



**TO:** Members of Council  
**FROM:** Mary Moline, City Clerk's Office  
**DATE:** April 21, 2015  
**SUBJECT:** Information Packet

---

**1. CALL UPS**

- A. Concept Plan Review 2440 & 2490 Junction Pl. (LUR2015-00006)
- B. Water Service Agreement with Avery Brewing Company

**2. INFORMATION ITEMS**

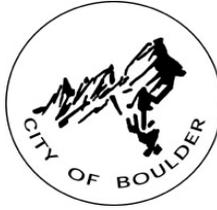
- A. Update on Capital Improvement Bond Projects
- B. Flood Recovery Status
- C. Review General Order 240, In-Car Cameras, Body Worn Cameras and Personal Recording Devices

**3. BOARDS AND COMMISSIONS**

- A. Boulder Design Advisory Board – March 11, 2015
- B. Landmarks Board – April 1, 2015
- C. Landmarks Board – March 4, 2015
- D. Planning Board – March 5, 2015

**4. DECLARATIONS**

- A. Armenian Genocide Remembrance
- B. Sakura Day



## 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  
Chandler Van Schaack, Planner I

Date: April 21, 2015

**Subject: Call-Up Item: Concept Plan Review 2440 & 2490 Junction Pl. (LUR2015-00006)**

### EXECUTIVE SUMMARY

On April 2, 2015 the Planning Board reviewed and commented on an a Concept Plan application for redevelopment of an approximately 58,272 sq. ft. (1.34-acre) site located at 2440 and 2490 Junction Pl. within Boulder Junction. Referred to as “The Commons,” the proposed commercial development would consist of two, 3-4 story, 55’ tall buildings totalling roughly 100,000 sq. ft. that would include professional office space, restaurant space and “flex” space intended as community gathering space. The proposal also includes 65 underground parking spaces, a proposed “mobility hub” that includes a car share program and B-Cycle Station, a central public plaza area and multiple multi-modal connections through the site.

City Council may vote to call-up the Concept Plan to review and discuss within 30 days of the Planning Board hearing. The call up period concludes on **May 4, 2015** (the end of the 30-day call up period falls on a weekend and so is extended to the following Monday). There are two City Council meetings within this time period for call-up consideration, on April 7 and 21, 2015. The staff memorandum to Planning Board, minutes, meeting audio, and other related background materials are on the city website for Planning Board, available [here](#) (Follow the links: 2015 → 04 APR → 04.02.2015 PB Packet). The draft minutes from the Planning Board hearing are provided in **Attachment A** and the Concept Plan submittal package is provided in **Attachment B**.

At the Planning Board hearing, there were no neighborhood comments; however, several written comments from the neighborhood had been received previously and are included with the staff memorandum to the Planning Board. Overall, the board found the proposal to be consistent with the vision and goals of the Transit Village Area Plan (TVAP). The board made some recommendations for

site and building improvements and parking management strategies and also suggested potentially adding residential units to the project.

Consistent with recently amended land use code section 9-2-13(a)(2), B.R.C. 1981 City Council has the opportunity to call up the application to review and comment on the concept plan within a 30-day call up period which expires on May 4, 2015.

**ATTACHMENTS**

- A. Draft April 2, 2015 Planning Board Minutes
- B. Concept Plan Submittal

**CITY OF BOULDER  
PLANNING BOARD ACTION MINUTES  
April 2, 2015  
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 Gerstle  
Leonard May  
Liz Payton  
John Putnam

**PLANNING BOARD MEMBERS ABSENT:**

None

**STAFF PRESENT:**

Hella Pannewig, Assistant City Attorney  
Susan Meissner, Administrative Assistant III  
Chandler Van Schaack, Planner I  
Charles Ferro, Development Review Manager  
David Thompson, Civil Engineer II, Transportation  
Molly Winter, DUHMD Manager  
Chris Hagelin, Senior Transportation Planner

**1. PUBLIC HEARING ITEM 5B**

**B. Concept Plan (case no. LUR2015-00006) for redevelopment of an approximately 58,272 sq. ft. (1.34-acre) site located at 2440 and 2490 Junction Pl. within Boulder Junction. Referred to as “The Commons,” the proposed commercial development would consist of two 3-4 story buildings totalling roughly 100,000 sq. ft. that would include professional office space, restaurant space and “flex” space intended as community gathering space. The proposal also includes 65 underground parking spaces, a proposed “mobility hub” that includes a car share program and B-Cycle Station, a central public plaza area and multiple multi-modal connections through the site.**

**Applicant: Bill Hollicky  
Property Owner: Sy Triumph LLC**

**Staff Presentation:**

**C. Van Schaack** presented the item to the board.

**Board Questions:**

**C. Van Schaack** and **M. Winter** answered questions from the board.

**Applicant Presentation:**

Bill Holicky, the applicant, presented to the board.

**Public Hearing:**

**Bill Holicky** answered questions from the board.

**Public Participation:**

**1. Wade Anderson**, lives close to the site. He thought this posed an opportunity to change the norm of development in Boulder.

**Board Discussion:**

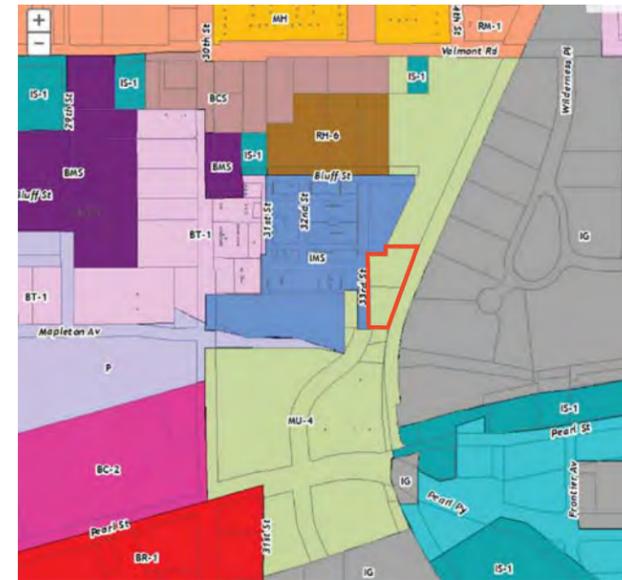
- Members generally liked the proposed project and thought it would serve as a sustainable centerpiece project for Boulder Junction; they appreciated the environmental aspirations. **A. Brockett** thought that this was the type of project envisioned when the TVAP was created.
- Most members agreed that the proposed plan was consistent with the TVAP. There was some concern that the residential criteria had not been met; Steelyards should not count toward that end. Some members felt that it was okay not to have a residential component given the size, configuration and proximity to the rail tracks while others asked the applicant to consider adding residential units to the Junction Place façade. The northwest portion of the project could work well for townhomes and would respond well to the Steelyards. Contact Solana to see how the residential units near the tracks are faring. Consider the overall balance of residential to commercial space in the Transit Village as a whole.
- The massing is generally on the right track. Members agreed that it would be appropriate to have taller buildings facing the tracks. Some members thought it would be appropriate to have a shorter façade along Junction Place that could be achieved through step backs. **B. Bowen** felt that it was important to maintain the height along Junction Place. There was general consensus that the façade along Junction Place should be strong and work in conjunction with the Steelyards.
- The southern façade will be critical as it will define the northeastern edge of the public space. Design it to be a hard edge with a sense of vibrancy as it will attract attention from Goose Creek; it is important to send a message that Boulder Junction is active. Show images from the perspective of the Goose Creek path in Site Review.
- Members thought the solar panels along the eastern façade were appropriate. Consider means for enlivening the eastern façade along the multi-use path. Create spaces for people along the multi-use path.
- Consider shifting the East-west corridor to the south. **L. Payton** suggested that it be tree-lined to create a sense of place and promenade.

- Board members generally liked the tow bar concept and interior courtyard space. There were questions as to whether the courtyard needed to be so large. Consider means for incorporating more natural landscaping and less hardscape.
- Consider moving the proposed coffee shop space from the south to the north side to take better advantage of solar access. **B. Bowen** suggested that the applicant consider incorporating play structures nearby similar to Lucky Pie in Louisville.
- Connect to the central courtyard from the north. This will benefit circulation and retail spaces.
- The board liked the concept of flex commercial spaces on the bottom floor of the buildings.
- Public access along the southern edge is important.
- Consider softening the landscape.
- Members generally liked the proposed architecture and the precedent images provided by the applicant. Assure that the style ties in with the general industrial feel and placemaking goals of the Boulder Junction area. There was acknowledgement that the architecture will tie into the sustainability features of the building.
- **L. May** liked the cantilever over the open space and general modern feel of the architecture. He encouraged the applicant to be adventurous.
- **L. Payton** cautioned against the use of too much glass. It is not conducive to the pedestrian experience.
- The members liked the mobility hub concept and parking solutions. Accommodate charging stations for electrical vehicles.
- Members were sympathetic to the concerns of Steelyard residents but felt that the parking reduction was important. They asked staff to help the neighborhood create a parking district and work together to incorporate them into the mobility hub design. Parking should be part of a system approach with the entire neighborhood.
- Incorporate best practices in bike parking; consider including repair stations, lockers and showers.

# Boulder Commons: Concept Review & Comment



TVAP ZONING MAP  
SCALE: NTS



EXISTING ZONING MAP  
SCALE: NTS



VICINITY MAP  
SCALE: NTS



### Project Information

**Applicant:**

Coburn Development  
3020 Carbon Place # 203  
Boulder, Colorado  
p: 303-442-3351  
f: 303-447-3933

**Owner:**

Morgan Creek Ventures  
3390 Valmont Road  
Boulder, CO 80301  
p: 303-442-9200

**Project Information:**

Parcel Area:	Lot 1 (35,614 sf); Lot 2 (22,658 sf)
Current Zoning:	MU-4
Proposed Use:	Commercial
Proposed Area:	101,218 sf
Proposed FAR:	1.74

### Drawing Index

- CP-1 Project Information, Zoning & Vicinity Map
- CP-2 Context Diagram
- CP-3 Massing & Form
- CP-4 Sustainability
- CP-5 Active Public Spaces
- CP-6 Site and Floor Plans
- CP-7 Floor Plans

STEEL YARDS:  
Mixed Use Development



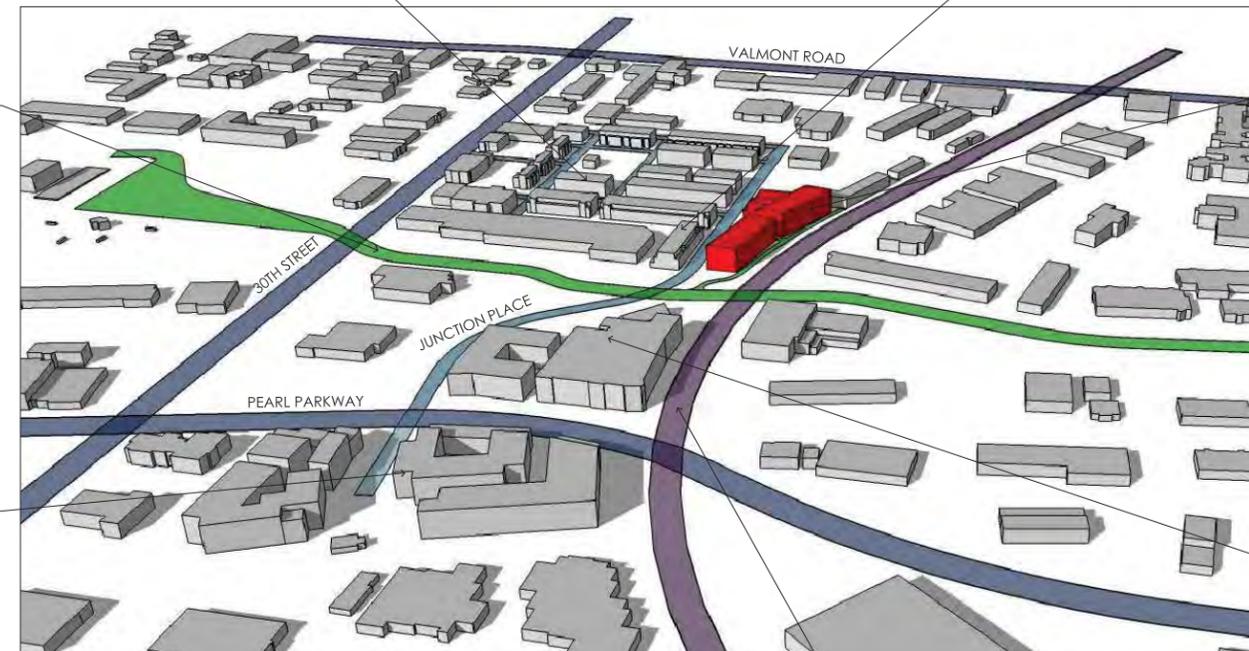
NICKEL FLATS:  
Residential



GOOSE CREEK TRAIL:



THE COMMONS:  
Commercial



CONTEXT MAP:

SOLANA:  
Residential



DEPOT SQAURE:  
Mixed Use Development



RAILWAY:

**MASSING AND FORM:**



**1.) Back Bar:**

- Largest mass is sent against the railway to act as a buffer between tracks and Steel Yards residential  
 - Also protects Junction Place from train noise and activity

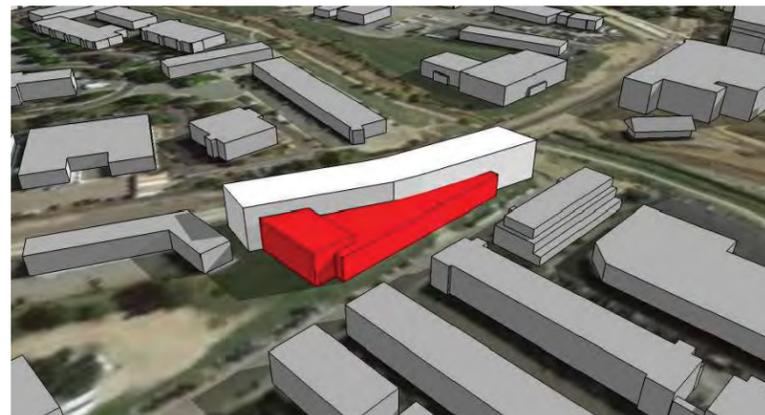


**4.) Daylighting:**

- The mass is further eroded to create optimal building depths for daylighting



**Transportation 1: Multi-Use Path**



**2.) Front Bar:**

- Steps down to provide human scale along the street, and relate to Steel Yards

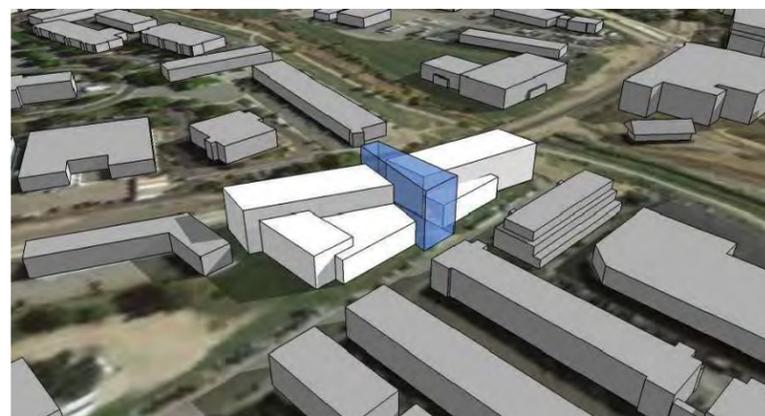


**5.) Mobility Hub:**

- Central point for access to B-Cycle Station, car share, future Goose Creek Trail connection, possible future light rail connection, along future bus route.



**Transportation 2: Railway**



**3.) Split:**

- Breaks mass for utility easements and pedestrian access through site to future Goose Creek Trail connection



**6.) Solar:**

- The roofs and SE elevation of the building provide ample opportunities for pv panel location

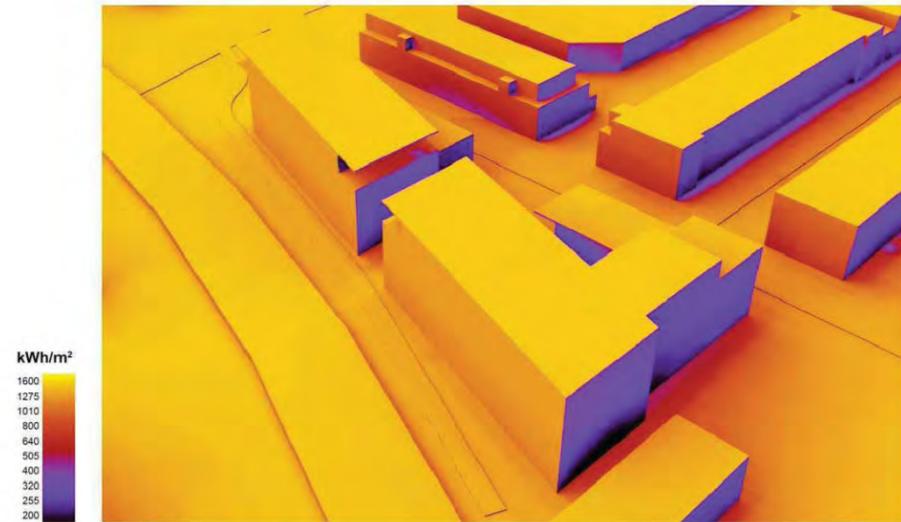


**Transportation 3: Roads (Junction Place)**

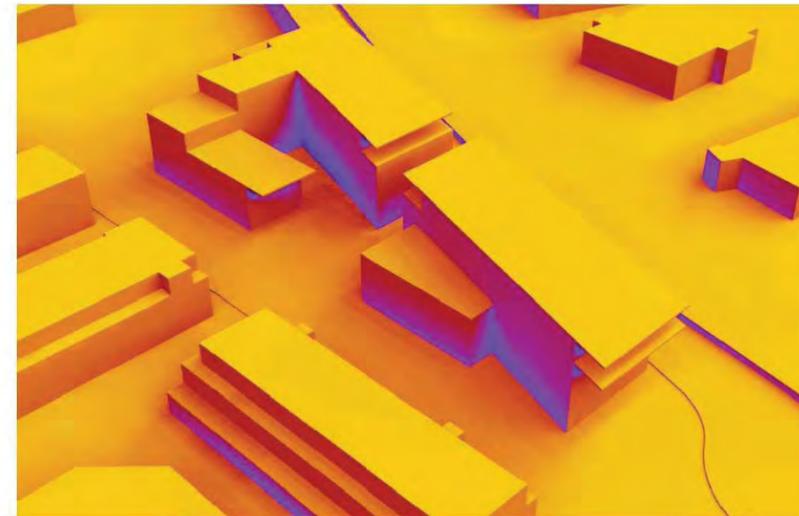


Annual Insolation / Cumulative Radiation Falling on Surfaces

Annual Insolation / Cumulative Radiation Falling on Surfaces



View from North East



View from South West

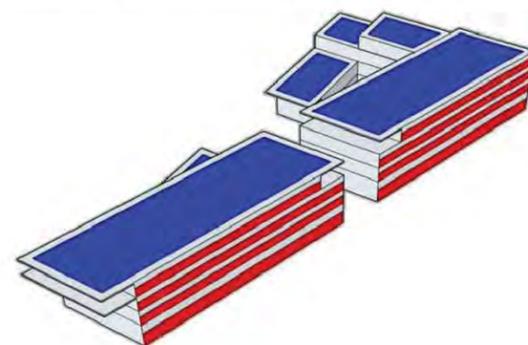
INTEGRAL  
Revolutionary Engineering

INTEGRAL  
Revolutionary Engineering

PV Results

Preliminary calculations indicate that covering 80% of the roof and 60% of the east facade with PV may support a building EUI (energy use intensity) of about 27.2 kBtu/sf-yr. These figures assume a high efficiency PV system with DC optimizer and an inverter efficiency of 96%.

Maximum PV Availability				
	% Coverage	Net PV Area (sf)	Annual Generation (Electricity, kWh)	Annual Generation (EUI, kBtu/sf-yr)
Roof	80%	21,000	579,773	20.1
Optional East Facade	60%	10,600	210,286	7.3
<b>Total</b>	-	<b>31,600</b>	<b>790,060</b>	<b>27.4</b>

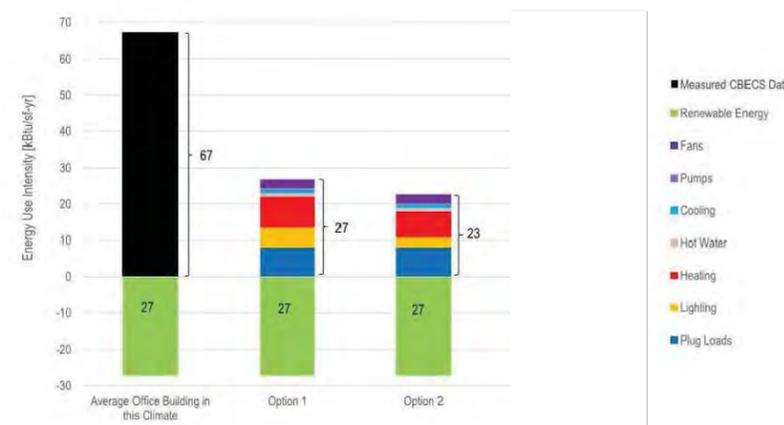


Maximum Solar Array:  
■ East Facade PV, 10,600 sf  
■ Rooftop PV, 21,000 sf

INTEGRAL  
Revolutionary Engineering

Modeling Results

Energy Use versus PV Availability



INTEGRAL  
Revolutionary Engineering

SUSTAINABILITY:

- **Overview:** The Commons will be designed to LEED Platinum standards to create a Net Zero building.
- **Site & Building Location:** The Commons has been designed to decrease the footprint of the building and create several public plazas. This allows for the incorporation of ample open space, pervious areas, and landscaping to help decrease the heat island effect and decrease stormwater runoff. In addition, the building form and orientation were designed for daylighting and solar generation.
- **Proximity to Transit:** In addition to being connected to the future transit hub along Junction Place, The Commons development will encourage alternate modes of transportation by incorporating a B-Cycle station and car share program. The project is also located on future bus and rail lines as well as provides a connection to the multi-use path along Goose Creek.
- **Solar:** The building form lends itself to ample opportunities for solar to be provided along the roofs and southeast elevation. The location of the building against the railway ensures that solar access will always be available. The amount of solar that has potential to be generated can result in a Net Zero building.
- **Daylighting:** The building has been designed with optimum widths for daylighting and includes a light well on the northern building. Incorporating daylighting into the building will reduce the lighting load resulting in a decreased energy usage.
- **Cross Ventilation:** Incorporating cross ventilation through the building will help to decrease cooling loads.
- **Envelope & Mechanical Systems:** A tight, well insulated building envelope, coupled with an advanced, highly efficient HVAC system, will ensure the building can operate with a decreased energy load.
- **Efficient Lighting and Plumbing Fixtures:** Selecting energy efficient lighting fixtures coupled with occupancy sensors, and low flow plumbing fixtures, the building will be able to decrease its energy and water usage requirements.



Junction Place Looking Southwest: Nickel Flats

**ACTIVE PEDESTRIAN SPACES:**

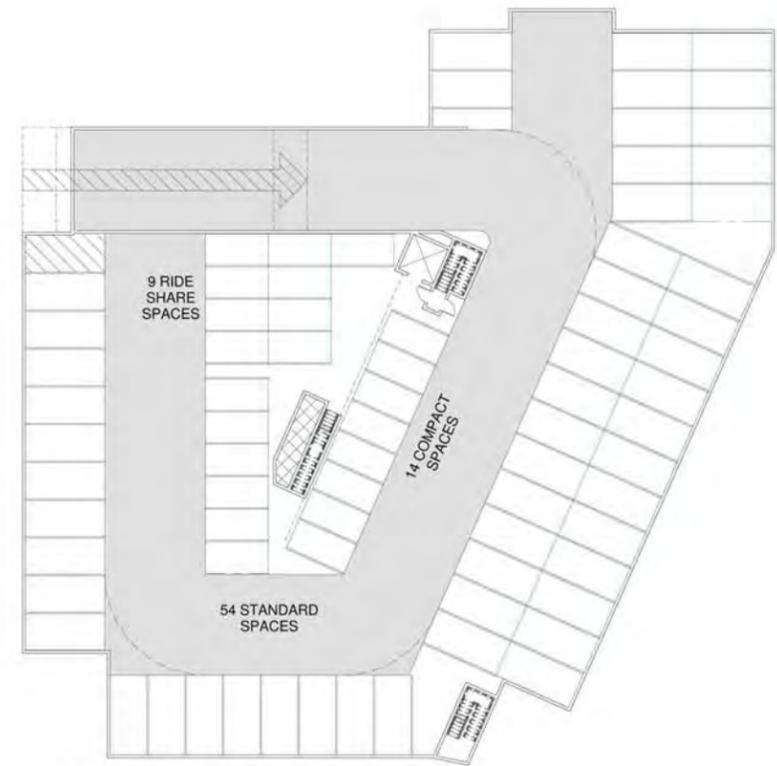
The Commons was designed around the public realm, from the ground up, with a focus on creating a complete street. The facade steps down toward the street to create an appropriate streetscape with human scale and interest. In doing this, not only does the building height relate to the three story residential building directly across the street, but is also helps to create a transition between the larger format projects to the south and the finer scale of the surrounding Steel Yards to the west and north. Pedestrian scale elements along the façade include awnings, signage, landscaping, and public plazas, that will create engaging spaces that can be enjoyed at any time of the day. In addition, several community based elements are being incorporated into the project that are accessible from the street, and will contribute to an increase in public activity along the street. These elements include a mobility hub with B-Cycle station and car share, a gallery/community gathering space, restaurant to the south, and several public plazas. The project is adjacent to several future transit connections and provides a direct connection to the multi-use path along Goose Creek, further increasing the amount of pedestrian activity along the street.



Junction Place Looking South: The Commons



Junction Place Looking North: The Commons



	NORTH	SOUTH
1ST FLR	14,861	10,938
2ND FLR	16,133	12,399
3RD FLR	14,161	12,186
4TH FLR	9,829	10,711
TOTALS PER BLDG	54,984	46,234
GRAND TOTAL	101,218	

THE COMMONS: CONCEPT PLAN REVIEW

BOULDER, COLORADO

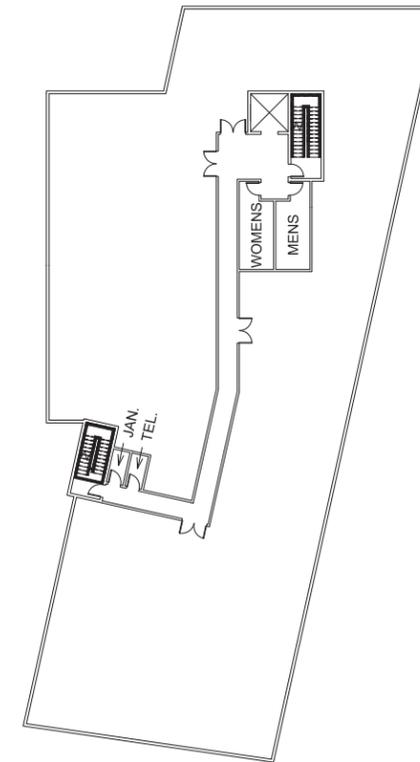
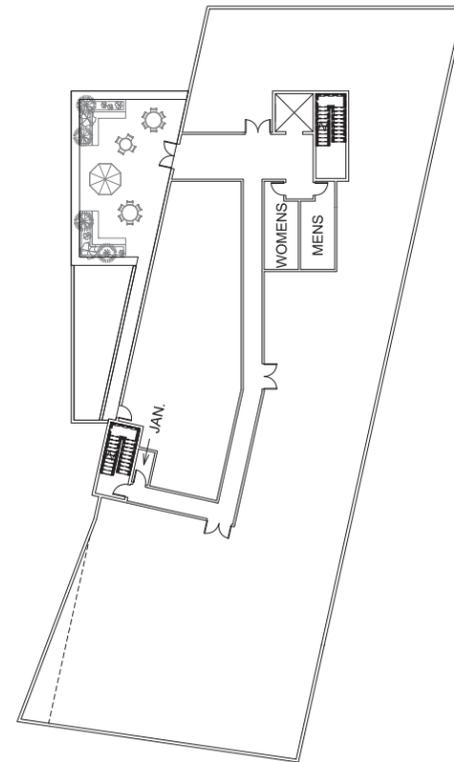
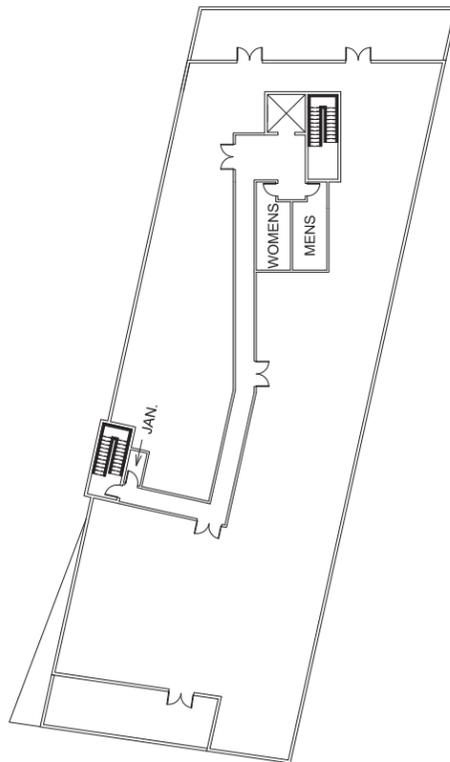
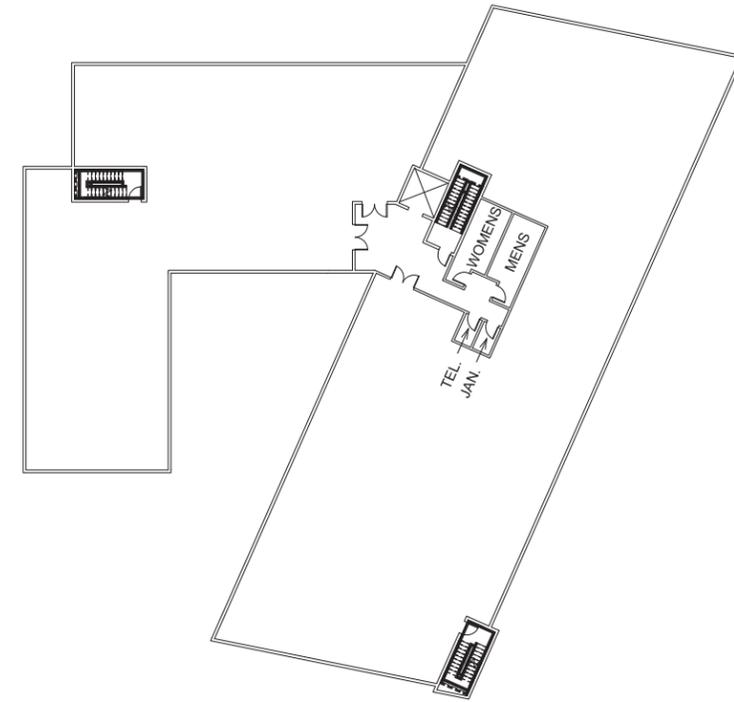
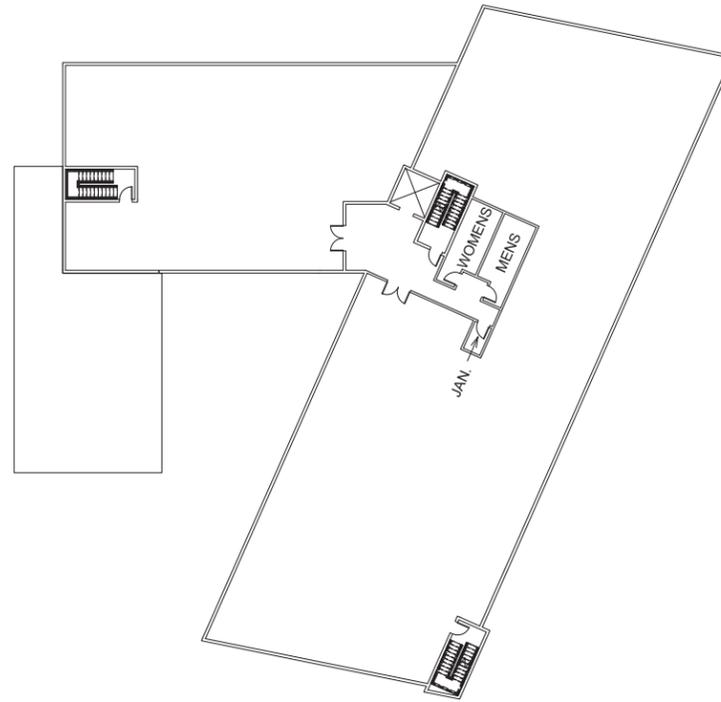
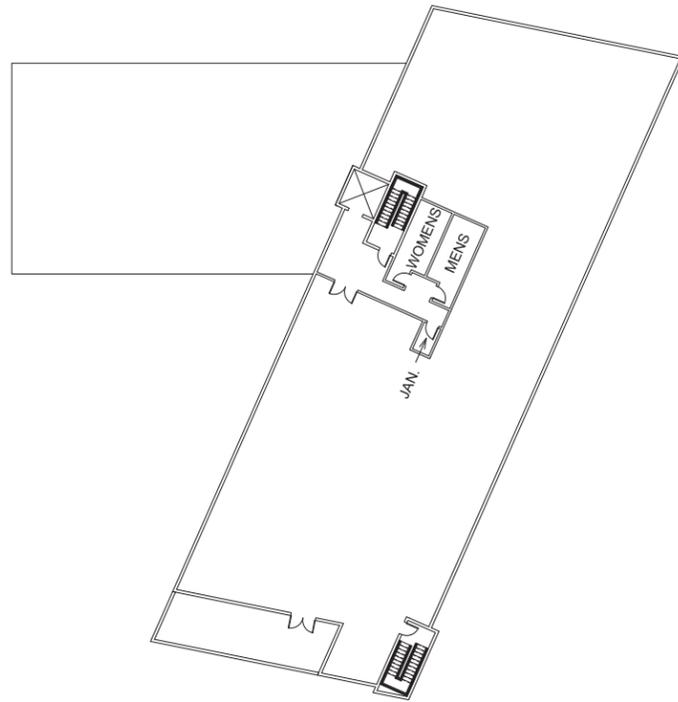
1 LEVEL 1 CONCEPTUAL FLOOR PLAN  
1" = 20'-0"



CP-6

01.20.15

Planners - Designers - Builders  
3020 Carbon Place # 203  
Boulder, CO 80301  
303-442-3351  
cobumpartners.com  
1A Page 11



② LEVEL 4 CONCEPTUAL FLOOR PLAN  
1" = 20'-0"

① LEVEL 3 CONCEPTUAL FLOOR PLAN  
1" = 20'-0"

③ LEVEL 2 CONCEPTUAL FLOOR PLAN  
1" = 20'-0"

THE COMMONS: CONCEPT PLAN REVIEW

BOULDER, COLORADO

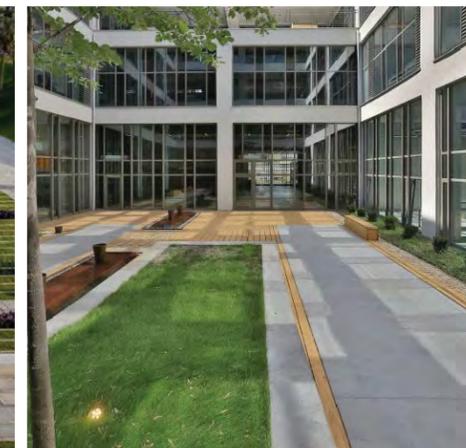
Call Up  
2440/2490 Junction Place

CP-7

01.20.15

Planners · Designers · Builders  
3020 Carbon Place # 203  
Boulder, CO 80301  
303-442-3351  
coburnpartners.com  
1A Page 12

LANDSCAPE/SITE AMENITIES:



THE COMMONS: CONCEPT PLAN REVIEW

BOULDER, COLORADO

CP-8

03.18.15

Planners · Designers · Builders  
 3020 Carbon Place # 203  
 Boulder, CO 80301  
 303-442-3351  
 coburnpartners.com  
 1A Page 13

BUILDING DESIGN + FORM:



THE COMMONS: CONCEPT PLAN REVIEW

BOULDER, COLORADO

Call Up  
2440/2490 Junction Place

CP-9

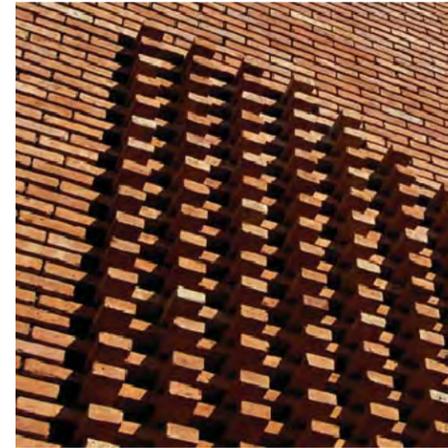
03.18.15

Planners · Designers · Builders  
3020 Carbon Place # 203  
Boulder, CO 80301  
303-442-3351  
coburnpartners.com  
1A Page 14

BUILDING DETAILS:



MASONRY DETAILS



WINDOW SCREENING



BUILDING DETAILS





## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager  
Maureen Rait, Executive Director of Public Works  
Jeff Arthur, Director of Public Works for Utilities  
Edward Stafford, Development Review Manager – Public Works

Date: April 13, 2015

**Subject: Call-Up Item: Water Service Agreement with Avery Brewing Company**

---

### **EXECUTIVE SUMMARY**

Sections 11-1-52(j) of the Boulder Revised Code require water customers that have a water demand that creates a system demand greater than would be anticipated for a site (based upon the land use plan and utility master plans) to enter into a Water Service Agreement with the city. Avery Brewing Company's recently constructed Gunbarrel facility creates a utility system demand that requires them to enter into a Water Service Agreement.

In accordance with Section 11-1-52(j) of the B.R.C. 1981, City Council is scheduled to consider this agreement for call-up at the April 21, 2015 public meeting.

Section 11-2-33(j) of the B.R.C. 1981 also requires customers that create a wastewater discharge demand greater than would be anticipated for the site to have a Wastewater Service Agreement with the city. Wastewater agreements are not subject to a City Council call-up; however both agreements have been combined into one Water and Wastewater Service Agreement with Avery Brewing Company.

### **FISCAL IMPACT**

Additional Plant Investment Fee (PIF) revenue for both water and wastewater will be collected as part of this agreement, and Avery Brewing Company (Avery) will continue to pay monthly use and user fees for both water and wastewater.

## COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** – This agreement will allow Avery to continue to utilize city water at their new Gunbarrel location in a similar fashion to how it has been used at their Arapahoe facility, and will also allow them to purchase the additional capacity needed for their new location. This will also allow Avery to operate in a new, state-of-the-art craft brewery while remaining in Boulder. The combination of manufacturing, facility tours, product tasting and dining offered at the new location will attract visitors from throughout the region, which contributes to the city's economic vitality.
- **Environmental** – The agreement will give the city and Avery the ability to optimize the delivery of water while also managing the demands it creates on the city's utility system.
- **Social** – The agreement will allow Avery the opportunity to increase its production over time while accounting for the resulting increase in demand on the community's water utilities infrastructure.

## BACKGROUND

Sections 11-1-52(j) and 11-2-33 (j) of the Boulder Revised Code (B.R.C.) 1981 allow the city to enter into special agreements pertaining to water use demands and/or wastewater discharges. When a commercial or industrial water customer within the City of Boulder service delivery area has a specific use or manufacturing process with a water demand and/or wastewater discharge that creates a system demand greater than would be anticipated for a site (based upon the land use plan and utility master plans), the customer is required to enter into a Water and/or Wastewater Service Agreement with the city. The requirement for water customers to enter into an agreement was originally added to the B.R.C in 1992 and since then, the city has executed similar agreements with other commercial, industrial and governmental customers, including Amgen Boulder, Inc. and the University of Colorado Boulder. The portions of these agreements related to the water utility are subject to City Council call-up, while the portions that pertain to the wastewater system are an administrative function approved by the City Manager. These agreements provide the city and the customer the ability to create a framework for the determination of quantity, quality, terms of use, and special conditions for the provision and use of city utility services.

Avery Brewing Company (Avery) is a unique water customer due to the nature of the craft brewery industry, where much of the water use is packaged as an integral component of the product and where overall water consumption is elevated compared to other industrial uses of similar size. Avery has been operating at its current location on Arapahoe Avenue, east of 55<sup>th</sup> Street, since incorporation in 1993, and has expanded from a single, small warehouse space to occupying 11 warehouse units in three buildings. As units were added, each pair of utility services operated within the established utility parameters, so a Water Service Agreement was not required.

In early 2014 Avery began construction of a new, state-of-the-art brewery in the Gunbarrel area. The new facility was built on an empty parcel not previously served by city utility services, so new service connections had to be constructed to meet city standards. With this new facility on a single utility service, Avery has reached the threshold that requires a Water Service Agreement.

## **ANALYSIS**

The initial change in water use and wastewater discharge at the new location will result in a modest increase from the combined totals for the current utility services across the 11 warehouse units that Avery Brewing had been operating on Arapahoe Avenue. Due to the expanded production capacity of the new facility and the new utility services, Avery will be required to pay additional Plant Investment Fees (PIFs) as part of this agreement.

The agreement has been prepared in conformance with sections 11-1-52(j) and 11-2-33 (j) B.R.C. 1981. City Council is scheduled to consider this agreement for call-up at its April 21, 2015 public meeting.

## **ATTACHMENT**

- A. Water and Wastewater Agreement between the City of Boulder and Avery Brewing Company

**WATER AND WASTEWATER SERVICE  
AGREEMENT BETWEEN THE CITY OF BOULDER AND AVERY BREWING CO**

This Agreement is entered into this \_\_\_ day of \_\_\_\_\_ by and between Avery Brewing Company, a Colorado \_\_\_\_\_ corporation having its principal place of business in Boulder, Colorado ("Avery"), and the City of Boulder, a Colorado home rule city (the "City").

Whereas, Avery desires to receive water from the City's treated water system for its industrial brewery processes, and beer production facilities and desires to discharge wastewater into the City's sanitary sewer system initially at its current facility located at 5763 Arapahoe Avenue (the "Facility") and then upon completion and issuance of a Certificate of Occupancy (CO) (the completion and issuance of a CO is also referred to herein as "Completion"), at its new facility at 4910 Nautilus Court (the "New Facility").

Now, therefore, in consideration of the promises and obligations set forth below, the City and Avery agree as follows:

**I. WATER SERVICE**

**A. SALE AND PURCHASE OF WATER SERVICE**

The City agrees to supply to Avery, and Avery agrees to purchase from the City, potable water service subject to the terms and conditions of this Agreement and the requirements of the Boulder Revised Code, 1981, as amended.

**B. QUANTITY AND QUALITY OF WATER**

(1) The City shall sell and deliver to Avery, and Avery shall buy from the City, up to 14.7 acre-feet per year or, a maximum of 400,000 gallons per month, of treated water.

(2) Quality of water: Avery stipulates that the current treatment techniques utilized by the City produce water of sufficient quality for its brewing and beer production purposes. All water provided now and in the future by the City shall be treated water typical for various municipal purposes. Except for transient failures, such water shall meet the drinking water requirements established by the Colorado Department of Health and the United States Environmental Protection Agency for municipal providers. The City shall not be responsible for any changes in the water quality.

**C. CONNECTION AND DELIVERY**

(1) Point of Delivery: The water supplied pursuant to this Agreement shall be delivered to Avery by the City initially at the Facility and, upon Completion, water shall instead be supplied at the New Facility. Water service to the Facility shall be discontinued within 6 months of Completion of the New Facility. The City shall provide, install and maintain water meters at the points of connection. Avery shall, at no cost to the City, design and construct in

accordance with requirements of the City of Boulder Department of Public Works “Design and Construction Standards”, all public and private water facilities as shown on Technical Document Set dated 7/19/13 and signed 8/12/13 for the New Facility (the “Approved Master Utility Plans”), prior to the issuance of a Certificate of Occupancy (CO) for the New Facility. Prior to the issuance of a connection permit for the New Facility, all facilities must be installed, tested, accepted and asbuilt drawings certified by a professional engineer at Avery’s expense. Design, construction, maintenance, and operation of the water system from the point of the meter into the New Facility shall be the sole responsibility of Avery provided, however, that Avery shall not make any cross connection or engage in any mode of operation that will introduce into the City’s system water from any other source or any deleterious substance. Avery shall install all backflow devices as required by federal, state or local requirements.

D. MONITORING AND RECORDING REQUIREMENTS

The City will meter and record the delivery of water in accordance with standard procedures. The City shall not be responsible for sampling, monitoring or reporting the quality of the water. By virtue of this agreement, there are no additional special requirements for measurement, sampling, monitoring or reporting.

E. LIMITATIONS ON WATER USE

(1) The water provided by the City under this Agreement shall be used by Avery initially only at the Facility and, upon Completion, only at the New Facility. The City shall bear no responsibility for water delivery interruptions as a result of main breaks, water shortages, equipment malfunctions, human error or for any other reason. However, Avery shall notify the City of any change in the pattern of water use in excess of five (5) percent of the amounts set forth above. The City shall be provided the opportunity to review and comment on such changes, including the impact on the water utility system. In addition, the City reserves the right to reassess the impact of any such changes on plant investment fees and other utility charges, according to standard city procedures and charge schedules in effect at the time of use as set forth in Boulder Revised Code 1981, as amended.

(2) By virtue of this agreement, Avery does not acquire any specific rights to City water, only a right to use such water, and if Avery does not fulfill the terms of this Agreement or does not utilize water to the extent contemplated in this agreement, all such water remains the property of the City for the City to use at its discretion.

F. CHARGES

(1) Plant Investment Fee

Avery shall pay a \$57,338.40 plant investment fee ("PIF") to the City for water service at the Facility until Completion of the New Facility, at which time the water service shall be transferred to the New Facility, pursuant to this Agreement. The PIF includes a credit based upon documented historic water use at the Facility that will continue at the New Facility upon

Completion. The PIF will be paid within 3 business days of mutual execution and delivery of this Agreement.

(a) If Avery uses in excess of the maximum of 14.7 acre-feet per year or 400,000 gallons per month then Avery will be charged applicable overage charges for such excess unless Avery elects to pay appropriate additional PIF's to the City for any water use above 14.7 acre-feet per year or 400,000 gallons per month according to the connection charge methodology and user charges required by Boulder Revised Code, 1981, as amended, at that time.

(2) User Charges.

User charges shall be assessed according to standard city procedures and charge schedules in effect at the time of use, as set forth in Boulder Revised Code, 1981, as amended.

## II. WASTE WATER SERVICE

### A. ACCEPTANCE OF WASTEWATER

The City agrees to accept wastewater from Avery for treatment into its sanitary sewer system, in accordance with the provisions of this agreement and the requirements of the Boulder Revised Code, 1981, as amended.

### B. CONNECTION AND DELIVERY

(1) Avery shall design and construct at their expense any additional facilities necessary to transmit Avery's wastewater into the City sanitary sewer system.

(2) Avery shall, at no cost to the City, design and construct in accordance with the requirements of the City of Boulder Department of Public Works "Design Criteria and Standard Specifications," all public and private sanitary sewer facilities as shown on the Approved Master Utility Plans. All such construction shall occur prior to the issuance of a CO for the New Facility. All such facilities must be installed, tested and as built drawings certified, prior to issuance of a connection permit.

### C. MONITORING AND REPORTING

(1) Avery shall construct, install and maintain a suitable measurement and sampling station at the New Facility. This station shall be capable of measuring the flow and of collecting representative's samples of the wastewater prior to discharge to the City's sanitary sewer facilities according to the permit requirement.

(2) If Avery fails to perform the work elements specified in Section C (1) of this Agreement, the City will assume the operation and maintenance of the measurement and sampling station and will report all measurement sampling results on a monthly basis. Avery shall reimburse the City for all costs associated with the operation and maintenance of the

measurement and sampling station and all costs associated with any measurement, sampling, monitoring or reporting.

(3) Additional monitoring and reporting requirements shall be as specified in the industrial discharge permit for the New Facility (the “Discharge Permit”).

#### D. WASTEWATER DISCHARGE

The wastewater discharge from the Facility and the New Facility upon Completion measured at the point of connection to the City's sanitary sewer system shall not exceed the following limits based on a thirty (30) day average:

- (1) Flow: 11,667 gallons per day
- (2) Five-Day Biochemical Oxygen Demand (BOD5): as provided in the Discharge Permit
- (3) Total Suspended Solids (TSS): as provided in the Discharge Permit
- (4) Ammonia Nitrogen as N (NH<sub>3</sub>-N): as provided in the Discharge Permit

#### E. CHARGES

- (1) Plant Investment Fee

(a) Avery shall pay a \$22,365.00 plant investment fee (“PIF”) to the City for wastewater service at the Facility until Completion of the New Facility, at which time the wastewater service shall be transferred to the New Facility, pursuant to this Agreement. The PIF includes a credit based upon documented historic water and sewer discharge data at the Facility that will continue at the New Facility upon Completion.. The PIF will be paid within 3 business days of mutual execution and delivery of this Agreement.

(b) The \$22,365.00 PIF is based on the hydraulic loadings set forth in Section II D. If the actual average wastewater loading for any month (based on a 30-day average) exceeds the limits specified in Section II D additional charges shall be calculated according to the connection charge methodology and user charges required by the Boulder Revised Code, 1981, as amended, at that time. Avery may elect to pay either the appropriate additional PIF’s or overage charges for such excess use.

- (2) Other Charges.

User charges shall be paid according to standard City procedures and user charge schedules in effect at the time of use, as set forth in Boulder Revised Code, 1981, as amended.

### III. GENERAL PROVISIONS

#### A. INDUSTRIAL DISCHARGE PERMIT

Avery shall be required to obtain an Industrial Discharge Permit (Discharge Permit) for the New Facility in accordance with Section 11-3-13, B.R.C. 1981, as amended, prior to the issuance of a CO for the New Facility.

#### B. PENALTIES

If the City violates its "CPDES" wastewater permit as a result of Avery's violation of this Agreement, and is subsequently fined for those violations, then Avery shall pay its proportionate share of the fine. These monies shall be separate from additional penalties the City might seek for violations of Avery's Discharge Permit.

#### D. TERMINATION

(1) At any time after having given written notice to the City, Avery may terminate this Agreement. Upon termination all rights pursuant to this Agreement shall immediately revert to the City.

(2) Either party may terminate this agreement upon a material breach by the other of any of the terms or conditions of this agreement, if such breach continues for an unreasonable period of time. However, this agreement shall not be terminated if the defaulting party remedies such breach within a period of 60 days after receipt from the other of written notice of the existence of such breach or, if such breach is not capable of cure within such 60-day period, the breaching party takes steps to commence cure within such 60-day period and thereafter diligently pursues and completes cure of the breach. Termination shall not, however, be the sole remedy of either party and the exercise of the right to terminate provided in this paragraph shall not preclude the pursuit of any other remedy available, at equity or at law.

#### E. TIME OF PAYMENTS

Unless otherwise specified, whenever under the terms of this Agreement payment is to be made by Avery to the City, Avery shall make such payment within fifteen days after such time as the payment is due. If Avery's payment becomes delinquent, delinquency charges at the rate of one percent, (1%), per month of the unpaid balance shall also be due and payable.

#### F. ASSIGNMENT

This agreement, and/or any of Avery's rights hereunder, may be assigned by Avery in whole or in part, provided that the assignee agrees to all of the applicable terms and conditions of this agreement. This agreement shall be binding upon and shall inure to the benefit of the respective successors and assigns of the parties hereto. It is the intent of the parties that the rights of Avery under this Agreement shall be transferred from its Facility to its New Facility upon Completion at no additional charge, provided that Avery otherwise complies with the terms herein.

G. NOTICES

Whenever notice is required or permitted under this agreement, the same shall be in writing and shall be given effect by hand delivery, or by mailing to the party for whom it is intended. Notices to the City and Avery shall be addressed as follows:

For the City:  
City Manager's Office  
Post Office Box 791  
Boulder, Colorado 80306

For Avery:  
  
Avery & Avery, LLC  
Attn: Adam Avery  
4910 Nautilus Court  
Boulder, CO 80301

with a copy to: Berg Hill Greenleaf & Ruscitti LLP  
Attn: Patrick K. Perrin  
1712 Pearl Street  
Boulder, CO 80302

CITY OF BOULDER, COLORADO

AVERY BREWING COMPANY,  
a Colorado corporation

By: \_\_\_\_\_  
City Manager

By: \_\_\_\_\_  
Name: Adam K. Avery  
Title: President

Attest:  
  
\_\_\_\_\_

Attest:  
  
\_\_\_\_\_

Director of Finance and Record  
Ex-Officio City Clerk

Secretary



**INFORMATION PACKET  
MEMORANDUM**

**To:** Members of City Council

**From:** Jane S. Brautigam, City Manager  
Bob Eichen, Chief Financial Officer  
Maureen Rait, Executive Director of Public Works  
Don Ingle, Director of Information Technology  
David Farnan, Director of Library & Arts  
Yvette Bowden, Director of Parks & Recreation  
Mike Sweeney, Interim Director of Public Works for Transportation  
Mike Calderazzo, Fire Chief  
Greg Testa, Police Chief  
Molly Winter, Director of Downtown University Hill Mgmt /Parking Services  
Joanna Crean, Project Coordinator

**Date:** April 21, 2015

**Subject: Information Item: Update on Capital Improvement Bond Projects**

---

**EXECUTIVE SUMMARY**

This memorandum provides background on the Capital Improvement Bond projects and an update on the current status and next steps on implementation of the 85 projects. In the November 2011 election, City of Boulder voters approved a measure to leverage existing revenues to bond for up to \$49 million to fund capital projects that address significant deficiencies and high-priority infrastructure improvements throughout the community. Because the city was able to leverage existing revenues, the measure did not raise taxes.

Of the 85 individual bond projects throughout the city, 73 are complete. The \$49 million bond package has a 20-year payback and 85 percent of the total proceeds of \$55.11 million (including the bond issuance premium and accumulated interest) were required to be spent by March 22, 2015. One-hundred percent of the total funding is required to be spent by March 22, 2017. As of March 22, 2015, 90 percent of the total funding had been spent, with an additional 6 percent encumbered. The city met the three-year spending requirement and is working to ensure 100 percent of the total funding is spent by March 22, 2017.

Council will continue to be updated on the Capital Improvement Bond progress through information packet memos or heads ups, as appropriate, based on specific milestones. In addition, the Capital Improvement Program (CIP) document will continue to include a special section on the Capital Improvement Bond projects until all are completed.

Public updates will be provided through the [Capital Improvement Bond website](#), press releases, social media and commemorative events as some of the key projects are completed. Travel impacts to streets or multi-use paths related to bond project work will continue to be shared with the public and media on the [www.BoulderConeZones.net](http://www.BoulderConeZones.net) map. A map of the bond projects and status updates are available at [www.BoulderColorado.gov/Bond-Projects](http://www.BoulderColorado.gov/Bond-Projects).

## **FISCAL IMPACT**

- These capital bond projects were approved by City Council as part of the 2011 voter-approved Capital Improvement Bond, the City of Boulder's Capital Improvement Program, and the City of Boulder budgets. Staff time for these projects has been included in the project budgets or in annual work plans.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic:** Capital investment in significant deficiencies, like renovations to existing parks and recreation facilities, and high-priority system enhancements, such as investing in key Boulder Junction improvements, will help Boulder maintain economic competitiveness and diversity. Aging infrastructure and business systems that are not properly maintained or upgraded become more costly to rebuild later.
- **Environmental:** Capital maintenance for buildings, streets, and other physical assets supports resource systems for water, energy, and multimodal mobility. Efficient, functioning systems reduce impacts on the environment that would otherwise result from less efficient, malfunctioning systems.
- **Social:** Taking adequate care of community assets will benefit the entire community, including user groups ranging in age, income levels and backgrounds.

## **BACKGROUND**

In the November 2011 election, City of Boulder voters approved a measure that allowed the city to leverage existing revenues to bond for up to \$49 million to fund capital projects that address significant deficiencies and high-priority infrastructure improvements. Specifically, the bond requires that the funds be used for capital improvement projects that include:

- Repairing and maintaining streets and pathways;
- Repairing and replacing structurally deficient bridges and structures;
- Completing missing links in the transportation system;
- Repairing and renovating aging city facilities;
- Replacing and modernizing core service computer software;
- Modernizing basic police and fire safety facilities and equipment;
- Renovating and repairing parks and recreation facilities;
- Renovating portions of the Main Boulder Public Library; and
- Improving connections and streetscapes downtown.

As a result, 85 individual projects are being implemented throughout the community that are funded, or partially funded, by the bond.

## PROJECT HIGHLIGHTS

A brief description of the 85 individual projects, along with a status update, is provided in **Attachment A** and a map of the projects is provided in **Attachment B**. Of the 85 individual bond projects throughout the city:

- 73 are completed,
- 11 are under construction, and
- One is in the design and planning phase.

As of March 22, 2015, 90 percent (\$49.86 million) of the total bond funding (\$55.11 million) had been spent, with an additional 6 percent (\$3.52 million) encumbered. The city met the bond requirement of spending 85 percent of total funding by March 22, 2015 and is continuing to closely monitor spending on a project-by-project basis to ensure that 100 percent of the total funding is spent by March 22, 2017.

The individual projects are grouped into 26 categories, which are briefly highlighted below, along with the current status of the projects as of the end of April 2015. Details related to each project can be found at [www.BoulderColorado.gov/Bond-Projects](http://www.BoulderColorado.gov/Bond-Projects). Key investments are highlighted below.

***Boulder Reservoir Infrastructure Improvements*** – This project includes improving the entry gate, roadway, parking lot, utility infrastructure, and grounds and landscape. The new gateway entrance at 51<sup>st</sup> Street provides improved traffic access, a new entry building and an improved inspection station for Aquatic Nuisance Species (ANS).

***Main Library Renovation*** - The Main Boulder Public Library Renovation began in January 2014, and included extensive renovations (for a total cost of \$4,472,000) that were funded primarily by the 2011 voter-approved Capital Improvement Bond. The Main Library remained open and available to serve the community through the entire 16-month renovation. Project components included:

- Renovating and relocating the children’s area;
- Creating a new, larger Teen Space and a “maker” space;
- Relocating and renovating the fiction, music and movies area;
- Replacing outdated electrical and data distribution systems;
- Repairing clerestory windows;
- Improving Americans with Disability Act accessibility;
- Replacing worn carpeting;
- Providing facilities for café service on the library bridge; and
- Installing additional HVAC (heating, ventilation, and air conditioning) equipment to improve building cooling.

The project will be fully complete later this month, when the Seeds Library Café on the bridge (operated by the Boulder County Farmers’ Markets) opens for business. Through the Boulder Public Library’s “Reinventing the Place to Be” campaign, and the renovations implemented with Capital Improvement Bond funds, customer service, technology, and the overall library experience have been improved for the community.

***Fire Station #8*** – Previously referred to as the Wildland Fire Station, this station consolidates the operations of the Boulder Fire-Rescue Department’s Wildland Fire personnel into one new 10,500 square-foot facility on the site of the existing Fire Training Center, east of the Boulder Reservoir property. The facility will provide accommodations for a full-time crew of Wildland Fire Specialists, and storage and maintenance of vehicles and support equipment for the wildland fire management. Construction is anticipated to be complete later this month, with an anticipated move-in date early in May.

### **Summary of Projects Under Construction**

As of the end of April 2015, 11 projects are under construction. The three remaining Parks and Recreation projects include the new shelters and a restroom at Harlow Platts Community Park, the renovated headstones and historic shed at the Columbia Cemetery, and the full renovation of Crestview Neighborhood Park. All of these projects are scheduled to be completed later this year.

Transportation projects that are under construction include the installation of the Junction Place Bridge at Goose Creek, improvements to South Boulder Road and Manhattan Drive intersection, and replacement of substandard traffic signs. It is anticipated that all of these projects will be completed later this year.

The majority of the improvements to the downtown commercial district have been completed, including the 15<sup>th</sup> Street project to improve pedestrian accessibility and streetscape character; a new interactive kiosk for public use on the Pearl Street Mall; and bus, pedestrian and bicycle access improvements to the Boulder Transit Center at 14<sup>th</sup> and Walnut streets. Installation of pedestrian and streetscape improvements on west Pearl Street between 7<sup>th</sup> and 11<sup>th</sup> streets is currently under construction, and is scheduled to be completed by summer 2015.

Also under construction are the new accessible restrooms west of the Chautauqua Auditorium. The project includes construction of a new building containing Americans with Disabilities Act (ADA)-accessible restrooms, along with extensive site and infrastructure improvements. The new facilities are being developed in collaboration with the Colorado Chautauqua Association and Landmarks Board, and the site location and building design were selected through an extensive community engagement process. While the project is primarily funded by the Capital Improvement Bond, the city facility replacement funding is also being used to upgrade existing city utilities for this project. The new restroom facilities will be available for public use for the majority of the Chautauqua summer program season, which starts in mid-May 2015.

The remaining projects under “construction” include software and computer equipment replacement and upgrades. The city is replacing the outdated financial, human resources and payroll systems with an integrated, more modern and comprehensive software solution. The project has several phases and the first phase of implementing the finance system is complete. The remaining phases are expected to be completed later in 2015 and 2016. The city is also replacing and augmenting other major business software, including the city’s permit management system, as well as the citywide records management and document imaging software. It is anticipated that these projects will be completed in summer 2017 and 2015, respectively.

### **Summary of In-Design and Planning Projects**

The remaining project in the planning and design phase is repairing the freight elevator in the Public Safety Building. It is anticipated that the freight elevator will be repaired and upgraded to extend the useful life cycle later in 2015.

### **NEXT STEPS**

The city met the three-year spending requirement for the bond funds and is continuing to closely monitor spending on a project-by-project basis to ensure that 100 percent of the total funding is spent by the March 22, 2017 deadline. Council will continue to be updated on the Capital Improvement Bond progress through information packet memos or heads ups, as appropriate, based on specific milestones. In addition, the Capital Improvement Program (CIP) document will continue to include a special section on the Capital Improvement Bond projects until all EW completed.

### **ATTACHMENTS**

- **Attachment A** – Table of Capital Improvement Bond Projects and Status
- **Attachment B** – Map of Capital Improvement Bond Projects and Status

## Capital Improvement Bond Projects Summary

CATEGORY	STATUS	NAME
Downtown	Completed	Pearl Street Mall Interactive Kiosks
Downtown	Completed	15th Street Design District
Equipment	Completed	City Website/eGov Software
Equipment	Completed	Police Equipment Replacement
Equipment	Completed	Police Equipment Upgrades
Facility	Completed	Fire Station 8 (Wildland)
Facility	Completed	Fleet Services Main Chiller Replacement
Facility	Completed	Park Central Infrastructure Upgrade
Facility	Completed	South Boulder Recreation Center Floor Replacement
Facility	Completed	Municipal Building Electrical Upgrade
Facility	Completed	Boulder Museum of Contemporary Art HVAC Replacement
Facility	Completed	Main Library Elevator Modernization
Facility	Completed	Dairy Center HVAC Replacement
Facility	Completed	Public Safety HVAC Replacement
Facility	Completed	Park Central Infrastructure Upgrade
Library	Completed	Main Library Renovation
Parking Lot	Completed	West Senior Center Parking Lot Repairs
Parking Lot	Completed	New Britain Parking Lot Repairs
Parking Lot	Completed	Park Central Parking Lot Repairs
Parking Lot	Completed	Dairy Center Parking Lot Repairs
Parking Lot	Completed	George Reynolds Library Parking Lot Repairs
Parking Lot	Completed	Fire Stations #6 and #7 Parking Lot Repairs
Parking Lot	Completed	Main Library Parking Lot Repairs
Parking Lot	Completed	Atrium Parking Lot Repairs
Parking Lot	Completed	Fire Stations #1 and #2 Parking Lot Repairs
Parking Lot	Completed	Fire Stations #4 and #5 Parking Lot Repairs
Parking Lot	Completed	FAM/BMOCA Parking Lot Repairs
Parking Lot	Completed	Municipal Service Center (Yards) Gate Entry Repairs
Parking Lot	Completed	CYF/Spruce Pool Parking Lot Repairs
Parks & Recreation	Completed	Eaton Park Shelter
Parks & Recreation	Completed	Foothills Dog Park Shelter
Parks & Recreation	Completed	Valmont Dog Park Shelters
Parks & Recreation	Completed	Valmont Bike Park Shelters
Parks & Recreation	Completed	Pleasant View Fields Park Shelters
Parks & Recreation	Completed	Columbine Park Improvements
Parks & Recreation	Completed	Boulder Reservoir Infrastructure Improvements
Parks & Recreation	Completed	Harlow Platts Park Improvements
Parks & Recreation	Completed	North Boulder Park Improvements
Parks & Recreation	Completed	Pineview Park Improvements
Parks & Recreation	Completed	East Palo Park Improvements
Parks & Recreation	Completed	Pleasant View Ballfields Improvements
Parks & Recreation	Completed	Canyon Park Improvements
Parks & Recreation	Completed	Mapleton Ballfields Improvements

Parks & Recreation	Completed	Martin Park Shelter
Parks & Recreation	Completed	Stazio Ballfields Improvements
Transportation	Completed	Road Reconstruction
Transportation	Completed	Road Pavement Repair
Transportation	Completed	Baseline and Foothills Parkway Intersection Improvements
Transportation	Completed	Baseline Road and Canyon Creek Pedestrian Crossing
Transportation	Completed	Canyon and 21st Street Pedestrian Crossing
Transportation	Completed	Replace Traffic Signal Light Bulbs
Transportation	Completed	Bike Sign and System Enhancements
Transportation	Completed	Boulder Transit Center Area Improvements: Phase 1
Transportation	Completed	Boulder Transit Center Area Improvements: Phase 2
Transportation	Completed	Mapleton Ave and 27th Street Sidewalks
Transportation	Completed	Table Mesa Drive Trailhead Multi-Use Path Connection
Transportation	Completed	Arapahoe Avenue Reconstruction
Transportation	Completed	Boulder Creek Multi-Use Path Connection
Transportation	Completed	Upland Ave Multi-use Path Connection
Transportation	Completed	Boulder Junction - Pearl Parkway Improvements
Transportation	Completed	Baseline Road Multi-Use Path Connection
Transportation	Completed	Gillaspie Drive Missing Sidewalk Link
Transportation	Completed	63rd Street Missing Sidewalk Link
Transportation	Completed	Bucknell Court Missing Sidewalk Link
Transportation	Completed	Spine Road Missing Sidewalk Links
Transportation	Completed	63rd Street Bridge Replacement
Transportation	Completed	Foothills Parkway Irrigation Replacement
Transportation	Completed	Iris Avenue Missing Sidewalk Link
Transportation	Completed	Folsom Street Sidewalk
Transportation	Completed	Table Mesa Drive Multi-use Path Connection (RTD Park-n-Ride to Manhattan Circle)
Transportation	Completed	Pine Street Missing Sidewalk Link
Transportation	Completed	Pearl Street Alley Wall Repair
Transportation	Completed	28th Street Multi-Use Path Connection
Downtown	Construction	West Pearl Streetscape Improvements
Equipment	Construction	City Permit System Replacement
Equipment	Construction	City Records Management Software
Equipment	Construction	Replace City HR & Financial Software
Facility	Construction	Chautauqua Park Restrooms
Parks & Recreation	Construction	Harlow Platts Park Shelter
Parks & Recreation	Construction	Columbia Cemetery Improvements
Parks & Recreation	Construction	Crestview Park Improvements
Transportation	Construction	Replace Substandard Signs
Transportation	Construction	South Boulder Road and Manhattan Drive Intersection Improvements
Transportation	Construction	Boulder Junction Bridge
Facility	Planning/Design	Public Safety Freight Elevator Replacement





## INFORMATION PACKET MEMORANDUM

**To:** Members of City Council

**From:** Jane S. Brautigam, City Manager  
Maureen Rait, Executive Director of Public Works, Flood Recovery Manager

**Date:** April 21, 2015

**Subject: Information Item: Flood Recovery Status**

---

This City Council information item provides an update on flood recovery status in relation to the key objectives 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.

### 1. Help people get assistance.

- Staff is continuing targeted outreach to neighborhoods and property owners with vacant and uninhabitable units. Seventeen housing units remain vacant and uninhabitable.
- Approximately 142 cases are active with the Long-Term Flood Recovery Group.

### 2. Restore and enhance our infrastructure.

- As of March 31, the city has spent approximately \$18 million on flood recovery.
- In terms of costs, with remaining work estimated at \$10 million, recovery efforts are 64 percent complete.
- The city formally appealed an ineligible determination made by FEMA about sediment and debris removal from a portion of Fourmile Canyon Creek. The appeal was submitted to FEMA by the State of Colorado on Nov. 10, 2014. The state has 90 days to review, after which FEMA has 90 days to consider and respond to the city's appeal. The state has since forwarded the appeal on to FEMA. Staff anticipates a response sometime in the second quarter of 2015.

### 3. Assist business recovery.

- The city is continuing to assist businesses with remaining flood recovery needs by connecting them with funding sources and business resources specific to their unique needs.
- The city is coordinating with the Economic Development Administration (EDA), which has a consultant in Colorado assisting communities with developing economic resilience following the flood.

#### **4. Pursue and focus resources to support recovery efforts.**

- The city has received \$4.3 million in FEMA reimbursements to date. Compared to state averages, this is in line with other communities.
- The city has been awarded \$4.1 million in non-FEMA grants to support recovery and resilience projects in Housing, Open Space and Mountain Parks (OSMP), and Public Works (Utilities).
- The city is pursuing additional CDBG-DR funds in Rounds 2 and 3 (\$257 million available).
- The city has adopted a policy to acknowledge the risk of de-obligation of funds due to procurement challenges by assigning a portion of FEMA receipts to a restricted fund balance.
- The costs of immediate emergency response and recovery efforts have been covered by reserves across the city's funds, with minimal impact to the 2014 Operating Budget. The 2015 Budget includes a plan to replenish emergency reserves by the end of 2016.

#### **5. Learn together and plan for the future.**

- The city continues to participate in the [BoCo Strong](#) network, and will help kick off a local volunteer organizations active in disasters (VOAD) organization.
- The [resilience strategy](#) (funded through the 100 Resilient Cities program) is nearing completion of Phase 1. Additional information was included in the March 31, 2015 Study Session packet.

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](http://www.BoulderFloodInfo.net).

Previously, council updates on flood recovery occurred quarterly. Future council updates on flood recovery efforts will occur through Information Packet items on an as-needed basis.



### **FEMA TEMPORARY HOUSING UNITS**

On March 14, 2015, FEMA removed the remaining temporary housing units from the Boulder Meadows Mobile Home Park, thus meeting their deadline of ending that portion of FEMA assistance 18 months after the disaster.

At its peak, 17 housing units were placed in Boulder Meadows. City staff, Long Term Flood Recovery Group case managers, and the State of Colorado staff worked to ensure each resident had a safe and sanitary place to move to prior to the removal of the temporary housing units.

### **UNINHABITABLE, VACANT UNITS, AND REBUILDING**

The city continues to help residents in need of assistance as they recover from the flood. The city's latest estimate is that 17 housing units continue to remain vacant and under construction as a result of the flood. Four of the housing units are expected to be completed by approximately May 1, and an additional 12 units are expected to be completed by approximately July 1.

The Planning and Development Services Center continues to help customers with flood-related questions and customers seeking permits for repairs due to flood damage or for flood mitigation measures, but its flood-related case load has decreased. From Sept. 11, 2013 through March 31, 2015, the city has processed 768 flood-related building permits. Since the last update to council in January, an additional 12 flood recovery permits have been processed.

On March 17, 2015, council adopted Emergency Ordinance No. 8035, which extends the time period for fee waivers on flood recovery permits and reconstruction of non-standard or non-conforming buildings to March 1, 2016. As individuals receive CDBG-DR grant funding, permits for the work will be needed, or retroactive permits for completed work will be required, so a small increase in flood recovery permits is expected.

### **INDIVIDUAL ASSISTANCE AND CASE MANAGEMENT**

Approximately 142 Boulder households have open cases with the Long-Term Flood Recovery Group of Boulder County (LTFRG), with 132 cases already closed. The direct assistance provided by case managers includes assisting with FEMA individual assistance and insurance appeals; mental health programs; volunteer and nonprofit labor coordination; construction coordination; funding assistance through the United Way Flood Relief Fund; CDBG-DR housing rehabilitation; as well as referrals to other agencies for technical assistance. Approximately 50 percent of the cases have a remaining construction or construction reimbursement need. Twenty percent of the cases

involve a mobile home. The city's Human Services Department has extended the financial grant to support case management of City of Boulder cases through 2015. There are approximately 1,063 cases throughout Boulder County and 544 remain active.

### **FLOOD-RELATED ANNEXATIONS**

Five additional properties were annexed on Jan. 20, 2015. The Colorado Department of Public Health and Environment (CDPHE) grant to fund the extension of water and sewer infrastructure in a flood-affected neighborhood continues in the Old Tale neighborhood, with the second reading scheduled for April 21. It is anticipated that, with continuing grant funding, a small group of individual properties may remain to be annexed as part of their flood recovery process. Staff is working with those owners and will group them together to be processed through the remainder of 2015.

### **CDBG-DR GRANT FUNDING**

CDBG-DR funding coordination is continuing countywide for the second round of funding (\$199 million for Colorado). By working with state and regional partners, the countywide collaborative was successful in getting the state to include a more predictable, expedited, and customized process for allocating this second round of funding for infrastructure and housing-related projects through a sub-allocation to the countywide collaborative.

The city, along with the other countywide collaborative partners, has compiled remaining unmet needs (through a consultant) to ensure that all partners understand the need in each community for infrastructure and housing. Based on that study, the countywide collaborative will establish a percentage allocation for each community and select the projects to be funded. HUD requirements (such as 50 percent benefit for low- to moderate-income households) must still be met, and the collaborative is currently reviewing projects to understand how best to ensure compliance. The collaborative has drafted a plan for funding flood recovery projects in the infrastructure and housing individual assistance areas and submitted that plan to the State of Colorado for consideration and review by HUD. The intergovernmental agreement that determines that the City of Longmont will serve as the project's fiscal agent will be considered by council on April 21. The city's top infrastructure project for CDBG-DR infrastructure funding is the Wonderland Creek Flood Mitigation project.

*The header photos were taken at a Twomile Canyon Creek open house.*



**FLOOD RECOVERY PROJECT STATUS**

As a result of the significant flood damage to city infrastructure, the city is working to complete more than 300 projects across the community for repairs, restoration, replacement, and mitigation work. To fund these projects, the city is pursuing a variety of available resources in the recovery and reimbursement process, including insurance, FEMA assistance, and other agencies (e.g., Federal Highway Administration, Urban Drainage and Flood Control District, Colorado Water Conservation Board, etc.), as further described in the “Objective #4” section.

Below is a summary of the total projects by department/division. Projects are considered partially complete if work has been started, temporary repairs have been made, or mitigation work has yet to be completed. As of April 3, 2015, the city has completed 74 percent of the flood-related projects and spent \$18 million on flood recovery (see more financial details on page 12).

	<b>Total Flood-related Projects</b>	<b>Percent Complete</b>
<b>Citywide Total</b>	<b>318</b>	<b>74%</b>
<b>Department/Division</b>		
Open Space & Mountain Parks	145	57%
Parks & Recreation	46	91%
Public Works - Utilities	64	97%
Public Works - Transportation	31	77%
Public Works - Facilities & Asset Management and Fleet	34	74%

Department-specific details are provided below.

***OPEN SPACE AND MOUNTAIN PARKS (OSMP)***

Typical winter weather in January and March 2015, along with record snowfalls in February, hampered field work on OSMP facilities damaged by the flood; however, staff offered two innovative approaches to taking advantage of the intermittent suitable days for work. First, last year’s seasonal trail workers were offered the chance to be “on-call” for work when field conditions allowed. Using this approach, crews were able to make progress on projects in Sunshine Canyon. At

Chautauqua Meadow, OMSP staff's second strategy was to collaborate with Bridge House's *Ready to Work* program, which provides homeless adults with paid transitional work. OSMP looks forward to future cooperative flood recovery project work throughout 2015. Staff members responsible for other trail, fence, and ditch repairs, as well as ecological restoration projects, have been working on resource assessments, establishing contractor agreements, obtaining permits, and hiring seasonal staff to ensure that projects are "shovel ready" once the weather clears.

The State of Colorado Department of Homeland Security and Emergency Management (DHSEM) has approved both the city's request to extend the deadline by when work must be completed for several OSMP projects, and the city's request to increase the estimated recovery costs of flood damages eligible for public assistance by more than \$3 million. FEMA's total estimate of the recovery costs for damage to city open space facilities now totals approximately \$5.5 million. Both of the state's approvals are currently under review or in the final stages of approval by FEMA.

<b>PROJECT STATUS</b>	<b>NUMBER OF PROJECTS<sup>1</sup></b>
<b>Completed</b>	82
<b>Partially Completed</b>	17
<b>Planning/Design</b>	46
<b>TOTAL</b>	<b>145</b>

Staff continues to prioritize completion of flood recovery projects as part of annual work planning. In March, City Council approved a 2015 supplemental budgetary appropriation for one-time and fixed investments, including \$3.86 million to accelerate the rate of flood recovery for 33 projects on Open Space and Mountain Parks. This accelerated funding will maximize FEMA reimbursement and is responsive to community expectations for flood recovery.

***PARKS AND RECREATION***

Approximately 34 percent, or 35 of the 98 Parks and Recreation facilities, were significantly damaged by the flood. Recovery work includes repair, restoration and/or replacement of facilities, structures, playgrounds, multi-use fields and courts, and paths.

<b>PROJECT STATUS</b>	<b>NUMBER OF PROJECTS</b>
<b>Completed</b>	43
<b>Partially Completed</b>	2
<b>Planning/Design</b>	2
<b>TOTAL</b>	<b>47</b>

Parks and Recreation staff continues to implement flood recovery and restoration projects across the community, with approximately 89 percent of the projects completed so far. The department had 47 distinct projects due to flood damage and has currently completed 41 projects, with four partially completed.

The two partially completed projects include:

<sup>1</sup> Project numbers vary from quarter to quarter due to determinations of eligibility by FEMA, discoveries of additional tasks, and the separation and combination of various trails.

- *Flatirons Golf Course* – removal of sediment from the pond at hole #6 and #8; and
- *Evert Pierson Memorial Kids’ Fishing Ponds* – full restoration of the ponds and associated park amenities.

The remaining projects that are currently in planning and design, with FEMA coordination (if needed), include:

- *Knollwood Tennis Courts* – complete replacement of the damaged courts, in addition to replacement of the walls and landscape restoration, with the work anticipated to be complete in summer 2015; and
- *Flatirons Event Center* – based on council’s direction, staff anticipates demolishing the facility in the summer of 2015 and is currently in the planning phase to ensure an efficient transition of the facility. Spice of Life is remodeling space in Flatiron Industrial Park (near their current offices) for its new commercial kitchen and catering space.

The department anticipates that all projects will be complete within the next five to seven months.

**UTILITIES**

Although the water utility infrastructure performed admirably and sustained minimal damages, the wastewater, stormwater, and major drainageway systems were overwhelmed by floodwaters and runoff, groundwater infiltration, and inflow to the city’s open channel and pipe conveyance systems. Initial flood response work included the protection of critical wastewater pipelines, vulnerable water delivery pipelines, and access roads to critical water infrastructure.

Continuing recovery work includes:

- Reconstruction of improved drainageway features, and
- Stabilization and repair of the undermined and damaged wastewater interceptor pipe near 61<sup>st</sup> Street.

PROJECT STATUS	NUMBER OF UTILITY PROJECTS			
	WATER	WASTEWATER	STORMWATER/FLOOD MANAGEMENT	TOTAL
<b>Completed</b>	20	15	27	<b>61</b>
<b>Partially Completed</b>	0	1	0	<b>1</b>
<b>Planning/Design</b>	0	1	0	<b>1</b>
<b>TOTAL</b>	<b>20</b>	<b>17</b>	<b>27</b>	<b>63</b>

Utilities staff continues to implement flood recovery and restoration projects for the water, wastewater and stormwater/flood management utilities. Approximately 95 percent of the recovery work is complete. Work on all critical water and wastewater infrastructure is complete. Sediment and debris removal from major drainageways is also complete. Repair of drainageway features,

such as drop structures and retaining walls, is more than 90 percent complete and should be completed by mid-2015.

**TRANSPORTATION**

Due to the flood, approximately 1 percent (three miles) of roadway was damaged citywide. There are approximately 300 miles of roads within the City of Boulder. It is estimated that approximately 20 percent (60 miles) of the roads were covered in flood-related debris. The city also has 60 miles of multi-use paths within the city limits. Approximately 15 percent, or nine miles, of the paths were damaged.

<b>PROJECT STATUS</b>	<b>NUMBER OF PROJECTS<sup>[1]</sup></b>
<b>Completed</b>	24
<b>Partially Completed</b>	7
<b>Planning/Design</b>	0
<b>TOTAL</b>	<b>31</b>

All transportation facilities are available for full use by the public. The remaining transportation projects include:

- *Table Mesa Drive/Lehigh Street<sup>[2]</sup>* – stabilizing the Bear Canyon Creek channel, reconstructing drop structures and repairing pavement; staff will be working with Triple M to get this completed in the next couple of months;
- *47<sup>th</sup> Street at Fourmile Canyon Creek* – primary work is complete and only fencing replacement, revegetation, and minor channel inlet riprap adjustments remain; with the entire project expected to be complete in the next four to six months;
- *Various Street Locations* – complete minor patching and chip seal on flood-damaged streets (including the damaged/patched portion of Brooklawn Drive, which will get a chip seal as part of a larger chip seal project later this summer);
- *Boulder Creek at 4141 Arapahoe Ave.* – removal of a piece of displaced concrete; which is expected to be complete in the next four to six months; and
- *Boulder Creek east of 55<sup>th</sup> Street* – repairs to the riprap protecting the abutments of the pedestrian bridge are expected to be complete in the next four to six months.

Transportation staff anticipates that all projects will be complete within the next four to six months.

<sup>[2]</sup> Projects include FEMA and Federal Highway Administration (FHWA). FEMA oversees the disaster relief federal funding for the street system that carries lower traffic volumes (residential streets), and FHWA, through the Colorado Department of Transportation (CDOT), oversees the federal funding for streets that have higher traffic volumes.

**FACILITIES AND ASSET MANAGEMENT (FAM): BUILDINGS AND STRUCTURES**

Of the 365 city-owned buildings and structures, approximately 34 (nine percent) were damaged due to the flood.

<b>PROJECT STATUS</b>	<b>NUMBER OF PROJECTS</b>
<b>Completed</b>	25
<b>Partially Completed</b>	7
<b>Planning/Design</b>	2
<b>TOTAL</b>	<b>34</b>

About 94 percent of the building and structural repairs have been completed. With the majority of the mitigation work approved by FEMA, such as installing sump pumps, rerouting roof drains, and adding flood walls and doors, the next step will be completing that work at the following facilities:

- Fire stations #1 and #4;
- West Senior Center;
- Reynolds Library;
- Main Boulder Public Library;
- Iris Center; and
- North Boulder Recreation Center.

Additional flood recovery projects that are in the planning/design include the:

- *South Boulder Recreation Center* –gymnasium floor design and replacement. It is anticipated that the floor will be replaced during the spring 2015 annual maintenance shutdown.

All flood mitigation projects, with the exception of the Main Boulder Public Library, were completed at the end of March 2015. The Main Library flood mitigation project will be accomplished in mid-2015 as part of the Capital Improvement Project (CIP) work.

*The header photos were taken along Boulder Creek and at the primary interceptor pipe that delivers the majority of wastewater flows to the 75<sup>th</sup> Street Wastewater Treatment Facility.*



*Work with the Boulder business community and key partners to connect affected businesses with resources, recover quickly from flood impacts, and support long-term economic vitality.*

The city continues to assist businesses with flood recovery needs. Impacts to Boulder businesses ranged from moderate damage (businesses that were repaired in a few weeks) to severe (e.g., complete demolition of a building with 20 tenants at 100 Arapahoe Avenue). Business assistance inquiries have included unique requests to specific Boulder businesses (e.g., disposal of confidential but severely damaged documents) and questions about funding sources and business resources.

#### **EDA TECHNICAL ASSISTANCE**

The Economic Development Administration (EDA) conducted an assessment last fall on the resilience of the Colorado economy, businesses and communities following the flood. The EDA has now funded a consultant to provide limited technical assistance to communities in Colorado. The Economic Vitality, Resilience, and flood recovery teams are coordinating to establish what kind of technical assistance would be most helpful for the City of Boulder.

*The header photo was taken at a business recovery meeting and the graphic was extracted from the Recover Colorado Business Grant and Loan program application.*



The September 2013 flooding was declared a national disaster, which created an opportunity for possible reimbursement through FEMA, the Federal Highway Administration (FHWA), and the State of Colorado. The city is striving to maximize reimbursement from all applicable agencies, as well as through grant funding opportunities.

### **FINANCIAL RESOURCES**

Due largely to the city's reserve policies and ability to flex repair dollars, the city has been able to fund the emergency response and initial recovery investments. Although partial reimbursement for eligible expenses is expected from FEMA and the State of Colorado, and the city is seeking all external funding opportunities to cover both recovery and mitigation costs, as the timing of this funding is uncertain. Therefore, the 2015 Budget includes replenishing the General Fund reserves to 14 percent in 2015 and building reserves to 15 percent in 2016 and beyond. This plan brings reserve levels to recognized best practice levels in a short timeframe, maintains adequate levels in the immediate term, and responsibly meets the funding needs of the city.

Tables 1 and 2 (shown below) illustrate, by department/division, the anticipated city share in the flood recovery costs, as well as the estimated amount of reimbursement back to the city. The total cost estimate of \$28 million represents staff's current estimates of flood damage and recovery activities, following further investigation of damages and assessment of repair and recovery alternatives. 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.

In response to the risks of FEMA de-obligation of funds highlighted in past updates, the Flood Recovery Steering Committee adopted a policy that will establish an assignment of fund balance equal to 7 percent of FEMA reimbursements in the seven most affected funds. Based upon current estimates of expected reimbursement, the sum of fund designations would equal approximately \$1.2 million. If FEMA does not require return of funds at the end of the audit period (currently estimated around 2019 or 2020), the fund assignments would be released to unrestricted fund balance.

Since the Jan. 20, 2015 update to council, the city has received an additional \$1.9 million in FEMA reimbursements, bringing the total reimbursements to \$4.3 million. Staff has experienced a slowing in the pace of reimbursement from the State of Colorado. The state continues to increase its scrutiny of reimbursement requests, digging into ever deeper minutia on procurement and contracting. The

state is taking this approach to reduce the risk of future demands by FEMA to return funds. While staff agrees with this approach, it is estimated that the increased scrutiny has doubled or tripled the amount of time needed to prepare reimbursement requests.

**REMAINING COST TO THE CITY (GAP)**

While FEMA and the state typically reimburse 87.5 percent of eligible projects (75 percent and 12.5 percent, respectively), in many cases, the city’s gap between incurred costs and estimated reimbursements varies significantly. The most common reasons for this gap are listed below.

- Through policy, FEMA has deemed many flood recovery activities ineligible (e.g., ecological restoration activities in OSMP, debris removal in certain areas of the streams).
- FEMA policies generally do not reimburse for regular staff time for flood response and recovery activities (only overtime is eligible). While project management and direct administrative costs are reimbursable, actual “boots on the ground” time is typically limited to overtime labor.
- Costs related to general administrative activities (not associated with a particular project) are ineligible for reimbursement (e.g., general flood coordination meetings, reporting, budgeting, council updates, etc.).

**Table 1: Costs Related to Flood Damage and Response**

<b>Department/Division</b>	<b>Total Flood Damage and Response</b>	<b>Amount Spent</b>	<b>Remaining Estimated Cost</b>
Transportation	\$2,500,000	\$2,485,068	\$14,932
Utilities	\$9,000,000	\$8,461,623	\$538,377
FAM/Fleet	\$1,900,000	\$950,193	\$949,807
OSMP	\$8,800,000	\$1,440,955	\$7,359,045
Parks & Rec	\$1,600,000	\$1,530,765	\$69,235
CP&S	\$1,892,947	\$1,892,947	\$0
Police	\$743,206	\$743,206	\$0
Fire	\$112,009	\$112,009	\$0
Other	\$1,500,000	\$1,213,901	\$286,099
<b>Total</b>	<b>\$28,048,162</b>	<b>\$18,830,667</b>	<b>\$9,217,496</b>

**Table 2: Sources of Funds for Flood Recovery and Response**

Department/ Division	Actual FEMA/State/ FHWA Reimbursement	Estimated Reimbursement from FEMA/State/ FHWA <sup>1</sup>	Insurance Proceeds <sup>2</sup>	Total Reimbursement	Remaining Cost to City (Gap) <sup>3</sup>	Total Sources of Funds
Transportation	\$433,536	\$1,136,000		\$1,921,350	\$578,650	\$2,500,000
Utilities	\$1,297,708	\$5,584,000		\$6,928,392	\$2,071,608	\$9,000,000
FAM/Fleet	\$188,488	\$148,000	\$1,422,388	\$1,763,116	\$136,884	\$1,900,000
OSMP <sup>4</sup>	\$99,111	\$5,354,000	\$25,097	\$5,478,208	\$3,321,792	\$8,800,000
Parks & Rec	\$153,245	\$588,000	\$186,812	\$1,015,976	\$584,024	\$1,600,000
CP&S	\$1,758,812	\$108,000		\$1,376,152	\$516,795	\$1,892,947
Police	\$220,061	\$28,000	\$4,963	\$253,024	\$490,182	\$743,206
Fire	\$83,867	\$11,000		\$94,867	\$17,142	\$112,009
Other	\$42,534	\$1,000		\$43,534	\$1,456,466	\$1,500,000
<b>Total</b>	<b>\$4,277,361</b>	<b>\$12,958,000</b>	<b>\$1,639,260</b>	<b>\$18,874,618</b>	<b>\$9,173,544</b>	<b>\$28,048,162</b>

<sup>1</sup> Actual reimbursement amounts may vary due to actual costs incurred and/or FEMA de-obligation of costs at project closeout. Includes 1.34 percent management cost reimbursement.

<sup>2</sup> Insurance proceeds do not reflect a \$1 million unscheduled property payment. The city is still determining the best use of these funds. FEMA may require that some or all of this payment be used to offset "duplication of benefits," which would result in a reduction of the FEMA reimbursement.

<sup>3</sup> Please refer to the "Remaining Cost to City (Gap)" and "Grants" sections of this memo for an overview of the reasons contributing to the gap, and the additional funding sources that city staff is pursuing to help close the gap.

<sup>4</sup> The majority of OSMP project worksheets have been written on estimates. As recovery work and reimbursements progress, the actual reimbursement from FEMA and the state may increase, as long as the work performed is consistent with the project scope and costs are determined to be reasonable by FEMA.

## GRANTS

To help close the aforementioned gap between flood damage and response costs and FEMA reimbursements, the city is pursuing additional funding sources. The following table provides a brief overview of the opportunities currently being pursued.

Program	Awarded Projects/Eligible Activities
<b>Grants Awarded</b>	
Community Development Block Grant: Disaster Recovery – Resiliency Planning	<ul style="list-style-type: none"> <li>West Fourmile Creek annexation and redevelopment study</li> <li><b>Award: \$75,625</b></li> <li>OSMP natural Resources Planner</li> <li><b>Award: \$87,700</b></li> </ul>
Community Development Block Grant: Disaster Recovery – Housing Rehabilitation	<ul style="list-style-type: none"> <li>Single-family renovations and repairs</li> <li>Relocation of single-family homes</li> <li><b>Award: \$1 million (city's share of city/county funds)</b></li> </ul>
Colorado Department of Public Health and Environment (CDPHE)	<ul style="list-style-type: none"> <li>61<sup>st</sup> Street wastewater interceptor reroute (2014)</li> <li>Area II annexation infrastructure, design, and fees</li> </ul>

	(2014) <ul style="list-style-type: none"> <li>• Wastewater system inspection</li> <li>• <b>2014 Award: \$1,595,000</b></li> <li>• <b>2015 Award: \$300,000</b></li> </ul>
Colorado Water Conservation Board – Stream Restoration Grant	<ul style="list-style-type: none"> <li>• Boulder Creek restoration and relocation</li> <li>• <b>Award: \$200,000</b></li> </ul>
Community Development Block Grant: Disaster Recovery – Infrastructure	<ul style="list-style-type: none"> <li>• FEMA local match for sediment and debris removal in streams</li> <li>• <b>Award: \$500,000</b></li> </ul>
Fish and Wildlife Service – National Fish Passage Program	<ul style="list-style-type: none"> <li>• Boulder Creek at Green Ditch Fish Passage Project</li> <li>• <b>Award: \$75,000</b></li> </ul>
Colorado Water Conservation Board – Water Supply Reserve Account Program	<ul style="list-style-type: none"> <li>• Boulder Creek at Green Ditch Floodplain Reconnection Project</li> <li>• <b>Award: \$245,000</b></li> </ul>
<b>Available Grant Opportunities</b>	
FEMA Hazard Mitigation Grant Program	<ul style="list-style-type: none"> <li>• Hazard mitigation projects (property acquisition, structure elevation, dry floodproofing, generators, etc.)</li> </ul>
Urban Drainage and Flood Control District (UDFCD)	<ul style="list-style-type: none"> <li>• Repair of structures built by the UDFCD</li> </ul>
Natural Resources Conservation Service Emergency Watershed Protection Program	<ul style="list-style-type: none"> <li>• Debris removal</li> <li>• Streambank stabilization</li> <li>• Repair of water control structures and infrastructure</li> </ul>
Unites States Tennis Association	<ul style="list-style-type: none"> <li>• Tennis court repairs</li> </ul>

## **VOLUNTEERS**

Since September 2013, the city has been fortunate to have a significant level of support from volunteers, with approximately 1,800 volunteers working approximately 7,500 hours so far. Of those hours, 3,853 are eligible for FEMA reimbursement, with a projected value of \$60,000.

Upcoming events for public volunteer assistance can be found online at [www.ow.ly/pfF4Y](http://www.ow.ly/pfF4Y).

*The header photos were taken at volunteer projects along the Royal Arch Trail and Mesa Trail.*

# FLOOD SAFETY

BOULDER, CO

## OBJECTIVE #5: LEARN TOGETHER & PLAN FOR THE FUTURE



*Engage the Boulder community in assessing neighborhood impacts, refining and rethinking community design options, prioritizing actions and opportunities that mitigate hazards before rebuilding and support long-term community resilience and sustainability. In doing so, we build a city both greater and more beautiful than we were before.*

### **BOCO STRONG**

[BoCo Strong](#), the countywide network for resilience, has been awarded a CDBG-DR resilience planning grant to assist in piloting neighborhood-level resilience countywide, and to assist in the creation of a volunteer organizations active in disasters (VOAD) organization for Boulder County. This effort is being coordinated with the city's resilience planning efforts.

### **WEST FOURMILE CANYON CREEK STUDY**

The city received a CDBG-DR planning grant to study options related to the Ponderosa Mobile Home Park and vacant parcel at Foothills Community Park. The city and its consultant have begun the first phase of the project by gathering background information and collecting input on the properties, in partnership with the property owners. A study session has been scheduled for July 28, to provide City Council with a community profile (existing conditions, info on residents, owners, assets of the community), background research and findings regarding mobile homes, and to discuss the preliminary analysis of options for the Ponderosa Mobile Home Park and the vacant parcel at the Foothills Community.

### **CITY PRE-DISASTER RECOVERY PLANNING**

Efforts to create pre-disaster recovery plans for city and community recovery are underway, and will continue through 2015.

### **RESILIENCE STRATEGY**

The [resilience strategy](#) (funded through the 100 Resilient Cities program) is nearing completion of Phase 1. Additional information was included in the March 31, 2015 Study Session packet.

*The header photos were taken at the Sept. 10, 2014 "The Boulder Flood: One Year Later" afternoon and evening events.*



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager  
Greg Testa, Chief of Police

Date: April 21, 2015

**Subject: Information Item: Review General Order 240, In-Car Cameras, Body Worn Cameras and Personal Recording Devices**

---

### EXECUTIVE SUMMARY

The 2015 Boulder Police Department (BPD) budget included approval to purchase body worn cameras for all uniformed officers. The initial order for thirty cameras was placed in early December of 2014 and an additional 120 were ordered the last week in March. Due to the high demand nationwide, the original order has been delayed with an expected arrival date in April or May.

Boulder Police Department Management Staff revised the current in-car camera general order (GO240) to include verbiage on body cameras. It was adopted after it was modified by the city attorney's office and reviewed by the city manager.

### FISCAL IMPACT

Equipping all uniformed officers will require the purchase of 150 cameras and carry total costs of \$103,500, comprised of \$74,250 in one-time expense and \$29,250 in ongoing expense (for maintenance and replacement). The police department identified \$16,500 one-time funds within their existing budget, reducing the budget impact in 2015 to \$87,000.

A cost savings occurs by using the same vendor who provides the current in-car camera system as their software is already in use at the department.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic:** The use of body worn cameras can reform the behaviors of the general public and police which results in fewer grievances and reduces the costs of litigation and staff time investigating complaints. Cameras can serve as a useful training tool to help improve performance.
- **Environmental:** There are no known environmental effects associated with body worn cameras.
- **Social:** Body worn cameras will be used by officers during their shifts to record enforcement actions, contacts with individuals involved in actual or potential criminal activity, contacts or situations that may become adversarial, suspicious incidents, any situation involving a crime where a body worn camera may aid in the apprehension and/or prosecution of a suspect and any other contact or situation where the officer believes that a recording would be appropriate and/or valuable to document an incident. Body worn cameras can increase the community's confidence and trust in the police and create an additional level of transparency for the police department. Using the body worn cameras can improve customer service. They can identify officers who abuse authority or commit misconduct and assist in correcting questionable behavior before it reaches an unacceptable level.

## **BACKGROUND**

This general order was updated and adopted after extensive research was conducted into nationwide best practices, including the International Association of Chiefs of Police (IACP) and the Police Executive Research Forum (PERF). A substantial number of agencies throughout the country have commenced installation of a body worn camera program. Body worn cameras are to be used in conjunction with official law enforcement duties only.

## **ANALYSIS**

Over the past decade, advances in technologies used by law enforcement agencies have been accelerating at an extremely rapid pace. Police departments that deploy body worn cameras are making a statement that they believe the actions of their officers are a matter of public record. Body worn cameras are useful for documenting evidence, officer and resident contacts and preventing and resolving complaints from community members. They help improve the high-quality type of public service expected of police officers and promote procedural justice that communities have about their police departments. Furthermore, research shows that departments who have already deployed the cameras say they improve performance of officers as well as the conduct of the community members who are recorded. Body worn cameras can increase accountability, but police agencies must also find a way to preserve the informal and unique relationships between police officers and the people they serve. It is essential that a comprehensive general order respect the privacy of community members and officers and be established before the initial rollout of the cameras. The general order will be continuously updated as officers encounter new situations and courts issue judicial rulings.

## **NEXT STEPS**

Before police officers are equipped with body worn cameras, they will receive training to include all practices and protocols covered in the general order, an overview of relevant state laws, procedures for operating the equipment safely and effectively, downloading and tagging recorded data, accessing and reviewing recorded data and documenting and reporting any

malfunctioning device or supporting system. Refresher training on use of the body worn cameras will be required each year. Periodic reviews of the general order will be conducted taking into account new technologies, compliance with new laws and ensuring it reflects the most up-to-date research and best practices. BPD will inform the community before the initial roll-out of the body worn cameras.

**Attachment A** – General Order 240, In-Car Cameras, Body Worn Cameras and Personal Recording Devices

**Boulder Police Department**

**General Order 240**

**In-Car Cameras, Body Worn Cameras and  
Personal Recording Devices**

Effective: \*\*\*, 2014

Replaces: General Order 240, November 11, 2010

- 240-1 In-Car Cameras (ICC)**
- 240-2 Body Worn Cameras (BWC)**
- 240-3 Additional Guidelines**
- 240-4 Personal Recording Devices**
- 240-5 Retaining or Sharing of Recordings Prohibited**
- 240-6 Retention of Recordings**

**POLICY**

In-car cameras (ICC) and body worn cameras (BWC) can provide useful documentation in the prosecution of criminal and traffic cases and of police and citizen actions during contacts. The purpose of this general order is to establish guidelines for Boulder Police Department officers that allow them to use the ICC and BWC legally, effectively and appropriately while performing their duties. Any recorded audio or video images captured by these systems are the property of the Boulder Police Department and are governed by this general order and the department's guidelines for the handling of those images.

**PROCEDURES**

**240-1 In-Car Cameras (ICC)**

**A. Placement and Operation of Equipment**

All ICC equipment shall be installed in a manner which ensures the system can be activated automatically when the vehicle's emergency lights are activated,

manually by the officer via a wireless transmitter and manually by the officer from within the police vehicle. The ICC will also be activated automatically if the police vehicle is involved in a collision or if the vehicle exceeds a preset speed as determined by the chief of police. The ICC also has a pre-event recording feature that can be set to record between 30 to 90 seconds prior to a triggering event. Pre-event recordings do not capture audio.

Officer safety and collection of evidence will be the primary considerations for placement of the system components within the vehicle and the use of the equipment. Officers will be provided with training in the use and operation of the ICC prior to use.

At the beginning of each shift, all officers assigned to a vehicle equipped with an ICC will perform a pre-operational inspection to ensure the video camera and the wireless microphones are operational and functioning properly. Any

malfunctions of the ICC will be reported to an on-duty supervisor prior to going in-service. The supervisor will then determine if the officer takes his/her assigned vehicle or a replacement for that shift.

The ICC is used for audio/video recording of the following incidents that occur within camera and/or audio range:

1. Traffic stops including DUI's;
2. Pedestrian contacts;
3. Emergency responses;
4. Motor vehicle pursuits;
5. In-custody transports;
6. Crimes in progress; and
7. At the officer discretion, any incident in which he/she would like to have video/audio documentation.

When the ICC is activated, officers ensure the audio portion is also activated so all events are properly documented. Officers may choose to narrate events to provide documentation for later courtroom presentation. Even when out of the view of the ICC, officers may use the audio recording component of the ICC to record that portion of a contact.

#### B. Officer Responsibility

1. Officers log into the ICC system at the beginning of their shift. The log-in process will pre-fill data fields identifying the officers and their vehicles. The date and time stamp information can then be verified by the officers.

2. With the exception of police radios, officers shall ensure the volume from other electronic devices within the police vehicle does not interfere with ICC recordings.
3. Officers will notify a supervisor of significant recorded events or any recorded event a reasonable officer would believe is likely to result in a complaint.
4. ICC recordings will be wirelessly downloaded at Boulder Police Department facilities.
5. Officers shall input additional information to further identify each specific digital record. Some examples include suspect's name, summons number, plate number and location. Officers are authorized to review their ICC recordings, when practical, prior to completing their reports. Officers will note in their reports/summons if the event was recorded using the ICC.
6. ICC recordings are not intended to replace photographs of a crime scene, or to be used for documentation in place of a written report.

Once recording begins, officers record the incident until it concludes. Officers are not required to cease recording for anyone except at the officers' or supervisors' discretion. The ICC has the ability of being temporarily "muted." Officers may use this feature as necessary to confer with others during the course of an investigation to have private conversations not related to the investigation, or that involve case tactics or strategy. As soon as the private conversation is com-

pleted, the officer will reactivate the audio portion of the recording.

Officers should assume they are being recorded whenever in the vicinity of an officer or vehicle equipped with ICC.

### C. Supervisor Responsibility

1. Ensure department policies and procedures regarding ICC recording systems are followed.
2. Supervisors will make the decision whether a vehicle without an operable ICC will be placed into service.
3. Supervisors who are informed or otherwise become aware of malfunctioning ICC equipment shall ensure that information is forwarded in a manner to quickly address the equipment issue.
4. Supervisors who are advised of a significant event captured on the ICC will review it with the officer, note it in their watch log and inform others of the incident as appropriate.
5. Supervisors will routinely review ICC recordings for evaluation, training, compliance or other work related purposes.

## 240-2 Body Worn Cameras (BWC)

### A. Placement and Operation of Equipment

BWCs are issued primarily to uniformed officers. Officers who are assigned BWCs shall use the equipment in compliance with this policy.

BWCs shall be worn in a manner which ensures effective recording documenta-

tion and allows the system to be manually activated by the officer.

If the BWC has the ability of being temporarily “muted,” officers may use this feature as necessary to confer with others during the course of an investigation to have private conversations not related to the investigation or that involve case tactics or strategy. As soon as the private conversations are completed, officers will reactivate the audio portion of the recording.

Officers should assume they are being recorded whenever in the vicinity of a BWC. Officers will be provided with training in the use and operation of the BWC system prior to use.

### B. Required Activation of BWCs

This policy is not intended to describe every situation in which BWCs may be used. It is understood that not all incidents will clearly start out as needing recording or have a clear ending when the BWC is no longer needed. In these circumstances, officers use discretion when activating and deactivating BWCs.

At no time are officers expected to jeopardize their safety in order to activate their BWC. However, the recording should be activated in required situations as soon as practical.

BWCs are activated to record:

1. In-progress crimes, enforcement actions or activities;
2. Contacts with individuals involving actual or potential criminal conduct;

3. Contacts or situations that may be adversarial and during uses of force;
4. Suspicious incidents;
5. Any situation involving a crime where the BWC may aid in the apprehension and/or prosecution of a suspect; and
6. Any other contact or situation where the officer believes that a recording would be appropriate and/or valuable to document an incident.

Once recordings begin, officers record incidents until conclusion. Officers are not required to cease recording except at the officers' or supervisors' discretion, as otherwise restricted by this policy, or when the need to gather evidence no longer exists.

Officers may choose to narrate events to provide documentation for later courtroom presentation.

#### C. Officer Responsibility

1. BWC equipment is the responsibility of the individual officer and will be used with reasonable care to ensure proper functioning. At the beginning of each shift, officers assigned a BWC will perform a function test to ensure the equipment is operating properly. Equipment malfunctions shall be brought to the attention of a supervisor as soon as practical.
2. Officers will ensure that appropriate information is entered into the BWC system to identify which officer is using the BWC and to properly classify or tag recordings. The information includes the officer's name, date and

time, employee number and other information as required.

3. Officers will notify a supervisor of a significant recording event or one that will likely result in a complaint.
4. Officers are authorized to review their BWC recordings, when practical, prior to completing their reports.
5. Officers will note in their reports/summonses if an event was recorded using a BWC. When an authorized event was not recorded, or if recording stopped during the event, officers will describe the circumstances as to why. If the type of call/incident does not result in a report/summons, officers may narrate why the recording activation was delayed or recording was stopped on camera.
6. BWC recordings are not intended to replace photographs of a crime scene, or to be used for documentation in place of a written report.
7. Officers ensure BWC recordings are downloaded to a server at the end of their shift.

#### D. Restrictions on Using the BWC

BWCs shall be used in conjunction with officers' official law enforcement duties. The BWC should not be used to record:

1. Communication with police personnel during routine non-enforcement related activities.
2. Encounters with undercover officers or confidential informants.

3. Conversations that involve case tactics or strategy.
4. When on break or otherwise engaged in personal activities.
5. Sexual assault victim interviews.
6. Any location where individuals have a reasonable expectation of privacy, such as a private conversation, restroom or locker room.

#### E. Supervisor Responsibility

1. Ensure department policies and procedures regarding BWCs are followed.
2. Supervisors who are informed or otherwise become aware of malfunctioning BWC equipment shall ensure that information is forwarded in a manner to quickly address the equipment issue.
3. Supervisors who are advised of a significant event captured on a BWC will review it with the officer, note it in the watch log and inform others of the incident as appropriate.
4. Supervisors routinely review BWC recordings for evaluation, training, compliance or other work related purposes.

#### 240-3 Additional Guidelines

- A. Recording from the ICCs and the BWCs are treated as evidence and are the property of the Boulder Police Department. Department members may not disseminate or view these outside the scope of their law enforcement duties. This is strictly prohibited without the specific

authorization of the Chief of Police or his/her designee.

- B. Recordings from the ICCs and BWCs are criminal justice records unless otherwise classified as a personnel record. Upon approval of the Chief of Police or designee, recorded images and audio may be provided to the public when requested and still available, unless such recordings are part of an on-going investigation or personnel record and release of recordings would jeopardize the investigation, or it is determined disclosure would be contrary to the public interest per CRS 24-72-305. The department may charge reasonable fees for providing copies of the recordings.
- C. Prior to release of video or audio records related to an on-going investigation, the Operations Deputy Chief or designee will be consulted and recordings will be reviewed to determine suitability for public release. In the case of personnel records, the Professional Standards Unit Supervisor will be consulted and department members will be provided notice if a personnel record is to be released.

#### 240-4 Personal Recording Devices

Officers generally use department issued equipment for video, photographic or audio recording. Use of personal audio equipment is allowed for report or note taking purposes.

On rare occasions where officers capture video, photographic, or audio recordings taken for evidentiary purposes on personal equipment, the recordings become the property of the Boulder Police Department. The evidence and personal equipment is handled in accordance with General Order 207, Digital Evidence Capture and Storage.

### **240-5 Retaining or Sharing of Recordings Prohibited**

Employees do not retain or share video, photographic, or audio evidence obtained in the performance of their duties outside the department without expressed permission from the Chief of Police, regardless of whether personal or department equipment was used. This includes posting on personal or public social media sites, internet sites, cell phones, or any other electronic or digital device.

This does not prohibit the department from taking video or photographs at various activities, incidents or crime scenes that are intended to be used for historical, educational, informational or training purposes.

### **240-6 Retention of Recordings**

Storage space is limited. Therefore, all recordings stored on the server are generally retained according to the schedule listed below and are minimum retention timeframes, in compliance with the city's records retention schedule ordinance. Recordings will be maintained for longer periods when such recordings have been identified as necessary to retain for a longer period of time as evidence for prosecution, civil liability cases, criminal investigations, administrative investigations, or other department needs (retained recordings).

- Traffic or pedestrian contact; 30 days (no summons).
- General enforcement actions or activities, for example bar checks, suspicious incidents and all other similar types of actions; 30 days (no summons); 120 days (summons).
- Traffic or pedestrian contact; 120 days (summons).

- Anticipated citizen complaints; 120 days.
- DUI arrest; 18 months.
- Misdemeanor investigation and/or arrest; 18 months.
- Felony investigation and/or arrest; 3 years.

In cases of criminal prosecution, recordings will be retained until the evidence is no longer needed and a release is obtained from the City Attorney's Office or the District Attorney's Office.

In cases where the department has reason to believe a civil liability lawsuit will be filed against the city, recordings are retained for a minimum of 2.5 years.

In the event a civil lawsuit is filed, recordings will be retained until the final disposition of the case, including appeals, is completed and the City Attorney's Office has signed a release for the evidence.

In cases of administrative investigations, copies of recordings will be retained in the Professional Standards Unit according to the purging schedule in GO120, Professional Standards Investigations.

With reasonable justification, any officer may place a hold on a recording for a practical amount of time for any of the purposes listed above. Retained recordings will be assessed for continued retention on a regular basis, but no less than once per year. Property and Evidence will ask the original requesting officer if retained recordings can be erased. The final decision for erasing retained recordings must be approved by the Property and Evidence Commander.

**CITY OF BOULDER**  
**BOULDER DESIGN ADVISORY BOARD MINUTES**  
**March 11, 2015**  
**1777 Broadway, 1777 West Conference Room**

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/>

**BDAB MEMBERS PRESENT:**

Michelle Lee  
David Biek  
Jamison Brown  
Jeff Dawson

**PLANNING BOARD EX-OFFICIO MEMBER PRESENT:**

Bryan Bowen

**STAFF PRESENT:**

Sam Assefa, Senior Urban Designer  
Sloane Walbert, CP&S Planner I

**BOARD DISCUSSION:**

**1. Approval of Minutes**

BDAB approved the February 11, 2015 BDAB minutes.

**2. Natural Grocers**

BDAB provided feedback on the project according to the Design Guidelines and the following review criteria:

- 3.1.B Locate the buildings close to the street*
- 3.1.C Locate the buildings at street corners*
- 3.1.D Maximize street-frontage of buildings*
- 3.1.E Lay out site to support pedestrian circulation*
- 3.1.F Useable outdoor space should be integral to the plan*
- 3.6.B Locate and design open space to encourage use*
- 5.1.A Break down the mass of the building*
- 5.2.A Orient the building to the street*
- 5.2.B Address the street corner*
- 5.2.C Emphasize building entrances*
- 5.2.D Avoid large blank walls*
- 5.2.E Provide pedestrian interest on the ground level*
- 5.2.F Design all sides of the building*
- 5.2.I Use human-scale exterior materials*
- 5.2.J Select high-quality exterior materials*

## BOARD COMMENTS:

**J. Brown** suggested shifting the green space so that it is contiguous with the existing parklet. No parking would be lost, a walk path could be installed that leads to the front door instead of to the loading dock, and the stormwater component could be installed. This would create one large central green space in that PUD instead of two unusable green spaces.

**J. Dawson** suggested adding elements that are actually usable rather than having a detention pond in this space. There may be ways to reorganize the parking such as moving some parking to the other side of the drive close to the entry.

**J. Brown** pointed out that bikers will not come from the Pearl Street side, but from the Spruce Street side so it would be more convenient to have the majority of the bike parking on that side of the building. He questioned whether or not cutting down an established tree to install two bike parking spaces is a good trade off.

**M. Lee** suggested moving the glass on the Pearl Street side of the building to the north side of the building where there will be more pedestrian traffic. Put signage and less glass on the Pearl Street side and move the glass to the north side to add more transparency. There was no consensus from the rest of the board on this point.

She also suggested moving the demonstration kitchen and community area near the overhead roll-away door and adding more glass to increase their visibility. Simplify and minimize the southeast corner and focus on the northeast corner where that transparency makes more sense.

**J. Brown** recommended that the demonstration kitchen be on the Pearl Street side. The Master Plan calls for the active side to be along Pearl Street even though most customers will not be coming from that side.

**J. Brown** suggested putting windows in the nutritionist's office and the break room which would open up those spaces as well as that part of the store that does not have any natural light.

**J. Dawson** noted that the window system has room for improvement. The current detailing of the windows is not traditionally what is seen on storefronts. He suggested reorganizing the store so that there is a regular rhythm of storefront-like openings.

**D. Biek** recognized that, since it is a grocery store, it cannot have glass all the way around the building. He thought that the degree of transparency and the basic planning of the store were smart, but the architecture could be simplified.

**D. Biek** commented that the mural would need to be very urban and sophisticated in order to take up such a large portion of the outer wall. Another option for large, blank exterior walls is growing plants up the side.

**J. Brown** agreed and would rather see interesting architecture as opposed to covering up the wall with a mural.

**J. Dawson** suggested keeping good architecture on the outside and art on the inside of the building. If the mural were to be removed, no additional patterning, windows or change of architecture would be needed.

**M. Lee** thought that the mural on the south side looked too applied and that the west elevation would be a better location. She suggested simplifying that corner by consolidating the brick into one volume and simplifying the roof line that way if the mural did end up on that side it would be recessed and well framed.

**D. Biek** thought that Pearl Street would not be the right location for the mural because the store needed to have as much transparency as possible. If a mural is added, perhaps panelizing it and/or making it more abstract would aid in creating a more urban look.

**J. Brown** suggested transplanting some of the landscaping planted by Olive Garden to the west elevation. He recommended not spending too much on this side since it is considered the back side of the building.

The board generally did not support the murals.

**J. Dawson** suggested removing some of the brick from the west elevation and adding more brick to the north and south elevations.

**J. Brown** recommended using a different material for the siding which he thought looked somewhat harsh.

**J. Brown & D. Biek** agreed that panelized siding would work well.

**J. Brown** noted that a goal of the Boulder Valley Comprehensive Plan is to create a commercial, mixed use experience along Pearl Street. Providing appropriate access is more important than trying to match a residential building material on a commercial building.

Board members generally agreed that the proposed color scheme worked well.

**M. Lee** brought up an issue with the brick that was above the glass on the northeast elevation. She commented that the glass on the storefront with eight feet of brick above it was not believable. If the glass and brick stay it may help to add a beam in between the two materials.

**J. Brown** thought that the mezzanine area seemed too weighty with the columns. He suggested putting in windows and possibly putting the mural inside the mezzanine if more glass was added. Making the mezzanine a two-story glass space on the southeast corner would not only create a sharper look, but it is also a prominent corner for advertising and it would be smart to use the architecture as a wayfinding element.

**J. Dawson** noticed that there needs to be more cohesiveness between all of the different looks of the building and suggested creating more of a consistent rhythm throughout each elevation.

**M. Lee** commented that it is important to focus on how to wrap the corners and to make the transition of materials more subtle. She also recommended simplifying the two different roof heights on the north elevation as well as the two different materials used on the roof line of the east elevation.

**J. Dawson** recommended that the applicants be more restrained and more thoughtful about the proportions of the building design.

**J. Brown** suggested that when using green screens like panels to make sure that there is a correlation between that and the landscape plans.

### PLANNING BOARD EX-OFFICIO COMMENT

**B. Bowen** brought up the point of differentiating between users of the store and the general public where the urban interface actually is. The more important frontage is Pearl Street and Planning Board will probably weigh heavier on that side as well.

#### 3. Board Matters

The Design Guidelines are redlined and **F. Hoffman** is currently making revisions and will send them in the next couple of weeks. The Design Guidelines are what will exempt the downtown area from the building height moratorium. There may be a joint board meeting with Planning Board, Landmarks Board, and BDAB since the Landmarks Board has jurisdiction over the historic districts in the Design Guidelines.

Interviews are being finalized for two consultants for the Form Based Code initiative.

APPROVED BY:

  
\_\_\_\_\_  
Board Chair

4.8.15  
\_\_\_\_\_  
DATE

**CITY OF BOULDER  
LANDMARKS BOARD  
April 1, 2015  
1777 Broadway, Council Chambers Room  
6 p.m.**

The following are the “*unapproved and unsigned*” action minutes of the April 1, 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](http://www.boulderplandevlop.net).

**BOARD MEMBERS:**

Kate Remley, Vice Chair  
Mike Schreiner  
Fran Sheets

**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, Vice Chair **K. Remley** declared a quorum at 6:20 to discuss Action Item Structures of Merit and then the Board reconvened at 6:54 p.m. and the remaining business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **K. Remley**, seconded by **M. Schreiner**, the Landmarks Board approved (3-0) the minutes of the March 4, 2015 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. Structures of Merit Informational Session**

**M. Cameron** gave a presentation regarding information on the Structures of Merit program.

- B. Public hearing and consideration of a Landmark Alteration Certificate to expand existing carriage house into a larger garage at 541 Highland Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2015-00029). Applicant: Barbee James. Owners: Christopher and Jennifer Centeno.**

The applicant withdrew their application for redesign.

- C. Public hearing and consideration of a demolition permit for the house and five accessory buildings located at 1035 Kalmia Ave., non-landmarked buildings over 50 years old, pursuant to Section 9-11-23 of the Boulder Revised Code (HIS2014-00364). Applicant/ Owner: Carlo Gallegos, AGR Building.**

**Motion**

On a motion by **M. Schreiner**, seconded by **K. Remley**, the Landmarks Board issued (3-0) a stay of demolition for the building located at 1035 Kalmia Ave., for a period not to exceed 180 days from the day the permit application was accepted by the city manager, in order to explore alternatives to the demolition of the building, and adopted the following as findings of the board:

A stay of demolition for the house at 1035 Kalmia Ave. is appropriate based on the criteria set forth in section 9-11-23(f) B.R.C, in that the identified property:

1. May be eligible for individual landmark designation based upon its historic, architectural, and environmental significance;
2. Contributes to the character of the neighborhood as an intact representative of the area's past;
3. Has not been demonstrated to be impractical or economically unfeasible to rehabilitate and add onto the existing house.

**6. MATTERS FROM THE LANDMARKS BOARD, PLANNING DEPARTMENT AND CITY ATTORNEY**

- A. Update Memo
- B. Subcommittee Update
  - 1) Demolition Review Process
  - 2) Design Guidelines and Code Revisions
  - 3) Outreach and Engagement
  - 4) Potential Resources

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The meeting adjourned at 8:41 p.m.

**CITY OF BOULDER  
LANDMARKS BOARD  
March 4, 2015  
1777 Broadway, Council Chambers Room  
6 p.m.**

The following are the action minutes of the March 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](http://www.boulderplandevlop.net).

**BOARD MEMBERS:**

Mark Gerwing, Chair

Kate Remley

Fran Sheets

Deborah Yin

\*Liz Payton

*\*Planning Board representative without a vote*

**STAFF MEMBERS:**

David Gehr, 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) the minutes as amended of the February 4, 2015 board meeting.

**3. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA**

- **Chuck Sanders**, 2055 Kohler Dr., representing Historic Boulder, Inc., spoke in support of future landmark designation of the Atrium Building located at the corner of 13<sup>th</sup> St. and Canyon Blvd.
- **Kristen Lewis**, 511 Pleasant St., representing Historic Boulder, Inc., spoke in support of future landmark designation of the Atrium Building located at the corner of 13<sup>th</sup> St. and Canyon Blvd.
- **Abby Daniels**, 1123 Spruce St., Executive Director of Historic Boulder, Inc., spoke in recognition Mark Gerwing's tenure as chair of the Landmarks Board.

**4. DISCUSSION OF LANDMARK ALTERATION AND DEMOLITION APPLICATIONS ISSUED AND PENDING**

- **Statistical Report**

**5. ACTION ITEMS**

- A. Public hearing and adoption of amendments to the General Design Guidelines for Local Historic Districts and Individual Landmarks to create pool guidelines pursuant to the rulemaking procedures set forth in Chapter 1-4, B.R.C. 1981.**

**Staff Presentation**

**J. Hewat** presented to the board, recommending that the Landmarks Board approve the proposed guidelines.

**Public Hearing**

No public comment.

**Motion**

On a motion by **M. Gerwing**, seconded by **K. Remley**, the Landmarks Board approved (4-0) the proposed guidelines to become Section 2.7 “Pools” of the General Design Guidelines for Historic District and Individual Landmarks pursuant to the rulemaking procedures set forth in Chapter 1-4, B.R.C. 1981 and adopt the staff memorandum dated March 4, 2015 as findings of the board.

**6. MATTERS FROM THE LANDMARKS BOARD, PLANNING DEPARTMENT AND CITY ATTORNEY**

**A. Update Memo**

- City Attorney **D. Gehr** answered questions from the Board regarding the appropriateness of Board members conducting independent research in a quasi-judicial hearing. **D. Gehr** advised against independent research but did not prohibit against it. In addition, he stated that if research has been done, that Board members should to follow the procedure of full disclosure.

**B. Subcommittee Update**

- 1) Demolition
- 2) Design Guidelines and Code Revisions
- 3) Outreach and Engagement
- 4) Potential Resources

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The meeting adjourned at 8:13 p.m.

Approved on April 1, 2015

Respectfully submitted,

  
\_\_\_\_\_  
Chairperson

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**March 5, 2015**  
**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 Gerstle  
Leonard May  
Liz Payton  
John Putnam

**PLANNING BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

Charles Ferro, Director of Current Planning  
Hella Pannewig, Assistant City Attorney  
Susan Meissner, Administrative Assistant III  
Sloane Walbert, Planner I  
Chandler Van Schaack, Planner I  
David Thompson, Civil Engineer II- Transportation  
Carl Castillo, Policy Advisor

**1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 5:06 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

There were no minutes scheduled for approval.

**3. PUBLIC PARTICIPATION**

No one from the public spoke.

**4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/  
CONTINUATIONS**

**A. Call Up: Use Review (LUR2015-00007) to expand the hours of operation for the "Boulder Beer Company" brewery and restaurant use, located at 2880 Wilderness Place. The call-up period expires March 12, 2015.**

This item was not called up.

## **5. PUBLIC HEARING ITEMS**

**A. USE REVIEW for a 3,509 square foot tavern located at 921 Pearl Street with an outdoor patio, which shall not exceed 712 square feet in size, closing no later than 2:00 a.m. (LUR2014-00081). Proposal will establish a 'tavern' with outdoor seating where there is currently a 'restaurant' with outdoor seating (Bacaro). Property is located in the DT-2 (Downtown 2) zone district.**

**Applicant: Jason Rappaport**

**Owner: West Pearl LLC**

**L. Payton** recused herself from agenda item 5A.

### **Staff Presentation:**

**S. Walbert** presented the item to the board.

### **Board Questions:**

**S. Walbert** answered questions from the board.

### **Applicant Presentation:**

**Jason Rappaport**, the applicant, presented to the board.

**Ricardo Cabrera**, the marketing coordinator for World of Beer, presented to the board.

### **Public Hearing:**

- 1. Eli Feldman, 410 Alpine Avenue**, owns the building and works upstairs. He noted that the previous tenant was open until 2am seven days per week. This tenant has reduced their hours of operation in response to community concerns. He felt that the reduced hours were an enormous concession and that the balance was reasonable.
- 2. Amanda Croy, 924 Spruce Street**, lives on an alley that would share with the World of Beer. She expressed concern about the hours of operation until 2am adjacent to a residential area.
- 3. Brooke Palumbo, 1003 Spruce Street**, is a neighbor and had some concerns about the direction of the West Pearl neighborhood and the size. She was pleased with the amendment of hours but would like to see them reduced on Thursday.
- 4. Phil Shull, 216 Arapahoe**, is the owner and developer of the adjacent building. He thought the amendment to the management plan would be helpful. He wanted to be a good neighbor and hoped that the
- 5. Josh Breckel, 2411 W. 35<sup>th</sup> Avenue, Denver**, works for Lefthand Brewery and noted that their partnership with the World of Beer is beneficial and very important. The clientele is not rowdy and caters to a professional crowd.
- 6. Justin Tilotta, 610 North Street**, works for Twisted Pine and advocated for the World of Beer. He felt that they were good
- 7. Mary Kittilia, P.O. Box 183, Boulder**, lives on Spruce Street and was there when Bacaro was in business. She has met with the management and been very impressed by them and their concessions. She would like to assure that there are as few beer and food deliveries as possible. They impact access to the parking spaces accessed off of the alley.
- 8. Hunter Clawson, 924 Spruce Street**, lives adjacent and parks on the shared alley. He has difficulty getting in and out of the parking spaces with delivery trucks blocking the alley.
- 9. Catherine Schweiger, Maxwell**, owns an apartment building on the south side of Spruce Street. She felt that the establishment was too large and open too late for the area.

**Board Disclosures:**

**J. Putnam** disclosed that he often walks by the LoDo, Denver World of Beer location.

**Board Comments:**

- Most members agreed that the proposal, including staff recommendations and the applicant's proposed curtailed hours of operation, was consistent with the Use Review criteria.
- Board members appreciated that the applicant proposed to amend the hours of operation in response to neighbor concerns.
- **C. Gray** thought that it was close to meeting the criteria, but cited concerns about the hours of operation and size of the establishment adjacent to a residential area.
- **A. Brockett** noted that the Front Range has been called the "Napa Valley of craft beer". He appreciated that the establishment would represent several local breweries and thought the use was appropriate.
- Members thought it was important that the World of Beer will serve food in addition to alcohol and noted that it generally targets an older demographic of the clientele.
- Other restaurants and taverns in the area have a similar intensity of use and hours of operation to those proposed by the applicant.
- Members thought that it was appropriate to eliminate the rooftop and patio earlier and to restrict live music to indoor areas. Several members strongly advocated to not alter the management plan to allow live music inside as it is an important for the vibrancy of the city.
- Members discussed neighbor concerns about the alley access from the restaurant. While it is necessary to have access for fire and service purposes, board members strongly recommended that the management find ways to discourage frequent public use. The board did not find it necessary to mandate special signage on the door or other specific measures.
- The board also discussed neighbors' concerns about delivery hours; there are inherent difficulties with sharing alleys. Trucks can block access to and from alley parking spaces and create disturbances during the early and late hours. The World of Beer agreed to work with its vendors to schedule deliveries during the hours of 8am to 6 pm and to try to avoid rush hour times. Consider means for reducing the frequency of deliveries if possible.
- **C. Gray** asked if staff was familiar with the agreements in the Downtown Alliance regarding hours and size of restaurants. The Downtown Alliance brought adjacent property/business owners and neighbors together to develop an interface zone that addressed appropriate sizes, uses and hours of operation. She recommended that a condition of approval be made to change the management plan to require that last call be made prior to the closing time and to close at midnight on Thursday nights to be congenial to the working neighbors.
- **J. Putnam** and **A. Brockett** were amenable to closing earlier on Thursday nights given the neighbor's concerns, but did not think it was a good idea to have an earlier last call or closing time than the other nearby similar establishments. There is a value to keeping a certain level of intensity on Pearl Street; creating inconsistencies in closing times could be problematic.

**Motion:**

On a motion by J. Putnam, seconded by B. Bowen, as amended, the Planning Board voted 5-1 (C. Gray opposed, L. Payton recused) to approve Land Use Review # LUR2014-00081 incorporating the staff memorandum as findings of fact and subject to the recommended conditions of approval except that:

(1) Condition 1.b. shall be replaced with the following:

The approved use shall be closed from 2 a.m. through 9 a.m. Saturday and Sunday, and from midnight through 9 a.m. on Monday, Tuesday, Wednesday, Thursday, and Friday;

(2) Strike from the management plan, on page three, first full paragraph, sixth sentence, related to scheduling of deliveries : “use its best effort to” so as to require scheduling of deliveries between 8:00 a.m. and 5:00 p.m.

A. Brockett, offered a friendly amendment to the main motion, which was accepted by J. Putnam, to additionally amend Condition 1.b. that the Applicant will cease service of food and beverage on the patio at 11 p.m. seven days a week.

C. Gray, moved to amend the main motion to include a Thursday night closing at 12 a.m. The motion to amend was seconded by L. May, and passed on a 5-1 vote (B. Bowen opposed).

Amendment by C. Gray, seconded by L. May to close at 11:30 p.m. Sunday through Thursday. The motion failed 2-4 (J. Gerstle, A. Brocket, J. Putnam and B. Bowen opposed, L. Payton recused).

J. Putnam initially included a third amendment to add special closing provisions that the last call for service shall be made by 11:30 and that patrons shall be gone by the closing time. He later removed the third amendment.

Motion for a friendly amendment by J. Putnam, accepted by B. Bowen, to remove amendment (3) related to last call for service.

**B. Public hearing and Planning Board consideration of the following items:**

- (a) Recommendation to City Council on a request to rezone the property at 1900 Folsom Street from BT-2 (Business Transitional – 2) to BR-1 (Business Regional – 1) (application no. LUR2014-00084) and**
- (b) Review and comment on a Concept Plan (application no. LUR2014-00085) proposal to redevelop the 1.28-acre property following rezoning with a new 48’ tall, four-story, 151,405 sq. ft. mixed-use building with two levels of office space and two levels containing 35 residential units.**

**Applicant: Adrian Sopher**  
**Property Owner: John Volkmar**

**Staff Presentation:**

C. Van Schaack presented the item to the board.

**Board Questions:**

C. Van Schaack answered questions from the board.

**Applicant Presentation:**

Adrian Sopher, the applicant, presented to the board.

**Public Hearing:**

No one from the public spoke.

**Board Comments:**

**Rezoning:**

- The board agreed that the rezoning was in compliance with the BVCP and makes sense given the current zoning conditions. They felt that a 0.5 FAR seemed too low for that location and thought the proposed use was appropriate.
- C. Gray felt that the lower height made it compatible with the adjacent buildings.

**Motion:**

On a motion by J. Putnam, seconded by B. Bowen, the Planning Board voted 7-0 to recommend approval of rezoning request number LUR2014-00084 to City Council incorporating the staff memorandum as findings of fact.

**Concept Plan:**

- The board thought the use was appropriate for the neighborhood and agreed that it would be appropriate to have office space on the bottom floor with residential above.
- Consider landscape design and sightlines as they relate to the curb cut to ensure optimal pedestrian and biking safety.
- Enhance the pedestrian experience around the building through architecture and landscape.
- The board appreciated that the project will have underground parking and only one curb cut. Remove the drive lane around the back of the building if possible and move cars underground as quickly as possible upon entering the site.
- Reduce the number of surface parking spots and consider using permeable pavers for the remaining handicap and/or service parking spots.
- Convert the area gained from removing surface parking spots to private open space for residents.
- Unbundle and share parking in the garage between daytime and nighttime uses.
- Create a space in the building for residents to store and work on bikes and skis.
- Members agreed that the existing building was not salvageable. L. Payton suggested that the next building be of a caliber and construction typology that would make it enduring.
- Most members liked the general direction of the architecture but felt that it should be significantly simplified. Given that the building is three instead of four stories, it does not need to work to break up the massing.
- L. Payton suggested that the color and materials relate to the adjacent Mike's Camera building for cohesion; design the building to have an identifiable bottom, middle and top.

- **B. Bowen** liked the proposed imagery and architectural character in the applicant's submittal materials. Consider co-op housing choreography principles for hallways and shared spaces.
- The board liked the glazed element on the southwest corner of the building; the breakdown of the building creates interest, relates well to the Mike's Camera building, and enlivens the street.
- Most members liked the ground level windows along Folsom. **L. Payton** felt that a glass facade made for an uncomfortable pedestrian experience and recommended adding a sill and/or reducing the size of the windows.
- Provide renderings showing the pedestrian experience around the buildings. Create an appealing experience; Walnut and Folsom are important corridors.
- Consider introducing opportunities for co-op living in this building and incorporating planters on south-facing balconies.
- Members agreed that it would not be necessary for the applicant to return for a second concept review, but thought that it could be helpful.

**C. Public hearing and consideration of the Knapp Subdivision Final Plat (TEC2013-00057): Final Plat to subdivide one 0.5-acre developed lot at 3050 15<sup>th</sup> St. in the RL-1 zone district to create 2 new residential lots: Lot 1 (9,605 s.f.) and Lot 2 (12,176 s.f.). Lot 1 will contain the existing single family home.**

**Owners:** Chuck & Ellen Knapp

**Staff Presentation:**

C. Van Schaack presented the item to the board.

**Board Questions:**

C. Van Schaack and C. Ferro answered questions from the board.

**Applicant Presentation:**

Chuck Knapp, the applicant, presented to the board.

**Public Hearing:**

1. **Bill De Oreo, 3030 15<sup>th</sup> Street**, lives to the south of the proposed subdivision. He felt that the character of the neighborhood is dependent upon the large lots. Should this be approved, he recommended that a second house be limited to a single story home. He did not like the precedent that this would set for the neighborhood.
2. **Paula Schulte, 3030 15<sup>th</sup> Street**, did not think that subdivision would benefit the neighborhood and that there would be long-term unintended consequences.
3. **John Gilbert, 3040 15<sup>th</sup> Street**, is the neighbor to the south. He feared that a large and ugly house would be built on the lot. He felt that 16<sup>th</sup> Street was purposefully left out to allow for deeper lots on 15<sup>th</sup> Street. These homes used to be businesses and had septic systems; consider potential environmental factors.
4. **Charles Stern, 3025 15<sup>th</sup> Street**, spoke about the demolition issue. He asked the city to be vigilant about the demolition and financial guarantee.
5. **Cathy Regan, 3010 15<sup>th</sup> Street**, cited concerns about nature, traffic and safety. The street dead-ends and may be adversely impacted by the additional traffic.

6. **Pam Johnson, 3045 17<sup>th</sup> Street**, was concerned that this might set a precedent for the neighborhood. She did not know whether this would strain the infrastructure, walkability and safety of the area. She felt that realtors, appraisers and lenders are driving the character of the neighborhood.

**Board Comments:**

- The board sympathized with the neighbors' concerns but must abide by the established code that allows for the subdivision.
- **C. Gray** recommended that the Planning Board discuss and propose to City Council criteria for smaller homes and ADUs in established neighborhoods at a future date.
- To address neighbors' concerns, board members made several recommendations including:
  - o requesting that City Council consider future legislation for subdivision and conservation easements in existing neighborhoods;
  - o entering into private property law agreements binding one another not to subdivide; this option would avoid the need for City approval;
  - o requesting that the city pilot the neighborhood as a conservation district as it is considered of the post-war era.

**Motion:**

On a motion by **A. Brocket**, seconded by **J. Putnam**, the Planning Board voted 5-2 (**C. Gray** and **L. Payton** opposed) to approve Technical Document Review # TEC2013-00057 for the **Knapp Subdivision incorporating this staff memorandum and the Final Plat Subdivision Review Criteria as findings of fact.**

**D. Public hearing and consideration of a Site and Use Review (LUR2014-00057) to construct one new 2,850 square foot, single story Bank of America building with a drive thru facility on the pad site at 1965 28<sup>th</sup> St. The proposal also includes improvements to the existing parking area serving the pad site as well to the parking area adjacent to the Hazels liquor store. The project site is zoned Business – Regional 1 (BR-1).**

**Applicant:** Bruce Dierking  
**Owner:** ANDRE FAMILY PARTNERSHIP, RLLLP

**Staff Presentation:**

**C. Van Schaack** presented the item to the board.

**Board Questions:**

**C. Van Schaack** answered questions from the board.

**Applicant Presentation:**

**Bruce Dierking**, the applicant, presented to the board.  
**Carol Adams** from Studio Terra presented to the board.

**Public Hearing:**

No one spoke.

**Disclosures:**

- **L. Payton** spoke with a member of Community Cycles and requested that they provide input on the item.
- **Brockett** received a tweet on the item.

**Board Comments:**

- **L. Payton** thought the new information presented was helpful. She no longer felt concerned about the ditch, but had some reservations about the drive-thru. On balance, she thought the proposal met the criteria.
- **J. Putnam** thought the proposal met the criteria. He was glad to see improvements made to the parking lot circulation. He shared some misgivings about the drive-thru but thought this was as good of a drive-thru as possible.
- **J. Gerstle** did not think that drive-thrus should be permitted in Boulder and felt that the intrusion into Open Space was unacceptable. He opposed the project.
- **A. Brockett** thought the proposal met the criteria and found the new information presented helpful. He did not like the drive thru but appreciated that it would not require a new curb cut.
- **B. Bowen** thought the proposal met the criteria and appreciated that the building was sited closer to the street. 28<sup>th</sup> Street is the appropriate location for drive-thrus in Boulder.
- **L. May** thought the proposal met the criteria for the ditch but did not think the drive-thru met the criteria. He would not support the project as presented because he does not feel that Boulder should be supporting drive-thrus.
- **C. Gray** thought it was important to sort out the drive-thru culture in town. In the absence of solid policy from TAB, she would support the proposal. She appreciated having the parking lot reorganized and the bike connections.

**Motion:**

On a motion by **J. Putnam**, seconded by **A. Brockett**, the Planning Board voted 5-2 (**J. Gerstle** and **L. May** opposed) to approve the Site and Use Review application LUR2014-00057, adopting the staff memorandum as findings of fact, including the attached analysis of review criteria, and subject to the recommended conditions of approval.

**E. Public Hearing and Consideration of Recommendations to City Council regarding a proposed ordinance allowing for production and sale of certain foods in residential zone districts, amending section 9-6-3(e) “Specific Use Standards – Residential Uses”; amending section 9-9-21 “Signs” and adding a new Chapter 6-17 “Cottage Foods.”**

**Staff Presentation:**

**C. Castillo** presented the item to the board.

**Gina Baer** from Boulder County Health presented to the board.

**Board Questions:**

**C. Castillo** answered questions from the board.

**Public Hearing:**

1. **Elizabeth Black, 4340 N. 13<sup>th</sup> Street**, clarified some of the items. She did not think that there should be a limit to the size of gardens; it is more beneficial than a large house or lawn to mow. She referenced her good neighbors tips list; they are things that cannot be codified and are meant to be friendly. She thought that the city's pest, noise, odor and nuisance ordinances already covered many of the issues that could arise.

**Board Comments:**

- **J. Putnam** recommended that the Cottage Foods industry prepare a pamphlet or handout that participants could provide to neighbors to explain Cottage Foods production.
- The board applauded the communication and goodwill section of the handout provided by Elizabeth Black.
- Members noted that the 7am start time is consistent with the city's noise ordinance.
- The board thanked staff for bringing this forward quickly and for the expedited process.
- Put together a short, one page fact sheet about what is and is not allowed.
- **J. Putnam** recommended that activities in accessory structures be addressed.

On a motion by C. Gray, seconded by L. Payton, the Planning Board voted 7-0 to recommend that City Council approve the proposed ordinance allowing for production and sale of certain foods in residential zone districts, amending section 9-6-3(e) "Specific Use Standards – Residential Uses"; amending section 9-9-21 "Signs" and adding a new Chapter 6-17 "Cottage Foods."

Friendly amendment by A. Brockett and accepted by C. Gray to recommend that the Cottage Foods be exempt from the requirements in subparagraph 1(c) with openness to other means of approaching concerns raised by community members.

**5. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**

A. **T. Carr** will contact Planning Board members shortly to discuss Council's discussion on Tuesday.

**6. DEBRIEF MEETING/CALENDAR CHECK**

**7. ADJOURNMENT**

The Planning Board adjourned the meeting at 11:05 p.m.

APPROVED BY

  
Board Chair

4/2/15  
DATE

**BOULDER DAY OF REMEMBRANCE OF THE  
ARMENIAN GENOCIDE  
April 24, 2015**

**WHEREAS**, this year marks the 100th anniversary of the first genocide of the 20th century, the Armenian genocide, when 1.5 million men, women, and children – 3/4 of the indigenous Armenian population of what is now eastern Turkey - were victims of a premeditated genocide perpetrated by the Turkish Ottoman Empire from 1915 to 1923; and

**WHEREAS**, the former United States Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., stated in 1915, "Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people."; and

**WHEREAS**, Colorado newspapers widely reported the extermination of the Armenian people, and Colorado communities generously raised funds to assist the survivors, known at that time as the "Starving Armenians", as illustrated in the January 16, 1919, Denver Post front-page story titled "Campaign for Armenian Relief is Making Splendid Headway" and a July 30, 1922, Denver Post front-page story titled "\$60,000,000 from U.S. Keeps Armenians from Extinction"; and

**WHEREAS**, the killing of the Armenian people has been followed by the systematic destruction of churches, schools, libraries, treasures of art, and cultural monuments that continues to this day in an attempt to eliminate all traces of a noble civilization with a history of more than 3,000 years; and

**WHEREAS**, despite overwhelming evidence, modern Turkey continues to deny the facts of the genocide, honors the perpetrators of that crime against humanity as national heroes, and persecutes its citizens who acknowledge or even allude to the Armenian genocide; and

**WHEREAS**, each April, Armenians throughout the world honor their martyrs and commemorate the Armenian genocide, a term first used by Raphael Lemkin, the legal scholar who coined the word "genocide" and drafted the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, explaining in 1949 that he "became interested in genocide because it happened to the Armenians and . . . their criminals . . . were not punished."

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Boulder, Colorado, that we pause in our deliberations on April 24 to commemorate the centennial anniversary as

**Boulder Day of Remembrance of the Armenian Genocide**

and that we encourage the citizens of Boulder to learn about the Armenian Genocide and other crimes against humanity.

  
Matthew Appelbaum, Mayor

  
George Karakehian, Council Member

**SAKURA DAY  
APRIL 26, 2015**

**WHEREAS**, sakura, Japanese for “cherry tree”, is the national flower of Japan and the Japanese people have treasured sakura not only for their beauty but for cultural and spiritual values; and

**WHEREAS**, Yamagata, Japan has been a Sister City of Boulder, Colorado since 1994; and

**WHEREAS**, the planting of sakura in Boulder was started in 2006 by the Boulder Yamagata Sakura Project who wanted to bring the beauty of sakura blossoms to Boulder; and

**WHEREAS**, the Boulder Yamagata Sakura Project has supported the tree planting in Boulder by donating more than 280 sakura trees; and

**WHEREAS**, Yamagata, Japan sent delegations in 2007 and 2014 to help plant the sakura trees with City of Boulder staff and residents; and

**WHEREAS**, Yamagata invited a City of Boulder forestry staff person to Yamagata in 2009 to learn about the care of sakura trees; and

**WHEREAS**, the planting of sakura trees has become a significant annual event in Boulder which includes both resident and city involvement; and

**WHEREAS**, the planting of sakura has contributed to Boulder by enhancing the natural beauty, providing a greater diversity of trees, providing positive benefits to our natural environment and uniting residents and officials, both local and international; and

**WHEREAS**, the planting of sakura has been a long-term, collaborative project between the residents of Boulder and Yamagata, advancing the development of a prosperous Sister City relationship and promoting our mission of building cultural understanding and awareness;

**NOW, THEREFORE, BE IT DECLARED** by the City Council of the City of Boulder, Colorado, that April 17, 2015 is

**SAKURA DAY**



Matthew Appelbaum, Mayor

