

**THE CITY OF BOULDER
CITY COUNCIL MEETING
COUNCIL CHAMBERS, 1777 Broadway
February 17, 2015
6 PM**

1. **CALL TO ORDER AND ROLL CALL**
2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE** (Limited to 45 minutes.)
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. Consideration of a motion to **approve** the Special City Council **Meeting Minutes from the January 22, 2015** executive session
 - B. Consideration of a motion to **accept the January 13, 2015, study session summary** on the **Pre-Retreat Planning**
 - C. Consideration of a motion to **accept the January 27, 2015, study session summary on the University Hill moratorium project** and the **CU Hotel/Conference Center Comparative analysis**
 - D. Consideration of a motion to **re-appoint Mohammed Akacem** to a three-year (3) term as **the Citizen-at-Large trustee** for the City of Boulder **“Old Hire” Police Defined Benefit pension Plan**
 - E. Consideration of a motion to **adopt Resolution No. 1156 supporting a GOCO Conservation Excellence grant** award for \$50,000 to partially fund a study to provide water resource management strategies for the benefit of the environment within the Open Space and Mountain Parks system
 - F. Third reading and consideration of a motion to **adopt Ordinance No. 8015**, amending Chapter 6-4, B.R.C. 1981, adding a new section, 6-4-3.5 **“Smoking Prohibited in Public Places,”** including electronic smoking devices in the definition of smoking, and setting forth related details
 - G. Introduction, first reading, and consideration of a motion to order published by title only an **emergency measure** Ordinance No. 8030 **amending** Title 9, **“Land Use Code,”** B.R.C. 1981, to limit residential uses within the **University Hill General Improvement District in the BMS zoning district** and correct BMS zone standards, and setting forth related detail

- H. Introduction, first reading and consideration of a motion to adopt **Emergency Ordinance No. 8031 adopting Supplement No. 122**, which codifies previously adopted Ordinance Nos. 7957, 7967, 7982, 7983, 7992, 7996, 8004, 8005, 8011, 8016, 8018, 8020, Appendix Council Procedure, and other miscellaneous corrections and amendments, as an amendment to the Boulder Revised Code, 1981

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

- 5. **PUBLIC HEARINGS**
 - A. Consideration of a motion **authorizing** the City Manager to **transfer ownership of 4525 Palo Parkway to Boulder Housing Partners** to develop affordable housing on the 3.2 acre site

- 6. **MATTERS FROM CITY MANAGER**
 - A. **Direction** on draft **Zero Waste Strategic Plan** and Feedback on **Proposed Zero Waste Regulations**

 - B. **Discussion and consideration** of a motion to **approve the January 23-24, 2015 City Council Retreat Summary** and the **2015 City Council Committee Assignments**

- 7. **MATTERS FROM CITY ATTORNEY**
 - A. Consideration of a motion adopting a charter to **create a sub-committee** for analysis of, solicitation of public input on and negotiation of the city's lease with the **Colorado Chautauqua Association**

- 8. **MATTERS FROM MAYOR AND MEMBERS**
 - A. Call Ups
 - 1. Landmark Alteration Certificate to demolish an addition to a contributing house and demolish a c.1988 garage to make way for the construction of a 616 sq. ft. two-car garage and storage shed at 603 Highland Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00345). This Landmark Alteration Certificate is subject to City Council call-up no later than **February 17, 2015**.

 - 2. 3059 6th Street Minor Site Review Amendment (LUR2014-00088)

 - B. Consideration of a motion **authorizing affiliate membership in the WestConnect Coalition**

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**

This agenda and the meetings can be viewed at www.bouldercolorado.gov/citycouncil. Meetings are aired live on Municipal Channel 8 and the city's Web site and is re-cablecast.

Anyone requiring special packet preparation such as Braille, large print, or tape recorded versions may contact the City Clerk's Office at 720- 564-2175, 8 a.m. – 5 p.m. Monday through Friday. *At least two business days notification prior to the meeting or preparation of special materials is required.*

If you need Spanish interpretation or other language-related assistance for this meeting, please call (303) 441-1905 at least three business days prior to the meeting. *Si usted necesita interpretación o cualquier otra ayuda con relación al idioma para esta junta, por favor comuníquese al (303) 441-1905 por lo menos 3 negocios días antes de la junta.*

Electronic presentations to the city council must be pre-loaded by staff and will not be accepted after 3:30 p.m. the day of a regularly scheduled council meeting. Electronic media must come on a prepared USB jump (flash/thumb) drive.

**CITY COUNCIL PROCEEDINGS
CITY OF BOULDER
Thursday, January 22, 2015**

1. CALL TO ORDER AND ROLL CALL

Mayor Appelbaum called the January 22, 2015 Special City Council meeting to order at 6:06 PM in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Cowles, Jones, Karakehian, Morzel, Plass, Shoemaker, Weaver and Young

A. CONSIDERATION OF A MOTION TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE AND DISCUSSION REGARDING MUNICIPALIZATION STRATEGY

Mayor Appelbaum moved, seconded by Council Member Jones, to adjourn to executive session for the purpose of receiving legal advice and discussion regarding Municipalization strategy. The motion carried 9:0. Vote was taken at 6:03 PM.

The Boulder City Council adjourned into executive session in the 401 Conference room in the Park Central Building.

At 9:15 PM the council reconvened in the Council Chambers.

City Attorney Carr stated that the council was responsible for disclosing any conversation during an executive session if it was outside the scope of discussion allowed by the Charter amendment approved by the voters on November 4, 2104. He asked if there were any such disclosures to be made. There were none.

2. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on January 22, 2015 at 9:19 PM.

Approved this 17th day of February, 2015.

APPROVED BY:

Matthew Appelbaum
Mayor

ATTEST:

Alisa D. Lewis,
City Clerk



CITY OF BOULDER

CITY COUNCIL AGENDA ITEM

Meeting Date: February 17, 2015

AGENDA TITLE: Consideration of a motion to accept the January 13, 2015 Pre-Retreat Planning Study Session

PRESENTERS:

Jane Brautigam, City Manager

David Driskell, Executive Director of Community Planning and Sustainability, Interim Director of Housing

Bob Eichen, Chief Financial Officer

The meeting was facilitated by Heather Bergman of Peak Facilitation Group.

This agenda item provides a summary of the January 13, 2015 Pre-Retreat Planning Study Session. The purpose of the study session was to:

- Provide input to the Retreat Planning Committee
- Get a Financial Update
- Hear feedback from Boards and Commissions

STAFF RECOMMENDATIONS:

Suggested Motion Language:

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

Motion to accept the summary of the January 13, 2015 Pre-Retreat Planning Study Session.

Attachment A - Summary of the January 13, 2015 Pre-Retreat Planning Study Session

**City Council Study Session Summary
January 13, 2015
Pre-Retreat Study Session**

PRESENT:

City Council: Mayor Appelbaum, Mayor Pro Tem Jones, and Council Members Cowles, Karakehian, Morzel, Plass, Shoemaker, Weaver, and Young.

STAFF PRESENTERS: City Manager Jane Brautigam, Executive Director of Community Planning and Sustainability, Interim Director of Housing, David Driskell, and Chief Financial Officer, Bob Eichem. The meeting was facilitated by Heather Bergman of Peak Facilitation Group.

PURPOSE

The purpose of the January 13 Study Session was to prepare for the January 23-24, 2015 Council Retreat.

OVERVIEW OF THE STUDY SESSION

Mayor Appelbaum called the meeting to order and explained the purpose of the meeting was to prepare for the upcoming Retreat, review a financial update and hear some recommendations from the various Boards and Commissions. Mayor Appelbaum reminded the group that the city was soliciting for Board and Commission members. He noted that all City of Boulder Boards and Commissions currently have openings and that interested parties could find information and applications at <https://bouldercolorado.gov>. Applications would be accepted through Thursday, February 12, 2015 and the interviews begin in early March. Bob Eichem, Chief Financial Officer, provided a brief Financial Update which was followed by feedback from Boards and Commission. David Driskell, Executive Director of Community Planning and Sustainability, Interim Director of Housing, presented both current and potential work plan items. Ms. Bergman facilitated a discussion of the agenda items for the Council Retreat.

2015 COUNCIL ACTION GUIDE – TASKS AND OUTCOMES UPDATE

City Manager Brautigam provided two documents detailing the 2-year vision outlined at last year's City Council retreat, as well as the tasks and outcomes the Council wishes to accomplish by the end of 2015. Additionally, City Manager Brautigam supplied a Council Action Guide identifying the 25 most important ongoing projects undertaken by the City. This year, the staff will strongly focus on the vision of service excellence for an inspired future and on the ethic of service in our community. This enhanced community focus will include hiring a Neighborhood Liaison to directly interact with the community. As part of a community-centric focus, we will also be facilitating special events and thinking of public engagement in a new way with a pilot project with Code for America. City Manager Brautigam clarified that anything listed in the

tasks and outcomes is currently included in the work plan and is intended to be completed this year.

Ms. Bergman asked the Council to spend some agenda time discussing the materials provided for the Retreat and to ask questions of staff with the goal of identifying if additional information is needed. Several items that need more consideration were identified:

- Boulder Valley Comprehensive Plan
- Coordinated approach to code enforcement
- VRBOs - department of rental authority
- Long's Garden conservation easement (on CAO work plan)
- Flood Issues - CU South Boulder Creek
- Open Space Overarching Issues
- Local Foods/Cottage Industries
- Education component on municipalization
- EAB liaison on energy issues
- Broadband – framework, goals, Council's role
- Executive sessions scheduling

FEEDBACK FROM BOARDS AND COMMISSIONS

Council members shared recommendations from boards and commissions, focusing on input relating to the work plan. Items were noted on the “Bike Rack” list if they were not deemed to be on the current work plan or needed to have further discussion, possibly at the Retreat.

Arts Commission

The Arts Commission desired clarity around the public art policy, along with an established funding mechanism for public art moving forward. The commission expressed a need for:

- Quality, affordable, well-located performance spaces
- Sustainable funding sources for city-wide arts programs
- More robust grant programs
- Designation of specific areas within the City as creative districts
- Continuing support for Boulder Arts week
- Identification of additional funding in the 2016 budget to ensure ability to achieve arts goals

Beverage Licensing Authority

This board would like to see a continuation of the current high level of enforcement, education, and awareness. They requested that the Council pay close attention to the results of changes to these factors over the next year.

Downtown Management Commission

This commission would like to be more heard and involved. They primarily expressed concerns relating to parking (lack of available spaces; need for an effective Civic Center plan) and public transportation (access to downtown; lack of RTD communication about EcoPass data).

Chautauqua Association

This board's relationship with City Council remains excellent. The board expressed a concern with completing construction of their new bathrooms within the desired timeframe while adhering to building constraints during most of the year. This board has strong relationships with other organizations including Three Leaf Concepts and the music festival group, and they recently received a sizable donation from a private donor. The Board wishes to return to using their Primrose Cottage as an actual cottage rather than a maintenance area, but must first identify a new location for maintenance.

Boulder Design Advisory Board

This board would like to be more heard and engaged. Specifically, they desired more direct involvement with the Design Excellence Initiative; a seat at the table on long-range urban design and planning discussions; and quarterly cross meetings with TAB, Landmarks, and Planning.

Board of Zoning Adjustments

This board is primarily concerned with the lack of criteria for conversion of existing structures to OAU's, particularly in light of the increasing requests for variances and the relevance of this issue to the Council's housing strategy.

Boulder Housing Partners

This board expressed a strong concern about the City's affordable housing crisis; they requested the City bring forward policy tools to address this issue. The board cited the following factors as creating or exacerbating the affordable housing problem:

- Short window of time to address the issue (5-6 remaining years of market capacity in rental inventory, and even less in for-sale inventory)
- Current net loss of 900 housing units per year
- Market forces preventing preservation of existing housing units
- Lack of current strategy to maintain affordable and service economy housing

Boulder Junction Access District Parking Commission Boulder Junction Access District Travel Demand Management (TDM) Commission

These boards requested that City Council:

- Quickly determine the future of the Pollard site to allow holistic planning for Boulder Junction
- Establish quiet zones along the railroad tracks
- Strengthen transportation connections from East Boulder to the regional bus station
- Lobby for state legislation for changes to permit construction of condos in addition to apartments
- Extend the access district to include the Reve and Google buildings
- Merge the parking commission and access district commissions into one board
- Hold a joint meeting to allow the board to be better heard and engaged

Environmental Advisory Board

This board agreed with the City's current prioritization of energy future, municipalization, climate commitment, commercial energy work, benchmarking, Zero Waste Master Plan, and local food initiatives. The board asked City Council to:

- Enhance approach to engaging the public about municipalization and other key projects
- Increase EAB involvement with outreach efforts, and provide specific direction for these efforts
- Provide EAB quantitative data about the City's emissions inventory
- More effectively integrate master plans as they relate to the Comp Plan and Sustainability Framework
- More integrated modeling about the impacts of different city projects and metrics around them to assist with prioritization
- Revisit the efficiency policy for owner-occupied residences at time of sale
- Address the issue of neonicotinoid pesticides
- Improve technical financing innovation in relation to the Boulder Energy Challenge
- Adopt ecological debtor and creditor analysis

Human Relations Commission

This commission wished to expand efforts to engage the broader community, including low-income families and immigrants. They identified their top three priorities for policy change, all regarding Resolution 926, which requires the City to pay a living wage to full-time employees:

- Extend the living wage requirement to part-time and contract employees
- Encourage a repeal of the state law that prohibits the City from setting jurisdiction-wide living wages
- Consider low income families and struggling immigrants in planning policies

Landmarks Board

The board expressed a desire for increased involvement and engagement, particularly in regard to Civic Area planning and the University Hill revitalization project. The board identified the preservation of smaller historic homes and structures as a boon to the City's comprehensive housing strategy and also noted that preservation of existing structures aligns with the City's commitment to increasing sustainability and decreasing energy use. The board listed three ideas that may benefit from changes:

- Creating a demolition ordinance
- Establishing a follow-up process for landmark alteration certificates
- Increasing energy efficiency leadership in City-owned historic buildings and resources

Library Commission

This commission completed renovation of the main Boulder Public Library branch and has invited members of City Council to attend a tour on April 10, 2015. Additionally, the North Boulder Corner Library was recently opened. The commission primarily expressed a deep concern with enforcement and security at the Library, especially with regard to individuals struggling with addiction, mental health, and behavioral issues. The commission requested that the City play a more active role in addressing these societal concerns and related enforcement needs.

Open Space Board of Trustees

This board primarily desired guidance and support from City Council on overarching issues, regional trail connections, and trailheads. They also would like guidance from Council on how to ensure that the North TSA project is successful. They are mindful of the transition to a new Director. They requested to be informed of where nighttime trail use and other "overarching issues" fall in the City's priorities.

Parks and Recreation Advisory Board

This board wanted a stronger focus on communication, youth engagement, and public-private partnerships. Issues for which they requested City Council involvement include hosting a study session to discuss specific issues; buying into the Valmont Park South plan; and changing permitting arrangements for block parties, partnerships, and sponsorships. The board noted events in parks, local foods issues, and implementation of the potential smoking ban as priority topics.

Transportation Advisory Board

This board identified their top five priorities to City Council:

- Implementation of the Transportation Master Plan
- Further development of Complete Streets and the living laboratory approach to getting mode shift
- Regional collaboration to speed the entry of bus rapid transit along arterials consistent with the Northwest Area Mobility Study, as well as collaboration with respect to BRT on Arapahoe
- Land use that encourages mixed uses at densities that support livability and sustainability in 15-minute neighborhoods
- Revised parking policies, including maximums instead of minimums, creation of shared/bundled parking, and TDM “with teeth”

University Hill Commercial Area Management Commission

This board named a need for parking and the use of catalyst sites (partially City-controlled parking areas currently used as service lots) as their primary issues which must be resolved in order to achieve their goal of diversity. They requested that the City consider zoning and other means to accomplish this goal. Additionally, the board would like City Council to integrate arts and event programming into developing branding and imaging for the Hill, to consider historic district issues to facilitate Hill character and image, and to revisit prior liquor restriction issues.

Water Resources Advisory Board

This board’s top priorities primarily related to resilience and comprehensive planning. The board supports further prioritization of investment in education and outreach that support resilience in areas of water conservation, wastewater management, and flood safety. They anticipate an update to the City’s water conservation future studies this year. The board requested that City Council support efforts to evaluate and potentially update the current utility rate structure.

Planning Board

This board listed its most important short-term issues as medical offices on East Arapahoe, an area planning effort for the Mapleton & Broadway area, and City-wide implementation of linkage fees. The board requested that City Council address the following issues and concerns:

- Community engagement
 - Notify all residents within the notification area of a project, not just property owners
 - Increase the size of the notification area
 - Use new methods of outreach; increase public notice
 - Improve timely notification of property owners and residents who would be affected by City actions (ex. Flood plain mapping)
 - Improve information description on project signage

- Site review criteria
 - Discuss uses as a potential part of site review criteria
 - Clarify the minimize and mitigate energy use site review criteria and other unclear criteria and terminology
 - Explicitly require quality design rather than having design governed through the Comp Plan and area plans
 - Enable Planning Board call-up for minor modifications
 - Consider revising site review thresholds to allow additional project involvement
- Use tables
 - Complete comprehensive use table review
 - Require certain uses in certain zones
- Housing
 - Support Landmarks Board proposal to tie up-zoning to preservation
 - Use visioning as a tool
 - Revisit residential growth management rules
 - Continue to compile good numbers on commercial growth
 - Update impact fee study
- Design excellence
- Most important short-term issues
 - East Arapahoe medical offices
 - Begin area planning for Mapleton & Broadway hospital areas
 - Consider City-wide implementation of linkage fees
- Community Benefit
 - There was no consensus on this item by all the Board members and it was suggested that Council guidance should be provided

PLANNING WORK PLAN ITEM UPDATE

Executive Director of Community Planning and Sustainability, Interim Director of Housing, David Driskell presented both current and potential future work plan items to the Council. Mr. Driskell distributed a graphic timeline of projects and community engagement.

University Hill Code Issues

City Council passed a moratorium last year that will end March 2015. Next week, City Council will receive a study session packet and will hold a meeting, in parallel with a related Planning Board discussion, to discuss this moratorium and desired plans for moving forward. The item is scheduled for a City Council study session on January 27th, and first reading is scheduled for February 17, with second reading scheduled for the first City Council meeting in March, and, if needed, a third reading can occur during the second meeting in March. Planning Board will make its recommendation on February 5.

Civic Area

This cross-departmental initiative was supported by voter approval of Ballot Measure 2A last fall. Many resources are now implicated in getting the most out of this tax resource investment

and in honoring the commitment to taxpayers. This project has benefitted from much community engagement and intersects with other geographically proximate projects.

Envision East Arapahoe

This project represents a significant staff work effort; currently scenario tools are being used to examine options related to land use changes and transportation investments. The team is on track to complete the scenarios analysis on time and to continue with multi-modal transportation work along the corridor. Staff proposes to proceed in the short term to address medical uses in the area close to the hospital and also with transportation components of the plan. After finishing the scenario work, the longer term look at land uses and design along the corridor will likely be placed on the back burner, allowing resources to be used on other projects.

Boulder Valley Comprehensive Plan

Major policy discussions related to this plan likely will not happen until late 2015 to ensure appropriate resource use and sequencing. During the first half of 2015, work will focus on the foundational work, including analysis of current trends, and updating projections. Foundations work will also include looking at 3-dimensional modeling to visualize possibilities under current zoning and examining the residential growth management system. As the Comp Plan is updated, resilience will be incorporated as a key factor in long-range planning. City Council discussed possibly addressing this plan at their upcoming Retreat in order to better understand deadlines and future plans.

Housing Boulder

Foundational work, an analysis, a public orientation webinar, and community engagement efforts have already been completed in relation to this project. Working group members will participate in the Housing Symposium as listeners on January 26. To ensure an inclusive and fair process, the creation of a process subcommittee including two Council members and two Planning Board members, who will help shape public engagement was proposed. These additions would help build a stronger platform for robust engagement in order to rise above mere two-way engagement and promote a partnership approach between government and community. A new partnership with Code for America is bringing in new technology tools to transform the platform of engagement.

Question: What do the draft strategies look like and how complex are they expected to be?

Answer: We have already compiled a draft toolkit, which is a compendium of everything we could possibly do to make a difference in housing. Now, we will have conversations to determine which tools will have the most impact and fit best with our values. We want the community to help us think about a meaningful approach to addressing the affordable housing problem. The strategy will identify priorities and just adopting a strategy doesn't make change happen. Work is required to actually complete the goals we create.

Question: It looks like your housing plan focuses on supply. How will you incorporate changes in demand into your model?

Answer: We looked at part of the demand side in our market analysis work. Many uncontrollable factors drive demand. Boulder will always have more demand than supply in the housing market, so we focus more on the kinds of places we want to create than on the demand for those places.

Following these updates on ongoing projects, Mr. Driskell continued by proposing potential new work plan items to be discussed by City Council.

Design Excellence/Form-Based Code Pilot

This project proposes piloting a form-based code anticipated to be completed in 5 months. After completing a pilot project in Boulder Junction, similar codes could be developed for other areas where a clear community vision is already identified. In conjunction with this proposal, one option to help areas that lack clear community vision or suffer from zoning issues is to not allow height modifications through the site review process in these areas. Height restrictions will help the community understand that very tall buildings may not appear throughout town but could be deemed appropriate in certain areas.

Question: To clarify, when you say form-based code, I hear form-based overlay. A true form-based code would suggest that we're only concerned with the form, not the use. In our case we also take into account uses and other considerations. This seems more like an overlay to me - is that a correct assessment?

Answer: There are many examples where form-based code has been used as an overlay, and numerous communities are using a hybrid code. Boulder Junction was selected as a good place to pilot because we already created zoning districts there, so we can focus on the form without requiring additional discussions of use.

Question: Will we [City Council] be the deciding factor in what the form is?

Answer: Yes. City Council will have conversations about what you desire in an area before any developer proposals come in front of you. This way you give clarity to the form you're looking for, and developers propose buildings to fit that form. This also simplifies site reviews, because you have predefined many factors.

Question: You need an area plan before you can use a form-based code, right? What happens when we go outside the pilot area where we actually have an area plan?

Answer: We do have some other area plans, in areas like North Boulder, where we're expecting significant change. In other areas like East Arapahoe, we've been approaching this as more of a vision plan, which allows us to decide whether to do an area plan for the entire area or just particular places within it. All we need is a clear vision of what we want to achieve.

Development Impact Fees

The development fee schedule was last updated four years ago and likely needs updating. It may also be desirable to establish a commercial linkage fee for nonresidential development that

creates jobs and housing demand. Fees collected could go into the Affordable Housing Fund. A community forum is scheduled in February to help scope this process. A proposed updated fee structure will be brought before City Council in mid-2015; a commercial linkage fee will be included.

Code Changes

Later in the year, outside experts could be engaged to look at options for changes to the code. A long list of potential code changes exists and is being worked on one-by-one. This review would provide an opportunity to look at the code and suggested changes as a whole, rather than one at a time.

City Council discussed the proposed new work plan items in light of how adding desirable work plan items may impact projects already scheduled.

“BIKE RACK” LIST

Below is a list of “Bike Rack” items that was documented at the Study Session. The draft agenda for the upcoming Council Retreat includes an opportunity for City Council to do a “deep dive” discussion on up to four topics. Before selecting their deep-dive topics, Council identified options to consider as follows:

- Comp Plan update; completion; integrate with other plans; integrated modeling
- Enforcement – e.g., library
- VRBOs
- Longs Garden (on CAO work plan)
- Flood issues/CU South property
- Overarching issues from OSMP
- Cottage industries – local food
- Education on municipalization – ongoing (and on other EAB topics)
- EAB liaison on energy issues
- Broadband – framework, goals, etc.
- Executive sessions for municipal legal discussion and additional items
- BDAB role in design excellence
- Funding and incentives for affordable housing and middle income definition
- Pollard property
- Extension of the Boulder Junction Access District
- Owner-occupied time-of-sale efficiency ordinance
- Follow-up process on Landmark certifications
- Demo ordinance
- Landmarks in Housing Strategy
- Homelessness impacts – safety in the Main Library
- NTSA –timing, public engagement improvements
- Sponsorships and partnerships (P&R and others)
- Transit to Chautauqua

- Downtown parking
- Enhanced outreach on planning projects
- Community benefit
- Hospital site
- Urban trees/forest
- Highest-Priority Discussion Topics for the Retreat

From this list, members of Council identified their highest-priority topics for the retreat. These are listed below:

- Housing/Comp Plan Sequencing
- 6-9 month priorities
- Housing process, Council representation
- Housing Board
- Code Changes: sequencing, prioritizing
- Enforcement (rental licensing)
- Multiple locations of enforcement functions
- VRBOs
- Energy Smart compliance
- Who, how, etc. of enforcement
- Efficiency
- Status of efforts
- Ice and snow
- Climate and energy goals
- Finalizing goals, education
- Include municipalization communication
- How much staff effort
- CU South/South Boulder Creek
- Neighborhood plan – desirability, staff time
- Homelessness
- Development issues
- Pooled additional discussion topics from this meeting

The list was further refined to the following four areas that would become part of the Retreat agenda:

- Housing Strategy and Comprehensive Plan,
- Code changes
- “Pooled” items
- Enforcement

Council agreed that Council Members Morzel and Jones would work with City Manager Brautigam and Ms. Bergman to revisit the retreat agenda and make a plan for addressing these issues.

Note: The Financial Update summary was submitted and approved at the February 3 Council Meeting.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 17, 2015

AGENDA TITLE: Consideration of a motion to accept the January 27, 2015, study session summary on the University Hill moratorium project and the CU Hotel/ Conference Center Comparative Analysis

PRESENTERS

Jane S. Brautigam, City Manager
David Driskell, Executive Director of Community Planning and Sustainability
Susan Richstone, Deputy Director, CP&S
Molly Winter, Director, Downtown and Hill Management Division/ Parking Services
Sarah Wiebenson, Hill Community Development Coordinator
Karl Guiler, Senior Planner/Code Amendment Specialist
Ted Harberg, Planning Intern
Jay Sugnet, Senior Housing Planner
Hella Pannewig, Assistant City Attorney
Ruth McHeyser, University Hill Moratorium Project Manager

EXECUTIVE SUMMARY

This agenda item provides a summary of January 27, 2015 City Council Study Session on the Uni Hill Commercial District moratorium project and the CU Hotel/ Conference Center Comparative Analysis (**Attachment A**).

The purpose of the study session was for City Council to discuss and provide feedback on the draft recommendations and proposed next steps for both the moratorium project and the CU hotel/ conference center analysis.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff recommends Council consideration of this summary and action in the form of the following motion:

Motion to accept the January 27, 2015 City Council Study Session Summary on the Uni Hill moratorium project and the CU Hotel/ Conference Center Comparative Analysis

NEXT STEPS

Hill Commercial District Moratorium Project:

Subsequent to the January 27 study session, Landmarks Board, Planning Board, and UHCAMC held public hearings and made recommendations to Council on the project. The following are the next steps:

- **Feb. 17:** City Council first reading of an ordinance related to the University Hill Business Main Street zoning district
- **March 3:** City Council second reading of an ordinance, public hearing, and decision on the University Hill moratorium project, and direction on next steps for related Uni Hill revitalization efforts.
- **March 17:** City Council third reading of an ordinance and final decisions on the University Hill moratorium project (if needed).

CU Hotel/ Conference Center Comparative Analysis

Collaborate with CU to continue exploring the relative merits of the two potential sites, including consideration of historic resources, development feasibility, potential community use of the facility, and potential public investment to mitigate impacts and leverage community benefits.

Attachment A: January 27, 2015 City Council Study Session Summary on the Uni Hill moratorium project and the CU Hotel/ Conference Center Comparative Analysis

Attachment A: January 27, 2015 Study Session Summary on the Uni Hill moratorium project and the CU Hotel/ Conference Center Comparative Analysis

PRESENT

City Council: Mayor Matt Appelbaum, Mayor Pro Tem George Karakehian, Council Members Macon Cowles, Suzanne Jones, Lisa Morzel, Tim Plass, Andrew Shoemaker, Sam Weaver, and Mary Young.

Staff members: City Manager Jane S. Brautigam, City Attorney Tom Carr, Director of Community Planning and Sustainability David Driskell, Hill Commercial District Moratorium Project Manager Ruth McHeyser, Director, Downtown and Hill Management Division/ Parking Services Molly Winter, Hill Community Development Coordinator Sarah Wiebenson, Senior Planner/Code Amendment Specialist Karl Guiler, Planning Intern Ted Harberg

Consultants: Economic and Planning Systems, Inc: Dan Guimond and Matt Prosser

STUDY SESSION SUMMARY

Uni Hill Moratorium Project

Mayor **Matt Appelbaum** introduced the topic and reminded the group that the purpose of the meeting was to provide input on two University Hill related projects.

Director of Community Planning **David Driskell** introduced the discussion item and reiterated the purpose of the meeting. A moratorium is not something that the city does very often, but the potential for rapid change on the Hill could have a detrimental impact if action is not taken. This means that there is a fast timeline for City Council to determine what, if any, changes need to be put in place for the long term.

Uni Hill Moratorium Project Manager **Ruth McHeyser** provided an overview of the project's purpose, analysis, findings and recommended strategies. Because of the tight timeframe, Planning Board will hold a public hearing next week, so staff included its recommendations to Planning Board in the study session materials. Staff is seeking Council input on whether the project is moving in the right direction and the issues have been appropriately defined and analyzed. Will pass Council's comments on to Planning Board.

After the Moratorium project presentation, **Andrew Shoemaker** showed a short video of the west side of 13th Street that he took on a walk that morning, to highlight existing character and uses. He summarized the uses-- a lot of fast food restaurants and smoke shops. It is basically a food court.

Discussion Summary

Uses

A. Shoemaker: There is currently a lack of diversity and people in the Hill commercial district – hotel, office, and affordable housing would create more diversity. Students will always be important to the Hill, but there are thousands of students already. Adding 200-400 more students won't change the current circumstances.

This effort is an alignment of neighborhood and business interests – it is a “feel good” situation. The neighborhood association (UHNA) supports it and the Uni Hill Commission (UHCAMC) supports diversification. Unlike other areas of the city, office is a new use and would add something to the Hill and be supported by the neighborhood.. Neighbors have been asking for something to happen; asking for more diversity, new non-seasonal uses. The economics are simple – once a space is gone, it's gone. The proposed change to limit residential might mean nothing happens for awhile, but it is worth it to wait for what we want. Once residential goes in, it will stay that way. We don't want to lose building sites for good.

S. Weaver: Agree with Andrew; nice analysis. Reports are on point with the current economics. An apartment building recently sold for \$9million, which equates to a value of \$250,000 per bedroom. There is clearly economic pressure to build these units. Strategy A-2 is the best option, including allowing permanently affordable and senior housing. With office rates of \$21 to \$35 per square foot city-wide, office space on the Hill will be easily rented.

S. Jones: There is no way senior housing would work here. It would conflict with the commercial area, I'm baffled by this. Keep work force housing as an option though.

L. Morzel: Agree with Suzanne on the potential for senior housing; Two-Nine North is an example where seniors did not work. Work force housing would be okay; supports option A-2

T. Plass: Agree with Andrew and the others. Supports A-2 – seniors could be a calming influence.

M. Applebaum: This is generally heading in the right direction. Fine with commercial office space, but would rather start by not allowing residential of any sort. Workforce and senior housing may begin to eat away at the intention of pursuing office space. It may be slow going for more commercial, but be patient; once the land is gone it is gone for a long time.

M. Young: Affordable housing would be great, both for work force and seniors.

M. Cowles: Patient about the development of other uses. Agree with Matt - no housing; it takes away space for other users.

G. Karakehian: With Suzanne on the senior housing issue – it likely will not happen; but do not see any reason to preclude it. Look at some market incentives; maybe some opportunity for residential uses to help the bottom line.

S Weaver also had a general question about the BMS zone: Should there be variety in the BMS zones? Uni Hill is like a “BMS-1” because it is in a parking district. From a higher level, why not have different zone districts? Could this be more simple? Perhaps it could be a discussion for the comp plan?

Transitional Areas, Adjacent Residential Zone

A. Shoemaker: On the north and south ends of the district, at the transition into the neighborhood, there is a potential area for offices. The houses on 13th street from College to Euclid, in the RH-5 zone, appear to be neglected. If office uses and small professional firms were allowed to take over and renovate residential buildings, it could protect historic structures and encourage reinvestment in them. Residential and office could also be built in separate buildings on a single site.

T. Plass: Not convinced on strategy related to conversion of RH-5 for office use. This would go against current city goal of preserving existing residential and discouraging conversion from residential to office.

R. McHeyser response: Staff is recommending that this be considered, if at all, at a later date after strategies to revitalize the commercial district have been pursued, as this should be the immediate focus. If pursued, staff suggests that it be in a limited area of the RH-5 zone, and that many issues would need to be addressed as part of a public process with neighbors before making a decision about whether to go forward with it.

T. Plass: Keep historic district character; would need to address signage and parking issues. Agree that this might be appropriate as a longer term strategy after the others have been pursued.

Historic Protections

S. Weaver: Go ahead with a National Register Historic District. It is a good idea,

S. Jones: Yes on the National Register. Preserve the historic district – the interesting funky character; save what is good about the past.

L. Morzel: The National Register District is great idea; it is long overdue. Like the tax incentives possible with a National Historic District.

T. Plass: Support preserving the historic character. National Register district is nice, but local is different/stronger, as it provides local control and regulations with more teeth. This should be a local district too.

M. Applebaum: Tim is right – it makes sense to do a local district. Historic preservation makes sense on its own merits, not just because of tax credits.

M. Young: Like the idea of a historic district, and of making it a local district. Andrew mentioned the great buildings up 13th Street to Euclid. It would be great to look at them and get some refurbishment.

M. Cowles: Agree with Andrew about the Hill, particularly the concerns about demolition by neglect on 13th Street. Agree with National Historic district and with adding a local district.

Catalyst Sites/Anchor/Parking

A. Shoemaker: UHGID lots are a unique opportunity. City Council can have control and leverage over looks and building materials, because the sites are owned by the city's University Hill General Improvement District. There are lots of unique opportunities with this, perhaps as pilots. The analysis and recommendations are on point. An anchor would be a game changer. If parking is available, office uses become more tenable.

S. Weaver: A hotel would be an interesting anchor on Hill and increase the feasibility of a conference center on Grandview. Staff should explore both national historic preservation incentives for office use, and public private partnerships.

L. Morzel: Like idea of pursuing Public/ Private Partnership to address parking. Like the idea that the city would have control on what the looks and functions on the parking lot sites would be, since we own it and we have flexibility.

T. Plass: Love the idea of using anchor sites to foster revitalization.

G. Karakehian: Parking lots, joint ventures, have been successful in the past – do it on the Hill. There might be an opportunity to joint venture or buy the lot from the University. We could control what happens there – offices for students; maker space.

Tax Policies

T. Plass: Comment –really would like to understand the proposed tax incentives and other financing better. What we are getting, what is a benefit, and how will it work? I need to know about it, at this point I am definitely a “maybe” on this.

R. McHeyser responded that staff is asking at this point whether staff should spend time on exploring the idea, and then they will come back with some ideas fleshed out.

M. Applebaum : More of a “no” on the tax policies. The city has more leverage to invest in infrastructure to benefit everyone, that's where the city might put additional resources- perhaps on the UHGID lots where we have flexibility. Tax incentives do not make sense. The university needs to work on converting their parking lot to something, someday, that contributes - perhaps a CU-owned property for faculty and staff? Partner with them, that makes sense.

M. Young: Need to understand the proposed tax incentives better. Could this be coupled with improvement district?

M. Cowles: Do not like the idea of tax incentives at all. We don't have to do it here—at least not yet—as it is very likely that the economics will create their own demand.

General Comments

A. Shoemaker: Get the cars out of the alleys, add artwork. Alleys could create a bigger Hill and would make it unique. It should be music oriented and artsy.

S. Weaver: Make 13th Street an event street to close off for events and enhance as a gathering space. Great idea about alleys, but need the parking to make it feasible.

S. Jones: Great; revitalization of the Hill is a long time coming and should be a high priority. It is necessary for the city to put its money where its mouth is. Need to incentivize; the Hill has been struggling for long time. Excited appreciate what is finally happening

M. Young: “Class A” office space; not in code – could this be defined in the code?

G. Karakehian: Hill revitalization should be a top priority. Unbelievable progress; it would be a grand slam to get the university up at Grandview and get some developments with major tenant. The Hill is on its way – businesses will change, it is very exciting. Thanks to Andrew.

A. Shoemaker: Question – What is a group home?

K. Guiler’s response: Group homes are places where many non-related individuals can reside together. The reason they are under discussion in the staff memo is because the original BMS standards allowed dwelling units only if above or below the first floor, whereas the current code allows residential uses in any location. If it changes back to only allowing residences above or below the first floor, then group homes would be prohibited. Staff believes that the change to allow residential uses on the first floor may have been incorporated inadvertently as part of a supplement ordinance, which is only limited to non-substantive, clerical error changes.

L. Morzel: What about the Harbeck house? This could be home to a non-profit and add another diverse use.

G. Karakehian: Like to focus on alleys. Ft. Collins alleys have been very successful – they are very useable and fun.

CU Conference Center

David Driskell provided an overview of the CU Hotel/ Conference Center Comparative Analysis. CU has plans to move forward on the construction of a university affiliated hotel and conference center in Boulder and had focused on a site near Folsom and Arapahoe. The city approached the university to request that the opportunities and challenges, both for the university and the community, be studied at two different sites – the Folsom site (near Folsom and Arapahoe) and the Grandview site (near Broadway and University).

Discussion Summary

S. Weaver: Grandview is closer to the action at CU, closer to the historic core of campus. This is clearly a better site than the Folsom site.

S. Jones: Was originally skeptical about the idea of conference center and hotel, and had a concern about heights. When you go up to the Hill and walk around, this skepticism disappears and the whole concept makes sense.

L. Morzel: This idea is new to me, but was aware CU focus on Folsom. If CU went forward with Grandview, what is CU’s position on Folsom? For a while the Millennium property, with proximity to US-36 was considered, so there have been three sites. What would happen if CU could not use Grandview site for academic purposes? The city should continue to talk with CU. The idea of a university conference and hotel is great.

D. Driskell’s response – CU is not considering the Millennium site; Folsom is the site now. It will be in their court to move forward. Grandview is master planned as an academic site - Folsom and Arapahoe would be a whole other program; master planning for housing, football facility etc. Cannot speak to how CU might alter their master plan if Grandview site is chosen for a conference center and hotel.

M. Young: The idea of a conference and hotel at Grandview fine if it is tastefully executed. There will be more cars with 250 rooms – this could negate other parking needs. Consider externalities and reuse of the fine historic buildings; then it would be acceptable. Frequency of the Hop could be increased to provide better access to hotels. The city could also consider buying off the fare box. Hop buses are up for replacement now – make it trolley bus and free and create proximity.

A. Shoemaker: This is a huge win-win; it helps the civic area, helps the Hill, and helps sustainability goals. At the Grandview site you don't need a car - this meets Boulder's messaging. CU is going to put a conference center somewhere. Grandview puts it in a very unique space. The other UHGID lot has tremendous potential if CU locates the conference center at Grandview. The excitement level is very high in the community. This could improve town gown relationships, and CU builds beautiful buildings.

T. Plass: Interested in the conversation, this could be a real asset for the Hill. The center needs to be contextual and keep the historic buildings on east side of Broadway. I'm concerned about the possibility of losing the mission style building. The Folsom site is suburban. Question – since this is a CU facility; what is the possibility of non-CU events?

D. Driskell response – there is an opportunity for community use but it is a CU branded facility; they are open to a larger set of users. The main difference is the hotel rooms.

S. Jones: What is CU's timeline?

D. Driskell: I understand it to be near term. CU would likely work with a 3rd party developer/operator. There is a lot more work to be done; financial feasibility, etc.

S. Jones: This would be a defining structure, so it must be nice - it is at the top of the hill. It needs to be special. This is an exciting conversation – I'm glad CU is having the conversation.

M. Applebaum: Keep working with CU and thank them for doing this. This is a big deal; realistic that Grandview is a tight site, and if it serves the community too it is even tighter. It will change the character of the area and be very visible; it will almost certainly be more than 55 feet, and some CU buildings over 55 work. It will revitalize the Hill. Accept that it will be difficult and challenge notion of the building height, and in turn be an amenity for the Hill and downtown and better for transportation; but there will be tradeoffs.

D. Driskell: Building height – The consultant explored options that positioned the conference facility to the north, along the hill, as a relatively low profile building, and the hotel configured so that it is lower scale toward Broadway and taller facing the campus. There needs to be a lot of exploration if UHGID lot is needed for hotel rooms, it could reduce what goes on Grandview

M. Applebaum: Folsom is not an attractive site now but, this could be linchpin for a reimagining of the entire area. It would take a long time; it is not close to downtown, but in the long run could be a good thing. The city should be a partial partner and encourage community use. If we have some role in making it happen, what is the city's role?

A. Shoemaker: There have been recent vibrant conversations about height and development in the community. In this area, a facility like this is desired by the community. Victor Dover said high quality buildings sometimes are very tall – and built to last – like the Hotel Boulderado. CU buildings are not constrained by height limit – and none have flat roofs, and they are more architecturally interesting with turrets and different roof forms. Make the conference center feel like it is part of main campus and feel like it is a part of the historic campus core.

S. Weaver: The conference center should be on Grandview to revitalize the Hill. Work with CU. Not all buildings at CU are awesome, but many of the recent ones have been. For CU to hear the community desires would be greatly appreciated.

M. Young: A conference center at Grandview would relieve the civic area from this use and provide more opportunities at civic area.

G. Karakehian: Grandview is the place for a conference center to go. The main reason is transportation and getting around. The Hill is also important; you can get to Grandview without a car. If a business traveler rents a car it changes the dynamics of the trip. Folsom is not the opportunity for a car free business trip.

M. Appelbaum closed the discussion.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 17, 2015

AGENDA TITLE:

Consideration of a motion to re- appoint Mohammed Akacem to a three-year (3) term as the Citizen at-Large Trustee for the City of Boulder “Old Hire” Police Defined Benefit Pension Plan.

PRESENTERS:

Jane Brautigam, City Manager
Bob Eichen, CFO and “Old Hire” Pension Board Member
Gordon Moore, Retired Board Member Representative
Dave Hayes, Retired Board Member Representative

EXECUTIVE SUMMARY:

Full time police officers who were hired prior to April 8, 1978, and retired or will retire after January 1, 1987, are members of the city of Boulder “Old Hire” Police Defined Benefit Pension Plan. It is a single employer defined benefit pension plan established through a trust agreement adopted by the City Council. This plan superseded and replaced the retirement benefits that had previously been provided under Colorado Revised Statutes. For those police officers who retired prior to January 1, 1987, retirement, disability and survivor benefits continue to be provided under Colorado Revised Statutes, Title 31, Article 30.5, (or other applicable statute or ordinance) in effect at the time the police officer’s employment terminated. However, any such benefits are an obligation of the city’s “Old Hire” Police Defined Benefit Pension Plan.

A trustee board is required by state law and the composition of the Board is set by Colorado state law. Since there are no longer any active members in the plan (no longer working as police officers) the Board consists of two retirees of the Old Hire Police Plan

elected by the retirees, the mayor, the Chief Financial Officer, and a member at-large who is appointed by the City Council.

The requirements provided by state statute state that the member at-large should have knowledge in finance, pensions, and investments and must reside within the city limits. Due to the expertise that is required and the difficulty incurred in filling the position, past practice has been that the board members solicit and screen possible at-large members, determine if the candidates have the required knowledge, and make a recommendation to the City Council. If Council accepts the recommendation, the person is appointed to a three-year term.

This would be a second three year term for Mr. Akacem. He resides in the City of Boulder, has the required expertise, and has been an active contributing board member during his first term on the board. A copy of Mr. Akacem's work history and qualifications for the pension board is attached.

TRUSTEE RECOMMENDATION:

Suggested Motion Language:

The Trustees of the Old Hire Police Pension Plan have completed their due diligence and propose the following motion:

Motion to appoint Mohammed Akacem as a citizen at-large Trustee of the Plan for a term of three (3) plan years.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- Economic: The proposed appointment does not have a new or incremental economic impact on the community, the city as a corporation, or members of the pension plan. Any future changes made in the amount of pension payments to the members of the plan must be proposed by the board members of the plan, included in the City Manager's recommended budget, be approved by the City Council and the Colorado State Fire and Police Pension Association. If increases occur, members of the plan could maintain or improve their current economic status. If no increases occur members of the plan could incur a loss in economic buying power.
- Environmental: The proposed appointment does not have a direct or indirect environmental impact on the community, the city as a corporation, or members of the pension plan.
- Social: The proposed appointment does not have a direct or indirect social impact on the community or the city as a corporation. The trustees and active participants may propose changes that address social issues such as when the plan was amended to match Colorado law regarding the definition of a domestic partner. If financial increases are proposed that would address social issues (such as changes made in 2006 that addressed widows receiving benefits that were far below the

local poverty line) they would occur through the city budget process and would require City Council approval.

OTHER IMPACTS:

There are no new fiscal impacts associated with the proposed appointment. The trustees cannot unilaterally increase any costs that the city would incur. The only cost increases that can occur for the city are those done through the budget process and City Council approval.

The legal advice for the plan is provided by outside counsel who has extensive expertise in pension matters and specifically with “Old Hire” plans. The cost of legal advice is borne by the plan.

BOARD AND COMMISSION FEEDBACK:

None other than that supplied by the “Old Hire” Police Pension Trustees who are proposing the appointment.

BACKGROUND AND ANALYSIS

The membership of the “Old Hire Pension Plan” is composed of two separate groups of former and current police officers and their beneficiaries. The benefits paid for both groups of officers are accounted for and are an obligation of the “Old Hire” Police Defined Benefit Pension Plan.

There are 48 retirees or beneficiaries in the plan. The board deals with complex pension issues and is responsible under state law for administering the pension plan. One of the biggest challenges has been to address unfunded liability issues. When there are not enough assets in the trust to cover the projected costs over the life of the plan it is said the plan has an unfunded liability and is not actuarially sound.

Conversely, when a plan has sufficient assets to cover all liabilities it is said the plan is actuarially sound. As of January 1, 2000, the plan was actuarially sound and 100 percent funded. The large downturn in the stock market between 2001 and 2003 and again in 2007 to 2009 changed this position radically. As of January 1, 2010, the unfunded liabilities of the “Old Hire” police plan totaled \$6.27 million and the plan was 62% funded and payments had risen to \$800,000 per year.

In November of 2009, voters approved, with no increase in taxes, the use of pension obligation bonds to infuse a lump sum contribution and level out the contribution amounts the city has to pay. The bonds were issued and the money received was deposited in the plan. As of the end of 2014, the old hire police plan has stabilized, and is on an actuarially sound path.

The plan is required to have an actuarial study every two years (to determine the percent of funded status of the plan). The next study will occur after 2015 ends. The board will continue to monitor the ongoing status of the plan.

The appointment of Mr. Akacem will allow the board to proceed with maintaining the stability and soundness of the plan.

ATTACHMENT A: Resume for Mr. Mohammed Akacem

January, 2015

MOHAMMED AKACEM
Department of Economics
Professor

EDUCATION, EMPLOYMENT, HONORS AND AWARDS

Education

Ph.D., Economics, University of Colorado, May 1981. Fields, Money and Banking and Economic Development.

M.A., Economics, University of Colorado, May 1979.

B.A., Economics (honors), Portsmouth Polytechnic, Portsmouth, U.K., June 1976 (renamed University of Portsmouth) Fields, Money and Banking, Econometrics and Industrial Organization.

Employment History

Academic

2009-2012, Faculty Director, Kuwait Study Abroad Program

2005 to October, 2011: Associate member, Center for Middle Eastern Studies, University of Chicago, Chicago.

1995 to present: Professor of Economics (tenured) Metropolitan State University of Denver, Denver, Colorado.

1991 to 1995: Associate Professor of Economics, Metropolitan State University of Denver, Denver, Colorado.

1984-present: (with off years), Adjunct Professor, University of Colorado, Boulder.

2008: Adjunct Professor, Graduate School, Denver University

1989 to 1991, University of Colorado, Visiting Assistant Professor of Economics.

1987, Visiting Assistant Professor, Department of Economics, University of Colorado, Boulder.

1984-1985, Visiting Faculty, University of Colorado Boulder.

1980-1984, University of Colorado, Department of Economics, Teaching Assistant.

1979, University of Colorado, Department of Economics. Teaching Assistant.

Employment with Government, Nongovernmental, and International Institutions

1989 to 1989, (January to March) Country Economist: The African Development Bank, Abidjan (Ivory Coast). Country Programs Department

1985-1987, Saudi Fund for Development, Riyadh. Senior Economist, Research and Economic Studies Department. Loan Officer, Loan Department

1983 to 1985 Project Director for "The International Trade of Natural Gas", International Center for Energy and Economic Development, ICEED, Boulder Colorado.

1982 to 1982 Economist, Algerian Ministry of Energy and the national oil company, Sonatrach, for the Office for Oil Policy Coordination with OPEC.

1978 - 1981. Senior research fellow and Project coordinator, International Research Center for Energy and Economic Development, Boulder, Colorado.

Honors/Award/Certification:

Received Professional Development Grants from The School of Business

Received the Distinguished Service Award in 2006

Received the Golden Key Award for research in 1998

Courses Taught: Undergraduate level:

Principles of Macro-Economics

Money and Banking

Political Economy of the Middle East and North Africa

The Geopolitics and Economics of Oil

Seminar on Global Financial Crises

Economic Development

Teaches On Line courses

Courses taught: Graduate level (MA)

Political Economy of the Middle East

Oil and the World Economy

Intellectual Contributions:

Forthcoming Book:

“Rethinking the Resource Curse - Reshaping the Role of oil and its Impact on Economic Development in the MENA region post-Arab spring”, with Springer publishing, co-authored with William Kaempfer and Dennis Miller, expected date is 2016.

Refereed Publications:

1. Journal Articles:

Akacem, Mohammed “Sovereign Wealth Funds, Debt Equity Swaps and Implication to Islamic Finance” submitted on December 2014, to the Journal of South Asian and Middle Eastern Studies. Under review.

Akacem, Mohammed and Dennis D. Miller, “Oil as the path to Institutional change in oil-exporting MENA”, submitted in February, 2015 to the British Journal of Middle Eastern Studies. Under review.

Akacem, Mohammed and Xin Geng (2015) “The fallacy of the resource curse in Arab oil economies: why institutions matter” with Xin Geng forthcoming in the spring 2015, in the *Journal of South Asian and Middle Eastern Studies* (confirmation email, Nov 24, 2014)

Akacem, Mohammed, John Faulkner and Dennis Miller (2015), "The benefit principle as applied to Middle East oil: Implication to U.S. energy policy", forthcoming in the summer of 2015, in the Air and Space Power Journal (ASPJ), and will appear in French in the same journal (confirmation email, December, 15th, 2014)

Akacem, Mohammed (2008) “Islamic Banking and Finance: Beyond *Shariah*' Arbitrage”, *Review of Islamic Economics*, Vol. 12, No.2: 67-85.

Akacem, Mohammed. (2004) “The Role of External Actors in Algeria’s Transition.” *Journal of North African Studies* Vol. 9, no. 2: 153-168. Reprinted in *Islam, Democracy and the State in Algeria: Lessons for the Western Mediterranean and Beyond*, edited by Michael Bonner, Megan Reif and Mark Tessler, 153-168. London-New York: Routledge. (2005)

Akacem, Mohammed. (2002) “OPEC Then and Now: Uncertainties in the Global World Oil Markets,” *Pacific and Asian Journal of Energy* Vol. 12, no. 1: 23-36.

Akacem, Mohammed, and Gilliam Lynde L. (2003) “Shifting Economic Power in World Oil Markets.” *International Business and Economics Research Journal* 2, no. 1: 17-20.

Akacem, Mohammed. (2001) “Algeria’s Oil Policy: The Battle for Control,” in the *Journal of Energy and Development* 26, no. 1: 71-76.

Akacem, Mohammed, and Glahe Fred R. (2000) “OPEC’s Road Ahead,” *The Journal of Energy and Development*, 24, no. 2: 215-222.

Akacem, Mohammed, and Fleisher (1996) “An Alternative Model for OPEC Stability: The Carrot and Stick--and Carrot Approach,” *Journal of Energy and Economic Development* Vol 20, no. 1: 97-108.

Akacem, Mohammed. (1993) "Islamic Economics: Equity Banking as an Approach to Prosperity." *Economic Direction* 1, no. 1: 49-56.

Akacem, Mohammed. (1992) "Secondary Market Fundamentals and policy implications for debt conversion: The Algeria Case" *OPEC Review* Volume 16, Issue 4, pages 383–408, December 1992.

Akacem, Mohammed. (1992) "The New World Order and Its Impact on the Birth of a New Arab Order." *Economic Direction* 4, no. 1: 34-41.

Akacem, Mohammed. (1987) "OPEC: What Next." *Journal of Energy Exploration* 5, no.1 (1987): 5-15.

Akacem, Mohammed. (1987) "The Future of the Organization of Petroleum Exporting Countries." *Journal of Energy and Development*. 13, no. 1: 123-139.

Book Chapters:

Akacem, Mohammed and Miller Dennis (2008-09) "The Odious Debt Principle: The Case of Iraq" in *Odious Debt: Contemporary issues*, Amicus Books, India. First edition 2008. 136-151.

Abstracts:

Akacem, Mohammed. (1994) "Algeria: In Search of an Economic and Political Future." *International Political Science Abstracts*.

Akacem, Mohammed. (1993) "The New World Order for Oil." *International Political Science Abstracts*, No. 2.

Refereed Conference Presentations and Proceedings:

Mohammed Akacem, "Oil and Democracy in Algeria: Why has the Arab Spring Passed it By?" presented at the 2014 Annual Conference of the Association for the Study of the Middle East and Africa, October 30 - November 1, 2014, Key Bridge Marriott Hotel Washington D.C.

Mohammed Akacem, "Oil, Poverty, and Economic Development in Sub-Saharan Africa" presented at the 32nd Annual Conference of the Association of the Association of Third World Studies, October 16 – 18, 2014, Denver, Colorado.

Mohammed Akacem and Dennis Dixon Miller "Institutions and Economic Development in Oil Economies: The Case of MENA" presented at the Association of Private Enterprise Education Thirty Nine Annual Conference April 13-15th, 2014, Winn Hotel, Las Vegas, Nevada.

Mohammed Akacem and Adrian W. Shopp "International Perspective on Sovereign Credit Downgrades" presented at the Association of Private Enterprise Education Thirty Nine Annual Conference April 13-15th, 2014, Winn Hotel, Las Vegas, Nevada.

Akacem, Mohammed, "Resource Curse and Economic Development in the Middle East and Africa", presented at the Association of Private Enterprise Education Thirty-Eight Annual Conference April 14th-16th, 2013, Sheraton, Maui, Hawaii.

Akacem, Mohammed and Dennis Miller, "Middle East and North African Countries (MENA) Differing Economic Prospects" presented at Association of Private Enterprise Education Thirty-Seventh Annual Conference April 1-3, 2012 Harrah's Las Vegas Hotel and Casino, Nevada

Akacem, Mohammed, (2011), "Market Economic Reforms and Institutional Change in Algeria", Paper presented at the Association for Private Enterprise Education annual conference in 10-12, 2011, in Nassau.

Akacem, Mohammed, (2011), "Why Algeria May Not Follow the Examples of Tunisia and Egypt", presented at the annual Middle East History and Theory conference, University of Chicago, May 13-14.

Akacem, Mohammed, (2010). "Oil, institutions and the quest for democracy in the Arab World." Paper presented at the World Congress for Middle Eastern Studies in Barcelona, Spain, July 19th – 24th 2010.

Akacem, Mohammed and Miller Dennis, (2010). "Russia's looming shortage of expertise in Petroleum and Natural Gas development. "Paper presented at the *Association for Private Enterprise Education* annual conference in Las Vegas, Nevada in April 2010.

Akacem, Mohammed, (2009). "Equity Finance and the Global Financial Crisis." Paper presented at the Southern Economic Association, 79th Annual Conference, San Antonio, November 21-23.

Akacem, Mohammed, and Dennis D. Miller. (2009) "Sovereign Wealth Funds: Savior of Global Financial Markets or Force of Evil." Paper presented at the 34th Annual Association of Private Enterprise Education's meeting in Guatemala City, Guatemala, April 5-7.

Akacem, Mohammed, and Dennis D. Miller. (2008) "Role of Sovereign Wealth Funds and Implication to Global Financial Markets", paper presented at the 33rd Annual Association of Private Enterprise Education's meeting in Las Vegas, Nevada, April 6-8.

Akacem, Mohammed, and Dennis D. Miller. (2008) "A Review of the World Oil Market: What Next?" paper presented at the 33rd Annual Association of Private Enterprise Education's meeting in Las Vegas, Nevada, April 6-8.

Akacem, Mohammed and Kada Akacem. (2008) "Islamism and Secularism in the Arab and Islamic World: Implication to Economic Policy", paper presented at the 23rd annual Middle East History and Theory Conference, University of Chicago, Chicago May 9-10th.

Akacem, Mohammed, and Dennis D. Miller. (2007) "US Farm Subsidy Program and Implication to US Dependence on Foreign Oil", paper presented at the 32nd Annual Association of Private Enterprise Education's meeting in Cancun, Mexico, April 8-10.

Akacem, Mohammed, and Dennis D. Miller. (2007) "World Oil Markets: The Market vs the Cartel", paper presented at the 32nd Annual Association of Private Enterprise Education's meeting in Cancun, Mexico, April 8-10.

Akacem, Mohammed. (2007) Chaired the session on the Second Annual Islamic Finance Panel for the 22nd annual Middle East History and Theory Conference, University of Chicago, Chicago May 11-12th. Paper presented at "Islamic Banking and Finance: Is Sharia Compliance Enough?"

Akacem, Mohammed, and Dennis D. Miller. (2006) "The Odious Debt Concept: The Case of Iraq" Presented at the 31st Annual Association of Private Enterprise Education's meeting in Las Vegas, April 2-4.

Akacem, Mohammed, John Cochran and Dennis Miller. (2006) "Democracy through Oil", Presented at the University of Chicago's Center for Middle Eastern Studies' 21st annual conference on Middle East History and Theory, University of Chicago, May 12th & 13th.

Akacem, Mohammed, and Dennis D. Miller. (2005) "Using Hotelling Rule in Uncertain Political Times: Implication to the World Oil Markets." Presented at the 30th Annual Association of Private Enterprise Education's meeting in Orlando, Florida, April, 3-5.

Akacem, Mohammed and Dennis D. Miller (2005) "Why the Hubbert Curve is Irrelevant to World Energy Production." Presented at the 30th Annual Association of Private Enterprise Education's meeting in Orlando, Florida, April, 3-5.

Akacem, Mohammed and Dennis D. Miller. (2004) "The Benefit Principle as Applied to Middle East Oil." Presented at the 29th Annual Conference of the Association of Private Enterprise Education in Nassau, The Bahamas, April 4-6.

Akacem, Mohammed and Dennis D. Miller.(2003) "The Economic State of the Arab World." Presented at the Association of Private Enterprise Education 28th annual conference, Las Vegas, April 6-8.

Akacem, Mohammed. (2003) "Globalization and the Arab World," Presented at the Association of Private Enterprise Education 28th annual conference, Las Vegas, April 6-8th.

Akacem, Mohammed and Lynde L. Gilliam. (2002) "OPEC and the New World Oil Market." Presented at the 2002 International Applied Business Research Conference held in Puerto Vallarta, Mexico, March 14-19.

Akacem, Mohammed and Dennis D. Miller. (2002) "Privatizing OPEC: A Property Rights Perspective." Presented at the Association of Private Enterprise Education, Cancun, Mexico, and April 7-9.

Akacem, Mohammed and Lynde L. Gilliam, (2001) "On the Economics of Oil, Interest Rates, And Wealth" Presented at the 2001 International Applied Business Research Conference, held in Cancun, Mexico, March 14-21.

Akacem, Mohammed and Lynde L. Gilliam, (2001) "Oil Production Policy by Middle East Oil Producers: A Market Approach." Presented at the Association of the Private Enterprise Education 2001 on The Role of Competition and Choice in the Modern e-economy, Washington, DC, April 8-10.

Akacem, Mohammed and Lynde L. Gilliam. (2000) "Capital Controls: A Cure or A recipe for disaster?" Presented at the Association of Private Enterprise Education Conference, Las Vegas, NV, and April 2-4.

Akacem, Mohammed and Fred R. Glahe (1999) "OPEC Defies Cartel Theory or has it?" Presented at the Annual International Energy and Area conference, International Research Center for Energy and Economic Development, Boulder, Colorado.

Akacem, Mohammed and Lynde L. Gilliam. (1999) "Islamic banking: a way out of financial crisis?" Presented at the Association of Private Enterprise Education Conference, Orlando, FL.

Akacem, Mohammed. (1997) "Credit rating of sovereign debt: What does the market have to say?" Presented at the Southern Economic Association's 67th Annual Meeting in Atlanta, Georgia,

Akacem, Mohammed. (1997) "Banking Without Interest: Implications for U.S. Policy" Presented at the Association of Private Enterprise Education in Washington, DC..

Akacem, Mohammed. (1997) "Financial services in the Arab world," Presented at the Globalization and Economic Services Conference in Asilah, Morocco, August.

Akacem, Mohammed. (1996) "Privatization through debt conversion." Presented at the 21st Annual Conference of the Association of Private Enterprise Education, in Las Vegas, Nevada.

Akacem, Mohammed. (1996) "The slow pace toward market reforms: Big bang vs. the gradual approach" Presented at the 21st annual conference of the association of Private Enterprise Education, in Las Vegas, Nevada , March 31st-April 2nd.

Akacem, Mohammed. (1996) "OPEC and the Gulf." Presented at the Seventeenth International Area Conference on Middle East Oil and Gas Supply on Boulder, Colorado, March 19-20.

Akacem, Mohammed. (1995) "Algeria: The Road Ahead." Presented at the council on Foreign Relations in New York, as part of the series on "The Consequences of Choice in the Arab World" June 13.

Akacem, Mohammed.(1992) "The Future of the Algerian Political and Economic Situation" Presented at the annual conference of the Middle East Institute at the National Press Club in Washington, DC. October 15-16.

Akacem, Mohammed. (1992) "Fundamentals of the secondary Market for external debt: The Algerian Case." Presented by a colleague at the International conference on Business and Economic Development in Middle Eastern and Mediterranean Countries in Malta, May 25-27.

Akacem, Mohammed. (1992, February), "Principles of Islamic Banking and the US Banking Crisis" paper presented at the Mid South Academy of Economics and Finance in Mobile, Alabama.

Akacem, Mohammed. (1987, December), "The Future of OPEC", paper presented at the Allied Social Science Association's annual meeting in Chicago for the joint program of the American Association and the Association of the Grants Economy.

Akacem, Mohammed. (1987, January), "The Cost of Arab Food Imports" paper presented at a conference on Agricultural and Food Production in the Arab World in Athens, Greece.

Akacem, Mohammed. (1986, September 14-16), "OPEC: What Next?" paper presented at the International Oil and Gas Conference in Calgary, Alberta (Canada).

Akacem, Mohammed. (1986, September 25-26), "Islamic Banking and The World Debt Situation", paper presented at the Islamic Banking and Finance Conference, Washington, DC.

Akacem, Mohammed. (1985, December), "Estimating the Demand for Money in Kuwait: Implications for Monetary Policy", at the American Economic Association's meeting in New York.

Akacem, Mohammed. (1985, April), "Pricing and production of Algerian Oil and Gas: Future Prospects" paper presented at the International Conference on Energy Development and the Western States: Financing Prospects and International Implications-from recession to recovery.

Akacem, Mohammed. (1981, August 26-27), "Long Term Energy Outlook in Algeria", paper presented at the eighth International Energy conference, in Boulder, Colorado.

Non Refereed Presentations:

Gave several presentations in the local community

Other: Op Ed articles in local/national/International papers:

Akacem, Mohammed (2014) "How the Arab Spring changed the prospects for OPEC's survival", in *Your Middle East*, December 5, 2014, http://www.yourmiddleeast.com/business/how-the-arab-spring-changed-the-prospects-for-opecs-survival_28396, accessed December 24th, 2014.

Akacem, Mohammed (2013) "The fallacy of the oil curse and the fate of the Arab world" in *Your Middle East*, May 22, 2013, http://www.yourmiddleeast.com/business/the-fallacy-of-the-oil-curse-and-the-fate-of-the-arab-world_15249, accessed May 22, 2013

Akacem, Mohammed (2013), "Algeria's spring: A challenging future", in *Your Middle East*, February 19, 2013, http://www.yourmiddleeast.com/columns/article/algerias-spring-a-challenging-future_13060, accessed May 22, 2013.

Akacem, Mohammed (2008) "A chance for the Middle East", in *The NewStatesman*, October 8, http://www.newstatesman.com/writers/mohammed_akacem

Mohammed, Akacem (2008) "Trillion-dollar question: How we'll pay for this" in *The Denver Post*, October 19 http://www.denverpost.com/search/ci_10751218

Akacem, Mohammed (2008) "No bailout, please; I'm done paying", in *The Rocky Mountain News*, October 1.

Akacem, Mohammed (2008) "Terror born of Injustice" in *The Rocky Mountain News*, June 14.

Mohammed, Akacem (2008) "Worried about too much foreign investment in the U.S.? Don't be" in *The Rocky Mountain News* April 20.

Akacem, Mohammed (2007) "Fed's market rescue a slippery slope" in *The Rocky Mountain News*, August 20.

Akacem, Mohammed (2006) "Globalization for everyone - except Arabs", in the *Denver Post*, March 2.

Akacem, Mohammed (2006) "The free market will prove to be America's best energy policy" in the *Rocky Mountain News*, June 3.

Akacem, Mohammed, and Miller Dennis (2003) "Iraq, the Day After: Oil for the People." *Perspectives* (The Foundation for the Defense for Democracies), March.

Akacem, Mohammed, and Miller Dennis (2003) "Let It Flow." *Washington Times*, February 21.

Akacem, M. and Miller Dennis (2003) "Let the Iraqi people own their own oil" *The Rocky Mountain News*, February 21.

Akacem, Mohammed (1999) Iraq Policy Confusion, "*The Washington Times*", January 4.

Akacem, Mohammed (1999) "OPEC's Glory days have come and gone", *The Wall Street Journal Europe*, Volume XVII number 33, page 12, March 18.

Akacem, Mohammed (1999) "Algerian Democracy Runs Aground", *The Wall Street Journal Europe*, page A-10, April 15.

Akacem, Mohammed (1999) "Point de Salut dans Le Petrole" [Oil will not be Algeria's savior], in *Jeune Afrique* number 2008, page 116-118, Article written in French for the French trade publication, July 6-12. In French.

Akacem, Mohammed (1999) "An Examination of the Economic and Political Situation in Algeria" in *Al-Bayan* (Dubai), July 17, page 11.

Akacem, Mohammed (1999) "Arab Brain Drain and its implication to the economic development of the Arab world", in *Al-Bayan*, (Dubai, 1999, September), in the weekly political file.

Akacem, Mohammed (1999) Power and democratization in the Arab World: Are we there yet? in *Jeune Afrique* Paris, France, (September)

Akacem, Mohammed (1999) "Algerian Connection to Possible Terrorism Puzzling", *The Rocky Mountain News*, page 43-A, December 24.

Akacem, Mohammed (1999) "Africa Still Awaiting Stability Plan." *The Rocky Mountain News*, page 8-B, August 22.

Akacem, Mohammed (1998) "Attacking Iraq Won't Dislodge Saddam." *The Rocky Mountain News*, December 18.

Akacem, Mohammed (1998) "Europe Takes a Giant Leap Into Unknown." *The Rocky Mountain News*, January 3.

Akacem, Mohammed (1997) "Algeria's Vote Won't Stop the Violence." *The Wall Street Journal Europe*, June 9.

Akacem, Mohammed (1996) "Our Wrongheaded Policy toward Iraq." *The Rocky Mountain News*, 1996, September 9.

Akacem, Mohammed (1995) "Searching for Peace after Algeria's Election." *The Washington Times*. November 28.

Akacem, Mohammed (1995) "Doubts Still Strong about Dollar." *The Rocky Mountain News*, June 25.

Akacem, Mohammed (1995) "A Mexican Bailout-A Bad Precedent." *The Rocky Mountain News*. February 5.

Akacem, Mohammed (1995) "Import Oil Now, Not Later." *The Rocky Mountain News*, January 8.

Akacem, Mohammed (1994) "How Algeria's Democracy was Hijacked", in the *The Wall Street Journal Europe*, December, 28.

Akacem, Mohammed (1994) "Middle East Peace Cannot Be Legislated." *The Rocky Mountain News*, November 6.

Akacem, Mohammed (1994) "A New Bank Won't Help Middle East Peace-Pr Prosperity." *The Wall Street Journal Europe*, November 8.

Akacem, Mohammed (1994) "The Global Market For Population Growth." *The Washington Times*, September 12.

Akacem, Mohammed (1993) "Algeria Slides down Toward an Abyss." *The Wall Street Journal Europe*, December 31.

Akacem, Mohammed (1993) "Algeria: On the Brink of Government Crisis." *The Christian Science Monitor*, September 15.

Akacem, Mohammed (1993) "The Twilight of OPEC" *The Christian Science Monitor*, September 15.

Akacem, Mohammed (1993) "Energy Tax is No Talisman to Reduce U.S. Dependence on Foreign Oil." *The Denver Post*, February 7.

Akacem, Mohammed (1992) "America Should Not Fear the Islamic Resurgence, But We Must Understand It." *The Denver Post*. September 12.

Akacem, Mohammed (1992) "In the Wake of Desert Storm, a Tamer OPEC." *The Globe and Mail (Canada)* August 27.

Akacem, Mohammed (1992) "Europe May Feel Algeria's Strife." *The Wall Street Journal Europe*, July 3-4.

Akacem, Mohammed (1992) "The Mirage of Arab Unity." *The Wall Street Journal* June 12.

Akacem, Mohammed (1992) "Algeria's Mistaken Path." *The Christian Science Monitor*, February 5.

Akacem, Mohammed (1992) "Islam Scores a Fundamental Victory." *The Los Angeles Times*, January 3.

Akacem, Mohammed (1991) "Algeria's Future in the Balance." *The Christian Science Monitor*, October 30.

Akacem, Mohammed (1991) "The Islamic Challenge to Algeria's New Democracy." *The European Wall Street Journal*, July 2.

Akacem, Mohammed (1991) "Islam and the U.S. Banking Crisis." *The Wall Street Journal* (U.S. edition) May 9.

Akacem, Mohammed (1991) "Islamic and the U.S. Banking Crisis." in *The European Wall Street Journal*, May 10.

Akacem, Mohammed (1991) "Post War OPEC Will be Kinder and Gentler" published in *The Christian Science Monitor*, March 20th.

Akacem, Mohammed (1988) "Welcome OPEC to the US Oil Patch." *The Wall Street Journal* (US edition), June 3rd.

Akacem, Mohammed (1988) "Welcome OPEC to the American Oil Patch." *The Wall Street Journal Europe*, on June 8, 1988.

Akacem, Mohammed and Mohammed Abudrahmane Suleiman (1986) "Nothing Wrong with Deficits." *The Saudi Gazette*, October, 18.

Akacem, Mohammed (1991) "Post War OPEC Will be Kinder, Gentler." *The Christian Science Monitor*, March 20.

Akacem, Mohammed (1985) "From OPEC to GOPEC." *The Wall Street Journal*, November, 11.

Editorial Boards/contributor to newspapers/trade journals:

1999 to 2002: Contributor to Jeune Afrique, a French trade publication out of Paris.

1994-1995: Contributor to the Rocky Mountain News.

1999: Contributor to *The Denver Business Journal*

1999: Contributor to Al-Bayan newspaper in Dubai, United Arab Emirates.

Professional Organizations current and past membership:

Association for the Study of the Middle East and Africa (ASMEA)

Association of Private Enterprise Education

Member of the Board of APEE

Middle East Policy Council

Gulf 2000

Languages: English, French and Arabic.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 17, 2015

AGENDA TITLE: Consideration of a motion to adopt Resolution No. 1156 supporting a GOCO Conservation Excellence grant award for \$50,000 to partially fund a study to provide water resource management strategies for the benefit of the environment within the Open Space and Mountain Parks system.

PRESENTER/S

Jane S. Brautigam, City Manager
Tracy Winfree, Interim Director, Open Space and Mountain Parks
Jim Reeder, Land and Visitor Services Division Manager
Todd Doherty, Water Resources Administrator

EXECUTIVE SUMMARY

The purpose of this agenda is to request consideration and approval of a resolution supporting a Great Outdoors Colorado (GOCO) Conservation Excellence grant award of \$50,000 to partially fund a study to provide water resource management strategies for the benefit of the environment within the Open Space and Mountain Parks (OSMP) system.

This grant request falls under GOCO's Stewardship and Long-Term Sustainability category of the Conservation Excellence program. The goal of this project is to manage OSMP's water resources in a way that better preserves and protects the natural environment and land resources. Significant local investment has been made to acquire, develop and protect Boulder's OSMP and to provide associated environmental educational opportunities and facilities. This project will not only provide specific management recommendations that provide environmental benefits on the City of Boulder's OSMP lands, but it is expected that this project will produce transferable information and methods for other open space departments and programs to adopt in order to manage their water resources to the benefit of the water-dependent environment.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt a resolution supporting the GOCO Conservation Excellence grant award of \$50,000 to partially fund a study to provide water resource management strategies for the benefit of the environment within the OSMP system.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Environmental: OSMP is a significant community-supported program that is recognized as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. This proposal seeks to identify ways to utilize OSMP's water resources to improve and/or enhance the environment.
- Economic: OSMP contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- Social: This proposal seeks to identify ways to utilize OSMP's water resources to improve and/or enhance recreational opportunities for diverse communities.

OTHER IMPACTS

- Staff time – This matter will be handled by staff during its normal work hours.
- Fiscal – Matching funds for this grant would be \$9,000.

BOARD AND COMMISSION FEEDBACK

On Oct. 23, 2014, the Open Space Board of Trustees (OSBT) voted in support of the application and submitted a letter of support to GOCO.

PUBLIC COMMENT AND PROCESS

This grant application was presented at the OSBT meeting on Oct. 23, 2014. At that time, no comments were made by the public regarding this item. In addition, once this project is completed, several public presentations will be provided to describe the process and results.

PROJECT DESCRIPTION

This proposal seeks to develop strategies for using OSMP's water rights portfolio to enhance the multiple values held by the Boulder community, including agricultural and environmental. OSMP owns significant water rights that are used for the irrigation of approximately 5,500 acres of pasture, row crops and vegetables. The Boulder community is very supportive of active agricultural operations and encourages the preservation and sustainable use of agricultural lands as a renewable source of food and for their contributions to cultural, environmental and economic diversity. Equally important to the Boulder community is the preservation, protection and restoration of the natural environment: wetlands, riparian protection and enhancement, species protection and instream flows. These values have been explicitly expressed in the City Charter, the Boulder Valley Comprehensive Plan (BVCP) and in the resource and area management plans endorsed by the OSBT and approved by the Boulder City Council.

This proposal seeks to compile existing environmental information on watersheds, identify streams and riparian areas with existing protections and streams lacking such protections. Evaluating OSMP's water rights and physical structures to identify potential opportunities to improve its watershed's health while meeting other citizen-held values. The overall objective is to identify opportunities where OSMP's water resources can be used to optimize the benefits to the values important to the community including agriculture, the environment and recreation.

ANALYSIS

This grant request is for a GOCO Conservation Excellence grant. The Conservation Excellence grant program helps fund planning efforts and studies that help advance GOCO's mission and objectives. The application is requesting \$50,000 in grant monies with OSMP committing approximately \$9,000 in cash and \$13,950 in in-kind (staff time) contributions towards the total project cost of \$72,950. The

grant application was submitted to GOCO on Aug. 19, 2014. GOCO staff reviewed the applications and provided recommendations to the GOCO Board for consideration at its December 2014 meeting. At that time, the GOCO Board approved this grant and staff will begin the project in early 2015.

This grant request was approved by the City of Boulder's grant approval committee. In addition to a letter of support from the OSBT, this project has received letters of support from the Nature Conservancy, the Colorado Water Trust and the Larimer County Department of Natural Resources. All of these entities are hopeful that this study can provide a template for other agencies and departments to apply to their systems.

ATTACHMENTS:

- A. Resolution

RESOLUTION NO. 1156

A RESOLUTION OF SUPPORT FOR A GREAT OUTDOORS COLORADO GRANT TO HELP FUND A STUDY TO EXAMINE WATER RESOURCE MANAGEMENT STRATEGIES FOR THE BENEFIT OF THE ENVIRONMENT WITHIN THE OPEN SPACE AND MOUNTAIN PARKS SYSTEM.

WHEREAS, On September 19, 2014, Open Space and Mountain Parks staff submitted a Great Outdoors Colorado (GOCO) Conservation Excellence grant application for \$50,000 to partially fund a study to provide water resource management strategies for the benefit of the environment within the Open Space and Mountain Parks system; and

WHEREAS, On October 23, 2014, the Open Space Board of Trustees met and approved a letter of support to GOCO for this grant application; and

WHEREAS, On December 9, 2014, the GOCO Board met and awarded the City of Boulder the full grant request of \$50,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF

THE CITY OF BOULDER, COLORADO:

Section 1. The City of Boulder supports the GOCO Conservation Excellence grant application for \$50,000 to partially fund a study to provide water resource management strategies for the benefit of the environment within the Open Space and Mountain Parks system.

Section 2. The City of Boulder appreciates the GOCO Board’s approval of the aforementioned grant.

APPROVED at a regular meeting of the Boulder City Council this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 17, 2015

AGENDA TITLE: Third reading and consideration of a motion to adopt Ordinance No. 8015, amending Chapter 6-4, B.R.C. 1981, adding a new section, 6-4-3.5 “Smoking Prohibited in Public Places,” including electronic smoking devices in the definition of smoking, and setting forth related details

PRESENTER/S

Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney
Maureen Rait, Executive Director of Public Works
Jeff Dillon, Interim Director of Parks and Recreation
Yvette Bowden, Deputy Director of Parks and Recreation
Sandra Llanes, Senior Assistant City Attorney
Lisa Martin, Urban Parks Manager
Eric M. Ameigh, Public Works Projects Coordinator

EXECUTIVE SUMMARY

In January 2014, City Council provided staff with general direction to develop a proposal to ban smoking in parks, on open space, and in other public places that would further council’s goal of making Boulder as healthy and smoke-free as possible. In response, an interdepartmental staff team developed a draft ordinance.

The existing code prohibits smoking in buildings (with some exceptions) and within 15 feet of any entryway, including patios. The proposed Ordinance No. 8015 (Attachment A) increases that distance from 15 feet to 25 feet. The ordinance also extends the ban to public outdoor spaces such as Open Space and Mountain Parks properties, parks and park facilities, within the downtown Boulder Business Improvement District, all multi-purpose paths and 25 feet on each side of them, within 25 feet of bus stops, outdoor patios at bars and restaurants, and within a defined area surrounding Boulder High School. Electronic smoking devices or e-cigarettes are included in the definition of smoking and are therefore banned in all areas where smoking is prohibited.

At second reading on Feb. 3, 2015, council amended Ordinance No. 8015 in the following ways:

- Smoking is now prohibited within 25 feet of any entryway. The previous requirement was 15 feet.
- Smoking is now prohibited within 25 feet of the edge of all multi-use paths. The previous requirement was 15 feet.
- Smoking is now prohibited within 25 feet of all bus stops. The previous requirement, due to a typographical error in the ordinance at first reading, was 20 feet.
- Smoking is now prohibited on all outdoor patios at all bars and restaurants. Previous language in the ordinance was felt to be insufficiently clear on this topic.

If council adopts the ordinance at third reading on Feb. 17, it will become effective on March 19, 2015. Law enforcement personnel will provide warnings and education with limited enforcement from March 19 through April 30 and then begin typical enforcement, as needed. A robust public information campaign will commence late in the first quarter of 2015 to inform the public about the expanded smoking ban before enforcement begins.

STAFF RECOMMENDATION

Suggested Motion Language

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

Motion to adopt Ordinance No. 8015, amending Chapter 6-4, B.R.C. 1981, adding a new section, 6-4-3.5 “Smoking Prohibited in Public Places,” including electronic smoking devices in the definition of smoking, and setting forth related details.

BOARD AND COMMISSION FEEDBACK

Significant board and commission feedback helped to shape the proposed ordinance. In addition to board and commission input, the proposed ordinance reflects the changes requested by council at its [Sept. 23, 2014 study session](#) and at second reading on Feb. 3, 2015.

PUBLIC FEEDBACK

Community feedback on the proposal to expand the ban on smoking has been somewhat mixed. Overall public response, including the response from those in the local public health community, has been supportive of the ordinance. Users and proponents of electronic smoking devices have voiced opposition to the inclusion of the devices in the ordinance.

BACKGROUND

The Boulder community has a long history of commitment to both health and quality of life. As part of that commitment, the city has historically regulated smoking in public places.

In early 2014, City Council reaffirmed the city's commitment to clean air and enjoyment of public spaces by directing city staff to develop a proposal that would eliminate the possibility of outdoor secondhand smoke in nearly all of the city's heavily used public gathering spaces and recreational facilities. At a study session on Jan. 28, 2014, council provided staff with general direction to develop a proposal to ban smoking in parks, on open space, and in other public places. In addition, council directed staff to do its best to ensure that the proposed smoking ban would be enforceable.

The staff team responded to council's direction with a proposed ordinance that was then reviewed by a variety of city boards and commissions in the areas affected by the proposed ordinance. The staff proposal was discussed at a Sept. 23, 2014 council study session. [First reading of the ordinance](#) took place on Nov. 18, 2014. [Second reading and a public hearing](#) occurred on Feb. 3, 2015.

The inclusion or exclusion of electronic smoking devices was a constant question throughout the ordinance development process. Electronic smoking devices are a relatively product and new information emerges about the devices on a regular basis. Staff did its best to monitor new information and use it to inform each council interaction. In an effort to keep its options open until a public hearing, council requested two options for first reading: one that prohibited electronic smoking devices and one that did not. At first reading, council moved both options forward to a second reading and public hearing. At second reading, after hearing public comments and considering the issue, council accepted the staff recommendation to prohibit electronic smoking devices due to uncertainty about the devices' safety and potential to normalize smoking behavior. In addition, council further amended the ordinance as described below:

- The existing code prohibits smoking in buildings (with some exceptions) and within 15 feet of any entryway, including patios. Council amended the proposed ordinance No. 8015 to increase that distance from 15 to 25 feet in order to provide more protection for people entering and exiting buildings.
- Another amendment clarified the language barring smoking on all outdoor patios at bars and restaurants. Some council members had been concerned that the existing language in the code was unclear and would allow for smoking on or near patios, where secondhand smoke would affect the general public.
- Council also amended the proposed ordinance to increase the smoke-free buffers around bus stops and multi-use paths to 25 feet. The intention was to provide more

smoke-free area around bus stops and multi-use paths, and to establish more consistency by changing all distances in the ordinance to 25 feet.

Council noted that the Boulder Business Improvement District map contained in the Boulder Revised Code is difficult to read and that its illegibility could have an impact on the public's ability to understand where smoking will be prohibited downtown. Staff agreed to upgrade the quality of the map in order to remedy the issue, and has produced an [improved map](#) that will appear in the code. Council also requested that a map clearly showing the areas of downtown where the ordinance will be in effect be made available to the public. Staff has produced a map of the [downtown Boulder smoke-free area](#), which has been posted as part of a [new Web page](#) dedicated to informing the public about the expansion of smoke-free areas in the city.

There was some discussion by council at second reading about the possibility of adjusting the boundaries of the downtown area included in the ban. There was concern that the Boulder Business Improvement District boundaries were insufficient. Ultimately, council decided not to make this change, understanding that smoking bans are typically applied incrementally and that revisions are likely to be made as time goes on.

The regulations prohibiting smoking have evolved and the implementation of these proposed changes will be monitored. If the impacts warrant consideration of additional changes in the future, such as the application of the prohibition to the University Hill General Improvement District, or expansion of the areas in which smoking is already prohibited; those changes would be vetted by the relevant boards and/or commissions and then scheduled for council consideration.

ANALYSIS

For a complete analysis of the ordinance, see the Nov. 18, 2014 [first reading memo](#) and the Feb. 3, 2015 [second reading memo](#).

NEXT STEPS

In February, staff will submit a higher-quality [map of the downtown Boulder Business Improvement District](#) to the codifier for insertion into the B.R.C. Staff expects the new map to be available in the online version of the B.R.C. before third reading on Feb. 17, 2015 and in the hard copy version by the end of February. Staff has also created a [map of all affected downtown areas](#), which has been posted to a [new Web page](#) dedicated to informing the public about the expansion of smoke-free areas in the city.

If council adopts the ordinance at third reading, the next steps will include:

- **March 19, 2015:** The ordinance goes into effect.
- **March 2015:** City staff will work in cooperation with Boulder County Department of Public Health's Tobacco Education and Prevention Program to finalize development of smoking cessation messaging and preparation of citywide outreach content for print and digital media.

- **March 19 – April 30, 2015:** The public education campaign and warning period will occur. During this time period, the Boulder Police Department will focus its efforts on warnings; though officers may issue tickets, if necessary.
- **May 1, 2015:** The warning period will end and the Boulder Police Department will begin writing tickets more regularly. However, officers will continue to use their discretion and warnings may be more appropriate for first-time offenders.
- **April 2015:** Open Space and Mountain Parks staff will begin educating visitors about the smoking ban as part of their seasonal outreach efforts.

ATTACHMENTS

- **Attachment A** – Ordinance No. 8015 amending Chapter 6-4, B.R.C. 1981.

ORDINANCE NO. 8015

AN ORDINANCE AMENDING CHAPTER 6-4, B.R.C. 1981, ADDING A NEW SECTION 6-4-3.5 “SMOKING PROHIBITED IN PUBLIC PLACES,” INCLUDING ELECTRONIC SMOKING DEVICES IN THE DEFINITION OF SMOKING, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Chapter 6-4, “Regulation of Smoking,” B.R.C. 1981, is amended as follows:

6-4-1. Legislative Intent.

The purpose of this chapter is to protect the public health, safety, and welfare by prohibiting smoking in designated public places and prohibiting smoking in buildings open to the public or serving as places of work, except in certain buildings or parts of buildings where the council has determined that smoking should not be prohibited, and fixing the requirements of property owners in this regard. ~~In addition,~~ this chapter also regulates access of minors to tobacco products.

In addition, the city council finds that electronic smoking devices are battery operated devices designed to deliver nicotine, flavor, and/or other substances through a vapor inhaled by the user and that use of electronic smoking devices has increased significantly in recent years. The city council further finds that electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.

City council finds that the use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.

Therefore, the purpose of this chapter is also to protect the public health, safety, and welfare by discouraging the use of electronic smoking devices around non-users, especially children; by protecting the public from exposure to secondhand byproducts of electronic smoking devices where they live, work, and play; by facilitating uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; and by reducing the potential for children to associate the use of electronic smoking devices with a normative or healthy lifestyle.

6-4-2. Definitions.

The following terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

“Bar” means any indoor area that is operated and licensed as a tavern liquor license under Article 47 of Title 12, C.R.S., primarily for the sale and service of alcohol beverages for on premises consumption and where the service of food is secondary to the consumption of such beverages.

“Boulder High School Area” means the entire area between the east curb line of Broadway Street, the south curb line of Arapahoe Avenue, the west curb line of 17th Street, and the north curb line of University Avenue, provided, however, that this definition shall not apply to the public right of way associated with Hillside Road, to moving vehicles traveling on any public right of way in the area described, or unless otherwise prohibited by this Chapter, to real property that is privately owned.

“Building” means any structure enclosed for protection from the weather, whether or not windows or doors are open. If a person leases or possesses only a portion of a building, the term “building” applies to the leasehold or possessory interest as well.

“City Municipal Campus,” as used in this Chapter shall mean the entire area between the east curb line of 13th Street, to the east curb line of 9th Street and between the north curb line of Arapahoe Avenue and the south curb line of Canyon Boulevard, provided, however, that this definition shall not apply to moving vehicles on Broadway or 13th Street or, unless otherwise prohibited by this Chapter, to real property that is privately owned.

“Cigar-tobacco bar” means a bar that, in the calendar year ending December 31, 2005, generated at least five percent or more of its total annual gross income or fifty thousand dollars in annual sales from both the onsite sale of tobacco products and the rental of onsite humidors. In any calendar year after December 31, 2005, a bar that fails to generate at least five percent of its total annual gross income or fifty thousand dollars in annual sales both from the onsite sale of tobacco products and the rental of onsite humidors, shall not be defined as a “cigar-tobacco bar” and shall not thereafter be included in the definition, regardless of sales figures.

“Dwelling,” as used in this chapter, means any place used primarily for sleeping overnight and conducting activities of daily living, not including a hotel or motel room or suite or bed and breakfast.

“Downtown Boulder Business Improvement District” is as depicted in Appendix 8-B of Chapter 8-6.

“Electronic smoking device” means an electric or battery-operated device, the use of which resembles conventional smoking, which can be used to deliver substances, including, but not limited to, nicotine, tobacco, or marijuana, to the person using such device. Electronic smoking device shall include, without limitation, an electronic cigarette, cigar, cigarillo, pipe, or hookah. Electronic smoking device shall not include any product approved by the food and drug administration as a drug or medical device that is used in accordance with its purpose.

“Enclosed area,” as used in this chapter, means an area which contains a structure made up of a roof and two or more walls regardless of the composition of the walls or roof. This includes, but is not limited to, the following: park shelters, event tents, bus shelters, patio awnings and canopies.

“Entryway” means the outside of any doorway leading into and exiting from a building or enclosed area. “Entryway” also includes the area of public or private property within ~~fifteen~~ twenty-five feet of the doorway.

“Mall” means the Downtown Boulder Mall as defined in Ordinance No. 4267, as amended by Ordinance No. 4543 and any successor ordinance.

“Public,” as used in this Chapter shall mean any property that is city owned; city maintained; city owned and leased to others; designated by the city as a path or trail for bicycles or pedestrians; or a transit stop as defined in this section.

“Public conveyance” means any motor vehicle or other means of conveyance licensed by the Public Utilities Commission of the state for the transportation of passengers for hire, and includes, without limitation, busses, taxicabs, limousine services, and airport passenger services.

“Smoke” or “smoking” means the lighting of any cigarette, cigar, ~~or~~ pipe or activation of an electronic smoking device, or the possession of any lighted cigarette, cigar, ~~or pipe~~, or activated electronic smoking device regardless of its composition.

“Tobacco product” means cigarettes, cigars, cheroots, stogies, periques, and other products containing any measurable amount of tobacco, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for both chewing or for smoking in a cigarette, pipe, electronic smoking device or otherwise, or both for chewing and smoking. Tobacco also includes cloves, marijuana, and any other plant matter or product that is packaged for smoking.

“Tobacco store” means a retail business open to the public where alcohol is not sold, if more than eighty-five percent of its gross revenue from that location is from the retail sale of cigarettes and tobacco products or products related to the use of cigarettes and tobacco products.

“Transit Stop,” as used in this chapter, means a public conveyance passenger waiting area designated by signage attached to a post and the public right of way around the stop, including but not limited to the bus shelter, and bench.

6-4-3. Smoking Prohibited Within Buildings and Enclosed Areas.

- (a) No person shall smoke within any building or enclosed area except in one of the following locations:
 - (1) In any dwelling. This exception does not extend to a city owned dwelling; or a lobby, common elevator, common hallway or any other common area of a building containing attached dwelling units;
 - (2) In a hotel/motel room or bed and breakfast guest room rented to one or more guests if the total percentage of such smoking rooms in such hotel/motel or bed and breakfast does not exceed twenty-five percent. This

exception does not extend to a lobby, common elevator, common hallway or any other common area of a hotel/motel or bed and breakfast;

- (3) In a tobacco store;
 - (4) In a cigar-tobacco bar which existed as of December 31, 2005, provided that it does not expand its size or change its location from the size and location in which it existed as of December 31, 2005;
 - (5) In a building or on property which is occupied by the state of Colorado, the United States government, Boulder County or the Boulder Valley School District which was not designated as a smoke free area by the manager of such area. The city council urges such governmental entities to designate smoke free areas in order to promote full access by the public and protect the health of employees;
 - (6) In private homes, private residences and private automobiles; not to include any such home, residence or vehicle being used for child care or day care or a private vehicle being used for the public transportation of children or as part of health care or day care transportation; or
 - (7) In a limousine under private hire.
- (b) Unless excepted under subsection (a) of this section, the prohibitions of this chapter apply to all buildings or enclosed areas which serve as places of work, but this subsection (b) neither enlarges nor diminishes the meaning of subsection (a) of this section.
- (c) Nothing in this chapter shall prevent an owner, lessee, principal manager or person in control of any place, including, without limitation, any motor vehicle, outdoor area or dwelling, from prohibiting smoking completely in such place, and no person shall fail to abide by such a private prohibition.

6-4-3.5. Smoking Prohibited in Public Areas.

No person shall smoke in a public area:

- (a) in the Downtown Boulder Business Improvement District including the Mall;
- (b) on any park, parkland or facility;
- (c) on any open space and mountain parks property;
- (d) on any trail, path or multi-use path and within twenty-five feet of curtilage to any trail, path or multi-use path;
- (e) within twenty-five feet of a library facility;

- (f) within twenty-five feet of a transit stop;
- (g) within the City Municipal Campus; and
- (h) within the Boulder High School Area as defined in this Chapter.

6-4-5.5 Smoking Prohibited ~~on the Mall~~ Outdoors at Restaurants and Taverns.

No person shall smoke ~~on the Mall~~ outdoors at a restaurant or tavern where food or beverages are served or consumed.

6-4-6. Signs Required to Be Posted.

To advise persons of the existence of “No Smoking” or “Smoking Permitted” areas, no owner, lessee, principal manager or person in control of a building, enclosed area or an establishment within a building shall fail to post signs with letters no less than one inch high or symbols no less than three inches high as follows:

- (1) Where smoking is prohibited in the entire establishment, a sign using the words “No Smoking” or the international no-smoking symbol shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the building, enclosed area or establishment.
- (2) Where certain areas are designated as smoking areas pursuant to this chapter, a sign using the words “No Smoking Except in Designated Areas” shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the building or establishment.
- (3) In tobacco stores, a sign shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the building or establishment using the words “Smoking Permitted: children under eighteen years of age must be accompanied by a parent or guardian.”
- (4) A sign using the words “No Smoking within fifteen feet of the entryway” shall be posted conspicuously on all entryways of buildings, enclosed areas or establishments.
- (5) The requirements of this section do not apply to an exempt dwelling or any public areas designated in section 6-4-3.5.

Section 2. 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 3. 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 18th day of November, 2014.

Attest: _____
Mayor

City Clerk

READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY
TITLE ONLY this 3rd day of February, 2015.

Attest: _____
Mayor

City Clerk

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED
BY TITLE ONLY this 17th day of February, 2015.

Attest: _____
Mayor

City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 17, 2015

AGENDA TITLE

Introduction, first reading, and consideration of a motion to order published by title only an emergency measure Ordinance No. 8030 amending Title 9, "Land Use Code," B.R.C. 1981, to limit residential uses within the University Hill General Improvement District in the BMS zoning district and correct BMS zone standards, and setting forth related details.

PRESENTER/S

Jane S. Brautigam, City Manager
David Driskell, Executive Director, Community Planning & Sustainability (CP&S)
Susan Richstone, Deputy Director, CP&S
Molly Winter, Director, Downtown and Hill Management Division/ Parking Services
Sarah Wiebenson, Hill Community Development Coordinator
Karl Guiler, Senior Planner/Code Amendment Specialist
Ted Harberg, Planning Intern
Hella Pannewig, Assistant City Attorney
Ruth McHeyser, University Hill Moratorium Project Manager

EXECUTIVE SUMMARY

The purpose of this agenda item is to introduce an ordinance that would limit new residential uses in the University Hill commercial district in the BMS zoning district. The ordinance is recommended to address the concern that the current economic environment strongly favors student rental housing in the Hill commercial district, making it difficult for other more diverse uses to compete in the market place—uses that are essential to carry out the long-term vision for the Hill. The vision, defined in the Boulder Valley Comprehensive Plan (BVCP), is that the Hill be "an activity center that serves a variety of commercial, entertainment, educational and civic functions," and "also serves as a neighborhood center for the surrounding area [and] draws people from the entire city as well as the region."

In August, 2014, Council passed a temporary moratorium on new residential uses in the Business Main Street (BMS) zoning district on the Hill to allow time to analyze and

study the issue and present options to address community concerns. The moratorium expires on March 18, 2015.

We are in the last phase of the project, which has included the following phases:

- Information gathering, issue identification, and analysis *Sept and Oct 2014*
- Public outreach on preliminary findings and possible strategies *Nov and Dec 2014*
- Refine findings and strategies and develop staff recommendations *Jan 2015*
- Planning Board & UHCAMC hearings and recommendations *Feb 2015*
- City Council public hearing(s) and decision *Feb and March 2015*

Among the **project findings** are that:

- There is already an over-concentration of housing in this small commercial district, and under current market trends, student rental housing will be the predominate use favored in new development or redevelopment projects.
- Adding more housing units will limit opportunities for non-residential uses that would attract more diverse users; and
- There are very few offices on the Hill, yet office uses could potentially play a crucial role in adding a year-round diversity of ages and professions, and benefit from the proximity to both CU and downtown.

Staff analyzed potential strategies to address these and other project findings. In addition to the ordinance in Attachment A, staff recommends implementation of strategies that would encourage the addition of diverse users to the Hill. In the near term, these include:

1. Having the city work with the university and private sector partners, including Hill property owners, to attract an anchor use on the Hill that could change current market dynamics and entice non-residential uses that would add diverse users to the Hill.
2. As part of the Uni Hill Reinvestment Strategy Work Plan and the city's Access Management and Parking Strategy (AMPS), moving forward on several fronts to improve multimodal access and address concerns about lack of public parking on the Hill, including exploring public/ private partnerships to redevelop existing surface parking lots with desired uses and add more parking in the district.
3. Developing a public education and outreach process to explore National Register and possible local historic district designation for the commercial district to celebrate the area's history and sense of place and provide financial incentives for rehabilitation. Explore a façade improvement program in conjunction with this process.
4. At second reading March 3, receiving council direction on whether to prepare options and return to Council at a later date with analysis of tax policies that would encourage and facilitate development of projects that address desired uses that are difficult to attract or that provide a public benefit and implement the Hill vision. This could include facilitating recommendations above regarding anchor uses, public/private partnerships; and other future strategies associated with the Hill Reinvestment Strategy.

More detail on these and additional recommended long-term strategies are described in The Analysis Section H at the end of this memo.

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 measure Ordinance #8030 amending Title 9, "Land Use Code," B.R.C. 1981, to limit residential uses within the University Hill General Improvement District in the BMS zoning district and correct BMS zone standards, and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic - The intent of the proposed ordinance is to refine the zoning in the area to support the long term diversity of land uses on the Hill that promote a diverse and sustainable economy
- Environmental – The zoning change may slightly increase the city’s overall jobs:housing imbalance over-time; however, the Hill is one of the most transit-rich locations in the region and staff is also recommending moving forward on several fronts to improve multimodal access here.
- Social – The proposed ordinance is intended to promote a diverse mix of uses on the Hill and would support a more diverse demographic mix of community members spending time on the Hill. Encouraging permanently affordable and senior housing units is consistent with city policies to add more of these types of housing in the community, and would contribute to diversifying the residential mix of the Uni Hill commercial district.

OTHER IMPACTS

- Fiscal – the proposed ordinance change is an anticipated part of the CP&S work plan, as it relates to updating and maintaining the land use regulations.
- Staff time – Implementing the BMS zoning code changes are part of the CP&S on-going work plan.

BOARD AND COMMISSION FEEDBACK

Landmarks Board

On February 4, the Landmarks Board discussed the staff recommendations to explore local and/ or National Register Historic District designation of the Hill. The board generally supported the recommendation. Several board members said that it would be appropriate to start with National Register designation and then later consider local designation if there was sufficient property owner support. Public education and outreach should be an important part of the process.

Planning Board

On February 5, 2015, Planning Board discussed the proposed ordinance, held a public hearing, and unanimously approved a motion to **recommend to City Council the adoption of the attached ordinance** revising the BMS zone district standards for the Uni Hill commercial area to limit new residential uses, except for permanently affordable units or housing for persons 62 years or old (moved by Putnam, seconded by Gray, approved 7-0).

The Board also generally supported the recommended strategies and provided the following comments:

- Support local and National Register Historic District designation (all board members agreed).
- Questioned whether local designation is required to take advantage of State income tax credits, or whether being on the National Register makes property owners eligible for both National and State income tax credits. (Staff clarified that properties on the National Register are automatically listed on the State Register and would therefore be eligible for the State income tax credits).
- Suggest moving façade improvement program to a short term action in conjunction with historic district designation. May help address appearance standards. Current property maintenance standards in the city code are minimal.
- If/ when the strategy to consider office uses in the RH-5 zone is developed, need to tie it to improvements or historic designation and need to define what area would be included- don't make it too broad. Staff clarified that this is not recommended in the near term. Would need significant outreach and analysis.
- Asked what type of anchor uses are feasible and whether the city knows what residents want. (Staff indicated that they are in the process of surveying the residents about this).
- Moving city offices to the Hill would be great investment and potential catalyst.
- CU Conference Center on Grandview and redevelopment of UHGID lot with a private partner would be an enormous catalyst, especially if with some amount of city office.
- What goes into the Harbeck House could also provide support for the Hill. Would the city consider it for non-profit office uses?
- Some ideas for anchor uses that would draw from larger city/ region: a movie theater, a place for non-alcohol activities- Swallow Hill in Denver is an example; that is, a place for concerts, music lessons and workshops.
- Support all the strategies, but it's important to think how all the pieces will fit together.
- Finding an appropriate anchor is key; for example, Conference Center at Grandview paired with redevelopment of UHGID lots, but more than just offices. The scale/ size will need to fit into historic district and design.
- Start thinking holistically with transportation systems, etc; the façade improvement program is a good opportunity; consider design competition using CU students;
- Start thinking how everything will fit together. Important to have art, but problem paying – could the city and CU chip in? Could there be a place for CU theatre space?
- Need creative partnerships.
- Like the “event street” idea with 2A funding – city of Golden has done something similar and may be a good example; they sponsor events (eg, clean-ups) that create community.

PUBLIC FEEDBACK

[The Phase Two Public Input Report](#) contains a compilation of all public comments received on the Hill Moratorium project, and a chart summarizing the outreach efforts in

each of the project phases. The report includes about 50 public comment forms that were submitted during an Open House and during drop-in “staff open hours” on the Hill November 19th and 20th and from a survey that was posted on the moratorium project website. The comments were in response to questions about the preliminary findings and potential strategies to address the findings that were presented at the Open House/ Open Hours and available on-line.

BACKGROUND

On July 29, 2014, City Council approved an emergency ordinance temporarily suspending the acceptance of building permits and site review applications that would result in adding any floor area to properties within the University Hill commercial district (specifically, properties within the BMS zoning district as shown in Attachment A, appendix 1). That ordinance expired at 8:00 a.m. August 20, 2014, and affected all proposed additions of floor area in the area. On August 19th, City Council approved a substitute ordinance that more narrowly suspends applications on the Hill for residential floor area, while also allowing submittal of applications for concept plan review (a non-binding process). That ordinance expires on March 18, 2015.

The temporary moratorium was necessary to address a current economic environment that strongly favors student rental housing in the University Hill commercial district, making it difficult for more diverse uses that could revitalize and meet the city’s adopted vision for the area to compete in the market place. The moratorium “hit the pause button,” providing time to analyze whether this trend is likely to continue and to consider whether it is appropriate for student rental housing to dominate the area. The purpose of the moratorium is not to create a new vision for the Hill or to change the allowed density (i.e., the maximum Floor Area Ratio of 1.85).

The larger vision for the area, as described in the 1996 University Hill Area Plan, is of a commercial area that is “a safe, comfortable, and attractive place to shop, work, visit, and live,” and its role in the community, as defined in the Boulder Valley Comprehensive Plan (BVCP), is as both a place to “entertain the daily activities of a large portion of Boulder’s population” and “a neighborhood center for the surrounding neighborhood.” (2010 BVCP, p 75-76). An over-concentration of student housing in this area would run counter to these community aspirations and could weaken the long-term economic health and vitality of the Hill commercial district.

The [Uni Hill Moratorium Project Phase One Report](#), summarizes the results of the first phase analysis of the Hill’s history, existing use composition, demographics, zoning and comprehensive plan designations, future growth potential, past parking and access studies, as well as recent market and economic analysis prepared by consultants hired by the city for this project.

ANALYSIS

A. Proposed Ordinance

Staff recommends the ordinance in Attachment A, as it 1) does not exacerbate the current over-concentration of student rental housing on the Hill; 2) could entice other more diverse land uses like offices to locate on the Hill; and 3) continues to allow for

permanently affordable or senior housing units, which address an identified housing need in Boulder.

Under the provisions of the ordinance, all attached dwelling units and efficiency living units within the Hill's BMS zone are 'conditional uses' requiring staff level review. Like other conditional use reviews, specific standards are proposed that would require new units to be permanently affordable or senior housing units. No additional market-rate housing would be permitted, thus—over time—shifting the current market dynamic that is driven by the economics of market rate student rentals. The new criteria are added to Chapter 9-6, "Use Standards," B.R.C. 1981.

Pursuant to Section 9-10, B.R.C., 1981, all existing residential units would be considered legal, non-conforming uses that would be allowed to remain in place, unless they were vacant for more than a year. They would also be allowed to expand a maximum of 10% of existing floor area.

The ordinance also corrects two errors uncovered during staff's analysis of the BMS zoning district standards, allowing for buildings over 15,000 square feet to be considered through the Site Review process and changing the residential use standards for areas outside the Uni Hill area back to being allowed only above or below the first floor, unless approved through Use Review. Further, because detached dwelling units, duplexes and townhomes are by definition, ground floor residential uses and are contrary to housing seen in "main street" contexts, staff is proposing to prohibit these uses in the BMS zone as part of this ordinance.

Finally, the ordinance corrects inconsistencies between the Inclusionary Housing definition for "permanently affordable unit" and the inclusionary housing regulations in Chapter 9-13. The proposed ordinance, therefore, includes revisions to the definition for "permanently affordable unit" to clean up these inconsistencies. Currently, some income limits described in Chapter 9-13 are more restrictive than described in the current definition for permanently affordable unit. To fix that, the reference to specific income limits is proposed to be deleted and replaced with a reference to the limits specified in Chapter 9-13. In addition, a few years ago state law was amended to clarify that rental restrictions pursuant to "voluntary agreements" are excluded from Colorado's prohibition of rent control. The language in 9-13 has already been revised to allow voluntary agreements as an option to meet inclusionary housing requirements, the proposed ordinance would add that option in the definition for permanently affordable units consistent with the inclusionary housing regulations.

B. Economics and Market conditions- EPS reports

The city hired Economic Planning Systems Inc. (EPS) to provide updated market information about the Hill and to analyze various development scenarios to understand the economic factors affecting recent development and current trends on the Hill. Their [two reports](#) are summarized below.

Demand and Perception (from EPS' Preliminary Market Assessment, Nov 18, 2014)

- Housing: Demand for multifamily housing is almost completely for student oriented housing. Units in the Market Area and near the University Hill area rent for higher rates on average than the city as a whole meaning renters pay a premium to be located on the Hill.

- Retail: The analysis for retail on the Hill found that students constitute the majority of demand for retail. The potential demand from area residents that are non-students is not sizeable enough to drive retail demand on the Hill. Parking is another barrier to non-student oriented retail, because the district is not well suited for a larger number of customers to come in cars. To increase demand for non-student oriented retail, the City can explore ways to grow the market potential from groups that are not students and address ways to make the area more accessible and attractive.
- Office: Several factors were cited as barriers to office users being attracted to the Hill including; lack of a professional environment, lack of parking, difficult and limited traffic access, the perception of the area as only a student area and a lack of interest from employers in the area. Despite current perceptions, some brokers identified the potential for niche office space for smaller businesses needing small or flexible spaces of less than 3,000 square feet. Creative, start-up, computer oriented, and technology firms may seek out the Hill if space is less expensive than the Pearl Street area and if their business had a nexus or benefited from locating next to campus. A market anchor or destination was cited as a way to potentially change the culture and dynamic of the Hill enough to attract some office spaces. A hotel was cited as a potential use that could be developed in concert with office space to help catalyze the market.

Development Feasibility (from EPS' Uni Hill Development Scenarios, Jan 19, 2015)

Under current market conditions, EPS analyzed the potential “feasibility” of several programs for new construction, assuming current trends and current land prices. The major findings from the feasibility analysis are that:

1. Student housing development produces a significant return and is highly profitable.

Student oriented rental housing on the Hill and particularly newer student oriented projects have been able to achieve higher rental rates than more conventional rental units. Typical, new student oriented housing projects include 3- to 4-bedroom units sharing a larger living space. Leases are per bedroom, not per unit, and command rents of \$1,000 per bedroom per month or higher. Within this structure, units rent for approximately \$2.50 per square foot per month. The overall average rent for apartments in the University Area is \$1.97 per square foot per month.

2. Building student housing units with multiple bedrooms per unit (i.e., three or four bedrooms per unit) reduces the required amount of parking by zoning (1 space per unit) of a project compared to a conventional apartment project with a mixture of (unit sizes).

This type of building program reduces parking required and therefore the cost of development. However, a developer/project owner may need to provide more spaces than required by zoning to make the units marketable. It may be helpful to modify the parking requirement to be based on a per bedroom factor instead of a per unit factor if there is a fear the projects are being under-parked and causing parking issues elsewhere on the Hill.

3. The residential redevelopment programs (student and market) tested were found to be feasible based on the assumptions made.

EPS modeled two housing programs to test feasibility of redevelopment on the Hill. The student-oriented housing program (ground floor retail with two stories of student oriented units) was found to be a feasible development program with estimated value of the program exceeding project costs by more than 10 percent. A non-student oriented program (market), which includes ground floor retail with two stories of small, one and two bedroom units, was also found to be marginally feasible with average rental rates found in the area. Estimated project value for this program was approximately equal to project development costs.

4. The office development programs tested were found to be infeasible with or without on-site parking.

Two office development programs were tested with ground floor retail and two stories of office space above. One program had parking built on site and one with parking provided within UGHID lots. The office programs generated development values that are approximately 25 to 30 percent less than development value generated by the housing programs.

Parking was cited in the market study as a major requirement for attracting office space users to the Hill. Parking is also a major development costs that has large impact on development feasibility if it needs to be built on-site. Assuming parking spaces can be dedicated to office users within UGHID lots the development cost for building office space reduces greatly. The office program without parking was still found to be infeasible. Development value generated by the program was approximately 6 percent less than the cost of development. The gap under the program tested was approximately \$392,000. If parking is provided on site, the gap increased to \$818,000 and the development value was 11 percent less than development cost.

5. A hybrid residential and office development program was found to be financially feasible based on the assumptions used but is not deemed to be a marketable development project due to an incompatible mixture of uses.

A mixed office and residential program was tested which included ground floor retail, one story of office space and one story of student oriented residential units. This program was deemed to be feasible, as development value 5 percent more than estimated development costs. However, we expect that developers would not build this type of building due to the logistics and costs of maintaining three uses within a small building and the difficulty of renting office space within a building that also includes student housing.

6. The feasibility analysis for programs based on the Scenario 2 renovation of existing building space and the addition of new space generated similar results; the residential programs are feasible while the office programs are not feasible.

EPS found similar findings related to renovation and expansion of existing buildings on the Hill to the redevelopment scenario. Adding additional residential units was found to provide a return to building owners large enough to support costs associated with renovating their existing building and constructing additional space. Office uses were found to not generate enough project value to cover costs of renovation and expansion.

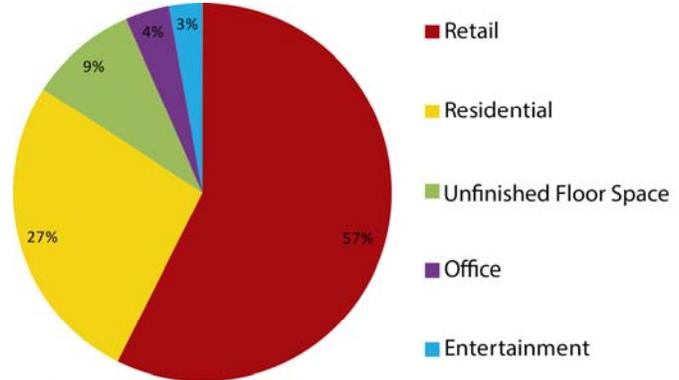
Given the gap between what the current market would attract on the Hill and the city's long term vision for more diverse uses, EPS also provided an analysis and description of potential approaches to achieve the vision that are incorporated into the

staff recommendation.

C. Existing Land Uses

Staff’s analysis in the [Phase One report](#) supports EPS’ assertion that the current uses on the Hill are very student-centric. As illustrated in Figure 1, retail uses occupy the largest amount of square feet, followed by residential at over 25% of occupied floor space. Office uses occupy less than 3% or less of occupied floor space. Retail in the district is student-centric – a reflection of market conditions created by the user groups who are present.

The total building square footage in the district is as follows: Retail -173,633 sq ft, 57%; Residential - 76,428 sq ft, 25%; Unfinished Floor Space - 36,131 sq ft, 12%; Office - 9,149 sq ft, 3%; Entertainment - 8,500 sq ft, 3%.



DRAFT: 12/18/2014

Figure 1: Existing land uses on the Hill by percent of total building square footage

Housing

University Hill has long been known as Boulder’s primary student housing neighborhood and today, just over 6,000 university students live within the west-of-Broadway market area of the Hill commercial district.

The university places significant demand on the Boulder rental housing market. CU requires that freshman live on campus and the university currently houses approximately 27 – 30% of its roughly 30,000 students. Although CU’s Flagship 2030 Plan establishes a goal of increasing the proportion of upperclassmen living on campus from 5 to 20% through the introduction of living-learning environments, the majority of students will continue to be housed in the private market off-campus. Today, approximately 67% of CU students live in Boulder, while 6,000 live outside the city limits. Some of these in-commuters do so by choice, while others are likely being priced out of town by the housing market.

Within the 11.5 acre commercial district alone, there are already more than 100 rental units, most if not all of which are for students. This compares to approximately 130 residences in the 100+ acre downtown commercial district.

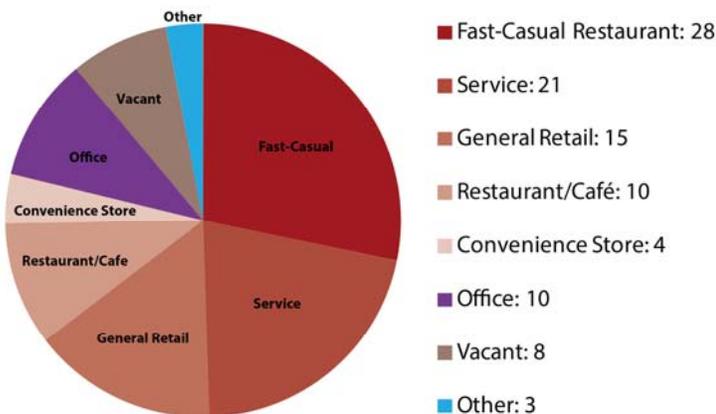


Figure 2: Commercial uses on the Hill by total number

Non residential uses

Student-centric retailers such as fast-casual restaurants and coffee shops dominate in the Hill commercial district due to the built-in customer base of students nearby; making them the most predictably profitable of potential uses. The larger income potential of these student-focused retailers has, over time,

increased their numbers relative to other retail uses.

There are a total of 91 businesses on the Hill, and 8 vacant retail units. As can be seen in Figure 2, the majority of these businesses are Fast-Casual Restaurants and Services such as tanning salons, dry cleaners, etc. There are a total of 10 office businesses on the Hill. This pie chart is based on a door-to-door survey of current retailers, with each business given a classification.

Potential Role of Office Uses

Office uses have the potential to create a year-round vitality to support business retention and attract new businesses. The nature of office uses is changing and there could be a strong synergy with the university. According to Prof Richard Florida¹, the “creative class” is a key driving force for economic development of post-industrial cities in the United States. Boulder, with its culture of innovation and track record of federal research labs and major technology firms like Ball Aerospace and Google, is a community that has already seen the benefits of just such a creative class. Uni Hill, with walkable proximity to campus and a vibrant mixed-use environment, could make a good home for the kind of startup companies that drive an innovation economy.

Although office uses are currently under-represented on the Hill, two relatively recent additions are examples of the types of uses that fit well in this location. Spark², a co-working space that caters to student entrepreneurs and others looking for inexpensive office space is located on 13th Street near the university. Here, workers join as “members” and have access to desk space and telecommunications technology 24 hours a day at a low price. Also on the Hill is Grenadier Advertising that, in contrast, is in the professional services industry and does not cater exclusively to younger workers. In spite of the perception of the Hill as being exclusively for students, Grenadier indicated in a recent letter to City Council that they are very happy with their location and would like to expand.

An additional idea, suggested at the last Planning Board discussion on the Hill, is that the city locate some of its own office space on the Hill. Staff has proposed that this idea be considered as part of the Civic Area office space planning and implementation. It should be noted that the city leases 814 square feet of office space on the Hill in the form of the Police Hill Annex.

It has also been suggested that the city evaluate the extent to which city services and programs currently located across the Boulder community, including those on the city’s Municipal Campus, could be a potential fit for the current Boulder Community Health facility on Broadway. An update on Civic Area implementation is scheduled to be provided under Matters at the March 17 City Council meeting. A recent update on city office space was provided in the January 20 Information Packet: https://www-static.bouldercolorado.gov/docs/20150120_IP-1-201501151359.pdf

¹ *The Rise of the Creative Class* (2002), *Cities and the Creative Class* (2004), and *The Flight of the Creative Class* (2007), by Richard Florida

² Spark is located in the basement of the Hilltop Building at 1310 College. The Uni Hill moratorium project public open house and staff open hours were held at this location.

D. Potential Future Growth at “Build-out”

A recent build-out study of the BMS zone³ reveals that the district is only around 52% built out at total 304,238 square feet. An 80% buildout of the district would result in approximately 162,000 new square feet of usable floor space, not including basements. This is based on a theoretical buildout to the maximum 1.85 FAR of 582,742 square feet –278,504 more square feet than the present day. 80% of the maximum is approximately 466,200 total square feet, a difference of around 162,000 from the existing.

The following estimates are based on the above figures and extrapolated based on the building program of the recently constructed 1350 College – assumed to be the most likely building form under current zoning and economic conditions.

2nd and 3rd Floor Student Rentals (“current trends”)

Under these parameters, staff estimates that approximately 113,000 new square feet of development are possible on the 2nd and 3rd floors alone. If the current trend of residential dominating the 2nd and 3rd floors were to continue, there could ultimately be over 190,000 sf of residential space – potentially enough to rival even retail as the predominant land use in the district (today there is around 176,000 sf of retail, with a modest amount more possible in the future). Given the current trend for new residential construction of around four bedrooms per unit (or about 1,200 sf per unit), this could represent approximately 90 new three to four bedroom units, or around 300 new residents.

2nd and 3rd Story as Office Use

If residential uses were prohibited and the additional 113,000 developable square feet on the 2nd and 3rd floors were developed as office space, it would equate to approximately 300-400 new year-round workers on the Hill.

E. Boulder Valley Comprehensive Plan

The analysis above highlights that one of the gaps in achieving the BVCP vision for the Hill is the current lack of diverse commercial uses and dominance of housing. Although encouraging more diverse commercial uses and limiting future housing would conflict with BVCP Policy 1.19 of the Boulder Valley Comprehensive Plan to improve the city’s current jobs:housing imbalance, the Hill has always been identified as primarily a commercial center to serve the surrounding neighborhood and the city, and the area already has a higher percentage of housing than would be typical in a regional-serving commercial center. Therefore, limiting future housing and encouraging future commercial uses here is an essential component of achieving the appropriate balance and the larger vision for the Hill.

E. Existing Zoning

The Hill commercial district is zoned BMS (Business Main Street), a commercial mixed-use zoning district patterned after the character of historic Main Street business districts. BMS is designed as a mixed-use zone encouraging development in a pedestrian-oriented pattern, with buildings built up to the street, retail uses on the first floor, and residential and office uses above the first floor. It also allows complementary uses. It is applied to three areas of the city, including West Pearl, North Boulder and within the Boulder

³ 2013 UHGID Development Projections study by RRC Associates.

Junction area by Steel Yards. Zoning immediately adjacent to the Hill commercial district is RH-5 (Residential High – 5).

Recent Development on the Hill

All recent development on the Hill has occurred “by-right⁴” with the exception of some proposed changes of use that required Use Review. Some recent redevelopment examples are the Lofts on the Hill at 1143 and 1155 13th Street in 2009 and 1350 College in 2010, both of which include residential uses on the 2nd and 3rd floors above commercial uses within buildings up to the permitted 38-foot building height limit.

Bulk and Massing

City Council stipulated that the moratorium project would not change the vision for the Hill or the underlying maximum floor area ratio (FAR). BMS on the Hill is different from other areas zoned BMS, because it is within a general improvement district where parking for commercial uses do not rely on on-site parking, but rather managed on- and off-street parking. In the Hill BMS zone, the allowable FAR is 1.85. A representation of the total mass possible on a site within the Hill BMS zone considering the 1.85 FAR is shown in Figure 3.

This example shows the expected form and massing of a by-right building on a 6,250 square foot lot that meets that required setbacks of BMS. Notice the first two levels are built to the street while the upper story is set back 20 feet reducing its apparent mass and height.

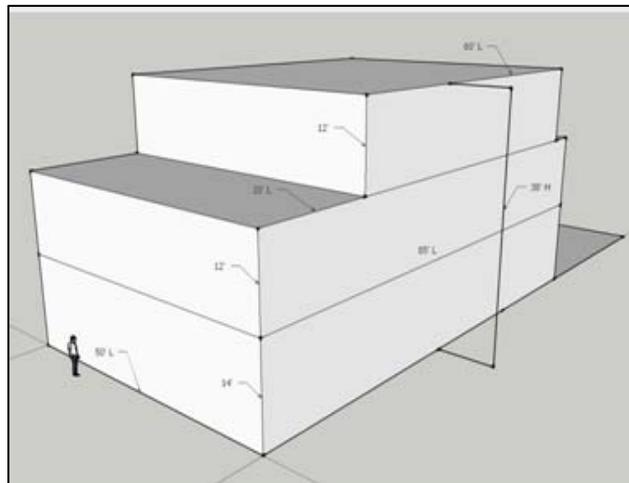


Figure 3 Typical building massing based on existing BMS zoning standards for Uni Hill

As many of the issues that prompted the moratorium are more “use” related, staff is not proposing any changes at this time that would impact the form and bulk standards within the BMS zoning district. Rather, possible changes that were analyzed as part of this project relate to uses allowed on the Hill.

Allowed Uses

Although current BMS zoning on the Hill allows a high diversity of uses, the dominate uses are student-serving retail and student rental housing, as discussed earlier. Further, residential units with multiple bedrooms within the Hill commercial district continue to be highly marketable on the Hill given its close proximity to the university and shifts in student demographics. These characteristics and the BMS zone’s relatively low on-site parking requirement of one parking space per dwelling unit effectively create an incentive for a concentration of bedrooms within units. The character of the Hill commercial district as a student-oriented district is also heavily influenced by the surrounding residential neighborhood where high density residential of 14 or more dwelling units per acre (i.e., RH-5) exists.

⁴ By-right means those projects that meet all the zoning district standards and can be approved by submitting a building permit application (i.e., they do not require a discretionary review process such as Site or Use Review).

Although the BMS zoning allows a high diversity of uses, it does not specifically mandate any one use. Considering the current over-concentration and strong market demand for residential on the Hill and the desire for more diverse commercial uses, staff identified a range of strategies that would limit, to varying degrees, additional housing on the Hill within the BMS zone. These and other strategies, discussed with City Council at the January 27, 2015, study session on the Hill Moratorium project, are described in Attachment B.

F. Findings

From the analysis summarized above, staff reached the following conclusions:

1. **The proximity of the University provides significant economic, intellectual and cultural benefits** and has influenced the Hill's unique, student-centric and bohemian character. While it is neither desired nor necessary to change the student-focus of the Hill, **diversifying the users and uses will make it more lively year-round and attractive to the community at large--** a more comfortable and attractive place to shop, work, visit and live.
2. **There is already an over-concentration of housing in this small commercial district and adding more units will limit opportunities for non-residential uses that would attract more diverse users to the Hill.** There are 103 dwelling units within the Hill Commercial District. This compares with approximately 130 units Downtown, yet the Hill is only 11.5 acres in size whereas the Downtown encompasses approximately 108 acres. While the presence of housing close to or within any commercial district adds vitality and built-in shoppers, the Hill commercial area has an abundance of high density residences on three sides already and residences account for a higher share of square footage than is traditionally expected in a commercial district. Furthermore, the recent economic analysis done by EPS concludes that the demand for residences located in the hill commercial area "is almost completely for student oriented housing." More student rentals clustered in this small area could create a party-like atmosphere that conflicts with the Hill vision as *an attractive place to shop, work, visit, and live*. Moreover, unlike commercial spaces that adapt easily to a variety of uses over time, once residential spaces are built, they are unlikely to convert to other uses, thus reducing options for diversifying uses and attracting other users to the Hill.
3. **There are very few offices on the Hill, yet office uses could potentially play a crucial role in adding a year-round diversity of ages and professions, and benefit from the proximity to the University.** There are only 10 office uses housed in only 3% of the total building square footage on the hill, and few more in the immediate neighborhood. Although the EPS report indicates a strong market for office uses in the core area of the city, few offices have located on the Hill in recent years, despite its proximity to CU and Downtown and its location in one of the most transit-rich locations in the region.
4. **Among the barriers to expanding the diversity of uses and users on the Hill are:**
 - a. **The current market favors student rental housing over all other uses allowed, making it difficult for other uses to compete.** Student housing outperforms other uses from a cash flow perspective, with current rates at more than \$1000/month per bedroom. Multi-bedroom units are the most attractive investments,

- because of the cost-savings of shared spaces such as kitchens and living rooms and because the zoning district requires one parking space per unit, irrespective of number of bedrooms.
- b. **Insufficient public parking (or the perception of a lack of parking)**, particularly for professional office uses and city-wide-serving retail uses;
 - c. **Lack of another attraction or anchor** that could change the current market perception of being just for students and change the market demand to attract a broader visitor mix;
 - d. **Lack of other office uses and office “comps” needed for financing**, making it difficult to attract other office uses; and
 - e. **The built in student-centric market, which has resulted in a low retail vacancy rate and a somewhat run-down aesthetic in portions of the Hill**, because property upkeep is not essential to stay competitive and many properties have no debt, such that the buildings are sources of steady profit.

G. Potential Strategies to Address the Findings

Staff analyzed a variety of possible strategies that could address the findings above. These strategies were discussed at the January 27, 2015, Council study session packet and are included in Attachment B. Some of the strategies involve city regulations; others would be new programs or financial incentives. Some can be combined with other strategies, or components of other strategies. Staff’s recommended strategies are summarized below.

H. Recommended Strategies

As outlined in the attached ordinance, staff recommends BMS zoning change to restrict new housing, except permanently affordable and senior housing.

Staff also recommends additional strategies below, to be incorporated into the Hill Revitalization Strategy and Community Planning and Sustainability Work Plan. **At second reading of the ordinance, staff will seek Council’s direction on whether to move forward on the following recommended strategies:**

Near Term Actions:

1. Have the city work with the university and private sector partners, including Hill property owners, to attract an anchor use on the Hill that could change current market dynamics and entice non-residential uses that would add diverse users to the Hill.
2. As part of the Uni Hill Reinvestment Strategy Work Plan and the city’s Access Management and Parking Strategy (AMPS), move forward on several fronts to improve multimodal access and address concerns about lack of public parking on the Hill
 - a. Study the utilization of existing public parking to determine whether there is an insufficient supply of parking to meet the needs of existing demand on the Hill, and the extent to which the two UHGID lots are under-utilized due to their locations and/or lack of visibility.
 - b. Continue to explore public/ private partnerships to redevelop existing surface parking lots with desired uses and add more parking in the district.
 - c. Continue efforts to shift Single Occupant Vehicle travel to other modes.
3. Develop a public education and outreach process to explore local and/ or National Register Historic District designation for the commercial district to highlight the

- area's history and allow property owners to receive Federal and State rehabilitation tax credits (for up to 50% of rehabilitation costs).
4. In conjunction with exploration of historic district designation, explore creation of a façade improvement program.
 5. Staff is seeking council direction on whether to prepare options and analysis that explores tax policies to encourage and facilitate development of projects that address desired uses that are difficult to attract or that provide a public benefit and implement the Hill vision. This could include a catalytic anchor use, office uses, public infrastructure and balanced multi-modal options including parking. The tax policies could include allocation of some portion of taxes (sales, construction use, or property) from Hill projects to cover a "gap" in project financing or to invest in Hill public infrastructure; adding a Public Improvement Fee to Hill sales tax revenues; creating other redevelopment or revitalization district concepts such as Downtown Development Authority, Community Development Corporation or business improvement district. Consideration of these policies would need to be integrated into the Hill Reinvestment Strategy priority to explore sustainable, long term governance and funding for the Hill. A pilot approach could be incorporated into some of the policies, or they could be time-limited.

Longer Term Actions

1. Depending on the success of the above actions in attracting office uses, determine whether to consider revisions to portions of the RH-5 zoning district adjacent to the Hill commercial district to encourage office uses in existing residential structures. If so, design an appropriate public outreach and analysis process before moving forward.
2. Consider other strategies as part of the on-going Uni Hill Reinvestment Strategy, including:
 - o Creation of Innovation/ Creative/ Arts District.
 - o Creation of a Façade Improvement Program (if not implemented as part of the near-term actions).

ATTACHMENTS

Attachment A	Ordinance No. 8030
Attachment B	Potential Strategies that were analyzed to address the project findings

ORDINANCE NO. 8030

AN EMERGENCY MEASURE ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO LIMIT RESIDENTIAL USES WITHIN THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT WITHIN THE BMS ZONING DISTRICT AND CORRECT BMS ZONE STANDARDS, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Table 2-1 of Section 9-2-1, "Types of Review," B.R.C. 1981, shall be amended as follows:

9-2-1 Types of Reviews.

(a) Purpose: This section identifies the numerous types of administrative and development review processes and procedures. The review process for each of the major review types is summarized in Table 2-1 of this section.

(b) Summary Chart:

TABLE 2-1: REVIEW PROCESSES SUMMARY CHART

<i>I. ADMINISTRATIVE REVIEWS</i>	<i>II. ADMINISTRATIVE REVIEWS - CONDITIONAL USES</i>	<i>III. DEVELOPMENT REVIEW AND BOARD ACTION</i>
<ul style="list-style-type: none"> • Building permits • Change of address • Change of street name • Demolition, moving, and removal of buildings with no historic or architectural significance, per Section 9- 	<ul style="list-style-type: none"> • Accessory Units (Dwelling, Owners, Limited) • Antennas for Wireless Telecommunications Services • <u>Attached Dwelling</u> 	<ul style="list-style-type: none"> • Annexation/initial zoning • BOZA variances • Concept plans • Demolition, moving, and removal of buildings with potential historic or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<p>11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981</p> <ul style="list-style-type: none"> • Easement vacation • Extension of development approval/staff level • Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981) • Landscape standards variance • Minor modification • Nonconforming use (extension, change of use (inc. parking)) • Parking deferral per Subsection 9-9-6(e), B.R.C. 1981 • Parking reductions and modifications for bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981 • Parking stall variances • Public utility • Rescission of development approval • Revocable permit • Right of way lease • Setback variance • Site access variance • Solar exception • Zoning verification 	<p><u>Units and Efficiency Living Units in the University Hill General Improvement District</u></p> <ul style="list-style-type: none"> • Bed and Breakfasts • Cooperative Housing Units • Daycare Centers Detached Dwelling Units with Two Kitchens • Drive-Thru Uses • Group Home Facilities • Home Occupations • Manufacturing Uses with Off-Site Impacts • Neighborhood Service Centers • Offices, Computer Design and Development, Data Processing, Telecommunications, Medical or Dental Clinics and Offices, or Addiction Recovery Facilities in the Service Commercial Zoning Districts • Recycling Facilities • Religious Assemblies • Residential Care, Custodial Care, and Congregate Care Facilities • Residential Development in Industrial Zoning Districts • Restaurants, 	<p>architectural significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981</p> <ul style="list-style-type: none"> • Landmark alteration certificates other than those that may be approved by staff per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981 • Lot line adjustments • Lot line elimination • Minor Subdivisions • Out of city utility permit • Rezoning • Site review • Subdivisions • Use review • Vacations of street, alley, or access easement
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>Brewpubs, and Taverns</p> <ul style="list-style-type: none"> • Sales or Rental of Vehicles on Lots Located 500 Feet or Less from a Residential Zoning District • Service Stations • Shelters (Day, Emergency, Overnight, temporary) • Temporary Sales • Transitional Housing 	
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Section 2. Section 9-2-14, B.R.C. 1981, is amended to read:

9-2-14 Site Review.

...

(c) Modifications to Development Standards: The following development standards of B.R.C. 1981 may be modified under the site review process set forth in this section:

- (1) 9-7-1, "Schedule of Form and Bulk Standards," and standards referred to in that section except for the floor area requirements that the standards referred to as "FAR Requirements" may not be modified under this paragraph and are subject to Section 9-8-2, B.R.C. 1981.

...

Section 3. Section 9-6-1, B.R.C. 1981, is amended to read:

9-6-1 Schedule of Permitted Land Uses.

The schedule shows the uses which are permitted, conditionally permitted, prohibited, or which may be permitted through use review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.

(a) Explanation of Table Abbreviations: The abbreviations used in Table 6-1 of this section have the following meanings:

- 1 (1) Allowed Uses: An "A" in a cell indicates that the use type is permitted by right in the
2 respective zoning district. Permitted uses are subject to all other applicable regulations
3 of this title.
- 4 (2) Conditional Uses: A "C" in a cell indicates that the use type will be reviewed in
5 accordance with the procedures established in Section 9-2-2, "Administrative Review
6 Procedures," B.R.C. 1981. Conditional use applications shall also meet the additional
7 standards set forth in Sections 9-6-2 through 9-6-9, B.R.C. 1981, for "Specific Use
8 Standards," or other sections of this title.
- 9 (3) Use Review Uses: A "U" in a cell indicates that the use type will be reviewed in
10 accordance with the procedures established in Section 9-2-15, "Use Review," B.R.C.
11 1981. Use review applications shall also meet the additional standards set forth in
12 Sections 9-6-2 through 9-6-9, B.R.C. 1981, for "Specific Use Standards."
- 13 (4) Ground Floor Restricted Uses: A "G" in a cell indicates that the use type is permitted by
14 right in the respective zoning district, so long as it is not located on the ground floor
15 facing a street, with the exception of minimum necessary ground level access, it is
16 located above or below the ground floor, otherwise by use review only.
- 17 (5) Residential Restricted Uses - M: An "M" in a cell indicates the use is permitted,
18 provided at least fifty percent of the floor area is for residential use and the
19 nonresidential use is less than seven thousand square feet per building, otherwise by use
20 review only.
- 21 (6) Residential Restricted Uses - N: An "N" in a cell indicates the use is permitted,
22 provided at least fifty percent of the floor area is for nonresidential use, otherwise by
23 use review only.
- 24 (7) Prohibited Uses: An asterisk symbol ("*") in a cell indicates that the use type is
25 prohibited in the zoning district.
- (8) Additional Regulations: There may be additional regulations that are applicable to a
specific use type. The existence of these specific use regulations is noted through a
reference in the last column of the use table entitled "Specific Use." References refer to
subsections of Sections 9-6-2 through 9-6-9, B.R.C. 1981, for "Specific Use Standards,"
or other sections of this title. Such standards apply to all districts unless otherwise
specified.
- (9) n/a: Not applicable; more specific use applications apply.
- (b) Interpretation: The city manager may decide questions of interpretation as to which category
uses not specifically listed are properly assigned to, based on precedents, similar situations,
and relative impacts. Upon written application, the BOZA may determine whether a specific
use not listed in Table 6-1 of this section is included in a specific use category. Any use not
specifically listed in Table 6-1 of this section is not allowed unless it is determined to be
included in a use category as provided by this section.
- (c) Multiple Uses of Land Permitted: Permitted uses, conditional uses, and uses permitted by
use review may be located in the same building or upon the same lot.
- (d) Use Table:

TABLE 6-1: USE TABLE

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A		
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	Specific Use Standard	
Residential Uses																													
Detached dwelling units	A	A	A	A	C	A	A	*	*	A	U	U	A	A	<u>A*</u>	A	*	A	A	A	A	*	U	U	*	U	U	*	9-8-4
Detached dwelling unit with two kitchens	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	9-6-3(c)
Duplexes	*	A	A	A	C	A	A	*	*	A	A	A	A	A	<u>A*</u>	A	*	A	A	A	A	G	U	U	N	U	*	9-8-4	
Attached dwellings	*	A	A	A	C	A	A	C	*	A	A	A	A	A	<u>An/a</u>	A	*	A	A	A	A	G	U	U	N	U	*	9-8-4	
Mobile home parks	*	U	U	*	U	U	*	*	A	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Townhouses	*	A	A	A	C	A	A	A	*	A	A	A	A	A	<u>A*</u>	A	*	A	A	A	A	G	U	U	N	U	*	9-8-4	
Live-work	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	*	*	*	U	U	U	A	*	*		

1	Cooperative housing units	C	C	C	C	C	C	C	*	*	C	C	C	*	*	*	*	*	*	*	*	*	U	U	*	*	*	9-6-3(b)	
2																													
3	<u>Attached dwelling units outside of the University Hill general improvement district</u>	<u>n/a</u>	<u>G</u>	<u>n/a</u>																									
4																													
5																													
6	<u>Attached dwelling units and efficiency living units in the University Hill general improvement district</u>	<u>n/a</u>	<u>C</u>	<u>n/a</u>	<u>9-6-3(i)</u>																								
7																													
8																													
9																													
10	Efficiency living units <u>outside of the University Hill general improvement district</u> :																												
11	A. If <20% of total units	*	*	*	*	U	A	A	*	*	M	A	A	A	A	G	A	*	A	A	A	A	G	U	U	N	U	*	
12	B. If ≥20% of total units	*	*	*	*	*	U	A	*	*	U	A	A	U	U	U	U	*	U	U	U	U	U	U	U	U	U	*	<u>9-6-3(j)</u>
13																													
14	Accessory units:																												
15	A. Accessory dwelling unit	C	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	9-6-3(a)
16	B. Owner's accessory unit	C	*	*	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	9-6-3(a)
17																													
18	C. Limited	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	9-6-3(a)

1	<u>Fraternities, sororities, dormitories, and boarding houses in the University Hill general improvement district</u>	n/a	*	n/a																							
2		C	C	C	C	C	C	C	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	C	C	C	9-6-3(e)
3		C	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*	9-6-3(h)
4																											
5	Home occupation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	C	C	9-6-3(e)
6	Transitional housing	C	C	C	C	C	C	C	C	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*	9-6-3(h)	
7																											
8																											
9	...																										

- 9 ...
- 10 **A:** Allowed use.
- 11 **C:** Conditional use. See Section 9-2-2 for administrative review procedures.
- 12 **U:** Use review. See Section 9-2-15 for use review procedures.
- 13 **G:** Allowed use provided that it is not located on the ground floor facing a street above or below the ground floor, with the exception of minimum necessary ground level access, otherwise by use review only.
- 14 **M:** Allowed use provided at least 50% of the floor area is for residential use and the nonresidential use is less than 7,000 square feet per building, otherwise use review.
- 15 **N:** Allowed use provided at least 50% of the floor area is for nonresidential use, otherwise by use review.
- 16 **n/a:** Not applicable; more specific use applications apply.

Section 4. Section 9-6-3, B.R.C. 1981, is amended to add a new subsection (j):

9-6-3 Specific Use Standards - Residential Uses.

...

(d) Group Home Facilities: The following criteria apply to any group home facility:

(1) For purposes of density limits in section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, and occupancy limits, eight occupants, not including staff, in any group home facility constitute one dwelling unit, but the city manager may increase the occupancy of a group home facility to ten occupants, not including staff, if:

(A) The floor area ratio for the facility complies with standards of the Colorado State Departments of Public Health and Environment and Social Services and chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and

(B) Off-street parking is appropriate to the use and needs of the facility and the number of vehicles used by its occupants, regardless of whether it complies with other off-street parking requirements of this chapter.

(2) In order to prevent the potential creation of an institutional setting by concentration of group homes in a neighborhood, no group home facility may locate within three hundred feet of another group home facility, but the city manager may permit two such facilities to be located closer than three hundred feet apart if they are separated by a physical barrier, including, without limitation, an arterial collector, a commercial district, or a topographic feature that avoids the need for dispersal. The planning department will maintain a map showing the locations of all group home facilities in the City.

(3) No person shall make a group home facility available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. A determination that a person poses a direct threat to the health or safety of others or a risk of substantial physical damage to property must be based on a history of overt acts or current conduct of that individual and must not be based on general assumptions or fears about a class of disabled persons.

(4) Group home uses allowed in the BMS district shall not be located on the ground floor facing a street, with the exception of minimum necessary ground level access, otherwise by use review only.

...

1 (f) Residential Care, Custodial Care, and Congregate Care Facilities: The following criteria
2 apply to any residential care facility, custodial care facility, or congregate care facility:

3 (1) For purposes of density limits in section 9-7-1, "Schedule of Form and Bulk Standards,"
4 B.R.C. 1981, and occupancy limits, six occupants, including staff, in any custodial,
5 residential or congregate care facility constitute one dwelling unit, but the city manager
6 may increase the occupancy of a residential care facility to eight occupants, including
7 staff, if:

8 (A) The floor area ratio for the facility complies with standards of the Colorado State
9 Departments of Health and Social Services and chapter 10-2, "Property Maintenance
10 Code," B.R.C. 1981; and

11 (B) Off-street parking is appropriate to the use and needs of the facility and the number of
12 vehicles used by its occupants, regardless of whether it complies with other off-street
13 parking requirements of this chapter.

14 (2) In order to prevent the potential creation of an institutional setting by concentration of
15 custodial, residential or congregate care facilities in a neighborhood, no custodial,
16 residential or congregate care facility may locate within seven hundred fifty feet of
17 another custodial, residential or congregate care facility, but the approving agency may
18 permit two such facilities to be located closer than seven hundred fifty feet apart if they
19 are separated by a physical barrier, including, without limitation, an arterial collector, a
20 commercial district, or a topographic feature that avoids the need for dispersal. The
21 planning department will maintain a map showing the locations of all custodial,
22 residential or congregate care facilities in the City.

23 (3) Uses allowed in the BMS district shall not be located on the ground floor facing a street,
24 with the exception of minimum necessary ground level access~~must be located above or~~
25 ~~below the ground floor~~; otherwise by use review only.

26 ...
27 (j) Residential Development within the University Hill General Improvement District in the
28 BMS Zoning District: The following standards and criteria apply to any attached dwelling
29 units and efficiency living units within the University Hill General Improvement District in
30 the BMS zoning district:

31 (1) The units meet the requirements for permanently affordable units set forth in Chapter
32 9-13, "Inclusionary Housing," B.R.C. 1981, or

33 (2) All occupants of the units are 62 years of age or older and all requirements of the
34 federal Fair Housing Act, 42 U.S.C. §3601, et seq., as amended, and the Colorado

Housing Practices Act, §24-34-501, et seq., C.R.S., as amended, with respect to housing for older persons are complied with, and

(3) With the exception of minimum necessary ground level access, the use shall not be located on the ground floor facing a street, otherwise by use review only.

(4) Requirement for Efficiency Living Units: Where efficiency living units comprise twenty percent or more of the total number of units in the development, the use may only be approved pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.

Section 5. Section 9-16-1, B.R.C. 1981, is amended to read:

9-16-1 General Definitions.

(a) The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title unless a term is defined differently in this chapter.

(b) Terms identified with the references shown below after the definition are limited to those specific sections or chapters of this title:

- (1) Airport influence zone (AIZ).
- (2) Floodplain regulations (Floodplain).
- (3) Historic preservation (Historic).
- (4) Inclusionary housing (Inclusionary Housing).
- (5) Residential growth management system (RGMS).
- (6) Solar access (Solar).
- (7) Wetlands Protection (Wetlands).
- (8) Signs (Signs).

(c) The following terms as used in this title have the following meanings unless the context clearly indicates otherwise:

...

Permanently affordable unit means a dwelling unit that is pledged to remain affordable forever to households earning no more than the income limits specified in this Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, ~~HUD low income limit for the Boulder Primary Metropolitan Statistical Area, or, for a development with two or more permanently affordable units, the average cost of such units to be at such low income limit, with no single unit exceeding ten percentage points more than the HUD low income limit, and the unit:~~

- (1) ~~The unit is~~ owner occupied;
- (2) Is owned or managed by the Housing Authority of the City of Boulder or its agents; or

1 (3) Is a rental unit in which the city has an interest through the Housing Authority of the
2 City of Boulder or a similar agency that is consistent with § 38-12-301, C.R.S., or that
3 is otherwise legally bound by rent restrictions consistent with §38-12-301, C.R.S., or
4 successor statutes.

5 Permanently affordable units shall be attained and secured through contractual arrangements,
6 restrictive covenants, resale and rental restrictions, subject to reasonable exceptions, including,
7 without limitation, subordination of such arrangements, covenants and restrictions to a
8 mortgagee, for both owner-occupied and rental units. No unit shall be considered a permanently
9 affordable unit until the location, construction methods, floor plan, fixtures, finish and the
10 cabinetry of the dwelling unit have been approved by the city manager. (Inclusionary Housing)

11 . . .

12 **Section 6.** This ordinance replaces Ordinance No. 7990 which temporarily suspended
13 accepting building permit and site review applications that would result in adding residential
14 floor area to those areas zoned BMS that are located in the general area described as the
15 University Hill Business District until March 18, 2015 at 8:00 a.m.

16 **Section 7.** The immediate passage of this ordinance is necessary for the preservation of
17 the public peace, health, or property. The council declares this to be an emergency measure due
18 to the need to prevent inappropriate development and to adopt zoning regulations prior to the
19 expiration of Ordinance No. 7990 that ensure implementation of and development consistent
20 with the Boulder Valley Comprehensive Plan and other policies of the City. Therefore, this
21 ordinance is hereby declared to be an emergency measure, and as such shall be in full force and
22 effect upon its passage.

23 **Section 8.** This ordinance is necessary to protect the public health, safety, and welfare of
24 the residents of the city, and covers matters of local concern.
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 9. 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 17th day of February, 2015.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, AND ADOPTED AS AN EMERGENCY MEASURE BY TWO-THIRDS COUNCIL MEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this ____ day of _____, 2015.

Mayor

Attest:

City Clerk

Potential Strategies Analyzed

This section includes all the potential strategies that staff identified and analyzed to address the project findings. Some of the strategies involve city regulations; others would be new programs or financial incentives. Some can be combined with other strategies, or components of other strategies.

Use-Related Strategies

A. Residential Uses (Zoning Strategies)

A-1 Prohibit all new residential uses

This strategy addresses findings 1, 2 and 4a regarding the over-concentration of housing and current market dynamics. It would revise the BMS zoning district standards to list all residential uses as “prohibited” for the Uni Hill commercial district only. It would mean that all existing residential uses in the BMS zone in Uni Hill would become non-conforming uses. As described on page 13, existing residences would be subject to the city’s fairly flexible non-conforming use standards that allow expansion up to 10% of existing floor area. This strategy would likely change the current market condition and make office uses more attractive; however, it is also likely to affect property values in the short-term, which are currently based largely on the cash-flow assumptions related to the student rental market. If the market for office uses on the Hill changes over time, however, particularly for Class A office uses, property values might improve. Over time, future 2nd and 3rd story uses would add year-round diverse users on the Hill, such as office workers (an estimated 300-400 workers at “buildout”).

A-2 Prohibit new residential uses, except Permanently Affordable or Senior Housing

This strategy also addresses findings 1, 2, and 4a, and has similar benefits and impacts to Strategy A-1 above, but would allow permanently affordable or deed-restricted senior units within the BMS zone. Encouraging permanently affordable and senior housing units would be consistent with city policies to add more of these types of housing in the community, and would contribute to diversifying the residential mix of the Uni Hill commercial district. The strategy would similarly shift the current market dynamic that is driven by the economics of market-rate student rentals, but not prohibit housing all together as a use. This strategy would be accomplished by making residential uses conditional uses on the Hill, requiring staff level review to determine compliance with specific criteria, which would include deed restrictions on the units to ensure permanent affordability and/or occupancy by residents who are 62 years of age or older. While it may be unlikely that a senior-oriented housing development would occur in the near term, there have been recent trends in many university communities of housing that is marketed specifically to alumni who wish to live in close proximity to campus and its many cultural offerings. Development of permanently affordable housing, particularly if it is targeted to groups such as CU faculty and staff, may be more likely, but may require the active participation of the city and/or university in addition to private or nonprofit development partners.

A-3 Prohibit new residential uses, except on the 3rd floor if in conjunction with a use or “public benefit” that helps implement the Hill vision.

This strategy addresses findings 1, 2 and 4a, but to a lesser extent than Strategies A-1 and A-2. It would allow some market rate units on the third story which would have less financial impact on property owners than Strategies A-1 and A-2 by allowing some space for market-rate units. It could also incentivize more upkeep of buildings on the Hill if requirements to “improve the appearance” of buildings is added as a criterion of approval. While this strategy may afford property owners more flexibility, it conflicts somewhat with finding 2 as it would likely result in a high number of additional housing units – units which would likely be developed as student rental housing given the market demand. As EPS notes in their Development Scenarios analysis in Attachment B, it is “unlikely that a developer would build a program like this considering the high maintenance costs related with three different uses, the risk associated with having to lease three different uses within one small building, and the difficulty with attracting office users to a building with student housing within it.”

B. Office Uses

B-1 Create a density bonus for office uses.

City Council direction at the outset was that the moratorium project will not increase the allowed floor area ratio (FAR) above the current cap of 1.85 FAR within the Hill commercial district. Therefore, if a “bonus” for offices uses were created, a new lower base would need to be established, so that 1.85 FAR would remain as the maximum. This strategy addresses finding no. 1, as reducing the base FAR would limit the amount of future housing; however, it would more likely result in more student rental housing. Strategy A-3 would have about the same result, but would be regulated in a more straightforward manner without reducing the by-right FAR.

B-2 Create an overlay zone in the adjacent RH-5 residential zone to encourage office uses in existing residential structures.

Currently, office uses within the RH-5 zone require Planning Board approval of a use review application and are subject to a specific review criterion that discourages residential to non-residential conversions. Changing these requirements by, for instance, not requiring Planning Board review and creating an exception to allow conversions to office in the areas immediately adjacent to the commercial district may help encourage office uses in these locations. This strategy, if successful, would meet findings 2 and 3 to increase the potential for more offices near the Hill and increase use diversity as intended by the BVCP vision for the area. It is expected, however, that market conditions strongly favoring student residential would continue and the likelihood of such conversions would be low. Further, such a change would require significant public outreach and analysis to determine the boundaries; how to address impacts such as parking; and criteria for review and approval. The time invested may outweigh the results, and it may be a strategy to reserve for future consideration.

C. Parking

C-1 Promote public/private redevelopment of existing surface parking lots into projects that support the city's vision to achieve a greater diversity of uses and additional parking to make the Hill Commercial Area more attractive.

This strategy addresses multiple findings from the Phase One Report: 4a insufficient parking, 2 lack of office uses, and 4b lack of an anchor use. There are three surface parking lots in the Hill commercial district: two owned by UHGID and one owned by the University of Colorado. The redevelopment potential of the lots provide excellent opportunities either as a stand-alone parcel or in combination with adjacent properties create excellent opportunities for achieving desired uses and placing parking underground. The sites can also accommodate infrastructure that support other modes of transportation such as car and bike share. The urban design character of the Hill is improved by adding active ground floor uses and a critical mass of commercial activity. The large site areas provide an opportunity to include office and/ or other anchor uses that achieve the Hill vision. A challenge of such projects is the cost of underground parking. UHGID lacks the fiscal capacity to finance underground parking on its own. The small size of the district limits its revenue generation and bonding capacity. Partnerships with other entities and/or other strategies would be needed to financially implement this approach.

Financial Incentives

D. Explore tax policies to encourage and facilitate development of projects that address desired uses that are difficult to attract or that provide a public benefit and implement the Hill vision.

This could include a catalytic anchor use, office uses, public infrastructure and balanced multi-modal options including parking. The tax policies could include allocation of some portion of taxes (sales, construction use, or property) from Hill projects to cover a "gap" in project financing or to invest in Hill public infrastructure; instituting a Public Improvement Fee to Hill sales tax; creating other redevelopment or revitalization district concepts such as Downtown Development Authority, Community Development Corporation and/or business improvement district.

This strategy could address findings 1, 3, and 4, by seeking to attract desired uses, including potentially office uses, and breaking down various barriers to expanding the diversity of uses on the Hill. Consideration of these policies would need to be integrated into the Hill Reinvestment Strategy priority to explore sustainable, long term governance and funding for the Hill. A pilot approach could be incorporated into some of the policies, or they could be time-limited.

E. Consider National Register Historic District designation, for portions of the Hill that are potentially eligible, allowing eligible properties to take advantage of up to 50% income tax credits.

This strategy addresses finding 4 e, federal and state income tax credits for rehabilitation can be used for everything from routine maintenance to major interior and/or exterior rehabilitation, and could provide the needed financial incentive for property owners to rehabilitate their buildings and improve the appearance of the area. Additionally, it could be a way to highlight and celebrate the rich history of the Hill, which could make the area more meaningful to new students and residents. It could promote heritage tourism. In conjunction with other strategies, it could also address finding 4c. It would require significant public outreach and education about the benefits and responsibilities associated with historic district designation, but National Register designation can be particularly attractive to property owners given its largely honorary and does not restrict property changes unless they are in association with the tax credits.

Programs

F. Have the city take a lead role in working with the university and property owners in attracting one or more ‘anchor’ uses to the Hill Commercial District with the potential in turn to attract a greater diversity of uses and customers to the area.

This strategy directly addresses three out of the four findings. Pursuing an anchor office, retail or hotel use has the potential to attract additional and more diverse users to the district to help achieve the vision for vibrant, year-round commercial activity. It would address the EPS finding that one or more anchors (and parking) are needed to attract the desired mix of uses and users to the district. A revitalized district would benefit the existing businesses and property owners. The fiscal impact to the city would depend on what strategy is used to attract the anchor uses. If an anchor retail use is attracted, it could reduce trips traveled by neighboring residents to meet their shopping, dining and entertainment uses. Positive social impacts would include a greater diversity of customers and visitors to the district.

G. Continue to explore the creation of Innovation/Creative District. Build on the essential, innate qualities of the Hill including creativity, youthfulness, and energy, and expand it to foster creativity in the broadest sense for a diversity of users.

This strategy addresses findings 3 and 4 e. An innovation or creative district could stimulate the office market and bring in new users, re-define the district’s image and ties to CU as being rooted in innovation, or potentially revitalize interest in the history and function of the Hill as an entertainment district. Depending on the district’s focus, it could also help to address findings 1, 2, and 4c. Bringing in new uses, be they cultural or economic in focus, would help balance out the high concentration of student housing that already exists and could help attract additional office space. Additionally, an innovation district could directly address the finding that the area lacks a strong anchor attraction and is limited by the market perception of being just for students.

H. Explore the creation of a Façade Improvement Program.

A façade improvement program could achieve numerous goals for the Hill such as enhancing tenant attraction capabilities, addressing the run-down appearance of numerous buildings and supporting historic district designation. The program could be of the foundation for a Hill district development authority, Main Street program, or community development corporation to promote long term Hill revitalization and investment. The program could include incentives such as low interest loans, rebates, funding for design assistance or other subsidies to encourage property investment and enhance the historic character of the Hill. Tying the façade improvement program to National Register Historic District designation could provide an added incentive to property owners to support the creation of an historic district.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 17, 2015

AGENDA TITLE

Introduction, first reading and consideration of a motion to adopt Emergency Ordinance No. 8031 adopting Supplement No. 122, which codifies previously adopted Ordinance Nos. 7957, 7967, 7982, 7983, 7992, 7996, 8004, 8005, 8011, 8016, 8018, 8020, Appendix Council Procedure, and other miscellaneous corrections and amendments, as an amendment to the Boulder Revised Code, 1981.

PRESENTER:

Office of the City Attorney
Thomas A. Carr, City Attorney

EXECUTIVE SUMMARY:

The Boulder Revised Code (“B.R.C. 1981”) is the official book of laws of the City of Boulder. Four times a year (quarterly), the City Council is asked to adopt supplements to the B.R.C. 1981. An ordinance format is used to bring ordinances that the City Council adopted in the prior quarter into the B.R.C. 1981, and to ensure that there is no question regarding what constitutes the official laws of the City of Boulder. These supplement ordinances are approved as a matter of routine by the City Council.

In order to generate the printed supplements to the B.R.C. as soon as possible, council is asked to adopt the proposed ordinance at first reading as an emergency measure.

The text of Supplement No. 122 has been previously adopted by the following ordinances:

7957 AN ORDINANCE AMENDING TITLE 2, “GOVERNMENT ADMINISTRATION,” CHAPTER 7, “CODE OF CONDUCT,” B.R.C. 1981, INCLUDING EXPANDING THE LEGISLATIVE PURPOSE, CLARIFYING THE PROHIBITIONS ON ACCEPTING GIFTS, AMENDING THE RESTRICTIONS ON APPEARING BEFORE CITY BODIES, SETTING FORTH PROHIBITED ACTS, ESTABLISHING EXPECTATIONS FOR PUBLIC OFFICIALS AND PUBLIC OFFICERS, SETTING FORTH EXAMPLES OF VIOLATIONS AND SETTING FORTH RELATED DETAILS.

7967 AN ORDINANCE AMENDING SECTIONS 4-20-60, “VOICE AND SIGHT CONTROL EVIDENCE TAG FEES,” 6-13-2, “VOICE AND SIGHT CONTROL EVIDENCE TAG REQUIRED,” AND 6-13-4, “VOICE AND SIGHT CONTROL EVIDENCE TAG REQUIREMENTS;” REPEALING SECTION 6-13-5, “REVOCATION AND REINSTATEMENT OF VOICE AND SIGHT CONTROL

EVIDENCE TAGS UPON VIOLATIONS,” AND REPLACING IT WITH A NEW SECTION 6-13-5, “TERMS OF VOICE AND SIGHT CONTROL EVIDENCE TAG,” B.R.C. 1981; AMENDING SECTION 6-1-16, “DOGS RUNNING AT LARGE PROHIBITED,” SECTION 6-1-20, “AGGRESSIVE DOGS PROHIBITED,” AND SECTION 8-3-5 “WILDLIFE PROTECTION,” B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

7982 AN EMERGENCY ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, THE QUESTION OF AMENDING CITY CHARTER SECTION 9 TO PROVIDE THAT THE CITY COUNCIL MAY MEET IN EXECUTIVE SESSION EXCLUSIVELY FOR THE PURPOSE OF OBTAINING AND DISCUSSING LEGAL ADVICE, INCLUDING NEGOTIATION STRATEGY, WITH RESPECT TO BOULDER’S ELECTRIC UTILITY, WITH SUCH AUTHORITY ENDING ON DECEMBER 31, 2017; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER RELATED DETAILS.

7983 AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO INCREASE THE SALES AND USE TAX BY UP TO 0.3 CENTS ON EVERY DOLLAR, EFFECTIVE FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2017 FOR THE PURPOSE OF FUNDING A VARIETY OF CAPITAL IMPROVEMENT PROJECTS; GIVING APPROVAL FOR THE COLLECTION, RETENTION AND EXPENDITURE OF THE FULL TAX PROCEEDS AND ANY RELATED EARNINGS, NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION; AND SETTING FORTH THE EFFECTIVE DATE, BALLOT TITLE, AMENDMENTS TO SECTION 3-2-5, “RATE OF TAX,” B.R.C. 1981 AND RELATED DETAILS.

7992 AN EMERGENCY ORDINANCE AMENDING SECTION 9-2-13, CONCEPT PLAN REVIEW AND COMMENT, B.R.C. 1981, TO ADD A PROCESS FOR REVIEW OF CONCEPT PLANS BY CITY COUNCIL, AND SETTING FORTH RELATED DETAILS.

7996 AN ORDINANCE AMENDING CHAPTERS 1-2, 2-2, SECTION 5-6-15, B.R.C. 1981, TITLE 7, B.R.C. 1981, AND ADDING A NEW SECTION 7-4-78, B.R.C. 1981, CONCERNING THE AUTHORITY OF THE TRAFFIC ENGINEER, REGULATION OF VEHICLES, PEDESTRIANS AND TRAFFIC, PARKING INFRACTIONS, AND VEHICLE IMPOUNDS, AND SETTING FORTH RELATED DETAILS.

8004 AN ORDINANCE AMENDING SECTION 3-8-3 AND CHAPTER 4-20, B.R.C. 1981, CHANGING CERTAIN FEES AND SETTING FORTH RELATED DETAILS.

- 8005 AN ORDINANCE AMENDING SECTIONS 9-2-3, "VARIANCES AND INTERPRETATIONS," AND 9-9-6, "PARKING STANDARDS," B.R.C. 1981, TO SIMPLIFY VARIOUS MOTOR VEHICLE PARKING STANDARDS, TO REDUCE MOTOR VEHICLE PARKING REQUIREMENTS FOR WAREHOUSES, STORAGE FACILITIES, AND AIRPORTS, AND TO CREATE LAND USE-BASED BICYCLE PARKING STANDARDS, AND SETTING FORTH RELATED DETAILS.
- 8011 AN ORDINANCE AMENDING CHAPTER 2-2, B.R.C. 1981 BY THE ADDITION OF A NEW SECTION 2-2-19, "RECORD RETENTION"; ADOPTING THE COLORADO STATE RECORDS RETENTION SCHEDULE; REPEALING ORDINANCE NOS. 5753, 5879 AND 5972; AND SETTING FORTH RELATED DETAILS.
- 8016 AN ORDINANCE AMENDING CHAPTER 4-11, "MALL PERMITS AND LEASES," SECTIONS 4-1-9 "AUTHORITY TO DENY ISSUANCE OF LICENSES," 4-20-11 "MALL LICENSE AND PERMIT FEES," AND 8-6-6 "REQUIREMENTS FOR REVOCABLE PERMITS, SHORT-TERM LEASES AND LONG-TERM LEASES," B.R.C. 1981, TO UPDATE THE CODE TO BE CONSISTENT WITH CURRENT MALL PRACTICES AND NEEDS, AND SETTING FORTH RELATED DETAILS
- 8018 AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO ADD A VALUATION METHOD FOR EXISTING STRUCTURES FOR DETERMINATION OF UPGRADE REQUIREMENTS UNDER TITLE 9, B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.
- 8020 AN EMERGENCY ORDINANCE AMENDING CHAPTER 6-16. B.R.C. 1981, AMENDING SECTIONS 6-16-2 "DEFINITIONS," AND 6-16-3 "LICENSE REQUIRED" TO EXTEND THE TIME FOR MEDICAL MARIJUANA BUSINESSES TO CONVERT TO RECREATIONAL MARIJUANA BUSINESSES FROM DECEMBER 31, 2014 TO DECEMBER 31, 2015 AND AMENDING SECTIONS 6-14-8 "REQUIREMENTS RELATED TO OPERATION OF MEDICAL MARIJUANA BUSINESSES" AND 6-16-8 "REQUIREMENTS RELATED TO OPERATION OF RECREATIONAL MARIJUANA BUSINESSES" TO ELIMINATE THE RESTRICTION ON SALE OF MERCHANDISE WITH THE NAME OR LOGO OF THE BUSINESS.

FISCAL IMPACTS:

Budgetary: None

Staff Time: None beyond the time always allocated to code maintenance in the City Attorney's overall work plan.

Economic: None

COUNCIL FILTER IMPACTS:

Ongoing code maintenance is an essential and largely administrative obligation of the city.

STAFF RECOMMENDATION:

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

Motion to adopt Emergency Ordinance No. 8031 regarding Supplement No.122.

FORMAT NOTES:

Code amendments (if any) may be reflected in strike out and double underline format along with a “Reason for Change” as part of this agenda item. Such amendments are intended to correct non-substantive errors discovered through review of these ordinances and/or which may have occurred in previously adopted ordinances already in the B.R.C. 1981. Major and/or substantive corrections or revisions are brought forward as a separate ordinance to City Council during the normal course of future City Council business.

DISCUSSION:

This supplement includes ordinances that were adopted by the City Council in the last supplement quarter. They are added to the official version of the B.R.C. 1981 by way of the attached supplement ordinance. The City Council adopts a quarterly supplement ordinance to ensure that a clearly identifiable version of the Boulder Revised Code is legislatively adopted.

The printed supplements to the B.R.C. may not be distributed until the proposed adopting ordinance is effective. The laws of the city should be current and available to the residents of the City of Boulder as soon as possible, therefore, council is asked to adopt the proposed ordinance at first reading as an emergency measure.

AMENDMENTS:

1. Section 6-16-3, B.R.C. 1981.

6-16-3. License Required.

....

(g) Conversion to a Co-located Marijuana Business Within the Footprint of the Medical Marijuana Business. A licensee of a medical marijuana wellness center or cultivation facility may apply for a co-located marijuana business license by December 31, 2015, by submitting an application for a co-located marijuana business on forms approved by the city. At a minimum, the application form shall include a modification of the existing medical marijuana business to conform to the new footprint of the medical marijuana portion of the co-located marijuana business and all components of the application described in Section 6-16-5, "Application," B.R.C. 1981, determined applicable by the city manager for the recreational marijuana portion of the co-located marijuana business, and paying the modification of premises fee and operating fee specified in Section 4-20-67, "Recreational Marijuana Businesses," B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the co-located marijuana business license will be issued. The term of the co-located marijuana business license shall be the same as the existing medical marijuana business license. For purposes of separation from other marijuana businesses in Paragraph 6-16-7(e)(~~32~~) of this chapter, the co-located medical and recreational marijuana business shall be considered one marijuana business. No co-located medical and recreational marijuana business may be sold separately from the other and must maintain identical ownership at all times.

(h) Conversion to a Co-located Marijuana Business in an Expansion of the Existing Footprint of the Medical Marijuana Business. A licensee of a medical marijuana wellness center or cultivation facility may apply for a co-located marijuana business license within a footprint that is an expansion of its existing medical marijuana business by submitting an application for modification of the existing medical marijuana business, and an application for co-location of a medical and recreational business within the modified premises on forms approved by the city by March 1, 2014. At a minimum, the application shall include (i) the same owners and financiers of the existing medical marijuana businesses, (ii) the proposed modification of the existing and expanded area of the existing medical marijuana business to depict the two new businesses separated as required by this code, (iii) all components of the application described in Section 6-16-5, "Application," B.R.C. 1981, determined applicable by the city manager for the recreational marijuana portion of the co-located marijuana business, and (iv) the modification of premises fee, conversion fee, and operating fee specified in Section 6-16-5, "Application," B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the co-located marijuana business license will be issued. The term of the co-located marijuana business license shall be the same as the existing medical marijuana business license. For purposes of separation from other marijuana businesses in Paragraph 6-16-7(e)(32) of this chapter, the co-located medical and recreational marijuana business shall be considered one marijuana business. No co-located medical and recreational marijuana business may be sold separately from the other and must maintain identical ownership at all times.

....

Reason for change: An incorrect citation is being corrected.

2. Section 4-20-11, B.R.C. 1981.

4-20-11. Mall License and Permit Fees.

The following fees shall be paid before issuance of a mall revocable permit or lease, kiosk, mobile vending cart, ambulatory vendor, entertainment vending, personal services vending, or animal permit and rental of advertising space on informational kiosks:

- (a) For revocable permit or leases issued in accordance with Section 8-6-6, "Requirements for Revocable Permits, Short-Term Leases and Long-Term Leases," B.R.C. 1981, an annual fee of \$15.90 per square foot of occupied space;
- (ba) For kiosk permits, an annual fee to be negotiated by contract with the city manager;

....

Reason for change: Section 4-20-11 was amended by Ordinances 8004 and 8016 very close to the same time. Staff's intent was for the BRC to reflect the changes made by Ord. 8004. However, Ord. 8016 inadvertently reverted portions of the code to an earlier version.

3. Section 4-11-4, B.R.C. 1981.

4-11-4. - Uses Prohibited Without Permit.

- (a) ~~Sale of goods.~~
 - (1) No person shall sell, display for sale or advertise for sale any goods or services to the public on the mall without a valid permit or lease therefor issued under this

chapter. This subsection does not apply to a sign, including, without limitation, a sandwich board, carried by a person and not set on or affixed to the ground.

(2) This subsection does not apply to free distribution of information, flyers, pamphlets or brochures.

(3) This subsection does not apply to a sign used in conformity with section 4-11-4.5, "Advocacy Area Permit," B.R.C. 1981.

(b) ~~Carts and equipment.~~

(1) No person shall conduct any activity or enterprise that involves placement of a cart, unrolled blanket, booth, table, stage, movable structure or other similar equipment on the mall without a valid permit or lease therefor issued under this chapter.

....

Reason for change: Section 4-11-4 was amended by Ordinance 5563 (1993) and effectively removed the titles in (a) and (b). This change corrects the error that had not been recognized previously.

ATTACHMENT:

A - Proposed Emergency Ordinance No. 8031

ORDINANCE NO. 8031

AN EMERGENCY ORDINANCE ADOPTING SUPPLEMENT NO. 122, WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCE NOS. 7957, 7967, 7982, 7983, 7992, 7996, 8004, 8005, 8011, 8016, 8018, 8020, APPENDIX COUNCIL PROCEDURE, AND OTHER MISCELLANEOUS CORRECTIONS AND AMENDMENTS, AS AN AMENDMENT TO THE BOULDER REVISED CODE, 1981, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Legislative Findings.

A. Supplement No. 122 amending the Boulder Revised Code 1981 (“B.R.C.”) has been printed.

B. The City Council intends that this supplement be codified and published as a part of the B.R.C.

C. Supplement No. 122 to the B.R.C. is a part of this ordinance and contains all of the amendments to the B.R.C. enacted by the City Council in Ordinance Nos. 7957, 7967, 7982, 7983, 7992, 7996, 8004, 8005, 8011, 8016, 8018, 8020, Appendix Council Procedure, and other miscellaneous corrections and amendments. The City Council intends to adopt this supplement as an amendment to the B.R.C.

D. The ordinances contained in Supplement No. 122 are available in printed copy to each member of the City Council of the City of Boulder, Colorado, and the published text of the supplement, along with the text of those ordinances, is available for public inspection and acquisition in the office of the city clerk of the City of Boulder, in the Municipal Building, 1777 Broadway, Boulder, Colorado.

Section 2. The City Council adopts Supplement No. 122 by this reference.

Section 3. The City Council orders that a copy of Supplement No. 122 as proposed for adoption by reference herein be on file in the office of the city clerk of the City of Boulder, Colorado, Municipal Building, 1777 Broadway, City of Boulder, Boulder County, Colorado, and may be inspected by any person at any time during regular business hours pending of the adoption of this ordinance.

Section 4. The annotations, source notes, codifier’s notes, and other editorial matter included in the printed B.R.C. are not part of the legislative text. These editorial provisions are provided to give the

1 public additional information for added convenience. No implication or presumption of a legislative
2 construction is to be drawn from these materials.

3 Section 5. The B.R.C., or any chapter or section of it, may be proved by a copy certified by the
4 city clerk of the City of Boulder, under seal of the city; or, when printed in book or pamphlet form and
5 purporting to be printed by authority of the city. It shall be received in evidence in all courts without
6 further proof of the existence and regularity of the enactment of any particular ordinance of the B.R.C.
7

8 Section 6. These provisions of the B.R.C. shall be given effect and interpreted as though a
9 continuation of prior laws and not as new enactments.

10 Section 7. Unless expressly provided otherwise, any violation of the provisions of the B.R.C., as
11 supplemented herein, shall be punishable by a fine of not more than one thousand dollars or
12 incarceration for not more than ninety days in jail, or by both such fine and incarceration, as provided in
13 section 5-2-4, "General Penalties," B.R.C. 1981.
14

15 Section 8. Section 6-16-3, B.R.C. 1981 is amended as follows:

16 **6-16-3. License Required.**

17

18 (g) Conversion to a Co-located Marijuana Business Within the Footprint of the Medical
19 Marijuana Business. A licensee of a medical marijuana wellness center or cultivation facility
20 may apply for a co-located marijuana business license by December 31, 2015, by submitting an
21 application for a co-located marijuana business on forms approved by the city. At a minimum,
22 the application form shall include a modification of the existing medical marijuana business to
23 conform to the new footprint of the medical marijuana portion of the co-located marijuana
24 business and all components of the application described in Section 6-16-5, "Application,"
25 B.R.C. 1981, determined applicable by the city manager for the recreational marijuana portion of
26 the co-located marijuana business, and paying the modification of premises fee and operating fee
27 specified in Section 4-20-67, "Recreational Marijuana Businesses," B.R.C. 1981. The license for
28 the medical marijuana business must be surrendered to the city before the co-located marijuana
business license will be issued. The term of the co-located marijuana business license shall be the
same as the existing medical marijuana business license. For purposes of separation from other
marijuana businesses in Paragraph 6-16-7(e)(~~32~~) of this chapter, the co-located medical and
recreational marijuana business shall be considered one marijuana business. No co-located
medical and recreational marijuana business may be sold separately from the other and must
maintain identical ownership at all times.

1 (h) Conversion to a Co-located Marijuana Business in an Expansion of the Existing Footprint of
2 the Medical Marijuana Business. A licensee of a medical marijuana wellness center or
3 cultivation facility may apply for a co-located marijuana business license within a footprint that
4 is an expansion of its existing medical marijuana business by submitting an application for
5 modification of the existing medical marijuana business, and an application for co-location of a
6 medical and recreational business within the modified premises on forms approved by the city by
7 March 1, 2014. At a minimum, the application shall include (i) the same owners and financiers
8 of the existing medical marijuana businesses, (ii) the proposed modification of the existing and
9 expanded area of the existing medical marijuana business to depict the two new businesses
10 separated as required by this code, (iii) all components of the application described in Section 6-
11 16-5, "Application," B.R.C. 1981, determined applicable by the city manager for the recreational
12 marijuana portion of the co-located marijuana business, and (iv) the modification of premises
13 fee, conversion fee, and operating fee specified in Section 6-16-5, "Application," B.R.C. 1981.
14 The license for the medical marijuana business must be surrendered to the city before the co-
15 located marijuana business license will be issued. The term of the co-located marijuana business
16 license shall be the same as the existing medical marijuana business license. For purposes of
17 separation from other marijuana businesses in Paragraph 6-16-7(e)(32) of this chapter, the co-
18 located medical and recreational marijuana business shall be considered one marijuana business.
19 No co-located medical and recreational marijuana business may be sold separately from the other
20 and must maintain identical ownership at all times.

21

22 Section 9. Section 4-20-11, B.R.C. 1981 is amended as follows:

23 **4-20-11. Mall License and Permit Fees.**

24 The following fees shall be paid before issuance of a mall revocable permit or lease, kiosk,
25 mobile vending cart, ambulatory vendor, entertainment vending, personal services vending, or
26 animal permit and rental of advertising space on informational kiosks:

- 27 (a) For revocable permit or leases issued in accordance with Section 8-6-6, "Requirements
28 for Revocable Permits, Short-Term Leases and Long-Term Leases," B.R.C. 1981, an
annual fee of \$15.90 per square foot of occupied space;
(ba) For kiosk permits, an annual fee to be negotiated by contract with the city manager;

29

30 Section 10. Section 4-11-4, B.R.C. 1981, is amended as follows:

31 **4-11-4. - Uses Prohibited Without Permit.**

32 (a) ~~Sale of goods.~~

- 33 (1) No person shall sell, display for sale or advertise for sale any goods or services
34 to the public on the mall without a valid permit or lease therefor issued under this
35 chapter. This subsection does not apply to a sign, including, without limitation, a
36 sandwich board, carried by a person and not set on or affixed to the ground.
37 (2) This subsection does not apply to free distribution of information, flyers,
38 pamphlets or brochures.

1 (3) This subsection does not apply to a sign used in conformity with section 4-11-
2 4.5, "Advocacy Area Permit," B.R.C. 1981.

3 (b) ~~Carts and equipment.~~

4 (1) No person shall conduct any activity or enterprise that involves placement of a
5 cart, unrolled blanket, booth, table, stage, movable structure or other similar equipment
6 on the mall without a valid permit or lease therefor issued under this chapter.

7

8 Section 11. This ordinance is necessary to protect the public health, safety, and welfare of the
9 residents of the city, and covers matters of local concern.

10 Section 12. The printed supplements cannot be distributed until the adopting ordinance is
11 effective. The laws of the city should be current and available to the residents of the City of Boulder as
12 soon as possible. On that basis, this ordinance is declared to be an emergency measure and shall be in
13 full force and effect upon its final passage.

14 READ ON FIRST READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY
15 TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY
16 this 17th day of February 2015.

17
18
19 _____
20 Mayor

21 Attest:

22 _____
23 City Clerk
24
25
26
27
28



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 17, 2015

AGENDA TITLE: Consideration of a motion authorizing the City Manager to transfer ownership of 4525 Palo Parkway to Boulder Housing Partners to develop affordable housing on the 3.2 acre site.

PRESENTERS

Jane S. Brautigam, City Manager
David Gehr, Deputy City Attorney
David Driskell, Interim Housing Director
Jeff Yegian, Division of Housing Manager
Susan Richstone, Deputy Director of Community Planning and Sustainability
Jay Sugnet, Project Manager, Housing Boulder
Betsey Martens, Executive Director, Boulder Housing Partners
Lauren Schevets, Project Manager, Boulder Housing Partners
Susan Lythgoe, Executive Director, Flatirons Habitat for Humanity

EXECUTIVE SUMMARY

This agenda item provides background on the Palo Park site and a motion to transfer ownership of 4525 Palo Parkway to Boulder Housing Partners (BHP) to develop affordable housing on the site. The city purchased the site from the Boulder Valley School District in 2006 with the goal of developing mixed income, affordable housing.



On September 2, City Council directed staff to move forward on the Palo Park opportunity site as part of the Comprehensive Housing Strategy (Housing Boulder) effort. Since then, staff has worked with our project partners (BHP and Flatirons Habitat for Humanity) to draft a set of desired outcomes for the development of the property that advance the Housing Boulder goals and provide for collaborative community engagement. The project partners are returning to Council as directed to report on the community engagement to date, the overall process, and the desired outcomes for the site as part of this motion to transfer ownership of the land to BHP.

This memo articulates the desired outcomes for the site, a summary of community comments and concerns, the proposed community engagement process moving forward, a history and background of the site, and a general timeline for designing and developing affordable housing on the site.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff recommends Council consideration of this action in the form of the following motion:

Motion to authorize the City Manager to convey the 3.2 acre property located at 4525 Palo Parkway to Boulder Housing Partners for affordable housing upon such terms and conditions as she finds reasonable and advantageous to the city.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – This project will provide up to 44 new units of workforce housing serving to support competitive and quality businesses. Development of the housing will also create construction jobs.
- Environmental – Potential environmental impacts will be evaluated through the development review process. The desired outcomes of the development include energy efficient and green building practices.
- Social – This project will provide up to 44 units of much needed permanently affordable housing for diverse community members. Staff worked with BHP to engage stakeholders in identifying potential neighborhood impacts, developing an overall community engagement process, and identifying the overall desired outcomes for the site.

OTHER IMPACTS

- Fiscal – The land was purchased in 2006 using Affordable Housing funds. Additional subsidy from the Affordable Housing Fund may be needed depending on the design, households being served, level of affordability and the financial model developed for the site.
- Staff time – No additional staff resources are required.

PUBLIC FEEDBACK

In a joint effort, the city of Boulder, Boulder Housing Partners, and Flatirons Habitat for Humanity staff met with neighbors to review the draft desired outcomes and community engagement process. One common theme was a desire for good communication – the how, the when, and the what – throughout the design and development process.

September – October 2014 Neighborhood Meetings

This consisted of six separate meetings with eight neighbors in the fall of 2014. These individuals were either neighborhood representatives or they expressed concern with building housing on the site. Many reiterated concerns raised by the [petition](#) distributed to City Council at the September 2 meeting and included: increased traffic on nearby streets, increased on-street parking demand, difficulty for emergency services to access the site, and general density concerns.

December 2014 Neighborhood Mailing

In early December, postcards were mailed to all residents within the boundaries of 28th Street, 47th Street, Jay Road, and Kalmia Avenue. This mailing invited the residents to visit the project website (www.palohousing.org) to get involved with the project and sign up to receive email updates. The website includes an opportunity to comment on the proposed community engagement process as well as the desired outcomes. Comments received from the website to date are included in **Attachment A**. The site will be updated throughout the project to keep everyone informed and engaged.

January 2015 Focus Groups

Focus group meetings were held on January 13, 15, 27, and 29, with 33 community members participating. The meetings were facilitated by an independent contractor and designed to encourage participants to provide feedback on the desired outcomes and overall process. More importantly, the meetings were largely devoted to listening to community concerns and identifying potential issues that will need to be addressed as part of the development process.

Overall, focus group members expressed support for the Palo Park desired outcomes and mission of BHP/Flatirons Habitat for Humanity, but many voiced concerns over the number of units allowed under the current land use designation and the potential impact on the surrounding neighborhoods. Attendees valued the opportunity to provide feedback and appreciated that there was a skilled, neutral facilitator leading the meetings.

The following is a summary of concerns heard from participants:

- General density concerns
 - More people and dogs will inevitably create an overall impact to quality of life in the neighborhood
 - Desire to maintain existing character of the neighborhood
- Transportation issues
 - Development of the site will create increased traffic and overflow parking, thus intensifying existing issues in Northfield Commons
 - Concern that increased congestion will impact access for emergency response and create an unsafe environment for children.
 - Desire to accommodate parking for future development on-site
 - There is a current lack of school bus/public transportation access to the site
- Airport proximity (*see below for more details*)
- Utility infrastructure
 - The neighborhood was heavily impacted by the 2013 flood, with sewage back-up into homes. There are concerns that the existing utility infrastructure cannot accommodate new development on this site.
- Affordable housing
 - Desire for more affordable ownership versus rental units included in the development
- Park issues
 - Development of the site will create increased park demand and overuse of the already-popular East Palo Park
 - Desire to incorporate open space/park space in future design of the site.
- Desire to see protection of the floodplain and other sensitive habitats (e.g. fireflies)

The focus groups were helpful to many participants in understanding how the development process works and when their specific issues would be addressed. Some participants expressed a strong desire to have the list of potential issues addressed prior to the city transferring ownership of the land.

The full text of the focus group notes is in **Attachment A**.

The issues described above will be addressed at various points in the development process. For example, the airport proximity concern will be addressed at the time of concept planning (see 9-3-10 “Airport Influence Zone” B.R.C. 1981). BHP will work with airport staff to determine whether the effect of proposed construction is a hazard to air navigation in compliance with the Federal Aviation Administration’s (FAA) [Part 77—Safe, Efficient Use, and Preservation of the Navigable Airspace](#). Although formal communication with the FAA is not required until a construction permit is filed, BHP will work to understand and address the issue prior to submitting a Concept Plan to the city.

BACKGROUND

The property is located at the eastern end of Palo Parkway and roughly northwest of the Pleasant View Soccer Fields. The property is located in Unincorporated Boulder County (Area IIA of the Boulder Valley Comprehensive Plan). It is vacant and has a medium density residential land use designation (see **Attachment B** – Palo Park Vicinity Map). The northern portion of the property is located within the Four Mile Canyon Creek drainage basin and as a result, approximately 23 percent of the 3.216 acre site will remain undeveloped.



In 2007, the Parks and Recreation Department discussed having the undevelopable portion dedicated as park land in order to expand the existing Palo East Park. At that time, Parks and Recreation did not recommend acquiring any portion of the property for park usage. Currently, the area is well served by East Palo Park, which is a four-acre neighborhood park. The Fourmile Canyon Creek and bike path is adjacent to the park. East Palo Park clearly fulfills the requirements for a small neighborhood park, as defined in the department’s master plan and is immediately north of the proposed housing site and is connected by an existing multi-use path. Additionally, Boulder Parks and Recreation owns and manages the adjacent Pleasantview Fields sports complex and understands that further coordination is necessary to ensure compatibility among the residential development and the use of the fields. Staff will develop strategies to accommodate parking, access and other opportunities that have been identified to ensure a successful project.

The site is in Area II. Because it has contiguity with Area I land, it is eligible for annexation.

Land Use Designation:	Area II, Medium Density Residential
Zoning:	Not Applicable (zoning would be established at annexation)
Parcel Size:	3.2 acres
Potential new units:	A maximum of 44, based on BVCP Land Use Designation
Process:	Annexation and Site Review

The city acquired the property in 2006 with the intent of using it for an affordable housing development. At that time, the idea was for city staff to take the property through the annexation and initial zoning process and conduct a public process. That process would identify and encourage development partners as well as hold neighborhood meetings to discuss development options. The city would then issue a request for proposals to select a development partner to carry out the project.

City staff no longer recommends this process for the following reasons:

- The 2006 approach is staff intensive and currently there is not capacity to take the property through annexation and lead the necessary public engagement.
- The additional resources required means more time on the part of the city and will result in Palo Parkway not being an early opportunity site for Housing Boulder. Boulder Housing Partners has the capacity and the experience to ensure a successful project.

Instead, staff recommends the process as outlined in this memo.

Funding Sources

City Council authorized the purchase of the site on April 4, 2006. The sources of funding were the Affordable Housing Fund, which includes Inclusionary Housing Cash-in-Lieu funds, and the Community Housing Assistance Program. No general fund appropriation was required for this acquisition.

History of Acquisition

The Boulder County Assessor’s website shows the following transaction history for the site:

Grantor	Grantee	Date	Deed Reception No.
Pinecrest Homes Inc.	Boulder Valley School District No Re-2	08/10/1988	935022
Boulder Valley School District No. Re-2	City of Boulder	12/12/2006	2825464 and 2825463

History of Planning

The property has a medium density residential land use designation, and was originally included in the neighborhood planning process that preceded the Northfield Commons and Vojta Farms development. Initially, city staff discussed with Boulder Valley School District staff the options for creating faculty and staff housing at the site. Eventually, the school district decided that this was not something it wished to pursue and began instead to look at selling the site. None of these discussions resulted in a contract to sell the property for reasons unknown to city staff. No development proposals were submitted to the city during this time by potential purchasers. Towards the end of 2005, school district staff contacted the city about the city purchasing the property for residential development. It was agreed that the price would be based upon a March 2004 appraised value of \$1,250,000 in recognition of the city’s intent to produce an affordable housing development.

September 2, 2014 Council Direction

Council discussed Palo Park as one of the opportunity sites identified by Housing Boulder. The following initial steps were proposed for Palo Park as part of the [staff memo](#):

1. Continue to work with BHP to draft a set of desired outcomes for the development of the property that advance the Housing goals and provide for collaborative community engagement;
2. Return to City Council with the draft set of desired outcomes for Council and community input as part of a motion to transfer ownership of the land to BHP;
3. BHP and city staff will engage the community in creating a development program for the site prior to annexation; and
4. Council action on annexation.

Steps one and two have been completed and a process crafted to complete steps three and four in the next two years. It is important to note that the city's role as partner in the process will change at the time BHP submits an application for annexation and Concept Plan Review. At that time, the city's role will be regulatory.

DRAFT DESIRED OUTCOMES

As part of the September 2 Council direction, the project partners crafted a set of desired outcomes to ensure a common approach and understanding for Palo Park. These outcomes will provide high level direction throughout the development process.

The City of Boulder, Boulder Housing Partners and Flatirons Habitat for Humanity will work closely in concept planning, engaging the community, and developing options for the site. Through an open, inclusive and transparent process, the three partners will identify options that optimize the following desired outcomes:

- *Collaborative public process from concept planning through the final development approval;*
- *Design that is compatible with the existing neighborhood character and development patterns;*
- *100% permanent affordability with a mixture of ownership and rental housing;*
- *Mixed-income affordability from very low to moderate income;*
- *Housing that is consistent with the land use designation and policies of the Boulder Valley Comprehensive Plan;*
- *Development that furthers the following two goals of Housing Boulder: Strengthen Our Current Commitments and Create Diverse Housing Choices in Every Neighborhood;*
- *Financial viability and sustainability;*
- *Housing designs suitable for families and multiple generations; and*
- *Energy efficient and green building practices and outcomes.*

DRAFT COMMUNITY ENGAGEMENT PROCESS

The process diagram, **Attachment C**, is the result of discussions between the project partners and engaged community members. The diagram illustrates the overall development process and where community engagement will occur.

EXPECTED SERVICES, TIMELINE AND REQUIREMENTS TO TRANSFER OWNERSHIP

Expected Services from BHP

If City Council approves the motion allowing the City Manager to transfer ownership of 4525 Palo Parkway to Boulder Housing Partners, **Attachment D** outlines the city's expectations for services for Boulder Housing Partners. This includes project related services from a design and development team for a community engagement process, as well as architectural, civil engineering, landscaping, estimating and construction services. If BHP is unable to provide the services as expected by the city, the land will revert back to the city. The specific terms will be negotiated as part of the contract between BHP and the city and will be recorded as a covenant on the property.

Timeline

If City Council approves the motion, the following timeline is anticipated to develop the site.

March 2015 – December 2015

- City Manager conveys ownership of property
- Continuation of community engagement process
 - Community design charrette
- Application for annexation and Concept Plan review
- Planning Board meeting review of Concept Plan and proposed annexation and draft annexation agreement
- City Council first reading
- City Council second reading
- Submit application for Site Review and Subdivision (detailed impact studies required, e.g. transportation, airport, flood issues)

2016

- Applications for funding
- Site Review approval finalized
- Final review of Technical Documents and Subdivision approval
- Groundbreaking ceremony in summer

2017

- Grand opening in spring

Requirements to Transfer Ownership

Boulder Revised Code 2-2-8 titled "*Conveyance of City Real Property Interests*" states that *(a) The city manager may convey, grant or lease any interest in any city real property for a term of three years or more only if the manager first obtains city council approval in the form of a motion, after which the manager may sign the deed or other instrument making the conveyance, grant or lease*".

NEXT STEPS

The Palo Park site provides an opportunity to facilitate the construction of needed affordable housing in the near term. If Council consents to transferring ownership of the parcel, staff will work closely with Boulder Housing Partners and Flatirons Habitat for Humanity to develop a concept plan that meets the goals of Housing Boulder while engaging the community in a meaningful public

process. If Council decides not to authorize the transfer, the parcel will remain land banked until after the completion of the Housing Boulder community process.

ATTACHMENTS

- A. Focus Group Notes
- B. Palo Park Vicinity Map
- C. Community Engagement Process
- D. Expected Services from BHP



Dear Palo Parkway area neighbors,

These are high level notes from four Focus Groups held on January 13th, 15th, 27th, and 29th, and reflect a range of issues, concerns and opportunities that local residents brought forward regarding the possible future family housing project at 4525 Palo Parkway. These notes will be posted on our website and also provided to City Council as part of the February 17th memo requesting a motion to transfer the property to Boulder Housing Partners (BHP).

Overall, we heard support for the desired outcomes and mission of BHP/Flatirons Habitat for Humanity, but the neighbors have concerns over the density of the development and the impact on the surrounding neighborhood. The general feedback that we have received regarding the meetings was that those attending valued the opportunity to provide feedback on the project and were thankful to the City, BHP, and FHfH for listening to their concerns. They appreciated that there was a skilled, neutral facilitator leading the meetings, and that each individual had the chance to participate.

If you attended one of these Focus Groups and feel like we missed important issues or concerns discussed, please contact Lauren Schevets at shevetsl@boulderhousingpartners.org

Focus Group #1 – January 13, 2015

- Density and suitability of site for intended use
- Traffic and congestion through Northfield Commons
 - Access to site
 - Safety of children
 - Request for more traffic calming measures such as stop signs and speed bumps
 - Emergency response with traffic congestion/parking
 - Belief that when completed, traffic studies do not accurately reflect proposed development and actual demand
- Parking
 - Impact of additional cars from development on neighborhood
 - Impact of soccer field parking on neighborhood.
- Lack of school bus/public transportation routes nearby the site
- Sewage and water – issues related to 2013 flood and questions about the capacity of utilities
- Floodplain and habitat protection
- Airport proximity
- Disconnect between city ordinances and high density housing (e.g. noise, lighting)
- Ownership versus renter mentality – ownership breeds respect. Want more ownership units.
- Who is paying for road maintenance? Role of County in Palo Parkway.
- Desire to incorporate more open space/park/playground space on the site
- Overall impact of development on quality of life for surrounding neighbors.

- Property value surrounding affordable housing
- When purchased by the City, what went into consideration when this site was chosen as an appropriate place for affordable housing?
- Desire for increased electronic communication through the development process to get more comments from neighborhood.
- Neighbors want to see studies addressing each item in the petition prior to transfer of land and prior to design
- Pollution – noise, air, light, visual caused by future development
- Desire to maintain the existing character of the neighborhood (quiet and respect amongst neighbors)

Focus Group #2 – January 15, 2015

- Desire to see all the petition issues addressed prior to Council action
- Density
 - Parking (on-street vs. off-street, overflow into neighborhood, quality/type of vehicles)
 - Increased traffic
 - Storage (garages)
- EMS Accessibility
 - Concern that the streets in the Northfield Commons neighborhood are too narrow
- Rental versus ownership mentality
 - Fear of neighborhood becoming an eyesore
 - Desire to see more homeownership units
- Sewer/utility capacity
- Floodplain (suitability of site for development)
- Wetlands habitat (e.g. fireflies)
- Lack of public transit access to the site
- Neighborhood safety
- Air traffic flyover
- Parking (including excess weekend soccer parking)
- Design concerns
- Park overuse (e.g. East Palo Park)
 - Desire to see a park incorporated into the design for the new development
 - City not adhering to ½ mile radius for new parks
 - Disappointment surrounding City’s decision to put a gated fence around the Pleasant View soccer fields, preventing the neighbors from utilizing the open space.
- Affordable housing – how does it work?
- Who would live here?
- Tax status and burden to Boulder taxpayers
 - What amount of their tax dollars are being spent on affordable housing?
- Implications/ challenges of county land being developed next to city developments- county residents feel they are in a “no man’s land” with the city paying no attention to their interests
- Land use designation/zoning.
 - “Medium Density Residential” land use designation offers too much of a range of density

- Can the neighborhood work to change the land use designation on the Boulder Valley Comprehensive Plan prior to annexation so that the land could be a park or much less dense?
- Desire for a mixed-use development
- The neighborhood believes that they should have been notified when the City purchased the property from BVSD for affordable housing.
- Privacy for immediate neighbors

Focus Group #3 - January 27, 2015

- Density
 - Neighborhood already too dense
 - How many units need to be provided on-site in order to make project feasible?
- Parking
 - Do not want to see overflow into surrounding neighborhoods
 - Development will contribute to existing issues in Northfield Commons
 - Northfield Commons HOA regulates commercial, oversized vehicles
- Traffic
 - Too much congestion
 - Northfield Commons streets already only accommodate a single lane of moving traffic
 - Dead-end street is already very busy for neighborhood
- Schools
 - Can neighborhood schools accommodate additional children?
 - Property Tax Exemption – who pays for students?
- Affordability
 - Affordable housing in Boulder – how does it work?
 - Permanently affordable housing in Northfield Commons seems to be poorly constructed
 - Desire to see affordable housing interspersed with market rate homes
 - Desire to see more homeownership units
 - Why do larger developers get to buy their way out of building affordable housing on-site? This forces it into inappropriate neighborhoods
- Capacity of utilities: sewer and water pressure
- Design of buildings/site
 - Desire to see the following amenities included in design:
 - Places for children and teens to play
 - Community space
 - Bike security
 - Desire for high-quality design and construction
 - Desire for more than 1 or 2 bedroom units
 - Desire to see future residents involved in design process
 - Amenities for dogs
- Airport proximity
- Protection of habitat: fireflies
- Impacts of dogs
- Lighting – provide enough light for a safe neighborhood

- Desire for communication throughout process to inform neighbors of community meetings
- Land use/zoning
 - Desire for mixed-use space – e.g. café
- East Palo Park
 - Needs updating if it is going to accommodate new residents
 - Needs a public restroom

Focus Group #4 – January 29, 2015

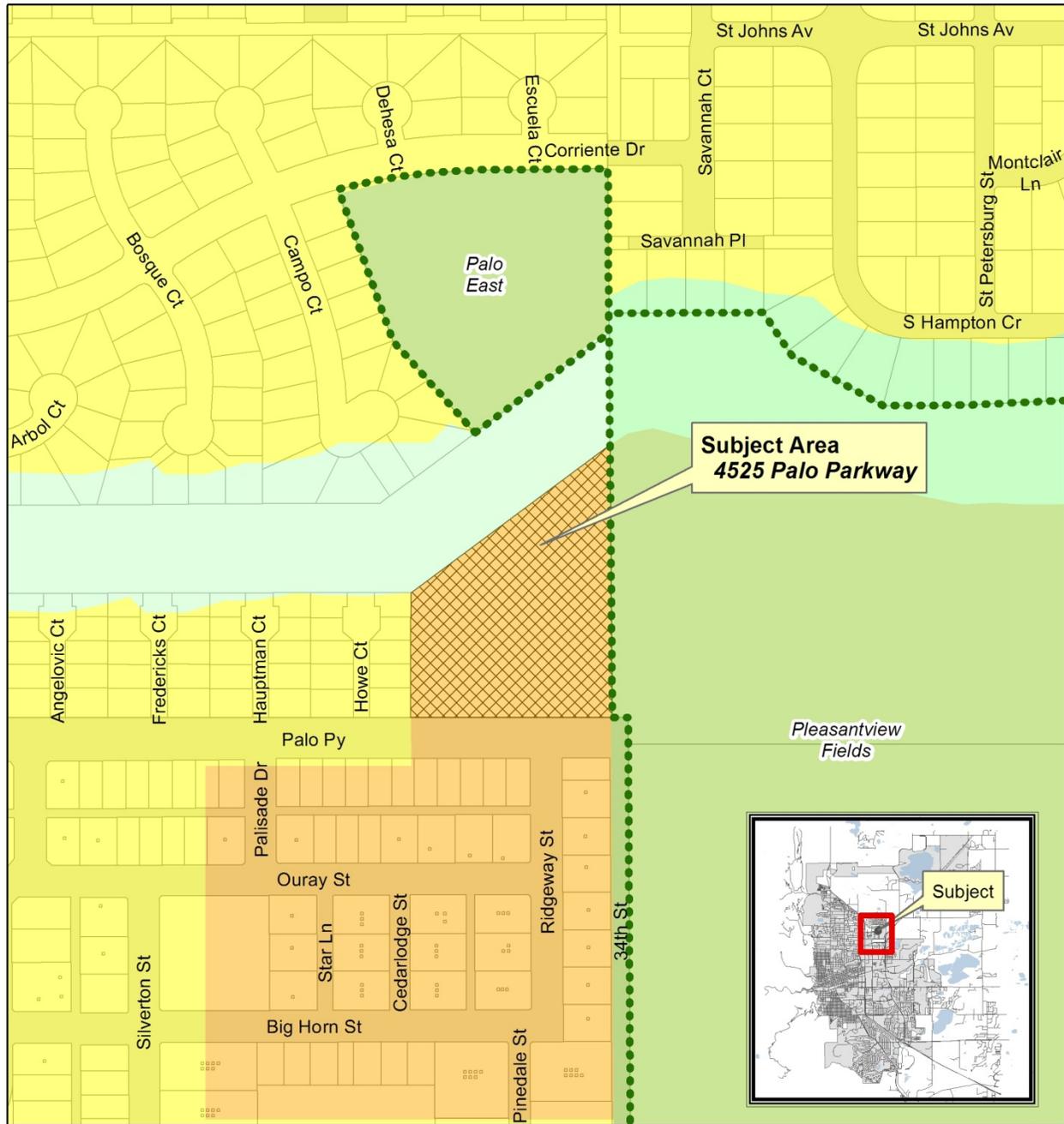
- RTD concerns
 - Desire to see route on 30th reinstated to accommodate new residents
 - Desire to see bus stops along 28th street improved
 - Desire for a neighborhood wide EcoPass
 - Neighbors volunteered to participate in a committee to work with BHP to address RTD issues affecting the entire neighborhood
- Other transportation
 - Desire to see the use of alternative modes of transportation encouraged
 - Desire to see multi-use paths and underpasses maintained
 - Need to change address of site – will be confusing to Via/Access-A-Ride drivers
- Parking
 - Parking needs to be accommodated on-site.
 - Currently an issue for Northfield Commons neighborhood, and streets are very narrow
- Design of site/buildings
 - Desire to see green, energy efficient, zero energy design. (e.g. Passive House)
 - Desire to see smaller buildings: single family and duplex (not just triplex and four-plex)
 - e.g. Red Oak Park
 - Need to carefully plan how new homes will impact adjacent homes in older Palo Park
 - Desire to see buffer to floodplain
 - Desire to see the following amenities included in site:
 - Community gardens
 - Amenities for dogs – fenced in dog park
 - High-quality recreational options/playground for children to spread some noise away from East Palo Park
- Density
 - Desire to see compatibility with surrounding neighborhoods
 - Keep neighborhood at same density as it is now
- Land use/zoning
 - Some desire for mixed-use/retail space on-site (e.g. Café or brewpub)
 - Some desire for only residential
- Areas flooded in Fall 2013 need to be remediated by City/County
- Park issues
 - Heavy current use of East Palo Park
 - Confusion on management and enforcement of East Palo Park. Could park be annexed into City to alleviate some of the confusion?

- Issues with off-leash dogs – do not want to see increase in dog population
- Desire to maintain peace and quiet of neighborhood

**Concerns Received via Email/Website
Through January 31, 2015**

- Traffic
 - Increased flow through neighborhood
 - Safety concerns
 - Streets are not designed for a high level of traffic
 - Issues anticipated at intersection of 28th and Kalmia
 - Desire to see detailed traffic study, with proposed “fixes”
- Parking will overflow into neighborhood
- Decrease in quality of life for existing neighborhood residents
- Protection of sensitive environmental habitat
 - Desire to see an environmental impact study completed
- Density
 - Desire to see lower density
- Neighborhood will no longer be a safe and quiet place to live
- Pollution – light, noise and air
- Decrease in property values
- Wants to see multiple generations accommodated
- Park use
 - Desire to see a park incorporated into site design
 - East Palo Park is too crowded
- Parking
 - Desire to see garages and storage
- Changing the character of the town
- Airport proximity
 - Desire to see this addressed prior to transfer of land to BHP

City of Boulder Vicinity Map

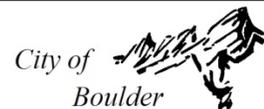


Location: 4525 Palo Parkway

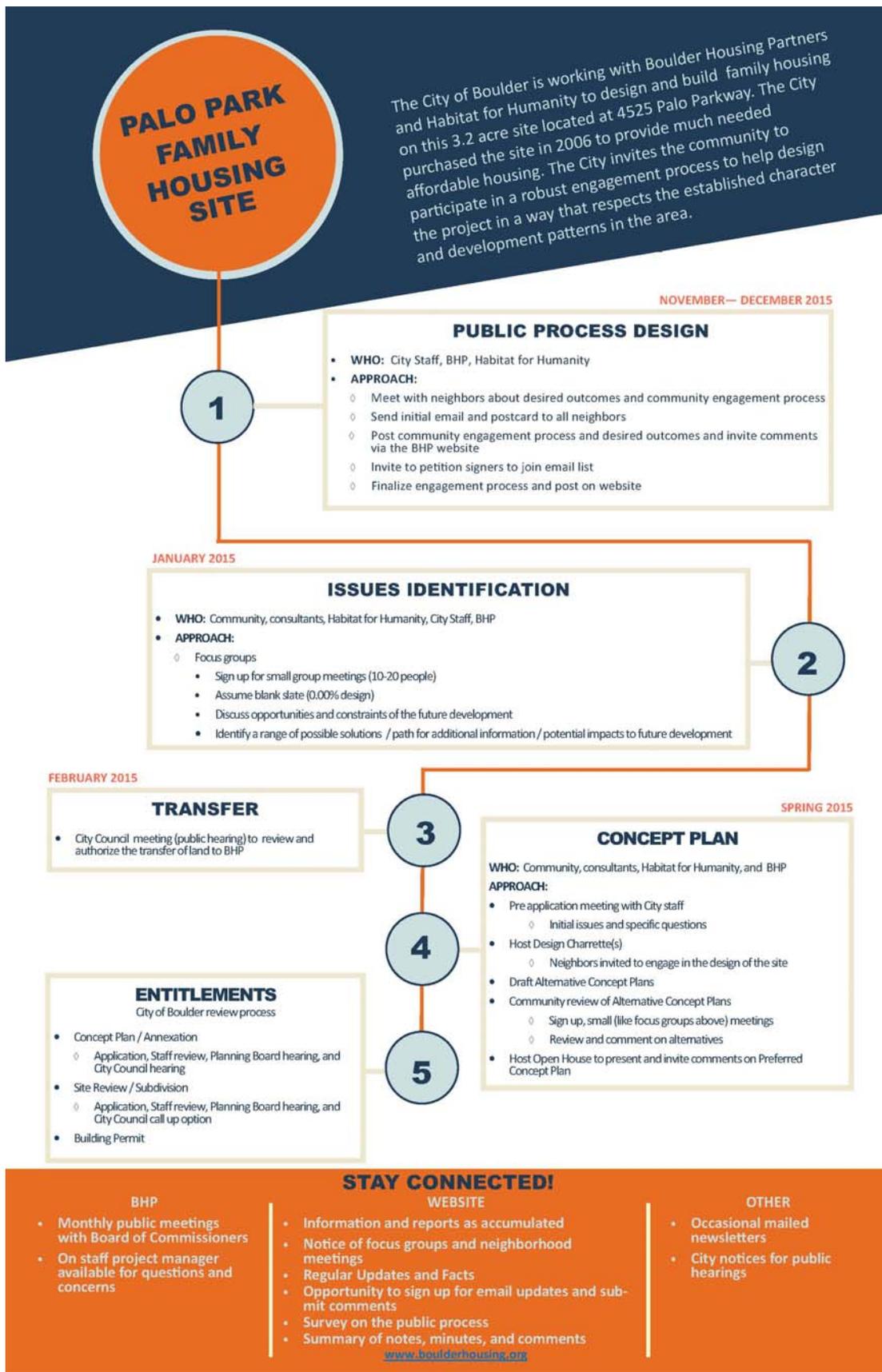
- | | |
|----------------------------|-------------------------------|
| Urban Parks | Open Space and Mountain Parks |
| BVCP Land Use | Open Space, Acquired |
| Residential | Open Space, Other |
| Low Density Residential | Other |
| Medium Density Residential | Park, Urban and Other |



1 inch = 250 feet



The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.



EXPECTED SERVICES FROM BHP

The city expects Boulder Housing Partners to provide project related services from a design and development team that includes community engagement, architectural, civil engineering, landscaping, estimating and construction services.

- A.** Work with city staff and members of the community to design a financially viable and socially sustainable mixed-income, permanently affordable housing project including but not limited to the following:
 - 1. Neighborhood open houses and meetings:
 - a. Dreams and fears for the site to put together a preliminary site plan that may be similar or quite different than as originally proposed;
 - b. Individual and small group meetings as needed;
 - c. Community design charette;
 - d. Planning Board and City Council hearings;
 - 2. Monthly opportunities to address the BHP Board of Commissioners on the proposed plan;
 - 3. Inclusion of minutes/comments from those meetings in applications and reports to the City, Planning Board and City Council;
 - 4. Website updates including copies of plans, reports, applications, etc;
 - 5. Email updates or notices on a regular basis to interested people who sign up online or at meetings; and
 - 6. Close cooperation with the Housing Division and the Parks Department to be responsive to neighborhood wide concerns such as parking and look for ways to address those in the plan.
- B.** Develop and manage the design and public process meetings, where the project design and public process serves a specific, underserved segment of the community in need of affordable housing.
- C.** Estimate pricing, quality and build-time for a range of construction methods in order to determine the most cost-effective and sustainable method for this project.
- D.** Prepare and submit the required city development review applications, including without limitation, annexation request, Concept Plan, Site Review, Technical Documents and building permits.
- E.** Prepare and complete all detailed design work, including estimates and construction drawings for the final, approved project.
- F.** Manage and supervise construction of the project through certificate of occupancy for each of the units or completion of warranty work, whichever is longer.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 17, 2015

AGENDA TITLE: Direction on Draft Zero Waste Strategic Plan and Feedback on Proposed Zero Waste Regulations

PRESENTERS

Jane S. Brautigam, City Manager
David Driskell, Executive Director, Community Planning and Sustainability
Susan Richstone, Deputy Director, Community Planning and Sustainability
Kara Mertz, Local Environmental Action Project Manager
Jamie Harkins, Sustainability Specialist II

EXECUTIVE SUMMARY

With the update to the Zero Waste Strategic Plan (ZWSP), and development of options to require universal provision of recycling and compost service, Boulder has the opportunity to create a transformative change in our community. Taken together, the vision and decision-making process outlined in the draft Strategic Plan and the concrete steps included in the draft Action Plan will create a community where everyone that lives, works or plays here knows how to minimize the waste they create and anywhere there's an option to throw something away, there will also be an opportunity to recycle or compost.

The purpose of this agenda item is for council to review and give direction on the draft Zero Waste Strategic Plan and its associated Action Plan (**Attachment A**); and to provide feedback on the proposed regulatory framework for universal provision of recycling and composting services in Boulder – the first of many new initiatives that will move us closer to “zero waste.” This agenda item follows the July 29, 2014 study session, when council affirmed the goals and framework for the Zero Waste Strategic Plan and gave staff guidance to pursue a regulatory solution to increase waste diversion from Boulder’s business and multi-family sectors.

Based on council feedback staff will further develop the regulations and implementation plan and will bring forward an ordinance for council consideration during the second quarter of 2015.

BOARD AND COMMISSION FEEDBACK

The Environmental Advisory Board reviewed the main components of the draft strategic plan and ordinance options at its Jan. 7 meeting. Generally, the board felt that source reduction and upstream conservation should be a priority of the Zero Waste Strategic Plan and would like to see more incentives for creative reuse organizations. Several members of the board strongly supported making the draft ordinance more aggressive than it currently is. Some board members expressed a desire to ensure that any additional costs for recycling or compost service were manageable, especially to small businesses. **Attachment B** includes a copy of the EAB minutes from the Jan. 7 meeting.

PUBLIC FEEDBACK

Throughout 2013 and 2014, staff has been engaging with the public and stakeholders to analyze the effectiveness of the trash tax, frame the community zero waste vision and develop the Zero Waste Strategic Plan including its associated Action Plan and to formulate regulatory recommendations to address the waste still being landfilled by the business and multi-family sectors.

Zero Waste Program Evaluation Study and Strategic Plan

Toward the end of 2012, staff convened a Zero Waste Task Force to help create a scope of work and choose a consultant to perform an evaluation of the efficacy of trash tax expenditures and make recommendations for future spending. The final report was presented to council in Feb. 2014 and formed the basis of the Zero Waste Strategic Planning process. Staff held three public outreach and input opportunities on the strategic plan and solicited feedback through in person discussion and a prioritization exercise, as well as through the Inspire Boulder website. A summary of public input was included in the July 29 study session memo.

The draft ZWSP was distributed to the city's zero waste partners for feedback, and all partners were encouraged to submit comments to City Council for consideration. It was also posted for public feedback, and all feedback received will be provided to council on the evening of Feb. 17th.

Zero Waste Regulations

As was reported to Council at the [July 29 study session](#), the program evaluation study included recommendations to require Boulder businesses recycle single stream materials; food-generating businesses compost their organic wastes; and multi-family complexes increase their recycling rates and be required to compost food waste.

Over the past several months, staff convened a short-term, task-focused working group to develop these options. **Attachment C** includes the goals, purpose and key questions that the working group set out to answer; as well as a list of the group members.

The group met three times in November and December; detailed meeting notes can be found at: <https://bouldercolorado.gov/lead/business-zero-waste>. The recommendations

coming from this working group were made available for public comment and between Jan. 23 and Feb. 10, 41 businesses and 70 residents responded to surveys relating to these regulatory recommendations. A detailed summary of the results to-date from the survey are included in **Attachment D**. In general, respondents to both the business and residential surveys supported the proposed regulations. Among business respondents there was 64 to 74 percent support for the regulations and among residents, there was between 90 and 93 percent support. The majority of respondents (90% of residents; 64% of businesses) felt residential rental properties should *not* be exempt from providing compost collection service. Sixty-nine percent of business respondents felt that non-food generating businesses should also be required to provide compost collection service, three years from the final adoption date. In order to allow for a longer input cycle, a full summary of the feedback from these surveys will be presented at the Feb. 17 council meeting.

BACKGROUND

I. Zero Waste Strategic Plan

The City of Boulder's [Master Plan for Waste Reduction](#) was completed and accepted by City Council in February 2006 along with a [Zero Waste Resolution](#). This plan contained a goal of 85 percent waste diversion by 2017. The process to update the plan began in 2011, with a study session on Feb. 8, 2011, at which time, council provided feedback on plan goals and metrics; as well as its priorities for new or expanded zero waste services, facilities and potential regulations. A second study session was held on Oct. 11, 2011, at which council provided feedback on specific strategies for potential new programs, facilities, and regulations.

While the plan update process was put on hold to dedicate staff resources to the Disposable Bag Fee ordinance development and implementation and completion of construction for Phase I of 6400 Arapahoe, work has continued in the areas council prioritized, especially commercial recycling.

Work on the strategic plan resumed in late 2012 with the hiring of Kessler Consulting, Inc., with LBA Associates, to conduct a Zero Waste Program Evaluation study. The study evaluated current waste diversion facilities, programs and policies and identified potential alternatives for achieving the community's zero waste goals. A waste task force helped define the scope, strategies, and criteria in the study. The waste task force consisted of industry experts, community leaders and interested organizations including Boulder County, Eco-Cycle, Western Disposal, Boulder County Public Health (zero waste business advisors), the Center for Resource Conservation, the Boulder Area Rental Housing Association, the University of Colorado and more.

The results of the study were presented to City Council in [Feb. 2014](#) and informed the July 29, 2014 study session on the ZWSP format, goal areas and priority initiatives. The feedback received from council at the July study session included the following:

- Waste diversion is very important, especially as it tracks very closely with greenhouse gas reductions
- Toxicity reduction should stand on its own and not be set against the other goals

- Re-use activities and source reduction should be prioritized over recycling or composting
- Requirements for commercial recycling and composting and composting at multi-family complexes should be prioritized
- Single-family residential strategies are a lower priority than the commercial strategies
- Recycling and composting need to be made more convenient and accessible in multi-family complexes
- Cost-effectiveness should be the primary consideration in facility investment
- The entire property at 6400 Arapahoe should be kept open for zero waste activities and other entities besides ReSource and Eco-Cycle should be allowed to locate there; especially those that can highlight innovation in the zero waste arena
- The city should not invest in a construction and demolition (C&D) facility

Current progress toward the existing goal of 85 percent waste diversion is presented in the table below.

Diversion Rates		
	2004	2013*
Single-Family Residential	48%	54%
Multi-Family Residential	14%	21%
Commercial and Industrial	25%	28%
Community Wide	30%	33%

* This does not include 2013 flood debris trash; and is different than the percent reported in the July study session.

II. Zero Waste Regulations

At the July 29 study session, council requested staff work with the community to develop ordinance options that would significantly increase diversion from Boulder’s multi-family and commercial sectors. With a foundation of best practices from around the country, including some communities that have required businesses recycle since the early 1990s (see Attachment C from [July 29, 2014 Study Session memo](#)), staff convened a working group of stakeholders and industry representatives to help craft ordinance options for community and council consideration. The meeting notes from this working group are included in **Attachment E**. Staff posted a survey for businesses at <https://www.surveymonkey.com/s/zerowasteBoulder> and one for residents at <http://www.inspireboulder.com/topics/21162/possible-zero-waste-regulation-for-properties-and-businesses> and gathered community feedback on the working group proposals. Based on council feedback on the regulatory proposal, staff will return during the second quarter of 2015 with draft ordinance language and a detailed implementation plan, including enforcement recommendations.

ANALYSIS

I. Zero Waste Strategic Plan

Council is being asked to review the draft Zero Waste Strategic Plan and its Action Plan and provide staff with feedback to incorporate prior to bringing back the plan for council consideration and acceptance. This strategic plan is designed to be a guiding document,

with an accompanying web-based portal, that provides an overarching framework to prioritize future zero waste investment options and assist council and staff decision-making. Attached to the ZWSP is an Action Plan that describes the next two to three years of significant work plan items and initiatives to be pursued, which will be updated annually to reflect any changes or additions. The main components of the plan include:

- Outline of roles for the city and its community partners
- Zero Waste Goals and Performance Metrics
- Trash Tax Guiding Investment Principles
- Evaluation Criteria for Future Initiatives

Key Components of the Strategic Plan

Roles

The ZWSP includes a draft outline of roles developed with the city's primary waste reduction partners. While not intended to be an exclusive or static list, this explanation will assist in guiding and prioritizing the efforts the city should pursue in years to come.

Goals and Performance Metrics

The ZWSP will expand upon the original 2006 goal of 85 percent waste diversion in recognition that the percentage of waste diverted from the landfill, on its own, provides an insufficient picture of the waste reduction efforts of the community. Additional goals related to source reduction, climate, and participation are included in the plan. The proposed goal areas from the July 2014 study session of innovation and toxicity have been incorporated into the Guiding Investment Principles. While the goals are not prioritized, as they are all critical in achieving a zero waste community, the desire to prioritize source reduction efforts, or reducing waste before it is created, is reflected in the Guiding Investment Principles.

Waste Diversion Goal

- **85% Waste Diversion in each sector by 20125** (Residential single-family, Residential multi-family, and Commercial)

Source Reduction Goal

- **Measure per capita total waste generation** (Trash, recycling and compost) **and work to decrease this over time.**

Climate Change Goal

- **Measure greenhouse gas (GHG) emissions from waste disposal to the greatest extent possible and implement strategies to reduce GHG emissions from waste.**

Participation Goal

- **Maximize the number and diversity of individual participants in zero waste services and programs.**

Guiding Investment Principles

The guiding investment principles focus on providing convenient programs and services that reduce waste but are not initially viable for the private sector to provide. Once a new program or facility investment is determined to help achieve one or more of the plan's

goals and there is sufficient funding to support the investment, it will be evaluated according to the investment principles and given a score for how many principles it aligns with.

Evaluation Criteria

New initiatives that meet at least one investment principle will also be evaluated qualitatively and quantitatively according to the evaluation criteria in the plan. When evaluating the quantitative criteria these ratings will be based on estimated tons (of waste diverted or greenhouse gases avoided) or estimated increases in participation.

The final and perhaps most important piece of the criteria evaluation is a measure of cost effectiveness. Depending on the focus of the new initiative (i.e. increasing diversion, participation, etc.) the cost for the city to implement and sustain it will be divided by the relevant quantitative measure. This will provide an estimated cost per ton of material or per additional participant that the initiative will achieve. If a new initiative also has an associated cost to the user, those costs will also be considered.

Action Plan

Intended to dovetail with the short-term action plans of our community partners, the city's action plan covers the next two to three years of significant work plan items that will move us closer to the goals outlined in the Zero Waste Strategic Plan. This plan will be updated annually to reflect any changes or additions in strategies and investments. The 2015 Action Plan includes:

- Requirements for commercial recycling and compost collection
- Requirement for multifamily compost collection
- Robust business zero waste advising services to aid compliance with new requirements
- Further develop multifamily housing zero waste advising program

The city's zero waste partners will also be providing their action plans to append to the final ZWSP so that the community has a complete picture of what zero waste services, programs, and other initiatives are being pursued.

II. Zero Waste Regulations

The goal of the regulatory proposal is to:

Increase business recycling and composting rates; reduce greenhouse gas emissions;
find the balance of minimizing the costs to businesses and maximizing diversion.
Ensure everyone is playing by the same rules.

City Council is being asked to comment on the provisions included in the regulatory proposal included in **Attachment F**.

Key components of the regulatory proposal

1. All property owners (residential and commercial) must subscribe to trash, recycling and composting service unless they self-haul materials or share service. Other

exemptions include extreme financial hardship and severely space-constrained properties. All exemptions should be applied for and awarded annually.

2. All businesses must use the service provided to them by separating recyclables from the trash; and provide containers, education and proper signage for employees and customers. The proposal intends for “all businesses” to include schools, institutions, charitable organizations, medical facilities, offices, retail, warehouse, hotels, restaurants and grocery stores.
3. All food and vegetative waste-generating businesses (primarily restaurants and supermarkets) must also separate compostables from the trash; and must provide containers, education and proper signage to employees and customers. They should also be encouraged to donate edible food waste prior to composting it.

Composting for *non food- and vegetative waste-generating* businesses should be phased in over time (the proposal includes a three year phase-in period).

4. The proposal allows residential rental properties to apply for an exemption from the requirement to provide compost collection service.
5. Assuming an ordinance is adopted during quarter 2, 2015,
 - a. Property owners must comply within a year;
 - b. Businesses must provide recycling [and food generating businesses must provide composting] within 15 months.
 - c. Non-food-generating businesses must provide for composting within 3 years.
 - d. Technical assistance and zero waste advising services will be provided in advance of compliance dates and beyond the compliance dates for exemptions, warnings, and for businesses that request it.
6. All special events in the city should also be zero waste.

Key questions to help focus the discussion:

1. Should all property owners (residential and commercial) be required to subscribe to trash service?
2. To whom should the regulations apply?
3. Should *non-food [and vegetative waste] generating businesses* be required to provide compost collection service in addition to recycling collection?
4. Should property owners of multi-family complexes comprised primarily of rental dwelling units be required to provide compost collection service?
5. Does council agree with the incentive period and the compliance deadlines?

Issues addressed by the regulatory proposal

The regulatory proposal is included in **Attachment F**. It is important to note that the language included is necessarily draft in nature and has not yet been reviewed by the City Attorney’s Office. The proposal is broader than simply requiring all businesses to recycle and all restaurants to compost. The proposal also reflects the following key issues that were identified during the working group process.

- **The proposal has requirements that apply to both property owners and businesses.** Since an estimated 75 percent of the businesses in Boulder are located in leased space, the group felt strongly that the property owner needs to be responsible

for providing service to those tenants not already subscribing on their own or self-hauling their own trash, recyclables or compostables; *and* the tenant businesses need to be required to use the service.

- **The proposal seeks to protect businesses from the added burden of illegal dumping.** The proposal requires that all property owners, both commercial and residential, be required to subscribe to trash collection service. Currently, there is an estimated 20 percent of residential property owners that do not subscribe to trash service. Many businesses and multi-family property owners have reported significant illegal dumping issues. The proposal not only helps minimize this, but also supports the community's zero waste goals by ensuring all residents have access to convenient recycling and compost collection service. If included in the final ordinance, it would also prevent property owners, in the future, from canceling trash service as a way to get out of subscribing to recycling or composting collection. The proposal includes exemptions for property owners that haul their own trash, recycling or composting; and those that share service with another property owner.
- **The definition of "Business" is meant to include as many public and private schools as possible, as well as nonprofit agencies, lodging, health care organizations and other non-residential uses. The proposal includes a provision that all special events in the City should also be zero waste and student move-in/move-out times should be required to include basic recycling services as well.** What began as a "business recycling ordinance" quickly evolved into a public discussion about a "universal recycling ordinance" in an effort to be equitable and to shift the culture and expectation in our community. A vast majority of those in opposition to the proposal disagreed in concept to a regulatory solution to the issue. One of the open-ended comments from the Inspire Boulder survey stated, "1995 called and they want their survey back. Is this really even up for debate?! Recycling and composting should be required everywhere in this town. Everyone not doing it now will complain and whine about it, just like we all did back when we had to start doing it, and then once they start they'll realize how easy it is. Absolute no-brainer."
- **The proposal includes a phased-in provision (no sooner than three years after ordinance adoption) stating that the City Manager can require, via rulemaking, non-food generating businesses to also be required to compost, separate compostables from the trash and provide composting signage and education to employees.**
- **The proposal allows property owners of multi-family complexes comprised primarily of rental dwelling units to apply annually for an exemption from the requirement to provide composting services.** Some members of the public felt there would be too much contamination in compost bins and the quantity of compostables would be too small to warrant a requirement that rental properties provide compost collection service. Others have conveyed concern that there are social equity issues in requiring owner-occupied multi-family units be provided with compost collection service while denying renters this same access to services. Based on recent analysis, there are 679 apartment complexes in Boulder representing 10,153 dwelling units; and 365 condominium complexes representing 10,161 dwelling units. If we assume that the apartments are primarily rentals and the condominiums are primarily owner occupied, allowing an exemption for the apartment complexes could

potentially affect half of the multi-family residents in Boulder or 24 percent of the households in the city. The 2015 and 2016 staff work plans include technical assistance to all multi-family complexes to help assist with service provision and adequate education of all tenants. If exemptions are allowed for composting service, the work plan will be modified to provide adequate resources to identify and verify exemption applications.

- **The proposal recognizes that education and proper signage is a key to assuring properly sorted materials and program cost-effectiveness.** The working group discussed the proper roles for the city, its zero waste partners and businesses themselves in educating employees and customers about the proper way to recycle and compost on site. Toward this end, the City is developing a tiered service offering for both multi-family and business customers to assist with setting up and educating tenants on the proper way to recycle and compost in Boulder. The guidelines will be consistent between all sectors.
- **One year should be sufficient for businesses to phase in new requirements; however, residential property owners could be required to comply with trash subscription requirements sooner.** Commercial property owners may need up to a year to put in place any modifications to the physical layout of their properties and adjust their leases to reflect any new cost structure for the additional services. The proposed compliance schedule also anticipates a full year and a half of scaled-up services and incentives to bring as many property owners into compliance as possible. There is an additional three month period after property owners are required to comply, before which tenant businesses would be required to educate their employees and customers and begin separating their waste.

Ordinance Implementation

Based on the ordinance implementation experience of peer communities, staff is crafting its multi-year work plan to be heavily weighted toward technical assistance and incentives prior to adopted compliance deadlines. Once the compliance deadlines have passed, the incentives might go away, but technical assistance will continue and will be focused on exemption requests and any complaints or warnings issued, in order to bring those properties into compliance as quickly as is practical. Other communities that have ordinances similar to this on the books have conveyed that while it is important for businesses to know there is a process in which they can get a fine for a violation, most communities are not actually using the enforcement –

- Seattle has had business recycling for 7 years, has never issued a fine. Instead, they work with businesses where they find that most just need a little help to get on the right track.
- In Mecklenburg County NC, over 1000 inspections have been conducted with only a few violation letters, and no eventual fines. Everyone corrected the violation with a little extra technical assistance.
- There is not a lot of digging into trash; policies are really looking at obvious contamination – focusing on large amounts of cardboard sticking out of a dumpster or no recycling bins around; they by no way police every little thing.

- Cities take different approaches to initial inspections, sometimes walking in the streets, sometimes asking the haulers to report. They find it's pretty easy to see who does or does not have bins and who is using them properly.

As is described in the Action Plan (**Attachment A**), staff is rolling out a tiered service model for both businesses and multi-family complexes that will be affected by the ordinance. Customers will be able to access a “do-it-yourself toolkit,” a “light touch” or a “deeper dive” assistance service to help encourage early compliance. In 2015, staff will also be developing and testing out an online reporting form to determine whether it could be useful for self-reporting compliance with the ordinance. **Attachment G** includes a copy of screen shots for businesses in Austin, TX to report their compliance with Austin’s Universal recycling Ordinance. An anticipated timeline for ordinance adoption and assistance is as follows:

2 nd Quarter 2015	Ordinance adoption
One year from final ordinance adoption	Property owner compliance required
Fifteen months from final ordinance adoption	Business recycling compliance required
	Food- and vegetative waste-generating businesses compost compliance required
Three years from final ordinance adoption	All other businesses required to provide compost collection
2015 through 3 rd quarter 2016 (property owner compliance deadline)	Technical assistance, zero waste advising services and robust incentives to encourage early compliance. Research and targeted implementation assistance for space-constrained business districts (e.g., Pearl Street Mall, University Hill)
3 rd Quarter 2016, ongoing	Exemption applications will be reviewed and properties will be provided with technical assistance in order to assess whether property could be brought into compliance rather than be granted an exemption.
	Technical assistance, free signage and educational support for any properties issued warnings ¹

NEXT STEPS

Based on feedback from council, staff will modify the draft Zero Waste Strategic Plan and bring it back out for community input through open houses, Inspire Boulder, tabling at coffee shops and existing community events. A final Zero Waste Strategic Plan will be paired with an updated web-based portal and brought back to Council during the second quarter, 2015. In addition, the city’s primary zero waste partners will submit their short-term action plans and these will be brought back for council to consider in tandem with the city’s Zero Waste Action Plan.

¹ Three written warnings, delivered in person will be issued prior to any fines being assessed. 2017 Budget process will include trash tax contribution to any additional required enforcement resources.

Council direction will also be incorporated into the regulatory proposal. The City Attorneys will draft appropriate ordinance language; staff will flesh out its work plan and budget for incentives, assistance, compliance tracking and eventual enforcement of new ordinances; and will continue to gather feedback from affected parties through online surveys, presentations to business groups, outreach to customers of area waste haulers, and clients of the city's Partners for a Clean Environment (PACE) program. Staff will return to council during the second quarter with a detailed proposal and a summary of feedback with an ordinance first reading, as appropriate.

ATTACHMENTS

- A: Draft Zero Waste Strategic Plan and Action Plan
- B: Environmental Advisory Board Meeting draft minutes, Jan. 7, 2015
- C: Purpose, scope and membership of the Zero Waste working group
- D: Summary of survey results
- E: Minutes from Zero Waste Working Group meetings
- F: Zero Waste Regulatory Proposal
- G: Screen shots from Austin, TX online reporting forms

DRAFT

**City of Boulder
Zero Waste Strategic Plan**

February 2015

Table of Contents

Section 1: Introduction	Page 1
- How the Zero Waste Strategic Plan Will Be Used	
- History	
- Planning Framework	
Section 2: Current Progress and Getting to Zero Waste	Page 3
Section 3: City and Partner Roles	Page 6
Section 4: Goals and Performance Metrics	Page 8
Section 5: Evaluation Process	Page 11
- Guiding Investment Principles	
- Evaluation Criteria	
Section 6: Issues, Challenges, and Potential Initiatives	Page 13
- Commercial Sector	
- Single-Family Residential Sector	
- Multi-Family Residential Sector	
- Zero Waste Facilities	

Section 1: Introduction

Waste reduction has long been a community value in the City of Boulder, and since the adoption of a Zero Waste Resolution and the Master Plan for Waste Reduction by City Council in 2006, the city has worked to create the programs, services and facilities needed to reach the plan's goal of 85 percent waste diversion, a milestone recognized internationally to define a zero waste community. Many of these initiatives have been implemented and continue to be improved and expanded, including new facilities, advising programs, financial incentives and regulations. The city is fortunate to collaborate with a network of private, public and nonprofit partners in the community to collectively work towards becoming a zero waste Boulder. The process for updating this plan, renamed the Zero Waste Strategic Plan (ZWSP), provides an opportunity to re-evaluate the priorities, goals and initiatives Boulder can use to reduce waste generation and increase diversion across all sectors of the community.

How the Zero Waste Strategic Plan Will Be Used

Recognizing that the city does not have control of waste hauling and that Boulder relies on a strong network of nonprofit, for-profit, governmental and community partnerships to invest resources in the success of our zero waste systems, the Master Plan for Waste Reduction has transitioned to a Zero Waste Strategic Plan. This new strategic plan is designed to be a living document, and will set an overarching framework for reaching its goals but remain flexible to respond to changing community needs, opportunities and partner actions. The guiding principles in the plan will assist with prioritizing different trash tax investment options. The plan includes an Action Plan outlining which initiatives the city will pursue in the near-term based on current progress and immediate opportunities.

History

Recycling and waste reduction are interwoven into the fabric of what makes Boulder, Boulder. Beginning in 1976, when a group of Eco-Cycle volunteers began collecting recyclable materials from neighborhoods in old, yellow school buses, Boulder was one of the first twenty communities in the country to have curbside recycling. In 1988, the city instituted the trash tax and began to oversee recycling collections services in the city, expanding it to include city-wide curbside collection in a partnership between the city, Eco-Cycle, Western Disposal and the Boulder Energy Conservation Center (now, Center for Resource Conservation). In 1992, 1995, and in 2001, the city expanded the types of recyclable materials collected. In 2001, the city also transformed the municipally contracted, curbside program into a regulated, private sector industry, allowing the existing trash tax funding to be used to expand into commercial recycling and hard-to-recycle materials collection services.

When surveyed, residents consistently report recycling to be one of Boulder's signature programs, and repeatedly ask for increased recycling opportunities. Since 2010, the free zero waste assistance delivered through PACE (Partners for a Clean Environment) has provided services to more than 600 businesses. Surveys and meetings with business groups have also shown that most business leaders agree that recycling is a core value in Boulder and that their customers and employees demand the service.

Planning Framework

This plan fits under the policy umbrella of the Boulder Valley Comprehensive Plan (BVCP) and implements the broader community vision contained in the BVCP for the area of Environment, specifically subsections 4.33 through 4.44, Protect Natural Resources: Resource Conservation. It is also created within the context of the Sustainability Framework, a tool used to ensure that departmental plans align with and advance the goals and priorities of City Council and the

community. The categories of the Sustainability Framework are built upon the BVCP and the city's Priority Based Budgeting approach. The framework is comprised of seven categories:



Safe Community – When the City of Boulder enforces the law; plans for and provides timely and effective response to emergencies and natural disasters; fosters a climate of safety; encourages shared responsibility; and fosters an environment that is welcoming and inclusive, *then it will be a Safe Community.*

Healthy and Socially Thriving Community – When the City of Boulder cultivates a wide-range of cultural, educational and social opportunities; supports the physical and mental well-being of its community members; fosters inclusion, embraces diversity and respects human rights; and enhances multi-generational community engagement, *then it will be a Healthy and Socially Thriving Community.*

Livable Community – When the City of Boulder promotes and sustains a safe, clean and attractive city; facilitates diverse housing options; provides safe and well-maintained public infrastructure; provides adequate and appropriate regulation of public/private development and resources; encourages sustainable development supported by reliable and affordable city services; and supports and enhances neighborhood livability for all community members, *then it will be a Livable Community.*

Accessible and Connected Community – When the City of Boulder offers a variety of accessible and sustainable mobility options; plans and maintains effective infrastructure networks; supports strong regional multimodal connections; provides open access to information, encourages innovation, enhances communication and promotes community engagement; and supports a balanced transportation system that reflects effective land use and reduces congestion, *then it will be an Accessible and Connected Community.*

Environmentally Sustainable Community – When the City of Boulder supports and sustains natural resource and energy conservation; promotes and regulates an ecologically balanced community; and mitigates threats to the environment, *then it will be an Environmentally Sustainable Community.*

Economically Vital Community – When the City of Boulder supports an environment for creativity and innovation; promotes a qualified and diversified work force; fosters regional and public/private collaboration with key organizations; and invests in infrastructure and amenities that attract and retain

diverse businesses and entrepreneurs, *then it will be an Economically Vital Community.*

Good Governance – When the City of Boulder models stewardship of the city’s financial, human, information and physical assets; supports strategic decision making; enhances and facilitates transparency, accuracy, efficiency, effectiveness and quality customer service; supports, develops and enhances relationships between the city and community/regional partners; and provides assurance of regulatory and policy compliance, *then it will have provided Good Governance.*

The ZWSP exists to promote an environmentally sustainable community, encouraging the prevention of waste and the recycling/composting of materials to ensure the efficient use of resources and reduce pollution. Additionally, Boulder’s unique zero waste landscape, which relies heavily on fostering partnerships, supports organizations that contribute to the economic vitality of the community.

The strategies that will be needed to reach the zero waste goals of this plan will further good governance and address many of the other categories as well. The attached Action Plan identifies which Sustainability Framework categories each initiative promotes.

Section 2: Current Progress and Getting to Zero Waste

Despite the progress since the original 2006 Master Plan for Waste Reduction, community-wide waste diversion, which includes single-family residential, multi-family residential and commercial properties, rose modestly from 30 to 33 percent in the nine years between 2004 and 2013. Substantial gains have been made in the residential sector’s diversion rates; however, the percentage of Boulder’s waste stream generated by the commercial sector has increased significantly while the corresponding diversion rate has remained stagnant. This has contributed to keeping Boulder’s community-wide diversion rate relatively low.

Diversion Rates		
	<u>2004</u>	<u>2013*</u>
Single-Family Residential	48%	54%
Multi-Family Residential	14%	21%
Commercial and Industrial	25%	28%
Community Wide	30%	33%

**Does not include 2013 flood debris trash*

Getting to Zero Waste

When the city’s Zero Waste Resolution was passed in 2006, it included the following specific reasons why Boulder should strive to be a zero waste community, including:

- the disposal of materials in facilities such as landfills and incinerators wastes natural resources, wrongly transfers liabilities to future generations, and has the potential to cause damage to human health;
- avoiding the creation of waste materials in the first place is the most economically efficient and environmentally sustainable resource management strategy; and

- a resource-based economy will create and sustain more productive and meaningful jobs than a disposal-based economy.

The Resolution also began to outline the city’s role in achieving this zero waste vision, stating that “government can be ultimately responsible for establishing criteria needed to eliminate waste, for creating the economic and regulatory environment in which to achieve it, and for leading by example”. Inherent in this description is the reality that the city cannot work alone, and that only through collaboration with its private, nonprofit and public sector partners can the entire community achieve zero waste. One aim of this plan is to further define the appropriate roles for the city and its partners given the current infrastructure and regulatory environment present which will guide trash tax investment decisions in the future.

One of the city’s partners, Eco-Cycle, developed a *Bridge Strategy to a Zero Waste Community*, which details the path a community can take to achieve the zero waste milestone. At its core, the strategy has three phases:

- **Phase One: ACCESS** – develop infrastructure and provide access to recycling, composting and reuse services across all sectors.
- **Phase Two: PARTICIPATION** – build participation in a source separation society and target hard-to-recycle material streams.
- **Phase Three: ZERO WASTE** – reduce per-capita discard generation and phase “waste” items out of the community.

In parallel with this strategy, Boulder has already done significant work developing the infrastructure and access needed for all residents, businesses, employees and visitors to properly separate most of their waste materials. This list below of basic facilities needed builds upon the facilities in Eco-Cycle’s strategy and includes eight facilities that Boulder needs:

BASIC FACILITY NEEDS	
• Materials Recovery Facility for Recycling	√
• Composting Facility	√
• Center for Hard-to-Recycle Materials (CHaRM)	√
• Deconstruction Reuse Facility	√
• Construction and Demolition Debris Recycling Facility	
• Creative Reuse Center	
• Zero Waste Transfer Station for Residue (for “whatever’s left”)	

Boulder is fortunate to have in place four of these seven facilities; however work needs to be done to provide universal access to them and to ensure a high level of participation in their services. The city continues to build participation through education, services, incentives and regulations. Future trash tax investments in new programs, services and facilities guided by this plan will work to build that participation to new heights and to improve source reduction efforts, reducing per-capita waste generation to create a more efficient society.

This is how Boulder will get to zero waste. While not all of the solutions to every part of the waste stream exist today, focusing on the trajectory of maximizing participation at every level

and reducing the use of materials designed for the landfill will allow the community to reach the goals of this plan.

VISION

It is the city’s vision that Boulder is a place where residents, business owners, employees and visitors are empowered and take personal action to generate zero waste. It is a place where all are informed on how to play their part in achieving the goals of the Zero Waste Strategic Plan. The community will minimize the creation of all types of waste through conscious consumption choices and reuse opportunities, and will be able to divert waste materials that are produced to the appropriate recycling, compost or reuse services.

In recognition that a large part of enabling personal action is knowledge of how each person can contribute to achieving these goals, this ZWSP has an accompanying website at www.ZeroWasteBoulder.com that will be updated consistently and aims to condense and summarize all the information the community needs to achieve the vision.

Existing Programs

[This content will be a sidebar/call-out box in the section above]

The city currently sponsors a variety of waste reduction programs and incentives with Trash Tax revenues that drive materials to existing facilities. These include the following (and more information about each can be found at www.ZeroWasteBoulder.com):

• Yard Waste Drop-Off Center at Western Disposal
• Wood Waste Drop-Off Center at Western Disposal
• Green Teams – Student-to-student outreach in off campus residential neighborhoods
• Boulder Valley School District Educational Programs
• Extra corrugated cardboard collection on University Hill during August move-in time period
• Sponsorship of Eco-Cycle Times, Holiday Guides and other educational materials
• Business Compost Collection Subsidy (\$2.50/yard of compostables collected)
• Business Recycling Coupon for free first three months of service
• Business Start-up Rebate for \$250 towards interior bins, compostable bags, signage, etc.
• Free one-on-one business advising program through PACE (Partners for a Clean Environment)
• Custom zero waste signs for inside businesses
• Multi-family housing recycling advising program (in pilot phase)
• \$250 Zero Waste Special Event Rebate

Section 3: City and Partner Roles

In contrast to communities with municipal control over waste hauling, state mandates or high landfill tip fees that encourage zero waste investments, Boulder relies on a strong network of nonprofit, for-profit, governmental and community partnerships to invest resources in the success of our zero waste systems. In this dynamic environment, the City of Boulder has a role to: facilitate a community vision around zero waste; “set the rules” so everyone can play on an even field; and work with each community partner to collaboratively build facilities and deliver strategic programs and services.

Due to this unique zero waste landscape in Boulder, this plan aims to clarify the roles of both the City and its partners in moving towards the community’s zero waste goals. The process of developing this plan included conversations with many partners to define the roles outlined below. While not intended to be an exclusive or static list, this explanation will assist in guiding and prioritizing the efforts the city should pursue in years to come. It is important to recognize that these individual roles are only effective when they are taken together and many organizations are working toward a common vision. For example, the City could develop an ordinance designed to level the playing field between private companies, but it may go nowhere unless community members are willing to add their expertise to inform ordinance options; advocates can inform and organize the community; regional facilities can adapt operations if necessary to respond to the proposed regulation; and community members can participate in the resulting zero waste programs and services. It is with this in mind that the following guidance was developed.

Roles of the City of Boulder:

- Council and staff development and support for state and federal legislation
- Support regional and statewide efforts in areas such as product stewardship, locally generated compost, toxics reduction and other forms of market development and waste prevention
- Collaborate on planning efforts to craft a community-wide vision for zero waste; set goals; plan local facilities, programs and services
- Collaborate with other partners to create educational messages and materials that help inform and empower community members to reach toward zero waste
- Own and manage leases and operating agreements with the Center for Resource Conservation (CRC) for ReSource and Eco-Cycle for the Center for Hard-to-Recycle Materials at 6400 Arapahoe
- Develop and manage city programs and services, including yard waste and wood waste drop-off facilities, and provide financial incentives when needed and appropriate
- Ensure zero waste policies, programs and services “protect the common good” and conform to state and federal laws and regulations, and promote the health, safety, and welfare of the residents of Boulder
- Develop and implement regulation, associated enforcement and land use approvals within the City of Boulder
- Provide financial support and contracts for critical infrastructure/facilities¹
 - If the private sector cannot independently fund

¹ The City may invest in a facility that ultimately serves the entire region if Boulder’s needs are more immediate than the rest of the county. Conversely, if the need for processing capacity is more heavily weighted in the rest of Boulder County or is more equitably distributed across the county, Boulder County or other communities should take the lead in facility investment and contracting.

- To ensure longevity of facilities
- To ensure equitable access to facilities
- To serve current and near-term City/Boulder community needs¹
- Support the Partners for a Clean Environment service providing zero waste advising services, recognition, and certification of performance to City of Boulder businesses
- Create and manage community working groups/task forces when needed
- Pursue City Council motions, actions, recognition when needed/appropriate
- Serve as a member of regional committees for infrastructure planning; standardized reporting; education and outreach; etc.
- Provide expertise on zero waste issues, education, opportunities, and services by participating in working groups and on advisory boards; participate in Resource Conservation Advisory Board discussions and subcommittees for regional policy discussions, zero waste facility planning and feedback to the Board of County Commissioners on the operations of the Boulder County Recycling Center

Roles of Boulder County:

- Commissioner and staff development and support for state and federal legislation
- Support regional and statewide efforts in product stewardship, cooperative purchasing of recycled-content materials and locally generated compost, toxics reduction, and other forms of market development and waste prevention
- County-wide leadership through the intergovernmental Resource Conservation Advisory Board (RCAB), and other community partnership building activities, to:
 - Promote resource conservation, zero waste and a healthy environment through policy change recommendations, regional planning, goal setting, educational outreach and advisory services, providing grant funding, development and management of facilities and programs, and standardized reporting.
 - Foster regional agreements to formalize commitments and activities--initially on zero waste education and outreach--using guiding principles to standardize messaging, facilitate cost sharing, and to better define the roles of county, municipal, nonprofit and for-profit partners.
- Manage regional facilities, programs and services, including owning and managing the Boulder County Recycling Center, the Hazardous Materials Management Facility and public drop-off recycling centers, waste transfer stations, yard waste and wood waste drop-off facilities and construction and demolition (C&D) drop-off facilities.
- Provide financial support and contracts for critical infrastructure/facilities
- Regulate deconstruction waste diversion, hauling of waste, recyclables, etc. in unincorporated Boulder County
- Ensure that zero waste policies, programs and practices conform to state and federal laws and regulations, and promote the health, safety, and welfare of the residents of Boulder County
- Support the Partners for a Clean Environment service providing zero waste advising services, recognition, and certification of performance to Boulder County businesses in partnership with municipalities and potentially other entities
- Provide expertise on zero waste issues, education, opportunities, and services by participating in working groups and on advisory boards.

Roles of other Community Zero Waste Partners (any sector):

- Help galvanize the community around the vision of Zero Waste Boulder
- Educate and communicate to partner's customers/members
- Research on national and international best practices

- Private investment in facilities or services
- Test services/material recovery prior to full-scale implementation
- Operate “waste exchanges” where proprietary information must be protected (thus inappropriate for the city or county to hold as public record)
- Operator for publicly-sponsored or privately-held facilities or services
- Volunteer mobilization
- Social media pushes and other community education requiring quick turnaround
- Advocacy and community organizing to represent desires of community members or customers
- Tracking and reporting (measurement and verification) for partner organizations’ own activities
- Provide industry-related expertise, technical advice and support

Nonprofit

- Investments that can be supported by grants or cross-subsidized by organization’s commercial strategies (“social enterprise”)
- Focus on “how to change the world”
- Partner with the city to “protect the common good”
- Fee-based services
- Pioneering new programs, material processing, and services that may be unprofitable

For-profit

- Investments with payback potential
- Facility capital improvements
- Fee-based services

Community members

- Expertise to inform government-sponsored initiatives
- Feedback to government on proposed programs, services and regulations
- Collaborative program development and partner in entrepreneurial initiatives
- Participation in zero waste services
- Customers for zero waste services and facilities

Section 4: Goals and Performance Metrics

This ZWSP expands upon the original 2006 goal of 85% waste diversion in recognition that the percentage of waste diverted from the landfill, on its own, provides an insufficient picture of the waste reduction efforts of the community. Additional goals related to source reduction, climate, and participation are included in this plan as a result of input received throughout the update process regarding community priorities.

Waste Diversion

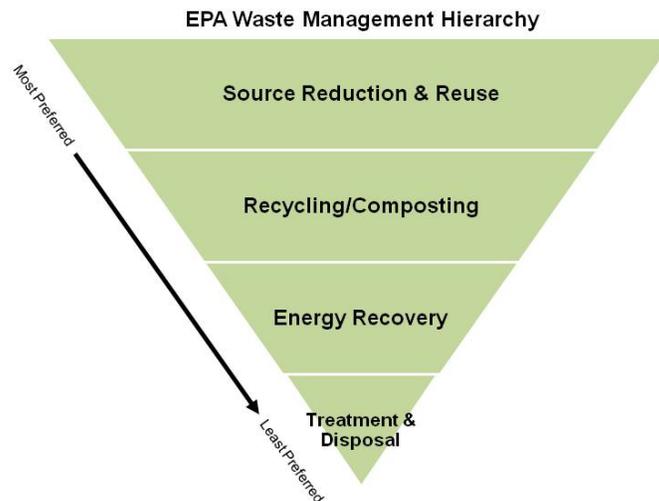
The percentage of waste diversion is calculated by taking the weight of total materials recycled and composted and dividing this by the weight of the total discarded materials (total recycled, composted, and landfilled). In 2006 City Council adopted a goal of 85% waste diversion, which is the internationally accepted diversion rate for a zero waste community, in recognition that currently there are materials in the waste stream that cannot yet be recycled, composted, or otherwise repurposed. The new target date to achieve this level of waste diversion is 2025. Each

sector of the Boulder community, including single-family residential, multi-family residential, and commercial should each achieve 85% waste diversion.

- **GOAL: 85% WASTE DIVERSION IN EACH SECTOR BY 2025 (RESIDENTIAL SINGLE-FAMILY, RESIDENTIAL MULTI-FAMILY, AND COMMERCIAL)**
- **PERFORMANCE METRIC: WASTE DIVERSION BY SECTOR (REPORTED ANNUALLY)**

Source Reduction

While much of the city’s focus since the acceptance of the original master plan has been on recycling and compost services and infrastructure, this ZWSP has an increased focus on reducing waste at its source. This priority is aligned with the EPA’s waste hierarchy, which ranks the most environmentally sound strategies for municipal solid waste. This hierarchy emphasizes source reduction and reuse as the most preferred approach.



Source reduction goals are commonly measured by calculating the total waste material generation per capita (including all discarded materials that are thrown in the trash, recycled and composted). According to EPA data, the average American generated 4.38 pounds of total waste per day in 2012, and recycled or composted 1.51 pounds of those materials. The city will begin to measure this metric annually. It will be based on the required reports of the waste haulers operating in the city and the city will prioritize initiatives that reduce this number.

- **GOAL: MEASURE PER CAPITA TOTAL WASTE GENERATION (TRASH, RECYCLING AND COMPOST) AND WORK TO DECREASE THIS OVER TIME**
- **PERFORMANCE METRIC: POUNDS OF TOTAL WASTE PER PERSON PER DAY (REPORTED ANNUALLY)**

Climate Change

The renewal of the Climate Action Plan Tax in 2012 and the continued support of the city's Climate Commitment efforts demonstrate Boulder's recognition that the community supports the imperative of drastically reducing our greenhouse gas (GHG) emissions. City master and strategic plans that address the focus areas of the Climate Commitment are a main tool for achieving those emission reductions, and waste is one of these focus areas. Boulder's past GHG inventories did calculate emissions from the disposal of waste, but the methodology then did not take full account of recycling and compost practices. The city's new GHG inventory, currently under development, will include improved methods to measure the GHG impacts of the transport and disposal of waste.

In addition to emissions from the disposal of waste, there is emerging recognition of the importance of measuring the GHG impacts created by the consumption choices a community makes. For example, most of the food and goods purchased by residents and businesses are not produced within Boulder and not accounted for in the city's current GHG inventory. The city will continue to explore consumption-based GHG emission inventory methodologies as they are developed to better reflect the global climate impact of the city's residents and businesses.

- **GOAL: MEASURE GHG EMISSIONS FROM WASTE DISPOSAL TO THE GREATEST EXTENT POSSIBLE AND IMPLEMENT STRATEGIES TO REDUCE GHG EMISSIONS FROM WASTE.**
- **PERFORMANCE METRIC: GHG EMISSIONS GENERATED FROM WASTE DISPOSAL (REPORTED ANNUALLY)**

Participation

In addition to performance metrics above, increasing participation in Boulder's zero waste programs is also a priority. Beginning in 2010, the annual Boulder hauler reporting form included a request for the number of trash, recycling and compost customers (by service address) by sector in addition to tonnage data. In addition, while we track the number of customers using the CHaRM or ReSource, we are working with Eco-Cycle and CRC to help identify and increase the number of "unique" customers accessing those city-sponsored facilities. The city will continue to collaborate with partners to develop improved measures of participation across all programs and facilities. Initiatives will be created or adjusted with the goal of maximizing the number and diversity of individual participants in zero waste services and programs. Community-wide surveys on zero waste programs and participation will be used when possible to gauge diversity of participants.

- **GOAL: MAXIMIZE THE NUMBER AND DIVERSITY OF INDIVIDUAL PARTICIPANTS IN ZERO WASTE SERVICES AND PROGRAMS.**
- **PERFORMANCE METRIC: NUMBER OF UNIQUE PARTICIPANTS USING ZERO WASTE PROGRAMS, SERVICES AND FACILITIES (REPORTED ANNUALLY)**

Section 5: Evaluation Process

Guiding Investment Principles

This strategic plan will guide the city’s annual decisions about which investments in new or expanded programs, incentives and facilities should be made by providing a clear framework to evaluate the options. Generally speaking, the basic trajectory of strategies the city implements is to begin with voluntary programs, then encourage broader participation with financial incentives, and finally moving to regulatory approaches when incentives do not create enough of the desired outcomes.

The guiding investment principles focus on providing convenient programs and services that reduce waste but are not initially viable for the private sector to provide. Programs and services are designed to be “spun off” when either the economic motivators or the desires of the program participants have shifted sufficiently to allow the private sector to take over. Sometimes this shift requires enabling legislation so that all private sector companies are playing by the same rules. Public-private partnerships are another viable approach to providing services in the best interest of the community while also leveraging the innovations of private industry and organizations.

Once a new program or facility investment is determined to help achieve one or more goals and there are sufficient trash tax funds to support the investment, it will be evaluated according to the following investment principles and given a numerical score for how many principles it aligns with:



- Preference will be given to cooperative ventures with for-profit and nonprofit organizations over sole municipal control.
- One-time or limited time funding is preferable to ongoing program support.
- Investments will be prioritized if they are “opportunistic” and take advantage of fund matches or enjoy significant community support.
- The city will avoid duplicating services where an existing community organization can either provide the service or whose existing services could be built upon.
- Investments will be prioritized if they have the ability to achieve multiple community sustainability goals (economic, social and environmental) in addition to the zero waste goals in this plan.
- Following the Environmental Protection Agency’s Waste Management Hierarchy, preference will be given first to source reduction or waste avoidance; then to recycling and composting (including anaerobic digestion); then to additional recovery of materials through mechanical and biological processes; then to energy recovery for non recyclable materials; and lastly to treatment and disposal. The City will generally not invest in thermal energy recovery facilities that use materials that would otherwise be recyclable or compostable as a feedstock.

- The City will strive to fund programs, policies and infrastructure projects that test new and innovative waste reduction solutions, especially solutions that provide an alternative to disposing materials that are not currently recyclable or compostable or those that offer a more efficient process for recycling (or reusing) a material.
- Toxic materials are inherently non-sustainable. Any investment is encouraged that can reduce their use, whether through legislation, education or encouraging producer responsibility.
- The city can fund business plans and technical assistance to help partners determine private sector (for-profit or nonprofit) viability.

All new investment options in a given budget year will be ranked according to how well it scores against these investment principles. By ensuring that new investments meet at least one of these principles the city will fund programs, services and facilities that are consistent with its role as defined in this plan.

Evaluation Criteria

Following the initial ranking with the investment principles, new initiatives that meet at least one investment principle will also be evaluated qualitatively and quantitatively according to evaluation criteria. For each criterion the initiative will receive 3 points for a “high” rating, 2 points for a “medium” rating, and 1 point for a “low” rating. When evaluating the quantitative criteria these ratings will be based on estimated tons (of waste diverted or greenhouse gases avoided) or estimated increases in participation.

Quantitative	Rating based on:
Diversion Potential	Tons of waste that will be diverted from the landfill
Greenhouse Gas Reduction Potential	Tons of greenhouse gas emissions that will be avoided
Community Engagement	Ability to encourage broad community participation and raise awareness across diverse audiences

Qualitative	Rating based on:
Upstream Conservation	Ability to support source reduction, repair, reuse or reduced toxicity
Ease of Implementation	Consideration of how easy an initiative will be to implement, taking into account staffing, funding and policy needs

The final piece of the criteria evaluation is a measure of **cost effectiveness**. Depending on the focus of the new initiative (i.e. increasing diversion, participation, etc.) the cost to implement and sustain it will be divided by the relevant quantitative measure. This will provide an estimated cost per ton of material or per additional participant that the initiative will achieve.

These four filters (goals, investment principles, evaluation criteria and cost effectiveness) and the resultant rankings will allow staff and Council to determine zero waste priority work plan items and investments.

Section 6: Issues, Challenges, and Potential Initiatives

Commercial Sector

Issues and Challenges

Based on discussions with the city's business zero waste advisors, surveys and meetings with property owners and business leaders, it is clear that some barriers exist to implementing recycling or compost service in businesses. These barriers include:

- Businesses and multi-family property managers must initiate and pay for additional services, unlike the single-family residential sector where services can be included with trash collection service.
- Unless a business is able to reduce its level of trash service, these costs are additive.
- There is a landlord/tenant split incentive, where an owner or property management company pays the trash bills and may be unwilling to subscribe to additional services requested by businesses.
- Trash and recycling containers in common collection areas often suffer from "the tragedy of the commons," and contamination is an issue. Many businesses report illegal dumping as a significant concern, especially if they are to be required to add recycling or compost collection service.
- There is often insufficient space for additional carts or dumpsters, especially in dense commercial districts.
- Business owners and their staff may not be knowledgeable about how to set up and adequately maintain composting services, and technical assistance is needed to help optimize composting systems in businesses.

Potential New Initiatives

Business Recycling Requirement – This recycling requirement for businesses would likely require every business to subscribe to single-stream recycling collection and require businesses to recycle their materials. Any such ordinance would need to include exemptions for extreme financial hardship and significant space constraints; an adequate phase-in period; and be paired with incentives and technical assistance.

Food Business Compost Collection Requirement – This requirement for businesses that serve, sell or prepare food or other compostable organic materials (florists, grow operations, landscapers) would mirror the recycling requirement and require both subscription to compost collection service and the composting of organic materials. Again, specific exemptions, technical assistance and incentives should be designed to help affected businesses overcome common barriers at start-up.

Take-Out Packaging – This strategy would encourage voluntary use of recyclable or compostable packaging by take-out restaurants. Significant technical assistance and incentives to encourage more widespread adoption would be needed, including helping establish proper on-site collection systems for recyclable and compostable take-out packaging. Other regulatory approaches, such as banning non-recyclable take-out packaging (including polystyrene), could be explored once a state of Colorado law prohibiting municipalities from restricting the use of plastic materials in consumer packaging is reversed.

Potential Commercial Initiatives	Goals Addressed	New Diversion (tons)	New GHG Reductions (tons)
Business Recycling Requirement	Diversion Climate Participation	5,500 – 11,900	17,000 – 36,600
Food Business Compost Collection Requirement	Diversion Climate Participation	8,600 – 17,100	1,800 – 3,600
Take-Out Packaging	Diversion Climate Participation	100 – 200	< 100

Single-Family Residential Sector

Issues and Challenges

While this sector has access to curbside recycling and compost collection and diverts a higher percentage of waste than other sectors, waste sorts reveal that there are still gains to be made from the recyclable and compostable materials still present in the trash. According to previous years’ surveys and input at public meetings, the main barrier to greater diversion is persistent confusion over what materials are recyclable and compostable. Single-family residents would benefit from a more intense focus on:

- Clarity around recycling and composting guidelines
- Technical assistance to overcome barriers to food waste composting
- Facilities that accept hard-to-recycle and hazardous materials
- Reduce and reuse opportunities

Potential New Initiatives

Every Other Week Trash Collection – This strategy would decrease regular single-family trash collection to an every-other-week frequency while increasing organics or recycling collection to a weekly frequency. Any resident still wishing to subscribe to weekly trash collection could do so for an additional charge.

Homeowner Collection Service Requirement – This requirement would modify Boulder Revised Code subsection 6-3-3(b) to require all homeowners to subscribe to curbside trash collection, which is not currently mandated. This would provide an estimated 20% of the single-family residents in Boulder with curbside recycling and compost collection service. This requirement would help alleviate the problem of illegal dumping, since residential rental property owners are the only property owners required to subscribe to trash collection, they frequently report instances of illegal dumping.

Potential Single-Family Initiatives	Goals Addressed	New Diversion (tons)	New GHG Reductions (tons)
Every Other Week Trash Collection	Diversion Climate Participation	2,500 – 5,000	2,600 – 5,200
Homeowner Collection Service Requirement	Diversion Climate Participation	7,400	15,000

Multi-Family Residential Sector

Issues and Challenges

Similar to the experiences of other cities, the multi-family housing sector has the lowest diversion rate of all sectors in Boulder. This is due to barriers including the high resident turnover, inadequate recycling containers on site, property owners unwilling to subscribe to additional services, and limited education received by residents since many do not interact with their waste hauler. In multi-family housing complexes issues with improper recyclable and compostable materials sorting (contamination) are more common in comparison to single-family homes and property owners report a significant problem with illegal dumping. The fact that property owners or managers are often not onsite is also a barrier.

Potential New Initiatives

Multi-Family Composting – This strategy could either modify existing policy to require haulers provide compost collection to multi-family accounts in addition to recycling; or could require multi-family property owners to subscribe to recycling and composting service. This requirement should be phased in over time with significant technical assistance to both property owners and tenants, and should be accompanied by a review of potentially conflicting land use code requirements to accommodate a smooth transition to any new requirement.

Existing Policy Enforcement – This strategy would increase resources for enforcement of the existing recycling requirement for multi-family housing, which requires that haulers provide a volume of recycling collection equal to at least half of the volume of trash collection offered to multi-family customers.

Potential Multi-Family Initiatives	Goals Addressed	New Diversion (tons)	New GHG Reductions (tons)
Multi-Family Composting	Diversion Climate Participation	300 – 600	< 100
Existing Policy Enforcement	Diversion Climate	2,100 – 5,800	9,400

Zero Waste Facilities

While Boulder is close to having access to all of the zero waste facilities needed to achieve the plan goals, there are several remaining needs that will have to be addressed in coming years. This list below outlines possible facility needs anticipated today, however future technological developments or partnership opportunities may arise, at which time those facility investments will be evaluated according to the guiding principles in this plan.

Potential New Facility Investments

Compost Site for Commercial Organics - Currently, compostable materials collected from businesses are taken to Western Disposal’s compost facility only if that business contracts with Western as its hauler. Other haulers take commercially generated compostable materials to processing facilities that are outside of Boulder County. A city-supported compost facility, at Western or another site, could ensure capacity to serve Boulder’s zero waste needs for the long-

term, ensure the gate fees are equitable for all haulers using the facility, and make the system more efficient and cost-effective while reducing transportation fuel emissions. In April 2015, A-1 Organics, in partnership with The EDF Group, a private energy firm based in France, is opening a biofuel organic materials digester in Weld County. This facility will be set up to accept compostable materials from businesses from throughout the Colorado Front Range. The digester will create two end-products - a peat moss substitute and natural gas. The facility has already signed a 20-year contract with the Sacramento Municipal Utility District and can accommodate additional compostable food waste collected from Boulder restaurants and supermarkets.

Construction and Demolition (C&D) Recycling Facility - Right now there is no facility in close proximity to Boulder that can sort and process mixed construction and demolition waste. Having this type of facility would greatly increase the diversion from construction projects. Increasing C&D diversion may also require a location that can accept “soft” construction items, such as ceiling tile, gypsum wallboard, trusses, and other materials beyond more commonly accepted materials such as concrete and asphalt.

Expanded CHaRM and ReSource - “Phase II” of development at 6400 Arapahoe, already approved through site review by City Council and Planning Board, allows for expanded capacity inside the existing leased area for CHaRM and ReSource. This development would allow each facility to accept a greater quantity and more types of materials for recycling and reuse. It would also create a flexible workshop space that could be used for a variety of zero waste programs or uses.

Creative Reuse Center - A creative reuse center typically accepts industrial waste items that cannot be recycled and makes them available very inexpensively to the community, often artists, teachers and students for reuse. This type of facility would increase diversion, address upstream conservation and could increase community engagement and participation in other zero waste initiatives of the city.

Improvements to Boulder County Recycling Center (BCRC) – The BCRC needs equipment upgrades in order to increase efficiency and cost-effectiveness in the service of community goals, such as accepting a broader range of plastic packaging (including small plastic “clamshell” food containers) and a larger quantity of commercial recyclables.

Waste to Energy Facilities - In the broad definition of how Boulder can become a zero waste community, it would be inappropriate to ignore the possible role of facilities that could process low-grade waste into heating or vehicle fuels. In keeping with the adopted hierarchy of 1-reduce 2- reuse and 3- recycle, it would be appropriate for Boulder to fully exploit the possibility for materials to either be reused, recycled or composted before investing in waste-to-energy. However, for the last remaining waste materials that are unable to be reliably marketed for reuse or recycling, this may be a viable investment option in the future. Notwithstanding this investment priority, Boulder customers may still benefit if the private sector invests in waste-to-energy facilities (e.g., A-1 Organics food waste digester) that allow additional materials to be diverted from the landfill.

DRAFT
Zero Waste Strategic Plan
ACTION PLAN
 February 2015

What is this Action Plan?

The 2015 Zero Waste Strategic Plan (ZWSP) is designed to set an overarching framework for achieving the zero waste goals set within it and provide guiding investment principles and evaluation criteria to assist with the prioritization of year-to-year opportunities for investing Trash Tax revenue in new and/or expanded programs, incentives and facilities for the Boulder community. This Action Plan is designed to accompany the ZWSP and outlines the strategies the city will pursue in the coming three years based on current waste reduction needs and funding available. The Action Plan, along with community progress towards the ZWSP goals, will be updated annually.

The City of Boulder Action Plan is intended to be viewed in tandem with other community zero waste partners’ action plans. Taken together, they paint a more complete picture of the Boulder community’s zero waste facilities, services and regulations, as these are all needed to move toward the zero waste Boulder that is encapsulated by the Strategic Plan. A “Zero Waste Boulder” requires the seven basic zero waste facilities described in the plan with universal access – plus high levels of participation in services driven by programs, incentives and regulations – to bring materials to these facilities and minimize the amount of waste heading toward our neighboring counties’ landfills.

Focus of 2015 Action Plan

The most recent diversion data for each sector is presented below. Despite the progress made since the original 2006 Master Plan for Waste Reduction, community-wide waste diversion has only risen modestly to 33 percent in 2013. Gains have been made in the residential sector’s diversion rates; however, the percentage of Boulder’s waste stream generated by the commercial sector has increased significantly while the corresponding diversion rate has remained stagnant. This has contributed to keeping Boulder’s community-wide diversion rate relatively low. Due to this, as well as the significant barriers faced by the commercial sector, the 2015 Action Plan primarily targets this sector along with the multifamily residential sector; and work with community partners to ensure cost-effective, universal access to facilities that can serve the Boulder community for years to come.

Diversion Rates		
	<u>2004</u>	<u>2013*</u>
Single-Family Residential	48%	54%
Multi-Family Residential	14%	21%
Commercial and Industrial	25%	28%
Community Wide	30%	33%

**Does not include 2013 flood debris trash*

2015 Work Plan Items*

**Final plan will include analyses of each initiative's estimated effectiveness based on ZWSP criteria and Sustainability Framework icons will be added to reflect each initiative's spheres of influence.*

- Finalize Zero Waste Strategic Plan for Council acceptance, engage community to provide feedback; finalize diversion, GHG emissions, participation and cost estimates for Action Plan work plan items.
- Deliver expanded multifamily housing assistance program based on findings of 2014 targeted pilot project which increased diversion at five complexes by between 4% and 16%.
 - Finalize a strategy for a cost-effective and efficient approach to providing zero waste education and assistance, able to be broadly applied to multi-family communities.
 - Gather data and complete analysis for existing multi-family complexes to target and prioritize outreach efforts.
 - Develop tiers of service to address common barriers (will be tailored to complex needs):
 - First tier will include a toolkit with hauler resources, educational videos, door hanger handouts and signs for waste enclosures
 - Second tier will include toolkit with additional assistance, including liaison between complex manager and hauler to adjust collection service levels, door-to-door outreach, and training for residents
 - Final tier will also include waste audits, recycling and compost containers for units, and on-going engagement and feedback to residents
- Finalize Universal Recycling Ordinance
 - Develop ordinance implementation plan (if adopted)
 - Develop compliance and enforcement plan (if adopted)
 - Research online self-reporting form option for compliance
 - Research ways to encourage and incentivize edible food waste donations
- Expand business assistance and advising program with multiple tiers of service:
 - “Do-it-yourself” toolkit for businesses to include employee training videos, free signage, list of resources; examples of good collection setups, etc.
 - “Light touch” advising and technical assistance to help businesses establish internal collection systems and signage; incentives available for standardized, bulk-purchased collection bins
 - “Deep dive” zero waste advising delivered by PACE advisors focused on:
 - Food-generating businesses that need to establish compost collection service
 - Commercial leased spaces where landlord-tenant issues could introduce compliance issues
 - Businesses that choose to go beyond basic service provision and work toward achieving 70-85% waste diversion
- Update waste contracts to reflect partner roles outlined in ZWSP.
- Negotiate with Western Disposal and A-1 Organics for equitable, cost-effective and convenient composting options for all area organics haulers.

- As part of the 2016 budget process and based on the criteria outlined in the ZWSP, develop a priority-based budgeting analysis within which to filter funding options for 2016.

Additional Future Initiatives for the Next Two to Three Years*

**Final plan will include analyses of each initiative's estimated effectiveness based on ZWSP criteria and Sustainability Framework icons will be added to reflect each initiative's spheres of influence.*

- Continue improving business assistance and advising program in response to needs and barriers that arise.
- Assess the rate of early compliance with any commercial regulations adopted and adjust business technical assistance to bring as many businesses on board prior to compliance deadlines.
- Expand the reach of the multifamily residential assistance program.
- Expand community-wide educational efforts on available services, incentives, and facilities as well as proper recycling/composting/source reduction methods.
- Collaborate with Boulder County and other partners on developing a regional construction and demolition recycling facility.
- Perform a programming exercise to further investigate/analyze future uses of 6400 Arapahoe site.
 - As part of this, consider a community conversation to re-name the site
 - Analyze the potential to locate ArtParts creative reuse center on site along with expansion needs for Eco-Cycle and ReSource

**CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING SUMMARY**

NAME OF BOARD/COMMISSION: Environmental Advisory Board

DATE OF MEETING: January 7, 2015

NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Juliet Bonnell,
303-441-1931

NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:

Environmental Advisory Board Members Present: Mara Abbott, Stephen Morgan, Tim Hillman, Morgan Lommele and Brad Queen.

Staff Members Present: Brett KenCairn, Kara Mertz, Jamie Harkins and Juliet Bonnell

MEETING SUMMARY:

- The board felt that source reduction and upstream conservation should be a priority of the Zero Waste Strategic Plan and would also like to see more incentives for creative reuse organizations.
- Several members of the board strongly supported making the draft ordinance more aggressive than it currently is.
- **B. Queen** suggested emphasizing the value of increasing waste diversion for the community. He noted the importance of ensuring that ordinance requirements are cost-effective and efficient. The least cost overall is minimal impact. Being unduly aggressive without regard to cost in these regulations may have a larger environmental impact. If regulations are done with eloquence then the market can respond in scale. There are many opportunities for increasing efficiency because the system is not efficient as it stands.
- **S. Morgan** expressed interest in ensuring that trash, recycling and compost service costs are manageable for those affected by the ordinance, particularly small businesses who are leasing their space. He wanted all perspectives and needs to be represented and respected in the development of the ordinance.
- **M. Abbott** stated that the proposed ordinance should be more aggressive in order to move Boulder toward zero waste more quickly. She recommended that all businesses and residents (including those of MFU complexes) should be required to provide and use trash, recycling, and compost services. She suggested tightening up the timeline of compliance requirements and ensuring that exemptions are difficult to obtain. She felt that zero waste should be part of our community's culture in which everyone participates.
- **M. Lommele** encouraged making the draft ordinance more stringent than staff's proposal. She suggested that exemptions shouldn't cost an exorbitant amount and that more ways to incentivize innovation should be created.

- **T. Hillman** supported the exemptions proposed by staff, especially the ones that allow for sharing zero waste services, self-hauling, and employing innovative alternatives to recycling and composting. He encouraged more aggressively requiring all levels of service for all residents and businesses.

1. CALL TO ORDER

The Environmental Advisory Board Chair **M. Abbott** declared a quorum and the meeting was called to order at 6:06 p.m.

2. ELECTION OF CHAIR AND VICE-CHAIR

On a motion by **M. Abbott**, seconded by **M. Lommele**, **S. Morgan** was nominated as Chair, the Environmental Advisory Board approved (5-0) this appointment of Chair.

On a motion by **M. Abbott**, seconded by **M. Lommele**, **T. Hillman** was nominated as Vice-Chair, the Environmental Advisory Board approved (5-0) this appointment of Vice-Chair.

3. APPROVAL OF MINUTES

On a motion by **M. Abbott**, seconded by **B. Queen**, the Environmental Advisory Board approved (5-0) the December 3, 2014 meeting minutes.

4. PUBLIC PARTICIPATION

5. PUBLIC HEARING ITEMS

Zero Waste Strategic Plan Update (Kara Mertz and Jamie Harkins)

J. Harkins and **K. Mertz** provided an update to the board on the Zero Waste Strategic Plan and draft ordinance options.

6. DISCUSSION ITEMS

EAB Retreat preparation discussion

7. OLD BUSINESS/UPDATES

8. MATTERS FROM THE ENVIRONMENTAL ADVISORY BOARD, CITY MANAGER, AND CITY ATTORNEY

B. Queen introduced the desire to achieve an integrated approach among different boards and council to what can be conflicting requirements. He noted that it would be beneficial if there was some integration in the evaluation of plans across various city objectives.

B. KenCairn responded that there are some interesting models for what this could look like and offered to discuss this further with **B. Queen**.

9. DEBRIEF MEETING/CALENDAR CHECK

Joint board meeting to discuss AMPS on Wed, Jan 21st from 6-8 p.m. at Shine Restaurant

10. ADJOURNMENT

Environmental Advisory Board adjourned at 8:05 p.m.

Approved:

Chair

Date

DRAFT

Working Group: Recycling & Composting Ordinances	
<p>Goals: Increase business recycling and composting rates; reduce greenhouse gas emissions; find the sweet spot for minimizing the costs to businesses and maximizing diversion.</p> <p>Purpose of Working Group: The ZW Business working group will advise city staff on zero waste ordinance options to bring back to Council. This group will also discuss what is valuable to the Boulder business community in terms of zero waste services offered by the city and its partners. Analysis coming out of this working group will determine the expected portion of the community's 85 percent waste diversion goal that can be expected to result from business recycling and composting regulations.</p>	
Key Questions/Issues	<ul style="list-style-type: none"> How can the city structure zero waste ordinances work with current business practices? What types of training and resources will best support businesses to comply with these future requirements? What types of incentives would be most helpful in the long term and who is best poised to provide them? How much of the business waste stream can be diverted through new recycling and composting regulations and what future services should the city and its partners consider in order to reach the community's 85 percent diversion goal?
Desired Skills or Representation	<ul style="list-style-type: none"> Building owners, property managers, and large business tenants Property managers, including residential rental property owners Restaurant Association/Grocers Association representation Restaurant owners Retail business owners Office businesses Service/repair shops Business organizations Partner representatives working on business waste services
Timeframe and Format	<ul style="list-style-type: none"> Four to five meetings (~2 hours in length) to be held between October 2014 and January 2015

Working Group: Recycling & Composting Ordinances	
Tasks & Analysis	<p>Meeting #1:</p> <ol style="list-style-type: none"> 1) Develop knowledge base around existing waste systems in Boulder and national best practices 2) View videos of zero waste business champions 3) Educate the group about various zero waste service offerings 4) Identify existing ZW services are most valuable to the Boulder business community 5) Identify new zero waste services that could be offered by the city or its partners <p>Meeting #2:</p> <ol style="list-style-type: none"> 1) Discuss options for zero waste regulations <ol style="list-style-type: none"> a) Composting b) Recycling c) Multi-family residential recycling and composting d) Others? <p>Meeting #3:</p> <ol style="list-style-type: none"> 1) Discuss options for Phasing/Timing: Which businesses should be affected and when? How should the requirements and enforcement be phased in over time? 2) Discuss options for business processes to trigger compliance for any requirements 3) Discuss options for enforcement for any requirements
Deliverables/ Milestones	<ul style="list-style-type: none"> • Menu of options with recommendations for business recycling and composting requirements • Summary of desired zero waste services, assistance and partnerships • Analyses re: portion of the 85 percent goal that can be addressed by regulations

Working Group Members			
Name	Title	Organization represented	Representation
Bob Ternes	US Territory Manager	Rally Software	Office Based businesses
Natalie Hamilton	Systems Adminiatrator		
Colin Vita	Senior Manager, Property Management	Twenty Ninth Street	Property Owners; Large business Tenants
Mary Lou Chapman	President/CEO	Rocky Mountain Food Industry Association (represents grocers)	Grocers Association
Nick Hoover	Colorado Restaurant Association	Colorado Restaurant Association	Colorado Restaurant Association
Sonia Riggs	CEO		
Angelique Espinoza	Public Affairs Director	Boulder Chamber	Business Organizations
Dan Powers	Executive Director	Boulder Tomorrow	Business Organizations
Jacque Meyer	Owner	The Buff Restaurant	Restaurant Owner
Sheila Horton	President	Boulder Area Rental Housing Assn.	Residential Rental Property Owners
Adam Knoff	LEED AP O+M	Unico Properties	Large Property Owners/Managers
Randy Moorman	Community Affairs	Eco-Cycle	Partner Organization
Kate Bailey	Program Developer		
Dale Ekart	Commercial Programs Manager		
Frank Bruno	CEO	Western Disposal	Partner Organization
Bryce Isaacson	Vice President		
Kevin Afflerbaugh	Environmental Coordinator		
Bill Hayes	BCPH/EnergySmart Administrator	Boulder County Public Health	Partner Organization
Pam Milmoe	BCPH/EnergySmart Administrator	Boulder County Public Health	
Hilary Collins	Sustainability Policy Analyst	Boulder County Sustainability Office	Partner Organization

Resident survey—hosted on Inspire Boulder

Participant information

- 70 participants
 - o Identified as homeowners and renters, with the vast majority (50) identifying as homeowners
- Ages 25 to 65+, with 75% between 35 and 64
- More than 75% of participants report they reuse, recycle and compost

Survey Results

Note: All participants answered all questions

- 92% somewhat or strongly agreed that all property owners (commercial and residential) should provide trash, recycling and compost collection service.
 - o 8% disagreed, citing disagreement with a regulatory solution to this issue, concern about financial burden being shifted from landlords to tenants, and illegal dumping.
- 90% somewhat or strongly disagreed that multi-family complexes primarily made up of rental units should be exempted from providing for the removal of compost.
 - o 10% somewhat agreed with the proposed exemption.
- 93% somewhat or strongly agreed that all businesses that prepare, serve or sell food provide compost containers and educational signage for employees and customers to use.
 - o 7% disagreed, citing disagreement with a regulatory solution to this issue and concern regarding compost contamination.
- Most respondents “strongly agreed” with the proposed regulatory requirements presented in the survey. Of those who disagreed, there was no strong trend as to why. Explanations include disagreement with a regulatory solution to the issues, that the city should provide incentives for residential composting and recycling and regulate businesses, and that neighbors who share pickup service should be exempted (already a proposed exemption).

Business, property owner and tenant survey—hosted on Survey Monkey

Participant information

- 41 participants
 - o 16 business owners, 9 employees, 17 property owners/managers, 7 tenants
 - o Majority (71%) of respondents are not with a business that prepares, serves or sells food; or have a tenant at their property that prepares, serves or sells food.

Survey results

Note: Not all participants answered all questions. Lowest percentage of participants for any single question was 88%

- 74% somewhat or strongly agreed that by June 2016, all property owners must provide trash, recycling and compost collection service.
 - o 26% somewhat or strongly disagreed, mainly citing that they do not agree with regulatory solution to this issue. Of the five participants who cited “other” reasons for disagreeing, three cited concerns that the proposed regulation allowed too much room for non-compliance.
- 73% strongly agreed that by Sept. 2016, all businesses must use the service provided by the commercial property owners and provide on-site recycling containers and educational signage for employees and customers.
 - o 27% disagreed, citing that they do not agree with regulatory solution. Additional reasons included that the respondent already provides or is working to provide containers and signage.
- 77% somewhat or strongly agreed that by Sept 2016, all businesses that prepare, serve or sell food must provide compost receptacles and educational signage for employees’ and customers’ use
 - o 33% disagreed, citing cost and that they did not agree with a regulatory solution. Those who answered “other” cited concern that these measures will lead to increased cost of goods/services and contribute to disenchantment with Boulder.
- 64% somewhat or strongly disagreed that property owners of multi-family complexes comprised primarily of rental units may be issued an exemption on a yearly basis from providing compost collection service.
 - o 36% somewhat or strongly agreed with the proposed exemption.
- 69% somewhat or strongly agreed that by 2020, all businesses provide compost collection containers and signage.
 - o 31% disagreed, with a majority citing that they didn’t agree with a regulatory solution. “Other” reasons included cost, space constraints and odor during summer months.
- Most additional comments express support of the proposed requirements. Those that express disagreement primarily cite that they do not agree with a regulatory solution to the issue.

City of Boulder Zero Waste Requirements Working Group

Meeting #1

11/17/14

Agenda:

- 1) Introductions:** All
- 2) Existing waste systems in Boulder and national best practices:** Kara Mertz, City of Boulder and Kate Bailey, Eco-Cycle
- 3) Videos of zero waste business champions**
- 4) Existing zero waste service offerings:** Pam Milmoie, Boulder County Public Health
- 5) DISCUSSION: existing ZW services that are most valuable to Boulder businesses**
- 6) DISCUSSION: new zero waste services that could be offered by the city or its partners**

Kara Mertz gave a brief introduction re: existing Waste System in Boulder:

Boulder doesn't have municipally controlled trash or recycling; rather, it is a regulated, free market system with partnerships to work with businesses and haulers to help move forward toward zero waste. For residential waste generation, the City enacted an ordinance in 2001 that requires any hauler picking up residential trash in the city must also provide recycling and compost to single family homes, and recycling only to multi-family complexes. As part of the update to the Zero Waste Strategic Plan, we are finding there is a range of anywhere from 40-90% of businesses in Boulder that subscribe to recycle service, but 50-68% of what is still in trash is recyclable. Part of the problem is that some businesses don't subscribe, but part is that those that do subscribe are potentially not sorting correctly, employees don't know, customers don't know, etc. City Council has asked staff to develop options for requiring recycling for businesses in Boulder and composting at food-generating businesses like supermarkets and restaurants. The purpose of this working group is to give staff input into these options that will be recommended to Council in January or February. Council has also asked, as part of this requirement, to require composting at multi-family unit (MFU) complexes. Since MFUs are treated the same as commercial businesses from a hauler's perspective, it might make sense to have similar rules apply to MFUs as commercial businesses. They also have some similar barriers including space constraints and shared service so any requirement should take these into consideration.

Kate Bailey gave a presentation on best practices from around the country.

Based on research conducted by Eco-Cycle, looking at 8 cities around the country that are performing extremely well – businesses and community diverting over 60%. What makes the policies successful? What's required?

- 25% of the US population lives in a place where recycling is required.
- Ordinances typically begin with education & assistance for the businesses; then moves to financial incentives; and most get to the point where Boulder is now, where the recycling rates have stagnated and progress is stalled.
- Everyone and every sector in the community are involved.
- There are some opt-out exemptions, for financial hardship, space constraints, no recyclables produced, or desire to self-haul.
- Strong focus on education, particularly at the start of a program to get businesses on board.

- No “one size fits all” for different communities, sometimes partnerships with universities, haulers, non profits, city staff, in-house green teams – best approach is a combination, but in all cities the education element is key.
- With respect to enforcement, while it is important for businesses to know there is a process in which they can get a fine for a violation, we heard very loud and clear that most communities are not actually using the enforcement –
 - Seattle has had business recycling for 7 years, has never issued a fine. Instead talk to businesses, work with them, business just need a little help to get on the right track.
 - In Mecklenburg County NC, over 1000 inspections have been conducted with only a few violation letters, and no eventual fines. Everyone corrected the violation with a little extra technical assistance.
 - There is not a lot of digging into trash, policies are really looking at obvious contamination – focusing on large amounts of cardboard sticking out of a dumpster or no recycling bins around; by no way policing every little thing.
 - Cities take different approaches to initial inspections, sometimes walking in street, sometimes asking the haulers to report – it’s pretty easy to see who does or does not have bins.
 - Haulers may not want to be part of the reporting or turn over a list. So what you’re saying is important because there are two steps – do they have bins, and are they being used enough and properly.
- Jumping to compostables, we found similar policy elements. Compost is definitely new and upcoming, not as long of a history, but many cities are requiring it.
 - VT requires all businesses to compost by 2020
 - Some cities are requiring all large food generators to compost.
 - Similar to recycling, communities are looking at people both having bins and actually using them.
 - There are also opt-out exemptions.
- Boulder County throws away 170,000 pounds of food per day – any way we can get a business in a position where they don’t even need compost because they don’t throw away food, that is our goal. Again, number one is education as this is a pretty new program.
 - A program from Eugene, Oregon called “love food not waste” has great materials for free distribution.

QUESTIONS/COMMENTS

- Single family, owner-occupied homes are not required to subscribe to trash service but rental properties are. There is a significant number of homes in Boulder that don’t subscribe, and that is an issue because as we require containers at businesses we don’t want increase in illegal dump and contamination.
- Sometimes property owners provide service but tenants don’t even know it’s there.
- Density in downtown and shopping areas is an issue
- Businesses are busy, and need someone to help walk them through the process. It works in cities like SF that are very space constrained, or Aspen that is not on single stream and has a 4 cart system. But they make it work and that’s where the first contact with businesses are about getting creative, problem solving, figuring out what your obstacles are and figure out what we need to do to overcome those.

Pam Milmoe gave a presentation on existing services from Business Partners for a Clean Environment (PACE)

- PACE provides expert advisors for a “one stop shop” for energy, zero waste, water quality and transportation. We design and administer incentives, provide outreach, education, and recognition.
- For Zero waste often new bin signs make a big difference, The City has free downloadable signs and we can also make free customized signs for a business
- Background on PACE going back to 1994
- Since 2012, we ramped up services with EnergySmart; worked with 3200 of about 6500 businesses throughout Boulder County; issued \$2.5 mil in business rebates. We identified ZW opportunities at 970 businesses, working with 630.
- We also now have a bin incentive, contracting with a single provider Bush Systems, were able to negotiate bulk pricing for those bins to provide bins and up to \$250 incentive that the city is providing.
- On average, about 90% of businesses we work with increase diversion rate by 14% - not a huge number but are making progress and increasing tools to track that.
 - 11% achieve a 70% diversion rate, including 32 businesses certified in the last three years.
- From the zero waste advisors’ perspective, what’s working?
 - “One stop shop” is really paying off, a great way to build relationships,
 - The custom signs help reduce contamination and frustration,
 - New bin incentive is taking hold,
 - Bin placement is a big thing - to actually go through where bins need to be, etc, employee training is huge, purchasing plans that are less wasteful, supply chain inclusion, hard to recycle materials.

DISCUSSION ABOUT NEEDED AND VALUED SERVICES

The discussion revolved around what issues exist and the services that businesses need to help get started, with a recycling/composting program. Given that we have not yet narrowed down what that ordinance would look like; who it would apply to; and what the phase-in period would be after the ordinance is passed.

ISSUES

- Internal space
- Triple-sort bins are expensive
 - More than \$250/bin subsidy is often needed
 - May want a sliding scale
- Parking space trade-offs for outside bins
- Other land-use requirements like those governing dumpster enclosures
- Needs to be exemptions for those that either compost themselves or at a farm; as well as businesses that want to drop off their own recyclables
- Think through regulations and mitigations for any new trucks/noise/impacts
- Incentives focused on smaller businesses
 - If possible, the pricing structure for trash vs. recycling/composting should reflect the city’s goals
- Wildlife issues/rodents/insects

- Maybe there should be considerations for businesses west of Broadway who have been impacted by the bear resistant cart ordinance
- The City needs more information about the waste streams coming out of various businesses (e.g., supermarkets, retail, edible food, etc.)
- Purchasing policies affect the amount of waste in the first place
- There should be exemptions for hard-to-recycle materials
- Property Managers vs. Tenants
 - Who is responsible?
 - Who is warned/educated/fined?
- Everyone needs to subscribe to and pay for trash because of illegal dumping
- Multi-family complexes should be divided into condos and rental properties. Condos should be regulated first
- Shared service between businesses or curbside service for home-based businesses needs to be OK

DESIRED SERVICES

- The number one concern is education
 - Need it in English and Spanish
 - Have new people come in often who don't understand what we are doing – it needs to be taught systemically as to why we are doing what we are doing.
 - Materials provided by the city should include the “why” of what we are doing, and what happens to the materials (recyclables and compostables) after they are picked up
 - Also, a little bit about why to use the finished compost or to buy recycled content
- Training provided by the City should be periodic; need to also identify a champion in-house to carry it on between periodic trainings esp. for new employees
- Maybe the city could create a 4-5 minute video that's catchy to provide to businesses
- It needs to start from the top – it won't happen from an interested employee, has to start at top and work its way down. Make it a part of the company.
- But ultimately, it needs to come from both sides
- Materials should focus on the practical advantages of establishing recycling/composting; not be preachy (talking about how things “should be done”)
- Need to continue with some sort of advising service/consulting for businesses; help to market or promote green practices

City of Boulder Zero Waste Requirements Working Group

Meeting #2

12/8/14

Agenda:

- 1) Review** of what was discussed at the first meeting, goals for today, and plan for third meeting.
- 2) Introductions:** All
- 3) Quick review of packet sent out on 12/5, and broad overview of timeline for the remaining meetings and upcoming deadlines** – brief discussion and questions
- 4) GENERAL DISCUSSION:** how to make a ZW ordinance work for different business models including strip malls, food service businesses, and multifamily units.
- 5) DISCUSSION GROUPS:** split into three separate groups and discussed what an ideal ZW ordinance would look like, and ended by sharing thoughts/ideas/concerns with entire group.

Kara Mertz reviewed the timeline for future meetings and deadlines:

Tentatively scheduled for 2/17 to go to Council with a draft strategic plan. Might have draft ordinance language examples, but likely not fully crafted draft ordinances. After 3rd working group meeting on 12/15, we will be doing outreach for a period of time to reach out to businesses that would be affected as well as residents that are interested.

Kara Mertz facilitated review of the packet sent out on 12/5, brief discussion and questions.

General Discussion Questions/Comments:

- What is the definition of a business?
- How long should exemptions be good for? When would businesses re-apply? What is a reasonable limit for businesses seeking a ‘financial hardship’ exemption?
 - For example, restaurants operate on a 3-6% profit margin, so an exemption where service costs of 5% or more of profits could be extremely high for those business types.
- How would shredding be dealt with in the ordinance? Considered recycling or composting?
- How would the business size/employee count be enforced? Would the business report the number of employees?
 - Rather than going by number of employees, it may be easier/better to go off of amount of waste generated. Haulers have access to that type of information, not employee counts of square footage. In addition, it can be difficult for businesses in a shared building to know exactly how much waste they are generating, but it is possible to figure out how much waste is generating for an entire building.
 - We must also consider the setup of commercial properties in shared buildings – for example, if there is only one central waste disposal location, it can be difficult for each business/store to access it, and thus may require the property owner to pay for a service to retrieve waste from each business and bring it to the central location.
- How will multifamily units be included? Would there be separate ordinances for commercial business properties and MFUs? How would residential/commercial mixed units be handled?
- Would new businesses get a phase-in period, or would they be expected to comply right away?

- How will we apply the ordinance to cleaning services and/or landscaping services?
 - These businesses are using the disposal facilities of the business they were hired by – if contamination is found, who would be responsible?
 - How do we educate employees of these types of businesses?
- How can we work with food businesses that rely on customers to sort their waste?
 - There is a high chance of contamination due to customers improperly sorting.
 - The restaurant also the opportunity to supply the customers with proper sorting supplies and materials.
 - The amount of waste produced front-of-house can sometimes be negligible compared to the amount of waste produced back-of-house (some disputed whether this is the norm)
 - Consultation/education will be especially important for these businesses.
- Is the ordinance trying to push a message of reducing waste overall, or just increasing waste diversion?
 - The ordinance is primarily about increasing recycling and composting. In terms of exemptions, we will also want to look at things such as if a business has found a way to divert food waste to those who need it rather than composting it, etc.
- Will the City need to hire more employees to enforce this, and if so, how will we afford them?
 - One option is to contract out to other businesses or corps of volunteers to handle the education component. We will continue to analyze our need for additional employees as we develop the ordinance.
- For businesses using a shared facility (such as a strip mall), how will it be determined who is properly or improperly using the services?
 - We would likely be looking for egregious violations, and would place an emphasis on educating the businesses when a violation is found in order to get them on the right track rather than issuing a fine. This is what we have seen in the communities we have studied.

Small Group Discussion Results

Yellow Group:

- To whom should it apply: all businesses with 96+ gal per week (uncertain about this one)
- Public events: Necessary to have a City permit.
- Schools: Want all schools to recycle, wondering about applicability of compost rules.
- Institutions (daycare, nursing homes, etc.): Would be great, but concerns about funding availability and impact to direct services.
- Materials: Edible food waste necessary, it would be opportunity to incentivize businesses; yard waste would be great and could be a good place to start; compostable service ware would be great if it always worked, but its not always the best quality or readily compostable.
- Don't want "perfect" to get in the way of "good enough".
- Food generating businesses: compostable takeout materials could be difficult due to performance and cost
- Twice-yearly trainings for employees where it makes sense; maybe not required.

- Exemptions: Curious about 96 gal as the minimum for exemption – not sure if this would be the correct number.
- Institutional properties: would be great, except when in conflict with funding or federal institutions or regulations.
- Concerns: illegal dumping at businesses where they get contaminated and then get in trouble for it – should research if there are other communities that have experience with this.
- Potential sliding scale for businesses with possible exemptions.
- Would like to come back to issues of multifamily units, and mixed commercial properties.

Red Group:

- To whom should it apply: 96 gallons is hard to measure for a tenant in a strip mall, so maybe it should apply to all businesses, along with quality exemptions.
- Find a way to differentiate between 'front' and 'back of house' trash.
- MFU should be treated separately; owner-occupied condos need to be considered.
- All food generating businesses – not putting a size limit but should have good exemptions in place.
- Public events definitely.
- Public and private schools. Other institutions including place of worship, non-profits... gets into question of: what do we define as a business?
- What should be included?: Service (whatever receptacle) should be provided for employees and customers. For food generating businesses, must provide compostable takeout containers – could be encouraged but not required.
- Conduct training twice per year for employees – could be difficult to enforce but is important.
- Need an analysis of cost impact on businesses.
- Look into doing "pay as you throw" that encourages you to reduce waste overall and to divert more.
- Find a way to structure the ordinance to simultaneously encourage a decrease in overall waste, as well as increasing diversion. Would like to come back to this thought and explore it more.

Blue/Green Group:

- Stuck to big questions rather than details – would need more time for that.
- To whom should it apply?: Recycling and compost should be considered as two different components. Recycling should apply to all businesses, then use exemptions to find out who it would not apply to rather than setting a standard; would also include MFU and require property manager to have the service, and require tenants to comply (property owner is considered the business). Composting should apply to all food generators (any size, either serving or selling food, including anything with a cafeteria like a nursing home) and they would be the first ones required to comply; then phase in all large and medium businesses.
- Volume generated is the best threshold for determining business size – it's easier than figuring out # of employees and/or square footage.
- Everybody is in and you use the exemptions to get out, rather than trying to set a standard of who it would apply to.

Attachment F - Zero Waste Regulatory Proposal
DRAFT ZERO WASTE ORDINANCE

February 10, 2015

All proposals are draft in nature and subject to modification based on attorney review

I. Requirements for Property Owners

1. Section [6-3-3\(b\)](#) could be modified as follows (subject to exemptions and phase-in periods, below):

No owner of any property ~~containing one or more rental dwelling units~~ shall fail to maintain in effect a current and valid contract with a one or more haulers providing for the removal of accumulated trash, recycling and composting from the property, which contracts shall provide for sufficient trash, recycling, and composting hauling to accommodate the regular accumulation of trash, recyclables and compostables from the property.

- This is part of section 6-3-3 that addresses the accumulation of trash, recyclables and compostables.

II. Requirements for Businesses

1. All businesses (subject to phase-in period and exemptions listed below) must separate recyclable material from the trash and if these businesses provide trash containers to employees or customers, must also provide on-site recycling containers for employees and customers' use. Containers must be at least as conveniently located as trash and be of adequate size and number to prevent recyclables from being mixed with trash.
 - Need to look for an existing definition of a business...intended to include schools, institutions, charitable organizations, medical facilities, offices, retail, warehouse, hotels, lodging, restaurants, grocery stores, etc.
2. All businesses must provide recycling information and instructions [in accordance with rules issued by the City Manager]
 - a. Annually to all tenants and employees of the premise
 - b. To a new employee or tenant no later than the thirtieth day after the tenant occupies or the employee begins work at the premises; and
 - c. To all employees or tenants not later than the thirtieth day after a substantive change in the recycling service offered at the premises
3. All affected businesses must provide Spanish and English or picture-only signs [in accordance with rules issued by the City Manager] at each recycling container.
4. No sooner than 3 years after the effective date of this ordinance, the City Manager may issue rules to require all businesses that provide trash containers to also provide compost containers for employees' and customers' use. Containers must be conveniently located and of adequate size and number to prevent compostables from being mixed with trash.
5. All businesses that prepare, serve or sell food (subject to phase-in period and exemptions listed below) must separate compostable organic material from the trash and if these businesses provide trash containers for employees' use, must also provide on-site compost containers for employees' use. Businesses that prepare, serve or sell food (subject to phase-in period and exemptions listed below) and that provide trash containers for customers' use, must also provide on-site compost containers for customers' use inside the business and in outside eating areas. Containers must be at least as conveniently located as trash and be of adequate size and number to prevent compostables from being mixed with trash.

Attachment F - Zero Waste Regulatory Proposal
DRAFT ZERO WASTE ORDINANCE

February 10, 2015

All proposals are draft in nature and subject to modification based on attorney review

- “Businesses that prepare, serve or sell food” may be defined differently. It is intended to include restaurants, grocery stores, food serving establishments, food stores, hospital and health care facility feeding operations and group home and congregate care facilities that prepare, serve or sell food. It is not intended to include convenience stores that sell pre-packaged food that is typically not consumed on site.
6. All businesses that provide landscaping services or generate significant vegetative waste on a regular basis (subject to phase-in period and exemptions below) must separate compostable organic material from the trash.
 - This is intended to include florists, garden centers and marijuana growers (subject to state product destruction requirements).
 7. All affected businesses must provide composting information and instructions [in accordance with rules issued by the City Manager]
 - a. Annually to all tenants and employees of the premise
 - b. To a new employee or tenant no later than the thirtieth day after the tenant occupies or the employee begins work at the premises; and
 - c. To all employees or tenants not later than the thirtieth day after a substantive change in the compost service offered at the premises
 8. All affected businesses must provide Spanish and English or picture-only signs [in accordance with rules issued by the City Manager] at each compost container.
 9. Businesses that prepare, serve or sell food are encouraged to investigate donating edible food waste prior to composting it.
 - Looking into the best way to encourage this.
In Austin, TX, the Universal Recycling Ordinance language reads:
“In accordance with the requirements of the Good Faith Donor Act set forth in Chapter 76 of the Texas Civil Practice and Remedies Code, the department shall by rule encourage the responsible party for affected premises to follow the hierarchy of beneficial use of scrap food which, beginning with the most beneficial, is:
 - feeding hungry people;
 - feeding animals;
 - providing for industrial uses; and
 - composting.

Other requirements

10. All special events in the City of Boulder must be zero waste in compliance with Special Event Permit requirements.
11. Modify [Section 6-3-9. Special Trash Service Requirements on Certain Residential Rental Properties at Certain Times](#)
 - During the “Six Day Review” period of move-in/move-out period with excessive trash and cardboard quantities, recycling containers must also be checked at least two times per week and collected if full.

Attachment F - Zero Waste Regulatory Proposal
DRAFT ZERO WASTE ORDINANCE
February 10, 2015

All proposals are draft in nature and subject to modification based on attorney review

Proposed Exemptions: Exemptions may be listed in the Regulation or in City Manager's rules. Exemptions must be applied for on an annual basis. City staff will review exemption applications and work with the applicants to bring businesses into compliance.

- Home-based businesses
- Extreme financial hardship (*will be defined in the City Manger's rules; need more research to define the threshold*)
- Businesses that generate less than a minimum volume of trash, recyclables or compostables (*will be defined by City Manger's rules; need more research to define the threshold; likely approx. 32 gallons/week*)
- If compliance would require the business to violate other municipal codes or regulations.
- A businesses that hauls its own trash, recyclables or compostables or composts on site
- Property owners that share collection service are exempt from the requirement to provide service, but businesses must still comply with the provisions that apply to the businesses (Section II, above)
- Property owners whose tenants or lessees contract for their own recycling or composting collection service can be exempt from providing service for those tenants
- Severely space-constrained properties
- Innovation exemption - a business or property owner can apply for an exemption if they are reusing or repurposing a significant portion of their waste stream
- Households that actively compost all vegetative waste on-site and haul their own trash and recycling may be exempt from the requirement to subscribe to trash service. Households agree to comply with provisions of the code prohibiting the accumulation of trash, recyclables and compostables.

OPTIONAL RECOMMENDED EXEMPTION:

- Property owners of multi-family complexes comprised primarily of rental dwelling units may apply annually for an exemption from the requirement to maintain in effect a valid contract providing for the removal of accumulated compostables from the property.

Phase-in period

- Ordinance adoption: Qtr 2, 2015
- Property owner compliance required by [one year from final ordinance adoption].
- Business recycling compliance required by [15 months from final ordinance adoption].
- Food- and vegetative waste-generating businesses compost compliance required by [15 months from final ordinance adoption].
- All other businesses compost collection for employees and customers by [three years from final ordinance adoption].
- Technical assistance and zero waste advising services will be provided beyond the compliance dates for exemptions, warnings, and for businesses that request it
- 3 written warnings delivered in person will be issued prior to any fines being assessed
 - Each warning will be accompanied by technical assistance, free signage, and education
- Exemptions will be accompanied by technical assistance to bring into compliance
- May need a provision to allow existing contracts to expire (without encouraging a last-minute rush of new contracts prior to adoption)

Work Plan should include looking for longer-term solutions for space-constrained business districts.

Your data may not be considered complete by the Program Manager(s) of City of Austin - Universal Recycling Ordinance - Annual Diversion Plan until you click on the 'Submit to Program' button. In addition, the status of this form and the associated data may be edited at any time by the Program Manager(s) of City of Austin - Universal Recycling Ordinance - Annual Diversion Plan.

Austin Annual Diversion Plan

Member: COMMERCIAL PROPERTY 1 (TEST) | Year: 2015 | Cycle: ANNUAL

PAGES:			
	1	2	3

Property or Business Information

Name of Property *

Property Street Address *

Property Zip Code * Example: 12345-6789 or 12345

Select which industry best describes your property? *

Property ID

This property ID is the unique value used by the county appraisal districts to identify a specific property. To retrieve your Property ID number, click on the link for your county:

- [Travis Central Appraisal District](#)
- [Williamson Central Appraisal District](#)
- [Tips for searching by property address](#)

Property ID # *

Travis County example 123456, Williamson County example R123456

Is this submission for an entire property or part of the property? *

- Entire Tax Parcel
- Part of the Tax Parcel

If you are reporting for all buildings on the parcel, choose "Entire Tax Parcel"

If you are reporting for ONLY PART of the building, or one of many buildings, on a tax parcel, choose "Part of the Tax Parcel"

What is the size in square feet of the property?

Contact Information

Local Management Contact

Name *

Title *

Organization *

Phone * Example: 123-456-7890

Email * Example: name@example.com

Check box if owner contact is different than local contact above.

1. Materials Collected

Minimum Required Materials: The Universal Recycling Ordinance requires that employees and tenants have opportunities to recycle the following five (5) materials. Which of these materials are collected at this location?

	Yes	No
Paper *	<input type="radio"/>	<input type="radio"/>
Cardboard *	<input type="radio"/>	<input type="radio"/>
Aluminum Cans *	<input type="radio"/>	<input type="radio"/>
Plastic bottles #1 and #2 *	<input type="radio"/>	<input type="radio"/>
Glass bottles and jars *	<input type="radio"/>	<input type="radio"/>

Additional materials may be reported on Page 2.

Save

Your data may not be considered complete by the Program Manager(s) of City of Austin - Universal Recycling Ordinance - Annual Diversion Plan until you click on the 'Submit to Program' button. In addition, the status of this form and the associated data may be edited at any time by the Program Manager(s) of City of Austin - Universal Recycling Ordinance - Annual Diversion Plan.

Austin Annual Diversion Plan

Member: COMMERCIAL PROPERTY 1 (TEST) | Year: 2015 | Cycle: ANNUAL

PAGES:			
1	2	3	

2. Collection Services and Additional Materials

The Universal Recycling Ordinance requires either:

Option 1: Recycling capacity \geq 50% of the combined trash and recycling collection services (1:1 ratio of trash-to-recycling service).

OR

Option 2: Diversion rate greater than 75% by weight.

Trash Collection Services

	<u>TYPE</u>	<u>NUMBER</u>	<u>VOLUME</u>	<u>UNIT</u>	<u>SERVICE FREQUENCY</u>	<u>UNIT</u>	<u>COMPACTOR?</u>	<u>CUBIC YDS/WK</u>	
1	-Select ▼	0	0	Cubic Y ▼	0	Per Weir ▼	No ▼	0	Remove

Add

Recycling Collection Services

	<u>TYPE</u>	<u>NUMBER</u>	<u>VOLUME</u>	<u>UNIT</u>	<u>SERVICE FREQUENCY</u>	<u>UNIT</u>	<u>COMPACTOR?</u>	<u>CUBIC YDS/WK</u>	
1	-Select ▼	0	0	Cubic Y ▼	0	Per Weir ▼	No ▼	0	Remove

Add

Organics Collection Services

Packet Page 169		<u>SERVICE</u>	<u>CUBIC</u>
-----------------	--	----------------	--------------

	TYPE	NUMBER	VOLUME	UNIT	FREQUENCY	UNIT	YDS/WK	
1	- Select ▼	0	0	Cubic Y ▼	0	Per Week ▼	0	Remove

Add

Reduction or Reuse Credit (Optional)

Businesses may qualify for the Reduction or Reuse Credit if during the past two calendar years, waste generation has been significantly reduced through reuse or process improvements. This credit can be applied toward your capacity or diversion rate requirements for [up to five years](#).

Do you qualify for a Reduction or Reuse Credit?

Check out [Austin Materials Marketplace](#) for material reuse opportunities in Austin.

Additional Materials by Volume, Weight, or Quantity (Optional)

Austin Resource Recovery staff will review this information and may request additional documentation.

MATERIAL	UNITS OF MEASURE	AMOUNT	FREQUENCY	EST. CUBIC YARDS/WEEK	EST. TONS/WEEK
Battery, general	- Select - ▼		- Select - ▼		
Battery, motor vehicle	- Select - ▼		- Select - ▼		
Cardboard, baled	- Select - ▼		- Select - ▼		
Donated Food	- Select - ▼		- Select - ▼		
Electronics	- Select - ▼		- Select - ▼		
Landscape Debris	- Select - ▼		- Select - ▼		
Mattress	- Select - ▼		- Select - ▼		
Metal Scrap (Steel, Tin, Etc.)	- Select - ▼		- Select - ▼		
Pallets, wood or plastic	- Select - ▼		- Select - ▼		
Paper, shredded	- Select - ▼		- Select - ▼		
Plastic bags and film (including pallet wrap)	- Select - ▼		- Select - ▼		
Expanded					

Polystyrene (Styrofoam)	- Select - ▼	-----	- Select - ▼		
Textiles	- Select - ▼	-----	- Select - ▼		
Tires, car	- Select - ▼	-----	- Select - ▼		
Tires, truck	- Select - ▼	-----	- Select - ▼		
Wood, scrap	- Select - ▼	-----	- Select - ▼		
Other Material by Weight	- Select - ▼	-----	- Select - ▼	N/A	
Other Material by Volume	- Select - ▼	-----	- Select - ▼		N/A

Option 1: Collection Service Calculations

Based on the information reported, your service capacity is as follows:

Trash Collection cubic yards per week

Recycling and Organics Collection cubic yards per week

Additional Materials (Diverted) cubic yards per week

Total Recycling Service Capacity % recycling service by volume

Service Capacity Requirement: **Not met.**

Option 2: Diversion Rate Calculations

Based on the information reported, your diversion rate is:

Estimated Weekly Tons of Trash tons per week

Estimated Weekly Tons of Materials Diverted tons per week

Additional Tons of Materials Diverted tons per week

Total Diversion Rate % diversion by weight

Diversion Rate Requirement: **Not met.**

SUMMARY OF COMPLIANCE FOR CAPACITY REQUIREMENT

NEED HELP? This location does not meet the Universal Recycling Ordinance requirement of either 50% service capacity or 75% diversion rate by weight.

Please call or email for assistance: 512-974-9727 or
CommercialRecycling@AustinTexas.gov.

More information available at austintexas.gov/uro

Save

Your data may not be considered complete by the Program Manager(s) of City of Austin - Universal Recycling Ordinance - Annual Diversion Plan until you click on the 'Submit to Program' button. In addition, the status of this form and the associated data may be edited at any time by the Program Manager(s) of City of Austin - Universal Recycling Ordinance - Annual Diversion Plan.

Austin Annual Diversion Plan

Member: COMMERCIAL PROPERTY 1 (TEST) | Year: 2015 | Cycle: ANNUAL

PAGES:			
	1	2	3

3. Convenience

Convenience Requirement: The Universal Recycling Ordinance requires each trash service container (cart, dumpster, roll-off, etc.) or access point (chute, hopper) to have a recycling service container or access point within [25 feet](#).

Does this location meet the Convenience Requirement? *

4. Signs & Education

Sign Requirements: The Universal Recycling Ordinance requires locations to post signs or posters and label containers. Signs and labels must:

- Indicate materials accepted
- Use graphics
- Use English and Spanish (or other applicable language)

Does this location meet the Sign Requirements? *

Education Requirements: The Universal Recycling Ordinance requires locations to educate tenants and employees on recycling opportunities. Education must:

- List materials accepted
- Indicate where to recycle
- Use English and Spanish (or another appropriate language)
- Be provided annually and within 30 days of move-in or hiring

Does this location meet the Education Requirements? *

5. General Waiver Request (Optional)

A General Waiver Request may be granted on a case-by-case basis by the Director of Austin Resource Recovery in writing.

Do you have any additional documented waiver requests not previously noted in this plan to submit for review?

6. E-Signature

Name *

Title

Organization

Phone Number * Example: 123-456-7890

Email Address * Example: name@example.com

Please contact me about city-sponsored recycling, training or educational materials.

Yes No

Certification *

I certify that this information is true and agree to hold responsibility for the validity of the data.

READY TO SUBMIT TO PROGRAM?
"Save" allows you to return to this form to make changes, but does NOT submit.
"Submit to Program" completes the Annual Diversion Plan and sends to staff for review. [Form](#) MUST be submitted annually between October 1 and February 1.
To update or edit this submission, contact Austin Resource Recovery at 512-974-9727 or email at CommercialRecycling@AustinTexas.gov

Save



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 17, 2015

AGENDA TITLE: Discussion and consideration of a motion to approve the 2015 City Council Retreat Summary and 2015 Council Committee Appointments

PRESENTER/S

Jane S. Brautigam, City Manager
Alisa D. Lewis, Director of Support Services/City Clerk
Facilitator Heather Bergman

EXECUTIVE SUMMARY

The purpose of this item is to present the summary from the January 23 – 24 City Council Retreat for approval and to ratify appointments to various internal and regional committees as well as its Sister Cities liaisons.

Staff will continue to move forward with work plan items identified in the 2015 Council Action Guide, as well as the outcomes identified during Council's Retreat Discussion Topic 1 noted in the attached summary. Below is a highlight of some shorter-term next steps:

- Identification of resources to support the Community Planning and Sustainability work plan, including preparation of a first quarter budget adjustment.
- Support of the Housing Process Committee to find diverse speakers for future Housing Boulder discussion panels.
- Preparation of a Cottage Local Foods ordinance as a two year pilot program without implicating zoning changes for adoption in the second quarter.
- Research regarding the development of a pilot Neighborhood Grant program, including preparation of a second quarter budget adjustment to fund the proposed grant(s).
- A study session on Vacation Rental By Owners (VRBOs) was held on February 10.

- A check-in with Council on the Boulder Valley Comprehensive Plan Engagement Strategy is scheduled for February 24.
- An information packet on the North TSA effort is planned for March.
- An analysis of legal issues associated with existing occupancy limits is in progress and results are expected to be presented to Council during the 2nd quarter of 2015.
- A draft administrative rule in regard to the Demolition Ordinance is planned to be considered by the Landmarks Board by the end of the second quarter.
- The deployment of parking enforcement during ice/snow events will be evaluated as part of the assessment of Parking Services that is underway. Results of the assessment will be presented to Council during the 2016 Budget process.

We appreciate Council's time and effort in developing a comprehensive work plan to meet the needs of our community. We look forward to working with you on these efforts.

Attachment A reflects the summary of the January 23 – 24, 20-15 City Council Retreat. Attachment B reflects the committees and appointees as determined by Council at its January 23 - 24, 2105 council retreat.

STAFF RECOMMENDATION

Staff recommends the following motion:

Motion to approve the January 23 through 24, 2015 City Council Retreat Summary and ratify the 2015 Council Committee appointments as presented in Attachments A and B.

ATTACHMENT:

- A. January 23 through 24, 2015 City Council Retreat Summary
- B. 2014 Council Committee Appointments

**Boulder City Council Study Session
January 23-24, 2015
City Council Retreat
Meeting Summary**

Attendance

City Council

Matt Appelbaum
Macon Cowles
Suzanne Jones

George Karakehian
Lisa Morzel
Tim Plass

Andrew Shoemaker
Sam Weaver
Mary Young

Participating Staff: Jane Brautigam, Tom Carr, and David Driskell (others as requested by Council)

Facilitator: Heather Bergman

Note: Additional information about topics discussed at this retreat is available in the materials for the study session on January 13, 2015, and in the retreat packet, both of which can be viewed and downloaded from the Council website.

Council Protocols and Procedures

In response to several specific suggestions, Council made the following agreements regarding the day-to-day operations of their meetings.

- **Meeting Start Times:** Council agreed that regular Council meetings should generally continue to begin at 6 pm, but that the Council Agenda Committee (CAC) should determine when meetings that include Proclamations and Science Tuesday could begin at 5:30 pm.
- **Meeting End Times:** Council agreed that CAC should schedule all Council meetings to end at 10:30 pm. Council agendas should reflect this commitment.
- **Council Discussion Management:** Council agreed that the City Clerk should start a timer each time a member of Council begins to speak. Council members will use the timer to be more aware of how much time s/he spends talking during meetings and aim to speak for only 2 minutes at a time in the future. Additionally, Council agreed that the chair should also let each member of Council who wants to speak on an issue talk once before any member speaks twice.
- **Deferral of Discussions:** Council agreed that they should defer discussions to subsequent meetings more often in order to end on time and ensure that discussions occur when the interested public is available and Council is still fresh and focused.
- **Extra Meetings:** Council agreed they might benefit from one additional meeting every two months at the discretion of CAC. These meetings could be particularly useful when topics from regularly scheduled meetings are deferred due to time constraints. Council will pilot this approach for the next 6 months and review its effectiveness mid-year.
- **Packets:** Council agreed that no changes are needed to the order or format of their meeting packets.

- **First Readings:** Council agreed that first readings should continue to be on the Consent Agenda to be addressed at the beginning of meetings, but questions about first readings should be moved to the end of meetings. However, Council also expressed a preference for posting their questions on first readings on Hotline so that questions can be answered with minimal impact on meeting times.
- **Nods from Council:** Council discussed how many members must give a “nod” to staff in order to provide direction. Council agreed that staff should be clear about how much time a specific request from one or more Council members will take. When the amount of time needed is substantial, a nod of 5 will be required. Nods of 3 are permissible if the staff time investment is minimal.
- **Avoiding Surprises:** Council agreed that they would like staff to give them a “heads up” about conversations that members of staff are having with members of the public about big development issues so they are not taken by surprise. Additionally, Council members should post on Hotline any creative ideas that they anticipate sharing at meetings so that other members have time to consider them.
- **Chair Flexibility on Public Comment during Council Meetings:** Council discussed whether it would be advantageous to give the person chairing a Council meeting to have some flexibility on the length of public comment in order to keep the comments to the 45-minute time allocation on the agenda. Currently, Council’s rules for public comment and public hearings specify that when there 15 or more people signed up to speak, the chair may reduce the speaking time per person from 3 minutes to 2 minutes. The Council agreed that the City Attorney should draft a change to the rules to allow the chair to reduce the time allocation to 2 minutes when s/he anticipates that public comment will take more than 45 minutes. The new rules should allow for any member of Council to object to this change; any objection will be honored and result in each public speaker having 3 minutes to speak.

Boards and Commissions Committee

Following on a recommendation from 2 members, Council agreed to create a new Boards and Commissions Committee to serve as a liaison between City Council and the various Boards and Commissions throughout the City. Tim Plass and Andrew Showmaker will draft a description of the new Committee and its specific charge for Council to review under Matters from Council at a meeting in 4 to 6 weeks. Additionally, Council requested that the new Committee also do the following:

- Encourage boards and commissions to come speak to Council as needed
- Thank the Environmental Advisory Board for their suggestion on an energy efficiency / time of sale ordinance and provide an update about the status of this item, based on the response from staff in the Council Retreat packet
- Thank the Landmarks Board for bringing the issue of the need for a follow-up process on landmark certification to Council and report that Council appreciates its importance
- Thank the Boulder Junction Access District for suggested merging two Boulder Junction boards and report that the boundaries cannot be changed and the Boards cannot be merged due to different mill levies and boundaries

Discussion Topic 1: Items from January 13 Study Session

Council reviewed information that staff provided on several items identified at the January 13 Study Session. The table below summarizes the outcome of Council's discussion on these topics.

Issue	Council Agreement on How to Address the Issue
Cottage industries	The City Manager's Office will initiate a 2-year pilot project to allow cottage industries city-wide.
Owner-occupied residences: time of sale energy efficiency ordinance	Tim and Andrew will thank the Environmental Advisory Board for this suggestion and provide an update about the status of this item, based on the response from staff in the Council retreat packet.
Follow-up process on Landmark certification	Tim and Andrew will thank the Landmarks Board for bringing this issue forward and report that Council appreciates its importance.
Demolition ordinance	The administrative effort for this ordinance was added to the staff work plan.
Overarching issues for OSMP and the NTSA	The overarching issues should be addressed as part of the revision to the Visitor Master Plan in 2016. While pursuing other priorities such as continued Flood Recovery, staff should focus on the NTSA and provide an update to Council on their approach to the NTSA following the February meeting of the OSBT. The update should come to the Council in an information packet (IP).
Extension / combination of the Boulder Junction Access Districts	Tim and Andrew will thank the Boulder Junction Access District for sharing this idea and report that the boundaries cannot be changed and the Boards cannot be merged due to different mill levies and boundaries.
CU-South	Staff should continue with the work described in the staff update in the retreat packet.
Hospital Sites (Mapleton, Broadway, and Arapahoe)	Plans for these areas will depend greatly on what property owners and/or developers propose for each site. The hospital has already sold the Mapleton site and the new owner has been meeting with the neighborhood. The ownership group is scheduled to meet with staff in the next couple weeks. The hospital has not yet decided about their plans for the Broadway hospital site. Staff will continue to monitor the areas and provide updates to Council as they become available. Council will take up an ordinance change to allow medical offices in the Arapahoe area in the near future.
Code Enforcement / VRBOs	The City Attorney's Office will begin work on an ordinance related to occupancy limits and whether/how dwellings are "grandfathered in" to older limits. After working on occupancy limits, the City Attorney's Office will begin work on VRBOs. Staff should also continue with current enforcement efforts outlined in the retreat packet.

Discussion Topics 2, 3, and 4: Housing, Comp Plan, and Code Changes

Council agreed to discuss these topics together, since they are inter-related. This discussion began with an update from David Driskell about the current proposed 2015 work plan related to the Boulder Valley Comprehensive Plan, the Comprehensive Housing Strategy, the form-based code pilot project, height ordinance, and linkage fees. Based on this presentation, Council discussed their respective views on the priorities for the City and its residents, the best way to plan for the current and future needs of neighborhoods and the community as a whole, and how best to address the issues that have been raised by Boulder residents and businesses. Based on this discussion, Council came to several separate but related agreements, which are outlined below.

Boulder Valley Comprehensive Plan

Council agreed that staff should continue with their work on the Boulder Valley Comprehensive Plan largely as described in the work plan, with the following additions and clarifications:

- Use a disciplined approach to the revision: identify specific goals on key issues like energy and net zero rather than redoing all the goals in the existing plan Proceed as quickly as possible through the data-gathering phase
- Get to the specific issues and ideas in the plan as quickly as possible
- Check in with Council on the engagement strategy and 3D modeling during the first quarter of 2015
- Clarify how the Comp Plan fits in with other topics under discussion by the City
- Consider how to involve neighborhoods in the update

Comprehensive Housing Strategy

Council agreed that the Comprehensive Housing Strategy should continue, largely as outlined in the work plan. However, staff should add the following efforts and considerations to the Housing Strategy:

- Create a Housing Strategy Process Subcommittee; Council will appoint 2 Council members with different perspectives to join the Subcommittee
- Plant the seeds for neighborhoods to guide future pilot projects during the “rapid-fire ideas and insights” stage of the process
- Include Landmarks Board suggested housing tools in the discussion of housing options
- Ensure that the process includes a meaningful exploration of additional funding incentives for affordable housing and middle-income housing

Code Changes

Council agreed that staff should continue with the current work plan efforts on the form-based code pilot project, height ordinance and linkage fees. One member of Council suggested that staff tie the form-based code pilot project to the larger conversation about site review criteria and design excellence.

Council then identified six additional code change topics that they would like to see staff address in 2015. Members of Council then used dots to identify their top two priorities on the list. The list of prioritized topics is provided below; the two highest priorities identified were community benefit/site review criteria and comprehensive design standards. Staff will include work on the top two priorities as part of the 2015 work plan. The other items will be addressed as part of the code review and potential revisions proposed for the latter part of 2015.

- ***Community benefit/site review criteria (8)***
- ***Comprehensive design standards (8)***
- Use table review/revision (2)
- Usable open space (0)
- Minor modifications between review and construction (0)
- Allowing modifications to old restrictions

Council also acknowledged that these additions to the work plan will require additional staff for Community Planning and other impacted work groups and departments. A request for additional resources will be presented to Council as an adjustment-to-base budget request in March or April.

Additions to Staff Work Plan

Following the discussion on the work plan items, Council reviewed and agreed that the following items should be added to the staff work plan:

- Administrative work on the demolitions ordinance
- Redirection of parking enforcement during icy/snowy times to ice/snow enforcement (Staff will bring a concept to Council in the third quarter of 2015.)
- 2-year pilot on cottage industries (City Manager's Office to initiate)
- Occupancy limits and grandfathering (City Attorney's Office to initiate as a precursor to later work on cooperative housing; VRBOs and OAU/ADUs to come later)
- Incorporation of broader design work into form-based code pilot
- Site review criteria conversation (to be queued up as a dialogue with Planning Board)
- Community benefit conversation (in the second half of 2015)

2015 City Council Committee Assignments

INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel, Plass (Castillo – staff alternate)
Boulder County Consortium of Cities	Young, Morzel (alternate)
Colorado Municipal League (CML) – Policy Committee	Jones, Cowles (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Jones, Plass
Housing Authority (Boulder Housing Partners)	Shoemaker
Metro Mayors Caucus	Appelbaum
National League of Cities (NLC)	Appelbaum, Cowles
Resource Conservation Advisory Board	Morzel (at large seat), Plass
Rocky Flats Stewardship	Morzel, Plass (1 st alternate), Castillo (2 nd alternate)
University of Colorado (CU) / City Oversight	Cowles, Shoemaker, Weaver
US36 Mayors and Commission Coalition	Appelbaum
US36 Commuting Solutions	Karakehian, Morzel (alternate)
Urban Drainage and Flood Control District	Jones

LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Young
Boulder Convention and Visitors Bureau	Plass, Cowles (alternate)
Dairy Center for the Arts	Jones
Downtown Business Improvement District Board	Weaver, Young

INTERNAL CITY COMMITTEES

Audit Committee	Cowles, Morzel, Shoemaker
Boards and Commissions Committee	Plass, Shoemaker
Boulder Urban Renewal Authority (BURA) Mayoral Appointment	Karakehian
Charter Committee	Karakehian, Morzel, Weaver
Civic Use Pad/ 9 th and Canyon	Karakehian, Morzel, Young
Council Employees Salary Review	Cowles, Shoemaker
Council Retreat Committee	Jones, Morzel
Evaluation Committee	Morzel, Plass
Housing Strategy Process Sub-committee	Morzel, Shoemaker and Young
Legislative Committee	Jones, Karakehian, Weaver
School Issues Committee	Morzel, Plass, Shoemaker

SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Jones
Kisumu, Kenya	Morzel
Llaza, Tibet	Shoemaker
Dushanbe, Tajikistan	Weaver
Yamagata, Japan	Plass
Mante, Mexico	Young
Yateras, Cuba	Karakehian, Cowles (alternate)
Sister City Sub-Committee	Morzel, , Karakehian



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 17, 2015

AGENDA TITLE: Consideration of a motion adopting a charter to create a sub-committee for analysis of, solicitation of public input on and negotiation of the city's lease with the Colorado Chautauqua Association.

PRESENTERS

Tom Carr, City Attorney

EXECUTIVE SUMMARY

On February 10, 2015, council conducted a study session on the Chautauqua lease renewal. Council identified issues that members sought to be addressed. Council members expressed an interest in using a process similar to that used to develop the Guiding Principles. The purpose for this agenda item is to appoint the sub-committee.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt a charter creating a sub-committee for analysis of, solicitation of public input on and negotiation of the city's lease with the Colorado Chautauqua Association as set forth in Attachment A.

BACKGROUND & ANALYSIS

The City of Boulder has leased 26 acres of land and associated buildings to the Colorado Chautauqua Association since 1898. The current lease expires on January 13, 2018. Council intends to complete the lease negotiations in 2015. The committee created to

develop the guiding principles consisted of two council members, six city staff members, and four CCA representatives. The committee met four times from July 2012 to October 2012 to draft the guiding principles.

ATTACHMENTS

Attachment A - Charter for Council Sub-Committee

**CREATION OF A CHARTER FOR A COUNCIL SUB-COMMITTEE
FOR ANALYSIS OF, SOLICITATION OF PUBLIC INPUT ON
AND NEGOTIATION OF THE CITY'S LEASE WITH THE
COLORADO CHAUTAUQUA ASSOCIATION**

This is a Charter for a council sub-committee for analysis of, solicitation of public input on and negotiation of the city's lease with the Colorado Chautauqua Association.

1. The sub-committee shall consist of two council members and three representatives of the Colorado Chautauqua Association.

2. The council members shall be George Karakehian and Tim Plass.

3. The Colorado Chautauqua Association representatives shall be the executive director, one cottage owner and one board member who is not a cottage owner.

4. All meetings of the sub-committee shall be held only after public notice of the date, time and place.

5. All meetings shall be open to the public. The sub-committee shall allow time for public comment at each meeting.

6. The sub-committee shall conduct one meeting at which members of the Landmarks Board, the Open Space Board of Trustees, the Parks and Recreation Advisory Board and the Transportation Advisory Board are provided the opportunity to provide their advice regarding the lease.

7. The city manager and the city attorney are directed to provide staff support to facilitate the committee's work.

8. The committee shall select a professional facilitator to assist with the committee's work.

9. The appointed council members shall provide regular updates to the full council about the committee's work.

10. Council intends that the committee will complete its work by the end of May 2015.

APPROVED this 17th day of February, 2015.

Matthew Appelbaum
Mayor

ATTEST:

City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: Feb. 17, 2015

AGENDA TITLE: Consideration of a motion authorizing affiliate membership in the WestConnect Coalition

PRESENTERS

Jane S. Brautigam, City Manager
Carl Castillo, Policy Advisor

EXECUTIVE SUMMARY

Over the past months, Mayor Appelbaum has represented the City of Boulder in meetings with several other cities, counties, and state agencies about the formation of a coalition of local governments that would work together to solve transportation and connection issues in the southwest portion of the metro area. This group has come to be known as the WestConnect Corridor Coalition (the “Coalition”). Areas identified by the Coalition for discussion are: C-470 (Segment 2), 6th Avenue, State Highway 93, Jefferson Parkway, and Interlocken Loop Corridors from Kipling Parkway to Northwest Parkway. The Coalition is also expected to advocate for other projects that are expected to improve the overall transportation system in the area affected by the WestConnect Corridor.

The Coalition has developed a proposed charter which describes the coalition’s purpose, goals, membership and other matters (“Charter”). Members identified in the Charter are: Jefferson County, City and County of Broomfield; Cities of Arvada, Golden, Lakewood, and Morrison. Affiliate Members are: Ken Caryl Metro District, Boulder County; and municipalities of Superior, Boulder, Westminster, Bow Mar, and Littleton. State/Federal Affiliate Members are the following: Colorado Department of Transportation – Transportation Commissioner representing Jefferson County, CDOT Region 1, High Performance Transportation Enterprise, Federal Highway Administration, Regional Transportation District, and Denver Regional Council of Governments.

The stated mission of the WestConnect Coalition is: To collaboratively design and effectuate solutions enhancing the public's welfare, safety and mobility along the WestConnect Corridors and subsequent feeder roadways in order to:

- Provide Mobility Improvements for all Modes of Travel
- Enrich Quality of Life;
- Provide Economic Opportunity;
- Foster Regional Alliances;
- Engage and Encourage Public Support; and
- Accelerate Project Delivery.

Council is asked to authorize the city to adopt the Charter, the mayor to sign any documents necessary for that purpose, and appointment of Mayor Appelbaum as its representative to the Coalition and Policy Advisor Carl Castillo as the city's alternate representative. Participation in the Coalition will facilitate representation of city interests from an environmental, mobility, and quality of life perspective. Participation as an affiliate member does not commit, or imply any commitment to support any specific mobility improvement nor imply any future commitment of city funds.

Suggested Motion Language:

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

Motion to authorize the City to become an Affiliate Member of the WestConnect Coalition and for Mayor Appelbaum to execute documents to effectuate such membership, and designation of the mayor as the city's representative to the Coalition and the city's policy advisor as its alternate representative.

Attachment A: WestConnect Coalition Charter

CHARTER OF THE WESTCONNECT CORRIDOR COALITION

I. PURPOSE

The WestConnect Corridor Coalition (the “Coalition”) has come together to afford various public and quasi-public entities a forum for engaging in a coordinated and collaborative process to improve mobility for the C-470 (Segment 2), 6th Avenue, State Highway 93, Jefferson Parkway, and Interlocken Loop Corridors from Kipling Parkway to Northwest Parkway. The Coalition can consider advocating other projects that are expected to improve the overall transportation system in the area affected by the WestConnect Corridor. Options for those solutions will be advanced by consensus.

This Charter provides the framework for Coalition participants to seek transportation solutions and funding opportunities, contemplated to be reflected in separate memoranda of understanding or intergovernmental agreements. This Charter also sets forth a process to help fund and effectuate various tasks associated with achieving the identified improvements through this Coalition.

II. ADOPTED MISSION STATEMENT

The Coalition has adopted the following statement of its mission:

To collaboratively design and effectuate solutions enhancing the public’s welfare, safety and mobility along the WestConnect Corridors and subsequent feeder roadways in order to:

- *Provide Mobility Improvements for all Modes of Travel*
- *Enrich Quality of Life;*
- *Provide Economic Opportunity;*
- *Foster Regional Alliances;*
- *Engage and Encourage Public Support; and*
- *Accelerate Project Delivery.*

III. GOALS

In fulfillment of its mission statement, the Coalition has four overarching goals for the WestConnect Corridor:

- Develop and evaluate options for the C-470 (Segment 2), 6th Avenue, and State Highway 93, Jefferson Parkway, and Interlocken Loop Corridors which are cost effective and achievable as identified through all appropriate transportation and environmental studies by local, state, and federal authorities to meet the mission of the Coalition;
- Reach consensus on technical solution(s) for the C-470, 6th Avenue, and State Highway 93, Jefferson Parkway, Interlocken Loop Corridors;
- Develop a strategic plan for phased implementation of WestConnect Corridor improvements that provide the greatest contribution to the objectives identified in the Mission Statement; and
- Advocate for other improvements to the transportation system in the WestConnect Corridor region.

IV. NATURE OF THE COALITION – FORUM FOR CONSENSUS

This Coalition has been formed in the WestConnect corridor and affected region with the meaning as described below:

- Members must frame issues that support and enhance stated goals.
- Members trust each other and believe that their peers have a credible commitment to the stated goals.
- Members shall discuss and resolve differences to facilitate objectives that support the stated goals.
- Members and their communities have a shared incentive to participate and, consequently, benefit from transportation improvements in the WestConnect region.

It is not the intention of the Coalition participants to create a new, additional unit of government, or legal entity, except to the extent the Coalition may qualify as an unincorporated nonprofit association under the Uniform Unincorporated Nonprofit Association Act, Sections 7-30-101, *et seq.*, C.R.S. (the “UUNAA”). Rather, as a forum, the Coalition is intended to discuss and advance the employment of existing entities and the establishment of specific entities to accomplish the strategic plan it develops and to see to its phased implementation.

V. MEMBERSHIP

The Coalition’s membership comprises three membership categories: Members, Affiliate Members and State/Federal Affiliate Members (collectively the “Coalition Membership”) as described below. Additional participants may be added to any membership category by the members present at a meeting of the Coalition Membership.

The Coalition shall conduct its business, to the extent possible, without engaging in voting formalities, other than the election of a chairperson and vice chairperson pursuant to Section VI, but with the aim of reaching unanimous consensus. For the purpose of reaching unanimous consensus, all members of the Coalition shall be considered; including, Members, Affiliate Members, and State/Federal Affiliate Members.

Such consensus shall not be unreasonably withheld by any of the Coalition Membership. The Coalition Membership recognizes that there may come a time or issue that will nevertheless create some disagreement that the Coalition Membership will need to sort out.

The Coalition shall utilize the Context Sensitive Solution process, similar to the process outlined in Appendix A, to ensure collaboration.

A. Members

The Coalition’s Members shall be the following municipal, county and local governmental entities or agencies traversed or abutted by C-470, 6th Avenue, State Highway 93, and Interlocken Loop:

1. Jefferson County
2. City of Arvada
3. City and County of Broomfield
4. City of Golden
5. City of Lakewood
6. Town of Morrison

Each Member shall designate one elected official to appear at and participate in the Coalition’s meetings as that Member’s representative, as well as one alternate representative who may be either an elected official or a staff person employed by the designating Member. Designations shall be submitted in writing. Changes in designations shall be submitted in writing at subsequent meetings of the Coalition and they shall be effective immediately upon submission. Each Member shall act through its representative or, in his/her absence, its alternate representative.

B. Affiliate Members

Affiliate Members shall be municipal, county and local governmental or private entities or agencies (the “Affiliate Members”) and comprise the following:

1. Town of Superior
2. City of Westminster
3. City of Littleton*
4. Ken Caryl Metro District*
5. Town of Bow Mar*
6. Boulder County
7. City of Boulder

*This is a preliminary list of potential Affiliate Members who may want to participate. The potential Affiliate list was developed by the author of the Charter and in no way should be construed that the individual governmental agencies, quasi-governmental agencies or non-profit have agreed to be Affiliate Members.

The Affiliate Members are recognized separately for their ability to provide essential and meaningful input necessary to advance the goal of consensus within the Coalition and the broader community.

Each Affiliate Member shall designate both a primary and an alternate representative who may be, but are not required to be, elected officials. Written notice of the designations shall be provided in the manner set forth in Section V(A).

C. State/Federal Affiliate Members

State/Federal Affiliate Members (“State/Federal Affiliates”) shall be the following state and federal governmental entities and other transportation agencies:

1. Colorado Department of Transportation (“CDOT”)
 - a. Transportation Commissioner representing Jefferson County
 - b. CDOT Region 1
 - c. High Performance Transportation Enterprise (“HPTE”)

2. Federal Highway Administration (“FHWA”)
3. Regional Transportation District (“RTD”)
4. Denver Regional Council of Governments (“DRCOG”)

The State/Federal Affiliates are recognized separately for either their ownership of or investment in C-470, 6th Avenue, and State Highway 93, their unique ability to provide funding opportunities for WestConnect Corridor transportation or their role in issuing official rulings, decisions or authorizations related to permitting and funding necessary for the C-470, 6th Avenue, and State Highway 93 Corridors. They are critical to improving transportation but, given political and legal considerations, will likely have to consider consent to certain C-470, 6th Avenue, and State Highway 93 Corridor activities or may be in a position to consider approval of activities in some official capacity. Therefore, they have chosen to participate in a limited capacity in order to maintain the independence of their official roles.

State/Federal Affiliates, other than the Colorado Department of Transportation, shall designate both a primary and an alternate representative who may be elected officials, or who may be staff of the State/Federal Affiliates with policy making responsibilities. CDOT shall be represented by one appointed Transportation Commissioner that represents Jefferson County. The Transportation Commissioner may designate CDOT staff with policy making responsibilities as either their primary representatives or as their alternates. Written notice of the designation shall be provided in the manner set forth in Section V(A).

VI. COALITION STEERING COMMITTEE

The Members’ representatives shall comprise the steering committee for the Coalition (the “Steering Committee”). The Steering Committee shall execute on all Coalition activities undertaken in furtherance of the Coalition’s goals and shall be specifically empowered to set Coalition Membership meetings and agendas therefore, and to conduct the Coalition Membership’s meetings. Typically, the chairman (or the vice chairman in his / her absence), shall set the meeting agendas, until the Steering Committee elects to do otherwise. In furtherance of these duties, the Steering Committee may establish rules of conduct for the meetings and elect, from among its primary (not its alternate) representatives, a chairman and a vice-chairman.

The Steering Committee shall be authorized to interface with all entities, public and private, relevant to the WestConnect Corridors and shall report to the Coalition Membership at Coalition meetings.

All Steering Committee meetings shall be open to the public. The Steering Committee shall determine whether and how the public can provide comments to the Coalition.

VII. COALITION TECHNICAL WORKING GROUP

The Coalition recognizes that technical solutions and related issues are integral to the WestConnect Corridors and the Coalition will convene a working group to evaluate, study and make recommendations on such matters (the “Technical Working Group”). The Technical Working Group shall provide technical information necessary for the Steering Committee to advance the Coalition’s goals for the WestConnect Corridors. The Technical Working Group shall be comprised of a representative from each of the Member, Affiliate Member, and State/Federal Affiliate Member entities with designation of an alternate.

VIII. MEETINGS

Coalition meetings shall be chaired by the chairman of the Steering Committee and conducted pursuant to such rules as may be established as provided in Section VI. In the absence of the chairman, a Coalition meeting shall be chaired by the vice-chairman. In the absence of the chairman and the vice-chairman, a Coalition meeting shall be chaired by any other representative serving on the Steering Committee who may be selected by the Steering Committee to chair the meeting.

The Coalition’s main meeting activities shall consist of monthly or bi-monthly meetings to (1) update the Coalition Membership on the WestConnect Corridors and other progress, (2) update the Coalition Membership on Steering Committee activities, (3) update the Coalition Membership on Technical Working Group activities, (4) engage the Coalition Membership and enlist their input and (5) report on other relevant items and actions.

IX. FORMALIZATION OF BOARD ACTIVITIES AND GOVERNANCE

As of the date it has adopted this Charter, the Coalition does not anticipate the need for immediate formalization of its structure by formation of a separate legal entity, beyond the Coalition’s likely qualification as an unincorporated nonprofit association under the UUNAA. Further, the Coalition does not anticipate the need to establish a meeting quorum, voting allocations, elect a board of directors or officers or engage in other formal operational matters such as contracting, hiring employees and raising and spending funds. The Coalition believes premature focus on such items might undermine consensus engagement and recognizes that such formalities may evolve as necessary, or they may never be needed. Therefore, only when and if such formalizing steps become appropriate, the Coalition will consider adopting processes beyond those identified in this Charter.

X. ACTIVATION AND FUNDING COOPERATION PROTOCOLS

As the Coalition analyzes various alternatives for the WestConnect Corridor, the need for designating or establishing operating and executory entities and funding therefor may arise. Areas which may require activation and funding during the life of the Coalition may include, among

other things: engineering, environmental work and environmental clearances, financial modeling and forecasting, banking, traffic and revenue modeling and forecasting, taxation authorization, construction, operational and administrative (e.g., legal, accounting and audit) and other costs.

The funding for these needs, alone or in combination, must ultimately be met or obtained by the Coalition Membership, if the Coalition’s goals are to be attained. However, it is the Coalition’s intent that the Coalition Membership self-select whether to participate in operational and funding opportunities. Therefore, the following protocols will guide involvement of the Coalition Membership:

A. Identification of Funding Need

Funding needs may be identified by the Coalition’s Technical Working Group or the Steering Committee and, once identified, will be presented to the Coalition Membership at one or more meetings.

B. Funding Request Issued

Following the Members’ determination to proceed with one or more funding needs, the Steering Committee may cause to be issued a written “Request for Funding” to all of the Coalition Membership.

Those Members, Affiliate Members or State/Federal Affiliates interested in participating in funding may deliver to the Steering Committee a written “Notice of Intent to Participate,” including participation parameters, if any.

C. Participation by IGA/MOU

All Members, Affiliate Members and State/Federal Affiliates interested in participating in funding opportunities shall thereafter, as soon as is reasonably possible, negotiate and enter into an intergovernmental agreement (“IGA”), a memorandum of understanding (“MOU”) or such other documentation as is appropriate to provide such funding. Any IGA or MOU entered into pursuant to this section may provide solely for funding or may identify or establish one or more interim funding entities, and provide for their operation and governance.

APPENDIX A

CONTEXT SENSITIVE SOLUTION PROCESS

Overview of the 6-Step Process



The 6-Step Process is the starting point for all projects to ensure collaboration. The 6-Step Process is consistent with Decision Science principles and can be followed on all projects from corridor-wide planning to construction change orders.

The 6 Steps are:

Step 1: Define Desired Outcomes and Actions

Using the CSS Guidance and other relevant materials, this step establishes the project goals and actions. It also defines the terms to be used and decisions to be made.

Step 2: Endorse the Process

This step establishes participants, roles, and responsibilities for each team. The process is endorsed by discussing, possibly modifying, and then finalizing with all teams the desired outcomes and actions to be taken.

Step 3: Establish Criteria

This step establishes criteria, which provides the basis for making decisions consistent with the desired outcomes and project goals. The criteria measure support for the Core Values for the I-70 Mountain Corridor.

Step 4: Develop Alternatives or Options

The Project Staff works with the Project Leadership Team, stakeholders, and the public to identify alternatives or options relevant to the desired outcomes, project-specific vision, and goals.

Step 5: Evaluate, Select, and Refine Alternative or Option

The process of analyzing and evaluating alternatives applies the criteria to the alternatives or options in a way that facilitates decision making. This may be a one-step or multi-step process depending on the complexity of the alternatives and the decision.

Step 6: Finalize Documentation and Evaluate Process

Documentation should be continuous throughout the process. Final documentation will include each of the previous steps, final recommendations, and the process evaluation.

These steps are intended to provide a clear and repeatable process that is fair and understandable. The order of the steps is as important as the activities within each step.

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.
- During a council meeting, any form of electronic messages, including emails and texts, that relate to matters being considered and which arrived at any time during that meeting shall not be read by council members, nor shall any messages on matters under consideration be sent by council members.

Council Communication:

- Council members agree to keep quasi-judicial roles scrupulously separate between members of boards and members of council, avoid expressing ideas to board members on things coming before the board, and carefully disclose or recuse themselves when there 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, through 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 responsive 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.

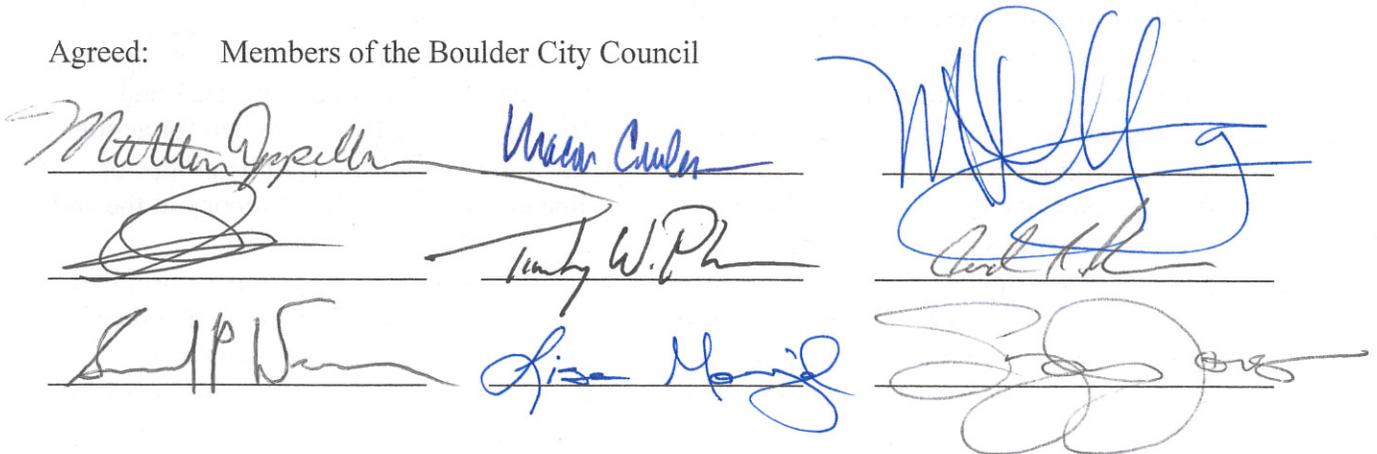
Council Committees:

- Council committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each 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.

Selection of Mayor and Mayor Pro Tem:

- Council members will make a good faith effort to select the mayor and mayor pro tem in an open and transparent process.
- After the council election, members seeking election as mayor or mayor pro tem should:
 - make their interest in the positions known to their fellow members as soon as possible;
 - focus their communication with other council members on the positive attributes the member brings to the positions; and
 - refrain from any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals' presentations may include, but need not be limited to the following:
 - the skills and attributes the member would bring to the mayoral position;
 - the member's ability to efficiently run council meetings, respect the views of the minority while allowing the majority to rule, and perform other mayoral duties;
 - how the member would represent the city and city council and mayor position at gatherings outside of city council meetings
 - how the member would serve on and appoint other council members to regional and national boards and commissions; and
 - how the member would promote trust of the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

Agreed: Members of the Boulder City Council



Handwritten signatures of council members, including names like Matthew Appella, Nancy W. Ph..., Lisa M..., and others, arranged in three rows and three columns.

2014

2015

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Comprehensive Housing Strategy	Council	Briefing - with other related efforts, workplan	SS - objectives, recommended early action items	Briefing	Direction on policy options	Adopt strategy and action plan			
	Staff Activities	Housing choice analysis; needs assessment; best practices; trends data; workplan	Opportunity site inventory; potential tools with "bang for buck" analysis	Develop policy options and recommendations; stakeholder engagement					
North Boulder	Council	IP - update and preliminary policy choices	Briefing - options and feedback	Update and direction					
	Staff Activities	Public meeting with options	Preferred options and refined action plan	Action plan					
East Arapahoe/Sustainable Streets and Centers	Council		Briefing - issues, scope, and feedback	SS - preferred scenarios, draft plan, and action plan	Plan "Lite" - council action	Next Corridor - 30th St or Colorado			
	Staff Activities	Joint East Arapahoe workshop to "test" planning workshop	East Arapahoe scope of work, public workshop, scenario modeling, character definition	Scenario refinement and recommendations	Develop East Arapahoe action plan				
Resilience	Council		Briefing - scope agenda		SS - scoping session	SS	Direction or IP	Direction or IP	Direction or IP
	Staff Activities	Agenda setting workshop 4/28	Hire Asst. City Manager, begin strategy development	Scope strategy components	Scoping	Resilience work	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Boulder Valley Comprehensive Plan	Council				SS - scoping session	SS	Direction or IP	Direction or IP	Direction or IP
	Staff Activities				Scoping analysis and partner outreach	Issues identification	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Other	Council	Annexation Strategy - Direction (options and feedback)	Usable open space - Code Change	Economic Sustainability Strategy implementation - Code Change					
		Density/ROW Dedication Calculations - Code Change	Parking generation and reduction - Code Change						
		County Assessor valuations for landscape and lighting upgrades - Code Change	Renewable energy sources - Code Change						
	Staff Activities	Annexation Strategy - analyze costs and options	Planning Board for above code changes	Planning Board for above code changes					
Planning Board for above code changes									

HOUSING/LAND USE/PLANNING

		2014				2015				
Project	Council or Staff?	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
TRANSPORTATION	Transportation Master Plan	Council	IP (includes scope for AMPs)	SS (includes AMPS)	Acceptance - establish work program and coordination	Continue implementing pilots	Coordination with BVCP	Coordination with BVCP	Coordination with BVCP	Coordination with BVCP
		Staff Activities	Scenario and sensitivity analysis	Joint board workshop, TAB	Develop final update for board recommendation and council acceptance	Implement and coordination with BVCP and Resilience				
	Community EcoPass	Council	Feasibility Study - joint release with County	Rolls into TMP update						
		Staff Activities								
	Regional Transportation	Council	Briefing	Briefing		Briefing		Briefing		Briefing
		Staff Activities								
	Electric Vehicle Parking Ordinance/Energy Services	Council	Council agenda	SS			IP	IP	IP	IP
		Staff Activities								
	Access Management and Parking Strategies	Council	Scope	SS - Guiding principles, work program and process (includes TMP update)	Round 1 Code Changes - Auto and parking planning, zoning regs, EV charging stations	Update - Work plan and policy issues	Long Term Round 2 - Parking code changes and other policy issues	Council endorsement of ongoing work plan		
		Staff Activities	Finalize work program	Short term parking code regulation changes	Long term parking code changes	Long term parking code changes	Additional workplan items and public process tbd	Finalize document		
			TDM tool kit development for TMP integration	Long term parking code regulation changes	Additional workplan items tbd	Additional workplan items and public process tbd				
			Short term parking code ordinance changes	Public outreach and joint board meeting						
			Research/best practices	Additional workplan items tbd						
			Develop communications strategy							

ADD'L HOUS/PLAN/TRANS	Comp. Financial Strategy/Capital Bond	Council	Direction	SS	SS - finalize ballot?	Ballot?			
		Staff							
	Cap. Bond 1 Implement.	Staff		Construction			85% complete		100% Complete
	Flood Recovery	Staff		Repairs and FEMA Reimbursement	FHWA/FEMA work	FHWA/FEMA work	Building Better Boulder		Building Better Boulder
	Boulder Junction Phase 1 Implementation	Staff			South side of Pearl opens	Ongoing redevelopment coordination		Goose Creek Bridge opens	Depot Square opens
	Boulder Junction Phase 2 - City owned site	Staff		Coordination	Coordination		Coordination		
	Yards mobilized to move for Pollard option	Staff		Grading, prairie dogs, moving	Final prep			Yards moves continue	
	Safe Routes to School	Staff			Public process to prioritize projects		Application		
Implement Transpo.Tax	Staff		Expand maintenance, hire						

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Homelessness/Human Services	Council Items	Shelter/ Funding: Update on position and relationship with Boulder Shelter; Shelter funding and issues update and other funders.	SS - Human Services Strategy Update and Homeless Action Plan (including funding priorities and partnerships)	IP - Homelessness Issues	SS - Human Services Strategy Update and Homeless Action Plan (including funding and service priorities)				
				Regional Planning update/services and housing					
				2014 Point in Time Report					
				SS - Services and Regional coordination update	IP - Services and Regional coordination	IP - Services and Regional	SS - Services and Regional coordination	SS - Services and Regional	IP - Services and Regional
	Staff Activities	Facilitate monthly Boulder Homeless Planning Group re:	HS Strategy Update and Homeless Action Plan Update	HS Strategy Update and Homeless Action Plan -					
		Convene regional meeting with Denver/Boulder/MDHI							
County Ten Year Plan meeting with focus on meeting housing		County Ten Year Plan meeting with focus on meeting housing							
Neighborhood/Park Events and Other Events	Council Items	GOCO grant application		GOCO grant acceptance					
					SS - Special Events with Street Closures and Block Party Permitting				
	Staff Activities	Review current PR permits and developm pilot program	Conduct pilot neighborhood event (link with Hill and GOCO school yard grant)	Conduct pilot neighborhood event	Review neighborhood park planning and event pilot success and plan schedule for 2015	Finalize nneighborhood event schedule for 2015	Conduct neighborhood events	Conduct neighborhood events	Review pilot program and propose permit changes required to make improvements
		Link with park planning outreach	Summer recreation programs - arts, music, health, wellness	Continue summer art series and volunteer events					
		GOCO school yard grant	Submit GOCO grant	GOCO grant award - start civic area community park					
			Review and analysis of existing special event permitting	Develop recommendations					
Arts	Council Items		SS - Library & Arts, including Community Cultural Plan			Adoption of Community Cultural Plan			
	Staff Activities		Work with new director						

LIVABILITY

2014

2015

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Code Enforcement	Council Items	SS	SS (includes Social Issues Strategy information)						
	Staff Activities								
University Hill	Council Items	IP - 14th St Public/Private Partnership	Update - 14th St Public/Private Partnership	Update - 14th St Public/Private Partnership					
		Bears/Trash							
	Staff Activities		SS - Hill Reinvestment Strategy	Update - Hill Reinvestment Strategy					
		14th St - Hill Alt. Mode survey	14th St - Finalize analysis and develop recommendation to proceed with the Global Agreement						
		14th St - Finalize LOI							
		14th St - Financial Analysis							
		14th St - Additional access analysis							
		14th St - Board outreach							
		Pilot Parklet Competition	Parklet Implementation						
		Outreach to CU and stakeholders for support of Reinvestment Strategy	Fox Theatre mural by CU students	start pilot RSD program (to run through 2016)					
Recommendation for staffing Strategy implementation and prelim. analysis of future org structure options	Hire a fixed term Hill Coordinator								
Civic Area	Council Items					SS - Park Program and Improvements			
	Staff Activities	Civic Activity Team established	Coordinate music in park series		Review summer series success and revise for 2015	Prepare first phase of park improvements for 2015	Conduct adult fitness and health classes	Conduct visitor event at civic area around art installations	
		Hire Civic Area staff for P&R	Add seasonal park staff for outdoor education and orientation		Expand Ready to Work crew	Revise summer programs and plan for 2015	Install temporary adult fitness playground	Coordinate horticulture gardens with Farmers' Market event	
		Prepare GOCO grant for nature play and park planning	Conduct volunteer event around upgrades to Peace Garden and edible plant exhibit		Complete park planning outreach	Conduct art competition for summer installation	Install south side nature play area		
		Work with Park Foundation to develop plan for art and entertainment	Coordinate with CU for partnership with GUB and Civic Area park plan		Develop 1% for Arts demonstration project in partnership with foundations and non-profits		Expand seasonal staffing and horticulture/edible garden displays		

LIVABILITY

		2014				2015			
Project	Council or Staff?	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
OPEN SPACE	Charter Issues	Council Items			Address disposition process and use of Realization Point for pro bike race				
		Staff Activities							
	Highway 93 Underpass	Council Items							
		Staff Activities			In process				
	Eldo to Walker Ranch	Council Items							
		Staff Activities	City/County review of contractor proposals for potential mountain bike connection	Routes - weather dependent					
	IBM Connector	Council Items							
		Staff Activities		City/County requirement complete and await railroad to replace bridge					
	Trailhead as part of transportation system	Council Items							
		Staff Activities			status update				
	Other or not categorized	Council Items							
		Staff Activities			additional signage				

Project	Council or Staff?	2014				2015				
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
OTHER	Emerald Ash Borer (EAB)	Council	IP Develop preliminary management plan	Implement pilot plan	Monitoring	Evaluate long term forest management plan and EAB strategy	Management plan and response	Response	EAB	EAB
	Civic Use Pad	Council	SS - Public/private partnership	Approval of MOU with St. Julien Partners	Update on negotiations with St. Julien Partners					
	Human Services Strategy	Council		SS		SS		Public hearing		
	Various	Council	IGA with CDOT/County for US 36 bikeway maintenance	Pilot dog waste composting project - Valmont and OSMP possible site	Transportation code changes for AMPS	Smoking ban - public hearing				
			IGA for bikeway maintenance/ US 36 enhancements	CEAP call up for Baseline Underpass east of Broadway	Comprehensive Annual Financial Report					
			Old Pearl Street ROW vacation	DRCOG TIP Priorities for city applications	Appointment of independent auditor					
Transportation code changes - bike parking, TDM, etc.			Mobile food vehicles - ordinance change to expand podding in downtown	Update on investment policies - action						
NPP - zone expansions and removal				Modification of construction use tax filing - IP then action						
				Pearl Street Mall regulations - code changes						

COUNCIL MEMBERS

Matthew Appelbaum	Mayor
George Karakehian	Mayor Pro Tem
Macon Cowles	Council Member
Suzanne Jones	Council Member
Lisa Morzel	Council Member
Tim Plass	Council Member
Andrew Shoemaker	Council Member
Sam Weaver	Council Member
Mary Young	Council Member

COUNCIL EMPLOYEES

Thomas A. Carr	City Attorney
Jane S. Brautigam	City Manager
Linda P. Cooke	Municipal Judge

KEY STAFF

Mary Ann Weideman	Assistant City Manager
Bob Eichem	Chief Financial Officer
Alisa D. Lewis	City Clerk
Patrick von Keyserling	Communications Director
David Driskell	Executive Director of Community Planning and Sustainability and Acting Director of Housing
Molly Winter	Downtown, University Hill Management & Parking Services Director
Heather Bailey	Energy Strategy and Electric Utility Development Executive Director
Michael Calderazzo	Acting Fire Chief
Joyce Lira	Human Resources Director
Karen Rahn	Human Services Director
Don Ingle	Information Technology Director
Eileen Gomez	Labor Relations Director
David Farnan	Library and Arts Director
James Cho	Acting Municipal Court Administrator
Michael Patton	Open Space and Mountain Parks Director
Jeff Dillon	Acting Parks and Recreation Director
Greg Testa	Police Chief
Maureen Rait	Executive Director of Public Works
Cheryl Pattelli	Director of Fiscal Services
Tracy Winfree	Transportation Director
Jeff Arthur	Utilities Director

2015 City Council Committee Assignments

INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel, Plass (Castillo – staff alternate)
Boulder County Consortium of Cities	Young, Morzel (alternate)
Colorado Municipal League (CML) – Policy Committee	Jones, Cowles (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Jones, Plass
Housing Authority (Boulder Housing Partners)	Shoemaker
Metro Mayors Caucus	Appelbaum
National League of Cities (NLC)	Appelbaum, Cowles
Resource Conservation Advisory Board	Morzel (at large seat), Plass
Rocky Flats Stewardship	Morzel, Plass (1 st alternate), Castillo (2 nd alternate)
University of Colorado (CU)/City Oversight	Cowles, Shoemaker, Weaver
US36 Mayors and Commission Coalition	Appelbaum
US36 Commuting Solutions	Karakehian, Morzel (alternate)
Urban Drainage and Flood Control District	Jones

LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Young
Boulder Convention and Visitors Bureau	Plass, Cowles (alternate)
Dairy Center for the Arts	Jones
Downtown Business Improvement District Board	Weaver, Young

INTERNAL CITY COMMITTEES

Audit Committee	Cowles, Morzel, Shoemaker
Boards and Commissions Committee	Plass, Shoemaker
Boulder Urban Renewal Authority (BURA) Mayoral Appointment	Karakehian
Charter Committee	Karakehian, Morzel, Weaver
Civic Use Pad/ 9 th and Canyon	Karakehian, Morzel, Young
Council Employees Salary Review	Cowles, Shoemaker
Council Retreat Committee	Jones, Morzel
Evaluation Committee	Morzel, Plass
Housing Strategy Process Sub-Committee	Morzel, Shoemaker, Young
Legislative Committee	Jones, Karakehian, Weaver
School Issues Committee	Morzel, Plass, Shoemaker

SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Jones
Kisumu, Kenya	Morzel
Llaza, Tibet	Shoemaker
Dushanbe, Tajikistan	Weaver
Yamagata, Japan	Plass
Mante, Mexico	Young
Yateras, Cuba	Karakehian, Cowles (alternate)
Sister City Sub-Committee	Morzel, , Karakehian

2015 Study Session Calendar

	A	B	C	D	E	F	G	H	I	J
1	Date	Status	Topic		Location	Contacts	Materials Due	Draft Summary Due	Final Summary Due	Deadline Email Sent
11										
12		Approved	Briefing: Housing Update (televised)	5:00 - 6 PM	Chambers	David Driskell/Melinda Melton	N/A	N/A	N/A	
13	02/24/15	Approved	TMP Implementation Follow Up	6-7:30 PM	Chambers	Kathleen Bracke/Rene Lopez	02/12/15	03/05/15	03/11/15	08/22/14
14		Approved	Envision East Arapahoe - Review Analysis and Transportation Options	7:30-9 PM	Chambers	Leslie Ellis/Melinda Melton	02/12/15	03/05/15	03/11/15	11/03/14
15										
16	03/05/15	Approved	Board and Commission Interviews (Thursday)	6-9 PM	1777 West	Alisa Lewis/Dianne Marshall	02/21/15	N/A	N/A	N/A
17	03/10/15	Approved	Board and Commission Interviews	6-9 PM	1777 West	Alisa Lewis/Dianne Marshall	02/21/15	N/A	N/A	N/A
18	03/12/15	Approved	Board and Commission Interviews (Thursday)	6-9 PM	1777 West	Alisa Lewis/Dianne Marshall	02/21/15	N/A	N/A	N/A
19										
20	03/31/15	Approved	Sister City Dinner	5-7 PM	Lobby	Alisa Lewis/Dianne Marshall	03/01/15	N/A	N/A	
21		HOLD	Hold for Planning		Chambers		03/19/15	04/09/15	04/15/15	
22										
23		Approved	Board and Commission Reception	5-6 PM	Lobby	Alisa Lewis/Dianne Marshall	04/06/15	N/A	N/A	N/A
24	04/14/15	Approved	Fire Department Operations, Deployment, Light Rescue Vehicle Response and Master Plan update	6-7:30 PM	Chambers	Michael Calderazzo/Laurie Ogden	04/02/15	04/23/15	04/29/15	
25		Approved	2014-2015 Financial Overview and Ballot Measures	7:30 - 9 PM	Chambers	Bob Eichem/Elena Lazarevska	04/02/15	N/A	N/A	
26										
27		Approved	Briefing: Housing Update	5-6 PM	Chambers	Jeff Yegian/Alyssa Ostrander		05/07/15	05/13/15	01/15/15
28	04/28/15	Approved	Human Services Strategy	6-8 PM	Chambers	Wendy Schwartz/Randall Roberts	04/16/15	05/07/15	05/13/15	
29		Approved	Utility Rate Study: Key Questions and Guiding Principles	8-9 PM	Chambers	Eric Ameigh/Jeff Arthur/Rene Lopez	04/16/15	05/07/15	05/13/15	12/10/14
30										
31	05/12/15	Approved	Boulder's Energy Future	6-8 PM	Chambers	Heidi Joyce/Heather Bailey	04/30/15	05/21/15	05/27/15	10/19/14
32		Approved	Commercial and Industrial Energy Efficiency Ordinance Options	8-9 PM	Chambers	Kendra Tupper/Melinda Melton	04/30/15	05/21/15	05/27/15	02/10/15
33										
34		Approved	Briefing: Community Culture Plan	5-6 PM	Chambers	Matt Chasansky/Carrie Mills	N/A	N/A	N/A	
35	05/26/15	Approved	Hill Reinvestment Strategy Update and Policy Direction	6-7:30 PM	Chambers	Molly Winter/Ruth Weiss	05/14/15	06/04/15	06/10/15	12/15/14
36		Approved	AMPS Update	7:30-9 PM	Chambers	Molly Winter/Ruth Weiss	05/14/15	06/04/15	06/10/15	12/15/14
37										
38	06/09/15	Approved	Housing Boulder	6-7:30 PM	Chambers	Jay Sugnet/Melinda Melton	05/28/15	06/18/15	06/24/15	01/15/15
39		OPEN		7:30-9 PM	Chambers					
40										
41	06/23/15	Council Recess June 17-July 12								
42	06/30/15	Council Recess June 17-July 12								
43										
44	07/14/15	Approved	Community Cultural Plan	6-7:30 PM	Chambers	Matt Chasansky/Carrie Mills	07/02/15	07/23/15	07/29/15	12/04/14
45		Approved	Ballot Measures	7:30-9 PM	Chambers	Elena Lazarevska/Bob Eichem	07/02/15	07/23/15	07/29/15	
46										
47		OPEN	Briefing:	5:30-6 PM	Chambers		N/A	N/A	N/A	
48	07/28/15	Approved	Climate Commitment Goal and Strategy Proposal	6-7:30 PM	Chambers	Brett KenCairn/Melinda Melton	07/16/15	08/06/15	08/12/15	01/21/15
49		OPEN		7:30-9 PM						
50										
51	08/11/15	Approved	2016 CIP Study Session	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem	07/30/15	08/20/15	08/26/15	12/22/14

2015 Study Session Calendar

	A	B	C	D	E	F	G	H	I	J
1	Date	Status	Topic		Location	Contacts	Materials Due	Draft Summary Due	Final Summary Due	Deadline Email Sent
52	08/17/15	OPEN		7:30-9 PM	Chambers					
53										
54		OPEN	Briefing:	5:30-6 PM	Chambers		N/A	N/A	N/A	
55	08/25/15	Approved	TMP Implementation Follow Up (pending first check-in on 2/24)	6-7:30 PM	Chambers	Randall Rutsch/Rene Lopez	08/13/15	09/03/15	09/09/15	02/03/15
56		OPEN		7:30-9 PM	Chambers		08/13/15	09/03/15	09/09/15	
57										
58	09/08/15	Approved	2016 Budget Study Session	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem	08/27/15	09/17/15	09/23/15	12/22/14
59		Approved	Emerald Ash Borer	7:30-9 PM	Chambers	Kathleen Alexander/Sally Dieterich	08/27/15	09/17/15	09/23/15	01/29/15
60										
61		OPEN	Briefing:	5:30-6 PM	Chambers		N/A	N/A	N/A	
62	09/22/15	Approved	2016 Budget Study Session	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem	09/10/15	10/01/15	10/07/15	12/22/14
63		OPEN		7:30-9 PM	Chambers		09/10/15	10/01/15	10/07/15	
64										
65	09/29/15	OPEN		6-7:30 PM	Chambers		09/17/15	10/08/15	10/14/15	
66		OPEN		7:30-9 PM	Chambers					
67										
68	10/13/15	OPEN		6-7:30 PM	Chambers		10/01/15	10/22/15	10/28/15	
69		OPEN		7:30-9 PM	Chambers					
70										
71		OPEN	Briefing:	5:30-6 PM	Chambers		N/A	N/A	N/A	
72	10/27/15	OPEN		6-7:30 PM	Chambers		10/15/15	11/05/15	11/11/15	
73		OPEN		7:30-9 PM	Chambers					
74										
75	11/10/15	Approved	AMPS Update	6-7 PM	Chambers	Molly Winter/Ruth Weiss	10/29/15	11/19/15	11/25/15	12/19/14
76		OPEN		7-9 PM	Chambers					
77										
78	11/24/15	Thanksgiving Holiday Week								
79										
80	12/08/15	Approved	Utility Rate Study: Preliminary Findings	6-7:30 PM	Chambers	Eric Ameigh/Jeff Arthur/Rene Lopez	11/25/15	12/17/15	12/23/15	12/10/14
81		OPEN		7:30-9 PM	Chambers					
82										
83	12/22/15	Christmas Holiday Week								
84	12/29/15	New Years Holiday Week								

February 26, 2015 Start Time: 6:00 PM Special Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 2/12 :: Final 2/18
Agenda Section	Item Name	Time				
PUBLIC HEARINGS	Height Modification Ordinance	120	Minutes			Charles Ferro/Melinda Melton
			Minutes			
Total Estimated Meeting Time (Hours:Minutes)		3.00				

March 3, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 2/19 :: Final 2/25
Agenda Section	Item Name	Time	Minutes			
SPECIAL PRESENTATIONS			Minutes			
OPEN COMMENT		45	Minutes			
CONSENT	1st Reading of Consideration of New Cable Franchise Agreement with Comcast	15	Minutes	yes	no	Carl Castillo/Dianne Marshall
	Proposed Appropriations to Meet Additional Workload Levels			no		Bob Eichem/Elena Lazarevska
	IGA with Boulder County for trail work			no	no	Jim Reeder/Cecil Fenio
PUBLIC HEARINGS	2nd reading and public hearing of an ordinance to change certain BMS zoning district standards and uses as part of the University Hill Moratorium project	90	Minutes	yes	yes	Karl Guiler/Melinda Melton
	2nd reading Landmark Designation Ordinance for 747 12th Street	90	Minutes		yes	James Hewat/Melinda Melton
MATTERS FROM CITY MANAGER			Minutes			
MATTERS FROM CITY ATTORNEY			Minutes			
MATTERS FROM MEMBERS OF COUNCIL			Minutes			
CALL-UPS			Minutes			
		Total Estimated Meeting Time (Hours:Minutes)		4:00		

March 17, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 3/5 :: Final 3/11
Agenda Section	Item Name	Time	Minutes			
SPECIAL PRESENTATIONS			Minutes			
OPEN COMMENT		45	Minutes			
CONSENT	Study Session Summary for 2/24 Envision East Arapahoe Plan	15	Minutes			Lesli Ellis/Melinda Melton
	1st reading of an ordinance for the annexation of Old Tale Road neighborhood			yes		David Driskell, Beverly Johnson
	1st reading Landmark Designation Ordinance for 977 7th Street			no		James Hewat/Melinda Melton
	1st reading Landmark Designation Ordinance for 1029 Broadway					James Hewat/Melinda Melton
	Disposal of Open Space property for power pole easement to Public Service			no	no	Jim Schmidt/Cecil Fenio
	3rd reading and public hearing of an ordinance to change certain BMS zoning district standards and uses as part of the University Hill Moratorium project					Karl Guiler/Melinda Melton
PUBLIC HEARINGS	Proposed Appropriations to Meet Additional Workload Levels	30	Minutes	no	no	Bob Eichem/Elena Lazarevska
MATTERS FROM CITY MANAGER	Boulder Civic Area direction for Civic Area Master Plan and Parkland Site Plan	45	Minutes	no	yes	Joanna Crean, Melinda Melton
MATTERS FROM CITY ATTORNEY			Minutes			
MATTERS FROM MEMBERS OF COUNCIL	Board and Commission Appointments	60	Minutes			Alisa Lewis/Dianne Marshall
CALL-UPS			Minutes			
		Total Estimated Meeting Time (Hours:Minutes)		3:15		

March 24, 2015 Start Time: 6:00 PM Special Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 3/12 :: Final 3/18
Agenda Section	Item Name	Time				
PUBLIC HEARINGS	Nablus Sister City Application - application withdrawn		Minutes			
	Total Estimated Meeting Time (Hours:Minutes)					

April 7, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 3/26 :: Final 4/1
Agenda Section	Item Name	Time	Minutes			
SPECIAL PRESENTATIONS			Minutes			
OPEN COMMENT		45	Minutes			
CONSENT	Proposed Appropriations for Ballot Item 2A Capital Projects and Appropriations for Recreational Marijuana	15	Minutes			Bob Eichem/Elena Lazarevska
	1st reading to consider amendments to Title 9 for Medical Office			no		Jeff Hirt/Melinda Melton
	Energy Future: 1st Reading Open Access Transmission Tariff (moved from 3/17)			yes	no	Heather Bailey/Heidi Joyce
	1st Reading Cottage Foods Ordinance			yes	no	Tom Carr/Heather Hayward
PUBLIC HEARINGS	2nd Reading of Ordinance to Approve Cable Franchise Agreement with Comcast	60	Minutes		No	Carl Castillo/Dianne Marshall
			Minutes			
			Minutes			
MATTERS FROM CITY MANAGER			Minutes			
MATTERS FROM CITY ATTORNEY			Minutes			
MATTERS FROM MEMBERS OF COUNCIL			Minutes			
CALL-UPS			Minutes			
		Total Estimated Meeting Time (Hours:Minutes)		2:00		

April 21, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 4/9 :: Final 4/15
Agenda Section	Item Name	Time	Minutes			
SPECIAL PRESENTATIONS			Minutes			
OPEN COMMENT		45	Minutes			
CONSENT		15	Minutes			
PUBLIC HEARINGS	2nd reading Ordinance for Annexation of Old Tale Road Neighborhood	90	Minutes	yes	yes	Beverly Johnson/Melinda Melton
	Proposed Appropriations for Ballot Item 2A Capital Projects and Appropriations for Recreational Marijuana Revenue - Possible consent depending on 1st reading response	30	Minutes			Bob Eichem/Elena Lazarevska
	2nd Reading and Consideration of Approval of Amendments to Title 9 for Medical Office	10	Minutes	no	yes	Jeff Hirt/Melinda Melton
	2nd Reading Open Access Transmission Tariff	60	Minutes			Heather Bailey/Heidi Joyce
	2nd reading Landmark Designation Ordinance for 977 7th Street	15	Minutes		yes	James Hewat/Melinda Melton
	2nd reading Landmark Designation Ordinance for 1029 Broadway	15	Minutes		yes	James Hewat/Melinda Melton
MATTERS FROM CITY MANAGER	Motion to accept the Boulder County Age Well Plan Update	15	Minutes	no	yes	Betty Kilsdonk/Randall Roberts
	Consideration of a Motion to Revise the City of Boulder's 2015 State and Federal Legislative Agenda - tentative	30	Minutes	no	no	Carl Castillo/Dianne Marshall
MATTERS FROM CITY ATTORNEY			Minutes			
MATTERS FROM MEMBERS OF COUNCIL			Minutes			
CALL-UPS			Minutes			
		Total Estimated Meeting Time (Hours:Minutes)		5:25		

May 5, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 4/23 :: Final 4/29
Agenda Section	Item Name	Time	Minutes			
SPECIAL PRESENTATIONS			Minutes			
OPEN COMMENT		45	Minutes			
CONSENT	First Adjustment to Base - First Reading	15	Minutes	No	No	Elena Lazarevska/Bob Eiche
PUBLIC HEARINGS			Minutes			
			Minutes			
MATTERS FROM CITY MANAGER			Minutes			
MATTERS FROM CITY ATTORNEY			Minutes			
MATTERS FROM MEMBERS OF COUNCIL			Minutes			
CALL-UPS			Minutes			
	Total Estimated Meeting Time (Hours:Minutes)	1:00				

May 19, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway				CAO to Prepare Ord.?	Power Point	Contact Preliminary: 5/7 :: Final 5/13
Agenda Section	Item Name	Time	Minutes			
SPECIAL PRESENTATIONS			Minutes			
OPEN COMMENT		45	Minutes			
CONSENT	HS Master Strategy Study Session Summary Memo	15	Minutes	No		Wendy Schwartz/Randall Roberts
	First Adjustment to Base - Second Reading					Elena Lazarevska/Bob Eiche
PUBLIC HEARINGS			Minutes			
			Minutes			
MATTERS FROM CITY MANAGER			Minutes			
MATTERS FROM CITY ATTORNEY			Minutes			
MATTERS FROM MEMBERS OF COUNCIL			Minutes			
CALL-UPS			Minutes			
	Total Estimated Meeting Time (Hours:Minutes)	1:00				



TO: Members of Council
FROM: Mary Moline, City Clerk's Office
DATE: February 17, 2015
SUBJECT: Information Packet

1. CALL UPS

- A. 3059 6th Street Minor Site Review amendment (LUR2014-00088)
- B. Landmark Alteration Certificate to demolish an addition to a contributing house and demolish a c.1988 garage to make way for the construction of a 616 sq. ft. two-car garage and storage shed at 603 Highland Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00345). This Landmark Alteration Certificate is subject to City Council call-up no later than February 17, 2015.

2. INFORMATION ITEMS

- A. Report of Double SNAP Program Pilot
- B. Report on Business Incentive Programs – Flexible Rebate and Microloan Programs
- C. Notification of Temporary Judge Appointments

3. BOARDS AND COMMISSIONS

- A. Landmarks Board – January 7, 2015
- B. Landmarks Board– February 4, 2015
- C. Planning Board – December 18, 2014
- D. Parks and Recreation Advisory Board– October 27, 2014
- E. Parks and Recreation Advisory Board – November 24, 2014
- F. Parks and Recreation Advisory Board – December 15, 2014
- G. Water Resources Advisory Board – November 17, 2014
- H. Water Resources Advisory Board –December 15, 2014

4. DECLARATIONS

- A. Appreciation for Collaboration on and Contributions to the City of Boulder's Efforts to Secure Trash and Protect Black Bears – February 3, 2015



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Community Planning & Sustainability
Susan Richstone, Deputy Director of Community Planning & Sustainability
Charles Ferro, Development Review Manager
Sloane Walbert, Planner I

Date: February 17, 2015

Subject: Call-Up Item: 3059 6th Street Minor Site Review Amendment (LUR2014-00088)

EXECUTIVE SUMMARY

On Jan. 22, 2015, the Planning Board unanimously approved (5-0, Bowen and May absent) the above-referenced application with conditions as provided in the attached Notice of Disposition (**Attachment A**), finding the project consistent with the criteria for Minor Amendments to Approved Site Plans in section 9-2-14(1), B.R.C. 1981. Approval of the application would permit a 1,950 square foot addition to an existing single-family residence partially located in the rear yard setback at 3059 6th Street. The project site is zoned Residential - Low 1 (RL-1).

The proposal is to expand the existing 3,146 square foot home by 1,402 square feet of new floor area for a living area on two levels, covered porch, basement and attached garage. The use will remain a single-family residence. The request includes a setback modification for a 2'-6" setback for new portions of the building where 25' is required. The Planning Board decision is subject to City Council call-up within 30 days concluding on Feb. 23, 2015. City Council is scheduled to consider this application for call-up at the Feb. 17, 2015 public meeting.

The staff memorandum of recommendation to Planning Board and other related background materials are available on the city website for Planning Board at the following [link](#).

BACKGROUND

Existing Site/Site Context

The subject property is comprised of three lots located on 6th Street, south of Evergreen Avenue in the Newlands neighborhood (see vicinity map). An alley exists on the west side of the property. The stone and frame portion of the existing home was part of the original structure constructed on the far west side (rear) of the property in 1927.



Figure 1: Vicinity Map

The property is located in the RL-1 zone district, which is defined as “single-family detached residential dwelling units at low to very low residential densities” (section 9-5-2(c)(1)(A), B.R.C. 1981). See Figure 2 below for a Zoning Map. The corresponding Boulder Valley Comprehensive Plan (BVCP) land use designation for the property and the surrounding neighborhood is Low Density Residential (refer to Figure 3 below).



Figure 2: Zoning Map

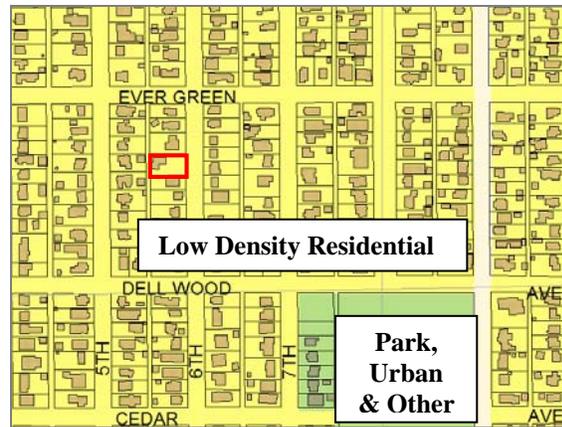


Figure 3: BVCP Land Use

PROPOSED PROJECT

The applicant is requesting a 793 square foot addition to the first floor and a 609 square foot addition to the second floor for a total addition of 1,402 square feet in above grade floor area to the existing 3,146 square foot single-family residence. The remodel will include raising the floor plate height at the rear of the house to expand usable floor area and to construct an attached garage on the north side of the house. The remaining floor area will be part of an addition on the

front of the structure, facing 6th Street. A portion of the attached garage and second floor addition (310 square feet) will be located in the modified rear yard setback but will not extend beyond the previously approved 2'-6" setback (see figure 4 below). The request also includes the addition of 540 square feet to the basement; however, this area is not included in floor area calculations since no portion of the basement wall is exposed more than 3 feet adjacent to finished grade, pursuant to section 9-8-2(e)(1)(D), B.R.C. 1981.

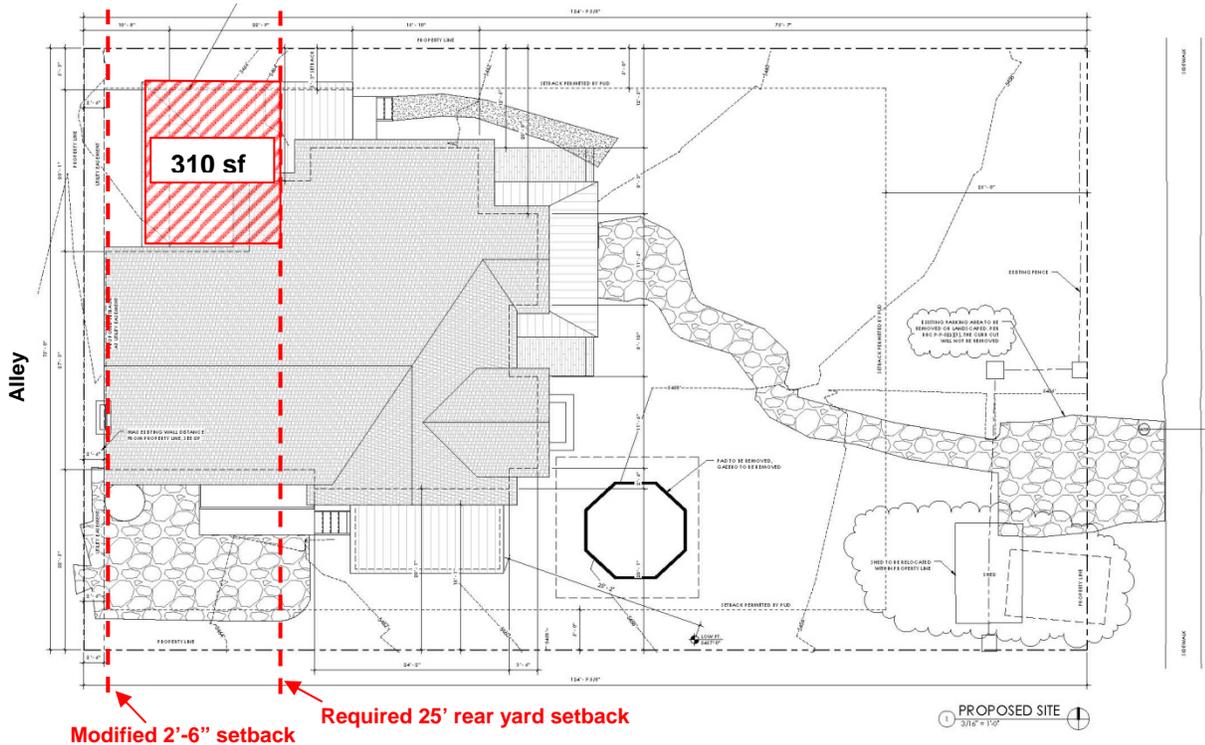


Figure 4: Proposed addition made within the rear yard setback

A new covered front porch addressing 6th Street is proposed. As part of the project, an existing gazebo structure on the property and an existing parking area located in the front yard landscape setback will be removed. An approximately 100 square foot shed currently straddles the front property line, a portion of which is located in the public right-of-way. The shed will be relocated onto the property and screened with new landscaping as a condition of this approval. See **Attachment B** for approved plans. Refer to staff’s memorandum of recommendation for a full criteria analysis in the [Planning Board packet](#).

Project History

The historic home was constructed in 1927. The building’s setbacks are unique since the house was originally constructed at the far west end of the lot. Subsequently, a nonconforming review and Planned Unit Development (PUD) was approved in 1993 for an addition (#NC-92-03 and #P-92-21). The approval included a rear yard setback modification for a 2.5-foot setback, where 25 feet are required. The two-story frame section was added in front of the original front door in 1995.

Development Review Process

On Nov. 12, 2014, the Landmarks Design Review Committee (LDRC) reviewed the demolition permit application for the demolition of the most recent addition and street-facing walls. The LDRC found that its demolition would not cause a significant impact or potential detriment to the historic resources of the city, as the house had been significantly altered by the 1990's addition.

On Dec. 12, 2014, following review by the LDRC, city staff approved the Minor Amendment to the approved Site Review to allow the proposed additions. Pursuant to section 9-2-14(l), B.R.C. 1981, changes to approved building location or additions to existing buildings, which exceed the limits of a Minor Modification, require a Minor Amendment to the Approved Site Plan. The Minor Amendment is a staff-level decision subject to call-up by the Planning Board or by the public within 14 days of staff's decision. The application was called up for discussion by the Planning Board on Dec. 22, 2014.

Public Comment and Participation

Required public notice was provided in the form of written notifications of the application to property owners within 600 feet of the subject property. In addition, a public notice sign was posted on the property. Therefore, all public notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 were met. Several phone calls and emails were received from neighbors regarding the proposed project. However, no neighbors expressed direct opposition to the project.

ANALYSIS

Section 9-2-14(l), "Minor Amendments to Approved Site Plans," B.R.C. 1981 includes the procedures and review criteria for approval of a minor amendment to an approved Site Review development. The criteria for a Minor Site Review Amendment require an evaluation of a project with only specific Site Review criteria of the B.R.C. 1981 subsections 9-2-14(h)(2) (A), (C), and (F), Open Space, Landscaping, and Building Design respectively.

Open Space and Landscaping

In terms of open space, the building coverage on the property will increase with the addition, which effectively reduces the open space. The open space change is essentially in-filling an area on the side of the house currently occupied by patio space and an area used as a parking pad off the alley. The total open space proposed on the site is 7,092 square feet, including the front and side covered porches. The usable area of the open space, primarily in the front of the house, will not change substantially. The existing landscaping, which includes several mature trees and a stone retaining wall, will remain. There is no minimum required open space per dwelling unit in the RL-1 zone district. The allowable intensity is determined by the maximum floor area ratio and number of dwelling units per acre. The proposed addition will not materially affect the character or quality of the open space or landscaping.

Building Design, Livability and Relationship to the Surrounding Area

Regarding building design, Site Review criteria (F) examines the compatibility of the proposed “height, mass and scale in the existing character of the area, or the character established by adopted design guidelines for the area.” The Newlands neighborhood is characterized by predominantly single-family homes ranging from modest ranch style homes to stately homes of new construction in an eclectic mix of architectural styles. The height, mass and scale of the subject home including the proposed additions are compatible with the character of the area. Although the front yard setback is larger than typical, the orientation and configuration of the home is similar to others in the neighborhood. In order to maintain the historic character of the house the applicant has proposed additions on each side of the house rather than expanding into the front yard. This configuration also allows vehicular access into a new garage from the alley. All existing stucco will be removed and replaced by vertical wood siding or painted cement lap board siding. The existing stone façade will remain as it is, with the exception of the east face, which will be enclosed by the addition. Staff finds that the proposed materials are compatible with the surrounding neighborhood and historic character of the home.

With regard to criterion (F)(iii) which states, “the orientation of buildings minimizes shadows on and blocking of views from adjacent properties,” the site is located within Solar Access Area I, that restricts shading from the structure to a degree less than that created by a solar fence twelve feet in height. The solar analysis provided demonstrates that the proposed development is in compliance with the Solar Access Ordinance. Further, the proposed additions are in compliance with side yard bulk plane regulations and the building steps down toward the neighboring properties in order to preserve views and enhance privacy.

The proposal was found to be consistent with the criteria for Minor Amendments to Approved Site Plans found in section 9-2-14(1), B.R.C. 1981.

Planning Board Hearing

At their Jan. 22, 2015 public hearing, the Planning Board unanimously approved the subject Minor Site Review Amendment with conditions with a vote of 5-0 (Bowen and May absent). There were no public comments regarding the proposal.

Consistent with the land use code section 9-4-4(c), B.R.C. 1981, if the City Council disagrees with the decision of the Planning Board, it may call up the application for a public hearing within a 30-day call up period, which expires on Feb. 23, 2015. The City Council may consider this application for call-up at the Feb. 17, 2015 public meeting.

ATTACHMENTS:

- A. Planning Board Notice of Disposition dated Jan. 22, 2015
- B. Project Plans and Written Statement



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 January 22, 2015 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: **3059 6TH ST AMENDMENT**
DESCRIPTION: **SITE REVIEW AMENDMENT to amend a previously approved Site Review application (#P-92-21) to expand the existing 3,146 square foot home by 1,950 square feet of new floor area for a living area on two levels, covered porch, basement and attached garage. The use will remain a single family residence.**
LOCATION: **3059 6TH ST**
COOR: **N05W07**
LEGAL DESCRIPTION: **Lot 39, 40, and 41, Block 33, NEWLANDS ADDITION City of Boulder, County of Boulder, State of Colorado**
APPLICANT: **COBURN DEVELOPMENT INC**
OWNER: **KARA AND ADAM GOUCHER**
APPLICATION: **Minor Site Review Amendment, LUR2014-00088**
ZONING: **RL-1**
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.**

APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:

- Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981: Minimum rear yard landscaped setback of 2'6" where 25' is required.

This decision may be called up before the City Council on or before **February 23, 2015**. If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision on **February 24, 2015** pursuant to 9-2-7, B.R.C..

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 AND SIGNED FINAL PLANS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, 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 January 22, 2015 the Planning Board Approved with Conditions the request with the following motion:

On a motion by C. Gray seconded by J. Putnam the Planning Board voted 5-0 (B. Bowen and L. May absent) to find that the application for a minor amendment meets the criteria of section 9-2-14(l), B.R.C. 1981, and, therefore approved Land Use Review # LUR2014-00088 incorporating the staff memorandum and associated review criteria as findings of fact and subject to the recommended conditions of approval found in the staff memorandum.

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the development shall be in compliance with all plans prepared by the Applicant on December 12, 2014 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 relocate the existing shed on the east side of the property so as to be entirely located on the property, as shown on the plans dated December 12, 2014, and shall screen the shed from the adjacent right-of-way with landscaping.
3. 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 Development Agreement recorded in the office of the Boulder County Clerk and Recorder at Reception No. 01306466 on June 22, 1993.

By:



David Driskell, Secretary of the Planning Board

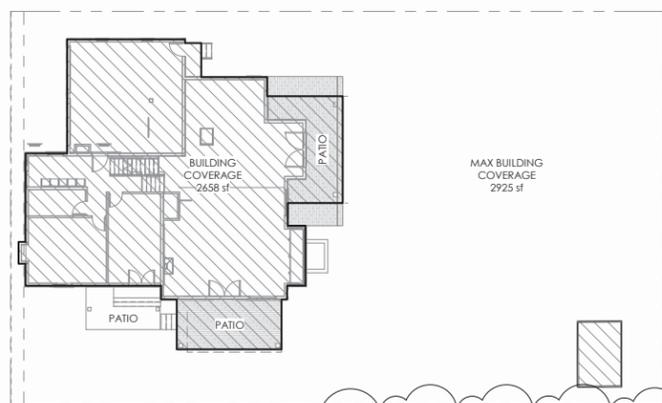
GOUCHER RESIDENCE

3059 6TH STREET
BOULDER, CO 80302



SHED	103.51 sf
SECOND FLR	1603.27 sf
FIRST FLR	2033.23 sf
BASEMENT	1025.07 sf
TOTAL	4765.08 sf

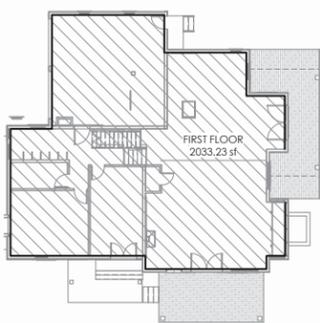
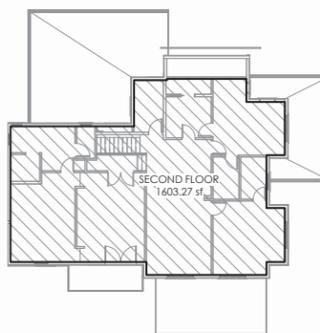
SHED	103.51 sf
SECOND FLR	1661.43 sf
FIRST FLR	2138.24 sf
TOTAL FAR	3903.18 sf
ALLOWED FAR	3975.00 sf



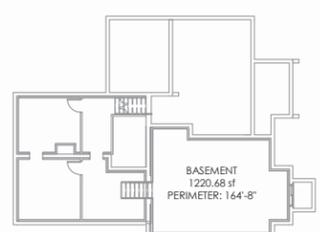
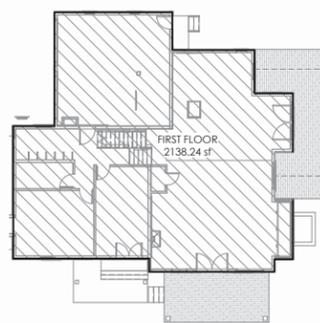
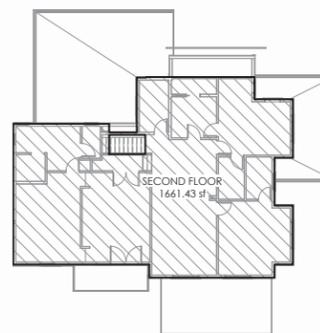
3 **BUILDING COVERAGE**
1/16" = 1'-0"



2 **OPEN SPACE**
1/16" = 1'-0"



4 **FLOOR AREA (IRC)**
1/16" = 1'-0"



NOTE: BASEMENT SQUARE FOOTAGE DOES NOT CONTRIBUTE TO FAR CALCULATIONS. NO PORTION OF WALL IS EXPOSED MORE THAN 3'-0" ADJACENT TO FINISHED GRADE. SEE BRC 9-8-2(e)(1)(D)

1 **FLOOR AREA RATIO (C.O.B.)**
1/16" = 1'-0"

SCOPE OF WORK	
REMODEL	Remodel including an addition to the ground floor area, adding an attached garage, and raising the second floor plate height in combination with the increased floor area
PROJECT INFORMATION	
LEGAL DESCRIPTION	LOTS 39-40-41 BLK 33 NEWLANDS
BUILDING TYPE	SINGLE FAMILY DWELLING
ZONING	RL-1
CONSTRUCTION TYPE	5B NON RATED
OCCUPANCY CLASSIFICATION	R-3
LOT SIZE	9,375 SF
SETBACK MINIMUMS	FRONT: 25 FT, SIDE: 15' COMBINED, 5'MIN REAR: 25 FT

**BUILDING CODE ANALYSIS:
APPLICABLE CODES:**

- 2012 INTERNATIONAL RESIDENTIAL CODE (IRC)
- 2012 INTERNATIONAL MECHANICAL CODE (IMC)
- 2012 INTERNATIONAL PLUMBING CODE (IPC)
- 2012 INTERNATIONAL FIRE CODE (IFC)
- 2012 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
- 2012 INTERNATIONAL FUEL GAS CODE (IFGC)
- 2011 NATIONAL ELECTRIC CODE (NEC)

PROJECT TEAM

OWNER
ADAM & KARA GOUCHER
3059 6TH ST
BOULDER, CO
P: 303-803-8515

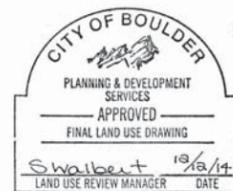
STRUCTURAL ENGINEER
GEBAU INC.
1121 BROADWAY ST #201
BOULDER, CO
P: 303-444-8545

ARCHITECT
COBURN DEVELOPMENT INC.
3020 CARBON PLACE #203
BOULDER, CO
P: 303-442-3351
F: 303-447-3933

CONTRACTOR
COBURN DEVELOPMENT INC.
3020 CARBON PLACE #203
BOULDER, CO
P: 303-442-3351
F: 303-447-3933



1 **VICINITY MAP**
NOT TO SCALE



Call Up Item
3059 6th Street



3020 Carbon Place #203
Boulder, Colorado
p: 303-442-3351
f: 303-447-3933

GOUCHER RESIDENCE

3059 6TH ST.
BOULDER, CO 80302

DISCLAIMER:
THESE DOCUMENTS ARE PROVIDED BY COBURN DEVELOPMENT INC., FOR THE DESIGN INTENT OF THIS SPECIFIC PROJECT AND ONLY THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION COORDINATION, METHODS AND MATERIALS REQUIRED FOR THE SUCCESSFUL COMPLETION OF THE PROJECT. THIS INCLUDES BUT IS NOT LIMITED TO THE QUALITY OF WORKMANSHIP AND MATERIALS REQUIRED FOR EXECUTION OF THESE DOCUMENTS AND WORK OR MATERIALS SUPPLIED BY ANY SUBCONTRACTORS. ALL WORK SHALL COMPLY WITH GOVERNING CODES AND ORDINANCES. THE CONTRACTOR SHALL REVIEW AND UNDERSTAND ALL DOCUMENTS AND SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DRAWINGS, FIELD CONDITIONS OR DIMENSIONS.

ISSUED/REVISION SCHEDULE			
DESCRIPTION	AUTHOR	CHECKED	DATE
LUR	LJ	PW	10.17.14
LUR REVISED	LJ	PW	10.31.14
LUR REVISED 2	LJ	PW	11.24.14

LUR REVISED
12.12.2014

SHEET NO.
T1.0
1A **PHASE SHEET**



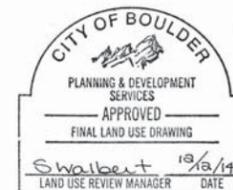
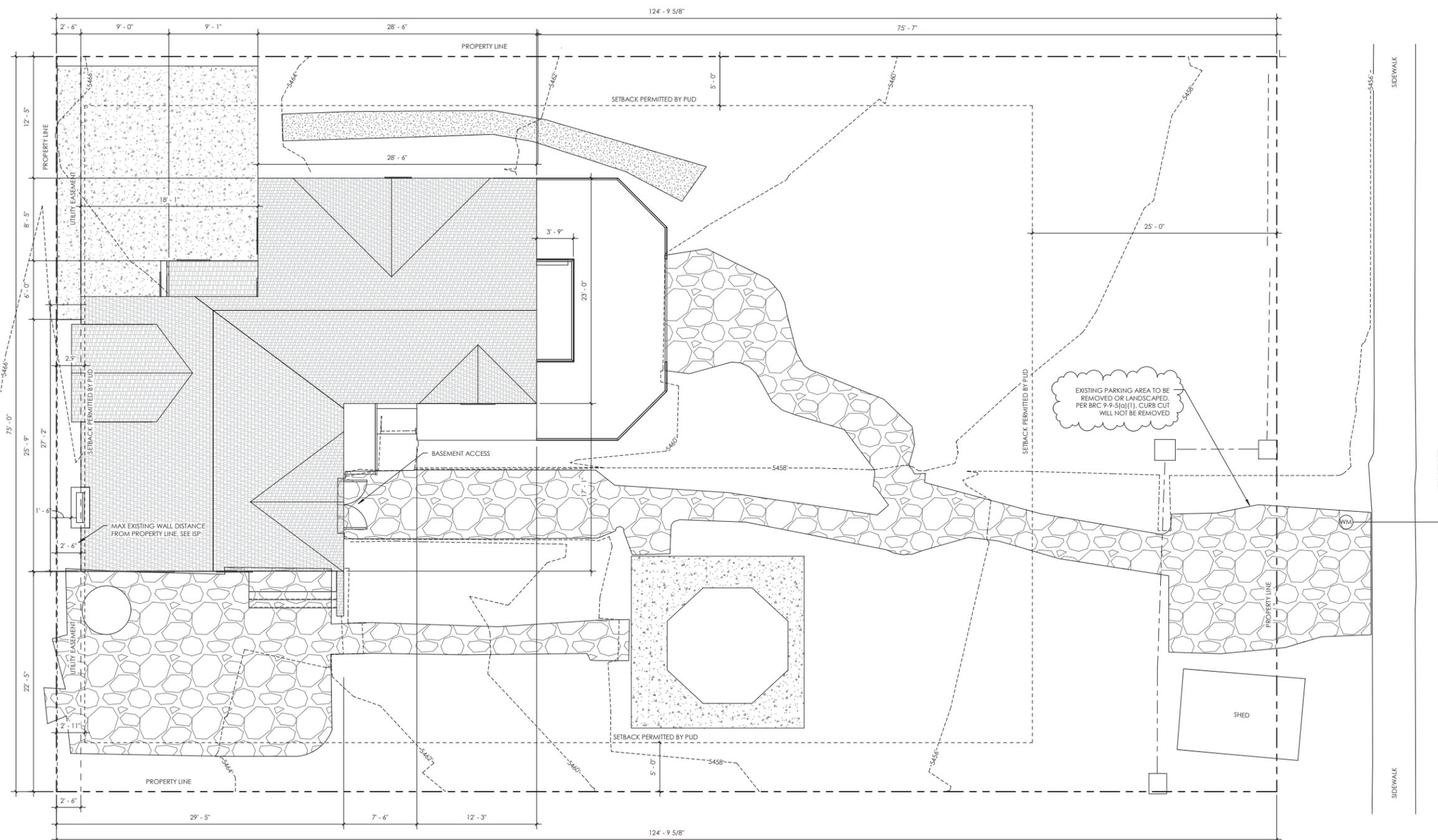
3020 Carbon Place #203
Boulder, Colorado
p: 303-442-3351
f: 303-447-3933

GOUCHER RESIDENCE

3059 6TH ST.
BOULDER, CO 80302

DISCLAIMER:
THESE DOCUMENTS ARE PROVIDED BY COBURN DEVELOPMENT INC., FOR THE DESIGN INTENT OF THIS SPECIFIC PROJECT AND ONLY THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION COORDINATION, METHODS AND MATERIALS REQUIRED FOR THE SUCCESSFUL COMPLETION OF THE PROJECT. THIS INCLUDES BUT IS NOT LIMITED TO THE QUALITY OF WORKMANSHIP AND MATERIALS REQUIRED FOR EXECUTION OF THESE DOCUMENTS AND WORK OR MATERIALS SUPPLIED BY ANY SUBCONTRACTORS. ALL WORK SHALL COMPLY WITH GOVERNING CODES AND ORDINANCES. THE CONTRACTOR SHALL REVIEW AND UNDERSTAND ALL DOCUMENTS AND SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DRAWINGS, FIELD CONDITIONS OR DIMENSIONS.

ISSUED/REVISION SCHEDULE			
DESCRIPTION	AUTHOR	CHECKED	DATE
LUR	LJ	PW	10.17.14
LUR REVISED 2	LJ	PW	11.24.14



1 EXISTING SITE
3/16" = 1'-0"

Call Up Item
3059 6th Street

LUR REVISED
12.12.2014

SHEET No.

T1.1



3020 Carbon Place #203
Boulder, Colorado
p: 303-442-3351
f: 303-447-3933

GOUCHER RESIDENCE

3059 6TH ST.
BOULDER, CO 80302

DISCLAIMER:
THESE DOCUMENTS ARE PROVIDED BY COBURN DEVELOPMENT INC., FOR THE DESIGN INTENT OF THIS SPECIFIC PROJECT AND ONLY THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION COORDINATION, METHODS AND MATERIALS REQUIRED FOR THE SUCCESSFUL COMPLETION OF THE PROJECT. THIS INCLUDES BUT IS NOT LIMITED TO THE QUALITY OF WORKMANSHIP AND MATERIALS REQUIRED FOR EXECUTION OF THESE DOCUMENTS AND WORK OR MATERIALS SUPPLIED BY ANY SUBCONTRACTORS. ALL WORK SHALL COMPLY WITH GOVERNING CODES AND ORDINANCES. THE CONTRACTOR SHALL REVIEW AND UNDERSTAND ALL DOCUMENTS AND SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DRAWINGS, FIELD CONDITIONS OR DIMENSIONS.

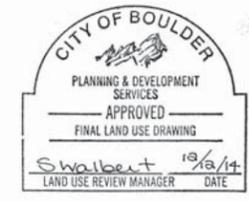
ISSUED/REVISION SCHEDULE	DESCRIPTION	AUTHOR	CHECKED	DATE
LUR		LJ	PW	10.17.14
LUR REVISED		LJ	PW	10.31.14
LUR REVISED 2		LJ	PW	11.24.14



LUR REVISED
12.12.2014

SHEET No.

T1.2



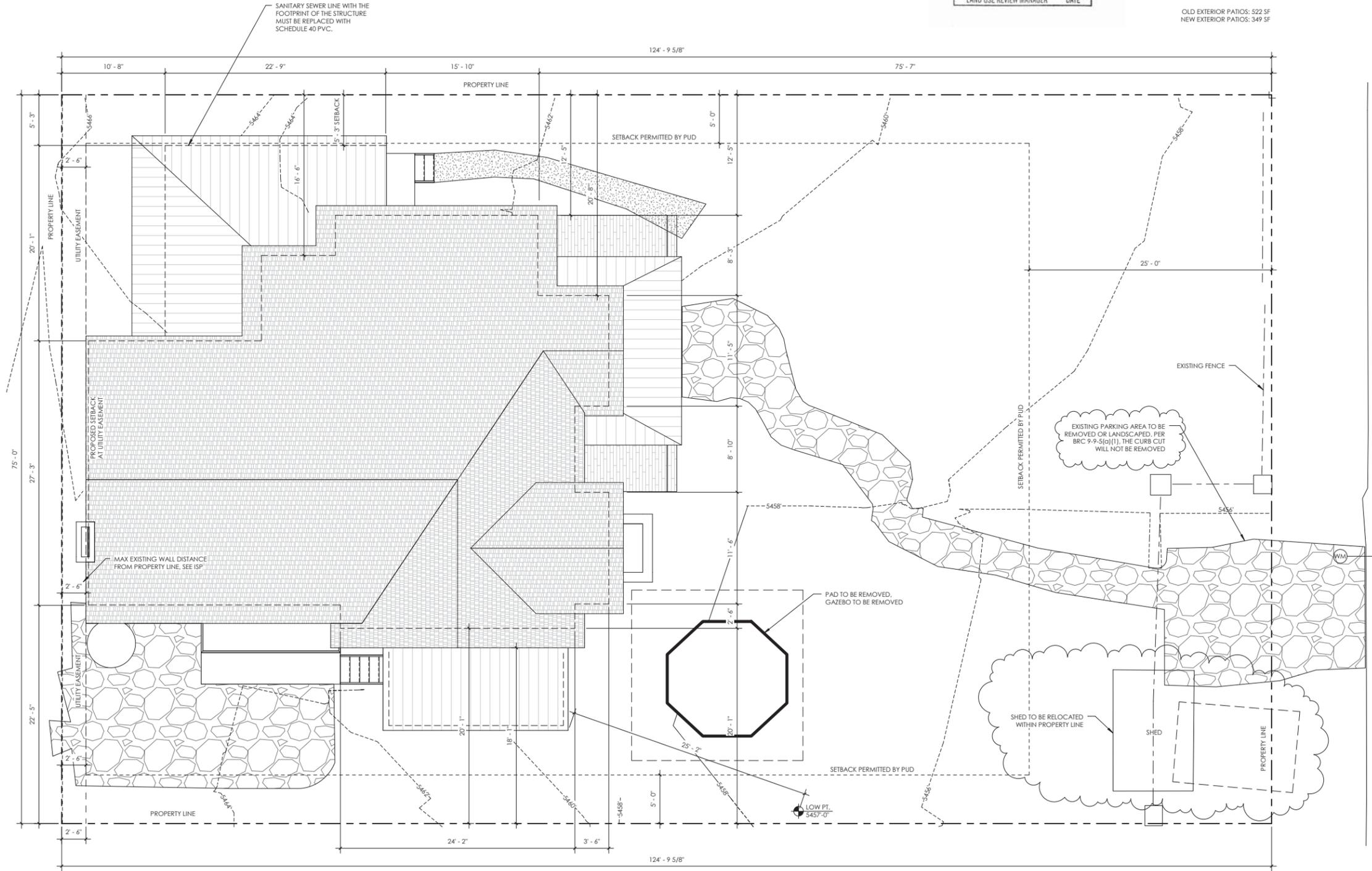
SITE: 9375 SF
PER TABLE 9-8-2, BOULDER CODE
RL-1, 5000 TO 10000 SF
(9375 SF (LOT SIZE) x 0.2) = 2100
FAR: 3975 SF

EXISTING SHED: 104 SF
EXISTING GAZEBO: 121 SF
EXISTING FLR 1: 1345 SF
EXISTING FLR 2: 1116 SF
EXISTING TOTAL: 2686 SF

EXISTING SHED: 104 SF
PROPOSED FLR 1: 2138 SF
PROPOSED FLR 2: 1725 SF
PROPOSED TOTAL: 3967 SF

BASEMENT OLD: 485 SF
BASEMENT NEW: 1233 SF

OLD EXTERIOR PATIOS: 522 SF
NEW EXTERIOR PATIOS: 349 SF



1 PROPOSED SITE
3/16" = 1'-0"

Call Up Item
3059 6th Street



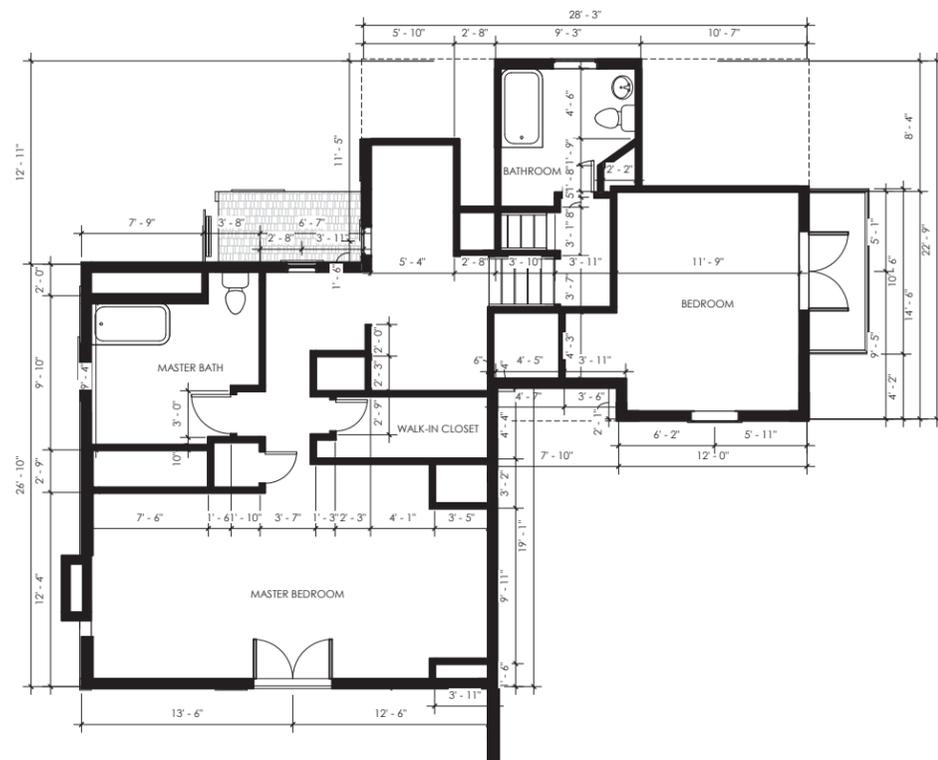
3020 Carbon Place #203
Boulder, Colorado
p: 303-442-3351
f: 303-447-3933

GOUCHER RESIDENCE

3059 6TH ST.
BOULDER, CO 80302

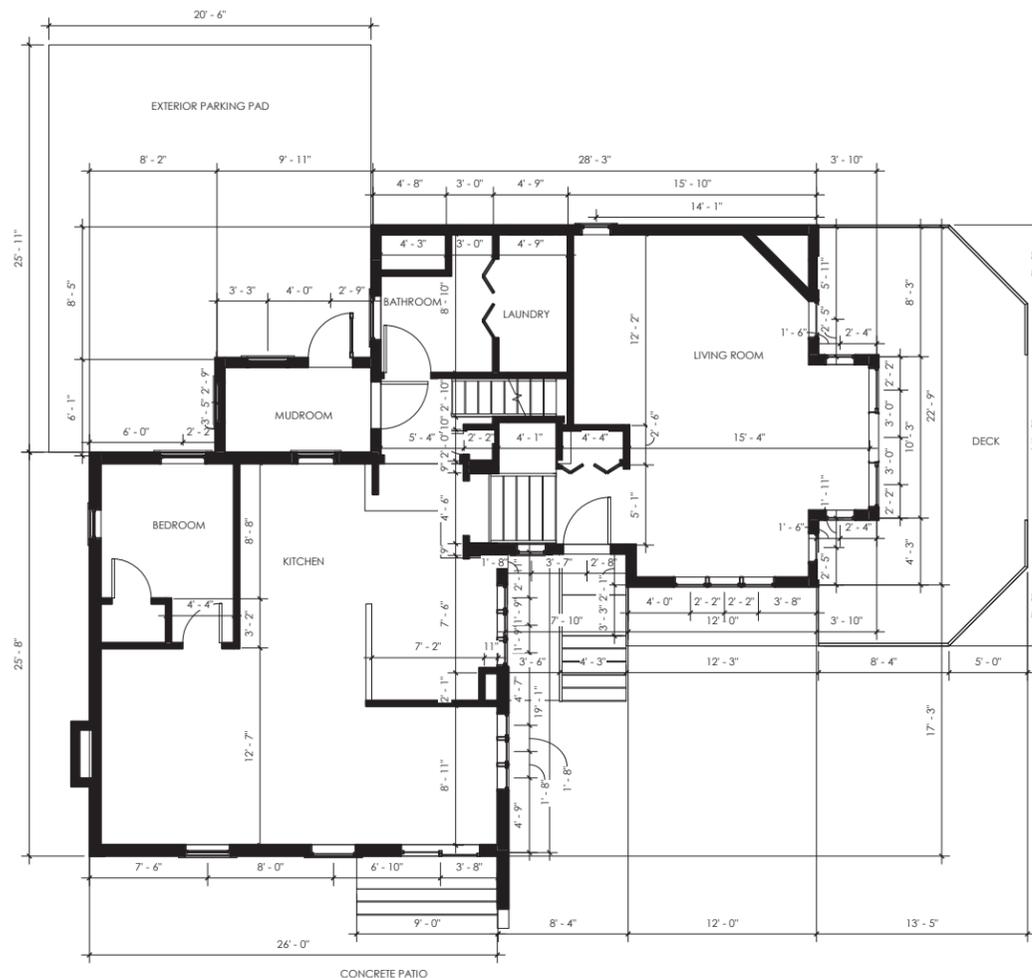
DISCLAIMER:
THESE DOCUMENTS ARE PROVIDED BY COBURN DEVELOPMENT INC., FOR THE DESIGN INTENT OF THIS SPECIFIC PROJECT AND ONLY THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION COORDINATION, METHODS AND MATERIALS REQUIRED FOR THE SUCCESSFUL COMPLETION OF THE PROJECT. THIS INCLUDES BUT IS NOT LIMITED TO THE QUALITY OF WORKMANSHIP AND MATERIALS REQUIRED FOR EXECUTION OF THESE DOCUMENTS AND WORK OR MATERIALS SUPPLIED BY ANY SUBCONTRACTORS. ALL WORK SHALL COMPLY WITH GOVERNING CODES AND ORDINANCES. THE CONTRACTOR SHALL REVIEW AND UNDERSTAND ALL DOCUMENTS AND SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DRAWINGS, FIELD CONDITIONS OR DIMENSIONS.

ISSUED/REVISION SCHEDULE			
DESCRIPTION	AUTHOR	CHECKED	DATE
LUR	LJ	PW	10.17.14

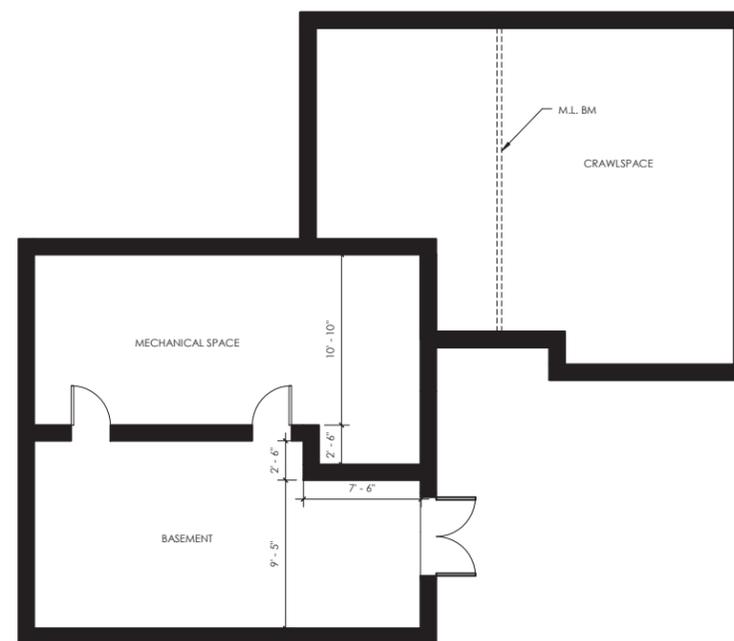


2 FLOOR 2
3/16" = 1'-0"

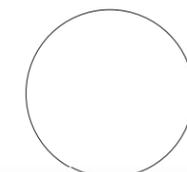
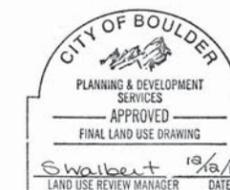
- DEMOLISH
- EXISTING TO REMAIN
- NEW



1 FLOOR 1
3/16" = 1'-0"



3 BASEMENT
3/16" = 1'-0"



LUR REVISED
12.12.2014

SHEET No.

A1.3

1A **PLANS-BUILT**

Call Up Item
3059 6th Street



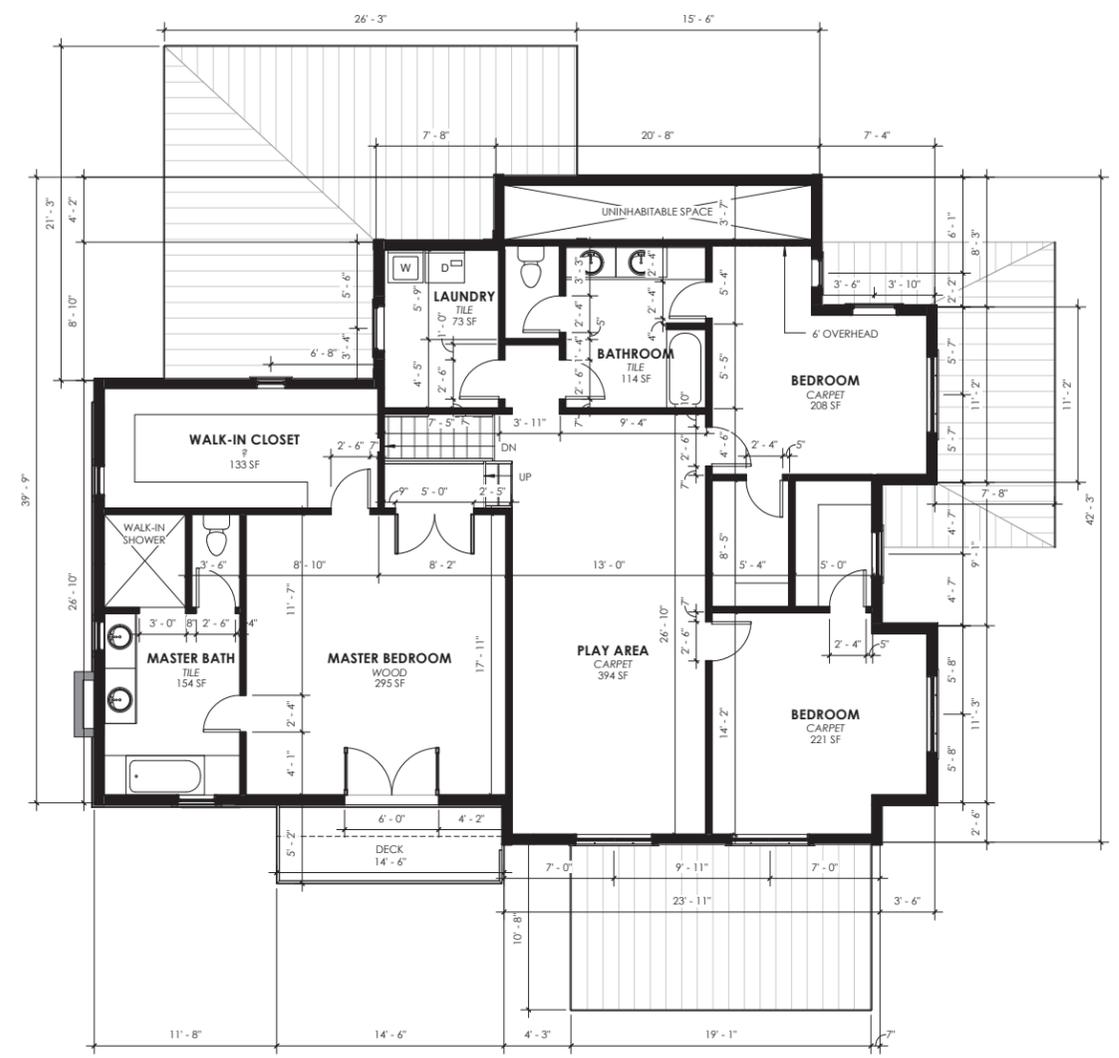
3020 Carbon Place #203
 Boulder, Colorado
 p: 303-442-3351
 f: 303-447-3933

GOUCHER RESIDENCE

3059 6TH ST.
 BOULDER, CO 80302

DISCLAIMER:
 THESE DOCUMENTS ARE PROVIDED BY
 COBURN DEVELOPMENT INC., FOR THE
 DESIGN INTENT OF THIS SPECIFIC PROJECT
 AND ONLY THIS PROJECT. THE
 CONTRACTOR SHALL BE RESPONSIBLE FOR
 ALL CONSTRUCTION COORDINATION,
 METHODS AND MATERIALS REQUIRED FOR
 THE SUCCESSFUL COMPLETION OF THE
 PROJECT. THIS INCLUDES BUT IS NOT
 LIMITED TO THE QUALITY OF
 WORKMANSHIP AND MATERIALS
 REQUIRED FOR EXECUTION OF THESE
 DOCUMENTS AND WORK OR MATERIALS
 SUPPLIED BY ANY SUBCONTRACTORS. ALL
 WORK SHALL COMPLY WITH GOVERNING
 CODES AND ORDINANCES. THE
 CONTRACTOR SHALL REVIEW AND
 UNDERSTAND ALL DOCUMENTS AND SHALL
 NOTIFY THE ARCHITECT IMMEDIATELY OF
 ANY DISCREPANCIES IN THE DRAWINGS,
 FIELD CONDITIONS OR DIMENSIONS.

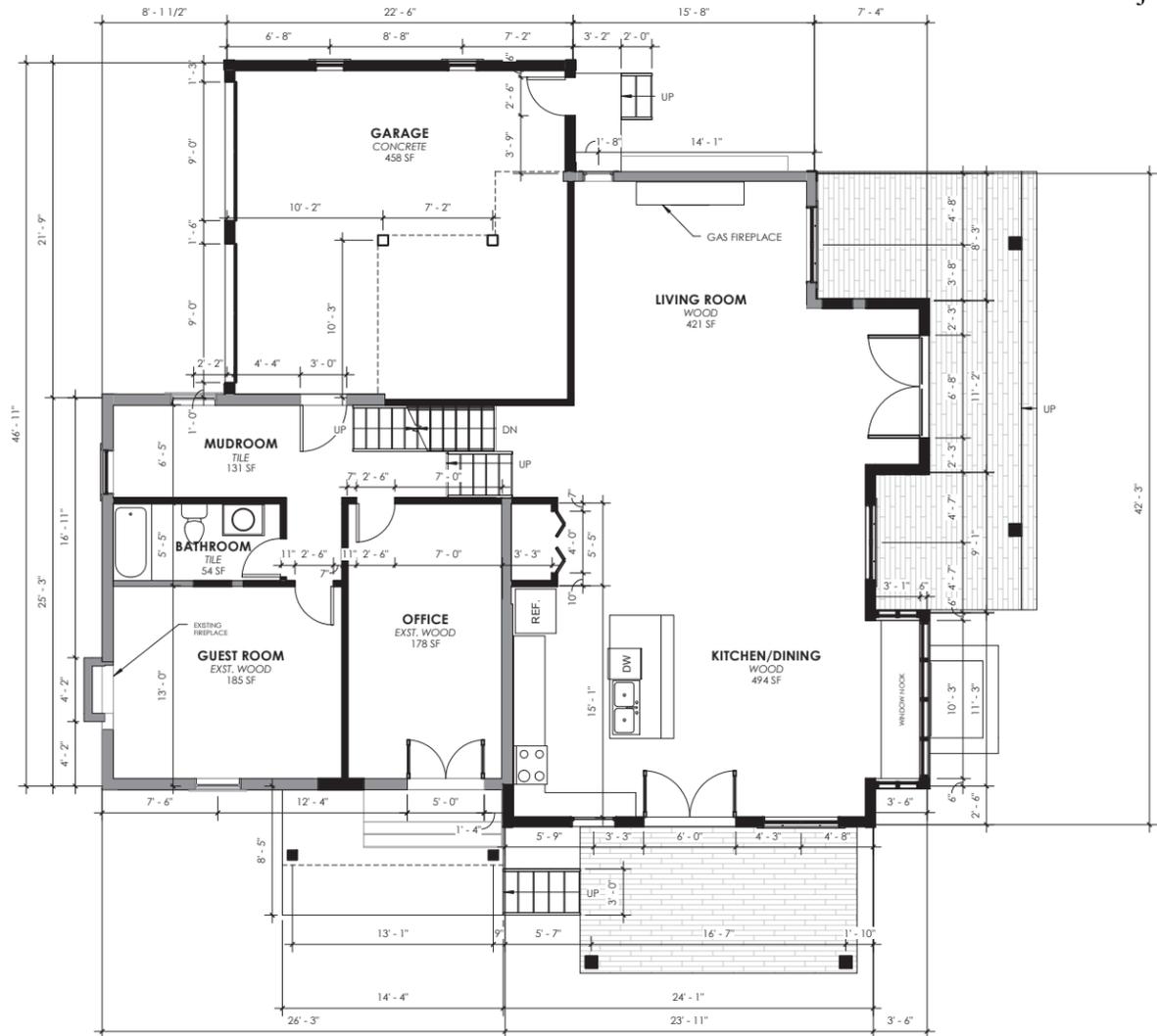
ISSUED/REVISION SCHEDULE			
DESCRIPTION	AUTHOR	CHECKED	DATE
LUR	LJ	PW	10.17.14



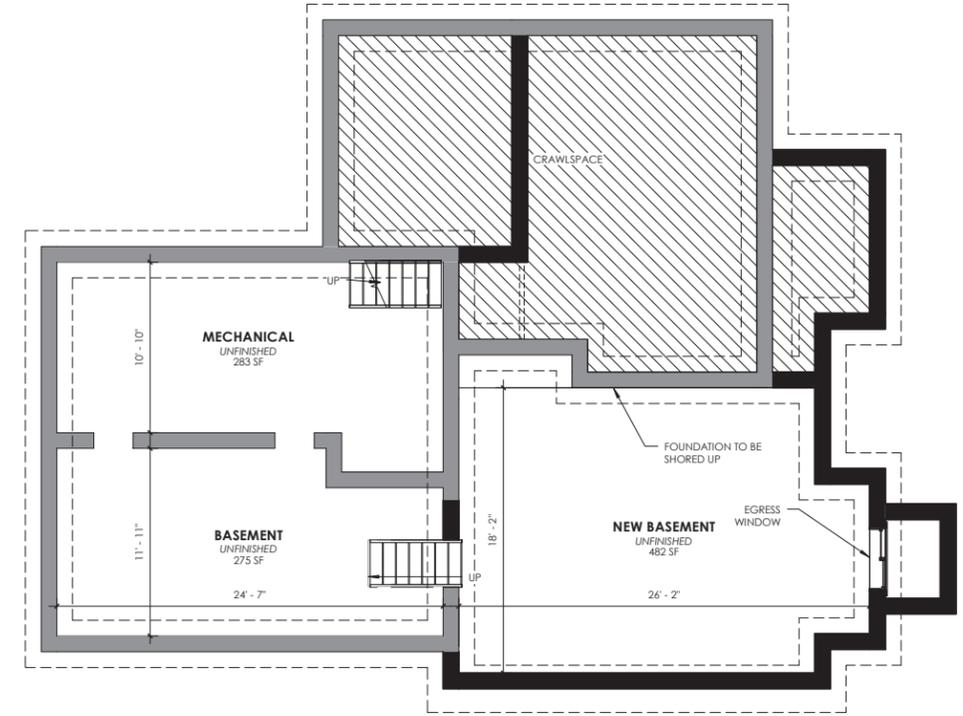
2 FLOOR 2
 3/16" = 1'-0"

- DEMOLISH
- EXISTING TO REMAIN
- NEW

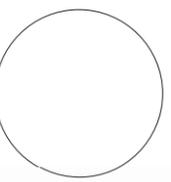
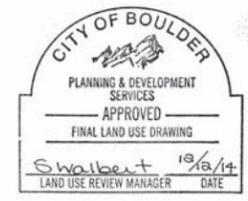
Call Up Item
 3059 6th Street



1 FLOOR 1
 3/16" = 1'-0"



3 BASEMENT
 3/16" = 1'-0"



LUR REVISED
 12.12.2014

SHEET No.

A1.4



3020 Carbon Place #203
 Boulder, Colorado
 p: 303-442-3351
 f: 303-447-3933

GOUCHER RESIDENCE

3059 6TH ST.
 BOULDER, CO 80302



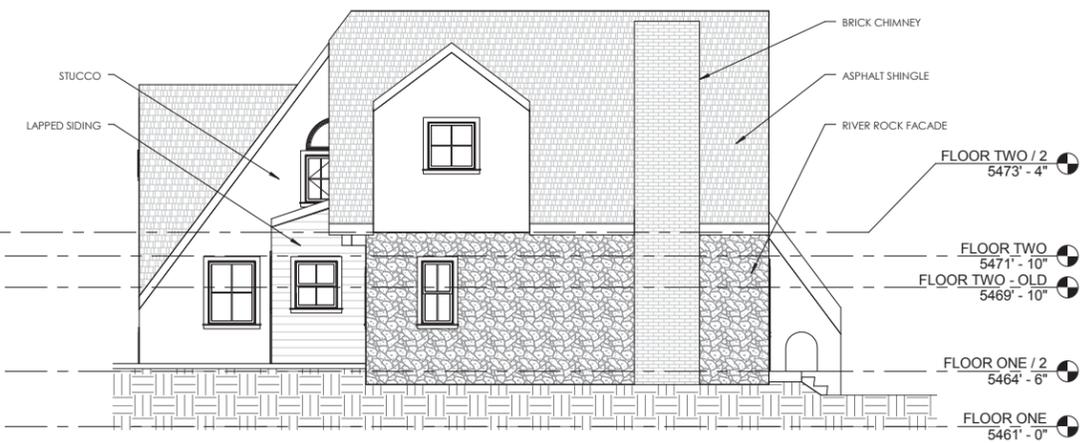
1 EAST AS-BUILT
 3/16" = 1'-0"



2 NORTH AS-BUILT
 3/16" = 1'-0"



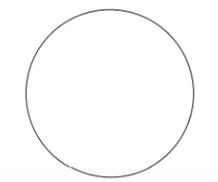
3 SOUTH AS-BUILT
 3/16" = 1'-0"



4 WEST AS-BUILT
 3/16" = 1'-0"

DISCLAIMER:
 THESE DOCUMENTS ARE PROVIDED BY
 COBURN DEVELOPMENT INC., FOR THE
 DESIGN INTENT OF THIS SPECIFIC PROJECT
 AND ONLY THIS PROJECT. THE
 CONTRACTOR SHALL BE RESPONSIBLE FOR
 ALL CONSTRUCTION COORDINATION,
 METHODS AND MATERIALS REQUIRED FOR
 THE SUCCESSFUL COMPLETION OF THE
 PROJECT. THIS INCLUDES BUT IS NOT
 LIMITED TO THE QUALITY OF
 WORKMANSHIP AND MATERIALS
 REQUIRED FOR EXECUTION OF THESE
 DOCUMENTS AND WORK OR MATERIALS
 SUPPLIED BY ANY SUBCONTRACTORS. ALL
 WORK SHALL COMPLY WITH GOVERNING
 CODES AND ORDINANCES. THE
 CONTRACTOR SHALL REVIEW AND
 UNDERSTAND ALL DOCUMENTS AND SHALL
 NOTIFY THE ARCHITECT IMMEDIATELY OF
 ANY DISCREPANCIES IN THE DRAWINGS,
 FIELD CONDITIONS OR DIMENSIONS.

ISSUED/REVISION SCHEDULE			
DESCRIPTION	AUTHOR	CHECKED	DATE
LUR	LJ	PW	10.17.14



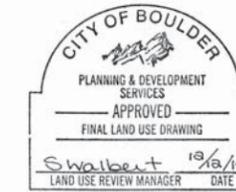
LUR REVISED
 12.12.2014

SHEET No.

A2.1

11 ELEVATIONS - AS BUILT

Call Up Item
 3059 6th Street



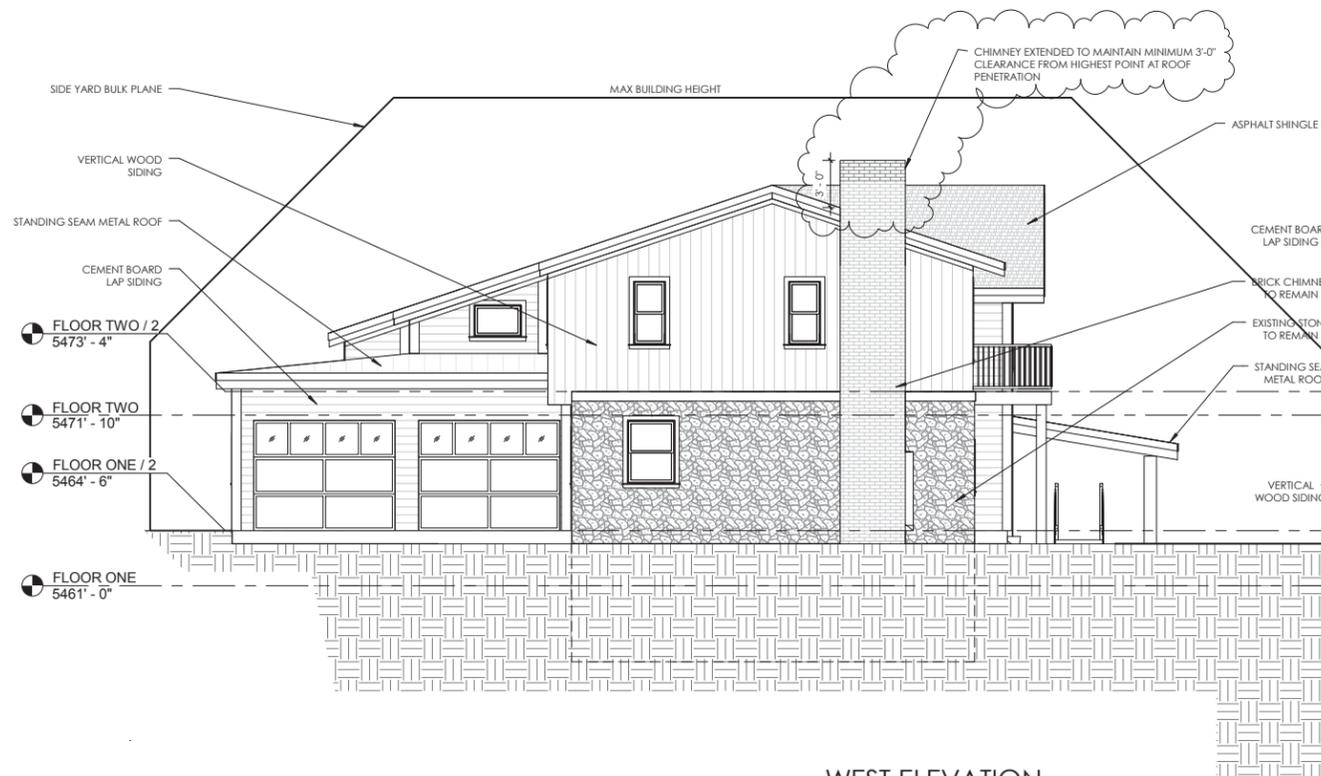
3020 Carbon Place #203
Boulder, Colorado
p: 303-442-3351
f: 303-447-3933

GOUCHER RESIDENCE

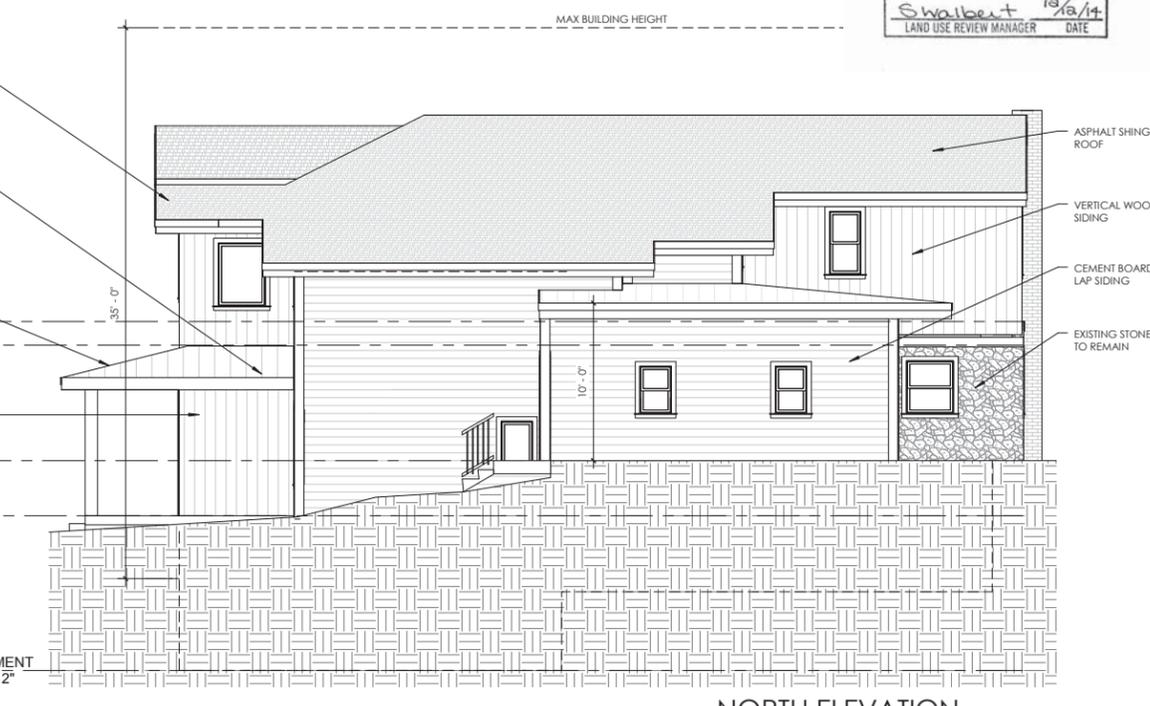
3059 6TH ST.
BOULDER, CO 80302

DISCLAIMER:
THESE DOCUMENTS ARE PROVIDED BY COBURN DEVELOPMENT INC., FOR THE DESIGN INTENT OF THIS SPECIFIC PROJECT AND ONLY THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION COORDINATION, METHODS AND MATERIALS REQUIRED FOR THE SUCCESSFUL COMPLETION OF THE PROJECT. THIS INCLUDES BUT IS NOT LIMITED TO THE QUALITY OF WORKMANSHIP AND MATERIALS REQUIRED FOR EXECUTION OF THESE DOCUMENTS AND WORK OR MATERIALS SUPPLIED BY ANY SUBCONTRACTORS. ALL WORK SHALL COMPLY WITH GOVERNING CODES AND ORDINANCES. THE CONTRACTOR SHALL REVIEW AND UNDERSTAND ALL DOCUMENTS AND SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DRAWINGS, FIELD CONDITIONS OR DIMENSIONS.

ISSUED/REVISION SCHEDULE			
DESCRIPTION	AUTHOR	CHECKED	DATE
LUR	LJ	PW	10.17.14
LUR REVISED	LJ	PW	10.31.14
LUR REVISED 2	LJ	PW	11.24.14



4 WEST ELEVATION
3/16" = 1'-0"



2 NORTH ELEVATION
3/16" = 1'-0"

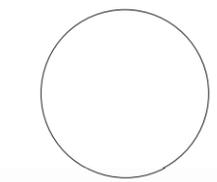


3 SOUTH ELEVATION
3/16" = 1'-0"



1 EAST ELEVATION
3/16" = 1'-0"

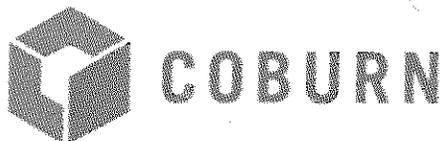
Call Up Item
3059 6th Street



LUR REVISED
12.12.2014

SHEET No.

A2.2



PHONE 303.442.3351
FAX 303.447.9933

3020 Carbon Place #203
Boulder, CO 80301

coburnpartners.com

Goucher Residence

3059 6th St

Boulder, CO 80302

Minor Amendment to an Approved Site Plan

Oct 6th, 2014

Current Ownership:

The site is currently owned by Kara & Adam Goucher.

Description of Project:

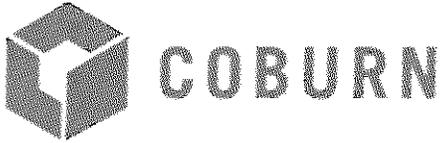
This application proposes an addition to the existing residence at 3059 6th St. The existing structure is well within the 25' rear setback, requiring a request for a setback variation to lift the plate height at the rear of the house to expand the usable floor area and to enclose the existing parking spaces located next to the house at the alley. There will also be an additional 804sf added to the footprint from the garage and an addition at the front of the structure.

The main reason a minor amendment to an approved site plan is required is due to a *Setback Variation* requested.

Preliminary Project Schedule:

-Site Review Application	10/6/15
-Landmark Design Review	10/8/15
-Permit Submittal	12/1/15
-Construction Start	2/1/15
-Final Certificate of Occupancy	6/1/15

CREATING
GREAT
PLACES™



PHONE 303.442.3351
 FAX 303.447.8933
 3020 Carbon Place #203
 Boulder, CO 80301
 coburnpartners.com

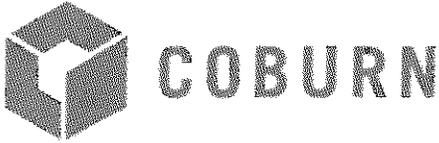
Following is a detailed description of how this application meets the criteria for approval:

(1) Boulder Valley Comprehensive Plan:

The proposed plan is consistent with the purposes and policies of the Boulder Valley Comprehensive Plan. Some relevant examples are as follows.

- **2.03 Compact Development Pattern :** The house will remain in its original location on the site, with the addition filling out the existing footprint, minimizing expansion towards the rear or south lot line.
- **2.09 Neighborhoods as Building Blocks:** The location of the home at the rear of the site provides variation to the existing pattern of facades along 6th St. The structure of the garage addition will remain attached to the building at the rear, reducing the sprawl of individual building footprints on site.
- **2.34 Importance of Street Trees and Streetscapes:** With the structure located to the rear of the lot, the front yard is spacious and several large trees line the primary street.
- **2.37 Enhanced Design for Private Sector Projects:** The project preserves the distinctive character of the neighborhood in which it resides. The scale of the house will remain similar to other residences nearby. Along the street, the existing pedestrian gate is set back, maintaining a human scale between the rise of the landscape and the sidewalk. The front yard open space allows for maximum landscaping and light to reach the primary street.

CREATING
 GREAT
 PLACES™



PHONE 303.442.3351
 FAX 303.447.3933
 3020 Carbon Place #203
 Boulder, CO 80301
 coburnpartners.com

(2) Site Design:

(A) Open Space:

On site the open space is frontloaded, adjacent to the primary street. The property is also located in close proximity to North Boulder Park and the Dakota Ridge Trail.

(C) Landscaping:

The proposed landscaping will be compatible with the plant materials existing throughout the Newlands neighborhood

(D) Circulation:

As this project is only an addition to a single family residence, the streets have already been built and this project maintains the current relationship of pedestrian access at the primary street where sidewalks interface between the project and the public transportation system.

(E) Parking

Dedicated parking will remain located where it currently is, off the alley at the rear of the building. This minor amendment seeks to adjust the rear setback to allow for this parking to be enclosed.

(F) Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area:

The building directly addresses the existing character established in the surrounding area. The building is two floors, remaining consistent with many homes along the street, and the roof is sloped to minimize solar impact on adjoining properties. More windows will be added to the primary façade, increasing transparency with the street.

(G) Solar Siting and Construction:

Solar analysis shows that there is minimal solar impact on adjacent sites from the additions to the structure. By raising the plate height, there is an increase the potential for passive solar opportunities, most importantly an increase in the number and size of second floor windows. This will reduce active interior lighting requirements during the day.

The remainder of the site Review Criteria are not applicable to this project

CREATING
 GREAT
 PLACES™



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Community Planning and Sustainability
Susan Richstone, Deputy Director of Community Planning and Sustainability
Deb Kalish, Senior Assistant City Attorney
Lesli Ellis, Comprehensive Planning Manager
James Hewat, Senior Historic Preservation Planner
Marcy Cameron, Historic Preservation Planner

Date: February 17, 2015

Call-up Item: Landmark Alteration Certificate to demolish an addition to a contributing house and demolish a c.1988 garage to make way for the construction of a 616 sq. ft. two-car garage and storage shed at 603 Highland Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00345). This Landmark Alteration Certificate is subject to City Council call-up no later than **February 17, 2015**.

Executive Summary

The proposal to demolish an addition to a contributing house and demolish a c.1988 garage to make way for the construction of a 616 sq. ft. two-car garage and storage shed at 603 Highland Ave. in compliance with approved plans dated 02/04/15, was approved with conditions by the Landmarks Board (3-1), **M. Schreiner** recused, **K. Remley** opposing, at the February 4, 2015 meeting. The decision was based upon the board's consideration that the proposed construction meets the requirements in Section 9-11-18, B.R.C. 1981.

The board's approval is subject to a 14-day call-up period by City Council. The approval of this Landmark Alteration Certificate is subject to City Council call-up no later than **February 17, 2015**.

ATTACHMENTS:

- A. Notice of Disposition dated February 17, 2015
- B. Photographs and Drawings of 603 Highland Ave.

Notice of Disposition

You are hereby advised that on February 4, 2015 the following action was taken:

ACTION: Approved by a vote of 3-1, **M. Schreiner** recused, **K. Remley** opposing

APPLICATION: Public hearing and consideration of a Landmark Alteration Certificate to demolish an addition to a contributing house and demolish a c.1988 garage to make way for the construction of a 616 sq. ft. two-car garage and storage shed at 603 Highland Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00345).

LOCATION: 603 Highland Ave.

ZONING: RL-1 (Residential Low-1)

APPLICANT/OWNER: Christopher Melton / Beth and Will Bashan

This decision was arrived at based on the purposes and intent of the Historic Preservation Code as set forth in 9-11-18, B.R.C., 1981, as applied to the Landmark Alteration Certificate application.

Public Hearing:

Richard Collins, 604 Mapleton, northern neighbor to 603 Highland, spoke in opposition to reducing 2-car garage to one and one-half car garage.

Abby Daniels, Historic Boulder, 1123 Spruce St., spoke in support of landmark alteration certificate.

Motion:

On a motion by **M. Gerwing**, seconded **D. Yin**, the Landmarks Board approved (3-1, **K. Remley opposing**) the Landmark Alteration Certificate at 603 Highland Ave. as shown on plans dated February 4, 2015 finding that they generally meet the standards for issuance of a Landmark Alteration Certificate in Section 9-11-18, B.R.C. 1981, subject to the conditions below, and adopts the staff memorandum dated February 4, 2015 as findings of the board with the following conditions:

CONDITIONS OF APPROVAL

1. The applicant shall be responsible for constructing the house and garage in compliance with the approved plans dated February 4th, 2015, except as modified by these conditions of approval.
2. The dimension of door opening on the first floor of the east elevation shall not be changed and the existing south door to the east balcony shall be preserved;

3. The proposed garage shall be revised to reflect a depth of no more than 22 feet.
4. The details for the restoration of the second floor porch on the south façade be reviewed by the Ldrc to ensure that it is an accurate restoration based on historic photographs and physical evidence.
5. The fenestration on the new addition shall be studied to better reflect compatibility with the existing house.
6. The installation details of the proposed solar panels shall be subject to final review and approval at the LDRC.
7. Prior to submitting a building permit application and final issuance of the Landmark Alteration Certificate, the applicant shall submit revised drawings showing conditions 2 and 3 and 4 above have been met, as well as the following, all of which shall be subject to the final review and approval of the Landmarks design review committee: window and door details, wall material details, siding material details, paint colors, roofing material details, exterior lighting, fence details, east balcony details, solar panel details, and details regarding any hardscaping on the property to ensure that the approval is consistent with the *General Design Guidelines* and the *Mapleton Hill Historic District Guidelines* and the intent of this approval.

K. Remley objected stating that she feels the designs are contrary to Design Guidelines Section 4.1, 4.2, 4.3, 4.5 and Mapleton Guidelines T & G.



Figure 1. Location Map, 603 Highland Ave.

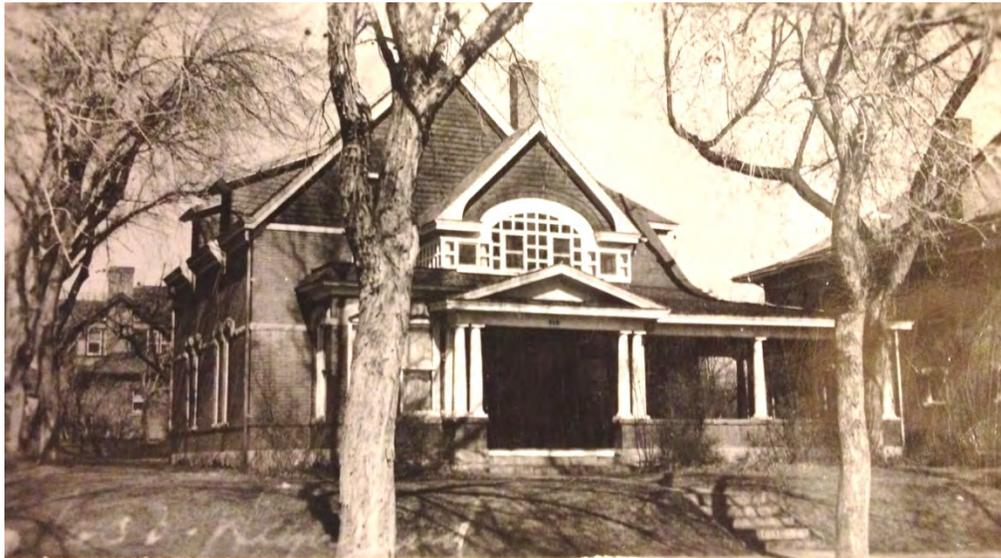


Figure 2. 603 Highland Ave. Tax Assessor Card photograph, c.1929.
Photograph Courtesy the Carnegie Branch Library for Local History.



Figure 3. 603 Highland Ave., Facade, 2015.



Figure 4. 603 Highland Ave. in Jane Barker's "76 Historic Homes of Boulder", 1976.



Figure 5. Southwest corner of 603 Highland Ave., 2015.



Figure 6. West elevation, main house, 603 Highland Ave., 2015.



Figure 7. Detail of west face of house.



Figure 8. North (rear) elevation of 603 Highland Ave., 2015.



Figure 9. East elevation (facing 6th St.) of 603 Highland Ave., 2015.



Figure 10. North elevation of c.1900 contributing barn, 2015.



Figure 11. Northwest corner of non-historic garage, 2015.



Figure 12. Fence along west property line, 2015.

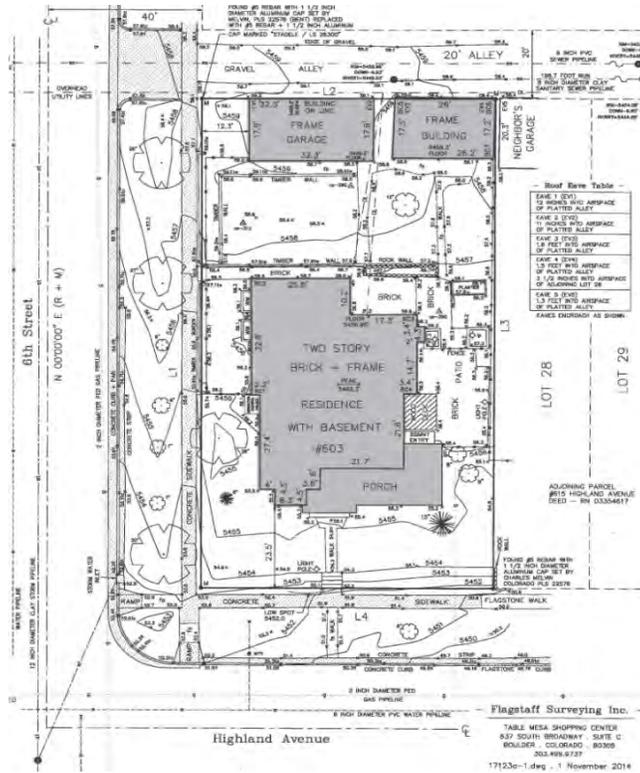


Figure 13. Existing Site Plan. Not to scale.

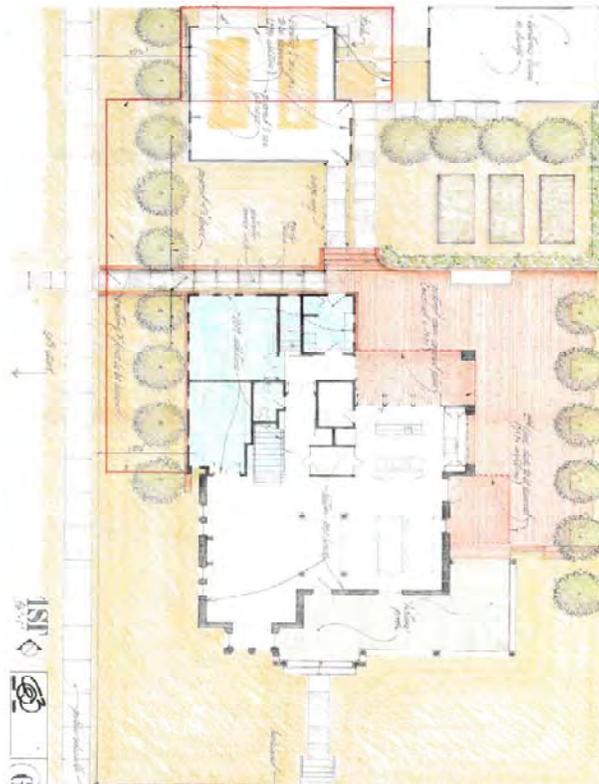


Figure 14. Proposed Site Plan. Not to scale.



Figure 15. Existing west Elevation of main house.



Figure 16. Proposed East Elevation.



Figure 17. Existing North (rear) Elevation.



Figure 18. Proposed North Elevation.



Figure 19. Existing East Elevation.



Figure 20. Proposed East Elevation.



Figure 21. Existing South Elevation (façade).



Figure 22. Proposed South Elevation (façade).

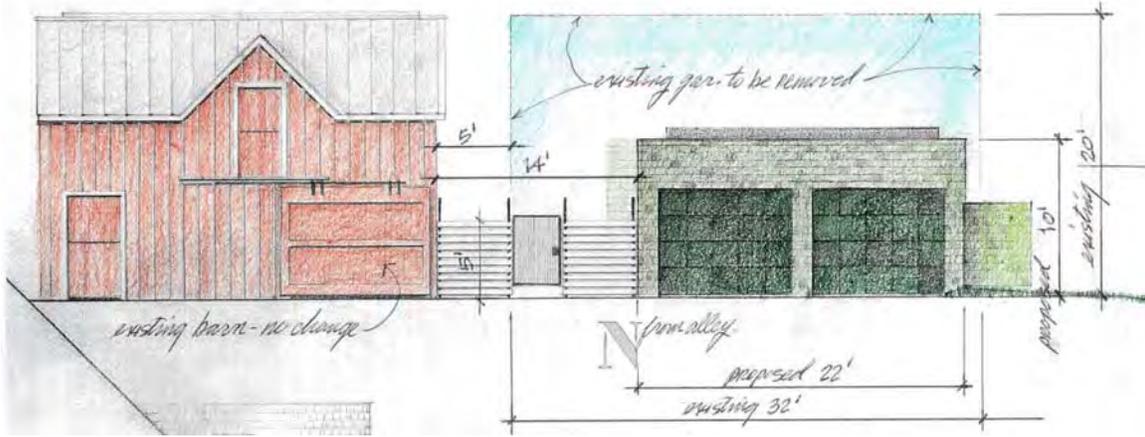


Figure 23. Proposed North Elevation, New Garage at right.

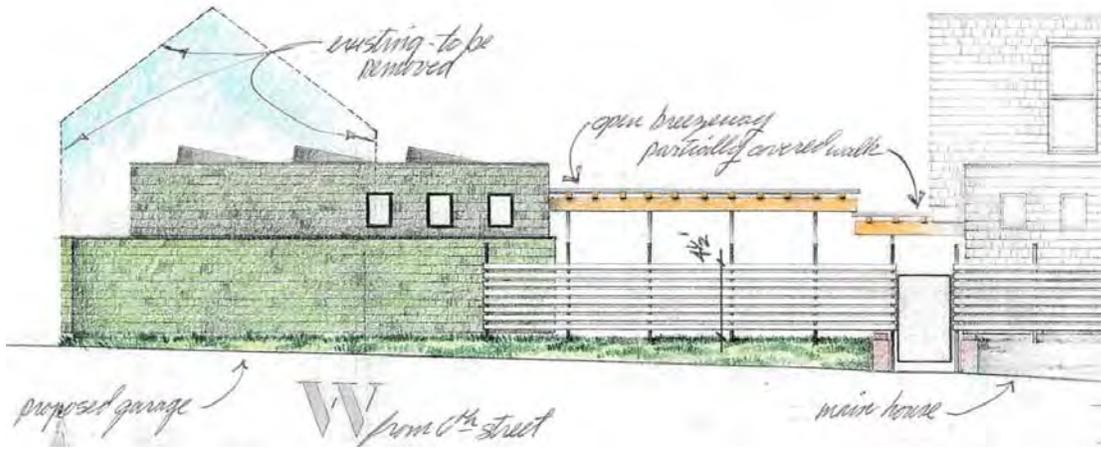


Figure 24. Proposed West Elevation, New Garage at left.

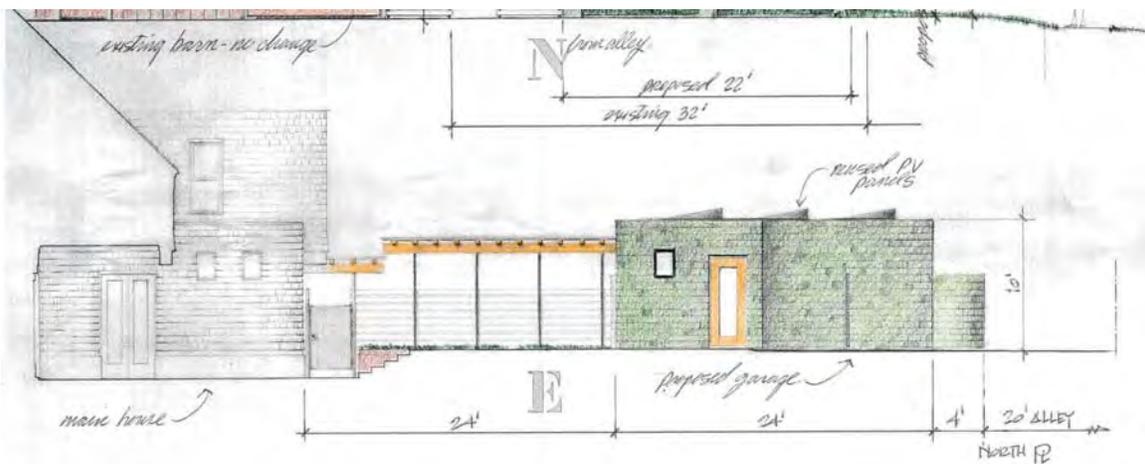


Figure 25. Proposed East Elevation, Garage.

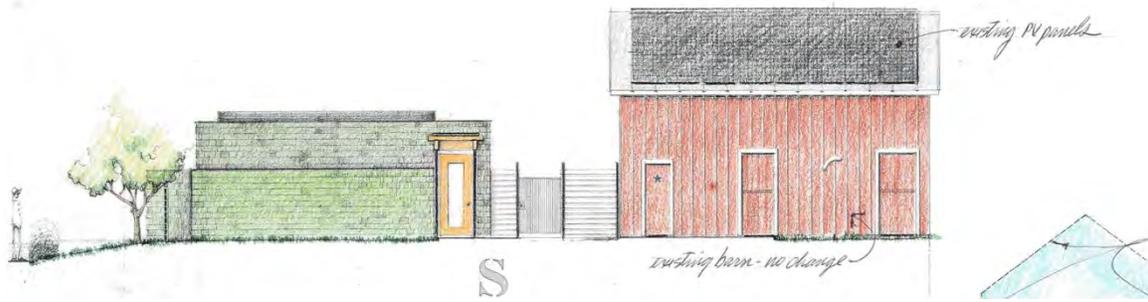


Figure 26. Proposed South Elevation, Garage.

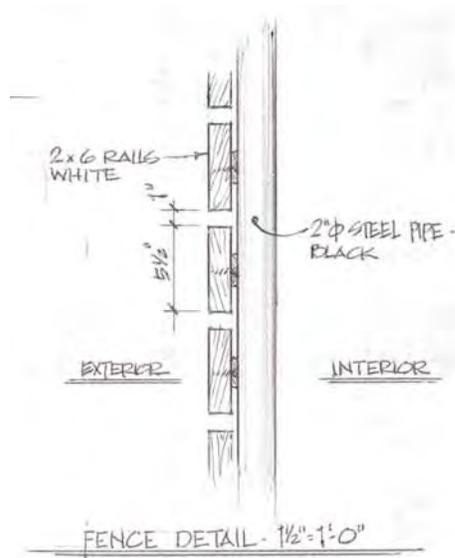


Figure 27. Proposed fence detail.



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Karen Rahn, Director of Human Services
Todd Jorgensen, Strategic Initiatives Manager
Lindsay N. Parsons, Human Services Planner

Date: Feb. 17, 2015

Subject: Information Item: Report of Double SNAP Program Pilot

EXECUTIVE SUMMARY

The Double SNAP program is a collaboration between the City of Boulder, Boulder County and Boulder County Farmers' Market (BCFM) that seeks to increase health equity by improving access to fresh, local fruits and vegetables for Boulder's low-income residents and promote local food production and distribution. One priority City Council identified at the 2014 council retreat was development of a local food policy, which includes increasing community access to healthy food options.

To address this goal, the Human Services Department partnered with BCFM, Boulder County Parks and Open Space and Boulder County Public Health (BCPH) to implement a pilot program to expand access to fresh fruits and vegetables for Boulder County residents who receive federal assistance from the Supplemental Nutrition Assistance Program (SNAP) and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). A match of up to \$20 on federal nutrition benefits ("Harvest Bucks") is given to SNAP and WIC participants for purchase of produce at the market.

The Double SNAP pilot was implemented Aug. 2 and concluded Nov. 28, 2014. As a result of the success of the program, the city's participation will continue in 2015, with an increase in contribution from \$10,000 to \$15,000. Boulder County Department of Housing and Human Services will contribute \$30,000 and BCPH, in partnership with BCFM, will continue coordination of the countywide program.

FISCAL IMPACT

A total of \$10,000 was allocated to the 2014 Double SNAP pilot from the City of Boulder Human Services Department, including \$9,000 to SNAP participants and \$1,000 to WIC participants. For the 2015 project, the \$15,000 has been allocated to expand the Double SNAP program for SNAP recipients. WIC funding will be continued through other funding sources.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: The Double SNAP program increases local dollars spent at the BCFM with small businesses.
- Environmental: By increasing the use of local fresh foods, some environmental impacts associated with the production and transportation of food from outside the region are mitigated.
- Social: The Double SNAP program increases access to healthy foods for very low-income residents, which, compared with other less healthy food choices, can be more costly. The program introduces and expands the benefits of local, healthy food to new consumers.

BACKGROUND

Local Food

In 2010 a [“Local Food and Sustainable Agriculture” policy briefing paper](#) was prepared by city and county staff to inform potential changes to the Boulder Valley Comprehensive Plan (BVCP). The BVCP was later revised to incorporate the city’s commitment to promoting agriculture and local food (see [BVCP Section 9, Agriculture and Food](#)). Specifically, Section 9.02 states that the city and county will encourage and support local food production to improve the availability and accessibility of healthy foods and to provide other educational, economic and social benefits. It further explains that the city and county support local food production with an emphasis on affordable access to food for everyone.

With this as background, at its January 2014 retreat, City Council identified promoting local foods as a priority and suggested the following action items to fulfill the priority in 2014-2015:

1. Development of a local food policy that provides more specificity to the current BVCP language and that provides increased uniformity in how the multiple city departments seek to further the goal.
2. Incorporate elements of a new local food policy into revisions of the comprehensive plan.
3. Establishment of a cross-departmental team to increase communications and awareness among departments on local food issues.
4. Appointment of staff leads to address the following issues:
 - a. Which city lands can be used to increase local food production?
 - b. Should the Open Space and Mountain Parks Charter be amended to support agricultural needs (such as extending the growing season by allowing greenhouses and electricity for such facilities) or for other reasons?
 - c. How can we encourage and incentivize buying locally when city funds are used for food purchases and move toward a city procurement policy?
 - d. How and when to expand the current BCFM location, including the possibility of adding smaller Farmers’ Market satellites in one or more neighborhoods?
 - e. Can we house farmers on city-owned lands?

- f. With consideration given toward the city’s goals of increasing resilience, how do we:
 - i. Measure the current percentage of local food consumption;
 - ii. Assess what that percentage should be; and
 - iii. Determine how to track progress toward that goal?
- g. How and on what topics should we continue to engage with regional partners?
- h. Which infrastructure improvements are necessary (e.g., facility for full-time farmers’ market, central kitchen, etc.)?
- i. How do we promote food justice/access needs?

Included in the Aug. 5, 2014 City Council Information Packet: City Efforts Related to Local Food ([Aug. 5, 2014 Information Packet](#)) was an analysis of results of promoting a strong local food system:

1. Growing the local and regional economy by re-circulating or injecting money into the community;
2. Building community linkages by decreasing the distance and anonymity inherent in a globalized food system;
3. Increasing resilience by providing options to survive the inevitable shocks and stresses expected from a changing climate;
4. Increasing stewardship and protection of agricultural lands; and
5. Increasing community access to healthier food options.

Human Services Master Plan

The current [2006-2015 Housing and Human Services \(HHS\) Master Plan](#) supports the city’s efforts to promote healthy food access and security for Boulder’s low income populations. The plan sets out as one of its guiding principles that “HHS supports services ensuring physical and mental health care, food and nutrition, emergency shelter, transitional housing and housing for very low-income residents in order that basic, life-sustaining needs of all residents are met.”

Further, the plan sets policy goals for specific populations. The goals for promoting self-sufficient, resilient children, youth and families include assisting with basic needs such as food. The goals for keeping seniors healthy, active and involved include reducing the percentage of people age 60 and over who report cutting the size of a meal or skipping meals due to lack of money.

Although other community resources exist to provide food benefits to low-income families, only the Double SNAP program provides a financial incentive to purchase locally produced, fresh fruits and vegetables. Community food pantries cannot provide the quantity or quality of fresh produce that is necessary for maintaining a healthy diet, due to storage and food expiration restraints. The Double SNAP program helps fill this gap in the community.

SNAP and WIC Programs

SNAP, formerly known as the Food Stamp Program, is federally funded by the U.S. Department of Agriculture (USDA). In Colorado, SNAP is administered by counties and supervised by the State of Colorado Department of Human Services. The goal of the program is to provide households with financial resources to purchase groceries. SNAP provides one of the first lines

of defense for families in need, serving as a safety net for eligible households to pay for groceries. SNAP benefits are allocated monthly onto an Electronic Benefit Transfer (EBT) card. An EBT card can be used like a debit card at grocery stores and locally at participating farmers' markets. Income eligibility varies and can be referenced [here](#). As a reference point, a family of four can earn no more than \$1,988 per month net income to be eligible.

WIC is a nutrition program that provides nutrition education, breastfeeding support, healthy food and other services free of charge to those who qualify. WIC is also funded by the USDA, supervised by the State of Colorado Department of Public Health and Environment and administered by counties. The program reaches out to families, including married and single parents, grandparents and foster parents, among others, who are caring for one or more children under the age of five. Eligibility varies, and can be referenced [here](#).

The Double SNAP Program is a national initiative, partnering SNAP programs and farmers' markets across the country. The program goes by different names, including Double Value and Double Up. The program began in 2008 in California, Connecticut and Massachusetts and has since expanded to 21 states and the District of Columbia.

2014 Double SNAP Pilot Program

SNAP clients used their EBT card at the BCFM to purchase eligible foods. For every SNAP dollar withdrawn from a SNAP account for eligible foods, recipients received "Harvest Bucks" (up to \$20) that could be used to buy fresh fruits and vegetables. WIC participants received coupons to use at the farmers' market at their WIC appointments. WIC coupons can be used to buy fresh fruits and vegetables and other WIC-eligible items.

Healthy Eating

National statistics regarding food security, healthy eating, and access to fruits and vegetables include:

- Those with annual household income less than \$24,000 reported problems accessing affordable fresh fruits and vegetables 2.5 times more frequently as those with incomes between \$60,000 and \$89,999 (13.8 percent vs. 5.7 percent).¹
- Among people reporting poor health status, the prevalence of fruit and vegetable affordability and access challenges was four times that of people reporting excellent health status (20 percent vs. 5 percent).¹
- Consuming generous amounts of fruits and vegetables as part of a healthy diet is a protective factor against chronic diseases, including stroke, cardiovascular disease, type 2 diabetes and some types of cancer.²
- Locally produced fruits and vegetables that are picked at peak ripeness are more flavorful and nutrient dense than store-bought produce.³
- Households with limited resources to buy enough food often try to stretch their food budgets by purchasing cheap, energy-dense foods that are filling.
- According to the Census Bureau, SNAP lifted five million Americans, including 2.2 million children, out of poverty in 2012.⁴
- SNAP generates \$1.80 in economic activity for every \$1 in new SNAP benefits.⁴

1. Food Access and Affordability. <http://frac.org/reports-and-resources/food-hardship-access-to-fruits-and-vegetables>

2. Dietary Guidelines for Americans, 2005. <http://www.health.gov/dietaryguidelines/dga2005/document/default.htm>

3. Farmer's Markets. <http://www.nutrition.gov/farmers-markets>

4. 50 Years of SNAP. <http://www.fns.usda.gov/sites/default/files/snap/SNAP-infographic-banner.pdf>

- Participating in SNAP for six months decreased food insecurity up to 10 percent in households, including those with children.⁵
- About 23.5 percent of Boulder County adults are eating less than one serving of fruit per day and 11.7 percent are consuming less than one serving of vegetables per day.⁶
- In Colorado, less than 9 percent of children 2-14 years of age eat the daily minimum recommended amount of two fruits and three vegetables per day.⁷

ANALYSIS – 2014 DOUBLE SNAP PILOT PROGRAM

During the 2014 pilot of the Double SNAP program, purchases by SNAP and WIC recipients at the 13th and Canyon BCFM location increased by 61 percent compared with 2013. In addition, when “Harvest Bucks” are included, the amount spent by SNAP and WIC participants at the 13th and Canyon BCFM location increased by about 225 percent from 2013 to 2014 and more than 400 transactions with 189 unique individuals occurred during the pilot period. A total of 100 unique children were served during the pilot period. The per individual program cost to the City of Boulder was \$46, with a total program expenditure of \$8,776 during the pilot period. The remainder of \$1,224 will be carried forward to the 2015 program. Point-in-time data collected on Dec. 8, 2014, shows that 4,665 City of Boulder residents (4.5 percent of total city population) receive SNAP benefits and 846 City of Boulder residents receive WIC benefits.

2014 DOUBLE SNAP PILOT PROGRAM

Pilot Program Month	2013 SNAP/WIC	2014 SNAP/WIC	2014 SNAP/WIC Harvest Bucks	2014 SNAP/WIC and Harvest Bucks
August	\$2,079	\$2,427	\$2,308	\$4,735
September	\$1,146	\$2,881	\$2,646	\$5,527
October	\$1,336	\$2,268	\$2,246	\$4,514
November	\$800	\$1,056	\$1,576	\$2,632
TOTALS	\$5,361	\$8,632	\$8,776	\$17,408

A point-in-time participant survey was conducted during the pilot program at the market. All SNAP recipients utilizing the Boulder and Longmont farmers’ markets were surveyed (n=36).

- More than 88 percent of Double SNAP consumers reported increasing their consumption of fresh fruits and vegetables.
- More than 93 percent of participants agreed or strongly agreed that it was easier to purchase fresh fruits and vegetables as a result of shopping through BCFM.
- More than 80 percent of participants said the incentives were very important in getting them to spend their federal nutrition benefits through BCFM.
- More than 90 percent of participants reported increasing the variety of fresh fruits and vegetables they consumed.
- More than 93 percent of participants reported shopping at the market at least one to two times per month.
- 100 percent of “Harvest Bucks” recipients reported that the quality of fruits and vegetables was an important factor in their decision to shop at the market.

5. 50 Years of SNAP. <http://www.fns.usda.gov/sites/default/files/snap/SNAP-infographic-banner.pdf>

6. Colorado Behavioral Risk Factor Surveillance System. http://www.chd.dphe.state.co.us/topics.aspx?q=Adult_Health_Data

7. 2011-2012 National Survey of Children’s Health. <http://www.childhealthdata.org/learn/NSCH>

NEXT STEPS

Due to success of the pilot program, funders have increased matching funds for 2015. The City of Boulder has committed \$15,000 and Boulder County Housing and Human Services will contribute \$30,000. Staff time for program coordination will continue to be provided by BCPH and BCFM. BCPH has also applied for a 3.5 year grant through the USDA Food Insecurity Nutrition Incentive Grant Program which could provide additional funding for the program.

BCPH anticipates that total SNAP sales at BCFM will increase by at least 50 percent when compared to 2014 sales. In addition, it is anticipated that the program will attract twice as many unique SNAP recipients to the BCFM when compared with 2014 baseline numbers. In addition to increasing the number of SNAP recipients who shop at the farmers' market, it is a goal of the Double SNAP program to increase the shopping frequency to more than once per season by every SNAP recipient. For the 2015 season, BCPH expects to see a 25 percent increase in repeat SNAP customers participating in the BCFM.



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Mary Ann Weideman, Assistant City Manager
David Driskell, Executive Director of Community Planning and Sustainability
Susan Richstone, Deputy Director of Community Planning and Sustainability
Bob Eichen, Chief Financial Officer
Liz Hanson, Economic Vitality Coordinator
Jennifer Pinsonneault, Business Liaison
Ryan Wilding, Economic Vitality Intern

Date: February 17, 2015

Subject: Information Item: Report on Business Incentive Programs - Flexible Rebate and Microloan Programs

EXECUTIVE SUMMARY

This memorandum provides a report on the City of Boulder's business incentive programs and includes an overview and return on investment (ROI) analysis for the 2013 Flexible Rebate Program and a 2014 update on the Boulder Microloan Program. The Flexible Rebate Program evaluation has a one year lag, reflecting the program's December application deadline.

The **Flexible Rebate Program** is an important business retention tool for encouraging primary employers to remain and grow in Boulder rather moving to other communities. The program authorizes the city manager to approve a rebate of eligible fees and taxes for primary employers that meet certain sustainability guidelines. Rebates totaling \$455,000 were approved for ten companies under the 2013 program. Companies approved to receive rebates represented a variety of industries and range of sizes. A ROI analysis completed by the Boulder Economic Council (BEC) estimates a net return of \$3.37 million to the city over the three-year period covered by the program (2013-2015) or \$7.86 for every \$1.00 approved for rebate.

The **Boulder Microloan Program** is a public-private partnership between the City of Boulder, several local banks and the Colorado Enterprise Fund (CEF). Loans through the program provide working capital to eligible small businesses and non-profit organizations in the Boulder area that may not be able to obtain financing through traditional sources. In 2014, 17 small businesses received loans totaling \$774,561 through the Boulder Microloan Program. The loans ranged from \$7,800 to \$102,425 (loans larger than \$50,000 were funded using supplemental CEF funds per program requirements). The businesses that received loans through the program were able to create or retain a total of 152 jobs. Of the 17 borrowers served by the program in 2014, 47% were women-owned businesses, 30% of the business owners self-identify as an ethnic or racial minority, and 42% are low-income wage earners.

FISCAL IMPACT

A higher level of interest in the 2013 Flexible Rebate Program and increased number of applications by qualified primary employers resulted in higher demand for rebate funds. The city manager approved \$455,000 in rebates which was funded by the approved budget of \$350,000 for the 2013 program and \$105,000 in carryover rebate funds that were unused in previous years.

The approved budget for the 2014 program was \$350,000 and unused rebates approved under the 2011 Flexible Rebate Program were added to carryover funds in 2014 to provide more funding for the program. The approved budget for the 2015 program is \$350,000 and any unused rebate funds approved under the 2012 Flexible Rebate Program will be added to carryover funds.

The City of Boulder has invested \$250,000 in the Boulder Microloan Program since the program was launched in 2009. The approved 2015 city budget includes \$50,000 for an additional contribution to the fund.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Economic: Offering business incentives through the Flexible Rebate Program and Boulder Microloan Program encourages the retention and, in some cases, relocation of businesses that support the local economy by providing jobs, investing in facilities and equipment, purchasing goods and services from other local businesses and paying local taxes. These businesses produce city revenues directly through sales, use, and property taxes, permitting fees from remodeling and construction projects and indirectly through their employees' and visitors' spending on hotels, restaurants and retail goods in the city.

Environmental: Encouraging businesses to remain and expand in Boulder rather than move to other cities allows these companies to take advantage of Boulder's transit service and bicycle routes as well as the waste reduction, water conservation, and energy efficiency resources available to Boulder businesses. Flexible Rebate Program recipients are required to meet environmental sustainability guidelines and businesses applying for an incentive through the

program often learn about energy efficiency, waste reduction and commute trip reduction programs and resources they were not aware of previously.

Social: Boulder’s social services are funded through tax revenues and supported by a healthy and diverse economy. Business incentives encourage businesses to invest in Boulder and support a strong local economy. To be eligible for the 2013 Flexible Rebate Program, companies were required to meet social sustainability guidelines such as above average wages, health insurance and wellness benefits, diversity support or support for local non-profits. Businesses that receive funding through the Boulder Microloan Program often represent women- or minority-owned businesses or low income wage earners.

BACKGROUND

The city’s Economic Vitality (EV) Program manages the Flexible Rebate Program and Boulder Microloan Program as part of its work to support the long-term sustainability of the Boulder community through business assistance, business retention and expansion, partnerships and sponsorships, and business incentive programs. The EV Program is staffed by two full-time city employees and a part-time paid intern.

Flexible Rebate Program

The Flexible Rebate Program is an important business retention tool that has been effective in helping to encourage businesses to expand in Boulder rather than move to other communities.

Being approved for a rebate has been an important consideration in several companies’ decisions to remain in Boulder. The program authorizes the city manager to approve a rebate of certain permit fees and sales and use taxes paid to the City of Boulder by eligible businesses provided certain sustainability guidelines are met. In order to receive rebate funds, companies approved for a rebate must submit receipts showing eligible taxes and fees have been paid to the city in the three-year period covered by their rebate agreement.



“The City of Boulder Flexible Rebate Program is an incredible asset to local business owners. ... [The rebate] helped us make the decision to keep our business in Boulder.”

– Anthem Branding

Rebate recipients have represented a wide range of business types and sizes, reflecting Boulder’s diverse economy. To be eligible for the program, businesses must be primary employers located in the City of Boulder that meet eligibility requirements and sustainability guidelines. The program ordinance defines a primary employer as a business with any number of employees that generates more than 50% of its revenues from outside Boulder County, and excludes hotels, motels, restaurants and retailers.

Since the Flexible Rebate Program was launched in 2007, the Boulder Economic Council (BEC) has been hired by the city to conduct an annual independent evaluation of the program including a return on investment (ROI) analysis. Applications for each program year are often received shortly before the December deadline and approved in the following year. To provide the time

needed to complete a thorough review and analysis, the BEC’s evaluation is based on the previous year’s program.

The BEC report, *Return on Investment Analysis on the 2013 Flexible Rebate Program*, is included in **Attachment A**.

Boulder Microloan Program



The Boulder Microloan Program, a public-private partnership between the City of Boulder, Colorado Enterprise Fund (CEF) and local banks, serves small businesses (less than \$2 million in annual revenue) that may not be able to obtain financing through traditional sources but are capable of sustaining a business and repaying debt. A wide range of businesses including restaurants, healthcare providers, independent retailers, manufacturers, publishing, childcare providers, and business services have received loans through the program. These businesses support the community by providing important services and amenities, generating sales taxes, and supporting the economy.

CEF, a non-profit lending source specializing in microloans for small businesses, manages the Boulder Microloan Program and provides technical assistance to borrowers under an agreement with the city.

Funds for the program are provided by the city and participating banks. CEF leverages those funds with other sources including grants to increase funds available for businesses to borrow through the program.

“The Boulder Microloan Fund is a successful example of a public, private partnership fostering community vitality.”
– Colorado Enterprise Fund

In addition to microloan funding from the EV Program, the city has provided Community Development Block Grant (CDBG) funding to CEF through the Division of Housing to support economic development by covering costs associated with outreach efforts to raise awareness of available assistance including the Boulder Microloan Program.

The CEF report, *Boulder Microloan Program 2014 Program Year in Review*, is included in **Attachment B**.

ANALYSIS

Flexible Rebate Program

The city manager approved rebates for ten companies under the 2013 Flexible Rebate Program, ranging from \$10,000 to \$90,000 for a total of \$455,000. Rebate recipients ranged in size from nine to 211 employees and represented a variety of industries including Information Technology, Manufacturing, Natural & Organic Products, Outdoor Recreation, Professional Services, and Publishing. Continued diversity of the businesses that receive rebates through the program

enhances the overall financial return to the city while meeting the city’s goals of helping smaller companies and encouraging larger companies to remain and expand in Boulder.

All the businesses approved for an incentive under the 2013 program indicated rebates would help offset the costs of expanding in Boulder. Seven were considering locations outside Boulder and indicated receiving a rebate was an important factor in their decision to remain in the city.

2013 Rebate Recipient	Industry	Employees (2013)	Approved Rebate
Active Interest Media*	Publishing	124	\$25,000
Anthem Branding	Advertising	20	\$60,000
Avery Brewing*	Manufacturing – Beverage	89	\$90,000
Boulder Brands	Natural & Organic Foods	60	\$60,000
Boulder Homemade*	Natural & Organic Foods	9	\$25,000
Cocona*	Outdoor – Manufacturer	24	\$10,000
Orbotix	IT – Robotics; Software	38	\$30,000
Rudi’s Organic Bakery*	Natural & Organic Foods	211	\$50,000
SolidFire*	IT – Data Storage	90	\$50,000
Sterling-Rice Group*	Advertising	116	\$55,000

*Considered locations outside Boulder

Each of the businesses approved for a 2013 Flexible Rebate Program incentive are briefly described below. Detailed information about each company can be found in **Attachment A**.

- Active Interest Media, Inc.** is a leading special interest media company, with 54 magazines (including Backpacker, Equine, Ski and Yoga Journal) and websites, dozens of digital editions, a film company (Warren Miller Entertainment) and nearly two dozen consumer conferences and events. The company was approved for a \$25,000 rebate to help offset the cost of renovating and expanding its Flatiron Park offices to accommodate the relocation of more than 50 employees to Boulder after the company acquired two additional magazines.
- Anthem Branding** is a full-service advertising, design and merchandising agency with hundreds of clients across various industries including Whole Foods Market, MTV and Rudi’s Organic Bakery. The company was approved for a \$60,000 rebate to help offset the cost of constructing a new building at 2617 Broadway to provide space for its growing workforce.
- Avery Brewing Company** is an award-winning craft brewery founded in Boulder in 1993 that is investing \$27 million in a 96,000 square foot state-of-the-art brewing facility that will enable the company to expand production. The company was approved for a \$90,000 rebate to help offset the cost of building its new Gunbarrel



“We are thrilled to be building a new, world-class brewery in our hometown. ... We are so appreciative that the city and the people of Boulder are helping us create what we know will be an amazing attraction and gathering place for our community for years to come.”
 – Avery Brewing

facility which will also feature an expanded tap room, restaurant, outdoor beer garden and gift shop.

- **Boulder Brands, Inc.** is one of the largest natural food companies in the U.S. with brands targeting health trends including Glutino, Udi’s Gluten Free, Earth Balance, LEVEL Life, Smart Balance and EVOL. The company was approved for a \$60,000 rebate to help offset the cost of relocating its headquarters from New Jersey to Boulder and constructing an office space on the new third floor of 1600 Pearl Street.

- **Boulder Homemade, Inc.** is a natural food company that manufactures Boulder Ice Cream, Yoki Bliss frozen yogurt, and Figo! Organic Gelato, one of the first organic gelatos on the market. The company currently distributes its products to more than 300 grocers and 80 food service establishments. The \$25,000 rebate approved for the company helped offset the cost of moving its headquarters to new space at 3220 Prairie Avenue and consolidating manufacturing operations from Louisville into its new organic-certified facility in Boulder.



- **Cocona, Inc.** is an outdoor company that has developed technology to embed activated carbon from natural sources such as coconut shells into fibers to significantly enhance the

“We had a good experience with the program. It is great that Boulder supports keeping businesses in the city, as we had been looking to relocate to Longmont, Louisville, etc.”
 – Cocona

performance of fabrics by improving breathability, dry times, UV protection and odor management. The company partners with many leading brands including Pearl Izumi, Addidas, Eddie Bauer and Puma. Cocona was approved for a \$10,000 rebate to help offset costs associated with consolidating its Longmont lab and Boulder offices to new headquarters at 5480 Valmont Road.

- **Orbotix, Inc.** is an industry leader in Connected Play or toys that incorporate smart device technology. Orbotix has combined robotics and software engineering to develop



Sphero, a smartphone controlled ball (test-driven by President Obama on a 2012 visit to Boulder), and Ollie, a recently introduced smartphone controlled robot. The company was approved for a \$30,000 rebate to help offset the cost of moving from downtown Boulder to a larger space at 4772 Walnut Street to accommodate its rapid growth and provide space for product demonstration and prototype testing.

- **Rudi’s Organic Bakery** is a natural food company specializing in organic bread and baked goods. From a small Boulder bakery founded in 1976, Rudi’s has grown to the nation’s leading producer of certified organic bread. The company was approved for a \$50,000 to help offset the cost of adding a gluten-free production area to its facility at 3300 Walnut Street and add space for the new employees needed to



keep up with the demand for its products.

- **SolidFire, Inc.** is a cloud-based data storage company that has grown rapidly since moving its headquarters from Atlanta to Boulder in 2011. The company provides software and hardware for high-performance storage platforms designed for public and private cloud computing and has been recognized for its technology innovation and workplace culture. SolidFire was approved for a \$50,000 rebate to help offset the cost of expanding its space in downtown Boulder to accommodate the company's growing workforce.
- **Sterling-Rice Group** is a leading brand, strategy, innovation and communications firm that works with clients ranging from start-ups to national brands including Annie's, So Delicious, Wendy's and PepsiCo. The company has been located in downtown Boulder since it was founded in 1984. The company was approved for a \$55,000 rebate to help offset the cost of its expansion at One Boulder Plaza which will provide a street-level presence and serve as a hub for innovation and creativity by featuring a state-of-the-art test kitchen, mobile workspaces, convertible conference rooms, high-tech audio visual room and 3D printing capabilities.

"Boulder has long been an epicenter for food, innovation, and entrepreneurship, and the Sterling-Rice Group has always been proud to be in the heart of it. ...This new space will enable us to do what we do best in a state-of-the-art flexible space designed to allow for greater collaboration, not only with our clients but with Boulder's entrepreneurial community."

– Sterling-Rice Group

Financial Return – To provide an annual evaluation of the Flexible Rebate Program, the City of Boulder hires the Boulder Economic Council (BEC) to perform a ROI analysis of the previous year's program. The BEC's analysis is a conservative estimate based on updated projections of rebate recipients':

- Number of employees (total and number living in Boulder)
- Capital expenditures and facility improvements
- Indirect employment based on industry-specific job multipliers
- Employee (direct and indirect) spending in Boulder
- Number of overnight visits to Boulder by company clients and prospects
- Taxable local sales

The BEC's analysis shows an overall estimated net return of \$3,370,271 (net present value) to the city under the 2013 Flexible Rebate Program for a ROI of \$7.86 for every \$1.00 invested in the program. The same analysis shows an estimated net return of \$2,431,936 to the city or \$8.50 for every \$1.00 in rebates approved for retained companies, i.e., those that considered moving their business out of Boulder. (See **Attachment A** for BEC's detailed findings.)

Sustainability Impact – In addition to supporting the local economy, the Flexible Rebate Program supports the City of Boulder's commitment to sustainability. Program applicants are required to comply with a minimum number of Social Sustainability guidelines (3 points of 10 points possible) and Community and Environmental Sustainability guidelines (8 points of 33

points possible). Providing choices helps provide options to reflect a wide range of applicant situations and business needs.

Businesses approved for a rebate under the 2013 program actively participate in programs that support the city's sustainability goals including increased energy efficiency and use of alternative transportation, reduced waste, and support for local businesses and non-profits organizations.

The BEC report (**Attachment A**) provides detailed information on the sustainability guidelines met by 2013 Flexible Rebate Program recipients, which included:

- Requesting energy assessments and participating in energy efficiency programs
- Implementing recycling or zero waste programs
- Participating in the EcoPass Program and Commute Trip Reduction programs
- Providing significant support for Boulder County non-profit organizations
- Adopting business practices that support sustainability
- Providing health insurance benefits for employees and paying above average wages

Of the 2013 rebate recipients, Active Interest Media, Anthem Branding, Avery Brewing Company, and Boulder Brands indicated commitment to sustainability in the widest range of areas on their rebate applications.

- Active Interest Media is pursuing a PACE (Partners for Clean Energy) certification and will implement an environmental purchasing policy and enhance its zero waste program. In addition to paying above average wages, providing health insurance benefits and supporting local non-profits, the company encourages the use of alternative transportation by employees to reduce commute trips and offers flexible work schedules, indoor bicycle parking and employee contests to encourage commuting by bike.
- Anthem Branding will achieve a PACE Area of Excellence certification for its new facility, participates in the 10 for Change Challenge, is enrolled in RTD's EcoPass program, and plans to work with GO Boulder to develop an employee commute trip reduction (CTR) program. The company also provides significant support for non-profit organizations in Boulder County, pays above average wages, and helps cover the cost of employees' health insurance premiums.
- Avery Brewing Company supports the local community and local non-profits by providing beer and space for fundraising events, donating the net proceeds of company-sponsored beer festivals to local causes, and sponsoring local running and bike races. The company plans to install solar panels at its new facility and diverts most of its brewery waste products from the landfill by making it available for animal feed.
- Boulder Brands is committed to improving the packaging of their products and their day-to-day operations to be more environmentally friendly. The company provides cash and in-kind donations to local non-profits and offers employees up to 4 paid days off each year to volunteer. In addition to participating in zero waste, energy efficiency and commute trip reduction programs, Boulder Brands participates in the EcoCycle Green

Star Business Program and applied for Gold LEED certification for its office in downtown Boulder.

Program Update – Between 2007 (program pilot) and 2013, the city manager approved 54 rebates totaling \$2.4 million. According to the BEC’s ROI analysis, the total net return to the city is estimated to be \$23 million or \$10.18 for every \$1 approved for rebate during that time. (See **Attachment A** for more details, including total rebates approved and estimated ROI by program year.)

Of the \$2,483,480 approved for rebate from 2007 to 2013, \$2,214,359 or 89% has either been paid to rebate recipients (\$2,008,045) or may be paid to recipients requesting rebates before their program year deadline (\$206,314).

In 2014, the city received ten Flexible Rebate Program applications. Of those, six have been approved for a total of \$390,000 including \$350,000 budgeted for the 2014 program and \$40,000 in carryover funds. The remaining applications are currently under review.

Boulder Microloan Program

Seventeen small businesses received loans totaling \$774,561 through the Boulder Microloan Program in 2014. The loans ranged from \$7,800 to \$102,425 (loans larger than \$50,000 were made using microloan program funds combined with other CEF funding sources per program requirements). The loans had repayments terms ranging from 36 to 84 months and interest rates of 8.75% to 11.99%.

The businesses that received loans through the microloan program in 2014 (listed below) were able to create or retain a total of 152 jobs. Three of the businesses had previously received loans through the program: ANCO Engineers, Boulder Vision Associates and Paradigm Publishers.

- **6px, Inc.** – Cloud optimized image processing technology
- **ANCO Engineers** – Earthquake testing equipment design and manufacturing
- **Atomic20** – Adaptive marketing strategy and design
- **Blackbird and the Snow** – Jewelry design and sales
- **Blooming Beets Kitchen** – Restaurant specializing in gluten free fare
- **Boulder Vision Associates** – Eye care provider
- **Chiropractic Concept Clinic** – Chiropractic & physical therapy clinic
- **Deviant Spirits** – Traditional and infused vodkas distiller
- **Fresh, LLC** – “The Riverside” café and Agora Event Center catering
- **Himalayas Chai** – Chai from restaurant’s popular recipe
- **Paradigm Publishers** – Educational books and journals
- **Planting Dreams Home Childcare** – Spanish immersion preschool
- **Represent Your Water** – Environmental conservation
- **Simply Dara** – Vegan, gluten free, macrobiotic, raw snacks
- **The Hitching Post** – Equestrian products and décor



- **XOAB, LLC** – Design and manufacturer of socks made in US
- **Yummari, Inc.** – Manufacturer of chai-based snacks

Since the program’s inception in 2009, a total of 56 loans totaling \$2,027,263 (\$1,344,835 in funds from the Boulder Microloan Program and \$682,428 from other CEF funding sources) have been made to Boulder area small businesses.

The Boulder Microloan Program is currently funded at \$1,325,000 which includes 2014 funding from the City of Boulder (\$50,000 grant) and loans from First National Bank (\$150,000) and Wells Fargo (\$100,000). Through re-lending the principal of repaid loans and the leveraging effect of other CEF funds, the direct impact of the access to loan capital by Boulder area small businesses is estimated to be 250% greater than the investment made by the funding partners.

Small businesses are referred to the program through the city and CEF websites, business outreach efforts, local banks, and the Boulder Small Business Development Center (SBDC) and other business support organizations. There was an increase in program lending activity in 2014 due to increased CEF staffing levels and efforts to generate more referrals.

Sustainability Impact – The Boulder Microloan Program serves small businesses that may not be able to obtain financing through traditional sources but are capable of sustaining a business and repaying debt. Borrowers who have received loans through the program represent a wide range of businesses including restaurants, healthcare providers, independent retailers, manufacturers, publishers, and childcare providers. These businesses contribute to the local community by providing important services and amenities, generating sales taxes, and supporting the economy. Of the 17 borrowers served by the program in 2014:

- 47% were women-owned businesses
- 30% of the business owners self-identify as an ethnic or racial minority
- 42% are low-income wage earners

NEXT STEPS

Report findings and feedback from businesses indicate the Flexible Rebate Program is a useful, cost effective business retention tool and the Boulder Microloan Program has helped to increase the amount of working capital available to small businesses in the Boulder area.

Plans for the Flexible Rebate Program in 2015 include continuing to use the program as a business retention tool, identifying potential applicants through business outreach meetings, business assistance requests and ongoing communication with property owners, commercial real estate brokers and economic vitality partners.

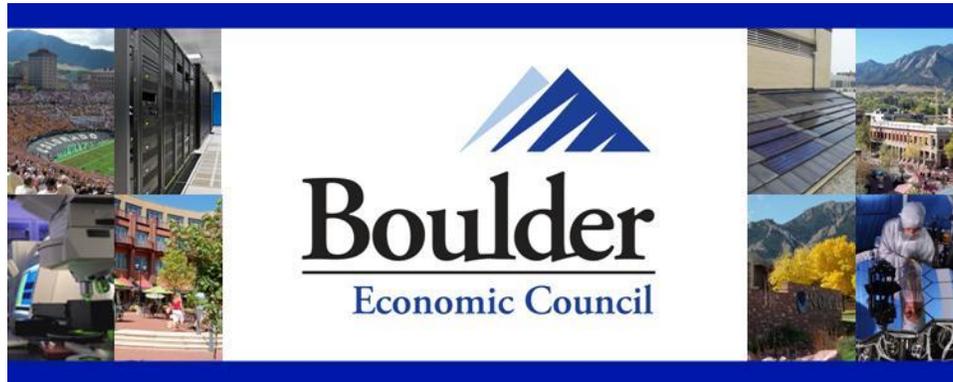
In 2015, EV staff will continue to work with the Small Business Development Center and CEF to promote the Boulder Microloan Program to small businesses that may find it to be a good fit for their situation. Staff will also work with CEF to explore options for increasing program

funding through greater participation from banks and opportunities to leverage funds through grants and other programs.

ATTACHMENTS

Attachment A: Return on Investment Analysis on the 2013 Flexible Rebate Program
(Report to the City of Boulder by the Boulder Economic Council)

Attachment B: Boulder Microloan Program 2014 Program Year in Review
(Report to the City of Boulder by the Colorado Enterprise Fund)



ROI Analysis

City of Boulder Flexible Rebate Program

December 2014

Boulder Economic Council | 2440 Pearl Street, Boulder, Colorado 80302
303.938.2081 | www.BoulderEconomicCouncil.org

Table of Contents	Page
Executive Summary	2
Detailed Summary of the Results	
Background and Methodology	3
2013 Program Highlights	
Summary of companies receiving rebates	4
Rebate recipients by industry sector and size	7
Employment, wages and indirect jobs created	8
Financial Return on Investment	9
Social, Environmental and Community Sustainability	12
Conclusion	15
Appendices	
<i>Appendix A</i> <i>Overview of 2013 Flexible Rebate Recipients</i>	
Active Interest Media, Inc.	17
Anthem Branding	19
Avery Brewing Company	21
Boulder Brands, Inc.	23
Boulder Homemade, Inc.	25
Cocona, Inc.	27
Orbotix, Inc.	29
Rudi's Organic Bakery	31
SolidFire, Inc.	33
Sterling-Rice Group	35
<i>Appendix B</i>	37
<i>Financial Analysis Assumptions and Data Sources</i>	
<i>Objective and Methodology</i>	
<i>Appendix C</i>	
<i>Return on Investment – All Recipients: 2007–2013</i>	39
<i>Return on Investment – New and Retained Businesses: 2007-2013</i>	43
<i>History of Boulder's Economic Vitality Program</i>	46

Executive Summary

The City of Boulder's Flexible Rebate Program continues to be a useful and cost-effective tool for retaining businesses, based on a return on investment (ROI) analysis conducted by the Boulder Economic Council (BEC).

In 2013, rebates were approved for ten Boulder primary employers that contribute to the economic, environmental, and social sustainability of the community and agreed to stay in Boulder for at least three years. The companies planned to use the funds to help offset costs associated with their growth and expansion and make their operations more sustainable.

The rebates approved by City Manager Jane Brautigam in 2013 ranged from \$10,000 to \$90,000 for a total of \$455,000. Based on an analysis of projected employment and wages provided by rebate recipients for the three year period (2013-2015) covered by the rebate, the city will receive an estimated net return of \$3.37 million or \$7.86 for every \$1 invested, through:

- Sales taxes paid on business sales in Boulder;
- Taxes on business capital expenditures and facility improvements in Boulder;
- Building permit fees paid to the city; and
- Sales taxes paid on purchases by direct and indirect employees and visitors.

In addition, the rebate recipients will create new jobs and are committed to supporting the Boulder community through programs that align with the city's goals for environmental and social sustainability including paying higher than average wages, supporting local charities and non-profit organizations, and participating in programs to reduce their energy consumption, waste and employee commuter trips.

Program participants included companies in a range of industries including publishing / digital media, beverage manufacturing, organic food production, textiles, advertising / brand marketing and IT. Seven of the companies were considering locations outside the city and the rebates they received influenced their decisions to remain in Boulder. When the companies submitted their applications in 2013, they ranged in size from 9 to 211 employees for a total of 781 employees. By 2015 they expect to employ a total of 1,086 employees for an increase of 39%.

2013 Flexible Rebate Recipient	Industry	2013 Employees	2015 Employees	Rebate Awarded	Net Return on \$1
Active Interest Media	Publishing / Digital Media	124	178	\$25,000	\$10.12
Anthem Branding	Advertising / Brand Marketing	20	43	\$60,000	\$5.67
Avery Brewing Company	Beverage Manufacturing	89	145	\$90,000	\$11.69
Boulder Brands, Inc.	Organic Food Production	60	90	\$60,000	\$8.63
Boulder Homemade, Inc.	Organic Food Production	9	28	\$25,000	\$2.02
Cocona, Inc.	Textiles	24	29	\$10,000	\$3.98
Orbotix, Inc.	IT – Robotics and Software	38	65	\$30,000	\$4.24
Rudi's Organic Bakery	Organic Food Production	211	218	\$50,000	\$6.49
SolidFire, Inc.	IT – Data Storage	90	165	\$50,000	\$7.73
Sterling-Rice Group	Advertising / Brand Marketing	116	125	\$55,000	\$9.07
Total		781	1,086	\$455,000	\$7.86

Detailed Summary of Results

Background

Since 2007, the City of Boulder has offered business incentives through its Flexible Rebate Program to help eligible businesses expand in Boulder. The program is part of the City's ongoing effort to support the economic vitality of the city through outreach, assistance, and recognition of local businesses.

To be eligible for the program, businesses are required to be primary employers, defined as generating more than half of company revenue from sales outside Boulder County. They are also required to reflect the values and goals of Boulder, demonstrated by commitment to environmental and social sustainability of the community, and to agree to remain in Boulder for at least three years. Funds are reimbursed only as companies submit receipts to show that qualifying taxes and fees have been paid to the City of Boulder.

The Boulder Economic Council (BEC) has been commissioned by the City of Boulder to provide an objective evaluation of the effectiveness of the Flexible Rebate Program, including a return on investment (ROI) analysis.

(See Appendix C for more information including program history.)

Methodology

At the time each company applied for a rebate, the City of Boulder Finance Department performed an analysis to ensure that the sales tax on local sales in Boulder, any sales and use taxes paid to the City on capital expenditures and facility improvements in Boulder and building permit fees combined would cover the cost of the incentive. They also considered the sales taxes generated by anticipated spending by local employees and used a flat jobs multiplier of 1.5.

The BEC analysis builds on the city's analysis and includes the broader economic impacts that businesses have on the community. Key refinements to the analysis include consideration of:

- Industry specific 2011 IMPLAN job multipliers for each rebate recipient
- 2012 Bureau of Labor Statistics consumer spending data by employee wage group
- Spending for non-resident employees, conservatively estimated at \$25/week
- Spending for overnight business visitors based on the most recent data available from the Boulder Convention and Visitor's Bureau

(See Appendix B for more information on data sources, assumptions, and methodology.)

2013 Program Highlights

The City of Boulder approved \$455,000 in tax/fee rebates for ten primary employers in 2013. All of the companies were at transition points in their operations and planned to use funds from the Flexible Rebate Program to help offset costs associated with growth and expansion and make their operations more sustainable. The availability of an incentive through the rebate program was a factor for seven of the companies who considered other locations but decided to remain in Boulder.

The companies that were approved for an incentive through the City of Boulder Flexible Rebate Program in 2013 included different industries and sizes of businesses, reflecting the City’s goal of assisting a variety of businesses with the program. Comments made by rebate recipients indicate the program is helping the city build goodwill in the Boulder business community and helping to demonstrate its support of business growth and expansion in Boulder.

The following companies were approved for a Flexible Rebate Program incentive in 2013 (*See Appendix A for a detailed overview of recipients*):



Active Interest Media, Inc. is a leading special interest media company with holdings across multiple media platforms, including more than 54 magazines, 54 websites, dozens of digital editions, a film company, and nearly two dozen major consumer conferences and events. The company’s five publishing groups reach more than 36 million readers in 85 countries around the world. The company recently acquired Yoga Journal and Clean Eating Magazine, relocating more than 50 employees to Boulder. To accommodate its recent and expected growth, Active Interest Media is renovating and expanding its Flatirons Park office. Active Interest Media received approval for a \$25,000 rebate to help offset the costs of renovation and expansion.



The City of Boulder has been a phenomenal community and business partner in helping us build a thriving media business. Our location here has enabled us to attract our staff of over 200 passionate media pros.

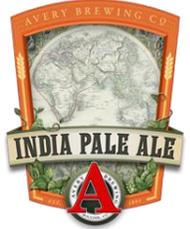
ANTHEM BRANDING produces fully-realized brand identities, must-have merchandise and innovative promotional products. The primary focus is creating unique, strong brand experiences through solid partnerships with local and national clients across various industries. Anthem was approved for a rebate of \$60,000 to help offset its expansion into a new, contemporary building on Broadway that will allow for growth.



Our new space will support our continued growth and allow us to offer even more robust solutions for our clients. We're excited to have a lasting and meaningful impact on the local landscape, and reflect Boulder's spirit of creativity and innovation.



Avery Brewing Company is an award-winning craft brewery that was launched in 1993 and today produces more than twenty different beers. After it became clear their current facility was not large enough to support its growth, the company considered a number of locations within and outside the city before purchasing a 5.6 acre parcel at 4910 Nautilus Court in Boulder. The company is building a \$27 million, 96,000 sq. ft. state-of-the-art brewing facility that will feature an expanded tap room, restaurant, outdoor beer garden and gift shop. Avery Brewing Company received approval for a \$90,000 rebate to help offset the costs of this new facility in Gunbarrel.



We are thrilled to be building a new, world-class brewery in our hometown. The Avery Brewing Company would not exist without Boulder and we can't imagine being anywhere else. This rebate is an incredible bonus. We are so appreciative that the city and the people of Boulder are helping us create what we know will be an amazing attraction and gathering place for our community for years to come.



Boulder Brands, Inc. (formerly Smart Balance, Inc.), one of the largest natural food companies in the United States, is committed to offering food solutions that give consumers opportunities to improve their lives – one product at a time. The company's health and wellness platform consists of brands that target specific health trends: Glutino; Udi's Gluten Free; Earth Balance; LEVEL Life; Smart Balance; and EVOL. Boulder Brands received approval for a \$60,000 rebate to help offset the costs of constructing third-floor office space at 1600 Pearl St. in order to relocate its corporate headquarters from Paramus, New Jersey to Boulder, Colorado.

Boulder has long been regarded as the epicenter of the natural foods industry, and Boulder Brands is proud to call this wonderful city home.... We are thrilled with our new space, and thank the City of Boulder for their support in making this move possible for our company.



Boulder Homemade, Inc. began as a scoop shop on the Pearl Street Mall in 1992 and currently manufactures and distributes to more than 300 grocery stores and 80 food service establishments. Boulder Homemade, Inc. manufactures Boulder Ice Cream, Yoki Bliss frozen yogurt, and Figo! Organic Gelato, one of the first organic gelatos on the market. Boulder Ice Cream received approval for a \$25,000 rebate to help offset the costs of moving its headquarters to a new space at 3220 Prairie Ave. and consolidating its manufacturing from two plants in Louisville and Denver into its new organic-certified facility in Boulder.



We are very happy to be consolidated back in Boulder, where we started. The new plant has the capacity to not only manufacture all our products, but also warehouse our entire inventory, alleviating the need to truck our product to a storage warehouse in Denver.



Cocona, Inc. (now known as 37.5) is a world leader in the development, commercialization and marketing of active particle technologies currently used to enhance the technical performance of clothing, footwear and sleep systems under the product name 37.5™. Founded by Greg Haggquist in 2000, Cocona’s 37.5 technology helps power many of the world’s leading brands of active and outdoor apparel including Adidas, Pearl Izumi, Under Armour, and Carhartt. Cocona received approval for a \$10,000 rebate to help offset the costs moving its office from 2100 Pearl to East Boulder and consolidating its laboratory facility, including the 5 employees who work there, from Longmont to the new Boulder office.



Boulder is an ideal place to locate a technology company. Besides being an easy place to recruit top talent, the city has supported our growth every step of the way.



Orbotix, Inc., founded in 2010, creates robots that fuse the hardware and gaming apps into a connected toy for the consumer market. Its first product, Sphero, is a robotic ball that comes with over 30 gaming apps and has sold in more than 70 countries worldwide. Orbotix received approval for a rebate of up to \$30,000 to help offset the costs of its recent expansion due to rapid growth. Orbotix moved its 35 employees from a 6,800 square foot space in downtown Boulder to a new space at 4772 Walnut St., more than doubling the size of its office. A sizable portion of Orbotix’s new space is designated a play area and driving track where the company



We’re proud to be building the next great connected toy company right here in Boulder, Colorado. We are thrilled to be in our new building and want to thank the City of Boulder for its help.

can show off Sphero and test new prototypes.



Rudi’s Organic Bakery is the leading producer of certified organic bread in the U.S., and specializes in the production and distribution of organic bread and baked goods products, including lines of gluten-free breads and baked goods. Owned by Charter Baking, the company was founded by Sheldon Romer in 1976 as a small local bakery in Boulder. In 2013, Rudi’s added a gluten-free production facility to its space at 3300 Walnut St. and continues to expand in Boulder. The company currently has 230 employees and recently hired more than 30 new employees. Rudi’s was approved for a rebate up to \$50,000 to help offset the costs of its expansion and employee growth.



Rudi’s is thrilled to receive this rebate from the City of Boulder. The city has been very supportive of our growth initiatives over the years and we plan to add more new jobs as our business continues to expand.



SolidFire, Inc. develops, markets, and sells high-performance and high-efficiency computer storage devices. These devices are built specifically for cloud computing, using an all Solid State Disks (SSD) platform. Founded in 2010 in Atlanta, the company moved to Boulder in May 2011 with five employees. In the third quarter of 2013, SolidFire received \$31 million in venture capital, leading all companies in the state, and received an additional \$82 million in 2014. The company occupied approximately 14,000 square feet in Downtown Boulder and is expanding that space by 10,000 square feet to accommodate expected growth. SolidFire was approved for a rebate up to \$50,000 to assist with the cost of this expansion, which will enable the company to grow from its current 100 employees to up to 170 employees.



We are proud to be part of the Boulder community and the rich history of storage and data technology talent. As our team continues to grow, there isn't anywhere else we'd rather be.



Sterling-Rice Group is a leading brand, strategy, innovation and communications firm that was founded in Boulder in 1984. Companies, from small entrepreneurial start-ups to some of the biggest brands in the country, come to Boulder to seek out SRG's expertise in consumer insights, new product innovation, brand positioning, advertising and design. SRG has grown to 116 employees and has been located in downtown Boulder since its founding. SRG was approved for a rebate up to \$55,000 to assist with the cost of expanding beyond its fourth floor space in the One Boulder Plaza building into a total of 39,500 square feet, including a street-level presence on the first floor of 1801 13th St. The new space will serve as a hub for innovation and creativity complete with a state-of-the-art test kitchen, mobile workspaces, convertible conference rooms, high-tech audio visual room and 3-D printing capabilities.



Boulder has long been an epicenter for food, innovation and entrepreneurship, and the Sterling-Rice Group has always been proud to be in the heart of it.... This new space will enable us to do what we do best in a state-of-the-art flexible space designed to allow for greater collaboration, not only with our clients but with Boulder's entrepreneurial community as well.

2013 rebate recipients included companies in the beverage manufacturing, IT, publishing, food production, textiles and advertising industries.

2013 Flexible Rebate Recipient	Industry Sector
Active Interest Media	Publishing / Digital Media
Anthem Branding	Advertising / Brand Marketing
Avery Brewing Company	Beverage Manufacturing
Boulder Brands, Inc.	Organic Food Production
Boulder Homemade, Inc.	Organic Food Production
Cocona, Inc.	Textiles
Orbotix, Inc.	IT – Robotics and Software
Rudi's Organic Bakery	Organic Food Production
SolidFire, Inc.	IT – Data Storage
Sterling-Rice Group	Advertising / Brand Marketing

Recipients ranged in size from 9 to 211 employees in 2013 for an overall total of 781 employees. The companies that received a rebate anticipated adding a total of 305 additional employees over the three years covered by the program (2013 to 2015) with projected employment growth ranging from 3% to 211% or overall growth of 39%.

2013 Recipient	Employees 2013	Employees 2014	Employees 2015	Employees added 2013-15	% Growth
Active Interest Media	124	166	178	54	44%
Anthem Branding	20	35	43	23	115%
Avery Brewing Company	89	98	145	56	63%
Boulder Brands, Inc.	60	75	90	30	50%
Boulder Homemade, Inc.	9	22	28	19	211%
Cocona, Inc.	24	24	29	5	21%
Orbotix, Inc.	38	55	65	27	71%
Rudi's Organic Bakery	211	185	218	7	3%
SolidFire, Inc.	90	125	165	75	83%
Sterling-Rice Group	116	11	125	9	8%
Total	781	896	1,086	305	39%

Based on employment multipliers for different industries, rebate recipients will also generate an estimated 1,369 indirect jobs between 2013 and 2015.

2013 Recipient	Indirect Jobs 2013	Indirect Jobs 2014	Indirect Jobs 2015	Total Indirect Jobs Created
Active Interest Media	74	93	101	268
Anthem Branding	13	25	28	66
Avery Brewing Company	45	64	90	199
Boulder Brands, Inc.	22	29	37	88
Boulder Homemade, Inc.	4	12	16	32
Cocona, Inc.	5	5	7	17
Orbotix, Inc.	39	51	64	146
Rudi's Organic Bakery	37	41	48	126
SolidFire, Inc.	82	103	142	327
Sterling-Rice Group	38	28	34	100
Total	351	451	567	1,369

Thirty-four percent of the individuals employed by rebate recipients in 2013 resided in Boulder, which matches the estimated citywide average of 34%.

2013 Recipient	Total Employees 2013	Resident Employees 2013	% of Employees living in Boulder
Active Interest Media	124	48	39%
Anthem Branding	20	15	75%
Avery Brewing Company	89	53	60%
Boulder Brands, Inc.	60	15	25%
Boulder Homemade, Inc.	9	6	67%

Attachment A - Return on Investment Analysis on the 2013 Flexible Rebate Program

Cocona, Inc.	24	11	46%
Orbotix, Inc.	38	12	32%
Rudi's Organic Bakery	211	25	12%
SolidFire, Inc.	90	32	36%
Sterling-Rice Group	116	45	39%
Total	781	262	34%

Financial Return on Investment – All 2013 Rebate Recipients

An analysis by the Boulder Economic Council indicates that for every dollar invested in rebate incentives for 2013 Flexible Rebate Program recipients, the city is expected to gain \$7.86 in revenue. Based on the information provided by the companies that received rebates and assumptions made in the financial analysis, it is estimated that the City of Boulder will recoup an estimated net return of \$3,370,271 (net present value) over the three-year period the companies agreed to remain in Boulder.

The following table summarizes the rebates approved and financial return on investment for 2013 Flexible Rebate Program participants. The net return on each \$1 authorized for rebates is estimated to range from -\$2.02 to \$11.69 for an overall net return of \$7.86.

Return on Investment – 2012 Flexible Rebate Recipients (2012 – 2014)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Active Interest Media	\$25,000	\$23,810	\$264,665	\$240,855	\$10.12
Anthem Branding	\$60,000	\$57,143	\$381,400	\$324,258	\$5.67
Avery Brewing Company	\$90,000	\$82,540	\$1,047,499	\$964,959	\$11.69
Boulder Brands, Inc.	\$60,000	\$57,143	\$539,347	\$482,204	\$8.44
Boulder Homemade, Inc.	\$25,000	\$23,810	\$71,967	\$48,153	\$2.02
Cocona, Inc.	\$10,000	\$9,524	\$47,455	\$37,931	\$3.98
Orbotix, Inc.	\$30,000	\$28,571	\$149,714	\$121,142	\$4.24
Rudi's Organic Bakery	\$50,000	\$47,619	\$356,688	\$309,069	\$6.49
SolidFire, Inc.	\$50,000	\$47,619	\$415,839	\$368,220	\$7.73
Sterling-Rice Group	\$55,000	\$51,042	\$513,791	\$462,749	\$9.07
Total	\$455,000	\$428,821	\$3,799,096	\$3,370,271	\$7.86

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

Financial Return on Investment – 2013 Retained Businesses

Of the ten companies that were approved in 2013 to receive incentives through the Flexible Rebate Program, seven were considering moving their business to a location outside the city. These companies indicated the rebate played a role in their decisions to remain in Boulder. A return on investment analysis of businesses attracted or retained through the program indicates the City will recoup an estimated net return of \$2,431,936 (net present value) over the three-year period the companies agreed to remain in Boulder or \$8.50 on each \$1 authorized for rebates.

Return on Investment – 2013 Flexible Rebate Recipients (2013 – 2015): New and Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Active Interest Media	\$25,000	\$23,810	\$264,665	\$240,855	\$10.12
Avery Brewing Company	\$90,000	\$82,540	\$1,047,499	\$964,959	\$11.69
Boulder Homemade, Inc.	\$25,000	\$23,810	\$71,967	\$48,153	\$2.02
Cocona, Inc.	\$10,000	\$9,524	\$47,455	\$37,931	\$3.98
Rudi's Organic Bakery	\$50,000	\$47,619	\$356,688	\$309,069	\$6.49
SolidFire, Inc.	\$50,000	\$47,619	\$415,839	\$368,220	\$7.73
Sterling-Rice Group	\$55,000	\$51,042	\$513,791	\$462,749	\$9.07
Total	\$305,000	\$285,964	\$2,717,904	\$2,431,936	\$8.50

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

Financial Return on Investment – All Rebate Recipients: 2007 – 2013

Since the program was introduced in 2007, a total of 54 companies have been approved for rebates totaling \$2,483,480. The total net return to the city is projected to be \$23,026,212 or \$10.18 for every \$1 invested. The ROI has varied from year to year depending on the mix of companies participating in the program and economic conditions.

Flexible Rebate Funding and Returns: All Rebate Recipients 2007 - 2013						
Program Year	Program Funding	Total Approved Rebates	Total Recipients	Approve Rebate PV	Net Return PV	Net Return on \$1
2007	\$500,000	\$500,000	7	\$454,661	\$6,096,276	\$14.41
2008	\$350,000	\$322,135	8	\$284,752	\$2,498,800	\$8.78
2009	\$350,000	\$209,979	7	\$193,216	\$5,582,354	\$28.89
2010	\$350,000	\$320,366	7	\$291,147	\$3,437,388	\$11.81
2011	\$350,000	\$281,000	6	\$246,410	\$728,746	\$2.96
2012	\$395,000*	\$395,000	9	\$363,782	\$1,312,377	\$3.61
2013	\$350,000	\$455,000**	10	\$428,821	\$3,370,271	\$7.86
Total	\$2,645,000	\$2,483,480	54	\$2,262,789	\$23,026,212	\$10.18

*includes \$350,000 budgeted amount and \$45,000 in carryover funds from previous unused funds

**includes \$350,000 program funding for 2013 and an additional \$105,000 awarded in carryover funds from previous unused funds

During that same time, a total of 32 companies were retained in or attracted to Boulder as a result of the program. Those companies were approved for rebates totaling \$1,556,385. The net return to the city is estimated to be \$7,738,715 or \$5.51 for every \$1 invested.

Flexible Rebate Funding and Returns: New and Retained Businesses 2007 - 2013					
Program Year	Total Approved Rebates	Total Recipients	Approve Rebate PV	Net Return PV	Net Return on \$1
2007	\$250,422	4	\$228,018	\$2,119,331	\$18.11
2008	\$150,000	3	\$130,040	\$418,709	\$2.22
2009	\$119,963	3	\$111,077	\$488,819	\$4.40
2010	\$150,000	3	\$136,053	\$613,162	\$4.51
2011	\$281,000	6	\$246,410	\$728,746	\$2.96
2012	\$290,000	6	\$267,488	\$938,012	\$3.51

Attachment A - Return on Investment Analysis on the 2013 Flexible Rebate Program

2013	\$305,000	7	\$285,964	\$2,431,936	\$8.50
Total	\$1,556,385	32	\$1,405,050	\$7,738,715	\$5.51

ROI figures were calculated based on the amount of approved rebates rather than the rebates that had been issued to companies. Not all companies have submitted receipts to collect the full amount of their approved rebate, as shown in the table below. As a result, net returns may actually be higher than the analysis shows.

Flexible Rebate Funding and Actual Rebates Paid: Rebate Recipients 2007 - 2013					
Program Year	Program Funding	Rebates Approved	Total Recipients	Rebates issued as of November 2014	Unclaimed rebates
2007	\$500,000	\$500,000	7	\$458,998	\$41,002
2008	\$350,000	\$322,135	8	\$245,017	\$77,118
2009	\$350,000	\$209,979	7	\$195,588	\$14,391
2010	\$350,000	\$320,366	7	\$277,108	\$68,258
2011	\$350,000	\$281,000	6	\$219,518	\$61,482
2012	\$395,000	\$395,000	9	\$238,163	\$156,837
2013	\$350,000	\$455,000	10	\$385,292	\$69,708
Total	\$2,645,000	\$2,483,480	54	\$1,994,684	\$488,796

Note: 2012 and 2013 rebate recipients are still submitting receipts

Social, Environmental and Community Sustainability

While the City of Boulder's Flexible Rebate Program is based on the belief that growing, retaining, and attracting businesses to Boulder is vital to the city's economic sustainability, the program also reflects the City's commitment to environmental and social sustainability. The companies that were awarded incentives in 2013 are actively participating in programs that help meet City of Boulder goals of reducing waste and energy consumption, increasing the use of alternative transportation by workers and supporting the social well-being of the community.



Active Interest Media, Inc. supports community volunteer efforts, provides paid time off for employees who volunteer and donates to local non-profits. It purchases a minimum of 25% of its total goods and services from Boulder companies. Active Interest Media has exceeded the requirements and is pursuing a Partners for a Clean Environment (PACE) certification in zero waste, including implementing an environmental purchasing policy and building on the zero waste program that has operated in its offices for the last six years. In addition, the company has developed a commute trip reduction program, offering flexible work schedules, secure and covered bicycle parking inside the office, and bicycle commuting challenges with prizes.

ANTHEM BRANDING

Anthem Branding boasts a higher than average wage than the Boulder County average, provides pro-bono and cash contributions to several non-profit organizations in Boulder including Emergency Family Assistance Association, Boulder Valley School District and B-Cycle, among many others, and their new facility features a walk score of 95 and will achieve a PACE Area of Excellence certification.



Avery Brewing Company supports the local community and non-profit organizations by providing beer and space for fund-raising events, donating the net proceeds of company-sponsored beer festivals to local causes, and sponsoring local running and bike races. The company encourages employees to use alternative transportation and diverts most of its brewery waste products from the landfill by making it available as animal feed. Avery also plans to install solar panels and introduce an enhanced zero waste program at the new brewery.



Boulder Brands, Inc. supports a number of community organizations financially and with in-kind donations exceeding \$150,000 annually. The company supports commute trip reduction by allowing employees who live further from the office to work from home a pre-determined amount of hours/days per week. Boulder Brands has 4 showers in the new office space, to encourage employees to bike to work and to make it more efficient for employees to exercise in the morning or during the work day. Boulder Brands is also committed to improving packaging and day-to-day operations to be more environmentally friendly, including paperless operations when possible. They have sourced as many local supplies for the new office space as possible, including using Colorado beetle kill pine for all employee desks and walls, as well as recycled materials for some of the stools and chairs.



Boulder Homemade, Inc. donates several hundred dollars per employee to community charitable groups and pays for ESL classes for employees up to \$250 per employee per year. The company also actively promotes sustainability and organic practices on packaging, literature and on social media. Boulder Ice Cream's environmental goals focus on creating as little environmental impact as possible. They consistently look for real ways to lessen their footprint on the planet and have been a zero waste company for the past ten years. They use compostable

bowls, spoons and napkins for events and sampling and a batch process in manufacturing that reduces product waste to nearly zero. They also purchase wind energy credits for 100% of their electrical usage and their new plant was built with state-of-the-art heat capture equipment, reducing the company's demand for both electricity and natural gas. Approximately 80% of the hot water and 70% of the warehouse heating is supplied by the heat waste stream of other equipment.



Cocona, Inc. (now known as 37.5) has a highly skilled workforce with an average wage that is significantly higher than the Boulder County average and covers over 75% of employee health insurance premiums. The company supports environmental sustainability by implementing a single stream recycling program office wide, joining and participating in the 10 for Change Challenge, and is transitioning to a policy of 100% Energy Star products, as available. The company's technology is based on using a waste product - small particles of carbon. They utilize usable activated carbon particles from the water filtration industry and extrude these particles into yarn. They then have fabrics made out of this yarn - that offer superior drying performance. Studies show Cocona's products use less energy during the laundering process.



Orbotix, Inc. takes care of its highly skilled workforce with an average salary that is well above the Colorado average. The company pays 100% of employee health insurance and supports non-profits by contributing cash or allowing employees at least one day off to provide volunteer services at a Boulder-based non-profit. They are committed to being an environmentally conscious company as demonstrated by participating in an assessment conducted by the EnergySmart team, implementing a single-stream recycling program in their office, and participating in RTD's Corporate Eco Pass program.



Rudi's Organic Bakery donates several thousand loaves of bread per month to local food banks. In 2012, Rudi's donated over 425,000 loaves of bread, which is equated to nearly \$1.5 million in product through the year, or over \$9,500 per Rudi's employee. Rudi's started a sustainability initiative to help improve their environmental footprint as well as the quality of life of their employees. As part of the sustainability initiative, they have benchmarked their carbon footprint to identify opportunities to improve the efficiency of their operations.



SolidFire, Inc. pays an average annual wage that is more than double the Boulder County average and they pay 100% of employee benefits. They encourage volunteerism by organizing a minimum of one community service event per quarter, offering employees an unlimited paid time off policy to participate in their SolidFire organized community events or other community events of their choice. The company practices environmental sustainability by purchasing recyclable and compostable products for company events and everyday use. They also offer employees a \$75 monthly cash allowance if they waive their downtown parking pass and choose to commute using alternative transportation and SolidFire is enrolled in RTD's Eco Pass Program.



Sterling-Rice Group pays its employees above-average salaries, pays nearly 100% of employee health and dental insurance and 50% of any covered dependents, and supports non-profits both through cash donations and pro bono services. In 2012, they paid \$96,734 in cash and provided services valued at \$116,250. Sterling-Rice Group works with Renewable Choice Energy. They

purchase Green-e Certified Wind for 100% electrical usage and Choice Carbon for 100% offset for emissions. They participate in recycling and composting programs and have a zero waste policy for company events and use compostable plates, cups, and eating utensils. The company also participates in the Eco Pass program.

The following table provides an overview of 2013 recipients’ current or planned participation in programs that support social, energy and community sustainability. It is important to note the following:

- The table below is based on information provided on Flexible Rebate applications and may not reflect the full range of companies’ participation in activities or programs that support sustainability
- Some companies provided only the information related to “points” earned toward demonstrating compliance with sustainability guidelines
- Only those programs or activities that earned “points” are listed in the table, and companies may have included other programs and activities on their Flexible Rebate applications

2013 Flexible Rebate Recipients: Social, Energy and Community Sustainability	Active Interest Media	Anthem Branding	Avery Brewing Company	Boulder Brands	Boulder Homemade, Inc.	Cocona	Orbotix	Rudi’s Organic Bakery	SolidFire	Sterling-Rice Group
Above average wages	Green	Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Provides health insurance benefits	Green	Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Workplace diversity program	Green	Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Supports non-profits	Green	Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Dependent care										
Housing assistance				Red						
Wellness and health										
Requested energy assessment	Green	Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
10 for Change Challenge participant	Green	Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
EnergySmart Participation	Green	Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Purchased renewable energy credits				Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
On-site renewable energy	Green		Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Single stream recycling program		Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Environmental Purchasing Policy	Green			Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Zero Waste program	Green		Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
PACE certified facility	Green	Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
LEED certified facility				Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Commute Trip Reduction program	Green	Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Alternative work schedules; telecommuting	Green			Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Showers and changing facilities	Green			Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Secure and covered bicycle parking	Green		Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Preferential parking for carpools/vanpools										
Increased costs for drive alone commuters										
CTR Financial Incentives									Teal	Olive
Eco-Pass Program participant		Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive
Business practices support sustainability		Blue	Black	Red	Blue	Grey	Dark Blue	Orange	Teal	Olive

Buys from Boulder businesses*										
-------------------------------	--	--	--	--	--	--	--	--	--	--

Conclusion

The City of Boulder’s Flexible Rebate Program has continued to provide the Boulder City Manager with an important and effective tool to help retain, grow, and attract businesses that align with Boulder’s values and goals and generate a positive return on investment.

In addition to providing a positive return on the dollars invested in incentives, the program provides:

- Strong demonstration of the City’s interest in and support of the local business community and an opportunity to make companies feel appreciated.
- Opportunity for City staff members to strengthen relationships with individual businesses.
- Ability to help mitigate some of the extra costs associated with remaining or expanding in Boulder that were incurred by program participants.
- Careful selection process, including a preliminary ROI calculation, wage and employment projections, and projected expenditures in the community.
- Publicity for growing companies through press releases announcing program awards.

Appendix A

Overview of 2013 Flexible Rebate Recipients

The following summaries highlight information provided by each of the companies that were awarded business incentives through the City of Boulder's Flexible Rebate program in 2013.

- Active Interest Media, Inc.
- Anthem Branding
- Avery Brewing Company
- Boulder Brands, Inc.
- Boulder Homemade, Inc.
- Cocona, Inc.
- Orbotix, Inc.
- Rudi's Organic Bakery
- SolidFire, Inc.
- Sterling-Rice Group

Active Interest Media

Active Interest Media is a leading special interest media company with holdings across multiple media platforms, including more than 54 magazines, 54 websites, dozens of digital editions, a film company, and nearly two dozen major consumer conferences and events. The company’s five publishing groups reach more than 36 million readers in 85 countries around the world. Founded in 2003, Active Interest Media is headquartered in El Segundo, Calif., with offices in Boulder located at 2520 55th St. and 5720 Flatirons Parkway. The company recently relocated Yoga Journal and acquired Clean Eating Magazine, relocating more than 50 employees to Boulder. To accommodate its recent and expected growth, Active Interest Media is renovating and expanding its Flatirons Parkway office.



Bringing more than forty new jobs will benefit the Boulder economy. Yoga Journal and Clean Eating magazines are relocating to Boulder and Backpacker, National Parks, Ski, Skiing, Warren Miller Entertainment, Equine, and Home Buyer local businesses are ideal cultural fits for the community.

Active Interest Media’s business practices support the livability, health and vitality of Boulder. The company pays above-average wages and offers health insurance benefits to all full-time employees and their dependents. It supports community volunteer efforts, provides paid time off for employees who volunteer and

donates to local non-profits. It purchases a minimum of 25% of its total goods and services from Boulder companies. Active Interest Media has exceeded the requirements and is pursuing a Partners for a Clean Environment (PACE) certification in zero waste, including implementing an environmental purchasing policy and building on the zero waste program that has operated in its offices for the last six years. In addition, the company has developed a

The City of Boulder has been a phenomenal community and business partner in helping us build a thriving media business. Our location here has enabled us to attract our staff of over 200 passionate media pros.

commute trip reduction program, offering flexible work schedules, secure and covered bicycle parking inside the office, and bicycle commuting challenges with prizes.

Active Interest Media applied for a Flexible Rebate incentive in 2013 in the midst of expanding its brands, workforce, and work space. To accommodate its recent and expected growth, Active Interest Media is renovating and expanding its Flatirons Parkway office. The additional financial support received from the City of Boulder’s Flexible Rebate Program helped make it possible for Active Interest Media to secure the funding it needed for expanding and keep the company’s headquarters in Boulder.



Active Interest Media, Inc.	
Industry Sector	Publishing
Rebate approved	\$25,000

Employment	2013	2014	2015
Total Employees: Full/Part Time	124	166	178
Resident Employees – Full & Part Time	48	61	68
Multiplier Effect - Jobs Created	74	93	101

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on \$1 invested	Net Return on \$1 invested
\$25,000	\$23,810	\$264,665	\$240,855	\$11.12	\$10.12

Social, Community and Environmental Sustainability Support	
Social Sustainability	<ul style="list-style-type: none"> • Pays above average wages* • Health insurance benefits to all full-time employees and dependents* • Supports non-profits* <ul style="list-style-type: none"> ○ A commitment to donating \$25 or more per year on average for each full-time employee to Boulder County based arts, cultural, or service non-profit entities over a 12-month period; and/or ○ Encourages volunteerism by granting the equivalent of at least one paid day off per year to each employee who utilizes the time to provide support to a Boulder County based non-profit entity.
Community Sustainability	<ul style="list-style-type: none"> • Purchases a minimum of 25% of total goods and services (catering, hotels for visitors, conference space for meetings, furniture and equipment, office supplies, etc.) from Boulder companies*
Environmental Sustainability	<ul style="list-style-type: none"> • Requested energy assessment* • EnergySmart participation* • Will become a member and participate in the 10 for Change Challenge* • Plan to implement an environmental purchasing policy* • Will achieve a PACE Area of Excellence certification for its facility* • Has had and will continue a zero waste program. Single stream, composting and all electronics, appliances are appropriately collected and disposed* • Commute trip reduction programs for employees including alternative work schedules, showers and changing rooms and areas for securing bicycles*

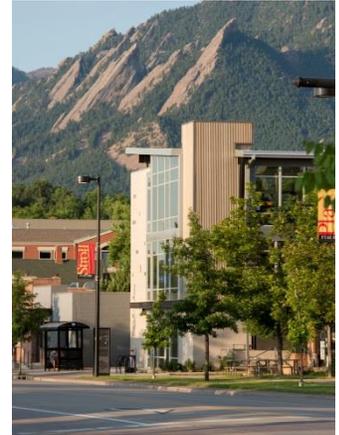
*Earned points on application

Anthem Branding

Anthem Branding, founded in 2006 by Ted Church and Pete Burhop, is a full-service advertising, design and merchandising agency. The office includes lifestyle and branding experts and a robust design studio and has expanded rapidly to include more than 20 team members. The company has hundreds of clients across various industries, including the Foundry Group, Rudi's Organic Bakery, MTV and Whole Foods Market. Anthem Branding constructed a new building at 2617 Broadway and moved to its newly built office in the spring of 2014. The building features two floors and space to expand to up to 50 staff.



Anthem Branding is committed to environmental, community and social sustainability. They boast a higher than average wage than the Boulder County average, provide pro-bono and cash contributions to several non-profit organizations in Boulder including Emergency Family Assistance Association, Boulder Valley Schools and B-Cycle, among many others, and their new facility features a walk score of 95 and will achieve a PACE Area of Excellence certification.



The City of Boulder Flexible Rebate Program is an incredible asset to local business owners. Our liaison's at the city were very helpful and responsive throughout the entire application and implementation process. We were able to secure a significant award, which helped us make the decision to keep our business in Boulder.

The company will continue to have a significant impact on the local economy as it is estimated the business spends an average of \$75,000 per year on local food and beverage and hotel accommodations. Employees will spend an estimated combined average of at least \$750,000 per year on housing, entertainment, food and services in Boulder.

Anthem Branding applied for a Flexible Rebate incentive in 2013 to allow them to reinvest funds into both human resources and the physical structure created. 80% of Anthem Branding's current employees live in Boulder. Located on Broadway, employees will continue to be able to impact local businesses through patronage and purchases in the Community Plaza shopping center and Pearl Street.



Anthem Branding	
Industry Sector	Advertising / Branding
Rebate approved	\$60,000

Employment	2013	2014	2015
Total Employees: Full/Part Time	20	35	43
Resident Employees – Full & Part Time	15	29	33
Multiplier Effect - Jobs Created	13	25	28

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on \$1 invested	Net Return on \$1 invested
\$60,000	\$57,143	\$381,400	\$324,258	\$6.67	\$5.67

Social, Community and Environmental Sustainability Support	
Social Sustainability	<ul style="list-style-type: none"> • Pays above average wages* • Fixed contribution to help cover cost of health insurance premiums* • Equal Opportunity Employer* • Provides pro-bono and cash contributions to several non-profit organizations in Boulder. Total cash and in-kind contribution value exceeds \$30,000 a year*
Community Sustainability	<ul style="list-style-type: none"> • General business practices: A portion of Anthem Branding’s products and services are directly related to sustainability. Anthem Branding wholeheartedly supports the city’s efforts to maintain and enhance the livability, health and vitality of Boulder and its current and future natural systems*
Environmental Sustainability	<ul style="list-style-type: none"> • Single stream recycling of office waste including cardboard* • Will become a member and participate in the 10 for Change Challenge* • Will achieve a PACE Area of Excellence certification for their facility • Will enroll in RTD’s Corporate Eco Pass program* • Will develop, implement and monitor an employee commute trip reduction (CTR) program with the assistance of the GO Boulder staff*

**Earned points on application*

Avery Brewing Company



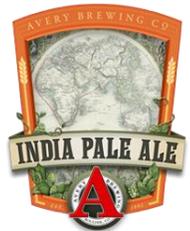
Avery Brewing Company is an award-winning craft brewery that was launched in 1993 and today produces more than twenty different beers. After it became clear their current facility was not large enough to support its growth, the company considered a number of locations within and outside the city before purchasing a 5.6 acre parcel at 4910 Nautilus Court in Boulder. The company is building a \$30 million, 96,000 sq. ft. state-of-the-art brewing facility that will feature an expanded tap room, restaurant, outdoor beer garden and gift shop. Avery Brewing Company received approval for a \$90,000 rebate to help offset the costs of this new facility in Gunbarrel.

We are thrilled to be building a new, world-class brewery in our hometown. The Avery Brewing Company would not exist without Boulder and we can't imagine being anywhere else. This rebate is an incredible bonus. We are so appreciative that the city and the people of Boulder are helping us create what we know will be an amazing attraction and gathering place for our community for years to come.

The new facility will feature an expanded tap room, restaurant, outdoor beer garden and gift shop. In addition to generating sales tax revenue for the city, the facility will provide an additional amenity for visitors and workers in the area. When completed, Avery Brewing Company will have the largest brewery in Boulder and is expected to employ at least 150 people. Initial production is expected to double the company's capacity to 100,000 barrels a year.

Avery Brewing exceeded the requirements in both social sustainability and community and environmental sustainability areas. In particular, Avery Brewing pays 50% of employee health and dental insurance for the first 12-months employees are eligible for health insurance coverage. Following 12 months of eligibility, Avery Brewing pays 100% of health and dental premiums for the selected base plan.

Avery Brewing supports the local community and non-profit organizations by providing beer and space for fund-raising events, donating the net proceeds of company-sponsored beer festivals to local causes, and sponsoring local running and bike races. Avery Brewing was the primary beer sponsor to the Boulder Creek Festival, donating 100 ½ bbl kegs of Avery beer to the event and subsidizing addition kegs. Value of donated beer, eco-friendly cups, labor and subsidy for 2013 events was \$15,121, which generated over \$150,000 of net beer sales for proceeds for this event. Avery Brewing has donated over \$5,000 to Flood Relief through the Foothills United Way Flood Relief program, and it is donating approximately \$10,000 in net proceeds from its IPA Festival in November 2014.



In support of the environment, the company encourages employees to use alternative transportation, participates in the Eco Pass program and plans to install solar panels. Currently, Avery also diverts most of its brewery waste products from the landfill by making it available as animal feed. Avery also composts food waste from the tap room through Eco Cycle, recycle aluminum cans, glass bottles and office paper through Recycling Services. The company plans to introduce an enhanced zero waste program at the new brewery, including a more robust composting program.

Avery Brewing Company	
Industry Sector	Beverage Manufacturing
Rebate approved	\$90,000

Attachment A - Return on Investment Analysis on the 2013 Flexible Rebate Program

Employment	2013	2014	2015
Total Employees: Full/Part Time	89	98	145
Resident Employees – Full & Part Time	53	75	105
Multiplier Effect - Jobs Created	45	64	90

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on \$1 invested	Net Return on \$1 invested
\$90,000	\$82,540	\$1,047,499	\$964,959	\$12.69	\$11.69

Social, Community and Environmental Sustainability Support	
Social Sustainability	<ul style="list-style-type: none"> • Comprehensive medical, dental and vision coverage for employees; company pays 50% - 100% of premiums for full-time employees* • Health and wellness program for employees* • Encourage diversity in the workforce* • Supports local non-profits including festivals and fundraising events
Community Sustainability	<ul style="list-style-type: none"> • Committed to furthering city policies and initiatives related to economic vitality, environmental sustainability and health and wellness* • Provides a healthy, employee-friendly workplace
Environmental Sustainability	<ul style="list-style-type: none"> • Requested energy assessment* • 10 for Change Challenge* • EnergySmart participation* • Requesting a free energy efficiency opportunity assessment in connection with the construction of the new brewery • Will use ENERGYSTAR online reporting tool at new brewery* • Purchase products that are environmentally friendly* • Waste composting and other programs to reduce waste* • Encourages employees to ride bikes to work by helping with bikeracks and Eco Pass* • Divert brewery waste products to local cattle or hog farms for feed • Committed to zero waste, including composting, Eco Cycle and recycling

*Earned points on application

Boulder Brands, Inc.



Smart Balance, Inc (including the Earth Balance brand) was acquired in 2007 by Boulder Specialty Brands, via a Special Purpose Acquisition Corporation (SPAC), a publicly-traded financial vehicle that raises money in order to pursue an acquisition. The motivation for this acquisition was Co-Founder and CEO Steve Hughes' vision to acquire and grow brands in the healthy food segment that can help to change the way people eat. Although Smart Balance, Inc was located in Paramus, New Jersey, Steve continued to live and work based out of Boulder while gradually growing his team in the Boulder area. The company occupied office space in Niwot, CO from 2007 to 2013. In 2011, as gluten free was identified as a growing food and health issue, Glutino was acquired, followed by Udi's Gluten Free in 2012. As the company grew from two brands to four brands, the decision was made to change the corporate name to Boulder Brands, Inc. This change was made in order to complete the company's evolution, from when the company was founded as Boulder Specialty Brands in 2005 to a company located in Boulder, Colorado - the epicenter of the natural foods industry. As growth continued, the company determined that in addition to needing to expand to add more office space for new employees, the company also felt that it was important to be based in Boulder to align with the company's values and identity. In October 2013, Boulder Brands relocated its corporate headquarters to the recently constructed third floor of 1600 Pearl Street in downtown Boulder. Boulder Brands leased 18,309 square feet of primary employee office space, consisting of the entire third floor of the building.

Boulder Brands, Inc. (NasdaqGM: BDBD) is committed to offering food solutions giving consumers opportunities to improve their lives – one product at a time. The company's health and wellness platform consists of brands that target specific consumer needs: the Glutino® and Udi's Gluten Free® brands for gluten-free diets; the Earth Balance® brand for plant-based diets; the Level Life™ brand for diabetic diets and the Smart Balance® brand for heart healthier diets. Boulder Brands looks forward to supporting the continued growth of the natural foods industry in Boulder and furthering the company's community engagement with the office move.



Boulder Brands has a highly talented workforce and they are rewarded with an average wage nearly double the Boulder County average. The company pays 67% of the cost of health insurance premiums for full-time employees and offers up to \$100,000 in relocation assistance for employees moving to the Boulder area. They also support a number of

community organizations financially and with in-kind donations exceeding \$150,000 annually, including Growing Gardens, the Growe Foundation, EFAA, Thorne Nature Experience, Naturally Boulder, the Epicenter Speaker series, and Via, among others.

When it came time to expand our office, we decided to create a unique space to support our core values of hard work, collaboration, and fun, with a strong focus on sustainability throughout the process. We are thrilled with our new space, and thank the City of Boulder for their support in making this move possible for our company.

The company supports commute trip reduction by allowing employees who live further from the office to work from home a pre-determined amount of hours/days per week, with appropriate approval. Boulder Brands has 4 showers in the new office space, to encourage employees to bike to work and to make it more convenient for employees to exercise in the morning or during the work day. Boulder Brands also supplies secure bike parking.

Boulder Brands is committed to improving packaging and day-to-day operations in order to be more environmentally friendly. As an example, Smart Balance and Earth Balance buttery spreads introduced square, space-saver packaging. The conversion from round to square space-saving tubs – a first in the industry – solves one of the biggest issues grocers face with dairy products today: freeing up refrigerated shelf and warehouse space. Additionally, a study conducted for Boulder Brands by Renewable Choice Energy, a Boulder-based sustainability consulting firm, finds that the new design will reduce greenhouse gas emissions associated with the products' packaging, distribution, and retail energy-use by 18 percent over the course of the product's life cycle. Boulder Brands also encourages a paperless environment whenever possible. They have sourced

Attachment A - Return on Investment Analysis on the 2013 Flexible Rebate Program

many local supplies for the new office space, including using Colorado beetle kill pine for all employee desks and walls, as well as recycled materials for some of the stools and chairs.

Boulder Brands, Inc.	
Industry Sector	Organic Food Manufacturing
Rebate approved	\$60,000

Employment	2013	2014	2015
Total Employees: Full/Part Time	60	75	90
Resident Employees – Full & Part Time	15	20	25
Multiplier Effect - Jobs Created	22	29	37

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on \$1 invested	Net Return on \$1 invested
\$60,000	\$57,143	\$550,078	\$492,935	\$9.63	\$8.63

Social, Community and Environmental Sustainability Support	
Social Sustainability	<ul style="list-style-type: none"> • Pays above average salary* • Pays 67% of the cost of health insurance premiums for full-time employees* • Non-profit support exceeds \$150,000 annually from financial and in-kind donations* • Offers up to \$100,000 in relocation assistance for employees moving to the Boulder area* • Offers employees 4 days of paid time off each year to volunteer at the organizations of their choosing.
Community Sustainability	<ul style="list-style-type: none"> • Business practices demonstrate company and employee concern with social and environmental impact on community*
Environmental Sustainability	<ul style="list-style-type: none"> • Encourages employee use of alternative transportation, is enrolled in Eco Pass program; provides showers and indoor bicycle parking* • Participates in a zero waste program through Eco-Cycle’s Zero Waste Services program* • Gold LEED certification* • Supports Commute Trip Reduction* • Plans to participate in 10 for Change Challenge and request an energy efficiency assessment by the Energy Smart team* • Participating in EcoCycle Green Star Business Program

*Earned points on application

Boulder Homemade, Inc.

Boulder Homemade manufactures Boulder Ice Cream, Figo! Organic Gelato and Yoki Bliss frozen yogurt. The company started on the Pearl Street Mall as a scoop shop and now manufactures and distributes to over 400 grocery stores and 80 food service establishments. The company is growing and has been adding equipment and employee consistently over the past 10 years, despite the weak economy. In March 2013, the company release Figo! Organic Gelato and the product line has been nominated Best New Dairy Product for 2013. The brand has taken off and will be distributed in 20 states by Spring 2014. Also, in 2014, the Boulder Ice Cream brand will convert to 100% organic with a new updated look. Company sales in 2013 will be near \$2.7M and estimated sales for 2014 are \$3million - \$3.5million. The company expects to reach \$8M in sales by 2017.



In early 2014, Boulder Ice Cream moved its headquarters from 2935 Baseline Road in Boulder to 3220 Prairie Avenue. Although the company will still manufacture its fluid products in Denver, Boulder Ice Cream will consolidate its manufacturing from two plants located in Louisville and Denver into its new facility in Boulder.

Children’s Hospital, and ALS Foundation, among others, and pays for ESL classes for employees up to \$250 per employee per year. The company also actively promotes sustainability and organic practices on packaging, literature and on social media.

We are happy to be consolidated back in Boulder, where we started. The new plant has the capacity to not only manufacture all our [frozen dessert] products, but also warehouse our entire inventory, alleviating the need to truck out product to a storage warehouse in Denver.

Boulder Ice Cream’s environmental goals focus on creating as little environmental impact as possible. They consistently look for real ways to lessen their footprint on the planet and have been a zero waste company for the past ten years. They use compostable bowls, spoons and napkins for events and sampling and a batch process in manufacturing that reduces product waste to nearly zero. They also purchase wind energy credits for 100% of their electrical usage and their new plant was built with state of the art heat capture equipment, reducing the company’s demand for both electricity and natural gas. Approximately 80% of the hot water and 70% of the warehouse heating is supplied by the heat waste stream of other equipment.

They use compostable bowls, spoons and napkins for events and sampling and a batch process in manufacturing that reduces product waste to nearly zero. They also purchase wind energy credits for 100% of their electrical usage and their new plant was built with state of the art heat capture equipment, reducing the company’s demand for both electricity and natural gas. Approximately 80% of the hot water and 70% of the warehouse heating is supplied by the heat waste stream of other equipment.



Boulder Homemade, Inc.	
Industry Sector	Organic Food Manufacturing
Rebate approved	\$25,000

Employment	2013	2014	2015
Total Employees: Full/Part Time	9	22	28
Resident Employees – Full & Part Time	6	16	21
Multiplier Effect - Jobs Created	4	12	16

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on \$1 invested	Net Return on \$1 invested
\$25,000	\$23,810	\$71,967	\$48,153	\$3.02	\$2.02

Social, Community and Environmental Sustainability Support	
Social Sustainability	<ul style="list-style-type: none"> • Offers major medical plans to full-time employees and pays 50% of the premium plus reimburses employees up to \$1000 per year for health care* • An equal opportunity employer. Pays for ESL classes for employees up to \$250 per employee per year* • Supports non-profits* <ul style="list-style-type: none"> ○ Donates several hundred dollars per employee per year to community non-profits
Community Sustainability	<ul style="list-style-type: none"> • General business practices* <ul style="list-style-type: none"> ○ New plant constructed with state of the art heat capture equipment, reducing the company’s demand for both electricity and natural gas ○ Promotes sustainability and organic practices on packaging, literature and social media
Environmental Sustainability	<ul style="list-style-type: none"> • Purchases wind credits for 100% of their electrical usage* • Has been a zero waste company for the past 10 years* • Uses a batch process in manufacturing that reduces product waste to nearly zero, which also reduces water usage during cleanup and wash down

**Earned points on application*

Cocona, Inc.

Cocona, Inc. (now known as 37.5) is a world leader in the development, commercialization and marketing of active particle technologies currently used to enhance the technical performance of clothing, footwear and sleep systems under the product name 37.5™. The most demanding outdoor apparel and footwear brands in the world rely on 37.5 technology to make their products perform better. 37.5 active particle technology captures and releases moisture vapor to maintain the optimum relative humidity in your microclimate, which helps your body more efficiently maintain an ideal core temperature. The result? Increased comfort and enhanced performance. Founded by Greg Haggquist in 2000, Cocona's 37.5 technology helps power many of the world's leading brands of active and outdoor apparel including Adidas, Pearl Izumi, Under Armour, and Carhartt among others.



The company started with 2 employees in a Longmont, Colorado garage in 2001. By 2007, Cocona moved into 2100 Pearl Street in Boulder, CO with 10 employees. Over the years, the company received local business awards, including being named one of 50 Colorado Companies to Watch in 2009. They have since moved into new and expanded office space at 5480 Valmont Road in Boulder. The company has also recently moved its laboratory facility from Longmont, together with the 5 employees who work there, to Boulder.

Cocona, Inc. boasts a highly skilled workforce with an average wage that is significantly higher than the Boulder County average. The company supports the health and wellness of employees and covers over 75% of employee health insurance premiums. The company supports environmental sustainability by implementing a single stream recycling program office wide, joining and participating in the 10 for Change Challenge, and is transitioning to a policy of 100% Energy Smart products, as available. The company's technology is based on using a waste product - small particles of carbon. They utilize usable activated carbon particles from the water filtration industry and extrude these particles into yarn. They then have fabrics made out of this yarn - that offer superior drying performance. Studies show



Cocona's products use less energy during the laundering process.

Boulder is an ideal place to start a technology company. Besides being an easy place to recruit top talent, the city has supported our growth every step of the way.

We had a good experience with the program. It is great that Boulder supports keeping businesses in the city, as we had been looking to relocate to Longmont, Louisville, etc.

Cocona, Inc. employees are recruited and hired in the Boulder community, 10 of their 14 Colorado based employees are Boulder residents. They annually recruit and hire two CU Boulder students to serve as paid interns in their offices. The company plans to continue to expand their business and personnel from Boulder sources. Customers from all over the world come to Boulder to visit to meet with the Cocona staff and tour their facilities. These visits, along with frequent visits from non-Colorado based staff members, account for food and beverage spending of \$12,000 per month and 20 room nights in Boulder hotels. Direct employee spending in Boulder from Boulder resident employees is estimated to be \$35,000 per employee for housing/mortgage/rent, entertainment, household spending and food and services.

Cocona, Inc.	
Industry Sector	Textiles
Rebate approved	\$10,000

Employment	2013	2014	2015
Total Employees: Full/Part Time	24	24	29
Resident Employees – Full & Part Time	11	11	14
Multiplier Effect - Jobs Created	5	5	7

Attachment A - Return on Investment Analysis on the 2013 Flexible Rebate Program

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on \$1 invested	Net Return on \$1 invested
\$10,000	\$9,524	\$47,455	\$37,931	\$4.98	\$3.98

Social, Community and Environmental Sustainability Support	
Social Sustainability	<ul style="list-style-type: none"> • Pays above average wages* • Health insurance for employees; company pays over 75% of employee health insurance premiums* • Supports non-profits* <ul style="list-style-type: none"> ○ Donated \$50 per employee to The Access fund in 2013
Community Sustainability	<ul style="list-style-type: none"> • General business practices*: <ul style="list-style-type: none"> ○ Company's technology is based on using a waste product. Studies show their products use less energy during the laundering process
Environmental Sustainability	<ul style="list-style-type: none"> • Participates in 10 for Change* • Plans to request energy assessment and participate in Energy Smart* • Single-stream recycling program* • Environmental purchasing program that encourages employees, suppliers and customers to be environmentally conscious*

*Earned points on application

Orbotix, Inc.

Orbotix, Inc. is opening the world of play by creating a family of robots that fuse the hardware and gaming apps into a connected toy for the consumer market. Its first product, Sphero, is a robotic ball that comes with over 30 gaming apps and has sold in over 70 countries worldwide. Its most recent product, Ollie, was released in September 2014 and features a cylindrical shape and a max speed of 14 miles per hour. The company was founded in 2010 by Ian Bernstein and Adam Wilson, who combined their passions for robotics and software to create Sphero in the TechStars program.



To accommodate the company’s rapid growth, Orbotix moved its employees from a 6,800 square foot space in downtown Boulder to a new space at 4772 Walnut Street in December 2013, more than doubling the size of its office. A sizable portion of the Company’s new space is a designated play area and driving track where the company can show off Sphero and Ollie and test new prototypes.



Since the Company’s inception, the Company has moved its headquarters three times. With each move, the Company eagerly sought out locations within the Boulder city limits. The Company recognizes that Boulder is an ideal place to headquarter an early stage tech company as the city has a rich pool of talented individuals excited to make contributions in the field of technology. The Company is committed to growing while residing within the city and providing an excellent work environment for its employees. To ensure this happened with the Company’s most recent move, the Company spent nearly half a million dollars to renovate its newest headquarters location (via TI allowance and direct payments).

Orbotix takes care of its highly skilled workforce with an average salary that is well above the Colorado average. The company pays 100% of employee health insurance and supports non-profits by contributing cash or allowing employees at least one day off to provide volunteer services at a Boulder- based non-profit. They are committed to being an environmentally conscious company as demonstrated by participating in an assessment conducted by the EnergySmart team, implementing a single-stream recycling program in their office, and participating in RTD’s Corporate Eco Pass program

The company has a keen interest in increasing its workforce as sales continue to grow at a significant rate year-over-year. As the company adds more employees, there are more employment opportunities available to those individuals residing in Boulder. With each employee the company brings on board, there are more dollars spent in the city on a daily basis on everyday items like food, gas, etc.

Furthermore, as the company grows sales and continues to develop more products, it contributes to Boulder’s stellar reputation as a start-up hot spot where early stage companies grow and thrive. The impact of this is of course difficult to quantify, but Orbotix believes it is the City’s reputation that allows them, and every other Boulder company, to attract a high caliber of employee.

We’re proud to be building the next great connected toy company right here in Boulder, CO. We are thrilled to be in our new building and want to thank the City of Boulder for all their help.

Orbotix, Inc.	
Industry Sector	IT – Robotics and Software
Rebate approved	\$30,000

Attachment A - Return on Investment Analysis on the 2013 Flexible Rebate Program

Employment	2013	2014	2015
Total Employees: Full/Part Time	38	55	65
Resident Employees – Full & Part Time	12	20	25
Multiplier Effect - Jobs Created	31	51	64

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on \$1 invested	Net Return on \$1 invested
\$30,000	\$28,571	\$149,714	\$121,142	\$5.24	\$4.24

Social, Community and Environmental Sustainability Support	
Social Sustainability	<ul style="list-style-type: none"> • Provides health insurance benefits for employees* <ul style="list-style-type: none"> ○ Pays 100% of the premiums for medical, dental and vision up to \$1,150, \$170 and \$30 per month respectively for an employee + family • Supports non-profits by either making donations of at least \$25 per employee or granting at least one day off to employees who wish to provide volunteer services at a Boulder-based non-profit* • Pays above average wages*
Environmental Sustainability	<ul style="list-style-type: none"> • Single-stream recycling program* • Requested energy assessment* • Energy audit to identify opportunities to improve energy efficiency • Enrolled in RTD's Corporate Eco Pass program*
Community Sustainability	<ul style="list-style-type: none"> • Provide employment opportunities for residents of Boulder

*Earned points on application

Rudi's Organic Bakery

Rudi's Organic Bakery is the leading producer of certified organic bread in the U.S., and specializes in the production and distribution of organic bread and baked goods products, including lines of gluten-free breads and baked goods. The company was founded by Sheldon Romer in 1976 as a small local bakery in Boulder and was acquired by The Hain Celestial Group in a \$61 million deal in April 2014. In 2013, Rudi's added a gluten-free production facility to their space at 3300 Walnut Street and continues to expand in Boulder. The company currently has 230 employees and recently hired over 30 new employees.



One of Rudi's core values is to encourage healthy and happy lifestyles through their products and actions. To help them stay true to this value, Rudi's currently covers roughly 70% of medical insurance premiums for all fulltime employees and their dependents. Another core value of Rudi's is to care for each other, our families, our community, and our world. To help stay true to this value, Rudi's currently donates several thousand loaves of bread per month to local food banks such as the Emergency Family Assistance Association and the COMPA Food Bank Ministry. In 2012, Rudi's donated over 425,000 loaves of bread. This equated to nearly \$1.5 million in product through the year, or over \$9,500 per Rudi's employee.

As a provider of organic and natural food, there are certain facets of Rudi's operations that are inherently sustainability focused. However, they don't want to only focus on what goes into their bread. In order to be truly sustainable, they feel they must also continuously improve their impact on their community and environment. To do this, Rudi's started a sustainability initiative to help improve their environmental footprint as well as the quality of life of their employees. As part of the sustainability initiative, they have benchmarked their carbon footprint to identify opportunities to improve the efficiency of their operations. As certain projects are implemented, like upgrading light fixtures, replacing outdated equipment, etc., they will use the benchmark they've established to measure their improvements over time.



Rudi's plans to continue their social sustainability efforts. For example, strides will be made to help reduce employee turnover in their bakeries. By implementing new retention programs, they will keep employees happy and keep them in Boulder. These programs among others will help support

the local economy and serve as an example of how Boulder is a place for companies that care about the environment and their community.

The rebate created a competitive bid for staying in Boulder. It has allowed us to expand in Boulder and hire more employees.

Rudi's Organic Bakery	
Industry Sector	Organic Food Manufacturing
Rebate approved	\$50,000

Employment	2013	2014	2015
Total Employees: Full/Part Time	211	185	218
Resident Employees – Full & Part Time	25	28	33
Multiplier Effect - Jobs Created	37	41	48

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on \$1 invested	Net Return on \$1 invested
\$50,000	\$47,619	\$356,688	\$309,069	\$7.49	\$6.49

Social, Community and Environmental Sustainability Support	
Social Sustainability	<ul style="list-style-type: none"> • Health insurance benefits for employees* • Supports local non-profits * <ul style="list-style-type: none"> ○ Donates several thousand loaves of bread per month to local food banks such as EFAA and the COMPA Food Bank Ministry • Diversity Support* <ul style="list-style-type: none"> ○ Is currently working in partnership with the SPAN's Training/Community Education team
Community Sustainability	<ul style="list-style-type: none"> • General business practices* <ul style="list-style-type: none"> ○ Started a sustainability initiative and have benchmarked their carbon footprint to identify opportunities to improve the efficiency of their operations
Environmental Sustainability	<ul style="list-style-type: none"> • Has implemented a zero waste program* • Worked with EnergySmart program to identify opportunities for improvement • Participates in 10 for Change* • Recycles all recyclable products generated through their bakeries • Will implement a formal environmental purchasing policy*

**Earned points on application*

SolidFire, Inc.



SolidFire is advancing the way the world uses the cloud by transforming global service provider and enterprise data centers from siloed to shared, scale-out all-flash storage infrastructures that guarantee performance and are completely automated. It provides software and hardware for high-performance all-solid state drive (SSD) storage platforms designed for public and private cloud computing. Founded in January 2010 in Atlanta, the company moved to Boulder in January 2011 with five employees. In July 2013, SolidFire closed a \$31 million Series C funding round led by Samsung through its Samsung Ventures investment arm. In October 2014, it announced the expansion of its flagship SF Series product line, dramatically decreasing the cost of entry for the industry’s only cloud-scale all-flash array and broadening the company’s market reach. Also in October 2014, the company announced it raised \$82 million in Series D funding – the largest funding round in Colorado since 2005, bringing its total funding to \$150 million. The company



occupied approximately 14,000 square feet at 1620 Pearl Street and expanded its space by 10,000 square feet to accommodate its expected growth. The flexible rebate will assist with the cost of this expansion, which will enable the company to expand its employee base and further advance its leading all-flash storage architecture.

wage at SolidFire is more than double the Boulder County average, and it pays 100% of employee benefits. Additionally, they encourage volunteerism by organizing a minimum of one community service event per quarter (often times two or more events per quarter). Examples of events they have hosted in the past include a community cleanup volunteer day, canned food drive, toy drive, and a fundraising walk to support cancer research. SolidFire offers employees an unlimited paid time off policy, allowing employees to easily take one or more paid days off a year just to participate in SolidFire’s organized community events or other community events of their choice.

The company practices environmental sustainability by purchasing recyclable and compostable products for company events and everyday use. They also offer employees a \$75 monthly cash allowance if they waive their downtown parking pass (i.e. ditch their cars) and choose to commute using alternative transportation, and SolidFire is actively enrolled in RTD’s Eco Pass Program.

We are proud to be a part of the Boulder community and the rich history of storage and data technology talent. As our team continues to grow, there isn't anywhere else we'd rather be.

Local businesses benefit from SolidFire’s presence because the company purchases over 25% of its total goods and services from businesses within the city of Boulder. The company hosts out of town guests at local hotels like the Hotel Boulderado, have lunches and team breakfasts catered



by local restaurants like Dish and Snooze and host company-sponsored staff happy hours at local bars. It also uses local consulting companies for employee recruiting and engineering services, and works with several local marketing agencies for event collateral, staff t-shirts, website design, content and other design projects.

SolidFire, Inc.	
Industry Sector	IT – Data Storage
Rebate approved	\$50,000

Attachment A - Return on Investment Analysis on the 2013 Flexible Rebate Program

Employment	2013	2014	2015
Total Employees: Full/Part Time	90	125	165
Resident Employees – Full & Part Time	32	40	55
Multiplier Effect - Jobs Created	82	103	142

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on \$1 invested	Net Return on \$1 invested
\$50,000	\$47,619	\$415,839	\$368,220	\$8.73	\$7.73

Social, Community and Environmental Sustainability Support	
Social Sustainability	<ul style="list-style-type: none"> • Pays above average wages* • Pays 100% of employee benefits* • Encourages volunteerism by organizing several community service events per year and by allowing employees paid time off to volunteer at local non-profits*
Environmental Sustainability	<ul style="list-style-type: none"> • Has an Alternative Transportation Incentive Program (ATIP)* • Participates in recycling and composting programs and has a zero waste policy* • Actively participates in the Eco Pass program*
Community Sustainability	<ul style="list-style-type: none"> • Purchases over 25% of their goods and serviced from business located in Boulder*

*Earned points on application

Sterling-Rice Group



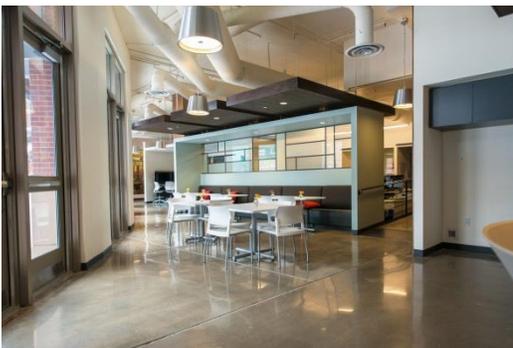
Sterling-Rice Group is a leading brand, strategy, innovation, and communications firm that was founded in Boulder in 1984. Companies, from small entrepreneurial start-ups to some of the biggest brands in the country, come to Boulder to seek out SRG's expertise in consumer insights, new product innovation, brand positioning, advertising, and design. With deep experience in all things consumer and culinary, they work with a variety of food and beverage, foodservice, healthcare, and outdoor/active lifestyle brands, including PepsiCo, Schwan's, Wendy's, Select Comfort, So Delicious, Intrawest's Snowshoe Mountain, DU Daniels, Children's Hospital Colorado, Almond Board of California, Annie's, Johns Manville, and many others. In tribute to their work and the internal culture of the company, SRG has been recognized by *Advertising Age* as a "Best Small Agency" and named one of the "Best Places to Work" by *Outside Magazine* for three years running. SRG has grown to 116 employees and has been located in downtown Boulder since its founding.



The company pays its employees above-average salaries, pays nearly 100% of employee health and dental insurance and 50% of any covered dependents, and supports non-profits both through cash donations and pro bono services. In 2013, they paid \$105,420 in cash and provided services valued at \$111,000.

Sterling-Rice Group works with Renewable Choice Energy. They purchase Green-e Certified Wind for 100% electrical usage and Choice Carbon for 100% offset for emissions. They participate in recycling and composting programs and have a zero waste policy for company events and use compostable plates, cups, and eating utensils. The company also actively supports the Eco Pass program. They currently have 40 employees with Eco Passes and two company bikes used for local errands.

The company is expanding beyond their fourth floor space in the One Boulder Plaza building into a total of 39,500 square feet, including a street-level presence on the first floor. The first floor is devoted to the art of innovation and includes a commercial test kitchen, a demonstration kitchen, a large group meeting area, private offices, and work station areas. They will use it for their client on-site brainstorming sessions, new product development for their clients, and all company meetings. It is important to SRG that they are a "convener of ideas". To that point, they will be opening up their space to non-



profits for fundraisers and to the larger community for speakers and workshops.

With the project, Sterling-Rice Group is re-purposing first floor retail/restaurant space in their building. They will re-energize the corner of Walnut and 13th Street with their employees, clients, and vendors. The company positively impacts this corridor and enhances the connection between Pearl Street Mall and south to the Farmers' Market and Boulder Creek Path.

Boulder has long been an epicenter for food, innovation, and entrepreneurship, and the Sterling-Rice Group has always been proud to be in the heart of it. There is a special energy that draws the best and the brightest to Boulder and we see it time and time again with our clients who choose to come to here and partner with us to solve some of their greatest brand challenges. This new space will enable us to do what we do best in a state-of-the-art flexible space designed to allow for greater collaboration, not only with our clients but with Boulder's entrepreneurial community as well.

Attachment A - Return on Investment Analysis on the 2013 Flexible Rebate Program

Sterling-Rice Group	
Industry Sector	Advertising / Brand Marketing
Rebate approved	\$55,000

Employment	2013	2014	2015
Total Employees: Full/Part Time	116	111	125
Resident Employees – Full & Part Time	45	34	42
Multiplier Effect - Jobs Created	38	28	34

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on \$1 invested	Net Return on \$1 invested
\$55,000	\$51,042	\$513,791	\$462,749	\$10.07	\$9.07

Social, Community and Environmental Sustainability Support	
Social Sustainability	<ul style="list-style-type: none"> • Pays above average wages* • Pays nearly 100% of employee health and dental insurance premiums and 50% of any covered dependents* • Is an equal opportunity employer and is part of the Multicultural Business Student Association (MBSA) at the CU Leeds School of Business* • Supports non-profits both through cash donations and pro bono services. In 2012, they paid \$96,734 in cash and provided services valued at \$116,250*
Environmental Sustainability	<ul style="list-style-type: none"> • Will request an energy assessment from Xcel Energy* • Will participate in the 10 for Change Challenge* • Purchases Green-e Certified American Wind for 100% electric usage and Choice Carbon for 100% offset for emissions* • Participates in recycling and composting programs and has a zero waste policy for company events* • Actively supports the Eco Pass program and currently has 40 employees with Eco Passes*
Community Sustainability	<ul style="list-style-type: none"> • Open up their space to non-profits for fundraisers and to the larger community for speakers and workshops

*Earned points on application

Appendix B

Financial Analysis Assumptions and Data Sources; Objective and Methodology

The following summary outlines the format, assumptions and data sources used to analyze each company which received a rebate incentive from the City of Boulder in 2013.

The ROI Analysis of the 2013 City of Boulder Flexible Rebate Program uses a model specifically developed to provide a reasonable and conservative estimate of the value of the investment to the local economy. Inputs include total employment, number of workers who reside in Boulder, wages, and local expenditures. The model utilizes 2011 job multipliers created by Minnesota IMPLAN Group for the city of Boulder. Utilizing the job multiplier specific to the industry of each recipient, we can more reliably demonstrate the impact each company has on inducing additional job creation in the local area.

Multiplier factors are developed by economists by industry. For instance, the multiplier factor for aerospace is higher than one for professional services. This is based upon data which shows differences in supplier/services utilization and other factors by industry. For example, if a company is in Food Product (NAICS 311), the job multiplier is 2.464 (1.00 direct job and 1.464 indirect induced jobs). If a company in this category has 20 direct employees, research shows that those jobs will induce 29.28 (1.464 * 20) indirect jobs (consultants, suppliers, retail, etc.) in the community. This analysis applied the IMPLAN job multiplier only to the number of employees who are also Boulder residents.

The analysis also estimates the benefit (sales tax) generated by expenditures of employees who live in Boulder. Those consumer expenditures were derived from the Bureau of Labor Statistics, 2012 Consumer Expenditures Survey for the U.S. population. Only those expenditures that would be subject to city sales tax and most likely to occur locally are included. The data is based upon income levels before tax, so a person earning over \$70,000 a year is shown to spend more than someone earning between \$20,000 and \$29,900 per year. Non-resident employees were assumed to spend an average of \$25/week for 50 weeks per year.

The analysis covers 2013-2015, the three-year period of the agreement each recipient has with the city. The discounted cash flows provide the current value of future income and expenses. The benefits shown by the analysis are derived *solely from city taxes and fees* paid directly by:

- The companies when spending on construction projects and capital goods (furniture and equipment),
- The companies on any local sales of products and services subject to local tax,
- Visitors to the company spending in Boulder,
- Their direct employees when purchasing in Boulder, and,
- The indirect employees, those jobs induced at other companies by the company being here, when purchasing in Boulder

The costs reflect the payout of the rebate incentive to the company at the time it is anticipated the company will provide proof of taxes/fees paid and will actually receive the reimbursement.

To provide as accurate an analysis as possible, the BEC provided each Flexible Rebate recipient with a draft of the analysis for their company and a summary of the information used in the analysis from the company's application including number of employees, number of resident employees, average salaries, and expenditures in the city. The companies were asked to provide updates and additional information. Those changes were reflected in the final analysis and report.

Other notes about the 2013 analysis:

Attachment A - Return on Investment Analysis on the 2013 Flexible Rebate Program

- The model discounts the future cash flow into current dollars using a rate of 5%, the historical cost of capital identified by the City of Boulder's Finance Department.
- 2013-2015 data was used in the analysis to remain consistent with the city's original timing and the requirement that the companies agree to remain in Boulder for three years.
- Data provided by the companies in their original applications was updated based on subsequent information provided by companies on actual or updated projections of employee and salary figures, final construction costs, etc.
- The 2013 ROI analysis used the same model as previous years and included the impact of company expenditures and estimated spending by direct and indirect employees for a more comprehensive look at the impact on the community.
- Part time employees were included if applicable.
 - Employee spending estimates were based on Bureau of Labor Statistics Consumer Expenditures Survey from 2012, the most recent data available. To estimate employee spending, average US consumer expenditure data was used. Data for wage levels that matched each company's average salary was used to estimate spending for direct employees and the average wage for City of Boulder residents was used to estimate indirect employee spending. Based on the demographic characteristics and spending habits of Boulder residents, the use of spending data based on national averages is likely to provide a conservative estimate. Spending categories (Table 1202 National figures by income) included:
 - Food, Apparel and services, Vehicle maintenance and repairs
 - Housing – maintenance, repairs, insurance, other (50%), Housekeeping supplies, Household furnishings and equipment
 - Entertainment
- To estimate the multiplier effect of jobs supporting additional jobs, Minnesota IMPLAN Group, Inc. 2011 employment multiplier data by NAICS (North American Industry Classification System) code for Boulder was used. Multipliers are generally available at the two-digit or three-digit NAICS code level which is at a broad-grouping level of industry segments. Type SAM multipliers for the following NAICS codes were used in the analysis:
 - 311 Food Product Manufacturing: Boulder Brands, Inc., Boulder Ice Cream and Rudi's Organic Bakery (2.463845)
 - 312 Beverage Manufacturing: Avery Brewing Company (3.186843)
 - 313 Textile Mills: Cocona (1.519548)
 - 334 Computers and Other Electronic Product Manufacturing: SolidFire, Inc. and Orbotix, Inc. (3.574056)
 - 511 Publishing: Active Interest Media (2.682596)
 - 541 Professional, Scientific, and Technical Services: Anthem Branding and Sterling-Rice Group (1.853741)
- The average compensation used for indirect or induced jobs is \$60,043, the average wages for the City of Boulder (*Bureau of Labor Statistics, 2013*). Induced jobs include software programmers, engineers, construction, retail, personal service and many others.
- For non-residential employees, spending was estimated at an average of \$25.00 per week for 50 weeks. This is well below the average spending for daytime visitors to Boulder of \$85 per day based on 2013 data from the Boulder Convention and Visitors Bureau.

Appendix C

Return on Investment– All Rebate Recipients: 2007 – 2013

Since the Flexible Rebate Program was introduced in 2007, a total of 54 companies have been approved for rebates through the program totaling \$2,483,480. The total net return to the City of Boulder is projected to be \$23.03 million in taxes and fees associated with capital expenditures and facility improvements, local sales, overnight visitors and direct and indirect employee spending or \$10.18 for every \$1 invested. The ROI has varied from year to year depending on the mix of companies participating in the program and economic conditions.

Flexible Rebate Funding and Returns: All Rebate Recipients 2007 - 2013						
Program Year	Program Funding	Total Approved Rebates	Total Recipients	Approve Rebate PV	Net Return PV	Net Return on \$1
2007	\$500,000	\$500,000	7	\$454,661	\$6,096,276	\$14.41
2008	\$350,000	\$322,135	8	\$284,752	\$2,498,800	\$8.78
2009	\$350,000	\$209,979	7	\$193,216	\$5,582,354	\$28.89
2010	\$350,000	\$320,366	7	\$291,147	\$3,437,388	\$11.81
2011	\$350,000	\$281,000	6	\$246,410	\$728,746	\$2.96
2012	\$395,000*	\$395,000	9	\$363,782	\$1,312,377	\$3.61
2013	\$350,000	\$455,000**	10	\$428,821	\$3,370,271	\$7.86
Total	\$2,645,000	\$2,483,480	54	\$2,262,789	\$23,026,212	\$10.18

*includes \$350,000 budgeted amount and \$45,000 in carryover funds from previous unused funds.

**includes \$350,000 program funding for 2013 and an additional \$105,000 awarded in carryover funds from previous unused funds

2007 Return on Investment – All Recipients

Conclusion from 2007 analysis report: The companies all provide broad benefits to the community, not only economically, but socially and environmentally as well. The full benefits analysis provides a conservative assessment of their economic impact at a \$6.1 million return over three years on the investment made by the city in the form of incentives. However, even when taking a very limited incremental view of the benefits derived from the rebates by only including projects we might not have won and businesses that might otherwise have moved out of Boulder, the city management can feel confident that a strong, net return of \$1.9 million is still being earned on this investment.

Return on Investment – 2007 Flexible Rebate Recipients (2007 – 2009)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Ball Aerospace	\$100,000	\$90,703	\$2,219,704	\$2,219,001	\$24.47
Crispin Porter + Bogusky	\$100,000	\$90,971	\$1,109,089	\$1,018,117	\$12.19
IBM*	\$100,000	\$90,703	\$2,511,545	\$2,420,842	\$27.69
LeftHand Networks	\$80,698	\$74,073	\$144,840	\$70,769	\$1.96
Mountain Sports Media	\$44,917	\$40,741	\$224,678	\$183,937	\$5.51
OZ Architecture	\$49,578	\$44,969	\$234,202	\$189,234	\$5.21
Solekai Systems	\$24,807	\$22,501	\$106,876	\$84,376	\$4.75
2007 Total	\$500,000	\$454,661	\$6,550,935	\$6,096,276	\$14.41

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

*Only includes taxes and fees generated by the new data center that the incentive helped win for Boulder

2008 Return on Investment – All Recipients

Conclusion from 2008 analysis report: The companies all provide broad benefits to the community, not only economically, but socially and environmentally as well. The full benefits analysis provides a conservative assessment of their economic impact at a \$4.5 Million return over three years on the investment made by the city in the form of incentives. However, even when taking a very limited incremental view of the benefits derived from the rebates by only including projects we might not have won and businesses that might otherwise have moved out of Boulder, the city management can feel confident that positive net return of \$288,699 is still being earned on this investment.

Return on Investment – 2008 Flexible Rebate Recipients (2008 – 2010)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Advanced Thin Films	\$50,000	\$47,619	\$152,748	\$105,129	\$2.21
Chocolove	\$24,535	\$21,849	\$53,089	\$31,240	\$1.43
Eco-Products	\$29,000	\$26,304	\$389,311	\$363,007	\$13.80
Namaste Solar	\$29,086	\$26,382	\$697,129	\$670,747	\$25.42
Rally Software	\$50,000	\$44,833	\$232,406	\$187,573	\$4.18
Seth Ellis Chocolatier	\$39,514	\$34,826	\$61,893	\$27,067	\$0.78
Siemens Wind Power	\$50,000	\$37,588	\$33,555	(\$4,033)	(\$0.11)
Wall Street on Demand	\$50,000	\$45,351	\$1,163,070	\$1,118,070	\$24.65
2008 Total	\$322,135	\$284,752	\$2,783,552	\$2,498,800	\$8.78

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2009 Return on Investment – All Recipients

Conclusion from 2009 analysis report: The companies greatly benefit the community, both economically and socially, and are important to Boulder's image. The conservative estimate of a \$5.6 million net return on investment suggests the program is still a very strong investment for the city. Even when looking at only the incremental returns, the \$488,819 net return on investment (which does not include Celestial Seasonings, another incremental gain) represents positive economic gains that are clearly advantageous.

Return on Investment – 2009 Flexible Rebate Recipients (2009 – 2011)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Celestial Seasonings	\$56,441	\$51,194	\$973,871	\$922,677	\$18.02
eTown	\$50,000	\$47,619	\$205,253	\$157,634	\$3.31
IBM	\$35,000	\$31,746	\$4,293,702	\$4,261,956	\$134.25
Sea to Summit	\$10,820	\$10,305	\$67,164	\$56,859	\$5.52
Stratom, Inc.	\$12,525	\$11,361	\$22,361	\$11,000	\$0.97
Tundra Specialties	\$34,963	\$31,712	\$181,789	\$150,077	\$4.73
Visionlink	\$10,230	\$9,279	\$31,430	\$22,151	\$2.39
2009 Total	\$209,979	\$193,216	\$5,775,570	\$5,582,354	\$28.89

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2010 Return on Investment – All Recipients

Conclusion from 2010 analysis report: The companies benefit the community, both economically and socially, and are important to Boulder's image. The estimate of a \$11.81 net return on each \$1 invested indicates the program is still a solid investment for the city, particularly since it assists different sizes and types of companies.

Return on Investment – 2010 Flexible Rebate Recipients (2010 – 2012)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Rally Software	\$50,000	\$45,351	\$385,152	\$339,801	\$7.49
Microsoft	\$50,000	\$45,351	\$151,209	\$105,858	\$2.33
Mountainside Medical	\$50,000	\$45,351	\$462,656	\$417,305	\$9.20
Covidien	\$75,000	\$68,027	\$1,018,741	\$950,714	\$13.98
Precision Wind	\$25,000	\$23,243	\$138,015	\$114,773	\$4.94
Spectra Logic	\$65,000	\$58,957	\$1,447,940	\$1,388,983	\$23.56
Trada	\$5,366	\$4,867	\$124,821	\$119,954	\$24.65
2010 Total	\$320,366	\$312,536	\$3,728,534	\$3,437,388	\$11.81

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2011 Return on Investment – All Recipients

Conclusion from 2011 analysis report: The City of Boulder's Flexible Rebate Incentive Program continues to generate a positive return on investment, while providing the City Manager with an important and effective tool to help retain, grow, and attract businesses that align with the city's values and goals.

Return on Investment – 2011 Flexible Rebate Recipients (2011 – 2013)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Tendril Networks	\$85,000	\$77,098	\$315,320	\$238,223	\$3.09
LogRhythm	\$85,000	\$73,426	\$471,564	\$398,138	\$5.42
Biodesix	\$60,000	\$51,830	\$61,652	\$9,822	\$.19
juwi Wind	\$15,000	\$12,958	\$44,644	\$31,687	\$2.45
Eetrex	\$26,000	\$22,460	\$49,790	\$27,330	\$1.22
Salewa	\$10,000	\$8,638	\$32,185	\$23,546	\$2.73
2011 Total	\$281,000	\$246,410	\$975,155	\$728,746	\$2.96

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2012 Return on Investment – All Recipients

Conclusion from 2012 analysis report: The City of Boulder's Flexible Rebate Program has continued to provide the Boulder City Manager with an important and effective tool to help retain, grow, and attract businesses that align with Boulder's values and goals and generate a positive return on investment.

Return on Investment – 2012 Flexible Rebate Recipients (2012 – 2014)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
American Rec Products	\$25,000	\$23,140	\$152,929	\$129,789	\$5.61
Gnip	\$45,000	\$41,518	\$216,290	\$174,771	\$4.21
HEAD USA	\$50,000	\$46,280	\$39,976	(\$6,304)	(\$.14)
MBio Diagnostics	\$30,000	\$27,902	\$183,254	\$155,352	\$5.57
RealD	\$80,000	\$73,513	\$219,362	\$145,849	\$1.98
Tensentric	\$40,000	\$36,757	\$140,355	\$103,598	\$2.82
Twisted Pine	\$45,000	\$40,758	\$155,784	\$115,026	\$2.82
Upslope	\$50,000	\$46,280	\$436,589	\$390,309	\$8.43
Zia Consulting	\$30,000	\$27,634	\$131,621	\$103,987	\$3.76
Total	\$395,000	\$363,782	\$1,676,160	\$1,312,377	\$3.61

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2013 Return on Investment – All Recipients

Conclusion from 2013 analysis report: The City of Boulder's Flexible Rebate Program has continued to provide the Boulder City Manager with an important and effective tool to help retain, grow, and attract businesses that align with Boulder's values and goals and generate a positive return on investment.

Return on Investment – 2012 Flexible Rebate Recipients (2012 – 2014)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Active Interest Media	\$25,000	\$23,810	\$264,665	\$240,855	\$10.12
Anthem Branding	\$60,000	\$57,143	\$381,400	\$324,258	\$5.67
Avery Brewing Company	\$90,000	\$82,540	\$1,047,499	\$964,959	\$11.69
Boulder Brands, Inc.	\$60,000	\$57,143	\$539,347	\$482,204	\$8.44
Boulder Homemade, Inc.	\$25,000	\$23,810	\$71,967	\$48,153	\$2.02
Cocona, Inc.	\$10,000	\$9,524	\$47,455	\$37,931	\$3.98
Orbotix, Inc.	\$30,000	\$28,571	\$149,714	\$121,142	\$4.24
Rudi's Organic Bakery	\$50,000	\$47,619	\$356,688	\$309,069	\$6.49
SolidFire, Inc.	\$50,000	\$47,619	\$415,839	\$368,220	\$7.73
Sterling-Rice Group	\$55,000	\$51,042	\$513,791	\$462,749	\$9.07
Total	\$455,000	\$428,821	\$3,799,096	\$3,370,271	\$7.86

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

Return on Investment– New and Retained Business Recipients: 2007 – 2013

From 2007 and 2013, a total of 32 companies were attracted to or retained in Boulder as a result of the Flexible Rebate Program and approved for rebates totaling \$1.56 million. The overall net return to the city is projected to be \$7.74 million or \$5.51 for every \$1 invested.

Flexible Rebate Funding and Returns: New and Retained Businesses 2007 - 2013					
Program Year	Total Approved Rebates	Total Recipients	Approve Rebate PV	Net Return PV	Net Return on \$1
2007	\$250,422	4	\$228,018	\$2,119,331	\$18.11
2008	\$150,000	3	\$130,040	\$418,709	\$2.22
2009	\$119,963	3	\$111,077	\$488,819	\$4.40
2010	\$150,000	3	\$136,053	\$613,162	\$4.51
2011	\$281,000	6	\$246,410	\$728,746	\$2.96
2012	\$290,000	6	\$267,488	\$938,012	\$3.51
2013	\$305,000	7	\$285,964	\$2,431,936	\$8.50
Total	\$1,556,385	32	\$1,405,050	\$7,738,715	\$5.51

2007 Return on Investment – New or Retained Businesses

In 2007, the Flexible Rebate Program provided incentives that influenced IBM's decision to locate its green data center in Boulder and the decisions of LeftHand Networks, Mountain Sports Media and Solekai Systems to remain and expand in Boulder.

Return on Investment – 2007 Flexible Rebate Recipients (2007 – 2009) – New or Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
IBM*	\$100,000	\$90,703	\$2,511,545	\$2,420,842	\$27.69
LeftHand Networks	\$80,698	\$74,073	\$144,840	\$70,769	\$1.96
Mountain Sports Media	\$44,917	\$40,741	\$224,678	\$183,937	\$5.51
Solekai Systems	\$24,807	\$22,501	\$106,876	\$84,376	\$4.75
Total	\$250,422	\$228,018	\$2,119,331	\$1,891,313	\$9.29

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

*Only includes taxes and fees generated by the new data center that the incentive helped win for Boulder

2008 Return on Investment – New or Retained Businesses

In 2008, incentives provided through the Flexible Rebate Program influenced the decisions of Advanced Thin Films and Siemens to move to Boulder and Rally's decision to remain and expand in Boulder.

Return on Investment – 2008 Flexible Rebate Recipients (2008 – 2010) – New or Retained Businesses					
Retained Businesses	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Advanced Thin Films	\$50,000	\$47,619	\$152,748	\$105,129	\$2.21
Rally Software	\$50,000	\$44,833	\$232,406	\$187,573	\$4.18
Siemens Wind Power	\$50,000	\$37,588	\$33,555	(\$4,033)	(\$0.11)
2008 Total	\$150,000	\$130,040	\$418,709	\$288,669	\$2.22

Attachment A - Return on Investment Analysis on the 2013 Flexible Rebate Program

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2009 Return on Investment – New or Retained Businesses

In 2009, the Flexible Rebate Program provided incentives that influenced the decisions of eTown, IBM and Tundra Specialties decision to expand in Boulder.

Return on Investment – 2009 Flexible Rebate Recipients (2009 – 2011) – New or Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
eTown	\$50,000	\$47,619	\$205,253	\$157,634	\$3.31
IBM*	\$35,000	\$31,746	\$4,293,702	\$4,261,956	\$134.25
Tundra Specialties	\$34,963	\$31,712	\$181,789	\$150,077	\$4.73
2009 Total	\$119,963	\$111,077	\$599,896	\$488,819	\$4.40

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

**Includes only those taxes and fees generated by IBM's new division*

2010 Return on Investment – New or Retained Businesses

In 2010, incentives provided through the Flexible Rebate Program influenced the decisions of Rally Software, Microsoft and Mountainside Medical to remain and expand in Boulder.

Return on Investment – 2010 Flexible Rebate Recipients (2010 – 2012) – New or Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Rally Software	\$50,000	\$45,351	\$385,152	\$339,801	\$7.49
Microsoft	\$50,000	\$45,351	\$151,209	\$105,858	\$2.33
Mountainside Medical	\$50,000	\$45,351	\$462,656	\$417,305	\$9.20
2010 Total	\$150,000	\$136,053	\$749,215	\$613,162	\$4.51

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2011 Return on Investment – New or Retained Businesses

In 2011, the Flexible Rebate Program provided incentives that influenced Biodesix's decision to move to Boulder and the decisions of Tendril Networks, LogRhythm, juwi Wind, Eetrex and Salewa to remain and expand in Boulder.

Return on Investment – 2011 Flexible Rebate Recipients (2011 – 2013) – New or Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Tendril Networks	\$85,000	\$77,098	\$315,320	\$238,223	\$3.09
LogRhythm	\$85,000	\$73,426	\$471,564	\$398,138	\$5.42
Biodesix	\$60,000	\$51,830	\$61,652	\$9,822	\$.19
juwi Wind	\$15,000	\$12,958	\$44,644	\$31,687	\$2.45
Eetrex	\$26,000	\$22,460	\$49,790	\$27,330	\$1.22
Salewa	\$10,000	\$8,638	\$32,185	\$23,546	\$2.73
2011 Total	\$281,000	\$246,410	\$975,155	\$728,746	\$2.96

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2012 Return on Investment – New or Retained Businesses

In 2012, incentives provided through the Flexible Rebate Program influenced the decision of HEAD USA to relocate to Boulder and the decisions of American Rec, Gnip, RealD, Tensentric and Upslope to remain and expand in Boulder.

Return on Investment – 2012 Flexible Rebate Recipients (2012 – 2014) – New and Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
American Rec Products	\$25,000	\$23,140	\$152,929	\$129,789	\$5.61
Gnip	\$45,000	\$41,518	\$216,290	\$174,771	\$4.21
HEAD USA	\$50,000	\$46,280	\$39,976	(\$6,304)	(\$.14)
RealD	\$80,000	\$73,513	\$219,362	\$145,849	\$1.98
Tensentric	\$40,000	\$36,757	\$140,355	\$103,598	\$2.82
Upslope	\$50,000	\$46,280	\$436,589	\$390,309	\$8.43
Total	\$290,000	\$267,488	\$1,205,501	\$938,012	\$3.51

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2013 Return on Investment – New or Retained Businesses

In 2013, incentives provided through the Flexible Rebate Program influenced the decision of Active Interest Media, Avery Brewing Company, Boulder Ice Cream, Cocona, Inc., Rudi's Organic Bakery, SolidFire, Inc., and Sterling-Rice Group to remain and expand in Boulder.

Return on Investment – 2013 Flexible Rebate Recipients (2013 – 2015): New and Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on \$1 invested
Active Interest Media	\$25,000	\$23,810	\$264,665	\$240,855	\$10.12
Avery Brewing Company	\$90,000	\$82,540	\$1,047,499	\$964,959	\$11.69
Boulder Homemade, Inc.	\$25,000	\$23,810	\$71,967	\$48,153	\$2.02
Cocona, Inc.	\$10,000	\$9,524	\$47,455	\$37,931	\$3.98
Rudi's Organic Bakery	\$50,000	\$47,619	\$356,688	\$309,069	\$6.49
SolidFire, Inc.	\$50,000	\$47,619	\$415,839	\$368,220	\$7.73
Sterling-Rice Group	\$55,000	\$51,042	\$513,791	\$462,749	\$9.07
Total	\$305,000	\$285,964	\$2,717,904	\$2,431,936	\$8.50

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

History of Boulder's Economic Vitality and Flexible Rebate Programs: 2002-2013

Since 2002, the city of Boulder has proactively worked to establish and support an economic vitality program that provides consistent outreach, assistance and recognition of business in the community. As part of an overall economic vitality plan, a pilot Business Incentive Program was developed and implemented in 2007, including a pilot Flexible Rebate Program with funding of \$500,000 from the city targeted at retaining and expanding primary employers in Boulder.

Primary employers are defined as those that “export” the majority of their goods and services outside the community, infusing external funds into the local economy and producing a substantial impact on local output, employment and wages. From the time of implementation of the pilot through 2008, the city defined primary employers as businesses (excluding hotel, retail and food services) that generate at least 75% of their revenues from outside Boulder County. This is a higher threshold than many communities use and the definition was lowered to “exceeds 50%” in 2009.

The 2007 Flexible Rebate Program pilot was judged to be a success and has been continued by the city each year since then as a formal program. The city has commissioned the Boulder Economic Council (BEC) to provide an objective evaluation of the effectiveness of the program each year based on its value in retaining or attracting businesses and providing a return on the city's investment.

Some program criteria have changed to ensure that grant recipients support the city's goals for social and environmental sustainability. The maximum rebates granted, as well as the funding provided in each year's city budget, has also changed to address funding constraints in the city's budget. Changes made to the program since 2007 include:

- Expanded options for demonstrating commitment to environmental sustainability including energy and waste reduction, energy certifications, encouraging alternative transportation, general sustainable business practices and buying locally
- Primary Employer was redefined as one consisting of any number of employees
- The amount of revenue required to be derived from the sale of goods and/or services outside of Boulder county was lowered from 75% to 50% to be consistent with the common definition of a primary employer within the state
- The application form was adjusted so that it could be filled in online and arrangement of the information and requirements on the city's website were improved to facilitate ease of use based upon feedback from users.

City of Boulder Economic Vitality and Flexible Rebate program highlights:

2002

- As part of the 2003 budget (in 2002), city EV efforts were funded by using a portion of the resources currently available from \$2.9 million Boulder Urban Renewal Authority (BURA) bond reserve fund that came back to the city when the BURA bonds were paid off.
- A base budget of \$250,000 per year for five years was set for the EV account (with carryover of unused funds each year) beginning in 2003 and *continuing through 2007*. The urban redevelopment portion of the account began in 2004 and *continued through 2008*.
- Prior to 2003, the City Council economic goal group had a series of discussions about economic initiatives and concluded that a more focused effort to formulate an economic policy was required.

2003

- City Manager Frank Bruno convened the Economic Vitality Action Group (EVAG) in February, 2003—his first few weeks on the job. The charge to the EVAG was to prepare appropriate options, tools and other strategies that will assist the city's efforts to enhance business opportunities and sales tax revenues. EVAG formulated a draft EV policy in August 2003.
- City Council adopted the EV policy in October 2003 (see policy in Attachment H).

Attachment A - Return on Investment Analysis on the 2013 Flexible Rebate Program

- Initial EV staffing took place in late 2003 to mid-2004. Brad Power, who served as Executive Director of BURA since 1997 was hired as the fixed-term redevelopment director in December 2003.

2004

- Michael Stumpf served as the city's first EV coordinator from summer 2004 to spring 2005.
- The Economic Vitality Advisory Board (EVAB) was named by Frank Bruno in August 2004 as advisory to the city manager.

2005

- EVAB has provided advice and input to the city manager, individually and in periodic meetings since 2005.
- In April 2005, an EV work plan was adopted.
- After Stumpf's departure, Boulder Economic Council (BEC) Executive Director Sean Maher served as interim economic development coordinator from May 2005 to September 2006.
- An independent assessment of Boulder businesses' views of doing business in Boulder was conducted by business consultant, Ray Wilson in fall 2005.

2006

- Liz Hanson, a 20-year veteran of the Planning Department, was hired as the city's business liaison in January 2006 for a two-year fixed term.
- An updated EV work plan was reviewed by City Council at a study session in March 2006.
- A 2007 Business Incentives Pilot Program was adopted by City Council in September 2006.
- Frances Draper was hired as the new executive director of the BEC in September 2006.

2007

- The city and BEC enter into a 2007 agreement for specific services related to implementation of the pilot incentive program, business outreach, and business retention.
- EV staff implements the approved 2007 Business Incentives Pilot Program: Developing application and administrative review processes; creating and implementing a communication plan, including direct marketing and public presentations; and obtaining owner-occupied loan pool commitments and agreements.
- As of August 1, eight flexible rebate and two employee training applications are received from Boulder primary employers.
- The City Council authorized the Business Incentive Rebate Program for 2008.

2008

- The Boulder Economic Council contracts with the city to complete an analysis of the 2007 Pilot Business Incentive Rebate Program.
- The City Manager grants Business Incentive Rebates to eight companies.
- The analysis is completed and presented to City Council on April 22, 2008 showing a return of \$14.41 on every \$1.00 invested in incentive rebates.

2009

- City Council reauthorizes the City Manager to approve Business Incentive Rebates with some additional sustainability guidelines for companies to meet, to continue each year if funding is made available each year in the city's budget.
- A 2009 budget of \$350,000 is approved for the Flexible Rebate Incentive Program and \$50,000 for the city's contribution to a MicroLoan Fund.
- The City Manager grants Business Incentive Rebates to seven companies.
- The Boulder Economic Council provided an analysis of the 2008 program showing a return of \$8.78 on every \$1.00 invested in incentive rebates.

2010

- A 2010 budget of \$350,000 is provided for the Flexible Rebate Incentive Program and \$100,000 for the MicroLoan Fund.
- On September 30, the Ash Center for Democratic Governance and Innovation at the John F. Kennedy School of Government, Harvard University, announced that the City's Flexible Rebate Program was one of 173 government programs selected for its newly-created Bright Ideas program. In its inaugural year, the Bright Ideas honor is designed to recognize and share creative government initiatives around the country with interested public sector, nonprofit, and academic communities.
- Seven companies are granted Business Incentive Rebates totaling \$345,366.
- The Boulder Economic Council provided an analysis of the 2009 program showing a return of \$28.89 on every \$1.00 invested in incentive rebates.

2011

- A budget of \$350,000 was provided for the 2011 Flexible Rebate Incentive Program, all of which was incorporated into the city budget rather than relying on one-time funding.
- Six companies are granted Business Incentive Rebates totaling \$281,000.
- The Boulder Economic Council provided an analysis of the 2011 program showing a return of \$2.96 on every \$1.00 invested in incentive rebates.

2012

- A budget of \$350,000 was provided for the 2012 Flexible Rebate Incentive Program.
- Nine companies are granted Business Incentive Rebates totaling \$395,000.
- The Boulder Economic Council provided an analysis of the 2012 program showing a return of \$3.61 on every \$1.00 invested in incentive rebates.

2013

- A budget of \$350,000 was provided for the 2013 Flexible Rebate Incentive Program and \$50,000 for the MicroLoan Fund.
- Ten companies are granted Business Incentive Rebates totaling \$455,000.
- The Boulder Economic Council provided an analysis of the 2013 program showing a return of \$7.86 on every \$1.00 invested in incentive rebates.

Boulder Microloan Fund
2014 Program Year In Review

Program History

During the creation of the City of Boulder's Economic Vitality Program it was proposed that a specialized loan pool to attract and retain small businesses would make them more likely to remain in Boulder over the long term. With the economic downturn that began in late 2008, the Boulder Economic Council joined with the City of Boulder, Colorado Enterprise Fund and several banks to create a Microloan Fund. The mission of this Fund is to provide access to capital for Boulder businesses that cannot obtain financing through traditional sources, but who are capable of sustaining a business and repaying debt. The Boulder Microloan Fund (BMF) was launched in 2009, with \$325,000 in loan capital, funded by the City, three banks, and Colorado Enterprise Fund.

Market Need:

Through research from the Boulder Small Business Development Center and other input, the group determined that there was a demand for working capital and other loans that was not currently being met in the community for a variety of reasons. In the economic environment of 2009 and with banks being capital-constrained, this was particularly true. Small businesses form the majority of the city's economic base and the group felt an effort to provide a modest lending program for those who cannot access bank debt, but can repay a loan, would have positive effects on the city's economy for some time to come.

The program also addresses the needs of the participating banks to reach smaller businesses more effectively. This program meets that need by ensuring at least 60% of the lending is to businesses with \$1 million or less in annual revenue. This allows the banks to count their loan or contribution to the program for their Community Reinvestment Act requirements.

Operational Details:

1) Business Eligibility Criteria

- a. Location: At least 80% of businesses must have their primary office/headquarters or operations in the City of Boulder, CO. All must be within Boulder County. Note: the participating banks serve the broader Boulder market and wanted to ensure at least a few of the applicants from outside the city boundary could be considered.
- b. Size and Income:
 - i. **Businesses**: Businesses may not exceed \$2 Million per year in gross revenue for the year immediately preceding the date of the loan and 60% or more of the Fund's loan must be made to businesses with less than \$1 Million per year in gross revenue
 - ii. **Non- Profits**: Non-profit organizations must show that at least 51% of the individuals served fall at or below 80% of the US Department of Housing and Urban Development's median income levels.

2) Loan Purposes:

Loans may be used for most business purposes including, but not limited to the following:

- a. Inventory purchase
- b. Start-up expenses
- c. Equipment purchase
- d. Operations

- e. Tenant finish and property improvements
 - f. Purchase of a business
- 3) Loan Size:
Loans may range up to a maximum of \$50,000.00.
- 4) Loan Term:
Loan terms may range up to a maximum of 6 years with any re-write of the loans able to extend the original term by up to two years.
- 5) Underwriting:
Underwriting decisions are made according to Colorado Enterprise Fund's ongoing underwriting standards and guidelines.
- 6) Technical Assistance:
All borrowers have access to CEF's Business Acceleration Services.

Funding Summary of Microloan Fund Investors (all amounts are loans, unless identified):	
First Round of Funding:	
City of Boulder	\$ 50,000 (grant)
First National Bank of Colorado	\$ 50,000 – <i>not renewed; 2014</i>
Wells Fargo Bank	\$100,000 – <i>renewal in process; 2014</i>
US Bank	\$ 25,000 (grant)
Colorado Enterprise Fund	<u>\$100,000</u>
Total First Round Funding:	\$325,000
Second Round of Funding:	
FirstBank	\$ 75,000
City of Boulder	\$100,000 (grant)
Colorado Enterprise Fund	<u>\$ 75,000</u>
Total Second Round Funding:	\$250,000
2012 Funding :	
First National Bank	\$125,000
Colorado Enterprise Fund	\$150,000
2013 Funding:	
City of Boulder	\$50,000 (grant)
First Citizen's Bank & Trust	\$25,000
Colorado Enterprise Fund	\$100,000
2014 Funding:	
First National Bank CDC	\$200,000
First National Bank of CO – retired	-\$50,000
Wells Fargo – In renewal	~\$100,000
City of Boulder	\$50,000 (grant)
Total Fund:	\$1,225,000 (\$100,000 pending renewal)

Deployment Summary from 4/1/2009 (inception) to 12/31/14 (data through 12/18/14):**Number of Loans:** 56 business loans**Dollar volume of deployment as follows:**

BMP Funds deployed:	\$ 1,344,835
Additional Colorado Enterprise Funds deployed:	\$ 682,428
Total funds deployed:	\$ 2,027,263
BMP Funds loan balances outstanding:	\$ 758,877
Addl. CEF Funds loan balances outstanding:	\$ 306,750
Total outstanding:	\$ 1,065,627
BMP Funds available to lend:	\$ 41,123 out of \$800,000
Addl. CEF Funds available to lend:	As needed
As a result of relending on repaid loan principal, and the leveraging effect of CEF's other funds, the direct impact on access to loan capital in the Boulder business community has been 250% greater than the investment made by the funding partners.	

Summary of loan activity from Program inception through December 2013

Detailed descriptions of the following borrowers and how they used borrowed funds can be found in previously filed reports.

- Of the following borrowers, 49% are women-owned businesses. 14% of these businesses owners self-identify as ethnic or racial minority. 28% reported being Low Income wage earners at the time of loan application.
- Places for 41 children were created in child-care facilities.
- 422 jobs were created or maintained in businesses receiving loans.

The 39 loans to these borrowers:

- Represent \$1,253,210 in financed capital
- Range between \$6,000 and \$130,000 in loan size
- Have a repayment term of between 36 and 72 months
- Carry interest rates of 9% to 11.5%

Amanda Johnson Consulting*	Strategic planning and development for non-profit orgs
ANCO Engineers*	Specialty manufacturer of earthquake testing equipment
Boulder Homemade Ice Cream*	Producer and distributor of high quality natural ice cream
Boulder Insurance Solutions	Small to mid-sized business insurance brokerage
Boulder Landscape and Design	Landscape planner/builder of ecologically sensitive environments
Boulder Vision Associates*	Gunbarrel eye care provider
Café Aion, LLC	Full-service, innovative fresh cuisine on "The Hill"
Cool Spirit Nature	Organic hemp clothing and accessories
D.O.G. Enterprises, LLC	Premium doggy day care, overnight camps and in-home care

Dash Cycles, LLC	High-tech composites design and manufacturing
David Lupberger	Design, planning & construction services
Dragonfly Coffee Roasters, LLC	Coffee roasters supplying wholesale and retail markets
Impact Services, Inc.	Tax and accounting services provider
Joycare Infant & Toddler Ctr.	A not-for-profit childcare provider operating out of Gunbarrel
Kettle and Stone	Gunbarrel craft brewer
Living Design Studios, Inc.	Custom metalwork for residential and commercial applications
Lotus Blossom Learning Center	Childcare provider
Makeena, LLC.	Mobile app facilitating healthy/sustainable choices and cost savings at the grocery store
MicroChem	Advanced laboratory services for the food & beverage industry
Move Sport, Inc.	Manufacturer of sporting goods for running and biking
NAP, Inc.	Manufacturer of Boba and Sleepy Wrap brands of baby carriers
Natural Body Shop	Natural remedies
Natural Design Solutions, Inc.	Landscape architecture and land use planning consultant
Paradigm Publishers	Educational books publisher
Photocrati Media, LLC	Web marketing services
Pure Hair Studio	North boulder beauty salon
Rhymer Retail, Inc.	Operating as a 7-11 Convenience Store in Boulder
RollinGreens	Mobile salad & healthy food catering operation
SolBites	Healthy snacks manufacturing with a mission to address childhood obesity
The Tasterie	Mobile café & bakery specializing in local, seasonal ingredients
The White List, LLC	A wedding planning services company
Thermal Clean, LLP	A bedbug remediation company
University Parent Magazines*	Parent-targeted campus magazines for universities nationwide

Program loan activity for calendar year 2014

- Of the following 17 borrowers: 47% are women-owned businesses; 30% of these businesses owners self-identify as an ethnic or racial minority; 42% are low income wage earners.
- 152 jobs were created or maintained in businesses receiving loans.
- As of the filing of this report, 5 loans for \$ 200,000 dollars are in the pipeline.
- Improvement in production rates due to Marketing staffing and lender staffing, making increased visits to referral resources in the area. Additionally, CEF joined several trade associations serving Boulder to improve referral networks.

The loans to the following 17 borrowers:

- Represent \$ 774,561 in financed capital
- Range between \$7,800 and \$102,425 in loan size. Loans larger than \$50,000 have been participated with other CEF funds per program requirements.
- Have a repayment term of between 36 and 84 months.
- Carry interest rates of 8.75% to 11.99%

Borrower	Closed	Amount	Short Business Description	Use of Funds	Term (yrs)	Rate	Current Balance	Loan Status
6px, Inc.	7/2	46,135	Cloud optimized image processing technology	Inv & Equipt	6	10.0	46,135	Current
ANCO Engineers*	2/17	35,665	Specialty manufacturer of earthquake testing equipment	Inv & Equipt	6	9.75	33,821	Current
Atomic20	6/4	51,050	Adaptive marketing strategy & design	Inv & Equipt	4	9.99	50,216	Current
Blackbird and the Snow	1/30	7,805	Jewelry design and sales	Inv & Equipt	3	11.99	7,446	Current
Blooming Beets Kitchen	3/25	76,300	Gluten free restaurant	Inv & Equipt	7	9.0	26,300	Current
Boulder Vision Associates*	11/17	30,775	Gunbarrel eye care provider	Inv & Equipt	5	9.99	30,775	Current
Chiropractic Concept Clinic	9/15	40,930	Chiropractic and physical therapy clinic	Inv & Equipt	4	10.5	40,930	Current
Deviant Spirits	12/18	36,006	Traditional and infused vodkas distiller	Inv & Equipt	4	10.5	36,006	Current
Fresh, LLC	5/23	101,885	Value driven, high quality product cafe	Inv & Equipt	7	8.75	101,754	Current
Himalayas Chai	1/29	10,325	Boulder restaurant doing packaged goods of a fan favorite	Inv & Equipt	3	11.99	9,850	Current
Paradigm Publishers*	3/31	102,425	Educational books publisher	Inv & Equipt	6	8.75	94,265	Current
Planting Dreams Home Childcare	7/29	20,725	Spanish immersion home-based preschool child care	Inv & Equipt	5	10.99	20,725	Current
Represent Your Water	8/25	51,450	Contributing to environmental conservation through product sales featuring outdoor recreation themes	Inv & Equipt	5	9.99	25,078	Current

Simply Dara	3/12	51,375	Snacks: vegan, gluten free, macrobiotic, raw	Inv & Equipt	4	9.8	50,606	Current
The Hitching Post	11/24	8,425	Equestrian products and themed personal and home décor	Inv & Equipt	4	11.99	8,425	Current
XOAB, LLC	11/25	52,060	Merino wool socks manufacturing and sales	Inv & Equipt	5.75	9.75	32,141	Current
Yummari, Inc	11/13	51,225	Chia based snacks	Inv & Equipt	6	9.99	29,225	Current
Repeat Borrower*								

Program Considerations for 2015 and beyond

In 2015, CEF will continue to increase its marketing activity in the Boulder market including hosting events, Small Business Development Center visits, banker visits and through additional participation in business and industry associations. We expect lending to continue at average rates seen in recent years: financing 10 to 15 new loans with total disbursements of \$ 400,000 to \$800,000 annually. At this rate, CEF will have deployed all remaining community partner sourced loan funds within the first six to eight weeks of 2015, requiring CEF to finance all remaining lending in Boulder with CEF funds. We were successful in bringing \$250,000 of new loan capital to the program in 2014 during a year where new loans financed reached almost \$800,000. CEF will seek additional loan capital support from community partners during 2015 to ensure that the Boulder Microloan Program remains strong, and responds to the considerable demand expressed for this type of capital in the Boulder market.

From CEF's Newsletter:



[Cafe Aion](#) is changing the food landscape of the iconic college neighborhood known as "the Hill" in Boulder. Owner Dakota Soifer (pictured above on right) has created a laid back, Euro-inspired bistro in the former Burnt Toast and Aion bookstore space with a warm loft-type look and feel that provides the inviting backdrop for his award-winning brunch and dinner menu of Spanish and Mediterranean-influenced tapas, paellas, house-made pastries and desserts.

Voted #8 in the Top 25 Restaurants of 2012 by [5280](#) magazine, Café Aion's rustic fare is served on small plates and large platters, and takes you back to a time when being close to the kitchen meant great things were in store. This is the type of place Dakota envisioned - where humble yet filling Spanish fare is lovingly prepared and served - when he opened his restaurant in 2010.

"We aspire to cultivate this tradition in our own local soil. We gather our ingredients from farmers, ranchers and fishmongers we know and admire, and we draw upon the time-honored practices of the osteria and tapas bar as we cook for our friends and neighbors."

Cafe Aion is a recipient of the [Boulder Microloan Fund](#) financing program initiated in 2009 by the City of Boulder, community and banking partners, and CEF. It is an inspiring example of the types of small businesses that flourish and invigorate their local communities when they have access to capital to start up and grow.

Buen provecho, Dakota! Thank you for hosting our May 14 event and best wishes for continued success.

In September 2014, Dakota won Food Network's Cutthroat Kitchen cooking competition show. Check it out, here: http://blogs.westword.com/cafesociety/2014/09/dakota_soifer_cafe_aion_chef_wins_on_cutthroat_kitchen.php

Himalayas Chai



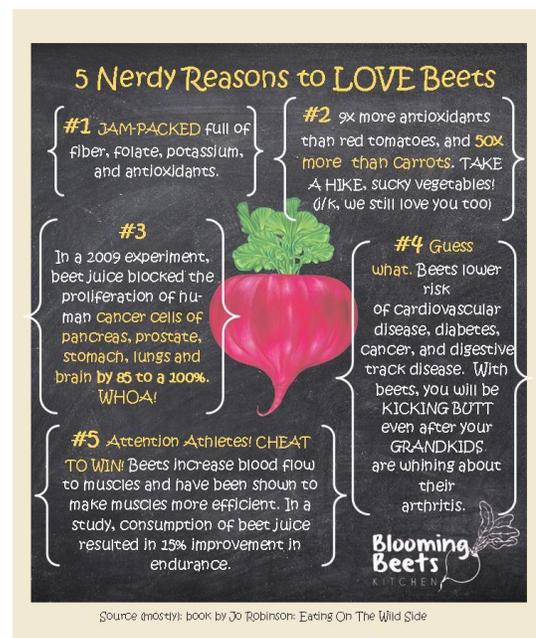
After many years of running very popular locations in Boulder, the owners of Himalayas Restaurant found themselves in a difficult financial position. Rent on their crown jewel Pearl Street location had grown to exceed \$10,000 a month around the same time one of the owners suffered an injury while skiing, creating considerable medical bills. The owners chose to concentrate their resources in a north Boulder location – Himalayas II - and worked hard to bring the business back into shape. In January 2014, the owners received a loan from CEF to support bringing their highly regarded chai served at their restaurant to market in bottles. We look forward to seeing this great local company succeed.

Blooming Beets Kitchen

Opened in May 2014, Boulder's first 100% gluten, grain, dairy, sugar and canola-free restaurant has been receiving warm reviews. Owner Iva Paleckova emigrated from Czech Republic and built a career in digital marketing strategy and implementation, most recently with Dell Computers. What Iva really cared about though was pursuing and evangelizing the paleo diet. So she left her job to open a restaurant.

Iva says: *"Blooming Beets is built on the foundations of Paleo nutrition, but it is first and foremost a restaurant you will want to take your friends, family, and coworkers to enjoy a lovely meal - breakfast, lunch or dinner. The menu is full of unbelievable flavors and amazing dishes."*

The loan she received from CEF brought the capital Iva needed to the project, and she successfully launched her business. In the months since opening, the reviews have been terrific. And the food looks amazing. Learn more about Iva's restaurant from her website www.bloomingbeets.com, or from her facebook page - <https://www.facebook.com/bloomingbeets/info?tab=overview> - where she posts tons of pictures of the food being served.





INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Linda Cooke, Presiding Judge
James Cho, Interim Court Administrator

Date: February 17, 2015

Subject: Information Item: Notification of Temporary Judge Appointments

EXECUTIVE SUMMARY

The purpose of this information item is to notify City Council that Judge Cooke intends to renew and appoint, through contract, the following temporary judges: Bruce Joss, Carol Glowinsky, Thomas Reed and Dennis Wanebo – all of whom have served as temporary judges under earlier contracts. Trained and experienced temporary judges permit the efficient coverage of the court's docket when conflicts in scheduling, such as leave requests or a required recusal of the presiding or associate judge, occur.

FISCAL IMPACT

The funding necessary to meet the terms of the contracts associated with the appointments of temporary judges is contained within the department's budget.

BACKGROUND

Boulder Revised Code §2-6-4 (b)(3) provides that the presiding judge shall appoint temporary judges for terms of up to one year, after notification to the City Council of each such appointment.

**CITY OF BOULDER
LANDMARKS BOARD
January 7, 2015
1777 Broadway, Council Chambers Room
6 p.m.**

The following are the action minutes of the January 7, 2015 City of Boulder Landmarks Board meeting. A digital recording and a permanent set of these minutes (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). You may also listen to the recording on-line at: www.boulderplandevlop.net.

BOARD MEMBERS:

Mark Gerwing, Chair

Kate Remley

Mike Schreiner

Deborah Yin

*Crystal Gray **Planning Board representative without a vote*

STAFF MEMBERS:

Debra Kalish, Senior Assistant City Attorney

James Hewat, Senior Historic Preservation Planner

Marcy Cameron, Historic Preservation Planner

Lesli Ellis, Comprehensive Planning Manager

Angela Smelker, Historic Preservation Intern

1. CALL TO ORDER

The roll having been called, Chair **M. Gerwing** declared a quorum at 6:00 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **M. Gerwing**, seconded by **K. Remley**, the Landmarks Board approved (4-0, **F. Sheets** absent) the minutes as amended of the December 3, 2014 board meeting.

3. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA

4. DISCUSSION OF LANDMARK ALTERATION AND DEMOLITION APPLICATIONS ISSUED AND PENDING

- **Statistical Report**

5. ACTION ITEMS

- A. Public hearing and consideration of a Landmark Alteration Certificate to install vinyl windows on the non-contributing building located at 720 Concord Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00350). Applicant/Owner: James R. Christoph.**

M. Gerwing, M. Schreiner and **C. Gray** made site visits. **M. Gerwing** reviewed the case at a Design Review Committee meeting. **K. Remley** and **D. Yin** did not have any ex-parte contacts.

Staff Presentation

J. Hewat presented to the board, recommending that the Landmarks Board conditionally approve the application.

Applicant's Presentation

James Christoph, 860 Aurora Ave., Owner, spoke in support of the Landmark Alteration Certificate application.

Public Hearing

Abby Daniels, 1123 Spruce St., Executive Director of Historic Boulder Inc., spoke in support of the Landmark Alteration Certificate application.

Motion

On a motion by **M. Gerwing**, seconded by **M. Schreiner**, the Landmarks Board approved (**3-1, D. Yin objecting**), the proposal for the replacement of windows at 720 Concord Avenue in that it generally meets the standards in Chapter 9-11-18 (a)(b, 1-4), B.R.C. 1981, and is generally consistent with the *General Design Guidelines* and *Mapleton Hill Historic District Design Guidelines*, subject to the conditions below, and adopts this memorandum as findings of the board.

CONDITIONS OF APPROVAL

1. The applicant shall be responsible for ensuring that the windows are installed in compliance with all approved plans on file in the City of Boulder Planning Department, except as modified by these conditions of approval.
2. Prior to submitting a building permit application, the Applicant shall provide elevation, sill, head, and jamb details to demonstrate that the design details are in compliance with the intent of this approval and the General Design Guidelines. The remaining windows may be installed after the review and approval of the sample window by the Landmarks Design Review Committee.
3. Landmarks board encourages applicant to replicate the existing window pattern on all windows.

B. Public hearing and consideration of issuance of a demolition permit for the house and garage located at 3140 7th St., non-landmarked buildings over 50 years old, pursuant to Section 9-11-23 of the Boulder Revised Code (HIS2014-00348). Applicant/ Owner: Joyce Sandham.

At the request of the applicant, the board agreed to discuss this item at the February 3, 2015 Landmarks Board meeting.

C. Public hearing and consideration of an application to designate the property at 747 12th St., as a local historic landmark per Section 9-11-5 of the Boulder Revised Code, 1981 (HIS2014-00070). Owner: 747 Twelfth Street, LLC. Applicant: Landmarks Board.

All board members made site visits. **M. Gerwing** reviewed the case at a Design Review Committee meeting. **M. Gerwing, K. Remley** and **M. Schreiner** attended meetings to discuss alternatives to demolition during the stay-of-demolition.

Staff Presentation

M. Cameron presented to the board, recommending that the Landmarks Board forward the application to City Council with a recommendation to designate the property as an individual landmark.

Applicant's Presentation

Adrian Sopher, 1751 15th St., a representative on behalf of the Owners, spoke in opposition of landmark designation.

Public Hearing

Jim Scarboro, 735 12th Street, spoke in support of landmark designation

Kristen Lopez, *no address given*, owner of the property, spoke in opposition of landmark designation.

Martha Campbell, 750 12th St., spoke in support of landmark designation.

Jyotsna Raj, 863 14th St., spoke in support of landmark designation.

Joyce Davis, 350 Ponca Pl., spoke in support of landmark designation.

Erik Johnson, 1300 Sumac Ave., spoke in opposition of landmark designation.

Abby Daniels, 1123 Spruce St., Executive Director of Historic Boulder Inc., spoke in support of landmark designation.

Geneva Reichert, 740 12th St., spoke in support of landmark designation.

Val Kindgren, 1212 Cascade Ave., spoke in opposition of landmark designation.

James Kindgren, 1212 Cascade Ave., spoke in opposition of landmark designation.

John Volkmar, 607 Forest Ave., potential buyer, spoke in opposition of landmark designation.

Don Reichert, 740 12th St., spoke in support of landmark designation.

Adrian Sopher, spoke in rebuttal of Abby Daniel's comments.

Motion

On a motion by **M. Schreiner**, seconded by **K. Remley**, the Landmarks Board voted (4-0) to recommend to the City Council designation of the property at 747 12th St. as a local historic landmark, to be known as the Cowgill House, finding that it meets the standards for individual landmark designation in Sections 9-11-1 and 9-11-2, B.R.C. 1981, and adopts the staff memorandum, including the following as the findings of the board:

FINDINGS

The Landmarks Board finds, based upon the application and evidence presented, that the proposed designation application is consistent with the purposes and standards of the Historic Preservation Ordinance, and:

1. The proposed designation will protect, enhance, and perpetuate a building reminiscent of a past era and important in local and state history and provide a significant example of architecture from the past. Sec. 9-11-1(a), B.R.C. 1981.
2. The proposed designation will maintain an appropriate setting and environment and will enhance property values, stabilize the neighborhood, promote tourist trade and interest, and foster knowledge of the city's living heritage. 9-11-1(a), B.R.C. 1981.

3. The buildings proposed for designation have exceptionally high architectural, historic and environmental significance. The property is associated with Marthana and Josephine Cowgill, who cared for tuberculosis patients in the house prior to purchasing the Mesa Vista Sanatorium; the property possesses a high level of architectural integrity as an example of architecture of that period, and the property has been identified as contributing resource to the identified potential University Hill local and National Register of Historic Places District. Sec. 9-11-2(a)(1), B.R.C. 1981.
4. In this case, designation over an owner's objection is appropriate because (i) the house and garage are of exceptionally high architectural, historic, and environmental significance; (ii) the house and garage are in need of protection provided through the designation as the buildings are proposed for demolition; and (iii) it has not been demonstrated that the cost of restoration or repair would be unreasonable or that it would not be feasible to preserve the buildings and incorporate them into future development plans.
5. The proposed designation draws a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings important to that heritage will be carefully weighed with other alternatives. Due to the location of the house on the south side of the lot, and the gradual grade change away from the house, redevelopment of the site in a manner that preserves the historic buildings and provides for a modern residential use will be possible if the property is individually landmarked. 9-11-1(b), B.R.C. 1981.
6. The proposed designation is consistent with the criteria specified in Section 9-11-5(c), B.R.C. 1981.

6. MATTERS FROM THE LANDMARKS BOARD, PLANNING DEPARTMENT AND CITY ATTORNEY

- A. Pool Guidelines
- B. Update Memo
- C. Subcommittee Update

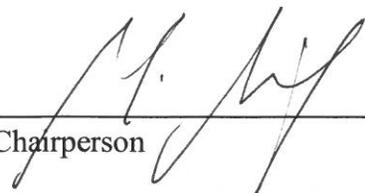
7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The meeting adjourned at 10:27_p.m.

Approved on February 3, 2015

Respectfully submitted,



Chairperson

**CITY OF BOULDER
LANDMARKS BOARD
February 4, 2015
1777 Broadway, Council Chambers Room
6 p.m.**

The following are the “*unapproved and unsigned*” action minutes of the February 4, 2015 City of Boulder Landmarks Board meeting. A digital recording and a permanent set of these minutes (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). You may also listen to the recording on-line at: www.boulderplandevlop.net.

BOARD MEMBERS:

Mark Gerwing, Chair

Kate Remley

Mike Schreiner

Fran Sheets

Deborah Yin

*Crystal Gray **Planning Board representative without a vote*

STAFF MEMBERS:

Debra Kalish, Senior Assistant City Attorney

James Hewat, Senior Historic Preservation Planner

Marcy Cameron, Historic Preservation Planner

Lesli Ellis, Comprehensive Planning Manager

Angela Smelker, Historic Preservation Intern

1. CALL TO ORDER

The roll having been called, Chair **M. Gerwing** declared a quorum at 6:00 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **M. Gerwing**, seconded by **K. Remley**, the Landmarks Board approved (5-0) the minutes as amended of the January 7, 2015 board meeting.

3. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA

- **Abby Daniels, Historic Boulder, 1123 Spruce St., spoke about the potential University Hill Moratorium and Historic Boulder’s interest in pursuing a historic district for the area.**

**4. DISCUSSION OF LANDMARK ALTERATION AND DEMOLITION
APPLICATIONS ISSUED AND PENDING**

- **Statistical Report**
- **Short Presentation by Joe Castro on Energy Efficiency of the City of Boulder’s Historic Buildings**
- **Short Presentation by Ruth McHeyser on the Uni-Hill Moratorium**

5. ACTION ITEMS

- A. Public hearing and consideration of a Landmark Alteration Certificate to demolish an addition to a contributing house and demolish a c.1988 garage to make way for the construction of a 616 sq. ft. two-car garage and storage shed at 603 Highland Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00345). Applicant: Christopher Melton, Owners: Beth & Will Bashan.**

Motion

On a motion by **M. Gerwing**, seconded **D. Yin**, the Landmarks Board approved (3-1, **K. Remley** opposing, **M. Schreiner** recused himself) the Landmark Alteration Certificate at 603 Highland Ave. as shown on plans dated February 4, 2015 finding that they generally meet the standards for issuance of a Landmark Alteration Certificate in Section 9-11-18, B.R.C. 1981, subject to the conditions below, and adopts the staff memorandum dated February 4, 2015 as findings of the board with the following conditions:

CONDITIONS OF APPROVAL

1. The applicant shall be responsible for constructing the house and garage in compliance with the approved plans dated February 4th, 2015, except as modified by these conditions of approval.
2. The dimension of door opening on the first floor of the east elevation shall not be changed and the existing south door to the east balcony shall be preserved;
3. The proposed garage shall be revised to reflect a depth of no more than 22 feet.
4. The details for the restoration of the second floor porch on the south façade be reviewed by the Ldrc to ensure that it is an accurate restoration based on historic photographs and physical evidence.
5. The fenestration on the new addition shall be studied to better reflect compatibility with the existing house.
6. The installation details of the proposed solar panels shall be subject to final review and approval at the LDRC.
7. Prior to submitting a building permit application and final issuance of the Landmark Alteration Certificate, the applicant shall submit revised drawings showing conditions 2 and 3 and 4 above have been met, as well as the following, all of which shall be subject to the final review and approval of the Landmarks design review committee: window and door details, wall material details, siding material details, paint colors, roofing material details, exterior lighting, fence details, east balcony details, solar panel details, and details regarding any hardscaping on the property to ensure that the approval is consistent with the *General Design Guidelines* and the *Mapleton Hill Historic District Guidelines* and the intent of this approval.

B. Public hearing and consideration of issuance of a demolition permit for the house located at 645 Walnut St., non-landmarked building over 50 years old, pursuant to Section 9-11-23 of the Boulder Revised Code (HIS2014-00351). Applicant: Jennifer Campbell, Owner: Edward Parent.

Motion

On a motion by **M. Schreiner**, seconded by **M. Gerwing**, the Landmarks Board approved (3-1, **F. Sheets** opposing, **K. Remley** recused herself) the demolition permit application for the building located at 645 Walnut St. finding that, due to a loss of architectural integrity, the property is not eligible for landmark designation, and adopt the staff memorandum dated Feb. 4, 2015, as the findings of the board. The Landmarks Board recommends that prior to issuance of the demolition permit; staff requires the applicant to submit to CP&S staff for recording with Carnegie Library:

1. A site plan showing the location of all existing improvements on the subject property;
2. Measured elevation drawings of all faces of the buildings depicting existing conditions, fully annotated with architectural details and materials indicated on the plans.

C. Public hearing and consideration of an application to designate the property at 977 7th St., as a local historic landmark per Section 9-11-5 of the Boulder Revised Code, 1981 (HIS2014-00366). Applicant/Owner: Janelle Krueger & Cosima Krueger-Cunningham.

Motion

On a motion by **M. Gerwing** seconded by **K. Remley** the Board voted 5-0 to adopt a resolution to initiate landmark designation the property at 977 7th St. as a local historic landmark, to be known as the Krueger-Cunningham House, finding that it meets the standards for individual landmark designation in Sections 9-11-1 and 9-11-2, B.R.C. 1981, and adopts the staff memorandum dated February 4, 2015, including the following as the findings of the board:

FINDINGS

The Landmarks Board finds that, based upon the application and evidence presented and subject to the conditions of approval, the proposed designation application will be consistent with the purposes and standards of the Historic Preservation Ordinance, and:

1. The proposed designation will protect, enhance, and perpetuate a building reminiscent of past eras and persons important in local and state history and provide a significant example of architecture from the past. Sec. 9-11-1(a), B.R.C. 1981.
2. The proposed designation will maintain an appropriate setting and environment and will enhance property values, stabilize the neighborhood, promote tourist trade and interest, and foster knowledge of the city's living heritage. 9-11-1(a), B.R.C. 1981.
3. The proposed designation draws a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings important to that heritage will be carefully weighed with other alternatives. 9-11-1(b), B.R.C. 1981.

4. The proposed designation is consistent with the criteria specified in Section 9-11-5(c), B.R.C. 1981.

6. MATTERS FROM THE LANDMARKS BOARD, PLANNING DEPARTMENT AND CITY ATTORNEY

- A. Update Memo
- B. Post City Council Retreat Update
- C. Subcommittee Update
 - 1) Demolition Ordinance
 - 2) Outreach
 - 3) Potential Historic Districts and Landmarks
 - 4) Design Guidelines

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The meeting adjourned at 11:23 p.m.

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
December 18, 2014
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

Aaron Brockett, Chair
Bryan Bowen
Crystal Gray
John Putnam
John Gerstle
Leonard May
Liz Payton

PLANNING BOARD MEMBERS ABSENT:

None

STAFF PRESENT:

Susan Richstone, Deputy Director, CP&S
Hella Pannewig, Assistant City Attorney
Ruth McHeyser, University Hill Moratorium Project Manager
Susan Meissner, Administrative Assistant III
Charles Ferro, Development Review Manager for CP&S
Karl Guiler, Senior Planner
Lesli Ellis, Comprehensive Planning Manager for CP&S
Heidi Hansen, Civil Engineer II
Sloane Walbert, Planner 1
Ted Harberg, Intern
Sarah Wiebenson, University Hill Development Coordinator
Molly Winter, DUHMD Executive Director

1. CALL TO ORDER

Chair, **A. Brockett**, declared a quorum at 6:04 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **J. Gerstle** and seconded by **L. Payton** the Planning Board approved 7-0 the December 4, 2014 Planning Board minutes.

3. PUBLIC PARTICIPATION

1. **Jill Marce, 325 31st Street**, expressed concern that neighbors have not been included in the BVCP process to date. She encouraged including a broader base of rules and regulations regarding the height limit.
2. **Mike Marsh, 265 31st Street**, wanted more neighborhood involvement in the BVCP. He wanted to see more neighborhood plans and encouraged using this process to build common ground.
3. **Sarah Maseg-Warren, 201 28th Street**, was concerned about the lack of neighborhood involvement in the BVCP. She did not think that the new large developments reflected neighborhood desires. She would like to see neighborhood plans.

**4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/
CONTINUATIONS**

- A. **Call Up Item:** Wetland Permit (LUR2014-00093) Evert Pierson Memorial Fishing Ponds Flood Repairs. Expires: December 22, 2014
- B. **Call Up Item:** Floodplain Development Permit (LUR2014-00094) Evert Pierson Memorial Fishing Ponds Flood Repairs. Expires: December 22, 2014
- C. **Call Up Item:** Wetland Permit (LUR2014-00096) Multi-Use Path Pedestrian Bridge Over South Boulder Creek. Expires: December 22, 2014
- D. **Call Up Item:** Approval of a Minor Amendment to Approved Site Review for a 1,950 square foot addition to an existing single-family residence. The project site is zoned Residential - Low 1 (RL-1). Case No. LUR2014-00088. Expires: December 26, 2014

- S. Walbert answered questions from the board.
J. Gerstle called up item 4D.

5. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

- A. **Public Hearing and Feedback to Staff on the results of the first two phases of the University Hill Commercial District Moratorium Project, including Preliminary Findings and Potential Strategies to Address the Findings.**

Staff Presentation:

- S. Richstone introduced the item.
R. McHeyser presented the item to the board.

Board Questions:

- R. McHeyser answered questions from the board.
M. Winter answered questions from the board.
K. Guiler answered questions from the board.

Public Hearing:

- 1. Jyotsna Raj, 863 14th Street**, advocated for the historical assets on the Hill. This is what makes the area unique.
- 2. Stephen Colby, 738 14th Street**, advocated for a neighborhood outreach member. Tradeoffs need to happen and the Hill needs a leader. He proposed closing a portion of 13th Street to traffic.
- 3. Fran Sheets, 520 Marine Street**, encouraged the plan to use preservation as a foundation to this project. She quoted from Victor Dover that Boulder's architectural heritage makes it successful and unique.
- 4. Rishi Raj, 863 14th Street**, noted that the Hill is a confined area that does not have many options. There are many students living in and around the Hill and that will not and should not change. The neighbors need to be more involved in the Hill; create a concept that everyone understands to promote a place for the integrated neighborhood. Don't be too rigid. Propagate an idea of culture and preservation.

Board Comments:

Feedback on the Proposed Strategies:

- There was unanimous support for converting the Hill to an historic district. It could provide a good catalyst for revitalization opportunities, but should be vetted with the public and property owners first.
- Make changes with a light touch so as to avoid spurring development that could alter the character of the area. The largest changes to the area would likely be the result of development of the three open parcels, historic elements and the innovation district.
- Consider converting the Harbeck House into center for non-profits that support city goals.
- Members recommended limiting by-right residential uses. Some would support allowing senior and affordable housing options, others suggested reserving housing for university faculty and staff.
- **A. Brockett** would not prohibit residential uses but recommended limiting them to the third floor to create a better mix of uses. He did not like the idea of encouraging senior housing in this area.
- Consider replacing residential uses with office if possible.
- Lower residential ceiling heights could make conversion to office space difficult.
- Several members were wary of allowing office space on upper floors. The part-time use would not address weekend or evening activity.
- Others recommended allowing co-working spaces and University-related offshoot businesses. Back office uses in the area would not be ideal.

- **L. Payton** would like to see uses such as studio spaces incentivized over residential uses on the upper floors of buildings.
- **C. Gray** recommended that the city-owned surface parking lots be redeveloped into city offices to add vibrancy to the area. Many members supported this idea.
- Request neighbor feedback on the implications of expanding RH-5 zoning in the area.
- **L. May** recommended revisiting the liquor laws on the Hill if businesses would be serving to demographics other than students. **C. Gray** disagreed as the Hill has the largest concentration of liquor licenses in town.
- **L. May** recommended making streetscape and landscaping improvements to improve the aesthetics of the area, thereby attracting more businesses.
- Consider closing a portion 13th Street to traffic; it would build on the activity center, innovation zone and historic area.
- Assure that the ground floor uses are active and contribute to the vibrancy of the area. The BMS zone does not require ground-level retail by right.
- Some members encouraged staff to consider expanding the BMS zone with required ground floor retail by a couple of blocks. **C. Gray** liked the changes to the use tables but did not support expanding the BMS zone.
- Consider incentivizing an arts district or uses by purchasing and leasing ground floor space to artists.
- The board agreed that additional surface parking should not be allowed in the area. Some felt comfortable allowing underground structured parking while others did not want any added to a potential historic district.
- **L. May** thought there was too much emphasis on parking. The neighborhood is fine grained, walkable and congested. Consolidated parking could destroy the fine, historical grain. Focus instead on alternative modes of transportation.
- **C. Gray** recommended that TAB review the Uni Hill plan to provide recommendations for encouraging alternate modes of transportation.
- Increase the number of businesses participating in Eco-Pass programs.

6. MATTERS

A. BVCP Update Discussion

Staff Presentation:

S. Richstone introduced the item

L. Ellis presented the item

Board Comments:

- Community engagement over the BVCP is an opportunity to build some consensus in the community with a civil approach.
- Consider providing all community members with a copy of the BVCP or summary and map.
- Post BVCP update topics early to reduce the public's concern over what will be included and to inform the structure.
- Assure that this will be a ground up process that captures a shared vision from citizens and interest groups such as PLAN Boulder, Better Boulder and others.
- The packet implies that staff is farther along with the BVCP than they are. Clarify this for the public to dispel fears.
- Focus on areas of change and neighborhoods near areas with the most change.
- Assure that multiple perspectives are captured. The city is currently hearing from a stratified demographic of people who have more time to address these issues. Many neighborhoods have internal divisions; find ways to engage everyone through social media and other outreach methods. Also assure that all households have a voice; HOAs often exclude renters and less dominant opinions.
- Add a section to the BVCP on neighborhoods as they relate to resiliency and allow neighborhoods to contribute input. Include business district and commercial neighborhoods as well. Each neighborhood knows its strengths and vulnerabilities.
- Involve neighbors in community engagement exercises to let them define their own character.
- Develop a BVCP input template with visual aids for neighborhoods to complete. Some neighborhoods can complete them alone while others may need some staff resources.
- Individual neighborhood visions could be an important tool both for the BVCP and as a resource for developers looking to start projects in different neighborhoods.

- Clarify the form-based and place-based code concepts.
- Stress the importance of metrics; they are important to achieve a rational method for evaluating projects and achieving goals.
- Members found the metrics provided by the consultant to be helpful.
- Include a map that shows the key policies.
- **C. Gray** requested that staff consider including environmental impact statements for areas that will undergo large changes to land use. **J. Putnam** recommended using a different form of analysis because impact statements dictated by state law are often unhelpful and too technocratic.
- **L. May** requested that the BVCP Update be completed before the Intergovernmental Agreement is renewed in 2017.

The Board discussed their annual letter to City Council.

Planning Board meetings will be televised starting in January.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:03 p.m.

APPROVED BY



Board Chair

2/5/15

DATE

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES

To listen to the Parks and Recreation Advisory Board meetings in their entirety, please go to the following link:
www.boulderparks-rec.org

Name of Board/Commission: Parks and Recreation Advisory Board
Date of Meeting: October 27, 2014
Contact Information Preparing Summary: Sally Dieterich 303-413-7242
Board Members Present: Mike Conroy, Myriah Conroy, Kelly Wyatt, Michelle Estrella, Mike Guzek, Marty Gorce, Tom Klenow Board Members Absent: None
Staff Present: Jeff Dillon, Yvette Bowden, Sally Dieterich, Jeff Haley, Lisa Martin, Alison Rhodes, Teri Olander, Dean Rummel, Stacy Cole, Andrew MacLean
Guests Present: None
Type of Meeting: Advisory/Regular
Agenda Item 1: Call to Order The meeting was called to order at 6:02p.m. and the agenda was approved. Chair Conroy requested agenda item 8 (Matters from Board Members) be moved to agenda 3 (Public Participation) to permit discussion related to the Kinesis Dance Program.
Agenda Item 2: Future Board Items and Tours Future items: <ul style="list-style-type: none"> • 1/2015 – Civic Area meeting for boards/commissions • 10/28 Council study session – flood recovery update • Spring 2015 – Emerald Ash Borer (EAB) update with strategic plan • Asset Management software selected – planning recommendation to IT with pilot program • 11/24 PRAB meeting date PRAB agreed to have the next business meeting on 11/24, as scheduled.
Agenda Item 3: Public Participation <ul style="list-style-type: none"> • Mark Willuhn, resident, gave kudos to staff for the great job building Elks Park, but shared some noise level and traffic concerns. • Emily Brake, resident, expressed concerns with the dance program change from a public to private program. • Julie Leonard, non-resident, expressed disappointment with dance program changes and the release of instructor Ross. She asked staff to investigate. • Kathy Karr, resident, asked why the dance program was not put out to public bid and instead given to city employees. She also expressed her disappointment with the end of instructor Ross' employment after twenty-five years with the City. • Lee Troop, resident, executive director of the Boulder Track Club, asked staff to include a running track in the Valmont City Park planning process. Board discussion and comments regarding the dance program included: <ul style="list-style-type: none"> • Conroy (Mike) inquired why the dance program was outsourced and why former City of Boulder employees were awarded a three year contract. • Conroy (Myriah) asked why this was handled so differently from the Pottery Lab privatization. • Wyatt felt this was similar to the tennis program, but PRAB needs to be involved in the process because PRAB is integral in public/partnership exploration. • Conroy (Myriah) stated a belief that the program was profitable prior to these two city employees being awarded the dance contract.

- Conroy (Mike) thanked staff for responding to some questions, but was confused by the city outsourcing to former city employees, making them contractors with a three year contract. It would have been helpful for PRAB to be involved.
- Guzek noted how passionate some of the groups are and reminded staff that if it is not done appropriately it will be noticed.
- Estrella added that she supports the department encouraging public/private partnerships, but that it needs to be done transparently.
- Conroy (Mike) asked if there is a meeting schedule with the dance group between now and the November PRAB meeting.

Dillon described that moving from highly specialized programs, such as dance, pottery, or gymnastics, must be handled sensitively. The city ran a successful program for seven years but that financial sustainability and service reach continued to be issues. Staff felt that then-existing staff had the skills to continue the program under a partnership model and that their familiarity with the program would aid in the transition pilot period. This will be a discussion item at the November PRAB meeting.

Bowden said that a meeting with the dance group will be held on November 5 at 5 p.m. at the West Senior Center and invited members of PRAB to attend.

Agenda Item 4: Consent Agenda

A. Approval of minutes from September 22,2014

Minutes from September 22, 2014 were approved as written.

B. Park Development Update

Written updates were provided to the board as part of the packet materials. These are items that require no board action or discussion.

Agenda Item 5: Items for Action

There were No Items for Action.

Agenda Item 6: Items for Discussion/Information

A. Valmont City Park Update: The department is currently updating the 2008 Valmont City Park (VCP) concept plan to reflect the needs of the community. This process includes:

- Community Survey
- Industry trend analysis
- Athletic field study
- Stakeholder meetings
- Outreach sessions with youth groups
- Community meetings
- Updates to PRAB and council

Feedback has provided the following:

- VCP should provide active recreation opportunities
- Focus on youth activities
- Include disc golf, athletic fields, running
- Provide multi-use recreation facilities

Next steps:

- Work with consultants to complete the athletic field report
- Develop series of concepts that integrate all data and feedback to determine a final draft concept plan
- Draft final concept plan will be presented at a community meeting in December 2014
- Final concept plan public hearing to be presented to PRAB in February 2015

B. Department and PRAB Action Plan: Four specific areas were identified and reflect the planning process during the next eighteen months:

- Increasing internal and external communication
- Expanding youth engagement
- Building partnerships/sponsorships
- Building capacity

Agenda Item 7: Matters from the Department

- A. Boulder Rugby Club Agreement:** Under the one year agreement Boulder Rugby will fundraise and conduct capital improvements at Tom Watson Park. In return, Boulder Rugby will receive a designated number of hours for field use.
- B. Youth Opportunities Advisory Board (YOAB) Coordination:** One key strategy for action items in engaging and working with youth. Three students from YOAB have been selected for a public engagement pilot program to develop a youth engagement plan between October 2014 and January 2015. They will be working to develop effective strategies for engaging youth as part of park development. They will come before PRAB in January 2015.
- C. Electric Assist Bike Status:** The transportation department electric bike assist pilot program was successful, with no major issues noted.
- D. Aquatics Feasibility Plan:** The contract has been signed and the aquatics feasibility plan is underway. Stakeholders, partners, user groups, and the community will be invited to be part of the process. Staff is requesting one or two PRAB members to be liaisons for the projects. The feasibility plan will be on the November 24 PRAB meeting agenda as a discussion item.

Agenda Item 8: Matters from Board Members

This item was moved to agenda item 3.

Next Board Meeting: November 24, 2014

Adjourn: There being no further business to come before the board at this time; the meeting was adjourned at 8:00 p.m.

Approved by:

Attested:

Mike Conroy
Board Chair

Sally Dietrich
Board Secretary

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES

To listen to the Parks and Recreation Advisory Board meetings in their entirety, please go to the following link:
www.boulderparks-rec.org

Name of Board/Commission: Parks and Recreation Advisory Board
Date of Meeting: November 24, 2014
Contact Information Preparing Summary: Sarah DeSouza 303-413-7223
Board Members Present: Mike Conroy, Myriah Conroy, Kelly Wyatt, Mike Guzek, Marty Gorce, Tom Klenow Board Members Absent: Michelle Estrella
Staff Present: Jeff Dillon, Yvette Bowden, Jeff Haley, Lisa Martin, Alison Rhodes, Teri Olander, Dean Rummel, Todd Calvin, Doug Godfrey, Matt Kamhi, Erynn Simone, Megann Lohman and Tim Duda
Guests Present: None
Type of Meeting: Advisory/Regular
Agenda Item 1: Call to Order The meeting was called to order at 6:04 p.m. and the agenda was approved.
Agenda Item 2: Future Board Items and Tours Future items: <ul style="list-style-type: none"> • 1/2015 – Civic Area meeting for boards/commissions • 6/2015 – Civic Area plan to Council for acceptance • Spring 2015 – Emerald Ash Borer (EAB) update with strategic plan • Valmont City Park update – Back to PRAB in for approval in first or second quarter 2015 • Aquatics Feasibility Study – will come back to PRAB in for approval in first or second quarter 2015 • 12/15/2015 –December Board meeting
Agenda Item 3: Public Participation <ul style="list-style-type: none"> • Emily Brake, resident, expressed appreciation for the recent meeting about the adult dance program and a desire for further dialogue regarding improvements in the service delivery. • Ingrid Fotino, resident, expressed support for Elizabeth Ross as a valued teacher in the adult dance program (ballet). • Mary Beth Lisse, resident, spoke in support of Elizabeth Ross as a valued teacher in the adult dance program (ballet). <p>Board discussion and comments regarding the dance program included:</p> <ul style="list-style-type: none"> • Conroy (Mike) indicated that the Board would be discussing the dance contract with Kinesis later in the meeting.
Agenda Item 4: Consent Agenda A. Park Development Update Written updates were provided to the board as part of the packet materials. These are items that require no board action or discussion. <ul style="list-style-type: none"> • Conroy (Mike) indicated a desire to further discuss park update items. • Dillon indicated that any item can be called up for additional discussion or information. • Conroy (Myriah) requested additional information on the prairie dog relocation update. Dillon indicated that there are 6 to 18 prairie dogs left to be captured. The desire is to capture/relocate all prairie dogs. New prairie dog colonies have successfully established since the flood and over 700 prairie dogs have been successfully relocated to date.
Agenda Item 5: Items for Action There were No Items for Action.

Agenda Item 6: Items for Discussion/Information

A. Dance Pilot Partnership Update – Bowden provided a comprehensive update on how and why the dance program partnership pilot decision was made.

PRAB feedback:

- Conroy (Mike) asked how the type of dance classes offered by Kinesis are determined
- Conroy (Myriah) asked if Kinesis offers private lessons and, if so, is there a revenue split
- Conroy (Myriah) voiced concern regarding the sole source nature of the contract award
- Conroy (Myriah) asked whether this model will be pursued for future program partnerships for highly specialized programs
- Conroy (Myriah) voiced concern about the appearance of nepotism in the contract award process
- Conroy (Myriah) indicated a desire to review the service delivery matrix data
- Wyatt asked what years Expressions was offered by the city
- Guzek voiced concern that this issue became so contentious and that it was drawn out to the point where tensions and frustrations arose
- Conroy (Mike) indicated that he is supportive of the partnership model and asked for dialogue to continue between staff and the Board

Next steps:

- City staff will continue to meet at minimum quarterly with contractors to discuss service quality and level with dance program
- Continue to pursue successful partnership with Kinesis for the term of the contract pilot period
- Continue the conversation with the dance community regarding their interests and concerns
- City has developed easy and visible electronic mechanisms for the public to provide feedback regarding parks and recreation programs and services (website links, Rec Center feedback cards, notice and link in Recreation Guide)
- Continue to maximize the programming and scheduling of dance classes in the city's facilities within the context of other recreation program service delivery
- Staff will continue to monitor and evaluate the dance program pilot
- An RFP will be issued in 2016 for dance program services continuing after 05/31/17
- Review the request to eliminate the existing three week breaks between sessions
- Look at how to smoothly transition programs to partnership delivery as we move forward

B. Aquatics Feasibility Program – Rhodes provided a comprehensive update on the department's aquatics feasibility study.

PRAB feedback:

- Guzek complimented the process so far and spoke to the diversity of interested aquatics users in the community
- Wyatt asked whether Boulder Valley Summer Swim Leagues, BVSD and CU were included in the stakeholder meetings
- Conroy (Mike) spoke about the opportunity for this study coinciding with the Valmont City Park recommendations
- Gorce indicated there are opportunities for partners to assist with the development of future facilities by generating sponsorships
- Conroy (Mike) spoke to the need to consider naming rights in order to address million dollar deficits
- Wyatt addressed the need to partner with YMCA, BVSD to reinstate the school-aged learn to swim/drown proofing program
- Guzek spoke to the need to involve parents in the discussion
- Conroy (Myriah) asked if the department anticipates privatizing any aquatics programs

PRAB comments to inform this phase of the plan:

- What is needed and what is needed most
- Need to anticipate future needs and building more adaptable facilities as well as who is going to be using the pool in the future
- Need to consider: designing facilities to reduce chlorine use, year- round program for competitive swimming, the possibility of bleachers, learn- to-swim program (free), flexible facility (multiple use), doors that open (garage doors/retractable roof), warm water pools (wellness pools), varied depths
- Request to review stakeholder lists to offer suggestions

Next steps:

- Community engagement process includes: pop up chats, online surveys, stakeholders meetings
- Demographic analysis of the community and the community of swimmers
- Update will be provided in December; recommendations will be presented in January

Agenda Item 7: Matters from the Department

A. Valmont City Park Planning - Godfrey provided an update on the Valmont City Park planning process with slight process modifications responsive to earlier PRAB suggestions for enhanced community engagement opportunities.

Next steps:

- Conduct additional outreach to neighborhoods adjacent to the park
- 12/4 Meeting with San Lazaro community at community club house (offering food, child care suggested)
- December meeting (on a Saturday) at Platte Farm House for Kings Ridge and Vista Ridge
- Engage specific members of roundtable groups in additional conversations
- Host a community meeting on 12/16/15
- Conduct additional outreach to community in pop-up type meetings after community meetings where public is asked pointed strategic questions
- Recommendations to PRAB in February 2015

B. Proposed Smoking Ban - Martin provided an updated on the City of Boulder's proposed expansion of the smoking ban.

Next steps:

- 1/20/15 Second reading of the Ordinances by Council

C. Nature Play

Next steps:

- Department will adopt the guidelines, engage children in Civic Area (Creek at the Core) and other planning efforts.

Agenda Item 8: Matters from Board Member

A. City Council Retreat Questions for Boards and Commissions

Next steps:

- Priority from the department to Council is to improve the partnership process including naming, fund raising, engaging public and implementing partnerships
- Department will provide PRAB with background information on department partnerships and other successful national partnership models

Next Board Meeting: December 15, 2014

Adjourn: There being no further business to come before the board at this time; the meeting was adjourned at 8:17 p.m.

Approved by:

Attested:

Mike Conroy
Board Chair

Boards and Commissions
PRAB

Sally Dietrich
Board Secretary

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES

To listen to the Parks and Recreation Advisory Board meetings in their entirety, please go to the following link:
www.boulderparks-rec.org

Name of Board/Commission: Parks and Recreation Advisory Board
Date of Meeting: December 15, 2014
Contact Information Preparing Summary: Sarah DeSouza 303-413-7223
Board Members Present: Mike Conroy, Michelle Estrella, Marty Gorce, Mike Guzek, Kelly Wyatt Board Members Absent: Myriah Conroy, Tom Klenow
Staff Present: Yvette Bowden, Jeff Haley, Teri Olander, Joy Master, Andrew Maclean, Dean Rummel, Megann Lohman, Skyler Beck, Stacy Cole, Gabriel Aksamit
Guests Present: None
Type of Meeting: Advisory/Regular
Agenda Item 1: Call to Order The meeting was called to order at 6:03 p.m. and the agenda was approved.
Agenda Item 2: Future Board Items and Tours Future items: <ul style="list-style-type: none"> • 1/2015 – Civic Area meeting for boards/commissions • 1/2015 – Capital Improvement Discussion • 1/2015 – Council Retreat • 6/2015 – Civic Area plan to Council for acceptance • 4/ 2015 – Emerald Ash Borer (EAB) update with strategic plan • Valmont City Park update – Back to PRAB in for approval in first or second quarter 2015 • Aquatics Feasibility Study – will come back to PRAB in for approval in first or second quarter 2015
Agenda Item 3: Public Participation <ul style="list-style-type: none"> • Susan Carrier, non-resident, expressed appreciation for the instructors in the adult dance program and support for the adult dance program. • Dianne Clymer, resident, expressed support for the adult dance program and requested there be clear communication channels between participants, Kinesis and the City of Boulder as the city moves forward with the evaluation of the pilot program. • Marjorie Schaffner, non-resident, spoke in support of the adult dance program and to address rumors about the elimination of the adult dance program. Requested better communication between dancers, Kinesis and the city of Boulder regarding the ongoing partnership. • Maki Iatridis, resident, spoke in support of a public private partnership between the city and Ocean First Divers, Ocean First Institute and Ocean Classroom to build a new aquatic facility in Boulder. • Judy Kreith, resident, Kinesis dance instructor, invited community dancers to try out new dance classes during the two days of free dance classes offered by Kinesis. She also voiced concern that this trial period occurs within the one week window where classes may be cancelled due to poor registration and asked that this may be problematic since some people have indicated they would like to try out the class before registering.
Agenda Item 4: Consent Agenda A. Approval of Minutes from October 27, 2014 and November 24, 2014 The Board unanimously approved the minutes from October 27, 2014 and November 24, 2014. B. Parks and Recreation Development Update Written updates were provided to the Board as part of the packet materials. No items were called up by the Board. C. Parks and Recreation Operations Update Written updates were provided to the Board as part of the packet materials. No items were called up by the Board.

Agenda Item 5: Items for Action

A. Public Hearing and Consideration of a Motion to Approve a Non-Exclusive Revocable License Agreement Between Diamond Baseball of Boulder and the City of Boulder to Provide for the Use, Improvement, Development, and Maintenance of Scott Carpenter Ballfield as a City of Boulder Public Baseball Amenity

Teri Olander and Yvette Bowden provided background information on this non-exclusive revocable license agreement.

- Gorce asked why the agreement was non-exclusive in nature.
- Bowden answered that the agreement is for summer only and is non-exclusive as this is a public park and the public portion must be maintained. A schedule is being created that demonstrates the use and will be approved by the department. Currently there are two groups that are using the facility consistently, but non-exclusively.
- Wyatt asked whether other entities have requested to use this facility in addition to the existing two users groups.
- Olander responded that the department does receive inquiries from out of state and some local organizations.
- Estrella inquired whether there had been any negative feedback about the previous agreement.
- Olander indicated that there has not been any negative feedback and in fact the existing organization has been praised for the positive work they have done at and for the facility.
- Gorce asked if one other constituent user (the Collegians) contributes to the maintenance of the field when they use the facility.
- Bowden responded that the group contributes to “above and beyond” maintenance.
- Gorce suggested that all users beyond Diamond Baseball should be required to contribute to maintenance costs.
- Bowden indicated that other groups will be charged for additional utilities and maintenance costs.
- Guzek asked whether any changes can be made to the existing contract.
- Bowden stated that the contract language allows for minor changes to be made and as mutually agreed with Diamond Baseball (section X of the agreement).
- Wyatt asked how the coordination of users was going to be facilitated.
- Bowden indicated that the agreement is for summer play and the final schedule will be finalized prior to the summer season.
- Wyatt asked how facility improvements are approved.
- Bowden stated that the new agreement has clear procedures for gaining department approval for capital improvements that ensure consistency with construction and maintenance standards.
- Wyatt inquired about who would be responsible for the cost of any capital improvements.
- Bowden indicated that it would depend on the type and purpose of the capital improvements.
- Guzek asked how the Diamond Baseball group felt about the contract.
- Bowden stated that the city and Diamond Baseball had mutually beneficial discussions during the creation of the agreement.

Public Comment:

- Kent Dinkle, President of Diamond Baseball, thanked staff for their help in developing the agreement that is mutually acceptable to everyone. He is looking forward to working with city moving forward.

Public hearing was closed. Discussion was opened.

- Gorce indicated he liked the direction of the agreement.
- Guzek stated that he appreciated the attendance and comments of Diamond Baseball.
- Wyatt indicated that she also appreciated Diamond Baseball attending the meeting.

Estrella made the following motion:

Motion to approve the non-exclusive revocable license agreement between Diamond Baseball of Boulder and the City of Boulder for Scott Carpenter Ballfield and authorize the City Manager to make minor amendments prior to or during the term of this agreement in order to ensure that Scott Carpenter Ballfield is properly maintained and operated in a manner that is consistent with applicable laws and the policies and regulations of the City of Boulder.

- Motion was seconded by Guzek
- Motion passed unanimously

B. Public Hearing and Consideration of a Motion to Approve a Lease Agreement with Growing Gardens to Provide a Community Garden Program at Various Parks and Recreation Locations

Teri Olander and Yvette Bowden provided background information on this license agreement. There will be quarterly updates from Growing Gardens and partner on community engagement activities

Public Comment was closed (no speakers). Discussion was opened.

- Wyatt indicated that she was not aware that Growing Gardens was a partner with the city.

Estrella made the following motion:

Motion to approve the lease agreement with Growing Gardens to provide a community garden program at Parks and Recreation Department properties and authorize the City Manager to make minor amendments prior to or during the term of this agreement in order to ensure that community garden programming is provided in a manner that is consistent with applicable laws and the policies and regulations of the City of Boulder.

- Motion was seconded by Gorce
- Motion passed unanimously

Agenda Item 7: Matters from the Department

A. Boulder Reservoir Management Plan - Haley provided a presentation and brief update on the Valmont City Park planning process.

- Current work is focusing on key management actions
- Key focus areas moving forward include: Off street pathway off 51st Street to accommodate runners and bikers; Aeromodeling site and suitability of the activity at current site
- Goal is the long term sustainability and appropriate use of the site
- Recommendations will be presented to the PRAB in February 2015 with the goal of implementing approved management actions in the 2015 season

B. Valmont City Park Planning Update – Haley provided an update on the Valmont City Park Planning process.

- Third community meeting on Valmont City Park Plan will occur on December 16, 2014
- Valmont City Park neighbors were re-engaged in the planning process through recent public meetings
- Information gathered from meetings will be integrated into overall process
- Roundtable workshop held one week ago where key stakeholder were invited to come back and discuss concept design
- Stakeholders have realized the importance of innovative and flexible design for the site to accommodate multiple uses
- Final VCP meeting will be held on February 16th, 2015. The meeting will provide: background information, a detailed plan, a question and answer session, and an open house

C. Civic Area Update

- Bowden discussed the progress being made on the Civic Area Project
- All day staff session was held on December 5th where potential governance, short term activation, long term visioning, and phase one were discussed
- In the first phase of the project nature play (Dillon), design components including protection of the tree canopy, creek impacts, access issues, short and long term park utilization (Haley), governance and partnerships (Bowden) will be emphasized

- More thorough updates will be brought to the PRAB throughout 2015
- Long range schedule includes: plan to go to City Council in June, open houses in March, proposed joint PRAB, WRAB and other Board meeting in spring

Agenda Item 8: Matters from Board Members

A. PRAB Goals for City Council

- Handout provided at meeting that demonstrates linkage between PRAB and City Council goals
- This information came from September PRAB goals discussion
- Prior to next PRAB meeting goal is to update this document with any feedback received from Council
- Information will go to City Manager and then on to City Council
- Council goals have not been finalized yet
- PRAB input due to City Council by December 19th
- Motion made by Estrella to progress the council retreat questions for 2015 pending any significant input given in the remainder of the week
- Gorce seconded the motion
- Motion approved unanimously

B. Partnerships

- Conroy (Mike) asked about the cancellation of adult dance classes
- Bowden shared a memo sent on December 13th to the participants of the November meeting to provide an update that there was never an intention to cancel any adult dance programming
- The minimum number of pre-registered participants for any recreation session is six as of one week before the class start.
- One week notice allows registrants to choose a different class
- Six registrants is the number that ensures financial sustainability

Next Board Meeting: January 26, 2015

Adjourn: There being no further business to come before the board at this time; the meeting was adjourned at 8:00 p.m.

Approved by:

Attested:

Mike Conroy
Board Chair

Sally Dieterich
Board Secretary

**CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES**

Name of Board / Commission: Water Resources Advisory Board	
Date of Meeting: 17 November 2014	
Contact Information of Person Preparing Minutes: Andrea Flanagan 303.413.7372	
Board Members Present: Vicki Schamhorst, Mark Squillace, Lesley Smith, Ed Clancy, Dan Johnson Board Members Absent: None	
Staff Present: Jeff Arthur, Director of Public Works for Utilities Bob Harberg, Principal Engineer, Utilities Annie Noble, Flood and Greenways Engineering Coordinator Kurt Bauer, Engineering Project Manager Bret Linenfelser, Water Quality and Environmental Services Manager Chris Meschuk, Flood Recovery Coordinator – Community Services Joel Wagner, Flood Recovery Coordinator – Finance Andrea Flanagan, Board Secretary	
Cooperating Agencies Present: Craig Jacobson, Consultant from ICON Engineering, Inc. Greg Koch, Anderson Consulting Engineers	
Meeting Type: Regular	
Agenda Item 1 – Call to Order	[7:00 p.m.]
Agenda Item 2 – Approval of the 20 October 2014 Meeting Minutes: Motion to approve minutes as amended from October 20th as presented. Moved by: Smith; Seconded by: Squillace Vote: 4:0 (Johnson abstained; was not present at October Meeting)	[7:01 p.m.]
Agenda Item 3 – Public Participation and Comment Public Comment: None Board follow up: None	[7:02 p.m.]
Agenda Item 4 – Information Item – Flood Recovery Update: Chris Meschuk and Joel Wagner presented the item to the board, which included a PowerPoint presentation. September marked the one-year anniversary of the 2013 flood that caused extensive damage to both private property and city infrastructure. This information item provides the Water Resources Advisory Board with an update on overall city recovery status in relation to the key objectives established by City Council for both near-term recovery and long-term resilience. Highlights of the progress made are listed below, by objective, with details provided in the body of the memorandum:	[7:04 p.m.]
<ol style="list-style-type: none"> 1. Help people get assistance. <ul style="list-style-type: none"> • Staff is continuing targeted outreach to neighborhoods and property owners with vacant and uninhabitable units. Approximately 30 housing units remain vacant and uninhabitable. • Approximately 150 cases are active with the Long-Term Flood Recovery Group. 2. Restore and enhance our infrastructure. <ul style="list-style-type: none"> • As of Oct. 22, the city has spent approximately \$17.1 million on flood recovery. • In terms of costs, with remaining work estimated at \$10.5 million, recovery efforts are 62 percent complete. • The city estimates that the total cost of flood recovery will be approximately \$27.6 million. These costs are related to the specific September 2013 flood damages and are not reflective of subsequent issues with additional sediment and debris during spring runoff and summer storms. Those subsequent costs are estimated to be at least \$1 million. 3. Assist business recovery. <ul style="list-style-type: none"> • The city is continuing to assist businesses with remaining flood recovery needs and sponsored the Business Recovery Summit on Oct. 17. 4. Pursue and focus resources to support recovery efforts. <ul style="list-style-type: none"> • The city has received \$1 million in FEMA reimbursements to date. 	

- The city has been awarded \$3 million in non-FEMA grants to support recovery and resilience projects in housing, open space and mountain parks, utilities and community services.
 - The city is pursuing additional CDBG-DR funds in Rounds 2 and 3 (\$257 million available).
- 5. Learn together and plan for the future.**
- The city commemorated the one-year anniversary of the flood with 10 community events.
 - The keystone events on Sept. 10 were well-attended. Both events were recorded, and videos are available online.
 - Science of Disaster Planning: Research and Response
 - Boulder Flood Tribute: Community Stories in Action.

City staff, consultants and community partners continue to work diligently to make progress in achieving the council-adopted objectives. Each objective is explained in the following pages, along with a high-level summary of progress. More detailed information can be found at the city's comprehensive resource for all flood-related information: www.BoulderFloodInfo.net.

WRAB Discussion Included:

- Questions about whether the businesses that were affected by the flood had to find additional space in Boulder to operate out of?
- Board member attended South Platte River Forum, where stream restoration was discussed. Commented on non-trapezoidal configuration and nested channel design, which FEMA engineers expect. Suggests continuing to push FEMA on recovery process and look into additional grant opportunities.
- Question about whether the 30 vacant homes inside the city limits that were acquired by the city and fall in the floodplain also include homes that are in the county.
- Board member attended presentation in Lyons for businesses, where mitigation was discussed. Questions requesting clarification about mitigation resources that are available, but still there is limited funding?
- Questions about the reimbursement level by FEMA and the window of time we have to submit for FEMA reimbursement?
- Statement that the city has done a great job getting things back up and operating.

No Board action was requested at this time.

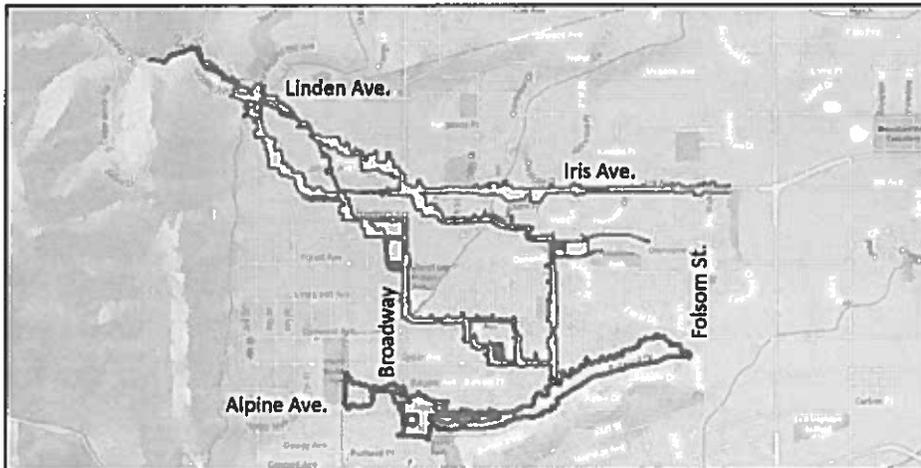
Agenda Item 5 –

[7:24 p.m.]

Information Item – Upper Goose Creek and Twomile Canyon Creek Floodplain Mapping Update: Kurt Bauer and Utilities staff presented the item to the board, which included a PowerPoint presentation.

EXECUTIVE SUMMARY:

The purpose of this memorandum is to provide a general summary of the history and revised draft results of the Upper Goose Creek and Twomile Canyon Creek floodplain remapping study. The study includes the area located west of Folsom Street to the city limits as shown by the blue areas in the figure below:



The existing regulatory floodplain maps date back to 1994 and were based on analysis conducted in 1987. The 1994 floodplain maps show one major flow path along Twomile Canyon Creek and were based on what are now dated topographic mapping and hydraulic modeling techniques. Field surveys

conducted in 2011 and documentation of historic flood events indicate that Twomile Canyon Creek will overtop with resultant spills flowing along several paths. The Twomile Canyon Creek and Upper Goose Creek floodplain mapping update began in 2011.

The draft revised mapping was presented to WRAB in May 2013. As a separate effort, in 2012 the city initiated collection of new topographic mapping using LiDAR to provide more accurate city-wide base mapping. During the May 2013 meeting, the Board and public voiced concern over the dramatic differences between the 1994 single-flow-path floodplain and the proposed split-flow-condition floodplain. Based on Board and public feedback, the floodplain mapping update was delayed until the new LiDAR topographic information was available and could be used to verify or update the study hydraulic models.

In September 2013, major flooding occurred along Twomile Canyon Creek. The flood resulted in overtopping of the creek and spill flows similar to what was shown in the draft floodplain mapping presented in May 2013. The revised mapping presented in this memorandum includes several spill flows and is slightly different than the mapping presented in May 2013 as it is now based on the new LiDAR topographic mapping data and considers information collected before and after the September 2013 flood event.

The WRAB review of the floodplain mapping update does not require board members to verify the analysis and calculations, but accepts the overall mapping study process and that results are reasonable and acceptable. The November WRAB meeting is an opportunity for the board to provide input and request clarification. A follow up agenda item and public hearing, where WRAB will be asked to vote on a recommendation to City Council, is currently scheduled for January 26, 2015.

WRAB Discussion Included:

- Questions regarding whether the estimated peak flow duration should last longer relative to how it would be mapped in the design 100-year flood?
- Statement that recent mapping updates present a big change, with 276 homes taken out of the floodplain due to use of LiDAR mapping technology. Question whether the use of this technology will be used with flood mapping in the future, as this a viable tool for mitigation.
- Statement that there is less concern with manmade structures, which are hard to control and predict, causing a lot of issues. We learned that the debris and sediment fundamentally shifted flows that were not predicted because we used clean water flows as opposed to sediment flows. Questions if it's too hard to model, as this was not a typical flash flood event and instead try to model for side tributaries?
- Board member walked Spring Valley on the second day of the flooding and noticed detention pond was filled, and assumes the city tried to remove debris to a condition as it was in before. Questions if the city plans to re-survey this area in order to redo the hydraulic model?
- Discussed that most of this meeting's public speakers felt that the mapping scale was insufficient to capture what actually happened to their properties in 2013.
- Questions about vertical resolution of the LiDAR survey?
- Question about if there are FEMA rules about basements in homes?
- Question about whether giving folks who were impacted by flood an additional month for surveying, however the process should not be delayed much more.
- Discussion that board can be flexible, given the fact that residents may need additional time to meet with staff and surveyors.
- Discussion that it seems odd that properties are being left out of floodplain mapping that actually experienced flooding during the 2013 event.
- Comment that city is trying to speed up mitigation.
- Board agrees that additional time shall be extended through the end of January for neighbors to gather and organize around surveying needs.

Public Comment:

- **Heidi Gerstle** – Did not experience flood water damage to main floors in her home and only minor damage to garage and shed, while neighbors experienced substantial flood damage. Her home is now shown in conveyance zone, however neighbors' homes are not. She was convinced that accuracy of map would be improved, but instead is surprised nothing has been changed regarding flood mapping for her property. Made request to city to come and see

location and elevation of home, but no one came. Majority of water went down Jasmine Circle, the street in front of her home, yet her house has been put in conveyance zone in the interactive map. Urges Board to instruct staff to reconsider any new structures put into the conveyance zone by inspecting each structure separately and comparing them to the flood map, as this classification can have major economic impact on residents of these properties.

- **John Gerstle** – Lives on Jasmine Circle, feels most models are wrong and some are useful, which may be the case here. Would like to find out staff conclusions are with respect to their home in particular. Two reports show that their home is not included in conveyance and high hazard zones, but according to these maps, their home is now shown in the conveyance zone. Requesting clear delineation of the factors involved in making this determination for their property.
- **Russell Monson** – Provided handouts to board. Three months ago a report was released from Wright Water Engineers that calibrated the 2013 flood of Two-mile Creek to a 100-year return frequency. Thinks that example flood map is not ready for regulatory purposes and provided examples of how there are potentially dangerous situations that could prove dangerous to children. One example shows evidence of erosion and high velocity flow on playground outside of Foothills Elementary School. Boulder School District has spent \$235,000.00 alone to clean up Foothills Elementary, which is not currently designated in a 100-year floodplain. Images were shared to document evidence of these concerns.
- **Jane Monson** – Continued commenting on documents and photographs provided to Board showing discrepancies in high hazard zone areas on existing map. Current map does not predict danger where there was danger during the flood event. Submitted 91 photos to city and asked if anyone had seen them and city said no one had the time to look at them. Doesn't feel that map is ready to go and doesn't feel like discarding data from flood is good science.
- **Betsey Martens** – Owns one of the 9 structures added to the high hazard zone. She is enormously impressed by staff, consultants, models, science, etc., but feels that there is imprecision that is possible with this modeling and the policy implications are enormous and expensive, which is why residents are asking for more time with this process. Up until now, residents have been spending their time in mitigation. If more time were granted, focus could be directed at redrawing maps so everyone living in this watershed are safe. Tough time of the year to organize with neighbors.
- **Bill Nagel** – Lives on Iris in a property in proposed high hazard area. House was added to floodplain by these proposals. Commends staff by work already done. Troubled by how this meeting was introduced. Thinks role of board is to provide expertise to develop information that can be presented to Council. Does not understand why there are not more people here at the meeting. Attended Open House, but has not had time to review report. Is in support of recommendation to provide more involvement with community. Staff thinks they have had involvement with community but does not think it has been effective. Has never experienced standing water in his yard in the past, yet yard is now in high-hazard zone and does not understand how there is any danger to life and limb.
- **Peter Mayer** – City has done admirable job on floodplain analysis, but is concerned with city's designation of high-hazard zone properties, which he feels is arbitrary and capricious. The low velocity, high depth models are saying the water is going to pool, but feels this just isn't real anymore. Should question all high-hazard designations to determine if there really is any danger to life and limb in these designated areas. This is a local decision, not federal regulation and we need to think really hard about these designations before "taking peoples' properties."
- **Pete Parkinson** – Lives on 17th St. – Comments regarding notification, he received a card a week and a half ago, never had any flood issue whatsoever – believes 2-D model is wrong. Blue model seems to be arbitrary in terms of 2-D design. Asking as a neighborhood to look at 2-D model and compare what really happens at these elevations. Never saw anything close to what is showing on maps with regard to CFS and would like city to take time to look at what really happens here. Not taking into consideration the splits that city has spent a lot of time looking at, which nobody has ever seen. Would like extra time to get surveys done and there is only a month before the end of the year.
- **Margot Smit** – House is now in the floodplain, where it wasn't before. Water did come through her yard, but consideration of fences going away is a long shot. More fences tend to come in than go away. Just doesn't see that a flow would be possible, due to flatness of

property, there is no depression in the area. Look at corner of Iris and Broadway as the place of real danger. Current mapping flows are not quite accurate.

- **Patrick Cameron** – Thanks WRAB for volunteer service. Recently learned that home is in high hazard zone and now realizes that he has only 2 months to get plans together or he won't have a chance to build the home that he was hoping and planning to grow for his family. His investment will be dramatically impacted by this designation, which is frustrating and upsetting. Asking for more time to determine if his home falls on the high hazard line, happy to mitigate appropriately on his property, but feels having property completely affected by this is dramatically impacting his life and future. He asks for more time and feels that two months to figure this out over the holiday feels very kneejerk and also that the process feels arbitrary and unfair in his mind.
- **George Gerstle** – Would like to acknowledge the work of staff and compliment staff for their work. Encourages staff to consider evaluation of remaining portion of flood as it goes down stream. What happened at this event was as close to a 100-year flood as we might ever see. Encourages staff to take their time to look at where the water actually went and map accordingly, especially with regard to Foothills Elementary School.
- **Steve Hoge** – House on his property on Hawthorne is partially within the current 100-year FEMA floodplain. Purchased 550-sq. foot uninsulated property in 2011 with the intent to rebuild on this site. City staff worked to define existing map boundaries. According to existing floodplain development process, his house would tower over neighbors to the east. Decided to wait for outcome of flood study before building. Has been waiting over three years for study results and approval of updated floodplain mapping. City staff has been extremely thorough to define 100-year floodplain boundaries in existing map and urges board to approve study so it can be sent to Council for adoption.

No Board action was requested at this time.

Agenda Item 6 – Matters

[9:09p.m.]

From the Board:

Board Member Johnson brought up the below matter(s):

- Discussed lessons learned that have not been included in existing notes from WRAB Retreat that may be of benefit to Council, with respect to what was learned last year.
- Asked if there are other incentives that could be offered at WRAB meetings to increase attendance?
- Appreciates the effectiveness of WRAB Retreat and opportunity to get together.

Board Member Smith brought up the below matter(s):

- Question regarding recordings being posted for public access?

Board Member Clancy brought up the below matter(s):

- Recommends that meetings be televised.
- Suggest considering Council's goals and focusing on resilience.

Board member Scharnhorst brought up the below matter(s):

- Discussed notes from WRAB Retreat and recommendations.
- Recommends amending draft notes from retreat before presenting to Council.
- Proposes that notes are put into full sentences for each WRAB member to edit.

Agenda Item 7 – Future Schedule

[9:26 p.m.]

December:

- Board agreed to have December 15 meeting at Betasso at 6 p.m. to allow for a tour as part of the CIP item
- Information Item – Betasso CIP Preliminary Design & Alternative Analysis
- Recommendation to City Council on 2015 Priorities - Draft to be distributed in advance.

January:

- Information Item - Aquatic Nuisance Species Update – Boulder Reservoir
- Twomile and Upper Goose Creek Mapping rescheduled until Feb. 23

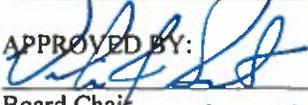
Adjournment

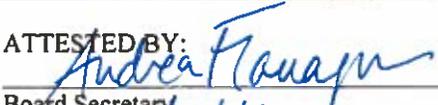
[9:38 p.m.]

There being no further business to come before the Board at this time, by motion regularly adopted, the meeting was adjourned at 9:38 p.m.

Motion to adjourn by: Clancy; Seconded by: Squillace

Motion Passes 5:0
Date, Time, and Location of Next Meeting:
The next WRAB meeting will be Monday, 15 December 2014 at 6:00 p.m., at Betasso Water Treatment Facility, 1094 Betasso Rd. Boulder, CO 80302

APPROVED BY: 
Board Chair
Date 12/15/14

ATTESTED BY: 
Board Secretary
Date 12/15/14

An audio recording of the full meeting for which these minutes are a summary, is available on the Water Resources Advisory Board web page.

**CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES**

Name of Board / Commission: Water Resources Advisory Board	
Date of Meeting: 15 December 2014	
Contact Information of Person Preparing Minutes: Andrea Flanagan 303.413.7372	
Board Members Present: Vicki Scharnhorst, Mark Squillace, Lesley Smith, Ed Clancy Board Members Absent: Dan Johnson	
Staff Present: Jeff Arthur, Director of Public Works for Utilities Bob Harberg, Principal Engineer, Utilities Tom Settle, Water Treatment Manager Steve Buckbee, Engineering Project Manager Joe Taddeucci, Water Resources Manager Steve Folle, Water Treatment Plant Supervisor Jake Gesner, Hydroelectric Program Manager Bret Linenfelser, Water Quality and Environmental Services Manager Andrea Flanagan, Board Secretary	
Cooperating Agencies Present: Gary Fuller, Project Manager, HDR Engineering Brian Daw, Project Engineer, HDR Engineering	
Meeting Type: Regular	
Agenda Item 1 – Call to Order	[6:00 p.m.]
Agenda Item 2 – Approval of the 17 November 2014 Meeting Minutes: Motion to approve minutes as amended from November 17 as presented. Moved by: Squillace Vote: 4:0 (Dan Johnson absent)	[6:01 p.m.]
Agenda Item 3 – Public Participation and Comment Public Comment: None Board follow up: None	[6:05 p.m.]
Agenda Item 4 –	[6:07p.m.]
Matters From the Board:	
WRAB Response to City Council Retreat Questions Motion to approve this letter as amended. Moved by: Squillace Seconded by: Clancy Vote: 4:0 (Dan Johnson absent)	
Board Member Clancy brought up the below matter(s):	
<ul style="list-style-type: none"> • Discussed CIP with regard to major changes with funding for storm drain upgrades and improvements. • Suggested more lobbying to tell people that flood mapping is the first step towards mitigation, which there seems to be a lot of effort and funding towards. There is a distance between when the maps and mitigation actually start. Suggests using caution due to the fact that these decisions will continue to have a substantial impact to high risk neighborhoods. • Cautions against saying that mitigation is coming soon, which is not necessarily the case. • States that there seems to be a rush to do mapping, and questions what the urgency is to get more people inside areas with higher insurance rates? • Suggests tailoring mapping with mitigation instead of spending more money on mapping. • Provided handouts and discussed report on phosphorous removal in wastewater treatment process. Discussed the potential of using retrofitting in the trickling filter process to manage phosphorous, which would result in a huge cost savings • Questions right-hand turn at 7th and Iris in mapping study. 	
Board member Squillace brought up the below matter(s):	

- Suggest using caution when using the word “resilience” as it can be a slippery slope for water management and suggests using care when using this language.
- Questioned what it would take to study existing trickling filtration process for phosphorous removal?
- Asked for clarification on deadline for residents to submit their surveys to the city for consideration in study before sending to FEMA.
- Expressed concerns about areas that flooded during the 2013 event that did not show up on the recent flood mapping studies, as well as areas that did not flood, but are now classified as being in the floodplain.

Board Member Johnson brought up the below matter(s):

- Provided written comments and edits regarding letter to Council.

Board member Scharnhorst brought up the below matter(s):

- Questions if alum or ferric chloride are being used in trickling filter process to reduce phosphorus.
- Suggests adding topic of using trickling filters as a future agenda information item.

Board Member Smith brought up the below matter(s):

- Discussed recent training with Association of State Floodplain Management, which addressed FEMA’s underwriting of flood insurance.
- Discussed a study on headwaters at South Platte showing record levels of drugs and genetic fragments. Questioned if this was also the case at city of boulder wastewater facility, post-flood.
- Asked for further clarification on whether spiny waterfleas are primarily a nuisance for people fishing in Boulder Reservoir and how that affects cross-contamination?

Matters From Staff:

[6:48p.m.]

- Jeff Arthur noted that an updated FAQ on the city’s website, which will provide answers to many complicated questions about Two-mile Canyon.
- Noted information item memo on aquatic nuisance species.
- Noted that an item will be presented to City Council on December 16 regarding imminent domain for Wonderland Creek Project.

Agenda Item 5 – Future Schedule

[7:06 p.m.]

January:

- Rate Study Overview
- Council retreat update
- Review of 2014 operations across Utilities
- Possible Action Item – Stormwater & Flood Management Monthly Fee

Agenda Item 6 –

[7:09 p.m.]

Information Item –

Betasso Preliminary Capital Improvement Project Design Alternatives

Tom Settle and Steve Buckbee presented the item to the board, which included a PowerPoint presentation.

EXECUTIVE SUMMARY

This agenda item is intended to provide updated Betasso Water Treatment Facility, (BWTF), assessment, design and design alternative information ahead of the preliminary design and design alternative selection by providing:

- ❖ Background information
- ❖ Equipment and process assessment
- ❖ Listing of alternatives
- ❖ Schedule of key milestones

No formal action by the WRAB is requested at this time. Staff is seeking general feedback from WRAB on the project direction, the evaluation criteria and the list of alternatives being considered.

A tour of the facility will be provided following the meeting. Staff will return to the April 20, 2015 meeting with a preliminary design and an updated cost estimate.

WRAB Discussion Included:

- Question whether residuals are sold to farmers or being landfilled?
- Question about redundancy around plant and alternative ways to get power if the grid goes down? How does a backup generator serve as a viable solution?
- Question about sustainability of plant in the future?
- Question about where the pay-back is with some of the ideas for improvement found in the alternative analysis.
- Board member states that she is very impressed that staff has done their due diligence, considering every component possible and feels that \$20,000,000.00 is not an extreme figure considering the age of the existing infrastructure.

Adjournment

[8:10 p.m.]

There being no further business to come before the Board at this time, by motion regularly adopted, the meeting was adjourned at 8:10 p.m.

Motion to adjourn by: Squillace; Seconded by: Clancy

Motion Passes 4:0

Date, Time, and Location of Next Meeting:

The next WRAB meeting will be Monday, 26 January 2015 at 7:00 p.m., at the City's Municipal Services Center, 5050 Pearl St., Boulder, CO 80301

APPROVED BY:



Board Chair

2-2-2015

Date

ATTESTED BY:



Board Secretary

2-9-2015

Date

An audio recording of the full meeting for which these minutes are a summary, is available on the Water Resources Advisory Board web page.

<https://bouldercolorado.gov/boards-commissions/water-resources-advisory-board-next-meeting-agenda-and-packet>

**APPRECIATION FOR COLLABORATION ON AND
CONTRIBUTIONS TO
THE CITY OF BOULDER'S EFFORTS TO SECURE
TRASH AND PROTECT BLACK BEARS
February 3, 2015**

WHEREAS, wildlife protection and public safety represent community values that are in conflict with bears living in town feeding on human-generated food sources, including trash; and

WHEREAS, bears that spend time eating trash, lose their natural fear of people, spend more time in town, and have a higher mortality rate than bears that live in natural areas; and

WHEREAS, in 2013 alone, three bears were killed by cars, and four bears were killed by wildlife officers due to public safety concerns; and

WHEREAS, the most effective way to prevent bears from learning to live off trash is to secure it; and

WHEREAS, developing cost effective bear-resistant containers and enclosures that meet the Interagency Grizzly Bear Committee (IGBC) high standard of testing involving withstanding 60 minutes with captive grizzly bears attempting to break into the container requires innovation, expertise, patience and tenacity; and

WHEREAS, developing the city's community supported program to secure trash from bears has greatly benefited from participation and partnership from other organizations; and

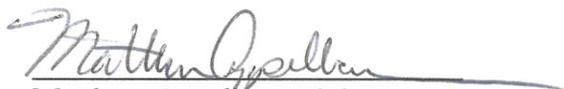
WHEREAS, the following parties are being recognized for their participation in council discussions during the development of the Bear Protection Ordinance (Ordinance No. 7962) and their support and collaboration helped address many community obstacles such as cost, and created a variety of options to accommodate resident needs while effectively securing trash and compost from bears. Specific contributions include:

- **Colorado Parks and Wildlife** partnered with the city in exploring effective strategies to secure trash from bears through the Black Bear Education and Enforcement Pilot project, contributed many hours of biological expertise, consulted on educational materials, and conducted bear activity and waste cart monitoring programs.

- **Boulder Bear Coalition** supported the city by building community awareness on the issue of the impacts of unsecured trash to black bears through developing a community survey, developing and distributing educational materials, and reporting trash cart disturbances by bears.
- **Western Disposal** designed, tested, manufactured and delivered over six thousand IGBC certified bear-resistant, retrofitted semiautomatic polycarts in three sizes to be used for alley waste collection. In addition, Western has designed an IGBC certified fully automatic polycart for use in non-alley routes, and designed a bear-resistant dumpster lid for dumpsters currently in use. This innovation has led to cost-effective products that minimize waste by retrofitting containers currently in use.
- **One-Way Trash** offered residents alternative options for bear-resistant cart service including selling manufactured bear-resistant carts.
- **CanShed** designed, and tested an IGBC certified bear-resistant trash enclosure.

WHEREAS, securing trash has broad benefits to both human and native wildlife communities and preventing trash from being strewn supports the aesthetic character and economic vitality of Boulder while reducing food supplies to wildlife species such as raccoons and skunks that can be in conflict with human land uses in the urban area.

NOW, THEREFORE, BE IT DECLARED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO that the City of Boulder expresses its sincere appreciation to Colorado Parks and Wildlife, the Boulder Bear Coalition, Western Disposal, One-Way Trash, and CanShed for their service and the contributions they have made during the development and implementation of the Black Bear Protection Ordinance.


Matthew Appelbaum, Mayor