
Macon Cowles PO Box 4623 Boulder, CO 80306-4623	Began 11/19~~7~~/2009	Expires 11/17~~9~~/2015~~3~~	303-638-6884 cowlesm.bouldercouncil@gmail.com
Suzanne Jones 714 Marine Street Boulder, CO 80302	Began 11/15/2011	Expires 11/17/2015	720-633-7388 joness@bouldercolorado.gov
George Karakehian 534 Mapleton Avenue Boulder, CO 80304	Began 11/15/2011	Expires 11/17/2015	303-218-8612 karakehiang@bouldercolorado.gov
Lisa Morzel, ~~Deputy~~ Mayor Pro Tem 2155 Poplar Avenue Boulder, CO 80304	Began 11/15/2011	Expires 11/17/2015	303-815-6723 lisamorzel@gmail.com
Tim Plass 655 Maxwell Avenue Boulder, CO 80304	Began 11/15/2011	Expires 11/17/2015	720-299-4518 plasst@bouldercolorado.gov
Andrew Shoemaker 1064 10th St. Boulder, CO 80302	Began 11/19/2013	Expires 11/21/17	303-332-8646 shoemakera@bouldercolorado.gov
Sam Weaver 2423 23rd Street Boulder, CO 80304	Began 11/19/2013	Expires 11/21/17	303-588-5148 weavers@bouldercolorado.gov
Mary Young 1420 Alpine Ave Boulder, CO 80304	Began 11/19/2013	Expires 11/21/17	303-447-9378 youngm@bouldercolorado.gov

City Manager
Jane S. Brautigam
303-441-3090
brautigamj@bouldercolorado.gov

City Attorney
Tom Carr
303-441-3020
carrt@bouldercolorado.gov

Policy Advisor
Carl Castillo
303-441-3009
castilloc@bouldrecolorado.go

Mailing Address
P.O. Box 791, Boulder, CO 80306

Physical Address
1777 Broadway, Boulder, CO 80302

~~City~~Legislative Website
bouldercolorado.gov/policy-advisor/state-federal-legislative-matters

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- Support for an amendment to the U.S. Constitution abolishing corporate personhood 12
- Support General Assembly action to submit to the Colorado electorate a referred measure to reform the current process for citizen-initiated constitutional and statutory amendments by altering the signature collection requirements; requiring a supermajority voter approval, except for those measures that look to amend previous voter-approved constitutional amendments; and requiring for a time a supermajority approval by the General Assembly to change citizen-initiated statutory amendments 12

ECONOMIC VITALITY **13**

- Protect core provisions of the Colorado Urban Renewal law, which provide effective redevelopment tools for municipalities such as tax increment financing and eminent domain 13
- Support federal legislation providing for continued funding and support for the federally funded labs located in Boulder 13
- Support for legislation facilitating the ability of municipalities to enter into revenue sharing agreements 14
- Support revisions to the federal budget sequestration as it has and will continue to drastically impact funding for vital programs and services provided by the federal labs, the University of Colorado Boulder, the Boulder Valley School District, Boulder County and the City of Boulder 15

ENERGY AND CLIMATE **15**

- Support legislation to address climate change by improving energy efficiency, increasing use of renewable energy, reducing greenhouse gas emissions and dependence on fossil fuels, and developing climate change adaptation strategies 15
- Support reform of Property Assessed Clean Energy (PACE) Finance statutes to allow for resumption of Boulder County's ClimateSmart Loan Program (CSLP) 17
- Support legislation promoting waste reduction and diversion efforts 17
- Support improvements to the Colorado Oil and Gas Conservation Commission's oversight of oil and gas drilling and preservation of local control to adopt regulations, moratoriums or other limits as necessary 18

HOUSING 20

- Oppose federal efforts to reduce appropriations for HUD Public Housing and Section 8 programs which provide rental assistance to low-income households 20
- Oppose federal reductions to Community Development Block Grant program and HOME Investment Partnerships 20
- Support for state housing trust fund 21
- Support legislation that helps address the power imbalance between owners of mobile homes and owners of mobile home parks 21
- Oppose further cuts to state funded health and human service programs, especially those that are preventive in nature 21

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- Support comprehensive federal immigration reform 21
- Support legislation furthering the rights of all people regardless of their actual or perceived sexual orientation or gender variance status 23

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- Protect workers' compensation system 24
- Protect governmental immunity 24
- Oppose state legislation that could unnecessarily result in increased contributions or force a reduction in benefits for members of the Public Employees Retirement Association (PERA) 25

LOCAL CONTROL 26

- Oppose legislation threatening local control and home rule authority 26

NATURAL RESOURCES, WILDLIFE AND PARKS 26

- Support legislation protecting the ability of local governments and the land trust community to acquire and protect parks and open space 26
- Support state legislation furthering implementation of the city's Urban Wildlife Management Plan 27
- Support Legislation Necessary to allow for state support to address the city's emerald ash borer infestation 28
- Support legislation providing for more balance in the composition of Colorado's "Pesticide Advisory Committee" and for restoration of local government authority to regulate certain pesticide uses 28

PUBLIC HEALTH AND SAFETY 29

- Support legislation necessary to seek state and federal assistance for flood disaster recovery needs and expenses 29
- Support Amendment 64-implementing legislation that ensures the safe use of recreational marijuana by allowing local government access to background checks and the seed-to-sale tracking information for commercial operators 30
- Support legislation that promotes the health and safety concerns associated with alcohol abuse in the greater community 30
- Support federal legislation that would close the federal gun show loophole 31
- Oppose legislation that would expand the application of the "make my day" law beyond personal residences 31
- Oppose legislation that limits the state's ability to regulate concealed weapons or local government's ability to restrict possession of weapons in public facilities 31
- Oppose mandates for local government enforcement of federal immigration laws 32
- Oppose legislation that would infringe on employment and personnel decisions made by municipal police and fire departments 32
- Oppose legislation that imposes onerous information gathering and reporting requirements on public safety, especially when those requirements come with substantial costs that are not supported by adequate funding 32
- Support legislation that increases the financial threshold of property damage that triggers a police investigation of non-injury traffic accidents 33
- Oppose legislation limiting municipal authority to operate red light or photo radar cameras to enforce traffic safety 33

ROCKY FLATS 34

- Support legislation providing funding to the Department of Energy for the Office of Legacy Management and U.S. Fish and Wildlife Service in order to manage Rocky Flats as a national wildlife refuge with the appropriate systems in place for long term stewardship 34

TAX POLICY 34

- Support the Market Fairness Act and other Action to preserve and expand the authority of local governments to collect taxes 34

TELECOMMUNICATIONS 35

- Support legislation that makes strides towards reestablishing the right of municipalities to provide telecommunication services such as large and complex city-wide fiber and premise networks 35

TRANSPORTATION 35

- Support legislation that increases transportation funding and prioritizes its expenditure on projects that maintain existing infrastructure, are multimodal in design and that otherwise promote smart growth 35
- Support efforts to realign the Colorado Transportation Commission to include population, not just geography, to ensure fair representation of the metropolitan area 38
- Support legislation that promotes "Complete Streets," accommodating all modes of travel 38
- Oppose legislation limiting the city's ability to regulate vehicle use on sidewalks, multi-use pathways, and bike lanes, or that requires the city to alter its current code in order to maintain current policy on allowed uses of those facilities 38
- Oppose legislation that would transfer the maintenance responsibilities for regional highways from the Colorado Department of Transportation to local governments 39

UNIVERSITY OF COLORADO 39

- Support a renewed commitment by the state and federal governments to fund the University of Colorado and its capital programs 39

WATER 40

- Support legislation that promotes the efficient utilization and conservation of water . 40
- Oppose state legislation that significantly threatens the city's water rights 41

CITY OF BOULDER
2014~~3~~ STATE AND FEDERAL LEGISLATIVE AGENDA

QUICK FACTS ABOUT BOULDER

Demographic Characteristics: (2012~~2~~3 data unless otherwise stated)

Land Area: 25.8 Square Miles
Housing Units: 43,~~620~~791
Median Value of Owner-Occupied Housing Units: $47~~5~~7,200
Median Rent: $1,~~010~~189
Population: 99,~~070~~716
Employment~~ (2010 estimate)~~: 9~~6,800~~9,400
Median Family Income: $~~9~~102,930
Median Household Income: $5~~1,779~~6,274
Median Age: 2~~8~~7.7
Education: 37~~5~~% Advanced degree, 35~~2~~% BA/BS; 18~~9~~% some college
Unemployment Rate (July 2013~~May 2012~~): ~~6.2~~5.4%
Sales and Use Tax Rate~~ (2011)~~: 3.41%
Use of Alternative Transportation (2011 estimates): 36%
Open Space/Mountain Parks: 45,000 acres
City of Boulder Employees~~ (2011 data)~~: 1,264~~30~~

Key Industry Clusters: Aerospace; biotech; clean tech/renewable energy and energy research; IT-data storage, digital media and software development; nanotechnology; natural and organic products; outdoor products and recreation; photonics and tourism.

Major Employers: University of Colorado, IBM Corp, Boulder Community Hospital, Covidien, City of Boulder, Ball Aerospace, Lockheed Martin, Boulder County, UCAR/NCAR, Micro Motion/Emerson, Amgen, Cisco, GE, Google, Hain Celestial Group, Naropa Institute, NOAA, NIST, Whole Foods, Microsoft, Wall Street on Demand, and McGuckin Hardware.

2013~~2~~ Best of Boulder:

- ~~**Top 10 U.S. Metropolitan Statistical Areas Ranked by Percentage of Workers 16 Years and Over Who Worked From Home (#1)** - *American Community Survey (2010 U.S. Census)*, October 2012.~~
- ~~**Top 20 Small Metros for College Students (#3)** - *American Institute for Economic Research*, Oct. 1, 2012.~~
- ~~**The Fittest U.S. Cities for Baby Boomers** - *Spry*, Sept. 17, 2012.~~
- ~~**America's Best Places to Live (#60)** - *Money*, September 2012.~~
- ~~**Top Cities for Technology Start-ups (#9 Boulder/Denver)** - *USA Today*, Aug. 23, 2012.~~
- ~~**Summer in the U.S.A.: 20 Best Vacation Destinations** - *Frommer's*, June 2012.~~
- ~~**America's Foodiest Town** - *CoutureColorado.com*, June 5, 2012.~~
- ~~**Nine Fittest Towns of the West (#3)** - *Sunset*, June 5, 2012.~~
- ~~**America's Top 50 Bike-Friendly Cities (#3)** - *Bicycling*, May 21, 2012.~~
- ~~**Most Well-Read Cities in America (#5)** - *Amazon.com*, May 15, 2012.~~
- ~~**Top 10 Cities for Affordable Vacations (#7)** - *Livability.com*, April 20, 2012.~~
- ~~**Tree City USA** - *National Arbor Day Foundation* (for the 28th consecutive year).~~
- ~~**Best Restaurant Neighborhood - 2012 (Pearl Street Mall)** - *Westword*, March 2012.~~
- ~~**Skinniest City in America** - Gallup polls, March 7, 2012.~~
- ~~**Top 10 cities for well-being (#5)** - Gallup polls, March 7, 2012.~~
- ~~**Most bike-friendly vacation cities (#4)** - *Virgin Vacations*, March 7, 2012.~~
- ~~**Top 10 Foodie Cities (#3)** - *Livability.com*, Feb. 17, 2012.~~
- ~~**Top 10 College Towns, 2011 (#1)** - *Livability.com*, Feb. 7, 2012.~~

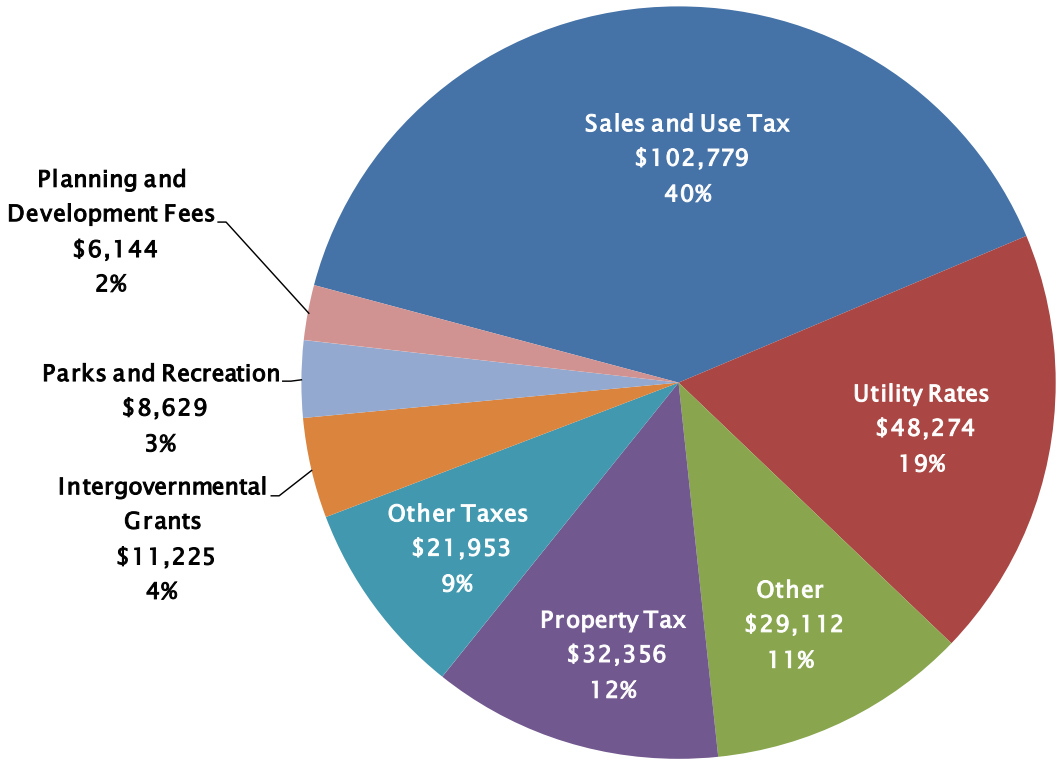
- ~~**America's Healthiest Metros (#3)** - *The Atlantic Cities*, Jan. 3, 2012.~~
- **Top 100 Best Places to Live (#2) -** *Livability.com*, Oct. 16, 2013.
- **No. 1 City in Country for Technology Startups** - *FOX31 Denver KDVR-TV*, Sept. 10, 2013.
- **Best Urban Green Spaces in North America -** *USA Today*, Aug. 18, 2013.
- **The 25 Best U.S. Cities for Tech Startups (#1) -** *Entrepreneur*, Aug. 14, 2013.
- **Most Popular City for Tech Startups -** *The Wall Street Journal*, Aug. 14, 2013.
- **The Most Start-up 'Dense' Area in the U.S. -** *Inc.*, Aug. 14, 2013.
- **2013 eCity Award: Colorado's Digital Capital -** *Google*, Aug. 13, 2013.
- **Top 10 College Towns 2013 (#1) -** *Livability*, Aug. 2, 2013.
- **Top Urban Bike Paths Across the USA (Boulder Creek Path: #2)** - *USA Today*, July 23, 2013.
- **The Top 3 Cities for Startups: Austin, Seattle and Boulder -** *GeekWire*, July 17, 2013.
- **Best Places for Work-Life Balance -** *NerdWallet*, July 14, 2013.
- **10 Best U.S. Cities for Young Adults (#3) -** *MSN Money*, May 22, 2013.
- **10 Fittest and 10 Fattest Cities in America (#1 Fittest) -** *MSN Healthy Living*, May 17, 2013.
- **The Best Midsize Cities For Jobs 2013 (#1) -** *Forbes*, May 6, 2013
- **The 2013 Best Cities for Job Growth (#1 Medium-sized City and #7 Overall) -** *New Geography*, May 6, 2013.
- **2012 Least-obese Metro Areas (#1) -** *Gallup*, April 11, 2013.
- **Dynamic Locales For Walkable Living -** *Where to Retire*, April 10, 2013.
- **Tree City USA (for the 29th consecutive year) -** *National Arbor Day Foundation*, April 9, 2013.
- **Top 10 Metros for Female Executives (#1) -** *Avalanche Consulting*, Feb. 18, 2013.
- **The 20 Most Innovative Cities in the U.S. (#5) -** *Business Insider*, Feb. 1, 2013.

Revenue – Where the Money Comes From…

The 2014~~3~~ Approved Budget is based on projected citywide revenues of $260~~48~~ million. The three largest revenue sources for the city are sales/use taxes, property taxes and utility rate charges. These three funding sources represent 71 percent of the total sources of city funds and are described in more detail below.

Citywide Revenues (Sources) for 2014~~3~~
(in $1,000s)

TOTAL = $260~~48~~,471~~484~~



Sales and use taxes comprise 40 percent of the city's total revenues. Sales or use tax is a transaction tax levied upon all sales, purchases, and leases of tangible personal property and taxable services sold or leased by persons engaged in business in the city and is collected by the vendor or lessor and remitted to the city.

PURPOSE OF THE LEGISLATIVE AGENDA

The purpose of the city's 2014~~3~~ State and Federal Legislative Agenda (the "Legislative Agenda") is to formalize city positions on legislation expected to be considered by the Colorado General Assembly and the U.S. Congress. The city offers the Legislative Agenda as a guideline to legislators for reference when considering legislation impacting the City of Boulder. Strategic, targeted, and/or abbreviated versions of the information contained in this agenda will also be created throughout the year for use in further legislative communications.

The Legislative Agenda was developed in advance of the convening of the 2013 Colorado General Assembly. Consequently, it does not address state legislation by bill number. Instead, it describes the underlying interest the city has on specific issues. With the coordination of the city's Policy Advisor, it will be used by individual council members and city staff to inform city positions taken on specific bills once the legislative session begins. At that point, council may also consider amendments to the Legislative Agenda and address specific bills that have been proposed.

Council may revisit the city's legislative strategy at any point. It may do so as a body, or through its Council Legislative Committee. Council created this committee for the purpose of convening on an ad hoc basis with the Policy Advisor and other city staff as appropriate when one or more of the following circumstances exist:

1. There is an immediate need for council members to participate with staff in developing a communication strategy to advance or defeat a bill which is clearly addressed by the city's legislative agenda or other established council policy, or;

2. There is a question about whether a bill, which was clearly not anticipated or addressed by council in the approved legislative agenda or by other established council policy, but which could be of significant concern to the city, should be brought to the full council for consideration of a position.

In recent years, Council's Legislative Committee has also been used during non-legislative periods to provide suggestions on revisions to the legislative agenda and to plan agendas for meetings with legislators.

As has been done in years past, council is again adopting a goal that modifications to this legislative agenda require consistency, when applicable, with the six criteria described below:

1. Uniformity with current city council goals;
2. Expected relevance in the upcoming or present state and federal legislative sessions;
3. Uniqueness of issue or impact to the City of Boulder;
4. Viability, or likelihood of achieving goal;
5. Opportunity for providing funding for City of Boulder; and,

6. High probability of metrics of success in order to allow the position to be deleted from future agendas if achieved.

The city welcomes the opportunity to discuss the city's Legislative Agenda. Please direct any questions to City Council members or to the city's Policy Advisor at 303-441-3009.

STATE LEGISLATIVE PRIORITIES AT A GLANCE

1. Support legislation enhancing the ability of local governments to develop and implement effective energy strategies that reduce environmental impacts, provide stable rates and promote economic vitality and, conversely, oppose legislation that would diminish that ability, including the ability of cities to form a municipal utility. As described on page 15 of the agenda, this includes support for a variety of legislative ideas and above all, opposition to any legislation that impedes the above objectives or that limits a cities ability to form a municipal utility.

2. Support legislation that makes strides towards reestablishing the right of municipalities to provide telecommunication services such as large and complex city-wide fiber and premise networks. This position is explained in greater detail on page 35 of the agenda. ~~Support legislation that would allow RTD to contract with third parties to actively manage Park-n-Ride locations, including charging for parking, to support transit oriented development (TOD) opportunities throughout the region and consistent with the Transit Village Area Plan for Boulder Junction.~~

3. Support Amendment 64 implementing legislation that ensures the safe use of recreational marijuana by allowing local government access to background checks and the seed-to-sale tracking information for commercial operators. This position is explained in greater detail on page 28 of the agenda. ~~Support state legislation similar to SB12-015 that would prevent discrimination in higher education by creating a third category of college tuition available to military personnel who served abroad or persons, regardless of immigration status, who: attend a Colorado high school for at least 3 years, graduate or acquire a GED from a Colorado high school, enroll in a higher education institution within 12 months of graduation, remain in good academic standing, and are competent in the English language upon graduation from high school.~~

4. Support legislation that increases transportation funding and prioritizes its expenditure on projects that maintain existing infrastructure, are multimodal in design and that otherwise promote smart growth. As described on page 35, this may include legislation to continue funding the Safe Routes to School Program and to require public private partnerships for state-funded managed lanes to meet certain criteria including prioritizing the number of people moved by the project over the amount of vehicles moved or revenue generated. Legislative support may also be required for a possible state ballot measure.

FEDERAL LEGISLATIVE PRIORITIES AT A GLANCE

1. Seek federal support for Boulder's ~~the~~ federally funded labs and the University of Colorado ~~in~~ Boulder. As described further on pages 13 and 39, these institutions are foundational to the economic and cultural well being of the city. One important way to assist them in 2014, as described further on page 15, is to support revisions to the federal budget sequestration.

2. Support legislation necessary to seek state and federal assistance for flood disaster recovery needs and expenses described further on page 29. ~~Oppose federal budget sequestration as it will drastically impact funding for vital programs and services provided by the federal labs, the University of Colorado Boulder, the Boulder Valley School District, Boulder County and the City of Boulder;~~

3. Continue to brief federal officials on the city's municipalization efforts and seek support as necessary, while positioning Boulder as a national pilot for the new energy utility, as explained further on page 15 of the agenda.

DEMOCRACY AND GOVERNANCE

- **SUPPORT FOR AN AMENDMENT TO THE U.S. CONSTITUTION ABOLISHING CORPORATE PERSONHOOD**

On November 1, 2011, the residents of Boulder voted, by a 73 percent majority, to approve Ballot Question No. 2H which called for "reclaiming democracy from the corrupting effects of corporate influence by amending the United States Constitution to establish that: 1) Only human beings, not corporations, are entitled to constitutional rights; and 2) Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech."

The City of Boulder will support state and federal legislation similar to SJR12-1034, or action by other intergovernmental partners, that furthers efforts to amend the U.S. Constitution with language that captures the sentiment, if not the exact language, expressed by Ballot Question No. 2H. This includes support for the joint resolution that was introduced in the U.S. Senate on December 8, 2011 by Senator Bernie Sanders to amend the Constitution to exclude corporations from First Amendment rights to spend money on Political Campaigns (a.k.a. the Saving American Democracy Amendment).

- **SUPPORT GENERAL ASSEMBLY ACTION TO SUBMIT TO THE COLORADO ELECTORATE A REFERRED MEASURE TO REFORM THE CURRENT PROCESS FOR CITIZEN-INITIATED CONSTITUTIONAL AND STATUTORY AMENDMENTS BY ALTERING THE SIGNATURE COLLECTION REQUIREMENTS; REQUIRING A SUPERMAJORITY VOTER APPROVAL, EXCEPT FOR THOSE MEASURES THAT LOOK TO AMEND PREVIOUS VOTER-APPROVED CONSTITUTIONAL AMENDMENTS; AND REQUIRING FOR A TIME A SUPERMAJORITY APPROVAL BY THE GENERAL ASSEMBLY TO CHANGE CITIZEN-INITIATED STATUTORY AMENDMENTS**

Over the past 25 years, as a result of its low threshold requirements, Colorado has experienced a surge in citizen-initiated ballot measures. In the last 18 years alone, the constitution has been amended 35 times, adding detailed and sometimes conflicting provisions with far-reaching consequences. The city supports state legislation similar to HCR12-1003 that would reform the citizen initiative process to make it more difficult to amend the state constitution while providing assurance to Colorado citizens that statutory amendments will be respected by state elected officials.

ECONOMIC VITALITY

- **PROTECT CORE PROVISIONS OF THE COLORADO URBAN RENEWAL LAW, WHICH PROVIDE EFFECTIVE REDEVELOPMENT TOOLS FOR MUNICIPALITIES SUCH AS TAX INCREMENT FINANCING AND EMINENT DOMAIN**

Unlike many communities that contain vast areas of undeveloped land planned for future commercial and residential use, Boulder's future economic sustainability will depend on effective and ongoing re-use of existing developed property. The majority of future redevelopment in Boulder will be completed by private entities and through private investment. However, in rare circumstances, and based on the requirements of the urban renewal law, projects that demonstrate a compelling community need may only be achievable through a public/private urban renewal partnership. Municipalities should retain the capacity to facilitate revitalization of their urbanized areas. The city, however, recognizes that there have been instances of abuse of this tool that threaten to jeopardize its continued availability. Accordingly, the city will support legislation designed to address such abuses, including changes to assure that the tax increment base is set at a fair level or requirements that the impacts of projects in the urban renewal area are adequately communicated to the other taxing districts.

- **SUPPORT FEDERAL LEGISLATION PROVIDING FOR CONTINUED FUNDING AND SUPPORT FOR THE FEDERALLY FUNDED LABS LOCATED IN BOULDER**

The city's economic vitality policy strongly supports the federally funded laboratories that are located in the city, specifically:

- Cooperative Institute for Research in Environmental Sciences (CIRES)
- Joint Institute for Laboratory Astrophysics (JILA)
- Laboratory for Atmospheric and Space Physics (LASP)
- National Center for Atmospheric Research (NCAR)
- National Ecological Observatory Network (NEON)
- National Institute of Standards and Technology (NIST)
- National Oceanic and Atmospheric Administration (NOAA)
    - Earth System Research Laboratory (ESRL)
    - National Geophysical Data Center (DGDC)
    - National Weather Service (NWS)
    - National Environmental Satellite, Data and Information Service (NESDIS)
    - Space Weather Prediction Center (SWPC)
- National Telecommunications and Information Administration (NTIA)
- University Corporation for Atmospheric Research (UCAR)
- UNAVCO
- ~~Institute of Arctic and Alpine Research ("INSTAAR")~~

- ~~National Climatic Data Center ("NCDC")~~
- ~~National Snow and Ice Data Center ("NSIDC")~~
- United States Geological Survey (USGS)

The labs, the research they conduct, and the researchers and staff they employ are vitally important to the City of Boulder, Boulder County, the Denver metropolitan region, the state, and the nation as a whole. The research funding they receive is redistributed throughout Colorado and beyond in the form of discretionary employee income, purchases of goods and services from suppliers, and contractual agreements with universities and private industry. Technologies they've created have led to technology transfer and spin-off companies.

In the Boulder metro area alone, federal research labs employed over 3,539~~50~~ people in 2012~~0~~. The NOAA, NIST and NTIA labs accounted for over~~nearly~~ one-third of this employment. These are high-skilled, highly educated employees whose average annual compensation in 2012~~0~~ was $107,900~~4,500~~. In ~~March 2011~~August 2013, CU's Leeds School of Business released a study entitled, "CO-LABS Economic Impact Study: Economic and Fiscal Impacts of Federally Funded Research Facilities"~~Impact of Federal Research Laboratories in Colorado.~~" According to the report, the net economic benefit to Boulder County of the federal labs, combined with other federally funded research laboratories in Colorado, totaled $743.2~~463.8~~ million in FY 2012~~0~~.

Boulder highly values the scientific contributions the labs and their employees have made to the entire nation, as well as the economic impact they have on our community. These institutions work closely with scientific researchers from the University of Colorado in Boulder and Colorado State University in nearby Ft. Collins. This synergy of scientific knowledge is found nowhere else in the United States.

Just as the labs generate direct benefits (employment, local spending) and associated indirect activity through an economic multiplier effect, the opposite holds true for funding reductions. According to CU's Leeds School of Business, for every job lost at these federal laboratories, an additional 1.17 jobs will be lost in Colorado. For every $1 million in funding cuts to the labs, an additional $1.13 million in economic impact will be lost. Perhaps even more troubling, our national capacity for research and innovation will be damaged by lay-offs of scientists and researchers, jeopardizing new advanced technologies, future businesses formed to commercialize developing technologies, and our global competitiveness.

- **SUPPORT FOR LEGISLATION FACILITATING THE ABILITY OF MUNICIPALITIES TO ENTER INTO REVENUE SHARING AGREEMENTS**

The city believes that there are a number of shortcomings associated with the current reliance municipalities have on sales tax generation. These include revenue-driven development detached from community land use goals, the use of incentives to capture development at the expense of municipal budgets, and sales tax revenue volatility resulting from counterproductive competition of regional retail outlets. In order to address these and

other limitations, the City of Boulder, in conjunction with the Boulder County Consortium of Cities, is exploring the possibility of a revenue sharing agreement with one or more of its municipal neighbors. The significant challenge of such an undertaking would be diminished if the state were to provide mechanisms to encourage such agreements. One possibility would be for the state to establish a task force to evaluate the possibility of exploring revenue sharing as it may relate to the creation of a service tax or the removal of barriers to collecting Internet sales tax.

- **SUPPORT REVISIONS TO THE ~~OPPOSE~~ FEDERAL BUDGET SEQUESTRATION AS IT HAS AND WILL CONTINUE TO DRASTICALLY IMPACT FUNDING FOR VITAL PROGRAMS AND SERVICES PROVIDED BY THE FEDERAL LABS, THE UNIVERSITY OF COLORADO BOULDER, THE BOULDER VALLEY SCHOOL DISTRICT, BOULDER COUNTY AND THE CITY OF BOULDER**

Automatic cuts, enacted as a part of the debt ceiling and "Super Committee" debates of last year, are expected to trim $1.2 trillion from federal spending over the next decade. The city recognizes the importance of reducing the national debt through a combination of revenue increases and targeted budget reductions. However, the city is very concerned about the direct and indirect health, safety, education, human service and economic impacts to the Boulder community of~~if~~ across-the-board cuts to the federal budget ~~are allowed to move forward as planned~~. Instead, the city would support an approach that generates the Budget Control Act-mandated savings through administrative efficiencies and strategic cuts to obsolete or duplicative programs.

ENERGY AND CLIMATE

- **SUPPORT LEGISLATION TO ADDRESS CLIMATE CHANGE BY IMPROVING ENERGY EFFICIENCY, INCREASING USE OF RENEWABLE ENERGY, REDUCING GREENHOUSE GAS EMISSIONS AND DEPENDENCE ON FOSSIL FUELS, AND DEVELOPING CLIMATE CHANGE ADAPTATION STRATEGIES**

In May 2002, the Boulder City Council passed Resolution 906, also known as the Kyoto Resolution, setting the goal of reducing community greenhouse gas emissions to seven percent below 1990 levels by 2012. In June 2006, Council adopted a climate action plan to serve as a roadmap to Boulder's Kyoto goal. The overarching vision of the plan is to develop a sustainable energy future for Boulder. The city supports a variety of approaches to reach this goal, including legislation that would support creating a new rate category, similar to Windsource, that customers of publicly owned utilities could voluntarily sign up for with such funding going to support distributed energy generation systems (e.g., community solar gardens and rooftop solar) within the locality where such funds were raised; change the Public Utilities Commission regulations to encourage investments in conservation by replacing the current focus on minimization of energy rates to one focusing on minimization

of the consumer's total energy bill; unbundle rates to clearly differentiate fixed and variable energy costs; facilitate the use of investor–owned transmission lines at fair and reasonable prices to convey renewable energy from multiple sources (a.k.a. retail wheeling); allow distribution of city-generated or city-owned renewable energy sources at fair and reasonable prices; allow for aggregation of residential or commercial electric customers in municipal purchase of renewable energy on behalf of these groups of customers (a.k.a. community choice aggregation); make any necessary changes to the community solar gardens law (HB10-1342) to allow for its successful implementation, especially with regard to facilitating formation of smaller (500 kW and under) solar gardens; require time-of-day electricity price signals that would, among other things, promote charging of vehicles at night; move the state toward feed-in tariffs so that electric utilities would be obligated to buy electricity from renewable energy sources at rates that are economically viable for the creation of such sources; fund local government energy efficiency and renewable energy programs; extend the federal production tax credit for wind energy which is due to expire at the end of 2013~~2~~; establish high performance residential and commercial building codes; allow mobile home owners to receive the same rebates and incentives for installation of solar panels as are available to other homeowners-; promote best practices related to energy data, such as adoption of Green Button by regulated utilities; facilitate the development of a third-party energy data center and/or demand-side management program implementer; enable regulated utilities to provide aggregated whole-building data to building owners and property managers for use in building benchmarking and energy efficiency improvements; standardize regulated utility filings to increase transparency at the PUC; require utilities to file grid modernization plans; enhance governments' access to information from regulated utilities through regular reporting on designated undergrounding funds and the ability to obtain communitywide energy information relevant to climate action programs; make it easier for local governments to purchase street lighting; and, require statewide lighting, appliance and other equipment efficiency standards and/or incentives, as appropriate, for efficient technologies. Conversely, the city will oppose any legislation that impedes the above objectives or that limits a city's ability to form a municipal utility.

The city also supports legislation similar to HB12-1234 that would clarify that, for purposes of the rules governing intervention in administrative hearings before the Colorado Public Utilities Commission (PUC), customers of a business regulated by the PUC qualify as persons who "will be interested in or affected by" the PUC's order.

The city understands that the early impacts of climate change have already appeared and scientists believe that further impacts are inevitable, no matter what happens to future global greenhouse gas emissions. In addition, the city recognizes that decisions we make today about land use, infrastructure, health, water management, agriculture, biodiversity and housing will have lasting consequences. It is therefore important to begin planning now for the impacts of climate change in the future. Consequently, the city supports legislation that expands the development of climate change adaptation strategies such as those that initiate, foster, and enhance existing efforts to improve economic and social well-being, public safety and security, public health, environmental justice, species and habitat protection, and ecological function.

Specific to vehicle usage, the city supports legislation that would reduce growth in vehicle miles traveled; authorize collection of vehicle registration fees based on vehicle fuel efficiency levels if implementation can address social equity concerns; establish vehicle efficiency standards as called for in the Colorado Climate Action Plan; increase state biofuel infrastructure and develop a statewide biofuels policy; require more data during vehicle registration relating to fuel efficiency; change current regulations so that net metering of vehicle-to-grid charge and discharge cycling can be accommodated; and, encourage the proliferation of public charging stations for plug-in-electric vehicles by requiring new parking lots and parking structures to provide a minimum number of public charging stations.

- **SUPPORT REFORM OF PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCE STATUTES TO ALLOW FOR RESUMPTION OF BOULDER COUNTY'S CLIMATESMART LOAN PROGRAM (CSLP)**

The city has been an active supporter of Boulder County's PACE finance program, the CSLP. Many city residents have taken advantage of the CSLP to secure low-interest loans to make energy efficiency and renewable energy upgrades to their homes. Actions taken in 2010 by Fannie Mae, Freddie Mac, and the Federal Housing Finance Agency have forced local governments across the country, including Boulder County, to suspend their PACE financing programs. The city supports reversal or resolution of these federal actions, either through legislation or regulation, to allow PACE programs to again move forward. If such federal action is taken, the city would also urge the Colorado General Assembly to quickly take any action necessary to conform Colorado's PACE enabling statutes to the new federal requirements.

- **SUPPORT LEGISLATION PROMOTING WASTE REDUCTION AND DIVERSION EFFORTS**

In Colorado, there are currently no statewide minimum waste diversion goals. In addition, there exist artificially inexpensive landfill tip fees and no minimum recycled content standards. This makes the most environmentally responsible management practices like recycling and composting often cost prohibitive. The city supports statewide legislation that would encourage product stewardship and take-back programs (a.k.a. "extended producer responsibility"); ban specific materials; advance waste to energy technologies; require post-consumer minimum content standards for product manufacture; and implement statewide or regional landfill tip fee surcharges to be used for waste reduction, and/or a statewide waste diversion goal structured to include incentives and assistance programs to spur waste diversion state-wide, and encourage additional resource recovery. The city also has specific concerns about the environmental hazards posed by electronic waste in landfills. Therefore, the city supports legislation that requires extended producer responsibility that is regulated to be environmentally and socially acceptable. Finally, the city would support repeal of the prohibition contained in state law (C.R.S. Section 25-17-104) on local government bans on "use or sale of specific types of plastic materials or products" or restrictions on "containers . . . for any consumer products."

- **SUPPORT IMPROVEMENTS TO THE COLORADO OIL AND GAS CONSERVATION COMMISSION'S OVERSIGHT OF OIL AND GAS DRILLING AND PRESERVATION OF LOCAL CONTROL TO ADOPT REGULATIONS, MORATORIUMS OR OTHER LIMITS~~AND REGULATIONS~~ AS NECESSARY**

Oil and gas drilling is an industrial activity that is increasing in Colorado and within the northern Front Range, and which poses significant risks and potential adverse impacts, including damage to air and water quality, scenic values, property values, public infrastructure, and public health and that can significantly affect local quality of life and economic prosperity. There is growing public concern about the proximity of oil and gas development to communities and other sensitive resources and about industry techniques, such as hydraulic fracturing (or "fracking"), which are being used to access oil and gas resources. Fracking is a process whereby fluids are injected at high pressure into underground rock formations to blast them open and enable new or increased exploitation of fossil fuel resources. Chemicals typically used in the fracking process include diesel fuel, benzene, industrial solvents, and other carcinogens and endocrine disrupters. According to the Colorado Oil and Gas Conservation Commission (COGCC), nearly all of the more than ~~46~~51,000 oil and gas wells operating in Colorado are fracked. New~~ly created~~ requirements to substantiate trade secrets and disclose all chemicals and concentrations included in fracking fluids, save for those included in trade secrets, we~~a~~re positive steps forward. In addition, there is increasing evidence and growing concern that oil and gas operations emit toxic air pollutants, volatile organic compounds that cause ground-level ozone, and potentially large amounts of methane, one of the most powerful greenhouse gasses. Further, according to the COGCC, since 2010, there have been more than 1,500 spills in Colorado – an average of 500 each year – and more than 20% of these have contaminated water supplies. ~~However, there remains room for improvement. The city supports requirements for: oil and gas well operators to collect baseline water samples in advance of initiating any hydraulic fracturing treatments; all hydraulic fracturing fluids to include an inert marker that can be traced back to specific operators to assist in identifying suspected or real groundwater contamination, and; for development of trade secret exemption criteria that establish standards for what qualifies as a trade secret claim, require justification or rationale for the trade secret claim, and provide options for review of the trade secret claim by the COGCC, if appropriate.~~ Accordingly, t~~T~~he city ~~also~~ believes that fracking should not be an exempted activity under the Clean Water Act or Safe Drinking Water Act or from other federal environmental laws.

In July of 1993 the City of Boulder adopted its own regulations to govern oil and gas operations or production on Open Space lands. Those regulations require an application to the city manager, and hearings conducted by the Open Space Board of Trustees and City Council. ~~The regulations require that anyone desiring to conduct drilling or production on Open Space lands shall first submit an application to the city manager. The city manager shall thereupon make a recommendation whether to approve or deny the application, which recommendation shall then be considered at a hearing conducted by the Open Space Board of Trustees. If the Open Space Board approves the application, then the council is likewise required to conduct a hearing on the matter.~~ Since the adoption of the regulations in 1993, no

one has applied to conduct new drilling operations on Open Space lands. These regulations, however, do not address the issue of fracking or other emerging concerns about oil and gas impacts, nor do they address any potential drilling that might be proposed within city limits on non-open space lands. ~~Accordingly, the city also opposes legislation, such as HB12-088, that would preempt local authority to establish temporary moratoriums or to establish and enforce regulations over such fracking operations.~~

Boulder County and many of the communities surrounding Boulder are facing increased oil and gas drilling activity and are in various stages of adopting moratoria or crafting new rules to address potential risks and adverse impacts from fracking and other drilling activities. The State of Colorado argues that state authority preempts local rules and is currently suing Longmont for adopting its own rules. In addition, the oil and gas industry is suing Longmont challenging a ban on fracking within city limits that was adopted by Longmont citizens by a 60% vote. Furthermore, several multi-year studies are underway—including one by CU—to analyze air, water and public health impacts of fracking, the results of which won't be out for several years. In response, the Boulder City Council adopted a year-long moratorium in June 2013 on processing any new permits for oil and gas exploration or development within the city limits or on our city open space. The council subsequently placed an initiative on the November ballot to extend this moratorium until June 2018, while waiting for the results of these pending studies and lawsuits; voters passed this ballot initiative (2H) by over 78%.

The C~~c~~ity of Boulder believes that local governments have both the right and responsibility to take action to protect the public health and well being of our resi~~o~~dents as well as the environment. The city supports the state setting minimum standards and best management practices for the oil and gas industry, but also believes that local jurisdictions must be allowed to adopt strong~~strengthen~~ rules as needed to address local concerns and conditions. To that end, the city supports legislation that clarifies and strengthens the authority of local governments to use their existing land use authorities to manage and tailor oil and gas activities within their borders to ensure public health, safety and welfare, and to protect the environment. The city also opposes legislation that would preempt local authority to establish bans, temporary moratoriums, or to establish and enforce regulations over such fracking operations.

In addition, the city also supports legislation that would address specific oil and gas drilling impacts, including legislation to:

- Better protect homes and communities by increasing the minimum distance between wells and occupied buildings from the current 350' setback to 1000', 1,500' for schools, ~~or to require operators to adopt strict well management practices to protect human health and welfare; creating a more inclusive planning process that gives~~ giving local governments an effective role in controlling the pace and footprint of development in their jurisdictions, and; lifting the current prohibition on local governments passing along the cost of inspections to industry.
- Adopt statewide protections for water including~~by~~: requiring setbacks from all streams and lakes; requiring baseline and periodic water monitoring at all drilling

sites; raising casing and cementing standards to ensure wellbore integrity; and requiring operators to formulate a water management plan and recycle ~~and reuse~~ wastewater before acquiring new supplies.

- Better protect air quality at and near oil and gas operations~~drilling sites~~ and decrease greenhouse gas emissions by requiring strict~~more stringent~~ controls on fugitive emissions from oil and gas facilities~~drilling operations.~~, including adopting the latest technology in leak detection and repair.
- Increase fines for negligent, repeated or significant spills.
- Address the dual mandate and composition of the COGCC to make its primary role the regulation of the oil and gas industry to protect the public health, safety and the environment.
- Support further study of air, water and public health impacts oil and gas operations and ways to mitigate or avoid impacts.

HOUSING

- **OPPOSE FEDERAL EFFORTS TO REDUCE APPROPRIATIONS FOR HUD PUBLIC HOUSING AND SECTION 8 PROGRAMS WHICH PROVIDE RENTAL ASSISTANCE TO LOW-INCOME HOUSEHOLDS**

In the continuum of housing options for Boulder citizens, public housing and Section 8 vouchers provide a unique source of safe and affordable homes for approximately 1,000 families. Public housing and voucher assistance serve the most low income families in Boulder, 95 percent of whom have incomes below $14,000 annually and pay an average of less than $300 per month in rent. There are very few, if any, market options for these families who depend entirely on the availability of federal assistance in order to live with dignity and assurance of shelter.

- **OPPOSE FEDERAL REDUCTIONS TO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIPS**

Boulder has participated in the CDBG program since 1975, and funds have been used in the past for a variety of projects ranging from assistance to nonprofit agencies that provide services to the city's low and moderate income residents, to construction of the Pearl Street Mall, and renovation of the Chautauqua Auditorium. Boulder has also participated in the HOME program since 1992 and program funds have supported the production and preservation of affordable housing. For the past six years Boulder has been the lead agency for a regional HOME Consortium including all of Boulder and Broomfield Counties. Half of the HOME funds received by Boulder are used in Boulder and half in the other Consortium communities. In 2013~~2~~, the city received $754,180~~99,965~~ in CDBG funding and $891,331~~89,383~~ in HOME funding from the U.S. Department of Housing and Urban Development. The CDBG and HOME programs allow the city to strengthen public

infrastructure, increase supply of affordable housing, and improve the quality of life for the city's low and moderate income residents.

- **SUPPORT FOR STATE HOUSING TRUST FUND**

~~Several mechanisms may be proposed to create a state housing trust fund. One proposal considered in 2008 would have created funding for affordable housing through a "COLTAF-like" fund from title company-administered trust funds. The proposal would have treated the interest on title company's trust accounts like the interest created by attorneys' trust funds, and put such interest in an account to provide affordable housing options. Another effort to finance affordable housing needs was a 2008 citizen initiative which called for a 4-cent real estate transfer tax on every $100 of a home's selling price, or $80 on a $200,000 property.~~

The city is supportive of legislative efforts ~~such as these~~ that would lead to creation and financing of a state affordable housing trust fund.

- **SUPPORT LEGISLATION THAT HELPS ADDRESS THE POWER IMBALANCE BETWEEN OWNERS OF MOBILE HOMES AND OWNERS OF MOBILE HOME PARKS**

It is the policy of the city to encourage affordable housing ownership, including manufactured housing. Current market conditions place owners of manufactured housing at a disadvantage compared to other potential investors in the purchase of manufactured home communities. These dynamics often lead to the exclusion of the potential buyers who have the most at stake and the greatest need for an opportunity to purchase the park.

- **OPPOSE FURTHER CUTS TO STATE FUNDED HEALTH AND HUMAN SERVICE PROGRAMS, ESPECIALLY THOSE THAT ARE PREVENTIVE IN NATURE**

The state recently made drastic cuts to services that help provide a safety net to thousands of city residents. This includes services to very low income residents, children and families, mentally ill, disabled and people without health insurance. The city urges the General Assembly to avoid making further cuts to those essential services that serve the city's most vulnerable, especially intervention and prevention services that keep people out of crisis.

HUMAN SERVICES/HUMAN RIGHTS

- **SUPPORT COMPREHENSIVE FEDERAL IMMIGRATION REFORM**

The City of Boulder has been, and remains, committed to the protection of civil and human rights for all people. It believes in the dignity of all Boulder residents, regardless of immigration status, and recognizes the importance of their many contributions to the social, religious, cultural and economic life of the city.

The failures of the U.S. immigration system have had profound impacts within the Boulder community. These include very young students losing motivation to excel in their learning because of knowledge that they lack affordable higher educational opportunities and the existence of an underclass, climate of fear, informal economy and work force inequities.

Accordingly, the city welcomes and encourages cooperation at all levels of government to work together to support swift and responsible legislative action to produce equitable, humane, effective and comprehensive federal immigration reform that provides for:

1. Enforceable immigration laws;
2. A rational and humane approach to the undocumented population;
3. A simplified visa system which allows for family unification of those who have been separated by the legal immigration backlog process and which provides for legal status for the existing immigrant workforce;
4. A rate and system of controlled immigration that matches the needs of our economy;
5. Social integration for our existing immigrant workforce and their families;
6. Recognizing employers as key allies in implementing immigration policy and enhancing enforcement of labor laws to remove the market advantage that leads to exploiting immigration status to pay lower wages, avoid taxes and violate labor laws;
7. A system which ultimately aids in border control, and;
8. Bilateral partnerships with other countries to promote economic development that will reduce the flow of immigrants.

The city also supports federal legislation, such as the often introduced Development, Relief, and Education for Alien Minors Act (The "DREAM Act"), that would qualify students for immigration relief if they have resided in the United States for several consecutive years, arrived in the U.S. as young children and demonstrated good moral character; put such students on a pathway to citizenship if they graduate from high school or obtain a GED and complete at least 2 years towards a 4-year degree or serve in the U.S. military for at least two years, and; eliminate a federal provision that discourages states from providing in-state tuition to their undocumented immigrant student residents, thus restoring full authority to the states to determine state college and university fees.

Finally, the city supports the Uniting American Families Act of 2013 (S.296), federal legislation to ensure that all Americans, regardless of sexual orientation, receive equal treatment under immigration laws. This bill specifically allows partners and children of U.S. citizens and lawful permanent residents to obtain lawful permanent resident status the same way heterosexual spouses can. It would allow for family-based immigration for gay and lesbian Americans and the reunification of families, which strengthens our communities.

~~The city supports state legislation similar to SB12-015 that would prevent discrimination in higher education by creating a third category of college tuition available to military personnel who served abroad or persons, regardless of immigration status, who: attend a Colorado high school for at least 3 years, graduate or acquire a GED from a Colorado high~~

~~school, enroll in a higher education institution within 12 months of graduation, remain in good academic standing, and are competent in the English language upon graduation from high school. This rate would be below the amount charged for out-of-state students but above the amount paid for by in-state students.~~

~~The city also supports efforts to eliminate restrictions on the provision of a Colorado driver's license or identification card, and opposes efforts to increase identification requirements for access to public services. The requirement to provide proof of U.S. citizenship to obtain a drivers' license or identification card creates a barrier for residents seeking to obtain identification, services and benefits. Eliminating these restrictions will improve access to services for all Coloradans, and improve public safety by ensuring that all drivers, regardless of immigration status, have proper identification and are accountable when driving on Colorado roads.~~

- **SUPPORT LEGISLATION FURTHERING THE RIGHTS OF ALL PEOPLE REGARDLESS OF THEIR ACTUAL OR PERCEIVED SEXUAL ORIENTATION OR GENDER VARIANCE STATUS**

On May 18, 2004, Boulder's City Council adopted Resolution No. 947. This resolution affirms the city's commitment to the protection of civil rights for all people as outlined in the city's human rights ordinance. Furthermore, the resolution recognized the many contributions that the city's gay, lesbian, bisexual and transgender residents have provided that have enhanced the lives of all in the community. Finally, the resolution declared support for repealing or legislatively challenging the Colorado state law prohibiting the issuance of same sex marriage licenses.

Consistent with the city's long history of support for the equal rights of all people regardless of their actual or perceived sexual orientation or gender variance status, the city will continue to support the right for same-sex couples to enjoy and be bound by the same legal rights and responsibilities as married, opposite-sex couples, including the right to be issued a marriage license. ~~The city will also support a tool-box approach to achieving these goals that includes support for legislation that provides many of the rights currently provided to married couples to same-sex couples, including, but not limited to, the right to: make end of life medical decisions for a partner; be present during hospitalization of a partner; make decisions for an incapacitated partner; secure property and inheritance interests of a deceased partner; receive social security benefits of a deceased partner, and; be provided immunity from compelled testimony against a partner.~~

The city supports the Employment Non-Discrimination Act (ENDA) of 2013 (S. 815), a federal bill to prohibit employment discrimination on the basis of sexual orientation or gender identity. With no clear federal law prohibiting workplace discrimination on the basis of sexual orientation or gender identity, many lesbian, gay, bisexual, and transgender workers live with uncertainty and fear about whether they'll be able to keep a job and care for their families. Without a comprehensive federal law like ENDA, these workers lack antidiscrimination protections in a majority of states. The city also supports the Tax Parity

for Health Plan Beneficiaries Act (S. 738~~1171~~ and H.R. 2523~~088~~), bills that are pending in both the House and Senate of the 113~~2~~th Congress. Under the existing federal tax code, health benefits for same-sex domestic partners (unlike those of heterosexual spouses of employees) are taxed as income to the employee. The Tax Parity for Health Plan Beneficiaries Act would provide tax equity for same-sex couples. It has received support from 77 of the nation's largest companies, including Microsoft, Boeing and Alaska Airlines. Under the umbrella organization named the Business Coalition for Benefits Tax Equity, they have stated that the current tax inequity puts them at a competitive disadvantage.

INTERNAL ADMINISTRATIVE MATTERS

- **PROTECT WORKERS' COMPENSATION SYSTEM**

The city's self-insurance program is a cost efficient method to provide workers' compensation. The workers' compensation system serves a dual purpose, providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Consequently, the city will support legislation that improves the administrative efficiency of the State of Colorado's Division of Workers' Compensation.

State intervention or taxation can negatively impact the city. Consequently, the city will oppose legislation that increases insurance premium costs to employers, adds administrative burdens or taxes to self-insurance programs, promotes litigation, or removes existing off-sets to workers' compensation benefits.

The city also opposes efforts to expand "presumptive disease" claims associated with workers' compensation insurance. Presumptive disease claims are a change in the philosophy guiding workers' compensation insurance. They presume an existing or previous employee obtained the disease from work associated with that person's employer unless the employer can prove otherwise. The 2007 legislative session enacted legislation that requires that, under the Workers' Compensation Act of Colorado, if a firefighter contracts cancer of the brain, skin, digestive system, hematological system or genitourinary system, the condition be deemed to have occurred within the scope of employment unless the employer can prove that the covered cancer did not occur within the scope of employment. This is a particularly difficult proposition for employers as many diseases have a genetic component and cannot be definitively detected in baseline (time of hiring or imposition of new law) testing. The result of this legislation was a 15 percent increase in premiums associated with fire employees. The city opposes any effort to further shift the burden of proof for workers' compensation claims.

- **PROTECT GOVERNMENTAL IMMUNITY**

The complexity and diversity of city operations and services required to meet the needs of the residents of Boulder may expose the city and its officers and employees to liability for damage and injury. City officers and employees must be confident that they have the city's support in the lawful and proper performance of their assigned duties and responsibilities.

Consequently, the city will support legislation that provides immunity to municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities and that discourages baseless and frivolous claims against the same. Conversely, the city will oppose legislation that expands or increases municipal liability or further limits municipal immunity beyond current law.

- **OPPOSE STATE LEGISLATION THAT COULD UNNECESSARILY RESULT IN INCREASED CONTRIBUTIONS OR FORCE A REDUCTION IN BENEFITS FOR MEMBERS OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA)**

Two significant pieces of legislation were enacted in recent years aimed at putting PERA back on track to being fully funded. The first, SB06-235, passed in 2006, made several changes, including: (1) temporary increases in the amount that employers from each division must contribute to PERA, with increases staying in effect until accounts in those divisions are found to be 100% funded; (2) the addition of an eight percent cap per year on the Highest Average Salary (HAS) for new hires; (3) a change of the Rule of 80 to a Rule of 85 with a minimum retirement age of 55 for new hires; (4) a prescribed amortization period reduced from 40 years to 30 years; (5) a requirement for independent actuarial studies to be conducted before future benefit increases could occur; and, (6) a new requirement to purchase service at full actuarial cost.

Then in 2010, SB10-001 was enacted to require, among other things: (1) additional increases in the temporary employer contributions beyond previous requirements, with exemptions for the local government division where further increases were deemed unnecessary; (2) reductions in the cost of living adjustments (COLA); (3) application of the 3-year HAS with a base year and an eight percent spike cap applicable to current members not eligible to retire on January 1, 2011; (4) extension of the Rule of 85 to existing members with less than five years of service credit as of January 1, 2011, creation of a Rule of 88 for new hires and a Rule of 90 for hires after 2017, and; (5) a new requirement for contributions from retirees who return to work.

Despite this legislation, a result of comprehensive and collaborative efforts by PERA, legislators and representatives of employer groups, and despite a 2012 independent auditor finding that PERA's assumed 8% rate of return is "within a reasonable range of possible scenarios," a variety of legislation has since been and is expected to continue to be introduced in the Colorado General Assembly to further change the PERA system. The city recognizes that further reforms may indeed be required and consequently supports legislation deemed necessary to stabilize PERA's funds, but only when informed by a comprehensive evaluation of the impacts of those changes so as to protect against unnecessary increases to employer or employee contributions or reductions in employee benefits. One reform the city would support without further analysis is changes to the composition of the 16-member PERA Board of Trustees to provide more balanced representation from non-PERA covered members. However, as one of the largest of the 24 member governments in PERA's Local

Government Division, Boulder will oppose piecemeal state legislation that has unknown financial impacts.

LOCAL CONTROL

- **OPPOSE LEGISLATION THREATENING LOCAL CONTROL AND HOME RULE AUTHORITY**

Several bills are introduced each session that threaten to erode local powers. As a general matter, the city believes that local problems need local solutions and that the current authority and powers of municipal governments in areas such as land use, zoning, personnel matters and sales tax, should not be further eroded. Legislation threatening local control, that does not otherwise further interests specified in this legislative agenda or otherwise recognized by City Council, will be opposed by the city.

~~LAND USE PLANNING~~

- ~~**SUPPORT LEGISLATION THAT WOULD ALLOW RTD TO CONTRACT WITH THIRD PARTIES TO ACTIVELY MANAGE PARK-N-RIDE LOCATIONS, INCLUDING CHARGING FOR PARKING, TO SUPPORT TRANSIT ORIENTED DEVELOPMENT (TOD) OPPORTUNITIES THROUGHOUT THE REGION AND CONSISTENT WITH THE TRANSIT VILLAGE AREA PLAN FOR BOULDER JUNCTION**~~

~~While state legislation was changed several years ago to allow RTD to manage Park-n-Ride parking by charging for long term or out of district parking, RTD is currently prohibited from actively managing its parking for daily use by in-district residents. The active management and pricing of parking is a key aspect of successful TOD development and is the foundation of the transportation demand management program called for in the Transit Village Area Plan (TVAP). With development of the TOD project on the RTD parcel in Boulder Junction expected in the next year, the ability to charge for patron parking in Boulder Junction would greatly simplify the management of the parking garage and allow for shared parking. Therefore, the city supports legislation that would allow RTD to contract with third parties (i.e. a city or a district) to actively manage Park-n-Ride locations, including charging for parking, so long as the legislation protects that land use role of local governments over such parking facilities.~~

NATURAL RESOURCES, WILDLIFE AND PARKS

- **SUPPORT LEGISLATION PROTECTING THE ABILITY OF LOCAL GOVERNMENTS AND THE LAND TRUST COMMUNITY TO ACQUIRE AND PROTECT PARKS AND OPEN SPACE**

Colorado Lottery proceeds have been one of the few sources of state funding for conservation of natural resources, wildlife and parks, providing $2.3 billion statewide over the past 28 years. Profits from the sale of lottery products are allocated according to the following formula: up to 50 percent to the Great Outdoors Colorado (GOCO) Trust Fund, 40 percent to the Conservation Trust Fund (CTF), and 10 percent to the Colorado Division of Parks and Outdoor Recreation. GOCO provides competitive grants to projects that preserve, protect and enhance Colorado's wildlife, parks, rivers, trails and open space. The fund is capped (approximately $54 million in 2011) and any spillover is directed to the BEST rural school capital construction assistance fund. The CTF funds are used by local communities across the state for outdoor projects including trail construction, ball fields, playgrounds, and adding new parks or enhancing existing parks.

CTF and GOCO funds have for years been a critical part of the city's capital budget. Important acquisitions have been added to Boulder's inventory of parks and open space that have helped shape our community, preserve ecological systems and create opportunities for active and passive recreation for people of all ages. Among the projects accomplished with GOCO funding include ~~the recently completed~~ Valmont Bike Park, winner of the 2011 Colorado Parks and Recreation Association award for recreation facility design and future host of the 2014 USA Cyclo-Cross National Championships.

The city supports preservation of the current lottery distribution formula and will oppose legislation that would change that allocation or create new lottery scratch tickets for other purposes that would decrease demand for the existing lottery tickets.

- **SUPPORT STATE LEGISLATION FURTHERING IMPLEMENTATION OF THE CITY'S URBAN WILDLIFE MANAGEMENT PLAN**

The Urban Wildlife Management Plan (UWMP) was developed to provide guidance on how Boulder's urban areas will provide diverse, self-sustaining, native wildlife populations in a manner compatible with basic human needs, social and economic values and long-term ecological sustainability. The plan also seeks to reduce conflicts between humans and wildlife in the urban core. Management of the city's lands outside of the urban core such as Open Space and Mountain Parks lands and utilities lands (Silver Lake Watershed, Boulder Reservoir) are covered by the plans of the appropriate managing department.

Because of the network of nearby natural lands, its geographic setting at the intersection of the mountains and plains, Boulder's urban areas are visited or inhabited by a wide range of wildlife species. Some species keep a low profile, present little or no conflict and go unnoticed by most urban residents. Other species are highly valued by the community, but most of these present little or no conflict with urban services or land uses. There are, however species that are valued by the community that do come into conflict with people. These include prairie dogs, black bear, mountain lions, Canada geese and mule deer. The city is often attempting to simultaneously conserve these species on open space lands, while managing conflict in the urban area.

There are often opportunities on a species-specific level to support legislation at a state or federal level to complement our conservation and conflict management efforts. Examples include support of funding for mosquito management to address state or federal public health issues/mandates; modifications of laws to allow prairie dog relocation to other counties without commissioner approval; and, modifications to in-stream flow legislation that would allow the city to retain the value of its water rights while simultaneously conserving native and sport fisheries.

- **SUPPORT LEGISLATION NECESSARY TO ALLOW FOR STATE SUPPORT TO ADDRESS THE CITY'S EMERALD ASH BORER INFESTATION**

In late September of 2013, the emerald ash borer (EAB), an invasive pest of ash trees, was identified within the city limits of Boulder. The EAB is a hard to detect, and even more difficult to exterminate, insect that kills even healthy ash trees within 2-4 years of first symptoms. Although the EAB flies, infestation normally results from movement of infested ash trees and wood (e.g., firewood, chips, packing and industrial materials).

To determine the full extent of infestation, a survey is being conducted by staff from city forestry, Colorado Department of Agriculture (CDA), Colorado State University Extension, and forestry staff from other Front Range cities. The results of the survey are expected by the end of January and will guide the future city of Boulder EAB Response Plan to manage the infestation within the city and potentially slow the spread to nearby communities.

The EAB poses a significant threat to the ash trees within the city. There are approximately 38,000 city park and public street rights-of-way trees under the jurisdiction of the Boulder Parks and Recreation Urban Forestry Division: approximately 6,000 are ash trees (15 percent of the public tree population). That number rises to 98,000 when you include private ash trees within the city and 1.45 million when you take into account all the ash trees in the Denver metro area. Consequently, local governments may require significant support from the state to contain the threat, enforce a quarantine, remove dead trees and to educate the public.

The city will support necessary state legislation, including requests for supplemental funding for the CDA or the creation of an account to support emergency response to pests when no specific agricultural or horticultural industry is primarily impacted, to allow the state to partner with the city in addressing the challenges presented by the EAB.

- **SUPPORT LEGISLATION PROVIDING FOR MORE BALANCE IN THE COMPOSITION OF COLORADO'S "PESTICIDE ADVISORY COMMITTEE" AND FOR RESTORATION OF LOCAL GOVERNMENT AUTHORITY TO REGULATE CERTAIN PESTICIDE USES**

The Colorado Pesticide Applicators' Act applies to pesticide applicators with the focus primarily on testing and licensing of commercial pesticide applicators. It also incorporates EPA rules and federal pesticide law. Until 2006, when industry-backed legislation was enacted, the Act allowed local governments in Colorado wide discretion to enact pesticide regulations. Since 2006, however, local control to regulate almost all aspects of pesticide use has been preempted by state law. The 2006 legislation expanded state preemption for all pesticide users. The only exception is for the posting of notification of pesticide applications for non-commercial pesticide applicators.

Revisions to the Act can now be expected in 2015, following a sunset review initiated this fall and expected to be concluded with a report and recommendations by the end of 2014. Given the city's vested concerns in regaining some of its former authority to protect human health and the environment from the potential adverse effects of pesticides, city representatives expect to be involved at several steps in the sunset review. During this time, it will advocate for legislation that provides a more balanced perspective on pesticide use that takes into account recent studies concerning the human health and environmental impacts of pesticides that were not known at the time the Act was initially enacted. Specifically, it will support expansion of the state's Pesticide Advisory Committee to include members with technical expertise in human health risk (particularly to children), non-target species impacts including pollinators, water quality impacts, local governments, and others to ensure the publics' best interests; state protections for children and pollinators; and, restoration of the ability in specific situations for local governments to regain some authority to restrict pesticide use when immediate risk to human health or the environment cannot be addressed by the federal or state governments to adequately safeguard the public interest in a timely manner.

PUBLIC HEALTH AND SAFETY

- **SUPPORT LEGISLATION NECESSARY TO SEEK STATE AND FEDERAL ASSISTANCE FOR FLOOD DISASTER RECOVERY NEEDS AND EXPENSES**

This past September, the city received historic rainfalls, with nearly a year's worth of precipitation falling in less than a week. As a result of the floods and mudslides, it sustained a significant amount of damage. Preliminary recovery estimates to city assets exceed $43 million. This assessment is likely to increase as staff and contractors gain access to additional damaged areas and begin restoration. There was also a yet un-quantified amount of significant damage to residential properties, businesses, irrigation ditches and agricultural crops and livestock operations.

The city continues to work with state and federal agencies to connect impacted residents to individual disaster assistance and is working to restore city facilities and streets. It is anticipated that in years to come there will be a role for state and federal legislation to facilitate these efforts.

- **SUPPORT AMENDMENT 64-IMPLEMENTING LEGISLATION THAT ENSURES~~ING~~ THE SAFE USE OF RECREATIONAL MARIJUANA BY~~WITH A DUAL LICENSING SYSTEM REQUIRING A LOCAL LICENSE FOR BUSINESSES UNLESS WAIVED BY THE CITY,~~ ALLOWING LOCAL GOVERNMENT ACCESS TO BACKGROUND CHECKS AND THE SEED-TO-SALE TRACKING INFORMATION FOR COMMERCIAL OPERATORS~~AND RESERVING FOR LOCAL GOVERNMENTS THE ABILITY TO PROTECT THE HEALTH, WELFARE AND SAFETY OF THEIR COMMUNITIES FROM NEGATIVE IMPACTS OF SUCH USE~~**

The city will support state implementing legislation that furthers the following principles:

1. Provides mechanisms to ensure marijuana is appropriately labeled and regulated so that only adults intentionally choosing to use marijuana are exposed to it, that such users receive a safe product with complete information about the impacts of what they are choosing to ingest, and that these substances are kept away from children.
2. Maintains~~Creates~~ a dual licensing system to allow both the state and local governments to issue and enforce licensing of commercial marijuana facilities.
3. Allows local governments to recover the full costs of any commercial licenses they choose to allow.
4. Specifically enumerates as a matter of state interest and responsibility the creation of overall safety requirements related to recreational marijuana while reserving to local governments specific abilities, but not requirements, to adopt additional requirements and monitor and enforce those rules.
5. Does not expand the declaration of statewide concern beyond the scope of what is included in Amendment 64.
~~5.~~6. Allows local governments to have access to Colorado Bureau of Investigation records for background checks and the seed-to-sale tracking system implemented by the state for marijuana businesses within the city.

- **SUPPORT LEGISLATION THAT PROMOTES THE HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ALCOHOL ABUSE IN THE GREATER COMMUNITY**

Boulder's City Council adopted Resolution 960 on October 19, 2004, concerning alcohol abuse within the community. This resolution affirmed the city's commitment to finding solutions to address the critical issues of health, safety and well being stemming from alcohol abuse within the city.

Since this time, Council has expressly stated its support for appropriate legislation that would:

1. Require the sale of kegs containing alcohol to have a tag attached that would permit tracing of the purchaser, and;
2. Require mandatory server training.
3. Repeal the provision contained in C.R.S. Section 27-81-117 preventing municipalities from adopting public drunkenness ordinances; and
4. Permit municipalities to regulate licensees' hours of alcohol service.

The city will support appropriate legislation that furthers these goals. Conversely, the city will oppose any legislation that undermines these goals, including efforts similar to SB12-118 which would eliminate the 25 percent food requirement for Hotel and Restaurant liquor licenses.

- **SUPPORT FEDERAL LEGISLATION THAT WOULD CLOSE THE FEDERAL GUN SHOW LOOPHOLE**

While criminal background checks are currently required for purchases of guns at gun shows in Colorado, there are states that do not have such laws. In order to ensure that guns are not placed in the hands of criminals, a federal law eliminating the gun show loophole is necessary.

- **OPPOSE LEGISLATION THAT WOULD EXPAND THE APPLICATION OF THE "MAKE MY DAY" LAW BEYOND PERSONAL RESIDENCES**

- **OPPOSE LEGISLATION THAT LIMITS THE STATE'S ABILITY TO REGULATE CONCEALED WEAPONS OR LOCAL GOVERNMENT'S ABILITY TO RESTRICT POSSESSION OF WEAPONS IN PUBLIC FACILITIES**

H.R.822, the National Right-to-Carry Reciprocity Act of 2011, is pending in Congress. This legislation would require Colorado to honor concealed carry permits granted by other states, even when those permit holders could not meet the standards required by Colorado law. This would strip Colorado of the power to create its own public safety laws and hand that power over to the federal government – and the states with the weakest protections. H.R.822 would also empower gun traffickers and threaten the safety of our police officers. To protect vulnerable people, states have set standards for carrying handguns that include criteria beyond an applicant's ability to pass a federal background check. For example, many states issue permits to people with alcohol abuse problems, no firearms safety training, or who are under the age of 21. Colorado does not. Colorado also grants limited discretion to law enforcement to approve or deny a permit. Colorado's standards also keep guns out of the hands of dangerous criminals. H.R.822, however, would permit citizens of states with less strict laws to freely carry concealed weapons in our state. Because of these problems, the city urges its federal delegation to stand up for law enforcement and support Colorado's right to make its own decisions about how to protect public safety.

Boulder also has concerns with regard to the open carrying of guns. While cities are prevented from restricting permitted holders of concealed weapons, Boulder wants to make sure it maintains the ability to prevent the open carrying of guns in its public facilities. The open carrying of weapons is alarming to many people and can create logistical issues for the police department.

- **OPPOSE MANDATES FOR LOCAL GOVERNMENT ENFORCEMENT OF FEDERAL IMMIGRATION LAWS**

~~Immigration enforcement is and should remain a federal responsibility. Accordingly, the city supports measures like HB13-1258 that would repeal SB06-090 which has required local law enforcement officers to report on and make subjective evaluations regarding the immigration status of detainees. In 2011, Governor Ritter signed a memorandum of understanding with the federal government addressing Colorado's participation in the U.S. Immigration and Custom Enforcement Agency's "Secure Communities" program, which verifies the immigration status of detainees and provides a process for removal of repeat and violent offenders. The program made the requirements of SB06-090 duplicative, requiring an unnecessary layer of paperwork, reporting and tracking for law enforcement. The unnecessary training and implementation expenses for local law enforcement agencies in Colorado amounted to $13 million according to a study released in December 2012 by the Colorado Fiscal Policy Institute.~~

The city supports preserving the option for its police officers to enforce federal laws, including federal immigration laws. However, it will vigorously oppose any state or federal legislation that mandates that its police enforce federal immigration laws, especially if they are unfunded mandates or are likely to result in enforcement officers engaging in racial profiling or discrimination based on race, ethnicity or national origin.

- **OPPOSE LEGISLATION THAT WOULD INFRINGE ON EMPLOYMENT AND PERSONNEL DECISIONS MADE BY MUNICIPAL POLICE AND FIRE DEPARTMENTS**

Employees of the city's fire and police departments are part of collective bargaining units. As part of those units, they have the right to negotiate the terms of their employment. The city opposes any state or federal law that would mandate municipalities to collectively bargain with public safety employee labor unions over wages, benefits, or working conditions, under one-size-fits-all rules.

- **OPPOSE LEGISLATION THAT IMPOSES ONEROUS INFORMATION GATHERING AND REPORTING REQUIREMENTS ON PUBLIC SAFETY, ESPECIALLY WHEN THOSE REQUIREMENTS COME WITH SUBSTANTIAL COSTS THAT ARE NOT SUPPORTED BY ADEQUATE FUNDING**

An example of a reporting requirement that has been imposed on local law enforcement agencies in the past is the state law requiring the arrest of undocumented immigrants to be reported to Immigration and Customs Enforcement.

- **SUPPORT LEGISLATION THAT INCREASES THE FINANCIAL THRESHOLD OF PROPERTY DAMAGE THAT TRIGGERS A POLICE INVESTIGATION OF NON-INJURY TRAFFIC ACCIDENTS**

It takes very little damage to a vehicle to reach the current threshold of $1,000. While the city's police department currently responds to most accidents, increasing the damage threshold will provide greater flexibility and more local control over the use of police resources.

- **OPPOSE LEGISLATION LIMITING MUNICIPAL AUTHORITY TO OPERATE RED LIGHT OR PHOTO RADAR CAMERAS TO ENFORCE TRAFFIC SAFETY**

Boulder is one of nine cities in Colorado that use photo enforcement to enhance the safety of its streets. The red light locations in Boulder were carefully selected due to a historic rate of higher accidents over other locations. Use of photo enforcement at these red light locations has yielded significant safety benefits and reduced red light running accidents by 50 percent. Moreover, fewer and fewer red light tickets are issued at these locations each year due to increased compliance. Removal of these cameras could result in accident rates and non-compliance returning to pre-enforcement levels.

Quantifying photo speed enforcement success is somewhat more difficult. It is implemented per strict state statute requirements that limit where it can be placed. It enables the city to enforce speed limits in neighborhood locations that do not have a high enough volume of traffic to justify deployment of officers. It is particularly effective in school zones. One conclusion that can be made is that photo speed enforcement has enhanced the safety of neighborhood streets and school zones by reducing speeding.

In 2011, the city's photo enforcement program processed 10,802 speeding and 16,687 red light running violations. Fines associated with these violations generated $1,450,000 in revenue at a cost to the city of $1,306,000.

The true cost associated with motorists running red lights and speeding through neighborhoods is not captured in the financial information provided above. It is best quantified in the cost to our community associated with the personal injury and property damage from motorists speeding and running red lights. Recent studies have shown that the average red light camera location in the U.S. results in $38,000 a year in reduced societal costs, not to mention the number of lives and grief saved from fewer right-angle crashes. For Boulder, with our eight (8) red light running cameras, this results in $304,000 in societal cost saved annually.

For these reasons, the city will oppose any legislation similar to SB12-050 that would prohibit or otherwise further restrict the rights of local governments to use red light cameras or photo radar enforcement.

ROCKY FLATS

- **SUPPORT LEGISLATION PROVIDING FUNDING TO THE DEPARTMENT OF ENERGY FOR THE OFFICE OF LEGACY MANAGEMENT AND U.S. FISH AND WILDLIFE SERVICE IN ORDER TO MANAGE ROCKY FLATS AS A NATIONAL WILDLIFE REFUGE WITH THE APPROPRIATE SYSTEMS IN PLACE FOR LONG TERM STEWARDSHIP**

In February of 2006, the Rocky Flats Stewardship Council (RFSC) was formed to focus on the post-closure management of Rocky Flats, the former nuclear weapons plant southwest of Boulder. As a member of RFSC, the city is very supportive of the 2001 federal legislation (Rocky Flats National Wildlife Refuge Act of 2001) that designates Rocky Flats as a future national wildlife refuge site as well as the requirement that long-term liability, ownership and management of the site remain with the federal government. The city supports legislation authorizing, funding, or otherwise providing assistance for the Rocky Flats Legacy Stakeholders Organization, or alternative organization, to work on coordinating regional open space and conservation efforts as they relate to Rocky Flats

TAX POLICY

- **SUPPORT THE MARKET FAIRNESS ACT AND OTHER ACTION TO PRESERVE~~ATION~~ AND EXPAND~~SION OF~~ THE AUTHORITY OF LOCAL GOVERNMENTS TO COLLECT TAXES**

According to research undertaken by Forrester Research for Internet Retailer, national online retail spending climbed to nearly $200 billion in 2011, up from $30 billion in 2000, and will grow approximately 10 percent per year to reach $280 billion and comprise more than seven percent of overall national retail spending by 2015. At the state level, the National Conference of State Legislatures estimates that Colorado will lose $352 million in 2012 from uncollected sales taxes. The growth in internet retail activity presents a clear challenge to the operating budgets of Colorado's local governments, many of which rely on sales taxes to fund critical municipal services, as well as the state budget. Consequently, the city supports legislation, such as the Marketplace Fairness Act, that provides~~ing~~ authority for states and Colorado local governments to collect sales taxes on purchases made over the internet, regardless of whether the vendor has a physical nexus with the state. Appropriate limitations on this authority might include exemptions for small businesses, centralized collection of taxes on non-nexus sales and adoption of a common tax base for non-nexus sales. However, the city will not support changes which would allow the state to collect and remit

tax revenues on non-nexus sales based on anything other than each municipality's individual sales tax rate (e.g., the city opposes use of a blended tax rate) or which would dictate the tax base or assume authority to collect revenues on local nexus sales which the city already has the authority to tax and collect.

TELECOMMUNICATIONS

- **SUPPORT LEGISLATION THAT MAKES STRIDES TOWARDS REESTABLISHING THE RIGHT OF MUNICIPALITIES TO PROVIDE TELECOMMUNICATION SERVICES SUCH AS LARGE AND COMPLEX CITY-WIDE FIBER AND PREMISE NETWORKS**

The provision of telecommunication access to ensure effective and appropriate access to educational and city resources is seen as a must in today's society. Utilizing current infrastructure and public-private partnerships can create necessary competition to retain low-cost, high-speed access to our residents~~citizens~~, regardless of economic status. Senate Bill 05-152 preempted home rule municipalities from providing telecommunication services (with certain limited exceptions) without a vote of the people, even if infrastructure had already been built. Boulder believes that this legislation is overly restrictive in its private sector "non-compete" provisions. Given the very "low and slow" market evolution in providing low-cost and easily accessible Internet and other telecommunication services, the city is completely hamstrung in seeking ways of legitimately investing public dollars in infrastructure and services to resolve the digital divide and general access issues in our communities.

TRANSPORTATION

- **SUPPORT LEGISLATION THAT INCREASES TRANSPORTATION FUNDING AND PRIORITIZES ITS EXPENDITURE ON PROJECTS THAT MAINTAIN EXISTING INFRASTRUCTURE, ARE MULTIMODAL IN DESIGN AND THAT OTHERWISE PROMOTE SMART GROWTH**

T~~Despite the passage of FasTracks, t~~he city and the entire Denver metropolitan area are in need of new funding to maintain existing infrastructure and transit services, for multi-modal transportation improvements related to roadway, bicycle, pedestrian, carpool/vanpool and for travel demand management activities that would increase the efficiency of the existing system. In addition, despite the commencement of construction on Phase 1 and scheduled construction of Phase 2 asphalt improvements on Highway US 36, there remains a critical need for federal and state funds~~ing~~ -to ensure the project includes a ~~complete Phase 2 of that project which would connect the managed lanes and bike lanes all the way to the Table Mesa Park-n-Ride, fund the operation of a~~ robust system of bus rapid transit and supports the travel demand management components of the project.

~~Federal funding for city transportation projects should be understood as high leverage investments in the nation's learning lab for sustainability. A dollar spent in Boulder is efficiently translated by innovative transportation leaders into successful on-the-ground case studies that are not only studied by communities throughout the country, but easily replicable.~~

~~The city recognizes that state funding of one program can require trade-offs requiring cuts in funding for another program. In that regard, the city does not support additional transportation funding if it comes at the expense of funding for higher education or other state programs. Instead, t~~The city supports turning to funding sources that are tied to transportation use, including vehicle registration, car rentals, gasoline consumption, or vehicle miles traveled, provided that a significant portion of the funding generated is directed toward specific, identified projects, including US Highway 36, or to programs that fund alternative modes of transportation. This city also supports~~s~~ the recent trend of turning to managed lanes as practical solution for improving mobility by providing viable travel options in congested corridors. Managed lanes should result in regulation of demand to ensure choices for the traveler beyond the single occupancy vehicle by providing for the option of travel by bus~~The city is also supportive of tolling of new or existing lanes, but only to the extent that such tolling is designed to focus on congestion management and benefits mode choice; both essential elements of the city's transportation policy. Newly tolled lanes must support expanding travel choices for Bus Rapid Transit~~ and ~~provide for~~ free or discounted access to high occupancy vehicles ("HOVs"), as well as allowing pricing to help manage the corridor~~. Long term performance and encouraging multimodal travel must be the primary goal of tolling, as opposed to revenue generation. The following elements are essential: single occupancy vehicle access should be managed through variable pricing to assure that HOV and transit travel is not unreasonably impeded; no toll should be charged for transit and HOVs should either be free or significantly discounted; social equity issues should be addressed through all possible means including the appropriate reinvestment of toll revenues in transit in the corridor; and, access to the managed lanes should not create unreasonable adverse impacts to corridor communities.~~ Public-private partnerships (PPPs) are often essential to identifying funding to construct managed lanes. The challenge, however, is that the partnerships can sometimes focus too much on revenue generation and insufficiently on transportation performance. Moreover, decisions can be made by the state that do not receive sufficient vetting and/or oversight from the affected local governments. In order to ensure that only appropriate ~~such~~ toll projects are built, the city would support legislation to require all PPPs for managed lanes to undergo a transparent approval process and to demonstrate maximization in the transportation of people (not just vehicles); reinvestment of at least a portion of toll operating revenues into the corridor for continued improvements; and prioritization of travel choices with a portion of toll revenues supporting transit and/or travel demand management, in order to maximize the value of the transportation investment and to ensure that lower-income residents benefit from the public investment in a toll road. The city also support legislation mandating a determination by the appropriate Metropolitan Planning Organizations (MPOs) that all toll projects, including those which do not use state or federal funding, be analyzed for consistency with the development policies of the MPO's plan, and that the MPO's assess implications of such

projects on the region's fiscal health, air and water quality, energy, climate change and long-term sustainability. Finally, t~~T~~he city would ~~also~~ support legislation similar to HB12-1171 that would prohibit the use of so called "non compete" clauses which are sometimes included in PPPs~~public/private partnerships~~ to preclude maintenance of, or improvements to, existing roads (e.g., Highway 93) in order to increase travel demand on new tolled lanes.

~~SB09-108, known as the Funding Advancement for Surface Transportation and Economic Recovery or "FASTER," increased motor vehicle registration fees to address the need to repair structurally deficient bridges and improve highway safety and to increase the amount of funds shared with local governments. Municipal governments gained about a 26-percent increase in their Highway Users Tax Fund disbursement. Since this time, legislation has been repeatedly introduced to repeal these revenue increases. The city has and will continue to oppose such attempts to roll back this important source of transportation funding.~~

~~FASTER also created the High Performance Transportation Enterprise, charged with exploring innovative means of financing transportation projects, including user fee-based project financing. Under this law, tolling of existing lanes requires the approval of affected local governments. Moreover, tolling of any new lanes can be accomplished with local government support and with revenue generated from tolling available for capital, operational or transportation demand purposes. The city supports this law and will oppose any efforts to roll back local government say on tolling decisions or on the flexibility for how tolling revenue can be used for such investments as transit and TDM.~~

The city believes that new or existing funding should be used for regional priorities as determined by the area MPO, or, where no MPO exists, by the local Transportation Planning Region (TPR) where the improvements are supported by the affected local governments. In furtherance of Colorado's Climate Action Plan goal to reduce emissions of greenhouse gases by 20 percent by 2020, state legislation should require MPOs and TPRs to model projects for their expected contribution to greenhouse gases and vehicle miles traveled and to prioritize those projects that reduce both.

~~The city also supports legislation providing municipalities with the flexibility to use their allotment from the state Highway Users Trust Fund for transit operational and capital needs. Despite constitutional allowances for motor vehicle fees and taxes to be used for a variety of transportation purposes, C.R.S. Section 43-4-208 currently prohibits municipalities from using their Highway Users Trust Fund (HUTF) allocations for either transit operations or facilities.~~

With regard to federal transportation funding, MAP-21, the latest~~new~~ federal transportation authorization bill, made continued funding for the federal government's Safe Routes to School (SRTS) program beyond the 2013-14 fiscal year very unlikely. The SRTS program has proven itself a successful and popular program in Colorado. It has provided CDOT with approximately $2.5 million/year allowing capital and programmatic funding to flow to more than 500 schools across Colorado to improve safe access to schools, ranging from small towns like Ridgeway and Brush, to our largest cities like Denver and Colorado Springs. As a result,

the number of children walking and biking to school has increased by as much as 31 percent. SRTS helps make kids safer, improves congestion near schools, and gives students opportunities to become more comfortable with travel options at an early age. The city would support legislation that would direct a small portion of FASTER safety funds to continue this existing program, helping ensure safe transportation for our most vulnerable population; our children.~~was enacted on June 29, 2012. Among the many changes is the combination of four programs into a new "transportation alternatives" program. Included are programs previously known as "transportation enhancements," "safe routes to school," "recreational trails program" and a new category for boulevards and other roadways largely in the right-of-way of former interstate routes or divided highways. Competition for these funds will require difficult decisions as the four programs are slated to receive less money than they received individually during the past. Fifty percent of the money is to be sub-allocated to localities bases on population and the other fifty percent is left to state discretion on how to allocate. Of particular concern is that states can allocate their fifty percent to highway programs if they get a backlog of one hundred and fifty percent of an annual transportation alternatives set-aside. In other words, if states don't use their share for transportation alternatives, they can roll it over to another year and use it for highways. While further analysis of the law is required, the city could be supportive of state legislation that ensures that Colorado uses its share of these funds only for transportation alternatives.~~

- **SUPPORT EFFORTS TO REALIGN THE COLORADO TRANSPORTATION COMMISSION TO INCLUDE POPULATION, NOT JUST GEOGRAPHY, TO ENSURE FAIR REPRESENTATION OF THE METROPOLITAN AREA**

- **SUPPORT LEGISLATION THAT PROMOTES "COMPLETE STREETS," ACCOMMODATING ALL MODES OF TRAVEL**

The city supports legislation that furthers the concept of "Complete Streets" where modes are interconnected and a complete set of options are made available to improve efficiency and mobility for all. The city also supports legislation that promotes sustainable transportation solutions recognizing energy sources, impacts of vehicle miles traveled, connections to land use, urban design, and increased accessibility for all.

- **OPPOSE LEGISLATION LIMITING THE CITY'S ABILITY TO REGULATE VEHICLE USE ON SIDEWALKS, MULTI-USE PATHWAYS, AND BIKE LANES, OR THAT REQUIRES THE CITY TO ALTER ITS CURRENT CODE IN ORDER TO MAINTAIN CURRENT POLICY ON ALLOWED USES OF THOSE FACILITIES**

The city's current ordinances prohibit the use of Segways or motorized "toy vehicles" such as scooters, electric skateboards or mini bikes on sidewalks, multi-use paths or bike lanes. City-initiated changes to such policies would best be informed by a public process where input from the various sidewalk, multi-use path, and trail users could be solicited and evaluated.

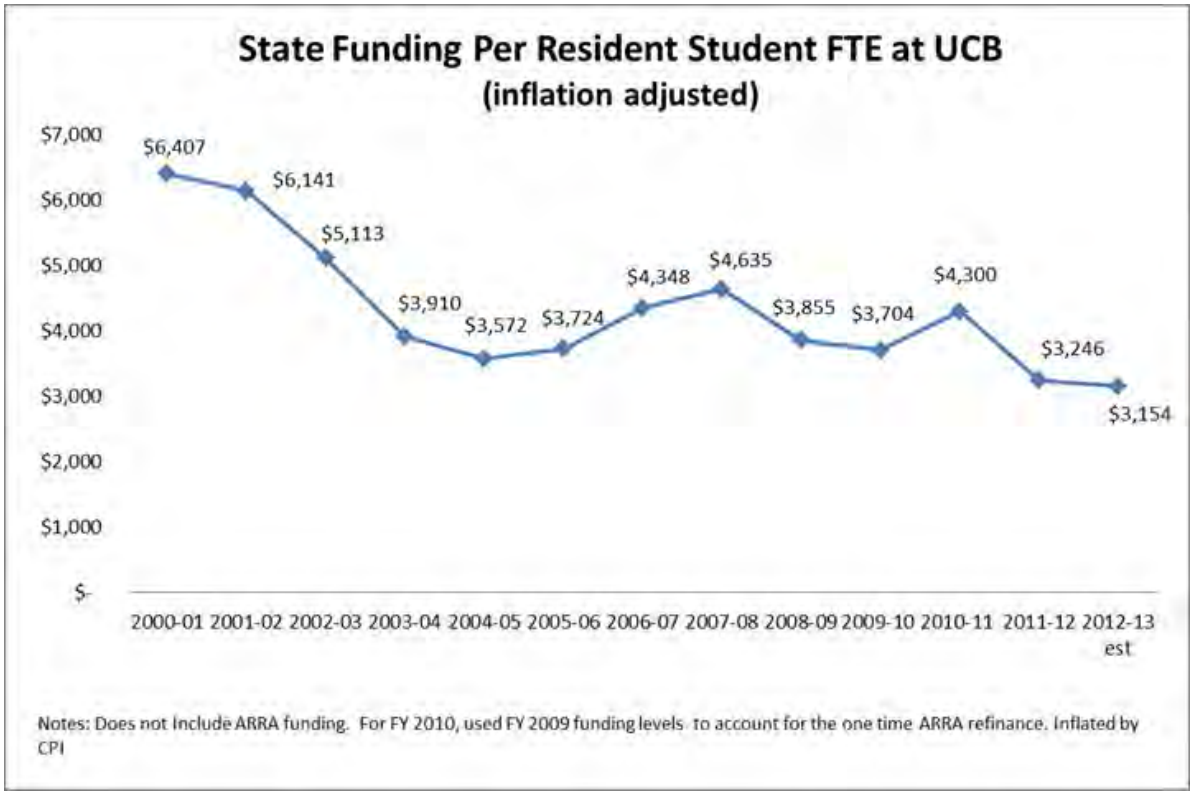
The city opposes changes to state law that would require the city to change its policy or force an unnecessary and potentially controversial re-evaluation of its policy.

- **OPPOSE LEGISLATION THAT WOULD TRANSFER THE MAINTENANCE RESPONSIBILITIES FOR REGIONAL HIGHWAYS FROM THE COLORADO DEPARTMENT OF TRANSPORTATION TO LOCAL GOVERNMENTS**

In past years, the Colorado General Assembly has been asked to consider legislation that would lead to the unilateral transfer to local governments of state highways. Boulder has several state highways that would be subject to such "devolution," including U.S. 36 and Highways 93, 7 and 119. The city believes that these types of regional highways, which service multiple communities and counties, need to remain the responsibility of the state government.

UNIVERSITY OF COLORADO

- **SUPPORT A RENEWED COMMITMENT BY THE STATE AND FEDERAL GOVERNMENTS TO FUND THE UNIVERSITY OF COLORADO AND ITS CAPITAL PROGRAMS**



The City of Boulder has been the proud home to the flagship campus of the University of Colorado (CU) since 1876. CU's Boulder campus (CU-Boulder) brings to the city the Colorado Shakespeare Festival, the Conference on World Affairs, the CU Concerts and Artist Series, access to libraries, athletic events, noncredit courses, and numerous other social and cultural offerings, all of which significantly contribute to the city's vibrancy. Furthermore, it directly employed 14,803 people in fiscal year (FY) 2011, 8,105 which were non-students (including temporary workers) earning average salaries of $57,216, accounting for 5.2 percent of total employment in Boulder County. Through research, teaching, operations, construction, student spending, and visitation, CU is an economic driver in Boulder County, contributing more than $1.5 billion in economic activity locally driven off $809 million in direct expenditures in the county in FY2011. This funding is by and large non-local, thus leveraging outside investment for the local economy. The presence of CU's research facilities and the highly skilled labor force that CU produces, have attracted major federal facilities, satellite institutions, and major private firms to the city. Yet, as reflected in the above graph, state funding for CU-Boulder has seen a dramatic decline over the last decade, a decline that is anticipated to continue over at least the next two years. In light of the extraordinary importance of CU to the city, the city will support state and federal legislation that provides a renewed attention to funding CU, its capital programs (currently facing a maintenance backlog of approximately $320 million), and particularly legislation that helps preserve the flagship status of the CU-Boulder campus.

WATER

- **SUPPORT LEGISLATION THAT PROMOTES THE EFFICIENT UTILIZATION AND CONSERVATION OF WATER**

Boulder is on the forefront of support for water conservation and efficient utilization of water. Boulder uses a water budget rate structure to reward the efficient use of water and penalize wasteful practices. Boulder has adopted water conservation goals for build-out that will help meet the city's adopted reliability criteria for water supplies without significant new water acquisitions when fully using water sources already owned by the city. Water conservation can be an important public outreach and educational tool and can help to maximize reservoir storage levels and water use reductions needed during drought periods. Although the first priority for conserved water is drought protection and the extent to which the city can direct conserved water to any particular use is limited, when reservoirs are full, some conserved water can be provided for non-permanent uses such as annual agricultural leasing or instream flow enhancement. Accordingly, Boulder will support legislation that promotes water conservation, instream flow enhancement and the efficient utilization of water when such legislation is structured to also be protective of the city's water rights. By way of example, the city would support legislation that would~~:~~

p~~P~~hase in a requirement that new indoor water fixtures (including toilets, urinals, showers and faucets) sold in Colorado meet reduced flush volume requirements consistent with the US Environmental Protection Agencies WaterSense guidelines, provided that the legislation would not mandate retrofitting nor require local governments to assure compliance.~~, and;~~

~~Allow cities to adopt regulations approving the use of gray water in accordance with state rules and regulations, to decide which water rights are appropriate for gray water use based on water court decrees, and to decide the terms and conditions for gray water use.~~

- **OPPOSE STATE LEGISLATION THAT SIGNIFICANTLY THREATENS THE CITY'S WATER RIGHTS**

In prior years, Boulder has lost thousands of acre-feet of the city's water because of the lack of proper well augmentation on the South Platte River. Loss of this reservoir water increases Boulder's risk of severe water shortage during drought years. In non-drought years, the city supports Boulder Creek basin farmers through annual leases of any water in excess of the city's short-term and long-term needs for approximately $30 per acre foot. Offsetting un-augmented well use in the South Platte basin would represent a $120,000 loss to the city in a year that 4,000 acre-feet of water is given up and would also decrease water for Boulder Creek farmers by reducing the city's leasable supplies. If other water users with junior water rights were to operate without proper augmentation and cause Boulder to need to permanently replace the water rights for 4,000 acre-feet of municipal water to protect the city against drought and any negative effects of climate change that might occur, it would cost $48,000,000 or more.

Recent Colorado Supreme Court decisions have found that the State Engineer was not properly administering some water rights, such as for agricultural irrigation wells that were operating under junior water rights without providing senior water rights owners with sufficient augmentation water. New state legislation passed in the years from 2003 to 2009 clarifies that many well owners must file in water court for well augmentation plans and address the amount of augmentation water to be provided. To protect the yield of its existing water rights, Boulder has coordinated with other water users owning senior surface water rights, including many farmers, to participate in water court cases and monitor legislative actions regarding water rights. Many of the underlying disputes have now been addressed. Nevertheless, some issues remain that may result in the General Assembly again becoming the arena for water bills that attempt to incrementally adjust, or in many cases by-pass, the state constitution's Prior Appropriation Doctrine.

Bills that may be introduced might include attempts to limit the amount of augmentation water that junior diverters are required to return to the river to less than their impact on more senior water rights or to replace the jurisdiction of water courts with state engineer authority such that decisions on the adequacy of augmentation plans would be less transparent and subject to political influence. The city is committed to the legal principle of maximum utilization of both surface water and groundwater and believes this can best be achieved through water court-approved augmentation plans rather than the political process. To the extent that future bills significantly threaten the city's water rights, such as by shifting responsibility for well augmentation from well users to senior water rights owners, or increasing reliability for junior water rights by decreasing reliability for senior water rights, they will be vigorously opposed.

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 19, 2013

AGENDA TITLE: Request for direction on the 2014 Community Survey

PRESENTER/S
Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
Patrick von Keyserling, Communications Director
Jean Gatza, Sustainability Planner

EXECUTIVE SUMMARY

Staff seeks direction regarding the process and objectives for the 2014 Community Survey. The purpose of the survey is to learn from residents, to receive feedback about what is working or not working with local government services, and to understand from residents what they value as community priorities for government services and programs. The proposed schedule for the 2014 Community Survey includes administering the survey in January and February 2014 in order to have results by May 2014 to inform the 2015 budget process.

STAFF RECOMMENDATION

Staff requests council direction regarding the proposed purpose, objectives, schedule and process of the 2014 Community Survey.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** There are no direct economic impacts or benefits to the community from the community survey. The results of the survey may inform decision-making regarding the city budget, including Boulder Economic vitality efforts.

- **Environmental:** There are no direct environmental impacts or benefits from the information presented in the report. However, the results of survey include issues that may affect decision making as it relates to environmental sustainability.
- **Social:** A primary purpose of the survey is to conduct a public outreach effort that will provide results of a representative sample of the views of Boulder residents. Residents will be asked to make judgments about what is working well and what is not working well in city service delivery, quality of life in Boulder, and community priorities.

OTHER IMPACTS
Fiscal: $45,000 is budgeted for the project.

Staff time: It is anticipated that staff support of the community survey process will be completed within existing resources.

BACKGROUND
Purpose of the Community Survey
The purpose of the survey is to learn from Boulder residents how they feel about local government; to understand what they feel is working well and what is not in city service delivery; and to learn what issues residents believe will affect Boulder in the future. The City of Boulder has conducted a community survey about every two years from 1987 to 2001 and then again in 2007 and 2011.

The last survey was conducted in 2011 and the results can be found on the city website under "Community Survey". A copy of the 2011 survey is included in **Attachment A**. Surveys were mailed to over 3,000 households and over 400 University of Colorado students living in on campus dormitories. Surveys could also be completed online and were available in Spanish. A total of 971 surveys were returned, which resulted in a 33 percent response rate that is considered a good rate of return.

The 2011 survey asked people about their priorities for the city, quality of life, and their overall satisfaction with government services. Survey responses indicated:

- Perceptions of the quality of life, quality of neighborhoods and the sense of community remain high;
- Employment and business related ratings were also high, with 77 percent of respondents rating Boulder as "very good' or "good" as a place to work and 69 percent rating Boulder as "very good" or "good" as a place to do business; and,
- Respondents' priorities for City Council included energy, housing and business development.

The survey provides information about public participation and how people would like to obtain information about meetings, issues and programs.

- About one-fourth of those completing the survey had attended a public meeting about city matters in the past year. Also about one-fourth had watched a City

Council meeting on cable TV Channel 8, while less than 10 percent had attended a City Council meeting.

- The Boulder Daily Camera newspaper (72 percent), mailings to the home (65 percent) and the City of Boulder website (55 percent) were the most commonly reported sources.

ANALYSIS

Staff requests City Council direction on the proposed schedule, approach and process for providing input on the final questions.

Proposed Schedule

The schedule for the 2014 Community Survey has been developed in order to have the results back in April and May to inform the 2015 budget process. Depending on direction from City Council and recommendations by the selected survey consultant, the schedule may change from what is listed here.

November 19	Agenda item - Initial direction from City Council
Late November	Meet with council sub-committee if one is formed
December 17	Present draft survey questions to City Council
Early January	Deadline for final materials
January-February	Consultant distributes and collects surveys
March-April	Consultant compiles results
Early- April	Receive Draft Results - city staff review & feedback
May 1	Receive final report
May	Public presentation of results to City Council & community

Approach for 2014

While much of the Community Survey has remained the same over many years of administering the survey in order to preserve trend lines, all of the questions are questioned and potentially revised in order to ensure that the survey provides relevant and useful information. The approach to question development and organization for 2014 includes:

- Revise trend questions to be grouped by sustainability framework categories and ensure there is "ownership" of each; work to make them actionable – not just "good to know".
- Keep survey under six pages to ensure a successful response rate.
- Send mailed survey (statistically valid) and offer web-based version for anyone to respond and keep the results separate.
- Include special outreach to under-represented groups (Spanish-speakers and youth)
- Consider a follow-up focus group about key results to gain a deeper understanding about why people feel as they do on key questions.
- Add policy questions if there is room ensuring that policy questions are phrased succinctly, can be answered using a check box or a very short response, don't

need a lot of background information to answer, and apply to the community as a whole and not specific users or constituencies.

- Form a sub-committee of three council members to provide input on question development if this is desired.
- Present a draft survey for full council review on December 17.

Survey Consultant
Staff is currently in the process of receiving informal bids from survey companies interested in working on the 2014 Community Survey. The selection is anticipated to be completed by Nov. 22.

Plans for Special Outreach
The 2014 Community Survey will likely include special outreach to Spanish speakers and youth similar to what was done for the 2011 survey. The 2011 survey included additional outreach to Spanish speakers through community organizations and staff contacts, and 43 completed surveys were received. Priorities and concerns included safety, affordable shopping, housing, adult education opportunities and activities for youth. A slightly revised survey was also distributed to Boulder youth to help the city determine their concerns and needs. A total of 234 returned surveys indicated that priorities include homelessness, improving activities for youth, jobs, discrimination, bike safety and facilities, and the environment.

ATTACHMENTS

Attachment A: 2011 Community Survey

CITY OF BOULDER 2011 COMMUNITY SURVEY

1. Please read the following questions and circle the number which most closely reflects your opinion.

	very good	good	neither good nor bad	bad	very bad	N.A.* or don't know
Taking all things into consideration, how do you rate your overall quality of life in Boulder?	1	2	3	4	5	6
How do you rate the overall quality of your neighborhood?	1	2	3	4	5	6
How do you rate the sense of community in Boulder?	1	2	3	4	5	6
How do you rate race and ethnic relations in Boulder?	1	2	3	4	5	6
How do you rate Boulder as a place to work?	1	2	3	4	5	6
How do you rate Boulder as a place to do business?	1	2	3	4	5	6

2. Please rate each of the following characteristics as they relate to the City of Boulder as a whole:

	very good	good	neither good nor bad	bad	very bad	N.A.* or don't know
Shopping opportunities	1	2	3	4	5	6
Employment opportunities	1	2	3	4	5	6
Opportunities to attend arts/cultural events	1	2	3	4	5	6
Opportunities for higher/continuing education	1	2	3	4	5	6
Drinking water quality	1	2	3	4	5	6
Access to city facilities	1	2	3	4	5	6
Quality or character of new development	1	2	3	4	5	6
Access to a variety of housing options	1	2	3	4	5	6

3. Please rate how safe you feel from each of the following in Boulder:

	very safe	somewhat safe	neither safe nor unsafe	somewhat unsafe	very unsafe
Violent crimes (e.g., rape, robbery, homicide)	1	2	3	4	5
Property crimes (e.g., burglary, theft, criminal mischief)	1	2	3	4	5
Structural/house fires	1	2	3	4	5
Wildland fires	1	2	3	4	5
Floods	1	2	3	4	5
Traffic-related incidents (road rage, bike-car conflicts, etc.)	1	2	3	4	5
Discrimination due to your background or personal characteristics	1	2	3	4	5

4. What do you think should be the top three priorities of the Boulder City Council in 2012?

1. _____

2. _____

3. _____

** N.A. = not applicable*

5. The city has limited resources and must make hard decisions about funding priorities. How important, if at all, is it to you that the city allocates resources to each of the following areas?

	very important	important	slightly important	not at all important
Decreasing congestion and improving traffic flow	1	2	3	4
Preserving the city's historic features and attributes	1	2	3	4
Assistance to businesses to keep them in Boulder	1	2	3	4
Neighborhood parks	1	2	3	4
Acquiring open space lands	1	2	3	4
Active recreational facilities (such as ballfields, play areas or playgrounds, etc.)	1	2	3	4
Services for children (age 12 and under)	1	2	3	4
Services for youth (age 13 to 21)	1	2	3	4
Services for seniors (age 65 and older)	1	2	3	4
Providing spaces for and access to a variety of arts/cultural events	1	2	3	4
Art in public places	1	2	3	4
Crime prevention	1	2	3	4
High frequency transit (bus or rail) routes	1	2	3	4
Bike and pedestrian facilities (such as bike lanes, sidewalks, paths, etc.)	1	2	3	4
Energy conservation and efficiency programs	1	2	3	4
Recycling and composting collection services	1	2	3	4
Reducing homelessness	1	2	3	4
Library services	1	2	3	4
Police presence in your neighborhood	1	2	3	4
Police presence in business/shopping districts (such as Pearl Street, University Hill, Twenty Ninth Street, etc.)	1	2	3	4
Attracting/retaining "discount" or "affordable" shopping opportunities	1	2	3	4
Housing affordable to low or moderate income people	1	2	3	4
Retention and expansion of quality jobs in Boulder	1	2	3	4
Providing broadband internet connectivity with speeds higher than current commercial offerings	1	2	3	4

6. Are you eligible to have an Eco-Pass, an annual pass that allows you unlimited bus rides? (Please check all that apply.)

- ❑ don't know if I am eligible for an Eco-Pass → **go to question #9**
- ❑ no, I am not eligible for an Eco-Pass → **go to question #9**
- ❑ yes, through my employer
- ❑ yes, through my neighborhood program
- ❑ yes, a CU Boulder student Buff One pass
- ❑ yes, a CU Boulder faculty/staff Buff One pass
- ❑ yes, other pass: _____

7. Did you pick up your Eco-Pass?

- ❑ yes
- ❑ no → **go to question #9**

8. About how often, on average, do you use your Eco-Pass?

- ❑ more than once a week
- ❑ about once a week
- ❑ about once every two weeks
- ❑ about once a month
- ❑ less often than once a month

9. In the last 12 months, about how many times, if ever, have you done the following things?

	never	1-2	3-12	13-26	more than 26
Used the North, South or East Boulder Recreation Centers	1	2	3	4	5
Participated in City of Boulder recreation programs, activities or events	1	2	3	4	5
Visited Boulder open space or mountain parks	1	2	3	4	5
Visited a neighborhood park or playground (including tennis courts, Flatirons Golf Course, outdoor pools, and Boulder Reservoir)	1	2	3	4	5
Used the services or facilities of the East or West Senior Centers	1	2	3	4	5
Visited the Pearl Street Mall	1	2	3	4	5
Visited Twenty Ninth Street retail center	1	2	3	4	5
Visited the University Hill business district	1	2	3	4	5
Used the Boulder Creek or other greenways bike and pedestrian path	1	2	3	4	5
Rode a high-frequency community transit network bus (e.g., HOP, SKIP, JUMP, etc.) within the City of Boulder	1	2	3	4	5
Rode another RTD bus within Boulder	1	2	3	4	5
Rode a bus between Boulder and Denver	1	2	3	4	5
Commuted to work by bicycle	1	2	3	4	5
Recycled used paper, cans or bottles from your home	1	2	3	4	5
Called in a complaint about a neighborhood problem	1	2	3	4	5
Attended a public meeting or event about city matters	1	2	3	4	5
Attended a City Council meeting	1	2	3	4	5
Watched a City Council meeting on cable TV Channel 8	1	2	3	4	5
Watched a news program on cable TV Channel 8	1	2	3	4	5
Visited the City of Boulder Web site (www.bouldercolorado.gov)	1	2	3	4	5
Completed a service transaction using the city Web site (registered for an event or program, financial transaction, etc.)	1	2	3	4	5
Visited one of the city's social media Web sites (Facebook, Twitter, YouTube, Flickr)	1	2	3	4	5
Used any of the Boulder Public Libraries (Main and/or the Reynolds, Meadows, or Carnegie branches) or used library information services via their Web site(s)	1	2	3	4	5
Used the public computers or free Internet access at one of the Boulder Public Library facilities	1	2	3	4	5
Dialed 9-1-1	1	2	3	4	5
Volunteered for a city program (such as neighborhood clean-up, trail maintenance, library, etc.)	1	2	3	4	5
Made energy improvements to your home or business	1	2	3	4	5

10. Please rate the quality of each of the following city services or programs.

	very good	good	neither good nor bad	bad	very bad	N.A.* or don't know
Overall city government operations	1	2	3	4	5	6
Flood or natural hazard education	1	2	3	4	5	6
Fire safety education	1	2	3	4	5	6
Snow and ice control on major streets	1	2	3	4	5	6
Street repair (potholes, crack repair, etc.)	1	2	3	4	5	6
Street sweeping	1	2	3	4	5	6
Street lighting	1	2	3	4	5	6
Bike paths and on-street bike lanes	1	2	3	4	5	6
Sidewalk maintenance	1	2	3	4	5	6
Median maintenance	1	2	3	4	5	6
Police traffic enforcement	1	2	3	4	5	6
Police response to community problems or needs	1	2	3	4	5	6
Fire response	1	2	3	4	5	6
Emergency medical services	1	2	3	4	5	6
The City of Boulder Web site (www.bouldercolorado.gov)	1	2	3	4	5	6
Athletic fields	1	2	3	4	5	6
Parks in the city	1	2	3	4	5	6
Open space and mountain parks	1	2	3	4	5	6
North, South and East Recreation Centers	1	2	3	4	5	6
Other recreation facilities (golf course, outdoor pools)	1	2	3	4	5	6
Parks and Recreation programs and classes	1	2	3	4	5	6
Boulder Public Libraries	1	2	3	4	5	6
Services for children and youth	1	2	3	4	5	6
Services for seniors	1	2	3	4	5	6
Services for low-income families	1	2	3	4	5	6
Drinking water services	1	2	3	4	5	6
Sewer services	1	2	3	4	5	6
Utility billing services	1	2	3	4	5	6
Water conservation programs	1	2	3	4	5	6
Residential recycling program	1	2	3	4	5	6
Renewable energy or energy efficiency programs	1	2	3	4	5	6
Building and housing inspection	1	2	3	4	5	6
Enforcement of residential over-occupancy ordinances	1	2	3	4	5	6
Noise control enforcement	1	2	3	4	5	6
Enforcement of ice and snow removal, trash, and weed control on private property	1	2	3	4	5	6
Mosquito or pest control programs	1	2	3	4	5	6
Boulder Municipal Court	1	2	3	4	5	6

11. If you have had phone or in-person contact with any Boulder city employee in the last 12 months, what was your impression? (Rate each characteristic below.)

	very good	good	neither good nor bad	bad	very bad	N.A.* or don't know
Courteous and respectful	1	2	3	4	5	6
Knowledgeable	1	2	3	4	5	6
Professional	1	2	3	4	5	6
Willingness to help or understand	1	2	3	4	5	6
Respect for people of diverse backgrounds	1	2	3	4	5	6
Timeliness of response, if applicable	1	2	3	4	5	6
Overall impression	1	2	3	4	5	6

** N.A. = not applicable*

12. Please rate how well you think the City of Boulder does on each of the following:

	very well	well	neither well nor poorly	poorly	very poorly	N.A.* or don't know
Being responsive to residents and businesses	1	2	3	4	5	6
Effectively planning for the future	1	2	3	4	5	6
Working through critical issues facing the city	1	2	3	4	5	6
Gathering feedback from residents on new policies or projects; conducting public processes	1	2	3	4	5	6
Providing access to information about issues, events and meetings	1	2	3	4	5	6
Spending your tax dollars wisely	1	2	3	4	5	6
Informing the public about how their tax dollars are used	1	2	3	4	5	6

13. Please rate to what extent you agree or disagree with the following statements.

	strongly agree	agree	neither agree nor disagree	disagree	strongly disagree
I am pleased with the overall direction the city is taking	1	2	3	4	5
I inform myself about major issues in the City of Boulder	1	2	3	4	5
I take the initiative to let elected officials or city staff know what I think	1	2	3	4	5
I contribute time or money to charities or non-profits	1	2	3	4	5
I feel included in the Boulder community	1	2	3	4	5

14. Thinking of how you currently get information about events or issues in which you are interested, how likely, if at all, would you be to obtain information from the city about things like City Council meetings, community meetings, upcoming programs and events in the following formats?

	very likely	likely	slightly likely	not at all likely	N.A.* or don't know
Cable TV Channel 8	1	2	3	4	5
City of Boulder Web site (www.bouldercolorado.gov)	1	2	3	4	5
City social media Web sites (e.g. Facebook, Twitter, YouTube)	1	2	3	4	5
The Boulder Daily Camera (hard copy or online newspaper)	1	2	3	4	5
The Colorado Daily	1	2	3	4	5
Boulder County Business Report	1	2	3	4	5
Inserts in the water utility bill	1	2	3	4	5
Information provided at city facilities (e.g., libraries, recreation centers, the municipal building, the planning department, etc.)	1	2	3	4	5
Mailings to your home address	1	2	3	4	5
Listserves (where you sign up to be part of a group receiving e-mails from the city)	1	2	3	4	5

Are there any other ways you'd like to receive information? _____

Other Comments

15. Do you have any other comments you would like to make?

_____

_____

_____

_____

** N.A. = not applicable*

About you and your household

Answers to these questions are used to group survey responses. Your responses will be completely anonymous.

16. About how many years have you lived in Boulder? (Record 0 if less than 6 months.) ....._____ years

17. Are you employed?
- ❑ No → **go to question #20**
- ❑ Yes

18. Where do you work?
- ❑ Boulder
- ❑ Louisville
- ❑ Broomfield/Interlocken
- ❑ Lafayette
- ❑ Longmont
- ❑ Jefferson County
- ❑ Denver, excluding Tech Center
- ❑ Tech Center/Southeast Denver
- ❑ Other

19. Do you work at your home?
- ❑ No
- ❑ Yes, my business is out of my home
- ❑ Yes, I always work at home instead of my employer's location
- ❑ Yes, sometimes work at home instead of my employer's location, sometimes at my employer's location
- ❑ Other

20. Are you a full- or part-time University or college student?
- ❑ No
- ❑ Yes, at the University of Colorado Boulder campus
- ❑ Yes, at Naropa
- ❑ Yes, somewhere else

21. Please check the one box that most closely describes the type of housing unit you live in.
- ❑ A detached single family home
- ❑ An apartment in an apartment complex
- ❑ An apartment in a single family home
- ❑ A condominium or town house
- ❑ A mobile home
- ❑ Group quarters (dorm, sorority/fraternity house, nursing home) → **go to question #28**
- ❑ Other, please specify _____

22. Do you rent or own your residence? Please check the appropriate box. (If you own a mobile home, but pay a lot fee, you own your residence.)
- ❑ Rent
- ❑ Own (with mortgage payment)
- ❑ Own (no mortgage payment)

	yes	no
23. Do any children age 12 or younger live in your household?	❑	❑
24. Do any teenagers age 13 to 18 live in your household?	❑	❑
25. Are you or any members of your household age 65 or older?	❑	❑
26. Does any member of your household have a long-term disability?	❑	❑

27. About how much was the TOTAL 2010 INCOME BEFORE TAXES for your household as a whole?
- ❑ Less than $15,000
- ❑ $15,000 - $24,999
- ❑ $25,000 - $34,999
- ❑ $35,000 - $49,999
- ❑ $50,000 - $74,999
- ❑ $75,000 - $99,999
- ❑ $100,000 - $149,999
- ❑ $150,000 - $199,999
- ❑ $200,000 - $249,999
- ❑ $250,000 or more

28. Do you have regular, convenient access to the internet?
- ❑ No → **go to question #29**
- ❑ Yes → **Where? (check all that apply)**
  - ❑ at home
  - ❑ at work
  - ❑ on a "smart" phone or PDA
  - ❑ a public facility (e.g. library or school)

29. What is your age?
- ❑ 18-24 years old
- ❑ 25-34 years old
- ❑ 35-44 years old
- ❑ 45-54 years old
- ❑ 55-64 years old
- ❑ 65-74 years old
- ❑ 75 or older

30. What is the highest level of education you have completed?
- ❑ 0-11 years, no diploma
- ❑ High school graduate
- ❑ Some college, no degree
- ❑ Associate Degree
- ❑ Bachelor's Degree
- ❑ Master's Degree
- ❑ Doctorate Degree

31. Are you of Chicano/Mexican-American, Latino/Latina, or Hispanic origin?
- ❑ Yes
- ❑ No

32. Which best describes your race? (Please check all that apply)
- ❑ American Indian, Eskimo or Aleut
- ❑ Asian or Pacific Islander
- ❑ Black or African American
- ❑ White
- ❑ Other, please specify_____

33. What is your preferred first language?
- ❑ English → **go to question #35**
- ❑ Arabic
- ❑ Chinese
- ❑ French
- ❑ German
- ❑ Hebrew
- ❑ Italian
- ❑ Japanese
- ❑ Scandinavian languages
- ❑ Other, please specify_____
- ❑ Korean
- ❑ Mia, Hmong
- ❑ Portuguese
- ❑ Russian
- ❑ Spanish
- ❑ Vietnamese

34. Did you receive help completing this questionnaire in English?
- ❑ Yes
- ❑ No

35. What is your gender?
- ❑ Male
- ❑ Female

Please return completed surveys to:
National Research Center
3005 30th Street
Boulder, CO 80301

TO: Members of Council
FROM: Dianne Marshall, City Clerk's Office
DATE: November 19, 2013
SUBJECT: Information Packet

1. **Call Ups**
   A. Site Review no. LUR2013-00033 for the development of 31 detached single-family homes on 6.2 acres served by new public rights-of-way. The site is zoned Residential - Low 2 (RL-2).

2. **Information Item**
   None.

3. **Boards and Commissions**
   A. Library Commission – September 4, 2013
   B. Library Commission – October 30, 2013
   C. Library Commission – November 6, 2013

4. **Declarations**
   A. Mara Abbott Appreciation Day – October 15, 2013
   B. Pat Amend Appreciation Day – September 28, 2013
   C. American Indian Heritage Month – November 2013
   D. Recognition and Appreciation to the Boulder Community for Support in the Initial Phase of Flood Recovery – October 29, 2013
   E. Yoko Tamaki Brandt – Sister City 2013 Volunteer of the Year
   F. Conflict Resolution Month – October 2013
   G. Joanne Ernst Appreciation Day – September 28, 2013
   H. John "Jack" Hess Appreciation Day – November 7, 2013
   I. Steve Jones Appreciation Day – September 28, 2013
   J. Gary Lacy Appreciation Day – September 28, 2013
   K. Jeff Walters – Sister City 2013 Volunteer of the Year

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
David Driskell, Executive Director of Community Planning + Sustainability
Charles Ferro, Land Use Review Manager
Sloane Walbert, Associate Planner

Date: November 12, 2013

Subject: **Call-Up Item:** Site Review no. LUR2013-00033 for the development of 31 detached single-family homes on 6.2 acres served by new public rights-of-way. The site is zoned Residential - Low 2 (RL-2).

EXECUTIVE SUMMARY

On October 24, 2013, the Planning Board approved with conditions (5-1, C. Gray opposed, L. May absent) the above-referenced application as provided in the attached Notice of Disposition (Attachment A), finding the project consistent with the Site Review criteria of Land Use Code section 9-2-14(h), B.R.C. 1981. Approval of the application would permit the redevelopment of the former Boulder County Fire Training Center with 31 single family homes. The units are proposed to range from approximately 2,060 to 3,940 square feet in size. The project would involve the extension of Zamia Avenue to the east and the construction of 10th Street as a connection from Yellow Pine Avenue to Lee Hill Drive. The proposal includes modifications to the required setbacks, solar access and open space standards in the Residential - Low 2 (RL-2) zone district.

The Planning Board decision is subject to City Council call-up within 30 days. There is one City Council meeting within this time period for call-up consideration on November 19, 2013.

The Planning Board memorandum and other related background materials are available on the city website, follow the links: *www.bouldercolorado.gov ➔ A to Z ➔Planning Board➔search for past meeting materials planning board➔2013➔10 OCT➔10.24.2013.*

FISCAL IMPACT

Staff Time: The application has been processed through the provisions of a standard review process and is within normal staff work plans.

BACKGROUND

Site Context.

The 6.2 acre site was formerly used as the Boulder County Fire Training Center from 1974 to 2010. A new fire training facility was built near Boulder Reservoir in 2010, and since then, the property has been used as a transportation maintenance facility for the County. The site is still owned by Boulder County, but will be purchased by the applicant following site review. The parcel was annexed as part of the larger North Boulder Annexation in 1990.

Figure 1: Birds-Eye View of Existing Context

The site is designated as Low Density Residential under the BVCP with an intended density of two to six units per acre. The North Boulder Subcommunity Plan (NBSP) also designates the site as LR: Low Density Residential. In 1997, the proposed density of the site in the NBSP was changed from ER (Estate Density Residential) to LR to more closely match the adjacent established residential densities and zoning to the north, south, and west. The property is located in a Residential - Low 2 (RL-2) zone district, which is described under section 9-5-2, B.R.C. 1981 as follows, *"medium density residential areas primarily used for small-lot residential development, including, without limitation, duplexes, triplexes or townhouses, where each unit generally has direct access at ground level."*

The architecture of surrounding neighborhoods in general consists of large, traditional style single family homes most representative of construction in the 1990s and early 2000s. The Northbriar Estates subdivision surrounds the site to the west and south. This neighborhood is well-established

and is characterized by large single family homes with front loaded attached garages. The Dakota Ridge East and Dakota Ridge West developments are located to the north, across Lee Hill Drive, and are also characterized by single family homes with attached garages. Dakota Ridge Village, located north of these developments, is a mixed density residential development with a diversity of housing types, including apartment, townhomes, and single family homes.

Site Design.
The subject property is located with easy access to City of Boulder open space to the south and west and Foothills Community Park to the southwest. The site has easy access to commercial and service uses to the east on North Broadway. Also, RTD operates several transit routes on Broadway, including the Skip and 204.

The applicant proposes to redevelop the 6.2 acre property with 31 single family homes on individual lots. The site plan for the proposed development is arranged around a grid street system, with connections to the surrounding street system (see Figure 2 below). The design includes the extension of Zamia Avenue to the east and the construction of 10th Street as a north-south connection between Lee Hill Drive and Yellow Pine Avenue, as required by the NBSP. The design emphasizes logical, convenient pedestrian connections, high quality, accessible open space, narrow streets and traffic calming features for pedestrians and bicyclists.

Figure 2: Proposed Site Plan, Viewed from the Southeast

The portion of the site north of Zamia Avenue includes seventeen residential lots bisected by a "woonerf," which is a shared alley for pedestrian and vehicular access. Fifteen of the lots will include one- and two-car detached garages that will be accessed from the woonerf alley. The woonerf shared street concept allows for low speed, low volume vehicular access and also permits use of the space as an informal recreation area for children's play and other activities. Alley access on this portion of the site will provide a service side to these properties and reduce curb cuts, enhancing the pedestrian experience. The southern portion of the site contains fourteen larger residential lots with driveway access and attached garages, which mirrors a similar pattern of

residential development to the west and south. Shared access drives have been used along Yellow Pine Avenue to reduce curb cuts and maximize available on-street parking.

The lots range in size from approximately 4,100 to 7,300 square feet in area. Accordingly, the single family houses planned for the site will be moderately sized and will vary in size from approximately 1,200 square feet to 2,360 square feet in finished floor area, with approximately 864 to 1,578 square feet in unfinished area, including basement and garage space. Smaller lots with smaller home types have been positioned on the interior of the site to provide a relief to increased density from surrounding development. Accordingly, larger lots with larger homes are located on the perimeter of the property to provide a transition to the surrounding residential development.

Open Space.
The allowable intensity of development in the RL-2 zone district is controlled with a requirement of 6,000 square feet per dwelling unit. There are no restrictions on minimum lot size, floor area ratio, lot area per dwelling unit, or dwelling units per acre in this zoning district. With a total of 31 dwelling units proposed on the site, a minimum of 186,000 square feet of useable open space is required. The applicant is proposing 187,727 square feet of usable open space, an excess of 1,727 square feet.

The proposal includes of a variety of open space areas, including a formal neighborhood park, informal natural area, back yards, and front porches. The formal neighborhood park is planned for the central part of the site at the terminus of the woonerf alley and will be maintained by the HOA. This space would be used for active recreation with formal elements like a playground and picnic plaza to serve as a focal point and a gathering space in the heart of the neighborhood. A space has been reserved on the east side of the site for a community garden. In addition, an informal open space has been provided on the southeast corner of the site, which will also serve as an area for water quality purposes. The space provides important passive open space for residents, a place for walking the dog, sitting and casual play. Due to the low vehicular volume expected, the woonerf will also be used as an informal recreation area for children's play and other activities, such as court sports or ball games. Private open space is planned for each lot as back yards, front porches, balconies, and decks.

Access and Parking.
The parking standards in the RL-2 zoning district require a minimum of one off-street parking space per detached dwelling unit. The site design includes at least a one-car garage for each house, which fulfills this requirement. Additionally, on-street parking is provided on Zamia Avenue, 8th Street, and 10th Street north of Zamia Ave. The proposed street connections fully connect existing internal streets and provide direct access to Lee Hill Road. The western edge of North Boulder is a wildfire high hazard zone and 10th Street will serve as an important connection and excavation route for residents in the event of a wildfire. The existing multi-use path on the west side of the site is continued to the north along 8th Street to connect to existing bicycle routes.

Architecture and Building Design.
The proposed project represents a modestly-scaled, infill development with homes that are neo-traditional in design with front porches, gabled roofs, and orientation toward the street. There is variety in building design but the proposed architectural character utilizes varying roof pitches and layout features consistent with that of the surrounding neighborhoods. The design includes the use of cement board lap siding and hardcoat stucco as primary materials with the use of accent materials

like standing seam metal roofing accents, brick, wood porches, and metal railings. A pedestrian level of detailing, including railings, porch detailing and other architectural elements, are given prominence. The proposal includes the addition of both detached and attached garages. Where garages are attached, they are setback and do not dominate the front façade. The applicant has proposed a variety of color choices, each of which relates to the surrounding natural environment. Each home is expected to use one or two body colors and a contrasting trim color. While the proposed development is more contemporary in nature, the project is compatible with the area in terms of colors, materials, and building orientation.

The single family homes are modestly sized and will range from approximately 1,200 square feet to 2,900 square feet in above-grade floor area (excluding detached garages). All homes also include an unfinished basement that will range from approximately 600 square feet to 1,050 square feet, with the option for a finished basement at purchase. The majority of the homes are proposed as pedestrian-scaled, two story structures and the height of the homes range from under 29 feet to 35 feet; all homes will be below the permitted 35 feet for the zoning district. Three of the homes are proposed to be 3-stories in height, excluding a basement, and require modifications to the solar access standards. These homes are proposed to be located on the interior of the site and allow the applicant to provide a variety of building forms.

Inclusionary Housing.
The proposed project generates an inclusionary requirement of 6.2 affordable units. At this time, the applicant has indicated that either six affordable units will be provided on-site or they will make a cash-in-lieu contribution to the affordable housing fund.

Previous Reviews and Neighborhood Meetings.
The proposed residential development was reviewed as a Concept Plan at the April 4, 2013 Planning Board hearing. The packet and minutes for this meeting can be found at *www.bouldercolorado.gov ➔ A to Z ➔Planning Board➔search for past meeting materials planning board➔2013➔04 APR OCT➔4.4.2013.* Generally, the Board was supportive of the proposed design and concept. The applicant organized a neighborhood meeting on May 6, 2013 to gather input on the site design prior to submitting for site review. In response to suggestions by staff, Planning Board and neighborhood comments, the applicant made the following key changes to the proposal:

- 10th Street has been extended through the east side of the site to connect to Yellow Pine Avenue, which provides better street connectivity and access to homes on Yellow Pine Avenue.
- Larger home models with larger lots have been moved to the south and west sides of the site, to act as a transition to the existing neighborhood.
- Shared access drives have been added for the majority of homes on Yellow Pine Avenue to reduce curb cuts and congestion and maximize available on-street parking.
- 8th Street has been widened to accommodate on-street parking and the planned multi-use path connection, which results in the removal of a distinctive row of pine and juniper street trees. Planning Board and the neighborhood expressed an interest in preserving these trees. However, it has been determined by staff that it is important to provide on-street parking and construct the multi-use path in this location. The update to the streetscape will include the planting of tree species better suited as urban street trees. The existing trees would have to

be significantly pruned to accommodate on-street parking and it is unclear whether they would survive the grading required for site preparation.

- The number of units proposed was reduced from 33 to 31 in order to meet open space requirements and to accommodate necessary right-of-way connections.
- The informal natural open space has been expanded on the southeast corner of the site. The informal open space creates an interface with the existing neighborhood to the south and provides a relief to the density.

PLANNING BOARD ACTION

At its October 24, 2013 public hearing, the Planning Board approved the subject Site Review request with a vote of 5-1 (C. Gray opposed, L. May absent). As part of the board's discussion, the following key issues were identified:

- Concerns related to vagrancy and safety in the informal open space was expressed by neighbors. Neighbors also expressed concerns related to the location of the formal open space in the center of the site. Some neighbors felt the open space should be located further to the west to be more accessible to the established neighborhood. The board recommended that safety lighting be installed in open space areas and that additional fenestration be added to homes that abut open space areas to increase visibility onto the informal open space.
- Staff noted that water quality and detention must be located on the southeast corner of the site since it is the lowest elevation point. Currently the area is designed to be a non-structural, landscaped, informal open space area. The board discussed combining the informal open space area on the southeast corner of the site with the formal open space located in the center of the site to address the concerns stated above. A majority of the board felt that such a change would result in a smaller, deeper, more structural water quality and detention pond area. The conclusion was that a deeper, structural water quality feature would not be usable for residents and would likely result in a less visible, less defensible space. The board concluded that the existing design was superior to a smaller, deeper, structural drainage area.
- The board expressed some concerns about affordability of units.
- While it was acknowledged that rooftop solar access would not be impeded, the proposed three-story homes and north south orientations may impact passive solar opportunities.
- The board discussed circulation and trash removal. There was some discussion regarding the urban/wild land interface and unmanaged trash attracting bears into the neighborhood.

In order to address their concerns, the board added the following to the conditions of approval:

- Condition 3.b. was revised to read: *A final site plan and building elevations which illustrate the approved final site configuration and has been revised to show orientation of windows on buildings adjacent to the park in the south-east corner of the site towards the park creating transparency and activity at the pedestrian level and promoting a safe and vibrant pedestrian experience.*
- Addition to Condition 3.f.: *The final landscape plan shall be revised to increase the landscaping along Lee Hill Drive.*
- Condition 3.g. was revised to read: *A detailed lighting plan showing location, size, and intensity of illumination units indicating compliance with section 9-9-16, B.R.C. 1981, and*

that in an energy conserving manner augments the safety and functionality of the open space in the south-east corner of the site.

- A new Condition 7. was added: *The Applicant shall provide a trash management plan for the project to minimize impacts to natural systems.*

Boardmember Gray voted in opposition to the site review proposal. She appreciated the neighborhood concerns and thought the open space areas should be combined and designed to have a more outward focus. She was supportive of a continued dialogue with neighbors to address their concerns related to the location of the open space areas.

Overall, the board found that the project was well designed and the proposal was a community-minded and creative solution to a difficult site. The board found that the proposal was consistent with the NBSP and Site Review criteria and that the design provides a sensitive transition to the existing neighborhood. The board also acknowledged that the applicant could have provided open space as private open space on large lots, similar to the surrounding neighborhood, rather than providing high-quality common open space as a community amenity open to the public. The board concluded that both open space areas are accessible to the neighborhood at large.

The minutes and audio of the hearing are available on the city website, follow the links: *www.bouldercolorado.gov ➔ A to Z ➔Planning Board➔search for past meeting materials planning board➔2013➔10 OCT➔10.24.2013.*

ANALYSIS

On balance, the proposed redevelopment of the project site meets the goals and intent of the BVCP, the NBSP, and the Site Review criteria. In particular, the development proposal is consistent with several BVCP policies related to balancing the housing supply with the employment base, compact land use patterns, sensitive infill and redevelopment, and neighborhood streets connectivity.

Site Review Criteria.

As required in the criteria, the project is compatible, contextual, well scaled, and includes the provision high-quality housing. The proposal follows traditional design and layout concepts and contains elements which provide for the safety and convenience of the pedestrian.

Refer to Attachment C for the complete Site Review criteria analysis.

The North Boulder Subcommunity Plan.

In general, the proposed concept addresses the goals and policies expressed in the NBSP. The proposed redevelopment is a logical extension to an existing neighborhood and presents opportunities for attractive single family homes along with additional open space and pedestrian linkages that benefit the surrounding neighborhoods.

Goals and Objectives.

The goals found in the NBSP state that new neighborhoods should be designed by taking into account the need for more affordable housing, walking distance to transit and park facilities, connections to existing and future pedestrian and bike path systems, and the scale and positive architectural attributes of adjacent housing. The development will fill an important gap in North Boulder's housing stock by providing moderately sized homes in moderate income brackets. The

site has easy access to public transit, bike and pedestrian corridors, and open space. In addition, the design includes frequent and convenient connections for pedestrians and bicyclists, which link to the city-wide system.

The NBSP defines the objectives for future development in the North Boulder Subcommunity. In general, the development is consistent with the following objectives for residential areas:

- Connections are provided to the larger community and the site design integrates into the existing network of streets. The transportation network promotes the use of alternate modes of transportation and the site has easy access to public transit, bike and pedestrian corridors.
- The proposed design has an appropriate house size to lot size ratio.
- The site design and proposed homes are compatible with the surrounding context. While the proposed development is more contemporary, the project is compatible with the area in terms of colors, materials, and building orientation.
- The project provides smaller homes in comparison to the larger single family houses that surround it, providing a diversity of housing types. There are a variety of housing and lot sizes that contribute to overall diversity in housing types, sizes, and price ranges.

<u>Development Guidelines.</u>
The subject property is within the Lee Hill Road Area of the NBSP. The project is subject to the Development Guidelines for All Neighborhoods and guidelines specific to the Lee Hill Road Area. In general, the development is consistent with the following guidelines as discussed below:

- Site plan includes tree-lined streets that are pleasant for all modes of travel.
- Houses are positioned so that front doors and front yards face the street. Where attached garages face the street they are setback from the front facade of the home.
- Contains a variety of building designs that include human scale features such as porches and railings.
- Site is designed so that the fronts of buildings and lots face the street and one another, and backs face one another.
- Compatible building types face one another across streets. Larger home models are used along Yellow Pine Avenue to mimic larger homes located across the street.
- Includes well-placed pedestrian and bicycle trails that connect to neighborhood amenities, including parks and trails.
- Homes are positioned close to the street to create a more pedestrian friendly atmosphere. The applicant has requested front yard setback modifications on four lots.
- The project provides smaller homes in comparison to the larger single family houses that surround it, contributing to a diversity of housing types, sizes, and price ranges.
- The site plan encourages walking, biking, and transit by providing safe, comfortable and convenient connections.
- Design includes small blocks and narrow streets to better serve pedestrians and to help calm traffic.
- An alley is used on the north end of the site to reduce curb cuts and sidewalk interruptions.

<u>Transportation.</u>
The NBSP emphasizes the importance of an integrated network of streets to create more path options for motorists and users of alternate travel modes. The development guidelines for the Lee

Hill Area include the provision that new developments should include transportation connections that “fully connect internal streets and provide direct access to Lee Hill Road and Broadway (page 11). The provision of 10th Street through the east side of the site to Yellow Pine Avenue and the continuation of Zamia Avenue to the east significantly benefits the local street network. The east portion of the city’s open space to the south has been reserved for the extension of 10th Street, to be constructed when the adjacent properties develop. The NBSP calls for a “Village Center” concept near the intersection of Broadway and Violet. The extension of 10th Street was planned to better connect the residential areas to the north (Dakota Ridge, Northbriar, etc.) to the neighborhood center as part of improved overall connectivity in the area. Per the guidelines, the site design continues a traditional gridded street pattern and streets are designed as multi-purpose public spaces where automobiles are physically separated from and made subordinate to bicyclists and pedestrians.

ATTACHMENTS

A. Notice of Disposition
B. Approved Plans
C. Site Review Criteria Analysis

CITY OF BOULDER
Community Planning & Sustainability
1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

CITY OF BOULDER PLANNING BOARD NOTICE OF DISPOSITION

You are hereby advised that on October 24, 2013 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: **Approved with Conditions**
PROJECT NAME: **820 LEE HILL DRIVE SITE REVIEW**
DESCRIPTION: **SITE REVIEW** to develop 31 single family homes on 6.2 acres with a mixture of attached and detached garages. The project includes the extension of Zamia Avenue to the east and the construction of 10th Street as a connection from Yellow Pine Avenue to Lee Hill Drive.

The approval also includes the following:

- A modification of the minimum front yard landscape setback on Lots 7, 8, 9, and 10;
- A modification of the minimum side yard setback from an interior lot line on Lots 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31;
- A modification of the minimum rear yard setback on Lots 7, 8, 9, and 10;
- A modification of the minimum front yard setback for accessory buildings on Lots 8 and 9;
- A modification of solar access requirements for homes on Lots 13, 14, and 15;
- Authorization to count landscape areas of the public right-of-way for up to 10 percent of the required usable open space; and
- A modification of the requirement that the entire use be located on one lot with regard to open space requirements.

(See approved plans dated October 1, 2013 for details.)

LOCATION: **820 LEE HILL DR**
COOR: **N09W07**
LEGAL DESCRIPTION: **See Exhibit A**
APPLICANT: **Coburn Development for Allison Management/Thistle Communities**
OWNER: **County of Boulder**
APPLICATION: **Site Review, LUR2013-00033**
ZONING: **Residential - Low 2 (RL-2)**
CASE MANAGER: **Sloane Walbert**
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

This decision may be called up before the City Council on or before **November 25, 2013.** If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision.

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED

DEVELOPMENT AGREEMENT MUST BE SUBMITTED TO THE PLANNING DEPARTMENT, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING BOARD APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12, Boulder Revised Code 1981) the development within three years shall cause this development approval to expire.

At its public hearing on October 24, 2013 the Planning Board Approved with Conditions the request with the following motion:

On a motion by **A. Brockett**, seconded by **M. Young,** the Planning Board approved 5-1 (**C. Gray** opposed, **L. May** absent) Site Review #LUR2013-00033 incorporating the staff memorandum and the attached Site Review Criteria Checklist as findings of fact, and subject to the recommended conditions of approval with the following modifications:

Condition 3.b. shall be revised to read: A **final site plan** and building elevations which illustrate the approved final site configuration and has been revised to show orientation of windows on buildings adjacent to the park in the south-east corner of the site towards the park creating transparency and activity at the pedestrian level and promoting a safe and vibrant pedestrian experience.

Add to Condition 3.f.: The final landscape plan shall be revised to increase the landscaping along Lee Hill Drive.

Condition 3.g. shall be revised to read: A **detailed lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981, and that in an energy conserving manner augments the safety and functionality of the open space in the south-east corner of the site.

A new Condition 7. shall be added reading: The Applicant shall provide a trash management plan for the project to minimize impacts to natural systems.

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all approved plans** dated October 1, 2013 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.

2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following:

   a. Annexation Ordinance #5355 recorded at Film No. 1655, Reception No. 1079937;

   b. Ordinance #5392 (to amend Annexation Ordinance #5355) recorded at Film No. 1655, Reception No. 1103103; and

   c. Annexation Agreement recorded at Reception No. 1088243.

3. Prior to building permit, the Applicant shall submit a Technical Document Review application for the following items, subject to the approval of the City Manager:

   a. **Final architectural plans**, including material samples and colors, to insure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the approved plans dated October 1, 2013 is acceptable. Planning staff will review plans to assure that the architectural intent is performed.

b. A **final site plan and building elevations** which illustrate the approved final site configuration and has been revised to show orientation of windows on buildings adjacent to the park in the south-east corner of the site towards the park creating transparency and activity at the pedestrian level and promoting a safe and vibrant pedestrian experience.

c. A **final utility plan** meeting the City of Boulder Design and Construction Standards.

d. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.

e. **Final transportation plans** meeting the City of Boulder Design and Construction Standards and CDOT Access Code Standards, for all transportation improvements. These plans must include, but are not limited to: street plan and profile drawings, street cross-sectional drawings, retaining wall plan and profile drawings, signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, street lighting plan, transportation detail drawings, retaining wall detail drawings, geotechnical soils report, and pavement design report. The retaining wall on the east side of 10th Street must be entirely contained on the property or within an easement meeting the requirements of section 9-9-10, "Easements," B.R.C. 1981.

f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester. The final landscape plan shall be revised to increase the landscaping along Lee Hill Drive.

g. A **detailed lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981 and that in an energy conserving manner augments the safety and functionality of the open space in the south-east corner of the site.

h. A **detailed shadow analysis** to insure compliance with the City's solar access requirements of section 9-9-17, B.R.C. 1981, for all lots that have not received a solar access exception through site review.

4. Prior to a building permit application, the **Applicant shall subdivide the property** in accordance with chapter 9-12, "Subdivision," B.R.C. 1981, and execute a subdivision agreement which provides for the dedication of public right-of-way and easements and the construction of all public improvements necessary to serve the Property as shown on the approved plans including, but not limited to the following:

   a. The dedication, to the City, in fee, of the following:

      i. A **60-foot right-of-way** dedication for Zamia Avenue between the east and west property boundaries.

      ii. A **41.5-foot right-of-way** dedication for 10th Street north of Zamia Avenue.

      iii. A **34-foot right-of-way** dedication for 10th Street south of Zamia Avenue.

      iv. The additional **right-of-way** required for all curb, gutter, and asphalt pavement along Lee Hill Drive, to be dedicated to 1-foot behind the back of the curb.

   b. The dedication, to the City, of the following easements:

      i. An approximately **12-foot wide public access easement** from the right-of-way line for Lee Hill Drive to one (1) foot behind the multi-use path.

      ii. A **12-foot wide public access easement** for the 10-foot multi-use path on the east side of 8th Street.

iii. A **20-foot wide public access easement** through the north side of the site for the woonerf alley.

iv. Three **30-foot wide public access easements** for the shared driveways along Yellow Pine Avenue, on the south side of the site.

v. A **20-foot wide drainage easement** that crosses Lots 25, 26, 27, 28, 29, 30, and 31 for drainage swales on the south side of the site.

vi. A **20-foot wide drainage easement** that crosses Lots 13, 14, 15, 16, and 17 for drainage swales on the northeast side of the site.

c. A **financial guarantee** in the form of an escrow of funds with City, a letter of credit, or other financial guarantee that is acceptable to the City Manager to secure the installation of the following public improvements serving the site in conformance with the approved engineering plans and with the City of Boulder Design and Construction Standards. Additional requirements not presently identified may be required during the subdivision process.

i. The widening of **8th Street** to provide a 30-foot flow-line to flow-line pavement section.

ii. An approximate **7-foot 10-inch landscape strip and 10-foot detached multi-use path** on the east side of 8th Street.

iii. The construction of the **Zamia Avenue cross-section**, as shown on the approved plans.

iv. The construction of the **10th Street cross-section**, as shown on the approved site plans.

v. A **5-foot detached sidewalk** along Lee Hill Drive, where the existing curb cut will be closed.

vi. A **5-foot detached sidewalk** along the north side of Yellow Pine Avenue.

vii. A **10-foot detached multi-use path** along Lee Hill Drive, as shown on the approved site plans.

viii. The extension of the **water line and sewer main** within the Zamia Avenue right-of-way.

ix. The extension of the **water line and sewer main** within the 10th Street right-of-way, north of Zamia Avenue.

d. The construction of the following **private improvements**:

i. A **water quality pond, retaining wall, outlet structure, and overflow weir on** the southeastern corner of the property.

5. Prior to a building permit application, the Applicant shall **demonstrate compliance with Subsection 9-9-10(c), "Structures in Private Easement," B.R.C. 1981.**

6. Prior to a building permit application, the Applicant shall submit a **financial guarantee**, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing eco-passes to the residents of the development for three years after the issuance of a certificate of occupancy as proposed in the Applicant's Transportation Demand Management (TDM) plan.

7. The Applicant shall provide a trash management plan for the project to minimize impacts to natural systems.

By: _____
David Driskell, Secretary of the Planning Board

EXHIBIT A

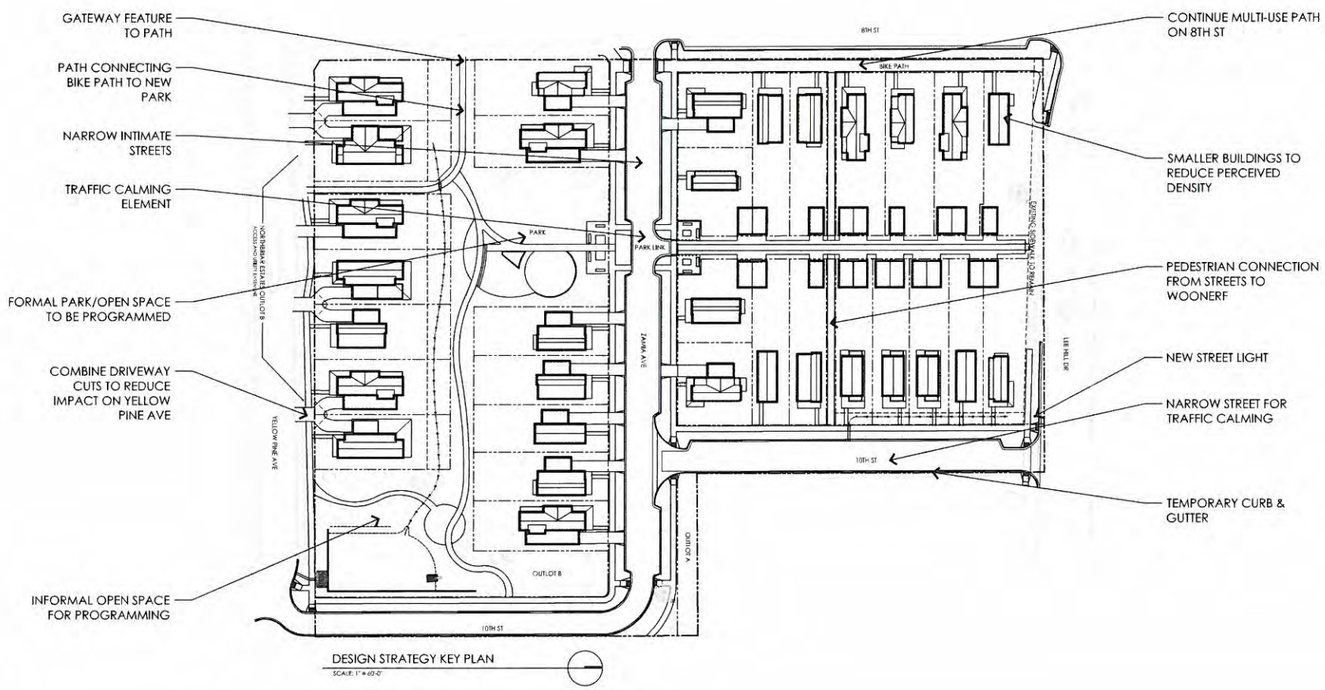
LEGAL DESCRIPTION

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 0°02' WEST, 257.20 FEET ALONG THE EAST LINE OF SAID SECTION 12; THENCE NORTH 88°30' WEST, 659.49 FEET; THENCE NORTH 0°02' WEST, 380.42 FEET TO THE TRUE POINT OF BEGINNING, FROM WHICH POINT "A" BEARS SOUTH 89°43'30" WEST, 488.28 FEET; THENCE NORTH 0°02' WEST, 330.00 FEET; THENCE SOUTH 89°43'30" WEST, 140.00 FEET; THENCE NORTH 0°02' WEST, 330.00 FEET; THENCE SOUTH 89°43'30" WEST, 348.32 FEET; THENCE NORTH 58°30' WEST, 10.44 FEET; THENCE SOUTH 0°02' EAST, 659.98 FEET TO A POINT FROM WHICH SAID POINT "A" BEARS SOUTH 58°30' EAST, 10.49 FEET; THENCE SOUTH 58°30' EAST, 10.49 FEET; THENCE NORTH 89°43'30" EAST, 488.28 FEET TO THE TRUE POINT OF BEGINNING,
COUNTY OF BOULDER, STATE OF COLORADO.

820 LEE HILL DRIVE: SITE REVIEW

COBURN ARCHITECTURE

VICINITY MAP
SCALE: NTS



DESIGN STRATEGY KEY PLAN
SCALE: 1" = 60'-0"

Project Information

Owner:

Thistle Communities / Allison Management, LLC
1845 Folsom Street
Boulder, CO 80302
p: 303-443-0007

Applicant:

Coburn Development
3020 Carbon Place # 203
Boulder, Colorado
p: 303-442-3351
f: 303-447-3933

Project Information:

Parcel Area:	271,097 SF (6.224 acres)
Current Zoning:	RL-2
Proposed Use:	Residential
Proposed Units Per Acre:	4.98
Proposed FAR:	.19

Drawing Index

SR-1	Project Information & Vicinity Map
SR-2	Site Development Plan
SR-3	Shadow Analysis & Open Space Diagrams
SR-4	Architectural Plans & Elevations
SR-5	Architectural Plans & Elevations
SR-6	Architectural Plans & Elevations
SR-7	Architectural Plans & Elevations
SR-8	Street Elevations
LP-1	Landscape Site Plan
LP-2	Landscape Planting Plan
LP-3	Landscape Planting Plan Enlargement
LP-4	Landscape Notes & Details
C1.0	Preliminary Drainage & Grading Plan
C2.0	Preliminary Utility Plan

SITE REVIEW CORRECTIONS

SR-1

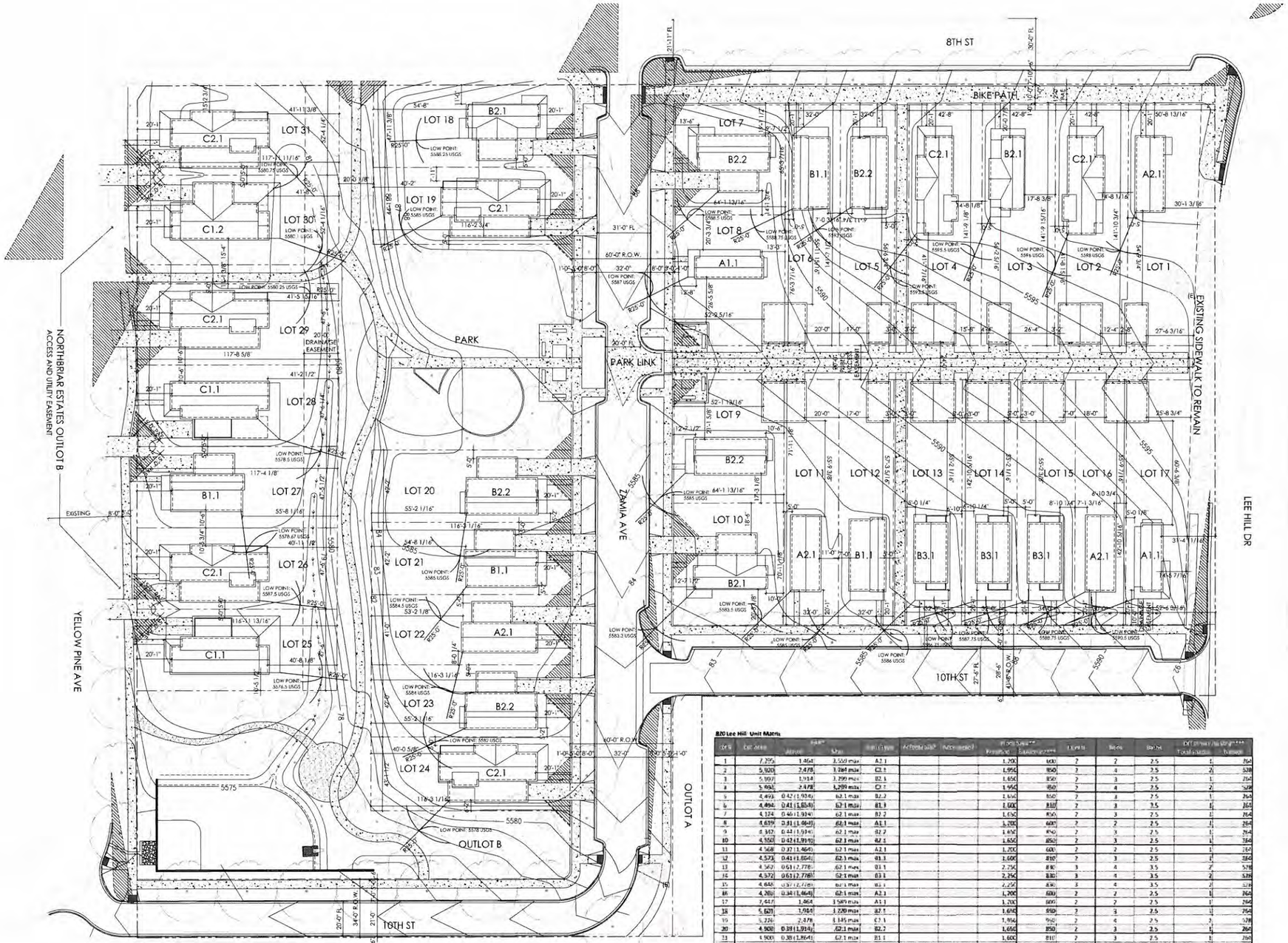
10.01.13

820 LEE HILL DRIVE

BOULDER, COLORADO

Planners · Designers · Builders
3020 Carbon Place # 203
Boulder, CO 80301
303-442-3351
coburndev.com

COBURN ARCHITECTURE



SITE DEVELOPMENT PLAN
SCALE: 1" = 30'-0"

REQUESTED SETBACK MODIFICATIONS			
SECTION 9-7-1 REQUIREMENTS	REQUIRED	PROPOSED	
MINIMUM FRONT YARD LANDSCAPED SETBACK	20'	LOT 7	15'-6"
		LOT 8	12'-8
		LOT 9	12'-7 1/2"
		LOT 10	12'-7 1/2
MINIMUM REAR YARD SETBACK	20'	LOT 7	9'-7 1/2
		LOT 8	15'-8
		LOT 9	13'-6"
		LOT 10	13'-0"
MINIMUM INTERIOR LOT LINE SETBACK	1 PER 2 BLDG HT. S MIN.		
	17'-6"	LOT 1	5'-0" MIN
	15'-9"	LOT 2	5'-0" MIN.
	16'-0"	LOT 3	5'-0" MIN.
	16'-0"	LOT 4	5'-0" MIN
	16'-0"	LOT 5	5'-0" MIN
	17'-0"	LOT 6	5'-0" MIN
	16'-6"	LOT 7	5'-0" MIN
	16'-6"	LOT 11	5'-0" MIN
	15'-4"	LOT 12	5'-0" MIN.
	17'-6"	LOT 13	5'-0" MIN
	17'-6"	LOT 14	5'-0" MIN
	17'-6"	LOT 15	5'-0" MIN.
	16'-9"	LOT 16	5'-0" MIN
	15'-6"	LOT 17	5'-0" MIN.
	15'-6"	LOT 18	5'-0" MIN
	16'-6"	LOT 19	5'-0" MIN
	15'-9"	LOT 20	5'-0" MIN
	16'-0"	LOT 21	5'-0" MIN
	17'-3"	LOT 22	5'-0" MIN
	17'-0"	LOT 23	5'-0" MIN
	17'-3"	LOT 24	5'-0" MIN.
	15'-3"	LOT 25	5'-0" MIN
	14'-6"	LOT 26	5'-0" MIN
	15'-0"	LOT 27	5'-0" MIN
	15'-6"	LOT 28	5'-0" MIN.
	15'-0"	LOT 29	5'-0" MIN
	16'-0"	LOT 30	5'-0" MIN.
	15'-0"	LOT 31	5'-0" MIN
MINIMUM FRONT YARD ACCESSORY SETBACK	55'	LOT 8	52'-2 1/4
	55	LOT 9	52'-1 3/4"

*FRONT PORCHES WILL COMPLY WITH RRC 9-7-4 "SETBACKS FOR FRONT PORCHES"

820 Lee Hill Unit Matrix

Bldg	Lot Area	FAR* Allowed	FAR* Max	Bldg Type	Affordable?	Accessible?	Floor Area** Principal	Floor Area** Garage***	Levels	Beds	Baths	Off Street Parking*** Total Spaces	Garage
1	7,395	1,464	2,500 max	A2.1			1,700	600	2	2	2.5	1	264
2	5,920	2,478	2,784 max	C2.1			1,950	850	2	4	2.5	2	528
3	5,997	1,914	2,299 max	B2.1			1,650	850	2	3	2.5	1	264
4	5,904	2,478	2,299 max	C2.1			1,950	850	2	4	2.5	2	528
5	5,493	0.42 (1,914)	62.1 max	B2.2			1,650	850	2	4	2.5	1	264
6	4,494	0.41 (1,854)	62.1 max	B1.1			1,600	810	2	3	3.5	1	264
7	4,124	0.46 (1,914)	62.1 max	B2.2			1,650	850	2	3	2.5	1	264
8	4,639	0.31 (1,464)	62.1 max	A1.1			1,200	600	2	2	2.5	1	264
9	4,347	0.44 (1,914)	62.1 max	B2.2			1,650	850	2	3	2.5	1	264
10	4,550	0.42 (1,914)	62.1 max	B2.1			1,650	850	2	3	2.5	1	264
11	4,568	0.27 (1,464)	62.1 max	A2.1			1,200	600	2	2	2.5	1	264
12	4,573	0.41 (1,854)	62.1 max	B1.1			1,600	810	2	3	2.5	1	264
13	4,567	0.61 (2,778)	62.1 max	B3.1			2,250	830	3	4	3.5	2	578
14	4,572	0.61 (2,778)	62.1 max	B3.1			2,250	830	3	4	3.5	2	578
15	4,648	0.57 (2,778)	62.1 max	B3.1			2,250	830	3	4	3.5	2	578
16	4,286	0.34 (1,464)	62.1 max	A2.1			1,200	600	2	2	2.5	1	264
17	7,447	1,464	1,500 max	A1.1			1,200	600	2	2	2.5	1	264
18	5,621	1,914	2,220 max	B2.1			1,650	850	2	3	2.5	1	264
19	5,226	2,478	2,145 max	C2.1			1,950	850	2	4	2.5	2	528
20	4,900	0.39 (1,914)	62.1 max	B2.2			1,650	850	2	3	2.5	1	264
21	4,900	0.38 (1,864)	62.1 max	B1.1			1,600	810	2	3	2.5	1	264
22	4,777	0.3 (1,464)	62.1 max	A2.1			1,200	600	2	2	2.5	1	264
23	4,861	0.39 (1,914)	62.1 max	B2.2			1,650	850	2	3	2.5	1	264
24	5,011	2,478	1,102 max	C2.1			1,950	850	2	4	2.5	2	528
25	5,508	2,578	1,211 max	C1.1			2,050	1,050	2	4	3	2	528
26	5,565	2,478	1,233 max	C2.1			1,950	850	2	4	2.5	2	528
27	5,571	1,864	1,224 max	B1.1			1,600	810	2	3	2.5	1	264
28	5,582	2,578	1,216 max	C1.1			2,050	1,050	2	4	3	2	528
29	5,593	2,478	1,218 max	C2.1			1,950	850	2	4	2.5	2	528
30	6,003	2,888	1,118 max	C1.2			2,360	1,050	2	5	4	2	528
31	6,124	2,478	1,335 max	C2.1			1,950	850	2	4	2.5	2	528
Total	167,113				TBD	TBD	53,660	25,930				44	11,616

*FAR calculated per BRC Table 8-1 Lots < 5,000 SF (Max FAR = 0.62:1) Lots 5,000 to 10,000 SF (Max FAR = (Lot Size x 0.21) + 2,100)
**Unit sizes may vary by +/- 15%
*** Basements are optional finish
****All units have either an attached or detached 1 or 2 car garage included in total number of parking spaces

SITE REVIEW CORRECTIONS

SR-2

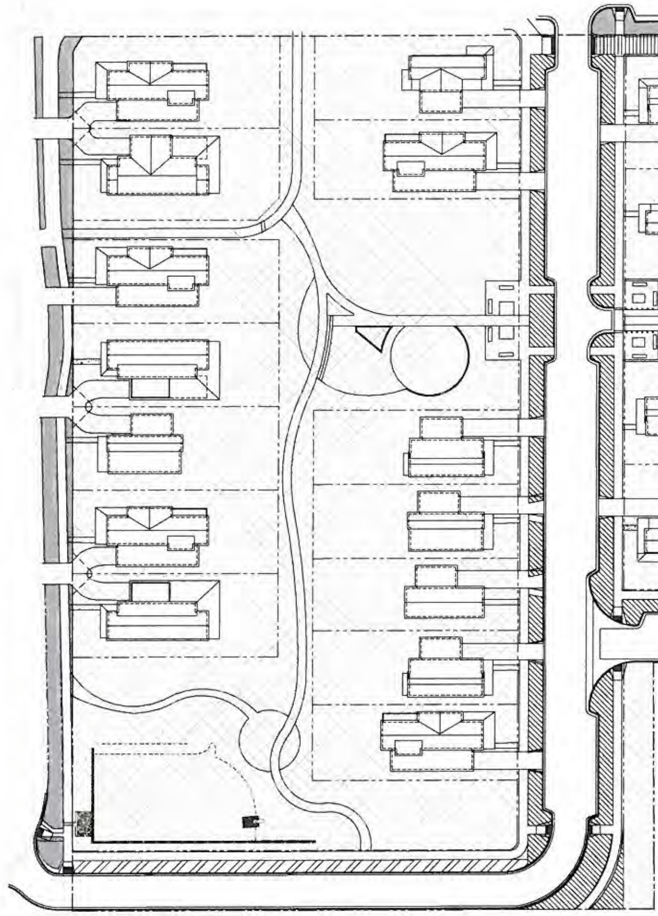
10.01.13

820 LEE HILL DRIVE

BOULDER, COLORADO

Planners · Designers · Builders
3020 Carbon Place # 203
Boulder, CO 80301
303-442-3351
coburndev.com

COBURN ARCHITECTURE



OPEN SPACE DIAGRAM

SCALE: 1" = 50'-0"

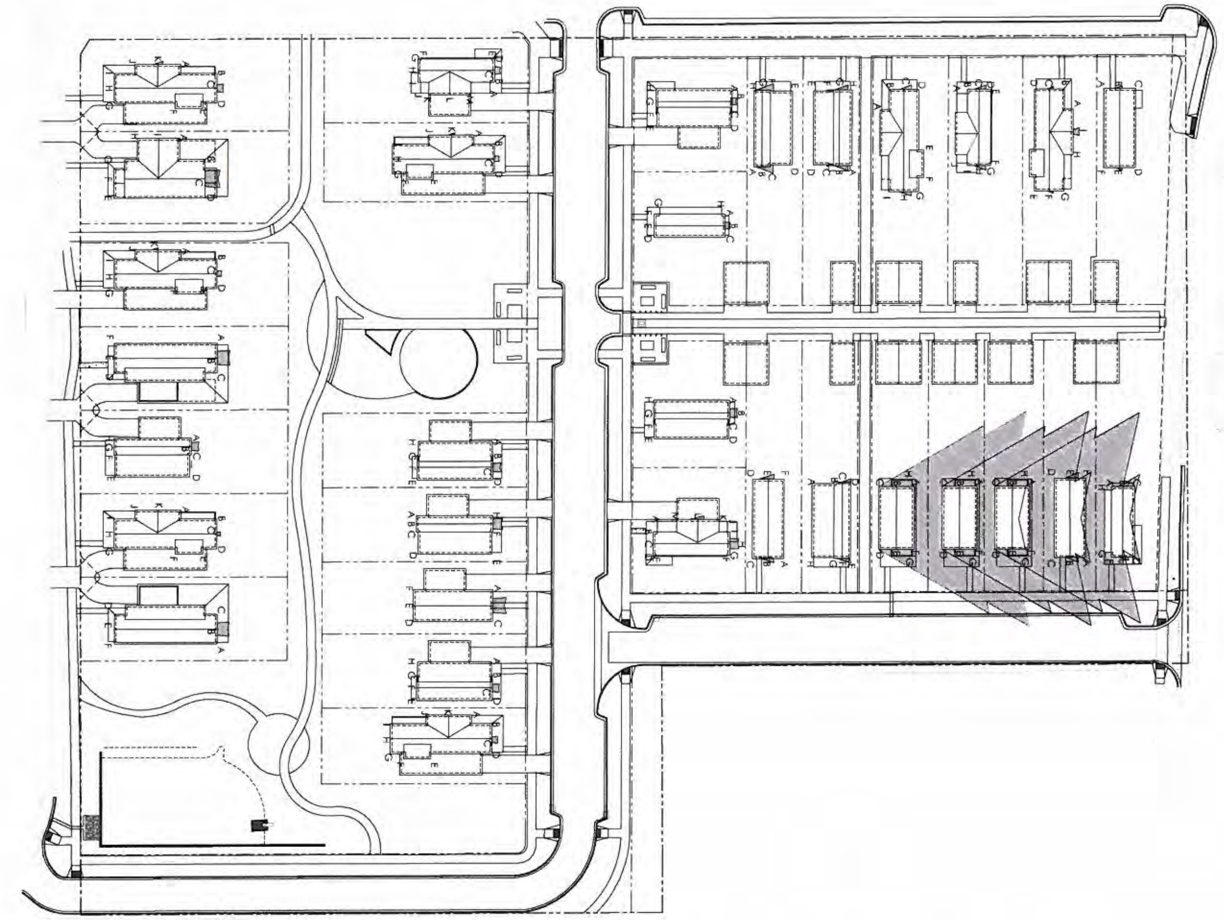
OPEN SPACE SUMMARY

TYPE	TOTAL AREA	PERCENTAGE ALLOWED TOWARDS REQUIRED OPEN SPACE	OPEN SPACE COUNTED
TOTAL LOT AREA	271,097 SF		
REQUIRED OPEN SPACE	31 HOMES X 6,000 SF **= 186,000 SF**		
OPEN SPACE WITHIN ROW (ZAMIA & 10TH)	9,552 SF	20,665 SF TOTAL 10% OF 186,000 SF = 18,600 SF	18,600 SF
OPEN SPACE WITHIN 10TH EXTENSION PAE	1,796 SF		
OPEN SPACE IN PAE ON LEE HILL	1,807 SF		
OPEN SPACE IN ROW ON YELLOW PINE	4,407		
OPEN SPACE IN ROW ON 8TH STREET	2,711		
OPEN SPACE IN SHARED DRIVE PAE	392		
MULTI USE PATH PAE ON 8TH STREET	3,844 SF	0%	
*PRIVATE PORCHES / BALCONIES	6,984 SF	25% OF 186,000 SF = 46,500 SF	6,984 SF
**TOTAL BUILDING & GARAGE FOOTPRINTS	37,921.5 SF		
OPEN SPACE OUTSIDE OF ROW & PAE	162,143 SF	100%	162,143 SF
		TOTAL	187,727 SF

*PRIVATE BALCONIES, DECKS AND PATIOS TO BE NOT LESS THAN 36 SF AND NOT LESS THAN 48" IN ANY DIMENSION. BALCONIES, DECKS, OR PATIO AREAS CONSTRUCTED OVER AN ENCLOSED BUILDING ARE NOT TO BE COUNTED PER BRC 9-9-11(I)(8)(B). FRONT PORCHES WILL COMPLY WITH BRC 9-7-4 "SETBACKS FOR FRONT PORCHES".
**FLOOR AREA PER UNIT MAY VARY +/- 15% AND THEREFORE FOOTPRINTS MAY VARY PROPORTIONALLY AS WELL.

KEY:

- OPEN SPACE
- OPEN SPACE IN R.O.W.
- PUBLIC ACCESS EASEMENT OPEN SPACE - LEE HILL
- PUBLIC ACCESS EASEMENT OPEN SPACE - 8th STREET
- PUBLIC ACCESS EASEMENT OPEN SPACE - 10TH STREET EXTENSION
- OPEN SPACE IN R.O.W. ON YELLOW PINE & 8TH



SOLAR ANALYSIS DIAGRAM

SCALE: 1" = 50'-0"

SOLAR ANALYSIS WORKSHEET
Property Zone District: RL-2

LOT 13 — **Solar Fence Height** 0

	Step 1	Step 2			Step 3			Step 4		
Roof Element	Elevation of Building Element (x) (relative to USGS or datum)	Elevation of Grade at Property Line (y)* 10:00 AM	12:00 PM	2:00 PM	Relative Height of Building Element (h)** 10:00 AM	12:00 PM	2:00 PM	Length of Shadow (L)*** 10:00 AM	12:00 PM	2:00 PM
A	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
B	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
D	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
E	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
F	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
G	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
H	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

LOT 14 — **Solar Fence Height** 0

	Step 1	Step 2			Step 3			Step 4		
Roof Element	Elevation of Building Element (x) (relative to USGS or datum)	Elevation of Grade at Property Line (y)* 10:00 AM	12:00 PM	2:00 PM	Relative Height of Building Element (h)** 10:00 AM	12:00 PM	2:00 PM	Length of Shadow (L)*** 10:00 AM	12:00 PM	2:00 PM
A	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
B	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
D	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
E	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
F	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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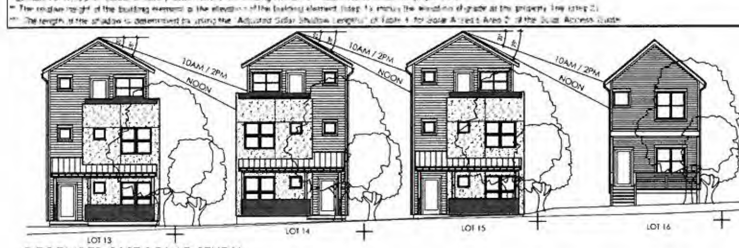
LOT 15 — **Solar Fence Height** 0

	Step 1	Step 2			Step 3			Step 4		
Roof Element	Elevation of Building Element (x) (relative to USGS or datum)	Elevation of Grade at Property Line (y)* 10:00 AM	12:00 PM	2:00 PM	Relative Height of Building Element (h)** 10:00 AM	12:00 PM	2:00 PM	Length of Shadow (L)*** 10:00 AM	12:00 PM	2:00 PM
A	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
B	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
C	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
D	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
E	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
F	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
G	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
H	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]



DECEMBER 21ST SOLAR STUDY

SHADOW ANALYSIS TABLE; FROM TABLE 1 ACCESS AREA II

SHADOW ANALYSIS HAS BEEN DONE ONLY FOR BUILDINGS WITH ROOF ELEMENTS AT ELEVATIONS GREATER THAN 25' ABOVE GRADE. THEREFORE NO ANALYSIS WAS DONE FOR GARAGES.

LOT NUMBER (FFE)	ROOF ELEMENT	HEIGHT ABOVE GRADE	SHADOW LENGTH 10 AM	NOON	2 PM
LOT 1	A	24.9'	NA	NA	NA
	B	26.1'	2.87'	2.2'	2.87'
	C	24.9'	NA	NA	NA
	D	24.9'	NA	NA	NA
	E	26.1'	2.87'	2.2'	2.87'
	F	24.9'	NA	NA	NA
LOT 2	A	19.13'	NA	NA	NA
	B	18.95'	NA	NA	NA
	C	26.04'	2.7'	2.1'	2.7'
	D	18.95'	NA	NA	NA
	E	18.95'	NA	NA	NA
	F	26.04'	2.7'	2.1'	2.7'
	G	18.95'	NA	NA	NA
	H	19.13'	NA	NA	NA
	I	25.63'	4.3'	3.26'	4.3'
LOT 3	A	21.34'	NA	NA	NA
	B	22.28'	NA	NA	NA
	C	26.82'	4.8'	3.64'	4.8'
	D	22.28'	NA	NA	NA
	E	21.34'	NA	NA	NA
	F	21.34'	NA	NA	NA
	G	22.28'	NA	NA	NA
	H	26.82'	4.8'	3.64'	4.8'
	I	22.28'	NA	NA	NA
	J	21.34'	NA	NA	NA
LOT 4	A	20.0'	NA	NA	NA
	B	19.85'	NA	NA	NA
	C	26.94'	5.1'	3.9'	5.1'
	D	19.85'	NA	NA	NA
	E	22.47'	NA	NA	NA
	F	22.47'	NA	NA	NA
	G	19.85'	NA	NA	NA
	H	26.94'	5.1'	3.9'	5.1'
	I	19.85'	NA	NA	NA
LOT 5	A	21.34'	NA	NA	NA
	B	27.24'	5.92'	4.62'	5.92'
	C	21.34'	NA	NA	NA
	D	21.34'	NA	NA	NA
	E	21.34'	NA	NA	NA
	F	21.34'	NA	NA	NA
	G	27.24'	5.92'	4.62'	5.92'
	H	21.34'	NA	NA	NA
LOT 6	A	23.85'	NA	NA	NA
	B	27.81'	7.4'	6.1'	7.4'
	C	23.85'	NA	NA	NA
	D	21.69'	NA	NA	NA
	E	21.69'	NA	NA	NA
	F	23.85'	NA	NA	NA
	G	27.81'	7.4'	6.1'	7.4'
	H	23.85'	NA	NA	NA
LOT 7	A	20.40'	NA	NA	NA
	B	26.49'	3.9'	2.9'	3.9'
	C	20.40'	NA	NA	NA
	D	20.40'	NA	NA	NA
	E	20.40'	NA	NA	NA
	F	20.40'	NA	NA	NA
	G	26.49'	3.9'	2.9'	3.9'
	H	20.40'	NA	NA	NA
LOT 8	A	21.78'	NA	NA	NA
	B	26.23'	3.2'	2.46'	3.2'
	C	21.78'	NA	NA	NA
	D	21.78'	NA	NA	NA
	E	26.23'	3.2'	2.46'	3.2'
	F	21.78'	NA	NA	NA
	G	20.48'	NA	NA	NA
	H	20.48'	NA	NA	NA
LOT 9	A	20.87'	NA	NA	NA
	B	27'	5.3'	4.0'	5.3'
	C	20.87'	NA	NA	NA
	D	20.87'	NA	NA	NA
	E	20.87'	NA	NA	NA
	F	20.87'	NA	NA	NA
	G	27'-0"	5.3'	4.0	5.3'
	H	20.87'	NA	NA	NA
LOT 10	A	21.54'	NA	NA	NA
	B	22.48'	NA	NA	NA
	C	26.96'	5.9'	4.6'	5.9'
	D	22.48'	NA	NA	NA
	E	21.54'	NA	NA	NA
	F	21.54'	NA	NA	NA
	G	22.48'	NA	NA	NA
	H	26.96'	5.9'	4.6'	5.9'
	I	22.48'	NA	NA	NA
	J	21.54'	NA	NA	NA
	K	22.48'	NA	NA	NA
	L	26.48'	3.9'	3.0'	3.9'
	M	22.48'	NA	NA	NA
LOT 11	A	20.38'	NA	NA	NA
	B	27.0'	5.3'	4.0'	5.3'
	C	20.38'	NA	NA	NA
	D	20.38	NA	NA	NA
	E	27.0'	5.3'	4.0'	5.3'
	F	20.38	NA	NA	NA
LOT 12	A	21.03'	NA	NA	NA
	B	23.19'	NA	NA	NA
	C	27.15'	5.9'	4.3'	5.9'
	D	23.19'	NA	NA	NA
	E	23.19'	NA	NA	NA
	F	27.15'	5.9'	4.3'	5.9'
	G	23.19'	NA	NA	NA
	H	21.03'	NA	NA	NA
LOT 16	A	19.58'	NA	NA	NA
	B	27.19'	5.8'	4.4'	5.8'
	C	19.58'	NA	NA	NA
	D	19.58'	NA	NA	NA
	E	27.19'	5.8'	4.4'	5.8'
	F	19.58'	NA	NA	NA
LOT 17	A	22.08'	NA	NA	NA
	B	26.54'	4.1'	3.1	4.1'
	C	22.08'	NA	NA	NA
	D	22.08'	NA	NA	NA
	E	26.54'	4.1'	3.1	4.1'
	F	22.08'	NA	NA	NA
	G	20.78'	NA	NA	NA
	H	20.78'	NA	NA	NA
LOT 18	A	21.04'	NA	NA	NA
	B	21.98'	NA	NA	NA
	C	26.46'	3.8'	2.9'	3.8'
	D	21.98'	NA	NA	NA
	E	21.04'	NA	NA	NA
	F	21.04'	NA	NA	NA
	G	21.98'	NA	NA	NA
	H	26.46'	3.8'	2.9'	3.8'
	I	21.98'	NA	NA	NA
	J	21.04'	NA	NA	NA
	K	21.46'	NA	NA	NA
	L	25.98'	2.6'	2'	2.6'
	M	21.46'	NA	NA	NA
LOT 19	A	19.32'	NA	NA	NA
	B	19.15'	NA	NA	NA
	C	26.23'	3.2'	2.5'	3.2'
	D	19.15'	NA	NA	NA
	E	21.81'	NA	NA	NA
	F	21.81'	NA	NA	NA
	G	19.15'	NA	NA	NA
	H	26.23'	3.2'	2.5'	3.2'
	I	19.15'	NA	NA	NA
	J	19.32'	NA	NA	NA
	K	25.82'	2.6'	2'	2.6'
LOT 20	A	20.87'	NA	NA	NA
	B	20.87'	NA	NA	NA
	C	26.99'	5.3'	4.0'	5.3'
	D	20.87'	NA	NA	NA
	E	20.87'	NA	NA	NA
	F	26.99'	5.3'	4.0'	5.3'
	G	20.87'	NA	NA	NA
	H	20.87'	NA	NA	NA
LOT 21	A	23.39'	NA	NA	NA
	B	27.4'	3.7'	2.8'	3.7'
	C	23.39'	NA	NA	NA
	D	21.22'	NA	NA	NA
	E	21.22'	NA	NA	NA
	F	23.39'	NA	NA	NA
	G	27.4'	3.7'	2.8'	3.7'
	H	23.39'	NA	NA	NA
LOT 22	A	20.78'	NA	NA	NA
	B	28.39'	9.0'	6.8'	9.0'
	C	20.78'	NA	NA	NA
	D	20.78'	NA	NA	NA
	E	28.39'	9.0'	6.8'	9.0'
	F	20.78'	NA	NA	NA
LOT 23	A	20.67'	NA	NA	NA
	B	20.67'	NA	NA	NA
	C	26.78'	4.7'	3.6'	4.7'
	D	20.67'	NA	NA	NA
	E	20.67'	NA	NA	NA
	F	26.78'	NA	NA	NA
	G	20.67'	NA	NA	NA
	H	20.67'	NA	NA	NA
LOT 24	A	19.52'	NA	NA	NA
	B	19.35'	NA	NA	NA
	C	26.44'	3.8'	2.9'	3.8'
	D	19.35'	NA	NA	NA
	E	21.97'	NA	NA	NA
	F	21.97'	NA	NA	NA
	G	19.35'	NA	NA	NA
	H	26.44'	3.8'	2.9'	3.8'
	I	19.35'	NA	NA	NA
	J	19.52'	NA	NA	NA
	K	26.02'	2.6'	2.0'	2.6'
LOT 25	A	18.39'	NA	NA	NA
	B	27.97'	7.8'	5.9'	7.8'
	C	18.39'	NA	NA	NA
	D	18.39'	NA	NA	NA
	E	27.97'	7.8'	5.9'	7.8'
	F	18.39'	NA	NA	NA
LOT 26	A	18.58'	NA	NA	NA
	B	18.4'	NA	NA	NA
	C	25.48'	2.6'	2.0'	2.6'
	D	18.4'	NA	NA	NA
	E	21.07'	NA	NA	NA
	F	21.07'	NA	NA	NA
	G	18.4'	NA	NA	NA
	H	25.48'	2.6'	2.0'	2.6'
	I	18.4'	NA	NA	NA
	J	18.58'	NA	NA	NA
	K	25.07'	NA	NA	NA
LOT 27	A	22.94'	NA	NA	NA
	B	26.90'	5.0'	3.8'	5.0'
	C	22.94'	NA	NA	NA
	D	20.77'	NA	NA	NA
	E	20.77'	NA	NA	NA
	F	22.84'	NA	NA	NA
	G	26.90'	5.0'	3.8'	5.0'
	H	22.94'	NA	NA	NA
LOT 28	A	18.59'	NA	NA	NA
	B	28.17'	8.4'	6.3'	8.4'
	C	18.59'	NA	NA	NA
	D	18.59'	NA	NA	NA
	E	28.17'	8.4'	6.3'	8.4'
	F	18.59'	NA	NA	NA
LOT 29	A	19.32'	NA	NA	NA
	B	19.15'	NA	NA	NA
	C	26.23'	3.2'	2.5'	3.2'
	D	19.15'	NA	NA	NA
	E	21.77'	NA	NA	NA
	F	21.77'	NA	NA	NA
	G	19.15'	NA	NA	NA
	H	26.23'	3.2'	2.5'	3.2'
	I	19.15'	NA	NA	NA
	J	19.32'	NA	NA	NA
	K	25.82'	2.6'	2.0'	2.6'
LOT 30	A	19.27'	NA	NA	NA
	B	19.09'	NA	NA	NA
	C	28.67'	9.7'	7.3'	9.7'
	D	19.09'	NA	NA	NA
	E	19.09'	NA	NA	NA
	F	28.67'	9.7'	7.3'	9.7'
	G	19.09'	NA	NA	NA
	H	19.27'	NA	NA	NA
	I	28.22'	8.5'	6.4'	8.5'
LOT 31	A	19.82'	NA	NA	NA
	B	19.65'	NA	NA	NA
	C	26.73'	4.6'	3.5'	4.6'
	D	19.65'	NA	NA	NA
	E	22.67'	NA	NA	NA
	F	22.67'	NA	NA	NA
	G	19.65'	NA	NA	NA
	H	26.73'	4.6'	3.5'	4.6'
	I	19.65'	NA	NA	NA
	J	19.82'	NA	NA	NA
	K	26.32'	3.5'	2.6'	3.5'

SITE REVIEW CORRECTIONS

SR-3

10.01.13

820 LEE HILL DRIVE

BOULDER, COLORADO

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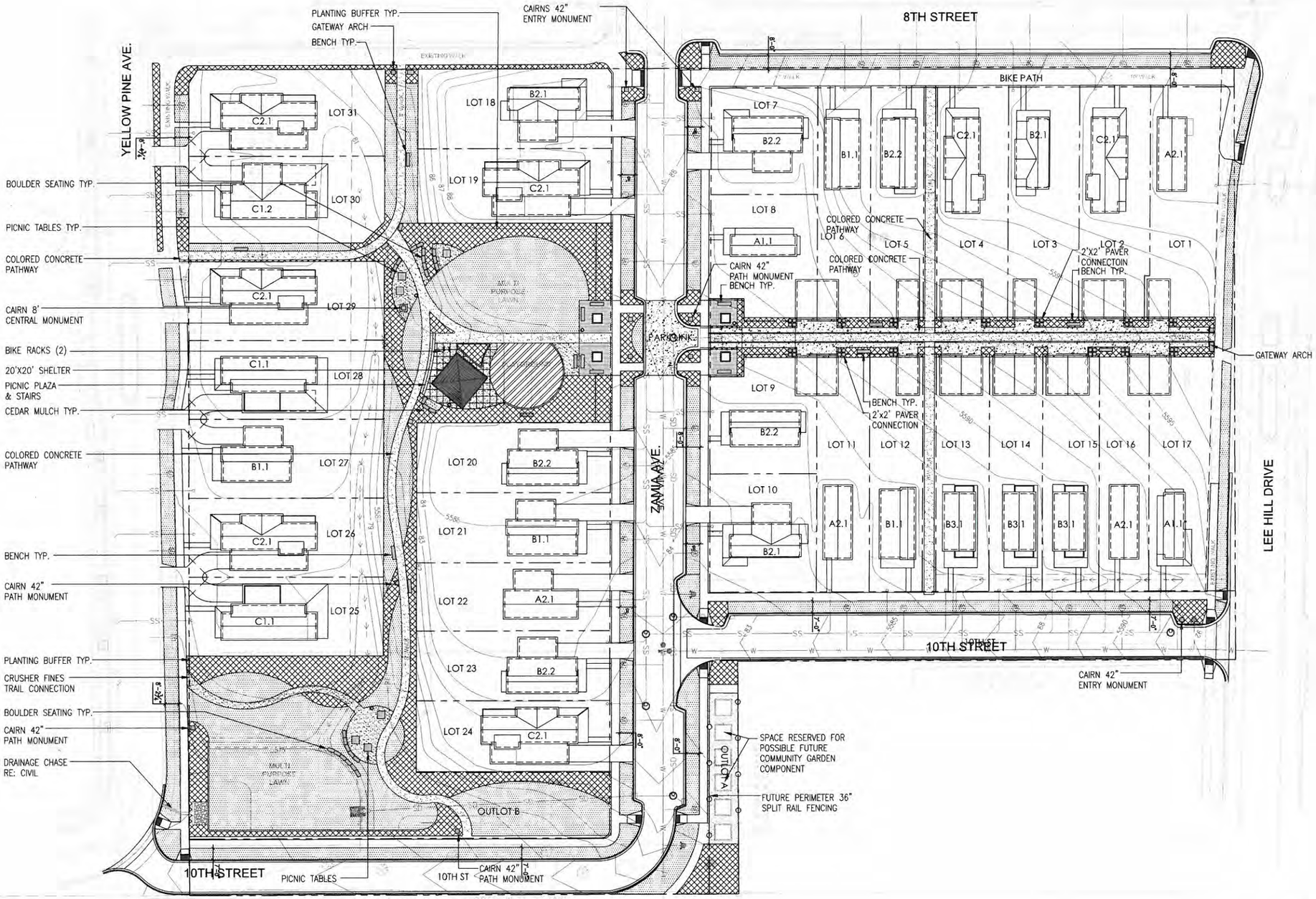
coburndev.com



SURFACE LEGEND

- CONCRETE PAVERS
- STANDARD CONCRETE
- COLORED CONCRETE
- IRRIGATED TURF
- CEDAR GARDEN MULCH
- RUBBER PLAY SURFACE
- STABILIZED CRUSHER FINES

LEGEND

- CAIRN COLUMNS (HEIGHT VARIES)
- U STYLE BIKE RACKS
- PICNIC TABLE SEATING
- BOULDER SEATING
- BENCH SEATING
- TRASH RECEPTACLE
- IRON TREE GRATE
- FUTURE GARDEN PLOT
- 2'X2' CONCRETE PAVERS

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DENVER, CO 80205
303.451.7986

LANDSCAPE SITE PLAN
SCALE: 1"=30'-0"

0 15' 30' 60' 90' NORTH

SITE REVIEW

LP-1

09.27.13

820 LEE HILL DRIVE

BOULDER, COLORADO

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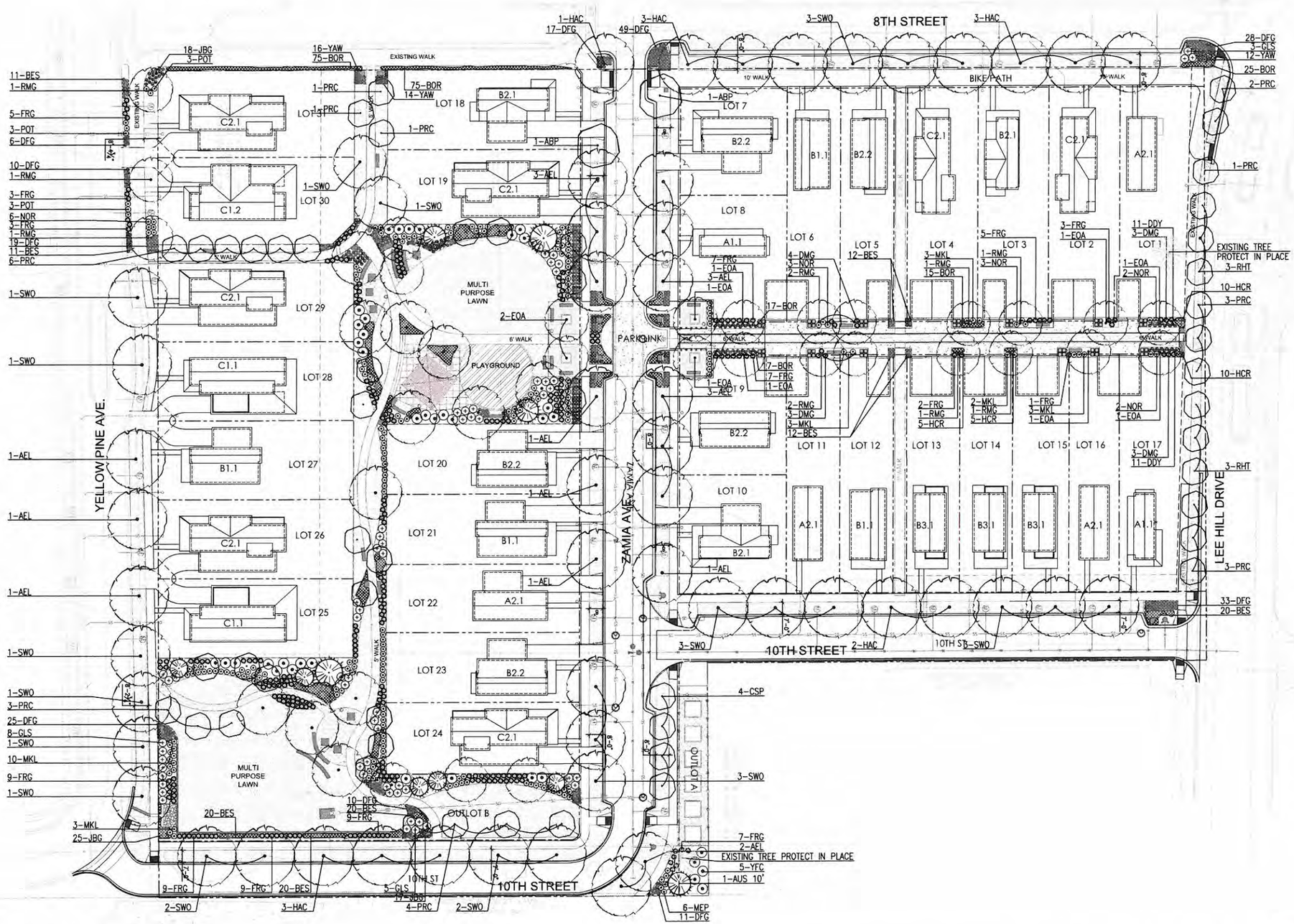

LANDSCAPE LEGEND

- EXISTING TREE TO REMAIN PROTECT IN PLACE
- DECIDUOUS SHADE TREE MEDIUM TO LARGE
- EVERGREEN TREE
- SMALL SHADE TREE OR ORNAMENTAL TREE
- ORNAMENTAL SHRUBS & GRASSES
- IRRIGATED TURF
- PERENNIAL / GROUNDCOVER

LEGEND

- GABION CAIRN COLUMNS (HEIGHT VARIES)
- U STYLE BIKE RACKS
- PICNIC TABLE SEATING
- BOULDER SEATING
- BENCH SEATING
- TRASH RECEPTACLE
- IRON TREE GRATE
- FUTURE GARDEN PLOT
- 2'X2' CONCRETE PAVERS

TURF SCHEDULE

SOD

CHARACTERISTICS:
LOW TO MODERATE WATER USE

CONTAINS:

- 20% HARD FESCUE
- 20% CHEWING FESCUE
- 20% CREEPING RED FESCUE
- 15% NEWPORT KENTUCKY BLUEGRASS
- 15% PENGUIN PERENNIAL BLUEGRASS
- 10% BLUESTAR KENTUCKY BLUEGRASS

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LANDSCAPE PLANTING PLAN

SCALE: 1"=30'-0"

0 15' 30' 60' 90'

NORTH

SITE REVIEW

LP-2

09.27.13

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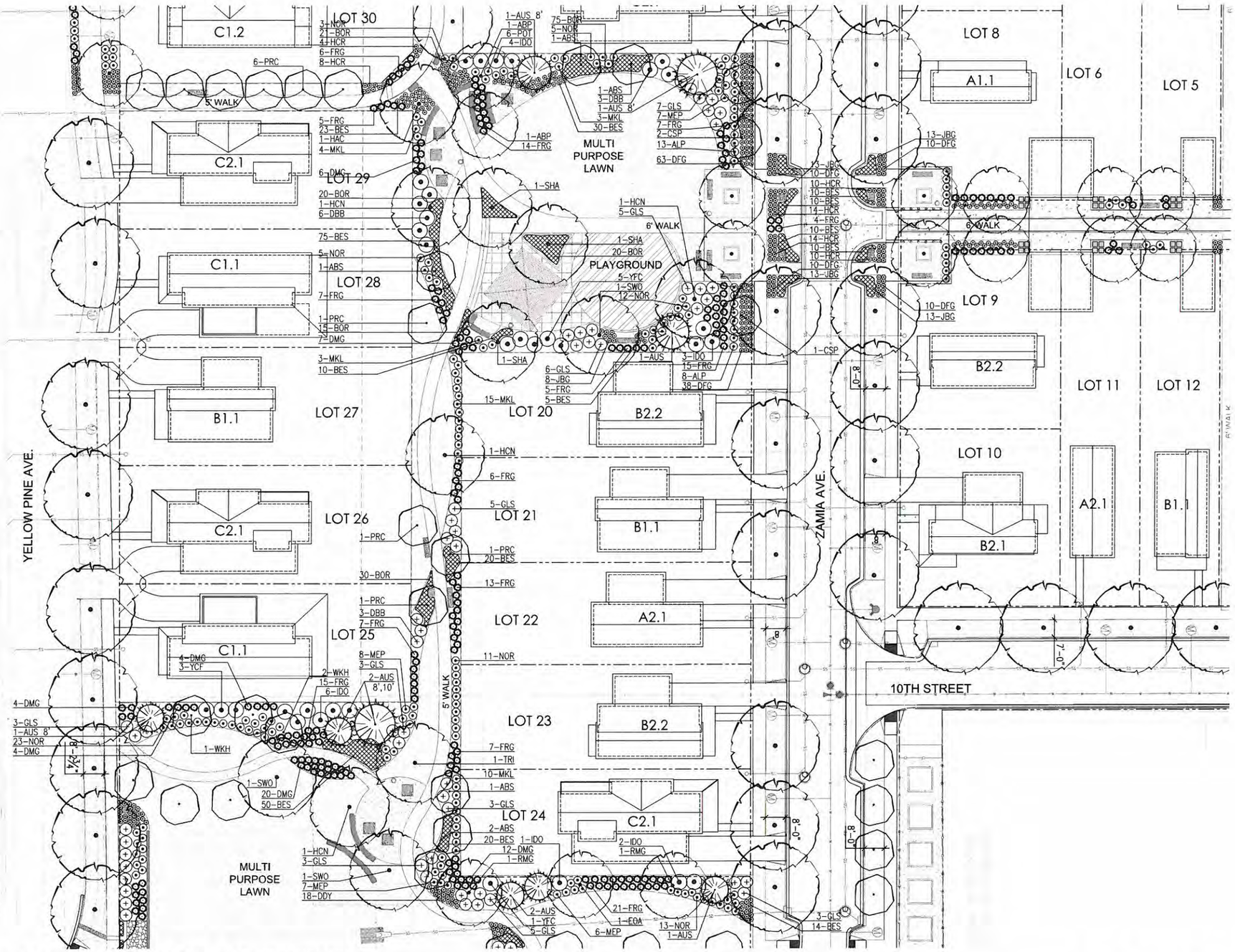

LANDSCAPE LEGEND

- EXISTING TREE TO REMAIN PROTECT IN PLACE
- DECIDUOUS SHADE TREE MEDIUM TO LARGE
- EVERGREEN TREE
- SMALL SHADE TREE OR ORNAMENTAL TREE
- ORNAMENTAL SHRUBS & GRASSES
- IRRIGATED TURF
- PERENNIAL / GROUNDCOVER

LEGEND

- GABION CAIRN COLUMNS (HEIGHT VARIES)
- U STYLE BIKE RACKS
- PICNIC TABLE SEATING
- BOULDER SEATING
- BENCH SEATING
- TRASH RECEPTACLE
- IRON TREE GRATE
- FUTURE GARDEN PLOT
- 2'X2' CONCRETE PAVERS

TURF SCHEDULE

SOD

CHARACTERISTICS:
LOW TO MODERATE WATER USE

CONTAINS:

- 20% HARD FESCUE
- 20% CHEWING FESCUE
- 20% CREEPING RED FESCUE
- 15% NEWPORT KENTUCKY BLUEGRASS
- 15% PENGUIN PERENNIAL BLUEGRASS
- 10% BLUESTAR KENTUCKY BLUEGRASS

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LANDSCAPE PLANTING PLAN ENLARGEMENT
SCALE: 1"=20'-0"

0 10' 20' 40' 60'
NORTH

SITE REVIEW

LP-3

09.27.13

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GENERAL NOTES

1. CONTRACTOR TO FIELD VERIFY EXISTING CONDITIONS PRIOR TO BIDDING OR PERFORMING ANY CONSTRUCTION OPERATIONS.
2. PROVIDE PROTECTIVE BARRIERS, FENCING, ETC.. AS REQUIRED BY ALL JURISDICTIONS HAVING AUTHORITY.
3. BEFORE CONSTRUCTION, LOCATE ALL PUBLIC AND PRIVATE UNDERGROUND UTILITIES WITH RESPECTIVE UTILITY COMPANIES, AND LOCATE IRRIGATION LINES AND WIRES.
4. CONTRACTOR TO REPAIR ANY ASPHALT, CONCRETE AND OTHER SITE IMPROVEMENTS DAMAGED DURING CONSTRUCTION.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY PERMITS OR LICENSES REQUIRED FOR THE PERFORMANCE OF THE WORK AS APPLICABLE TO THIS PROJECT.
6. REFER TO LP2 FOR PLANTING LAYOUT.
7. ROLLED TOP EDGING SHALL OCCUR BETWEEN ALL OF THE FOLLOWING SURFACE MATERIALS: SOD & MULCHES UNLESS OTHERWISE INDICATED N THESE DRAWINGS.
8. EXISTING TREES LOCATED ON THE PROPERTY ARE TO REMAIN, AND SHALL BE PROTECTED IN PLACE.
9. BENCH SEATING SHALL BE LANDSCAPE BRANDS RENDEZVOUS COLLECTION MODEL L1364 6' LENGTH OR APPROVED EQUAL. FINAL LOCATION TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. COLOR IS TO BE DETERMINED.

LANDSCAPE PLANTING NOTES

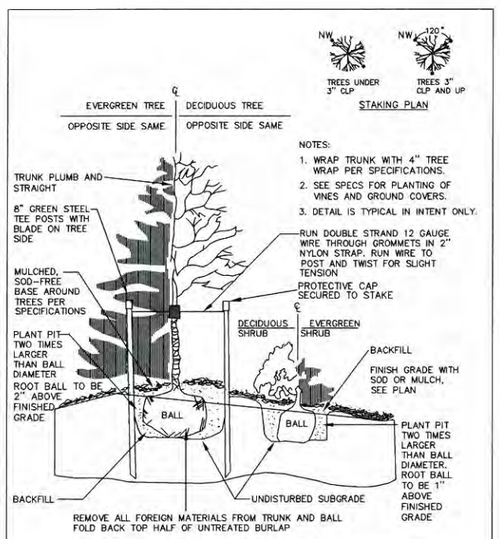
1. STAKE ALL TREES AND SHRUBS BASED ON THESE DRAWINGS. EXACT LOCATIONS OF PLANT MATERIALS TO BE APPROVED BY THE LANDSCAPE ARCHITECT IN THE FIELD PRIOR TO INSTALLATION. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO ADJUST TO EXACT LOCATIONS IN THE FIELD.
2. ALL TREES TO MEET THE CITY OF BOULDER LAND USE CODE STANDARDS FOR SIZE AND SPECIES.
3. PROVIDE MATCHING FORM AND SIZES FOR PLANT MATERIALS WITHIN EACH SPECIES AND SIZE AS DESIGNATED ON THE DRAWINGS.
4. ALL LANDSCAPE MATERIAL TO BE DISEASE AND INSECT FREE. LANDSCAPE ARCHITECT TO REVIEW PLANT MATERIAL AT SOURCE OR BY PHOTOGRAPHS PRIOR TO DIGGING OR SHIPPING OF PLANT MATERIAL.
5. ALL LANDSCAPE BEDS ARE TO BE MULCHED WITH 4" MINIMUM LAYER OF WESTERN SHREDDED CEDAR MULCH OVER PLANTING SOIL. UNLESS OTHERWISE INDICATED IN THESE DRAWINGS.
6. ALL LANDSCAPE BEDS AND TURF AREAS ARE TO RECEIVE ORGANIC SOIL AMENDMENTS AT A RATE OF 5 CY/1000 S.F. OF LANDSCAPE AREA. AMENDMENTS ARE TO BE TILLED TO A DEPTH OF 8" AND FINE GRADED TO A SMOOTH SURFACE WITH POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES.
7. MINOR CHANGES IN SPECIES AND PLANT LOCATIONS MAY BE MADE DURING CONSTRUCTION WITH PRIOR APPROVAL FROM THE CITY OF BOULDER, AS REQUIRED BY SITE CONDITIONS. OVERALL QUANTITY AND QUALITY TO BE CONSISTENT WITH APPROVED PLANS.
8. STREET TREE LOCATIONS SHALL BE ADJUSTED TO ALLOW FOR A MINIMUM OF A 40' CLEARANCE TO STREET LIGHTS (15' MINIMUM IF THE TREE IS ORNAMENTAL).
9. LOCATE ALL UTILITIES PRIOR TO ANY DIGGING OR LANDSCAPE PLANTING.
10. STREET TREE LOCATIONS SHALL HAVE A MINIMUM SEPARATION OF 10' BETWEEN WATER AND SEWER UTILITY LINES.
11. ALL LANDSCAPE AREAS SHALL BE WATERED BY AN AUTOMATIC IRRIGATION SYSTEM.

PLANT SCHEDULE

PLANT TYPE: DECIDUOUS & EVERGREEN TREES							
Abbr.	No.	Genus	Species	Common Name	Min. Size	Spacing	Notes
ABP	4	Pyrus	calleryana 'Autumn Blaze'	Autumn Blaze Pear	2.5"	Per Plan	
ABS	6	Amelanchier	x grandiflora	Brilliant Serviceberry	8' Clump	Per Plan	
AEL	19	Ulmus x	morton 'Accolade'	Triumph Elm	2.5"	Per Plan	
AUS	10	Pinus	nigra	Austrian Pine	8'-11'	Per Plan	
CSP	7	Pyrus	calleryana	Chanticleer Pear	2.5"	Per Plan	
EOA	9	Quercus	robur	English Oak	2.5"	Per Plan	
HAC	13	Celtis	occidentalis	Common Hackberry	2.5"	Per Plan	
HCN	4	Aesculus	hippocastanum	Common Horsechestnut	2.5"	Per Plan	
PRC	29	Malus	ioensis 'Prairie Rose'	Prairie Rose Crab	2.0"	Per Plan	
RMG	13	Acer	grandidentatum	Rocky Mountain Glow Maple	2.0"	Per Plan	
RHT	6	Crataegus	ambigua	Russian Hawthorn	2.5"	Per Plan	
SHA	2	Gleditsia	triacanthos inermis	Shademaster Honeylocust	3.0"	Per Plan	
SWO	27	Quercus	bicolor	Swamp White Oak	2.5"	Per Plan	
WKH	3	Crataegus	viridis 'Winter King'	Winter King Hawthorn	2.0"	Per Plan	

PLANT TYPE: SHRUBS							
Abbr.	No.	Genus	Species	Common Name	Min. Size	Spacing	Notes
ALP	21	Ribes	alpinum 'Green Mound'	Green Mound Currant	5 Gal	3' O.C.	
DBB	12	Euonymus	alatus 'Compacta'	Dwarf Burning Bush	5 Gal	4' O.C.	
GLS	59	Sumac	aromatica 'Grow-Low'	Grow Low Sumac	5 Gal	3' O.C.	
IDO	16	Cornus	sericea 'Isanti'	Isanti Dogwood	5 Gal	4' O.C.	
MEP	28	Rosa	x 'Meipoque'	Pink Meidiland Rose	5 Gal	3' O.C.	
MKL	59	Syringa	patula 'Miss Kim'	Miss Kim Lilac	5 Gal	4' O.C.	
NOR	88	Spirea	japonica	Norman Spirea	5 Gal	3' O.C.	
POT	15	Potentilla	fruiticosa 'Gold Drop'	Yellow Gem Potentilla	5 Gal	3' O.C.	
YFC	14	Ribes	aureum	Yellow Flowering Currant	5 Gal	5' O.C.	

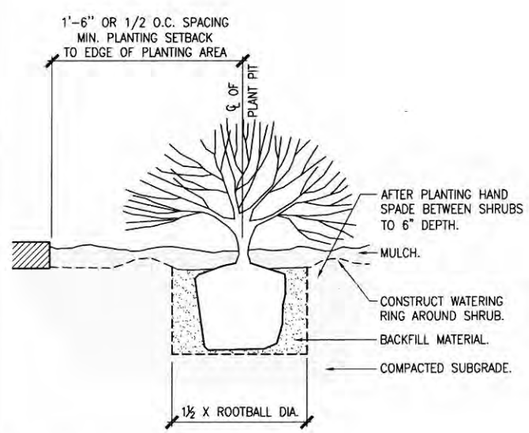
PLANT TYPE: PERENNIALS & GRASSES							
Abbr.	No.	Genus	Species	Common Name	Min. Size	Spacing	Notes
BES	413	Rudbeckia	fulgida 'Goldsturm'	Black Eyed Susan	1 Gal	18" O.C.	
BOR	405	Persicaria	affinis	Border Jewel	1 Gal	24" O.C.	
DDY	40	Hemerocallis	'Stella D'Oro Dwarf'	Dwarf Daylily	1 Gal	24" O.C.	
DFG	349	Pennisetum	alopecuroides 'Hameln'	Dwarf Fountain Grass	1 Gal	18" O.C.	
DMG	70	Miscanthus	sinensis 'Yaku Jima'	Dwarf Maiden Grass	1 Gal	3' O.C.	
FRG	211	Calamagrostis	acutiflora 'Karl Foerster'	Feather Reed Grass	1 Gal	3' O.C.	
HCR	90	Agastache	'Pstessene'	Coronado Red Hyssop	1 Gal	18" O.C.	
JBG	120	Geranium	x 'Johnson's Blue'	Johnson's Blue Geranium	1 Gal	18" O.C.	
YAW	42	Achillea	'Moonshine'	Moonshine Yarrow	1 Gal	18" O.C.	



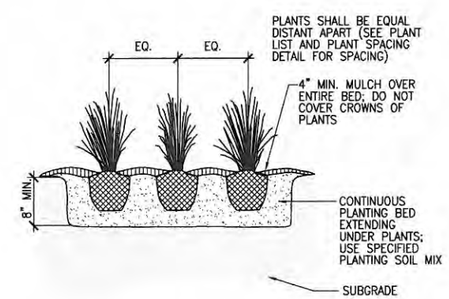
DRAWN BY: JSH
CHECKED BY: SRW
APPROVED BY: DIRECTOR OF PUBLIC WORKS

CITY OF BOULDER, COLORADO
TREES AND SHRUBS PLANTING DETAIL

ISSUED: JULY 2, 1998
REVISED: OCT. 17, 2000
DRAWING NO. 3.02



SHRUB PLANTING
SCALE: NTS
shrb.dwg



ORNAMENTAL GRASS/PERENNIAL PLANTING
SCALE: NTS
orn.grass.dwg

LANDSCAPE REQUIREMENTS CHART

TOTAL LOT SIZE	271,097 SF
BUILDING COUNT	31 UNITS
OPEN SPACE AREA	187,767 SF
ZONING	RL-2

REQUIREMENTS	REQUIRED FORMULA	AREA OR QUANTITY	REQUIRED	PROVIDED
STREETSCAPE TREES YELLOW PINE AVE.	1 TREE / 35 LF	433 LF	12 EA	12 EACH
STREETSCAPE TREES LEE HILL ROAD	1 TREE / 20 LF	300 LF	15 EA	15 EACH
STREETSCAPE TREES ZAMIA AVE.	1 TREE / 35 LF	950 LF	25 EA	24 EACH
STREETSCAPE TREES 10TH STREET	1 TREE / 35 LF	592 LF	16 EA	16 EACH
ALLEY TREES WOONERF	1 TREE / 40 LF	610 LF	15 EA	16 EACH

SITE REVIEW

LP-4

09.27.13

820 LEE HILL DRIVE

BOULDER, COLORADO

Planners · Designers · Builders
3020 Carbon Place # 203
Boulder, CO 80301
303-442-3351
coburndev.com

COBURN ARCHITECTURE

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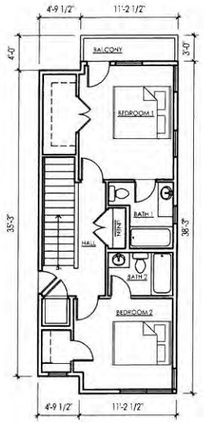
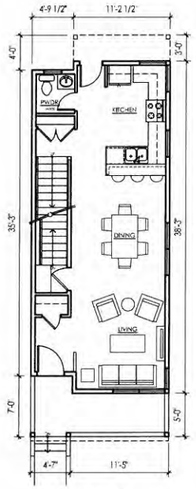
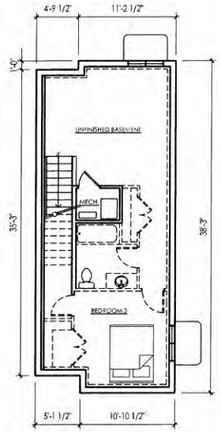


SECOND FLOOR



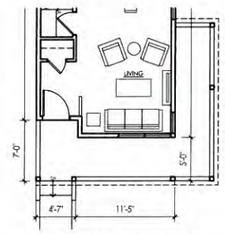
GROUND FLOOR



BASEMENT

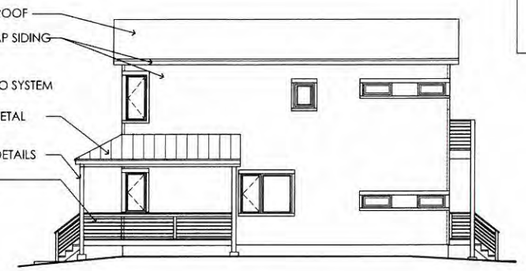
A1.1 TYPICAL STREET ELEVATION

(COLORS AND MATERIALS VARY BETWEEN LOTS)



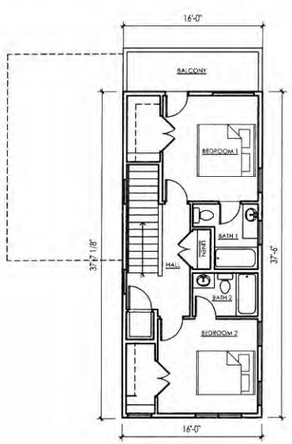
CORNER LOT GROUND FLOOR

A1.1 CORNER LOT EAST ELEVATION ON 10TH ST.



A1.1 CORNER LOT NORTH ELEVATION ON LEE HILL DR.

A1.1 House



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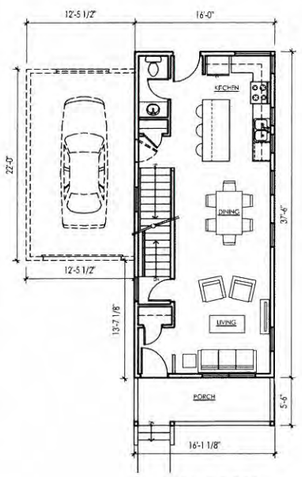
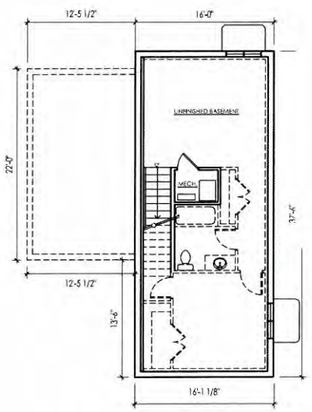


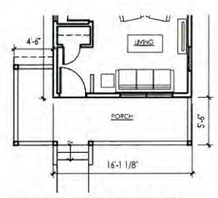
GROUND FLOOR



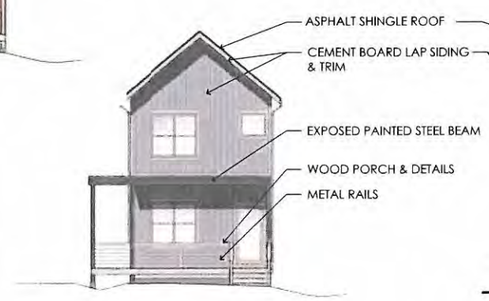
BASEMENT

A2.1 TYPICAL STREET ELEVATION

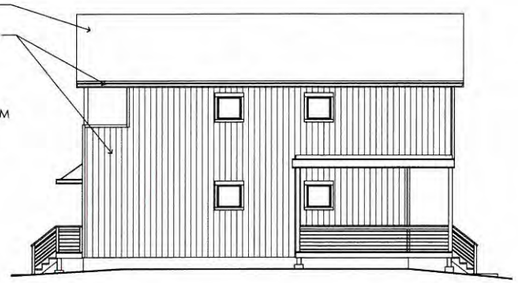
(COLORS AND MATERIALS VARY BETWEEN LOTS)



CORNER LOT GROUND FLOOR



A2.1 CORNER LOT WEST ELEVATION ON 8TH ST.



A2.1 NORTH ELEVATION ON LEE HILL DR.

A2.1 House

SITE REVIEW CORRECTIONS

SR-4

10.01.13

820 LEE HILL DRIVE

BOULDER, COLORADO

Architectural Plans

Scale: 1/8" = 1'-0"

Planners · Designers · Builders
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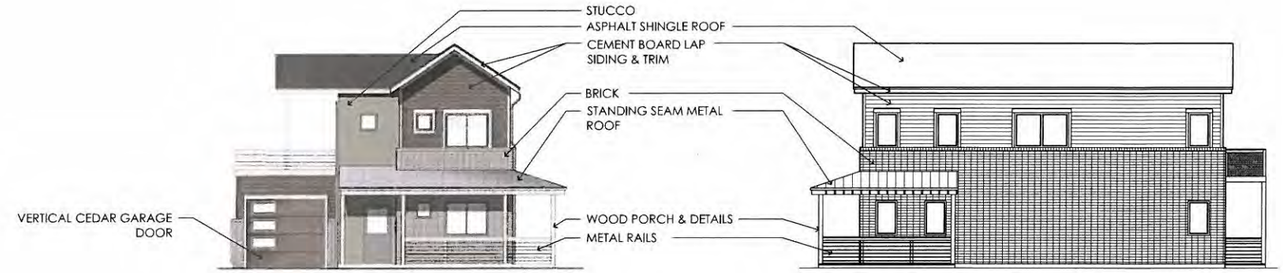
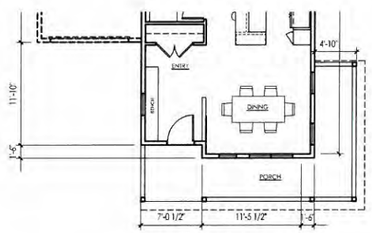
COBURN ARCHITECTURE

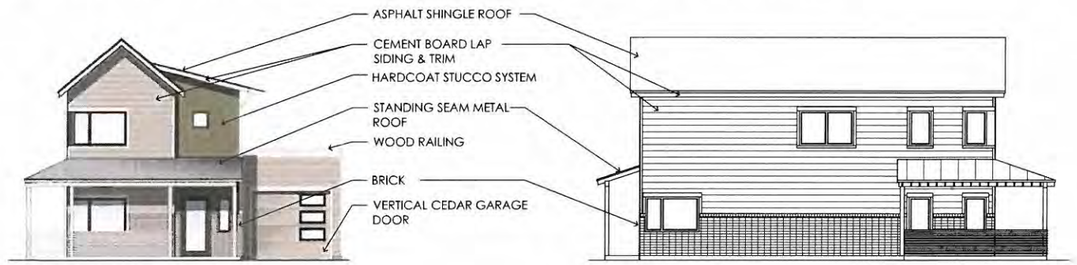


B2.1 TYPICAL CORNER LOT FRONT ELEVATION

B2.1 TYPICAL CORNER LOT SIDE ELEVATION

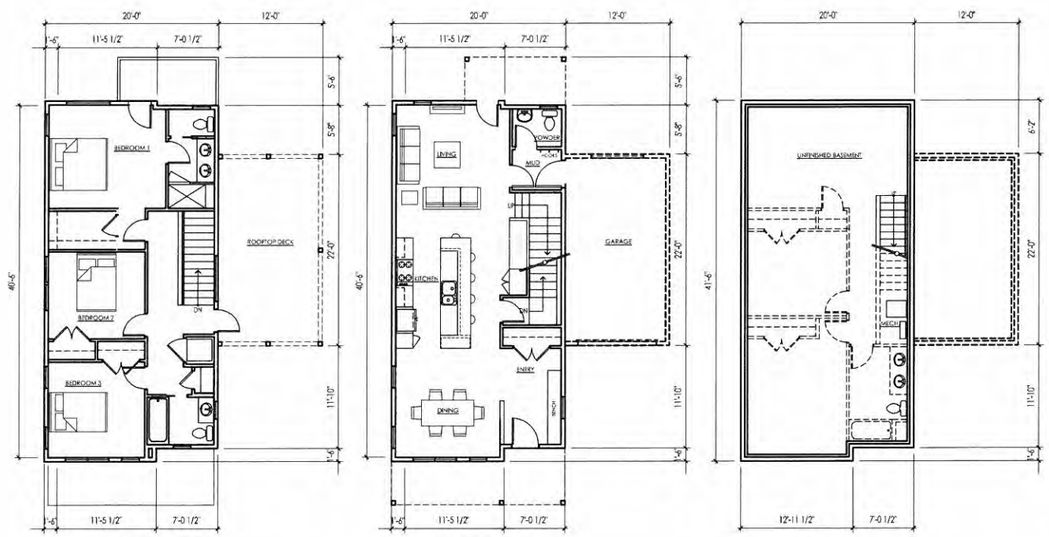


CORNER LOT GROUND FLOOR



B2.2 CORNER LOT SOUTH ELEVATION ON ZAMIA AVE.

B2.2 CORNER LOT WEST ELEVATION ON 8TH ST.

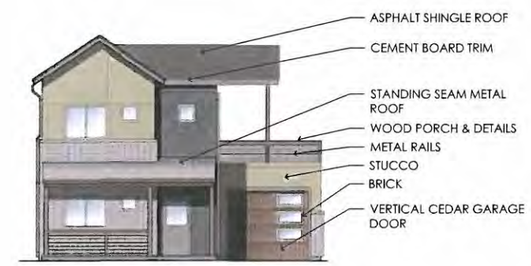


SECOND FLOOR

GROUND FLOOR

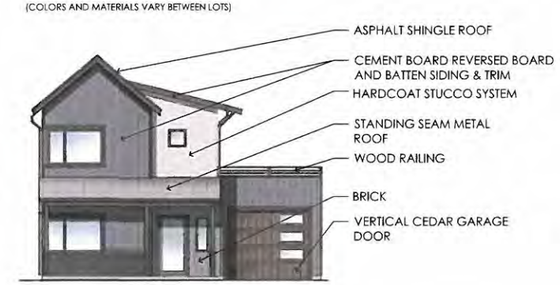
BASEMENT

B2.1 & B2.2 House Plan



B2.1 TYPICAL STREET ELEVATION

(COLORS AND MATERIALS VARY BETWEEN LOTS)



B2.2 TYPICAL STREET ELEVATION

(COLORS AND MATERIALS VARY BETWEEN LOTS)

SITE REVIEW CORRECTIONS

SR-5

10.01.13

820 LEE HILL DRIVE

BOULDER, COLORADO

Architectural Plans

Scale: 1/8" = 1'-0"

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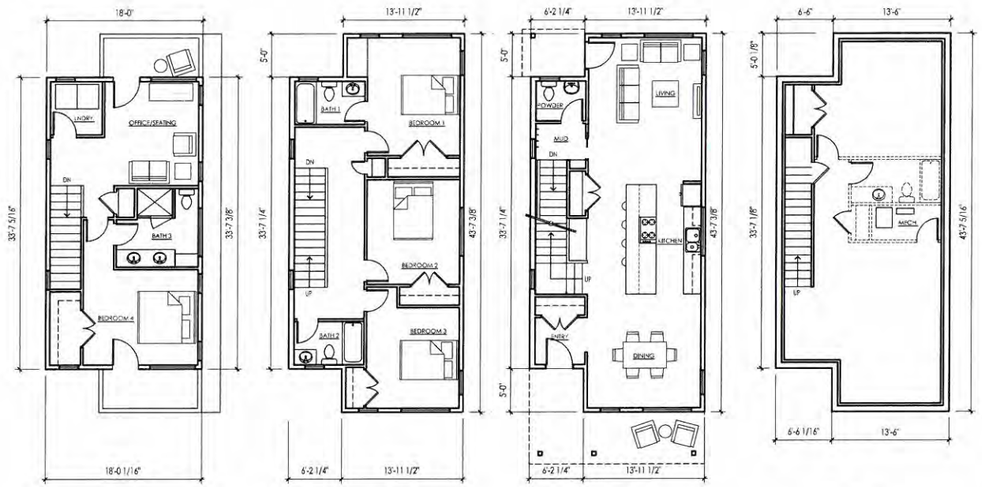
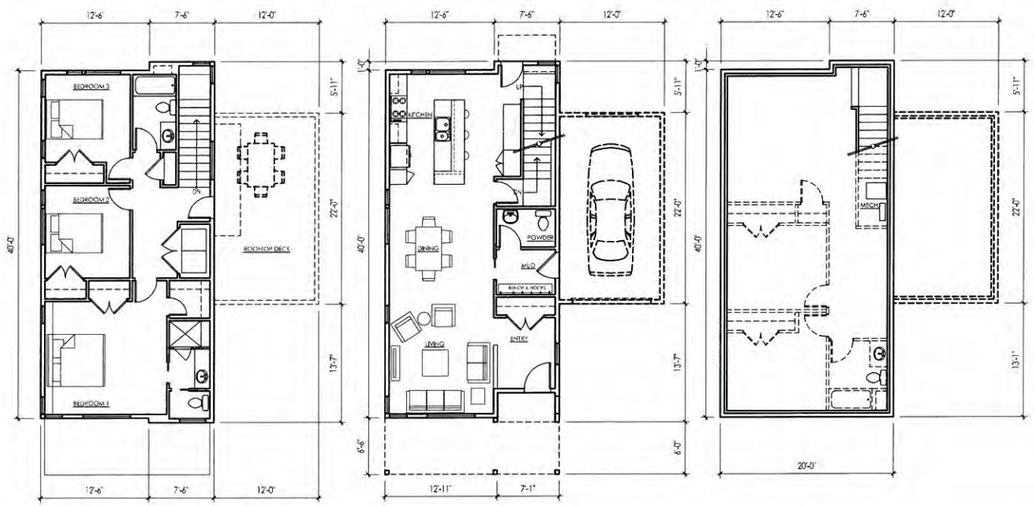
COBURN ARCHITECTURE

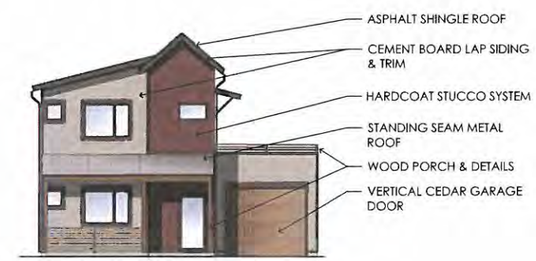


B3.1 House

B3.1 STREET ELEVATION



B1.1 House



B1.1 STREET ELEVATION

SITE REVIEW CORRECTIONS

SR-6

10.01.13

820 LEE HILL DRIVE

BOULDER, COLORADO

Architectural Plans

Scale: 1/8" = 1'-0"

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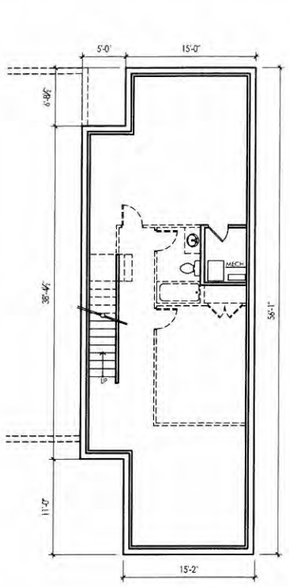
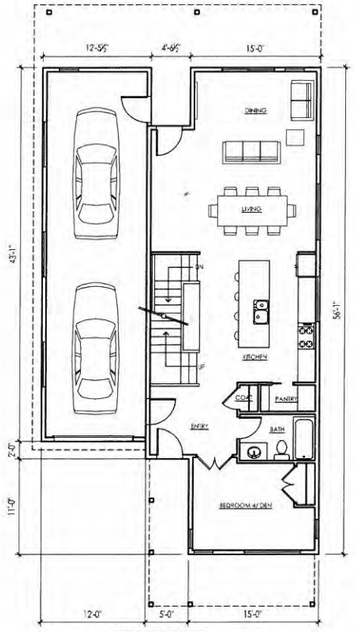
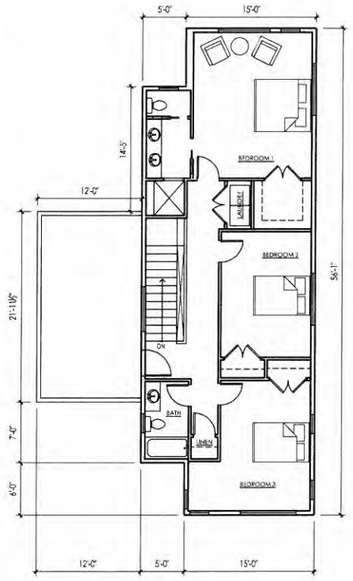


BASEMENT

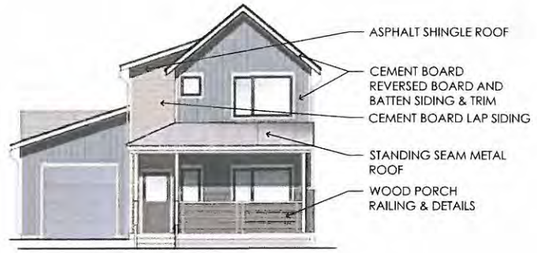


GROUND FLOOR

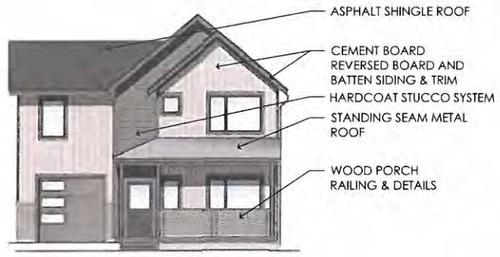


SECOND FLOOR

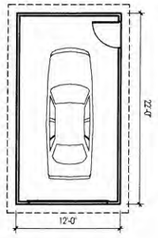
C1.1 & C1.2 House



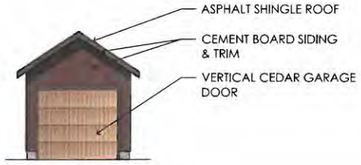
B1.1 STREET ELEVATION



B1.2 STREET ELEVATION

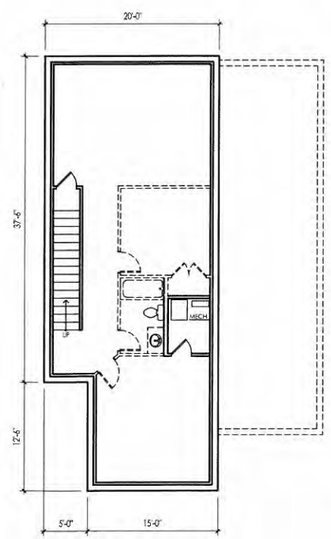


GROUND FLOOR

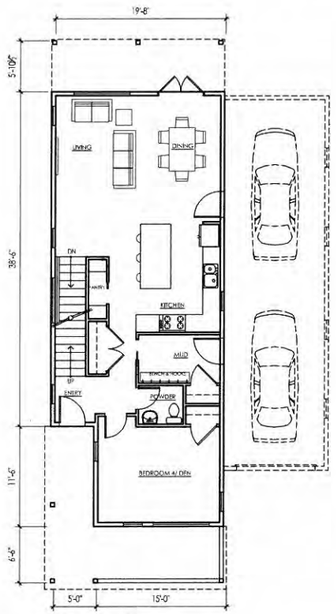


STREET ELEVATION

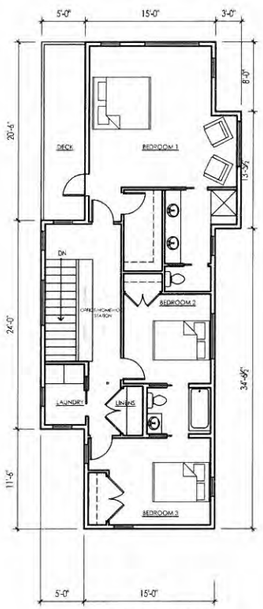
1 Car Garage



BASEMENT



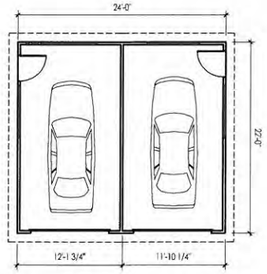
GROUND FLOOR



SECOND FLOOR

C2.1 House

C2.1 STREET ELEVATION



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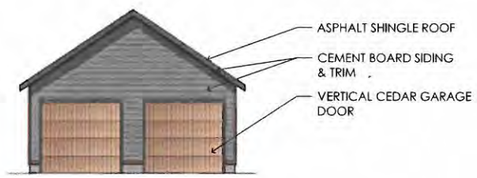

STREET ELEVATION

2 Car Garage

C2.1 CORNER LOT SIDE ELEVATION

SITE REVIEW CORRECTIONS

SR-7

10.01.13

820 LEE HILL DRIVE

BOULDER, COLORADO

Architectural Plans

Scale: 1/8" = 1'-0"

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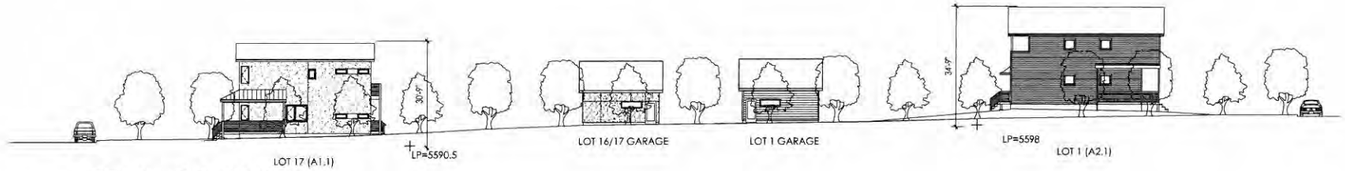
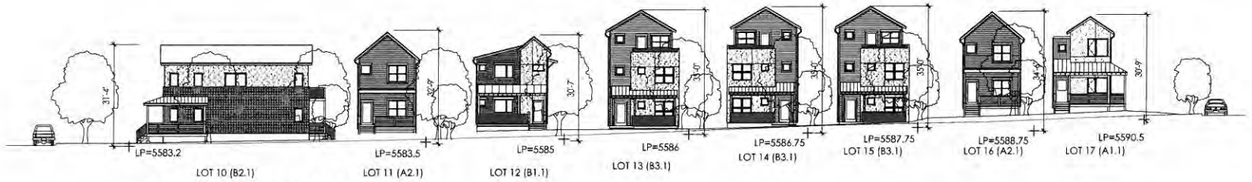
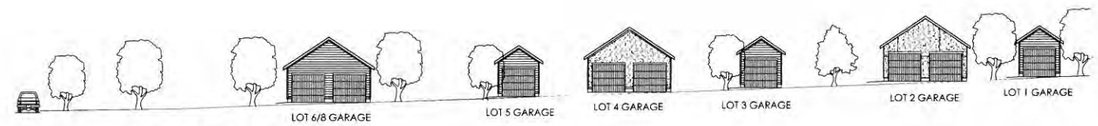
COBURN ARCHITECTURE



LEE HILL DR - SOUTH
SCALE: 1":20'

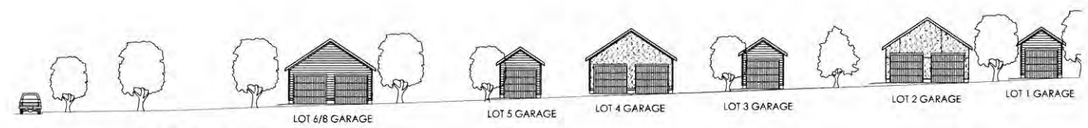


10TH STREET - WEST
SCALE: 1":20'

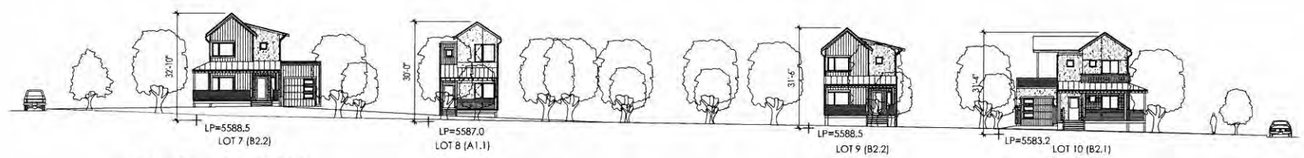


WOONERF - WEST
SCALE: 1":20'

8TH STREET - EAST
SCALE: 1":20'

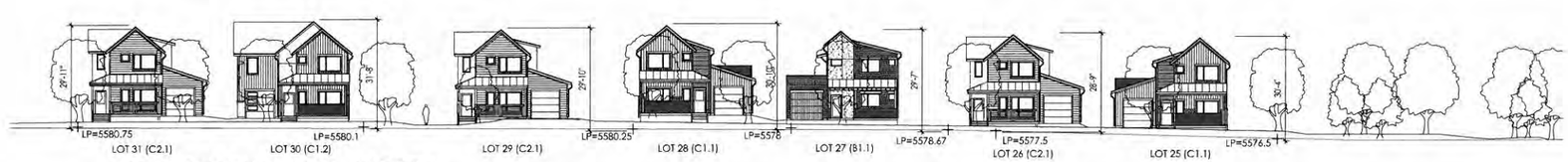


WOONERF - EAST
SCALE: 1":20'



ZAMIA - NORTH
SCALE: 1":20'

ZAMIA - SOUTH
SCALE: 1":20'



YELLOW PINE AVE - NORTH
SCALE: 1":20'

SITE REVIEW CORRECTIONS

SR-8

STREET ELEVATIONS

10.01.13

820 LEE HILL DRIVE

BOULDER, COLORADO

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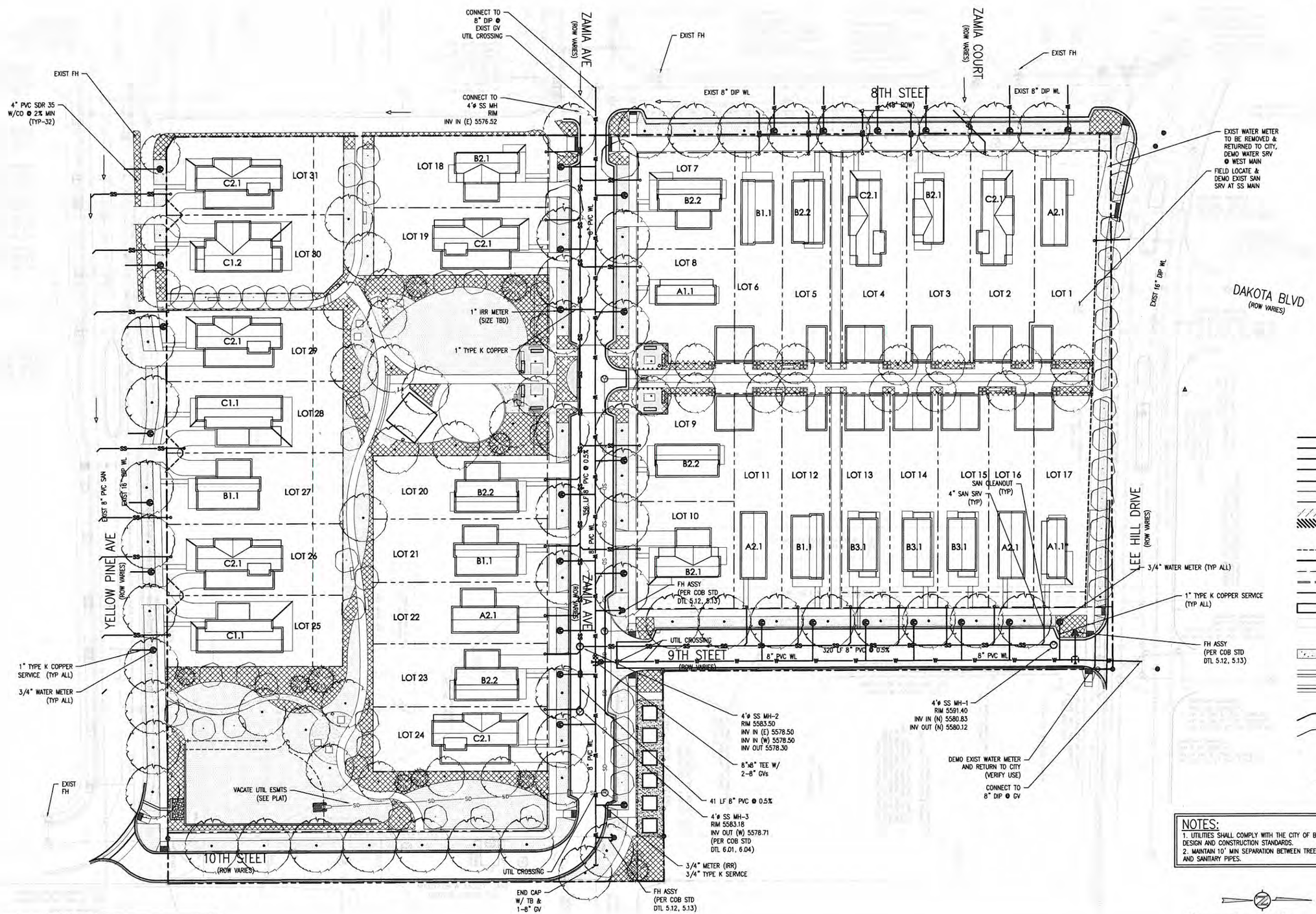


COBURN
creating great places

JVA, Incorporated
1319 Spruce Street
Boulder, CO 80302
Phone: 303.444.1951
Fax: 303.444.1957
E-mail: info@jvajva.com

LEGEND

- SURVEY CONTROL POINT
- BENCHMARK
- PROPOSED MANHOLE
- EXISTING MANHOLE
- RIPRAP
- THRUST BLOCK
- TEE W/ THRUST BLOCK
- BEND W/ THRUST BLOCK
- END CAP W/ THRUST BLOCK
- GATE VALVE
- REDUCER/INCREASER
- WATER METER
- FIRE HYDRANT
- LIGHT POLE
- SIGN
- COMBINATION INLET
- TYPE R INLET
- TYPE 13 FIELD INLET
- FLARED END SECTION
- STORM DRAIN
- ROOF DRAIN
- SANITARY SEWER
- WATER
- TRENCH DRAIN
- FLOW LINE
- FENCE
- ABANDON UTILITY
- DEMO UTILITY / STRUCTURE
- DEMO TREE
- LIMITS OF SAWCUT
- PROPERTY LINE / ROW
- EASEMENT LINE
- LIMITS OF WORK
- MATCHLINE
- PROPOSED BUILDING
- EXIST BUILDING
- BLDG ACCESS
- CONCRETE PAVING
- CURB & GUTTER
- GUTTER PAN
- SPILL/CATCH CURB TRANSITION
- PROPOSED INDEX CONTOUR
- PROPOSED INTERMEDIATE CONTOUR
- EXIST INDEX CONTOUR
- EXIST INTERMEDIATE CONTOUR
- + 20.50 PROPOSED SPOT ELEVATION
- EXIST SPOT ELEVATION

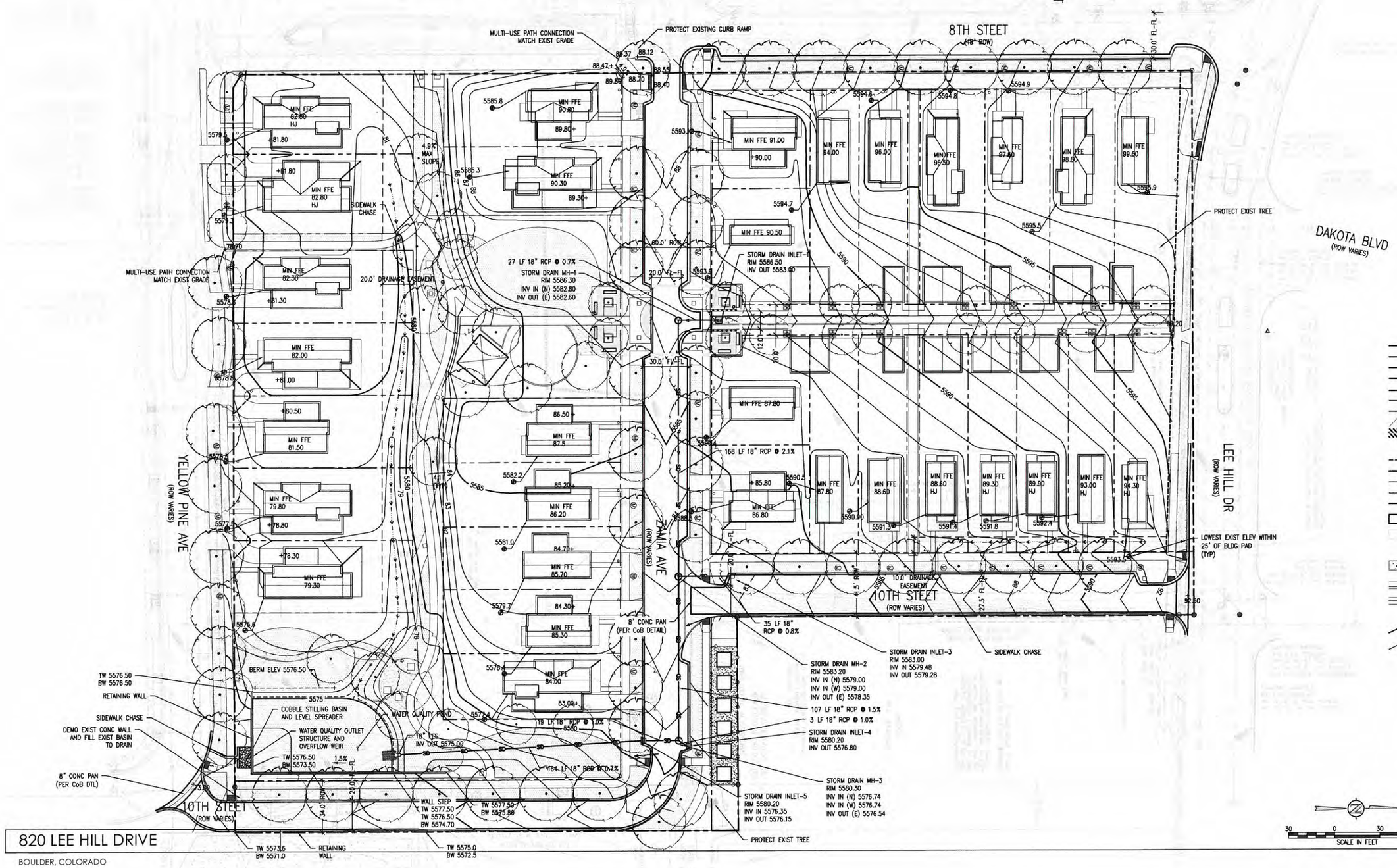
SITE REVIEW

NOTES:
1. UTILITIES SHALL COMPLY WITH THE CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS.
2. MAINTAIN 10' MIN SEPARATION BETWEEN TREES, WATER, AND SANITARY PIPES.

C2.0
PRELIMINARY UTILITY PLAN
09.27.13

820 LEE HILL DRIVE
BOULDER, COLORADO

Planners · Designers · Builders
3020 Carbon Place # 203
Boulder, CO 80301
303-442-3351
coburndev.com



820 LEE HILL DRIVE

BOULDER, COLORADO

COBURN
creating great places™

JVA, Incorporated 1319 Spruce Street
Boulder, CO 80302 Phone: 303.444.1951
Fax: 303.444.1957 E-mail: info@jvaiva.com

LEGEND

- SURVEY CONTROL POINT
- BENCHMARK
- PROPOSED MANHOLE
- EXISTING MANHOLE
- RIPRAP
- THRUST BLOCK
- TEE W/ THRUST BLOCK
- BEND W/ THRUST BLOCK
- END CAP W/ THRUST BLOCK
- GATE VALVE
- REDUCER/INCREASER
- WATER METER
- FIRE HYDRANT
- LIGHT POLE
- SIGN
- COMBINATION INLET
- TYPE R INLET
- TYPE 13 FIELD INLET
- FLARED END SECTION
- SD — STORM DRAIN
- RD — ROOF DRAIN
- SS — SANITARY SEWER
- W — WATER
- TD — TRENCH DRAIN
- FLOW LINE
- FENCE
- ABANDON UTILITY
- DEMO UTILITY / STRUCTURE
- DEMO TREE
- LIMITS OF SAWCUT
- PROPERTY LINE / ROW
- EASEMENT LINE
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- PROPOSED INTERMEDIATE CONTOUR
- EXIST INDEX CONTOUR
- EXIST INTERMEDIATE CONTOUR
- + 20.50 — PROPOSED SPOT ELEVATION / EXIST SPOT ELEVATION

SITE REVIEW

C1.0
PRELIMINARY GRADING & DRAINAGE PLAN
09.27.13

Planners · Designers · Builders
3020 Carbon Place # 203
Boulder, CO 80301
303-442-3351
coburndev.com

COBURN ARCHITECTURE

CONTEXTUAL EXAMPLES:

- ASPHALT SHINGLE ROOF
- CEMENT OR FIBER BOARD LAP SIDING
- HARDCOAT STUCCO
- STONE

8TH STREET

- ASPHALT SHINGLE ROOF
- HARDCOAT STUCCO
- STONE
- CEMENT OR FIBER BOARD LAP SIDING

ZAMIA AVE.

- CEMENT OR FIBER BOARD LAP SIDING
- ASPHALT SHINGLE ROOF
- STONE

YELLOW PINE AVE.

- CEMENT OR FIBER BOARD LAP SIDING
- ASPHALT SHINGLE ROOF

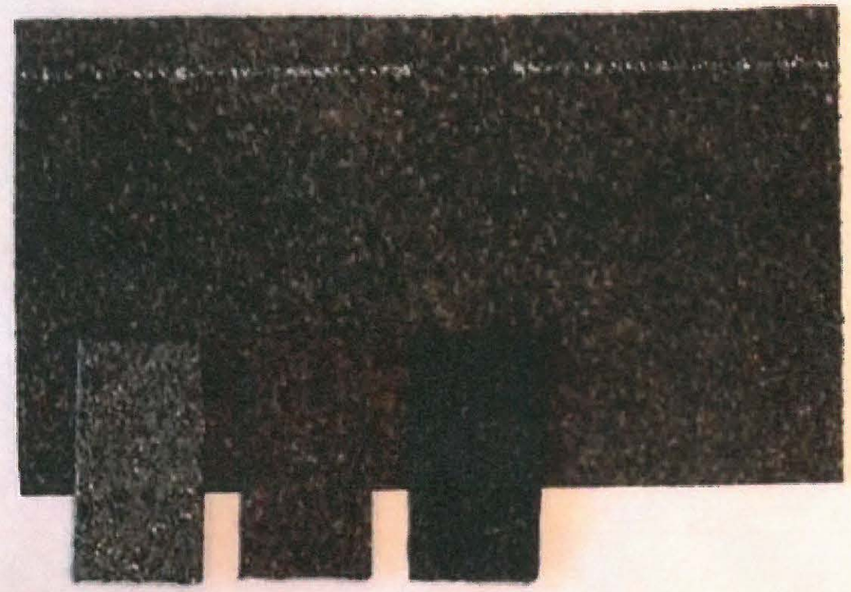
10TH (DAKOTA RIDGE)

- ASPHALT SHINGLE ROOF
- CEMENT OR FIBER BOARD LAP SIDING
- BRICK

10TH (DAKOTA RIDGE)

- ASPHALT SHINGLE ROOF
- CEMENT OR FIBER BOARD LAP SIDING
- BRICK

DAKOTA BLVD.



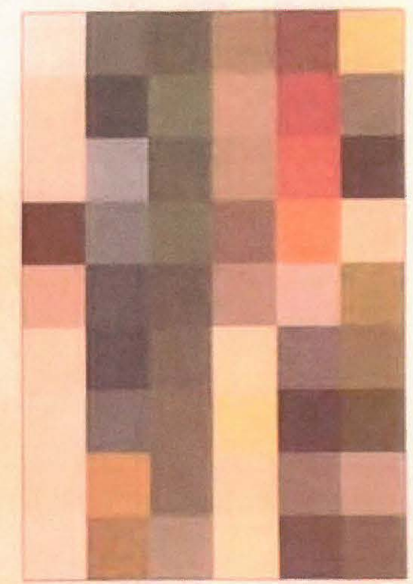
ASPHALT SHINGLE ROOFING

CEMENT BOARD LAP SIDING

STANDING SEAM METAL ROOFING ACCENTS

HARDCOAT STUCCO SYSTEM

BRICK



COLOR MATRIX

These colors are representative of the range of colors expected to be used on the buildings at 820 Lee Hill. It is expected that there may be multiple colors per building. Different buildings of the same unit type are expected to have unique color schemes to promote diversity and interest, as well as individual identity for each building. The colors represented may be either a stain or solid color. Trim colors will be a complimenting color that complements the colors used on the both.

SITE REVIEW CORRECTIONS

MATERIAL BOARD

10.01.13

820 LEE HILL DRIVE

BOULDER, COLORADO

Planners · Designers · Builders
3620 Carbon Place # 201
Boulder, CO 80301
303.443.1331
coburnarch.com

Section 9-2-14(h), B.R.C. 1981, "Site Review"
CRITERIA FOR REVIEW

No site review application shall be approved unless the approving agency finds that:

(1) Boulder Valley Comprehensive Plan:

✓ (A) The proposed site plan is consistent with the land use map and the service area map and, on balance, the policies of the Boulder Valley Comprehensive Plan.

Given the intent of the Low Density Residential land use designation of the site within the BVCP, along with a number of BVCP policies, the proposed project appears to be conceptually consistent with the BVCP. The Low Density Residential designation, as described on page 59 of the BVCP is as follows:

> *"Lower density areas in the older section of the city consist predominantly of single family detached structures. Many of the areas developed in the city and the county over the last 30 years are characterized by a mixture of housing types ranging from single family detached to cluster and patio homes, townhouses and apartments. A variety of housing types will continue to be encouraged in developing areas during the planning period of the Comprehensive Plan."*

Applicable BVCP policies are listed below:

- 1.21 Jobs:Housing Balance.
- 2.04 Compact Land Use Pattern.
- 2.12 Neighborhoods as Building Blocks.
- 2.13 Support for Residential Neighborhoods.
- 2.15 Compatibility of Adjacent Land Uses.
- 2.21 Commitment to a Walkable City.
- 2.30 Sensitive Infill and Redevelopment.
- 2.31 Design of Newly-Developing Areas.
- 2.40 Physical Design for People.
- 2.42 Enhanced Design for the Built Environment.
- 6.02 Reduction of Single Occupancy Auto Trips.
- 6.12 Neighborhood Streets Connectivity.
- 7.01 Local Solutions to Affordable Housing.
- 7.03 Permanently Affordable Housing.
- 7.06 Mixture of Housing Types.
- 7.10 Balancing Housing Supply with Employment Base.
- 7.14 Integration of Permanently Affordable Housing.

✓ (B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation. Additionally, if the density of existing residential development within a three-hundred-foot area surrounding the site is at or exceeds the density

permitted in the Boulder Valley Comprehensive Plan, then the maximum density permitted on the site shall not exceed the lesser of:

✓ (i) The density permitted in the Boulder Valley Comprehensive Plan, or,

The BVCP defines the density of the Low Density Residential designation as two to six units per acre. The density of the proposed development is 5 units per acre (gross, including right-of-way to be dedicated) and 6 units per acre (net, excluding right-of-way).

✓ (ii) The maximum number of units that could be placed on the site without waiving or varying any of the requirements of chapter 9-8, "Intensity Standards," B.R.C. 1981.

The allowable intensity of development in the RL-2 zone district is controlled by the minimum open space per dwelling unit of 6,000 square feet per dwelling unit. There are no restrictions on minimum lot size, floor area ratio, lot area per dwelling unit, or dwelling units per acre in this zoning district. With a total of 31 dwelling units proposed on the site, a minimum of 186,000 square feet of useable open space is required. The proposal exceeds this requirement with 187,727 square feet of usable open space provided on the site.

✓ (C) The proposed development's success in meeting the broad range of BVCP policies considers the economic feasibility of implementation techniques require to meet other site review criteria.

The development would not be rendered infeasible in meeting the BVCP policies or the site review criteria based upon the requirements and recommendations made within these comments.

(2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design techniques which are consistent with the purpose of site review in subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

✓ (A) Open Space: Open space, including, without limitation, parks, recreation areas, and playgrounds:

The proposal includes the provision of a variety of usable open space, including a formal neighborhood park, informal natural area, back yards, and front porches.

✓ (i) Useable open space is arranged to be accessible and functional and incorporates quality landscaping, a mixture of sun and shade and places to gather;

The usable open space for the proposed development consists of both private open space (backyards, front porches, decks, and patios) and public open space (formal park, informal natural area, trail connections). The formal park is centrally located and is easily accessed by the community at large by various sidewalk connections and the woonerf. The informal open space is connected to the formal park by a path that meanders along the south side of the site and by the new 10th Street and Zamia Avenue connections. Street trees will be provided along all street connections and the woonerf alley. All public formal and informal open space areas will include high quality landscaping.

✓ (ii) Private open space is provided for each detached residential unit;

Each single family residential lot contains appropriate private open space as back yards, porches, decks, and patios.

✓ (iii) The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas and species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (Cynomys ludiovicianus), which is a species of local concern, and their habitat;

Per the submitted tree inventory, there are 27 existing trees on the property, 15 of which are in good condition. Two of the trees in good condition will be preserved on the site. The remaining trees in good condition must be removed due to the proximity to future site improvement. Five invasive Russian Olives will be removed. The existing mature pine and juniper street trees must be removed to accommodate a multi-use path and on-street parking along 8th Street. These trees will be replaced with varieties better suited as urban street trees.

✓ (iv) The open space provides a relief to the density, both within the project and from surrounding development;

All lots have private green spaces as front and back yards, which will provide a relief in density within the development. The formal park and the green space surrounding the east-west meandering path connection also provide a relief to the density. Several back yards face the path and low fences will be used to extend the perception of open space. In buffering from surrounding development, the site design utilizes the informal open space to create an interface with the existing neighborhood and provide a relief to the density. Street tree plantings along the perimeter of the development help provide relief to the site's density from the surrounding developments.

✓ (v) Open space designed for active recreational purposes is of a size that it will be functionally useable and located in a safe and convenient proximity to the uses to which it is meant to serve;

The formal park is easily accessed by the development and the neighborhood at large and a number of lots face the park directly. The park is large enough to accommodate all programmed activities.

✓ (vi) The open space provides a buffer to protect sensitive environmental features and natural areas; and

There are no sensitive environmental features or natural areas on the developed site.

✓ (vii) If possible, open space is linked to an area- or city-wide system.

The subject property has easy access to open space located to the west and south, along Fourmile Canyon Creek. The Fourmile Canyon Creek multi-use path runs alongside the western side of the site and provides direct access to the open space. Convenient sidewalk connections connect the formal and informal open space to the City of Boulder open space to the south and west and Foothills Community Park to the southwest.

N/A (B) *Open Space in Mixed Use Developments (Developments that contain a mix of residential and non-residential uses)*

✓ (C) *Landscaping*

✓ (i) The project provides for aesthetic enhancement and a variety of plant and hard surface materials, and the selection of materials provides for a variety of colors and contrasts and the preservation or use of local native vegetation where appropriate;

Landscaping is planned to be installed according to the Landscape Plan (see sheets LP-2, LP-3, and LP-4 in Attachment B). The project includes a variety of planting areas including but not limited to, required plantings along rights-of-ways and alleys, along the pedestrian pathways, and within the formal park, informal natural area, and park link to the woonerf. The project provides a variety of landscape types, including hardscape, permeable path material such as crushed fines, patterned and or colored concrete, colored walks, paths, mulched planting beds, ground cover, shrubs, flowers, trees, street trees, gates, boulders, and other elements. The selection of plants and their relationship to the surrounding greenspaces and buildings are aesthetically attractive and provide a relief to the proposed density.

✓ (ii) Landscape design attempts to avoid, minimize or mitigate impacts on and off site to important native species, healthy, long lived trees, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;

25 mature trees are proposed for removal due to the proximity to future site improvements, health of the tree, and invasive or non-native trees. Two mature trees deemed of higher quality will be retained on the project. No important native species plant communities of special concern threatened and endangered species and habitat would be impacted on this project.

✓ (iii) The project provides significant amounts of plant material sized in excess of the landscaping requirements of sections 9-9-12, "Landscaping and Screening Standards," and 9-9-13, "Streetscape Design Standards," B.R.C. 1981; and

The project contains extensive landscaping along internal pathways and the woonerf, at the pedestrian crossing to the park, and within the formal park and informal open space. The project will include a tree lawn with street trees along 8th St., Zamia Ave., 10th St., and Yellow Pine Ave. The proposed landscaping provides interesting and varied landscape elements throughout the site in excess of what would be considered typical in a neighborhood of this type.

✓ (iv) The setbacks, yards and useable open space along public rights of way are landscaped to provide attractive streetscapes, to enhance architectural features and to contribute to the development of an attractive site plan.

The project includes attractive streetscapes within the new development that highlight the pedestrian experience. In addition, the project will update the existing streetscape along both 8th Street and Yellow Pine Ave to meet landscaping standards. Given the traditional design of the homes with front porches facing the street, the detached sidewalk and tree lawn create an attractive and inviting streetscape.

✓ (D) *Circulation:* Circulation, including, without limitation, the transportation system that serves the property, whether public or private and whether constructed by the developer or not:

✓ (i) High speeds are discouraged or a physical separation between streets and the project is provided;

High traffic speeds are discouraged by narrow streets and the presence of on-street parking. The proposed street network on the site is not conducive to through traffic or high speeds.

✓ (ii) Potential conflicts with vehicles are minimized;

Vehicular conflicts are minimized by the use narrow streets within the development and an emphasis on alley loaded homes on the north side of the site. Vehicular conflicts are minimized on the south side of the site through minimal curb cuts along the streetscape. Curb extensions on 10th Street and Zamia Avenue serve to slow motorists. In addition, the multi-use path has been brought through the south end of the site to avoid bicycle/car conflicts where the path crosses Yellow Pine Ave. The site design is such that automobiles are physically separated from and made subordinate to bicyclists and pedestrians.

✓ (iii) Safe and convenient connections are provided that support multi-modal mobility through and between properties, accessible to the public within the project and between the project and the existing and proposed transportation systems, including, without limitation, streets, bikeways, pedestrianways and trails;

The site design includes frequent pedestrian connections for use by pedestrians and bicyclists, which connect to the existing multi-model network. The following connections are planned:

- *Walkable "woonerf" style alley serves as a north-south connection between the formal park and Lee Hill Drive;*
- *Multi-use path is continued along the west side of the site;*
- *East-west pedestrian connection on the north end of the site to connect woonerf to 8th Street and 10th Street;*
- *Path on south side of the site connecting the multi-use path to the park and open space to the south;*

- *Meandering path running east-west to connect formal park to informal open space and 10th Street.*

The planned connections provide easy accessibility to the Four Mile Canyon Creek path to the south, Foothills Community Park to the southwest, and restaurants, retail, services located along Broadway. The planned connections, coupled with the detached sidewalks within the development, support multi-model mobility on the site.

✓ (iv) Alternatives to the automobile are promoted by incorporating site design techniques, land use patterns, and supporting infrastructure that supports and encourages walking, biking, and other alternatives to the single-occupant vehicle;

The project contains a number of elements that support and encourage walking and biking. The design includes frequent and convenient connections for pedestrians and bicyclists (see above). Bicyclists and pedestrians have the most direct route of travel through the site. In addition, a 10-foot wide multi-use path is provided on the east side of the site, which connects to several bicycle routes to the north and the Four Mile Canyon Creek path to the south. This connection promotes walking and biking from the site with convenient accessibility to the transit routes and commercial and retail services on the Broadway corridor.

✓ (v) Where practical and beneficial, a significant shift away from single-occupant vehicle use to alternate modes is promoted through the use of travel demand management techniques;

The applicant has submitted a Transportation Demand Management (TDM) plan, which has been reviewed and approved. While a significant shift away from single-occupant vehicles for a single family dwelling development may not be entirely practical or realistic, the applicant is committing to providing Neighborhood EcoPasses to residents of the development and providing information on available transit to encourage residents to benefit from the frequent bus service that exists within walking and biking distance.

✓ (vi) On-site facilities for external linkage are provided with other modes of transportation, where applicable;

See (iv) above.

✓ (vii) The amount of land devoted to the street system is minimized; and

The amount of land devoted to the street system is the minimum necessary to accommodate two new required public rights-of-way and the woonerf alley to pull garages to the rear.

✓ (viii) The project is designed for the types of traffic expected, including, without limitation, automobiles, bicycles, and pedestrians, and provides safety, separation from living areas, and control of noise and exhaust.

The project is designed and scaled to accommodate all modes of travel. Low vehicular traffic is expected and the project will emulate a typical neighborhood feel with front

porches and units oriented to streets. The number of curb cuts has been minimized to reduce vehicular conflicts. A detached sidewalk with tree lawn and on-street parking provide separation for the pedestrian. Due to frequent path connections bicyclists and pedestrians have the most direct route of travel through the site.

✓ (E) *Parking*

✓ (i) The project incorporates into the design of parking areas measures to provide safety, convenience, and separation of pedestrian movements from vehicular movements;

One- and two-car garages on the north side of the site will be primarily accessed from the woonerf alley. Alley access on this portion of the site reduces curb cuts, enhancing the pedestrian experience on 8th Street and 10th Street. Attached garages on the southern portion of the site are accessed from driveways. Shared access drives have been used along Yellow Pine Avenue to reduce curb cuts and maximize available on-street parking. Pedestrians are protected from on-street parking areas by a tree lawn. Parking is generally shifted away from sidewalks and the frontages of lots in a manner that creates separation of pedestrian movements.

✓ (ii) The design of parking areas makes efficient use of the land and uses the minimum amount of land necessary to meet the parking needs of the project;

No parking lots are proposed. Most parking is confined to garages and confined to areas not visible from the streetscape. On the southern portion of the site some parking may be provided on driveways. This does not present a superfluous amount of parking and enables the project to accommodate parking without increasing congestion on the streets.

✓ (iii) Parking areas and lighting are designed to reduce the visual impact on the project, adjacent properties, and adjacent streets; and

As stated above, parking has been designed to reduce visual impact by confining most parking areas away from the streetscapes. The attached garages that face the street are setback from the front facade of the home. No lighting is expected to create adverse visual impacts. Any lighting installations on single family dwellings will be subject to the Outdoor Lighting requirements of section 9-9-16, B.R.C.

✓ (iv) Parking areas utilize landscaping materials to provide shade in excess of the requirements in subsection 9-9-6(d), and section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981.

The landscape plan includes the provision of trees in the alley to enhance the visual appearance of the alley and to soften the visibility of service and parking related areas.

✓ (F) *Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area*

✓ (i) The building height, mass, scale, orientation, architecture and configuration are compatible with the existing character of the area or the character established by adopted design guidelines or plans for the area;

The proposed project represents a modestly-scaled infill development that is compatible with the surrounding area. The majority of the homes are proposed as human-scaled two story structures. The single family homes are modestly sized and will range from approximately 1,200 square feet to 2,900 square feet in above-grade floor area. The building orientation follows a traditional pattern, which is dictated by the required dedication of two new public rights of-way within the development (10th Street and Zamia Avenue). The architecture of the homes is neo-traditional with gable roofs with a contemporary touch and is compatible with the emerging character of North Boulder. Houses and porches face the street. As discussed in the key issues section, the proposed homes meet the design guidelines of the North Boulder Subcommunity Plan. The houses are positioned so that front doors and front yards face the street, garage doors are setback and do not dominate the front façade, and there is a variety of building designs that include human scale features.

✓ (ii) The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans or design guidelines for the immediate area;

Heights for the homes will range from under 29 feet to 35 feet. Building heights are limited to the 35-feet in height per the regulations in the RL-2 zoning district. The majority of the homes are proposed to be 2-stories in height, which is consistent and harmonious with the adjacent neighborhoods. Basements above 2 feet above grade could potentially qualify buildings as three-story, but would otherwise appear as two-story in design. Three of the homes are proposed to be 3-stories in height, excluding a basement, and require modifications to the solar access standards. These homes are proposed to be located on the interior of the site and allow the applicant to provide a variety of building forms.

✓ (iii) The orientation of buildings minimizes shadows on and blocking of views from adjacent properties;

The larger lots on the south side are oriented north-south to match the homes located across Yellow Pine Avenue. On the northern side of the site, where the lots are smaller, the homes are generally arranged in an east-west configuration to help avoid shadowing and allow for solar on the roofs. Homes on 28 of the 31 lots within the project would be compliant with the solar access regulations and as stated above, and would include limited building heights on smaller lots as to avoid shadowing impacts and blocked views. The applicant is requesting modifications to the solar access standards on three lots to allow shading by proposed homes to a greater degree than the adjacent lot would be shaded by a solar fence twenty-five feet in height. However, there are no shadows projected in the deepest part of the winter that would encroach on the rooftop, the area protected under Solar Access Area II.

✓ (iv) If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs, and lighting;

As stated above, buildings are neo-traditional in design with front porches, gable roofs, and principal orientation to the street with garages either setback from the front façade or accessed from the woonerf alley. The architecture of immediate surrounding neighborhoods consists of large traditional style single family homes most representative of construction in the 1990s and early 2000s. The proposed architectural character utilizes varied roof pitches and layout features consistent with that of the surrounding neighborhoods. While the proposed development is more contemporary in nature, the project is compatible with the area in terms of colors, materials, and building orientation. The design is consistent with the developing character of new residential areas of North Boulder. The project has detached tree lawns which also compliment this character.

✓ (v) Projects are designed to a human scale and promote a safe and vibrant pedestrian experience through the location of building frontages along public streets, plazas, sidewalks and paths, and through the use of building elements, design details and landscape materials that include, without limitation, the location of entrances and windows, and the creation of transparency and activity at the pedestrian level;

As stated above, the project will promote a safe and vibrant pedestrian experience with detached sidewalks and buffering tree lawns along the public rights-of-way associated with the development. Homes would front directly to these spaces with attractive front porches and entries, as required by the design guidelines, making the development inviting and attractive. A pedestrian level of detailing, such as railings, porch detailing and other architectural elements, will be given prominence. Various secondary pedestrian pathways cross through the development and the internal woonerf design creates a human scaled public thoroughfare.

✓ (vi) To the extent practical, the project provides public amenities and planned public facilities;

The project includes the dedication of two public rights-of-way and the construction of a multi-use path connection on the north side of the site. The 10th Street connection from Lee Hill Drive to Yellow Pine Avenue significantly benefits the local street network. The development supports the planned sidewalks, utilities, streets, bike paths and street trees contemplated in the area's planning.

✓ (vii) For residential projects, the project assists the community in producing a variety of housing types, such as multifamily, townhouses and detached single family units, as well as mixed lot sizes, number of bedrooms and sizes of units;

One of the primary goals of the North Boulder Plan is that the subcommunity contains a diversity of housing types, sizes, and costs. The Lee Hill Road Area section states, "It is imperative that the project contain a mix of residential densities with a diversity of housing types" (page 11). While the project does not include a variety of housing types, the project provides smaller homes in comparison to the larger single family houses that surround it, providing a diversity of housing types. There are a variety of housing and lot sizes that contribute to providing homeowners a variety of choice.

One of the primary goals of the North Boulder Plan is that the subcommunity contains a diversity of housing types, sizes, and costs. The Lee Hill Road Area section states, "It is imperative that the project contain a mix of residential densities with a diversity of housing types" (page 11). While the project does not include a variety of housing types, the project provides smaller homes in comparison to the larger single family houses that surround it, providing a diversity of housing types and is complimentary to the variety of housing types and mixed densities that have been provided throughout the North Boulder subcommunity.

✓ (viii) For residential projects, noise is minimized between units, between buildings, and from either on-site or off-site external sources through spacing, landscaping, and building materials;

The units are single family homes, and individual yards, setbacks, and landscaping provide sound buffers throughout the project. As a relatively dense project, units would be located closer than a typical single family development. However, with a minimum of 10 feet between units, noise would be minimized.

✓ (ix) A lighting plan is provided which augments security, energy conservation, safety, and aesthetics;

Final lighting will be evaluated at the Technical Documents review process. Each single family home building permit will include a requirement to include lighting fixtures that comply with the Outdoor Lighting Ordinance.

✓ (x) The project incorporates the natural environment into the design and avoids, minimizes, or mitigates impacts to natural systems;

Due to past industrial uses, the site does not contain natural systems that could be disturbed by redevelopment. As can be seen on the landscape plan, the design incorporates a host of natural features and a variety of natural area types, ranging from programmed to informal. This will allow the residents to connect with nature within the development on a day to day basis. Grading is required for site preparation, drainage diversion, and road construction, but otherwise, would be minimal. No negative impacts to the environment would occur or hazards created as a result of the grading.

✓ (xi) Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality.

In general, buildings are oriented to take advantage of renewable energy systems and will be required at the building permit stage to demonstrate compliance with the city's green points program. All homes have either significant south or east facing roofs and the project is designed to support solar panels on the roofs. The homes will be prewired and pre-engineered to support "plug and play" panels to be added later. The buildings will be designed to meet 2012 IECC standards and to exceed the standard set by 20%. The

majority of the construction waste will be recycled during construction. An emphasis on alternate modes of transportation and less emphasis on the automobile will greatly assist in reduced energy use.

✓ (xii) Exteriors or buildings present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing;

The design includes the use of cement board lap siding and hardcoat stucco as the primary siding materials with the use of accent materials like standing seam metal roofing accents, brick, wood porches, and metal railings. A pedestrian level of detailing, such as railings, porch detailing and other architectural elements, will be given prominence. The proposed building architecture, while more contemporary in nature, draws from a similar building material palette as the surrounding development, where cement or fiber board lap siding, brick and stucco are prevalent.

✓ (xiii) Cut and fill are minimized on the site, the design of buildings conforms to the natural contours of the land, and the site design minimizes erosion, slope instability, landslide, mudflow or subsidence, and minimizes the potential threat to property caused by geological hazards;

The subject property contains a gradual downward slope from Lee Hill Drive to Yellow Pine Ave. The overall slope will be maintained and little cut and fill is needed. The design of the homes conforms to the slope and takes advantage of solar access with significant south or east facing roofs. See civil plans for current and proposed contours

N/A (xiv) In the urbanizing areas along the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the building and site design provide for a well-defined urban edge; and

N/A (xv) In the urbanizing areas located on the major streets shown on the map in Appendix A of this title near the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the buildings and site design establish a sense of entry and arrival to the City by creating a defined urban edge and a transition between rural and urban areas.

✓ (G) *Solar Siting and Construction:* For the purpose of ensuring the maximum potential for utilization of solar energy in the City, all applicants for residential site reviews shall place streets, lots, open spaces, and buildings so as to maximize the potential for the use of solar energy in accordance with the following solar siting criteria:

✓ (i) *Placement of Open Space and Streets:* Open space areas are located wherever practical to protect buildings from shading by other buildings within the development or from buildings on adjacent properties. Topography and other natural features and constraints may justify deviations from this criterion.

The proposed street pattern is an extension of the existing grid into the site. Lots, too, match the development pattern of the area. Buildings are oriented to take advantage of solar energy systems and have either significant south or east facing roofs. Setbacks

between homes and reduced building heights allow for optimal solar access on the majority of homes. As discussed in the key issues section, the applicant is requesting modifications to the solar access standards for three lots to allow shading to a greater degree than the solar access regulations would allow.

✓ (ii) *Layout and Building Siting:* Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building. Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical, buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading.

See above. The setbacks and positioning of buildings on the site is conducive to solar access for the majority of buildings on the site. The project is designed for all homes to have either significant south or east facing roofs for panels. See key issues section for more information regarding requested modifications to the solar access standards.

✓ (iii) *Building Form:* The shapes of buildings are designed to maximize utilization of solar energy. Buildings shall meet the solar access protection and solar siting requirements of section 9-9-17, "Solar Access," B.R.C. 1981.

As stated above, building forms are conducive to solar panel installation. The homes will be prewired and pre-engineered to support "plug and play" panels and all homes have either significant south or east facing roofs for panels. As indicated in the memo and in the solar analysis provided by the applicant, the shading of the adjacent lots is contained to the side yard setback and a portion of the building wall faces. There are no shadows projected in the deepest part of the winter that would encroach on the rooftop, the area protected under Solar Access Area II. Solar panels could effectively be installed on the rooftops.

✓ (iv) *Landscaping:* The shading effects of proposed landscaping on adjacent buildings are minimized.

There are no identified conditions where proposed plantings could negatively affect solar access of buildings in the future.

N/A (H) *Additional Criteria for Poles Above the Permitted Height:* No site review application for a pole above the permitted height will be approved unless the approving agency finds all of the following:

N/A (i) The light pole is required for nighttime recreation activities, which are compatible with the surrounding neighborhood, or the light or traffic signal pole is required for safety, or the electrical utility pole is required to serve the needs of the city; and

N/A (ii) The pole is at the minimum height appropriate to accomplish the purposes for which the pole was erected and is designed and constructed so as to minimize light and electromagnetic pollution.

N/A (I) *Land Use Intensity Modifications*

N/A (i) *Potential Land Use Intensity Modifications:*

(a) The density of a project may be increased in the BR-1 district through a reduction of the lot area requirement or in the Downtown (DT), BR-2, or MU-3 districts through a reduction in the open space requirements.

(b) The open space requirements in all Downtown (DT) districts may be reduced by up to one hundred percent.

(c) The open space per lot requirements for the total amount of open space required on the lot in the BR-2 district may be reduced by up to fifty percent.

(d) Land use intensity may be increased up to 25 percent in the BR-1 district through a reduction of the lot area requirement.

N/A (ii) *Additional Criteria for Land Use Intensity Modifications:* A land use intensity increase will be permitted up to the maximum amount set forth below if the approving agency finds that the criteria in paragraph (h)(1) through subparagraph (h)(2)(H) of this section and following criteria have been met:

N/A (J) *Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1 District*

N/A (K) *Additional Criteria for Parking Reductions:* The off-street parking requirements of section 9-7-1, “Schedule of Form and Bulk Standards,” B.R.C. 1981, may be modified as follows:

N/A (L) *Additional Criteria for Off-Site Parking:* The parking required under section 9-9-6, "Parking Standards," B.R.C. 1981, may be located on a separate lot if the following conditions are met:

Approved Minutes
Boulder Public Library Commission meeting
September 4, 2013
Main Library North Meeting Room

COMMISSION MEMBERS PRESENT

Anne Sawyer
Celeste Landry
Donna O'Brien
Anna Lull

COMMISSION MEMBERS ABSENT

None

LIBRARY STAFF MEMBERS PRESENT

Valerie Maginnis, Library & Arts Director
Jennifer Miles, Deputy Library Director
Leanne Slater, Administrative Specialist
Aimee Schumm, eServices Manager
Kathleen Janosko, Administrative Specialist II (Finance)

CITY STAFF MEMBERS PRESENT

Glenn Magee, Facilities Design and Construction Manager
Joe Castro, Facilities & Fleet Manager
Maureen Rait, Executive Director of Public Works
David Mallett, Budget Analyst
Jennifer Bray, Communication Specialist III
Peggy Bunzli, Budget Manager
Paul Fetherston, Deputy City Manager

PUBLIC PRESENT

Peter Richards
David Mendosa

BOULDER TEEN ADVISORY BOARD MEMBER PRESENT (BTAB)

Nick Bozik

STUDIOTROPE REPRESENTATIVES PRESENT

Designer Brigitte Kerr, Principal Designer Deva Montalbano, and Interior Designer Caitlin Bullock

CALL TO ORDER

The meeting was called to order at 6:00 p.m.

APPROVAL OF AGENDA

Sawyer amended the agenda in order to provide for an update from Deputy City Manager Paul Fetherston on the Library and Arts Director interim plan and recruitment. Therefore, Item 6C, Library and Arts Director retirement search, was moved after the Consent Agenda. Landry amended the

agenda by changing the name of Item 5B under Matters from the Commission from "Possible statement about tax options and library funding" to "City Council Charter Committee."

PUBLIC PARTICIPATION
No public participation.

CONSENT AGENDA

A. APPROVAL OF JULY 10, 2013 MINUTES
The Aug. 7, 2013 minutes were unanimously approved as amended (4-0).

B. COMMISSION UPDATE (FROM MEMO)
There were no items discussed.

C. LIBRARY UPDATE (FROM MEMO)

- Landry asked if the Boulder Housing Partners (BHP) online survey regarding the proposed north Boulder library station had been completed. Maginnis responded that she had not heard back yet but would be meeting with BHP on Fri., Sept. 6 and could email an update about this to the commission.

MATTERS FROM THE DEPARTMENT

A. LIBRARY AND ARTS DIRECTOR RETIREMENT AND SEARCH
Fetherston thanked Maginnis for her service and provided information regarding the search for a new library and arts director, and the timeline for filling this position.

Fetherston shared that the Executive Director of Public Works Maureen Rait has agreed to serve as the interim director of library and arts. He said that Rait, Miles, and Maginnis have worked very closely on the capital improvement project and complimented Rait on her ability to successfully conduct capital improvement projects in our community.

He said that the city is hoping to have a recruitment firm secured by the end of October and that the firm will engage in gathering stakeholder input which will include input from the Library Commission and staff. This information will help develop a candidate profile, and the firm will also identify a timeline (for working toward filling this position.) Due to the typically low number of responses to recruitment around the holidays, recruitment may take place at the beginning of 2014. However, stakeholder feedback will start immediately. Fetherston reviewed the city's process for filling director level positions, said that the hope is to have someone in place in the first quarter of 2014, hopefully in March, depending on when the recruitment begins.

Library Commission presented Valerie with a letter of congratulations on her retirement, thanking her for her service to libraries for 33 years, and more specifically for her dedication to the Boulder Public Library.

COMMISSION PRIORITY DISCUSSION AND INPUT

A. MAIN LIBRARY RENOVATION PROJECT DESIGN ADVISORY GROUP (DAG) UPDATE (50 MINUTES)

Magee presented information about the cost estimate for the Main Library project design. The Library Commission acknowledged the extensive public engagement process and studiotrope's facilitation and documentation of the community's vision for the project. The expectation is that the desired scope of work can be achieved within the budget. The update provided about the cost estimates suggested that may not be possible. Items that are not part of the base project scope were organized into tiers by DAG and discussed.

- Tier 1 and 2 items combined and bid as add/alternates.
  - Café /Bridge renovation – finishes, furniture, lighting and casework ($80,000)
  - Second children's restroom ($9,000)
  - Technology lab adjacent to Teen space ($10,000)
  - Energy efficient lighting improvements to main stairway, children's area, and fiction area ($180,000)
  - Enhanced graphics for way finding and meeting space privacy ($39,000)
  - Furniture to increase patron seating ($122,800)
  - Flexible, configurable shelving to improve access to collections ($60,000)
  - Audio-visual enhancements to basic equipment ($32,100)
  - UV protection film for north windows that face non-fiction collection ($2,500)

- Sawyer stated that it was a surprise that the project is almost a third over budget. It wasn't the understanding that studiotrope was proposing the "vision" rather than a design that could be completed within our budget. She was concerned that it would be difficult for the commission and the public if some of the ideas discussed in the community meetings as things we were going to do (i.e. the bridge café, seating area, and the technology lab) are eliminated. She said she wished things had been planned better, and asked for specific numbers in regards to components of the renovation such as the café and the teen technology lab. She said that the Boulder Library Foundation has expressed interest, but not commitment, to possibly funding something that they would not normally fund because it is related to library programming.
- Landry asked if there was possible alternative financing for café vendors such as exists at the West Boulder Senior Center. Magee answered that once the library finds a vendor, alternative funding could be a possibility.
- O'Brien suggested that perhaps a private donor could contribute to creating a complete (video) production area for the teens. Magee said that this may be possible. Miles stated the renovation Design Advisory Group (DAG) needs to wait to have the bids back in order to inform any decisions, which may include possibly pursuing alternative funding. She said that there is still hope that some of these things can be done within the budget.
- Landry confirmed with Magee that the numbers above were based on the design development set which was 60 percent completed. She also agreed with Sawyer that the café and the teen technology lab were important.

- Commission reiterated that the renovation of the café/bridge, adding a second children's restroom, and the establishment of the technology lab adjacent to the teen space were identified as important to meeting the community's expectations.
- Magee stated that 90 percent of the design development will be completed by next week.
- Sawyer said that if we weren't able to include components that have been moved to non-base tiers, she might be disappointed in the outcome. However, she encouraged staff and commission to continue to be optimistic, evaluate the bids once received, and, if needed, to work hard to find additional funding for some of these important pieces. Perhaps this could be done as a part of the Civic Area plan, making a case to the City for Capital Improvement Bond reserves, or other potential resources.

The commission desires to have more discussion about project alternates and priorities once bids are received. (More information can be found at http://boulderlibrary.org/pdfs/commission/2013/handouts/13%20SepMeetingHandouts.pdf)

B. UPDATE ON RFID/MATERIALS HANDLING (10 MINUTES)

Schumm informed the Library Commission on the radio-frequency identification (RFID)/materials handling project. She confirmed that the budget for this entire project is about 1.1 million dollars.

- Sawyer asked how the estimates that are being received are different from one another (i.e. different materials handling systems). Schumm responded that while we knew the ultimate goal is to get the materials from the main level of the library down to the basement, the details were left up to the vendors. This assisted staff in clarifying their preferences for the new system and then we issued a more precise RFP which are more precise; now the bids are more similar and the final 3 bidders will be brought in to review bids and the space.
- O'Brien asked if there would still be a materials drop box on the north side of the Main Library. Schumm responded affirmatively.
- Lull asked if the RFID tagging would be done in tandem with collection development practices. Miles responded that new materials will be tagged by the vendors. O'Brien asked if other RFID tagging would be done by volunteers or if perhaps high school or college students might be hired for this task. Schumm said this is yet to be determined.

(For more information, please go to p. 21 & 22 of the following link: http://boulderlibrary.org/pdfs/commission/2013/packet/SepCompletePacket.pdf)

C. STUDIOTROPE PRESENTATION (1 HOUR & 5 MINUTES)

Designer Brigitte Kerr, Principal Designer Deva Montalbano, and Interior Designer Caitlin Bullock presented information on the "look and feel" boards for the interior design of the Main Library Renovation's Project. The Library Commission had the opportunity to ask questions.

- Lull asked what end of the cost spectrum are the new shelving units. Bullock answered that it is middle grade shelving and that it can be added onto later.
- Bullock said that the DAG and studiotrope are looking at prize furniture pieces that are desired and that more of those pieces can be purchased at a later time.
- O'Brien suggested perhaps using a combination of carpet and linoleum on the stairs near the children's area (in order to keep it kid-friendly.)

- Lull asked if there had been any requests from the public about keeping the artwork on the columns outside the current children's area. Maginnis answered that she had not received public input about that.
- O'Brien asked if there would be a changing station in the family restroom. Kerr answered affirmatively.
- Sawyer asked if one of the children's restrooms is removed from the plans will the (4 walls of the) restroom still exist. Kerr answered that the room for the restroom would be constructed in order to enable future growth.
- O'Brien asked if the smaller restroom would still be wheelchair accessible. Kerr responded affirmatively.
- Sawyer and O'Brien asked that the teens continue to be collaborated with during the interior design component of this project.

(More information can be found at http://boulderlibrary.org/pdfs/commission/2013/handouts/13%20SepMeetingHandouts.pdf)

MATTERS FROM THE COMMISSION

A. **PRELIMINARY MEETING ROOM PLAN**

Landry submitted a template for staff to fill in and Commission to discuss describing access and scheduling of library meeting rooms during and after construction. (See page 23 of the September packet at http://boulderlibrary.org/pdfs/commission/2013/packet/SepCompletePacket.pdf).

Landry mentioned that the template is related to the color scheming for the meeting rooms since the color scheme described by studiotrope would be a visual clue for which meeting rooms are available to the public, but some meeting rooms are not available to the public. Should we change the color scheme for the rooms that are locked and not available for public use? Landry was surprised to find out that meeting rooms are routinely locked. Maginnis said that the Arapahoe Conference Room and North Meeting Room are locked to discourage individual patrons from using the space because it can be difficult to remove one person from a room when it is needed for library programming. During the visioning meetings for the renovation, the public stressed the importance of meeting rooms. Landry asked if members of the public may get Leanne Slater to unlock the meeting rooms so they may use them when there is no program scheduled in the room. In general, Slater doesn't unlock doors except for scheduled programs.

Sawyer said that whether the meeting rooms are locked or not is a policy discussion which the Commission could have at a future meeting.

B. **CITY COUNCIL CHARTER COMMITTEE**

The City has a Charter Committee with 4 City Council members on it. A current member of the Charter Committee suggested that January or February, after the City Council elections, would be a good time for the Commission to invite a representative from the Charter Committee to our meeting. Landry asked the Commission to consider issuing such an invitation in order to review the library's portion of the charter. Commission will consider an invitation when it revises its 2014 priorities beginning in November.

Landry stated that this committee will often propose a ballot issue in order to change charter language, especially language that may be outdated.

MATTERS FROM THE DEPARTMENT (CONTINUED)

B. REVIEW 2014 CITY MANAGER'S RECOMMENDED BUDGET (18 MINUTES)

Mallett reviewed the Library & Arts Department's portion of the 2014 City Manager's Recommended Budget with the Library Commission and offered the Commission the opportunity to ask questions. He explained that the economy appears to be moving in a positive direction, i.e. there has been a 3.5 percent increase in sales and use tax and the unemployment rate is down. He added that there have been some costs that are outpacing this growth, i.e. the cost of materials, higher healthcare costs, etc. but that he is still cautiously optimistic.

(For more information, please go to p. 44 at http://boulderlibrary.org/pdfs/commission/2013/handouts/13%20SepMeetingHandouts.pdf).

- North Boulder Library Station
  - O'Brien noted the annual $115,000 allocated for operating costs seemed like a low number. Miles responded that the number is mostly comprised of the salary for the 1.0 FTE as well as the money required to maintain the space (which is a relatively low amount.)
  - O'Brien asked if there could be a cool sign at the WestView location; she said that it may be hard to notice otherwise. She mentioned that maybe some of the local artists in that area could work on this. Miles answered that signage costs are being estimated in the one-time cost figure ($90,000.) Miles said that it would be something that goes in the grass rather than on the building itself. Landry commented/suggested that there be a City of Boulder Transportation street sign directing people to the library station.
  - Landry stated, on a side note, that there was a bumper sticker on the sign that points to the Canyon Gallery. Rait made note of this.
  - Landry requested the line items that make up the north Boulder library station budget.
  - Sawyer asked for the costs of the station to be open an additional 20 hours per week, as she said she heard that the community may be going to council to ask for the library to be open for more than the proposed 16-20 hours per week. She wants to be able to provide this group with the number.
  - Landry asked if the library would employ 2 people that would comprise the 1.0 FTE. Miles responded that was a possibility and could allow for coverage for breaks/vacations.

C. PLAN FOR TARGET SURVEY ON LIBRARY PROGRAMMING

This item was deferred until October meeting.

ANNOUNCEMENT- Commissioner Sawyer announced that applications for the vacant library commissioner appointment are being accepted until Sept. 23, 2013.

ITEMS FOR INCLUSION IN THE ACTION SUMMARY

Commission discussed items for the Action Summary.

NEXT COMMISSION MEETING (ROLLOVER ITEMS AND DATE)

The next Library Commission meeting will be held at 6 p.m. on Wed., Oct. 2, 2013 at the Main Library, in the North Meeting Room, 1001 Arapahoe Ave. and will include the following agenda items:
Swearing in new Library Commissioner, Main Library renovation project Design Advisory Group regarding an update on the bid process plan, café vendor request for proposals (RFP) process, review of the public art selection panel recommendation, master plan funding goal information review, city-based Library Commission webpage, and plan for target patron survey on library programming.

Meeting adjourned at 9:04 p.m.

Approved By _____ Date _____

Please note: Commissioner Sawyer approved these minutes on 10/29/13.

CITY OF BOULDER, COLORADO

BOARDS AND COMMISSIONS MEETING ACTION SUMMARY FORM

NAME OF BOARD/COMMISSION: LIBRARY COMMISSION: SPECIAL MEETING
DATE OF MEETING: October 30, 2013 at Main Library
NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Leanne Slater, 303-441-3106
LIBRARY COMMISSION MEMBERS PRESENT: Anne Sawyer, Celeste Landry, Donna O'Brien, Anna Lull, and Paul Sutter
LIBRARY COMMISSION MEMBERS ABSENT: None
LIBRARY STAFF MEMBERS PRESENT: Maureen Rait, Jennifer Miles, and Leanne Slater
REPRESENTATIVES FROM BRADBURY ASSOCIATES: Jobeth Bradbury and Dan Bradbury
PUBLIC PRESENT: Steve Colby and Peter Richards

Call to order: The meeting was called to order at 6:02 p.m.

Public Participation: None

Agenda, facilitated by Bradbury Associates:

A. Introductions

B. Structure for the Search

C. Review the Search Process: Bradbury and Bradbury discussed their recruitment/search process for the Library & Arts Director.

A. Marketing Plan: Share the (Bradbury Associates) position marketing plan strategy

B. Identification of Key Attributes: Report from the attribute surveys as well as challenges and desired results- The Library Commission had previously submitted a questionnaire identifying the key attributes, skills and abilities required for this position.

C. Job Advertisement/ Announcement: Review of basic elements of the job ad/announcement- including salary ranges and suggested closing date

D. Staff Meetings/ Other Input: Discussion of purpose and general feedback from staff meetings

E. Confidentiality: Discuss confidentiality of the applications under Colorado open meetings/records law

F. Additional Questions- Bradbury Associates answered questions that the Library Commission presented.

Adjournment – The meeting was adjourned at 7:31 p.m.

Next commission meeting (rollover items): Shelley Sullivan, BoulderReads! manager, will present the Janet Driskell Turner-Outstanding Adult Learner award, library's renovation update regarding the contractor selection process and review of the public art selection panel recommendations, funding goal with information and vision information in relation to the library's master plan, update on the approved 2014 Library & Arts budget, begin prioritization of Library Commission goals in preparation of sending the commission's letter to City Council in December, report on Boulder Library Foundation's grants, and an update on the library and arts director search, and possibly information on a patron survey iteration.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS (LIMIT TO ONE PAGE):

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS: 6 p.m. on Wed., Nov. 6, 2013 at the Main Library, in the North Meeting Room, 1001 Arapahoe Ave.

DRAFT

CITY OF BOULDER, COLORADO

BOARDS AND COMMISSIONS MEETING ACTION SUMMARY FORM

NAME OF BOARD/COMMISSION: LIBRARY COMMISSION
DATE OF MEETING: November 6, 2013 at Main Library
NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Leanne Slater, 303-441-3106
LIBRARY COMMISSION MEMBERS PRESENT: Anne Sawyer, Celeste Landry, Donna O'Brien, and Paul Sutter
LIBRARY COMMISSION MEMBERS ABSENT: Anna Lull
LIBRARY STAFF MEMBERS PRESENT: Maureen Rait, Jennifer Miles, Wendy Hall, Matt Chasansky and Leanne Slater
CITY STAFF PRESENT: Glenn Magee, Joe Castro, and Jennifer Bray
PUBLIC PRESENT: Anna Salim (arts commissioner), Steve Colby, Alice McDonald, David and Georgia Harris, Gayla Fills Pipe (Janet Driskell Turner- Outstanding Adult Learner Award recipient), Betty Johnson, Peter Richards, and Ann Moss (arts commissioner).

Call to order: The meeting was called to order at 6:00 p.m.

Approval of Agenda:

Public Participation: See Attachment A.

Consent Agenda:

A. Approval of Oct. 2, 2013 Minutes: The Library Commission unanimously (4-0, Lull absent) approved the Oct. 2, 2013 minutes as amended.

Presentation:
Janet Driskell Turner- Outstanding Adult Learner Award- Shelley Sullivan, BoulderReads! manager (20 minutes)

Commission Priority Discussion and Input:

A. Main Library Renovation Project (20 minutes)
   - Contractor Selection Process
   - Design Advisory Group Update
   - Public Art Selection Process

Matters from the commission:

A. Board and Commission Committee Report and Recommendations-Tim Plass, city councilmember (33 minutes)
B. Discuss commission priorities to inform City Council goal setting (15 minutes): The Library Commission discussed their 2014 priorities to inform City Council's goal setting; and Sawyer will draft a letter to bring to the commission for review.
C. Discuss Charter report to city manager
D. Commission Update (from memo) (38 minutes) - The Library Commission discussed the questions included in the Library Commission application; and Sutter will draft proposed changes and send to the commission for review.

Matters from the department:

A. Update on library and arts director recruitment (30 minutes)
B. Library Update (from memo)
   - 2014 Approved Budget Update
   - George Reynolds Branch Library- Flood Recovery Update
   - NoBo Library Station Update
   - Update on Operations- Public Services Reorganization
   - Maria Rogers Oral History Project Website Update
   - Report on Boulder Library Foundation Funding Requests
   - 2014 Community Survey
   - Library Policy Review Planning
   - Library Commission Retreat Planning
   - 2014 Library Commission Meeting Calendar
   - Library Commission Website Update

Adjournment – The meeting was adjourned at 9:05 p.m.
Next commission meeting (rollover items): Renovation update including the furniture bid update, perhaps the RFP (requests for proposals) for a café, and the public art semifinalists; the annual letter to City Council to finalize and vote on; the policy review prioritized list; addendum to the arts assessment; arts and cultural service review update; and reviewing the 2014 community survey.

DRAFT

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS (LIMIT TO ONE PAGE): See Attachment A.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS: 6 p.m. on Wed., Dec. 4, 2013 at the Main Library, in the North Meeting Room, 1001 Arapahoe Ave.

DRAFT

Attachment A.
Public Comments

1. Peter Richards addressed the Library Commission and summarized the points, that he found interesting, from a field trip that he went on with Celeste Landry and Paul Sutter to the Longmont Public Library. Richards and others spoke with Longmont Library Director Judith Anderson, on Monday afternoon. Richards said that Judith has worked for the city for a long time, close to 20 years. He said that Judith has an MLS [Masters in Library Science] degree and that she thinks that degree is needed in order to see the library 'big picture.' He added that Judith has been the director for four years now. Richards said that Judith has nothing to do with 'arts' in Longmont; Longmont Museum handles that area. He stated that she has people working for her, who worked at BPL (Boulder Public Library) in the past. Longmont has only one main library, no branches. He said that Longmont has one library, 51,000 sq. ft., which was built 20 years ago. Boulder Main has 92,000 sq. ft., renovated about 20 years ago. Including the two circulating branches and Carnegie, Boulder has a total of 114,000 sq. ft. of space. Longmont's current security system for books, CDs, etc. is RFID, and it works. He said that Longmont has city employees doing the janitorial service and security service and that they have full benefits. Richards stated that Boulder [library] subcontracts this out and that these employees have no benefits, to his knowledge.
   Richards stated that they spent a lot of time discussing security issues as that is a problem in all libraries. He said that the Longmont library security person has worked for the city for over 10 years and she does not look like a cop or a rent-a-cop. He said that she has no gun, no badge, no nightstick, and does not wear a uniform. Richards said that she does have a yellow blazer that says 'Longmont Public Library Staff.' Richards said that she makes everyone follow the rules and that Longmont has less of a homeless problem than Boulder, but they are very firm with the homeless. He said that Judith mentioned that if a patron stinks, they are out of there [the library].
   Richards said that he is organizing, not an official city function, a field trip to the University of Denver library on Fri., Nov. 15. He said that the group will be meeting at the DU library at 3 p.m. He said that the tour will be led by Director Nancy Allen, who incidentally is married to Jim Williams whom is the dean of libraries at University of Colorado, Boulder. He said that DU has 11,500 students and that at the beginning of the summer of 2011, the 41-year old Penrose Library closed for a $32 million renovation and reopened in the spring of 2013. If the public wants more information about the tour, they can contact Peter Richards directly.

2. Arts Commissioner Anna Salim addressed the commission and said that she has been serving on the Arts Commission since 2010. She that the arts department has been in major transition and that she believes this is primarily due to not having an arts manager since Donna Gartenmann retired. Salim said that Valerie Maginnis made a fantastic hire for the arts division manager, with Matt Chasansky. She said that the arts can now begin pursuing a new cultural master plan. She said that Valerie felt very strongly that the arts assessment was a necessary step in that process. She said that she believed that Valerie's untimely absence for personal reasons was

the reason that the assessment consultants failed to understand and accurately connect the library, the Boulder Library Foundation (BLF), and the arts division. She said that she was happy to hear that the steps are underway to remedy this with an addendum to that report. She said that the assessment provides third party recommendations so that decisions and improvements can be made from the greater perspective of the entire city. In regards to cultural master planning, the BLF will undoubtedly be an important player in that conversation as well; she added that the Library Commission will also be important in this respect. This community needs more collaboration rather than less. She said that Marcelee Gralapp was before her time in recognizing the natural reciprocity that could exist between library and arts. Salim said that there are a lot of efficiencies in keeping these departments together and under a single director. She also said that she doubted the city's willingness in making an abrupt change in their search for a new director. Instead, she suggested encouraging Bradbury Associates to do their best, to find our new library and arts director, trust our new arts division manager is qualified and eminently capable of leading the arts division, which will allow the library and arts director much more time to focus on the library and its issues, and finally, to look to our cultural master planning process to see whether or not the arts need to be separated from the library. She said that in the meantime, the Library and Arts commissions can begin to work together more closely and better understand where our services overlap, where they are distinct, and in what ways we can work together to make both divisions stronger.

Landry thanked Salim for attending and for speaking, as she said this was the first time that an Arts Commissioner had attended and spoken as a commissioner.

3. Alice McDonald said that she would like better publicity for public meetings and that she would like to save the auditorium. She said that only four library users, along with some arts commissioners, showed up for the public meeting with Bradbury Associates. And McDonald said that there are so many decisions to make this year regarding: the Main Library Renovation, the Civic Area Plan's to take over the library auditorium, and a new director. She said with all of these items that we should have regular publicity; she suggested getting on the Daily Camera's "To-Do" list and mentioned that Erie and Louisville libraries have posted their storytimes there on an ongoing basis. McDonald said that an update in the monthly electronic newsletter is old by the second week. She suggested having a sign at the front door regarding public meetings advertising free cookies.

   In regards to the discussion about whether the library and arts director position should be separated into two positions, she said that it had already been concisely suggested what needs to be worked on. McDonald said that regardless of this decision, she believes that the auditorium should remain a free meeting space for all citizens. She said that the Civic Area Plan intends to turn the auditorium into a paid for performance venue and asked the commission if they were aware of this. She said that Marcelee felt strongly that we need to have a performance space that is free for all income levels in this community to be able to enjoy films, concerts, children's events, programming, etc. She said that it would be wrong for the city to

amputate the north wing from the rest of the library since it was built with tax money. McDonald urged the Library Commission to prevent this from happening.

And she added that she was happy that she was able to offer feedback to the recruitment firm for the director's position.

4. Betsy Tobin, artistic director of the Now or Never Theatre, spoke to the Library Commission about the separation between the directors for library and arts. She said that it takes an unusual person to address all of the concerns for the library as well as all of the arts concerns. She said that she thought there had been some fantastic performances in the Canyon Theater. Tobin said that there have been full houses and they have had to turn people away. She said that she thought it was important to have a separation between the library director and the arts director. She reiterated the wonderful performances that have happened in the theater and that she was lucky to be part of some of them. Tobin stated that she had heard from many people: artists, audience members, and staff, that are really upset that the programming was cut and were really upset and disappointed. She said that it is easy to cut a program and lose it but it takes a long time to build something. She added that as you [the Library Commission and others] decide who are in what roles and work on the Civic Area Plan, that it is important to consider the things that do work well and to stand behind them.

Mara Abbott Appreciation Day
October 15, 2013

WHEREAS, Mara Abbott was born in Boulder in 1985 and grew up here, competing as a distance swimmer. She began cycling during her freshman year at Whitman College, and won a collegiate national title as a freshman, only four months after she first raced a bike; and

WHEREAS, Mara Abbott is a member of the U.S. National Team and a two-time national road racing champion, the first time at age 21; and

WHEREAS, Mara Abbott is the first American ever to win the Giro d'Italia Femminile, an eight-stage race and the most demanding stage race on the professional women's calendar, as well as overall victories at the Tour of the Gila and Cascade Classic; and

WHEREAS, Mara Abbott is known for her climbing abilities in cycling and, among her many victories, has won a mountain stage in the Giro della Toscana, stage three and the King of the Mountains jersey in the Giro Donne and finishing second overall, and has won two Giro Rosa races as well; and

WHEREAS, Mara Abbott has been an avid environmentalist since she was a child, posting reduce/reuse/recycle signs around her neighborhood, promotes cycling as an alternative to driving, and uses her cycling notoriety to help advance environmental causes and aspires to work in environmental policy; and

WHEREAS, Mara Abbott continues to volunteer her time and expertise to the community serving on the City of Boulder Environmental Advisory Board.

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that October 15, 2013 is declared

Mara Abbott Appreciation Day

Matthew Appelbaum

Matthew Appelbaum, Mayor

Pat Ament Appreciation Day
September 28, 2013

WHEREAS, Boulder, Colorado, is recognized as one of the centers of climbing and endurance sports training in the world; and

WHEREAS, many of the world's best triathletes, cyclists, climbers and runners have lived and trained here during the past 50 years, logging countless miles on the trails and roads and hours in gyms in pursuit of becoming the best at what they do; and

WHEREAS, these elite athletes have helped spread Boulder's fame throughout the world, with the help of unsung forward-thinking members of the Boulder community; and

WHEREAS, Pat Ament has been a great ambassador for the City of Boulder, being a pioneer climber who has helped attract scores of world-class athletes here to train; and

WHEREAS, Pat Ament, author and climber, has contributed in many ways to Boulder becoming a national and world center of climbing; and

WHEREAS, Pat Ament gave back to the community through his writing and music and who is now being recognized for his contributions by being inducted into the Boulder Sports Hall of Fame

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that September 28 is declared

Pat Ament Appreciation Day

Matthew Appelbaum

Matthew Appelbaum, Mayor

AMERICAN INDIANS COMMITTEE NATIONAL SOCIETY
DAUGHTERS of the AMERICAN REVOLUTION

AMERICAN INDIAN HERITAGE MONTH
November 2013

WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity and greatness of America today; and

WHEREAS, the customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Heritage History Month; and

WHEREAS, in honor of American Indian Heritage Month, community celebrations, as well as numerous cultural and artistic, educational and historical activities have been planned.

NOW, THEREFORE, BE IT DECLARED by the City Council of the City of Boulder that November is

National American Indian Heritage Month

and urge all our citizens to observe this month with appropriate programs, ceremonies and activities.

Matthew Appelbaum, Mayor

Recognition and Appreciation to the Boulder Community
for Support in the Initial Phase of Flood Recovery
October 29, 2013

WHEREAS, the City Council of the City of Boulder recognizes and expresses heartfelt appreciation for the outpouring of support provided by volunteers, businesses and governmental and non-profit organizations during and following the flood event that began on September 11, 2013; and

WHEREAS, Boulder County has been designated a Federal Disaster Area and the City of Boulder experienced substantial flooding that will have lasting effects on our community, resulting in extensive infrastructure damage, damage to and displacement of residents and businesses; and

WHEREAS, through the initial phases of response and recovery, the City has been blessed with an outpouring of support in time, work, and equipment from thousands of volunteers – by individuals, businesses, and organizations – who have helped the city in so many ways, including emergency response, community services, and clean up and recovery of parks, open space, and transportation networks; and

WHEREAS, Boulder-based businesses donated professional services, provided meals for emergency responders, volunteers and impacted residents, pledged matching donation funds, hauled debris, held fundraising events and benefits, offered discounted pricing, organized volunteer efforts, and provided extensive financial support to disaster relief and recovery efforts; and

WHEREAS, an incredibly generous level of financial support from numerous Boulder-based businesses, community organizations, and individuals, which have and will benefit Boulder County and City residents and businesses impacted by the flood; and

WHEREAS, the City of Boulder is immensely grateful to and for all those who have given and will continue to give so selflessly to accomplish extraordinary things for our community as we continue to learn from, recover and rebuild together, and looks forward to the continued collaboration as we move forward; and

WHEREAS, the City Council of the City of Boulder wishes to express warm appreciation for all who have and will continue to exemplify true community spirit and support.

NOW, THEREFORE, BE IT DECLARED by the City Council of the City of Boulder, Colorado, does express

Recognition and Appreciation to the Boulder Community
for Support in the Initial Phase of Flood Recovery

Matthew Appelbaum

Matthew Appelbaum, Mayor

Yoko Tamaki Brandt
2013 Volunteer of the Year

WHEREAS, Yoko Tamaki Brandt has displayed a passion for sharing the love of the land of her birth with those of her adopted community, Boulder; and

WHEREAS, Yoko Tamaki Brandt played a key role in the establishment of the Boulder-Yamagata Sister City relationship in 1994, including organizing and translating for the initial delegation of Boulder representatives to Yamagata. Specifically, she has started the City of Boulder Sakura (Japanese cherry tree) planting program to populate Boulder's city parks with hundreds of cherry trees over the past decade; and worked with the Boulder Valley Rotary Club to set up their sister Rotary Club relationship with Yamagata North Rotary Club (this includes an annual high school exchange); and initiated and organized a nine-day visit by a delegation of nurses from Yamagata City Hospital to Boulder in the fall of 2012 to understand how the American system of nurse practitioners works here in Boulder and bring the concept back to Yamagata; and translated documents and gave cultural advice countless times to delegates going to and from Boulder and Yamagata for social-cultural and business reasons.

NOW, THEREFORE, BE IT DECLARED that the City Council of the City of Boulder, Colorado, hereby recognizes

YOKO TAMAKI BRANDT

As a 2013 **VOLUNTEER OF THE YEAR** for her dedicated international service in developing relationships and projects between Boulder and Yamagata and urge all citizens of Boulder to recognize and celebrate the varied programs and activities of the seven Boulder Sister City committees in the City of Boulder as exemplified by the volunteer service of their many committed members.

Matthew Appelbaum

Matthew Appelbaum, Mayor

Conflict Resolution Month Declaration
October 2013

WHEREAS, conflict resolution encompasses mediation, arbitration, facilitation, collaborative decision-making, restorative processes, and other responses to differences; and

WHEREAS, the conflict resolution process empowers individuals, families, communities, organizations, and businesses to foster communication and devise solutions that are acceptable to the needs and interests of all parties involved; and

WHEREAS, conflict resolution is taught and practiced by citizens in many school systems -including the Boulder Valley School District - universities, and graduate programs throughout Colorado and the world as a way of solving disputes; and

WHEREAS, community-based programs fairly and equitably resolve neighborhood and community conflicts, thereby strengthening local relationships; and

WHEREAS, professional associations of conflict mediators promote peaceful and creative resolutions to disputes

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, in recognition of the ongoing commitment to collaborative and constructive means of conflict resolution, that the month of October 2013 is declared

Conflict Resolution Month

Matthew Appelbaum, Mayor

Joanne Ernst Appreciation Day
September 28, 2013

WHEREAS, Boulder, Colorado, is recognized as one of the centers of endurance sports training and climbing in the world; and

WHEREAS, many of the world's best triathletes, cyclists, climbers and runners have lived and trained here during the past 50 years, logging countless miles on the trails and roads and hours in gyms in pursuit of becoming the best at what they do; and

WHEREAS, these elite athletes have helped spread Boulder's fame throughout the world, with the help of unsung forward-thinking members of the Boulder community; and

WHEREAS, Joanne Ernst has been a great ambassador for the City of Boulder, being a pioneer female triathlete who has helped attract scores of world-class athletes here to train; and

WHEREAS, Joanne Ernst, Ironman champion, has contributed in many ways to Boulder becoming a national and world center of endurance sports; and

WHEREAS, Joanne Ernst gave back to the community through her years coaching young women and men at Fairview High School and is now being recognized for her contributions by being inducted into the Boulder Sports Hall of Fame

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder,Colorado, that September 28 is declared

Joanne Ernst Appreciation Day

Matthew Appelbaum

Matthew Appelbaum, Mayor

John "Jack" Hess Appreciation Day
November 7, 2013

WHEREAS, John "Jack" Hess was a Scout as a youth and earned his Eagle Scout Award in 1966. He is an active member in the Order of the Arrow (Scouting's National Honor Society) and earned his Vigil Honor in 1967; and

WHEREAS, John Hess, better known as Jack among his friends, has served in various leadership roles in the Order of the Arrow as a Chapter and Lodge Adviser in the Nebagamon Lodge in the Boulder Dam Area Council, OA W4C Section Adviser, OA Area W4 Adviser, OA Western Region Chairman, and is currently a member of the National OA Committee; and

WHEREAS, Jack served as the Incident Commander for the OA ArrowCorp5 and SummitCorp Projects, and was recognized with the Order of the Arrow Distinguished Service Award in 1998; and

WHEREAS, Dr. Hess is Executive Director of the Geological Society of America (GSA) and serves as a member of the US National Commission for UNESCO, the US National Committee for Geological Sciences, and the Science Committee for the National Natural Landmarks Program and is a Fellow of the Geological Society of America, the National Speleological Society, and the Cave Research Foundation; and

WHEREAS, Dr. Hess earned his Wood Badge beads in 1987, and was recognized with the Silver Beaver Award, the highest award a council can bestow, by the Boulder Dam Area Council in 1988, and Dr. Hess was bestowed the Silver Antelope Award, the highest award the Western Region can bestow, in 2000; and

WHEREAS, Dr. Hess relocated to Colorado in 2001 and has been very active in the Longs Peak Council serving on the Board of Directors and as an Officer for the Council, chairing the Program Committee, and Dr. Hess was recently selected to receive the Distinguished Eagle Scout Award from National BSA for dedicated service to youth.

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that November 7, 2013 is declared

John "Jack" Hess Appreciation Day

Matthew Appelbaum

Matthew Appelbaum, Mayor

Steve Jones Appreciation Day
September 28, 2013

WHEREAS, Boulder, Colorado, is recognized as one of the centers of climbing and of endurance sports training in the world; and

WHEREAS, many of the world's best triathletes, cyclists, climbers and runners have lived and trained here during the past 50 years, logging countless miles and hours in gyms and on the local trails and mountains in pursuit of becoming the best at what they do; and

WHEREAS, these elite athletes, as well as members of the Boulder community in many fields have helped spread Boulder's fame throughout the world; and

WHEREAS, Steve Jones has been a great ambassador for the City of Boulder since moving here in 1988, being a magnet that has drawn scores of fellow Olympians and world-class athletes here to train; and

WHEREAS, Steve Jones, former marathon world record holder and one of the greatest marathon runners ever, has contributed in many ways to Boulder becoming a national and world center of endurance sports; and

WHEREAS, Steve Jones continues to volunteer his time and expertise to the community through his coaching and is now being recognized by being inducted into the Boulder Sports Hall of Fame

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that September 28 is declared

Steve Jones Appreciation Day

Matthew Appelbaum

Matthew Appelbaum, Mayor

Pat Ament Appreciation Day
September 28, 2013

WHEREAS, Boulder, Colorado, is recognized as one of the centers of climbing and endurance sports training in the world; and

WHEREAS, many of the world's best triathletes, cyclists, climbers and runners have lived and trained here during the past 50 years, logging countless miles on the trails and roads and hours in gyms in pursuit of becoming the best at what they do; and

WHEREAS, these elite athletes have helped spread Boulder's fame throughout the world, with the help of unsung forward-thinking members of the Boulder community; and

WHEREAS, Pat Ament has been a great ambassador for the City of Boulder, being a pioneer climber who has helped attract scores of world-class athletes here to train; and

WHEREAS, Pat Ament, author and climber, has contributed in many ways to Boulder becoming a national and world center of climbing; and

WHEREAS, Pat Ament gave back to the community through his writing and music and who is now being recognized for his contributions by being inducted into the Boulder Sports Hall of Fame

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that September 28 is declared

Pat Ament Appreciation Day

Matthew Appelbaum

Matthew Appelbaum, Mayor

Mara Abbott Appreciation Day
October 15, 2013

WHEREAS, Mara Abbott was born in Boulder in 1985 and grew up here, competing as a distance swimmer. She began cycling during her freshman year at Whitman College, and won a collegiate national title as a freshman, only four months after she first raced a bike; and

WHEREAS, Mara Abbott is a member of the U.S. National Team and a two-time national road racing champion, the first time at age 21; and

WHEREAS, Mara Abbott is the first American ever to win the Giro d'Italia Femminile, an eight-stage race and the most demanding stage race on the professional women's calendar, as well as overall victories at the Tour of the Gila and Cascade Classic; and

WHEREAS, Mara Abbott is known for her climbing abilities in cycling and, among her many victories, has won a mountain stage in the Giro della Toscana, stage three and the King of the Mountains jersey in the Giro Donne and finishing second overall, and has won two Giro Rosa races as well; and

WHEREAS, Mara Abbott has been an avid environmentalist since she was a child, posting reduce/reuse/recycle signs around her neighborhood, promotes cycling as an alternative to driving, and uses her cycling notoriety to help advance environmental causes and aspires to work in environmental policy; and

WHEREAS, Mara Abbott continues to volunteer her time and expertise to the community serving on the City of Boulder Environmental Advisory Board.

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Joanne Ernst Appreciation Day

Matthew Appelbaum

Matthew Appelbaum, Mayor

Gary Lacy Appreciation Day
September 28, 2013

WHEREAS, Boulder, Colorado, is recognized as one of the centers of endurance sports training and climbing in the world; and

WHEREAS, many of the world's best triathletes, cyclists, climbers and runners have lived and trained here during the past 50 years, logging countless miles on the trails and roads and hours in gyms in pursuit of becoming the best at what they do; and

WHEREAS, these elite athletes have helped spread Boulder's fame throughout the world, with the help of unsung forward-thinking members of the Boulder community; and

WHEREAS, Gary Lacy has been a great ambassador for the City of Boulder, through his work as the City's Greenway Coordinator, who has helped attract scores of world-class athletes here to train; and

WHEREAS, Gary Lacy, athlete and planner, has contributed in many ways to Boulder becoming a national and world center of fitness for people of all levels; and

WHEREAS, Gary Lacy has contributed much to the community and who is now being recognized for his contributions by his induction into the Boulder Sports Hall of Fame

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that September 28 is declared

Gary Lacy Appreciation Day

Matthew Appelbaum

Matthew Appelbaum, Mayor

Yoko Tamaki Brandt
2013 Volunteer of the Year

WHEREAS, Yoko Tamaki Brandt has displayed a passion for sharing the love of the land of her birth with those of her adopted community, Boulder; and

WHEREAS, Yoko Tamaki Brandt played a key role in the establishment of the Boulder-Yamagata Sister City relationship in 1994, including organizing and translating for the initial delegation of Boulder representatives to Yamagata. Specifically, she has started the City of Boulder Sakura (Japanese cherry tree) planting program to populate Boulder's city parks with hundreds of cherry trees over the past decade; and worked with the Boulder Valley Rotary Club to set up their sister Rotary Club relationship with Yamagata North Rotary Club (this includes an annual high school exchange); and initiated and organized a nine-day visit by a delegation of nurses from Yamagata City Hospital to Boulder in the fall of 2012 to understand how the American system of nurse practitioners works here in Boulder and bring the concept back to Yamagata; and translated documents and gave cultural advice countless times to delegates going to and from Boulder and Yamagata for social-cultural and business reasons.

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YOKO TAMAKI BRANDT

As a 2013 **VOLUNTEER OF THE YEAR** for her dedicated international service in developing relationships and projects between Boulder and Yamagata and urge all citizens of Boulder to recognize and celebrate the varied programs and activities of the seven Boulder Sister City committees in the City of Boulder as exemplified by the volunteer service of their many committed members.

Matthew Appelbaum

Matthew Appelbaum, Mayor

Jeff Walters
2013 Volunteer of the Year

WHEREAS, Boulder Jalapa Friendship City Projects, Inc. fosters people-to-people diplomacy through organizing delegations to and from Nicaragua and is dedicated to developing and funding projects that create community and work for the greater good of its international partners; and

WHEREAS, Jeff Walters has traveled to and lived in the community of Jalapa in northern Nicaragua as a volunteer to develop a safe and sustainable water system. Specifically, he has worked with the community leaders, national government agencies and Nicaraguan engineers to plan and coordinate the construction of the Pasmata Water System in the Jalapa Valley; he has also worked on different phases of the water systems in other small communities in the Jalapa Valley in need of clean water systems; and helped co-found the non-profit Second Mile Water (www.secondmilewater.org), a Colorado non-profit working to provide marginalized people in developing countries permanent access to clean, safe drinking water; and

WHEREAS, Jeff Walters is now a Mortenson Fellow at the University of Colorado where he is developing a holistic monitoring and evaluation framework to aid in planning for and maintaining sustainable rural water services in Nicaragua and beyond; and

WHEREAS, the efforts of Jeff Walters has led to the development of projects that empowers people to address their own needs, given the resources available to them.

NOW, THEREFORE, BE IT DECLARED that the City Council of the City of Boulder, Colorado, hereby recognizes

JEFF WALTERS

As a 2013 **VOLUNTEER OF THE YEAR** for his dedicated international service in developing relationships and projects between Boulder and Jalapa and urge all citizens of Boulder to recognize and celebrate the varied programs and activities of the seven Boulder Sister City committees in the City of Boulder as exemplified by the volunteer service of their many committed members.

Matthew Appelbaum

Matthew Appelbaum, Mayor

Recognition and Appreciation to the Boulder Community
for Support in the Initial Phase of Flood Recovery
October 29, 2013

WHEREAS, the City Council of the City of Boulder recognizes and expresses heartfelt appreciation for the outpouring of support provided by volunteers, businesses and governmental and non-profit organizations during and following the flood event that began on September 11, 2013; and

WHEREAS, Boulder County has been designated a Federal Disaster Area and the City of Boulder experienced substantial flooding that will have lasting effects on our community, resulting in extensive infrastructure damage, damage to and displacement of residents and businesses; and

WHEREAS, through the initial phases of response and recovery, the City has been blessed with an outpouring of support in time, work, and equipment from thousands of volunteers – by individuals, businesses, and organizations – who have helped the city in so many ways, including emergency response, community services, and clean up and recovery of parks, open space, and transportation networks; and

WHEREAS, Boulder-based businesses donated professional services, provided meals for emergency responders, volunteers and impacted residents, pledged matching donation funds, hauled debris, held fundraising events and benefits, offered discounted pricing, organized volunteer efforts, and provided extensive financial support to disaster relief and recovery efforts; and

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WHEREAS, the City of Boulder is immensely grateful to and for all those who have given and will continue to give so selflessly to accomplish extraordinary things for our community as we continue to learn from, recover and rebuild together, and looks forward to the continued collaboration as we move forward; and

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Matthew Appelbaum

Matthew Appelbaum, Mayor

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Council Working Agreements

Council Process:

- The Council will work on general discipline in being prepared to ask questions and make comments.
- The Council asks the Mayor to intervene if discussion on agenda items extends beyond a reasonable time frame.
- The council will engage in the practice of colloquy to fully explore the different sides of a specific point.
- The Mayor will ask the city clerk to set the timer lights for council members if discussions begin to exceed efficient debate. Members should respect the lights as a time reminder, but will not be bound by them as absolute limits.
- Rather than restating a point, council members should simply say "I agree."
- The council agenda committee may, with advance notice, adjust each public speaker's time to two rather than three minutes during public hearings for items on which many speakers want to address the council.
- Council members will grant each other permission to mentor and support each other on how each person contributes to the goal of being accountable for demonstrating community leadership.
- In order to hear each other respectfully and honor the public, council will avoid body language that could convey disrespect, side conversations, talking to staff, whispering to neighboring council members, passing notes, and leaving the council chambers.
- Regarding not revisiting past discussions, the council should check-in with fellow members periodically to ensure that this is not an issue.

Council Communication:

- Council members agree to keep quasi-judicial roles scrupulously clean between members of boards and members of council, like expressing ideas to board members on things coming before the Board, and carefully disclose or recuse themselves when they're is involvement with board members on a topic.
- Council agrees to e-mail the city manager about issues that they run into that staff or boards may be working on so that the manager can be actively involved in managing issues and keeping the full council informed well in advance of items coming before council for action.
- Members will keep the full council informed on issues from committees, public groups or other agencies that they are following, the a hot line e-mails, brief verbal reports at the end of council meetings or other means.
- The Council will find ways to support majority council decisions and adequately inform the public, through response letters that explain how divergent points of view were heard and honored in decisions, via standard e-mail responses for hot issues, by occasional council Letters to the Editor to clarify the facts, or by seeking out reporters after meetings to explain controversial decisions.

Council Committees

- Council goal committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each goal committee meeting will be noticed once per month in the Daily Camera.
- The council agenda will include time for reports from committees under Matters from Members of Council, noting that written communications from the committees are appropriate as well.

Approved by Council 10/19/04

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2013
Study Session Calendar

Date	Topic	Time	Televised
12/10/13	Pre-Council Retreat Work		
12/10/13	Community Survey		
12/24/13	**No Meeting**		

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December 3, 2013 Start Time: 6:00 PM Business Meeting Location: Library Auditorium, 1001 Arapahoe Ave.		
Agenda Section	**Item Name**	**Time**
SPECIAL PRESENTATIONS:	Flood Cleanup and Recovery Comprehensive Update	1.5 Hours
OPEN COMMENT:		45 Minutes
CONSENT:	Second adjustment to Base - CAGID Resolution	10 Minutes
	First Reading of an ordinance to renew the cable television franchise agreement between the City of Boulder and Comcast of Colorado LLC	
	Approve a new air rights lease for the alley bridge at 1048 Pearl St. approved as part of the former Daily Camera site redevelopment - located in DT-5 zoning district	
	2nd Reading BRC Emergency Ordinance implementing tax items approved by voters	15 Min.
	BMPA Resolution for the second adjustment to base	
	Legislative Agenda	
	Second Reading of Second Adjustment to Base of the 2013 Budget	
PUBLIC HEARINGS:	landmark under the Historic Preservation Ordinance	15 Min.
	Second reading designating the building and property at 1922 20th St. as an individual landmark under the Historic Preservation Ordinance	15 Min.
MATTERS FROM CITY MANAGER:		
MATTERS FROM CITY ATTORNEY:		
MATTERS FROM MAYOR AND MEMBERS:	Discussion of Board and Commission Vacancies and Recruitment for 2014	30 Min
CALL-UPS:	Vacation of a 2,570 square foot portion of an existing public utility easement located at the Basemar Shopping Center (ADR2013-00161) No PB Vote/Last Opportunity	
	Total Estimated Meeting Time (Hours)	**3.42**

December 17, 2013 Start Time: 6:00 PM Business Meeting Location: Library Auditorium, 1001 Arapahoe Ave.		
Agenda Section	**Item Name**	**Time**
OPEN COMMENT:		45 Minutes
CONSENT:	1st Reading Jewish Commons Annexation	10 Minutes
PUBLIC HEARINGS:	Second Reading of an ordinance to renew the cable television franchise agreement between the City of Boulder and Comcast of Colorado LLC	1 Hour
MATTERS FROM CITY MANAGER:	Municipalization Exploration Project Update	2 Hours
	Approval of an MOU to pursue a public/private development of the 14th Street parking lot between UHGID and Del Mar Interests	15 Minutes
MATTERS FROM CITY ATTORNEY:		
MATTERS FROM MAYOR AND MEMBERS:		
CALL-UPS:		
	Total Estimated Meeting Time (Hours)	**4.17**

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City Council Goals – 2013

Top Priorities:

1. Boulder's Energy Future
The top priority for the City in 2013 is the development of a framework for planning the energy future for the city of Boulder. This framework will focus on the idea of localization, the overarching goal of which is:
To ensure that Boulder residents, businesses and institutions have access to energy that is increasingly clean, reliable and competitively priced.

2. Climate Action Plan

Outline the next generation of climate action efforts in Boulder

Consider extension of CAP tax

3. Affordable Housing

Receive report of the Task force created in 2010 to evaluate goals and the approach to affordable housing and Based on Council review and discussion of these recommendations, develop an action plan to improve the availability of affordable housing in the city

Consider policies regarding inclusionary housing for rental units

4. Civic Center Master Plan

Study and develop a master plan for the area between 15th and 9th Streets, with a focus on Farmer's Market and area between Broadway and 15th Street.

<u>Next Tier Priorities:</u>

1. University Hill Revitalization

Continue work of Ownership Group to develop comprehensive revitalization strategy

Investigate formation of a general improvement district, including the commercial area and part of the residential area to control trash and other problems

Change boundaries of BMS land use to coincide with UHGID through BVCP process

Support private development and investment in Hill area

Partner with CU to consider opportunities for properties in the Hill area

Provide an opportunity to explore big ideas

2. Homelessness

Participate in Ten Year Plan to Address Homelessness

Balance long term and short term approaches to address needs

Invest new resources in Housing First model

Work with partners, such as BOHO, to address approaches to immediate needs

3. Boulder Junction Implementation

Work with RTD and selected developer of site to maximize mixed use urban center

Invest in planned infrastructure

Achieve goals of plan while ensuring flexibility in working with developers

Prioritize city actions to facilitate private investment

Focus additional planning work on reconsidering use for Pollard site

City Council
2013 Work Plan by Council Goal

TOP PRIORITIES

GOAL: Boulder's Energy Future

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
▪ Boulder's Energy Future – ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables ▪ Recommended strategies to achieve community's energy goals - Study Session and Public Hearing	▪ Boulder's Energy Future – based on the strategies approved by Council in 1st Quarter, ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables ▪ Municipalization Exploration Project Work Plan Phase 2 – Study Session	▪ Boulder's Energy Future – ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables ▪ Study Session	▪ Boulder's Energy Future – ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables ▪ Study Session

GOAL: Climate Action Plan

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
▪ Boulder Canyon Hydroelectric Project ▪ Climate Commitment – RFQ for consulting assistance for targets and goal setting, development of new GHG inventory, and tracking and reporting tools ▪ Energy Efficiency: o Launch of 2013 program priorities o Upgrades in City Buildings – employee education and outreach project (IP) ▪ Disposable Bag Fee – implementation plan and revised budget (IP) ▪ Transportation Master Plan (TMP) –	▪ Commercial Energy Efficiency Strategy (CEES) - feedback on options (Study Session) ▪ Climate Commitment – Study Session to review program annual targets, short/ long term goals, tracking and reporting systems ▪ Electric/ Hybrid vehicles – project closeout ▪ Energy Efficiency – finalize Market Innovations approach (Study Session) ▪ Solar/ Wind Generation Facility Code Changes ▪ SmartRegs – code changes	▪ CEES – adopt Energy Rating and Reporting Ordinance ▪ Climate Commitment – policy integration with TMP and ZWMP ▪ Energy Efficiency – launch Market Innovations competition ▪ Zero Waste Master Plan (ZWMP) – draft	▪ Climate Commitment – policy integration with TMP and ZWMP ▪ Energy Efficiency o Upgrades in City Buildings – results of employee education and outreach (IP) ▪ SmartRegs – options for quality control of rental housing inspections

initial results of Transportation Funding Task Force (Study Session)			

GOAL: Affordable Housing

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
▪ ADU/ OAU – study results (IP) ▪ Comprehensive Housing Strategy issues - stakeholder engagement process ▪ Density and Distribution of affordable and special needs housing - report ▪ Inclusionary Housing Rental Policy – consideration of ordinance changes following stakeholder engagement process ▪ Mobile Homes Parks – legislative agenda	▪ Comprehensive Housing Strategy o Stakeholder engagement process o Study Session	▪ Comprehensive Housing Strategy issues - stakeholder engagement process	▪ Comprehensive Housing Strategy issues - stakeholder engagement process

GOAL: Civic Area Plan

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
▪ Board and community input ▪ Council participation in Ideas Competition	▪ Council direction on preferred option(s) and strategies ▪ Draft plan o Development o Community input o Study Session ▪ Municipal Space Study Final Report	▪ Boulder Civic Area vision and plan o Study session o Public hearings on adoption	

NEXT TIER PRIORITIES

GOAL: University Hill Revitalization

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
▪ 2013 action priorities confirmed by Council at January retreat ▪ Hill Residential Service District – update ▪ Innovation District - update	▪ Action on other priorities ▪ Hill Residential Service District – 1st reading of petition	▪ Capital infrastructure improvements for the residential and commercial areas – consider during CIP process	

GOAL: Addressing Homelessness

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
▪ City and Community Efforts – Denver sleeping ordinance (IP) ▪ Housing First (1175 Lee Hill Road) – Statement of Operations (IP) ▪ Work plan check in and priority – Council retreat	▪ Analysis of funding for homeless services and alignment with the Ten Year Plan and unmet needs ▪ Ten Year Plan to Address Homelessness – progress update (IP)	▪ Analysis and recommendations regarding banning panhandling on street corners	▪ Ten Year Plan to Address Homelessness – progress update (IP)

GOAL: Boulder Junction Implementation

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
▪ Depot Square implementation – update ▪ MU-4 zone change - consideration ▪ TDM District Implementation Update (IP) ▪ Update on potential policy issues related to key public improvements and city owned site (as needed)	▪ Update on potential policy issues related to key public improvements and city owned site (as needed)	▪ Boulder Junction Access District Parking – update ▪ TDM Access District implementation - IP	

OTHER

GOAL: Other City Goals and Work Plan Items

1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
▪ 13th Street Plaza - IP ▪ 28th Street Multi-use Path and Bikeable Shoulders Iris to Yarmouth CEAP – potential call up ▪ Acquisition Plan Update - OSMP ▪ Alcohol/ Land Use Code Changes – options and recommendations ▪ Boating on Barker Reservoir ▪ Burke Park/ Thunderbird Lake – recommendations on lake water levels and enhancing park facilities ▪ BVCP Area III Planning Reserve Amendments (if approved by County) ▪ Chautauqua Guiding Principles, Next Steps –update on progress ▪ Civic Use Task Force – update from Council members ▪ Cultural Master Plan ▪ Design and Construction Standards Update – consideration of minor updates ▪ Development Review Projects: o Hogan Pancost – annexation and site review o Wonderland Creek Townhouses – potential call up o 28th and Canyon (Eads/ Golden Buff) – potential call up o Landmark Lofts II (970 28th Street) – potential call up ▪ East Arapahoe Study – potential action on limited zoning changes ▪ Economic Sustainable Strategies –	▪ Access and Parking Management Strategies – study session ▪ Alcohol Land Use Code Changes - action ▪ Baseline Underpass East of Broadway CEAP – Call up ▪ Bike Parking Ordinance Updates ▪ Capital Improvement Bond Projects status update - IP ▪ Capital Projects – carry over and first supplemental ▪ Critical Facilities Ordinance – public hearing and motion ▪ Education Excise Tax – consideration of City Manager funding recommendations ▪ Floodplain Management including Boulder Creek Mapping, South Boulder Creek Mitigation, and Critical Facilities ▪ Human Rights Ordinance – proposed changes regarding age discrimination ▪ Integrated Pest Management Program Changes - IP ▪ International Building and Energy Codes – public hearing ▪ North Boulder Subcommunity Plan - IP ▪ Old Hire Fire and Police Pension Plans – Study Session	▪ 2014 Budget Process ▪ Access and Parking Management strategies (update) ▪ Boulder Reservoir Site Management Plan – status of planning efforts and outcomes of community engagement (IP) ▪ Capital Improvement Program – study session ▪ Carter Lake Pipeline – thru CIP process ▪ Contractor Licensing – proposed changes (IP) ▪ Development Review Projects: o Blue Spruce Auto (4403 Broadway) – potential call up o Boulder Outlook Hotel Redevelopment (800 28th Street) – potential call up o Colorado Building Parking Lot (1301 Walnut) - ordinances o 1000 Alpine – potential call up o 3085 Bluff – potential call up o 3390 Valmont (Former Sutherlands Site) – potential call up ▪ Eco Pass- report on results of Joint Study with Boulder County on community-wide Eco Pass Feasibility ▪ FAM Master Plan – study session ▪ Harbeck-Bergheim House – Future Use Options (IP) ▪ North Trail Study Area – study	▪ Access and Parking Management Strategies – update ▪ Agriculture Plan (OSMP) – public hearing ▪ Capital Improvement Program – adoption of CIP; 2nd budget supplemental ▪ Contractor Licensing – consideration of proposed changes ▪ Design and Construction Standards Update – consideration of additional changes ▪ Development Review Projects: o Village Shopping Center Hotel (26th and Canyon) – potential call up ▪ East Arapahoe Study – check in on project scope and work plan (3/4Q) ▪ Energy Efficiency Upgrades in City Buildings – results of employee education and outreach project (IP) ▪ FAM Master Plan – consideration of acceptance ▪ Fourmile Canyon Creek Violet Avenue to Broadway CEAP – potential call up ▪ Human Relations Commission Work Plan update - IP ▪ Human Services Fund allocations - IP ▪ Light Response Vehicle Pilot Program - IP ▪ OSMP Natural Resources Overarching Issues – Study session

study session ▪ Education Excise Tax Allocation of Funds – refine RFP criteria ▪ Energy Efficiency Upgrades in City Buildings – employee education and outreach project (IP) ▪ Floodplain Management including Boulder Creek Mapping, South Boulder Creek Mitigation, and Critical Facilities ▪ Hazardous Materials Management IGA ▪ Hydroelectric operations and opportunities - IP ▪ Keep It Clean IGA ▪ Mobile Food Vending – options for ordinance changes ▪ Multi-hazard mitigation plan – possible consent item ▪ Nuisance Mosquito Control Pilot Project Evaluation - IP ▪ OSMP Overarching Issues – discussion and possible action on Voice and Sight Tag Program, Commercial Use Program, Pilot Parking Permit Program; IP on timeline and process for evaluation of remaining topics ▪ Police Department Master Plan – Study Session ▪ State of the Court Presentation ▪ Sustainable Streets & Centers – update on proposed scope options, next steps and integration with TMP, East Arapahoe Area Plan and proposed Economic Sustainability Strategy ▪ Transportation Funding (SS) ▪ TMP Update – additional direction	▪ OSMP natural resources – overarching policy issues o Temporal Regulations o Penalties for violations o Multi-modal access and parking opportunities o Analysis of trail network and distribution of activities ▪ Parks and Recreation Master Plan ▪ Pearl Street Mall Code Changes ▪ Police Department Master Plan ▪ Randolph Center Condominium Declaration ▪ Recirculation of wastewater – CU Williams Village North (IP if necessary) ▪ Skunk Creek, Bluebell Creek and King's Gulch Flood Mapping Update – public hearing and motion ▪ Smoking Ban on Pearl Street Mall - IP ▪ Snow and Ice Control Evaluation – study session ▪ Transportation Funding – study session ▪ TMP Update – additional direction ▪ Twomile and Upper Goose Creek Flood Mapping Update – public hearing and motion ▪ Water budgets – commercial, industrial and institutional – Council direction ▪ Water supply status – IP	session or dinner discussion ▪ Old Hire Fire and Police Pension Plans – possible discussion during budget process ▪ Parks and Recreation Master Plan ▪ Regional Trail Connections (OSMP) – IP ▪ South Boulder Creek Flood Mitigation Study – public hearing and motion ▪ Transportation Demand Management Toolkit - IP ▪ Valmont Butte Future Use Discussions – study session ▪ Water Conservation Futures Study ▪ Youth Opportunities Funding allocations - IP	on remaining topics ▪ Urban Wildlife – Consideration of Wildlife Protection Ordinance ▪ Water budgets – commercial, industrial and institutional – consideration of changes

▪ US36 Bikeway Maintenance – Enhancements IGA (tentative based on if extra community investments are desired) ▪ Urban Wildlife – Black Bear Education and Enforcement pilot program update ▪ Woodland Creek Diagonal to Winding Trail CEAP – potential call up ▪ Zero Waste Master Plan Update			

KEY

ADU	Accessory Dwelling Units
BVCP	Boulder Valley Comprehensive Plan
CEAP	Community and Environmental Assessment Process
CIP	Capital Improvement Program
CU	University of Colorado
DUHMD/PS	Downtown and University Hill Management District/ Parking Services (City Division)
FAM	Facility and Asset Management
ICC	International Code Council
IGA	Intergovernmental Agreement
IP	Information Packet
OAU	Owner Accessory Units
OSMP	Open Space/Mountain Parks Department
RFQ	Request for Qualifications
RFP	Request for Proposals
TDM	Transportation Demand Management
TMP	Transportation Master Plan
ZWMP	Zero Waste Master Plan

CITY COUNCIL
ACCOMPLISHMENTS – 1ST AND 2ND QUARTER 2012

TOP PRIORITIES:

GOAL: BOULDER'S ENERGY FUTURE

FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS
▪ Hiring of Executive Director for Energy Strategy and Electric Utility Development ▪ Retention of FERC and acquisition legal counsel ▪ Initial work in developing appraisal of distribution system and preparing legal strategy ▪ Initial work on Phase 1 of a new Energy Action Plan, including demand side programs and renewables modeling ▪ Active participation at the PUC to advance Boulder's energy goals and protect community interests ▪ Boulder Canyon Hydroelectric Facility Agreement: City Council authorized the dedication of easements to Public Service Company of Colorado to facilitate upgrades to the city's Boulder Canyon Hydroelectric Facility.

GOAL: CLIMATE ACTION PLAN

FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS
▪ Third party review and evaluation of CAP tax funded programs to date ▪ Preparation of November 2012 CAP tax ballot options for Council consideration ▪ Initial steps to develop and refine a new Climate Action Framework consisting a renewed climate action commitment, five-year goals, annual targets, integration with appropriate master plans and city operations, and new reporting tools ▪ Initial work to identify priorities for the next generation of energy efficiency programs (as part of Phase 1 of the Energy Action Plan) ▪ Development of Commercial Energy Efficiency Strategy approach and stakeholder process (to be integrated as part of Phase 1 of the Energy Action Plan) ▪ Continued delivery of CAP programs and services to achieve annual targets (EnergySmart, Ten for Change, SmartRegs compliance, etc.) ▪ Energy Efficiency Upgrades in City Facilities - (a) Energy Performance Contract (EPC) – Phase III; (b) Lease purchase financing for energy conservation measures; and (c) Energy improvements, lease amendments, and payments. - Implemented the third phase of Energy Performance Contracts (EPC) for city facilities, including the installation of another 347 kilowatts of solar photovoltaic

at the Municipal Service Center buildings, Fleet Services, OSMP Annex and The Dairy Center for the Arts.

- Energy Efficiency Upgrades in City Facilities – Employee Education and Outreach Project (Information Packet) - A staff team participated in three workshops with McKinstry, the city's Energy Performance Contractor, to help develop a new PowerED energy education and outreach program for employees. Program development will continue with other city staff focus groups through the end of December 2012.

GOAL: AFFORDABLE HOUSING

FIRST AND SECOND QUARTER
2012 ACCOMPLISHMENTS

- Added 12 new permanently affordable homes to inventory
- Affordable housing agreement for Gunbarrel Town Center
- Affordable Housing Program Work plan - Council Consideration and Direction; new initiatives identified
- Analysis completed of affordable housing distribution
- Completed funding of major renovations to improve housing quality and economic sustainability of three BHP properties
- Development of voluntary affordable housing agreement for Depot Square project
- Inclusionary Housing Rental Policies – Council Consideration and Direction
- Thistle Community Housing completing fire sprinklers in all of its properties

GOAL: CIVIC CENTER MASTER PLAN

FIRST AND SECOND QUARTER
2012 ACCOMPLISHMENTS

- Development of interdepartmental project team and approach; project goals and objectives; and public engagement strategy (reviewed at joint Planning Board / City Council study session in April)
- Detailed design of community visioning process and articulation of key project assumptions (reviewed with Council at June 12 study session)
- Preparation of baseline materials and launch of public engagement in July.
- The Municipal Space Study contract was awarded to StudioTerra on March 23. FAM and the consultants are interviewing city departments and conducting research on industry trends and standards for office space. Preliminary results of the space study, as it relates to the Civic Center Master Plan, will be presented at the July 31 study session.

NEXT TIER PRIORITIES:

GOAL: UNIVERSITY HILL REVITALIZATION

FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS

- Zoning change: Business Main Street (BMS) boundary to coincide with the University Hill General Improvement District boundary; rezoning of UHGID lots to BMS zoning (approved by Planning Board; scheduled for Council consideration in August)
- Continued work of the Hill Ownership Group to develop a comprehensive revitalization strategy.
- In coordination with a volunteer, stakeholder committee completed a proposal for a Residential Service District which includes: boundaries, scope of services, proposed budget, proposed governance structure, agreements for financial participation by tax-exempt sororities and fraternities, and a timeline for a 2013 Petition and Election process.
- Landmarking of Flatirons Theater building (and associated building renovation)
- 955 Broadway (Acacia Fraternity site redevelopment)

GOAL: ADDRESSING HOMELESSNESS

FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS

- Council Consideration and Direction on: 1175 Lee Hill Project; added 31 permanent housing units for chronically homeless, disabled adults
- Continued Homeless Service Provider Coordination Project to develop action plans for case management, outreach and service coordination
- Continued implementation of Ten year Plan to Address Homelessness

GOAL: BOULDER JUNCTION IMPLEMENTATION

FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS

- Developed and implemented a funding strategy to finance the acquisition of 100 parking spaces by the Boulder Junction Access District – Parking (BJAD-P) in the Depot Square parking garage including a Lease/Purchase Agreement between BJAD-P and the developer, and a City of Boulder/BJAD-P Cooperation Agreement
- Developed a strategy to manage parking in the parking structure through technology and a management agreement among the

users. The arrangement provides for parking spaces to be paid, unbundled, and shared in a manner to meet the needs of the various users of Depot Square (hotel, residential, RTD) and general parking in BJAD-P spaces. Agreement was reached with RTD regarding short term and long term parking management strategies given their current legislative mandate.

- Finalized the ownership structure for five different owners to coordinate management of their units and common areas through a Condominium Declaration for the Depot Square project
- Finalized a renovation agreement and lease consistent with guiding principles with Pedersen Development Corporation for the Depot
- Finalized legal agreements for joint public/private development of Depot Square (RTD facility, shared parking, affordable housing, hotel, public space and rehabilitation of historic depot
- Approved changes to the Transportation Network Plan in support of the Transit Village Area Plan (TVAP)
- Revised Street Design for Pearl Parkway and Connections Plan Revisions (adopted by Council January 17)
- Consistent with the TVAP connections plan and along with private redevelopment, a number of capital improvements are underway, including the installation of underground power lines, preparations for installing a traffic signal at Junction Place and Pearl Parkway, and portions of the Pearl Parkway multi-way boulevard
- Consistent with the TVAP connections plan, design work continues for the bridge over Goose Creek and the multi-use path on the north side of Pearl Parkway between 30th Street and Foothills Parkway
- Received a Federal Hazard Elimination Program grant award through the Colorado Department of Transportation (CDOT) that will allow installation of a traffic signal at 29th Street and Valmont Road, improving safety and implementing improvements identified in the Transit Village Area Plan (TVAP) (project will begin in 2014)
- Completion of engineering and building construction plan review for a 319 unit residential development at 3100 Pearl and the RTD Depot Square transit-oriented development

GOAL: OTHER CITY GOALS AND WORK PLAN ITEMS

FIRST AND SECOND QUARTER
2012 ACCOMPLISHMENTS

CAPITAL ITEMS

- Anemone Trails (new) – design work completed
- Arapahoe Avenue (Folsom to 30th) - Multimodal Improvements Project Completed construction on the Arapahoe Avenue multi-use path project. The remaining street resurfacing and landscaping work will be completed in 2012.
- Boulder Creek and South Boulder Creek – restoration of grassland and riparian areas continued
- Broadway (Euclid to 18th) - Transportation Improvements Project - Made progress on the Broadway (Euclid to 18th) Transportation Improvements Project. 16th Street opened the first week of May and the Broadway underpass and the four lanes on Broadway (two in each direction) are scheduled for completion by early July.
- Broke ground in January for a new multi-use path on the south side of Baseline, connecting U.S. 36 and the Bear Creek Underpass, including a pedestrian crossing for Baseline Road at Canyon Creek. Completion of the multi-use path on the west end is underway through a redevelopment project.
- Completed a new sidewalk along Gillaspie Drive, connecting Greenbriar Boulevard and Juilliard Street connecting to Fairview High School
- Completed the course bunker renovation/playability project at Flatirons Golf Course by installing 19 new sand bunkers
- Continued work at Valmont City Park, including additional construction at Valmont Bike Park; outreach and design for Valmont Dog Park; and design and construction of the interim disc golf course
- Facility ADA Compliance - An Americans with Disabilities Act (ADA) consultant completed comprehensive ADA assessments for the Park Central and Municipal buildings. Costs for the recommendations are being identified and prioritized, with other buildings planned for assessment.
- Green Bear Trail Re-route – work in progress with one section completed and opened to public
- Gregory Canyon Trailhead Site Plan – initial site plan design work began
- Homestead Trail Re-route – work in progress with one section completed and opened to public
- Library Facility Upgrades and Enhancements (New Children's Library and New Teen Space): The selection of a design firm is underway
- Linden Avenue Sidewalk Project (Safe Routes to School) - Completed a Safe Routes to School Project, providing a sidewalk on the north side of Linden Avenue between Fourth Street and Broadway.
- New Wildland Fire Facilities - Responses to the request for qualifications (RFQ) for facility designs were received on May 11. Requests for proposals (RFP) to be sent in early June
- Organic farming – agricultural contract written for 47 acres

- Replaced traffic signal incandescent lamps with sustainable, energy-saving light-emitting diode (LED) lamps
- Sanitas Stone Hut Repair – hut was reinforced and stonework repaired
- South Boulder Creek West Trailhead – Parking areas for cars and horse trailers completed and open to public; working through permit process for outhouse and kiosk installations; interpretive signs in production
- South Boulder Recreation Center - The contaminated sub floors from the gymnasium, racquetball court, and Pilates room have been removed and are expected to be replaced with new wood floors by early June 2012.
- Street repair expanded efforts – began the first of three years

OTHER SIGNIFICANT ACTIONS[1]

- Boulder B-cycle station at the North Boulder Recreation Center sponsored
- Boulder Community Hospital Expansion Rezoning
- BVCP: Area II study results and potential next steps (IP to City Council in July)
- BVCP Comprehensive Rezoning (scheduled for council consideration in August)
- BVCP 2010 Major Update: planning reserve policy changes (study session discussion with Council on May 29; Council and County Commissioner dinner discussion on June 14)
- Boulder Reservoir Master Plan completed
- Boulder Valley School District Faculty and Staff Eco Pass Program Expansion - Continued partnership with the Boulder Valley School District (BVSD) to expand the BVSD faculty and staff Eco Pass program.
- Chautauqua Stewardship Framework: Draft and Next Steps
- City Website Redesign Kickoff - Kicked off redesign with Vision Internet and the City of Arvada. Gathered a list of key stakeholders and surveyed them regarding elements the new website should contain.
- Code enforcement - reallocation of resources to the Boulder Police Department was fully implemented to ensure efficient and effective service delivery
- Community and Environmental Assessment Process (CEAP) for flood mitigation and transportation improvements along Fourmile Canyon Creek, near Crest View Elementary School completed, including a City Council call-up opportunity.
- Compatible Development implementation - annual report to Council
- Congregate Care code changes (pending further consideration based on Council direction)
- Constituent Relationship Management (CRM) procurement effort - Designed and implemented a staff engagement and procurement initiative to implement a new CRM application resulting in the unanimous selection of Government Outreach. Vendor contract negotiations are currently underway. This initiative is designed to significantly improve our customers' ability to request, track and ultimately receive more timely and effective services while providing staff with automated tools to better

manage these requests.

- Disposable Bag Reduction Ordinance: research and options presented to Council on May 15; work on nexus study underway
- Draft Fire-Rescue Master Plan completed and approved by Planning Board.
- Economic Sustainability Strategy: phase one study of primary employer space needs underway; presentation of results to Council scheduled for August
- Elks neighborhood park planning, outreach and design continued with construction and completion in 2013
- Family Resource Center opened at Manhattan Middle School in partnership with Boulder County Housing and Human Services
- FasTracks' Northwest Rail Plan - Approved guiding principles for developing and designing a hybrid approach to FasTracks' Northwest Rail Plan.
- Fire Master Plan – Council feedback on strategies (April 3, 2012); Planning Board recommendation for acceptance (May 17, 2012); Scheduled for Council consideration (June 19, 2012)
- Heather wood Trail Intergovernmental Agreement (IGA) - City Council authorized the signing of an intergovernmental agreement (IGA) with Boulder County related to the maintenance of a trail that crosses the Wastewater Treatment Facility property.
- Integrated Pest Management Policy Revision and Program Direction (Council provided direction on May 1)
- Landmarking of First Christian Church building (950 28th Street)
- Locomotive #30 narrow gauge historic cosmetic restoration completed
- Mesa Memorial Park design and development initiated
- Mosquito control annual report (Completed report on the IPM web site – link will be provided to council with first weekly mosquito report in June)
- Named number 3 on list of best cities for bicycling by *Bicycling Magazine*, in part due to the Valmont Bike Park and new path connections made possible by the capital improvement bond
- New Transportation Safety Ordinances - Approved ordinance changes to improve transportation safety in the city and initiated education and enforcement efforts to support the ordinance changes
- Organic turf and landscape bed program at six park locations launched
- Received a Safe Routes to School Grant to install a traffic signal at South Boulder Road and Manhattan Drive to create a safe crossing for middle school students taking transit, riding, or walking to and from school.
- RH-2 Zone District Changes (scheduled for council consideration in August)
- *Safe Streets Boulder* report published in February.
- SmartRegs - Continued the successful implementation of SmartRegs and the pilot program for rental housing licensing enforcement. The backlog of rental license compliance cases is almost entirely eliminated.
- Transportation Report on Progress, *Transportation to Sustain a Community* published in February.
- Valmont Butte – VCUP implementation commenced; excavation work began on April 4 with both the tribe-designated native cultural monitor and the city's archaeologist consultant present.

- Veterans and active duty military personnel recreation pass program developed

Key:

ADA = Americans with Disabilities Act
BHP = Boulder Housing Partners
BVSD = Boulder Valley School District
BMS = Business Main Street
CAP = Climate Action Plan
CDOT = Colorado Department of Transportation
EPC = Energy Performance Contract
EET = Education Excise Tax
FAM = Facilities and Asset Management (City Division)
FERC = Federal Energy Regulatory Commission
IGA = Inter-governmental Agreement
IP = Information Packet
OSMP = Open Space/ Mountain Parks Department
PUC = Colorado Public Utilities Commission
RFP = Request for Proposals
RFQ = Request for Qualifications
RTD = Regional Transportation District
TVAP = Transit Village Area Plan
UHGID = University Hill General Improvement District
VCUP = Colorado Voluntary Cleanup Program

COUNCIL MEMBERS

Matthew Appelbaum	Mayor
Lisa Morzel	Mayor Pro Tem
Macon Cowles	Council Member
Suzanne Jones	Council Member
George Karakehian	Council Member
Tim Plass	Council Member
Andrew Shoemaker	Council Member
Sam Weaver	Council Member
Mary Young	Council Member
Suzy Ageton	Council Member
Ken Wilson	Council Member

COUNCIL EMPLOYEES

Thomas A. Carr	City Attorney
Jane S. Brautigam	City Manager
Linda P. Cooke	Municipal Judge

KEY STAFF

Bob Eichem	Chief Financial Officer
Alisa D. Lewis	City Clerk
Patrick von Keyserling	Communications Director
David Driskell	Community Planning + Sustainability - Executive Director
Paul J. Fetherston	Deputy City Manager
Molly Winter	Downtown, University Hill Management & Parking Services Director
Heather Bailey	Energy Strategy and Electric Utility Development Executive Director
Larry Donner	Fire Chief
Mary Ann Weideman	Housing, Assistant City Manager for Human Resources (Acting) Director
Karen Rahn	Human Services Director
Don Ingle	Information Technology Director
Eileen Gomez	Labor Relations Director
Valerie Maginnis	Library and Arts Director
Lynne C. Reynolds	Municipal Court Administrator
Michael Patton	Open Space and Mountain Parks Director
Kirk Kincannon	Parks and Recreation Director
Mark Beckner	Police Chief
Maureen Rait	Public Works - Executive Director
Tracy Winfree	Transportation Director
Jeff Arthur	Utilities Director

2013 City Council Committee Assignments

INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel, Plass
Boulder County Consortium of Cities	Karakehian
Colorado Municipal League (CML) – Policy Committee	Jones, Appelbaum (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Jones
Housing Authority (Boulder Housing Partners)	
Metro Mayors Caucus	Appelbaum
National League of Cities (NLC)	Appelbaum
Resource Conservation Advisory Board	Plass, Morzel (at large seat)
Rocky Flats Stewardship	Morzel, Plass (1st alternate), Castillo (2nd alternate)
University of Colorado (CU) / City Oversight	Jones, Karakehian
US36 Mayors and Commission Coalition	Appelbaum,
US36 Commuting Solutions	Karakehian
Urban Drainage and Flood Control District	Morzel

LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Cowles
Boulder Convention and Visitors Bureau	Plass
Dairy Center for the Arts	Karakehian
Downtown Business Improvement District Board	Plass, Jones

INTERNAL CITY COMMITTEES

Audit Committee	Morzel, Cowles
Boards and Commissions Committee	Plass
Boulder Urban Renewal Authority (BURA) Mayoral Appointment	
Charter Committee	Morzel, Cowles, Karakehian
Civic Use Pad/ 9th and Canyon	Morzel, Jones
Council Budget Action Plan Committee	Plass
Evaluation Committee	Karakehian, Morzel
Legislative Committee	Karakehian, Jones

SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Jones
Kisumu, Kenya	Morzel
Llasa, Tibet	
Dushanbe, Tajikistan	Karakehian
Yamagata, Japan	
Mante, Mexico	Plass
Yateras, Cuba	Cowles
Sister City Sub-Committee	Morzel, Cowles