



TO: Members of City Council
FROM: Danielle Sears, City Clerk's Office
DATE: October 6, 2015
SUBJECT: Information Packet

1. CALL UPS

- A. Vacation of a three-foot utility easement 364 square feet in size along the northeast property line at 3295 Longwood Ave.
- B. CALL-UP ITEM and EXTENSION OF THE CALL-UP PERIOD 3390 Valmont Rd.; and 3085, 3155, 3195 Bluff St., referred to as S'PARK with Site and Use Review applications under case no.'s LUR2015-00010 and LUR2015-00011 per subsection 9-4-4(c) of the Boulder Revised Code.
- C. Expansion of Whittier, W Pearl, & Mapleton Neighborhood Parking Program (NPP) and the creation of a New NPP Zone

2. INFORMATION ITEMS

- A. 2015 Food Tax Rebate Program
- B. Multi-Hazard Mitigation Plan 2015 Annual Review
- C. Plans for the Implementation of the Initiated Ballot Measures if They Pass.

3. BOARDS & COMMISSIONS

- A. Beverage Licensing Authority—August 19, 2015
- B. Human Relations Commission—September 11, 2015

4. DECLARATIONS

- A. Benji Durden Appreciation Day
- B. Dale Stetina Appreciation Day
- C. Lynn Hall Appreciation Day
- D. PAC-12 Conference Centennial Day
- E. Tim DeBoom Appreciation Day



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing and Sustainability
Charles Ferro, Development Review Manager
Sloane Walbert, Planner I

Date: September 28, 2015

Subject: Call-Up Item: Vacation of a three-foot utility easement 364 square feet in size (described as a "street light easement") along the northeast property line at 3295 Longwood Ave. (ADR2015-00126).

EXECUTIVE SUMMARY:

The applicant requests vacation of a three-foot utility easement at 3295 Longwood Avenue (refer to **Attachment D** for exact location) in order to construct an addition to a single-family home with eaves that encroach into the easement. The easement was originally dedicated on the Shanahan Ridge One Subdivision, recorded April 30, 1974. There is no public need for the easement because there are no public utilities located in the easement and there are no immediate plans to install a streetlight at this location. The proposed vacation was approved by staff on September 14, 2015. There is one scheduled City Council meeting on October 6, 2015 within the 30-day call-up period.

CODE REQUIREMENTS:

Pursuant to the procedures for easement vacations set forth in subsection 8-6-10(b), B.R.C. 1981, the city manager has approved the vacation of a 364 square foot utility easement. The date of final staff approval of the easement vacation was September 14, 2015 (refer to **Attachment E, Notice of Disposition**). This vacation does not require approval through ordinance based on the following criteria:

- It has never been open to the public; and
- It has never carried regular vehicular or pedestrian traffic.

The vacation will be effective 30 days later on October 14, 2015, unless the approval is called up by City Council.

FISCAL IMPACTS:

None identified.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

None identified.

BACKGROUND:

The subject property is an approximately 7,990 square foot lot located in a Residential – Low 1 (RL-1) zone district (refer to **Attachment A**, *Vicinity Map*). The property is encumbered by a three-foot street light easement running along the northeast property line (refer to **Attachment B**, *Site Plan*). The applicant has obtained a building permit for an addition to and renovation of an existing single-family home. The second floor addition has a roof overhang that encroaches slightly into the subject easement.

The easement to be vacated was originally dedicated for the installation of a future street light in 1974. However, the street light was never installed and the easement unnecessarily encumbers the property. There are no public or private utilities or structural encroachments located in the easement to be vacated. Approval of the vacation has been submitted from electric/gas, telephone, and cable company representatives.

The [Boulder Valley Comprehensive Plan](#) contains a policy on Outdoor Lighting and Light Pollution (Policy 2.35), which states that the city “*will encourage the efficient use of outdoor lighting to reduce light pollution and conserves energy while providing for public safety. The city will seek to provide a nighttime environment that includes the ability to view the stars against a dark sky so that people can see the Milky Way Galaxy from residential and other appropriate viewing areas.*” That said, there are provisions for the addition of street lights in [Section 2.12](#), “Street Lighting,” of the City’s Design and Construction Standards (DCS). In particular, before considering new or additional local street light requests, the City requires unanimous consent of all affected owners of property within 100 feet of proposed street light locations. The installation costs of street light fixtures, excluding those that provide a demonstrated safety need, are paid by the applicant requesting the installation. The City assumes continued maintenance and energy costs associated with new installations. Thus, the vacation of the subject easement does not eliminate the possibility of street lighting in the area, if it is determined to be necessary in the future.

Given that there is no public need for the easement for which it was intended, failure to vacate the requested easement would cause hardship to the property owner by limiting the development potential of the property.

ANALYSIS:

Staff finds the proposed vacation of an a three-foot utility easement consistent with the standard set forth in subsection (b) of section 8-6-10, “*Vacation of Public Easements*”, B.R.C. 1981.

Specifically, staff has determined that no public need exists for the easement to be vacated because all public utilities are located in public right-of-way or other easements and there are no immediate plans to install a street light in this location.

No vacation of a public easement shall be approved unless the approving agency finds that:

- ✓ 1. Change is not contrary to the public interest.
- ✓ 2. All agencies having a conceivable interest have indicated that no need exists, either in the present or conceivable future, for its original purpose or other public purpose.

- ✓ 3. Consistent with the Comprehensive Plan and Land Use Regulations.
- ✓ a. Failure to vacate the easement would cause a substantial hardship to the use of the property consistent with the Comprehensive Plan and Land Use Regulations; or
The easement is no longer necessary because a street light has not been installed at this location. The applicant is interested in constructing an addition to an existing single-family home where a portion of the new eaves would encroach into the subject easement. The existing easement unnecessarily limits the building design for the new home.
- N/A b. Would provide a greater public benefit than retaining the property in its present status.

PUBLIC COMMENT AND PROCESS:

Notice of the vacation will be advertised in the Daily Camera within the 30-day call up period. Staff has received no written or verbal comments adverse to the vacation.

NEXT STEPS:

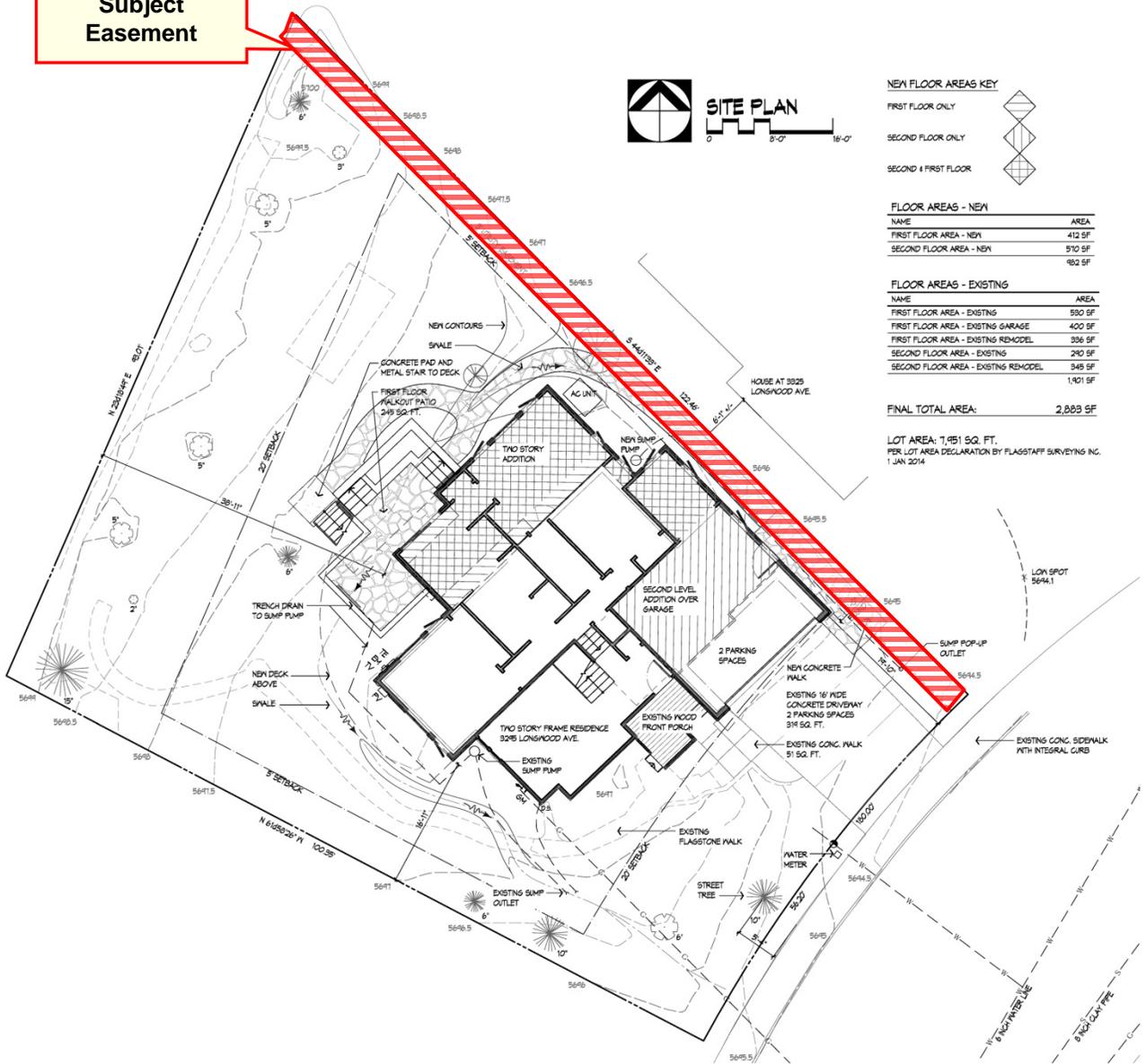
If the requested vacation is not called up by City Council then the Deed of Vacation (**Attachment C**) will be recorded. If the requested vacation is called up, and subsequently denied, the applicant will be limited to development on the property outside of the easement area.

ATTACHMENTS:

- Attachment A: Vicinity Map
- Attachment B: Site Plan
- Attachment C: Deed of Vacation
- Attachment D: Exhibit A
- Attachment E: Notice of Disposition



Subject Easement



For Administrative Purposes Only

Address: 3295 Longwood Ave.

Case No. ADR2015-00126

DEED OF VACATION

The City of Boulder, Colorado does hereby vacate and release to the present owner of the subservient land, in a manner prescribed by Subsection 8-6-10(b), B.R.C. 1981, the following street light easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder on the final plat of Shanahan Ridge One at Reception No. 00101045, on the 30th day of April, 1974, located at 3295 Longwood Avenue and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The within easement vacation and release of said easement shall extend only to the portion and the type of easement specifically vacated. The within vacation is not to be construed as vacating any rights-of-way or easements or cross-easements lying within the description of the vacated portion of the easement.

Executed this _____ day of _____, 20__, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By: _____
Jane S. Brautigam, City Manager

Attest:

City Clerk

Approved as to form:

Heba Pa

City Attorney's Office

9-14-2015

Date

EXHIBIT A

LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH,
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

PAGE 1 OF 2

A 3' STREET LIGHT EASEMENT DESCRIBED IN THE RECORDS OF BOULDER COUNTY, RECORDED APRIL 30, 1974 AT RECEPTION NO. 00101045, TO BE VACATED, LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 3, BLOCK 2, SHANAHAN RIDGE ONE, THENCE 3.05 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 179.87 FEET, AN INCLUDED ANGLE OF 0°58'15" AND SUBTENDED BY A CHORD BEARING SOUTH 45°19'20" WEST, A DISTANCE OF 3.05 FEET; THENCE NORTH 44°12'43" WEST, 121.18 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 3; THENCE NORTH 23°18'49" EAST, 3.23 FEET TO THE NORTH CORNER OF LOT 3; THENCE SOUTH 44°12'43" EAST 122.35 FEET TO THE POINT OF BEGINNING.

SAID VACATED PORTION CONTAINING 364 SQ.FT. OR 0.008 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.



FSI JOB NO. 14-64,112

JOB NUMBER: 14-64,112
DRAWN BY: B.HAAS
DATE: 07/29/2015

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics



3825 IRIS AVE, STE 395
 BOULDER, CO 80301
 PH: (303) 443-7001
 FAX: (303) 443-9830
www.FlatironsInc.com

BY:BHAAS FILE:64112-ESMT-VACTION.DWG DATE:7/29/2015 10:47 AM



CITY OF BOULDER
Community Planning and Sustainability

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web boulderplandevlop.net

ADMINISTRATIVE REVIEW
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department:

DECISION: Approved
DATE: September 14, 2015
REQUEST TYPE: Vacation/Easement
ADDRESS: 3295 Longwood Ave.
APPLICANT: David Swoboda, DF Swoboda Architecture
CASE #: ADR2015-00126
LEGAL DESCRIPTION: Lot 3, Block 2, Shanahan Ridge One, County of Boulder, State of Colorado
DESCRIPTION: EASEMENT VACATION to vacate a 364 square foot portion of a six-foot utility easement (described as a "street light easement") along the northeast property line at 3295 Longwood Ave.

FINAL DECISION STANDARDS:

Approved as submitted. This application is approved per the criteria for Vacation of Public Easements as set forth in section 8-6-10, B.R.C. 1981. This approval does not constitute building permit approval.

This approval is limited to the vacation of a 364 square-foot portion of an existing street light easement, previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder on the final plat of the Shanahan Ridge One Subdivision at Reception No. 00101045 on April 30, 1974.

INFORMATIONAL COMMENTS:

Pursuant to section 8-6-10(b), B.R.C. 1981, approval of an easement vacation "is not effective until thirty days after the date of its approval. Promptly after approving the vacation, the manager will forward to the city council a written report, including a legal description of vacated portion of the easement and the reasons for approval. The manager will publish notice of the proposed vacation once in a newspaper of general circulation in the City within thirty days after the vacation is approved. Upon receiving such report and at any time before the effective date of the vacation, the council may rescind the manager's approval and call up the vacation request for its consideration at a public hearing, which constitutes a revocation of the vacation."

This decision is final and may not be appealed. A new request may be considered only as a new application.

S Walbert

Approved By:

Sloane Walbert, Planning Department



**INFORMATION PACKET
MEMORANDUM**

TO: Members of City Council

FROM: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing & Sustainability
Susan Richstone, Deputy Director of Planning, Housing & Sustainability
Charles Ferro, Development Review Manager
Elaine McLaughlin, Senior Planner

DATE: October 6, 2015

SUBJECT: **CALL-UP ITEM and EXTENSION OF THE CALL-UP PERIOD** 3390 Valmont Rd.; and 3085, 3155, 3195 Bluff St., referred to as S'PARK with Site and Use Review applications under case no.'s LUR2015-00010 and LUR2015-00011 per subsection 9-4-4(c) of the Boulder Revised Code.

If City Council decides to review the Planning Board's decision, the item must be called-up at the *October 6, 2015 meeting* which is the only City Council meeting scheduled during the extended call-up period.

EXECUTIVE SUMMARY:

On Sept. 3, 2015, the Planning Board unanimously approved (7-0) the above-referenced applications with conditions as provided in the attached Notice of Disposition (**Attachment A**), finding the project consistent with the Site Review criteria of Land Use Code section 9-2-14(h), B.R.C. 1981 and the Use Review criteria of Land Use Code section 9-2-15(e), B.R.C. 1981; along with the Boulder Valley Comprehensive Plan policies and the Transit Village Area Plan. Approval of the application would permit redevelopment of the former Sutherland's Lumber property along with three other parcels located to the south and west of the site as a new neighborhood referred to as "S'PARK." The board, also at that same time, approved four connection changes to the Transit Village Area Plan Connections Plan that meet the intent of the connections plan. Because those changes also require City Council approval, a related memo that describes those changes is under a separate agenda item for October 6, 2015.

The proposed new Boulder Junction neighborhood consists of several distinct buildings or projects that include a total of 247 residential units including townhomes, live/work units, for-sale condominiums and apartments; and which include 77 units that are proposed to be permanently

affordable to residents with qualifying incomes. Also proposed is a total of 111,300 square feet of commercial space in the form of retail, restaurants and office space. There are a total of 714 bike parking spaces, both short and long term; along with a wrapped parking structure for automobile parking provided as a part of the Boulder Junction Access District and contribute to a total of 443 automobile parking spaces.

The staff memorandum to Planning Board and other related background materials are available on the city website for Planning Board, follow the links: www.bouldercolorado.gov → A to Z → Planning Board → search for past meeting materials planning board → 2015 → 9.3.2015 PB Packet.

EXTENSION OF CALL-UP PERIOD:

The Planning Board's approval is subject to a 30-day call-up period by City Council. However, the 30-day call-up period cannot be met due to the fact that council will not receive notice of the board's decision to call-up the decision prior to the next regularly scheduled meeting on October 6, 2015. The Land Use Code, subsection 9-4-4(c), "City Council Call-up," B.R.C. 1981 states:

"The City Manager may extend the call-up period until the council's next regular meeting, if the manager finds in writing within the original call-up period that the council will not receive notice of a decision of the board in time to enable it to call-up the decision for review."

The city manager finds that, because the next regularly scheduled City Council meeting is after the call-up period, it will not receive notice of the Planning Board's decision regarding the S'PARK project in time to consider call-up within 30 days. Therefore, the City Manager extends the call-up period for this application until the day after the City Council's next scheduled meeting on October 6, 2015.

Call-Up Period Extension Approved By:

Jane S. Brautigam, City Manager

S'PARK BACKGROUND

This proposed project was reviewed as a Concept Plan, first on March 6, 2014 for the western portion of the site area referred to as "S'PARK_west" and for the majority of the area planned as "S'PARK" the Planning Board reviewed the Concept Plan on Sept. 4, 2014. At the time, there were two separate areas being planned and both the Planning Board and staff recommended the applicant return with a comprehensive Site Plan that included the two areas combined, as is currently under consideration. The minutes and audio of the March 2014 hearing is [here](#) and the Sept. 2014 is [here](#). Once an application for Site Review was submitted for the comprehensive Site Review for the S'PARK plan, the Boulder Design Advisory Board (BDAB) reviewed the project in three separate meetings, on April 8, April 15, and July 15, 2015. The minutes of the BDAB meetings are provided in the Planning Board packet at weblink cited above.

In April 2015, City Council approved ordinance no. 8028 to limit the eligibility of buildings that could exceed the by-right height limits through the existing Site Review process to specific areas

and situations. The approved ordinance allows the consideration of height modifications through site review only in those areas with a clearly defined, approved vision for future development, including Boulder Junction. The intent in including Boulder Junction properties was to reinforce the community's vision of an urban form with higher intensity and taller buildings only in select, transit-rich areas, and areas which had been vetted and approved through a planning process such as the Transit Village Area Plan.

SUMMARY OF PROPOSED PROJECT

The Site and Use Review applications are under case no.'s LUR2015-00010 and LUR2015-00011 respectively and are for the proposed redevelopment of the 10.9 acre former Sutherlands Lumber site including 3390 Valmont Rd.; and 3085, 3155, 3195 Bluff St. within the northern portion of Boulder Junction. The proposal is to create a new mixed use, mixed income neighborhood comprised of six distinct areas:

- **Markt:** an 55,340 square foot, four story commercial mixed use building with an approximately 7,832 square foot brewpub with a 3,202 square foot tap room restaurant and a 4,630 square foot brewery production area as well as three micro restaurants on the ground floor along with upper story office;
- **Ciclo:** a four story mixed use, 57,901 square foot building with the ground floor planned as the non-profit bicycling organization, Community Cycles, and with 32 permanently affordable apartments above;
- **Railyards:** an approximately 70,155 square foot, four story commercial mixed use building with ground floor retail including an approximately 2,500 square foot restaurant on the north end of the building and a 3,500 square foot restaurant on the south end of the building both with outdoor dining; and upper story office;
- **Timber Lofts:** an approximately 167,288 square, foot four-story apartment building with 121 apartments along with eight townhomes and ground floor office and retail;
- **Meredith House:** a four story, 15 unit residential condominium loft building of 20,754 square feet;
- **S'PARK_west** with 45 units of permanently affordable attached residential, and 24 market rate townhomes.

Figure 1 presents the site plan keyed to images of the different planned areas of the neighborhood. Use Review applications addressed the three planned restaurants with outdoor seating greater than 300 square feet within 500 feet of a residential area. The proposed project includes parks, below grade parking, new transportation connections per the TVAP connections plan, a woonerf (shared pedestrian street), and a public plaza in anticipation of the future rail stop. The applicant is pursuing Vested Rights per section 9-2-19, B.R.C. 1981. The project plans in their entirety are available in for review in the City Council office of the City Manager's Office.

Meredith House



Ciclo



Markt



Railyards



S'PARK_west



S'PARK_west

Call Up



Timberlofts

PLANNING BOARD HEARING

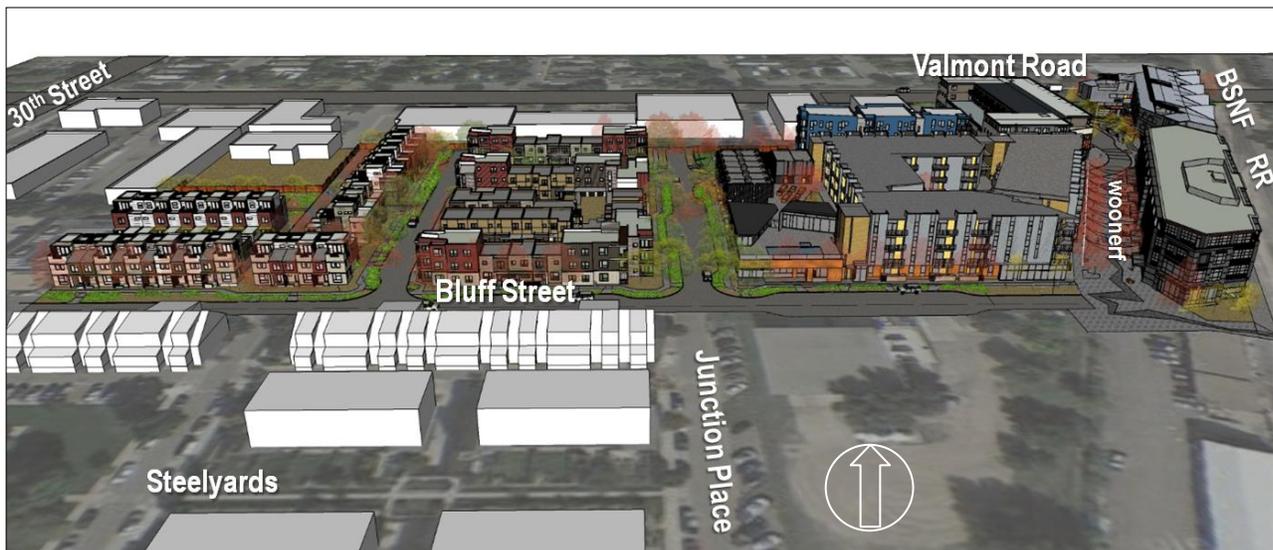
The Planning Board reviewed the application on two planned hearing dates: Sept. 2, and Sept 3, 2015. In the hearings, the board discussed following key issues:

1. Does the proposed project, including modifications to height, number of stories, and setbacks meet the Site Review criteria of section 9-2-14(h), B.R.C. 1981?
2. Is the proposed urban design and planning for the proposed project consistent with the Transit Village Area Plan (TVAP) intent and design guidelines?
3. Is the proposed change to the Transit Village Area Plan Connections Plan for connections 9, 10, 12 and 13 consistent with the requirements under TVAP?
4. Does the Use Review for the Brewpub and the two small restaurants all meet the Use Review criteria of the Land Use Code section 9-2-15(e), B.R.C. 1981?

SUMMARY OF ANALYSIS

In unanimously approving the Site and Use Review applications, the Planning Board found that the proposal to be consistent with the Site Review criteria of the Land Use Code subsection 9-2-14(h), and 9-2-15(e), B.R.C. 1981 because:

1. The project was found to be consistent with the Site Review Criteria of section 9-2-14(h), B.R.C. 1981 in that the proposed project will provide a new mixed use and mixed income neighborhood with pedestrian amenities and buildings of high caliber design and materials. A consistency analysis of the proposed project with the site review criteria is provided in *Attachment B*. The proposed neighborhood also establishes new connections; new gathering spaces and opportunities for new residential and commercial uses. Below is an excerpt from the applicant's digital model of S'PARK looking north.



The Site Review criteria also require that a project be found to be consistent with the Boulder Valley Comprehensive Plan and the proposal was found to be consistent with a

significant number of BVCP policies as listed below. The full text of each policy within the BVCP can be found [here](#). As noted in the BVCP,

“Many of the key policies in the Boulder Valley Comprehensive Plan stem from long-standing community values and represent a clear vision of our community”

In that regard, the BVCP notes the city’s commitment to environmental, economic, and social sustainability for a welcoming and inclusive community where there is a culture of creativity and innovation and where *“compact, contiguous development and infill supports evolution to a more sustainable form.”* Among the most relevant BVCP policies that the proposed project is found to be consistent with are the following:

- 1.02 Principles of Environmental Sustainability*
- 1.03 Principles of Economic Sustainability*
- 1.04 Principles of Social Sustainability*
- 2.01 Unique Community Identity*
- 2.03 Compact Development Pattern*
- 2.09 Neighborhoods as Building Blocks*
- 2.14 Mix of Complementary Land Uses*
- 2.16 Mixed Use and Higher Density Development*
- 2.17 Variety of Activity Centers*
- 2.21 Commitment to a Walkable and Accessible City*
- 2.22 Improve Mobility Grid*
- 2.30 Sensitive Infill and Redevelopment*
- 2.32 Physical Design for People*
- 2.37 Enhanced Design for Private Sector Projects*
- 4.05 Energy-Efficient Building Design*
- 7.01 Local Solutions to Affordable Housing*
- 7.02 Permanently Affordable Housing*
- 7.04 Strengthening Community Housing Partnerships*
- 7.06 Mixture of Housing Types*
- 7.09 Housing for a Full Range of Households*
- 7.10 Balancing Housing Supply with Employment Base*

Regarding social sustainability, S’PARK is planned to include two, 100 percent permanently affordable residential projects: Ciclo and Spark_west affordable housing (at 3155 Bluff Street) for a total of 56 affordable units to be located on-site. Ciclo is proposed as affordable rental apartments to meet the inclusionary requirement for the market rate rental apartments at Timber Lofts. Spark_west affordable housing (3155 Bluff Street) is a city-funded affordable rental project. The inclusionary housing requirement for the remaining 39 market rate, for-sale units is proposed to be met with cash-in-lieu for the Meredith House and the S’PARK_west townhomes.

2. The urban design and planning for the proposed project is consistent with the Transit Village Area Plan (TVAP) intent and design guidelines in that the city anticipated high density residential and mixed use commercial buildings through TVAP. A portion on the east side of the proposed project is located in the TVAP (MU2) Mixed Use-2 Land Use Area and Rail Plaza Character District of TVAP; and the western portion is located within the High Density

Residential – 1 Land Use Area and the Steelyards Character District of TVAP.

Shown below in Figure 2 is an excerpt from page 17 of TVAP for the Mixed Use 2 land use area where the buildings on the eastern half of the site are located, shown in Figure 3, and further defined within the Rail Plaza Character District:

“The district will evolve into a high-density, commercial and residential mixed use area, with three- to five-story buildings.”



Figure 2:
Excerpt from TVAP page 17



Figure 3:
S'PARK Buildings within MU2 land use area and Rail Plaza Character District

Shown below in Figure 4 is an excerpt from page 32 of TVAP for the High Density Residential– 1 (HDR-1) land use area where the buildings on the western half of the site are located, shown in Figure 5, and further defined within the Steelyards Character District of TVAP as being located where:

“The industrial uses on the north side of Bluff Street will transition to high-density residential, such as urban townhouses.”



Figure 4:
Excerpt from TVAP page 17



Figure 5:
S'PARK Building within MU2 land use area and Rail Plaza Character District

3. The proposed changes to the Transit Village Area Plan Connections Plan for connections 9, 10, 12 and 13 were found to be consistent with the objectives of TVAP in that the

proposed changed connections are appropriately spaced and establish a fine-grained, multimodal network.

4. Does the Use Review for the proposed brewpub planned within the Markt building, along with two restaurants planned within the Railyards building of 2,500 and 3,500 square foot respectively meet the Use Review criteria of the Land Use Code section 9-2-15(e), B.R.C. 1981 in that

PUBLIC NOTIFICATION

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. A second public notice was sent to all property owners within 600 feet along with neighborhood group contacts for both Orchard Grove Mobile Home Park and San Juan del Centro Apartments notifying neighbors of both the Planning Board hearing and a Good Neighbor Meeting. On Aug. 24, 2015, a Good Neighbor Meeting was held on site at 3390 Valmont Rd. The intent of the meeting was to present the project plans and the management plan for the proposed restaurants. There were five attendees, four of whom worked in nearby office buildings and one of whom was a property owner on 30th Street. All of the attendees indicated support for the proposed project.

All notice requirements of section 9-4-3, B.R.C. 1981 have been met. There were 15 comment letters received regarding the applications all of which indicated support and interest in the proposed project. The applicant also indicated to staff that the applicant team met at various times prior to Site and Use Review applications with neighborhood representatives for surrounding HOAs to review project planning.

At the Planning Board hearing there were 15 members of the public who addressed the Planning Board about the applications and all of them indicated support for the proposed project.

CONCLUSION

By a unanimous vote (7-0) the Planning Board approved the applications with conditions. Consistent with the land use code section 9-4-4(c), B.R.C. 1981, if the City Council disagrees with the decision of the Planning Board, it may call up the application within an extended 30-day call up period which expires on Oct. 6, 2015, and it may consider this application for call-up at its **Oct. 6, 2015** public meeting.

ATTACHMENTS:

- A. Planning Board Notice of Disposition dated Sept. 3, 2015
- B. Project Plans and Written Statement



CITY OF BOULDER
Community Planning & Sustainability

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

CITY OF BOULDER
PLANNING BOARD
NOTICE OF DISPOSITION

You are hereby advised that on September 3, 2015 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: APPROVED WITH CONDITIONS
PROJECT NAME: MARKT, CICLO, RAILYARDS, TIMBER LOFTS, S'PARK_WEST (3085 Bluff) AND S'PARK_WEST (3155 Bluff)
DESCRIPTION: Site and Use Reviews for the redevelopment of the 10.9 acre former Sutherlands Lumber site: within the northern portion of Boulder Junction to create a new mixed use and mixed-income neighborhood comprised of seven individual areas:

- **Markt: a 55,340 square foot, four story commercial mixed use building with an approximately 7,832 square foot brewpub with a 3,202 square foot tap room restaurant and a 4,630 square foot brewery production area as well as three micro restaurants on the ground floor along with upper story office;**
- **Ciclo: a four story mixed use 57,901 square foot building with the ground floor housing retail space and with 32 apartments above;**
- **Railyards: an approximately 70,155 square foot, four story commercail mixed use building with ground floor retail including an approximately 2,500 square foot restaurant on the north end of the building and a 3,500 square foot restaurant on the south end of the building both with outdoor dining and upper story office;**
- **Timber Lofts: an approximately 167,288 square foot, four-story apartment building with 121 apartments along with 8 townhomes and ground floor office and retail;**
- **Meredith House: a four story, 15 unit residential condominium building of 20,754 square feet;**
- **S'PARK_west (3085 Bluff): 24 townhomes; and (3155 Bluff): 45 townhomes and apartments.**
- **The project includes a new pocket park, new transportation connections per the TVAP connections plan, a woonerf shared street, and a public plaza in anticipation of the future rail stop.**
- **The Use Reviews are for three restaurants with outdoor seating greater than 300 square feet in size within 500 feet of a residential area.**

Address: 3390 VALMONT RD

LOCATION: 3390 VALMONT ROAD; 3085, 3155, AND 3195 BLUFF STREET
COOR: N04W03
LEGAL DESCRIPTION: See Exhibit A attached
APPLICANT: SCOTT HOLTON, ELEMENT PROPERTIES
OWNERS: SUTHERLAND BUILDING MATERIAL SHOPPING CENTERS, INC.;
1240 CEDAR LLC;
3155 ELEMENT LLC; AND
3195 BLUFF ELEMENT LLC
APPLICATION: Site Review (LUR2015-00010) and Use Reviews (LUR2015-00011)
ZONING: MU-4 and RH-6
CASE MANAGER: Elaine McLaughlin
VESTED PROPERTY RIGHT: Yes, the Applicant is seeking to create vested rights.

APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:

For MU-4 Buildings:

- Minimum front yard setback from a street for 3rd story & above:
Approval for zero setbacks for the third story and above where 20 feet is the standard by-right setback for all of the MU-4 zoned buildings: Markt, Ciclo, Railyards, Meredith House, and Timber Lofts.
- Maximum front yard setbacks on corner lots where 10 feet is the maximum:
Approval for greater front yard setbacks along Valmont Road for Ciclo building of 22'-3"; Timber Lofts building of 12'-9"; and Markt building of 16'-5".
- Maximum side yard setbacks adjacent to streets where 10 feet is the maximum:
Approval for front yard setbacks for Ciclo building of 16'-7", Timber Lofts building of 11'-11"; and Markt building of 13'-9".
- Maximum number of stories:
Approval for all of the MU-4 zoned buildings, Markt, Ciclo, Railyards, Meredith House, and Timber Lofts, to be four and five stories in height where three stories is the by-right standard.
- Maximum principal building height:
Approval to exceed the by-right height maximum of 38 feet as follows:
Ciclo: 44'-6"; Markt: 49'-1"; Railyards: 50'-0"; Timber Lofts: 49'-8"; Meredith House: 47'-2"
- Maximum floor area of any principal building:
Modification of the standard by-right maximum floor area of any principal building of 15,000 square feet:
Ciclo: 57,901 square feet; Markt: 55,340 square feet; Railyards: 70,155 square feet; Timber Lofts: 167,228 square feet; Meredith House: 20,754 square feet.

For RH-6 Buildings:

- Minimum front and side setbacks:
3085 Bluff: Front on Bluff: 0 lot line where 15 feet is standard; Front on Meredith Street: 11 feet where 15 feet is standard; Side facing a street: 3'-8" where 10 feet is minimum.
3155 Bluff: Front on Bluff: 0 lot line

This decision may be called up before the City Council on or before **October 6, 2015**. If no call-up occurs, the decision is deemed final on **October 7, 2015**.

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

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IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND SIGNED FINAL PLANS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING BOARD APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12, Boulder Revised Code 1981) the development within three years shall cause this development approval to expire.

At its public hearing on September 3, 2015 the Planning Board approved the request with the following motion:

Motion by A. Brockett, seconded by L. Payton, that the Planning Board approve (7-0) the amendments to the TVAP Connections Plan shown on the Applicant's plans finding such amendments to be consistent with the objectives of the Connections Plan in that the proposed connections are appropriately spaced and establish a fine-grained, multimodal network of transportation connections.

Motion by A. Brockett, seconded by J. Putnam, that the Planning Board approve (7-0) the Site Review no. LUR2015-00010 and Use Review no. LUR2015-00011, incorporating the staff memorandum and the attached Site and Use Review Criteria Checklists as findings of fact, subject to the recommended conditions of approval found in the staff memo with the following amendments:

1. A new condition shall be added to the conditions of approval for the site review to read:

Prior to a Technical Document Review application for a Final Plat, the Applicant must obtain City Council approval of the amendments to the to the Transit Village Area Plan shown on the Applicant's plans that eliminate, through connection consolidation or otherwise, stretches of connections, including connections number 9 and 11.

2. A new condition shall be added to the conditions of approval for the site review to read:

Prior to a building permit application for the S'PARK west buildings, the Applicant shall submit the following items for the review and approval by the City Manager and review and recommendation by the Boulder Design Advisory Board:

- a. Final architectural plans, including materials and colors, to ensure compliance with the intent of this approval, the site review criteria and the TVAP design guidelines. The final architectural plans for the elevations of all S'PARK west buildings shall show a simpler composition with fewer changes in materials and form from the first floor to the roof to ensure compliance with the site review criteria. Any modification to the design must be approved through this design review process prior to issuance of a building permit.

3. A new condition shall be added to the conditions of approval for the site review to read:

From 6:00 a.m. to 10:00 p.m. seven days a week, the pocket park shown on the plans as Meredith Park and the open space area in the north-west corner of the Property shall be open to use by all residents of the Property and their guests. The midblock east-west connection through 3155 Bluff and the east-west connection through the interior courtyard of the Timberlofts buildings shall

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remain open from 6:00 a.m. to 10:00 p.m. seven days a week for all residents of the Property and their guests.

4. A new condition shall be added to the conditions of approval for the site review to read:
The building permit plans for each building shall show that conduit is preinstalled in each building to support the installation of roof top solar panels and, for buildings providing parking, for future expansion of electric vehicle charging stations.
5. Conditions 1.b. of the conditions of approval for the use reviews for the three restaurants shall be revised to read:
1.b. The approved use shall be closed from 11:00 p.m. to 6:00 a.m. seven days per week.

CONDITIONS OF APPROVAL – SITE REVIEW LUR2015-00010

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on August 21, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. Prior to a building permit application, the Applicant shall submit a Technical Document Review application for the following items, subject to the approval of the City Manager:
 - a. **Final architectural plans**, including material samples and colors, to insure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent, elevations, plans and details shown on the approved plans dated August 21, 2015 is acceptable. The final architectural plans shall show the transformer boxes currently shown near the southwest corner of the proposed Markt building and on the northwest corner of the planned Railyards Building; relocated to a less visible location or architecturally screened or integrated into a building or other site feature. The City Manager will review plans to assure that the architectural intent is performed. The project plans shall also illustrate an outdoor seating area for the micro restaurants of less than 300 square feet per micro restaurant or be subject to Use Review for outdoor seating of 300 feet or greater within 500 feet of a residential use module.
 - b. A **final site plan** which includes detailed floor plans and section drawings.
 - c. A **final utility plan** meeting the City of Boulder Design and Construction Standards.
 - d. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.
 - e. **Final transportation plans** meeting the City of Boulder Design and Construction Standards, Standard Specifications for Traffic Signal Materials and Installation and CDOT Access Code Standards, for all transportation improvements. These plans must include, but are not limited to: street plan and profile drawings, multi-use path plan and profile drawings; street and multi-use path cross-sectional drawings, traffic signal plans; signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, transportation and transit stop detail drawings, geotechnical soils and pavement analysis.

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- f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Landscape plans shall provide significant amounts of plant material sized in excess of the landscaping requirements of Sections 9-9-12, "Landscaping and Screening Standards," and 9-9-13, "Streetscape Design Standards," B.R.C. 1981. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.
 - g. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981.
 - h. A **detailed shadow analysis** to insure compliance with the City's solar access requirements of section 9-9-17, B.R.C.
3. Prior to a building permit application, the Applicant shall submit an application for a revised **Preliminary Plat** and a Technical Document Review application for a **Final Plat**, subject to the review and approval of the City Manager and execute a subdivision agreement meeting the requirements of chapter 9-12, "Subdivision," B.R.C. 1981 and which provides, without limitation and at no cost to the City, for the following:
- a. The dedication, to the City of all easements and right-of-way necessary to serve the development, including, but not limited to, the easements shown on the approved plans dated August 21, 2015 on file in the City of Boulder Planning Department, and the dedication of a 14-foot wide public access easement (for pedestrians and bicyclists) from the terminus of the Bluff Street right-of-way to the public access easement being dedicated for the north/south multi-use path adjacent to the BNSF Railway right-of-way.
 - b. The vacation of all easements where vacations are necessary for construction of the development.
 - c. The construction of all public improvements necessary to serve the development, including, but not limited to, the following:
 - i. A traffic signal at the intersection of Valmont Road at 34th Street.
 - ii. A left-turn lane and "quiet zone" raised median on westbound Valmont Road east of 34th Street.
 - iii. A transit stop on Valmont Road.
 - iv. A six-foot side landscape strip and ten-foot wide detached multi-use path/sidewalk on Valmont Road.
 - v. A 12-foot wide multi-use path along the eastern property line and adjacent to the BNSF Railway Company right-of-way from the southern property line to Valmont Road. The applicant is responsible for connecting the multi-use path to the approved multi-use path to be constructed by "The Commons" Project (located at 2440 and 2490 Junction Place) and for providing a temporary multi-use path around the existing building on Lot 4 of Block 5.
 - vi. A raised concrete table on 34th Street within the street's roadway curve at a location approved by staff which will allow for a future crosswalk pursuant to the City's Pedestrian Crossing Treatment Installation Guidelines when warrants are meet.
 - vii. Street lighting along Junction Place, Meredith Street and 34th Street.
 - viii. Extending the left-turn lane on southbound 30th Street at Bluff to 75-feet.
 - ix. The north side of Bluff Street from 31st Street to the road's terminus at the proposed Woonerf.

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- x. 32nd Street from Bluff Street to the north property line.
 - xi. Junction Place from Bluff Street to the north property line.
 - xii. Meredith Street from 32nd Street to 34th Street.
 - xiii. All alleys with a dedicated public access easement.
 - xiv. All sidewalks with a dedicated public access easement.
 - xv. Stormwater quality improvements and stormwater detention improvements, including but not limited to permeable parking lot paving.
4. Prior to a Technical Document Review application for a Final Plat, the Applicant must obtain City Council approval of the amendments to the to the Transit Village Area Plan shown on the Applicant's plans that eliminate, through connection consolidation or otherwise, stretches of connections, including connections number 9 and 11.
 5. Prior to a building permit application for the S'PARK_{west} buildings, the Applicant shall submit the following items for the review and approval by the City Manager and review and recommendation by the Boulder Design Advisory Board:
 - a. Final architectural plans, including materials and colors, to ensure compliance with the intent of this approval, the site review criteria and the TVAP design guidelines. The final architectural plans for the elevations of all S'PARK_{west} buildings shall show a simpler composition with fewer changes in materials and form from the first floor to the roof to ensure compliance with the site review criteria. Any modification to the design must be approved through this design review process prior to issuance of a building permit.
 6. From 6:00 a.m. to 10:00 p.m. seven days a week, the pocket park shown on the plans as Meredith Park and the open space area in the north-west corner of the Property shall be open to use by all residents of the Property and their guests. The midblock east-west connection through 3155 Bluff and the east-west connection through the interior courtyard of the Timberlofts buildings shall remain open from 6:00 a.m. to 10:00 p.m. seven days a week for all residents of the Property and their guests.
 7. The building permit plans for each building shall show that conduit is preinstalled in each building to support the installation of roof top solar panels and, for buildings providing parking, for future expansion of electric vehicle charging stations.

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**CONDITIONS OF APPROVAL FOR THE BREWPUB
LOCATED WITHIN THE MARKT BUILDING - USE REVIEW LUR2015-00011**

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on August 21, 2015 and the Applicant's written statement dated August 21, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. The Applicant shall operate the business in accordance with the management plan dated August 21, 2015 which is attached to this Notice of Disposition.
 - b. The approved use shall be closed from 11:00 p.m. to 6:00 a.m. seven days per week.
 - c. No electronically amplified music or other entertainment shall be provided on the patio after 10:00 p.m.
 - d. Size of the approved use shall be limited to 9,700 square feet. The total number of indoor seats for the approved use shall not exceed 182. Patio area will not exceed 50 outdoor seats.
 - e. All trash located within the outdoor dining area, on the restaurant property and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

**CONDITIONS OF APPROVAL FOR THE 3,500 SQUARE FOOT RESTAURANT
LOCATED AT THE SOUTH END OF THE RAILYARDS - USE REVIEW LUR2015-00011**

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on August 21, 2015 and the Applicant's written statement dated August 21, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. The Applicant shall operate the business in accordance with the management plan dated August 21, 2015 which is attached to this Notice of Disposition.
 - b. The approved use shall be closed from 11:00 p.m. to 6:00 a.m. seven days per week.
 - c. No electronically amplified music or other entertainment shall be provided on the patio after 10:00 p.m.
 - d. Size of the approved use shall be limited to 3,500 square feet. The total number of indoor seats for the approved use shall not exceed 120 seats. Patio area will not exceed 30 outdoor seats. All trash located within the outdoor dining area, on the restaurant property and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

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**CONDITIONS OF APPROVAL FOR THE 2,500 SQUARE FOOT RESTAURANT
LOCATED AT THE NORTH END OF THE RAILYARDS - USE REVIEW LUR2015-00011**

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on August 21, 2015 and the Applicant's written statement dated August 21, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. The Applicant shall operate the business in accordance with the management plan dated August 21, 2015 which is attached to this Notice of Disposition.
 - b. The approved use shall be closed from 11:00 p.m. to 6:00 a.m. seven days per week.
 - c. No electronically amplified music or other entertainment shall be provided on the patio after 10:00 p.m.
 - d. Size of the approved use shall be limited to 2,500 square feet. The total number of indoor seats for the approved use shall not exceed 82 seats. Patio area will not exceed 30 outdoor seats.
 - e. All trash located within the outdoor dining area, on the restaurant property and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

By: _____
David Driskell, Secretary of the Planning Board

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**EXHIBIT A
LEGAL DESCRIPTIONS**

3085 Bluff

LOT 1, "KBOL MINOR SUBDIVISION", AS SET FORTH AND DESCRIBED ON KBOL MINOR SUBDIVISION LOT LINE ELIMINATION MAP RECORDED OCTOBER 5, 2005 AT RECEPTION NO. 2727584, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED ON SAID LOT LINE ELIMINATION MAP AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER PARCEL "A", KBOL MINOR SUBDIVISION, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO; THENCE SOUTH 89°48'20" WEST, ALONG THE SOUTH LINE OF SAID PARCELS "A" AND "B", KBOL MINOR SUBDIVISION, A DISTANCE OF 292.23 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "B"; THENCE NORTH 00°07'15" WEST, ALONG THE WEST LINE OF SAID PARCEL "B", A DISTANCE OF 201.98 FEET; THENCE NORTH 89°48'45" EAST, A DISTANCE OF 131.51 FEET; THENCE NORTH 00°07'15" WEST, A DISTANCE OF 138.00 FEET TO A POINT ON THE CENTERLINE OF VACATED MEREDITH STREET (VACATION RESOLUTION RECORDED AUGUST 9, 1950 IN BOOK 871 AT PAGE 390); THENCE NORTH 89°48'45" EAST, ALONG CENTERLINE OF VACATED MEREDITH STREET A DISTANCE OF 160.70 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "B"; THENCE SOUTH 00°07'30" EAST, ALONG THE EAST LINE OF SAID PARCELS "A" AND "B", A DISTANCE OF 339.95 FEET, TO THE POINT OF BEGINNING.

3155 Bluff

LOT 10 AND THE SOUTH ½ OF VACATED MEREDITH STREET ADJACENT THERETO SAID VACATION RECORDED MAY 21, 1863 IN BOOK 871 AT PAGE 390, WALKER'S SUBDIVISION, COUNTY OF BOULDER, STATE OF COLORADO.

3195 Bluff

LOT 9 AND THE SOUTH ½ OF VACATED MEREDITH STREET ADJACENT THERETO, SAID VACATION RECORDED MAY 21, 1863 IN BOOK 871 AT PAGE 390, WALKER'S SUBDIVISION, COUNTY OF BOULDER, STATE OF COLORADO.

3390 Valmont

PARCEL I:

THE EAST 1/3 OF LOT 4, AND THE WEST 49.4 FEET OF LOT 5, WALKER'S SUB-DIVISION, TOGETHER WITH THE NORTH 1/2 OF THAT CERTAIN TRACT OF LAND FORMERLY DESIGNATED AS MEREDITH STREET, ADJACENT TO LOTS 4 AND 5, WALKER'S SUBDIVISION, VACATED BY RESOLUTION OF BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO RECORDED AUGUST 9, 1950 IN BOOK 871 AT PAGE 390 IN THE OFFICE OF THE CLERK AND RECORDER, BOULDER COUNTY, COLORADO;

AND

LOT 8, WALKER'S SUB-DIVISION, TOGETHER WITH THAT PORTION OF THE SOUTH 1/2 OF VACATED MEREDITH STREET ADJOINING SAID LOT 8 ON THE NORTH, AS VACATED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO RECORDED AUGUST 9, 1950 IN BOOK 871 AT PAGE 390;

LESS AND EXCEPT THAT PARCEL OF PROPERTY CONVEYED TO THE COUNTY OF BOULDER BY WARRANTY DEED DATED OCTOBER 27, 1981 AND RECORDED OCTOBER 29, 1981 UNDER RECEPTION NO. 470382, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL II:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., BOULDER COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29; THENCE SOUTH 00°09'55" EAST ALONG THE WESTERLY LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 40.50 FEET TO THE POINT OF BEGINNING; THENCE FOLLOWING TWO (2) COURSES ALONG THE SOUTHERLY AND EASTERLY LINE OF A PARCEL OF LAND DESCRIBED IN DEED RECORDED FEBRUARY 5, 1982 UNDER, RECEPTION NO. 482601, BOULDER COUNTY CLERK AND RECORDER'S OFFICE: 1) NORTH 89°41'28" EAST ALONG A LINE 40.50 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 29 A DISTANCE OF 60.66 FEET; 2) THENCE NORTH 24°33'16" EAST A DISTANCE OF 11.57 FEET; THENCE NORTH 89°41'28" EAST ALONG A LINE 30.00 FEET SOUTHERLY OF AND PARALLEL WITH SAID NORTHERLY LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 34.88 FEET; THENCE SOUTH 23°58'53" WEST ALONG A LINE 25 FEET WESTERLY OF AND PARALLEL WITH THE CENTERLINE OF THE BURLINGTON NORTHERN RAILROAD TRACK A DISTANCE OF 995.61 FEET; THENCE SOUTH 89°39'35" WEST ALONG THE NORTHERLY DEED LINE OF VACATED HILL STREET, BY RESOLUTIONS RECORDED APRIL 8, 1958 IN BOOK 1071 AT PAGES 320 AND 335, BOULDER COUNTY CLERK AND RECORDER'S OFFICE, A DISTANCE OF 152.49 FEET; THENCE NORTH 23°55'31" EAST A DISTANCE OF 328.76 FEET TO THE NORTHERLY LINE OF LOT 21, WALKER'S SUB-DIVISION, WHENCE THE NORTHWEST CORNER OF SAID LOT 21 BEARS SOUTH 89°40'35" WEST A DISTANCE OF 125.17 FEET; THENCE NORTH 00°19'25" WEST ALONG A LINE PERPENDICULAR TO BLUFF STREET A DISTANCE OF 40.00 FEET; THENCE NORTH 89°40'35" EAST ALONG THE CENTERLINE OF SAID BLUFF STREET A DISTANCE OF 20.99 FEET; THENCE NORTH 00°19'25" WEST ALONG A LINE PERPENDICULAR TO SAID BLUFF STREET A DISTANCE OF 40.00 FEET; THENCE NORTH 00°47'17" WEST ALONG THE WESTERLY LINE OF LOT 7, WALKER'S SUB-DIVISION A DISTANCE OF 299.91 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE NORTH 00°19'03" WEST ALONG A LINE PERPENDICULAR TO VACATED MEREDITH STREET A DISTANCE OF 40.00 FEET; THENCE NORTH 89°40'57" EAST ALONG THE CENTERLINE OF SAID VACATED MEREDITH STREET A DISTANCE OF 195.90 FEET; THENCE NORTH 00°19'03" WEST ALONG A LINE PERPENDICULAR TO VACATED MEREDITH STREET A DISTANCE OF 40.00 FEET TO THE SOUTHERLY LINE OF LOT 5, WALKER'S SUB-DIVISION; THENCE NORTH

00°09'55" WEST ALONG A LINE 112.00 FEET WESTERLY OF AND PARALLEL WITH THE
EASTERLY LINE OF SAID LOT 5 A DISTANCE OF 137.33 FEET; THENCE NORTH 89°41'27" EAST
ALONG A LINE 40.50 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF
THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 29, ALSO
BEING THE SOUTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN FILM 1196, RECEPTION
NO. 482601, BOULDER COUNTY CLERK AND RECORDER'S OFFICE A DISTANCE OF 112.00
FEET TO THE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

Due to the size and number of pages of the plan set, Attachment B was too large to include in the memo. Therefore, a complete set of plans is available in the City Council office of the City Manager's Office.



**INFORMATION PACKET
MEMORANDUM**

To: Members of City Council

From: Jane S. Brautigam, City Manager
Molly Winter, Director, Downtown and University Hill Management Division
and Parking Services (DUHMD/PS)
Kurt Matthews, Parking Manager, DUHMD/PS

Date: October 6, 2015

Subject: Call Up Item: Expansion of the Mapleton, Whittier and West Pearl
Neighborhood Parking Permit (NPP) zones and the creation of a New NPP zone:
Aurora

EXECUTIVE SUMMARY:

The purpose of this memorandum is present to City Council the expansion of the Mapleton, Whittier and West Pearl Neighborhood Parking Permit program (NPP) Zones and the creation of a new zone: Aurora. The recommended zone additions and new zone qualify under the program guidelines including petition and parking occupancy requirements and have neighborhood support. The Transportation Advisory Board unanimously supported the staff recommendation.

The expansions include:

Mapleton Hill NPP (Attachment A)

East & West sides of the 2300 block of 9th St.
East & West sides of the 2400 block of 8th St.
East & West sides of the 2400 block of 7th St.
East & West sides of the 2200 block of 6th St.
North & South sides of the 500 block of Pine St.
North & South sides of the 500 block of Highland Ave.

West Pearl NPP (Attachment B)

East side of the 1900 block of 6th St.
North and South sides of the 300 block of Pearl St.

Whittier NPP (Attachment C)

North & South sides of the 2000 block of Mapleton Ave.

New Zone – Aurora (Attachment D)

North & South sides of the 3500 and 3600 blocks of Madison Ave.

East & West sides of the 1000 and 900 blocks of 35th St.

East & West sides of the 1000 and 900 blocks of 36th St.

SUMMARY OF STAFF PROPOSAL: Staff recommends the expansion of the following NPP zones as presented in the following attachments:

- Mapleton Hill, (See Attachment A)
- West Pearl (See Attachment B)
- Whittier (See Attachment C)
- Aurora (See Attachment D)

BOARD FEEDBACK:

The Transportation Advisory Board unanimously supported the staff proposal at their meeting on September 14, 2015.

IMPACTS:

Fiscal - The Transportation Division estimates that the costs to implement NPP's are \$600 per block face, including fabrication of signage and labor to install. The proposed expansions total approximately 36 block faces so the implementation costs could be approximately \$21,600. Staff would need to conduct field work to determine the final number and placement of signs. We currently have approximately \$12,500 in funds for the expansion. Staff will have to prioritize and install some signage in 2015, the remainder will be held to 2016 for implementation unless additional funds can be identified.

Additional revenues will be generated from the sale of NPP permits – resident, commercial and business; however the revenues will be offset with the additional administrative costs. Also additional enforcement revenue will be generated from the tickets; however, enforcement revenues in NPP's do not cover the cost of enforcement.

Staff Time - If approved, the expansions would result in an addition of approximately 36 block faces to the existing inventory of NPP's and would have an impact on the NPP administration and budget. Enforcement is an important component to effectiveness of the NPP program. Currently, the NPP zones are generally enforced two to three times per week on a rotating basis. The addition of the expansions will impact enforcement capabilities and frequency.

BACKGROUND:

The NPP program was created in 1996 as a modification of the original Residential Parking Program (RPP). The purpose of the program is to promote neighborhood livability while providing balanced access to city right-of-way. The program works by creating limited access to city streets in neighborhood areas through permit restrictions. Between 1996 and 2002, eight

zones were established: Columbine, Fairview, Goss/Grove, High/Sunset, Mapleton Hill, Whittier, University Hill and University Heights. In 2008, two new zones – West Pearl and East Ridge/Pennsylvania - were created. Please see Attachment F for a background description of the program.

SURVEY PROCESS/QUALIFICATION CRITERIA

New Zones: Following the receipt of a petition with 25% of the residents requesting a new zone, a survey is conducted to assess whether the block(s) meets the NPP regulation criteria. These criteria are: at least one block face must have greater than 75% parking occupancy for at least 4 hours between 9 a.m. and 5 p.m. with at least 25% of the parked vehicles parked by individuals who do not live in the neighborhood. For other blocks to qualify, they must be contiguous to a qualifying block and have greater than 60% parking occupancy for at least 3 hours between 9 a.m. and 5 p.m. with at least 25% of the vehicles parked by individuals who do not live in the neighborhood.

Expansion Petitions: For all the expansion requests, Parking Services staff was used to survey the number of parked vehicles on the street between 9 a.m. and 5 p.m. Since an NPP already existed adjacent to these petition blocks, and parking demand had already been established. According to the NPP qualification criteria for adding to an existing zone, blocks should have an occupancy rate of 60% for a period of 3 hours during the 9 a.m. to 5 p.m. period and be contiguous to the existing zone directly or through other added block faces.

ANALYSIS:

West Pearl Expansion: Petitions were received for the blocks and they met the expansion criteria.

Whittier Expansion: A petition was received for the additional block and it met the expansion criteria.

Mapleton Zone Expansion: Petitions were received for all blocks and met the expansion criteria except Highland (50% occupied during our counts); however, staff is modifying its initial proposal to recommend inclusion of the Highland blocks since there is support from many of the residents, and any nearby expansion will directly affect the occupancy of this block with parking spillover onto Highland.

Aurora NPP

Petitions were received for all blocks on 35th, 36th, 37th and Madison and all blocks met the criteria except 37th Street. Initially, staff proposed including 37th Street north to Aurora despite the fact that the block does not meet occupancy criteria anticipating spillover. However, staff is not recommending inclusion of 37th Street since there is not sufficient support from the residents.

PUBLIC PROCESS

Initial proposals and maps were sent to the all the effected zone addresses as well as to residences in the surrounding neighborhood for Mapleton Hill, West Pearl, Whittier and Madison NPP areas. The flyer included information about an open house and the TAB public hearing on 9/14/2105. The open house was held on July 15, 2015 in the lobby of the Municipal Building

from 4:00pm to 6:00pm. Numerous emails were received and included as part of the public outreach and feedback, Attachment E.

NEXT STEPS:

Unless called up by City Council, the expansions and the new zones will go into effect on November 5, 2015. As noted above, implementation schedule will be determined by the amount of funds available for signage and installation.

ATTACHMENTS:

Attachment A: Proposed Mapleton NPP Expansion

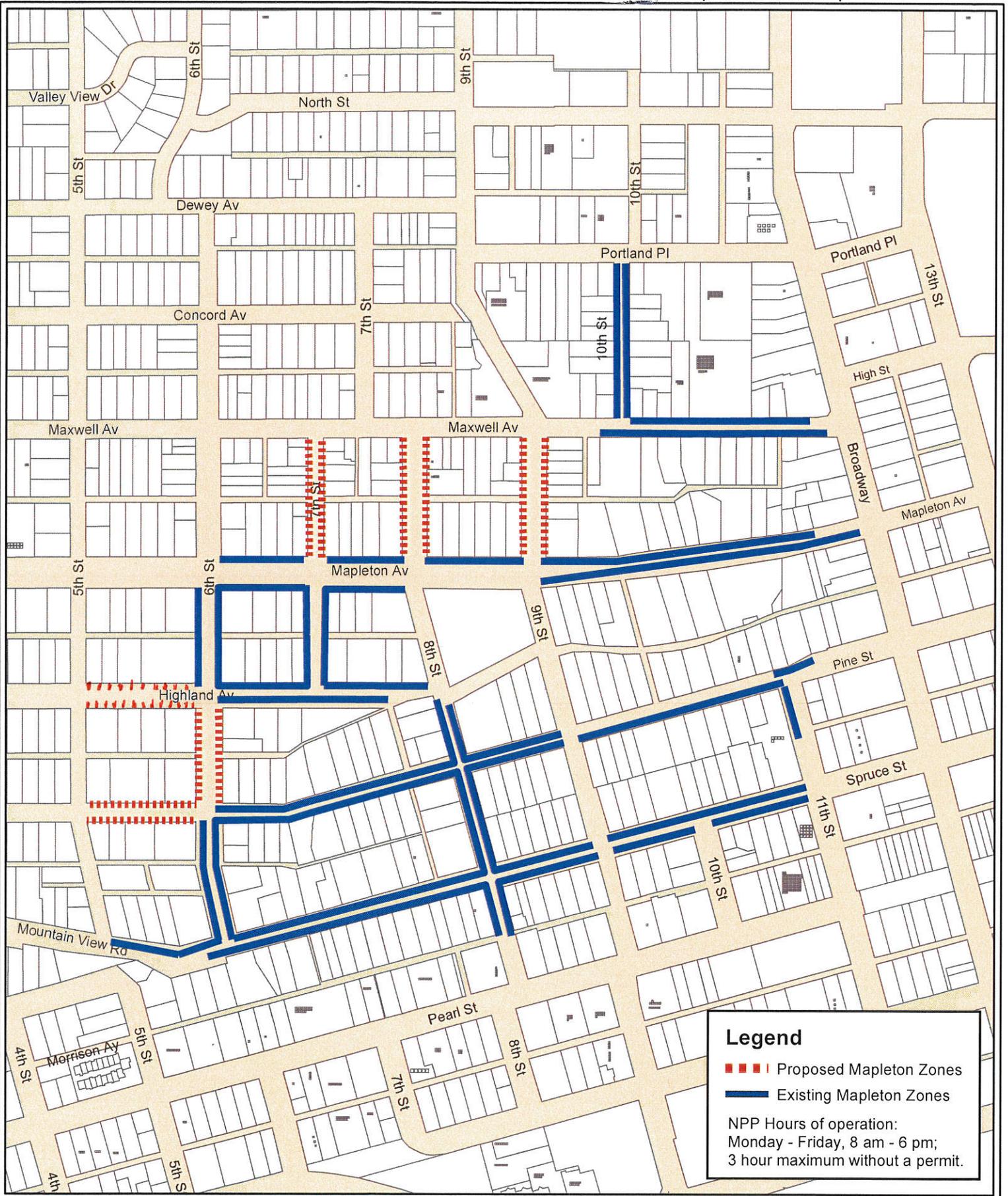
Attachment B: Proposed West Pearl NPP Expansion

Attachment C: Proposed Whittier NPP Expansion

Attachment D: Proposed New Zone Creation: Aurora

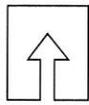
Attachment E: Public Input Regarding Proposed Mapleton, West Pearl, Whittier NPP
Expansion, and New Zone Aurora Proposal

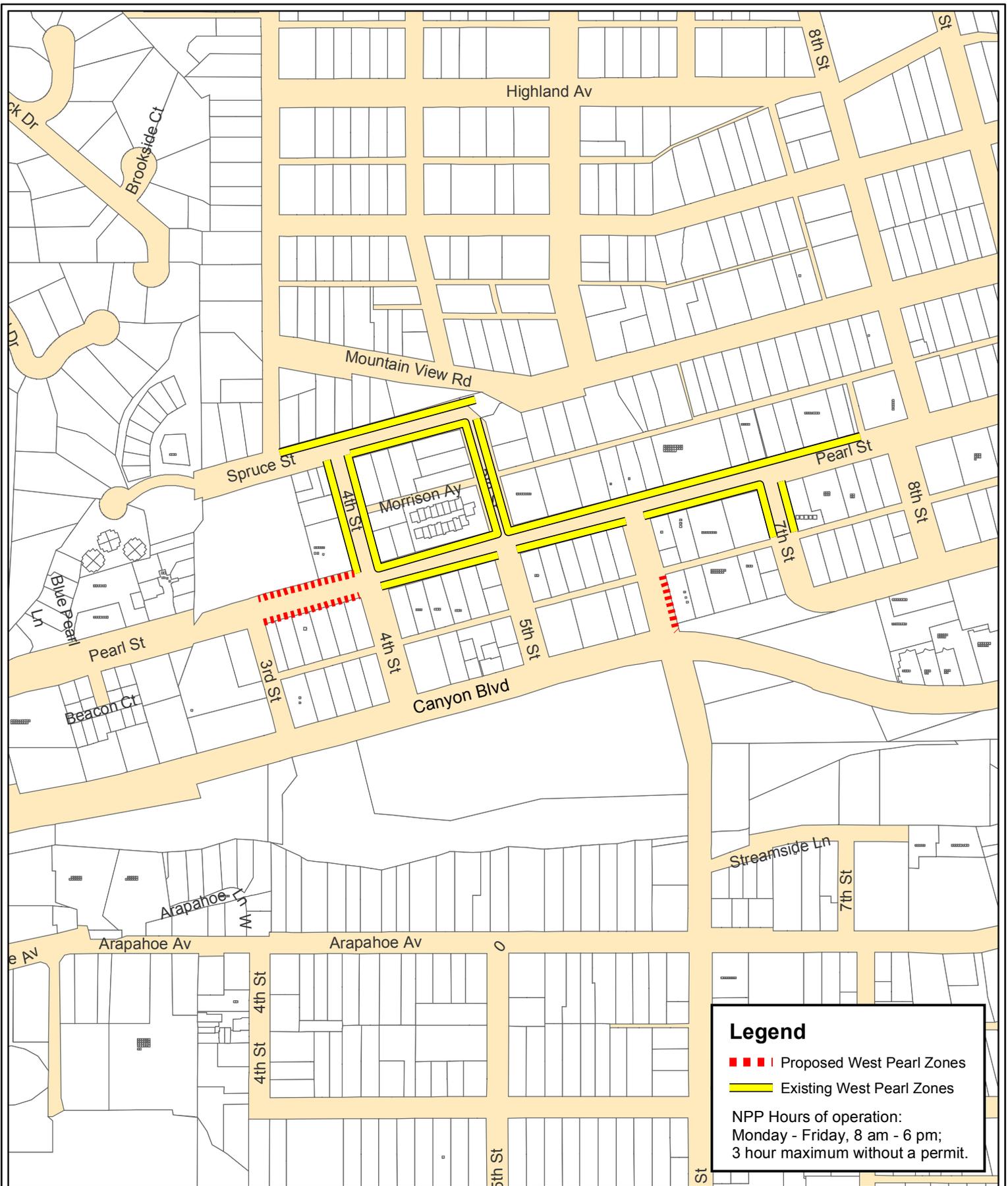
Attachment F: NPP Background



Mapleton Proposed Expansion Neighborhood Parking Permit (NPP) Zone

Call Up


 1 inch = 400 feet

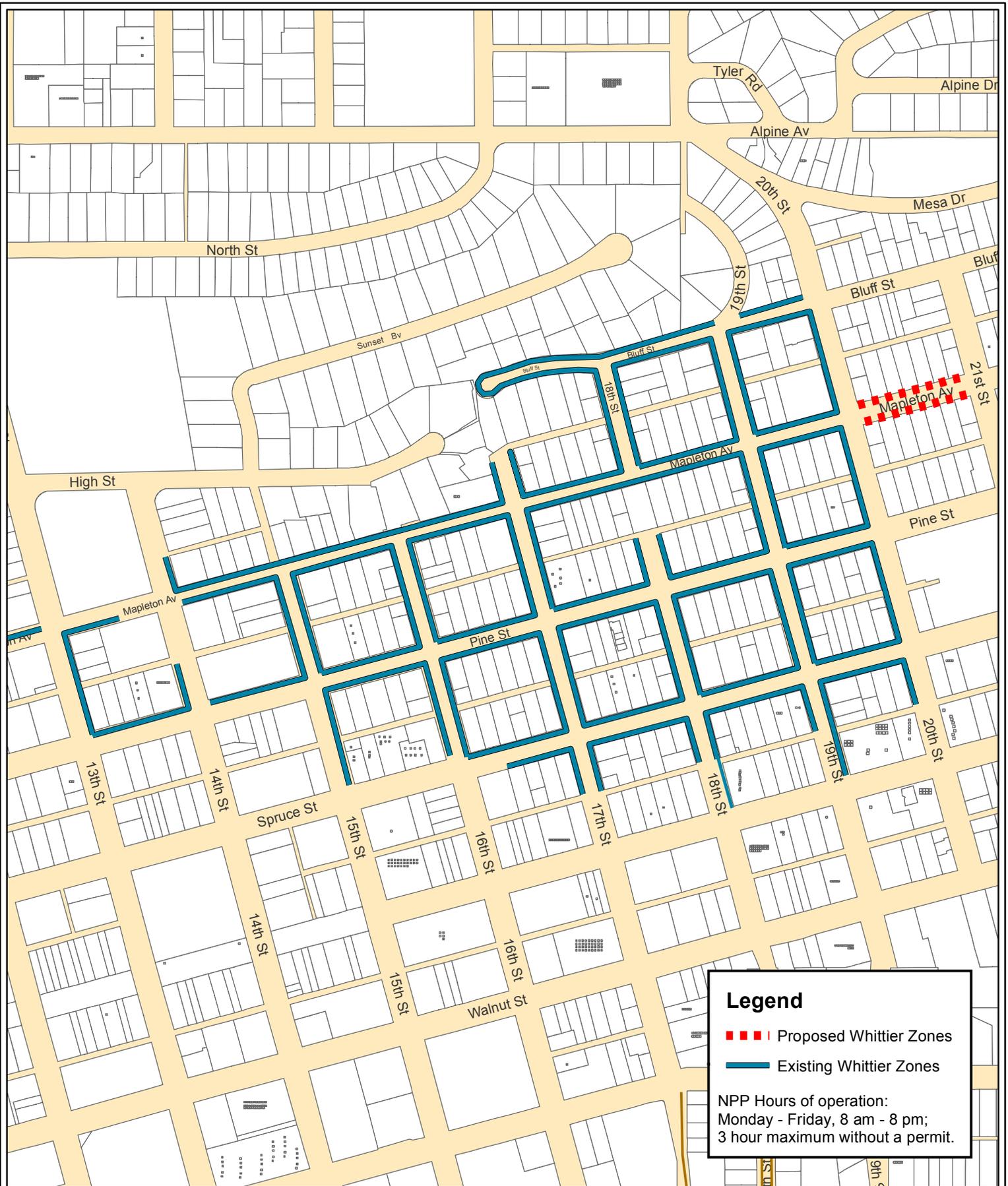


West Pearl Proposed Expansion Neighborhood Parking Permit (NPP) Zone

Call Up



1 inch = 350 feet



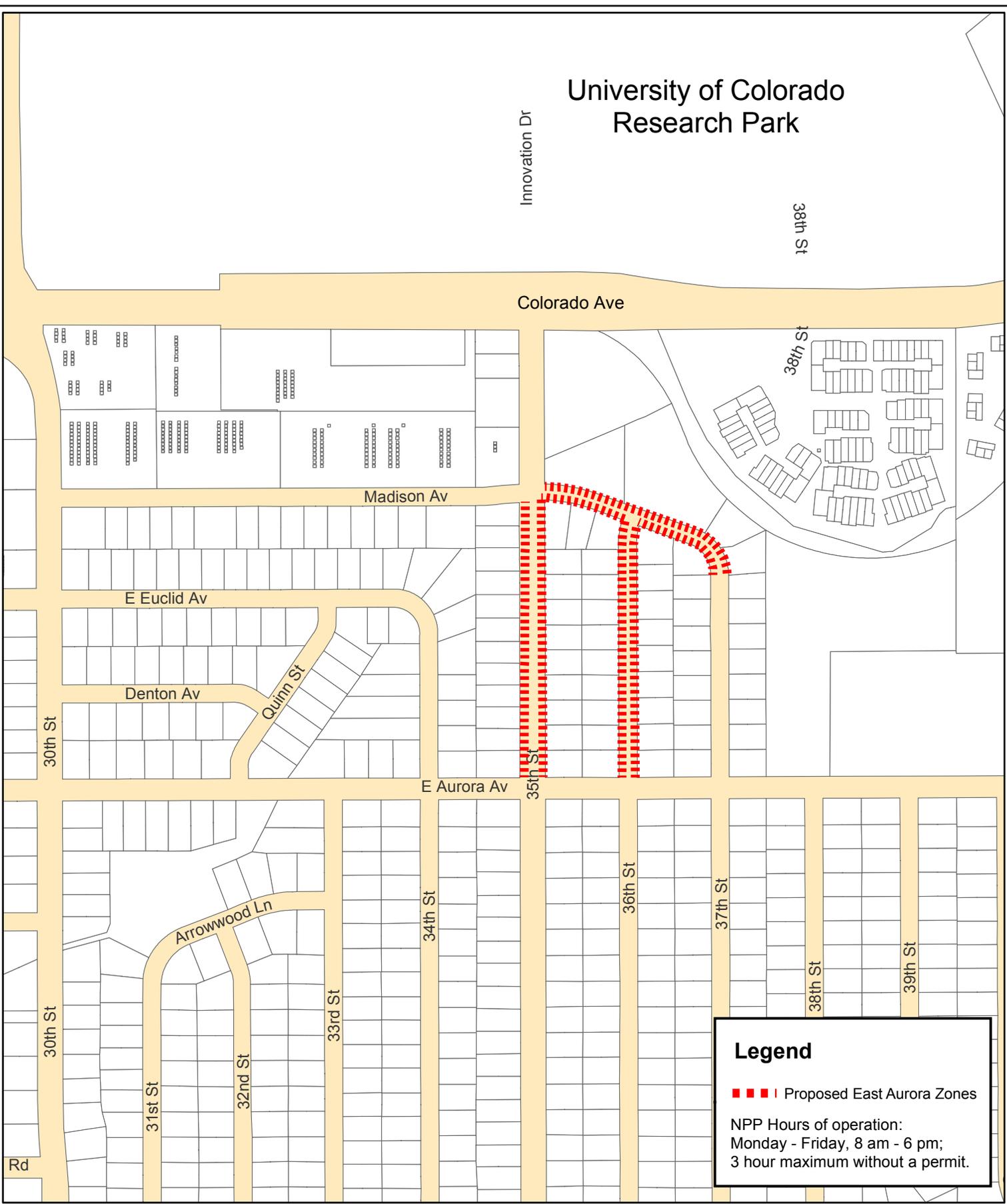
Whittier Proposed Expansion Neighborhood Parking Permit (NPP) Zone

Call Up



1 inch = 400 feet

University of Colorado Research Park



Legend

- ■ ■ ■ Proposed East Aurora Zones

NPP Hours of operation:
 Monday - Friday, 8 am - 6 pm;
 3 hour maximum without a permit.

East Aurora Proposed Expansion Neighborhood Parking Permit (NPP) Zone

Call Up



1 inch = 350 feet

Matthews, Kurt

From: Amy Zuckerman <zuckerman.amy@gmail.com>
Sent: Tuesday, July 07, 2015 10:22 PM
To: Matthews, Kurt
Subject: Proposed Mapleton Parking Permit

Hi,

I wanted to register my opposition to this proposal, as it is simply not needed and will be a nuisance and detriment to the neighborhood.

Sincerely,
Amy Zuckerman

Matthews, Kurt

From: khornbar@aol.com
Sent: Wednesday, July 08, 2015 7:54 PM
To: Matthews, Kurt
Subject: Proposed New Neighborhood Parking Permit Zone Expansion: Mapleton

Dear Mr. Matthews,

My husband and I live at 445 Pine Street and received the notice regarding the proposal to extend parking permits to include the 500 block of Pine Street. As residents of the 400 block of Pine Street since September 2007, we strongly oppose restricting parking on this block without including the 400 block also. As we know you've heard from other residents of our block, it is notorious for the lack of parking, especially during the daytime. By restricting parking on the streets to the east, it will inevitably push the parking problem further west to our block. In fact, without including the 400 block in the expansion, it will be left as an unregulated "island," since Pine Street ends at Fourth Street.

Nearly every home on the 400 block of Pine Street lacks a usable garage, so residents must park on the street. Many residents have teenagers/nannies who drive and park a third car, as well as various contractors and cleaning services that utilize additional street parking. Construction parking is often problematic as well, with large trucks taking up several spaces for long periods of time. All of these activities will no doubt continue. Additionally, some residents run businesses out of their homes that can generate additional vehicle parking on the block.

In sum, we do not need more pressure placed on the very limited parking spaces on our block. Please either include the 400 block in the expansion or do not include the 500 block of Pine Street. Thank you for your attention to our concerns.

Sincerely,
Katharine and Lansing Crane
445 Pine Street
Boulder, CO 80302

Matthews, Kurt

From: Katherine McIntyre <mckatherine@gmail.com>
Sent: Wednesday, July 08, 2015 8:24 AM
To: Matthews, Kurt
Subject: Mapleton Hill parking permit expansion

Hi Kurt:

I recently heard that there is a proposal to extend parking permits to include the 500 block of Pine Street. We have lived on the 400 block of Pine Street for nine years and we strongly oppose restricting parking on this block without including the 400 block too. We already have overcrowding on our street with the current parking situation and by imposing restrictions on the adjacent blocks this will inevitably push additional parking to our block which is already overly burdened during the day.

Residents on our block almost all park on the street (no other option) and when you add in visitors, teenage drivers, childcare and domestic employees and the fact that some residents are running businesses from their homes that bring in more cars, the parking situation is already quite strained. Construction work on the block and neighboring blocks is often an issue and further congests the block.

We do not need more pressure put on the very limited parking spaces on our block. Please either include the 400 block in the permit expansion or do NOT include the 500 block of Pine.

Thank you.

Katherine McIntyre (420 Pine Street)

Matthews, Kurt

From: Rajat Bhargava <rajat@jumpcloud.com>
Sent: Thursday, July 09, 2015 12:52 PM
To: Matthews, Kurt
Subject: Proposed New Neighborhood Parking Permit Zone Expansion (Mapleton)

Kurt – our neighbors Nancy Kornblum and Michael Schreiner recently sent you a note regarding their views of the proposed expansion of the parking permit zone. I wholeheartedly agree with Nancy and Mike. I live at 410 Pine Street, just next door, but I too see the intense constraints on parking. Please either include our block in the permit zone or leave the 500 block unpermitted.

Thank you, and I've included their note below as well.

-Rajat
Rajat Bhargava
410 Pine Street

From: Nancy Kornblum [<mailto:nancygkornblum@gmail.com>]
Sent: Monday, July 06, 2015 8:06 PM
To: Matthews, Kurt
Cc: Michael Schreiner
Subject: Proposed New Neighborhood Parking Permit Zone Expansion (Mapleton)

Hi Kurt: We received your notice proposing extending parking permits to include the 500 block of Pine Street. As long term residents on the 400 block of Pine Street we strongly oppose restricting parking on this block without including the 400 block too. Our block is notorious for the lack of parking. By imposing restrictions on the streets to the east this will inevitably push the parking problem further west to our block which is already overly burdened during the day.

I have spoken to a number of parking officials (I can get you names if you desire) in the city who have all agreed that parking on the 400 block is a challenge. In fact, they have expressly loosened parking regulations there to allow for residents to be able to more easily access homes. This is not an ideal solution especially when traffic safety is of concern.

Almost every home on our street does not have a usable garage and residents must park on the street; many have teenagers/nannies who drive (and park) a third car. Construction parking has often been intolerable with cones preserving spaces and large trucks taking up several spaces for days on end. This doesn't seem to be temporary and construction will no doubt continue. Contributing further to the problem, some residents run businesses out of their homes or have ADUs, generating more parked cars on the street.

We do not need more pressure put on the very limited parking spaces on our block. Please either include the 400 block in the expansion or do NOT include the 500 block of Pine.

Thanks. Nancy Kornblum and Mike Schreiner (402 Pine Street)

Matthews, Kurt

From: stacy moore <moorestacy@hotmail.com>
Sent: Monday, July 13, 2015 10:28 AM
To: Matthews, Kurt
Subject: re: NPP zone expansion: Mapleton

Hello,

I would like to put my vote in for NO proposed parking permit zone expansion on 8th Street. I've lived at the corner of Maxwell and 8th for over 10 years, and can always find parking available right next to my home on 8th street, or within 1/2 block of my home either on 8th or Maxwell. Given that finding parking space is not a problem here, I do not see the need for us to pay for permits or parking attendants to monitor our neighborhood street.

Thank you,

Stacy Moore
802 Maxwell Ave.
Boulder, CO 80304

Matthews, Kurt

From: Ray Edwards <rayedwards11@gmail.com>
Sent: Wednesday, July 15, 2015 2:40 PM
To: Matthews, Kurt
Subject: NPP Zone expansion - Mapleton

Matt,

If you add 7th, 8th, & 9th from Mapleton to Maxwell to the NPP zone, it appears as if all you will do is push the non-permit parking to Maxwell Ave. Maxwell is a highly traveled street with already limited parking for residents. Either include it in the NPP zone, or don't add 7,8, & 9.

Just my 2 cents. Thanks for asking.
ray

Matthews, Kurt

From: Michael Shepard <email4shep@yahoo.com>
Sent: Tuesday, July 07, 2015 9:40 PM
To: Matthews, Kurt
Cc: Valerie Yates; lkwiwbeler@mac.com; tony.wibbeler@gmail.com
Subject: Comments on Proposed Mapleton Permit Parking Expansion

My name is Michael Shepard. My wife Susan and I have lived at 801 Maxwell Ave for 23 years. We have reviewed the proposed expansion of permit parking on Mapleton Hill and have some concerns and suggestions.

The letter you sent doesn't explain why this expansion is being proposed. We presume it is in response to complaints by some residents that they are finding parking more difficult to come by. We're sympathetic, but it is important to make such decisions based on data and not just to grease some squeaky wheels. Do you have any data to suggest that the parking load has gotten heavier? If so, where, by how much, and what might be causing this? What share of the neighborhood's residents have asked for an expanded permit system? Do you have any data on how permit parking has affected those areas where it is already in force? Your letter didn't present any such information, so we're left to react based on gut feel. Unfortunately, we won't be able to attend the public hearing on the 16th . . . or is it the 17th? The date and day in the letter don't align.

We suspect that the main cause of any added parking load in the area around the Mapleton School is that the staff and volunteering parents are parking on the surrounding streets because the school didn't provide enough parking for them. That's no different than the situation was 15+ years ago when Mapleton was still operating as an elementary school. Adding a permit system along 7th and 8th streets isn't going to solve that problem. The staff still have to get to work and many of them likely have to drive. It's just going to force them to park farther from work, beyond the permit expansion. That pushes them onto Maxwell, which already has a heavy on-street parking load, as few homes here have off street parking and we have more multifamily housing than the rest of the neighborhood.

Beyond the reopening of Mapleton School, there isn't any other obvious cause of added parking load in our neighborhood. No new housing has gone in. Some downtown workers park up here and walk down to work, but we have no evidence that more of them are doing that today than there were years ago. And that issue presumably can be managed by issuing fewer commuter permits. Some added load might be coming from folks doing Air BnB rentals in their homes, but a permit system won't solve that either--residents will buy guest passes and use them when they have visitors.

If the reopening of the school is the main cause of the added parking, then we're already feeling the full impact. It's not likely to get worse, as the staff isn't going to grow significantly. Our feeling is that we're better off the way things are. Absent any compelling data on the benefits of this proposal, we oppose adding permit parking on 6th, 7th, and 8th streets between Mapleton and Maxwell. But if permit parking is added to 6th, 7th, and 8th, then it should be added to Maxwell as well--a poor second choice in our view.

Another option to consider is to provide the school staff with a special class of permits so they can park in the existing permitted areas during the school year. Folks living near the school knew that it would generate some parking load when they chose to live there. It's not fair to allow a school in a neighborhood and not let it's workers and visiting parents park there. Giving the school a special class of permits would spread this load out along the existing nearby permitted and non-permitted streets, without allowing other types of visitors to overwhelm the permitted streets. Mapleton and Highland

could carry a modest amount of additional on street parking from the school, as long as they were protected from further overflow parking from downtown.

Another reason we oppose the expansion is that it adds another layer of regulation, cost, and paperwork to our lives, without commensurate benefit. It will also add to city costs to administer and patrol the expanded areas and increase the sense and reality of intrusion from frequent patrols by parking officials.

Thank you for the opportunity to provide these comments.

Michael Shepard

Matthews, Kurt

From: Brett Hall <vis362@msn.com>
Sent: Tuesday, July 07, 2015 2:42 PM
To: Matthews, Kurt
Subject: NPP Zone expansion east Aurora

Hello. My family and I are residents in this neighborhood on 35th Street. As I write this email, there is a car parked right up to our driveway making it really hard to access our own yard. I would be very excited at the prospect of parking permits in this neighborhood as it is a constant battle just to get in and out of our driveway safely. I have witnessed constant speeding cars through the neighborhood as well, which concerns me as we have children. Thank you for considering this. We would very much appreciate this outcome. -The Halls

Matthews, Kurt

From: 7711-madisoncreekhoa@usa.net
Sent: Wednesday, July 15, 2015 1:16 PM
To: Matthews, Kurt
Subject: New parking zones for East Aurora

Mr. Matthews,

I own and manage the properties at 1115 35th Street. There also is a huge problem with commuters to CU parking on 35th Street between Madison and Colorado.

My tenants are only able to find places to park on weekends. I would request that you at least add the west side of 35th Street to the permit expansion if not both sides.

Thank you for your time.

James Mason
PO Box 3402
Boulder, CO 80307
303-499-9705

Matthews, Kurt

From: Heather Ryan <h10ryan@yahoo.com>
Sent: Wednesday, July 08, 2015 11:55 AM
To: Matthews, Kurt
Subject: Proposed Neighborhood Parking Permit Zone Expansion Whittier.

Der Mr. Matthews,

I live at 2114 Bluff Street. I have concerns about the proposed Whittier Neighborhood Parking Expansion. The expansion is on one block only that dog legs from the rest of the restricted area. It seems a response to specific neighbors and not a well thought-out plan. My concern is that the expansion will move long term parkers to the streets that directly impact the houses along Mapleton and Bluff to the North and the East. These streets are already often impassable for two cars because of cars parked nose to tail on both sides. Pushing more parking to them to assist the homeowners on Mapleton between 20 and 21st seems unfair and inappropriate.

I am also concerned about the failure of the city to enforce requirements for off-street parking in the neighborhood. The house on the corner of Bluff and 21st is very large and has an accessory unit that is often rented out. They are doing a huge remodel on the property and have eliminated all off street parking. The two spaces that had been available for parking in front of a garage have been turned into a patio and have been surrounded by bushes to prevent any parking. Obviously the garage will not be used as additional living space and not for parking.

I believe off street parking requirements should be addressed before taking steps that impose additional burdens on neighboring streets in order to protect the interests of a single street. I strongly object to the expanded restrictions as set forth in the proposal.

I am happy to discuss this further.

Heather Ryan

Matthews, Kurt

From: Michele Schwadron <mschwadron@gmail.com>
Sent: Tuesday, July 14, 2015 9:46 AM
To: Matthews, Kurt
Subject: proposed expansion of Whittier Neighborhood Parking Permit Zone

Dear Mr. Matthews,

Thank you for mailing information regarding the proposed expansion of the Whittier Neighborhood Parking Permit Zone.

I am opposed to this proposed expansion. I am concerned that we will be losing too many unrestricted parking spaces in the downtown area if this is approved. Limiting the availability of free, unrestricted parking makes downtown Boulder a frustrating place to shop, dine or do business. Right now we have many streets that have been granted this limited parking status and if we were to expand it, it would put more pressure on the already tight downtown parking situation. As a community we benefit from having a vibrant downtown area where residents and tourists want to spend time and money. One way we can achieve this is by providing easily accessible, unrestricted, free parking.

I am also concerned that if this proposal is approved it could be the first of many dominoes to topple. Currently there are no NPP zones east of 20th street. Converting Mapleton between 20th and 21st to a NPP zone will simply divert any non-resident parking over 3 hours to other nearby streets which will then overcrowd those streets. This will encourage the homeowners who reside on those streets to petition the city to grant them a NPP zone. At some point we have to draw the line and I believe the line that is currently drawn on 20th should stay intact. We want to have a vibrant downtown area and making parking difficult is the quickest way to send shoppers, diners and visitors to other areas of Boulder where parking isn't a hassle.

I walked Mapleton in the area of the proposed NPP zone and came up with some enlightening information. There are currently 14 homes on the north and south side of Mapleton between 20th and 21st streets. Of those 14 homes, 11 of them have some type of off-street parking that is reserved exclusively for their property. This is what I observed:

North Side of Mapleton between 20th and 21st street

2005 Mapleton has 3 total off-street spaces for their exclusive use. 2 tandem spaces in their driveway and 1 space in the alley behind their home.

2013 Mapleton has 2 total off-street spaces for their exclusive use. Both spaces are in a two car garage in the alley behind their home.

2021 Mapleton has no off-street parking spaces.

2029 Mapleton has 1 off-street parking space in the alley behind their home and a very large historic barn that appears to be large enough to be utilized as a garage (I did not count this structure in my calculations).

2037 Mapleton has 2 total off-street parking spaces for their exclusive use. 1 in a garage and 1 in a space off the alley behind their home.

Matthews, Kurt

From: Jason Mendelson <jason@foundrygroup.com>
Sent: Tuesday, July 07, 2015 12:45 PM
To: Matthews, Kurt
Subject: 500 block of pine

Mr. Matthews,

I heard that the city is considering new parking restrictions on the 500 block of Pine. Please do not let this happen. I'm a resident on the corner of 5th and Pine and I can rarely find a parking spot in front of my house due to the crowded situation of the 400 block. This coupled with constant construction vehicles will make it impossible for me to find a space to park. Anything you can do to keep the status quo (which is suboptimal currently) would be appreciated.

Best,

Jason

--

Jason Mendelson
Foundry Group
@jasonmendelson



**Jason
Mendelson**
about.me/jasonmendelson

Assistant: Jill Spruiell

Jill@foundrygroup.com

(303) 642-4081

Matthews, Kurt

From: Darvin Ayre <dayre@earthlink.net>
Sent: Wednesday, July 22, 2015 3:30 PM
To: Matthews, Kurt
Cc: Darvin Ayre
Subject: Proposed parking zone on 8th street and impact on surrounding streets

hi Kurt..

I spoke with Ron last week before he went on vacation about my house on the corner of 8th and Maxwell Avenue. I've been following the conversation and have also talked with Jenn and Chris- two of your meter officers who I saw frequently around town as well as in the neighborhood. Over the last 6- 9 months I've spoken with Chris on several occasions to understand how these zones work, their enforcement and some of the consequences.. intended and otherwise that come from their roll out.

Based on what I've learned, I'd have to say that I'm very much AGAINST this strategy for managing parking in my neighborhood. While it appears to manage the concerns of a squeaky wheel few, it also bumps the problems to adjoining streets and doesn't necessarily resolve issues in a systematic way. I have lived on this corner (both as a renter of 3 years and a homeowner of 18 years) and while I've seen an increase of non- resident parking I also don't believe we are entitled to park directly in front of our homes every hour of every day or anytime we expect to- which is something I've heard coming from those who've signed the petition to get this underway.

As a counterpoint to some of this entitlement mentality, I would suggest that we can all make do if we're willing to flex just a bit. I only have one parking spot (directly) in front of my home on Maxwell but I don't expect it to be open for me. I can park a few spaces east, across the street or across my yard on 8th. Its really not that big a deal. On the other hand, if a small minority is allowed to push non- resident parking off 8th... we all know where it will end up. Maxwell is already managing a large burden of non resident parking and it will end up just migrating north and east or west of 8th to Maxwell Avenue.

While I understand the impulse to free up space if I had a home on 8th street. I also know from living on the corner- there is almost ALWAYS available space if I'm willing to walk 50 - 75 feet from my car to my home. Additionally, several of the people squawking the loudest also have unused parking spaces (and garage parking) as part of their homes and condo HOA's. To me, this ignores taking some personal responsibility for the situation and again... foists the problem onto others without fully thinking it through.

I left you a voicemail quite awhile back and also know that you're quite busy. It'd be great to discuss this over the phone and be able to get greater clarity from your perspective and experience of this type parking zone designation.

I couldn't make the Open House last week as I had to be in Denver for an evening board meeting.

thanks for your response in advance

cheers, Darvin

Darvin Ayre
Ayre & Associates, Inc
806 Maxwell Ave
Boulder, CO 80304

email: dayre@ayregroup.com
mobile: 303.589.3201

Matthews, Kurt

From: dexterpayne1@gmail.com on behalf of Dexter Payne <note@dexterpayne.com>
Sent: Wednesday, July 22, 2015 4:39 AM
To: Matthews, Kurt
Subject: Parking permits on 7th St between Mapleton & Maxwell, 2400 block

Dear Boulder Parking.COM,

This is a comment to the parking proposal for my block which I received in the mail - by the sound of it you want to hear from me, but that won't change anything - it's going through no matter what. Too bad, I believe! .

I have lived here 10 years, and I do NOT see people from outside the neighborhood parking here to shop, work, hike Sanitas or for any other purpose.

Yes, my block (7th St between Mapleton & Maxwell) gets completely parked up, mostly at night. What that means is ITS PRIMARILY RESIDENTIAL PARKING.

So, as I see it - your proposal "gives" me the right to pay you a fee for a permit. For what I already do - hope I can get a place to park near my house.... Furthermore, if someone comes to visit me or carpool with me, they can be fined for parking on my block more than 3 hrs per day.

Yes, there ARE some residents with more than one car per person!!! Yes, there are some residents who store unused cars, even a trailer on this the block!!! I have no clue how to change this behavior. Parking permits, even extra ones, will be no burden or deterrent to them. They will just buy more permits, no worry about the cost. Some of us here are renters with low income, and yes, even a \$17 permit is significant!

The reason for our parking problem: There are houses o the block which once had only one car per....but now they are converted into apartments, creating more parking pressure than the block can bear (identical problems on adjacent blocks throughout the neighborhood!)

I see the Pearl St workers who park over on Mountain View every day. Not a problem here - we are too far from Pearl. This is not a school or church neighborhood.

I like my block with no extra parking signs, signs which would not change the parking on this block one iota. Please reconsider.

I AM curious, in passing, how the city govt becomes a "dot COM"

Sincerely,
Dexter Payne
2446 7th St
303.883.4412

Matthews, Kurt

From: Lauren Warhola <laurenwarhola@gmail.com>
Sent: Tuesday, July 21, 2015 1:30 PM
To: Matthews, Kurt; ParkingServices
Subject: parking on 35th st

Hi All -

I live on 35th st where the proposed pay to park has been suggested.

I do not agree with having to buy a parking pass to park outside of my house. If anything, I suggest Boulder giving residents + guests of the proposed area a free parking pass.

If you are worried about college kids parking in our streets, then have them buy a pass.

Making residents and our guests pay to park on our street is absurd.

In conclusion, we should keep the parking situation as it is now. Free for everyone.

Thanks for listening,

900 35th

Lauren Warhola

Matthews, Kurt

From: Doyle, Sharon
Sent: Tuesday, July 21, 2015 12:56 PM
To: Matthews, Kurt
Cc: Hoskins, Ron; Jobert, Donna; Winter, Molly
Subject: FW: East Aurora NPP proposal

FYI

From: Sarah Jolly [mailto:jollysarahe@gmail.com]
Sent: Tuesday, July 21, 2015 12:00 PM
To: ParkingServices
Subject: East Aurora NPP proposal

Hello parking services,

For the love of god do not make me pay to park in front of my own house. Living in Boulder is already stupid expensive and I have not once had an issue parking on my own street. Students do not park here, I see absolutely no reason to have an NPP in our neighborhood or on our street. My neighbors and I do not need another thing to worry about with paying and renewing and making sure our guests have the proper permits and what times we can park where.

Thanks,
Sarah

Matthews, Kurt

From: Kirstin Jahn <Kirstin@jahnlaw.com>
Sent: Monday, July 20, 2015 5:46 PM
To: Matthews, Kurt
Subject: Extension for parking on Mapleton between 20-21st

Kurt,

Thank you for your letter re: the proposed expansion of the Whittier Neighborhood Parking Permit Zone.

I was the person who submitted the permit application, but unfortunately was on vacation when the letter came and when the open house occurred on July 16th from 5-7.

Can you let me know how it went? Are we on track for the public hearing on September 14, 2015? Is there anything more my neighbors or I can do to help this go through more smoothly?

Sincerely,

Kirstin Jahn

Matthews, Kurt

From: Trevor Doetsch <trevordoetsch@gmail.com>
Sent: Tuesday, July 21, 2015 6:50 AM
To: Matthews, Kurt
Subject: NPP zone expansion at East Aurora

Kurt,

I own a house a 925 35th st and dont understand why the city is trying to do this? The city has already raised our property taxes a large amount recently. Why do you keep trying to take more money from us???!! This is completely ridiculous. Stay out of our lives! Must you control every little thing??? What wrong with free parking on these blocks?? Its not down town Pearl St.

The open house you held was on July 16th., I barely received notice of this in time, certainly not enough time for someone whom has a schedule to attend.

Why are you doing this? Can you at least give an explanation? We spend our hard earned dollars to live here and deserve the right to park our cars in front of our houses for free! I dont want to have to go anywhere to get a permit even if it is free to park on my street.... this is a hassle and just a money grab for the city.

Rgds.

Trevor Doetsch
925 35th st
Boulder.
trevordoetsch@gmail.com

Matthews, Kurt

From: Sarah Jolly <jollysarahe@gmail.com>
Sent: Tuesday, July 21, 2015 1:23 PM
To: Matthews, Kurt
Subject: Re: FW: East Aurora NPP proposal

Hi Kurt,

Sure thing, I live at 900 35th St. I have two roommates that both agree there should be no NPP, they should be emailing you as well.

Thanks,
Sarah

On Tue, Jul 21, 2015 at 1:13 PM, Matthews, Kurt <MATTHEWSK@bouldercolorado.gov> wrote:

Sarah,

Could you please provide me with your address so I can add it to our files. Thanks,

Kurt Matthews, M.Ed

City of Boulder

Manager Parking Services

(303)413-7320

From: Doyle, Sharon
Sent: Tuesday, July 21, 2015 12:56 PM
To: Matthews, Kurt
Cc: Hoskins, Ron; Jobert, Donna; Winter, Molly
Subject: FW: East Aurora NPP proposal

FYI

From: Sarah Jolly [<mailto:jollysarahe@gmail.com>]
Sent: Tuesday, July 21, 2015 12:00 PM
To: ParkingServices
Subject: East Aurora NPP proposal

Hello parking services,

For the love of god do not make me pay to park in front of my own house. Living in Boulder is already stupid expensive and I have not once had an issue parking on my own street. Students do not park here, I see absolutely no reason to have an NPP in our neighborhood or on our street. My neighbors and I do not need another thing to worry about with paying and renewing and making sure our guests have the proper permits and what times we can park where.

Thanks,

Sarah

Matthews, Kurt

From: Katelynn Barnett <katelynnb5@gmail.com>
Sent: Wednesday, July 22, 2015 11:56 AM
To: ParkingServices; Matthews, Kurt
Subject: Parking Permit Zone in East Boulder

Good morning,

I am a resident of 900 35th Street here in Boulder, and recently we have been notified of proposed permit parking in our neighborhood. It was also mentioned that you are looking for feedback from residents - the permit parking does not seem necessary from my standpoint. There is always plenty of parking on the street at any given time of day, and it would be an inconvenience to have to pay to park on my own street.

With the research campus being so close by, I assume this proposal is coming from people complaining of students parking on these streets and walking to the campus. My roommates and I work during the day, so I suppose we do not always see the extra cars on the street. However, I sometimes travel to Longmont for work and come home in the early afternoon, and there is still plenty of space to park, even during the school year. Again, paying to park where there is already free space would be a waste of our money.

I hope this is helpful. Please let me know if I can provide further feedback or answer any questions.

Thank you!

Katelynn Barnett
513-501-7380

Matthews, Kurt

From: Eric Sorenson <ersorenson@gmail.com>
Sent: Tuesday, August 04, 2015 1:23 PM
To: Matthews, Kurt
Subject: West Pearl Parking

Dear Kurt,

I am following up on our phone conversation. I support the west pearl permit proposal and want it expanded to include 4th St. I reside with my family at 330 Pearl St. Currently it is very difficult to find available parking spaces on weekdays during work hours. This is probably due to the number of Justice Center employees who park on 4th St and not in the designated Justice Center parking lot.

Designating West Pearl without including 4th St. will serve to make it impossible for residents to find daytime street parking on 4th St. Whatever happens, it is my intention to circulate a petition in order to implement neighborhood parking on 4th St. Thank you for your attention to this matter.

Sincerely,
Eric Sorenson
Sent from my iPhone

Matthews, Kurt

From: Nancy Kornblum <nancygkornblum@gmail.com>
Sent: Friday, July 24, 2015 6:39 AM
To: Matthews, Kurt
Subject: Proposed New Neighborhood Parking Permit Zone Expansion (Mapleton)

Hi Kurt: I wanted to add another point to my previous comments after attending the open house last week.

The City's map that is being circulated for the Mapleton Parking Expansion cuts off the area west of 4th Street, ending mid-block on the 400 block of Pine St.

This unrepresented area is important to show that there are no parking spaces in this area, thus putting additional pressure on the 400 block of Pine Street as the only available nearby parking option once restrictions get implemented on the 500 block and surrounding area.

Pine Street "T's" at 4th Street and parking is very limited on 4th Street with parking on the east side of 4th St. entirely prohibited.

Should we file a petition at this time to include our block in the parking permit zone or wait until the situation becomes a problem? Thanks. Nancy

On Mon, Jul 6, 2015 at 8:05 PM, Nancy Kornblum <nancygkornblum@gmail.com> wrote:

Hi Kurt: We received your notice proposing extending parking permits to include the 500 block of Pine Street. As long term residents on the 400 block of Pine Street we strongly oppose restricting parking on this block without including the 400 block too. Our block is notorious for the lack of parking. By imposing restrictions on the streets to the east this will inevitably push the parking problem further west to our block which is already overly burdened during the day.

I have spoken to a number of parking officials (I can get you names if you desire) in the city who have all agreed that parking on the 400 block is a challenge. In fact, they have expressly loosened parking regulations there to allow for residents to be able to more easily access homes. This is not an ideal solution especially when traffic safety is of concern.

Almost every home on our street does not have a usable garage and residents must park on the street; many have teenagers/nannies who drive (and park) a third car. Construction parking has often been intolerable with cones preserving spaces and large trucks taking up several spaces for days on end. This doesn't seem to be temporary and construction will no doubt continue. Contributing further to the problem, some residents run businesses out of their homes or have ADUs, generating more parked cars on the street.

We do not need more pressure put on the very limited parking spaces on our block. Please either include the 400 block in the expansion or do NOT include the 500 block of Pine.

Thanks. Nancy Kornblum and Mike Schreiner (402 Pine Street)

Matthews, Kurt

From: Tory Yaphe <ty@doctory.com>
Sent: Saturday, July 18, 2015 9:32 AM
To: Matthews, Kurt
Subject: NPP Zone Expansion: Whittier

Mr. Mathews,

We received he proposed Neighborhood Parking Permit (NPP) for Whittier which expands the NPP for one block on Mapleton Ave. and we are very much in favor of this NPP, but it does not include a large enough area.

We live on the corner of 21st St and Mapleton Ave. and experience morning commuters parking not only in this one block of Mapleton but more often on 21st St. which doesn't have any restrictions. From this area it is one block to the elementary school on Pine and 2 blocks to the heavy commercial Pearl St.

Is there any ways to include 21st St. in this NPP the same as on 18th, 19th and 20th streets? If NPP can be provided on Bluff St. certainly 21st St. should be included.

Tory & Wendy Yaphe
2053 Mapleton Ave
Boulder, CO 80304
~~~~~

## Matthews, Kurt

---

**From:** David Wein <david@mutualsecurity.com>  
**Sent:** Sunday, July 19, 2015 3:51 PM  
**To:** Matthews, Kurt  
**Cc:** David Wein  
**Subject:** NPP Zone Expansion Mapleton

Kurt, I live at 643 Mapleton on the northwest corner of 7<sup>th</sup> and Mapleton and I received the notice to expand the permitted parking. While I feel like people parking downtown for work are infringing on our available parking for our home I am against the expansion. We already have permits required in front of our house which I as a homeowner now no longer use. If this expands to 7<sup>th</sup>, I will feel further pushed out of my own neighborhood where I pay approx. \$10k a year in property taxes for the privilege of living and parking. I don't think adding annual parking fees will be to my benefit. Additionally, I have a trailer I use for work and occasionally a boat that I bring home for several days. How are these type of vehicles permitted? If it is of any consideration my hope is that this will not be put in place thank you

David S. Wein  
Mortgage Banker  
Mutual Security Mortgage  
O-303-443-5575  
C-303-588-8547  
2129 13th St  
Boulder, CO 80302  
NMLS #243292  
Co license #100010022

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## Matthews, Kurt

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**From:** Doyle, Sharon  
**Sent:** Monday, July 20, 2015 7:22 AM  
**To:** Matthews, Kurt  
**Subject:** FW: neighborhood parking program

FYI

-----Original Message-----

**From:** Regina Bock [mailto:fortbock@aol.com]  
**Sent:** Saturday, July 18, 2015 8:25 AM  
**To:** Council; ParkingServices  
**Subject:** neighborhood parking program

Dear City Council and parking service personnel, After reading the article of the neighborhood parking program in the Daily Camera I had some thoughts.

- 1.) How many residents that complain about on street parking, that ALL tax payer pay for, have converted their garages to work space, storage, studios or apartments? with or without a permit? It should not be visitors problems if residents choose to get rid of their parking.
- 2.) Giving permits implies that residents "own" the space in front of their homes. I do not think this is true or should be true.
- 3.) We challenge/encourage visitors and ourselves to not drive and take the bus or bike, if downtown residents don't drive then they don't have a parking problem.

Thank you for the time on this matter and all the other matters that you consider.

Sincerely, Regina Bock

## Matthews, Kurt

---

**From:** Mark and Diane Hageman <lacasaazul42@comcast.net>  
**Sent:** Friday, July 17, 2015 8:02 AM  
**To:** Matthews, Kurt  
**Subject:** NPP East Aurora

Matthew: As a homeowner near one of the new NPP zones in East Aurora I have a couple of comments. First, you do not explain why the zone is being created in the first place, although I suspect you may have covered that at the open house which I was unable to attend. It seems odd that you are imposing the NPP in the middle of a neighborhood, not closer to CU, Baseline, 30th or other potential draws for non-neighborhood parking. Second, I find it ridiculous that residents would have to pay to park on public streets, particularly since very few of the homes in this area have garages and only a few more have driveways. I understand the fee for a business or commuter permit, but resident's permit fees are usury.

Mark Hageman

## Matthews, Kurt

---

**From:** Roger Brooks <roger@leadingedgemedical.com>  
**Sent:** Monday, July 27, 2015 3:47 PM  
**To:** Matthews, Kurt  
**Cc:** Karen Brooks  
**Subject:** Whittier Parking Permit

Kurt,

We live at 2056 Mapleton Ave and signed the Whittier / Mapleton parking permit under the presumption that the solicitor was going to add 21<sup>st</sup> between Mapleton and Pine. Based upon your letter it looks like she did not or was not able to add that to her petition. Thus we are 100% opposed to the Zone expansion.

The only thing this will do is to push the cars into the location where we park which is on 21<sup>st</sup> between Mapleton and Pine. We are just fine with families and teachers from Whittier Elementary parking in our area. As everyone in our neighborhood should be ... What we do not like is when someone leaves their (usually and eye sore of a car) parked in front all weekend or for extended periods of time.

Please do not push all the parking to in front of our house which is what this Zone expansion will do.

Roger and Karen

### **Roger Brooks, President & CEO**

C-Suite Executive Search | Leading Edge Medical  
303.449.9300

Leading | Edge  
medical search

Member of  inrals

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Jack E Smith

ADDRESS: 308 Pearl St

EMAIL: →

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

Parking in the 300 block on W. Pearl has been a long standing problem. During the week there is no place to park on any week day & sometimes on week ends. Many people park there all day. We often have to park two or three blocks from our residence - a real problem unloading groceries or laundry. I have to use a walking stick which makes even a short walk difficult.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Susan Collins

ADDRESS: 308 Pearl St

EMAIL: ssnellus1@gmail.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

We really need this expansion. Since our block is the first one going west on Pearl that doesn't currently have restrictions, commuters who work downtown often park in the 300 block. I can rarely park in front of my own house.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Jack E Smith

ADDRESS: 308 Pearl St

EMAIL: →

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

Parking in the 300 block on W. Pearl has been a long standing problem. During the week there is no place to park on any week day & sometimes on week ends. Many people park there all day. We often have to park two or three blocks from our residence - a real problem unloading groceries or laundry. I have to use a walking stick which makes even a short walk difficult.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Susan Collins

ADDRESS: 308 Pearl St

EMAIL: sscollins1@gmail.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

We really need this expansion. Since our block is the first one going west on Pearl that doesn't currently have restrictions, commuters who work downtown often park in the 300 block. I can rarely park in front of my own house.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Rome + Juanita Walker

ADDRESS: 601 Canyon, Unit C

EMAIL: randj@alpine lodgeredriver.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

We represent the 4 unit HOA on 6<sup>th</sup> St. All owners and residents are in favor the proposed expansion.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: GWEN Dooley

ADDRESS: 730 Spruce & 438 Pearl

EMAIL: gwenddooley@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

Mapleton & West Pearl are gathering signatures on petitions to replace the 3 hr. periods with 2 hr. maximum non-residential parking periods. One Mapleton petition was submitted to Trally Winter at the 7/16/15 open house. The other will be submitted by the end of July at the latest.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Dianne Bush

ADDRESS: 303 Canyon Blvd. #10

EMAIL: dbush2009@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS: Parking on 3rd St. is strictly "unmonitored" by the City. On a daily basis, ~~as~~ residents, we see infringements - parking over crosswalk, close to alley access, etc. Two commercial neighbors put their own cones out to serve their business' parking needs. The proposed Pearl St. parking zone will only exacerbate these issues. In looking at the 6th St. zoning we notice

over →

only a zone in front of the residential area.  
Is that an option on 3rd St. ?

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Bob & Judy McKeever

ADDRESS: 3590 Madison Ave

EMAIL: rojujencol@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS: our neighborhood has lost its tranquility.

There is no sense of safety for pedestrians, children, or pets as the speed of traffic has increased dramatically. Two way traffic is an impossibility ... and because of the manner of parking (too close to crosswalks & driveways) there is no visibility. we cannot

Park at our own home once we move  
our vehicles.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Debbie Ash

ADDRESS: 1000 35th St.

EMAIL: askdebbie@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

I feel bad that we are trying to limit the parking in our neighborhood. I don't mind sharing the street parking. It does make it hard to back out of the driveway as I cannot see what's coming & I must pull the full length of the car out before I can start to turn in the direction I need to go. <sup>Suggestion:</sup> Maybe marking the sides of the driveways so people know not to park so close.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Kathryn Taylor

ADDRESS: 1005 36th St.

EMAIL: Kathentaylor@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

The parking situation has been getting worse & worse in my neighborhood for a few years now, and this past year has become intolerable. As my house has no driveway, I never know if I'll ever be able to park if I leave for any amount of time during the day. Way too many folks parking for too many hours. Frustrating.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Frank Smucker

ADDRESS: 900-37th St 80303

EMAIL: Smuckerf@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

Call our area Aurora Seven.  
Make the parking in our area a 2 hour limit.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: FRADA KODECK

ADDRESS: 2458 8th. St.

EMAIL: FNKODECK@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

am 100% p for it

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Canada

ADDRESS: 745 Pine

EMAIL: \_\_\_\_\_

ZONE - circle one: East Aurora, Mapleton, West Pearl, ~~Whittier~~

COMMENTS:

- Include Handout with all the parking regulations when you provide permits to permit holders.
- Parking Enforcement should enforce all regulations which include 5' from driveway when enforcing NPP restrictions.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Richard McCord

ADDRESS: 2458 6th St.

EMAIL: WISE RN @MSA-COM

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

100% for Proposed Parking Permits

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Filip Sokol

ADDRESS: 1620 MAPLETON AVE

EMAIL: fsokol@indra.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS: WEEK END PARKING IS TOTALLY OUT OF CONTROL IN MY NEIGHBORHOOD DUE TO PEOPLE GOING TO THE MALL, ETOWN, ETC. CONTROLLED PARKING SHOULD BE 24-7 AND NOT FREE, PARKING SPACE COSTS MONEY AND SHOULD NOT BE SUBSIDIZED. THE COST SHOULD BE ENOUGH TO CAUSE A THOUGHT PROCESS THAT MAY LEAD TO BETTER (NON POLLUTING AND NON CONGESTION) ALTERNATIVES. GROSSLY LARGE VEHICLES SHOULD ALSO BE DISCOURAGED. ENFORCEMENT MUST BE CONSISTANT AND SIGNIFICANT. ALSO PEOPLE REMAIN AFTER DRINKING OFTEN DISCARD TRASH, SCRATCH CARS, ETC.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: ROD M'KEEVER

ADDRESS: 3590 MADISON AVE

EMAIL: RODBM@COMCAST.NET

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS: WE HAVE SEVERAL CONCERNS WITH THE CURRENT PARKING/TRAFFIC SITUATION.

① NEIGHBOURHOOD TRAFFIC HAS INCREASED IN THE LAST FEW YEARS. IF THE NUMBER OF CARS PARKING ON MADISON IS ANY INDICATION, TRAFFIC HAS INCREASED BY OVER 15 TIMES, INDICATING A 15 FOLD INCREASE IN THE PROBABILITY OF AN ACCIDENT. OUR NEIGHBOURHOOD IS EVOLVING INTO PRIMARILY FAMILIES WITH SMALL CHILDREN. AN INCREASE IN ACCIDENT PROBABILITY AND SMALL CHILDREN IS NOT A GOOD ~~SITUATION~~ SITUATION.

② ADDITIONALLY, WE ARE CONCERNED ABOUT THE POTENTIAL OF THE TRAFFIC/PARKING SITUATION TO SLOW EMERGENCY RESPONSE.

07/16/15

NAME: LUKE MILLERADDRESS: 930 37<sup>th</sup> St.EMAIL: Miller.luke@gmail.comZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

## COMMENTS:

- The issue with parking in E. Aurora is small, but acute - cars are densely parked along ~~Madison~~ Madison Ave, and a few houses in on 35<sup>th</sup>, 36<sup>th</sup> & 37<sup>th</sup>. Otherwise there are no issues. All overflow from CU Research Park.
- Some houses along Madison/36<sup>th</sup> area have removed their driveway & rely on on street parking - seems unfair to ~~stress~~ pass their burden on to the rest of the neighborhood.
- Parking lots at CU Research Park are 1/2 empty - why can't they provide parking for their employees/students? How do we get them involved?
- New buildings in CU Research Park being built will only add to the problem.
- Not fair to ask the neighborhood to pay (even though small \$) because CU charges too much for parking in their lots.
- IF this is implemented, a 2hr limit is preferred. And timing only needs to be from 9-3
- How many commuter permits would be issued? Is the cost less than what CU charges for their lots? It's possible this could be implemented & not solve the problem.

07/16/15

NAME: JUDITH APLONADDRESS: 2119 SPRUCE ST. #2EMAIL: judithapl@yaho.comZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS: I have lived at the above address since Oct. 1977 & have witnessed a substantial increase in all day parking beginning at 8:00 AM when downtown workers park on Spruce from 20th to Folsom + 22<sup>nd</sup> + 23<sup>rd</sup> to Pine. These workers then use their eco passes to board the HOP to their places of work. Several years ago I started a petition →

but received differing information from Eric Guenther & did not continue the work.

We need a break on Spruce, 22<sup>nd</sup> + 23<sup>rd</sup>.

Thank you

My address is directly across from Spruce Pool. The summer danger/nightmare is terrifying.

07/16/15

NAME: Elisabeth WhiteADDRESS: 840 MaxwellEMAIL: ehwhite@yahoo.comZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

I would support the 9th Street expansion in the Mapleton NPP only if the block of Maxwell between 8th + 9th is included. 2/3 - 3/4 of cars parked all day on the block on weekdays are commuters. A resident needing to shop

or take kids to school return to find the block parked solid with non-residents <sup>near their house</sup>.

A big problem, getting significantly worse over the last few years!

PROPOSED NPP COMMENT FORM

07/16/15

NAME: PETER TROUP

ADDRESS: 1001 Spruce St. 80302

EMAIL: PETER TROUP @ COMCAST.NET

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

Why not consider changing to 2 hr.  
(vs 3 hr) free parking limits? This  
will increase "revenue" - and the  
(tickets)  
turnover of parking spaces for visitors.  
Also - painting "space-lines" on Spruce →  
would help those clueless drivers 😊

PROPOSED NPP COMMENT FORM

07/16/15

NAME: DAN C. WINTERS

ADDRESS: 1450 Ithaca Dr Bldg 30305

EMAIL: daxcwinters@yahoo.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

almost NO NPP should be allowed.

Exception: if a new multi-use structure,  
which produces <sup>much</sup> more parking needs  
then I would agree with special  
parking. (over please)

What about the pollution caused by  
traf. enforcement cars patrolling  
the area!!!

07/16/15

NAME: Louise ShorterADDRESS: 187 Lincoln P.EMAIL: shorter.louise@gmail.comZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier Chautauque

## COMMENTS:

Realizing that my neighborhood is in the beginning stage - I want to express my objection to any permit for my street.

(1) I'm not guaranteed a spot in front of my home  
 (2) ~~permits~~ We have issues relatively infrequently... a few hours on weekends or evenings when Chautauque has an event - (3) events go longer than 2 hours

(4) Instead allow me to build a <sup>semi-</sup>cerceado drive on the city easement - that gives me parking.  
 (5) Charging fees for residents makes us pay for 70% of the year when there is no parking issue.

(6) Are people really objecting to the foot traffic? Perhaps this as much or more than the auto parking??  
 (7) The Chautauque bus is a great service

## **NEIGHBORHOOD PARKING PERMIT PROGRAM BACKGROUND**

In 1986, the Boulder City Council adopted the Residential Permit Parking (RPP) program as a mechanism to relieve spillover parking in residential areas. The RPP program was designed to give preference in the use of on-street parking spaces to residents or businesses located within a designated zone, by restricting long and short-term non-resident parking on neighborhood streets. The program was first implemented in 1993 when RPP zones were established in the Mapleton Hill and University Hill neighborhoods. The RPP program restricted nonresident parking on neighborhood streets to two hours, Monday-Friday, 9 a.m. to 5 p.m. Concerns about the impacts associated with RPP implementation led Council to request an evaluation of the RPP program before proceeding with further zone implementation.

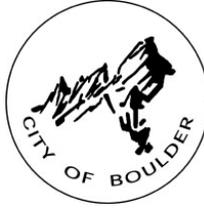
The Neighborhood Permit Parking (NPP) program was adopted by the City Council in May 1997 as an improved version of the RPP program. The NPP was designed to improve the balance between preserving neighborhood character and providing public access to community facilities. The new program provided for greater flexibility and new features not available under the RPP program, including:

- The availability of commuter permits within permit parking zones;
- The ability to tailor the time and duration of restrictions to meet the needs of the neighborhood; and,
- The one time only, per day, short-term parking component.

NPP parking restrictions limit on-street parking for vehicles without a parking permit. Vehicles without an NPP permit may park one time only, per day, per zone for the posted time limit and may not re-park in that zone again on the same day. Vehicles with a valid permit are exempt from the posted parking restrictions. Residents who live within an NPP zone may purchase up to two resident permits and receive up to two visitor passes per residence per year for \$17/year. Businesses located within a zone may purchase up to three permits for use by employees and may apply for additional employee parking permits if necessary at \$75/year.

The following are the existing NPP zones: Columbine, Fairview, Goss/Grove, High/Sunset, Mapleton Hill, University Hill, Whittier, University Heights, West Pearl, and East Ridge/Pennsylvania.

The NPP ordinance stipulates that up to four commuter permits may be issued per block face within an NPP zone to nonresidents. In November, 2012 Council authorized to change the ordinance making the commuter permit program a permanent part of the NPP ordinance. Commuter permits are issued on block faces where the average daily percentage of unoccupied parking spaces (“White Space”) exceeds 25 percent (15% in Goss/Grove). The maximum number of commuter permits issued on any one block face, within an NPP zone, is four. The current fee for commuter permits is \$82 per quarter or \$328 per year.



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager  
Karen Rahn, Human Services Director  
Betty Kilsdonk, Acting Senior Services Manager/HS Deputy Director  
Jason Allen, Food Tax Rebate Administrator

Date: Oct. 6, 2015

**Subject: Information Item: 2015 Food Tax Rebate Program**

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### EXECUTIVE SUMMARY

This item presents a recap of the 2015 Food Tax Rebate Program (FTRP). The FTRP provides cash rebates to help compensate qualified low-income residents for sales tax paid on food items. Those eligible for rebates include low-income families, seniors and persons with disabilities.

In 2015, 857 applications were received. Eight hundred twenty-nine (829) applications were approved; one was not paid because the applicant passed away. Twenty-eight (28) applications were denied because they were incomplete, were submitted past the deadline or those applying did not meet the qualifications. Rebate amounts are \$236 per family and \$77 per individual. Since 2001, rebates have been indexed for inflation.

In 2015:

- 160 rebates were issued to families for a total of \$37,760;
- 527 rebates were issued to seniors for a total of \$40,579;
- 141 rebates were issued to persons with disabilities for a total of \$10,857; and
- Total rebate disbursement was \$89,196.

### FISCAL IMPACT

The cost of the 2015 program, including administration (\$16,703) and rebates (\$89,196) was \$105,899.

## COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: There may be a small impact on local business, as a FTRP recipient may spend some or all of the rebate at businesses in the city of Boulder.
- Social: The rebate program helps low-income and disabled residents meet basic needs by providing a modest financial benefit.

## BACKGROUND

Since passage of a voter initiative in 1967, Boulder has operated the FTRP to help compensate low-income residents for sales tax paid on food items.

To qualify for a rebate, an applicant must have been a resident of Boulder for the entire 2014 calendar year, meet the income guidelines, complete an Immigration Status Affidavit as required by state law and be one of the following:

- a) A family with at least one child under 18 living at home;
- b) A senior more than 62 years of age for the entire year; or
- c) An individual with disabilities.

Applications were accepted March 1 through June 30. All who applied for a tax refund in 2014 were mailed an application for 2015. Program information was also available online at <https://bouldercolorado.gov/seniors/food-tax-rebate-program>. There is ongoing outreach to community organizations to enroll qualified clients.

The West Senior Center, 909 Arapahoe Avenue, is the main distribution point for applications and the location of applicant interviews.

## ANALYSIS

In 2015 there were 6 percent fewer total applicants and 6 percent fewer qualified applicants than in 2014. An increase in families relocating outside of Boulder due to a tighter housing market after the 2013 flood may have been a factor. Of the total qualified applicants, 64 percent were seniors; 19 percent were families; and 17 percent were individuals with disabilities. The 2015 total rebate disbursement (\$89,196) was 4 percent less than in 2014 (\$93,132).

### Applicants by Category, 2011-2015

| Year  | Total Applicants | Total Unqualified Applicants | Total Qualified Applicants | Qualified Families | Qualified Seniors | Qualified Individuals with Disabilities |
|-------|------------------|------------------------------|----------------------------|--------------------|-------------------|-----------------------------------------|
| 2015  | 857              | 28                           | <b>829</b>                 | 160                | 528               | 141                                     |
| 2014  | 910              | 26                           | <b>884</b>                 | 172                | 540               | 172                                     |
| 2013  | 925              | 32                           | <b>893</b>                 | 166                | 554               | 173                                     |
| 2012  | 871              | 33                           | <b>838</b>                 | 162                | 526               | 150                                     |
| 2011  | 826              | 46                           | <b>780</b>                 | 155                | 475               | 150                                     |
| TOTAL | 4389             | 165                          | <b>4224</b>                | 815                | 2623              | 786                                     |

**NEXT STEPS**

The FTRP accepts and processes applications from March through June of each year. The program is anticipated to operate in 2016 as it did in 2015. Outreach and publication of the program begins in February 2016. Outreach includes a press release, information on Channel 8, direct mailing of applications to all prior applicants and targeted outreach to the senior, Latino and affordable housing communities. Community agencies included in 2016 outreach efforts are the Center for People with Disabilities, the Emergency Family Assistance Association, the Family Resource Schools program and Boulder Housing Partners.



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager  
Greg Testa, Chief of Police  
Michael Calderazzo, Fire Chief  
Mike Chard, Director of Boulder Office of Emergency Management  
Maureen Rait, Executive Director of Public Works  
Tracy Winfree, Director of Open Space and Mountain Parks  
Jeff Dillon, Parks and Planning Superintendent  
Jeff Arthur, Director of Public Works for Utilities  
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Date: Oct. 6, 2015

**Subject: Information Item: City of Boulder Multi-Hazard Mitigation Plan 2015 Annual Review**

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### EXECUTIVE SUMMARY

This memo provides City Council members with the results of the 2015 annual review of the city's Multi-Hazard Mitigation Plan.

Boulder's Multi-Hazard Mitigation Plan (the Plan) was prepared pursuant to the requirements of the Federal Disaster Mitigation Act of 2000 to ensure the city would be eligible for the Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation and Hazard Mitigation Grant Program. The original Multi-Hazard Mitigation Plan was adopted by City Council on Aug. 19, 2008. As required by FEMA, a comprehensive update was adopted by City Council on April 2, 2013 and approved by FEMA on May 24, 2013. The city was significantly impacted by flooding in September 2013, resulting in an estimated \$200 million dollars in private property damage to more than 6,500 homes and businesses and \$28 million dollars in public infrastructure. The city is still recovering from the flood. Many of the action items listed in the Plan are being implemented through the city's flood recovery efforts.

The annual review is required to receive credit in the National Flood Insurance Program's (NFIP) Community Rating System (CRS) and remain eligible for federal grants. Per the CRS credit criteria, the plan is to be reviewed annually and fully updated every five years. To achieve CRS credits and maintain grant eligibility, the annual review must be presented to the governing body and made available to the public via the Web. No action is required by council.

The 2015 plan review (**Attachment A**) was completed in the third quarter of 2015. In general, the annual review shows that much progress has been made since the comprehensive update was adopted in 2013. Implementation of the actions has resulted in:

- Greater community awareness of Boulder's vulnerability to natural hazards;
- Reduced vulnerability to these hazards; and
- Enhanced response preparation by agencies to reduce impacts of natural hazards.

An overview of the progress made towards implementing the Plan is provided in the Analysis section of this memo.

More information about Boulder's [multi-hazard mitigation strategy](#) can be found on the city's website, as can [the full Plan](#).

## **FISCAL IMPACT**

Implementation of the actions in the Multi-Hazard Mitigation Plan is funded by existing approved budgets.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic: Property damage, transportation and utilities disruption from natural and man-made disasters can cause substantial economic costs. Action items identified in the Plan were developed to reduce the risk to life and property and disruptions to business.
- Environmental: Implementation of the recommended Plan's action items will help reduce damage to the environment resulting from natural and man-made disasters.
- Social: Implementation of the Plan's action items will help reduce the risk to life and damage to property along Boulder Creek and its fifteen tributaries, including at-risk populations.

## **BACKGROUND**

The NFIP CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. Flood insurance premium rates are discounted based on the community's efforts to reduce flood losses beyond the minimum requirements. The City of Boulder participates in the CRS program and currently has a community rating of 5 out of 10 (1 being the highest rating). This rating provides an annual flood insurance premium discount of up to 25 percent for property owners. The City's rating has steadily improved since 2010.

Each participating community must submit documentation to FEMA for annual recertification. Community ratings can change depending on the current level of flood mitigation activities. One of the program elements the City of Boulder elected to participate in was the preparation of a Multi-Hazard Mitigation Plan. The Plan is intended to be a dynamic, living document. As a result, to achieve CRS credits and maintain grant eligibility, the Plan must be reviewed on an

annual basis, presented to the governing body (council) and made available to the public via the Web. Every five years, the Plan needs to be fully updated. The annual review must evaluate each of the mitigation actions and submit the review to the governing body, be released to the media and made available to the public. Credit for floodplain management planning is dependent on the report being submitted with the community's annual CRS recertification, which is due Oct. 1 of each year. The plan was updated and submitted to FEMA in 2014 and was submitted to the state on Oct. 1, 2015 to meet its required deadline.

## ANALYSIS

The City of Boulder Multi-Hazard Mitigation Plan has three goals:

1. Increase community awareness of Boulder's vulnerability to natural hazards;
2. Reduce vulnerability of people, property and the environment to natural hazards; and
3. Increase interagency capabilities and coordination to reduce the impacts of natural hazards.

To meet identified goals, the plan recommends 33 mitigation actions. The actions include:

- Twelve multi-hazard actions;
- Twelve flood actions;
- One human health action;
- Six wildfire actions; and
- Two drought actions.

In the full plan, each of the actions includes a description of the issue, background context, identification of alternatives if applicable, the responsible office, the priority, cost estimate, estimated benefits, potential funding sources and schedule. **Attachment A** presents the 2015 annual review of the Multi-Hazard Mitigation Plan.

The following provides an overview based on the 2015 annual review of the progress made toward implementing the Multi-Hazard Mitigation plan's 33 action items since its acceptance in 2013:

- Twelve actions relate to multiple hazards and most all are being implemented or are in progress. These include public outreach efforts, emergency warning and automated vehicle location system enhancements, development and implementation of an evacuation plan, development of a recovery plan, preplanning of prime evacuation points and shelter locations, preparation of pre-disaster forms to facilitate public assistance by FEMA post-disaster, becoming a StormReady Designated community and urban forestry management.
- Twelve actions relate to flood mitigation. Six actions have been completed or are underway including: the approval of a critical facilities ordinance, the development of two floodplain mitigation plans, development of three other mitigation plans that are in progress, mapping updates for seven of the fifteen major drainageways, city acquisition of several properties in the high hazard flood zone and the installation of a camera along Bear Canyon Creek.
- One human health mitigation action relates to control of West Nile Virus (WNV). Council adopted the WNV mosquito management plan in 2004 and amended it in 2006. The monitoring and control program has been implemented on an annual basis and this

management plan has been successful in controlling WNV mosquito populations. The WNV risk index has not reached levels to warrant further action or response.

- Six actions relate to wildfire mitigation, all of which have been implemented or are in progress including: the adoption of a Structure Protection Plan, approved bond funding to construct a new Wildland Fire Facility (a temporary certificate of occupancy was issued on June 18, 2015), the upgrade of six seasonal wildland firefighting positions to full time, completion of significant forest restoration and fire mitigation work, and the commencement of a watershed planning study for the Middle Boulder Creek Watershed.
- Two actions relate to drought mitigation. A drought mitigation plan was developed in 2003 and updated in 2010. Drought status continues to be evaluated every year in accordance with the city's drought plan, and it has been determined that the existing drought plan is adequate for the city's needs for the foreseeable future.

### **NEXT STEPS**

The 2015 annual update has been submitted to FEMA for credit with the community's annual CRS recertification. Per the CRS credit criteria, the Plan is to be reviewed annually and fully updated every five years. As a result, an annual review will be conducted in 2016 and 2017, and a full plan update is scheduled for 2018. Annual reviews will be sent to City Council and made available to the public via the multi-hazard mitigation pages on the city's website.

The city continues to recover from the 2013 flood. The city's flood recovery workplan has been coordinated with the actions identified in the MHMP and are being implemented to build upon the lessons learned and best practices identified in the recovery process. Additionally, the city continues to participate in the BoCo Strong Resilience network, which has hired three resilience coordinators to assist in countywide efforts for increasing disaster resilience, including inside the City of Boulder. The city is also participating in the creation of a local Volunteer Organizations Active in Disasters (VOAD) organization and has officially joined as a partner agency.

### **ATTACHMENT**

A – City of Boulder Multi-Hazard Mitigation Plan 2015 Annual Review

## City of Boulder Multi-Hazard Mitigation Plan 2015 Annual Review



### INTRODUCTION

The National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. Flood insurance premium rates for community members are discounted based on the community's efforts to reduce flood losses beyond the minimum requirements. The City of Boulder participates in the CRS program and currently has a community rating of 5 out of 10 (1 being the highest rating). This rating provides an annual flood insurance premium discount of approximately 25 percent for property owners. The city's rating has steadily improved since 2010, when the rating was a seven and only provided for a 15 percent discount for property owners.

Participating communities must submit documentation annually to the Federal Emergency Management Agency (FEMA) for recertification by Oct. 1. One program element the City of Boulder elected to participate in was the preparation of a Multi-Hazard Mitigation Plan. The plan was prepared pursuant to the requirements of the federal Disaster Mitigation Act of 2000 so that the city would be eligible for the FEMA Pre-Disaster Mitigation and Hazard Mitigation Grant Program in addition to achieving CRS credits. The original Multi-Hazard Mitigation Plan was adopted by City Council on Aug. 19, 2008, and a comprehensive update was adopted by City Council on April 2, 2013 and approved by FEMA on May 24, 2013.

More information about Boulder's [multi-hazard mitigation strategy](#) can be found on the city's website, as can [the full Plan](#).

While the comprehensive update was prepared and adopted prior to the September 2013 flood, many of the action items in the plan have been implemented as a response to that event, improving the city's and county's preparation for and response to natural hazard events in the future.

### BACKGROUND

The Multi-Hazard Mitigation Plan is required to include a description of mitigation goals that reduce or avoid long-term vulnerabilities to identified hazards. Goals were defined as broad-based public policy statements that are stated without regard for implementation, that is, implementation cost, schedule and means are not considered. For the purposes of the plan, goals are defined before considering how to accomplish them so that the goals are not dependent on the means of achievement. Goal statements form the basis for objectives and actions that will be used as means to achieve the goals.

The City of Boulder Multi-Hazard Mitigation Plan has three goals:

Goal 1: Increase Community Awareness of Boulder's Vulnerability to Natural Hazards

- This goal will be accomplished through actions that inform and educate the community about the types of hazards the City of Boulder is exposed to, where they occur and recommended responses.

**Goal 2: Reduce Vulnerability of People, Property, and the Environment to Natural Hazards**

- This goal will be accomplished through mechanisms that enhance life safety and by reducing impacts to critical facilities, existing infrastructure, future development, natural and historic resources and public health. Provide mechanisms to enhance life safety.

**Goal 3: Increase Interagency Capabilities and Coordination to Reduce the Impacts of Natural Hazards**

- This goal will be accomplished by continuing to collaborate and coordinate with other agencies on planning, projects, hazard response and funding opportunities.

To meet identified goals, the plan recommends 33 mitigation actions: twelve multi-hazard, twelve flood, one human health, six wildfire and two drought actions.

The full plan includes a description of each action, identification of alternatives if applicable, the responsible office, the priority, a cost estimate, estimated benefits, potential funding sources and schedule.

## **EVALUATION OF PLAN ACTIONS**

Each of the 33 actions was reviewed by the responsible office. The review includes a statement on how much has been accomplished, when the action is scheduled to be addressed, or if modifications to the action are recommended. The following presents the annual review by action item.

### **Multi-Hazard Actions**

#### ***Action #1: Outreach Efforts Associated with BoCo911Alert.com***

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**Action Background:** Now that many families have stopped using telephone land lines, efforts to ensure that emergency notifications can be sent to people potentially impacted by emergency situations need to be made. Public safety agencies throughout Boulder County are switching to a new emergency notification system which is accessible at BoCO911Alert.com. This system will allow residents of the county and all cities within the county to be notified of an emergency situation in a variety of ways, including on their cell phone, home and work phones, by text messaging and e-mail. This project would include outreach efforts to raise awareness about BoCO911Alert.com to increase the number of subscribers.

**Reviewer / Responsible Office:** Boulder Office of Emergency Management (OEM)

**Action Status:** This action is ongoing. The Boulder OEM website has been updated to include BOCO911Alert.com as a link to allow for community sign up. Media releases throughout 2014

included not only the current topic but also included the BOCO911 sign up message. Three community meetings related to flooding in the City of Boulder were held with the BOCO911.Alert message in the agenda. Social media is also being used to push the BOCO911.Alert message. As part of flood outreach efforts in 2014, more than 1,000 households were visited, which included information on signing up for BoCo911alert.com, and canvassers carried iPads to sign up residents they spoke with.

### ***Action # 2. Develop Updated City Continuity of Operations and Emergency Evacuation Plans***

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**Action Background:** The city has outdated or incomplete plans for staff evacuation and continuity of operations following a disaster. These plans need to be updated and/or developed to ensure adequate safety and services.

**Reviewer / Responsible Office:** Boulder OEM

**Action Status:** This action is in progress. Small updates to the city’s Continuity of Operations Plan (COOP) and emergency evacuation plans were completed in May 2015. Evacuation information for every city facility was posted on the employee intraweb in 2014. Evacuation maps will continue to be posted in all city facilities within the floodplain. The city updated the employee all-hazards alert notification system in the spring of 2015, and it completed outreach with each department to train employees on the updates to the system, including a training video that was sent to all city employees which was viewed more than 440 times. The September 2013 flood was a real application of these plans, and the lessons learned will be applied and plans will be revised and updated. Flood recovery and Office of Emergency Management staff teams are continuing to assist in coordinating updates to the COOP and facility emergency plans in conjunction with a multi-departmental staff team. COOP and Emergency Evacuation Plan updates are scheduled to begin at the end of 2015.

### ***Action #3. Preplan Prime Evacuation Points/Shelter Locations for Emergency Situations (fire, flood, snow, etc.)***

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**Action Background:** The city and county have developed systems to alert the public when there is an emergency or disaster. These mass notification systems are effective tools to use when evacuating the public out of harm’s way. Currently there is not a plan or infrastructure to identify locations or facilities as pre-designated evacuation sites. There is a shelter plan, and this is managed through the OEM by Essential Support Function (ESF) 6 Mass Care and the local Red Cross. Shelters take 2 to 3 hours to establish, and evacuation sites or locations are to be the intermediary locations for the public to gather safely and obtain information with little assistance provided except for immediate life-threatening and safety issues. This project would entail preplanning prime evacuation points/shelter locations for emergency situations (fire, flood, snow, etc.).

**Reviewer / Responsible Office:** Boulder OEM

**Action Status:** This action is in progress.

Boulder OEM has worked with the Red Cross to verify shelter locations and Americans with Disabilities Act compliance. The shelter list and locations were updated in 2014. ESF 6- Mass Care has performed an After Action Report from flood disaster and is making improvements. An improvement plan is pending the hiring of additional staff. ESF 6- Mass Care created an Emergency Operation Center summary sheet describing the roles, responsibilities and operational concepts of operations. ESF Planning involves evacuations, mass care and unmet needs.

Operational Planning has emergency notification areas with evacuation points identified. Having areas predetermined makes it is easier to launch messages and also know the size of evacuation for shelter capacity and location of the shelter. This was completed in 2015.

Three access and functional needs shelters in the county exist right now. North Boulder Recreation Center is currently in the inventory, and East Boulder Recreation Center is becoming an access functional needs site and was scheduled to be completed in 2015. However, this was delayed due to grant funding problems. There is still a possibility that it will be completed in 2015. The Boulder County Amateur Radio Emergency Services (BCARES) is a volunteer radio organization that deploys to all shelter sites for communications between the EOC and shelter.

**Action #4. Prepare pre-disaster forms to facilitate public infrastructure mitigation through the FEMA public assistance program during post-disaster recovery**

**Action Background:** Following a disaster there is a 60-day filing time to complete project sheets to qualify for funding under the Public Assistance (PA) program within a Stafford Act (Presidential Disaster) Declaration. Having the critical infrastructure project sheets completed in advance and updated yearly ensures that the City of Boulder will qualify to the maximum benefit under a disaster declaration within reimbursement cost sharing guidelines. In addition, if mitigation projects are included in the assessment and written into the project sheets, it will increase opportunities to apply mitigation projects into the recovery process. This project would entail assembling, in a pre-disaster environment, data for PA forms for infrastructure that would be expected to be impacted by flood, fire or technological hazards.

**Reviewer / Responsible Office:** Boulder OEM

**Action Status:** This action is in progress. The city experienced challenges with damage assessment following the 2013 flood for public infrastructure because of a lack of a standardized process and understanding of necessary forms. In September 2015 the city and county acquired a subscription to Crisis Track, cloud-based damage assessment software that allows for the documentation of damage for public infrastructure and private property, as well as the tracking of staff time and equipment. The software then compiles and completes the Preliminary Damage Assessment FEMA forms. Implementation and testing will continue through 2016. The city and county are updating the damage assessment annexes to reflect the new processes and procedures.

Additionally, because of the 2013 and 2015 Presidential Disasters, the city is currently engaged in the PA process. The city has 59 Project Worksheets with FEMA for the 2013 Disaster, and an

anticipated 2 Project Worksheets for the 2015 Disaster. The city is documenting lessons learned and procedures necessary for PA eligibility in a city FEMA Handbook to inform future disaster recovery programs.

### ***Action #5. Recovery Plan Development***

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**Action Background:** The joint recovery plans for the City of Boulder and Boulder County are currently under development and will integrate the efforts of the Urban Area Security Initiative (UASI) Wide Area Recovery Plan and the State of Colorado Recovery Plan. Recovery planning is important because mitigation projects and efforts post disaster are coordinated through the recovery coordination group.

**Reviewer / Responsible Office:** Boulder OEM

**Action Status:** This action is in progress. A Recovery Plan and a Damage Assessment Plan were completed prior to the 2013 flood. Lessons learned from the 2013 flood highlighted several areas where a more robust recovery structure and recovery plan is necessary. The city completed a Flood Recovery after action report on Sept. 11, 2015, identifying best practices and lessons learned in the recovery process to date. Development of the recovery plan and associated annexes are underway and will continue into 2016.

### ***Action #6. Become a StormReady Designated Community***

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**Action Background:** The National Weather Service (NWS) provides a StormReady assessment for local communities that develop their severe weather monitoring capability, public warning systems and rain and stream gauge monitoring systems. If a community obtains this rating they can receive credits under the Community Rating System, which could potentially lower the cost of flood insurance for residents. Boulder OEM has been working with the NWS to prepare and submit this application in 2012.

**Reviewer / Responsible Office:** Boulder OEM

**Action Status:** This action is complete. The City of Boulder and Boulder County were designated as StormReady in 2013.

### ***Action #7. Increase Web-based Public Outreach***

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**Action Background:** Increasing public awareness of hazards in the city and county is a goal of this plan and an ongoing activity of Boulder Office of Emergency Management (OEM). This project would continue and supplement existing community outreach efforts, with additional Web-based information on hazards and personal preparedness measures.

**Reviewer / Responsible Office:** Boulder OEM/City of Boulder Public Works

**Action Status:** This action is in progress. In spring 2014, the city launched an eight-week campaign to increase public awareness of flood safety and personal preparedness measures. The campaign was paired with online advertising, social media posts and an integrated Web presence.

The advertisements and messages pointed users to Boulder’s Community Guide to Flood Safety, a comprehensive guide about preparation before, during and after a flood. Based on campaign metrics, a total of 311,184 Boulder County residents saw some iteration of the Web-based public outreach. The information continues to remain on the boulderfloodinfo.net web page and the content is kept current.

***Action #8. Enhance Outdoor Emergency Warning System - add sirens to northwest, east and southeast areas of the city***

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**Action Background:** There are 11 outdoor warning sirens operating in the City of Boulder currently. The sirens should be evaluated for risk placement to ensure coverage serves the identified hazard message capability of the system. For example, the sirens in Sector 5 may need to be moved farther west to increase coverage capability. The movement may require additional sirens toward the core of the city in the Northern corridor. In addition, to cover the entire city, it possibly could require six additional sirens.

**Reviewer / Responsible Office:** Boulder OEM

**Action Status:** This action is in progress. A siren inventory has been verified to determine coverage gaps and determined approximate six locations where sirens should be installed; three sirens west of Broadway (one west of Lee Hill Road and Broadway, one west of Linden Avenue and Broadway, and one in the vicinity of Boulder Community Hospital); the neighborhood southeast of the intersection of Baseline Road and Foothills Parkway (near the East Boulder Recreation Center or Manhattan Middle School); the area around 55th Street and Valmont Road; and also the city properties in Gunbarrel, as there are no nearby sirens in that area at all. Sirens are intended for outdoor warning, so they don’t necessarily need to be placed only in neighborhoods but anywhere the active Boulder citizens play outdoors. The cost estimate is \$45,000 dollars per siren. Yearly verification of the functional status of all sirens is performed and the sirens are remotely tested once a month from April to August with silent testing weekly.

***Action #9. Implement Replacement Planting Program to Meet Tree Criteria***

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**Action Background:** Target a 2:1 replacement ratio for the planting program and target species diversity such that no tree species comprises more than 10 percent of the current population (consistent with City of Boulder Environmental Management Audit 2001).

**Reviewer / Responsible Office:** Parks and Recreation Department

**Action Status:** This action is in progress. The current annual Parks and Recreation Forestry tree planting budget is \$18,500. This budget allows approximately 65 trees to be planted per year. The workgroup removed on average 310 trees annually (this figure does not account for losses

due to Emerald Ash Borer (EAB)). A minimum of a 2:1 planting-to-tree-removal ratio should be implemented to maintain the urban tree canopy. In 2010 thru 2014, the city Urban Forestry work group has achieved a minimum of a 2:1 planting ratio using funding from the Tree Mitigation program. The Forestry workgroup receives reimbursement for trees removed or destroyed per B.R.C, 6-6-7. However, this funding source varies from year to year and therefore not stable.

It is important to maintain tree diversity in all tree planting related to city projects as well as through development to make local ecosystems more resilient to threats from invasive tree pests and to canopy impacts due to climate change. Parks and Recreation Forestry planted more than 35 different tree species in 2014 and 2015.

There are 6,000 ash trees (12 percent of the total) on public property. It is estimated there are an additional 66,000 ash trees on private property and naturalized along creek corridors. In 2015-2018, Parks and Recreation Forestry will receive an additional \$230,000 annually from Capital Improvement Program funding for EAB management, including tree planting.

***Action #10. Increase Urban Forest Canopy from 7 Percent to 9 Percent in Commercial Areas and from 31 Percent to 35 Percent in Residential Areas to Provide Maximum Flood Reduction Benefit***

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**Action Background:** Extensive research conducted worldwide provides evidence that stream degradation occurs with as little as 10 percent impervious cover. During storms, accumulated pollutants are quickly washed off and rapidly delivered to aquatic systems as stormwater runoff. In a typical small-scale storm event (0.5 inches), highly concentrated and polluted stormwater would, without interference, flow directly into Boulder’s waterways. These small storms are responsible for most pollutant washout, also known as the “first flush” effect. Urban stormwater runoff is the second most common source of water pollution for lakes and estuaries and the third most common source for rivers nationwide (From Calculating the Value of Boulder’s Urban Forest, October 2002, Chapter 1, page 2).

Trees in urban areas can protect water quality by substantially reducing the amount of runoff from the more frequent but less extreme storm events that are responsible for most annual pollutant runoff. Infiltrating and treating stormwater runoff on site can reduce runoff and pollutant loads by 20 to 60 percent. Trees’ extensive fibrous root systems also hold soil in place, reducing further impacts on water quality caused by erosion (From Calculating the Value of Boulder’s Urban Forest, October 2002, Chapter 1, page 4).

**Reviewer / Responsible Office:** Parks and Recreation Department

**Action Status:** This action is in progress. The numbers stated in the action item were extrapolated from a series of plots within the city. Parks and Recreation Forestry staff is exploring options to gain a more accurate analysis of the urban tree canopy using existing LiDAR data. The Forestry Division received additional funding starting in 2009 for tree planting and maintenance in the commercial areas. Forestry planted 255 trees in the Business Improvement District since spring 2008 (23 trees in 2008, 19 trees in 2009, 33 trees in 2010, 25 trees in 2011, 24 trees in 2012, 21 trees in 2013, 63 trees in 2014, and 47 trees in 2015).

Ash trees comprise at least 12 percent of the urban tree canopy, and it is estimated the City of Boulder has more than 72,000 ash trees on both public and private property. In September 2013, City of Boulder Parks and Recreation Forestry staff discovered an emerald ash borer (EAB) infestation within the city. The subsequent delimitation survey showed EAB is well established within a corridor in central Boulder. Over the next decade, EAB management, including tree removal, tree replacement, wood disposal and pesticide treatments, will have a significant direct budgetary impact to the City of Boulder and private residents. The loss of urban tree canopy will have considerable economic, social and environmental impacts for decades.

Forestry staff developed EAB Workplans for 2014-2015 to respond to the infestation within the city and potentially slow the spread throughout Boulder and to nearby communities. Long-term strategies and recommendations will be discussed with City Council in a Study Session in 2015.

***Action #11. Implement a System of Automatic Vehicle Location for Police, Fire and Snow Removal Vehicles***

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**Action Background:** City snow removal vehicles now have GPS vehicle locators; however, this information is not shared with police, fire and other agencies. Police and fire vehicles, if equipped with automatic vehicle location (AVL), will enable better tracking and dispatching of resources. Tracking of resources during flood warnings will enable police, fire and snow vehicles potentially at risk to flooding to be mobilized. During a major flood event on Boulder Creek, the city will be cut in two. The AVL system will help the tracking and dispatching of resources on the north and south sides of Boulder Creek. Sharing of snow removal vehicle movement during winter storms and blizzards will assist fire and police personnel with emergency response access and evacuation needs.

**Reviewer / Responsible Office:** Boulder Office of Emergency Management

**Action Status:** This action is in progress.

***Action #12. Increase Rotational Pruning of Street Trees to Eight Years***

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**Action Background:** The current pruning rotation of ten years places undue stress on the urban forest. Increasing the pruning rotation from 10 years to eight years will improve structure, reduce sight clearance problems, remove deadwood, mechanically remove insect and disease problems and, most importantly, reduce potential liability. An eight-year pruning rotation would make trees stronger and more resistant to storm, freeze and snow damage, thus reducing post-storm cleanup costs and liability exposure.

Note that Boulder’s urban forest, when maintained in a healthy condition, returns benefits of \$56 per tree or \$2 million annually. Furthermore, for every \$1 spent on tree care, Boulder receives \$3.64 in benefits (E.G. McPherson, et al. September 2005).

**Reviewer / Responsible Office:** Parks and Recreation Department

**Action Status:** This action is in progress. The current city pruning rotation of 10 years for trees in the public street rights-of-way and eight years for city park trees was based on the 2000 tree inventory of 35,502 total public trees. An additional \$30,000 was allocated to the Parks and Recreation Forestry Division in 2014 and is on-going to ensure the current pruning rotation could be maintained given additional public trees added through development projects. An updated inventory of the public city park and street right-of-way trees was completed in July 2015 and showed an increase of 14,822 trees (to 50,324 total trees) over the 15-year period. Parks and Recreation Forestry staff is currently analyzing the new tree inventory figures to determine the pruning rotation for the next five years.

## **Flood Mitigation Actions**

### ***Action #13. Enhance Flood Warning System on Smaller Tributaries***

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**Action Background:** There are 14 tributaries to Boulder Creek that flow through the City of Boulder. The city has an extensive network of rain and stream gages that provide real-time data for Boulder Creek and South Boulder Creek. The city also has cameras showing stream conditions on Boulder Creek and Fourmile Creek. The city is ‘blind’, however, on most of the smaller tributaries. Storm flows in these tributaries peak too quickly to make installation of stream gages effective. Installation of cameras, however, would greatly enhance the city’s knowledge of flood conditions along the smaller tributaries. Installation of additional rain gages located within the city’s smaller tributary watersheds would also provide reliable real-time information that could be accessed by the Urban Drainage and Flood Control’s ALERT network.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** This action is in progress. The city installed a camera along Bear Canyon Creek in spring of 2013. The city will continue to evaluate the need and location options for additional cameras such as along Fourmile Canyon Creek.

### ***Action #14. Relocate Fire Station out of 100-year Floodplain***

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**Action Background:** As noted in the City of Boulder’s 2011 Operations and Management Assessment, Fire Station #3 at Arapahoe Avenue and 30th Street is currently located in the 100-year floodplain. The city’s 2012 Fire Master Plan also recommends that a new station include administrative staff space and records storage. This project would entail relocation of the station to a location outside of the 100- and 500- year floodplains.

**Reviewer / Responsible Office:** Public Works Department/Fire-Rescue Department

**Action Status:** This action is in progress. In August 2013, the critical facilities ordinance was approved by City Council which identified requirements for critical city facilities in the 500-year floodplain, which a fire station would be subject to.

The Fire Department and Information Resources have mapped out response times of existing stations with current and expected growth in the city to identify optimal station locations. Per City Council's request, the Fire Department is also looking at smaller fire response vehicles, which will affect station sizing. Public Works and the Fire Department will conduct a space study for sizing a new Fire Station 3 and it was anticipated that this study will be completed in spring 2015. The goal is to identify the cost of a new station in preparation for a possible 2016 bond to go to the citizens of Boulder.

In April 2015, Boulder City Council approved an update to the Fire Master Plan that included a space needs study for a new Fire Station #3. A new station would be 13,600 square feet in size, not including circulation and a possible community use space. Current construction costs range from \$4.8 million to \$6 million, not including land costs. City staff are now identifying funding options for this large capital project (which may necessitate voter approved bonding) and discussing potential sites for relocation.

### ***Action #15. Flood Hazard Prioritization***

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**Action Background:** The city prepares flood mitigation studies for each of the major drainageways. The flood mitigation studies prioritize capital improvements within each drainageway. The city, however, has not conducted an evaluation to prioritize flood mitigation efforts citywide.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** No action has been taken to date. However, funding for this study is scheduled for 2017.

### ***Action #16. Update the Comprehensive Flood and Stormwater Master Plan (CFS)***

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**Action Background:** The city prepared a Comprehensive Flood and Stormwater Master Plan (CFS) in 2004. The plan provides a framework for evaluating, developing and implementing programs and activities related to the city's flood management, stormwater quality and stormwater drainage systems. The plan is nearly eleven years old and requires updating.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** No action has been taken to date. However, funding for this study is scheduled for 2017.

### ***Action #17. Update Flood Preparedness Web Mapping Site***

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**Action Background:** The Flood Preparedness website is a primary tool for city flood preparedness. The site brings together a large amount of city GIS data with real-time rain and stream gages along with National Weather Service radar information. ESRI, the GIS software company, will sunset the WebADF API in future releases of software, meaning the Flood Preparedness site will not work with newer versions of ESRI's ArcServer web server software.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** This action is complete. The city has reprogrammed the site using JavaScript, HTML5 and CSS. The updated Flood Preparedness website is now available on a desktop, tablet or mobile device.

### ***Action #18. Develop Flood Mitigation Plans After Flood Mapping Updates***

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**Action Background:** Develop major drainageway flood mitigation plans following floodplain mapping updates.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** This action is in progress. Following the 2013 flood, the city accelerated its flood mitigation plan work program. Floodplain mitigation studies have been developed for Fourmile Canyon Creek and Wonderland Creek. A floodplain mitigation plan was recently approved for South Boulder Creek, and planning efforts are underway for Gregory Canyon Creek and Bear Canyon Creek. A watershed master plan for Boulder Creek is currently being developed by the Urban Drainage and Flood Control District. A flood mitigation master plan is scheduled to begin in 2016 for Twomile Canyon Creek and Upper Goose Creek.

### ***Action #19. Implement Mitigation Plan for Fourmile Creek and Wonderland Creek***

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**Action Background:** Fourmile Canyon Creek and Wonderland Creek exhibit a significant flood risk to a number of residential neighborhoods in Boulder. The existing system is undersized along most reaches of both creeks. Fourmile Canyon Creek spills to Wonderland Creek during storms greater than the 50-year event, increasing the flood risk along Wonderland Creek during major events. In addition, approximately 20 percent of the Fourmile burn area that occurred in 2010 is tributary to Fourmile Canyon Creek. The burn area will increase the flood risk along Fourmile Canyon Creek for up to the next 10 years. The Fourmile Canyon and Wonderland Creek Flood Mitigation Final Plan presents background information and recommended flood mitigation measures.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** This action is in progress. A Community and Environmental Assessment Process (CEAP) was approved in March 2012 for flood improvements and multi-use path enhancements from 19th Street to Tamarack Avenue along Fourmile Canyon Creek. The recommended improvements include constructing a new underpass at 19th Street with a path connection to Tamarack Avenue. The improvements are in the final design phase with construction to start in the summer 2016. A CEAP evaluating upstream mitigation alternatives is currently underway and will focus on increased channel and crossing capacity at Upland Avenue and Violet Avenue,

as well as detention and sediment capture possibilities. Recommended alternatives are slated to be presented to City County in early 2016 through a final CEAP.

Flood and multi-use path improvements along Wonderland Creek from Foothills Parkway to Winding Trail Drive are scheduled to be constructed in 2016. Improvements include underpasses at the Burlington Northern Railroad, Kalmia Avenue and 28<sup>th</sup> Street, which all serve both a flood mitigation and bicycle and pedestrian access benefit.

### ***Action #20. Update City's Floodplain Mapping***

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**Action Background:** The city recognizes that floodplain maps need to be periodically revised to incorporate changes in development, modeling techniques and improved topographic data. The city's goal is to update floodplain mapping every 10 years. The city is currently updating the mapping for Boulder Creek, Skunk Creek, Kings Gulch, Bluebell Canyon Creek, Boulder Slough, Upper Goose and Two Mile Canyon Creek. The city's goal is to keep all 14 tributaries to Boulder Creek current within a 10-year timeframe. Other basins that will need future updating include Sunshine Canyon Creek.

Updates to floodplain mapping should include the development of depth grids which can be imported and used to refine loss estimation for benefit/cost analyses.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** This action is in progress. Mapping for Boulder Creek, Bear Canyon Creek, Upper Goose and Twomile Canyon Creek, and Boulder Slough has been updated and adopted through City Council. Those mapping studies have been submitted to the Federal Emergency Management Agency (FEMA) for final approval.

Flood mapping for Skunk Creek, Bluebell Canyon Creek and Kings Gulch are currently going through analysis. A floodplain mapping update for Sunshine Canyon Creek was initiated in 2013 by the Colorado Water Conservation Board and is still in process.

### ***Action #21. Acquire Properties in the High Hazard Flood Zone***

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**Action Background:** Numerous structures are located in the City of Boulder's High Hazard Flood Zone where there exists the potential for risk to life and safety. In 1989, Boulder created a floodplain ordinance that prohibits new construction of structures intended for human occupancy in the High Hazard Zone. As part of this objective, community acquisition and removal of high hazard structures has been a key component of mitigating floodplain impacts in the city. The High Hazard Zone acquisition program has been in place for many years with funding by the flood management utility. Available funds are leveraged with matching funds from other organizations such as the Urban Drainage and Flood Control District, and purchases are made as high hazard properties become available on the market.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** This action is in progress. The city budgets \$500,000 a year to purchase property from willing sellers in flood prone areas. This is an on-going effort. The following properties have been acquired for the sole purpose of removing them from flood risk and not for the purpose of completing a drainageway improvement project:

- ▶ 299 Arapahoe
- ▶ 810 Marine
- ▶ 1228 17th St.
- ▶ 1800 Violet
- ▶ 1650 Alpine
- ▶ 2400 Topaz
- ▶ 2435 Topaz
- ▶ 2446 Sumac
- ▶ 2490 Topaz
- ▶ 2650-2660 13th St.
- ▶ 4018 26th St.

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### ***Action #22. Mitigate Flooding in the South Boulder Creek Floodplain***

**Action Background:** Updated floodplain mapping has identified several hundred residential structures to be subject to South Boulder Creek flooding that are located in the city and were previously not determined to be in the floodplain. These structures were developed without flood protection measures. The large residential area is primarily “built-out” and is referred to as the West Valley. Flooding along South Boulder Creek within the city stems primarily from large storm events that result in overtopping of US 36 and corresponding flooding in the West Valley area. Flooding also results from ‘local’ basin contributions.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** This action is in progress. A draft South Boulder Creek Major Drainageway Plan has been completed along with a study recommendation and presented to the Open Space Board of Trustees, the Water Resources Advisory Board, and City Council. City Council accepted the flood mitigation plan on Aug. 4, 2015. The recommended alternative includes three phases and would provide significant flood protection within the West Valley area, including eliminating the 100-year floodplain designation that currently affects approximately over 500 structures. The estimated cost of all three phases of the recommended alternative is approximately 44 million dollars. Construction of the project would require numerous permits, agreements with the University of Colorado Boulder, the Colorado Department of Transportation and the Boulder Valley School District, and would be regulated by the State Engineer’s Office. Funding in the 2015-2020 Department of Public Works Utilities Division CIP budget for this project is \$11,750,000. Staff will recommend increasing the budget in the 2016-2021 CIP by \$15 million (in 2018) to a total of \$26,750,000. The city would also seek grants to fund this project.

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### ***Action #23. Develop a Critical Facilities Floodplain Ordinance***

**Action Background:** The 500-year floodplain affects approximately 20 percent of the incorporated lands in the City of Boulder. As a result, many of the community’s critical facilities

are located in the 500-year floodplain. There is a significant concern with the location of critical facilities given the need to ensure that these facilities are operational and accessible during a major flood event. Adoption of an ordinance that regulates new construction and improvements for critical facilities to the 500-year flood level will offer a higher level of protection for these facilities from flood losses and damage that could render them unusable during times of need. In addition to adopting flood protection standards, the critical facilities ordinance offers a mechanism to support funding opportunities to flood proof existing facilities that are subject to flood impacts. Given the vital nature of critical facilities, protection from flooding is of particular interest to the community.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** This action complete. The ordinance was approved on Oct. 1, 2013 and became effective on March 1, 2014.

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***Action #24. Institute a Community Assisted Floodproofing Program Focusing on Critical Facilities***

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**Action Background:** Evolving trends and philosophies in national and regional floodplain management have outlined alternative approaches and measures for addressing flood hazards in the future. These trends focus on the “wise use of the nation’s floodplains” and “no adverse impacts.” In an effort to allow possible development and flood mitigation flexibility that would avoid the need to implement publicly funded drainageway improvements to contain flood waters, the City of Boulder is interested in establishing opportunities to permit limited applications of floodproofing of critical facilities. City assistance under the program would involve development and adoption of local floodplain regulations to approve floodproofing applications for property owners to implement improvements to their facilities. The program would be consistent with nonstructural measures endorsed under the Comprehensive Flood and Stormwater Master Plan. This action would be focused on critical facilities in the floodplain.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** This action is in progress. The city provided assistance to help critical facilities complete emergency operations plans required by the 2014 Critical Facilities Ordinance by developing templates and guidelines that are available on the city’s website.

## **Human Health Mitigation Actions**

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***Action #25. Continue the City of Boulder West Nile Virus Mosquito Monitoring and Control Program***

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**Action Background:** West Nile Virus is a mosquito-vectored disease first detected in the United States in 1999 in New York City, which has since spread westward across the United States. While many people who contract the virus experience very mild symptoms, infection can result in severe and sometimes fatal illnesses. In 2003, Colorado led the country in West Nile cases and deaths. Colorado experienced a significant decrease in cases in 2004 and 2005. During the 2006

mosquito season, Colorado had a resurgence of cases and ranked second only to Idaho in the national case count. Boulder and Weld Counties reported the highest number of cases (74 and 68) in Colorado. As in years past, the City of Boulder and Boulder County continued to conduct a very intensive mosquito testing program. With the widespread and frequent testing throughout the county, 107 pools of mosquitoes tested positive for the virus, which was significantly more than most other Colorado counties.

The city's West Nile Virus Mosquito Management Plan was first adopted by City Council in 2004. Further refinements were adopted in 2006. The primary goal of the program is to reduce the risk of West Nile Virus infection while minimizing environmental impacts. The plan is directed at controlling the larval stages of vector mosquitoes and their sources. The objectives that have been used to accomplish this goal are categorizing the habitats that support mosquitoes that most effectively transmit WNV to humans; applying the larvicide (*Bacillus thuringiensis subspecies israelensis*, or *Bti*) to all sites where *Culex* species are found; using adult mosquito monitoring to provide an early warning system of the occurrence of West Nile Virus within and near city limits; developing trigger mechanisms to respond to early larval detection and/or heightened mosquito activity to appropriately increase management activity; utilizing thresholds for initiating adult mosquito control in emergency cases; and continuing the program to educate the public about West Nile Virus and increase awareness of the city's West Nile Virus Mosquito Management Plan.

**Reviewer / Responsible Office:** Planning, Housing and Sustainability Department

**Action Status:** This action is in progress. The management plan has been successful. The WNV risk index has not reached levels to warrant further action or response. Public education and outreach is crucial to reduce WNV risk by advising residents to drain standing water on their properties to reduce mosquito breeding habitat and to take personal protective measures to avoid mosquito bites.

## **Wildfire Mitigation Actions**

### **Action #26. Structure Protection Plan**

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**Action Background:** The City of Boulder communities are at risk to wildfire. A Structure Protection Plan would provide a common operating picture of the needs of protecting the communities on the west side of the city from wildfires.

**Reviewer / Responsible Office:** Fire-Rescue Department

**Action Status:** This action is complete. The Structure Protection Plan was completed in 2012. This plan will be updated periodically as needed. As an additional safeguard for new structures built in the wildland fire area, the city adopted the International Wildland-Urban Interface Code (IWUIC) on Oct. 1, 2013. The effective date of the IWUIC was Jan. 31, 2014.

### ***Action #27. Construct New Wildland Fire Facility***

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**Action Background:** The city’s current wildland cache is in a residential unit at 1888 Violet. Due to zoning restrictions, the facility cannot be remodeled for what’s needed for a wildland fire facility. In the November 2011 ballot, voters approved \$1.15 million to construct a new Wildland Fire Facility; however, the 2011 Fire Operations and Management Assessment identified a need that doubled the space requirements from today’s wildland fire operations to include adding permanent staff due to year-round wildland fire hazards and new equipment. A shortfall of \$1.3 million from the bond funding is anticipated.

**Reviewer / Responsible Office:** Public Works Department/ Fire-Rescue Department

**Action Status:** This action is complete. The Wildland Fire Station (Station 8) was completed in August 2015 at a cost of \$2.46 million.

The existing wildland cache was damaged beyond repair in the September 2013 flood and the building was demolished.

FEMA Hazard Mitigation Grant Program (HMGP) funding was approved for a new generator for the wildland fire station in 2014. The FEMA HGMP funds will cover 75 percent of the \$47,000 cost for the new generator and the state will pay for 12.5 percent with the city paying for the remaining 12.5 percent. The generator will be completed by the end of November 2015.

### ***Action #28. Implement the City’s Community Wildfire Protection Plan***

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**Action Background:** The City of Boulder is listed in the National Fire Plan as a community at high risk from wildfire. In 2007, the city worked with consultants to develop a Community Wildfire Protection Plan (CWPP) to address the wildfire threats to the community. The plan meets the requirements of the federal Healthy Forests Restoration Act and outlines steps the city can take to reduce and mitigate the threats of wildfire. The CWPP could be considered a parallel document to the city’s Forest Ecosystem Management Plan (FEMP) in that the CWPP addresses areas within the city boundary, and the FEMP is focused on adjacent wildlands. The CWPP outlines steps the city and private property owners can take to both mitigate the threat of wildfire and increase public safety in the event of a wildfire. The plan makes recommendations for fuels modification projects, safety zones, evacuation routes, addressing and ingress/egress routes. Funding for the plan development came from a combination of city departments and a matching state grant.

**Reviewer / Responsible Office:** Fire-Rescue Department/Open Space and Mountain Parks Department

Several of the recommended fuels treatments have been accomplished. The training recommendation has been addressed and is ongoing, along with the defensible space evaluations of high risk communities. The fuels treatment recommendations are ongoing and should be completed within two years. As an additional safeguard for new structures built in the wildland fire area, the city adopted the International Wildland-Urban Interface Code (IWUIC) on Oct. 1, 2013. The effective date of the IWUIC was Jan. 31, 2014. The other projects and recommendations are ongoing and continue to be revised.

### ***Action #29. Implement the City's Forest Ecosystem Management Plan***

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**Action Background:** The City of Boulder Open Space and Mountain Parks Department (OSMP) manages approximately 10,000 acres of forested land. Due to the land's close proximity to homes, dense forest conditions and risks of fire ignition, the forests of Boulder fall within the high hazard category of the wildland-urban interface. In June 1999, the City Council approved the Forest Ecosystem Management Plan (FEMP). The plan established a framework, policy guidelines and management direction for forest ecosystem management on city lands. One of the FEMP's primary goals is to "reduce the wildfire risk to forest and human communities." Part of this objective includes forest thinning and prescriptive burning as key components in mitigating the threat of large scale wildfire. Forest treatments are to be completed on a steady basis under the plan. Funding for projects completed to date has come from the annual OSMP budget.

**Reviewer / Responsible Office:** Open Space and Mountain Parks Department

**Action Status:** This action is in progress. OSMP has completed more than 1,400 acres of forest restoration and fire mitigation work during the past 10 years. The department continues to fund an annual seasonal crew of eight people that is solely dedicated to the implementation of the city's Forest Ecosystem Management Plan. All of the treatments to date have been located in high hazard areas and areas that decrease the risk of wildfire to the city, surrounding homes or private property, or serve as important emergency egress routes. OSMP has also secured over \$250,000 in federal and state grant funds over the past six years to help fund forest management and fire mitigation operations on city lands. Forest work will continue on OSMP for the foreseeable future and will continue to include mitigation efforts in areas directly adjacent to the city and in areas where heavy fuel loads pose a significant risk in the event of a wildfire.

No additional resources are necessary at this time, but an ongoing budget item to support seasonal crews is necessary for the work to continue in the future. This will continue to be a regular part of the OSMP operating budget.

### ***Action #30. Increase Boulder Wildland Fire Hazard Mitigation Crew Funding***

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**Action Background:** Since the 1990s, Boulder has maintained its own seasonal Wildland Fire Hazard Mitigation Crew through the City of Boulder Fire-Rescue Department Wildland Fire Division. Funding for the mitigation crew has historically come from Open Space and Mountain Parks and the Fire-Rescue Department. Constrained budgets are supplemented by crew assignment to fire incidents outside the local area for which the department is reimbursed by the federal, state or local agency. While this reduces Boulder's cost to maintain the crew, it also

reduces their availability to complete needed hazard mitigation on city-owned lands. The Utilities Division proposes to contribute to the Wildland Fire Hazard Mitigation Crew funding with the objective of increasing crew size and availability to:

- Identify and plan measures to protect infrastructure and access to Utilities Division properties,
- Complete hazard mitigation projects on lands owned and managed by the Utilities Division, and
- Participate in broader community hazard mitigation projects that would reduce risks to Utilities Division lands and facilities.

**Reviewer / Responsible Office:** Public Works Department/ Fire-Rescue Department

**Action Status:** This action is complete. In 2014, the city completed a three-year plan to upgrade six seasonal wildland firefighting positions to fulltime. Additionally, Public Works pays the Fire Department mitigation crew to perform specified wildland fire mitigation near or around Public Works facilities as needed. The need varies from year-to-year.

### ***Action #31. Develop a Wildland Fire Mitigation Program for the Middle Boulder Creek Watershed***

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**Action Background:** The city's Barker Reservoir and Middle Boulder Creek supply approximately 35 percent of Boulder's annual water needs. When considered in terms of both wildland fire hazard rating and structural density, the approximately 25,000-acre Middle Boulder Creek watershed contains large areas of high, very high and extreme danger for wildland fire. As has been experienced by other Colorado Front Range water providers, a major wildland fire can render a reservoir unusable for years when ash, sediment and debris from upstream fire-ravaged areas are washed into streams and reservoirs following a fire. Reservoir clean-up and rehabilitation costs can be in the millions of dollars, not including loss of use of the water or lost hydroelectric power revenues.

The city proposes partnering with the Front Range Fuels Treatment Partnership (FRFTP), a coalition of federal, state and local government agencies and private interests, to plan and implement a watershed-wide fire risk mitigation program targeted at the high and extreme risk areas within the Middle Boulder Creek basin. FRFTP exists to reduce wildland fire risks, protect communities from wildland fires and restore fire-adapted ecosystems in the 10-county Front Range corridor. The city has successfully partnered with the FRFTP in the past in the 38,000-acre Winiger Ridge Ecosystem Restoration Project just south of the Middle Boulder Creek basin.

The city will explore recent guidelines developed by the Colorado State Forest Service for Community Wildfire Protection Planning specific to prioritizing watersheds for fuels treatment.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** This action is in progress. In 2012, the city began a pre- and post-fire watershed planning study. The study is being headed up by City Utilities staff in association with consultant JW Associates and involves small scale watershed hazard quantification and prioritization,

establishment of watershed goals, identification of potential management projects, post-fire planning and collaboration with other stakeholders. Phase 1 of the study, in which watershed wildfire hazards ratings were developed, was completed in 2014. Phase 2 of the study will be completed in the 2015 to 2016 timeframe with future management projects to follow.

## **Drought Mitigation Actions**

### ***Action #32. Review City Landscape Codes for Drought***

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**Action Background:** The city’s Drought Plan and reliability criteria are used to determine if water restrictions are needed and the appropriate level of response. Initially only voluntary reductions are required but in later stages outdoor watering for landscapes is limited and ultimately prohibited.

In addition to city planning documents and existing Water Conservation Program efforts,

- The 2010 Statewide Water Supply Initiative recommended the following actions be taken by municipalities for landscape water use restrictions: Targeted audits for high demand landscape customers
- Landscape transformation of some high water requirement turf to low water requirement plantings
- Irrigation efficiency improvements

City codes related to landscaping and water conservation already have some low-water requirements which are, in part, designed to increase the resiliency of the city during times of drought.

**Reviewer / Responsible Office:** Public Works Department and Planning Housing & Sustainability Department

**Action Status:** This action is in progress. As part of the city’s Water Efficiency Plan update in 2016, staff will evaluate if city landscape codes are sufficient to help mitigate drought concerns. Any changes to the landscaping codes would go through a public process and be evaluated by city advisory boards and/or City Council.

### ***Action #33. Identify and Implement Priority Projects Identified in the City’s Drought Plan***

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**Action Background:** The City of Boulder is subject to drought due to its location in a semiarid climate. City Council adopted a Drought Plan in 2003 to mitigate the effects of drought on the municipal water supply. The plan applies principles of water conservation and reliability criteria for the city’s raw water system. The reliability criteria specify acceptable levels of frequency and amount of reduction in water availability due to drought for the various classifications of use. Water provided by the city serves multiple purposes ranging from critical uses that require an assured supply, such as water for drinking or firefighting, to uses that can tolerate occasional restrictions, such as outdoor irrigation or car washing. The Drought Plan provides guidance for recognizing droughts that will affect water supply availability and responding to these droughts.

Strategies for responding to drought include increasing the water supply (e.g., eliminate leasing programs to farmers, lease water and trade water) and decreasing water demand (e.g. voluntary restrictions and mandatory restrictions). Each option presents its own unique issues and must be considered individually and with respect to drought severity.

**Reviewer / Responsible Office:** Public Works Department

**Action Status:** This action is in progress. Monitoring the city’s water supply and demand conditions is a continuous and ongoing process. Drought status was evaluated in accordance with the city’s drought plan in the spring of 2015. Key water supply factors such as snowpack and reservoir storage levels were adequate such that no water restrictions were required. The existing drought plan is adequate for the city’s needs for the foreseeable future. The update of Volume 2 of the drought plan mentioned in the 2012 MHMP has been put on hold to allow the city to focus on flood recovery in addition to other planning studies, which will better inform future drought updates (e.g. climate studies and water conservation planning).

The city is due to update its Water Efficiency Plan (formerly the Water Conservation Plan) in 2016 in accordance with Colorado Water Conservation Board requirements. The plan will include information from the planning studies mentioned above.



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager  
Thomas A. Carr, City Attorney  
Maureen Rait, Executive Director of Public Works  
David Driskell, Executive Director of Community Planning, Housing, and Sustainability  
Susan Richstone, Deputy Director of Community Planning, Housing, and Sustainability  
David Gehr, Deputy City Attorney

Date: October 6, 2015

Subject: Plans for the Implementation of the initiated ballot measures if they pass.

- Ballot Question No. 300 Neighborhood Right to Vote on Land Use Regulation Changes
- Ballot Question No. 301 New Development Shall Pay Its Own Way

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### EXECUTIVE SUMMARY

There are two planning related ballot measures that are on the ballot in November. One is on the neighborhood's right to vote on land use changes. The other is on requirements that development pay its own way for the burdens placed city facilities and services. The purpose of this memorandum is to provide council some information about how staff intends to begin the implementation of these measures if they pass. Staff anticipates that its thinking will continue to evolve as it considers approaches to the initiatives. Ultimate recommendations may vary or change as work plans are more fully developed and analyzed.

### BACKGROUND

Two committees of registered voters prepared petitions to initiate charter changes earlier this year. Signatures were gathered and presented to the city to be certified for inclusion on the November 3, 2015 general municipal election ballot. The city council approved final ballot titles for the ballot questions at its September 1, 2015 meeting.

Ballot Question No. 300 is entitled “**Neighborhood Right to Vote on Land Use Regulation Changes.**” The ballot title was approved by the council pursuant to Ordinance No. 8068. The initiative proposes to amend Article IV of the City Charter on direct legislation by the addition of a new section 43A. The new section would allow the referendum process to be used within neighborhoods to vote on certain land use regulations within a number of the city’s residential zoning districts. Any of the enumerated changes do not become effective until 60 days after final passage. Neighborhood voters can then use this time to gather signatures within the neighborhood so that the law can be referred to the voters at a subsequent election. In order to be referred to the voters, a petition meeting charter requirements must be signed by ten percent of the registered electors of a residential neighborhood affected by such change. A copy of the proposed Charter language is attached as Attachment A.

Ballot Question No. 301 is entitled, “**New Development Shall Pay Its Own Way.**” The ballot title was approved by the council pursuant to Ordinance No. 8069. The initiative proposes to amend Article II of the City Charter on the powers and duties of the city council with the addition of a new section 12A entitled, “New Development Shall Pay its Own Way.”

This charter amendment provides that “the City shall not approve new development that does not fully pay for or otherwise provide all the additional facilities and service required to fully offset the burdens that otherwise would have been imposed by such new development on City facilities and services.” New development is generally defined as construction that results in additional floor area for a building or site. The initiative creates an exception for modifications to residential buildings that do not result in additional dwelling units or that have a *de minimis* effect on the facilities and services. It also does not affect changes of use that have a *de minimis* effect on facilities and services.

The Development Shall Pay its Own Way section will require that the city analyze whether growth pays its own way with respect to facilities and services. If such development does not, then the city will need to develop fees, taxes, regulatory, or growth management tools that will assist in its implementation.

## **IMPLEMENTATION APPROACHES**

### **Ballot Question No. 300**

#### **Neighborhood Right to Vote on Land Use Regulation Changes**

The neighborhood right to vote charter change will give neighborhood voters an opportunity to engage in a neighborhood based referendum process. The referendum process applies to a number of land use regulation changes that occur in residential neighborhoods. For the most part, the regulatory changes that are subject to this process generally have the potential to increase the intensity of a land use on a property. They include things like allowable size, height, occupancy, changes of use, parking, setbacks solar access, or zoning designations. The specific language can be found in Attachment A. The language makes reference to 66 recognized city neighborhoods. It requires the council designate the neighborhoods, requiring them to be contiguous. The referendum right will be based on the boundaries for the neighborhoods.

**Tasks to be completed if the “Neighborhoods’ Right to Vote on Land Use” petition is approved:**

- (a) Define neighborhoods:
  - 1. Develop a process to create neighborhood voting districts. The council might want to consider a variety of options related to the establishment of neighborhood boundaries.
  - 2. The city would be responsible for redrawing neighborhoods: As development occurs and neighborhoods change or limit zoning requirements, differently around the city, new neighborhoods would need to be drawn to create equitable districts.
- (b) Adopt an ordinance to define the neighborhoods.
- (c) Consider adoption of an ordinance setting forth the land use regulations subject to the initiative.
- (d) Delay any land use code changes that affect residential zoning districts in process until neighborhoods are mapped and procedures are in place.

**Ballot Question No. 301  
New Development Shall Pay Its Own Way**

Some components of the ballot measure are self implementing. It prohibits the city from approving building permits and changes of use for new development that do not fully pay for or otherwise provide all the additional facilities and services required to fully offset the burdens that otherwise would have been imposed by such new development on city facilities and services.

New development is defined as:

- (a) Any residential or non-residential construction that results in additional floor area in a building or on a site, except for modifications to residential buildings that do not add additional dwelling units and that have a de minimis effect on the facilities and services referred to in this Section, or
- (b) Any change in use of an existing building or site, except for changes of use that have a de minimis effect on the facilities and services referred to in this Section.

The ballot measure will require subsequent implementation to allow for new development. Many of those efforts are described below.

**November 4, 2015.**

If the measure passes on November 3, the city will stop accepting building permit applications for “new development.” The city will continue to accept applications for construction activities that do not constitute new development. This will include the following types of applications:

- (a) Residential building permit applications that are related to additions, alterations, remodels, repairs or basement finishes to existing dwelling units.

- (b) Non-residential building permits for alterations, remodels, repairs, or tenant remodels to existing buildings.

The city also intends to continue to process development review applications such as site and use review applications.

### **Permits submitted on or before November 3.**

The language of the charter amendment also provides that certain permits that would otherwise constitute new development will be allowed to be approved in the following circumstances:

- (a) If an application for “new development” is submitted with a complete “application for a building permit, or a change of use permit, as of the date of passage of this Section, shall be exempt from the requirements of this Section, but only for the construction or change of use covered by the permit or change of use application as submitted.
- (b) All building permits applications that meet the standards of the charter language for “new development” will continue to be processed and considered for approval.
- (c) “Change of use permits” submitted prior to November 3 will also continue to be processed and considered for approval. As discussed below, the staff may ask the council to further define and clarify this term in an ordinance. The city does not have a “change of use permit” application. The staff interprets this section to apply to the following application types:
  - (i) Buildings permit applications to allow the change from one occupancy classification to another as required by Section 105.1 of the International Building Code.
  - (ii) Use review applications.
  - (iii) Rezoning applications.

### **Transition Provisions -- December 2015 to January 2016**

The city may need to develop some interim development regulations to implement the initiative. The measure indicates that it should be implemented “to the extent allowed by federal and state law.” The city will need to analyze state and federal laws to determine if there are any portions of the initiative would be inconsistent with other areas of the law.

Development Review Applications. In particular, the initiative does not have much implementation guidance with regard to application types that are not building permits or change of use applications. In particular, the city will need to analyze and make decisions with regard to development review applications such as concept reviews, site reviews, use reviews, subdivisions, and technical document review applications that have been previously approved or who have submitted applications prior to the adoption of the initiatives.

State and Federal Law Issues. As part of this effort, staff will research potential issues of state and federal law to determine if there are any impediments or other limitations that will prevent or limit the ability of the city to "not approve new development that does not fully pay for or otherwise provide all the additional facilities and services required to fully offset the burdens that otherwise would have been imposed by such new development on City facilities and services," as stated in the initiative's second paragraph.

Clarifications and Interpretations. As the staff moves towards implementation of the day to day applications, it anticipates that it will find areas within the proposed language that may need further clarification and interpretation. Staff will bring these issues to the council, most likely in the form of ordinances, so that the council can affirmatively legislate in these areas.

Define *de minimis* impacts. The initiative does not seek to stop use change applications that have *de minimis* impacts. The city may want to propose regulations that would allow such applications to continue during the time that the city develops long term approaches to implement the initiative.

Exemptions. The initiative also permits the city council to exempt affordable housing projects and public projects from the requirements of the section if approved by six council members. The council could decide in the interim to allow these types of projects to continue forward outside of the 2016 work plan.

## **2016 Work Plan**

The city anticipates that it will need to develop a regulatory program to implement the initiative. There are a number of components that will need to be addressed in the context of potentially indentifying additional revenue sources, whether through fees or taxes, regulatory approaches, or growth management techniques. The city has started the process of updating the capital facilities impact fee that is implemented through Chapter 8-9, "Capital Facilities Impact Fee," B.R.C. 1981. If the initiative passes, the city will need to determine if the scope of the existing work efforts include all of the facilities that are covered by the initiative. Additionally, the city will need to develop an approach to deal with services that are covered by the initiative.

It is anticipated that this will be an extensive work effort that includes further defining the services that are described by the initiative.

1. Create an inventory of facilities and services included in the petition. The city will need to create an inventory of all of the facilities and services that are "material and provided by all City departments or divisions." The ballot measure provides a general definition of "City facilities and services" to include police, fire-rescue, parks and recreation, public libraries, housing, human services, senior services, parking services, transportation, and open space and mountain parks.
2. Document and Develop Service Standards. The city will need to establish a baseline for existing facilities and services. New development will not be able to place additional

burdens on the identified facilities and services. The city will need to develop service standards for city facilities and services. Service standards for many city services or facilities can be found in the various departmental master plans. The city will need to document the present level of service at the time of the initiative passage so that it can be the documented service standard. This will need to be done in accordance with metrics in the initiative for transportation. These standards will need to be updated on a regular interval, perhaps as part of the Comprehensive Plan and master plan updates.

3. Revenue Requirement. A revenue requirement will need to be developed for each of the services and facilities. The city should develop fiscal assumptions, methodology, and a model to determine the costs of and the revenue captured (both direct and indirect) of new growth. It is anticipated that a revenue requirement will have two components: capital and ongoing operations and maintenance.
4. New Tools. The city will need to identify facilities or services affected by the petition that will have a revenue deficiency because of new growth. It will also need to develop an implementation approach that might include taxes, fees, development regulations, adjusting service standards to be in line with available revenue but still not allowing service levels to be burdened by new growth as required by the initiative.

Legislative Standards. The city will need to develop and draft legislation to implement the initiative. The legislation will provide the basis for approving development applications that fully pay for or otherwise provide all the additional facilities and services required to fully offset the burdens that otherwise would have been imposed by such new development on city facilities and services. The city could consider options such as additional development regulations, public improvement requirements, revenue requirements, programs, and development timing tools.

The city will need to develop standards that ensure that new development fully pays for or provides the additional facilities and services required to fully offset the burdens that otherwise would have been imposed by such new development on city facilities and services.

**Attachments:**

- A. Ballot Question No. 300 -- Neighborhood Right to Vote on Land Use Regulation Changes - Initiative petition language
- B. Ballot Question No. 301 -- New Development Shall Pay Its Own Way - Initiative petition language.

## ATTACHMENT A

### Ballot Question No. 300

#### **Neighborhood Right to Vote on Land Use Regulation Changes** Initiative petition language

##### **Section 43A. Neighborhoods' Right to Vote on Land Use Regulation Changes**

The purpose of this Section is to ensure that residents of neighborhoods have a voice in changes to land use regulations that may have impacts on their quality of life, neighborhood character, or property values. Such changes may include but are not limited to those that increase the maximum allowable building heights, floor areas, or occupancy limits, and changes in allowable uses within residential neighborhoods.

For purposes of this Section, "residential neighborhood" shall mean a contiguous area reasonably demarcated by the City, including the neighborhoods commonly known by the names listed in Appendix A, as well as other neighborhoods the City may reasonably identify, and that contains at least a portion of the MH, RE, RL-1&2, RM-1,2&3, RMX-1&2, RH-1-7, or RR-1&2 zoning districts as set forth in the Boulder Revised Code as of the passage of this Section.

No proposed changes to city regulations for one or more residential neighborhoods that would do one or more of the following for part or all of any residential neighborhood:

- increase the maximum allowable size, height, or density of any residential development;
- increase the maximum allowable occupancy limits of any residential development;
- change allowable uses for any residential zoning district identified in this Section as a zoning district that is subject to this Section;
- reduce on-site parking requirements of any residential development;
- reduce required setbacks of any residential development;
- reduce solar access protection of any residential development;
- change the zoning district designations or the regulations applicable to existing residential zoning districts such that any of the aforementioned changes are enabled to occur;

shall become effective until sixty days following the approval of such change. However, if within such sixty day period, a petition meeting the requirements of Section 45 and signed by ten percent of the registered electors of a residential neighborhood affected by such change is filed with the city clerk requesting that such change be submitted to a vote of the electors of that

neighborhood, then such change shall not be effective for that neighborhood until the procedures set forth in Sections 46 and 47 have been completed. For purposes of filing such a petition, fulfilling the requirements of Sections 46 and 47, and voting in the subsequent neighborhood election, the "electors" shall be only those registered electors that use an address in that neighborhood as their residence for voter registration purposes.

Where changes to land use regulations that are subject to this Section affect multiple residential neighborhoods, there shall be a separate election for each residential neighborhood that has submitted the required petition; and the results of that election shall apply only to that neighborhood.

The City Council may combine contiguous residential neighborhoods to function as a single residential neighborhood for purposes of this Section. However, the inclusion of residential neighborhoods in such a combination shall be subject to the above referendum process carried out by any of the individual neighborhoods.

The City shall pay for the costs of any election required by this Section?

#### **APPENDIX A**

Bear Creek, Boulder Meadows, Buena Vista, Carolyn Heights, Catalpa Park, Centennial, Chautauqua, Crestview, Dakota Ridge, Devil's Thumb, East Aurora, East Central, East (Lower) Chautauqua, East Foothills, Flatirons, Foothills Community, Forest Glen, Four Mile Creek, Frasier Meadows, Goss Grove, Grandview, Grant, Gunbarrel, Hartford, Hawthorne, Heatherwood, Hillcrest/Panorama Heights, Hillside, Holiday, Iris Hollow, Juniper / Kalmia, Keewaydin, Keewaydin East, Kendall, Kings Ridge, Majestic Heights, Mapleton Hill, Mapleton Mobile Home Park, Martin Acres including Highland Park, Newlands, Noble Park, North 26th Street, North Wonderland, Northbriar, Norwood / Quince, Old North Boulder, Orchard Park, Park East, Parkside, Pinon, Poplar, Sale Lake, San Juan del Centro, Shanahan Ridge, South 45th, Steel Yards-Boulder Junction, Table Mesa North, Table Mesa South, Tantra Park, Telluride, University Heights, University Hill, Vista Village, West Pearl, Whittier, Wonderland Hills

END OF SECTION

## ATTACHMENT B

### Ballot Question No. 301

#### **New Development Shall Pay Its Own Way:**

Initiative petition language

To the extent allowed by Federal and state law, the City shall not approve new development that does not fully pay for or otherwise provide all the additional facilities and services required to fully offset the burdens that otherwise would have been imposed by such new development on City facilities and services.

For purposes of this Section, "new development" shall be defined as:

- (a) Any residential or non-residential construction that results in additional floor area in a building or on a site, except for modifications to residential buildings that do not add additional dwelling units and that have a de minimis effect on the facilities and services referred to in this Section, or
- (b) Any change in use of an existing building or site, except for changes of use that have a de minimis effect on the facilities and services referred to in this Section.

For purposes of this Section, "City facilities and services" shall be defined as all of those that are material and provided by all City departments or divisions, except the departments or divisions supplying City water, wastewater, flood control, and electric utility services, as these already have service standards, and the departments of finance and human resources (personnel), the offices of the city manager and city attorney, and the municipal court.

The City Council shall adopt and apply standards and practices that are reasonably designed to achieve the requirements of this Section and that are consistent with generally accepted professional standards and practices where such exist. These standards and practices shall include without limitation consideration of indirect revenues and contributions from new development, such as sales and use tax paid by occupants, and consideration of multiple developments evaluated in aggregate.

Standards for transportation facilities and services shall include without limitation emergency response times, daily vehicle miles traveled within the City, and travel times on the streets for which the City measured travel times as of the passage of this Section, and any additional streets that may be warranted. These travel time measurements shall be expanded to include the hour before and the hour after the morning and evening peak hours.

The City Council, by an affirmative vote of six members, may exempt the development of permanently affordable housing units, or the affordable housing portions of new developments, or publicly-owned new developments from the requirements of this Section.

New development with a complete and properly submitted application for a building permit, or a change of use permit, as of the date of passage of this Section, shall be exempt from the requirements of this Section, but only for the construction or change of use covered by the permit or change of use application as submitted.

The City Manager shall report annually at a City Council meeting all standards used and a summary of the measurements and actions taken and analyses performed to satisfy the intent of this Section?

**CITY OF BOULDER  
BEVERAGE LICENSING AUTHORITY  
\* \* \* MINUTES \* \* \*  
WEDNESDAY, AUGUST 19, 2015, 3:00 P.M.  
CITY COUNCIL CHAMBERS  
MUNICIPAL BUILDING – 2<sup>ND</sup> FLOOR  
1777 BROADWAY, BOULDER, COLORADO**

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**NAME OF BOARD/COMMISSION:** Beverage Licensing Authority (BLA)  
**DATE OF MEETING:** August 19, 2015  
**NAME & PHONE OF PERSON PREPARING SUMMARY:** Michele Lamb, Licensing Administrator (303-441-3436)  
Kristen Huber, Licensing Specialist (303-441-3034)

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**NAMES OF MEMBERS, STAFF, AND INVITED GUESTS PRESENT:**

**Board Members:** Steven Wallace, Harriet Barker, Lisa Spalding, and Matthew Califano

**Staff Present:** Carey Markel, Assistant City Attorney, Michele Lamb, Licensing Administrator, and Kristen Huber, Licensing Specialist

**QUASI-JUDICIAL MEETING OUTLINE OF AGENDA**

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**1. Member roll call; approval of BLA minutes from July 15, 2015 hearing; and hearing agenda issues from licensing clerk.**

Roll call was taken. A quorum of four BLA members attended with Member Timken absent.

Member Barker moved, Member Spalding seconded, to approve the July 15, 2015 minutes. Motion approved 4:0.

**2. Matters from the Boulder Police Department (BPD).**

Officer Daniel Bergh appeared on behalf of the BPD and discussed the last drink summary report included in the BLA packet. Member Spalding requested a list of compliance checks conducted by the BPD.

**3. Matters from the Responsible Hospitality Group (RHG).**

The RHG did not attend the hearing. The RHG meeting agenda for August 5, 2015 and an example of an alcohol policy were entered as Agenda Item 3, Exhibit 1.

**4. Presentation by Camilo Casas, Coordinator of Men Standing Up, MESA's Boulder Bar Bystander Intervention Training.**

Mr. Casas presented to the BLA regarding MESA Boulder Bar Bystander Intervention training. A brochure for MESA was entered as Agenda Item 4, Exhibit 1.

**5. Show cause hearing concerning a May 8, 2015 violation and whether the Hotel-Restaurant type liquor license held by BRE Select Hotels Opt LLC & White Lodge d/b/a Boulder Marriott, 2660 Canyon Blvd., Boulder, CO 80302, should be suspended or revoked.**

Brian Proffitt appeared as the licensee's attorney. Dustin Kovats, Registered Manager, and Alison Lechowicz, Food and Beverage Manager, were sworn in. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest.

Lucas Markley, Assistant City Attorney, stated that a stipulation to the facts in this matter had been reached. The stipulation was entered as Agenda Item 5, Exhibit 1. Member Spalding moved, Member Barker seconded, to accept the stipulation. Motion approved 4:0.

Ms. Lechowicz and Mr. Kovats provided testimony regarding mitigating evidence.

The BLA noted mitigating and aggravating factors. Member Califano moved, Member Barker seconded, to set this violation penalty at 5 suspension days served with 9 days held in abeyance. Motion approved 4:0.

The licensee requested to serve the 5 suspension days from September 3 to September 7, 2015. Member Spalding moved, Member Califano seconded, to accept the requested 5 suspension days from September 3 to September 7, 2015. Motion approved 4:0.

**6. Public hearing for a Special Event Liquor Permit application filed on August 6, 2015 by Secret Garden Cultural Plaza Inc., a Colorado non-profit, for a Permaculture Event on Saturday September 5 and Sunday September 6, 2015; Ed Jabari, Founder/CEO, with a business mailing address of 4705 Broadway Street, Boulder, CO 80304.**

Edward Jabari was sworn in and confirmed the ten day premise posting under oath. Hearing procedures were not read. No BLA members disclosed ex-parte communications or conflicts of interest.

Mr. Jabari provided testimony regarding the special event liquor permit application. A letter from Mr. Jabari was entered as Agenda Item 6, Exhibit 1.

Member Califano moved, Member Barker seconded, to approve this special event liquor permit application with a condition that the applicant must receive zoning approval by 4:00 p.m. on Friday, September 4, 2015. Motion approved 3:1 with Member Spalding opposed.

**7. Public hearing and consideration of whether there is good cause for non-renewal of a June 8, 2015 application from Dillon Companies, Inc. d/b/a King Soopers 28, 6550 Lookout Road, Boulder, CO 80301; The Kroger Company, Owner, David Dillon, President, Paul Heldman, Vice President and Assistant Secretary, Frank Remar, Vice President and**

**Treasurer, and Russell Dispense, Vice President, with a business mailing address of PO Box 305103, Nashville, TN 37230, for non-administrative renewal of a 3.2% Beer Off-Premise type liquor license.**

Adam Stapen appeared as the licensee's attorney. Barb Osness, Property Manager, and Dann Kohl, Manager, were sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

Ms. Osness and Mr. Kohl provided testimony regarding mitigating evidence. Member Barker noted that the lease expiration date on the state renewal form was incorrect.

Member Spalding moved, Member Barker seconded, to approve this application for renewal of a 3.2% Beer Off-Premise type liquor license and remove the condition of non-administrative renewal for 2016. Motion approved 4:0.

- 8. Public hearing and consideration of whether there is good cause for non-renewal of a June 29, 2015 application from FM Paradise Development Co., LLC d/b/a Woody Creek Bakery & Café, 1207 Pearl Street, Boulder, CO 80302; David Mosteller, Member and Manager, and Sheila Stebbins, Registered Manager; with a business mailing address of 8231 E. Prentice Avenue, Greenwood Village, CO 80111, for a renewal of a Hotel-Restaurant type liquor license.**

This Agenda Item was heard after Agenda Item 15.A. The licensee did not appear for the hearing. Member Califano moved, Member Spalding seconded, to continue this agenda item to the September 16, 2015 hearing. Motion approved 4:0.

- 9. Public hearing and continued consideration of an April 21, 2015 application from Voss Home, LLC d/b/a Voss Art & Home, 1537 Pearl Street, Boulder, CO 80302; Gregory Voss, Owner, Manager, and Member, and Sondra Voss, Manager and Member; with a business mailing address at 1196 Hickory Way, Erie, CO 80516, for a new Art Gallery Permit type liquor license.**

Sondra Voss, Manager and Member, was sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

Ms. Voss provided testimony regarding the Art Gallery Permit application. An email from Michele Lamb was entered as Agenda Item 9, Exhibit 1. The Neighborhood Needs & Desires Petition Summary and Affidavit of Circulator were entered as Agenda Item 9, Exhibit 2.

Member Spalding moved, Member Califano seconded, to approve this application for an Art Gallery Permit type liquor license with a condition of non-administrative renewal. Motion approved 4:0.

**10. Public hearing and consideration of a May 19, 2015 application from Zythos Restaurant Group, LLC d/b/a Zythos, 1320 College Avenue, Boulder, CO 80302; Konstantinos Korres, Owner and Registered Manager, with a premise business mailing address, for a transfer of a Hotel-Restaurant type liquor license.**

Fern O'Brien appeared as the licensee's attorney. Konstantinos Korres, Owner and Registered Manager, was sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

Mr. Korres provided testimony regarding the transfer application. A copy of the Zoning/Planning Confirmation Form and the Administrative Review Disposition were entered as Agenda Item 10, Exhibit 1.

Member Califano moved, Member Barker seconded, to approve this transfer application for a Hotel-Restaurant type liquor license. Motion approved 4:0.

**11. Public hearing and consideration of a May 29, 2015 application from Apro, LLC d/b/a My Goods Market #6510, 3000 28th Street, Boulder, CO 80301; CF United, LLC, Owner and Member, Joseph Juliano, President and CEO, Kenneth Strong, COO, and Mary Baker, Manager; with a business mailing address of 17311 S. Main Street, Gardena, CA 90248, for a transfer of a 3.2% Beer Off-Premise type liquor license.**

Adam Stapen appeared as the licensee's attorney. Keith John, Regional Manager, was sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

Mr. Stapen requested that the BLA accept Administrative Notice to combine the testimony presented for this Agenda Item with Agenda Item 12.

Mr. John provided testimony regarding the transfer application.

Member Barker moved, Member Califano seconded, to approve this transfer application for a 3.2% Beer Off-Premise type liquor license Motion approved 4:0.

**12. Public hearing and consideration of a May 29, 2015 application from Apro, LLC d/b/a My Goods Market #6505, 3375 28th Street, Boulder, CO 80301; CF United, LLC, Owner and Member, Joseph Juliano, President and CEO, Kenneth Strong, COO, and Mary Baker, Manager; with a business mailing address of 17311 S. Main Street, Gardena, CA 90248, for a transfer of a 3.2% Beer Off-Premise type liquor license.**

Adam Stapen appeared as the licensee's attorney. Keith John, Regional Manager, remained sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

The testimony for this Agenda Item was heard during Agenda Item 11.

Member Spalding moved, Member Barker seconded, to approve this transfer application for a 3.2% Beer Off-Premise type liquor license Motion approved 4:0.

**13. Public hearing and consideration of a June 12, 2015 application from Coffee House Holdings, Inc. d/b/a Starbucks 5548, 1427 Pearl Street, Boulder, CO 80302; Starbucks Corporation, Owner and Parent Company, Clarice Turner, Director and President, Michael Malanga, Director and Senior Vice President, Sophie Hume, Secretary and Vice President, and Andrew Wolff, Treasurer and Vice President, and Taffy Nichols, Manager; with a business mailing address of Mailstop S-TAX2 License Svcs., P.O. Box 34442, Seattle, WA 98124-1442, for a new Beer and Wine type liquor license.**

Brian Proffitt appeared as the licensee's attorney. Andrea Moudakis, Regional Director, and Carol Johnson, petitioner with Esquire Petitioning Services, were sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

Ms. Moudakis provided testimony regarding the liquor license application. Ms. Johnson provided testimony regarding the neighborhood petition results.

Member Califano moved, Member Barker seconded, to approve this application for a new Beer and Wine type liquor license. Motion approved 4:0.

**14. Matters from the Assistant City Attorney**

No matters were discussed.

**15. Matters from the Licensing Clerk**

An email from Kristen Huber regarding BLA hearing exhibits was entered as Agenda Item 15, Exhibit 1.

**A. Neighborhood boundary settings for application for September 16, 2015 BLA hearing**

- i) The Dairy Center for the Arts d/b/a The Dairy Center for the Arts – Permanent Modification of an Arts type liquor license at 2590 Walnut Street, Boulder, CO 80302**

The following neighborhood boundaries were discussed: Mapleton Avenue on the North, Marine Street Extended on the South, 19<sup>th</sup> Street on the East, and 33<sup>rd</sup> Street on the West. Chair Wallace moved, Member Califano seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

- ii) **Coffee House Holdings, Inc. d/b/a Starbucks 21402 – New Beer and Wine type liquor license at 1352 College Avenue, Boulder, CO 80302**

The following neighborhood boundaries were discussed: University Avenue on the North, Columbine Avenue Extended on the South, Folsom Street to Colorado Avenue to 28<sup>th</sup> Street on the East, and 6<sup>th</sup> Street on the West. Member Spalding moved, Member Califano seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

- iii) **Coffee House Holdings, Inc. d/b/a Starbucks 246 – New Beer and Wine type liquor license at 3033 Arapahoe Road, Boulder, CO 80303**

The following neighborhood boundaries were discussed: Pearl Street on the North, Colorado Avenue on the South, 55<sup>th</sup> Street on the East, and Folsom Street on the West. Chair Wallace moved, Member Barker seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

- iv) **City of Boulder d/b/a City of Boulder – Boulder Public Library – New Arts type liquor license at 1001 Arapahoe Avenue, Boulder, CO 80302**

The following neighborhood boundaries were discussed: Mapleton Avenue on the North, College Avenue on the South, 20<sup>th</sup> Street on the East, and 6<sup>th</sup> Street on the West. Chair Wallace moved, Member Barker seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

- v) **Mandala Infusion, LLC d/b/a Mandala Infusion – New Hotel-Restaurant type liquor license at 4479 N. Broadway, Boulder, CO 80304**

The following neighborhood boundaries were discussed: Boulder city limits on the North, Linden Avenue Extended on the South, 28<sup>th</sup> Street to US Highway 36 on the East, and Boulder city limits on the West. Member Califano moved, Member Barker seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

- vi) **Conor O’Neill’s of Boulder, LLC d/b/a Conor O’Neill’s – Permanent Modification of a Hotel-Restaurant type liquor license at 1922 13th Street, Boulder, CO 80302**

The following neighborhood boundaries were discussed: Maxwell Avenue Extended on the North, Marine Street Extended on the South, 17<sup>th</sup> Street

on the East, and 4<sup>th</sup> Street on the West. Chair Wallace moved, Spalding seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

**B. Informational items**

**i) August Special Events and Temporary Modifications**

This material was stated to be in the hearing packet.

**ii) August Liquor License renewal mailing list**

This material was stated to be in the hearing packet.

**iii) Corrected Stipulation and Agreement from July 15th BLA hearing for Vishnu, Inc. d/b/a Taj Indian Cuisine**

This material was stated to be in the hearing packet.

**iv) Inspection Report from state Liquor Enforcement Division for Malo LLC d/b/a B Town**

This material was stated to be in the hearing packet.

**v) Stipulation, Agreement, and Order from state Liquor Enforcement Division for Pei Wei Asian Diner, Inc. d/b/a Pei Wei Asian Diner**

This material was stated to be in the hearing packet.

**vi) Letter from state Liquor Enforcement Division to Royal Clay Oven, Inc. d/b/a Royal Clay Oven regarding an inspection**

This material was stated to be in the hearing packet.

**vii) Email from Kelly Haralson, Investigator with the state Liquor Enforcement Division, regarding liquor license laws for records maintenance**

This material was stated to be in the hearing packet.

**viii) Email from Brian Proffitt, Attorney, regarding electronic books and records**

This material was stated to be in the hearing packet.

- ix) **Flyer for “Standards for Sellers and Servers of Alcohol Beverages” training class on September 17, 2015**

This material was stated to be in the hearing packet. Ms. Lamb noted that 75 people had signed up for the training class.

- x) **Proposed non-substantive changes to City of Boulder BLA Penalty Schedule**

This material was stated to be in the hearing packet. Chair Wallace and Member Barker provided feedback regarding the penalty schedule chart.

### **16. Matters from the Chair and Members of the Authority**

Member Barker discussed the requirement for physical books and records to be kept onsite.

### **ADJOURNMENT**

Member Barker moved, Member Califano seconded, to adjourn the meeting. Motion approved 4:0, thus the hearing was adjourned at 6:04 p.m.

### **TIME AND LOCATION OF FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:**

3<sup>rd</sup> Wednesday of every Month at 3PM in City Council Chambers for 2015.

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Attested:

Approved:

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Mishawn J. Cook, BLA Secretary

Chair of Beverage Licensing Authority

**City of Boulder**  
**BOARDS AND COMMISSIONS MEETING SUMMARY FORM**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NAME OF BOARD/COMMISSION:</b> Human Relations Commission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>DATE OF MEETING:</b> Sept. 21, 2015                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>NAME/TELEPHONE OF PERSON PREPARING SUMMARY:</b> Robin Pennington 303-441-1912                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:</b><br><b>Commissioners</b> – Shirly White, Nikhil Mankekar, Emilia Pollauf, José Beteta<br><b>Staff</b> – Carmen Atilano, Robin Pennington, Luis Ponce<br><b>Commissioners absent</b> – Amy Zuckerman                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>WHAT TYPE OF MEETING (CIRCLE ONE) [REGULAR] [SPECIAL] [QUASI-JUDICIAL]</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>AGENDA ITEM 1 – CALL TO ORDER</b> – The Sept. 21, 2015 HRC meeting was called to order at 6 p.m. by <b>S. White</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>AGENDA ITEM 2 – AGENDA ADJUSTMENTS</b> – None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>AGENDA ITEM 3 – APPROVAL OF MINUTES</b><br>A. <b>E. Pollauf moved</b> to approve the Aug. 17, 2015 minutes with one edit. <b>N. Mankekar seconded. Motion carries 3-0.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>AGENDA ITEM 4 – COMMUNITY PARTICIPATION (non-agenda action items)</b> – None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>AGENDA ITEM 5 – ACTION ITEMS</b><br>A. 2016 Martin Luther King Day Celebration – <b>E. Pollauf moved</b> to approve funding for the five applications as recommended by the subcommittee and YOAB. <b>N. Mankekar seconded.</b> Funding was approved in the amount of \$2,793.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>AGENDA ITEM 6 – DISCUSSION/INFORMATIONAL ITEMS</b><br>A. Celebration of Immigrant Heritage – A press release will be published promoting Celebration of Immigrant Heritage week.<br>B. Update on the Boulder Civic Area Park Site Plan – Commissioners will email questions to C. Atilano, and requested that a representative attend the Oct. 19 HRC meeting.<br>C. Boulder Valley Comprehensive Plan – Update on Foundational Work, Community Kick Off, Focused Topics for the 2015 Update, and Next Steps – Commissioners will email questions to C. Atilano.<br>D. Inclusive and Welcoming Community Work Plan – Commissioners and staff discussed the timeline for the Community Perception Assessment consultant selection and next steps.<br>E. Living Wage Update – C. Atilano gave an update on work of the city staff committee on Living Wage. <b>S. White</b> noted that the topic would be discussed at a League of Women Voters meeting Oct. 14.<br>F. Event Reports – <b>N. Mankekar</b> attended Pridfest on Sept. 13, Boulder Valley Comprehensive Plan Subcommittee and the Housing Boulder Process Subcommittee meetings, and a Spanish-language outreach event hosted by the Boulder Police Dept. Several commissioners will attend the League of Women Voters breakfast meeting on the topic of Living Wage.<br>G. Retreat – The HRC will plan a retreat for the spring of 2016. |
| <b>AGENDA ITEM 7 – IMMEDIATE ACTION ITEMS</b> – None.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>AGENDA ITEM 8 – Adjournment</b> – <b>N. Mankekar moved</b> to adjourn the Sept. 21, 2015 meeting. <b>E. Pollauf seconded. Motion carries 5-0.</b> The meeting was adjourned at 6:58 p.m.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:</b> The next regular meeting of the HRC will be Oct. 19, 2015 in City Council Chambers, Municipal Building, 1777 Broadway.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

**Benji Durden Appreciation Day  
September 26, 2015**

**WHEREAS**, Benji Durden was one of the top road racers in America during the *Golden Era* of the Running Boom and made the 1980 U.S. Olympic team in the marathon; and

**WHEREAS**, Benji Durden has been an integral part of the local and Colorado running scene since moving here in 1985, from the prep level on up, through three decades of timing races with his wife, Amie; and

**WHEREAS**, Benji Durden has more than 100 victories during a long career and ran a marathon personal best time of 2 hours, 9 minutes, 57 seconds in finishing second at the 1983 Boston Marathon; and

**WHEREAS**, Benji Durden helped paved the way for professionalism in running by courageously going against the national governing board and accepting prize money at the 1981 Cascade Run-Off; and

**WHEREAS**, Benji Durden was one of the founding members of the Association of Road Racing Athletes and its original treasurer; and,

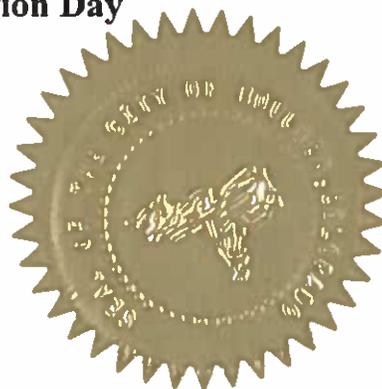
**WHEREAS**, Benji Durden is an inspiration to many for life-long commitment to health and exercise, including finishing 114 marathons, surviving cancer, and being a long-time member of the Boulder Road Runners.

**NOW, THEREFORE, BE IT DECLARED** by the City Council of the city of Boulder, Colorado, that September 26 is declared

**Benji Durden Appreciation Day**



**Matthew Appelbaum, Mayor**



**Dale Stetina Appreciation Day  
September 26, 2015**

**WHEREAS**, Dale Stetina is a two-time Olympic cyclist who was won more than 200 races in a long international career; and

**WHEREAS**, Dale Stetina won the Red Zinger Classic and the Coors Classic, inspiring others to take up cycling; and

**WHEREAS**, Dale Stetina was a U.S. National Road Cycling Champion and won the Mt. Washington Bicycle Grand Prix, as well as the Tour de Costa Rica; and

**WHEREAS**, Dale Stetina and his wife, Anne, have lived in Boulder since 1982 and raised their family here, including cycling son Peter; and daughters Claire and Kate; and

**WHEREAS**, Dale Stetina has shown remarkable determination, perseverance and fortitude in recovering from a traumatic brain injury; and

**WHEREAS**, Dale Stetina will always be an integral part of Boulder's colorful early cycling history;

**NOW, THEREFORE, BE IT DECLARED** by the City Council of the city of Boulder, Colorado, that September 26 is declared

**Dale Stetina Appreciation Day**

*Matthew Appelbaum*

Matthew Appelbaum, Mayor



**Lynn Hill Appreciation Day  
September 26, 2015**

**WHEREAS**, Lynn Hill is a pioneering climber who opened doors for female climbers to come; and

**WHEREAS**, Lynn Hill did the first ascent of the Nose of El Capitan in Yosemite National Park, among many other notable first ascents and climbs; and

**WHEREAS**, Lynn Hill is considered not only the best female climber of all time but one of the top female athletes, in any sport, all time; and

**WHEREAS**, Lynn Hill is a long-time Boulder resident, raising her son, Owen, here and making significant contributions to the local, national and international climbing communities; and

**WHEREAS**, Lynn Hill, through talks, clinics and presence at events has inspired climbers in Boulder and around the nation, helping make the Boulder area one of the world centers for climbing.

**NOW, THEREFORE, BE IT DECLARED** by the City Council of the city of Boulder, Colorado, that September 26 is declared

**Lynn Hill Appreciation Day**

*Matthew Appelbaum*

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**Matthew Appelbaum, Mayor**



**PAC-12 CONFERENCE CENTENNIAL DAY  
DECEMBER 2, 2015**

**WHEREAS,** The Pac-12 Conference was founded in 1915 as four universities sought to unite the West through academic and athletic excellence; and

**WHEREAS,** The academic and athletic prestige of the Pac-12 was forged through a century of passion and perseverance as the Conference grew to include some of the best universities in the world while simultaneously bringing athletic pride to the region; and

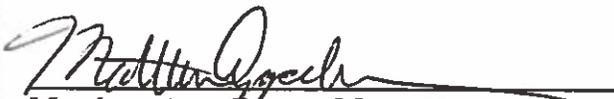
**WHEREAS,** University of Colorado joined the Conference in 2011 and has been an excellent addition to a Conference founded on a commitment to greatness on and off the field of play; and

**WHEREAS,** The Conference will remain on the forefront of excellence as it continues to drive meaningful change by modernizing the student-athlete experience and promoting diversity, progress, and innovation; and

**WHEREAS,** The Pac-12 and all it stands for – educating young people, uniting communities, and championing innovation – should be celebrated by all.

**NOW, THEREFORE, BE IT DECLARED** by the City Council of the City of Boulder, Colorado, that the City of Boulder declare December 2, 2015 as

**PAC-12 Conference Centennial Day**

  
**Matthew Appolbaum, Mayor**

**Tim DeBoom Appreciation Day  
September 26, 2015**

**WHEREAS**, Tim DeBoom moved to Boulder in 1993 after winning the overall gold medal at the Triathlon Amateur National and World Championships and has lived and trained here since; and

**WHEREAS**, Tim DeBoom logged thousands of miles on local roads, trails and pools in becoming one of the best Ironman triathletes ever; and

**WHEREAS**, Tim DeBoom won the 2001 Ironman Triathlon World Championship in Kona, Hawaii, on October 6, 2001, a victory coming less than a month after the 9/11 attacks, and which sparked a sense of hope, optimism and renewal around a nation inspired by his flag-waving final run to the finish; and

**WHEREAS**, Tim DeBoom repeated as Ironman World Triathlon Champion in 2002, helping attract other elite triathletes to train and live in Boulder; and

**WHEREAS**, Tim DeBoom, along with his triathlete wife, Nicole, founder of Skirt Sports, have contributed in many ways to Boulder County becoming a national and world center of endurance sports; and

**WHEREAS**, Tim and Nicole DeBoom continue to contribute to the local athletic community, helping to foster Boulder's triathlon legacy;

**NOW, THEREFORE, BE IT DECLARED** by the City Council of the city of Boulder, Colorado, that September 26 is declared

**Tim DeBoom Appreciation Day**

*Matthew Appelbaum*

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**Matthew Appelbaum, Mayor**

