

**BOULDER CITY COUNCIL MEETING  
MUNICIPAL BUILDING, 1777 BROADWAY  
Tuesday, October 20, 2015  
6 PM**

**AGENDA**

- 1. CALL TO ORDER AND ROLL CALL**
  - A. Pearl Street Mall Declaration**
  
- 2. OPEN COMMENT and COUNCIL/STAFF RESPONSE (limited to 45 min.)**

Public may address any city business for which a public hearing is not scheduled later in the meeting (this includes the consent agenda and first readings). After all public hearings have taken place, any remaining speakers will be allowed to address Council. All speakers are limited to three minutes.
  
- 3. CONSENT AGENDA (to include first reading of ordinances) Vote to be taken on the motion at this time. ( Roll Call vote required )**
  - A. Consideration of a motion to approve the minutes for the September 1, 2015 City Council Regular Meeting**
  
  - B. Consideration of a motion to approve the minutes for the September 15, 2015 City Council Regular Meeting**
  
  - C. Consideration of a motion to approve the minutes for the October 5, 2015 City Council Special Meeting**
  
  - D. Consideration of a motion to accept the Study Session Summary from August 25, 2015 regarding Envision East Arapahoe Trans Analysis and Medical Office Use**
  
  - E. Consideration of a motion to accept the Study Session summary from September 8, 2015 regarding the Emerald Ash Borer in the City of Boulder**
  
  - F. Consideration of a motion to accept the Study Session Summary from September 17, 2015 regarding Resilience Strategy**
  
  - G. Consideration of a motion approving the proposed 2016 budget, operating plan and board reappointments for the Downtown Boulder Business Improvement District**
  
  - H. Consideration of a motion authorizing the city manager to renew the lease for the Dushanbe Teahouse to Huckleberry Foods**
  
  - I. Consideration of motion to approve Resolution No. 1173 appointing the external audit firm to examine the financial accounts of the City of Boulder for the year ending December 31, 2015.**

- J. Third reading** and consideration of a motion to adopt and order published by title only **Ordinance No. 8071, amending Title 10, “Structures,” B.R.C. 1981** to add a new Chapter 10-7.7 “Commercial and Industrial Energy Efficiency” and amending Section 10-1-1 “Definitions” by adding definitions and setting forth related details (**Building Performance**)
- K. Second reading** and consideration of a motion to adopt **Ordinance No. 8073** authorizing and directing the **acquisition of various property interests located along 28th Street between Canyon Boulevard and north of Glenwood Drive**, by purchase or eminent domain proceedings, for the construction of the **28th Street Multimodal Transportation Improvements Project**
- L. Second reading** and order to publish by title only of **Ordinance No. 8081** amending chapters 6-14 “**Medical Marijuana**” and 6-16 “**Recreational Marijuana**” and **Code changes**
- M.** Consideration of a **motion authorizing** the city manager to enter into a **settlement agreement of a claim for damages and repair to the home and furnishings of Dick and Dona Padrnos**

**4. POTENTIAL CALL-UP CHECK IN**

Opportunity for Council to indicate possible interest in the call-up of an item listed under 8-A.

- A.** Naming of Washington School Park
- B.** Concept Plan Review to redevelop the property at 2801 Jay Rd.
- C.** Concept Plan Review to redevelop the property at 3303 Broadway
- D.** Landmark alteration Certificate to construct a 405 sq ft addition at 800 Arapahoe
- E.** Landmark Alteration Certificate to remove outdoor seating at 1236 Canyon (Bandshell)

**ORDER OF BUSINESS**

**5. PUBLIC HEARINGS**

Note: Any items removed from the Consent Agenda will be considered after any City scheduled Public Hearings.

- A. Second reading** and consideration of a motion to order published by title only **Ordinance No. 8083 designating the building and property at 2322 23rd St., to be known as the Herkert-Glasser Cottage, as a local historic landmark** per Section 9-11-5 of the Boulder Revised Code, 1981 (HIS2015-00077)  
Owner/Applicant: Douglas Johnson and Theresa Hernandez
- B. Second reading** and consideration of a motion to order published by title only an **Ordinance No. 8084** amending Section 4-2-4, “State Law Procedures Apply,” B.R.C., 1981, **eliminating the principal campus of Naropa University from the application of the 500 foot distance restriction** imposed by the Colorado Liquor Code for Beer and Wine licenses only, and setting forth related details

**The following items 5C-5I will be heard as one public hearing.**

**C. Consideration of the following items relating to the 2016 Budget**

1. **Public hearing** on the proposed 2016 City of Boulder Budget; and
2. **Second reading** and consideration of a motion to order published by title only an **Ordinance No. 8085 that adopts a budget** for the City of Boulder, Colorado, for the **fiscal year** commencing on the first day of January **2016** and ending on the last day of December 2016, and setting forth details in relation thereto; and
3. **Second reading**, and consideration of a motion to order published by title only **Ordinance No. 8086 that establishes the 2015 City of Boulder property tax mill levies** which are to be collected by the County of Boulder, State of Colorado, within the City of Boulder in 2016 for payment of expenditures by the City of Boulder, County of Boulder, State of Colorado, and setting forth details in relation thereto; and
4. **Second reading** and consideration of a motion to order published by title only **Ordinance No. 8087 that appropriates money to defray expenses and liabilities** of the City of Boulder, Colorado, for the **2016 fiscal year** of the City of Boulder, commencing on the first day of January 2016, and ending on the last day of December 2016, and setting forth details in relation thereto; and
5. **Second reading**, and consideration of a motion to order published by title only **Ordinance No. 8088 that amends Section 3-8-3 and Chapter 4-20 of the B.R.C. 1981 changing certain fees**, and setting forth details in relation thereto.

**Consideration of a motion to adjourn from the Boulder City Council and convene as the Central Area General Improvement District Board of Directors**

**D. Consideration of a motion to adopt three resolutions pertaining to the 2016 budget of the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund):**

1. **Resolution No. 272** concerning the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund), **adopting a budget for the fiscal year beginning January 1, 2016**; and
2. **Resolution No. 273 establishing the 2015 City of Boulder Central Area General Improvement District Property Tax Mill Levy** for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
3. **Resolution No. 274 appropriating money to defray the expenses and liabilities** of the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund) for the 2016 fiscal year and setting forth details in relation thereto; and

**Consideration of a motion to adjourn from the CAGID Board of Directors and to convene as the University Hill General Improvement District (UHGID) Board of Directors**

- E.** Consideration of a motion to adopt three resolutions pertaining to the **2016 Budget of the City of Boulder University Hill Commercial District Fund** (formerly known as the University Hill General Improvement District Fund):
1. **Resolution No. 196 concerning the City of Boulder University Hill Commercial District Fund** (formerly known as the University Hill General Improvement District Fund), adopting a **budget for the fiscal year beginning** January 1, 2016; and
  2. **Resolution No. 197 establishing the 2015 City of Boulder University Hill General Improvement District Property Tax Mill Levy** for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
  3. **Resolution No. 198 appropriating money to defray the expenses and liabilities of the City of Boulder University Hill Commercial District Fund** (formerly known as the University Hill General Improvement District Fund) for the 2016 fiscal year and setting forth details in relation thereto; and

**Consideration of a motion to adjourn from the UHGID Board of Directors and convene as the Boulder Municipal Property Authority Board of Directors**

- F.** Consideration of a motion to **adopt a resolution formally adopting the 2016 Budget for the Boulder Municipal Property Authority**; and

**Consideration of a motion to adjourn from the Boulder Municipal Property Authority (BPMA) Board of Directors and convene as the Forest Glen Transit Pass General Improvement District Board of Directors**

- G.** Consideration of motion to adopt three resolutions pertaining to **the 2016 Budget of the City of Boulder Forest Glen Transit Pass General Improvement District Fund**:

1. **Resolution No. 49 concerning the City of Boulder Forest Glen Transit Pass General Improvement District, adopting a budget** for the fiscal year beginning January 1, 2016; and
2. **Resolution No. 50 establishing the 2015 City of Boulder Forest Glen Transit Pass General Improvement District Property Tax Mill Levy** for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
3. **Resolution No. 51 appropriating money to defray the expenses and liabilities of the City of Boulder Forest Glen Transit Pass General Improvement District** for the 2016 fiscal year and setting forth details in relation thereto; and

**Consideration of a motion to adjourn from the City of Boulder Forest Glen Transit Pass General Improvement District Board of Directors, and convene**

**as the Boulder Junction Access Commission General Improvement District - Parking Board of Directors**

- H.** Consideration of a motion to adopt three resolutions pertaining to **the 2016 budget of the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund:**
- 1. Resolution No. 14 concerning the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund, adopting a budget** for the fiscal year beginning January 1, 2016; and
  - 2. Resolution No. 15 establishing the 2015 City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Property Tax Mill Levy** for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
  - 3. Resolution No. 16 appropriating money to defray the expenses and liabilities of the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund** for the 2016 fiscal year and setting forth details in relation thereto; and

**Consideration of a motion to adjourn from the Boulder Junction Access Commission General Improvement District - Parking Board of Directors and convene as the Board of Directors of the Boulder Junction Access Commission General Improvement District Travel Demand Management**

- I.** Consideration of a motion to adopt three resolutions pertaining to **the 2016 budget of the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund:**
- 1. Resolution No. 14 concerning the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund, adopting a budget** for the fiscal year beginning January 1, 2016; and
  - 2. Resolution No. 15 establishing the 2015 City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Property Tax Mill Levy** for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
  - 3. Resolution No. 16 appropriating money to defray the expenses and liabilities of the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund** for the 2016 fiscal year and setting forth details in relation thereto; and

**Consideration of a motion to adjourn from the Boulder Junction Access Commission General Improvement District – Travel Demand Management Board of Directors and reconvene Central Are General Improvement District Board of directors; and**

**Consideration of a motion to adjourn as the Central Area General Improvement District board of Directors and reconvene as the Boulder City Council**

- J. Continued second reading** and consideration of a motion to order published by **title only, Ordinance No. 8072 to improve occupancy enforcement** by amending Title 9 “Land Use Code” by amending Section 9-15-9, “Multiple Dwelling Units And Occupancy - Specific Defenses,” eliminating a defense to over-occupancy based upon “active and diligent” management practices, amending Title 10 “Structures” amending Section 10-3-2, “Rental License Required Before Occupancy and License Exemptions” adding a prohibition of offering or advertising rental of a property without a valid rental license, adding a new Section 10-3-20 “Occupancy” requiring that the maximum legal occupancy be posted on all rental properties, requiring all rental licenses to include a notation of maximum occupancy and requiring all rental advertisements to include the maximum legal occupancy; amending Section 10-3-16 “Administrative Remedy” by increasing the fines for first and second violations and setting forth related details.

**This is a continued item and the public hearing was held and closed on October 6, 2015. No new testimony will be considered.**

**6. MATTERS FROM THE CITY MANAGER**

**7. MATTERS FROM THE CITY ATTORNEY**

- A.** Motion to direct that the City of Boulder participate as an intervener in any litigation brought to challenge the Environmental Protection Agency’s Clean Power Plan Rules

**8. MATTERS FROM MEMBERS OF COUNCIL**

- A.** Potential Call-Ups
- 1.** Naming of Washington School Park
  - 2.** Concept Plan Review to redevelop the property at 2801 Jay Rd.
  - 3.** Concept Plan Review to redevelop the property at 3303 Broadway
  - 4.** Landmark Alteration Certificate to construct a 405 sq ft. addition at 800 Arapahoe
  - 5.** Landmark Alteration Certificate to remove outdoor seating from 1236 Canyon (Bandshell)
- B.** Retreat Committee Update

**9. PUBLIC COMMENT ON MATTERS -15 min**

Public comment on any motions made under Matters.

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

**11. DEBRIEF** -Opportunity for Council to discuss how the meeting was conducted-5 min

**12. ADJOURNMENT**

This agenda and the meetings can be viewed at [www.bouldercolorado.gov](http://www.bouldercolorado.gov) / City Council. Meetings are aired live on Municipal Channel 8 and the city's Web site and are re-cablecast at 6 p.m. Wednesdays and 11 a.m. Fridays in the two weeks following a regular council meeting. DVDs may be checked out from the Main Boulder Public Library.

Anyone requiring special packet preparation such as Braille, large print, or tape recorded versions may contact the City Clerk's Office at (303) 441-3002, 8 a.m. – 5 p.m. Monday through Friday. 48 hours notification prior to the meeting or preparation of special materials **IS REQUIRED.**

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

Electronic presentations to the city council must be pre-loaded by staff at the time of sign up and will NOT be accepted after 3:30 p.m. at regularly scheduled meetings. Electronic media must come on a prepared USB jump (flash/thumb) drive and no technical support is provided by staff.

**CITY OF BOULDER**  
**CITY COUNCIL PROCEEDINGS**  
**September 1, 2015**

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

**A. Declaration as Boulder Pollinator Appreciation Month**

Council Member Plass read the declaration.

County Commissioner Jones read a Boulder County resolution.

**B. CML Declaration for Colorado Cities & Towns**

Council Member Jones read the declaration.

**2. OPEN COMMENT and COUNCIL/STAFF RESPONSE**

1. David Adamson thanked council for the Boulder Housing Process and encouraged them to do the next steps in that process.
2. Lincoln Miller spoke in support of co-op housing and potential ways to make it work.
3. Rob Smoke spoke to the legal ruling against the camping bans on homeless people.
4. Angela McCormick, Board chair of Boulder Housing Partners, spoke regarding an email that was sent to council on August 28<sup>th</sup>. She pointed out that the board is excited to work with council and they are concerned about affordability and urge an increase revenue sources through the city, and need to create a larger basket of legislative tools for low and moderate income earners.
5. John Spitzer, with Friends of Boulder Chautauqua, submitted a handout with 11 points that council should consider before approving a new lease.
6. Greg Wilkerson suggested asking the voters how big Boulder should get and what it should look like. He suggested expanding those questions to Boulder County.
7. Brenda Lee spoke on bears and trash. Thanked Western disposal and community help. Surprised at the amount of the bear activity. Concerned about the lack of code enforcement and feels that it is easy to enforce and become compliant.
8. Sarah Dawn thanked everyone involved in the housing boulder project and the 1500 people who were part of the neighborhood working groups. The data showed that there is interest in community housing other various pilot programs.
9. Steve Winter, resident of Boulder, agreed with previous speaker and congratulated the city for reaching out to the community regarding the affordable housing issue. He urged Council to give serious consideration to cooperative housing ideas and programs as a solution to Boulder's housing crisis.
10. Hank Grant spoke regarding the Boulder Food Park. Thanked council for the help and gave an update on how the group is managing and mitigating noise. Asked for council's continued support.
11. Summer Laws from Boulder County Public Health asked council to support the HEAL Cities and Towns resolution, supporting healthy eating and active goals for a vibrant community. Her reasons included being a leader and innovative city and it is congruent with current policies already in place in Boulder and hoping that it will unite the community.

12. Dalia Dorta spoke to council regarding the support of HEAL Cities and Towns initiative especially concerning the Latino community. She had been involved in many programs and wanted Latinos to have access to services that have longevity and that will continue.
13. Alana Wilson, part of the Boulder Cooperative Housing Association, thanked council for their support regarding the working groups. Wanted the council to improve its ordinances to allow co-ops within the city for rentals and equity.
14. Eric Holinger, spoke about the Boulder Food Truck Park as a food truck owner and also as a resident of the area. Thanked council for the opportunity to provide that service.
15. Caroline Stepanek, spoke about the Chautauqua lease and is concerned and wanted council to really look at the terms of lease. She wanted shorter terms, more diverse board, and strong mission statement.
16. Angelique Espinoza, with the Boulder Chamber of Commerce, addressed the ballot items listed on the consent agenda. The Utility occupational tax is uncontroversial and they would like to offer their assistance if needed. The council compensation item is supported but goals need to be clarified and the discipline to keep the agenda concise and more reasonable.
17. Neshama Abraham, thanked council for hard work and spoke about recommendations concerning the Boulder Housing. Offered the idea of neighborhoods supporting cooperative homes in their area and submit to council for approval.
18. Mike Marsh spoke regarding Council Member Cowles use of hotline to electioneer against the citizens. The problem is the citizens cannot reply to hotline. Discussed zoning issues, short term rentals, and the other ballot items.

There being no further speakers Open Comment was closed.

**Staff and Council Response:**

City Manager Brautigam asked staff to comment on the bear issues and trash dumpster situation in the city. Tom Trujillo, Commander of Boulder Police Department and Jennifer Riley, Code Enforcement Supervisor, spoke about phasing and retrofitting carts related to trash disposal. Council asked questions that included overfill of carts, enforcement action, ticketing practices, education to the community and bear activity. Larry Rockstead with Colorado Parks and Wildlife confirmed that there has been a lot of bear activity. Council asked that the trash situation and code enforcement to manage better.

Council Member George Karakehian provided clarification regarding the Chautauqua Lease Committee process.

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

- A. CONSIDERATION OF A MOTION TO APPROVE THE MINUTES FOR THE AUGUST 4, 2015 CITY COUNCIL REGULAR MEETING**
- B. CONSIDERATION OF A MOTION TO ACCEPT THE AUGUST 11, 2015 FORM BASED CODE PILOT STUDY SESSION SUMMARY**
- C. CONSIDERATION OF A MOTION TO APPROVE RESOLUTION No. 1166 TO CARRY FORWARD THE CITY OF BOULDER'S 2015 PRIVATE ACTIVITY BOND ALLOCATION TO SUPPORT THE CREATION OR RETENTION OF PERMANENTLY AFFORDABLE RENTAL HOUSING**
- D. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO THE ANNEXATION AND INITIAL ZONING OF THE PROPERTIES IDENTIFIED AS 1548 OLD TALE RD., 1385 CHERRYVALE RD. AND 5955 BASELINE RD.:**
  - 1. FOUR RESOLUTIONS FINDING THE ANNEXATION PETITION FOR EACH PROPERTY IN COMPLIANCE WITH STATE STATUTES AND ESTABLISHING OCT. 6, 2015 AS THE DATE FOR A PUBLIC HEARING; AND**
  - 2. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY, FOUR ORDINANCES ANNEXING THE PROPERTIES WITH AN INITIAL ZONING AS FOLLOWS:**
    - A. WEST PORTION OF 1385 CHERRYVALE RD. (0.25 ACRE PARCEL) PROPOSED ZONING: RESIDENTIAL-RURAL 1  
APPLICANT/OWNER: MARK AND TARA BURKLEY**
    - B. EAST PORTION OF 1385 CHERRYVALE RD. (0.891 ACRE PARCEL)  
PROPOSED ZONING: RESIDENTIAL-RURAL 1  
APPLICANT/OWNER: MARK AND TARA BURKLEY**
    - C. 1548 OLD TALE RD  
PROPOSED ZONING: RESIDENTIAL-RURAL 2  
APPLICANT/OWNER: PORSCHE ELAINE YOUNG REVOCABLE TRUST**
    - D. 5955 BASELINE RD.  
PROPOSED ZONING: RESIDENTIAL-RURAL 1  
APPLICANT/OWNER: PATTON AND CLAIRE LOCHRIDGE**
- E. THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8052 SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER, AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON NOVEMBER 3, 2015, AN AMENDMENT TO THE BOULDER CHARTER REGARDING CITY COUNCIL COMPENSATION, SETTING THE BALLOT TITLE AND SETTING FORTH RELATED DETAILS**

- F. THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8055 SETTING THE BALLOT TITLE FOR AN INITIATED AMENDMENT TO THE BOULDER CHARTER, AND SETTING FORTH RELATED DETAILS (LIBRARY)**
- G. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8056 SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015 THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO EXTEND THE UTILITY OCCUPATION TAX ON PUBLIC UTILITY COMPANIES THAT DELIVER ENERGY TO CUSTOMERS IN THE FORM OF ELECTRICITY AND GAS THAT WAS PASSED BY THE VOTERS PURSUANT TO ORDINANCE NO. 7751 (AS AMENDED BY ORDINANCE NO. 7808) AT THE RATE \$4.1 MILLION DOLLARS, BEGINNING JANUARY 1, 2011 BE EXTENDED FROM DECEMBER 31, 2017 DECEMBER 31, 2022; SETTING FORTH THE BALLOT TITLE; MAKING CONFORMING CHANGES TO THE BOULDER REVISED CODE; AND SETTING FORTH RELATED DETAILS**
- H. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT AN ORDINANCE NO. 8057 SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO CONTINUE THE CLIMATE ACTION PLAN TAX THAT WAS APPROVED BY THE VOTERS IN NOVEMBER 2006 AND IMPLEMENTED BY THE CITY COUNCIL IN CHAPTER 3-12, B.R.C. 1981, CURRENTLY SET TO EXPIRE MARCH 31, 2018, THROUGH MARCH 31, 2023 FOR THE PURPOSES OF IMPLEMENTING PROGRAMS TO INCREASE ENERGY EFFICIENCY, INCREASE RENEWABLE ENERGY USE, REDUCE EMISSION FROM MOTOR VEHICLES, AND TAKE OTHER STEPS TOWARD THE GOAL OF REDUCING GREENHOUSE GAS EMISSIONS; SETTING FORTH THE BALLOT TITLE; AND SETTING FORTH RELATED DETAILS**
- I. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8070 APPROVING SUPPLEMENTAL APPROPRIATIONS FOR OPEN SPACE AND INFORMATION TECHNOLOGY TO THE 2015 BUDGET**
- J. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8071 AMENDING TITLE 10, “STRUCTURES,” B.R.C. 1981 TO ADD A NEW CHAPTER 10- 7.7 “COMMERCIAL AND INDUSTRIAL ENERGY EFFICIENCY” AND AMENDING SECTION 10-1-1 “DEFINITIONS” BY ADDING DEFINITIONS AND SETTING FORTH RELATED DETAILS (BUILDING PERFORMANCE)**
- K. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8072 TO IMPROVE OCCUPANCY ENFORCEMENT BY AMENDING TITLE 9 “LAND USE CODE” BY AMENDING SECTION**

**9-15-9, "MULTIPLE DWELLING UNITS AND OCCUPANCY - SPECIFIC DEFENSES,"  
ELIMINATING A DEFENSE TO OVER-OCCUPANCY "ACTIVE AND DILIGENT"**

**MANAGEMENT PRACTICES, AMENDING TITLE 10 "STRUCTURES" AMENDING SECTION 10-3-2, "RENTAL LICENSE REQUIRED BEFORE OCCUPANCY AND LICENSE EXEMPTIONS" ADDING A PROHIBITION OF OFFERING OR ADVERTISING RENTAL OF A PROPERTY WITHOUT A VALID RENTAL LICENSE, ADDING A NEW SECTION 10-3-20 "OCCUPANCY" REQUIRING THAT THE MAXIMUM LEGAL OCCUPANCY BE POSTED ON ALL RENTAL PROPERTIES, REQUIRING ALL RENTAL LICENSES TO INCLUDE A NOTATION OF MAXIMUM OCCUPANCY AND REQUIRING ALL RENTAL ADVERTISEMENTS TO INCLUDE THE MAXIMUM LEGAL OCCUPANCY; AMENDING SECTION 10-3-16 "ADMINISTRATIVE REMEDY" BY INCREASING THE FINES FOR FIRST AND SECOND VIOLATIONS AND SETTING FORTH RELATED DETAILS**

- L. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED, BY TITLE ONLY, ORDINANCE NO. 8073 AUTHORIZING AND DIRECTING THE ACQUISITION OF VARIOUS PROPERTY INTERESTS LOCATED ALONG 28TH STREET BETWEEN CANYON BOULEVARD AND NORTH OF GLENWOOD DRIVE, BY PURCHASE OR EMINENT DOMAIN PROCEEDINGS, FOR THE CONSTRUCTION OF THE 28TH STREET MULTIMODAL TRANSPORTATION IMPROVEMENTS PROJECT**
  
- M. INTRODUCTION, FIRST READING, CONSIDERATION OF A MOTION TO PUBLISH BY TITLE ONLY, AND ADOPT AS AN EMERGENCY MEASURE ORDINANCE NO. 8074 AUTHORIZING THE ISSUANCE BY THE CITY OF BOULDER, COLORADO, OF ITS WATER AND SEWER REVENUE BONDS, SERIES 2015, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$10,210,000 FOR THE PURPOSE OF PROVIDING FUNDS TO WATER AND SEWER IMPROVEMENTS BY THE UTILITY AND PAY THE COSTS OF ISSUANCE OF THE SERIES 2015 BONDS; PRESCRIBING THE FORM OF SAID SERIES 2015 BONDS; PROVIDING FOR THE SALE OF SAID SERIES 2015 BONDS; PROVIDING FOR THE PAYMENT AND REDEMPTION OF SAID SERIES 2015 BONDS FROM AND OUT OF THE REVENUES DERIVED DIRECTLY OR INDIRECTLY BY THE CITY FROM THE WATER AND SEWER FEE BILLED TO CUSTOMERS OF THE CITY'S WATER AND SEWER SYSTEMS; PROVIDING OTHER DETAILS AND APPROVING OTHER DOCUMENTS IN CONNECTION WITH SAID SERIES 2015 BONDS; AND DECLARING AN EMERGENCY AND PROVIDING THE EFFECTIVE DATE HEREOF**
  
- N. CONSIDERATION OF A MOTION TO CALL AN EXECUTIVE SESSION OF THE BOULDER CITY COUNCIL ON SEPTEMBER 14, 2015 AT 6 PM FOR THE PURPOSE OF MUNICIPALIZATION IN THE CITY COUNCIL CHAMBERS AT 1777 BROADWAY, BOULDER**
  
- O. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8065, SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, THE QUESTION OF, SHALL CITY OF BOULDER TAXES BE INCREASED BY UP TO \$350 THOUSAND ANNUALLY (IN THE FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS AS MAY BE COLLECTED ANNUALLY THEREAFTER BY THE IMPOSITION OF**

**A TAX ON SHORT-TERM RENTALS NOT ALREADY TAXED AS HOTEL, MOTEL OR OTHER PUBLIC ACCOMMODATIONS, TO FUND ADMINISTRATION, ENFORCEMENT AND THE CREATION OF ADDITIONAL AFFORDABLE HOUSING AND GIVING APPROVAL FOR THE COLLECTION, RETENTION AND EXPENDITURE OF THE FULL TAX PROCEEDS AND ANY EARNINGS RELATING TO THIS TAX NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION; AND SETTING FORTH RELATED DETAILS**

Council Member Weaver moved, seconded by Council Member Jones to approve consent agenda Items 3A through 3O. The motion carried 8:0 with Council Member Young absent, at 8:04 PM.

**4. POTENTIAL CALL-UP CHECK IN**

Opportunity for Council to indicate possible interest in the call-up of an item listed under 8-A1.

No interest was expressed in calling up item 8A.

**ORDER OF BUSINESS**

**5. PUBLIC HEARINGS**

Note: Any items removed from the Consent Agenda will be considered after any City scheduled Public Hearings.

**A. TWO MATTERS RELATED TO A PROPERTY LOCATED AT 747 12TH STREET:**

**1. CONTINUATION OF THE SECOND READING AND CONSIDERATION OF A MOTION AMENDING AND ADOPTING ORDINANCE NO. 8029 DESIGNATING THE BUILDING AND PROPERTY AT 747 12TH ST., TO BE KNOWN AS THE COWGILL PROPERTY, AS AN INDIVIDUAL LANDMARK UNDER THE CITY'S HISTORIC PRESERVATION ORDINANCE**

**OWNER: 747 TWELFTH STREET, LLC APPLICANT: LANDMARKS BOARD**

**2. INTRODUCTION, FIRST READING, AND CONSIDERATION A MOTION PUBLICATION BY TITLE ONLY ORDINANCE NO. 8075 GRANTING AUTHORITY TO THE APPROVING AUTHORITIES UNDER TITLE 9, "LAND USE CODE," B.R.C. 1981, TO APPROVE THE SUBDIVISION OF ONE BUILDING SITE INTO TWO BUILDING SITES FOR A PROPERTY GENERALLY DESCRIBED AS 747 12TH STREET AND AS AN AMENDMENT TO TITLE 9, "LAND USE CODE," TO WAIVE OR MODIFY CERTAIN LAND USE REGULATIONS INCLUDING STANDARDS RELATED TO THE MINIMUM LOT SIZE, SETBACKS, AND BUILDING SEPARATION IN ORDER TO MEET CITY HISTORIC PRESERVATION OBJECTIVES, AND SETTING FORTH RELATED DETAILS**

The City Clerk swore in all speakers for this item, as this was a quasi judicial hearing.

Council Member Cowles recused himself from this item.

Council was asked to share any *Exparte* communications – Council Members Morzel and Jones both disclosed conversations with one Kurt Norback, one of the property owners, but neither conversations related to landmarking of this property.

James Hewat, Senior Planner provided the presentation for this item.

Owner presentation was given up to 10 minutes. Kurt Nordback thanked council for the process. Supported the staff proposal and spoke in support of Option C, noting that it was a proposal resulting in a win-win situation that would preserve historical structures and offer two houses that would be more affordable than one large house.

The public hearing was opened:

1. Martha Campbell opposed the subdivision and supported the landmark designation.
2. Geneva Reichert opposed the subdivision and supported the historic designation only.
3. Abby Daniels, Director of Historic Boulder, supported the option of the landmark because the house fit the requirements of a historic designation. She addressed change and reuse and how it fit the needs of the community. She also noted the historic value of this property to Boulder.
4. Kathryn Barth supported the staff recommendation regarding this item and urged council to approval.
5. Kate Remley, representing the Landmarks Board, thanked council and staff for finding a solution for the owners, neighbors, and citizens. She felt this option could be used as a tool to help the city meet its goals. Density should always be considered carefully. Urged council to support option C.
6. Fran Sheets, member of Landmarks Board, spoke only on her own behalf. She was concerned about the amount of demolition permits. She believed this is a win-win solution and was in support of option C.

There being no further speakers the public hearing was closed.

Council Member Shoemaker moved, seconded by Council Member Jones to amend and approve on second reading Ordinance No. 8029 designating the building and property at 747 12th St., to be known as the Cowgill Property, as an individual landmark under the City's Historic Preservation Ordinance. The motion carried 6:1, Mayor Appelbaum opposed, Council Member Cowles recused and Council Member Young absent at 8:45 PM.

Council Member Weaver moved, seconded by Council Member Jones, to adopt the findings and conclusions as presented in the agenda memo. The motion carried 7:0 with Member Cowles recused and Council Member Young absent at 8:46 PM.

Council Member Plass moved, seconded by Council Member Morzel to introduce and order published by title only Ordinance No. 8075 granting authority to the approving

authorities under Title 9, "Land Use Code," B.R.C. 1981, to approve the subdivision of one building site into two building sites for a property generally described as 747 12th Street and as an amendment to Title 9, "Land Use Code," to waive or modify certain land use regulations including standards related to the minimum lot size, setbacks, and building separation in order to meet city historic preservation objectives. The motion carried: 7:0 with Member Cowles recused and Council Member Young absent at 8:49 PM.

**B. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT BY EMERGENCY ORDINANCE NOS. 8068 AND 8069 SETTING THE BALLOT TITLES FOR TWO INITIATED AMENDMENTS TO THE BOULDER CHARTER, AND SETTING FORTH RELATED DETAILS**

The presentation for this item was provided by City Attorney Carr and Deputy City Attorney Gehr.

The public hearing was opened:

1. Mike Marsh asked council to approve the proponents recommended ballot title.
2. Sandra Snyder also asked council to approve the proponents recommended ballot title.
3. Stephen Haydel agreed with the previous speakers.
4. Steve Pomerance agreed with previous speakers.
5. Andy Schultheiss urged council to use the shorter version ballot titles in order to provide more clarity for a very complex issue that will go before the voters.

There being no further speakers the public hearing was closed.

Council Member Shoemaker moved to amend the ballot titles by Emergency ordinance 8068 substituting ordinance from Attachment G inserting language from Attachment E and Emergency ordinance 8069 with language from Attachment H for Second Reading and consideration of a motion to adopt by emergency, Ordinance Nos. 8068 and 8069 setting the ballot titles for two initiated Amendments to the Boulder Charter, and setting forth related details. Motion carried unanimously at 9:57 PM.

**6. MATTERS FROM THE CITY MANAGER**

**A. PROPOSED HOUSING BOULDER ACTION PLAN FOR 2015 AND 2016**

The presentation for this item was provided by Executive Director of Community Planning and Sustainability David Driskell.

Council discussion and questions included topics such as mobile home parks, piloting projects like OAU's and ADUs, options of co-ops, current data that can be used such as rental information would help offer information as opposed to doing a pilot project, and support for low and middle income housing options, and discussion of amending the co-op ordinance.

**7. MATTERS FROM THE CITY ATTORNEY**

**A. REQUEST FOR COUNCIL DIRECTION REGARDING WHETHER THE CHAUTAUQUA LEASEHOLD AREA SHOULD BE CONSIDERED “PARKS LAND” UNDER THE CHARTER**

Council consensus concluded that Chautauqua was not a park and the lease did not require PRAB approval.

**B. USE OF HOTLINE DURING ELECTION SEASON**

Council indicated that a bigger discussion around Hotline should be considered at the 2016 Council Retreat.

**8. MATTERS FROM MEMBERS OF COUNCIL**

**A. POTENTIAL CALL-UP:**

**1. 2775 Valmont Road (Boulder Food Park) (LUR2015-00060)**

Request for **Use Review approval** to permit a new tavern with outdoor seating area over 300 square feet in size at 2775 Valmont Road (to be operated in conjunction with “Boulder Food Park” mobile food vehicle sales) within the Business Community One (BC-1) zone district. Proposal also includes a request for a 25 percent parking reduction.

No action was taken to call this item up.

**B. CONSIDERATION OF A MOTION TO APPROVE THE ORDER OF THE BALLOT MEASURES IN THE 2015 GENERAL MUNICIPAL COORDINATED ELECTION**

Council consensus was to order the ballot items as follows:

2N- Tabor- Short Term Rental Tax; 2O- Occ Utility Tax Extension; 2P- CAP Tax Extension; 2Q-Charter Changes for Library; 2R- Council Compensation; 300- Neighborhood Right to Vote; 301-Development Shall Pay Its Own Way.

**C. “NOD OF FIVE” FOR THE HEALS CITIES & TOWNS CAMPAIGN**

Council accepted the Nod of Five for this item at 10:45 PM.

**D. APPOINTMENT OF RETREAT COMMITTEE MEMBERS**

Council appointed Council Member Tim Plass and Council Member Lisa Morzel.

**9. PUBLIC COMMENT ON MATTERS**

None

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

**None**

**11. DEBRIEF** -Opportunity for Council to discuss how the meeting was conducted

**None**

**12. ADJOURNMENT**

There being no further business to come before Council at this time, BY  
MOTION

REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on  
September 1, 2015, at 10:52 PM.

Approved this 20th day of October, 2015.

APPROVED BY:

---

Matthew Appelbaum  
Mayor

ATTEST:

---

Alisa D. Lewis,  
City Clerk

**CITY OF BOULDER**  
**CITY COUNCIL PROCEEDINGS**  
**September 15, 2015**

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

Mayor Appelbaum called the regular September 15, 2015 City Council meeting to order at 6:03 PM in Council Chambers.

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

**A. U.S. Tennis Association Award Grant for Flood Restoration**—accepted by Council Member Young.

**B. Recognition of the COB Status as a Playful City** – recognition accepted by Council Member Weaver.

**2. OPEN COMMENT and COUNCIL/STAFF RESPONSE (limited to 45 min.)**

1. Paul Heller – Bike commuter opposed to Folsom project. Spoke to the bike accessibility in Boulder. Noted that the vast system has been much underutilized.
2. Sue Anderson – Presented statistics regarding youth accessing Marijuana in Colorado.
3. Otto Hansen – Addressed Short Term Rentals. Noted the provision that only allowed property owners to provide Short Term Rentals would force him to leave Boulder. He is a renter who rented out a portion of that space.
4. Gary Brenner – Spoke to Short Term Rentals and to a unit in his neighborhood used as a hotel. He stated concerns about following trends.
5. Carol Knight – Spoke of the unit mentioned by the previous speaker and the additional impacts of its use: trash, traffic, bears and parking.
6. Deborah Van Den Honert – Full time Chautauqua resident. Spoke to fair share contributions. The committee suggested increasing the rent by \$200 per month to support Capital Improvements.
7. Bob Yates - Addressed the Chautauqua Board and suggested leaving the make-up of the board as it was currently structured.
8. Darren O'Connor – Indicated that the City targets homeless people for smoking in non smoking zones and showed a video.
9. Rob Smoke – Spoke to the struggles that the homeless have faced on the streets of Boulder.
10. Alexis Neely – Spoke to Short Term Rentals. She could not afford the increased rent as a single mom unless able to rent her home out when traveling.
11. Lynn Segal – Stated Short Term Rentals should have a much broader process. Since property taxes have dramatically increased, people need to supplement their incomes.

There being no further speakers, Open Comment was closed.

**Staff and Council Response:**

**Council Member Young** asked the City Attorney to provide clarity around the Boise ordinance on Homeless camping.

City Attorney Carr responded that an Idaho district court ruled that the Boise ordinance was cruel and unusual punishment for not allowing homeless to camp. He stated that the City of Boulder's ordinance had a provision that if it is one's only alternative to camp, in that instance, it is in fact legal.

3. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time. ( Roll Call vote required ) 6:53 PM
  - A. **CONSIDERATION OF A MOTION TO APPROVE THE MINUTES FOR THE AUGUST 6, 2015 CITY COUNCIL SPECIAL MEETING**
  - B. **CONSIDERATION OF A MOTION TO ACCEPT THE JULY 30, 2015 CLIMATE COMMITMENT STUDY SESSION SUMMARY**
  - C. **CONSIDERATION OF A MOTION TO ACCEPT THE AUGUST 11, 2015 CAPITAL IMPROVEMENT PROGRAM (CIP) STUDY SESSION SUMMARY**
  - D. **TWO MATTERS RELATED TO A PROPERTY LOCATED AT 747 12TH STREET:**
    1. **THIRD READING AND CONSIDERATION OF A MOTION AMENDING AND ADOPTING ORDINANCE NO. 8029 DESIGNATING THE BUILDING AND PROPERTY AT 747 12TH ST., TO BE KNOWN AS THE COWGILL PROPERTY, AS AN INDIVIDUAL LANDMARK UNDER THE CITY'S HISTORIC PRESERVATION ORDINANCE OWNER: 747 TWELFTH STREET, LLC APPLICANT: LANDMARKS BOARD**
    2. **SECOND READING, AND CONSIDERATION A MOTION PUBLICATION BY TITLE ONLY ORDINANCE NO. 8075 GRANTING AUTHORITY TO THE APPROVING AUTHORITIES UNDER TITLE 9, "LAND USE CODE," B.R.C. 1981, TO APPROVE THE SUBDIVISION OF ONE BUILDING SITE INTO TWO BUILDING SITES FOR A PROPERTY GENERALLY DESCRIBED AS 747 12TH STREET AND AS AN AMENDMENT TO TITLE 9, "LAND USE CODE," TO WAIVE OR MODIFY CERTAIN LAND USE REGULATIONS INCLUDING STANDARDS RELATED TO THE MINIMUM LOT SIZE, SETBACKS, AND BUILDING SEPARATION IN ORDER TO MEET CITY HISTORIC PRESERVATION OBJECTIVES, AND SETTING FORTH RELATED DETAILS**
  - E. **CONSIDERATION OF A MOTION TO ADOPT RESOLUTION NO. 1171 CONCERNING ENDORSEMENT OF PROJECTS OF THE MENTAL HEALTH CENTER OF BOULDER COUNTY, INC. D/B/A MENTAL HEALTH PARTNERS THAT INCLUDES THE REMODELING OF 1000 ALPINE AVE. (BOULDER) AND THE PURCHASE OF LAND AND OFFICE BUILDING LOCATED AT 1455 DIXON AVE. (LAFAYETTE) AND A RECOMMENDATION THAT THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OR OTHER APPROPRIATE ISSUING AUTHORITY ISSUE TAX-EXEMPT REVENUE BONDS FOR MENTAL HEALTH PARTNERS AND SETTING FORTH RELATED DETAILS**

**F. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8070 APPROVING SUPPLEMENTAL APPROPRIATIONS FOR OPEN SPACE AND INFORMATION TECHNOLOGY TO THE 2015 BUDGET**

Council Member Weaver moved, seconded by Council Member Morzel to approve Consent Agenda Items 3A through 3F. The motion carried 8:0, Council Member Jones absent, with the vote taking place at 6:54 PM.

**4. POTENTIAL CALL-UP CHECK IN**

Opportunity for Council to indicate possible interest in the call-up of an item listed under 8-A.

**A. 2440 & 2490 Junction Place Site Review & Use Review Planning board voted 4-2 to approve the Site Review application**

No interest was expressed in calling-up this item

**B. 5530 Spine Rd./Alexan Gunbarrel Apts. Use Review**

No interest was expressed in calling-up this item

**ORDER OF BUSINESS**

**5. PUBLIC HEARINGS**

Note: Any items removed from the Consent Agenda will be considered after any City scheduled Public Hearings.

There was one public hearing on Items **5A-5C**. 6:55 PM

**A. CONSIDERATION OF AN EMERGENCY ORDINANCE NO. 8082 CONCERNING THE PROPOSED ISSUANCE OF THE BOULDER MUNICIPAL PROPERTY AUTHORITY TAXABLE CERTIFICATES OF PARTICIPATION, SERIES 2015 (THE "2015 CERTIFICATES") IN AN AMOUNT NOT TO EXCEED \$41,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE THE BOULDER COMMUNITY HOSPITAL BROADWAY CAMPUS; AUTHORIZING THE CONVEYANCE OF THE LEASED PROPERTY TO THE BOULDER MUNICIPAL PROPERTY AUTHORITY ("BMPA") AND THE LEASE BACK OF SUCH LEASED PROPERTY BY THE CITY; AUTHORIZING A COMPETITIVE SALE OF THE 2015 CERTIFICATES SUBJECT TO CERTAIN PARAMETERS AND APPROVING THE DISTRIBUTION AND USE OF THE PRELIMINARY OFFICIAL STATEMENT AND NOTICE OF SALE IN CONNECTION WITH THE SALE OF THE 2015 CERTIFICATES; DELEGATING APPROVAL OF THE FINAL TERMS OF THE 2015 CERTIFICATES TO THE MAYOR, THE CITY MANAGER OR THE CHIEF FINANCIAL OFFICER; APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE 2015 CERTIFICATES; AND DECLARING AN EMERGENCY ORDINANCE AND PROVIDING THE EFFECTIVE DATE HEREOF**

The presentations on Items 5A – 5C were provided by Chief Finance Officer Bob Eiche and Senior Assistant Attorney Kathy Haddock.

Mayor Appelbaum moved, seconded by Council Member Weaver, to publish by title only and adopt by emergency measure Ordinance No. 8082 that authorizes the issuance of The Boulder Municipal Property Authority Taxable Certificates of Participation, Series 2015 (the "2015 Certificates") in an amount not to exceed \$41,000,000 for the purpose of providing funds to acquire the Boulder Community Hospital Broadway Campus; and to approve the other financing documents submitted with the Ordinance. The motion carried 8:0, Council Member Jones absent, with the vote taking place at 7:25 PM.

**B. CONSIDERATION OF A MOTION TO ADJOURN FROM THE BOULDER CITY COUNCIL AND CONVENE AS THE BOULDER MUNICIPAL PROPERTY AUTHORITY BOARD OF DIRECTORS (BMPA); AND**

**CONSIDERATION OF A MOTION TO ADOPT BMPA RESOLUTION NO. 139 APPROVING THE AMENDED AND RESTATED BYLAWS OF THE BOULDER MUNICIPAL PROPERTY AUTHORITY.**

The Boulder City Council adjourned by acclamation and convened as the Boulder Municipal Property Authority Board of Directors.

Board Member Appelbaum moved, seconded by Board Member Cowles, to adopt BMPA Resolution No. 139 approving the amended and restated bylaws of the Boulder Municipal Property Authority. The motion carried 8:0 Council Member Jones absent, with the vote taking place at 7:26 PM.

**C. CONSIDERATION OF RESOLUTION NO. 140 AUTHORIZING THE ISSUANCE OF CERTIFICATES OF PARTICIPATION; THE METHOD OF SALE OF SUCH CERTIFICATES; THE EXECUTION AND DELIVERY OF CONVEYANCE DOCUMENTS, LEASE AND INDENTURE, THE USE OF A NOTICE OF SALE AND PRELIMINARY AND FINAL OFFICIAL STATEMENTS; THE EXECUTION OF RELATED DOCUMENTS AND SETTING FORTH RELATED DETAILS; AND**

**CONSIDERATION OF A MOTION TO ADJOURN FROM THE BOULDER MUNICIPAL PROPERTY AUTHORITY BOARD OF DIRECTORS (BMPA) AND RECONVENE AS BOULDER CITY COUNCIL; AND**

Board Member Appelbaum moved, seconded by Board Member Plass, to adopt BMPA Resolution No. 140 authorizing the issuance of certificates of participation; the method of sale of such certificates; the execution and delivery of conveyance documents, lease and indenture, the use of a notice of sale and preliminary and final official statements; the execution of related documents and setting forth related details. The motion carried 8:0 Council Member Jones absent, with the vote taking place at 7:26 PM.

By acclamation the BMPA Board of Directors adjourned from the Boulder Municipal Property Authority Board of Directors (BMPA) and reconvened as Boulder City Council.

The Council Agenda Committee reversed the order of items 5D and 5E at its meeting on September 14.

**D. Second reading** and consideration of a motion to order published by title only, **Ordinance No. 8072 to improve occupancy enforcement by amending Title 9 “Land Use Code” by amending Section 9-15-9,** “Multiple Dwelling Units And Occupancy - Specific Defenses,” eliminating a defense to over-occupancy based upon “active and diligent” management practices, amending Title 10 “Structures” amending Section 10-3-2, “Rental License Required Before Occupancy and License Exemptions” adding a prohibition of offering or advertising rental of a property without a valid rental license, adding a new Section 10-3-20 “Occupancy” requiring that the maximum legal occupancy be posted on all rental properties, requiring all rental licenses to include a notation of maximum occupancy and requiring all rental advertisements to include the maximum legal occupancy; amending Section 10-3-16 “Administrative Remedy” by increasing the fines for first and second violations and setting forth related details – 8:34 PM

The presentation for this item was provided by City Attorney Tom Carr.

The public hearing was opened:

1. Mancelo Manzen — Opposed to the proposed ordinance.
2. Jordan Mann — Opposed to increased occupancy limit enforcement.
3. Jane Hummer — Opposed to the proposed ordinance. Suggested working on noise issues instead.
4. Megan Gross — Opposed to the proposed ordinance.
5. Gregor Robinson — Urged change to the occupancy ordinance and not increased enforcement.
6. Charlie Johnson — Co-op resident. Stated concern that the proposed ordinance would impact both students and other contributing residents.
7. Ashley Hulik — Spoke in opposition to the proposed ordinance.
8. Rolf Kjolseth — 50+ year resident. Supported the proposed ordinance.
9. Ethan Wetty – Opposed based on the benefits of living with extended family.
10. Sam Schramski — Opposed. Expressed that it was an unjust ordinance targeting the low-income population.
11. Ginger Kern — Opposed to an occupancy ordinance as it would limit a lifestyle that is responsible and equitable.
12. Katherine Millersdaughter—Lives in a home with 26 people—20 unrelated. Stated Co-ops were the fabric for which Boulder stood.
13. Lincoln Miller—25+ year Boulder renter. Expressed that a new ordinance was a step in the wrong direction. It did not solve the issues facing Boulder residents.
14. Sara Way—Against occupancy limits. Owned a large house, but sold it because she could not build the type of community home she desired.
15. Alexis Neely—Asked what the goal was with a new ordinance. Stated that in changing times more flexibility is needed.

16. Peter Van Winkle – Stated that the people who have testified were not being allowed to be open and creative in their lifestyle. That destroys Boulder’s culture.
17. Josh Rosenfield – Spoke in opposition to a new ordinance. Noted he could afford any home, but desired to live together in a community.
18. Sam Calahan – Student living in an illegal coop. Opposed to the proposed ordinance. Noted that it the proposed ordinance would not solve this issues of trash, parking and noise.
19. Adam Stgenftenagel – Lived in a legal coop for five years while working for non-profits. Saw no reason for others not to live together in coops.
20. Bansi Buckley – opposed to occupancy limits in Boulder and the proposal to increase enforcement.
21. Ben Lipman – There was a culture represented at the hearing that needed to be valued. Stated folks in the audience were the heart and soul of Boulder.
22. Joshua Gribshaw-Beck – Spoke of the many people who could potentially be forced out of Boulder with an occupancy ordinance. Urged creative solutions to the real issues of trash, noise and traffic.
23. Alana Wilson – Expressed that the proposed ordinance was the wrong approach. Agreed with others that solutions to issues needed to be addressed differently.
24. Zane Selvins – Many people that would be impacted under the proposed ordinance are not the stereotypical CU students. Shared living promoted the ability for those dedicated to service to work in non-profit situations.
25. Alexander Hatoum - Spoke to the intelligence in Boulder and the challenges that researchers and academics have faced as those jobs pay so little. Stated the importance not to disenfranchise that component of the community.
26. Robert Jeffrey – Opposed the approach the City took to solving problems. Stated that Council did not support what people truly wanted.
27. Alyssa Proulx – 19 year resident. Stated that she could not afford to live in Boulder.
28. Matisse Rosen – Resident in one of the three legal coops in Boulder. Spoke to the fabric of those who lived in coops as dedicated public servants providing important services to the community.
29. Adli Ahram – Opposed to the proposed ordinance
30. Brookie Gallagher – Opposed. Stated the proposed ordinance was discriminatory and failed to address the real issues.
31. Andrea Egan – Spoke to the successful bike and bus infrastructure in Boulder. Opposed the proposed ordinance.
32. Jasmine – Boulder resident in opposition to occupancy limits. Stated it did not demonstrate the progressive nature that Boulder tries to portray.
33. Kevin McWilliams – Also spoke in opposition to increased occupancy ordinance. Noted that young professionals simply cannot afford to live in Boulder and urged Council to reconsider the occupancy requirements.
34. Austin Glaser – Lives in Louisville and drives into Boulder each day. The only time he could afford to live in Boulder was with four unrelated persons in a home.
35. Michael Skispun - Agreed with previous speakers that had pointed out all the problems with the occupancy ordinance. Increase enforcement did not help the diversity of residents.

36. David Finberg - Opposed to an ordinance. Noted it took months to find affordable housing in Boulder.
37. Val Soraci – Reminded Council that the Boulder Housing Working Group had a list of tools to address affordable housing and one was creating coop housing.
38. Thomas Wells – A member of the Boulder Housing Working Group. Hoped that Council recognized the unique character of the speakers that came to the hearing.
39. Keith Percy – Expressed that living in a coop would be a huge benefit to him and hoped that one day he could legally participate. Opposed occupancy limits.
  
40. Damian Lenthold – a Boulder native. Spoke to the benefits of shared living. Opposed to the ordinance.
41. Nicole Shegda – Opposed the occupancy limit and occupancy enforcement ordinances. Spoke to the challenges that young adults faced living in Boulder.
42. Brant Rumberger – Was interested in hearing arguments for the proposed ordinance as those in support were in the minority at the public hearing.
43. Clyda Stafford – Supported the proposed ordinance. As a 48 year resident, he noted all the violations that come with over occupancy.
44. Braedon Miguel – Spoke to loving one’s neighbor and the service jobs provided by those who live in coop housing.
45. Ian Leahy – Urged Council to eliminate occupancy limits.
46. Stephani Heacox – Shared her affinity for intended communities and the ability to provide housing for seniors.
47. Fiona Dunne – Opposed to occupancy and enforcement ordinances. Spoke to the benefits of shared housing.
48. Dana Shier – 10 year Boulder resident who explained what has happened when inspectors come. People who are forced out of their home are bumped to another that may not be in occupancy compliance. Stated that the City shouldn’t be able to define who her family is.
49. Emily Sigman – A service worker who could not work in Boulder unless part of a shared home.
50. Edward Jabari – Stated that about half of the people he knows in Boulder are in the same situation as those who have testified before the Council. They are the brightest and best and should not be disenfranchised.
51. Erica Blair – She spoke to the definition of family. Mentioned the benefits of shared living.
52. Nate Perkins – Agreed with other speakers. Expressed that the proposed ordinance was a step in the wrong direction.
53. Kia Bridges - Urged Council to recognize the error of increased enforcement when eliminating the limits was clearly what should be done.
54. Sarah Dawn Haynes – Spoke to the many benefits of co-op housing.
55. Josh Maynard – Spoke on unaffordable housing in Boulder. Noted that the cost continued to rise.
56. Faith Beveridge – Boulder Native. Noted she could not afford to live in Boulder.
57. Jeremy Bold – Stated that logic behind the proposed ordinance was to cut down on party blocks, but parties have nothing to do with occupancy.
58. Sarah Ruch – Came to Boulder because it is touted as “Green.” Noted the proposed ordinance did not reflect that value.

59. Mary Meetze - Opposed the proposed ordinance.
60. Shane Mehitzer – Expressed that the arguments used against those living in over occupancy are very bad.
61. Stephen Klein – Erie resident. Supported the lifestyle represented by those at the hearing.
62. Richard William Machado – Opposed to occupancy limitation and increased enforcement.
63. Caleb Phillips – Agreed with other speakers and urged Council to find creative way to support address occupancy.
  
64. Becky Higbee – Stressed the success of co-op living in Boulder.
65. Brian Field – 30 year landlord. Expressed that the issue was not the number of people in a residence, but rather the behavior of people.
66. Toby Fernsley – Spoke to the results of occupancy enforcement. Suggested that the way to resolve it was to vote in November to replace five of the seats on Council.
67. Daniel Ong – Expressed that occupancy limits in Boulder was discrimination.
68. Eric Budd – Occupancy enforcement was intended to address problems in neighborhoods, but was not a real solution.
69. Deandra Eubanks – Greeley resident. Voiced support for those who will be future leaders – read a poem she wrote.
70. Orren Franklin – An artist and teacher who may be unable to stay in Boulder. Stated the working and middle class will be further eliminated in the community.
71. Fiona Bartell – Resident in a legal coop. Spoke to the value of this life style and the movement to live responsibly
72. Paul Johnston – Has lived alone for a long time and would like to live with friends.
73. Cha Cha Spinrad – Urged Council to listen to the people present – sang to Council.
74. Rachel Rahrenholtz – Noted people she knew have moved farther away from town. Stated that she favored them being able to live in Boulder.
75. Julie Goldberg – Supported there being more legal co-ops in Boulder.
76. Sue Ann Vallmar – Landlord. Supported affordable housing in the City.
77. Michael Benks -- – Opposed occupancy limits.
78. Shawn Geller – Opposed the proposed ordinance.
79. Alex Hyde-Wright – Suggested approaches to solving issues attached to occupancy.
80. Phillip Horner – Social worker. Opposed to the proposed ordinances. Coop housing provided an economic solution to living in Boulder.
81. Katherine Troy – Spoke to the challenges she faced while going to school and the incredible support network that helped her. It is a new time and people rely on extended family.
82. Savannah Kruger – spoke to the magic that exists in Coop housing and the sense of community that is fostered in a unique lifestyle.
83. Stephen Haydel – spoke to the impacts of over occupied homes in Goss Grove.

There being no further speakers the public hearing was closed.

Council decided to continue the item to another meeting for discussion and action.

Mayor Appelbaum moved, seconded by Council Member Weaver to continue the item until a date to be determined by the Council Agenda Committee. The motion carried: 8:0 at 11:40 PM.

**E. CONTINUED SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT AND ORDER PUBLISHED BY TITLE ONLY, ORDINANCE NO. 8050 AMENDING TITLE 10 “STRUCTURES” FOR THE PURPOSE OF ALLOWING AND REGULATING SHORT-TERM RENTALS BY AMENDING SECTION 10-1-1 “DEFINITIONS” BY AMENDING THE DEFINITION OF “OPERATOR,” AMENDING THE DEFINITION OF “RENTAL PROPERTY,” ADDING A NEW DEFINITION OF “SHORT-TERM RENTAL,” ADDING A NEW SECTION 10-3-19 “SHORT-TERM RENTALS” AND SETTING FORTH RELATED DETAILS 7:27 PM**

Note: The public hearing on this item was held and closed on August 27, 2015.

Presentation for this item was provided by City Attorney Tom Carr.

Council asked staff questions regarding non-owner occupied rentals being permitted, the limit on accessory units, smart regulations, and effective dates.

Staff responded that non-owner occupied rentals are not to be permitted. The limit on accessory unit days is 120. Smart regulations are in place for detached dwellings and the effective date for an implemented ordinance is January 4, 2016.

Council Member Jones moved, seconded by Council Member Plass, to approve on second reading Ordinance No. 8050 as presented in Attachment B and including the amendments on the blue and gold handouts. (also adding a new section...listen to motion language from Tom). The motion carried 8:1, Council Member Karakehian opposed, vote taken at 8:31 PM.

**6. MATTERS FROM THE CITY MANAGER - none**

**7. MATTERS FROM THE CITY ATTORNEY - none**

**8. MATTERS FROM MEMBERS OF COUNCIL**

**A. POTENTIAL CALL-UPS-**

**1. 2440 & 2490 JUNCTION PL. SITE REVIEW AND USE REVIEW PLANNING BOARD VOTED 4-2 TO APPROVE THE SITE REVIEW APPLICATION**

No action was taken on this item.

**2. 5530 SPINE RD./ALEXAN GUNBARREL APTS. USE REVIEW**

No action was taken on this item.

**9. PUBLIC COMMENT ON MATTERS -15 min**

None. Public comment on any motions made under Matters.

**10. FINAL DECISIONS ON MATTERS** None. Action on motions made under Matters.

**11. DEBRIEF** –Due to the hour, Council determined that a debrief was not necessary.

**12. ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION  
REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on September 15, 2015 at  
11:45 PM.

Approved this 20<sup>th</sup> day of October, 2015.

APPROVED BY:

---

Matthew Appelbaum

Mayor  
ATTEST:

---

Alisa D. Lewis  
City Clerk

**THE CITY OF BOULDER  
CITY COUNCIL PROCEEDINGS  
SPECIAL CITY COUNCIL MEETING  
Monday, October 5, 2015**

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

Mayor Pro Tem Jones called the Special October 5, 2015 City Council meeting to order at 4:36 PM in Council Chambers.

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

Council Member Morzel moved, seconded by Council Member Weaver, to amend the October 5 agenda by adding an item to discuss amending the October 6 agenda. The motion carried 8:0 at 4:37 PM with Appelbaum absent.

**CONSENT AGENDA**

- A. Council Member Young moved, seconded by Council Member Morzel, to amend the October 6 agenda by adding an Item 3K to the Consent Agenda regarding “Begging Prohibited” and “Begging in Certain Places Prohibited.” The motion carried 8:0 at 4:42 PM with Appelbaum absent.

City Attorney Tom Carr made the staff presentation.

- B. Council Member Morzel moved, seconded by Council Member Weaver, to approve a motion to call for an executive session to discuss strategy for municipalization. The motion carried 8:0 at 4:46 PM, Appelbaum absent.

**3. ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on October 5, 2015, at 6:09 PM.

Approved this 20<sup>th</sup> day of October, 2015.

APPROVED BY

\_\_\_\_\_  
Matthew Appelbaum, Mayor

ATTESTED

\_\_\_\_\_  
Alisa D. Lewis, City Clerk



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: Oct. 20, 2015**

**AGENDA TITLE:** Consideration of a motion to accept the Aug. 25, 2015 study session summary on the 2014 Transportation Master Plan (TMP) implementation, including Complete Streets Living Lab program, transportation maintenance, capital projects, and measurement/monitoring updates.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Maureen Rait, Executive Director of Public Works  
Michael Gardner-Sweeney, Interim Director of Public Works for Transportation  
Gerrit Slatter, Principal Transportation Projects Engineer  
Kathleen Bracke, GO Boulder Manager  
Bill Cowern, Traffic Operations Engineer

**EXECUTIVE SUMMARY**

This agenda item provides a summary of the Aug. 25, 2015 City Council study session regarding the 2014 Transportation Master Plan (TMP) implementation update. At the study session, staff provided City Council with the results of the first year of TMP implementation, with a focus on the last six months of technical work and public process advanced since the Feb. 24, 2015 six-month update. This work is guided by the TMP Action Plan, and continues to focus on an integrated approach, with partnerships across the Public Works Department and with other city departments, and collaboration with local and regional community partners.

Highlights of the past six months of implementation included:

- Progress on transportation maintenance initiatives, reflecting additional funding;
- Advancement of capital projects implementation under the three-year Capital Improvement Bond funding approved by Boulder voters in November 2011 and the sales tax reallocation that voters approved in 2013;
- Updates on the TMP measurement and monitoring program, in advance of the development of the scheduled 2015 Transportation Report on Progress; and

- Living Lab Phase II corridor projects, including a one-month check-in on the Folsom Street pilot project.

**Attachment A** provides a summary of the Aug. 25 presentation and discussion with City Council.

### **STAFF RECOMMENDATION**

Staff recommends council's approval of the Aug. 25, 2015 study session summary on the 2014 Transportation Master Plan implementation.

#### **Suggested Motion Language:**

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

Motion to accept the Aug. 25, 2015 study session summary (**Attachment A**) on the 2014 Transportation Master Plan implementation.

### **BACKGROUND**

Background information about the 2014 TMP implementation is available in the [Aug. 25, 2015 study session memorandum](#).

### **NEXT STEPS**

City Council's feedback from the Aug. 25 study session will be incorporated into the implementation efforts for the 2014 TMP. In particular, the Folsom Street Living Lab project is being refined per council's support of the staff recommendation provided at the Sept. 29 council meeting, in response to community concerns and lessons learned. Folsom Street will be restored to its pre-Living Lab lane configuration between Canyon Boulevard and Spruce Street, returning it to a four-lane street with standard bike lanes. This approach allows for additional data collection, weekly evaluation, and frequent updates to the Transportation Advisory Board (TAB) and council. Staff will continue community engagement activities, with a focus on the business community along the Folsom Street corridor.

Transportation staff will continue to implement the pavement management strategy to maintain streets in good condition while minimizing maintenance costs. The investment in maintaining a good pavement condition on the city street network is supported by a proposed 2016 transportation and street operations budget of approximately \$4 million. Associated budget allocations have been adjusted to reflect the 15 percent increase in material costs. The focus of the 2016 budget will be to optimize expenditures so that the majority of the street system receives treatments such as crack-fill and chip-seal applications that extend pavement life at a low cost. A minority of the street network, where pavement conditions are poorest, will receive overlay or reconstruction treatments.

The city is preparing for the 2015/2016 snow season, as outlined in the [Sept. 15, 2015 Information Packet item](#). Staff will be implementing operational adjustments from previous snow seasons as part of an ongoing effort to improve the city's overall snow removal response. A comprehensive third-party review that is currently underway has assisted in identifying these opportunities for improvement.

The city will continue to construct the [Capital Improvement Program](#) projects, prepare the 2015 Transportation Report on Progress, and collaborate with regional partners to advance exploration of a communitywide Eco Pass, and in the regional Bus Rapid Transit (BRT) corridor studies for SH 119 and SH 7. More detailed information will be provided to City Council regarding the Transportation Demand Management (TDM) toolkit for new development as part of the Access Management and Parking Strategy (AMPS) briefing in November 2015.

The Living Lab Phase I pilot projects including University Avenue parking-protected bike lanes, Baseline Road protected cycle-track, Harvard Lane dashed bike lanes, and Spruce Street buffered bike lanes are being evaluated on an ongoing basis. Staff is scheduling additional community outreach efforts for the Phase I projects in October/November 2015, followed by check-ins with the Transportation Advisory Board. A report to City Council on results and proposed next steps is scheduled for January 2016. The next TMP progress update with council is expected in the second quarter of 2016.

Ongoing updates regarding the TMP implementation are available online at [www.BoulderTMP.net](http://www.BoulderTMP.net).

## **ATTACHMENTS**

**A.** Aug. 25, 2015 study session summary on the 2014 Transportation Master Plan implementation

**ATTACHMENT A**  
**Aug. 25, 2015 Study Session**  
**2014 TMP Implementation 12-month Update**

**PRESENT:**

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

**Staff members:** Jane S. Brautigam, City Manager; Maureen Rait, Executive Director of Public Works; Michael Gardner-Sweeney, Interim Director of Public Works for Transportation; Gerrit Slatter, Principal Transportation Projects Engineer; Greg Izzo, Public Works Maintenance Manager; Bill Cowern, Traffic Operations Engineer; Joe Paulson, Traffic Signal Operations Engineer; Shannon Young, Traffic Safety Engineer; Kathleen Bracke, GO Boulder Manager; ; Dave (DK) Kemp, Senior Transportation Planner; Marni Ratzel, Senior Transportation Planner; Randall Rutsch, Senior Transportation Planner;

**PURPOSE**

The purpose of this study session was to present a 12-month update on the technical and public process work in the five Focus Areas of the [2014 Transportation Master Plan](#) (TMP).

1. Complete Streets - Renewed Vision for Transit, Bike and Pedestrian Innovations
2. Funding
3. Regional
4. Transportation Demand Management (TDM)
5. Integration with Sustainability Initiatives

City Council was asked to provide feedback on the implementation work and public process related to the five Focus Areas. Staff also presented the refinements and metrics for the nine measurable objectives of the TMP.

**OVERVIEW OF THE PRESENTATION AND DISCUSSION**

Interim Director of Public Works for Transportation Michael Gardner-Sweeney introduced the presentation topics and purpose for the study session by noting that the work continues to follow a “complete streets” approach of improving all travel options. This approach is integrated throughout the planning, design, construction and maintenance activities of the Transportation Division.

The study session presentation highlighted the technical work and public process activities for each of the areas summarized below.

***Progress on maintenance initiatives, reflecting additional funding***

Principal Transportation Projects Engineer Gerrit Slatter provided an explanation of the city's pavement management program and how the overall condition index (OCI) is used to reduce costs and maximize the usable life of the road system. The city implemented the pavement management program in 2010, and prior to recent elections, funding levels were not adequate to maintain acceptable street pavement conditions. With the recent funding increases, the Transportation Division aims to keep the street system in a "good" to "excellent" condition. Streets in this condition can be maintained with crack sealing and chip sealing at a fraction of the cost of overlay or reconstruction. This was illustrated with the historic example of 19<sup>th</sup> Street, where periodic inspection and crack sealing since a resurfacing has maintained the road at a good OCI rating. The city also intends to expand this kind of maintenance effort to other assets such as bridges.

Public Works Maintenance Manager Greg Izzo discussed the goals of the snow and ice control program. The department has undertaken a comprehensive review of its activities and previous snow seasons to improve on meeting those goals. Initial findings have identified improvements in vehicle location reporting, snow route optimization, snow event response and resource planning. These improvements should allow for improved performance, more efficient use of existing equipment, better work-life balance for snow crews, increased transit stop service, and satisfactory clearing of Living Lab projects using existing equipment.

***Advancement of capital projects implementation under the three-year Capital Improvement Bond funding approved by Boulder voters in November 2011 and the sales tax reallocation that voters approved in 2013***

Principal Transportation Projects Engineer Gerrit Slatter provided an overview of the Capital Improvement Program (CIP) implementation, as guided by the TMP. He also provided a brief description of the city's major CIP projects that are underway or were recently completed. These projects improve community safety and enhance the city's multimodal transportation network. The city has successfully leveraged local dollars with federal and state funds in order to complete these capital projects. Three ongoing or upcoming corridor studies will provide the basis for future capital projects along those corridors.

***Update on the TMP measurement and monitoring program update, in advance of the development of the scheduled 2015 Transportation Report on Progress***

Senior Transportation Planner Randall Rutsch provided an overview of the multimodal transportation metrics program. The program was first implemented in 1990 (following the first TMP), and currently examines a variety of measures to support transportation planning and assess progress toward the TMP's nine measurable objectives. Vehicle counts include arterial street counts, Boulder Valley counts at the periphery of the city, and signalized intersection turning movement counts. These show an overall decline in vehicle volume. Vehicle reductions, capital improvements and improved signal timing have reduced the number of signalized intersections operating at an E or F level of service (LOS) – a measure of intersection delay - while the same factors have keep travel

times relatively stable on the six major arterial corridors measures in the [2014 Drive Time Study](#). The city also counts bikes using automated counters and through the downtown bike parking survey. There has been an 80 percent increase in bike racks in the downtown since 2007, as the city has continued to increase the number of downtown bike racks in order to match use.

The results of the 2014 Boulder Valley Employee Survey show continued progress in reducing the single-occupant vehicle (SOV) use by Boulder residents and confirm the challenge of further reducing SOV mode share for non-resident employees. The 2014 TMP analysis of transportation sector greenhouse gas (GHG) emissions established a transportation sector contribution to the city's GHG reduction target. This is reflected in a further 20 percent reduction in the TMP objectives for SOV mode share and vehicle miles traveled (VMT). Staff continues to develop and refine the nine measurable objectives of the TMP and will publish updates to the *Safe Streets Boulder Report* and *Transportation Report on Progress* before the end of 2015.

### ***Living Lab Phase II corridor projects, including a one-month check-in on the Folsom Street pilot project***

GO Boulder Manager Kathleen Bracke presented the highlights from the public process, data collection and evaluation activities on the Folsom Street Living Lab pilot project. The Living Lab approach is one element of the [TMP Action Plan](#) to support the TMP's mode share and safety goals. As with similar projects across the country, the city has received a lot of community feedback regarding the pilot project. The comments received have been polarized in support of and opposition to the project, and identify a variety of concerns and benefits.

Data from the one-month preliminary analysis of the Folsom Street pilot project showed positive trends in regard to reduction of vehicle speed and collisions, with an increase in bicycle volumes. Early data showed travel times continuing to vary during peak travel periods, with the greatest delay occurring during the evening peak hour, particularly in the corridor segment between Spruce Street and Canyon Boulevard. Data regarding vehicle volume along the corridor showed a reduction of approximately 3,000 vehicles per day when compared to the "before" conditions. The next phase of the evaluation process will include an analysis of where traffic diversion may be occurring along adjacent streets.

### ***Lessons Learned From the Folsom Street Pilot Project***

- ***Public Outreach and Communications***
  - Importance of traditional, digital and social media
  - Need to be more proactive with messages
  - Need to make information and data easier to find on the public website
  - More active public engagement early on
    - (At least one to two months of additional time is needed in advance)
  - Recognize the larger context of the project among other community topics

- More information should be ready to go prior to installation (clear explanations of the project purpose, what to expect and when, information on the corridor elements, guides for motorists and bicyclists, evaluation criteria, early results, FAQs, etc.)
- Better ways to access and view information quickly (for examples, installing a camera on the corridor for 24/7 viewing )
- Vocabulary – word choice matters
- *Installation*
  - Underestimated the time needed for installation
  - More frequent information updates during and after the installation
  - Provide data on preliminary results more quickly
  - More quickly respond to community concerns regarding congestion and provide a schedule for evaluation and adjustment
- *Data Collection, Analysis and Reporting*
  - Need to clearly communicate the “before” data that was collected and analyzed to inform the corridor recommendations
  - Information on data/analysis was lost in the volume of materials provided to the TAB and City Council
  - A national peer city design review was helpful
  - More data should be displayed on the website before, during and immediately after installation
  - Difference in travel time change compared with driver experience
  - Impacts of intersections/segments within the overall corridor (Pearl Street to Canyon Boulevard)
  - Need to understand the traffic impacts of mid-block pedestrian crossings

## **COUNCIL QUESTIONS AND RESPONSES**

Following the presentation, City Council members responded to the following questions.

1. Does council have comments on the recent changes in maintenance activities or the ongoing evaluation and transformation efforts?
2. Does council have questions or comments about the Transportation Division’s ongoing Capital Improvement Program (CIP)?
3. Does council have feedback on the TMP measurement and monitoring program and suggestions for the development of the 2015 Transportation Report on Progress?
4. Does council have feedback on the Complete Streets Living Lab Phase II program, including the Folsom Street pilot project?

## **General Conclusions Based on City Council Discussion**

### ***Progress on transportation maintenance initiatives, reflecting additional funding***

City Council supports continued development of the roadway pavement management strategy and expansion of the approach to other transportation assets to reduce future maintenance costs. Council supported initial improvements in snow and ice control and

agreed that the community has higher expectations in this area. They noted the need for improved snow removal adjacent to city-owned properties, at transit shelters and on Living Lab projects.

***Advancement of capital projects implementation under the three-year Capital Improvement Bond funding approved by Boulder voters in November 2011 and the sales tax reallocation that voters approved in 2013***

Council appreciated the information on each of the recent or ongoing projects and the city's success in leveraging local dollars with state and federal funds.

***Updates on the TMP measurement and monitoring program, in advance of the development of the scheduled 2015 Transportation Report on Progress***

Council members recognized the variety of data collected and encouraged staff to find better ways to present the important data, such as the corridor travel time data, in a way that average people can relate to. These measures and the nine measurable objectives of the 2014 TMP will be reflected in the upcoming *Transportation Report on Progress*.

***Living Lab Phase II corridor projects, including a one-month check-in on the Folsom Street pilot project***

City Council had also received a lot of community comments and concerns about the Folsom Street pilot project. Council agreed with the lessons learned and generally agreed that following these lessons would reduce community concerns. Several council members suggested that significant changes should occur with the pilot project, while a majority recommended that the modifications suggested in option two should be implemented and that additional data and time was needed to evaluate the project. Council members recognized that the project needs to be evaluated holistically and that its effects are likely to diminish over time. Council requested more frequent updates to the Transportation Advisory Board and council. Several council members acknowledged that ultimately, they would need to make tradeoffs. Council agreed that the city needed to focus on the Folsom Street project and should not move forward with the Living Lab implementation along other corridors.

***Note:*** *Since the Aug. 25 council study session, the City Council has supported additional modifications to Folsom Street, including restoring the segment between Spruce Street and Canyon Boulevard to the previous four-lane configuration with standard bike lanes. This followed the Sept. 29 [update and staff recommendation on the Folsom Street pilot project](#).*

**General Comments from the City Council Discussion**

The council's discussion and questions included the following major areas. The staff response is shown in Italics, following the questions from council.

- There were several questions about the specific actions that would be undertaken to improve the project, along with their cost and likely effect. Several council members supported an "adaptive management" approach to making improvements.

*Proposed actions would include modifying the signal timing, pavement striping, bollard placement, bike lane transitions and vegetation trimming. Each of these would be site-specific and would address concerns of congestion, visibility and visual confusion. Staff expected that these changes could be completed in a day or two at minimal cost. Staff did not have an estimate of the resulting effects, but committed to continuing to monitor the corridor and report data on a weekly basis. More significant modifications, such as extending turn bays, are possible, but would involve capital construction in some areas with greater costs and completion times.*

- Council members asked a variety of questions about the modeling of the corridor that was completed prior to approving and installing the project. These included the accuracy of the modeling, whether a reduction in auto traffic was forecasted, and the effects of the mid-block pedestrian crossings.

*The project modeling over-predicted northbound vehicle delays and under-predicted southbound vehicle delays. The modeling did not show a reduction in vehicle traffic. The congestion effects had been concentrated in the evening p.m. peak and the effects could be worse without the reduction in vehicle traffic. The effects of the mid-block pedestrian crossings were significantly underrepresented in the modeling and staff needed to understand this better.*

- A number of comments were made about the adequacy of the “before” data, the data being collected, and data dissemination before and during the project. Several members were specifically interested in redirected traffic.

*Staff believes that adequate “before” data was collected, following best practices and similar projects in other communities. While the number of days of data collection may seem low, vehicle data does not vary on typical weekdays and staff and consultants considered a variety of historical data in assessing the “before” condition. As noted in the lessons learned, this data was not distributed or packaged well and this is an area needing significant improvement. Staff did not know the extent or location of diverted traffic, but has “before” data and is collecting data to assess that effect. This data will be reported back to the Transportation Advisory Board and council in fall 2015.*

- Several comments noted that new ways of sharing the road between modes are needed to achieve our community’s goals, including greenhouse gas reduction. But the underlying issue that council and the community will need to wrestle with is how much vehicle delay is too much?
- Several City Council members and the City Manager apologized to the public for the mistakes made and pledged that they will not happen again.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE:** Consideration of a motion to accept the summary of the September 8, 2015, study session on Emerald Ash Borer in the City of Boulder.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Yvette Bowden, Director, Parks and Recreation  
Kathleen Alexander, City Forester

**EXECUTIVE SUMMARY**

This agenda item provides a summary of the September 8, 2015 study session on Emerald Ash Borer in the city of Boulder. The purpose of the study session was to discuss and obtain City Council's feedback on anticipated long term impacts of the detected local emerald ash borer (EAB) infestation, city response to date, and recommendations on next steps including, but not limited to, the development of a City of Boulder Urban Forest Strategic Plan.

**STAFF RECOMMENDATION**

**Suggested Motion Language:**

Motion to accept the summary of the September 8, 2015, study session on the Emerald Ash Borer in the city of Boulder (**Attachment A**)

**ATTACHMENT**

**A:** Summary of the September 8, 2015 study session on the Emerald Ash Borer in the City of Boulder

**City Council Study Session Summary  
September 8, 2015  
Emerald Ash Borer in the City of Boulder**

**PRESENT**

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

**Staff Presenters:** Jane S. Brautigam, City Manager; Yvette Bowden, Director of Parks and Recreation; Kathleen Alexander, City Forester

**PURPOSE**

The purpose of the study session was to discuss and obtain City Council's feedback on anticipated long term impacts of the detected local emerald ash borer (EAB) infestation, city response to date, and recommendations on next steps including, but not limited to, the development of a City of Boulder Urban Forest Strategic Plan.

**OVERVIEW OF PRESENTATION**

K. Alexander explained the services provided by the urban tree canopy as well as potential impacts including invasive pests, severe weather events and climate change. She discussed some basics of EAB and why it may well represent the worst case scenario for invasive pests due to the potential scale of infestation, difficulty in detection and exponential population growth. She showed images of infested trees in central and south Boulder and on commercial properties. She also explained the EAB response to date and the proposed long term strategy including monitoring, tree planting, removals, conservative use of pesticides, biocontrols, enforcement for dangerous trees, wood utilization and education/outreach efforts. The potential impacts including financial impacts to the city were discussed. Y. Bowden explained the need for additional information and plans to explore discounted purchasing, seedlings and education for youth, assistance to property owners and the feasibility of a community tree trust.

**QUESTIONS**

Q: What was the recent severe temperature fluctuation? : Were ash trees impacted by the freeze and how can you tell the difference between freeze damage and EAB?

A: *It actually went from a high of 64 degrees to a low of -11 in 48 hours and many trees were not fully dormant yet. There were ash trees impacted by the freeze but the symptoms look different than those of EAB.*

Q: Where can we see the transects or the actual streets where you are mapping the infestation?

A: *Higher resolution maps and close ups of the grid maps are available on the city EAB website: [www.EABBoulder.org](http://www.EABBoulder.org)*

Q: What do the green dots on the detection map represent?

*A: The green dots represent all the City of Boulder public ash trees.*

**Q:** This is a non-native pest correct? Will we get to a steady state or will it be similar to the chestnut trees disappearing? Will there be pulses in their population?

*A: We don't know yet. We are anticipating that pesticide treatments will be necessary for the remaining life of the trees to preserve them long term. There are a few resistant trees remaining in the Midwest (a few white and blue ash in Michigan where EAB was first introduced). They are also trying to breed resistance into ash trees. Similar to Dutch elm disease, the disease took out all the susceptible elm trees but some do remain due to good sanitation programs and resistance. They have used those resistant trees to breed elms that are less susceptible to the disease.*

**Q:** So during our lifetime we will most likely see ash leave?

*A: Yes, we will most likely see ash trees leave.*

**Q:** What potential is there with these parasitic wasps to have unanticipated consequences.

*A: APHIS has done extensive testing to determine if: 1) they really kill EAB sufficiently enough that it warrants the government spending money on the program and 2) they be likely to attack other species of insects. The answer is yes, they are finding reproducing populations. They have conducted environmental assessments and have not found these wasps attack other insects. The only such instance was one of these wasp species attacking one other species of a different Agrilus insect but it was another pest species (bronze birch borer).*

**Q:** You allow residents to choose from four tree species when you are planting in neighborhoods. How are we maintaining diversity on a broader scale?

*A: We recently completed an update of the tree inventory so we know existing tree diversity on a neighborhood scale. As we are planting in a particular neighborhood we know which 4-5 species are not already present in that area and can suggest planting of those species to support system-wide diversification.*

**Q:** The chart in the memo showed the number of trees treated in 2014 and 2015 along with the number of property owners that opted out. Given that this is almost like a vaccination of sort (treating 25% of the population helps to preserve the longevity of others), why are we permitting property owners to opt-out of treatment when those trees are on public land?

*A: The majority of property owners choosing to opt out did so because they had already treated their trees so we did not want to repeat the pesticide application. A few opted out of the TREE-äge application because they wanted to use TreeAzin. A few property owners opted out because they did not want pesticides applied near their home.*

**Q:** Why are we permitting them to opt out for that reason? This pesticide is a systemic; does this pesticide have the potential to harm other insects or birds?

*A: There are risks associated with any pesticide. We get asked most often about the potential impacts to honeybees. Any of the pesticides labeled for EAB if applied directly to a honeybee are toxic but we look at exposure, how the pesticide product is applied and what tree species we are applying it to. Ash is a wind pollinated species – doesn't mean that a honeybee wouldn't pick up ash pollen - but the risk would be minimized for ash. Certainly there are risks associated with any pesticide, so our decision was to be conscious to the portion of the community that does not believe in the use of pesticides. Fortunately there was a very low number - of the people who opted out in 2014 only 3 were due to an opposition to pesticide use and in 2015, only 10 of the 35 were because of an opposition to pesticide use. Forestry has done a great job educating the community but as we expand outreach efforts we may see a reduction in the number of people opting out.*

**Q:** How often do you need to treat the tree and for how long? How long do ash tree live?

*A: For TREE-äge, the application is good for 3 years so we will be treating on a 3 year rotation. But on the back side of the curve, we may be able to spread out those applications because the pest pressure would not be as great. Possibly in the future there would be an organic control option that would be equally as effective and at a lower cost. There are ash trees in Boulder that are 80-90 years old.*

**Q:** Didn't you say that each cycle you would be treating fewer trees? But once you start treatment, are you going to save the tree or will you stop treating after a while?

*A: It's a combination; there are ash being treated that are worthy of long term preservation but others are being treated to get a good distribution and to slow the progression. As we get new trees established – especially near those ash in the 10-15 inch size class - then it's really staging removals over a longer period of time. Fifteen years down the road we're not treating the same number of trees because we have new trees established.*

**Q:** Are the parasitic wasps non-native?

*A: Yes, they are non-native.*

**Q:** Can the wood debris leave the county?

*A: Wood can leave Boulder County if it meets quarantine restrictions. The CDA sent inspectors to inspect the sawmill operators who milled wood at the Forestry lot. Wood can leave if they remove all bark and ½" of the wood because the insect cannot then complete its life cycle.*

**Q:** For people who have ash on private property and choose to treat, can you give us an idea of the cost?

*A: There are four different products, two of which we are not recommending because they are neonicotinoids and the other two we believe are more effective. Just to give the entire range (on a per diameter inch basis), the two neonicotinoids are the least expensive options; imidacloprid would range between \$2-\$3/diameter inch possibly less if it is a soil drench application but it is an annual application;*

*the dinotefuran in the \$3-\$4/diameter /inch range and is again an annual application; for TREE-äge, our contracted price is \$6/diameter inch but for the public it ranges between \$6 - \$10/diameter inch and depends upon how many trees are on the property. TREE-äge is injected directly into the trunk and is good for 2-3 years control; the TREEAzin is the most expensive and ranges from \$9-\$12/diameter inch. It is effective for 2 years when EAB populations are low but as EAB populations build you need to go to annual applications.*

**Q:** Do all applications need to be done by a certified arborist?

*A: All except the imidacloprid – the neonicotinoid. There are drawbacks for imidacloprid. One reason we originally prohibited the use of imidacloprid on public property for EAB is that if you follow label instructions – and the label is the law – it’s not really a strong enough dose to protect your ash tree against EAB. The use rates for imidacloprid used by tree care companies are more effective than homeowner formulations.*

**Q:** The Environmental Advisory Board asked what was going on with CU and their plan – does it mirror ours?

*A: Yes, it does. The CU Campus recently updated their ash inventory; they have approximately 520 ash trees on the developed portions of campus (not including ash in natural areas). They are looking to treat between 25-30% and are targeting the large trees on the main campus.*

**Q:** You showed map of EAB in United States and Boulder is way out there. Do you know how EAB got here? Was it through transport of wood?

*A: There is a national “Don’t Move Firewood” campaign because invasive pests are moved most easily through infested firewood. We’ll probably never know for sure how EAB got here but we certainly suspect it was through infested firewood. We believe the original point of introduction was the neighborhood mentioned earlier (G3 grid) because that’s where we found the highest infestation levels when we did the delimitation survey.*

**Q:** Is there an issue with the oaks?

*A: Yes. In 2010 we sent city council a memo because we had 3 large red oaks die in Central Park and we were not sure why. We brought in an entomologist and a pathologist from CSU to help us diagnose what was going on. We knew we had Kermes scale on the red oaks but it had never killed trees that quickly. CSU identified a bacterium that had never been found in Colorado before. It had only been found in California previously. They named this new problem drippy blight because it causes the twigs to drip. It seems to be correlated with the Kermes scale but they do not yet understand the correlation – maybe the Kermes scale is wounding the tree and that’s a great entry point for the bacterium to enter the tree. There are a range of other insects on oak – that do not affect their health – that could also be vectoring the bacterium. We will be removing 15-20 large red oaks on our removal contracts this winter. We have tried treating for Kermes scale in the past but the bacteria is also involved; the insecticide may control the scale but*

*it's not controlling the bacteria. CSU is doing trials in Denver to determine the best treatment.*

Q: What do the blue dots mean on all the trees?

*A: The dots at 4-5 feet above the ground are pruning dots. When we do rotational pruning contracts we use different colored paint dots corresponding to the year. We also use paint dots at the base of ash trees on the street side to mark trees for EAB treatments.*

## **COMMENTS**

### ***General Themes***

- Informative presentation
- Importance of educating homeowners of the effects of EAB
- Support for the development of a City of Boulder Urban Forest Strategic Plan
- Support for the city Forestry emerald ash borer response and long term strategy
- Consider discounted tree purchase options for homeowners
- Support for education of youth to promote environmental stewardship from a young age
- Concern about the use of neonics
- Support for tree diversity when replacing trees
- Support for the city's Forestry staff

### ***Specific Comments***

I think you are on the right track. I think it's a really well thought out program. I'm taken aback by how quickly this came upon our community and I think it's a great lesson in resilience and diversity. I'm afraid to ask what's next but through diversity of planting we can lessen the impacts. I think you guys are on the right track and good job.

Thank you for the good work you are doing here. I think any city discounts that can be shared with private property owners are really important and consistent with the neonic resolution.

I'm really impressed with the way you are taking the opportunity to develop a strategic plan for Boulder out of this unfortunate occurrence.

If we are going to make the most of our pollinator month and all we've done with neonics I totally think we need to help promote the other options in some cost affordable way or economies of scale way to guide people towards them.

I want to echo what everybody else has said – your research is incredible, it's great, it's thorough and I think its well thought out and it really is forward looking. Not only are you trying to resolve this problem but you are looking at the bigger issue of our tree canopy and that is critical.

I do like the idea of discounted purchases especially if there are ways people can get trees planted, or removed or get pesticide applications on a neighborhood scale so costs are reduced.

I think the seedlings and education for youth is a great idea. One of the big struggles we have right now in society is whether our young children will be good environmental stewards as they grow up. I really encourage you to get into the schools and YMCA and get children adopting and planting trees. It's very cool and we could certainly use a lot more trees.

Thank you for all your work. I see your team out all the time in the neighborhoods doing their work.

Thank you – great presentation. I think you get resounding thumbs up from everybody on council about the work you do, continue it, and we look forward to another update and working with the community on this issue.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE:** Summary of September 17, 2015 Study Session Resilient Boulder – Phase II Focus Area Update and Resilience Strategy Outline

**PRESENTER/S**

Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Planning, Housing & Sustainability  
Susan Richstone, Deputy Director of Planning, Housing & Sustainability  
Greg Guibert, Chief Resilience Officer

**EXECUTIVE SUMMARY**

This agenda item provides a summary of the September 17, 2015 City Council study session on Resilient Boulder (Attachment A). The purpose of the study session was to provide an update to City Council regarding Phase II activities for Resilient Boulder and receive Council feedback on the draft Resilience Strategy outline.

**STAFF RECOMMENDATION**

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

Motion to accept the summary (**Attachment A**) of the September 17, 2015 study session on Resilient Boulder – Phase II Focus Area Update and Resilience Strategy Outline

**BACKGROUND**

The background information for this topic can be found by clicking the link to review the [study session memorandum](#) dated September 17, 2015.

## **NEXT STEPS**

- September 24, BoCoStrong Resilience Summit at Planet Bluegrass in Lyons
- Early November 2015, Preliminary Resilience Assessment document available through Resilientboulder.com and Resilient Boulder newsletter.
- October 6, Global Launch of MIT Climate CoLab partnership challenge
- October 23-25, Understanding Risk Boulder conference at CU
- February 2016, anticipated final draft of the resilience strategy

## **ATTACHMENTS**

### **Attachment A:**

Summary of September 17, 2015 City Council Study Session on Resilient Boulder – Phase II Focus Area Update and Resilience Strategy Outline.

**City Council September 17, 2015 Study Session Summary**  
Resilient Boulder - 100 Resilient Cities  
Phase II Focus Area Update and Resilience Strategy Outline

**PRESENT**

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

**Staff Presenters:** Greg Guibert, Chief Resilience Officer

**Other Staff Present:** Heather Bailey, Jane Brautigam, David Driskell, Sarah Huntley, Eitan Kantor, Chris Meschuk

**PURPOSE**

The purpose of the study session was to provide an update to City Council regarding Phase II activities for Resilient Boulder and receive Council feedback on the draft Resilience Strategy outline.

Key questions for council consideration:

1. Does City Council have any questions or input regarding the Phase II activities?
2. Does City Council have any feedback on the initial scoping and outline of the Resilience Strategy?

**PRESENTATION SUMMARY**

The strategy development process is divided into two phases: Phase I establishes the foundation for the resilience strategy. Phase II encompasses strategy build-out. Boulder is now entering Phase II, during which the city will initiate a series of activities designed to explore transforming city resilience concepts into practice, understand and fill data and capacity gaps, and inform the creation of the Resilience Strategy.

The cross-departmental city resilience team has identified seven activities for Phase II of the 100RC strategy development process. Each activity responds to issues identified in the Preliminary Resilience Assessment (PRA) while also building on existing efforts and expertise in the city and the community at large and leveraging resources available to the city through the 100 Resilient Cities (100RC) process.

Phase II activities correlate directly to specific resilience strengths and weaknesses, specific shocks and/or stresses, and/or cross-cutting issues. The projects were selected among many potential alternatives based on criteria that included the potential for resource alignment, timeline and work product considerations, the ability to add specific value to existing city activities, and the depth of the resilience knowledge or capacity gap surfaced during the assessment process of Phase I. Each project leverages technical resources or partners made available through the 100RC program.

- Framework & BVCP Integration
- Using Climate Information
- Community ‘Safe Haven’ Network

- Community Capacity & Preparedness
- Supporting Economic Resilience
- Big Data to Support a Healthy and Thriving Community
- Monitoring and Managing the Urban Forest

The objective of Boulder’s Resilience Strategy is to provide a roadmap for building resilience in the city organization and community through targeted and strategic changes in how the city conducts business and makes decision. The proposed approach to development of the strategy, outlined below, is organized around three guiding tenets:

- Integrate
- Align
- Sustain

With those guiding tenets in mind, the strategy will detail strategic priorities along three main pathways intended to build a lasting and dynamic culture of resilience across all aspects of the community.

- Pathway 1: Institutions and Infrastructure: Integrate resilience principles into existing city efforts and priorities to ensure sustained community investment. This pathway seeks to incorporate resilience principles and processes into the policy and planning structure of city government. It also acknowledges that one of the most enduring legacies and manifestations of city investment and activity is through built infrastructure.
- Pathway 2: Community Capacity and Adaptability: Foster community preparedness to both long term stresses and acute shocks, while deepening and broadening public involvement in all civic processes. This pathway articulates interventions specifically designed to address priority gaps surfaced during the diagnostics of the Preliminary Resilience Assessment of Phase I, notably the general lack of individual and business readiness for crisis and disruption across most sectors of the community. It also acknowledges that at its core, community resilience is often about personal relationships, social networks, and human capacity.
- Pathway 3: Knowledge for Informed Action: Cultivate creative and novel solutions to emerging resilience challenges through the creation of new strategic partnerships, data architectures, and social engagement tools or methods. This pathway seeks to develop the mechanisms for supporting decision-making at both the institutional and community level with new information and data systems, some of which may be peripheral to core resilience themes but that democratize its collection and use to advance a variety of community goals. It also acknowledges the tremendous capacity within the local research, educational, and activist community to co-own the process of knowledge creation in search of novel solutions to emerging and difficult resilience challenges.

## **DISCUSSION SUMMARY**

Below is a summary of key points from council’s discussion in response to the questions presented at the study session.

Council answered both questions together and several general themes regarding the overall direction of the resilience effort were noted.

- Before bringing the strategy to the public, it needs to move beyond the abstract to be more concrete and relatable. Currently, there is little of concrete substance for the community to respond to, but the seven Phase II project areas seem very internally focused and should have a more public facing aspect as well.
- As part of the strategy, Resilient Boulder should assess the response capabilities of the city as an organization to unanticipated events and rapidly changing situations. Is our governance sufficiently adaptable and flexible to be considered ‘resilient’?
- Social and economic resilience are still difficult concepts to translate into practice.
- Where does social disruption fit in? Social disruption does not have to be a ‘shock’ such as riot but can come in the form of whole scale transformation of neighborhoods to second homes, as an example.
- The strategy needs to be regional in scope, both in terms of the way it assesses risk beyond the community’s borders but also in the actions and strategies that will be developed to address them. This will then obviously require additional partnerships and collaboration with the County and neighboring community. The strong existing connections with BoCoStrong, the State Recovery and Resiliency Office, as well as partnerships with federal labs, such as NREL and NIST, were noted as examples of existing partnerships around resilience planning.

Council devoted significant discussion to the potential use of scenarios to ‘test’ the community’s resilience to a variety of potential shock and stress conditions. Scenario based planning and assessment was noted as a potential way to develop greater context to the risk and associated community, infrastructure, economic, and ecological vulnerabilities that might be addressed by targeted interventions identified in the Resilient Boulder strategy. A few other important comments were made about the utility of developing scenarios as a part of the resilience building process.

- Several members noted the value scenarios could play as a public engagement tool.
- It was also noted that scenarios should be based in some grounded trend analysis as well as follow a measure of plausibility to elicit meaningful insights. The example discussed was a rapid rise in global fuel prices and the potential ripple effect that that could have on local food prices, and consequently, what measures the city could take to insulate the most vulnerable citizens for those economic impacts.
- In partnership with the Resilient Boulder effort under “Using Climate Information”, Public Works-Utilities, Climate Commitment, and OSMP, have begun to develop a process with local climate scientist partners and the American Geophysical Union for designing science-based plausible scenarios of future climate impacts as a foundation for a consistent city-wide methodology for planning around climate change.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE: Consideration of a motion approving the proposed 2016 budget, operating plan and board reappointments for the Downtown Boulder Business Improvement District.**

**PRESENTER/S**

Sean Maher, Executive Director, Downtown Boulder Business Improvement District  
Dave Adams, Deputy Director, Downtown Boulder Business Improvement District

**EXECUTIVE SUMMARY**

The purpose of this item is to approve the 2016 budget and operating plan of the Downtown Boulder Business Improvement District (BID) as per state statute, and to approve reappointments for three board positions as per city ordinance.

Budget Process: The budget process for the BID began in September 2015. Staff consulted with committees to review 2015 programming and submit proposed 2016 budgets by Sept. 23, 2015. On Sept. 29, a proposed budget was distributed to the BID board for review along with a staff recommendation.

The total City of Boulder allocation to the 2016 BID budget is \$88,840.

A final draft, along with the nominations report, was approved at the BID board meeting on Oct. 8, 2015. There was no public comment regarding the budget. The 2016 budget was approved at 3.759 mills by a majority vote, and board reappointments were approved and accepted unanimously.

Reappointment of Board of Directors: There are three, 3-year expiring terms. At the August 13, 2015 board meeting, Executive Director, Sean Maher reported that three current board members terms are expiring. The board members are: Barclay Eckenroth, Gannon Hartnett and David Workman. All three board members indicated that they would like to be considered for an additional term. BID legal counsel confirmed there is no requirement for a

nomination process when sitting board members wish to serve a second term. Board member Marc Ginsberg made a motion that the three incumbent board members be reappointed for an additional three year term, seconded by board member Stephen Sparn, and approved unanimously.

### **STAFF RECOMMENDATION**

Staff recommends approval of the 2016 Downtown Boulder Business Improvement District budget and operating plan, and the reappointment of Barclay Eckenroth, Ship Compliant; Gannon Hartnett, Patagonia and David Workman, Unico for the Downtown Boulder Business Improvement District Board of Directors.

#### **Suggested Motion Language:**

Staff requests council consideration of this matter and action in the form of the following motion: motion to approve the proposed 2016 budget, operating plan and board reappointments for the Downtown Boulder Business Improvement District.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic: The Downtown Boulder Business Improvement District has a direct impact on the economy of Boulder. The BID organizes and funds promotions designed to increase sales and to raise awareness of downtown as a shopping, dining and office destination. So far in 2015, downtown accounts for roughly 12 percent of sales taxes collected in Boulder. However, in the dining category, downtown restaurants collect over 37 percent of taxes. For apparel, downtown retailers bring in nearly 29 percent of the City's sales tax revenue. In addition, the BID staff works with property owners brokers and tenants to increase occupancy rates for both office and retail space. As of the most recent report in 2015, downtown commercial vacancy is at 2.8 percent, the lowest in Colorado.
- Environmental: Downtown Boulder has been a leader in converting all of our events and festivals to zero waste. This includes partnerships with Eco Products, Boulder County, the City of Boulder and Western Disposal. Each major downtown event includes dedicated staff to manage the zero waste program. The BID partners with the Downtown Management Division on promoting the Employee EcoPass program. We also promote 10 for Change, PACE and the Energy Smart programs to our downtown businesses.
- Social: Since downtown is the primary central gathering place of Boulder, the entire community benefits from a cleaner, safer, vibrant downtown environment. Community events sponsored by the BID take place every month and target a wide variety of community segments from athletes to art lovers. Family and kid focused events take place in all four seasons of the year.

### **OTHER IMPACTS**

- Fiscal: The City contribution is fee for service allocations from the Downtown Management Division for visitor center usage, collateral (maps), ambassador services, maintenance and marketing services.

## **BOARD AND COMMISSION FEEDBACK**

At its monthly board meeting on Oct. 8, 2015 the Downtown Boulder Business Improvement District Board of Directors voted to adopt the 2016 budget, operating plan and board reappointments.

## **PUBLIC FEEDBACK**

As required by law, a public hearing will be held on November 12, 2015 prior to the regular Board of Directors Meeting for the Business Improvement District. The public hearing will be noticed ahead of time as required.

## **BACKGROUND**

The Downtown Boulder Business Improvement District was created pursuant to the “Business Improvement District Act” part 12 of article 25 of title 31, Colorado Revised Statutes. Sponsored by a coalition of property owners and business owners and Downtown Boulder, Inc., in cooperation with the City of Boulder, the Downtown Boulder Business Improvement District (BID) was created to provide enhanced or otherwise unavailable services, facilities and improvements to commercial properties located in downtown Boulder. Operational since January 2000, the BID provides services above and beyond those provided by the city, including, but not limited to, marketing, communications, events, maintenance, business assistance and downtown ambassadors. More background info is available in Attachment A.

## **ANALYSIS**

The operating plan in **Attachment A** outlines both the service plan for 2016 and the accomplishments for 2015. The reappointment of board members is part of the operating plan.

The City Council is requested to approve the 2016 Operating Plan, Budget and Reappointment of Board Members submitted by the board of directors of the Downtown Boulder Business Improvement District. It is representative of the issues and priorities of the rate payers and stakeholders it affects.

## **ATTACHMENTS**

- A. Operating plan and Budget for 2016 including Reappointment of Board of Directors
- B. Map of the Downtown Boulder Business Improvement District boundaries

## **DOWNTOWN BOULDER BUSINESS IMPROVEMENT DISTRICT DISTRICT OPERATING PLAN 2016**

### **SECTION 1: GENERAL SUMMARY**

#### **Creation:**

The Downtown Boulder Business Improvement District was created pursuant to the “Business Improvement District Act,” part 12 of article 25 of title 31, Colorado Revised Statutes.

#### **Non-duplication of Services, Facilities and Improvements:**

The services, facilities and improvements to be provided by the Downtown Boulder Business Improvement District are not intended to duplicate the services, facilities and improvements provided by the City of Boulder within the boundaries of the district. The Downtown Boulder Business Improvement District (BID) was created to provide enhanced or otherwise unavailable services and resources for owners of real and personal property (excluding agricultural and residential) located in downtown Boulder.

#### **Service Area:**

Approximately 34 blocks contiguous with the Central Area General Improvement District (CAGID) plus additional blocks to the east and west, bounded roughly by 8<sup>th</sup> Street to the west, Spruce Street to the north, 21<sup>st</sup> Street to the east and Arapahoe Avenue to the south. The BID may be expanded in the future upon the request of the property owners. Pursuant to statute, the district shall contain only that taxable real and personal property within said boundaries, which is NOT classified as either agricultural or residential. A map of the district service area is attached to this operating plan.

#### **Powers, Functions and Duties:**

The Downtown Boulder BID will have the authority through its board of directors to exercise all the powers, functions and duties specified in this Business Improvement District Act except as expressly stated in this operating plan.

#### **Board of Directors:**

The Board of Directors of the BID consists of nine electors of the district appointed by the City Council of the City of Boulder. Members appointed to the board represent specific geographic areas and a cross section of interests in the district, including large and small property and business owners. Each director serves a three-year term. Terms are staggered with three expiring every year. Four representatives from the City of Boulder serve as ex-officio members and liaisons to the board, including the City Manager, two City Council members and the Director of the Downtown Management Division & Parking Services.

**Services:**

The Downtown Boulder BID provides services in three major areas: marketing and promotion, service and maintenance, and economic vitality. The service plan for FY2016 includes the continuation of these services as well as development of close partnerships with Downtown Boulder, Inc. and the Downtown Management Division to provide a strong identity for downtown. These partners also work together to communicate with downtown constituents, plan and administer programs and encourage economic vitality and community involvement.

**Method of Funding:**

The Downtown Boulder BID has three sources of revenue:

- Levy of ad valorem tax on taxable real and personal property, estimated to be between 3.5 and 4.8 mills (to be finalized in December 2015),
- Fee for service from the City's general fund and meter revenue budget and
- Contract with Downtown Boulder, Incorporated (DBI) for staffing, administration and event production.

**Budget:**

Total proposed district budgeted revenue for FY2016 is \$1,546,506. Approximately \$1,254,967 in revenue is generated by BID property taxes and specific ownership taxes; \$88,840 is fee for service from the City of Boulder, and \$172,000 in contract services from DBI. \$30,700 is generated from earned income and other miscellaneous sources.

**Legal Restrictions:**

BID assessments are subject to state constitutional limitations – a vote by ratepayers is required to increase revenue over allowed limits.

**Term:**

The district will terminate 20 years from January 1, 2010, unless a petition is filed to continue it before that date.

**Existing City Services:**

The City of Boulder will continue to document existing city services to ensure that service levels currently provided by the city do not decrease.

## SECTION 2: SERVICE PLAN

### **Marketing and Promotion**

The Downtown Boulder Business Improvement District (BID) is responsible for the marketing & promotion of the district to both consumer and investor markets. This includes, but is not limited to promotions, advertising, image campaign, branding, banners, brochures, printed collateral materials, newsletters, public relations and market research.

### **2015 Accomplishments**

- Completely overhauled downtown Boulder website to convert it to a modern responsive format. Per Google Analytics reports, user visits to DowntownBoulder.com are up 28 percent through September 15<sup>th</sup> over 2014.
- Launched Independents Week (July1-7) to promote downtown businesses with an emphasis on those who were open later in the evenings. Nearly 50 businesses joined in marketing efforts that included a print campaign in the Daily Camera and online marketing efforts.
- Upgraded free wifi access on the Pearl Street Mall. Partnered with a new vendor (Sky Packets) to install updated hardware along the mall. Since April, approximately 11,000 people have accessed Pearl Street wifi with the majority spending between 5 – 20 minutes on the “Pearl” network. Calls to the office and/or visitor information center about the previous unreliable network connection have basically ceased since launching the improved equipment.
- Downtown Boulder’s paid advertising efforts included campaigns on 9News, DenverPost.com and Pandora.com concentrated around key events (Pearl Street Arts Fest, Fall Festival and Light Up the Holidays).
- Designed and printed 16 page insert that was delivered to all 5280 subscribers. Overruns of the insert were placed in the June 26<sup>th</sup> edition of the Daily Camera to subscribers in the 80302 & 80304 zip codes.
- Successfully marketed Downtown Boulder, Inc.’s two paid events: Taste of Pearl and the Boulder Craft Beer Festival – with both selling out prior to their event dates. Increased Facebook advertising for event marketing programs.
- Continued to work closely with the City of Boulder to maintain a comprehensive resource page for West End businesses to communicate the city’s Streetscape Improvement project, as well as construction of PearlWest and 901 Pearl / 909 Walnut. Created, updated and managed content for [www.WestPearlUpdates.com](http://www.WestPearlUpdates.com).
- Created, printed and distributed 45,000 copies of Downtown Boulder’s Official Guide Book. Demand for the guide remained strong this year with distribution points at over 45 hotels (Boulder, Denver, Highway 36 corridor), as well as the Denver International

Airport, 16<sup>th</sup> Street Mall Visitor Center, Welcome Centers maintained through the Colorado Tourism Office and the Colorado Convention Center.

- In partnership with Visit Denver, the Downtown Boulder Guide Book has generated over 10,000 specific leads in 2015. Of that number: 4,000 of the guides have been individual mailed worldwide with the additional 6,000 leads receiving an electronic welcome email/electronic copy of the guide. These numbers are up 50% respectively from 2014. The average open rate for this specific email is 46% - well above the industry standard of 18% for travel/tourism related newsletters.
- Redesigned bi-weekly Downtown Boulder e-newsletter. In 2015 the newsletter was sent out to an average of 7,900 emails (bi-weekly) – this is 1,000 more emails per newsletter than in 2014. The newsletter open rate averages 26% which is well over the industry standard (travel & tourism) of 18%.
- In addition to Facebook and Twitter, social media efforts were expanded this year with a greater focus on Instagram (2,499 followers – doubling the number from 2014). Downtown Boulder also established a presence on Snapchat creating customized geofilter. Downtown Boulder’s Facebook has a total of 18,372 likes as of August 2015 – (up 29% from August 2014) and Twitter (20,187 followers as of August 2015 – up 42% from August 2014).
- Downtown Boulder Gift Card sales were approximately \$174,000 from January-August 2015. This is up 1% from 2014.
- Worked closely with community partners to promote events: Helped the Boulder County Farmers Market get the word out about their ventures (Seeds Café; opening of the market). Teamed up with CU to market and promote the Pearl Street Stampedes.

### **Plan for 2016**

- Revamp Sidewalk Sale visuals and messaging. More focus on ‘shop local’ theme rather than deal and bargains (per retailer feedback).
- Photo Library. Work with photographers to capture current shots of downtown. Generic shopping, dining, people watching, events that showcase a diverse demographic of downtown locals and visitors.
- Revisit the ‘I am Downtown Boulder’ Banner Campaign. Update design and reach out to all retailers and restaurants who would like the opportunity to participate.
- The advertising plan will continue to focus locally primarily through outreach in the Daily Camera (print, online and direct digital mail) as well as concentrated outreach to the Denver Metro market through key outlets (9News, DenverPost.com and Pandora). The plan will also explore and consider growing opportunities to reach the public through mobile marketing and social media advertising efforts.
- Continue monitoring Google Analytics, Constant Contact and other research tools that provide insights to the Downtown Boulder audience. Make necessary adjustments to

website pages and newsletters through messaging to encourage engagement, time spent on website and reasons to visit other pages on the website.

- Increase presence on specific social media channels – specifically Snapchat, Tumblr, Pinterest and Instagram.
- Double the number of specialized itineraries featured on BoulderDowntown.com.
- Continue efforts to maintain/refresh the business spotlights on LoveTheLocal.com.

### **Operations Service and Maintenance**

One of the BID's primary missions is to work closely with Boulder Police, City of Boulder, Parks staff and the Downtown Management Division to keep downtown clean, safe and inviting for residents, tourists and employees. Our clean & safe crew consists of an operations manager, one full time assistant and 3-4 seasonal staff depending on demand and time of year.

### **2015 Accomplishments**

- Removed more than 824 graffiti tags from downtown Boulder buildings.
- Power washed 10 downtown alleys during summer of 2015.
- Converted to eco-friendly cleaning fluids for all graffiti removal to reduce environmental impacts.
- Increased Spring Green business participation by 10% to 116 businesses with no increase in budget. This BID beautification program provides free flowers, mulch and soil to street level businesses throughout the district.
- Expanded seasonal holiday lighting 25% vs. 2014 and are now 100% LED.
- Contracted with new security company, Securitas, for mall patrol and instituted daily reports via smart phone technology.
- Successfully negotiated addition of a dedicated officer for the mall 8 hours a day, 7 days a week from May through September. This greatly reduced complaints related to problem behavior this summer vs. 2014.
- Improved cleanliness of Mall restrooms working with private contractor and City of Boulder Parks Department.
- Worked closely with Parking Services, Public Works and private contractors to minimize negative impacts to small businesses during West Pearl Streetscape Improvement project & 5 major construction projects downtown.
- Provided logistics for Boulder Craft Beer Festival with over 2,500 attendees.
- Operated free children's train on Pearl Street Mall from Memorial Day to Labor Day and Snowflake Express during Holiday Season.

- Increased operations staff to 2 full time employees to improve overall cleanliness downtown.

### **Plan for 2016**

- Negotiate and formalize agreement for a permanent commitment from the City of Boulder for an 8-hour per day police officer on the mall.
- Partner with CVB to renovate 14<sup>th</sup> & Pearl Visitor Center with new layout, furniture, computers, video screen(s), signage, paint and flooring.
- Expand holiday lighting to run north/south of Pearl on Broadway.
- Enhance training and responsibilities of Operations Manager, Chris Zachariasse.
- Increase frequency of gum removal/steam cleaning on sidewalks.
- Replace or remove east and west end banners.
- Maintain 15<sup>th</sup> Street banners.
- Increase allocation for maintenance of planters, tree grates and additional trash cans placed on 15<sup>th</sup> and west Pearl Streets.

### **Economic Vitality**

Executive Director, Sean Maher works closely with City staff, Council, property owners and employers to maintain a vibrant business sector downtown. Major goals include:

1. Maintaining a vibrant and unique retail/restaurant tenant mix so downtown remains a favorite destination for locals, visitors and employers.
2. Supporting entrepreneurial tech and creative class companies to maintain the “entrepreneurial density” that is critical to downtown’s continued vitality.
3. Working closely with the City staff and consulting teams on creative new uses that activate and energize the Civic Area in a way that complements the existing downtown uses.

### **2015 Accomplishments**

- Partnered on business outreach with the City’s Economic Vitality team and the BEC.
- Together with Library Director, David Farnan, created Boulder Art Cinema, a first run art house theater housed in the Library’s Canyon Theater. Launch planned in November of 2015.
- Worked with the development teams at PearlWest, Wencel Building and 1738 Pearl on tenant recruitment efforts for new office and retail space.
- Updated downtown ownership database.
- Organized meeting of key downtown property owners to prioritize BID recruitment assistance options.

- Met with tech entrepreneurs and CEOs monthly to assist in searching out and securing space for growing firms.
- Coordinated site selection trip to Boulder for team of 7 Conde Nast executives.
- Worked closely with City staff and CVB to support the 2<sup>nd</sup> annual IRONMAN Boulder event.
- Downtown Boulder enjoys the lowest commercial vacancy rate in Colorado – 2.8 percent.

### **Plan for 2016**

- Build Boulder Art Cinema into a thriving traffic generator for downtown restaurants and retailers.
- Maintain strong partnership with city EV efforts working with new departmental shifts at COB.
- Work closely with Parks Department and other City staff on planning best and highest uses for the redesigned Civic Area.
- Maintain business outreach partnership with BEC and City staff.

### **SECTION 3: BOARD & REAPPOINTMENT OF BOARD MEMBERS**

The current board members, terms and the geographic areas they represent are:

#### **Term expires December 31, 2015**

Barclay Eckenroth, ShipCompliant, At Large  
Gannon Hartnett, Patagonia, Pearl Street Mall  
David Workman, Unico Properties, East End

#### **Term expires December 31, 2016**

Will Frischkorn, Cured, East End  
Patty Ross, Clutter Consignment, West End  
Kiva Stram, Wells Fargo Bank, Pearl Street Mall

#### **Term expires December 31, 2017**

Jay Elowsky, Pasta Jay's, At Large  
Marc Ginsberg, Flatirons Technology Group, Pearl Street Mall  
Stephen Sparn, Sopher Sparn Architects, PC, At-Large

#### **Ex-Officio Liaisons**

Jane Brautigam, City Manager  
Sam Weaver, City Council  
Molly Winter, DUHMD  
Mary Young, City Council

There are three, 3-year expiring terms. At the August 13, 2015 board meeting, Executive

Director, Sean Maher reported that three current board members terms are expiring. The board members are: Barclay Eckenroth, Gannon Hartnett and David Workman. All three board members indicated that they would like to be considered for an additional term. BID legal counsel confirmed there is no requirement for a nomination process when sitting board members wish to serve a second term. Board member Marc Ginsberg made a motion that the three incumbent board members be reappointed for an additional three year term, seconded by board member Stephen Sparn, and approved unanimously.

**Reappoint to fill three-year terms beginning January 2016 and ending December 31, 2018:**

Barclay Eckenroth, At Large  
Ship Compliant  
1877 Broadway, Suite 703  
Boulder, CO 80302

Gannon Hartnett, Pearl Street Mall  
Patagonia  
1212 Pearl Street  
Boulder, CO 80302

David Workman, East End  
Unico Properties  
1426 Pearl Street  
Boulder, CO 80302

ATTACHMENT A  
 Downtown Boulder Business Improvement District  
 2014 Budget (Actuals) & 2015 Budget & 2016 Proposed Income & Expense Budget

INCOME	Actual Prior Year (2014)			Estimated Current Year (2015)			Proposed Budget Year (2016)		
	Enterprise	Regular	Total	Enterprise	Regular	Total	Enterprise	Regular	Total
City of Boulder	84,566.00	0.00	84,566.00	63,943.00	0.00	63,943.00	88,840.00	0.00	88,840.00
Downtown Boulder, Inc.	148,000.00	0.00	148,000.00	148,000.00	0.00	148,000.00	172,000.00	0.00	172,000.00
BID Assessment	0.00	1,109,341.77	1,109,341.77	0.00	1,093,348.00	1,093,348.00	0.00	1,202,184.00	1,202,184.00
Specific Ownership Tax	0.00	62,579.09	62,579.09	0.00	40,000.00	40,000.00	0.00	52,782.94	52,782.94
Other	0.00	30,273.88	30,273.88	0.00	20,400.00	20,400.00	11,500.00	19,200.00	30,700.00
<b>TOTAL INCOME</b>	<b>232,566.00</b>	<b>1,202,194.74</b>	<b>1,434,760.74</b>	<b>211,943.00</b>	<b>1,153,748.00</b>	<b>1,365,691.00</b>	<b>272,340.00</b>	<b>1,274,166.94</b>	<b>1,546,506.94</b>

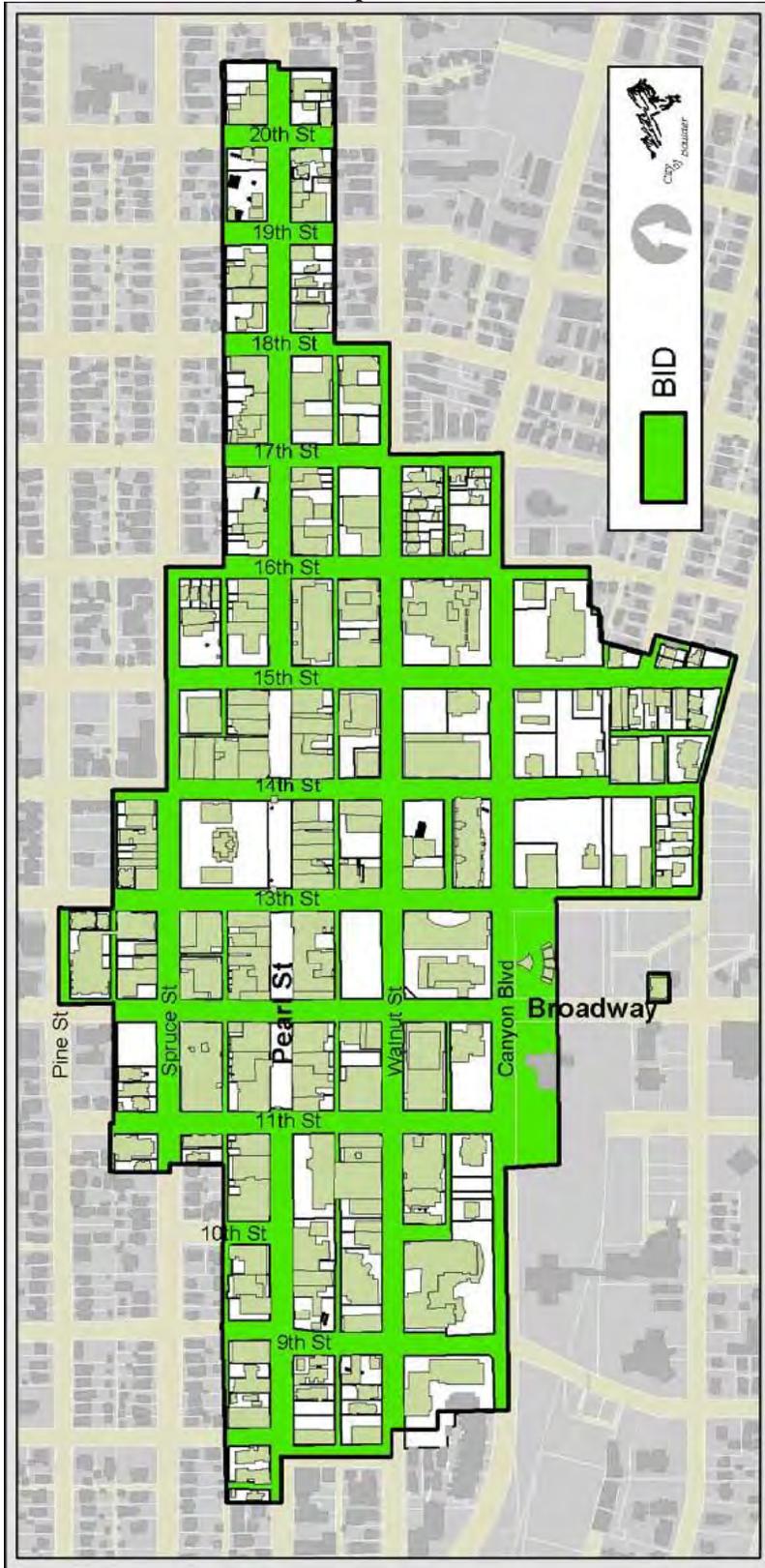
  

EXPENSE	Actual Prior Year (2014)			Estimated Current Year (2015)			Proposed Budget Year (2016)		
	Enterprise	Regular	Total	Enterprise	Regular	Total	Enterprise	Regular	Total
<b>PERSONNEL</b>									
Salaries	85,000.00	346,400.93	431,400.93	85,000.00	349,700.00	434,700.00	107,000.00	390,500.00	497,500.00
Benefits	0.00	111,969.03	111,969.03	0.00	122,000.00	122,000.00	0.00	136,800.00	136,800.00
Professional Development	0.00	6,688.94	6,688.94	0.00	9,500.00	9,500.00	0.00	11,500.00	11,500.00
<b>TOTAL</b>	<b>85,000.00</b>	<b>465,058.90</b>	<b>550,058.90</b>	<b>85,000.00</b>	<b>481,200.00</b>	<b>566,200.00</b>	<b>107,000.00</b>	<b>538,800.00</b>	<b>645,800.00</b>
<b>ADMINISTRATION</b>									
Rent	18,000.00	49,949.14	67,949.14	18,000.00	55,450.00	73,450.00	20,000.00	61,900.00	81,900.00
Kiosk Rent	7,565.00	40,737.90	48,302.90	7,942.00	45,558.00	53,500.00	8,339.00	46,661.00	55,000.00
Insurance	0.00	6,613.00	6,613.00	0.00	6,500.00	6,500.00	0.00	6,910.00	6,910.00
Services	0.00	10,449.54	10,449.54	0.00	11,400.00	11,400.00	0.00	11,400.00	11,400.00
Furn/Equip	0.00	12,750.54	12,750.54	0.00	14,650.00	14,650.00	0.00	14,700.00	14,700.00
General Admin	0.00	14,819.38	14,819.38	0.00	17,450.00	17,450.00	0.00	20,090.00	20,090.00
Assessment Expenses	0.00	16,648.92	16,648.92	0.00	18,500.00	18,500.00	0.00	20,000.00	20,000.00
<b>TOTAL</b>	<b>25,565.00</b>	<b>151,968.42</b>	<b>177,533.42</b>	<b>25,942.00</b>	<b>169,508.00</b>	<b>195,450.00</b>	<b>28,339.00</b>	<b>181,661.00</b>	<b>210,000.00</b>
<b>SERVICE/MAINTENANCE</b>									
Security	0.00	41,688.00	41,688.00	0.00	45,000.00	45,000.00	0.00	45,000.00	45,000.00
Contract Services	7,068.00	31,993.57	39,061.57	7,068.00	36,500.00	43,568.00	7,068.00	37,900.00	44,968.00
Banner/Decor	15,000.00	54,706.16	69,706.16	0.00	50,000.00	50,000.00	20,500.00	54,500.00	75,000.00
Operations Admin	0.00	9,541.01	9,541.01	0.00	11,000.00	11,000.00	0.00	11,000.00	11,000.00
Other Labor	10,874.00	49,059.27	59,933.27	10,874.00	45,000.00	55,874.00	10,874.00	52,126.00	63,000.00
<b>TOTAL</b>	<b>32,942.00</b>	<b>186,988.01</b>	<b>219,930.01</b>	<b>17,942.00</b>	<b>187,500.00</b>	<b>205,442.00</b>	<b>38,442.00</b>	<b>200,526.00</b>	<b>238,968.00</b>
<b>MARKETING</b>									
Marketing Services	0.00	37,653.02	37,653.02	0.00	39,000.00	39,000.00	0.00	42,500.00	42,500.00
Special Projects	6,000.00	28,388.74	34,388.74	0.00	16,000.00	16,000.00	0.00	17,500.00	17,500.00
Communication	16,311.00	13,542.89	29,853.89	16,311.00	12,200.00	28,511.00	16,311.00	13,689.00	30,000.00
Visitor Marketing	0.00	23,832.91	23,832.91	0.00	25,500.00	25,500.00	0.00	28,400.00	28,400.00
Special Events	66,931.10	40,991.32	107,922.42	67,006.00	58,242.00	125,248.00	70,248.00	60,500.00	130,748.00
Local/Regional	0.00	152,362.47	152,362.47	0.00	150,000.00	150,000.00	0.00	173,000.00	173,000.00
<b>TOTAL</b>	<b>89,242.10</b>	<b>296,771.35</b>	<b>386,013.45</b>	<b>83,317.00</b>	<b>300,942.00</b>	<b>384,259.00</b>	<b>86,559.00</b>	<b>335,589.00</b>	<b>422,148.00</b>
<b>ECONOMIC VITALITY</b>									
Database Update	0.00	960.00	960.00	0.00	1,500.00	1,500.00	0.00	1,500.00	1,500.00
Business Consulting	0.00	200.00	200.00	0.00	0.00	0.00	0.00	0.00	0.00
Business Assistance Program	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Civic Area Planning	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Special Projects	0.00	0.00	0.00	0.00	1,500.00	1,500.00	12,000.00	7,500.00	19,500.00
ED Materials/Collateral	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>0.00</b>	<b>1,160.00</b>	<b>1,160.00</b>	<b>0.00</b>	<b>3,000.00</b>	<b>3,000.00</b>	<b>12,000.00</b>	<b>9,000.00</b>	<b>21,000.00</b>
<b>DISCRETIONARY DEVELOPMENT FUND</b>									
	0.00	22,535.00	22,535.00	0.00	7,749.06	7,749.06	0.00	5,000.00	5,000.00
<b>TOTAL</b>	<b>0.00</b>	<b>22,535.00</b>	<b>22,535.00</b>	<b>0.00</b>	<b>7,749.06</b>	<b>7,749.06</b>	<b>0.00</b>	<b>5,000.00</b>	<b>5,000.00</b>
<b>CONTINGENCY</b>									
	0.00	3,590.94	3,590.94	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>0.00</b>	<b>3,590.94</b>	<b>3,590.94</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>CAPITAL RESERVE ALLOCATION</b>									
	0.00	0.00	0.00	0.00	3,590.94	3,590.94	0.00	3,590.94	3,590.94
<b>TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>3,590.94</b>	<b>0.00</b>	<b>3,590.94</b>	<b>3,590.94</b>
<b>Total Expense</b>	<b>232,749</b>	<b>1,128,073</b>	<b>1,360,822</b>	<b>212,201</b>	<b>1,142,150</b>	<b>1,365,691</b>	<b>272,340</b>	<b>1,274,167</b>	<b>1,546,507</b>

Net Income 73,939 0 0

Notes:  
 Enterprise-restricted funds from City of Boulder or DBI that have to be used in accordance to agreements between entities.  
 Regular-BID funds from assessment and any additional revenue sources.  
 BID Assessment-the BID will certify its mill levy to collect an estimated \$1,202,184.00 in revenue.

Attachment B – District Map





**CITY OF BOULDER  
CITY COUNCIL CONSENT AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**CONSENT AGENDA TITLE:** Authorizing the city manager to renew the lease for the Dushanbe Teahouse to Huckleberry Foods

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Tom Carr, City Attorney  
Bob Eichen, Chief Financial Officer  
Maureen Rait, Executive Director, Public Works  
Joe Castro, Facilities and Fleet Manager

**EXECUTIVE SUMMARY**

The city has leased the Boulder-Dushanbe Teahouse to Huckleberry Foods since 1997, with extensions approved to May 2018. Huckleberry Foods proposes to make \$254,000 in repairs and upgrades to the kitchen, dining area, and exterior (\$76,500 of which would be the city's responsibility under the current lease), and has requested extensions on the current lease. If the lease is renewed and extended, Huckleberry Foods would contribute \$57,000 towards the \$110,000 total cost of exterior painting and lighting replacements, reducing the city's portion of the costs to \$53,000. The interior work is scheduled for January 2016 and the exterior work is scheduled for early summer 2016. With Huckleberry Foods' history of managing a successful and award-winning restaurant at the teahouse, support of the Sister Cities program, and substantial investment in the teahouse, staff recommends that City Council extend the current lease and approve three additional five-year extensions.

**STAFF RECOMMENDATION**

**Suggested Motion Language:**

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

Motion to authorize the city manager to enter into an agreement with Huckleberry Foods to renew the existing lease, with three additional five-year extensions (for a total of 17 years), for the Dushanbe Teahouse.

## COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- *Economic* – The Dushanbe Teahouse is one of Boulder’s premier tourist attractions, as it is the only one of its kind in the Western Hemisphere. If their lease is extended, Huckleberry Foods will be investing \$254,000 on upgrades and repairs to the garden area, exterior artwork, interior furnishings and kitchen. Each year, Huckleberry Foods hosts the Navruz Festival, Persian New Year celebration, and Rocky Mountain Tea Festival (now in its 16<sup>th</sup> year). Extending the lease would support the important role of Huckleberry Foods in Boulder’s economy.
- *Environmental* – In 2012, Huckleberry Foods participated in the City of Boulder’s Energy Performance Contract, Phase 3, changing their lighting systems to more efficient LED lights. This lease renewal proposal reflects the \$7,773 in total payments back to the city from the energy savings being realized, which has a return on investment of 6.1 years. Lenny and Sara Martinelli, the owners of Huckleberry Foods, also own Three Leaf Farms, which provides local, farm-fresh ingredients to the Dushanbe Teahouse. Compostable wastes from their restaurants are returned to the farm to be composted. In 2012, the Boulder-Dushanbe Teahouse was honored by The Nature Conservancy with the Nature’s Plate People’s Choice Award for its green practices.
- *Social* – The Dushanbe Teahouse has consistently been voted as the “Best Tea” and “Best Teahouse” by the *Daily Camera* and *Boulder Weekly*. When the Tajik delegation visits, Huckleberry Foods has hosted breakfast meetings at no charge. Thousands of visitors enjoy visits to the teahouse each year.

## OTHER IMPACTS

- *Fiscal* – Lease payments by Huckleberry Foods go into a Teahouse Repair and Renovation fund that pays for major maintenance and repairs for the interior portions of the Dushanbe Teahouse. Lease payments are also used to pay off a loan from the General Fund for the reciprocal gift of the Cyber Café to Dushanbe, Tajikistan, as part of the Sisters Cities Program.
- *Staff time* – City staff’s maintenance and repair activities are funded by the lease payments.

## PUBLIC FEEDBACK

The Boulder-Dushanbe Sister Cities Board of Directors provided a letter of support (**Attachment 1**) for the lease renewal to the owners of Huckleberry Foods, Lenny and Sarah Martinelli. The Sister Cities organization also supports the planned improvements.

## BACKGROUND

In 1997, the city issued a request for proposals to select a lessee, a process that included an extensive public outreach effort and resulted in operational parameters that have become part of the lease. As a result of this process, Huckleberry Foods entered into a

three-year lease on July 7, 1997. Subsequent to the signed lease and completion of the teahouse, an extension for a five-year lease, with a five-year option for a total of ten years, was approved in April 1998 to enable Huckleberry Foods to recover long-term capital investments.

In 2005, a lease amendment and construction agreement was approved for an addition to the kitchen. The addition extended the east wall of the kitchen 17 feet to the east and 25 feet wide, for a total addition of 408 square feet. A 366-square-foot basement area was also added for storage. The construction costs totaled \$120,000, half of which was paid for by Huckleberry Foods. The 2005 amendment extended the lease to the year 2018.

## **ANALYSIS**

The success of the Boulder-Dushanbe Teahouse has put growing demands on the kitchen. According to Huckleberry Foods, for five months of the year, dishes pile up due to the small dish washing area, creating an unsafe work environment. The biggest upgrade in the kitchen would therefore be for the dishwashing station. Additional work would include more refrigeration and flooring upgrades for cleaner, safer working surfaces. Huckleberry Foods also plans to repair the outside patio, which has deteriorated since its 1998 construction. The interior work for the dining room furnishings and kitchen upgrades is planned for January 2016, and the remaining work on the exterior artwork, lighting, and garden area is scheduled for early summer 2016.

Of the \$254,000 that Huckleberry Foods would be contributing to repairs and upgrades, \$76,500 would have been the city's responsibility under the current lease. Under this new proposal, the \$76,500 in work would be integrated with additional repairs and upgrades proposed to be made by Huckleberry Foods. The work funded by the \$76,500 would include \$57,000 towards the building's exterior painting and lighting replacements and \$19,500 in repairs to the Tajikistan tables and chairs, bathroom tiles, and ceiling and walls in the kitchen.

In FAM's 2015 Capital Improvement Program (CIP), \$110,000 was approved to complete the exterior painting in 2016. If the lease is renewed and extended, the \$57,000 contributed by Huckleberry Foods would reduce the city's portion of the exterior painting costs to \$53,000. The proposed [CIP for 2016 to 2021](#) does not include any future capital projects for the teahouse. While the city reserves \$25,000 from lease payments for annual maintenance, recent repairs have cost significantly more, with the majority of \$68,000 spent on refinishing the dining room area in 2015 and with \$99,500 spent for a Tajikistan artist to paint half of the building's exterior in 2014.

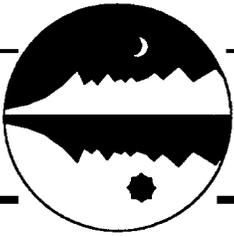
With no large capital projects planned in the near future for the Boulder-Dushanbe Teahouse, the additional repairs and upgrades identified by the tenant (representing a substantial investment), the tenant's proven success with restaurant management, and the tenant's continued support of the Sister Cities program, staff recommends that the council approve three additional five-year extensions to the existing lease (**Attachment 2**).

## **ATTACHMENTS**

**Attachment 1:** Boulder-Dushanbe Sister Cities Board of Directors Letter of Support

**Attachment 2:** Proposed Lease Extension with Exhibits:

- Exhibit A - Premises
- Exhibit B - Maintenance Responsibilities
- Exhibit C - Revised Operating Proposal
- Exhibit D - Renovation Proposals



# Boulder • Dushanbe Sister Cities

**Board of Directors**

September 8, 2015

- Peter J. Stoller, President
- Adam Hermans, Vice-President
- Miriam Allen, Secretary
- Aldona Siczek, Treasurer
- Dean Chapla
- Lydia Dixon
- Phyllis Herman
- Cory Lasher
- Leto Quarles, M.D.
- Emily Rockcastle
- Michelle Ryan
- Joseph F. Stepanek
- Sophia Stoller

Dear Boulder City Council,

Boulder-Dushanbe Sister Cities supports Lenny and Sarah Martinelli's lease renewal application to operate the restaurant at the Boulder-Dushanbe Teahouse.

We believe they have promoted Sister City concepts of international understanding and friendship. The Teahouse is a welcoming place for all regardless of being a paid customer or an interested visitor. The menu reflects an international focus at affordable prices.

Lenny and Sara and their staff have been most helpful and supportive of Haydar Mirahmatov when he was working on the Teahouse restoration. Each Navruz they have enthusiastically hosted the local Tajik community, facilitating their celebration. They have also been wonderful hosting, at no charge, numerous breakfast meetings for visiting Tajik delegations. As part of our membership benefit, they have offered a free lunch to renewing and new members.

**Past President's Circle**

- Mary Axe
- Jancy Campbell
- Mary Hey
- Marcia Johnston
- Don Mock
- Vern Seieroe, A.I.A.
- Joseph F. Stepanek

They have been positive and consistent partners in our relationship with Tajikistan. They appreciate and value the relationship with Dushanbe and the cultural history and beauty reflected in the Teahouse. They clearly want to protect and honor the cultural icon that the restaurant is part of. We support the restaurant improvements they plan on making and encourage the city to renew their lease at this time.

Sincerely,  
The Boulder-Dushanbe Sister Cities Board of Directors

Sophia Stoller  
Board member

**P.O. Box 4864**

**Boulder, CO 80306-4864**

**U.S.A.**

**303-444-3196**

**[www.boulder-dushanbe.org](http://www.boulder-dushanbe.org)**

## LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered between the City of Boulder, a Colorado home rule municipality, hereinafter called "Lessor" or "City", and Huckleberry Foods, a Colorado Corporation, hereinafter referred to as "Lessee":

WITNESSETH:

### RECITALS

WHEREAS, the City is the owner of property located at 1770 13th Street, ("the Premises") City of Boulder, County of Boulder, State of Colorado upon which the City has erected a Teahouse, presented to the people of Boulder, Colorado, United States of America by its sister city, the City of Dushanbe, Tajikistan;

WHEREAS, the Teahouse is architecturally representative of Tajik culture and is of an appearance not found in the United States of America, which distinct style the Parties desire to replicate and preserve as a symbol of the sister city relationship and to honor the generosity of the donor while maintaining compatibility with the City's plans for its publicly owned Civic Center running along Boulder Creek and the White Rock Ditch from Ninth Street to Fourteenth Street and operating a commercial restaurant on the Premises to enhance the attractiveness and utility of the Teahouse; and

WHEREAS, Lessor and Lessee desire to enter into a lease for the Teahouse Premises to accomplish these purposes; and

WHEREAS, Lessor and Lessee desire to rehabilitate the exterior Tajikistan paintings and make improvements to the kitchen, exterior and dining area of the Teahouse per Exhibit D; and

WHEREAS, Lessee desires to rent and lease the Premises; and

WHEREAS, the existing lease between Lessor and Lessee for the Premises dated July 7, 1997, and amended effective May 21, 1998, expires on May 15, 2018;

NOW, THEREFORE, in consideration of the covenants contained herein and other good and valuable considerations, the parties hereto agree as follows:

#### I. TERM

1.1. City, in consideration of the covenants and conditions herein, agrees to let and does hereby let and demise unto Lessee the Premises described in Exhibit A (the APremises@)

TO HAVE AND TO HOLD the same for a term of 2 years, 6 months and 25 days, commencing October 20, 2015.

1.2 Lessee has an option to renew the lease for three five-years periods under the following terms: The annual rental amounts will be adjusted at the beginning of the option period and will be set at the then prevailing fair market rental rate of comparable properties on the Pearl Street (not including the Mall (between 11<sup>th</sup> and 15<sup>th</sup> Streets). Rent shall not be adjusted more or less than 25% of current rate to ensure a stable price structure and business operation. This option may be exercised by notifying the City in writing of the exercise of the option by April 15, 2018.

1.3. Tenant shall have no right to assign or sublet the premises without written consent of the City, which shall not be unreasonably withheld.

## II. RENT

2.1 The annual rent shall be calculated as follows: \$28.50 dollars per square foot per year for all space on the main floor, \$12.00 per square foot for all basement space, and \$3.25 per square foot for the outside seating area located on the south side of the main entry. As of the time of executing this lease, the lease covers 3,181 main floor square feet, 0 basement square feet, and 1,200 square feet of outside seating area. When any change in size pursuant to a separate agreement is completed and ready for occupancy, the rent shall be increased or decreased accordingly based on the actual square footage built.

2.1.1. Rent for each succeeding Lease year, including Option lease years, shall be increased or decreased in accordance with the change in the cost of living for the previous calendar year as shown in the "all items" category of the United States Department of Labor Consumer Price Index for all Urban Consumers for the metropolitan area that includes the city with the exception of the beginning of the option period beginning 1 January 2018, see paragraph 1.2 above. In the event these data have not been published as of the start of the lease year, then the City Manager's estimation of these data used to calculate food tax refunds pursuant to Section 3-5-4, B.R.C. 1981, shall be used, but subsequently published data, rather than estimated data will be used to calculate the rent for the remaining portion of the lease year and will be adjusted to include any overpayment or underpayment made to date using estimated data. The CPI adjustment will be limited to a maximum of three percent per year.

2.1.2. Rent shall be payable in advance on the first business day of each month and will be one-twelfth the annual rent calculated above.

2.2. If the Lessee defaults by failing to pay the above rent within seven days of the date it becomes due pursuant to paragraph 2.1.2 above, it shall, at the time it finally does pay the City, also pay interest on such amount at 0.049315% per day from date due to date paid.

### III. SPECIAL PURPOSE OF LEASE

3.1. Lessee agrees to use the Premises solely for an indoor/outdoor eating and drinking establishment generally open to the public. This may include carry-out food services, catering, and retail sales of Tajik goods and promotional items related to the Teahouse. Lessee may use the Premises for occasional private functions. Lessee shall use the Premises for no purpose prohibited by the Laws of the United States, or the State of Colorado, or the ordinances of the City of Boulder, and for no improper purpose whatsoever; and shall neither permit nor suffer any disorderly conduct, noise, noxious odors or nuisance whatever about the Premises having a tendency to annoy or disturb any persons occupying adjacent premises. In addition, Lessee=s proposals for Lessee=s operation of the Teahouse made in its response to the City=s Request for Proposals dated April 11, 1997, as part of the lease formation process, as further negotiated with the City, are incorporated into this Lease agreement as if fully set forth herein and are attached hereto as Exhibit C.

3.2. Lessee may apply for and hold if granted any on-premises only malt, vinous, or spirituous liquor license or fermented malt beverage license.

3.3. a) Lessee shall always refer to its restaurant on the Premises as Athe Boulder Dushanbe Teahouse,@ and may add to that Aoperated by (business name of Lessee),@ although such addition shall not be more prominent than the main reference, and shall use no other name on any sign, advertisement, menu, promotional material, or other writing.

b) As part of its obligation under the Lease, the City shall provide one sign identifying the Teahouse, which shall be affixed to the Teahouse building and comply with the City=s sign code, all at the City=s expense. The City shall consult with Lessee on the size, form, message, and location of such sign. Lessee understands that such sign will reduce the amount of signage allowable for the Premises, which other signs, if any, shall be erected by Lessee at its sole expense.

c) The City retains all intellectual and other property rights, including without limitation copyrights and trade mark and trade name rights, in ABoulder Dushanbe Teahouse,@ and in the form and image of the Teahouse. Lessee has a non-exclusive, non-transferrable, license to use these rights while the Lease is in effect.

### IV. ALTERATIONS

4.1. Lessee agrees not to make any material alterations or changes in, upon, or about said Premises for any purpose during the term of the Lease or option period without first

obtaining written consent from the City and any necessary building permits. A material alteration or change is one that requires a building permit under the ordinances of the City or the statutes of the state to perform. Lessee further agrees that any remodeling or redecorating will be subject to the consent of the City. Consent by the City shall not be unreasonably withheld so long as the proposal is consistent with the special nature, design, and appearance of the Teahouse, which determination shall be the sole prerogative of the City. Any alterations, changes, remodeling or redecorating to the Premises during the term of this Lease shall be paid for by Lessee unless the City agrees, in its sole discretion, to pay for some agreed portion of the work. The City reserves the right to approve the contractors selected by Lessee to perform any work on the Premises for which a building permit is required.

#### V. ADDITIONAL RESPONSIBILITIES OF LESSEE.

5.1. Lessee is responsible for and will pay the monthly or other recurring fees and charges for all utilities and similar services including, but not limited to, gas, electricity, water, sewer, flood control, telephone, fire and intrusion alarm monitoring, and trash removal for the Premises. This paragraph does not apply to water and sewer use of the restrooms nor to water used by the City to water exterior landscaping for which the City is responsible, all as specified in paragraph 7.2 below.

5.2. Lessee will be responsible for any real property taxes and assessments levied against the Premises for all time periods beginning on the effective date of this Lease, and for personal property and sales, use and other taxes, assessments, fees, and bills related to the business of the Lessee for the same periods.

5.3. Lessee agrees to permit the City or its agents at any reasonable hour of the day to enter upon and go through and view said Premises so long as same shall not in any way interfere with Lessee's business.

5.4. Lessee agrees at all times to obey all laws, statutes, ordinances, or regulations applicable to Lessee or Premises, including without limitation its obligation to keep the Premises in compliance with the federal Americans with Disabilities Act and regulations issued pursuant to that Act.

5.5. The Lessee shall obtain all necessary sales tax licenses, including a City of Boulder sales tax license, and shall collect and remit all applicable sales and use taxes, including the City of Boulder sales tax, in accordance with law. The Lessee shall pay all City of Boulder sales or use taxes due on any improvements made by it under this Lease and on its equipment used on the Premises.

5.6. Lessee shall obtain, at its expense, any and all licenses necessary for the operation of the Teahouse, including, without limitation, a City of Boulder food service establishment license as provided by Chapter 4-9, B.R.C. 1981.

## VI. MAINTENANCE AND CONDITION OF TEAHOUSE

6.1. Maintenance responsibilities of the Parties concerning the Premises are specified in Exhibit B. Ongoing maintenance includes all preventive maintenance and all corrective maintenance items costing less than \$3,500 per repair. The City is responsible for maintenance of the non-window portions of the exterior of the exterior wall of the Premises, for the structural features of the Premises, and for corrective maintenance of the various systems of the Premises exceeding the limit specified above. The City is responsible for replacement of these systems should the need to do so arise. However, in the event that damage occurs to any portion of the Premises due to an intentional or negligent act or failure to act of an employee or agent of Lessee, then the Lessee shall be liable to the City for the cost of repair or replacement. Lessee agrees to notify the City's representative as soon as possible after discovering anything for which the City has repair or replacement responsibility under Exhibit B, and to block off public access to and to warn users of the Premises of any dangerous condition of the Premises which it has discovered until such time as the City has been able to repair as needed. Lessee agrees to admit the City's maintenance forces or contractors onto the Premises at reasonable times on reasonable notice to perform the City's obligations under this paragraph. The City will inspect the Teahouse every six months and issue a written report of deficiencies indicating the nature of the deficiency and the party responsible to correct the deficiency. Normally deficiencies should be corrected by the assigned party within 30 days. The 30 day correction period may be extended if, in the City's judgment, reasonable progress has been made in correcting the deficiency. If the Lessee fails to correct any deficiency within the specified time period, the City shall notify the Lessee in writing that it has initiated action to correct the deficiency and will charge the Lessee for the cost of the repairs and for the management and overhead costs associated with the repair.

6.2. The maintenance and replacement responsibilities of the City will be performed by the City when it, in its sole discretion, deems them necessary or desirable. Should the City's failure to maintain or repair the Premises lead to the Premises being unfit for its intended use, the Lessee's sole remedy shall be rent abatement for the period of uninhabitability. The City shall under no circumstances be under any obligation to provide alternate space for Lessee should the Premises become unusable by Lessee as a result of damage from fire, flood, other catastrophe, or any other cause of any kind. If the Premises cannot reasonably be repaired or replaced within 60 days, the provisions of paragraph 9.5 below shall govern.

6.3. Lessee agrees neither to permit nor to suffer said Premises, or the walls or floors thereof, to be endangered by overloading or any other abuse or use in excess of their capacity or design.

6.4. Lessee agrees to keep the Premises in good repair and in a clean, sanitary, and safe condition free of litter, trash, debris, snow or ice, or harmful objects, at the expense of said Lessee, and at the expiration of this Lease to surrender and deliver up the Premises in as good order and condition as when the same were entered upon, loss by fire, flood, or ordinary wear excepted.

6.5. All fixtures or additions made or installed by Lessee that become a part of the Premises herein described, including but not limited to carpeting, partitioning, attachments, built-ins, etc., shall, at the expiration of the term of this Lease and any renewals thereof, become the property of the City and shall not be removed by Lessee unless the parties hereto agree to the contrary. Trade fixtures which have been installed by or for Lessee, whose maintenance, replacement, or repair shall always be the responsibility of Lessee, may be removed by the Lessee at the termination of this Lease. Lessee agrees to arrange and pay for any telephone, television, computer or similar systems or equipment installed in the Premises for Lessee's use.

6.6. The Lessee shall obtain the necessary building, electrical, plumbing, mechanical, and other permits as required by law for all improvements constructed by it under this agreement. All such work shall be done only by contractors licensed by the City of Boulder and approved by the City's Representative. All such work shall comply with the appropriate building and other codes.

## VII. PUBLIC RESTROOMS

7.1. The Teahouse contains two public restrooms which are shared by patrons and employees of the Lessee with the general public during all times as the City may determine, and Lessee shall not unreasonably deny any member of the public access to such restrooms during such times. It is the City's intention to make these two restrooms available to the public when special events are held in the adjacent Central Plaza or Central Park or on 13th Street, and the City shall give Lessee at least 72 hours notice in advance of such public use. At other times, the Lessee may restrict use of these restrooms to its patrons and employees.

7.2. The Lessee is responsible for maintaining these public restrooms and keeping them supplied, and with maintaining the exterior door accessing them, and the foyer serving them up to Lessee=s interior door. However, Lessee shall not be charged with the cost of water or wastewater used in these restrooms, nor for water used by the City to water exterior landscaping for which the City is responsible, and the City shall reimburse the Lessee for 20 percent of the total amount of water used.

7.3. The Lessee shall provide the City with keys to the exterior door accessing these restrooms.

7.4. The City is responsible for opening the exterior restroom door when it requires public access to the restrooms before Lessee=s normal business hours. The City is responsible for locking the exterior restroom door when it requires public access to the restrooms after Lessee=s normal business hours.

7.5. Lessee is at all times responsible for locking of the Teahouse when it closes, and unlocking it when it opens with the exception of public access for events per paragraph 7.4 above.

## VIII. INSURANCE AND INDEMNITY

8.1. Lessee shall maintain in full force and effect during the entire Lease term comprehensive liability insurance with respect to the said Premises and the business operated by the Lessee and any Sublessee in the demised Premises, with limits of at least \$1,000,000 per claimant. If the limitation on judgments set forth in Section 24-10-114, C.R.S., or any successor statute is increased during the term of this Lease to exceed \$1,000,000 per person or \$1,000,000 per occurrence, Lessee shall cause the limits of the insurance coverage to be raised to at least the levels of the statutory limitations. The insurance policy shall be issued by an insurance company authorized to do business in Colorado and reasonably acceptable to the City, and it shall name the City and its officers, employees, and authorized volunteers as additional insureds on such policy with respect to claims by third parties.

8.2. Lessee shall maintain in full force and effect during the entire Lease term fire and casualty insurance (property insurance) providing for full replacement cost of the Premises up to \$100,000. This insurance is intended to cover the self-insured retention or deductible in the City=s insurance coverage for such losses to the Premises. The certificate of insurance shall state that it does provide such coverage, and that no co-insurance or other clause of the policy shall reduce the amount available even though \$100,000 may be less than the value of the Premises, and that the City is entitled to the proceeds thereof as its interest appears, and that such insurance shall be primary, and its proceeds shall be available to the City whether or not it chooses to repair or reconstruct the Premises. Lessee is not required to provide flood insurance for the Premises. Upon one year=s written notice that the City=s self-insured retention or

deductible in its insurance coverage for its buildings generally is in some higher amount, Lessee shall thereafter be responsible for providing coverage up to that new amount.

8.3. Lessee shall comply with the Workmen's Compensation Act of Colorado by insuring under the Colorado State Compensation Insurance Fund or under a stock or mutual corporation authorized to transact the business of workmen's compensation insurance in Colorado, or by procuring a self-insurance permit from the Industrial Commission of Colorado.

8.4. Lessee shall furnish the City with copies of all insurance policies relating to the Premises within ten days after they become effective and are made available to the Lessee. All notices of cancellation, if any, shall be furnished to the City at least 10 days before they become effective or within two working days of Lessee's receipt of such notice, whichever is earlier. Lessee shall at all times provide the City with a certificate of insurance showing that the City and its officers, employees, and authorized volunteers are additional insureds under the Lessee's liability policy.

8.5. Lessee is and shall be deemed to be an independent contractor in the conduct of its business and activities hereunder. Lessee agrees to defend, indemnify and save harmless the City against any and all claims, debts, demands, or obligations which may be asserted against the City arising by reason of, or in connection with, any alleged act or omission of Lessee or any person claiming under, by or through Lessee at Lessee's own expense, using those attorneys that Lessee deems appropriate. If, however, in the sole judgment of the City, it becomes necessary for the City to defend any action arising by reason of, or in connection with, any alleged act or omission of Lessee or any person claiming under, by or through Lessee seeking to impose liability for any such claim or demand, Lessee shall pay all court costs, witness fees, and reasonable attorney's fees, including without limitation fees sufficient to compensate for the services of the Boulder City Attorney's office at generally prevailing rates for similar services in Boulder County, in addition to any other sums which the City may be called upon to pay by reason of the entry of any judgment, assessment, bond, writ or levy against the City in the litigation in which such claims are asserted. Lessee shall be subrogated to any and all amounts paid by it on behalf of the City to any claims that the City may have as a result of said payments to any person or third persons that are the reason or cause of said payments.

8.6. All personal property of the Lessee or the Lessee's employees shall be on the Premises at the sole risk of the Lessee. The City undertakes no responsibility to insure or compensate for any damage to Lessee's property.

## IX. TERMINATION OF LEASE

9.1. The parties agree that if after the expiration of this Lease the Lessee shall remain in possession of said Premises, until such time as the City demands in writing possession of the Premises the Lessee shall be regarded as a tenant from month to month at the then current

monthly rate of rental, payable in advance, and subject to all the terms and provisions of this Lease including rent escalation.

9.2. The City may terminate this lease before its term expires for any material breach of this lease agreement. In addition, and without by so doing limiting the legal meaning of materiality, for any of the following specific reasons:

- (a) If the Lessee shall fail to make payments when due as specified in paragraph 2.1.2 above, and shall fail to cure the same, with the stated interest, within ten days of the mailing or delivery of written notice of such default.
- (b) If the Lessee commits any immaterial breach of this agreement and fails to correct such breach within thirty days of notice of same from the City.
- (c) If the Lessee shall make an assignment for the benefit of creditors, or if a proceeding in bankruptcy, receivership, or insolvency shall be instituted by or against Lessee, or if a trustee or receiver shall be appointed by Lessee.
- (d) If a regulating authority withdraws Lessee=s license or permit to operate a restaurant.
- (e) If the Lessee fails to keep the Premises free and clear of any claims, liens, or encumbrances, except that Lessee may use its leasehold interest as collateral subject to approval by the City, which approval shall not unreasonably be withheld subject to the restrictions on assignment contained above.
- (f) If Lessee fails to keep in full force and effect all of the insurance required by this Lease.

9.3. The Lessee may terminate this lease before its term expires for any material breach of this lease agreement.

9.4. Neither party shall be considered in breach of its performance under this lease agreement insofar as the failure is due to force majeure.

9.5. In the event that fire, or flood, windstorm, tornado, earthquake, or other natural disaster damages or destroys the Premises to the extent that they cannot be occupied and also cannot be repaired or replaced within 60 days, this Lease may be deemed by either party on written notice to the other to be mutually terminated, with each party to bear its own losses due to such termination. Such notice shall, for the purposes of rent due, relate back to the date of the disaster and no rent shall become due for such period. In the event that Lessee does not submit such a termination notice, or in the event the Premises are not occupiable for any period of more

than seven days but less than 60 days as a result of such causes, then Lessee's rent shall be abated from the date of the disaster until the date the Premises become occupiable again.

## X. GENERAL

10.1. The parties hereto agree that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements hereof shall be deemed or taken to be a waiver of any succeeding or other breach.

10.2. Lessee agrees that all services and products furnished to the public shall be provided on a non-discriminatory basis. Lessee agrees to comply with the requirements of any state or federal statute or regulation, including without limitation the requirements of the federal Americans with Disabilities Act, or federal executive order barring discrimination, and with the City non-discrimination ordinance, Chapter 12-1, B.R.C. 1981. Lessee agrees to include such a clause in any sublease and to use its best efforts to include a similar clause in all of its other contracts concerning the Premises, except contracts for standard commercial supplies or raw materials.

10.3. All written notices to the City or Lessee provided for in this Lease shall be mailed or delivered to the following addresses until further notice in writing is given as to the change in address:

City: City Manager  
c/o City of Boulder  
P.O. Box 791  
Boulder, CO 80306

Lessee: Mr. Lenny Martinelli  
Huckleberry Foods  
1770 13<sup>th</sup> Street  
Boulder, CO 80302

Any notice required herein shall be considered delivered and served when actually delivered to such address or when addressed to a party at the address stated above, duly posted, and mailed certified at any United States Post Office.

10.4. This Lease incorporates and supersedes all prior discussions, agreements, and undertakings concerning the Premises and its use. It does supersede the existing lease between Lessor and Lessee for the Premises dated July 7, 1997, and amended effective May 21, 1998, until that lease expires on May 15, 2018.

10.5. Any amendment to this Lease, including without limitation its Exhibits, shall be in writing and signed by the Parties in order to be effective.

10.6 This Agreement is for the benefit of the parties thereto and their authorized assigns or sublessees only, and creates no rights in persons not parties or their privies.

10.7 This lease does not become effective until signed by the Lessee and approved by the Boulder City Council.

IN WITNESS WHEREOF, the parties hereto have set their hand and seals effective on the day and year last below written.

LESSEE: Huckleberry Foods, Inc.

BY: \_\_\_\_\_  
Lenny A. Martinelli, President

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Sara Stewart Martinelli, Secretary

Date: \_\_\_\_\_

LESSOR: City of Boulder, a Colorado home rule municipality

BY: \_\_\_\_\_  
Jane Brautigam, City Manager

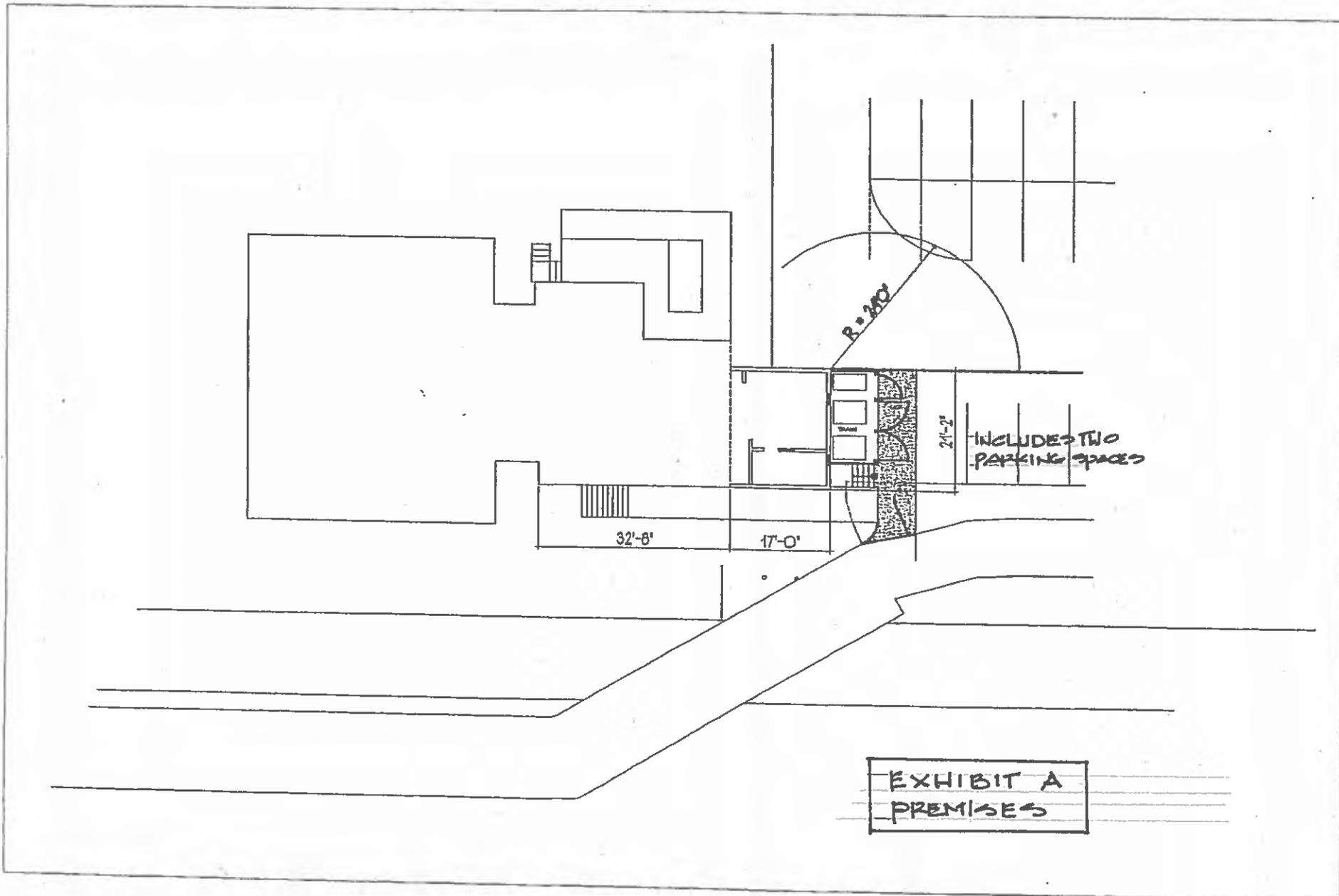
Date of Council Meeting approving the lease: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk on behalf of the  
Director of Finance and Record

Approved as to Form

\_\_\_\_\_  
City Attorney

- Attachments: Exhibit A Premises
- Exhibit B Maintenance Responsibilities
- Exhibit C Revised Operating Proposal
- Exhibit D Renovation Proposals



Prepared by:  
 Date:  
 Scale:  
 Project No.:  
 Drawing No.:  
 Title:

**BOULDER DUBHANE TEAHOUSE**  
 TENANT IMPROVEMENT  
 KITCHEN ADDITION  
 0730 Thirteenth Street  
 Boulder, Colorado 80302

SITE PLAN

DATE	08/04
PROJECT	BOULDER DUBHANE TEAHOUSE
SHEET NO.	0402
TITLE	04 AUG 2004
DATE	08/04
DESIGNED BY	REV 1
DRAWN BY	REV 2
CHECKED BY	REV 3
APPROVED BY	REV 4
DATE	REV 5
DATE	REV 6
DATE	REV 7

A010  
 of 0 sheets

October 2015

**EXHIBIT B: Teahouse Facility Responsibilities**

**Responsible Party**

Category	Cleaning		Maintenance		Repair		Replacement	
	Lessor	Lessee	Lessor	Lessee	Lessor	Lessee	Lessor	Lessee
<b>Site Exterior</b>								
Landscaping								
Paving - terrace, walks, ramp lighting								
Irrigation Systems & related pressure devices	P&R		P&R		P&R		P&R	
Wood Pergola & lighting								
Retaining Walls					MM	OM	MM	OM
Site fences, handrails, guardrails					MM	OM	MM	OM
Side steps and ramps to public right of way								
Site signage & menu display equipment								
Trash enclosure, gates & parking space								
Exterior Lighting (lightbulbs)								
Trash receptacles					MM	OM		
Ice/Snow Control within fencing					n/a	n/a	n/a	n/a
Pest Management within fencing					n/a	n/a	n/a	n/a
<b>Building, Teahouse and Support Structure</b>								
Exposed foundation walls								
Windows exterior								
Windows interior								
Exterior of outer walls								
Interior of outer walls								
Interior walls								
Ceilings:								
- gypsum board & associated trim								
- Tajik crafted ceilings								
Flooring								
Roof					MM	OM		
Skylight					MM	OM		
Tajik craft work, exterior								
Tajik craft work, interior					MM	OM		
Doors					MM	OM	MM	OM
Door hardware					MM	OM	MM	OM
Door lock cylinders and keying								
Restroom plumbing fixtures								
Restroom partitions								
Restroom accessories, i.e. mirrors, dispensers								
Restroom built-in receptacles								
Kitchen equipment								
Kitchen equipment paid for from tenant allowance								
Floor mats								
Graffiti on exterior								
Building super structure								
<b>Interior Furnishings, Fixtures and Equipment</b>								
Artwork owned by lessor								
Artwork owned by lessee								
Casework & glasswork:								
- for display or protection of lessor's artwork								
- for display or protection of lessee's artwork								
Tajik crafted furnishings								
Other furnishings-tables, chairs, benches								
Window treatment								
Glassware, tableware, table cloths, etc.								
Kitchen ware								
Loose trash receptacles								
<b>Building Plumbing System</b>								
Drain, waste, vent system					MM	OM		
Grease trap					MM	OM		
Storm drainage system					MM	OM		
Supply water piping and valving					MM	OM		
Hot water boiler					MM	OM		
Water meter					MM	OM		
Ornamental fountain								
Kitchen floor sinks							MM	OM
Kitchen hand sinks							MM	OM
Food preparation or food cleaning sinks								
Dish washing equipment and sinks								
Hose bibs								
Rough-in of connection of kitchen equipment								

Connection of kitchen equipment							
Backflow prevention devices							
Pressure reducing devices							
<b>Fire Protection</b>							
Valving, piping, heads							
Hood fire protection system							
Backflow prevention devices							
Fire extinguishers							
Smoke, fire alarms devices and wiring							
<b>Heating, Ventilation and Air Conditioning (HVAC)</b>							
Primary HVAC equipment					MM	OM	
HVAC control equipment					MM	OM	
HVAC distribution and diffusing systems					MM	OM	
Diffusers					MM	OM	
HVAC fluids, filters, etc.					MM	OM	
Kitchen exhaust hood					MM	OM	
Restroom exhaust					MM	OM	
<b>Electrical Systems</b>							
Panels and disconnects					MM	OM	
Wiring					MM	OM	
Switching and convenience outlets					MM	OM	
Connection of kitchen equipment to disconnects							
Kitchen equipment, non-conduit wiring							
Emergency lighting							
Lighting:							
- ballasts							
- lamps							
- lens and trim							
- fixtures							
Exterior lighting							
Telephone pre-wire							
Telephone equipment							
Data communications within premises							
Surveillance systems (internal)							
Fire & security alarm systems, telephone dialer							
<b>Utilities</b>							
Electrical service including plant investment fees					MM	OM	
Sewer service including PIFs					MM	OM	
Water service including PIFs					MM	OM	
Fire protection water service including PIFs					MM	OM	
Irrigation water service including PIFs							
Natural gas service including PIFs					MM	OM	
Telephone utility							
Fire alarm and security monitoring service							

Notes:

P&R = Parks and Recreation Department

MM = Major Maintenance as defined in the base lease agreement

OM = Operations and Maintenance as defined in the base lease agreement (< \$3,500)

## **The Operation of The Boulder Dushanbe Teahouse**

### ***Type of operation***

The operation of the Teahouse will be such that we emphasize the cultural significance of the gift given to the citizens of Boulder. The design and nature of the business practices will be to enhance the Sister City relationship and create a gathering place in the tradition of Teahouses in Tajikistan. Our practice will be always to represent the Teahouse to its citizens and guests as an extremely unique gift and to promote it as an international landmark.

The Teahouse will be a full service food and beverage establishment. We intend to serve ethnic food from diverse cultures, teas, coffees, beverages, spirits and desserts.

Retail products and teas are provided in house and through the Internet

Food service will consist of breakfast, lunch, dinner and weekend brunches.

Price ranges will remain in the moderate range to allow accessibility to the majority of Boulders citizens.

As a cultural center we will provide programs, events, fundraisers, weddings, receptions and other special functions throughout the year that will occasionally cause the restaurant to close for a period of time in a day.

### ***Hours of operation***

We will be open generally Monday through Sunday from 8:00 a.m. to 9:00 pm. except Christmas and Thanksgiving.

We reserve the right to close early due to circumstances and close certain days due to economic or seasonal trends.

We reserve the right to stay open later hours due to special events but not in such manner that causes it to be in violation of Boulder codes.

### ***Menu theme***

We will serve eclectic, ethnic cuisine representing diverse cultural flavors, spices and textures, creating savory entrees that provide a unique and adventurous dining experience. In honor of the traditions of the Teahouse and our sister city we will do our best to always

provide a few traditional dishes from Tajikistan and Central Asia.

Our goal is to provide delicious, wholesome food using fresh ingredients as much as possible. Our menu will offer a full range of dining experiences that includes vegetarian, fish, meats, chicken and vegetables.

We believe that a restaurant should cater to the needs of the individual as well as the masses and will always strive to make everyone's experience as unique as possible and attempt to accommodate any reasonable request.

We plan to have a menu that is diverse and that appeals to a wide range of customers. The Teahouse will offer a dining experience that is unlike any other in Boulder. We will include a children's menu and will always encourage and welcome patronage by families.

### ***Service plan***

We will always strive to provide excellent service policies. In creating strong service policies we will develop a restaurant that not only provides an ambiance that is unmatched but also the food and servers to enhance it. Service will always be a high priority at The Teahouse.

### ***Other***

We retain the right to make operational changes that fall outside of these parameters after having obtained written approval from the City, which shall not be unreasonably withheld. These operational changes would be due to changes in economy and market.

Dining Room		Outside		Kitchen/Basement	
Energy Performance Contract Lighting Improvements	\$7,773	Contribute to painting repairs	\$45,000	Hood bigger fan/return air/ balance (TBD)	\$10,000
Repair/upgrade Dining Chairs	\$5,000	Repair/Rebuild service stations	\$6,000	New hood in prep kitchen (TBD)	\$15,000
New Lounge Chairs	\$2,000	Develop special event tenting (TBD)	\$30,000	Ceiling tiles repair and replace	\$2,000
Table repairs	\$3,500	Heaters	\$5,000	Analyze gas and upgrade for equip. (TBD)	\$5,000
Fountain repairs/paint, filtration	\$1,000	Ramp lighting (redo)	\$2,000	Re do cook line	\$6,000
Host stand repairs	\$3,000	Pergola lighting (redo)	\$2,000	Repair stainless on cook line	\$10,000
Tea table repairs	\$2,000	Benches repair and purchase	\$5,000	Repair/upgrade refrig and cooling	\$7,000
Topchan repairs	\$1,000	Landscaping upgrades	\$3,000	New cook line equipment Hot	\$10,000
Tea and water station repairs	\$1,000			Wall repairs/FRP/corners	\$5,000
New Bar fixtures	\$8,000			Storage redevelop both basements	\$6,000
New Bar lighting	\$1,500			Dish station reconfigure with dbl machine	\$15,000
Upgrade computer systems	\$5,000			Shelving	\$5,000
Upgrade music system	\$5,000			Repaint and repair plaster	\$3,500
Repair display fixtures	\$4,000				
Tile flooring in bathrooms	\$5,000				
Refinish back bar cabinetry	\$2,000				
	\$56,773		\$98,000		\$99,500
					<b>TOTAL</b>
					<b>\$254,273</b>



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE:** Consideration of Resolution No. 1173 appointing the external audit firm to examine the financial accounts of the City of Boulder for the year ending December 31, 2015.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Bob Eiche, Chief Financial Officer  
Cheryl Pattelli, Director of Finance  
Duane Hudson, Controller  
Ron Gilbert, Assistant Controller  
Frances Holland, Senior Accountant

**EXECUTIVE SUMMARY**

By law, the City Council is required to appoint an auditor to make a thorough and complete annual examination and audit of all the financial accounts of the City, as summarized in the Comprehensive Annual Financial Report (CAFR). This independent auditor also reports and makes recommendations regarding the results of that examination, as communicated in the audit management letter. BKD, LLP has been the City's independent auditors for the last four fiscal years. At the conclusion of the 2014 engagement, BKD, LLP informed City staff they will not be exercising the final year of their optional renewal to perform the 2015 financial audit. This is due to the City's new financial system that went active January 1, of 2015. This new system will require a major increase in audit time required during the implementation year 2015. BKD, LLP would not be able to recover these additional costs over the one remaining year left on their contract without a major increase in the audit cost. Whereas, an audit firm starting with a five year renewable contract could spread these additional costs out over the five years and keep the costs reasonable. After discussing this topic, the City Council Audit Committee requested that staff issue a request for proposal for auditing services starting with fiscal year 2015.

A request for proposal for audit services was issued by staff for the five-year period starting with 2015 and ending in with fiscal year 2019. If Council desires the agreement would be renewed annually by the City Council. Eight firms responded with formal proposals. With the assistance of an interview committee, the City Council Audit Committee evaluated the proposals and made a recommendation for the appointment of [selected firm to be provided at or before Oct. 20, 2015, council meeting] for the next five years. Please see Attachment B for resolution appointing external auditors.

To prevent obligation of a future council to current decisions, the appointment of the city's auditor will be renewed by resolution annually.

### **STAFF RECOMMENDATION**

#### **Suggested Motion Language:**

The 2015 City Council Audit Committee requests council consideration of this matter and action in the form of the following motion:

Motion to adopt a Resolution accepting the firm [selected firm to be provided at or before Oct. 20, 2015, council meeting] as the City's independent auditors for the years ending December 31, 2015 to 2019, subject to annual appropriation and approval.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic - The City is required by the City's bond ordinances and many different governmental agencies to have an audit of its various grant programs. The proposed audits are planned as a combined "single audit" designed to satisfy all requirements. Failure to have an audit would be a violation of bond requirements and can negatively impact future grant eligibility of the city as well.
- Environmental – The accounting firm will be utilizing paperless audit technology products greatly reducing the need for printed copies of work papers and spreadsheets. .
- Social - There are no direct social implications of accepting the firm of [selected firm to be provided at or before Oct. 20, 2015, council meeting] as the city's auditors.

### **OTHER IMPACTS**

- Fiscal – The proposed fee by [selected firm to be provided at or before Oct. 20, 2015, council meeting] for the 2015 audit is [amount to be provided at or before the Oct. 20, 2015, council meeting] and has already been factored into the city budget.
- Staff time - Staff time for this process is included in the Finance Department's regular annual work plan.

## **BOARD AND COMMISSION FEEDBACK**

In 2015, after discussion and consideration of the proposals and input from the auditor interview committee, the City Council Audit Committee recommended appointment of [selected firm to be provided at or before Oct. 20, 2015, council meeting] as the city's independent auditors for the five year engagement ending December 31, 2019, subject to annual appropriation and approval of the City Council.

## **BACKGROUND**

On August 13, 2015, a direct solicitation for audit proposals was published on Rocky Mountain E-Purchasing System which automatically sent an email notice to all firms registered with this service. The RFP was downloaded by 19 firms. A direct link to the RFP on the Rocky Mountain E-Purchasing System website was published as well on the City's website. The request for proposals sought audit services for the next five years renewable on an annual basis by the City Council. The five-year time period is considered the norm per the Government Finance Officers Association's (GFOA) recommended audit procurement practice. The current auditors, BKD, LLP, have performed the city's audit for the last four years. It was decided that BKD, LLP would be allowed to submit a proposal. There is no state or federal law, city policy or ordinance that prohibits the current auditor from submitting a proposal. However, the City Council can decide at anytime that it would be best for the city to solicit new independent auditors.

## **ANALYSIS**

The auditor interview committee consisted of Council Audit Committee member Professor David Frederick, Controller Duane Hudson, Assistant Controller Ron Gilbert and Senior Accountant Frances Holland. The city received seven proposals eligible for consideration. These seven proposals were distributed to the interview committee members for review on Monday, September 14, 2015.

The interview committee met on October 7, 2015 to discuss each of the proposals and to review the qualifications of each firm. The proposals were reviewed and discussed extensively. A matrix was compiled with each committee member rating each firm. Sealed dollar cost bids were opened for only the three highest rated firms based on technical qualifications. (see Attachment A). These firms were selected for interviews based on both qualifications and the bid amounts.

- 1) CliftonLarsonAllen LLP
- 2) Eide Bailly LLP
- 3) Rubin Brown, LLP

The interview and Audit Committees met with the firms on October 16. The interviews consisted of a presentation by each company, general questions posed by the interview committee to each firm and additional questions specifically related to each firm's proposal that needed further clarification.

The request for proposal process allows the city to select the audit firm that best meets

the needs of the city at a reasonable cost, not necessarily the lowest bid received. This is the process used by the city to select professional service providers where qualifications and experience are very important factors to be considered as well as the cost of the services.

The City of Boulder is a complex audit. There are numerous dedicated funds and programs that need special reviews. The City also receives various grants that have specific auditing requirements for federal purposes. In addition, the financial processes of the city are de-centralized and this requires additional audit time and adequate audit and technical staff who can review and test the electronic internal controls and electronic processes of the city. The requirements that must be met to comply with the pronouncements promulgated by the Governmental Accounting Standards Board become more complicated and time-consuming each year as new requirements come forth.

The proposal from [selected firm to be provided at or before Oct. 20, 2015, council meeting] demonstrated the ability to address the challenges the City of Boulder's audit creates. Their written responses and oral interview highlighted:

- A solid work plan with a reasonable estimate of hours necessary to complete the city's audit.
- Extensive governmental accounting knowledge and experience
- Indication that the audit partner would be in the field throughout the engagement.
- Indication that the audit quality manager would perform her review in the field as well.
- A fair price.
- Solid references from cities similar to Boulder.
- Strong communication skills.

After due consideration, the City Council Audit Committee formally recommends appointment of the firm of [selected firm to be provided at or before Oct. 20, 2015, council meeting] as the City's independent auditors for the years ending December 31, 2015 to 2019, subject to annual appropriation and approval.

## **ATTACHMENTS**

- Attachment A** Audit Proposal Cost Analysis  
**Attachment B** Resolution

**CITY OF BOULDER  
PROPOSAL FOR AUDIT SERVICES  
GRADING MATRIX - SUMMARY**

	<u>CliftonLarsonAllen</u>	<u>Eide Bailly</u>	<u>Rubin Brown</u>
<b>SEALED DOLLAR COST BIDS</b>			
<b>Total Hours Bid</b>			
2015	750	815	825
2016	745	815	700
2017	740	815	700
2018	735	815	700
2019	730	815	700
	<u>3,700</u>	<u>4,075</u>	<u>3,625</u>
<b>Total Hour Bid with 4 Major Programs</b>			
2015	\$ 70,945	\$ 107,150	\$ 99,300
2016	72,853	107,150	96,450
2017	74,804	107,150	99,100
2018	76,797	107,150	101,700
2019	78,835	107,150	104,800
	<u>\$ 374,234</u>	<u>\$ 535,750</u>	<u>\$ 501,350</u>
<b>Total Hour Bid with 2 Major Programs</b>			
2015	\$ 70,945	\$ 90,150	\$ 85,000
2016	72,853	90,150	82,150
2017	74,804	90,150	84,700
2018	76,797	90,150	86,900
2019	78,835	90,150	89,600
	<u>\$ 374,234</u>	<u>\$ 450,750</u>	<u>\$ 428,350</u>

**RESOLUTION NO. 1173**

**A RESOLUTION APPOINTING THE FIRM OF [selected firm to be provided at or before Oct. 20, 2015, council meeting] TO EXAMINE THE FINANCIAL ACCOUNTS OF THE CITY OF BOULDER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015.**

WHEREAS, Sections 12 and 105 of the Charter and Chapter 2-2-7 B.R.C., 1981, require the City Council, by resolution, to appoint an auditor, who is a certified public accountant licensed to practice in the State of Colorado and is well informed regarding governmental accounting and auditing; and

WHEREAS, the auditor is required to make a thorough and complete examination and audit of all the financial accounts of the city and report and make recommendations regarding the results of that examination; and

WHEREAS, the City Council Audit Committee has recommended the firm of [selected firm to be provided at or before Oct. 20, 2015, council meeting].

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, HEREBY APPOINTS THE FIRM BKD, LLP TO PERFORM THE ANNUAL AUDIT OF THE CITY RECORDS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015.**

APPROVED this 20th day of October 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk on behalf of the  
Director of Finance and Record



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE:** Third reading and consideration of a motion to adopt as an emergency measure and order published by title only **Ordinance No. 8071**, amending Title 10, “Structures,” B.R.C. 1981 to add a new Chapter 10-7.7 “Commercial and Industrial Energy Efficiency” and amending Section 10-1-1 “Definitions” by adding definitions and setting forth related details.

**PRESENTERS**

Jane S. Brautigam, City Manager

Tom Carr, City Attorney

David Driskell, Executive Director of Community Planning & Sustainability

Susan Richstone, Deputy Director of Community Planning & Sustainability

Kendra Tupper, Energy Services Program Manager

Elizabeth Vasatka, Business Sustainability Coordinator

Kimberlee Rankin, Sustainability Specialist II

**1. EXECUTIVE SUMMARY**

The purpose of this item is the third reading of a “Building Performance Ordinance” that would require commercial and industrial (C&I) building owners in Boulder to annually rate their building’s energy use and report energy metrics to the city, and to implement periodic energy efficiency measures. Rating, or benchmarking, is the process of measuring and comparing energy performance metrics such as the normalized energy use of a building to other similar buildings.

This agenda item follows the [May 12, 2015](#) study session, the first reading on the [September 1, 2015](#) council meeting, and the second reading and public hearing on [September 29, 2015](#). At the study session, council affirmed the goals of the proposed ordinance and provided feedback on the options presented. Council adopted the first reading ordinance as proposed, but a few changes were made to respond to items raised by Council and community members. A public hearing was held at second reading, where one community member spoke in favor the rating and reporting requirements, but against the required energy efficiency. Council adopted the second reading ordinance as proposed. This agenda item is for council consideration and potential adoption of ordinance 8071 on third reading.

Please see **Attachment B** for the proposed ordinance language, with changes from second reading. A City Manager Rule will be published for public comment following ordinance adoption, and it will include the implementation details for rating and reporting, energy assessments, retrocommissioning and lighting upgrades. **Attachment C** contains the outline of the City Manager Rules.

## 2. STAFF RECOMMENDATION

### **Suggested Motion Language:**

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

Motion to adopt on third reading as an emergency measure and order published by title only, Ordinance No. 8071, amending Title 10, "Structures," B.R.C. 1981 to add a new Chapter 10-7.7 "Commercial and Industrial Energy Efficiency" and amending Section 10-1-1 "Definitions" by adding definitions and setting forth related details contained in Attachment B.

Furthermore, council directs the city manager to establish rules setting conditions of compliance and providing guidance on implementation.

## 3. COMMUNITY SUSTAINABILITY ASSESSMENT AND IMPACTS

- **Economic:** After employees, utilities are typically the largest non-fixed business expense. These proposed requirements provide a way for owners and tenants to understand energy use and identify cost-effective opportunities to cut energy waste and costs. This would redirect energy spending away from the utility and back to the local community, driving job creation and increased demand for energy efficiency services.
- **Environmental:** The proposed ordinance is an important step toward achieving Boulder's proposed climate commitment goal of reducing greenhouse gas emissions 80 percent by 2050 (compared to 2005). The city's recently completed

2012 greenhouse gas inventory (included in the [July 30, 2015](#) study session memo) shows that private sector commercial and industrial buildings are responsible for 41 percent of Boulder's total emissions.<sup>1</sup>

Fully implemented, the proposed ordinance is projected to produce as much as a 10 percent reduction in Boulder's total greenhouse gas emissions.

- Social: The intent of the proposed requirements is to transform the real estate market by increasing the transparency of building energy data and increasing energy efficiency. These requirements will provide potential tenants and buyers with information to help them evaluate operational costs and will recognize and reward high efficiency buildings.

#### **4. OTHER IMPACTS**

- Fiscal: Implementation of the proposed ordinance will be funded through the Climate Action Plan (CAP) tax. The estimated ongoing expenses for ordinance implementation, including staffing, are approximately \$330,000 per year (less than 20 percent of the annual CAP budget). Almost half of those expenses will be used towards new rebates to offset the costs to building owners. This is explained in more detail in the budget section of this memo. If the CAP tax sunsets (currently March 31, 2018), council will be asked to determine how this program will be funded and administered through the budget process.
- Staff time: Ordinance implementation and assistance represent significant work plan items in the coming years, and have been incorporated into the existing work plans of city staff and contractors. Additionally, a vacant position funded in the CAP tax budget is being used to hire a new employee to administer the program and the new incentives associated with it.

#### **5. BACKGROUND**

Please refer to the [May 12, 2015](#) study session memo, the [September 1, 2015](#) council packet, and the [September 29, 2015](#) council packet for the following background information relevant to the Building Performance Ordinance:

- Greenhouse gas emissions from commercial and industrial buildings in Boulder;
- The city's history with energy efficiency and rating and reporting programs;
- Estimated capital costs, operational savings, and payback estimates associated with these requirements;

<sup>1</sup> While institutional, or public sector, C&I buildings are responsible for 12 percent of emissions, a municipal ordinance would only cover private sector and city owned buildings.

- National context with information on the other cities and counties that have adopted similar requirements, as well as efforts at the federal government level;
- Coordination with other city programs and requirements, including commercial building energy codes and outdoor lighting codes;
- Estimated energy savings from existing rating and reporting programs across the country;
- Summary or ordinance provisions and compliance timeline;
- Analysis on data privacy and split incentive issues; and
- Implementation plans and proposed budget.

## **6. BOARD AND COMMISSION FEEDBACK**

The Environmental Advisory Board reviewed the options presented to council at the May 12 study session and was supportive of staff’s recommendations, which have formed the basis of the proposed ordinance. The EAB also reviewed the materials for the proposed ordinance on August 5, 2015 and provided a letter of support that was attached to the second reading memo.

## **7. PUBLIC ENGAGEMENT AND FEEDBACK**

During the past year, staff has conducted a broad community stakeholder engagement process that has informed the development of options and recommendations for a potential ordinance. This process consisted of three phases:

Phase 1 – Working Group (October 2014 to January 2015): Staff convened and facilitated a working group of potentially affected stakeholders (building owners, property managers, service providers, commercial brokers, etc) to help develop options for a commercial energy ordinance. This was an important process to identify aspects of the requirements that cause the most concern for the commercial building stakeholders. The project's website ([www.BoulderBuildingPerformance.com](http://www.BoulderBuildingPerformance.com)) provides access to all presentations and meeting notes from this working group. Additionally, a summary of feedback and recommendations is included in the [May 12, 2015](#) study session memo.

Phase 2 – Broader Outreach to the Business Community (January to April 2015):

Following the working group completion, staff presented to a number of business groups in the community including:

- Downtown Boulder Inc. - Feb. 4, 2015;
- Boulder Tomorrow - Feb. 25, 2015;
- The Boulder Group of the International Facility Management Association (IFMA) - April 2, 2015;
- Boulder Chamber Community Affairs Council – April 9, 2015; and

- Commercial Brokers of Boulder - April 13, 2015.

The city also hosted a one-hour webinar on March 18, 2015, for all potentially affected building owners. Approximately 55 participants attended the webinar and a recording was posted on the [project website](#) for future viewers.

Phase 3 – Specific Outreach Following May 12 Study Session (May to July 2015):

Following the May Study Session, staff facilitated additional targeted outreach around two key issues: large industrial campuses and split incentives.

- Large Industrial Campuses – Between the study session and first reading, staff engaged with Boulder’s four large industrial companies - IBM, Medtronic (formerly Covidien), Corden Pharma, and Ball Aerospace) - to discuss their unique situations and craft custom requirements.
  - Feedback: Although these companies appreciate the opportunity to provide input on these requirements, they still oppose the ordinance for a few key reasons. Primarily, these large companies said that the proposed ordinance would cause them to “sub-optimize” how they allocate limited capital funding. These requirements could cause them to divert money from projects in non-Boulder locations where the capital could have a greater positive impact to business and a larger impact in reducing greenhouse emissions. Because of this, some of the companies said that the proposed ordinance could be counter to Boulder’s goal to reduce emissions. Additionally, some companies are concerned that these requirements will impact local companies’ ability to be profitable and competitive in the global market.
- Split incentive issues – Between the study session and first reading, staff reconnected with the [Institute for Market Transformation](#) and cities that have passed similar ordinances. Staff then held a focus group discussion with some of Boulder’s largest property owners and their tenants. Please refer to the [September 29, 2015](#) council packet for more details.

## **8. PROPOSED THIRD READING AMENDMENTS**

The version of Ordinance No. 8071 contained a few minor typographical errors, one numbering error and one substantive error. The typographical errors were the failure to include a chapter title, the format for references to the Boulder Revised Code and capitalization of the word “Chapter.” In section 10-7.7-7, there were two subsections labeled as subsection (b). These are all minor changes and would normally have been corrected in the codification ordinance. There was also a substantive error. In section 10-7.7-7, large industrial campuses were exempted from all requirements if they met one of the exemptions. It was staff’s intent, and was explained in the second reading

memorandum and presentation, that such campuses should be exempted from the energy assessment and lighting requirements, but not from the reporting requirements. This is consistent with the exemptions for all other building types. Thus, staff recommends that council amend on third reading and adopt the version of Ordinance No. 8071 attached as Attachment B. Staff recommends that this version be adopted by emergency to avoid a fourth reading.

## **9. ATTACHMENTS**

**Attachment A** - Ordinance No. 8071 as passed on second reading

**Attachment B** – Ordinance No. 8071 as amended on third reading

**Attachment C** – Outline of City Manager Rules

## ORDINANCE NO. 8071

AN ORDINANCE AMENDING TITLE 10 "STRUCTURES" ADDING A NEW CHAPTER 10-7.7 "COMMERCIAL AND INDUSTRIAL ENERGY EFFICIENCY" AMENDING SECTION 10-1-1 "DEFINITIONS" BY ADDING DEFINITONS OF "COMMERCIAL OR INDUSTRIAL," "FLOOR AREA" AND "RETRO-COMMISSIONING" AND SETTING FORTH RELATED DETAILS.

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

**Section 1. A new chapter 10-7.7 is added to read as follow:**

10-7.7-1. - Scope

(a) Scope. The provisions of this chapter apply to building owners or tenants of the following:

- (1) Any commercial or industrial building with at least 20,000 square feet of floor area.
- (2) All commercial or industrial portions of any mixed-use building where a total of at least 20,000 gross square feet is devoted to any commercial or industrial use.
- (3) Any commercial or industrial building with at least 10,000 square feet of floor area for which an initial building permit was issued on or after January 31, 2014.
- (4) Any commercial or industrial building with 5,000 gross square feet or more that is owned by the City of Boulder. Provided, however, no building with less than 10,000 square feet shall be subject to the provisions of sections 10-7.7-3, B.R.C. 1981 "Energy Assessment" or 10-7.7-5 "Retrocommissioning."
- (5) Provided, however, no report shall be required in the first twelve months after issuance of an initial certificate of occupancy.

(b) Owners of the following buildings are exempt from the requirements of this chapter:

(1) Any building, regardless of size, which has minimal energy use, because the building is unlit and has no heating or cooling systems.

(2) Any building with proof of financial hardship.

#### 10-7.7-2 Rating and Reporting Requirement

(a) Any owner subject to this chapter shall rate and report their buildings' energy use in a manner prescribed by the city manager on the following schedule. The city manager may grant a reasonable extension as may be necessary. (1) Any building with 5,000 or more square feet owned by the city of Boulder by May 1, 2016 and on or before May 1 of each year thereafter.

(2) Any building with 50,000 or more square feet of floor area by August 1, 2016 and on or before June 1 of each year thereafter.

(3) Any building with at least 10,000 square feet of floor area for which an initial building permit was issued on or after January 31, 2014 by August 1, 2016 and on or before June 1 of each year thereafter.

(4) Any building with 30,000 or more square feet of floor area, but less than 50,000 square feet of floor area by June 1, 2018 and on or before June 1 of each year thereafter.

(5) Any building with 20,000 or more square feet of floor area, but less than 30,000 square feet of floor area by June 1, 2020 and on or before June 1 of each year thereafter.

(b) Owners of the following buildings are exempt from the rating and reporting requirements:

(1) Any buildings in a large industrial campus. Such buildings are subject to the provisions of section 10-7.7-7, B.R.C. 1981 "Large Industrial Campus."

(2) Any other building whose owner applies for and receives a special exemption from the city manager.

(c) Any owner who is unable to complete a report due to a tenant's refusal to provide requested information shall input alternative values provided by the city manager.

(e) All owners shall maintain and make available for inspection by the city manager, all required records for a period of three years.

(f) At the time any building subject to this ordinance is transferred, the seller shall provide to the buyer all information necessary for the buyer to rate and report for the entire year.

#### 10-7.7-3 Energy Assessment

(a) Any owner subject to the reporting requirements of this chapter shall conduct an energy assessment within three years of the first reporting requirement and at least once every ten years thereafter, except:

(1) Any building with a current U.S. Environmental Protection Agency ENERGY STAR certification;

(2) Any building with a current Leadership in Energy and Environmental Design Building Operations and Maintenance certification from the U.S. Green Building Council;

(3) Any building whose owner can demonstrate to the city manager a pattern of significant and consistent improvements in energy efficiency or greenhouse gas emissions;

(4) Any building whose owner can demonstrate to the city manager that the owner conducted an equivalent energy assessment within ten years of the first deadline for energy assessments, and implemented the cost effective actions that were recommended;

(5) Any buildings in a large industrial campus. Such buildings are subject to the provisions of section 10-7.7-7, B.R.C. 1981 "Large Industrial Campus;" or

(6) Any other building whose owner applies for and receives a special exemption from the city manager.

(b) The energy assessment shall be conducted by a qualified professional energy assessor, as defined by the city manager.

(c) The owner shall provide to the city manager a copy of the energy assessment report along with a statement of which recommendations from the assessment will be implemented and in what timeframe.

(d) The city manager may establish rules regarding the recovery of costs associated with energy assessments.

#### 10-7.7-4 Required Lighting Upgrades

(a) Within five years of the first reporting requirement, each owner shall:

(1) Replace or upgrade any interior or exterior lighting fixtures identified as not meeting the lighting power allowances for interior and exterior lighting, set forth in the current version of the International Energy Conservation Code.

(2) Comply with the requirements for automatic time switch control devices, occupancy sensors, and exterior lighting controls, set forth in the current version of the International Energy Conservation Code.

(3) Comply with the maximum allowed wattage for internally illuminated exit signs, set forth in the current version of the International Energy Conservation Code.

(4) Provide to the city manager a summary of any actions taken pursuant to this subsection.

(b) The owner of any building meeting any of the following requirements shall not be required to comply with subsection (a):

(1) Any building with a current U.S. Environmental Protection Agency's ENERGY STAR certification;

(2) Any building with a current Leadership in Energy and Environmental Design Building Operations and Maintenance certification from the U.S. Green Building Council;

(3) Any building whose owner can demonstrate to the city manager a pattern of significant and consistent improvements in energy efficiency or reduction of greenhouse gas emissions;

(4) Any buildings in a large industrial campus. Such buildings are subject to the provisions of section 10-7.7-7, B.R.C. 1981 “Large Industrial Campus;” or

(5) Any other building whose owner applies for and receives a special exemption from the city manager.

(c) The city manager may establish rules regarding the recovery of costs associated with lighting upgrades.

#### 10-7.7-5 Retrocommissioning

(a) Within five years of the first reporting requirement, and every ten years thereafter, each owner shall:

(1) Conduct retrocommissioning.

(2) Provide to the city manager a copy of the retrocommissioning report and report any actions taken pursuant to this subsection.

(b) Within two years from the retrocommissioning report submittal, the owner shall implement any retrocommissioning measure identified in the retrocommissioning report as likely to produce energy and maintenance savings in a two year period in excess of the cost of implementing the measure, less the value of any rebates.

(c) The retrocommissioning shall be conducted by a retrocommissioning professional, as defined by the city manager.

(d) The city manager may establish rules regarding the recovery of costs associated with retrocommissioning.

(e) The owner of any building meeting any of the following requirements shall not be required to comply with subsections (a), (b) or (c):

(1) Any building with a current U.S. Environmental Protection Agency's ENERGY STAR certification;

(2) Any building with a current Leadership in Energy and Environmental Design Building Operations and Maintenance certification from the U.S. Green Building Council;

(3) Any building whose owner can demonstrate to the city manager a pattern of significant and consistent improvements in energy efficiency or greenhouse gas emissions;

(4) Any buildings in a large industrial campus where multiple buildings are served by single meters. Such buildings are subject to the provisions of section 10-7.7-7, B.R.C. 1981 "Large Industrial Campus;" or

(5) Any other building whose owner applies for and receives a special exemption from the city manager.

#### 10-7.7-6 Disclosure

(a) Any owner subject to provisions of this chapter shall provide to any tenant a copy of any energy report or energy assessment within sixty days of receipt by the owner.

(b) Any tenant of an owner subject to the provisions of this chapter shall, within 30 days of a request, provide to the owner any information that cannot otherwise be acquired by the owner and that is needed to comply with the provisions of this chapter.

(c) Any owner submitting information to the city manager that includes trade secrets, privileged or confidential commercial information shall specifically identify such information

and provide a statement of the manner in which public disclosure would cause substantial harm to the owner's competitive position. Any information submitted without such a statement may be disclosed publically. Inefficient energy usage alone will not be considered confidential commercial information.

#### 10-7.7-7 Large Industrial Campus.

(a) The owner of a large industrial campus shall on or before June 1, 2016 and on or before June 1 in each year thereafter give permission to the local energy utility to aggregate and provide to the city manager the total energy use, separated by fuel type, for all large industrial campuses subject to this requirement. If the local energy utility will not provide this service, the city manager may designate another third party aggregator that is approved by the large industrial campuses.

(b) The owner of a large industrial campus shall on or before June 1, 2016 and on or before June 1 in each year thereafter submit to the city manager, or to an organization designated by the city manager, a report in a form approved by the city manager the following information:

(1) A narrative description including the following:

(A) A qualitative comparison of energy usage in the reporting year with the preceding year and an explanation of the reason for any changes;

(B) The industrial campus energy usage and emission reduction goals, both at the site and at the corporate level;

(C) A summary of energy efficiency or on-site renewable energy projects implemented in the reporting year; and

(D) Using a formula supplied by the city manager, a calculation of the percentage of total energy savings during the reporting year.

(b) The owner of a large industrial campus shall on or before June 1, 2019 and at least once every ten years thereafter, shall

(1) Conduct an energy assessment that covers at least seventy-five percent of the total energy usage on the large industrial campus;

(2) Within two year of the assessment, the owner must implement any measures recommended that are projected to produce monetary savings over a one year period equal to or in excess of the cost of implementation, less the value of rebates; and

(3) Develop a plan for achieving one of the standards set forth in subsection 10-7.7-7(d), within three years.

(c) By June 1, 2025, each owner of a large industrial campus shall:

(1) Replace or upgrade any interior or exterior lighting fixtures identified as not meeting the lighting power allowances for interior and exterior lighting, set forth in the current version of the International Energy Conservation Code.

(2) Comply with the requirements for automatic time switch control devices, occupancy sensors, and exterior lighting controls, set forth in the current version of the International Energy Conservation Code.

(3) Comply with the maximum allowed wattage for internally illuminated exit signs, set forth in the current version of the International Energy Conservation Code.

(4) Provide to the city manager a summary of any actions taken pursuant to this subsection.

(d) An owner of a large industrial complex shall be exempt from the requirements of this section, if:

(1) The owner submits proof acceptable to the city manager demonstrating that energy efficiency measures or on-site renewable energy sources produced a reduction of total energy usage of at least two and a half percent, annualized over four years; or

(2) If in the opinion of the city manager, the large industrial campus has established an energy or emission reduction goal that is equivalent to that established by the city and the large industrial campus is making adequate progress toward that goal after at least two years of compliance with subsection (a) above.

10-7.7-8 Exemptions:

(a) Any exemption must be approved by the city manager.

(b) Applications to exempt any building from the requirements of this Chapter must be made by the building's owner. Exemptions shall be subject to the following limitations:

(1) Any exemption shall be for a period of one year. Owners may re-apply for an additional exemption at the expiration of the initial exemption period;

(2) Applications must be received sixty days before the start of the applicable compliance period established in this Chapter;

(3) An application must demonstrate the owner has considered all reasonable options that would bring the building into compliance and must explain to the satisfaction of the city manager why none of these options are viable.

(c) The city manager may issue additional rules that govern the conditions under which an application for an exemption may be submitted and granted.

(d) Applications for an exemption may require submission of an application processing fee.

#### 10-7.7-9 Administrative Remedy.

(a) If the city manager believes that a violation of any provision of this chapter exists, the city manager shall issue a warning to the person alleged to be in violation. The person shall be given 14 days to correct the violation.

(b) If 14 days after a warning is issued the city manager finds that a violation of any provision of this chapter still exists, the owner, after notice to the person and an opportunity for hearing under the procedures prescribed by chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:

(1) Impose a civil penalty of

(a) \$0.0025 per square foot per day, not to exceed \$1,000 per day; and

(2) Issue any order reasonably calculated to ensure compliance with this chapter and chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

(b) If notice is given to the city manager by the owner at least forty-eight hours before the time and date set forth in the notice of hearing on any violation that the violation has been corrected and the city manager finds that the violation has been corrected, the city manager may cancel the hearing.

(c) The city manager's authority under this section is in addition to any other authority that he or she has to enforce this chapter, and election of one remedy by the city manager shall not preclude resorting to any other remedy as well.

(d) The city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by section 2-2-12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer for Collection," B.R.C. 1981.

(e) To cover the costs of investigative inspections, the city manager will assess owners a \$250.00 fee per inspection, where the city manager performs an investigative inspection to ascertain compliance with or violations of this chapter.

Section 2. Section 10-1-1 Definitions is amended to add the following definitions.

*Base Building Systems* mean the systems or sub-systems of a building that use energy and/or impact energy consumption including but not limited to:

1. Primary HVAC (heating, ventilation, air conditioning) systems;
2. Conveying systems;
3. Domestic hot water systems;
4. Electrical and lighting systems.

Base building systems shall not include equipment used for industrial processes.

*Building* for the chapter 10-7.7 only, is based on a building list developed from the Boulder County Tax Assessor's database that will be provided by the city manager at least six months in advance of each reporting deadline.

*Commercial or industrial* means any structure or portion of structure used exclusively for, or designed as and capable of being used for, office, commercial, industrial, or governmental occupation, or the temporary lodging of persons for periods of less than thirty days, including hotels, motels, emergency shelters, and overnight shelters but excluding dormitories, fraternities, and bed and breakfasts.

*Energy assessment* means a comprehensive review of energy usage and emissions conducted in a manner established by the city manager.

*Financial hardship* means the building meets one of the following criteria:

1. The building is the subject of a qualified tax lien sale or public auction due to property tax arrearages;
2. The building is controlled by a court appointed receiver;
3. The building has been acquired by a deed in lieu of foreclosure.

*Floor area* means the total square footage of all levels included within the outside walls of a building or portion thereof, but excluding courts, garages useable exclusively for the storage of motor vehicles and uninhabitable areas that are located above the highest inhabitable level or below the first floor level.

*Industrial processes* means any business related process supported by mechanical or electrical systems other than base building systems.

*Large Industrial Campus* means a facility in which three or more buildings, at least partially used for manufacturing uses, are served by a central power plant or a single utility meter.

*Manufacturing means* any building which has a primary use of assemblage, processing, and/or manufacturing products from raw materials or fabricated parts OR one that has the majority of its energy usage come from process loads.

*Owner* means any person who is a commercial or industrial building owner, or is an owner's representative, such as a property manager, who has charge of, or controls any building or parts thereof.

*Rate* means process of measuring and comparing energy performance metrics (such as the normalized energy use of a building) to other similar buildings, in a manner specified by the city manager.

*Retrocommissioning* means identifying and correcting building system issues to achieve optimal building performance, in a manner specified by the city manager.

*Retrocommissioning measure* means a corrective action or facility improvement identified during the investigation or evaluation phase of retrocommissioning.

*Retrocommissioning report* means a report prepared and certified by a retrocommissioning professional, covering the scope provided by the city manager.

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

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of September, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
PUBLISHED BY TITLE ONLY this 29th day of September, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

## ORDINANCE NO. 8071

AN EMERGENCY ORDINANCE AMENDING TITLE 10 “STRUCTURES,” ADDING A NEW CHAPTER 10-7.7 “COMMERCIAL AND INDUSTRIAL ENERGY EFFICIENCY,” AMENDING SECTION 10-1-1, “DEFINITIONS” BY ADDING DEFINITONS OF “COMMERCIAL OR INDUSTRIAL,” “FLOOR AREA” AND “RETRO-COMMISSIONING,” AND SETTING FORTH RELATED DETAILS.

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

Section 1. A new chapter 10-7.7 is added to read as follow:

**Chapter 7.7 – Commercial and Industrial Energy Efficiency**

**10-7.7-1. – Scope.**

- (a) Scope. The provisions of this chapter apply to building owners or tenants of the following:
- (1) Any commercial or industrial building with at least 20,000 square feet of floor area.
  - (2) All commercial or industrial portions of any mixed-use building where a total of at least 20,000 gross square feet is devoted to any commercial or industrial use.
  - (3) Any commercial or industrial building with at least 10,000 square feet of floor area for which an initial building permit was issued on or after January 31, 2014.
  - (4) Any commercial or industrial building with 5,000 gross square feet or more that is owned by the City of Boulder. Provided, however, no building with less than 10,000 square feet shall be subject to the provisions of Sections 10-7.7-3, “Energy Assessment,” or 10-7.7-5, “Retrocommissioning,” B.R.C. 1981.
  - (5) Provided, however, no report shall be required in the first twelve months after issuance of an initial certificate of occupancy.
- (b) Owners of the following buildings are exempt from the requirements of this chapter:
- (1) Any building, regardless of size, which has minimal energy use, because the building is unlit and has no heating or cooling systems.
  - (2) Any building with proof of financial hardship.

**10-7.7-2. - Rating and Reporting Requirement.**

- (a) Any owner subject to this chapter shall rate and report their buildings’ energy use in a manner prescribed by the city manager on the following schedule. The city manager may grant a reasonable extension as may be necessary.
- (1) Any building with 5,000 or more square feet owned by the city of Boulder by May 1, 2016 and on or before May 1 of each year thereafter.
  - (2) Any building with 50,000 or more square feet of floor area by August 1, 2016 and on or before June 1 of each year thereafter.

- (3) Any building with at least 10,000 square feet of floor area for which an initial building permit was issued on or after January 31, 2014 by August 1, 2016 and on or before June 1 of each year thereafter.
- (4) Any building with 30,000 or more square feet of floor area, but less than 50,000 square feet of floor area by June 1, 2018 and on or before June 1 of each year thereafter.
- (5) Any building with 20,000 or more square feet of floor area, but less than 30,000 square feet of floor area by June 1, 2020 and on or before June 1 of each year thereafter.
- (b) Owners of the following buildings are exempt from the rating and reporting requirements:
  - (1) Any buildings in a large industrial campus. Such buildings are subject to the provisions of Section 10-7.7-7, "Large Industrial Campus," B.R.C. 1981 .
  - (2) Any other building whose owner applies for and receives a special exemption from the city manager.
- (c) Any owner who is unable to complete a report due to a tenant's refusal to provide requested information shall input alternative values provided by the city manager.
- (d) All owners shall maintain and make available for inspection by the city manager, all required records for a period of three years.
- (e) At the time any building subject to this ordinance is transferred, the seller shall provide to the buyer all information necessary for the buyer to rate and report for the entire year.

### **10-7.7-3 Energy Assessment.**

- (a) Any owner subject to the reporting requirements of this chapter shall conduct an energy assessment within three years of the first reporting requirement and at least once every ten years thereafter, except:
  - (1) Any building with a current U.S. Environmental Protection Agency ENERGY STAR certification;
  - (2) Any building with a current Leadership in Energy and Environmental Design Building Operations and Maintenance certification from the U.S. Green Building Council;
  - (3) Any building whose owner can demonstrate to the city manager a pattern of significant and consistent improvements in energy efficiency or greenhouse gas emissions;
  - (4) Any building whose owner can demonstrate to the city manager that the owner conducted an equivalent energy assessment within ten years of the first deadline for energy assessments, and implemented the cost effective actions that were recommended;
  - (5) Any buildings in a large industrial campus. Such buildings are subject to the provisions of Section 10-7.7-7, "Large Industrial Campus," B.R.C. 1981 ; or
  - (6) Any other building whose owner applies for and receives a special exemption from the city manager.
- (b) The energy assessment shall be conducted by a qualified professional energy assessor, as defined by the city manager.

- (c) The owner shall provide to the city manager a summary of the energy assessment report along with a statement of which recommendations from the assessment will be implemented and in what timeframe.
- (d) The city manager may establish rules regarding the recovery of costs associated with energy assessments.

**10-7.7-4. - Required Lighting Upgrades.**

- (a) Within five years of the first reporting requirement, each owner shall:
  - (1) Replace or upgrade any interior or exterior lighting fixtures identified as not meeting the lighting power allowances for interior and exterior lighting, set forth in the current version of the International Energy Conservation Code.
  - (2) Comply with the requirements for automatic time switch control devices, occupancy sensors, and exterior lighting controls, set forth in the current version of the International Energy Conservation Code.
  - (3) Comply with the maximum allowed wattage for internally illuminated exit signs, set forth in the current version of the International Energy Conservation Code.
  - (4) Provide to the city manager a summary of any actions taken pursuant to this subsection.
- (b) The owner of any building meeting any of the following requirements shall not be required to comply with subsection (a):
  - (1) Any building with a current U.S. Environmental Protection Agency's ENERGY STAR certification;
  - (2) Any building with a current Leadership in Energy and Environmental Design Building Operations and Maintenance certification from the U.S. Green Building Council;
  - (3) Any building whose owner can demonstrate to the city manager a pattern of significant and consistent improvements in energy efficiency or reduction of greenhouse gas emissions;
  - (4) Any buildings in a large industrial campus. Such buildings are subject to the provisions of Section 10-7.7-7, "Large Industrial Campus," B.R.C. 1981 ; or
  - (5) Any other building whose owner applies for and receives a special exemption from the city manager.
- (c) The city manager may establish rules regarding the recovery of costs associated with lighting upgrades.

**10-7.7-5. – Retrocommissioning.**

- (a) Within five years of the first reporting requirement, and every ten years thereafter, each owner shall:
  - (1) Conduct retrocommissioning.
  - (2) Provide to the city manager a summary of the retrocommissioning report and report any actions taken pursuant to this subsection.
- (b) Within two years from the retrocommissioning report submittal, the owner shall implement any retrocommissioning measure identified in the retrocommissioning report as likely to produce energy and maintenance savings in a two year period in excess of the cost of implementing the measure, less the value of any rebates.

- (c) The retrocommissioning shall be conducted by a retrocommissioning professional, as defined by the city manager.
- (d) The city manager may establish rules regarding the recovery of costs associated with retrocommissioning.
- (e) The owner of any building meeting any of the following requirements shall not be required to comply with subsections (a), (b) or (c):
  - (1) Any building with a current U.S. Environmental Protection Agency's ENERGY STAR certification;
  - (2) Any building with a current Leadership in Energy and Environmental Design Building Operations and Maintenance certification from the U.S. Green Building Council;
  - (3) Any building whose owner can demonstrate to the city manager a pattern of significant and consistent improvements in energy efficiency or greenhouse gas emissions;
  - (4) Any buildings in a large industrial campus where multiple buildings are served by single meters. Such buildings are subject to the provisions of Section 10-7.7-7, "Large Industrial Campus," B.R.C. 1981 ; or
  - (5) Any other building whose owner applies for and receives a special exemption from the city manager.

**10-7.7-6. – Disclosure.**

- (a) Any owner subject to provisions of this chapter shall provide to any tenant a copy of any energy report or energy assessment within sixty days of receipt by the owner.
- (b) Any tenant of an owner subject to the provisions of this chapter shall, within 30 days of a request, provide to the owner any information that cannot otherwise be acquired by the owner and that is needed to comply with the provisions of this chapter.
- (c) Any owner submitting information to the city manager that includes trade secrets, privileged or confidential commercial information shall specifically identify such information and provide a statement of the manner in which public disclosure would cause substantial harm to the owner's competitive position. Any information submitted without such a statement may be disclosed publically. Inefficient energy usage alone will not be considered confidential commercial information.

**10-7.7-7. - Large Industrial Campus.**

- (a) The owner of a large industrial campus shall on or before June 1, 2016 and on or before June 1 in each year thereafter give permission to the local energy utility to aggregate and provide to the city manager the total energy use, separated by fuel type, for all large industrial campuses subject to this requirement. If the local energy utility will not provide this service, the city manager may designate another third party aggregator that is approved by the large industrial campuses.
- (b) The owner of a large industrial campus shall on or before June 1, 2016 and on or before June 1 in each year thereafter submit to the city manager, or to an organization designated by the city manager, a report in a form approved by the city manager the following information:
  - (1) A narrative description including the following:

- (A) A qualitative comparison of energy usage in the reporting year with the preceding year and an explanation of the reason for any changes;
  - (B) The industrial campus energy usage and emission reduction goals, both at the site and at the corporate level;
  - (C) A summary of energy efficiency or on-site renewable energy projects implemented in the reporting year; and
  - (D) Using a formula supplied by the city manager, a calculation of the percentage of total energy savings during the reporting year.
- (c) The owner of a large industrial campus shall on or before June 1, 2019 and at least once every ten years thereafter, shall
- (1) Conduct an energy assessment that covers at least seventy-five percent of the total energy usage on the large industrial campus;
  - (2) Within two years of the assessment, the owner must implement any measures recommended that are projected to produce monetary savings over a one year period equal to or in excess of the cost of implementation, less the value of rebates; and
  - (3) Develop a plan for achieving one of the standards set forth in subsection 10-7.7-7(e), within three years.
- (d) By June 1, 2025, each owner of a large industrial campus shall:
- (1) Replace or upgrade any interior or exterior lighting fixtures identified as not meeting the lighting power allowances for interior and exterior lighting, set forth in the current version of the International Energy Conservation Code.
  - (2) Comply with the requirements for automatic time switch control devices, occupancy sensors, and exterior lighting controls, set forth in the current version of the International Energy Conservation Code.
  - (3) Comply with the maximum allowed wattage for internally illuminated exit signs, set forth in the current version of the International Energy Conservation Code.
  - (4) Provide to the city manager a summary of any actions taken pursuant to this subsection.
- (e) An owner of a large industrial complex shall be exempt from the requirements of ~~this subsections~~ (c) and (d) above, if:
- (1) The owner submits proof acceptable to the city manager demonstrating that energy efficiency measures or on-site renewable energy sources produced a reduction of total energy usage of at least two and a half percent, annualized over four years; or
  - (2) If in the opinion of the city manager, the large industrial campus has established an energy or emission reduction goal that is equivalent to that established by the city and the large industrial campus is making adequate progress toward that goal after at least two years of compliance with subsection (a) above.

#### **10-7.7-8. – Exemptions.**

- (a) Any exemption must be approved by the city manager.
- (b) Applications to exempt any building from the requirements of this chapter must be made by the building's owner. Exemptions shall be subject to the following limitations:

- (1) Any exemption shall be for a period of one year. Owners may re-apply for an additional exemption at the expiration of the initial exemption period;
  - (2) Applications must be received sixty days before the start of the applicable compliance period established in this chapter;
  - (3) An application must demonstrate the owner has considered all reasonable options that would bring the building into compliance and must explain to the satisfaction of the city manager why none of these options are viable.
- (c) The city manager may issue additional rules that govern the conditions under which an application for an exemption may be submitted and granted.
- (d) Applications for an exemption may require submission of an application processing fee.

#### **10-7.7-9 Administrative Remedy.**

- (a) If the city manager believes that a violation of any provision of this chapter exists, the city manager shall issue a warning to the person alleged to be in violation. The person shall be given 14 days to correct the violation.
- (b) If 14 days after a warning is issued the city manager finds that a violation of any provision of this chapter still exists, the owner, after notice to the person and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:
- (1) Impose a civil penalty of
    - (a) \$0.0025 per square foot per day, not to exceed \$1,000 per day; and
    - (b) Issue any order reasonably calculated to ensure compliance with this chapter and Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.
- (c) If notice is given to the city manager by the owner at least forty-eight hours before the time and date set forth in the notice of hearing on any violation that the violation has been corrected and the city manager finds that the violation has been corrected, the city manager may cancel the hearing.
- (d) The city manager's authority under this section is in addition to any other authority that he or she has to enforce this chapter, and election of one remedy by the city manager shall not preclude resorting to any other remedy as well.
- (e) The city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer for Collection," B.R.C. 1981.
- (f) To cover the costs of investigative inspections, the city manager will assess owners a \$250.00 fee per inspection, where the city manager performs an investigative inspection to ascertain compliance with or violations of this chapter.

Section 2. Section 10-1-1, "Definitions," is amended to add the following definitions.

*Base Building Systems* mean the systems or sub-systems of a building that use energy and/or impact energy consumption including but not limited to:

1. Primary HVAC (heating, ventilation, air conditioning) systems;
2. Conveying systems;

3. Domestic hot water systems;
4. Electrical and lighting systems.

Base building systems shall not include equipment used for industrial processes.

*Building* for the chapter 10-7.7 only, is based on a building list developed from the Boulder County Tax Assessor's database that will be provided by the city manager at least six months in advance of each reporting deadline.

*Commercial or industrial* means any structure or portion of structure used exclusively for, or designed as and capable of being used for, office, commercial, industrial, or governmental occupation, or the temporary lodging of persons for periods of less than thirty days, including hotels, motels, emergency shelters, and overnight shelters but excluding dormitories, fraternities, and bed and breakfasts.

*Energy assessment* means a comprehensive review of energy usage and emissions conducted in a manner established by the city manager.

*Financial hardship* means the building meets one of the following criteria:

1. The building is the subject of a qualified tax lien sale or public auction due to property tax arrearages;
2. The building is controlled by a court appointed receiver;
3. The building has been acquired by a deed in lieu of foreclosure.

*Floor area* means the total square footage of all levels included within the outside walls of a building or portion thereof, but excluding courts, garages useable exclusively for the storage of motor vehicles and uninhabitable areas that are located above the highest inhabitable level or below the first floor level.

*Industrial processes* means any business related process supported by mechanical or electrical systems other than base building systems.

*Large Industrial Campus* means a facility in which three or more buildings, at least partially used for manufacturing uses, are served by a central plant or a single utility meter.

*Manufacturing means* any building which has a primary use of assemblage, processing, and/or manufacturing products from raw materials or fabricated parts OR one that has the majority of its energy usage come from process loads.

*Owner* means any person who is a commercial or industrial building owner, or is an owner's representative, such as a property manager, who has charge of, or controls any building or parts thereof.

*Rate* means process of measuring and comparing energy performance metrics (such as the normalized energy use of a building) to other similar buildings, in a manner specified by the city manager.

*Retrocommissioning* means identifying and correcting building system issues to achieve optimal building performance, in a manner specified by the city manager.

*Retrocommissioning measure* means a corrective action or facility improvement identified during the investigation or evaluation phase of retrocommissioning.

*Retrocommissioning report* means a report prepared and certified by a retrocommissioning professional, covering the scope provided by the city manager.

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

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

Section 5. The city council finds this ordinance is necessary for the immediate preservation of public peace, health, safety, and property justifying the adoption of this ordinance as an emergency measure. Passage of this ordinance immediately is necessary because amendments were made on third reading. Immediate effectiveness is necessary to allow adequate time for the city manager to adopt rules prior to implementation. This ordinance shall become effective immediately.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 1st day of September, 2015.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY  
TITLE ONLY this 29th day of September, 2015.

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

\_\_\_\_\_  
City Clerk

READ ON THIRD READING, PASSED ON EMERGENCY MEASURE BY TWO-  
THIRDS OF COUNCIL MEMBERS PRESENT, ADOPTED, AND ORDERED PUBLISHED  
BY TITLE ONLY this 20th day of October, 2015.

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

\_\_\_\_\_  
City Clerk

## Attachment C: Outline for City Manager Rules

### **I. Definitions**

- (1) “Base Building Systems”
- (2) “Cost Effective”
- (3) “Current Facility Requirements”
- (4) “Energy”
- (5) “Energy Assessment”
- (6) “Energy Performance Score”
- (7) “ENERGY STAR”
- (8) “ENERGY STAR Portfolio Manager”
- (9) “Energy Use Intensity (EUI)”
- (10) “Industrial Processes”
- (11) “Large Industrial Campus”
- (12) “Manufacturing”
- (13) “Owner”
- (14) “Partners for a Clean Environment”
- (15) “Project Website”
- (16) “Rating and Reporting Tool”
- (17) “Retrocommissioning”
- (18) “Retrocommissioning Professional”
- (19) “Retrocommissioning Report”
- (20) “Site Energy”
- (21) “Source Energy”

### **II. Rating and Reporting Requirements and Process**

- Guidance on how a building owner should rate and report the energy use for their buildings
- A summary of the information that will be reported to the city and publically disclosed after the 2 year grace period

- Alternate benchmarking tools available for use for Manufacturing Buildings
- Other clarifications as needed

### **III. Energy Assessments Requirements and Process**

- Requirements for the Energy Assessor
- Required scope for Energy Assessments and the associated report
- Procedure for passing costs through to tenants
- Other clarifications as needed

### **IV. Lighting Requirements and Process**

- Required calculations
- Procedure for passing costs through to tenants
- Other clarifications as needed

### **V. Retrocommissioning Requirements and Process**

- Required scope for Retrocommissioning (for buildings larger and smaller than 50,000 square feet) and the associated report
- Procedure for passing costs through to tenants
- Other clarifications as needed

### **VI. Large Industrial Campus Requirements**

- Process for giving consent to local energy utility to aggregate the energy use data and provide it to the city
- How to calculate annualized percentage savings from energy efficiency and renewable projects
- Reporting requirements for narrative and annualized percentage savings
- Required scope for Energy Assessment and for developing a plan to achieve one of the exemptions
- Other clarifications as needed



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE:** Second reading and consideration of a motion to adopt Ordinance No. 8073 authorizing and directing the acquisition of various property interests located along 28<sup>th</sup> Street between Canyon Boulevard and north of Glenwood Drive, by purchase or eminent domain proceedings, for the construction of the 28<sup>th</sup> Street Multimodal Transportation Improvements Project.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Maureen Rait, Executive Director of Public Works  
Tom Carr, City Attorney  
Janet Michels, Senior Assistant City Attorney  
Michael J. Gardner-Sweeney, Acting Director of Public Works for Transportation  
Gerrit Slatter, Principal Transportation Projects Engineer  
Jason Fell, Transportation Project Manager  
Noreen Walsh, Senior Transportation Planner

**EXECUTIVE SUMMARY**

The City of Boulder is undertaking the final phase of work for the 28<sup>th</sup> Street Multimodal Transportation Improvements project which includes the section of 28<sup>th</sup> Street from Canyon Boulevard to north of Glenwood Drive. The completed project will provide pedestrians, bicyclists, transit users and drivers with continuous mobility and connections throughout the 28<sup>th</sup> Street corridor from Baseline Road to Iris Avenue.

The project entails construction of an additional lane along both directions of 28<sup>th</sup> Street for the shared use of buses, bicycles and right-turning vehicles, as well as the construction of a 10-foot-wide concrete multi-use path on both sides of 28<sup>th</sup> Street. The project also includes street paving, construction of center median, storm drainage facilities, traffic signal system reconstruction and landscaping enhancements.

Construction of the 28<sup>th</sup> Street Multimodal Transportation Improvements Project has required the purchase of numerous right-of-way areas and/or permanent easements. City transportation funding is now available to complete the missing links between these previous phases, making this the ideal time to move forward with the remaining property acquisitions and complete this important multimodal corridor.

The first reading took place at the Sept. 1, 2015 City Council meeting. No questions or proposed revisions were raised by council members at the meeting. Ordinance No. 8073 can be viewed in **Attachment A**.

### **STAFF RECOMMENDATION**

**Suggested Motion Language:**

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

Motion to adopt on second reading Ordinance No. 8073 authorizing and directing the acquisition of various property interests located along 28<sup>th</sup> Street between Canyon Boulevard and north of Glenwood Drive, by purchase or eminent domain proceedings, for the construction of the 28<sup>th</sup> Street Multimodal Transportation Improvements Project.

### **BACKGROUND AND ANALYSIS**

See agenda memo from first reading at:

<https://documents.bouldercolorado.gov/weblink8/0/doc/130248/Electronic.aspx>

### **ATTACHMENTS**

- A. Proposed Ordinance No. 8073

## ORDINANCE NO. 8073

AN ORDINANCE AUTHORIZING AND DIRECTING THE ACQUISITION OF RIGHT OF WAY PROPERTY LOCATED ALONG 28TH STREET FROM CANYON BOULEVARD TO NORTH OF GLENWOOD DRIVE BY PURCHASE OR EMINENT DOMAIN PROCEEDINGS FOR THE CONSTRUCTION OF THE 28TH STREET MULTIMODAL TRANSPORTATION IMPROVEMENTS PROJECT.

WHEREAS the City Council finds and recites as follows:

A. The City of Boulder, through its Public Works/Transportation Department, recommends proceeding with street improvements along 28<sup>th</sup> Street, from Canyon Boulevard to north of Glenwood Drive, a segment of the 28<sup>th</sup> Street Multimodal Transportation Improvements Project (the Project).

B. The improvements are necessary to complete a transportation capital improvement project, including changes to multimodal transportation that will allow continuous travel for pedestrians, bicyclists, transit users and drivers and improve travel conditions along 28<sup>th</sup> Street, as well as accommodate future related needs.

C. In order to complete the improvements, it is necessary that the city obtain approximately nine permanent easements, nine right-of-way areas, and two temporary easements on properties abutting 28<sup>th</sup> Street. The legal descriptions of these properties are set forth in **Exhibit 1**. There may be amendments to the portions of the properties to be acquired to accommodate the uses of the property owner and the Project.

D. The city has completed all improvements in the 28<sup>th</sup> Street Multimodal Transportation Improvements Project between Baseline Road and Canyon Boulevard. The city has not acquired all of the property necessary to complete the improvements from Canyon Boulevard to Glenwood Drive.

E. It is necessary to obtain the property as soon as reasonably practicable in order to complete the project design phase and to solicit bids so that construction can commence in mid-to-late 2016. This timeframe for construction will allow for coordination with the recently-commenced Diagonal Reconstruction Project (from 28<sup>th</sup> Street to Independence Road), which is expected to be completed in the fall of 2016.

F. The acquisition of the property is necessary to protect the public health, safety and welfare of the citizens of the city and others who use the public streets.

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

Section 1. City Council authorizes the city manager and/or the city manager's designees and agents to formally negotiate for the acquisition of the property described in **Exhibit 1** or any parts thereof, as they may be adjusted to accommodate the Project and interests of the property owners, and to complete the 28<sup>th</sup> Street Multimodal Transportation Improvements Project. City Council authorizes the acquisition of such property in the form of rights-of-way and easements.

Section 2. City Council authorizes the city attorney (and/or his or her designee) to acquire the property interests described herein for the city by the exercise of the city's power of eminent domain should negotiations for the acquisition of the property interests not be successful, and further authorizes the initiation of condemnation proceedings to acquire the above-designated property interests for the city.

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

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this first day of September, 2015.

---

Mayor

Attest:

---

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
PUBLISHED BY TITLE ONLY this twentieth day of October, 2015.

---

Mayor

Attest:

---

City Clerk

# EXHIBIT 1

## Legal Descriptions

**A LEGAL DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT  
THE 1729-1933 28TH STREET PROPERTY, LOCATED IN THE NW1/4 OF THE SW1/4 OF  
SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER,  
COUNTY OF BOULDER, STATE OF COLORADO.  
SHEET 1 OF 2**

**PROPERTY DESCRIPTION:**

A STRIP OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 2378657 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, FROM WHICH THE NORTHEAST CORNER OF SAID NW1/4 OF THE NW1/4 OF SECTION 29 BEARS N 00°02'37" W (BASIS OF BEARINGS), 1329.02 FEET; THENCE S 89°54'12" W, 60.30 FEET TO THE SOUTHEAST CORNER SAID PARCEL AS DESCRIBED AT RECEPTION NO. 2378657 AND THE POINT OF BEGINNING;  
THENCE S 89°54'12" W CONTINUING ALONG THE SOUTH LINE OF SAID PARCEL, 8.78 FEET;  
THENCE DEPARTING SAID SOUTH PARCEL LINE N 00°44'10" W, 87.24 FEET;  
THENCE N 02°33'00" W, 78.85 FEET;  
THENCE N 00°03'36" W, 105.94 FEET  
THENCE 20.79 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 111.00 FEET, A CENTRAL ANGLE OF 10°43'54" AND A CHORD THAT BEARS N 05°18'21" E, 20.76 FEET;  
THENCE 18.58 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 99.00 FEET, A CENTRAL ANGLE OF 10°45'01" AND A CHORD THAT BEARS N 05°17'47" E, 18.55 FEET;  
THENCE N 00°04'53" W, 138.18 FEET;  
THENCE 12.59 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 44.00 FEET, A CENTRAL ANGLE OF 16°23'20" AND A CHORD THAT BEARS N 08°16'23" W, 12.54 FEET;  
THENCE 15.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 56.00 FEET, A CENTRAL ANGLE OF 16°19'37" AND A CHORD THAT BEARS N 08°18'15" W, 15.90 FEET;  
THENCE N 00°08'26" W, 74.63 FEET;  
THENCE 15.81 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 56.00 FEET, A CENTRAL ANGLE OF 16°10'41" AND A CHORD THAT BEARS N 07°56'54" E, 15.76 FEET;  
THENCE 12.30 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 44.00 FEET, A CENTRAL ANGLE OF 16°01'03" AND A CHORD THAT BEARS N 08°01'43" E, 12.26 FEET;  
THENCE N 00°01'12" E, 87.70 FEET;  
THENCE 18.87 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 99.00 FEET, A CENTRAL ANGLE OF 10°55'22" AND A CHORD THAT BEARS N 05°26'29" W, 18.85 FEET;  
THENCE 20.98 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 111.00 FEET, A CENTRAL ANGLE OF 10°49'39" AND A CHORD THAT BEARS N 05°29'21" W, 20.95 FEET;  
THENCE N 00°04'31" W, 81.03 FEET TO A POINT ON THE SOUTHERLY LINE OF ACCESS AND TRAFFIC CONTROL EASEMENT AS DESCRIBED ON FILM 2175 AT RECEPTION NO. 1665516 OF THE BOULDER COUNTY RECORDS;  
THENCE 5.87 FEET ALONG THE ARC OF A CURVE TO THE RIGHT AND ALONG SAID SOUTHERLY LINE, SAID CURVE HAVING A RADIUS OF 23.50 FEET, A CENTRAL ANGLE OF 14°18'40" AND A CHORD THAT BEARS S 70°34'28" E, 5.86 FEET;  
THENCE S 00°03'36" E ALONG THE EAST LINE OF SAID PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 2378657, 656.18 FEET;  
THENCE S 05°08'26" E, 90.34 FEET ALONG THE WESTERLY LINE OF THAT SIDEWALK EASEMENT AS DESCRIBED ON FILM 1447 AT RECEPTION NO. 812170 OF THE BOULDER COUNTY RECORDS;  
THENCE S 00°03'36" E ALONG THE EAST LINE OF SAID PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 2378657, 40.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 3366 SQUARE FEET (0.077 ACRES), MORE OR LESS.



SHEET 1 OF 2

© 2014 BOULDER  
LAND CONSULTANTS,  
INC. ALL RIGHTS  
RESERVED

**NOTE:**

THIS MAP DOES NOT REPRESENT  
A BOUNDARY SURVEY OR TITLE  
SEARCH PERFORMED BY BOULDER  
LAND CONSULTANTS, INC. THERE  
MAY EXIST EASEMENTS AND/OR  
OTHER ENCUMBRANCES AFFECTING  
THE SUBJECT PROPERTY THAT ARE  
NOT SHOWN HEREON.

THIS MAP WAS PREPARED BY

BOULDER LAND  
CONSULTANTS, INC.



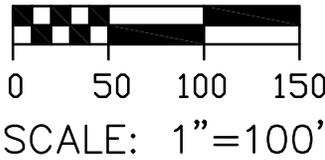
950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

PROJECT #202COB12  
"20212LD-SE106esmt.DWG"  
DATE: 10/17/2014

# A DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT

THE 1729-1933 28TH STREET PROPERTY, LOCATED IN THE NW1/4 OF THE SW1/4 OF SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

SHEET 2 OF 2



LINE	BEARING	DISTANCE
L1	S 05°08'26" E	90.34'
L2	S 00°03'36" E	40.01'
L3	S 89°54'12" W	8.78'
L4	N 00°44'10" W	87.24'

L6	N 02°33'00" W	78.85'
L7	N 00°08'26" W	74.63'
L8	N 00°01'12" E	87.70'
L9	N 00°04'31" W	81.03'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	111.00'	20.79'	20.76'	N 05°18'21" E	10°43'54"
C2	99.00'	18.58'	18.55'	N 05°17'47" E	10°45'01"
C3	44.00'	12.59'	12.54'	N 08°16'23" W	16°23'20"
C4	56.00'	15.96'	15.90'	N 08°18'15" W	16°19'37"
C5	56.00'	15.81'	15.76'	N 07°56'54" E	16°10'41"
C6	44.00'	12.30'	12.26'	N 08°01'43" E	16°01'03"
C7	99.00'	18.87'	18.85'	N 05°26'29" W	10°55'22"
C8	111.00'	20.98'	20.95'	N 05°29'21" W	10°49'39"
C9	23.50'	5.87'	5.86'	S 70°34'28" E	14°18'40"

**NOTE:**  
THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

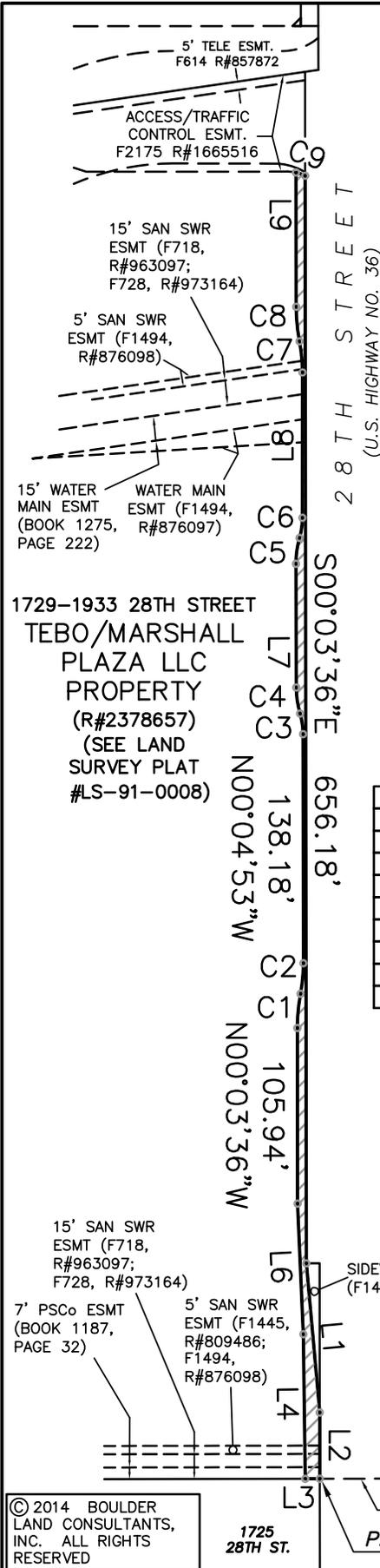
THIS MAP WAS PREPARED BY

**BOULDER LAND CONSULTANTS, INC.**

950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

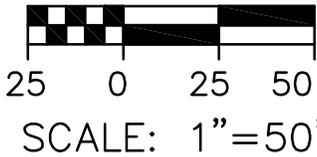
PROJECT #202COB12  
"20212LD-SE106esmt.DWG"  
DATE: 10/17/2014

SHEET 2 OF 2



© 2014 BOULDER LAND CONSULTANTS, INC. ALL RIGHTS RESERVED

**A DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT  
THE 2285 28TH STREET PROPERTY, LOCATED IN THE SW1/4 OF THE NW1/4 OF  
SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER,  
STATE OF COLORADO.**

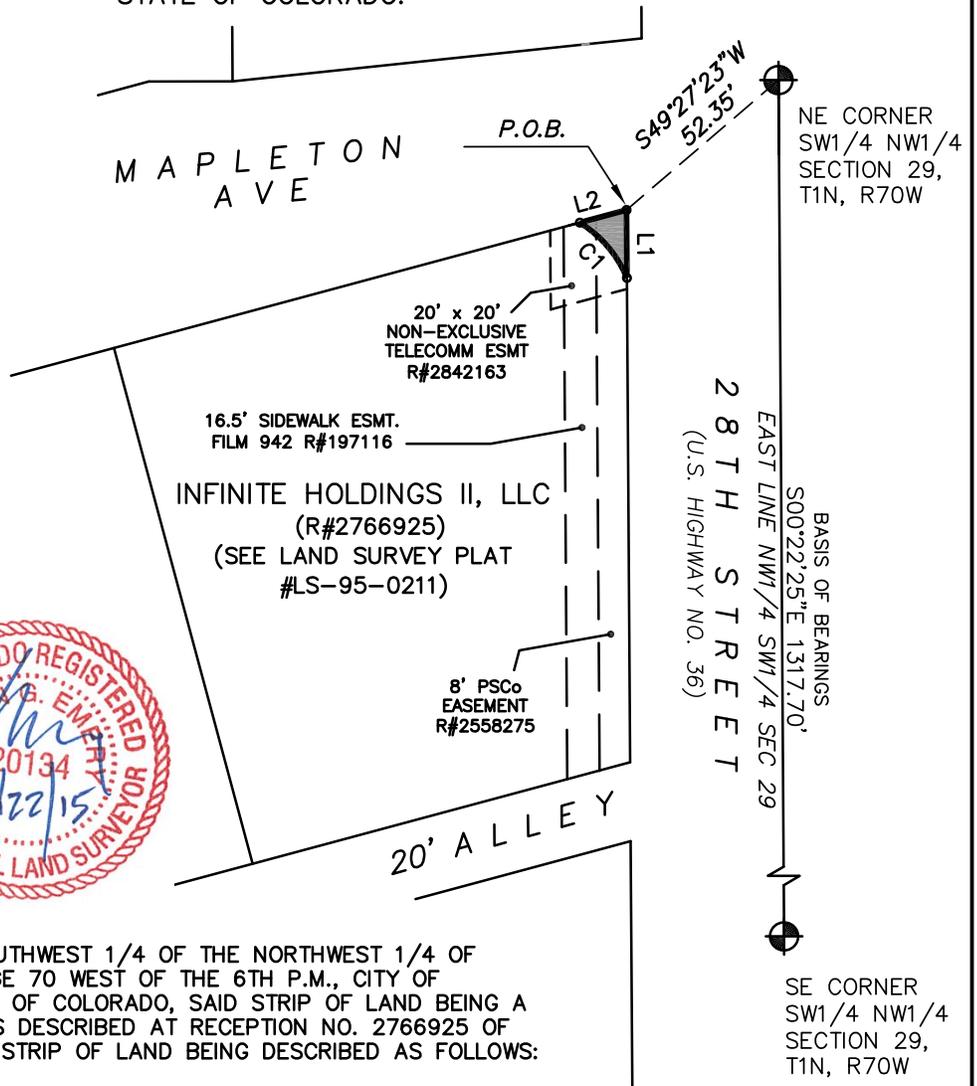


**CURVE TABLE**

C1:  
A=19.43' R=29.00'  
CA=38°22'50"  
CH=N40°22'03"W 19.06'

**LINE TABLE**

L1: S00°22'25"E 17.82'  
L2: N74°55'30"E 12.67'



**PROPERTY DESCRIPTION:**

A STRIP OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 2766925 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 29, FROM WHICH THE SOUTHEAST CORNER OF THE SW1/4 OF THE NW1/4 OF SAID SECTION 29 BEARS S 00°22'25" E (BASIS OF BEARINGS), 1317.70 FEET; THENCE S 49°27'23" W, 52.35 FEET TO THE NORTHEAST CORNER OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 2766925 AND THE POINT OF BEGINNING;  
THENCE S 00°22'25" E ALONG THE EAST LINE OF SAID PARCEL, 17.82 FEET;  
THENCE DEPARTING SAID EAST PARCEL LINE 19.43 FEET ALONG THE ARC OF A CURVE TO THE LEFT TO A POINT ON THE NORTH LINE OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 2766925, SAID CURVE HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 38°22'50", AND A CHORD THAT BEARS N 40°22'03" W, 19.06' FEET;  
THENCE N 74°55'30" E ALONG THE NORTH LINE OF SAID PARCEL, 12.67 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 89 SQUARE FEET (0.002 ACRES), MORE OR LESS.

**NOTE:**  
THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

THIS MAP WAS PREPARED BY

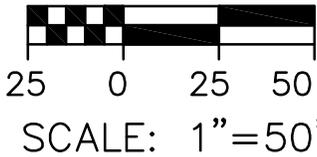
**BOULDER LAND CONSULTANTS, INC.**

950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

PROJECT #202COB12  
"20212LD-SE115a-ROW.DWG"  
DATE: 01/22/2015

© 2015 BOULDER LAND CONSULTANTS, INC. ALL RIGHTS RESERVED

**A DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT  
THE 2285 28TH STREET PROPERTY, LOCATED IN THE SW1/4 OF THE NW1/4 OF  
SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER,  
STATE OF COLORADO.**



**CURVE TABLE**

C1:  
A=9.31' R=14.000'  
CA=38°05'45"  
CH=N50°24'36"W, 9.14'

**LINE TABLE**

L1: S74°55'30"W 17.05'  
L2: S00°22'25"E 7.71'  
L3: N74°55'30"E 7.24'

**PROPERTY DESCRIPTION:**

A STRIP OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 2766925 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 29, FROM WHICH THE SOUTHEAST CORNER OF THE SW1/4 OF THE NW1/4 OF SAID SECTION 29 BEARS S 00°22'25" E (BASIS OF BEARINGS), 1317.70 FEET; THENCE S 49°27'23" W, 52.35 FEET TO THE NORTHEAST CORNER OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 2766925; THENCE S 74°55'30" W ALONG THE NORTH LINE OF SAID PARCEL, 17.05 FEET TO THE POINT OF BEGINNING;

THENCE S 00°22'25" E, 7.71 FEET ALONG THE WEST LINE OF THAT SIDEWALK EASEMENT DESCRIBED ON FILM 942 AT RECEPTION NO. 197116 OF THE BOULDER COUNTY RECORDS;

THENCE DEPARTING SAID WEST LINE 9.31 FEET ALONG THE ARC OF A CURVE TO THE LEFT TO A POINT ON THE NORTH LINE OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 2766925, SAID CURVE HAVING A RADIUS OF 14.00 FEET, A CENTRAL ANGLE OF 38°05'45", AND A CHORD THAT BEARS N 50°24'36" W, 9.14' FEET;

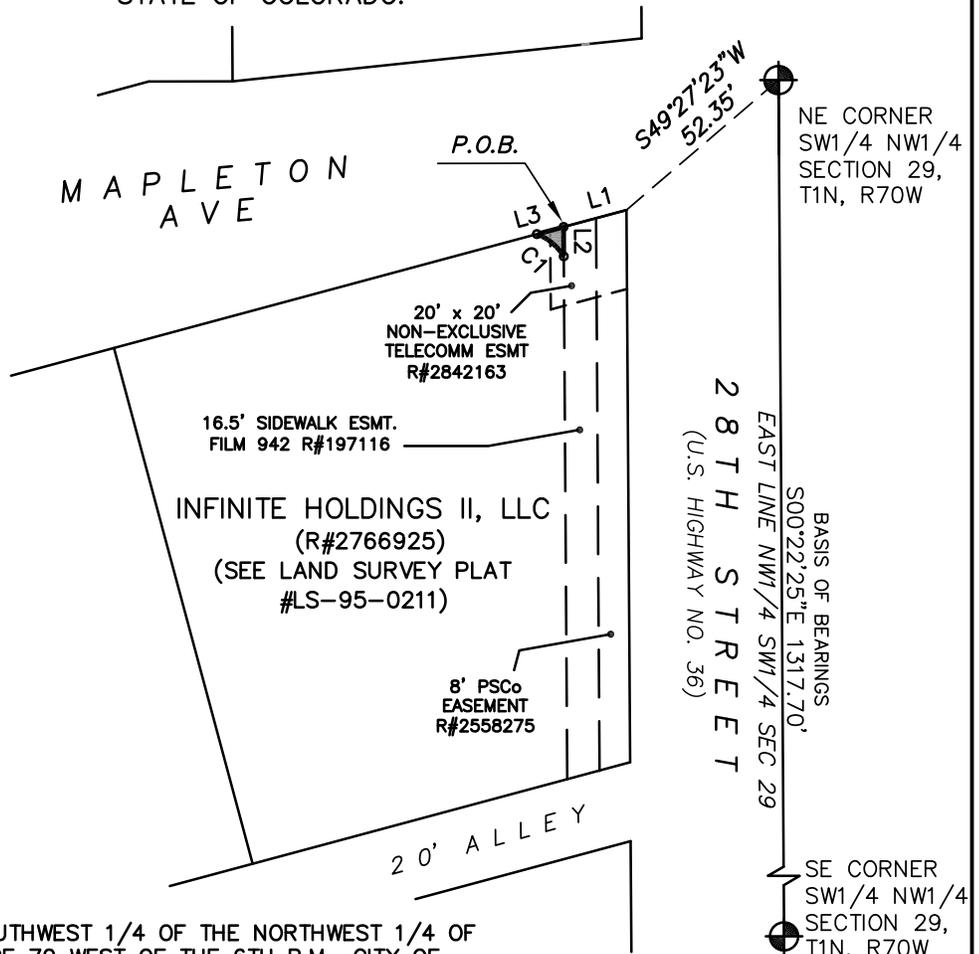
THENCE N 74°55'30" E ALONG THE NORTH LINE OF SAID PARCEL, 7.24 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 22 SQUARE FEET (0.0005 ACRES), MORE OR LESS.

© 2015 BOULDER LAND CONSULTANTS, INC. ALL RIGHTS RESERVED

**NOTE:**

THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.



THIS MAP WAS PREPARED BY

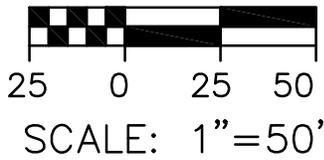
**BOULDER LAND CONSULTANTS, INC.**



950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

PROJECT #202COB12  
"20212LD-SE115b-Esmt.DWG"  
DATE: 01/22/2015

**A DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT  
THE 2405 28TH STREET PROPERTY, LOCATED IN THE NW1/4 OF THE NW1/4 OF  
SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER,  
STATE OF COLORADO.**

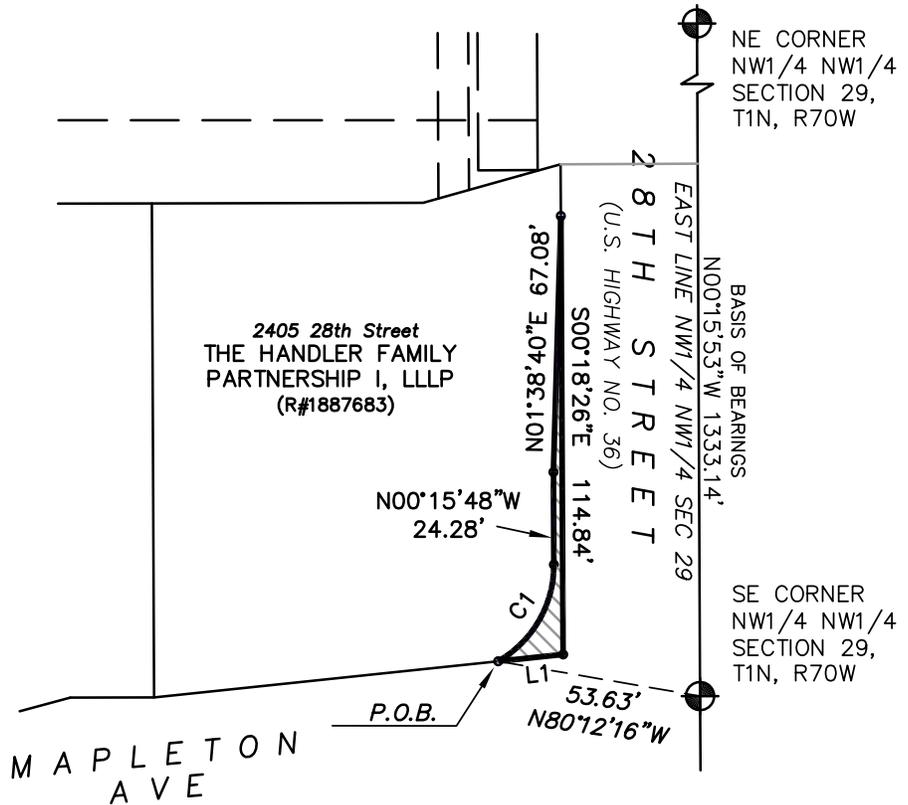


**CURVE TABLE**

C1:  
A=30.61' R=29.00'  
CA=60°28'28"  
CH=N29°58'36"E 29.21'

**LINE TABLE**

L1: S83°59'56"W 17.12'



**PROPERTY DESCRIPTION:**

A STRIP OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 1887683 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 29, FROM WHICH THE NORTHEAST CORNER OF SAID NW1/4 OF THE NW1/4 OF SECTION 29 BEARS N 00°15'53" W (BASIS OF BEARINGS), 1333.14 FEET; THENCE N 80°12'16" W, 53.63 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 1887683 AND THE POINT OF BEGINNING;

THENCE DEPARTING SAID SOUTH PARCEL LINE 30.61 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 60°28'28", AND A CHORD THAT BEARS N 29°58'36" E, 29.21' FEET;  
THENCE N 00°15'48" W, 24.28 FEET;  
THENCE N 01°38'40" E, 67.08 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 1887683;  
THENCE S 00°18'26" E ALONG THE EAST LINE OF SAID PARCEL, 114.84 FEET TO THE SOUTHEAST CORNER THEREOF;  
THENCE S 83°59'56" W ALONG THE SOUTH LINE OF SAID PARCEL, 17.12 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 284 SQUARE FEET (0.0065 ACRES), MORE OR LESS.

**NOTE:**

THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.



THIS MAP WAS PREPARED BY

**BOULDER LAND CONSULTANTS, INC.**



950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

PROJECT #202COB12  
"20212LD-SE117b-ROW.DWG"  
DATE: 01/22/2015

© 2015 BOULDER LAND CONSULTANTS, INC. ALL RIGHTS RESERVED

**A DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT  
THE 2405 28TH STREET PROPERTY, LOCATED IN THE NW1/4 OF THE NW1/4 OF  
SECTION 29, T1N, R7OW OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER,  
STATE OF COLORADO.  
SHEET 1 OF 2**

**PROPERTY DESCRIPTION:**

A STRIP OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 1887683 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 29, FROM WHICH THE NORTHEAST CORNER OF SAID NW1/4 OF THE NW1/4 OF SECTION 29 BEARS N 00°15'53" W (BASIS OF BEARINGS), 1333.14 FEET; THENCE N 80°12'16" W, 53.63 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 1887683, SAID POINT LYING S 83°59'56" W, 17.12 FEET FROM THE SOUTHEAST CORNER OF SAID PARCEL, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE S 83°59'56" W, ALONG THE SOUTH LINE OF SAID PARCEL, 15.82 FEET;  
THENCE DEPARTING SAID SOUTH PARCEL LINE N 08°25'16" W, 5.80 FEET;  
THENCE N 81°29'30" E, 4.15 FEET;  
THENCE 18.54 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 14.00 FEET, A CENTRAL ANGLE OF 75°52'16", AND A CHORD THAT BEARS N 43°33'22" E, 17.21 FEET;  
THENCE N 05°37'14" E, 31.28 FEET;  
THENCE N 01°38'40" E, 61.86 FEET;  
THENCE 16.40 FEET ALONG THE ARC OF A CURVE TO THE LEFT TO A POINT ON THE NORTH LINE OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 1887683, SAID CURVE HAVING A RADIUS OF 89.00 FEET, A CENTRAL ANGLE OF 10°33'20", AND A CHORD THAT BEARS N 03°38'00" W 16.37 FEET;  
THENCE N 74°19'40" E ALONG THE NORTH LINE OF SAID PARCEL, 13.67 FEET TO THE NORTHEAST CORNER THEREOF;  
THENCE S 00°17'58" E ALONG THE EAST LINE OF SAID PARCEL, 13.54 FEET;  
THENCE DEPARTING SAID EAST PARCEL LINE S 01°38'40" W 67.08 FEET;  
THENCE S 00°15'48" E, 24.28 FEET;  
THENCE 30.61 FEET ALONG THE ARC OF A CURVE TO THE RIGHT TO THE POINT OF BEGINNING, SAID CURVE HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 60°28'28", AND A CHORD THAT BEARS S 29°58'36" W, 29.21' FEET;

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 1674 SQUARE FEET (0.038 ACRES), MORE OR LESS.



SHEET 1 OF 2

THIS MAP WAS PREPARED BY

**BOULDER LAND  
CONSULTANTS, INC.**



950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

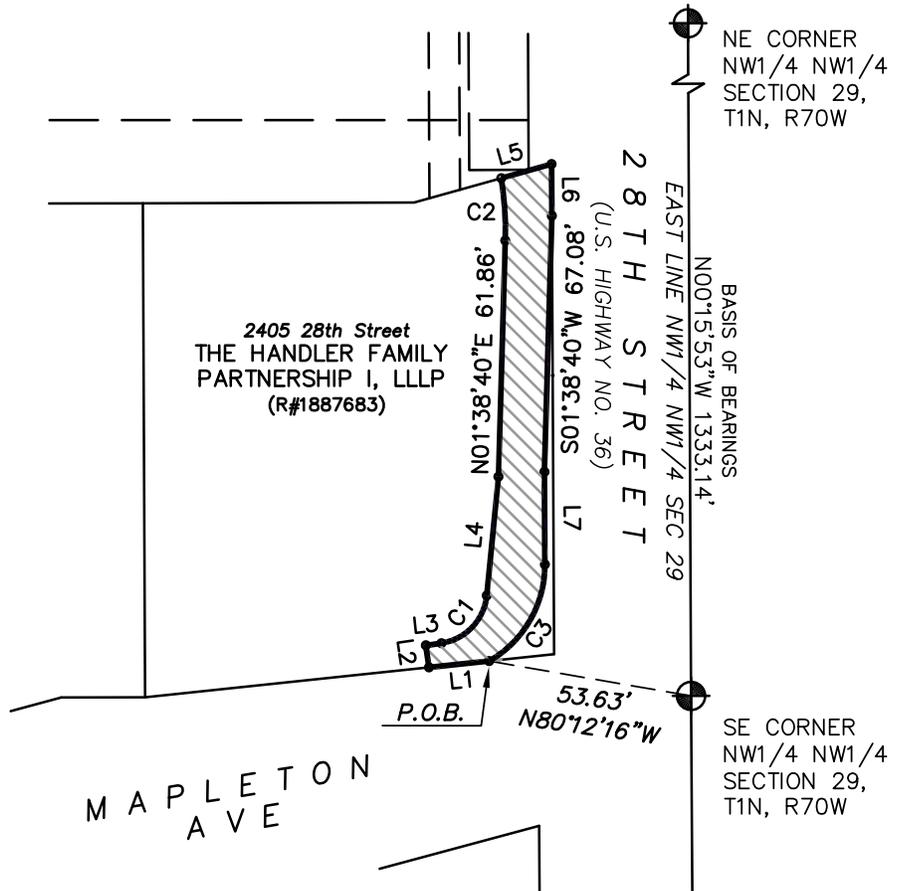
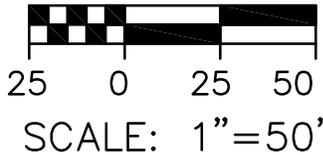
**NOTE:**

THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

© 2015 BOULDER  
LAND CONSULTANTS,  
INC. ALL RIGHTS  
RESERVED

PROJECT #202COB12  
"20212LD-SE117a-Esmt.DWG"  
DATE: 01/22/2015

**A DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT  
THE 2405 28TH STREET PROPERTY, LOCATED IN THE NW1/4 OF THE NW1/4 OF  
SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER,  
STATE OF COLORADO.  
SHEET 2 OF 2**



**CURVE TABLE**

C1:  
A=18.54' R=14.00'  
CA=75°52'16"  
CH=N43°33'22"E 17.21'

C2:  
A=16.40' R=89.00'  
CA=10°33'20"  
CH=N03°38'00"W 16.37'

C3:  
A=30.61' R=29.00'  
CA=60°28'28"  
CH=S29°58'36"W 29.21'

**LINE TABLE**

L1: S83°59'56"W 15.82'  
L2: N08°25'16"W 5.80'  
L3: N81°29'30"E 4.15'  
L4: N05°37'14"E 31.28'  
L5: N74°19'40"E 13.67'  
L6: S00°17'58"E 13.54'  
L7: S00°15'48"E 24.28'

**NOTE:**

THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

**SHEET 2 OF 2**

THIS MAP WAS PREPARED BY

**BOULDER LAND  
CONSULTANTS, INC.**



950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

PROJECT #202COB12  
"20212LD-SE117a-Esmt.DWG"  
DATE: 01/22/2015

© 2015 BOULDER  
LAND CONSULTANTS,  
INC. ALL RIGHTS  
RESERVED

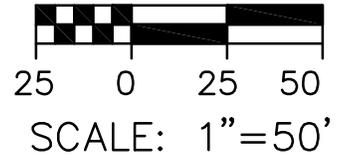
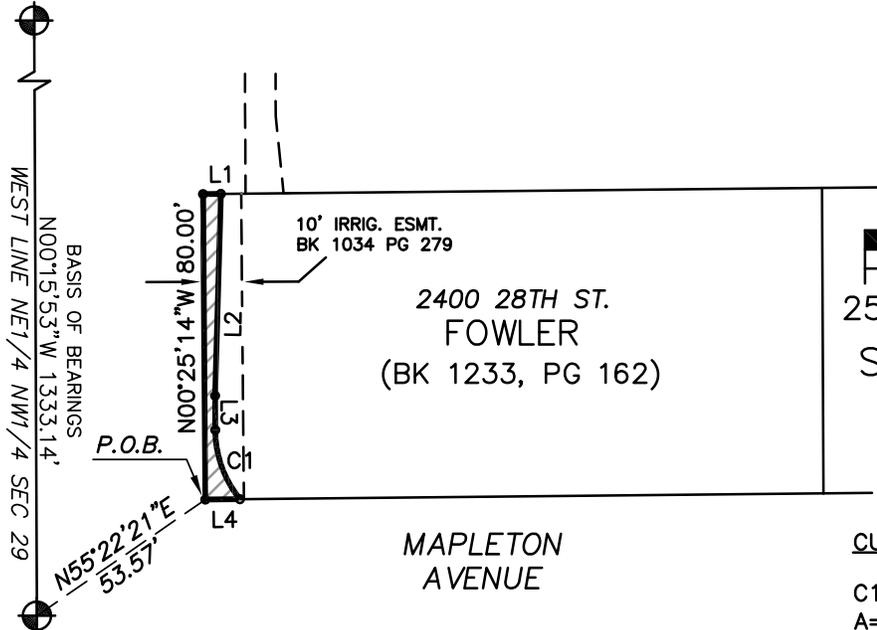
# A DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT THE 2400 28TH STREET PROPERTY, LOCATED IN THE NE1/4 OF THE NW1/4 OF SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

NW CORNER  
NE1/4 NW1/4  
SECTION 29,  
T1N, R70W

28TH STREET

WEST LINE NE1/4 NW1/4 SEC. 29  
(S.S. (U.)  
(HIGHWAY NO. 36))

SW CORNER  
NE1/4 NW1/4  
SECTION 29,  
T1N, R70W



**CURVE TABLE**

C1:  
A=19.61' R=29.00'  
CA=38°44'29"  
CH=S19°38'55"E 19.24'

**LINE TABLE**

L1: N89°25'54"E 4.66'  
L2: S01°38'39"W 52.87'  
L3: S00°16'05"E 8.99'  
L4: S89°25'54"W 9.07'

**PROPERTY DESCRIPTION:**

A STRIP OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED IN BOOK 1233 AT PAGE 162 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, FROM WHICH THE NORTHWEST CORNER OF SAID NE1/4 OF THE NW1/4 OF SECTION 29 BEARS N 00°15'53" W (BASIS OF BEARINGS), 1333.14 FEET;  
THENCE N 55°22'21" E, 53.57 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL AS DESCRIBED IN BOOK 1233 AT PAGE 162 AND THE POINT OF BEGINNING;  
THENCE N 00°25'14" W ALONG THE WEST LINE OF SAID PARCEL, 80.00 FEET TO THE NORTHWEST CORNER THEREOF;  
THENCE N 89°25'54" E ALONG THE NORTH LINE OF SAID PARCEL, 4.66 FEET  
THENCE DEPARTING SAID NORTH PARCEL LINE S 01°38'39" W, 52.87 FEET;  
THENCE S00°16'05"E, 8.99 FEET;  
THENCE 19.61 FEET ALONG THE ARC OF A CURVE TO THE LEFT TO A POINT ON THE SOUTH LINE OF SAID PARCEL OF LAND AS DESCRIBED IN BOOK 1233 AT PAGE 162, SAID CURVE HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 38°44'29", AND A CHORD THAT BEARS S 19°38'55" E, 19.24 FEET;  
THENCE S89°25'54"W ALONG THE SOUTH LINE OF SAID PARCEL, 9.07 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 307 SQUARE FEET (0.007 ACRES), MORE OR LESS.

© 2015 BOULDER LAND CONSULTANTS, INC. ALL RIGHTS RESERVED

**NOTE:**  
THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.



THIS MAP WAS PREPARED BY

**BOULDER LAND CONSULTANTS, INC.**

950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

PROJECT #202COB12  
"20212LD-SE118a-ROW.DWG"  
DATE: 01/22/2015

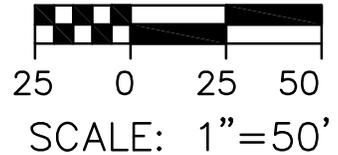
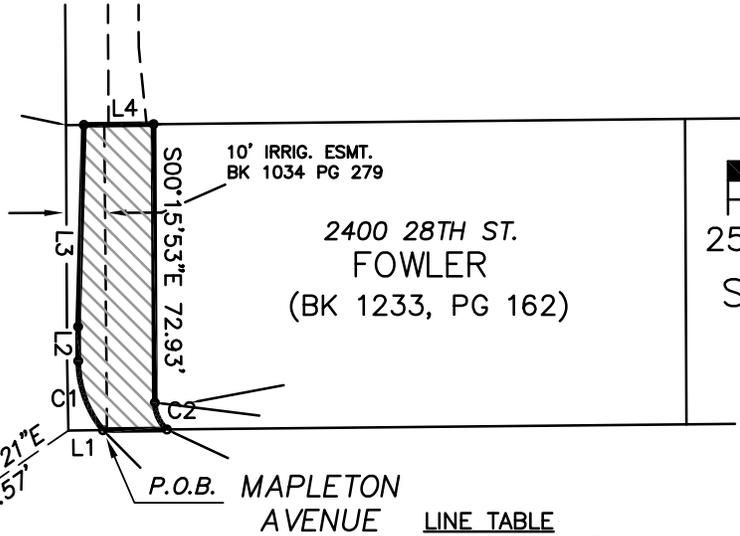
# A DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT THE 2400 28TH STREET PROPERTY, LOCATED IN THE NE1/4 OF THE NW1/4 OF SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

NW CORNER  
NE1/4 NW1/4  
SECTION 29,  
T1N, R70W

28TH STREET

WEST LINE NE1/4 NW1/4 SEC 29  
(66'00" YAMHIGH S.U.)  
BASIS OF BEARINGS  
N00°15'53"W 1333.14'

SW CORNER  
NE1/4 NW1/4  
SECTION 29,  
T1N, R70W



**CURVE TABLE**

<b>C1:</b>	A=19.61' R=29.00'
	CA=38°44'29"
	CH=N19°38'55"W 19.24'
<b>C2:</b>	A=7.95' R=9.50'
	CA=47°55'10"
	CH=S24°13'28"E 7.72'

**LINE TABLE**

L1:	N89°25'54"E	9.07'
L2:	N00°16'05"W	8.99'
L3:	N01°38'39"E	52.87'
L4:	N89°25'54"E	18.24'

**PROPERTY DESCRIPTION:**

A STRIP OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED IN BOOK 1233 AT PAGE 162 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, FROM WHICH THE NORTHWEST CORNER OF SAID NE1/4 OF THE NW1/4 OF SECTION 29 BEARS N 00°15'53" W (BASIS OF BEARINGS), 1333.14 FEET;  
THENCE N 55°22'21" E, 53.57 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL AS DESCRIBED IN BOOK 1233 AT PAGE 162;  
THENCE N 89°25'54" E ALONG THE SOUTH LINE OF SAID PARCEL, 9.07 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID SOUTH LINE 19.61 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 38°44'29", AND A CHORD THAT BEARS N 19°38'55" W, 19.24 FEET;  
THENCE N 00°16'05" W, 8.99 FEET;  
THENCE N 01°38'39" E, 52.87 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL OF LAND AS DESCRIBED IN BOOK 1233 AT PAGE 162;  
THENCE S89°25'54"W ALONG SAID NORTH LINE, 18.24 FEET;  
THENCE DEPARTING SAID NORTH PARCEL LINE S 00°15'53" E, 72.93 FEET;  
THENCE 7.95 FEET ALONG THE ARC OF A CURVE TO THE LEFT TO A POINT ON THE SOUTH LINE OF SAID PARCEL OF LAND AS DESCRIBED IN BOOK 1233 AT PAGE 162, SAID CURVE HAVING A RADIUS OF 9.50 FEET, A CENTRAL ANGLE OF 47°55'10", AND A CHORD THAT BEARS S 24°13'28" E, 7.72 FEET;  
THENCE S89°25'54"W ALONG SAID SOUTH LINE, 16.75 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 1524 SQUARE FEET (0.035 ACRES), MORE OR LESS.



© 2015 BOULDER LAND CONSULTANTS, INC. ALL RIGHTS RESERVED

THIS MAP WAS PREPARED BY

**BOULDER LAND CONSULTANTS, INC.**

950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

**NOTE:**  
THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

PROJECT #202COB12  
"20212LD-SE118b-Esmt.DWG"  
DATE: 01/22/2015

**A PROPERTY DESCRIPTION AND EXHIBIT MAP  
OF A PORTION OF THE 2408 28TH STREET PROPERTY  
LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER  
SECTION 29, T1N, R70W OF THE 6TH P.M.,  
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO  
SHEET 1 OF 1**

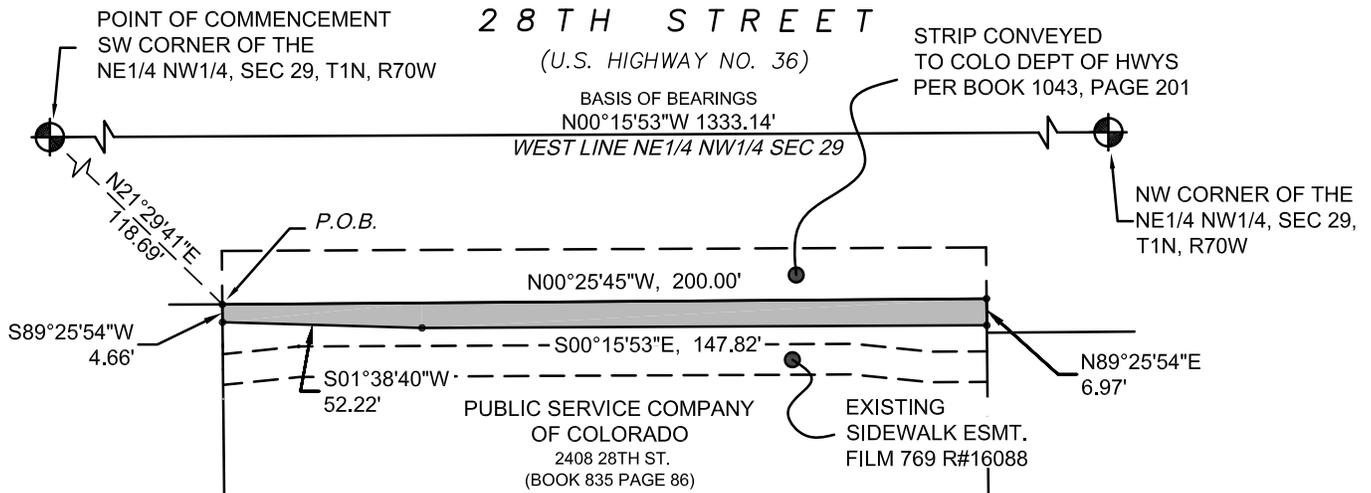
**PROPERTY DESCRIPTION:**

A STRIP OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED IN BOOK 835 AT PAGE 86 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, FROM WHICH THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29 BEARS NORTH 00°15'53" WEST (BASIS OF BEARINGS), 1333.14 FEET; THENCE NORTH 21°29'41" EAST, 118.69 FEET TO THE POINT OF BEGINNING, BEING THE SOUTHWEST CORNER OF SAID PARCEL OF LAND AS DESCRIBED IN BOOK 835 AT PAGE 86 ALSO BEING THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED IN BOOK 1043, AT PAGE 201;

THENCE FROM THE POINT OF BEGINNING AND ALONG THE WESTERLY LINE OF THAT PARCEL DESCRIBED IN BOOK 835 PAGE 86, NORTH 00°25'45" WEST, 200.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;  
THENCE ALONG THE NORTH LINE OF SAID PARCEL, NORTH 89°25'54" EAST, 6.97 FEET;  
THENCE SOUTH 00°15'53" EAST, 147.82 FEET;  
THENCE SOUTH 01°38'40" WEST, 52.22 TO A POINT ON THE SOUTH LINE OF SAID PARCEL;  
THENCE ALONG THE SOUTH LINE OF SAID PARCEL, SOUTH 89°25'54" WEST, 4.66 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 1292 SQUARE FEET (0.030 ACRES), MORE OR LESS.

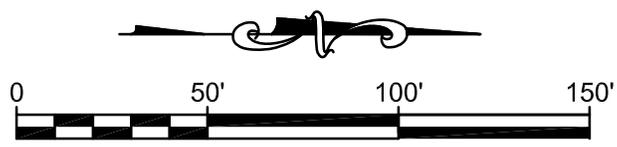


**NOTE:**  
THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

**THIS MAP WAS PREPARED BY**

**BOULDER LAND CONSULTANTS, INC.**

950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com



**NOTICE:** ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

S:\BLC\_P\Projects\202cob12\CAD\DWGS\20212LD-SE120-ROW.dwg  
BLC, INC. PROJECT NO. 202cob12

## A DESCRIPTION AND EXHIBIT MAP OF TWO STRIPS OF LAND AT

THE 2408 28TH STREET PROPERTY, LOCATED IN THE NE1/4 OF THE NW1/4 OF SECTION 29, T1N, R7OW OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

SHEET 1 OF 2

### PROPERTY DESCRIPTION:

TWO STRIPS OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIPS OF LAND BEING PORTIONS OF THAT PARCEL OF LAND AS DESCRIBED IN BOOK 835 AT PAGE 86 OF THE BOULDER COUNTY RECORDS, SAID STRIPS OF LAND BEING DESCRIBED AS FOLLOWS:

#### -STRIP A-

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, FROM WHICH THE NORTHWEST CORNER OF SAID NE1/4 OF THE NW1/4 OF SECTION 29 BEARS N 00°15'53" W (BASIS OF BEARINGS), 1333.14 FEET; THENCE N 21°29'41" E, 118.69 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND AS DESCRIBED IN BOOK 835 AT PAGE 86; THENCE N 89°25'54" E ALONG THE SOUTH LINE OF SAID PARCEL, 4.66 FEET TO THE POINT OF BEGINNING;

THENCE N 01°38'40" E, 52.22 FEET;

THENCE N 00°15'53" W, 147.82 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL;

THENCE N 89°25'54" E ALONG SAID NORTH LINE, 6.82 FEET TO THE NORTHWEST CORNER OF THAT SIDEWALK EASEMENT AS DESCRIBED ON FILM 769 AT RECEPTION NO. 16088 OF THE BOULDER COUNTY RECORDS;

THENCE DEPARTING SAID NORTH LINE AND ALONG THE WESTERLY LINE OF SAID SIDEWALK EASEMENT S 00°15'53" E, 14.77 FEET;

THENCE S 05°45'07" W CONTINUING ALONG SAID WESTERLY LINE, 20.10 FEET;

THENCE S 00°15'53" E CONTINUING ALONG SAID WESTERLY LINE, 145.40 FEET;

THENCE S 05°48'44" E CONTINUING ALONG SAID WESTERLY LINE, 19.93 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL OF LAND AS DESCRIBED IN BOOK 835 AT PAGE 86;

THENCE S 89°25'54" W ALONG SAID SOUTH LINE, 8.38 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED -STRIP A- CONTAINS 1059 SQUARE FEET (0.024 ACRES), MORE OR LESS.

AND ALSO:

#### -STRIP B-

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, FROM WHICH THE NORTHWEST CORNER OF SAID NE1/4 OF THE NW1/4 OF SECTION 29 BEARS N 00°15'53" W (BASIS OF BEARINGS), 1333.14 FEET; THENCE N 21°29'41" E, 118.69 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND AS DESCRIBED IN BOOK 835 AT PAGE 86; THENCE N 89°25'54" E ALONG THE SOUTH LINE OF SAID PARCEL, 21.07 FEET TO THE SOUTHEAST CORNER OF THAT SIDEWALK EASEMENT AS DESCRIBED ON FILM 769 AT RECEPTION NO. 16088 AND THE POINT OF BEGINNING;

THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EASTERLY LINE OF SAID SIDEWALK EASEMENT N 05°48'55" W, 20.27 FEET;

THENCE N 00°15'53" W CONTINUING ALONG SAID EASTERLY LINE, 144.60 FEET;

THENCE N 05°45'04" E CONTINUING ALONG SAID EASTERLY LINE, 20.09 FEET;

THENCE N 00°15'45" W, 15.24 FEET TO THE NORTHEAST CORNER OF SAID SIDEWALK EASEMENT AND A POINT ON THE NORTH LINE OF SAID PARCEL OF LAND AS DESCRIBED IN BOOK 835 AT PAGE 86;

THENCE N 89°25'54" E ALONG SAID NORTH LINE, 3.68 FEET;

THENCE DEPARTING SAID NORTH LINE S 00°15'53" E, 181.00 FEET;

THENCE S 89°44'07" W, 2.00 FEET;

THENCE S 00°15'53" E, 19.01 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL OF LAND AS DESCRIBED IN BOOK 835 AT PAGE 86;

THENCE S 89°25'54" W ALONG SAID SOUTH LINE, 1.83 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED -STRIP B- CONTAINS 1047 SQUARE FEET (0.024 ACRES), MORE OR LESS.

SHEET 1 OF 2

THIS MAP WAS PREPARED BY

BOULDER LAND  
CONSULTANTS, INC.



950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

PROJECT #202COB12  
"20212LD-SE120-Esmt.DWG"  
DATE: 01/27/2015



#### NOTE:

THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

© 2015 BOULDER  
LAND CONSULTANTS,  
INC. ALL RIGHTS  
RESERVED

# A DESCRIPTION AND EXHIBIT MAP OF TWO STRIPS OF LAND AT

THE 2408 28TH STREET PROPERTY, LOCATED IN THE NE1/4 OF THE NW1/4 OF SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

SHEET 2 OF 2

NW CORNER  
NE1/4 NW1/4  
SECTION 29,  
T1N, R70W

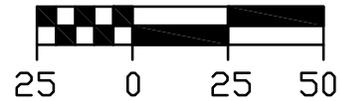
STRIP CONVEYED  
TO COLO DEPT  
OF HWYS PER  
BOOK 1043,  
PAGE 201

28TH STREET

WEST LINE NE1/4 NW1/4 SEC 29  
(S. HIGHWAY (S.U.)  
NO. 36)  
N00°15'53"W 1353.14'

BASEIS OF BEARINGS  
N00°15'53"W 147.82'

N00°15'53"W 181.00'



SCALE: 1"=50'

EXISTING  
SIDEWALK ESMT.  
FILM 769 R#16088

PUBLIC SERVICE COMPANY  
OF COLORADO  
2408 28th St.  
(BOOK 835 PAGE 86)

SW CORNER  
NE1/4 NW1/4  
SECTION 29,  
T1N, R70W

**LINE TABLE**

L1: N89°25'54"E	4.66'	L11: N00°15'45"W	15.24'
L2: N01°38'40"E	52.22'	L12: N89°25'54"E	3.68'
L3: N89°25'54"E	6.82'	L13: S89°44'07"W	2.00'
L4: S00°15'53"E	14.77'	L14: S00°15'53"E	19.01'
L4A: S05°45'07"W	20.10'	L15: S89°25'54"W	1.83'
L5: S00°15'53"E	145.40'		
L5A: S05°48'44"E	19.93'		
L6: S89°25'54"W	8.38'		
L7: N89°25'54"E	21.07'		
L8: N05°48'55"W	20.27'		
L9: N00°15'53"W	144.60'		
L10: N05°45'04"E	20.09'		

**NOTE:**  
THIS MAP DOES NOT REPRESENT  
A BOUNDARY SURVEY OR TITLE  
SEARCH PERFORMED BY BOULDER  
LAND CONSULTANTS, INC. THERE  
MAY EXIST EASEMENTS AND/OR  
OTHER ENCUMBRANCES AFFECTING  
THE SUBJECT PROPERTY THAT ARE  
NOT SHOWN HEREON.

SHEET 2 OF 2

THIS MAP WAS PREPARED BY

BOULDER LAND  
CONSULTANTS, INC.

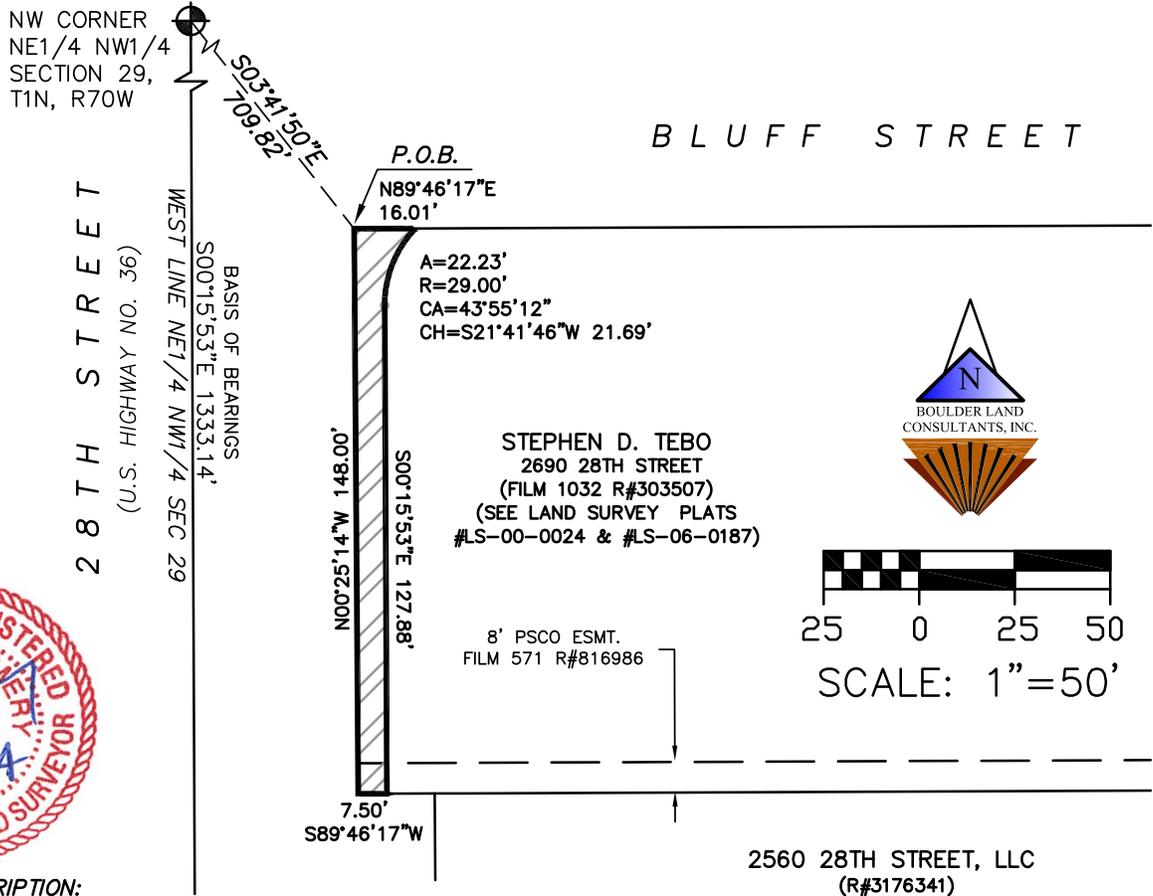


950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

PROJECT #202COB12  
"20212LD-SE120-Esmt.DWG"  
DATE: 01/27/2015

© 2015 BOULDER  
LAND CONSULTANTS,  
INC. ALL RIGHTS  
RESERVED

**A DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT  
THE 2690 28TH STREET PROPERTY, LOCATED IN THE NE1/4 OF THE NW1/4 OF  
SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER,  
STATE OF COLORADO.**



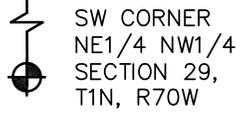
**PROPERTY DESCRIPTION:**

A STRIP OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED ON FILM 1032 AT RECEPTION NO. 303507 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, FROM WHICH THE SOUTHWEST CORNER OF SAID NE1/4 OF THE NW1/4 OF SECTION 29 BEARS S 00°15'53" E (BASIS OF BEARINGS), 1333.14 FEET;  
 THENCE S 03°41'50" E, 709.82 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 303507 AND THE POINT OF BEGINNING;  
 THENCE N 89°46'17" E ALONG THE NORTH LINE OF SAID PARCEL, 16.01 FEET;  
 THENCE DEPARTING SAID NORTH PARCEL LINE 22.23 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 43°55'12" AND A CHORD THAT BEARS S 21°41'46" W, 21.69 FEET;  
 THENCE S 00°15'53" E, 127.88 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 303507;  
 THENCE S 89°46'17" W, 7.50 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL;  
 THENCE N 00°25'14" W ALONG SAID WEST LINE, 148.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 1191 SQUARE FEET (0.026 ACRES), MORE OR LESS.

© 2014 BOULDER LAND CONSULTANTS, INC. ALL RIGHTS RESERVED



**NOTE:**  
 THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

THIS MAP WAS PREPARED BY  
**BOULDER LAND CONSULTANTS, INC.**  
  
 950 LARAMIE BLVD, UNIT D  
 BOULDER, CO 80304 (303) 443-3616  
 www.BLCsurveyors.com

PROJECT #202COB12  
 "20212LD-SE126row.DWG"  
 DATE: 10/15/2014

**A DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT  
THE 2690 28TH STREET PROPERTY, LOCATED IN THE NE1/4 OF THE NW1/4 OF  
SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER,  
STATE OF COLORADO.  
SHEET 1 OF 2**

**PROPERTY DESCRIPTION:**

A STRIP OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED ON FILM 1032 AT RECEPTION NO. 303507 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, FROM WHICH THE SOUTHWEST CORNER OF SAID NE1/4 OF THE NW1/4 OF SECTION 29 BEARS S 00°15'53" E (BASIS OF BEARINGS), 1333.14 FEET;  
THENCE S 03°41'50" E, 709.82 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 303507;  
THENCE N 89°46'17" E, ALONG THE NORTH LINE OF SAID PARCEL, 16.01 FEET TO THE POINT OF BEGINNING;

THENCE N 89°46'17" E CONTINUING ALONG THE NORTH LINE OF SAID PARCEL, 15.25 FEET;  
THENCE DEPARTING SAID NORTH PARCEL LINE S 39°08'20" W, 6.08 FEET  
THENCE 15.89 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 56.00 FEET, A CENTRAL ANGLE OF 16°15'37" AND A CHORD THAT BEARS S 07°51'56" W, 15.84 FEET;  
THENCE 12.49 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 44.00 FEET, A CENTRAL ANGLE OF 16°15'37" AND A CHORD THAT BEARS S 07°51'56" W, 12.45 FEET;  
THENCE S 00°15'53" E, 87.06 FEET;  
THENCE 11.55 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 44.00 FEET, A CENTRAL ANGLE OF 15°02'04" AND A CHORD THAT BEARS S 07°46'55" E, 11.51 FEET;  
THENCE S 18°34'08" E, 5.02 FEET;  
THENCE 9.44 FEET ALONG THE ARC OF A CURVE TO THE LEFT TO A POINT ON THE SOUTH LINE OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 303507, SAID CURVE HAVING A RADIUS OF 56.00 FEET, A CENTRAL ANGLE OF 09°39'37" AND A CHORD THAT BEARS S 17°00'31" E, 9.43 FEET;  
THENCE S 89°46'17" W ALONG THE SOUTH LINE OF SAID PARCEL, 21.30 FEET;  
THENCE DEPARTING SAID SOUTH PARCEL LINE N 00°15'53" W, 127.88 FEET  
THENCE 22.23 FEET ALONG THE ARC OF A CURVE TO THE RIGHT TO THE POINT OF BEGINNING, SAID CURVE HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 43°55'12" AND A CHORD THAT BEARS N 21°41'46" E, 21.69 FEET;

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 2399 SQUARE FEET (0.055 ACRES), MORE OR LESS.



SHEET 1 OF 2

© 2014 BOULDER  
LAND CONSULTANTS,  
INC. ALL RIGHTS  
RESERVED

**NOTE:**

THIS MAP DOES NOT REPRESENT  
A BOUNDARY SURVEY OR TITLE  
SEARCH PERFORMED BY BOULDER  
LAND CONSULTANTS, INC. THERE  
MAY EXIST EASEMENTS AND/OR  
OTHER ENCUMBRANCES AFFECTING  
THE SUBJECT PROPERTY THAT ARE  
NOT SHOWN HEREON.

THIS MAP WAS PREPARED BY

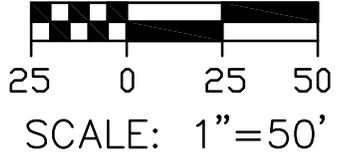
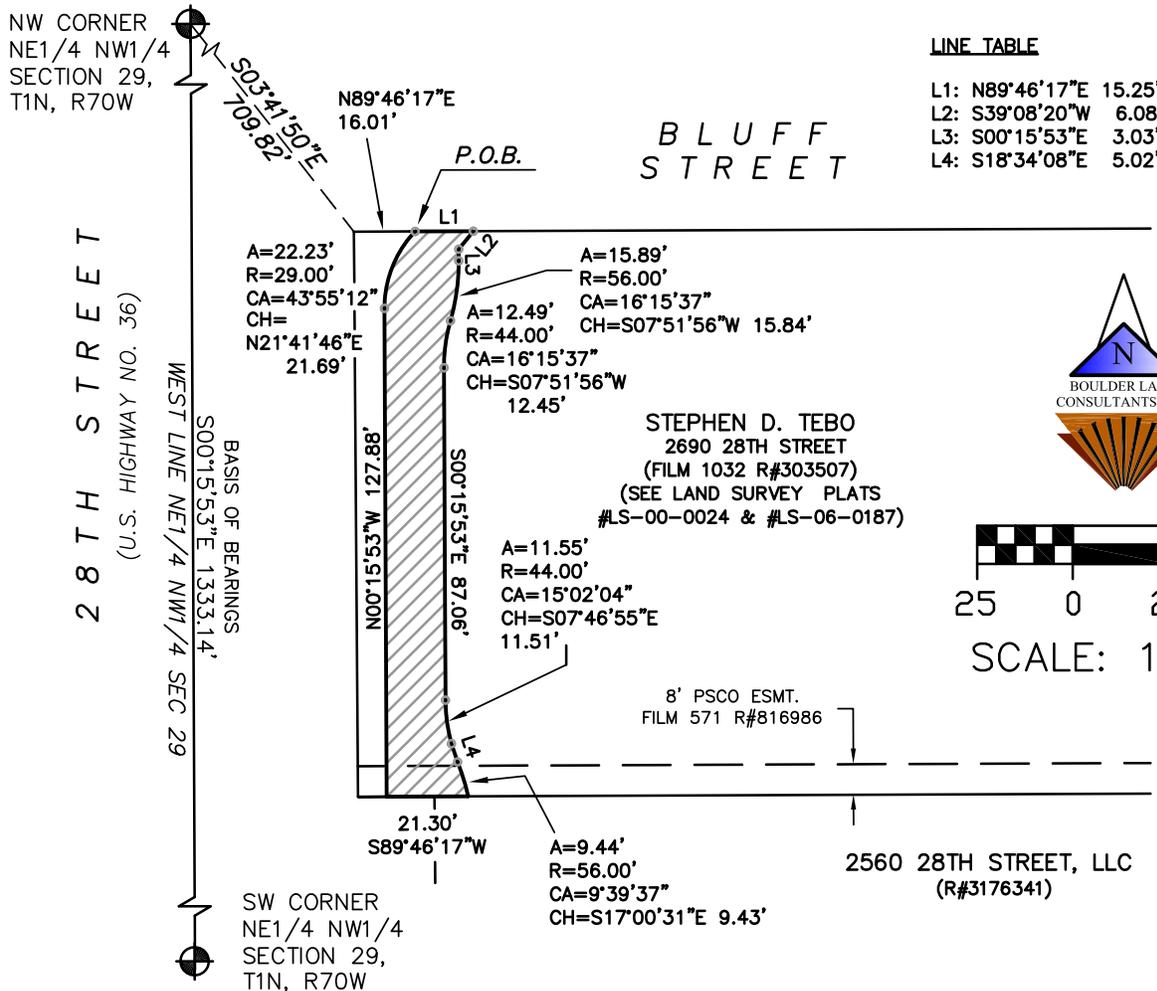
BOULDER LAND  
CONSULTANTS, INC.



950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

PROJECT #202COB12  
"20212LD-SE126esmt.DWG"  
DATE: 10/15/2014

**A DESCRIPTION AND EXHIBIT MAP OF A STRIP OF LAND AT  
THE 2690 28TH STREET PROPERTY, LOCATED IN THE NE1/4 OF THE NW1/4 OF  
SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER,  
STATE OF COLORADO.  
SHEET 2 OF 2**



THIS MAP WAS PREPARED BY

**BOULDER LAND  
CONSULTANTS, INC.**

950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

**NOTE:**  
THIS MAP DOES NOT REPRESENT  
A BOUNDARY SURVEY OR TITLE  
SEARCH PERFORMED BY BOULDER  
LAND CONSULTANTS, INC. THERE  
MAY EXIST EASEMENTS AND/OR  
OTHER ENCUMBRANCES AFFECTING  
THE SUBJECT PROPERTY THAT ARE  
NOT SHOWN HEREON.

PROJECT #202COB12  
"20212LD-SE126esmt.DWG"  
DATE: 10/15/2014

SHEET 2 OF 2  
© 2014 BOULDER  
LAND CONSULTANTS,  
INC. ALL RIGHTS  
RESERVED

### AN EXHIBIT MAP AND DESCRIPTION OF A STRIP OF LAND

BEING A PORTION OF THE SW1/4 OF THE SW1/4 OF SECTION 20, T1N, R70W OF THE 6TH P.M. CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

**DESCRIPTION**

A STRIP OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED AS RECEPTION NO. 2027376 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/16th CORNER COMMON TO SECTIONS 20 AND 29, FROM WHICH THE CENTER WEST 1/16th CORNER OF SAID SECTION 20 BEARS NORTH 00°13'40" WEST, 2648.12 FEET; THENCE NORTH 14°35'49" WEST, 150.71 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 2027376 BEING A POINT ON THE WEST LINE OF 28TH STREET AND THE POINT OF BEGINNING; THENCE SOUTH 89°46'50" WEST ALONG THE SOUTH LINE OF SAID PARCEL, 5.83 FEET; THENCE DEPARTING SAID SOUTH LINE NORTH 00°18'49" WEST, 152.23 FEET TO A POINT ON THE EAST NORTHEAST LINE OF SAID PARCEL; THENCE NORTH 89°46'50" EAST ALONG THE EAST NORTHEAST LINE OF SAID PARCEL, 5.55 FEET; THENCE DEPARTING SAID LINE AND ALONG THE WEST LINE OF 28TH STREET SOUTH 00°25'10" EAST, 152.23 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 867 SQUARE FEET OF LAND, MORE OR LESS.



POINT OF COMMENCEMENT:  
W1/16TH CORNER  
COMMON TO  
SECTIONS 20 & 29,  
T1N, R70W  
6TH P.M.; FOUND  
2.5" ILLEGIBLE BRASS  
CAP IN MONUMENT  
BOX

THIS MAP WAS PREPARED BY

**BOULDER LAND CONSULTANTS, INC.**



950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

NOTE:  
THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

SW 1/4 SW 1/4  
SECTION 20  
T 1 N R 70 W

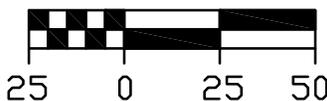
STEPHEN D. TEBO  
R#2027376  
R#1687801  
3033 28th St

CW1/16TH CORNER  
OF SECTION 20, T1N,  
R70W, 6TH P.M.;  
FOUND 2.5" ILLEGIBLE  
BRASS CAP IN  
MONUMENT BOX

N89°46'50"E  
5.55'  
28TH STREET  
(U.S. HIGHWAY NO. 36)  
P.O.B.  
S00°25'10"E 152.23'  
N00°18'49"W 152.23'  
EAST LINE W1/2 SW1/4 SECTION 20  
N 00°13'40" W 2648.12'

5.83'  
S89°46'50"W

N 14°35'49" W  
150.71'



SCALE: 1"=50'

THIS EXHIBIT IS NOT INTENDED TO INCLUDE SURVEY PLAT REQUIREMENTS AS DEFINED IN CRS 38-51-106.

PROJECT #202COB12  
SCALE: 1" = 50'  
FILE: 20212 3033 28th ROW.dwg  
DATE: 07/20/15  
DRAWN BY: JE

### AN EXHIBIT MAP AND DESCRIPTION OF AN EASEMENT

BEING A PORTION OF THE SW1/4 OF THE SW1/4 OF SECTION 20, T1N, R70W OF THE 6TH P.M. CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

**DESCRIPTION**

A STRIP OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED AS RECEPTION NO. 2027376 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/16th CORNER COMMON TO SECTIONS 20 AND 29, FROM WHICH THE CENTER WEST 1/16th CORNER OF SAID SECTION 20 BEARS NORTH 00°13'40" WEST, 2648.12 FEET; THENCE NORTH 14°35'49" WEST, 150.71 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL AS DESCRIBED AT RECEPTION NO. 2027376; THENCE SOUTH 89°46'50" WEST, 5.83 FEET ALONG THE SOUTH LINE OF SAID PARCEL TO THE POINT OF BEGINNING; THENCE SOUTH 89°46'50" WEST CONTINUING ALONG THE SOUTH LINE OF SAID PARCEL, 17.21 FEET; THENCE DEPARTING SAID SOUTH LINE 11.99 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 56.00 FEET, A CENTRAL ANGLE OF 12°16'16", AND A CHORD THAT BEARS NORTH 06°28'55" WEST, 11.97 FEET; THENCE NORTH 00°18'49" WEST, 140.33 FEET TO A POINT ON THE EAST NORTHEAST LINE OF SAID PARCEL; THENCE NORTH 89°46'50" EAST ALONG THE EAST NORTHEAST LINE OF SAID PARCEL, 18.50 FEET; THENCE DEPARTING SAID LINE SOUTH 00°18'49" EAST, 152.23 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 2811 SQUARE FEET OF LAND (0.065 ACRES), MORE OR LESS.



THIS MAP WAS PREPARED BY

**BOULDER LAND CONSULTANTS, INC.**



950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

POINT OF COMMENCEMENT:  
W1/16TH CORNER  
COMMON TO  
SECTIONS 20 & 29,  
T1N, R70W  
6TH P.M.; FOUND  
2.5" ILLEGIBLE BRASS  
CAP IN MONUMENT  
BOX

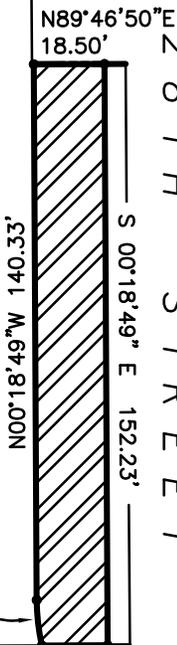
**NOTE:**  
THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

SW 1/4 SW 1/4  
SECTION 20  
T 1 N R 70 W

STEPHEN D. TEBO  
R#2027376  
R#1687801  
3033 28th St

A: 11.99'  
R: 56.00'  
CA: 12°16'16"  
CH: N06°28'55"W  
11.97'

CW1/16TH CORNER  
OF SECTION 20, T1N,  
R70W, 6TH P.M.;  
FOUND 2.5" ILLEGIBLE  
BRASS CAP IN  
MONUMENT BOX



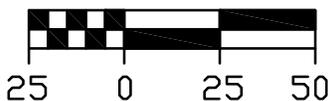
28TH STREET  
(U.S. HIGHWAY NO. 36)  
EAST LINE W1/2 SW1/4 SECTION 20  
N 00°13'40" W 2648.12'



N 14°35'49" W  
150.71'



BOULDER LAND CONSULTANTS, INC.



SCALE: 1"=50'

THIS EXHIBIT IS NOT INTENDED TO INCLUDE SURVEY PLAT REQUIREMENTS AS DEFINED IN CRS 38-51-106.

PROJECT #202COB12  
SCALE: 1" = 50'  
FILE: 20212 3033 28th Esmt.dwg  
DATE: 07/20/15  
DRAWN BY: JE

### AN EXHIBIT MAP AND DESCRIPTION OF A STRIP OF LAND

BEING A PORTION OF THE SE1/4 OF THE SW1/4 OF SECTION 20, T1N, R70W OF THE 6TH P.M. CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

CW1/16TH CORNER OF SECTION 20, T1N, R70W, 6TH P.M.; FOUND 2.5" ILLEGIBLE BRASS CAP IN MONUMENT BOX

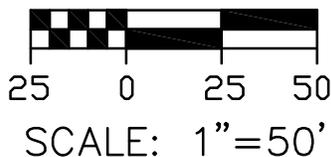
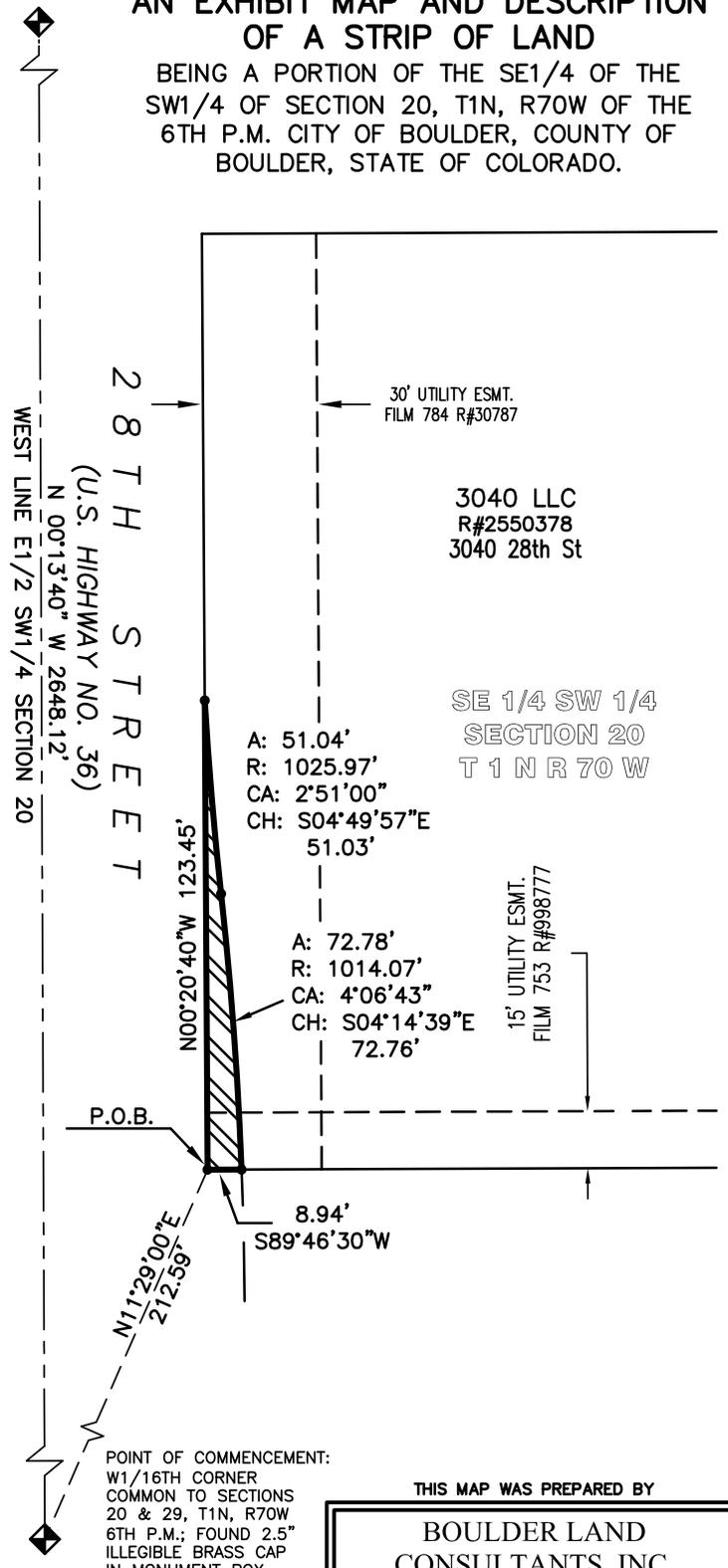
**DESCRIPTION**

A STRIP OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 2550378 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/16th CORNER COMMON TO SECTIONS 20 AND 29, FROM WHICH THE CENTER WEST 1/16th CORNER OF SAID SECTION 20 BEARS NORTH 00°13'40" WEST, 2648.12 FEET; THENCE NORTH 11°29'00" EAST, 212.59 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL BEING A POINT ON THE EAST LINE OF 28TH STREET AND THE POINT OF BEGINNING;

THENCE NORTH 00°20'40" WEST ALONG THE WEST LINE OF SAID PARCEL AND THE EAST LINE OF 28TH STREET, 123.45 FEET;  
 THENCE DEPARTING SAID EAST LINE 51.04 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1025.97 FEET, A CENTRAL ANGLE OF 02°51'00", AND A CHORD THAT BEARS SOUTH 04°49'57" EAST, 51.03 FEET;  
 THENCE 72.78 FEET ALONG THE ARC OF A CURVE TO THE RIGHT TO A POINT ON THE SOUTH LINE OF SAID PARCEL, SAID CURVE HAVING A RADIUS OF 1014.07 FEET, A CENTRAL ANGLE OF 04°06'43", AND A CHORD THAT BEARS SOUTH 04°14'39" EAST, 72.76 FEET;  
 THENCE SOUTH 89°46'30" WEST ALONG THE SOUTH LINE OF SAID PARCEL, 8.94 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 592 SQUARE FEET OF LAND, MORE OR LESS.



PROJECT #202COB12  
 SCALE: 1" = 50'  
 FILE: 20212 3040  
 28th ROW.dwg  
 DATE: 07/20/15  
 DRAWN BY: JE

NOTE:  
 THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

THIS MAP WAS PREPARED BY

**BOULDER LAND CONSULTANTS, INC.**

950 LARAMIE BLVD, UNIT D  
 BOULDER, CO 80304 (303) 443-3616  
 www.BLCsurveyors.com

**DESCRIPTION**

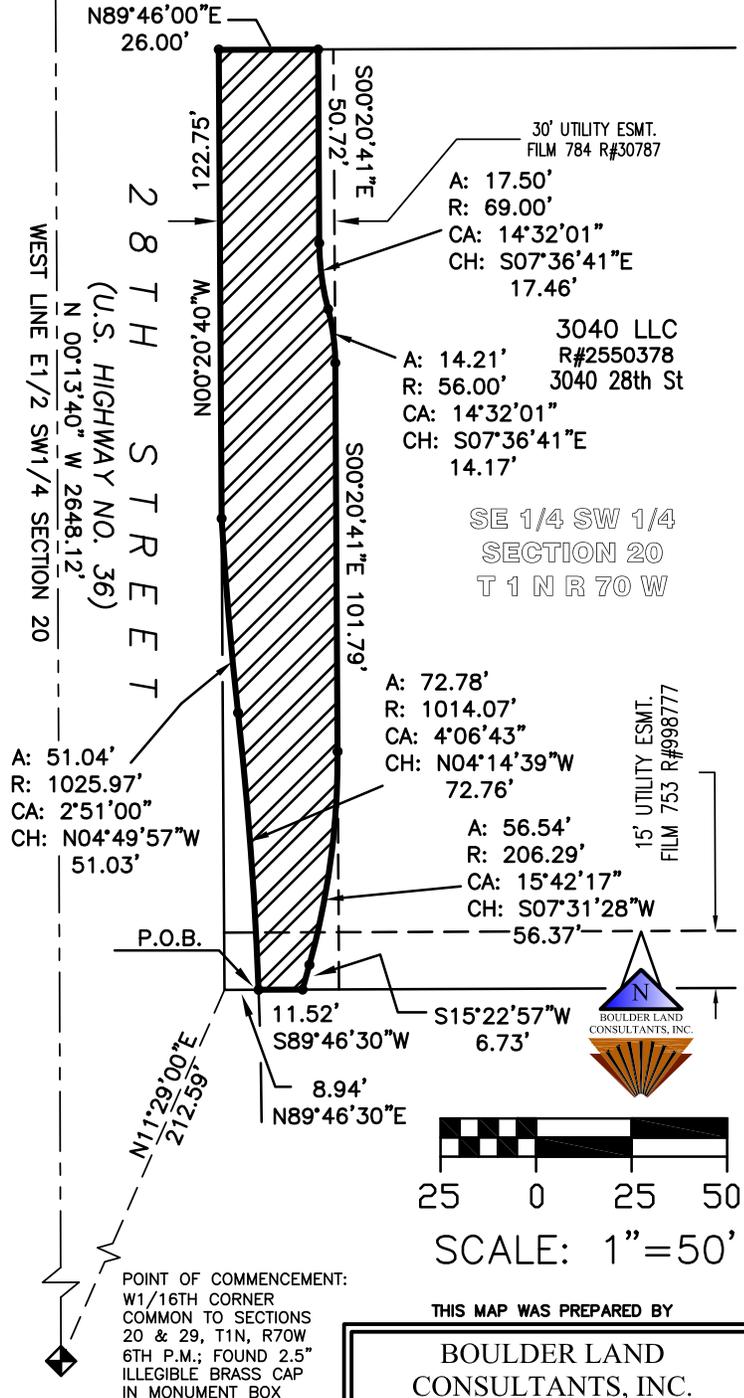
CW1/16TH CORNER OF SECTION 20,  
T1N, R70W, 6TH P.M.; FOUND 2.5"  
ILLEGIBLE BRASS CAP IN MONUMENT BOX

A STRIP OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 2550378 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE W1/16th CORNER COMMON TO SECTIONS 20 AND 29, FROM WHICH THE CENTER WEST 1/16th CORNER OF SAID SECTION 20 BEARS NORTH 00°13'40" WEST, 2648.12 FEET; THENCE NORTH 11°29'00" EAST, 212.59 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL BEING A POINT ON THE EAST LINE OF 28TH STREET; THENCE NORTH 89°46'30" EAST ALONG THE SOUTH LINE OF SAID PARCEL 8.94 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE 72.78 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1014.07 FEET, A CENTRAL ANGLE OF 04°06'43", AND A CHORD THAT BEARS NORTH 04°14'39" WEST, 72.76 FEET; THENCE 51.04 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1025.97 FEET, A CENTRAL ANGLE OF 02°51'00", AND A CHORD THAT BEARS NORTH 04°49'57" WEST, 51.03 FEET; THENCE NORTH 00°20'40" WEST ALONG THE EAST LINE OF 28TH STREET, 122.75 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE NORTH 89°46'00" EAST ALONG THE NORTH LINE OF SAID PARCEL, 26.00 FEET; THENCE DEPARTING SAID NORTH LINE SOUTH 00°20'41" EAST, 50.72 FEET; THENCE 17.50 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 69.00 FEET, A CENTRAL ANGLE OF 14°32'01", AND A CHORD THAT BEARS SOUTH 07°36'41" EAST, 17.46 FEET; THENCE 14.21 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 56.00 FEET, A CENTRAL ANGLE OF 14°32'01", AND A CHORD THAT BEARS SOUTH 07°36'41" EAST, 14.17 FEET; THENCE SOUTH 00°20'41" EAST ALONG THE EAST LINE OF THAT UTILITY EASEMENT DESCRIBED ON FILM 784 AT RECEPTION NO. 30787 OF THE BOULDER COUNTY RECORDS, 101.79 FEET; THENCE 56.54 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 206.29 FEET, A CENTRAL ANGLE OF 15°42'17", AND A CHORD THAT BEARS SOUTH 07°31'28" WEST, 56.37 FEET; THENCE SOUTH 15°22'57" WEST, 6.73 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL; THENCE SOUTH 89°46'30" WEST ALONG SAID SOUTH LINE, 11.52 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 6328 SQUARE FEET OF LAND (0.145 ACRES), MORE OR LESS.

**AN EXHIBIT MAP AND DESCRIPTION OF AN EASEMENT**

BEING A PORTION OF THE SE1/4 OF THE SW1/4 OF SECTION 20, T1N, R70W OF THE 6TH P.M. CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.



PROJECT #202COB12  
SCALE: 1" = 50'  
FILE: 20212 3040  
28th Esmt.dwg  
DATE: 07/20/15  
DRAWN BY: JE

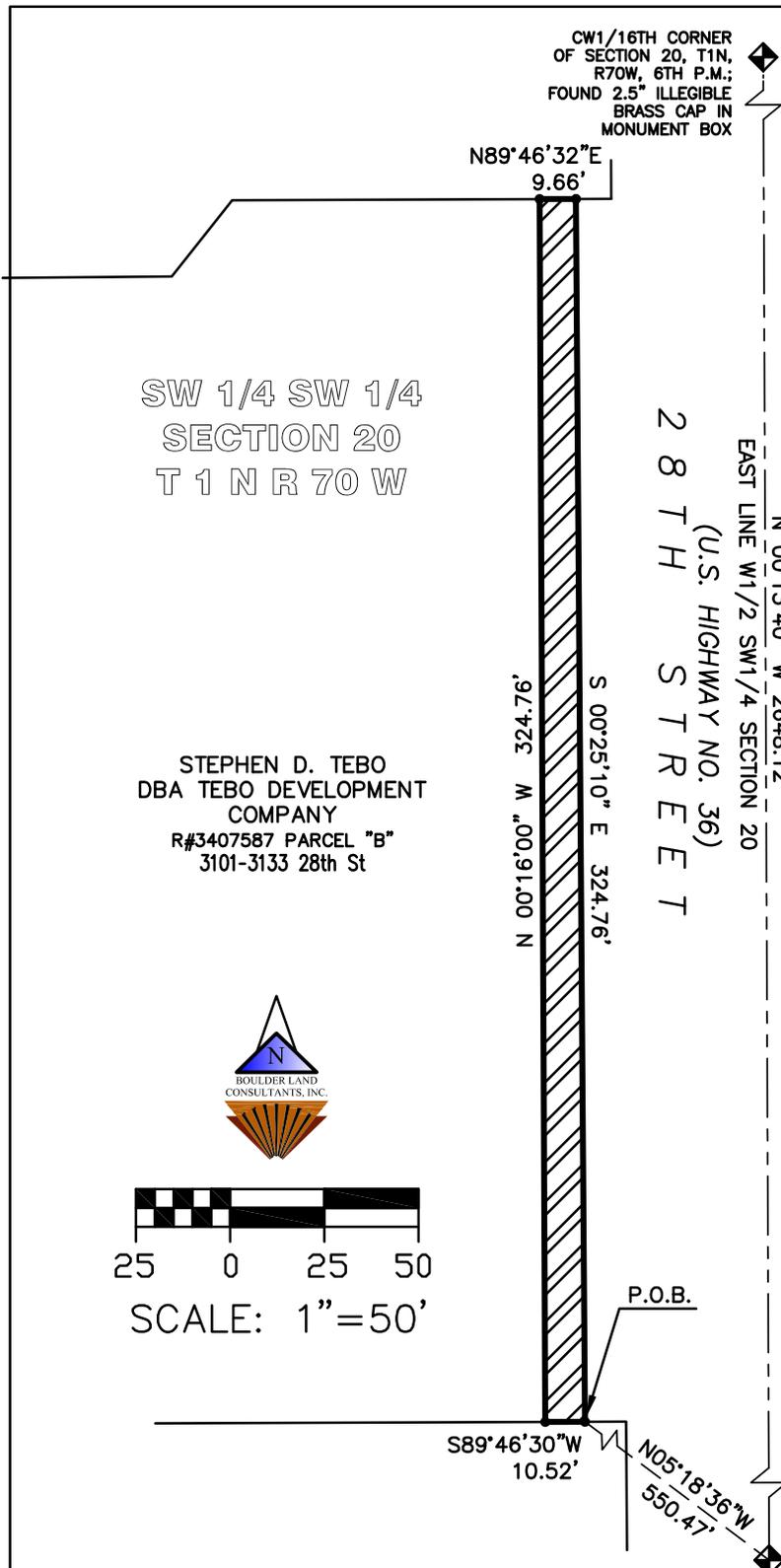


NOTE:  
THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

THIS MAP WAS PREPARED BY

**BOULDER LAND CONSULTANTS, INC.**

950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com



## AN EXHIBIT MAP AND DESCRIPTION OF AN EASEMENT

BEING A PORTION OF THE SW1/4 OF THE  
SW1/4 OF SECTION 20, T1N, R70W OF THE  
6TH P.M. CITY OF BOULDER, COUNTY OF  
BOULDER, STATE OF COLORADO.

### DESCRIPTION

A STRIP OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF PARCEL "B" AS DESCRIBED AT RECEPTION NO. 3407587 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/16th CORNER COMMON TO SECTIONS 20 AND 29, FROM WHICH THE CENTER WEST 1/16th CORNER OF SAID SECTION 20 BEARS NORTH 00°13'40" WEST, 2648.12 FEET; THENCE NORTH 05°18'36" WEST, 550.47 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "B" BEING A POINT ON THE WEST LINE OF 28TH STREET AND THE POINT OF BEGINNING; THENCE SOUTH 89°46'30" WEST ALONG THE SOUTH LINE OF SAID PARCEL "B", 10.52 FEET; THENCE DEPARTING SAID SOUTH LINE NORTH 00°16'00" WEST, 324.76 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL "B"; THENCE NORTH 89°46'32" EAST, 9.66 FEET ALONG SAID NORTH LINE TO A POINT ON THE WEST LINE OF 28TH STREET; THENCE ALONG SAID WEST LINE SOUTH 00°25'10" EAST, 324.76 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 3277 SQUARE FEET OF LAND (0.075 ACRES), MORE OR LESS.



POINT OF COMMENCEMENT:  
W1/16TH CORNER  
COMMON TO  
SECTIONS 20 & 29,  
T1N, R70W  
6TH P.M.; FOUND  
2.5" ILLEGIBLE BRASS  
CAP IN MONUMENT  
BOX

THIS MAP WAS PREPARED BY

**BOULDER LAND  
CONSULTANTS, INC.**

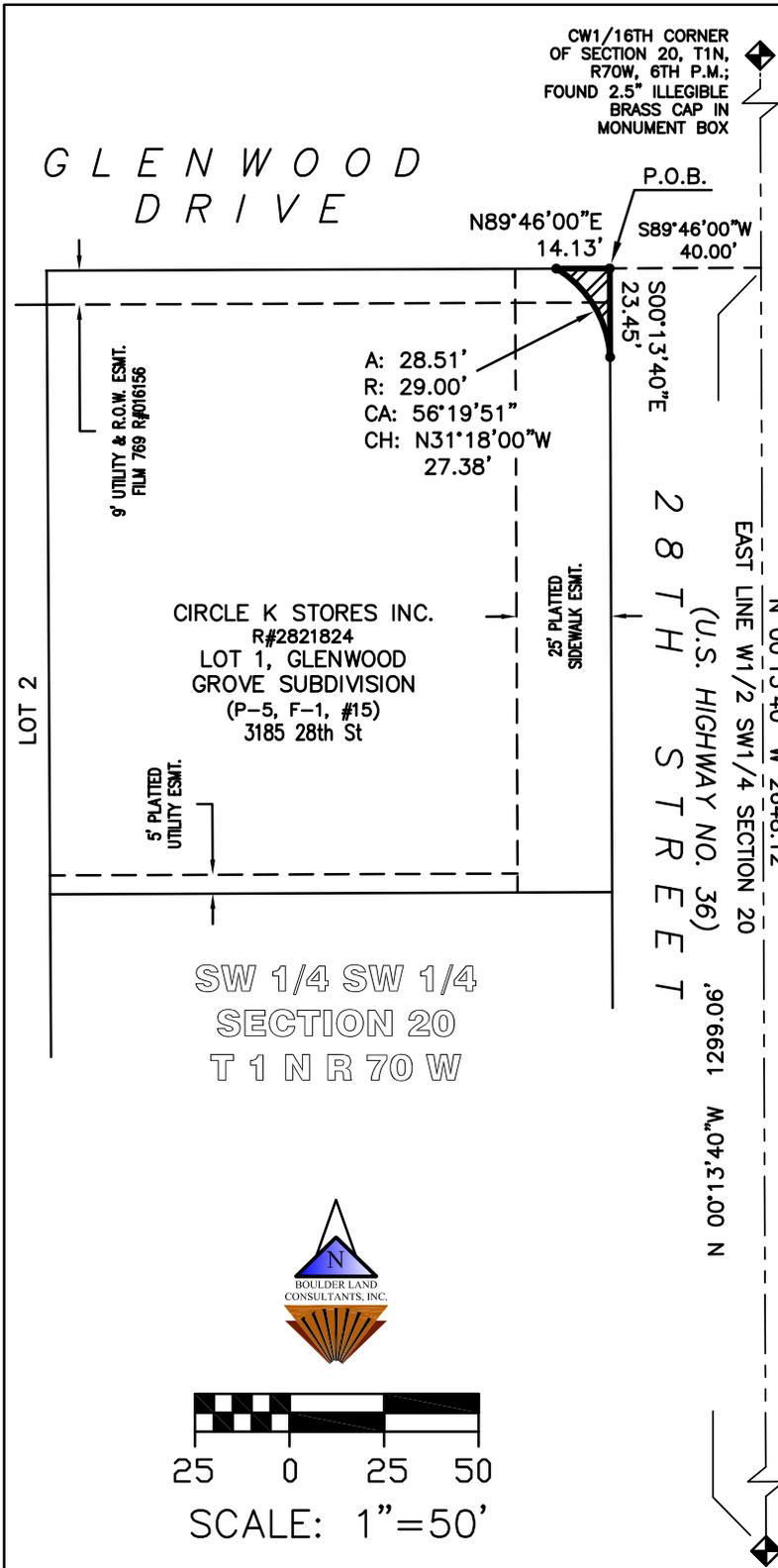


950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

**NOTE:**  
THIS MAP DOES NOT REPRESENT A  
BOUNDARY SURVEY OR TITLE  
SEARCH PERFORMED BY BOULDER  
LAND CONSULTANTS, INC. THERE  
MAY EXIST EASEMENTS AND/OR  
OTHER ENCUMBRANCES AFFECTING  
THE SUBJECT PROPERTY THAT ARE  
NOT SHOWN HEREON.

THIS EXHIBIT IS NOT INTENDED TO INCLUDE SURVEY PLAT REQUIREMENTS AS DEFINED IN CRS 38-51-106.

PROJECT #202COB12  
SCALE: 1" = 50'  
FILE: 20212 3101 28th Esmt.dwg  
DATE: 07/20/15  
DRAWN BY: JE



### AN EXHIBIT MAP AND DESCRIPTION OF A STRIP OF LAND

BEING A PORTION OF THE SW1/4 OF THE SW1/4 OF SECTION 20, T1N, R70W OF THE 6TH P.M. CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

#### DESCRIPTION

A STRIP OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF LOT 1, GLENWOOD GROVE, THE PLAT OF WHICH IS RECORDED ON FILM 873 AT RECEPTION NO. 123403 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/16th CORNER COMMON TO SECTIONS 20 AND 29, FROM WHICH THE CENTER WEST 1/16th CORNER OF SAID SECTION 20 BEARS NORTH 00°13'40" WEST, 2648.12 FEET; THENCE NORTH 00°13'40" WEST ALONG THE EAST LINE OF THE SW1/4 OF THE SW1/4 OF SAID SECTION 20, 1299.06 FEET; THENCE SOUTH 89°46'00" WEST, 40.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 BEING A POINT ON THE WEST LINE OF 28TH STREET AND THE POINT OF BEGINNING; THENCE SOUTH 00°13'40" EAST ALONG THE EAST LINE OF SAID LOT 1 AND THE WEST LINE OF 28TH STREET, 23.45 FEET; THENCE DEPARTING SAID WEST LINE 28.51 FEET ALONG THE ARC OF A CURVE TO THE LEFT TO A POINT ON THE NORTH LINE OF SAID LOT 1, SAID CURVE HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 56°19'51", AND A CHORD THAT BEARS NORTH 31°18'00" WEST, 27.38 FEET THENCE NORTH 89°46'00" EAST, 14.13 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 102 SQUARE FEET OF LAND, MORE OR LESS.



POINT OF COMMENCEMENT:  
W1/16th CORNER COMMON TO SECTIONS 20 & 29, T1N, R70W 6TH P.M.; FOUND 2.5" ILLEGIBLE BRASS CAP IN MONUMENT BOX

THIS MAP WAS PREPARED BY

**BOULDER LAND CONSULTANTS, INC.**



950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

**NOTE:**  
THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

THIS EXHIBIT IS NOT INTENDED TO INCLUDE SURVEY PLAT REQUIREMENTS AS DEFINED IN CRS 38-51-106.

PROJECT #202COB12  
SCALE: 1" = 50'  
FILE: 20212 3185 28th ROW.dwg  
DATE: 07/20/15  
DRAWN BY: JE

# AN EXHIBIT MAP AND DESCRIPTION OF A STRIP OF LAND

BEING A PORTION OF THE NE1/4 OF THE SW1/4 OF SECTION 20, T1N, R70W OF THE 6TH P.M. CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

## DESCRIPTION

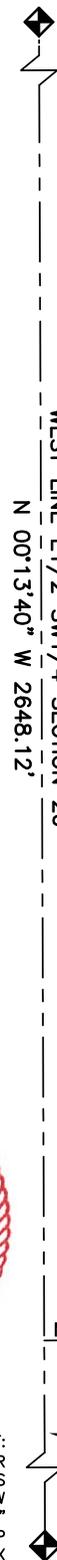
A STRIP OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING A PORTION OF THAT PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 3050745 OF THE BOULDER COUNTY RECORDS, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/16th CORNER COMMON TO SECTIONS 20 AND 29, FROM WHICH THE CENTER WEST 1/16th CORNER OF SAID SECTION 20 BEARS NORTH 00°13'40" WEST, 2648.12 FEET; THENCE NORTH 00°13'40" WEST ALONG THE WEST LINE OF THE EAST 1/2 OF THE SW 1/4 OF SAID SECTION 20, 1354.06 FEET; THENCE NORTH 89°46'00" EAST, 40.94 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL BEING A POINT ON THE EAST LINE OF 28TH STREET AND THE POINT OF BEGINNING;

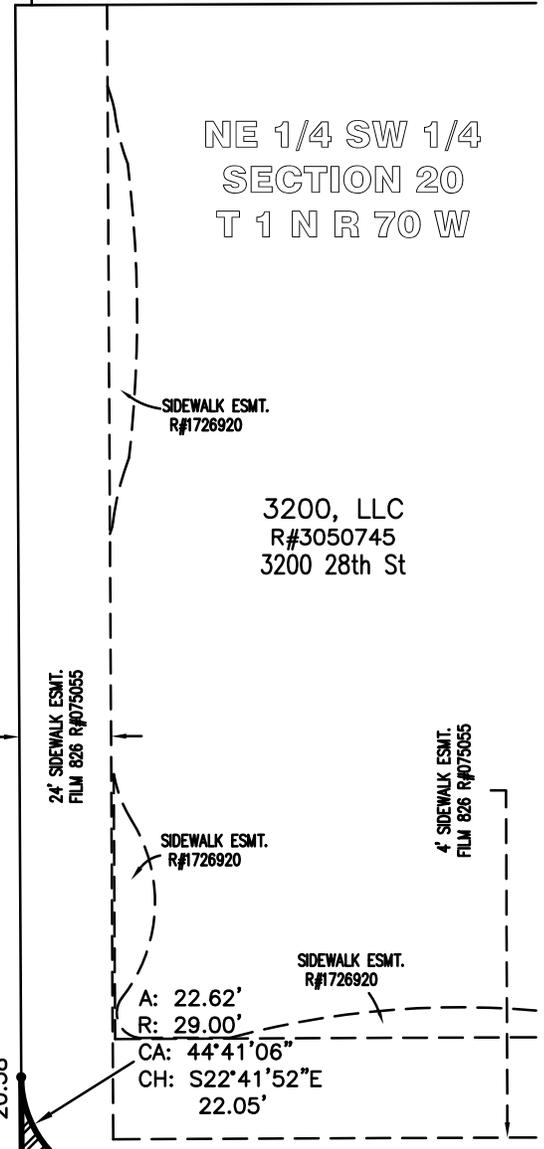
THENCE NORTH 00°18'41" WEST ALONG THE WEST LINE OF SAID PARCEL AND THE EAST LINE OF 28TH STREET, 20.38 FEET; THENCE DEPARTING SAID EAST LINE 22.62 FEET ALONG THE ARC OF A CURVE TO THE LEFT TO A POINT ON THE SOUTH LINE OF SAID PARCEL, SAID CURVE HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 44°41'06", AND A CHORD THAT BEARS SOUTH 22°41'52" EAST, 22.05 FEET; THENCE SOUTH 89°46'00" WEST ALONG THE SOUTH LINE OF SAID PARCEL, 8.40 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 53 SQUARE FEET OF LAND, MORE OR LESS.

CW1/16TH CORNER OF SECTION 20, T1N, R70W, 6TH P.M.; FOUND 2.5" ILLEGIBLE BRASS CAP IN MONUMENT BOX



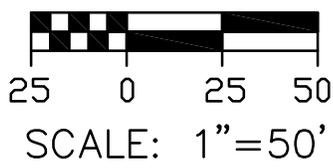
28TH STREET (U.S. HIGHWAY NO. 36)



A: 22.62'  
R: 29.00'  
CA: 44°41'06"  
CH: S22°41'52"E 22.05'

N00°18'41" W 20.38'  
N89°46'00" E 40.94'  
P.O.B. 8.40' S89°46'00" W

GLENWOOD DRIVE



POINT OF COMMENCEMENT:  
W1/16TH CORNER COMMON TO SECTIONS 20 & 29, T1N, R70W 6TH P.M.; FOUND 2.5" ILLEGIBLE BRASS CAP IN MONUMENT BOX

N00°13'40" W 1354.06'

THIS MAP WAS PREPARED BY

**BOULDER LAND CONSULTANTS, INC.**



950 LARAMIE BLVD, UNIT D  
BOULDER, CO 80304 (303) 443-3616  
www.BLCsurveyors.com

NOTE:  
THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OR TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS, INC. THERE MAY EXIST EASEMENTS AND/OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

PROJECT #202COB12  
SCALE: 1" = 50'  
FILE: 20212 3200 28th ROW.dwg  
DATE: 07/20/15  
DRAWN BY: JE



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE:**

Second Reading and consideration of a motion to amend, adopt and order published by title only of Ordinance No. 8081 amending chapters 6-14 "Medical Marijuana" and 6-16 "Recreational Marijuana"

**PRESENTERS**

Jane S. Brautigam, City Manager  
Tom Carr, City Attorney  
Bob Eichen, Chief Financial Officer  
Kathy Haddock, Senior Assistant City Attorney  
Mishawn Cook, Licensing and Collection Administrator

**EXECUTIVE SUMMARY**

At the September 29, 2015 council meeting, council considered amendments to the city's marijuana code proposed by staff. Council held a public hearing and heard comments from representatives of marijuana businesses requesting broad changes to the city's marijuana code. Council directed staff to amend the proposed ordinance to include several amendments discussed by council and to add language allowing for one-time transfers of licenses for businesses that were formerly required to be integrated by the city's code. In addition, council directed that the city manager create a marijuana advisory panel that would consider more extensive changes to the marijuana code. The council agenda committee has scheduled a discussion of the scope of that committee for the December 8, 2015 council study session.

**STAFF RECOMMENDATION:**

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

Second reading and consideration of a motion to amend, adopt and order published by title only an ordinance amending Chapter 5-10 "General Offenses," regarding marijuana offenses; Sections 6-14-2 "Definitions," and 6-14-8 "Requirements Related to Operation of Medical Marijuana Businesses" regarding medical marijuana production and transportation; and Sections 6-16-2 "Definitions," and 6-16-3 "License Required" and 6-16-8 "Requirements Related to Operation of Recreational Marijuana Businesses" and 6-16-13 "Prohibited Acts" regarding production and transport of recreational marijuana.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:**

- Economic: Between January 1, 2015 and July 31, 2015 total reported sales for marijuana businesses in Boulder were \$34,001,865.28. Of this \$16,314,067.36 were medical marijuana sales and \$17,687,797.93 were recreational marijuana sales. Annualized this would be expected to represent \$58,288,911.92 in total sales by December 2015.
- Environmental: The most significant impacts are associated with cultivation facilities and marijuana infused product manufacturers (MIPs). The state now allows for testing facilities which will have similar impacts. Boulder's code currently requires that marijuana cultivation facilities use only pesticides deemed safe for food production. Marijuana businesses face a challenge to control the odor associated with growing, processing and possessing marijuana.
- Social: It remains to be seen whether the federal government will continue their hands-off approach when it comes to recreational use, but indications are that they will not separately enforce if the federal priorities are upheld, mainly keeping marijuana products out of the hands of those persons under 21 years of age. The Rocky Mountain HIDTA issued a 187 page report on the impacts of marijuana legalization in Colorado. The Boulder Police Department is a participant in Rocky Mountain HIDTA. The report can be downloaded at <http://www.rmhidta.org/html/2015%20FINAL%20LEGALIZATION%20OF%20MARIJUANA%20IN%20COLORADO%20THE%20IMPACT.pdf>

### **OTHER IMPACTS:**

- Fiscal: In the period between January 1, 2015 and July 31, 2015 the city received \$3,374,092 in marijuana tax revenue. Of this, \$629,723 was from medical marijuana businesses and recreational marijuana businesses paid \$2,744,369.
- Staff time: All work is expected to be handled within existing workplans, except on-premise consumption locations and changes to city hearing processes.

### **BACKGROUND & ANALYSIS**

#### **Staff Recommended Changes in the proposed ordinance:**

A. Clarify that Seeds Can be Sold.

Some attorneys for marijuana businesses have asserted that the city's code bans the sale of seeds. Without the clarification included in this ordinance, the code was interpreted to prevent the sale of seeds by recreational businesses. However, at the request of the businesses, staff looked at an alternative interpretation that allowed the sale of seeds and has been applying the less restrictive interpretation for many months. No business has ever been cited with a violation for selling seeds. The change in Section 8 of the proposed ordinance would remove any arguable conflict, by amending the definition of Recreational Marijuana Plant.

B. Regulation of Home Extraction of THC.

One of the safety problems encountered by city staff and neighbors of marijuana grows relates to the production of marijuana products by volatile means. The explosions that have occurred were related to the use of butane to distill THC from the plants. Common methods of extraction also include: propane, compressed COs, ethanol, and other volatile materials. Council previously addressed this issue with respect to MIPs by requiring an industrial hygienist to certify that the process used by the MIPs could be done safely as part of the application for a MIP license. However, that does not help the enforcement of the improper use of volatile means to extract THC in homes or other areas not licensed as MIPs. The changes in sections 1, 2, 8 and 13 of the proposed ordinance would make it a violation for any person to use such practices, or have a combination of materials that would allow such practice, without a license as a marijuana-infused product manufacturer.

C. Allowing Transport between Cultivation Facilities.

Sections 4 and 11 of the attached ordinance make it clear that either a medical marijuana business or a recreational marijuana business can transport marijuana between cultivation facilities.

D. Clarifying that the Sale of Logo Items is Permitted.

In December 2014, the council decided to allow businesses to sell items including the business's name or logo. Such sales have been permitted since then. Section 6-16-7(g)(2) limits what can be sold in a recreational marijuana establishment. To clarify, section 10 of the proposed ordinance would amend 6-16-7(g)(2) to clarify that recreational marijuana businesses are permitted to sell items with the business' name or logo. This section has never been interpreted by staff to prohibit the sale of such items.

E. Clarifying Carbon Offsets

Sections 4, 5, 11 and 12 of the proposed ordinance include changes recommended by the Local Environmental Action Division. The changes in sections 4 and 11 remove the specific reference to the "Windsourc" program and would allow the purchase of any

carbon offset. The proposed changes in sections 5 and 12 would require all marijuana businesses to submit quarterly reports of energy usage.

### **Other Changes Approved by Council on First Reading**

Working with staff, Council Member Cowles recommended and council approved addition of five additional changes to the marijuana code. These changes were as follows:

A. Eliminate the 70/30 rule for MIPs.

The current code requires that Marijuana Infused Product businesses obtain seventy percent of their marijuana from cultivation facilities in Boulder. The reason for this rule was to require some tax contribution by these businesses, because their wholesale product sales are not subject to the city's sales tax. The proposed change in section 10 of the ordinance would remove this requirement.

B. Eliminate zero tolerance language.

Marijuana businesses have expressed concern that the zero tolerance language in the ordinance creates unnecessary tension for their operations. The proposed amendments in sections 2 and 7 of the ordinance would eliminate this language and clarify that the city need not provide a warning before issuing a citation.

C. Eliminate the deadline for conversions.

Council has twice extended the deadline for conversions from medical to recreational marijuana businesses. The proposed change in sections 8 and 9 of the ordinance would eliminate the deadline.

D. Expand the definition of safe.

Some businesses have complained about the expense or difficulty of complying with the city's requirement that they maintain a safe for storing marijuana and cash. The proposed changes in sections 3 and 8 of the ordinance would include an expanded definition of the word "safe."

E. Clarify that a person can challenge a fine.

Businesses requested language clarifying that there is an administrative procedure to challenge a fine. The proposed changes in sections 6 and 14 of the ordinance would provide this clarification.

### **Allowing for a One-Time Transfer of Licenses.**

The city's code prohibits the transfer of any city license. The city does allow for the transfer of an ownership interest in a business that holds the license. The rationale is that the value should attach to the business, not the city's license. Some businesses organized in a single, vertically integrated business to comply with the city's requirement that an MIP obtain 70 percent of its marijuana from a Boulder cultivation facility. In light of the elimination of this requirement, staff is recommending that council include a provision allowing those businesses a one-time opportunity to divide into separate entities that could then be sold. The proposed language is in section 9 of the ordinance.

### **Attachments:**

A: Proposed Ordinance including amendments

ORDINANCE NO. 8081

AN ORDINANCE AMENDING CHAPTER 5-10 "GENERAL OFFENSES," REGARDING MARIJUANA OFFENSES; SECTIONS 6-14-2 "DEFINITIONS," AND 6-14-8 "REQUIREMENTS RELATED TO OPERATION OF MEDICAL MARIJUANA BUSINESSES" REGARDING MEDICAL MARIJUANA PRODUCTION AND TRANSPORTATION; AND SECTIONS 6-16-2 "DEFINITIONS," AND 6-16-8 "REQUIREMENTS RELATED TO OPERATION OF RECREATIONAL MARIJUANA BUSINESSES" AND 6-16-13 "PROHIBITED ACTS" REGARDING PRODUCTION AND TRANSPORT OF RECREATIONAL MARIJUANA.

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

**Section 1.** Chapter 5-10 "Marijuana Offenses," B.R.C. 1981, is amended by the addition of new sections 5-10-7 and 5-10-8 as follows:

**5-10-7. Unlawful to Transport Marijuana.**

It shall be unlawful for any person to distribute, or contract to distribute, as such terms are defined in Section 6-16-2 of this Code, any marijuana using any freight or package service, community rideshare, or other commercial transportation network, not including the United States Postal Service.

**5-10-8. Unlawful to Produce Marijuana Without a License.**

It shall be unlawful for any person to:

- (1) Produce any marijuana without a license from the city for a marijuana-infused product manufacturer;
- (2) Possess extraction vessels, and butane, propane, compressed CO<sub>2</sub>, ethanol, isopropanol, acetone, heptane, hexane, or any other volatile materials used in the production of solvent-based marijuana concentrate, in the same premise as marijuana without a license from the city as a marijuana-infused product manufacturer.

For purposes of this section, the terms "produce," "distribute," and "marijuana," shall mean as defined in Section 6-16-2 "Definitions" of this Code.

**Section 2.** Subsection 6-14-1 “Legislative Intent and Purpose,” B.R.C. 1981 is amended

as follows:

(a) Legislative Intent. The city council intends to regulate the use, acquisition, cultivation, production, and distribution of medical marijuana in a manner that is consistent with Article XVIII, Section 14 of the Colorado Constitution (the "Medical Marijuana Amendment").

\* \* \*

(6) Medical marijuana is a heavily regulated industry in the city, all licensees are assumed to be fully aware of the law, the city shall not therefore be required to issue warnings before issuing citations and the city has a zero tolerance policy for violations of this chapter.

**Section 3.** Section 6-14-2 “Definitions,” B.R.C. 1981, is amended as follows:

**6-14-2. Definitions.**

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

\* \* \*

*Medical marijuana business* means (i) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or two ounces of a usable form of marijuana for medical use, or (ii) any person that produces any amount of medical marijuana. The term medical marijuana business shall not include the private possession, ~~production~~, or medical use of no more than six plants, or two ounce of a useable form of marijuana by a patient or caregiver in the residence of the patient or caregiver.

\* \* \*

Safe means a metal box, attached to the building structure, capable of being locked securely, constructed in a manner to prevent opening by human or mechanical force, or through the use of common tools, including but not limited to hammers, bolt cutters, crow bars or pry bars. The city manager may approve security devices such as vaults and strong rooms that are functionally equivalent to safes.

**Section 4.** Section 6-14-8 “Requirements Related to Operation of Medical Marijuana

Businesses,” B.R.C. 1981, is amended as follows:

**6-14-8. Requirements Related to Operation of Medical Marijuana Businesses.**

\* \* \*

1 (i) Renewable Energy Usage Required. A medical marijuana business shall directly offset one  
2 hundred percent of its electricity consumption through the purchase of renewable energy or  
3 carbon offsets~~in the form of Windsoree~~, a verified subscription in a Community Solar  
4 Garden, or renewable energy generated onsite, or an equivalent that is subject to approval by  
5 the city. For medical marijuana businesses licensed by the city on October 22, 2013, this  
6 requirement shall apply at the time of renewal of the medical marijuana business license  
7 following October 22, 2013.

8 \* \* \*

9 (m) Delivery Between Medical Marijuana Businesses. It shall be unlawful for any person to  
10 transport medical marijuana, except as specifically allowed by applicable law, unless the  
11 medical marijuana being transported meets the following requirements:

12 \* \* \*

13 (4) Unless otherwise specifically allowed by applicable law, medical marijuana may be  
14 transported only:

15 (A) From a medical marijuana cultivation facility to a medical marijuana center; and

16 (B) Which medical marijuana business is owned by the same person as owns the  
17 cultivation facility; or

18 (C) Between one medical marijuana center to another medical marijuana center, or from  
19 a medical marijuana cultivation facility to another medical marijuana cultivation  
20 facility, with proper bill of sale completed before transport.

21 \* \* \*

22 **Section 5.** Section 6-14-9 “Right of Entry – Records to be Maintained”

23 \* \* \*

24 (g) Reporting of Energy Use and Carbon Offset ~~Renewable Energy Credit (REC)~~ Purchases.  
25 The records to be maintained by each medical marijuana business and submitted to the city  
on a quarterly basis, shall include, without limitation, records showing on a monthly basis the  
use and source of energy and the number of certified Renewable Energy Credits (RECs)  
purchased, or the subscription level for another renewable energy acquisition program  
approved by the city manager. A statement of the projected daily average peak electric load  
anticipated to be used by the business and certification from the building owner or landlord  
and utility provider that the premises are equipped to provide the required electric load, or  
necessary upgrades will be performed. Such records shall include all statements, reports, or  
receipts to verify the items included in the report of the business. By application for a  
medical marijuana business license from the city, the medical marijuana business grants  
permission to providers of the energy or point of origin of the RECs or other renewable  
energy acquisition program to disclose the records of the business to the city. For medical

1 marijuana businesses that cultivate medical marijuana, the report shall include the number of  
2 certified Renewable Energy Credits (RECs) purchased, or the subscription level for another  
renewal energy acquisition program approved by the manager.

3 **Section 6.** Section 6-14-14 “Suspension or Revocation of License; Imposition of Fines,”

4 B.R.C. 1981 is amended as follows:

5 \* \* \*

6 (c) Fines for violations of this chapter may be imposed by the city against the person or any  
7 licensee up to \$5,000 per person and any licensee per occurrence. Any person or licensee  
8 subjected to civil penalties shall be entitled to a hearing pursuant to Chapter 1-3, "Quasi-  
9 Judicial Hearings," B.R.C. 1981, to contest such penalties. All such hearings shall be  
10 conducted by the Boulder Municipal Court under a de novo standard of review.

11 **Section 7.** Subsection 6-16-1 “Legislative Intent, Findings, and Purpose,” B.R.C. 1981 is

12 amended as follows:

13 (a) Legislative Intent and Findings. The city council intends to regulate the use, possession,  
14 cultivation, production, and distribution of marijuana in a manner that is consistent with  
15 Article XVIII, Section 16 of the Colorado Constitution (the "Recreational Marijuana  
16 Amendment" also known as Amendment 64) and finds that the provisions of this chapter are  
17 directly and demonstrably related to the operation of marijuana establishments in a manner to  
18 minimize negative impacts on the community.

19 \* \* \*

20 (7) Marijuana businesses are a heavily regulated industry in the city, all licensees are  
21 assumed to be fully aware of the law, the city shall not therefore be required to issue  
22 warnings before issuing citations and the city has a zero tolerance policy for violations of  
23 this chapter.

24 **Section 8.** Section 6-16-2 “Definitions,” B.R.C. 1981, is amended as follows:

25 **6-16-2. Definitions.**

The following words and phrases used in this chapter have the following meanings unless the  
context clearly indicates otherwise:

\* \* \*

*Co-located marijuana business* means a medical marijuana wellness center or cultivation  
facility that held a license from the city on October 22, 2013, ~~and applied for co-location by~~  
~~December 31, 2015,~~ that is permitted by the owner of the building and all applicable laws, to

1 divide the licensed medical marijuana business to allow for both a medical and a recreational  
2 marijuana wellness center or cultivation facility as separate business premises with separate  
3 licenses from the city within the same footprint and owned by the same person as the medical  
4 marijuana wellness center or cultivation facility. The licensees with an ownership or financial  
5 interest of either part of a co-located marijuana business may not be changed to be different from  
6 the other.

7 \* \* \*

8 *Recreational marijuana business* means (a) any person that cultivates, produces, distributes,  
9 possesses, transports, or makes available more than six marijuana plants or one ounce of  
10 marijuana, or (b) any person that sells any amount of marijuana, or (c) any person who possesses  
11 marijuana openly or publicly. The term recreational marijuana business shall not include the  
12 private cultivation, possession, ~~production~~, or use within a person's residence of no more than (a)  
13 six plants in an enclosed, locked space, or (b) one ounce of marijuana, or (c) the marijuana  
14 derived from ~~produced by~~ no more than six plants on the premises where the plants were grown  
15 if the plants were grown in an enclosed, locked space.

16 \* \* \*

17 *Recreational marijuana plant* means a marijuana seed that is germinated and all parts of the  
18 growth therefrom, including, without limitation, roots, stalks, and leaves, so long as the flowers,  
19 roots, stalks, and leaves are all connected and in a growing medium. For purposes of this chapter,  
20 any part of the plant removed is considered harvested and no longer part of a recreational  
21 marijuana plant, but marijuana.

22 \* \* \*

23 Safe means a metal box, attached to the building structure, capable of being locked securely,  
24 constructed in a manner to prevent opening by human or mechanical force, or through the use of  
25 common tools, including but not limited to hammers, bolt cutters, crow bars or pry bars. The  
city manager may approve security devices such as vaults and strong rooms that are functionally  
equivalent to safes.

26 **Section 9.** Subsections (f) and (g) of Section 6-16-3 “License Required,” B.R.C. 1981  
27 are amended, and subsection (i) is deleted in its entirety and re-enacted, as follows:

28 \* \* \*

29 (f) Conversion of Licenses to Different Marijuana Business. A license for a marijuana  
30 establishment may not be converted to a license for a medical marijuana business. A license  
31 for a medical marijuana business that was licensed, open, and operating on October 22, 2013,  
32 or that had submitted a complete application for a medical marijuana business on October 22,  
33

2013, may be converted to the same type of marijuana establishment by complying with the requirements of this chapter for a renewal of a marijuana license and paying the application fee specified in Section 4-20-67, "Recreational Marijuana Businesses," B.R.C. 1981, ~~if it makes application for the conversion by December 31, 2015.~~ The license for the medical marijuana business must be surrendered to the city before the recreational marijuana business license will be issued. The term of the license shall be the same as the existing medical marijuana business license.

(g) Conversion to a Co-located Marijuana Business Within the Footprint of the Medical Marijuana Business. A licensee of a medical marijuana wellness center or cultivation facility may apply for a co-located marijuana business license ~~by December 31, 2015,~~ by submitting an application for a co-located marijuana business on forms approved by the city. At a minimum, the application form shall include a modification of the existing medical marijuana business to conform to the new footprint of the medical marijuana portion of the co-located marijuana business and all components of the application described in Section 6-16-5, "Application, " B.R.C. 1981, determined applicable by the city manager for the recreational marijuana portion of the co-located marijuana business, and paying the modification of premises fee and operating fee specified in Section 4-20-67, "Recreational Marijuana Businesses, " B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the co-located marijuana business license will be issued. The term of the co-located marijuana business license shall be the same as the existing medical marijuana business license. For purposes of separation from other marijuana businesses in Paragraph 6-16-7(e)(3) of this chapter, the co-located medical and recreational marijuana business shall be considered one marijuana business. No co-located medical and recreational marijuana business may be sold separately from the other and must maintain identical ownership at all times.

\* \* \*

(i) One-Time Transfer of Vertically Integrated Cultivation Facility and Marijuana-Infused Product Manufacturer Operating Within the City. Any business entity with a license from the city for both a marijuana-infused product manufacturer and a cultivation facility on November 1, 2015, may transfer one of the licenses to a different business entity under the following conditions:

(i) all of the owners and financiers of the transferee business entity are the same as those of the transferor business entity and there are not any additional owners or financiers, and

(ii) the marijuana licenses for both the marijuana manufacturer and the marijuana cultivation facility are in good standing; and

(iii) neither the marijuana manufacturer nor the marijuana cultivation facility have previously transferred a city marijuana license under this subsection.

**Section 10.** Section 6-16-7 “Locations of Recreational Marijuana Businesses,” B.R.C.

1981 is amended as follows:

\* \* \*

(g) Limitations on Recreational Marijuana Centers and Co-Located Marijuana Center. The following shall be the minimum requirements for a recreational marijuana center and a co-located marijuana center:

- (1) The area of the business is less than or equal to three thousand square feet, and the restricted area components of the required security and all paper and electronic records are one thousand square feet or less;
- (2) The business does not sell or distribute anything other than marijuana and marijuana products or marijuana accessories except as permitted by section 6-16-8(p)(1)(C); and
- (3) There is a separate reception area for verification of age.

(h) Limitations on Recreational Marijuana-Infused Product Manufacturers. ~~No marijuana-infused product manufacturer shall be allowed in the city unless the same licensee has a medical or recreational marijuana cultivation facility that provides at least seventy percent of the marijuana used by the manufacturer located in the city.~~ The area of the premises may not be more than fifteen thousand square feet.

**Section 11.** Section 6-16-8 “Requirements Related to Operation of Recreational

Marijuana Businesses,” B.R.C. 1981, is amended as follows:

**6-16-8. Requirements Related to Operation of Recreational Marijuana Businesses.**

\* \* \*

(i) Renewable Energy Usage Required. A marijuana business shall directly offset one hundred percent of its electricity consumption through the purchase of renewable energy or carbon offsets ~~in the form of Windsoree~~, a verified subscription in a Community Solar Garden, or renewable energy generated onsite, or an equivalent that is subject to approval by the city. For a recreational marijuana center that has converted pursuant to Subsection 6-16-3(f) or co-located pursuant to Subsection 6-16-3(g), or a marijuana-infused product manufacturer licensed by the city on October 22, 2013, this requirement shall apply at the time of renewal of the marijuana business license following October 22, 2013.

\* \* \*

1 (m) Delivery Between Recreational Marijuana Businesses. It shall be unlawful for any person to  
2 transport recreational marijuana, except as specifically allowed by applicable law, unless the  
recreational marijuana being transported meets the following requirements:

3 \* \* \*

4 (4) Unless otherwise specifically allowed by applicable law, recreational marijuana may be  
5 transported with proper bill of sale completed before transport only:

6 (A) From a cultivation facility to a recreational marijuana center or marijuana-infused  
7 product manufacturer, and which recreational marijuana business is owned by the  
same person who owns the cultivation facility;

8 (B) From a cultivation facility to another recreational marijuana cultivation facility;

9 ~~(B)~~ Between one recreational marijuana center to another center; or

10 ~~(D)~~ Between a marijuana-infused product manufacturer and a medical or recreational  
11 marijuana center.

12 \* \* \*

13 **Section 12.** Section 6-16-9 “Right of Entry – Records to be Maintained”

14 \* \* \*

15 (g) Reporting of Energy Use and ~~Renewable Energy Credit (REC)~~ Carbon Offset Purchases. The  
16 records to be maintained and submitted to the city on a quarterly basis, by each recreational  
17 marijuana business shall include, without limitation, records showing on a monthly basis the  
18 use and source of energy and the number of certified Renewable Energy Credits (RECs)  
19 purchased, or the subscription level for another renewable energy acquisition program  
20 approved by the city manager. A statement of the projected daily average peak electric load  
21 anticipated to be used by the business and certification from the building owner or landlord  
22 and utility provider that the premises are equipped to provide the required electric load, or  
23 necessary upgrades will be performed. Such records shall include all statements, reports, or  
24 receipts to verify the items included in the report of the business. By application for a  
25 recreational marijuana business license from the city, the recreational marijuana business  
grants permission to providers of the energy or point of origin of the RECs or other  
renewable energy acquisition program to disclose the records of the business to the city. For  
recreational marijuana businesses that cultivate recreational marijuana the report shall  
include the number of certified RECs purchased, or the subscription level for another  
renewable energy acquisition program approved by the manager.

26 **Section 13.** Section 6-16-13 “Prohibited Acts,” B.R.C. 1981, is amended as follows:

27 **6-16-13. Prohibited Acts.**

1 (a) Prohibited Acts. It shall be unlawful for any person to:

2 \* \* \*

3 (36) Produce any marijuana without a license from the city for a marijuana-infused product  
4 manufacturer;

5 (37) Distribute, or contract to distribute, marijuana using any freight or package service,  
6 community rideshare, or other commercial transportation network, not including the  
7 United States Postal Service; or

8 (38) Possess extraction vessels, and butane, propane, compressed CO<sub>2</sub>, ethanol, isopropanol,  
9 acetone, heptane, hexane, or any other volatile materials used in the production of  
10 solvent-based marijuana concentrate, in the same premise as marijuana without a  
11 license from the city as a marijuana-infused product manufacturer.

12 **Section 14.** Section 6-16-14 “Suspension or Revocation of License; Imposition of  
13 Fines,” B.R.C. 1981 is amended as follows:

14 \* \* \*

15 (c) Civil penalties for violations of this chapter may be imposed by the city against the person or  
16 any licensee up to \$5,000 per person and any licensee per occurrence. Any person or  
17 licensee subjected to civil penalties shall be entitled to a hearing pursuant to Chapter 1-3,  
18 "Quasi-Judicial Hearings," B.R.C. 1981, to contest such penalties. All such hearings shall be  
19 conducted by the Boulder Municipal Court under a de novo standard of review.

20 **Section 15.** This ordinance is necessary to protect the public health, safety, and welfare  
21 of the residents of the city, and covers matters of local concern.

22 **Section 16.** The city council deems it appropriate that this ordinance be published by  
23 title only and orders that copies of this ordinance be made available in the office of the city clerk  
24 for public inspection and acquisition.  
25

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 29th day of September, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY  
TITLE ONLY this 20th day of October, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE**

Consideration of a motion authorizing the city manager to enter into a settlement agreement of a claim for damages and repair to the home and furnishings of Dick and Dona Padrnos.

**PRESENTERS**

Thomas A. Carr, City Attorney  
Helen Cowan, Claims Manager and Risk Management Specialist

**EXECUTIVE SUMMARY**

On or about August 1, 2015, city staff responded to a call about a wastewater backup occurring in the home of Dick and Dona Padrnos at 7300 Windsor Drive, Boulder. Wastewater collections staff determined the blockage was in a manhole in the city's main. The cost of the cleanup, repairs, and replacement of personal property and furnishings totaled \$36,933.41. Section 2-2-14, "Initiation and Settlement of Claims and Suits," B.R.C. 1981, requires that settlement over \$10,000.00 receive prior approval of the City Council. The City Attorney recommends approval of payment of this claim.

**STAFF RECOMMENDATION**

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

The City Council approves payment of \$36,933.41, part to contractors on behalf of Mr. and Mrs. Padrnos and the remaining to Mr. and Mrs. Padrnos in consideration of a release of all claims arising from damage to their home and personal property on August 1, 2015.

## **ANALYSIS**

Staff is proposing that Council approve settlement of a claim for damages of Dick and Dona Padrnos, 7300 Windsor Drive, Boulder.

On the evening of August 1, 2015, city staff responded to a call about a wastewater backup occurring in the home of Mr. and Mrs. Padrnos at 7300 Windsor Drive, Boulder. Wastewater collections staff determined the blockage was in a manhole in the city's main. The blockage was caused by a massive ball of tree roots and was cleared by city crews. Thereafter, city Risk Management staff met with the property owners and documented the damage to the home and personal property. Staff has since increased the frequency of maintenance for this manhole and will soon be injecting a polymer foam along the sides of the manhole to help prevent future root intrusion.

As with all claims, Risk Management staff worked with contractors and the claimants to ensure that the remediation and repair were appropriate and reasonable. The total to settle this claim is \$36,933.41. This amount will be paid out of the Loss Fund.

## **MATRIX OF OPTIONS**

Council has the option of approving or rejecting the proposed settlement. If the settlement is rejected, the matter will likely proceed to litigation.

## **ATTACHMENTS**

None



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE:**

Second reading and consideration of a motion to order published by title only Ordinance No. 8083 designating the building and property at 2322 23<sup>rd</sup> St., to be known as the Herkert-Glasser Cottage, as a local historic landmark per Section 9-11-5 of the Boulder Revised Code, 1981 (HIS2015-00077).

Owner/Applicant: Applicant/Owner: Douglas Johnson and Theresa Hernandez

**PRESENTERS:**

Jane S. Brautigam, City Manager  
Susan Richstone, Deputy Director of Planning, Housing & Sustainability  
Debra Kalish, Senior Assistant City Attorney  
Lesli Ellis, Comprehensive Planning Manager  
James Hewat, Senior Historic Preservation Planner  
Marcy Cameron, Historic Preservation Planner

**EXECUTIVE SUMMARY:**

The purpose of this item is to allow the City Council to determine whether the proposed individual landmark designation of the building at 2322 23<sup>rd</sup> St. meets the purposes and standards of the Historic Preservation Ordinance (*Sections 9-11-1 and 9-11-2, B.R.C. 1981*). The property owner is in support of the designation.

If approved, this ordinance (see **Attachment A**) would designate the building as an individual landmark. The findings are included in the ordinance. On September 2, 2015, the Landmarks Board passed a resolution to initiate landmark designation pursuant to § 9-11-3, *Initiation of Designation for Individual Landmarks and Historic Districts*, B.R.C. 1981, finding that it met the criteria for Individual Landmark Designation. The board voted 4-0 to recommend the designation to City Council. The City Council approved the first reading ordinance at its October 6, 2015 meeting. No comments from the public have been received on the proposed designation. The second reading for this designation is a quasi-judicial public hearing.

**STAFF RECOMMENDATION:**

**Suggested Motion Language:**

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

Motion to adopt Ordinance No. 8083, designating the building at 2322 23rd St., to be known as the Herkert-Glasser Cottage, as an individual landmark under the City of Boulder’s Historic Preservation Ordinance.

**COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:**

**Economic:** Owners of locally designated landmarked properties are eligible for state and local tax credits for approved rehabilitations and repairs, and studies have found that historic preservation adds to economic vitality and tourism. Exterior changes to individually landmarked buildings require a Landmark Alteration Certificate, issued by the Planning, Housing and Sustainability Department at no charge. The additional review process for landmarked buildings may, however, add time and design expense to a project.

**Environmental:** The preservation of historic buildings is inherently sustainable. Owners of individually landmarked buildings are encouraged to reuse and repair as much of the original building as possible when making exterior alterations, thereby reducing the amount of building material waste deposited in landfills. City staff can assist architects, contractors and homeowners with design and material selections and sources that are environmentally friendly. Also, the Historic Preservation website provides information on improving the energy efficiency of older buildings.

**Social:** The Historic Preservation Ordinance was adopted to “...enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city’s living heritage.” Section 9-11-1 (a), B.R.C., 1981. The primary beneficiaries of historic designation are the property owners of a historic landmark and adjacent neighbors, who are ensured that the character of the immediate area will be protected through the design review process. The greater community also benefits from the preservation of the community’s character and history.

**OTHER IMPACTS:**

**Fiscal:** The designation of individual historic landmarks is an anticipated and ongoing function of the Historic Preservation Program.

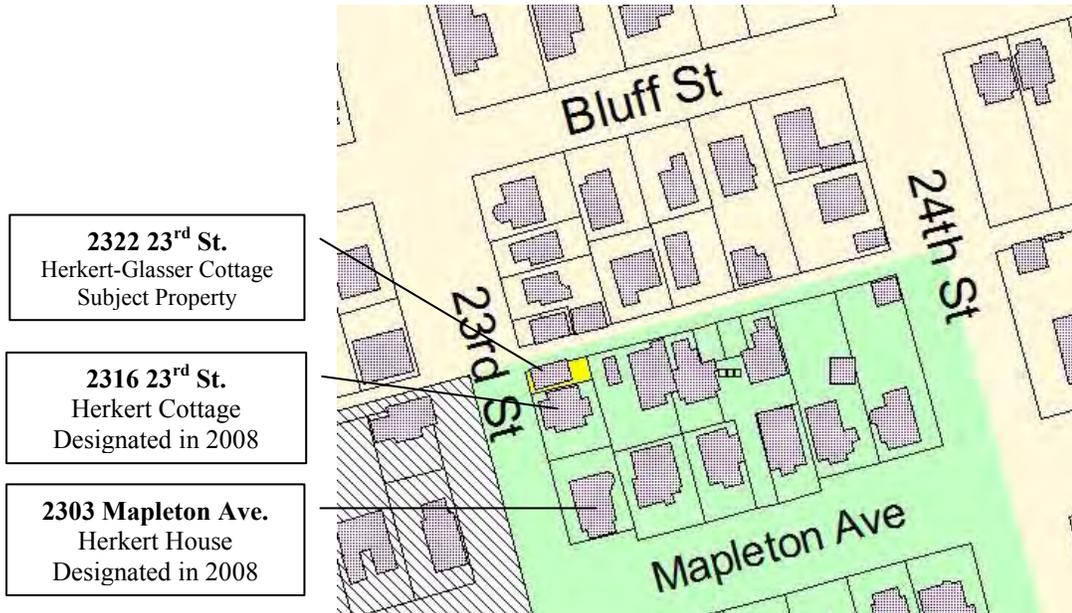
**Staff Time:** This designation application is within the staff work plan.

**LANDMARKS BOARD ACTION:**

On September 2, 2015 the Landmarks Board voted 4-0 to recommend to City Council that the building at 2322 23<sup>rd</sup> St. be designated as a local historic landmark, finding that it meets the standards for individual landmark designations in sections 9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981.

**PROPERTY DESCRIPTION:**

The house at 2322 23<sup>rd</sup> St., constructed around 1923, is located on a 902 sq. ft. lot on the east side of 23<sup>rd</sup> St. between Mapleton Ave. and Bluff St. An alley runs along the north side of the property. The property is located on the most northeasterly block of the identified potential Whittier Historic District.



**2322 23<sup>rd</sup> St.**  
Herkert-Glasser Cottage  
Subject Property

**2316 23<sup>rd</sup> St.**  
Herkert Cottage  
Designated in 2008

**2303 Mapleton Ave.**  
Herkert House  
Designated in 2008

*Figure 1. Location Map, 2322 23rd St.*



*Figure 2. West Elevation (façade), 2322 23rd St, 2015.*

The gable-front bungalow house is clad in narrow wooden lap siding and has a rectangular floor plan. A porch expands the width of the façade and features tapered pier supports resting on a balustrade, stucco with half-timbering in the gable end and wood shingle cladding and a simple railing on the western portion of the knee walls. The knee walls on the north and south ends are

clad in narrow lap siding. Three steps lead up the wooden porch where there is an off-center front door and two double-hung windows to the left of the door. See Attachment B: Current Photographs.



*Figure 3. North Elevation, 2322 23rd St, 2015.*

The north elevation (facing the alley) features a single opening at the east end. The diamond pane window is surrounded by simple trim. Exposed rafter tails add to the architectural interest of the building.



*Figure 4. East Elevation (rear), 2322 23rd St, 2015.*

A small shed roof addition is located at the east (rear) elevation. The addition is clad in novelty wood siding and features a diamond pane window on the north wall and a six-light window on the east wall, next to a centrally located door. It is older, but not likely original. The shed

addition has a corrugated metal roof and the gable portion of the building has a composite shingle roof. The east gable end feature stucco and half-timbering.

A small, shed-roof accessory building with novelty wood siding is located along the east property line. Its date of construction is unknown, but the form and materiality is typical of 1920s construction. Likely due to its diminutive size, the building is not acknowledged by the tax assessment (1929 and 1949) and is also not included in the 1987 Historic Building Inventory Form.



*Figure 5. South Elevation, 2322 23rd St, 2015.*

The south elevation features three window openings with simple wooden trim. The building rests on a concrete foundation. A flagstone path runs adjacent to the south elevation.

The integrity of the bungalow remains intact, as there have been no major modifications to the house since its construction. A rear shed-roof addition was likely constructed in the 1920s and does not detract from the historic character of the house. The house represents Boulder's pre-World War I residential buildings and is an excellent example of a modestly sized house with Craftsman Bungalow design elements.



Figure 6. Tax Assessor Card Photo, c. 1949.

**HISTORY**

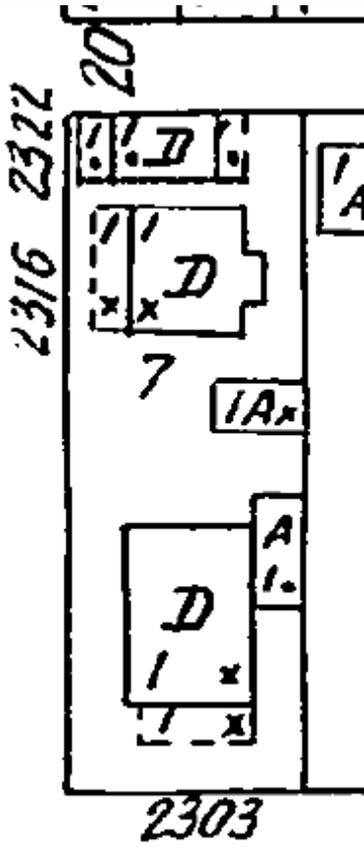


Figure 7. Sanborn Fire Insurance Map, 1931-1960.

Constructed c. 1923, the history of the house at 2322 23<sup>rd</sup> St. is directly tied to the two houses to the south, 2303 Mapleton Ave. (the Herkert House, built 1906) and 2316 23<sup>rd</sup> St. (the Frank Herkert Cottage, built 1924), as they were constructed by the same owner over a 22 year period. Douglas Johnson and Theresa Hernandez, the applicants, own the three properties and designated the adjacent properties in 2008. *See Attachment B: Landmark Designation Application.*

The three houses were originally constructed and occupied by Frederick Herkert and his family. Fred Herkert and his wife, Hannah, moved to Boulder from Illinois in the 1890s. Fred appears to have been a successful carpenter, building houses in Boulder and several Chautauqua cottages. Fred built the house at 2303 Mapleton Ave. for his family in 1906 and later constructed the house to the north (2316 23<sup>rd</sup> St.) and operated it as a small grocery.

According to Fred’s grandchildren, Fred built the house at 2322 23<sup>rd</sup> St. c. 1923 so his newly married son, Harry and his wife, Constance, could live at 2303 Mapleton Ave. Fred lived in the house for 17 years until his death in 1940.

By 1923 Harry had established a successful stationary business called “Herkert Typewriter Exchange” at 1910 Broadway and later at 1141 Pearl St. Harry and his wife, Constance, lived at 2303 Mapleton Ave. from 1923 until 1943.

Harry Herkert sold 2322 23<sup>rd</sup> St. in 1946 to Mary Giggey. From 1953 until 1957, the house was owned by Clyde Reed, a university watchman. From 1957 until 1970, the house was owned by Mrs. Jessie Fewel. Following Mrs. Fewel's death in 1970, the property was purchased by Dallas and Diana Glasser, who owned the property for the next 40 years. The Glassers are credited by the current owners with the preservation and excellent stewardship of the property, particularly during a time when the Whittier Neighborhood was undergoing many changes and losses of historic buildings. The Glassers had been living next door at 2316 23<sup>rd</sup> since 1967. The Glassers rented 2322 23<sup>rd</sup> St. to various tenants, including Dallas Glasser's father, Albert. The Glassers moved from 2316 23<sup>rd</sup> St. in 1985 but continued to rent 2322 23<sup>rd</sup> St until 2010, when they sold the property to the current owners, Douglas Johnson and Theresa Hernandez.

### **ANALYSIS:**

#### **Criteria for Review**

Criteria for Review

Section 9-11-6(b), B.R.C. 1981, specifies that during the review for an application for local landmark designation, the council must consider "whether the designation meets the purposes and standards in subsection 9-11-1(a) and section 9-11-2, "City Council May Designate or Amend Landmarks and Historic Districts," B.R.C. 1981, in balance with the goals and policies of the Boulder Valley Comprehensive Plan" and provides that the City Council "shall approve by ordinance, modify and approve by ordinance, or disapprove the proposed designation."

Historic, Architectural, and Environmental Significance

Staff finds that the proposed application to landmark 2322 23<sup>rd</sup> St. will protect, enhance, and perpetuate a property important in local history and preserve an important example of Boulder's historic architecture. Staff considers the application to meet the historic criteria for individual landmark designation as outlined below:

#### **ANALYSIS OF LANDMARK CRITERIA:**

*A. Does the proposed application protect, enhance, and perpetuate buildings in the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past?*

Staff finds that the designation of the house at 2322 23<sup>rd</sup> St. will protect, enhance, and perpetuate a building reminiscent of a past era important in local history and preserve an important example of Boulder's historic architecture. Staff considers the application to meet the historic criteria for individual landmark designation as outlined below:

#### **HISTORIC SIGNIFICANCE:**

**Summary:** The house at 2322 23<sup>rd</sup> St. meets historic significance criteria 1 and 2.

##### **1. Date of Construction: c. 1923**

**Elaboration:** According to the applicant, the house was constructed c. 1923 by Fred Herkert following the marriage of his son. The address first appears in city directories in 1928. The house was previously associated with the houses at 2316 23<sup>rd</sup> St. and 2303 Mapleton Ave.

**2. Association with Persons or Events:** Fred Herkert

**Elaboration:** Fred Herkert was born in Illinois in the 1860s. He travelled to Boulder with his wife, Hannah, in the 1890s. Fred led a successful career as a carpenter, building many houses in Boulder and several Chautauqua cottages. In addition to building the house at 2322 23<sup>rd</sup> St., he also built 2303 Mapleton in 1906 and 2316 23<sup>rd</sup> St. in 1924. Fred constructed 2322 23<sup>rd</sup> as his residence from 1923 to his death in 1940.

**3. Development of the Community:** The house is typical of post-WWI residential building.

**4. Recognition by Authorities:** Historic Building Inventory Form, 1988.

**Elaboration:** The 1988 Historic Building Inventory Form found the property to be in excellent condition with minor alterations. The form notes that the house is significant as it represents a type, period or method of construction, noting that “this building, which has bungalow styling, represents Boulder’s post World War I residential building.”

**ARCHITECTURAL SIGNIFICANCE:**

**Summary:** The house at 2322 23<sup>rd</sup> St. meets historic significance criteria 1 and 3.

**1. Recognized Period or Style:** Bungalow

**Elaboration:** The house has elements of the Bungalow style popular in the 1920s and 1930s. While relatively simple in design and detailing, the house is a well-preserved and indicative example of bungalow architecture from the interwar period of development in the area.

**2. Architect or Builder of Prominence:** None Observed

**Elaboration:** Fred Herkert was a local carpenter and built many house in Boulder. He is responsible for building 2322 23<sup>rd</sup> St. as well as the neighboring houses at 2316 23<sup>rd</sup> St. and 2303 Mapleton Ave. and credited with the construction of cottages at Chautauqua.

**3. Artistic Merit:** Bungalow styling

**Elaboration:** The house embodies skillful integration of design and material which is of excellent visual quality.

**4. Example of the Uncommon:** None observed.

**5. Indigenous Qualities:** None observed.

*B. Does the proposed application develop and maintain an appropriate setting and environment for the historic resource and area to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the City’s living heritage?*

Staff finds that the proposed designation maintains an appropriate setting for the historic resource at 2322 23<sup>rd</sup> St. and enhances property values, promotes tourist trade and interest, and fosters knowledge of the City’s living heritage. Staff considers that the application meets the environmental significance criteria for individual landmark designation as outlined below:

## ENVIRONMENTAL SIGNIFICANCE:

**Summary:** The house at 2322 23rd St. has environmental significance under criteria 1, 2, 4 and 5.

1. **Site Characteristics:** Residential historic character  
**Elaboration:** The house is sited along 23<sup>rd</sup> St. between Mapleton Ave. and Bluff St. It is located within the boundaries of the identified potential Whittier Historic District and the house retains its historic residential character.
2. **Compatibility with Site:** Residential historic character  
**Elaboration:** The building is representative of the typical building patterns in Whittier and contributes to the residential character of the neighborhood. The property retains its historic relationship to its lot and surrounding neighborhood.
3. **Geographic Importance:** House is a familiar visual feature on 2300 block of 23<sup>rd</sup> St. as they are located very close to the sidewalk.
4. **Environmental Appropriateness:** Residential historic character  
**Elaboration:** The house and surroundings are complementary and carefully integrated.
5. **Area Integrity:** Potential Whittier Historic District  
**Elaboration:** The 2300 block of 23<sup>rd</sup> St. is located in the identified potential Whittier Historic District and retains a high degree of historic integrity to the original development of that neighborhood.

In 1987, a survey of approximately 350 pre-1937 buildings within the Whittier neighborhood was completed. That survey concluded that the area bounded by Bluff St. on the north, Spruce St. on the south, 28<sup>th</sup> St. on the east, and Broadway on the west was eligible for designation as a local historic district.<sup>2</sup> The origins of the Whittier neighborhood date to the founding of the Boulder in 1859 when 4,044 lots were laid out in the city including those in the east Boulder addition (now known as Whittier) that ran east to 25<sup>th</sup> St. Whittier is a large neighborhood and its properties represent a wide range of income levels and lifestyles. The western section of Pine St., for instance, contains houses originally built for some of Boulder's wealthiest residents, while the eastern end of Pine St. was historically a working class area. 2322 23<sup>rd</sup> St. is located in the more modest part of the area which is characterized by small and medium-sized vernacular buildings.

- C. *Does the proposed application draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives?(See Subsection 9-11-1(b), B.R.C. 1981).*

---

<sup>2</sup> The information in this section is taken primarily from the 1988 *Whittier Survey Report* by Front Range Research Associates.

Staff finds this application draws a reasonable balance between private property rights and the public’s interest in preserving the city’s cultural, historic, and architectural heritage. The property owner supports the designation.

---

**Landmark Name:**

Staff considers that the landmark should be named the **Herkert-Glasser Cottage**, given its association with the Herkert family, who constructed and resided there for many years and for the Glassers, who are credited with the preservation and careful stewardship of the property during their 40-year ownership. This is consistent with the Landmark Board’s *Guidelines for Names of Landmarked Structures and Sites (1988)* and the *National Register of Historic Places Guidelines for Designation*.

**Boundary Analysis:**

The building sits on a residential lot measuring approximately 900 sq. ft. in size. Staff recommends that the boundary be established to follow the property lines of the lot, which is consistent with current and past practices and the National Register Guidelines for establishing landmark boundaries.

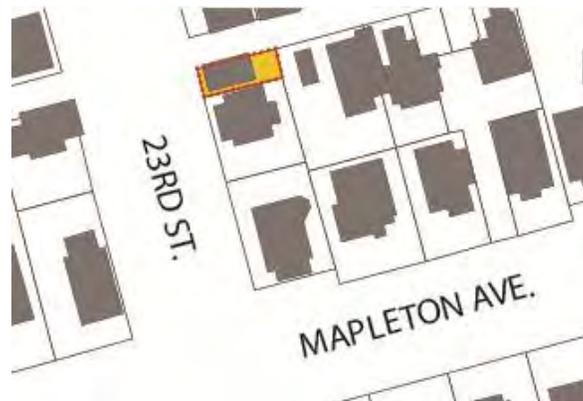


Figure 11: Proposed Landmark Boundary (dashed line).

**OPTIONS:**

City Council may approve, modify or not approve the ordinance.

Approved By:

\_\_\_\_\_  
Jane S. Brautigam,  
City Manager

**ATTACHMENTS:**

- A: Ordinance No. 8083
- B: Sections 9-11-1 and 9-11-2, “Purposes and Intent,” B.R.C., 1981
- C: Significance Criteria for Individual Landmarks

ORDINANCE NO. 8083

AN ORDINANCE DESIGNATING THE BUILDING AND THE PROPERTY AT 2322 23RD ST., CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE RAVENSCRAFT HOUSE, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH DETAILS IN RELATION THERETO.

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

Section 1. The City Council enacts this ordinance pursuant to its authority under Chapter 9-11, "Historic Preservation," B.R.C. 1981, to designate as a landmark a property having a special character or special historic, architectural, or aesthetic interest or value.

Section 2. The City Council finds that: 1) on or about March 17, 2015, property owners Douglas Johnson and Theresa Hernandez applied to the City of Boulder to designate the building and property at said property as a landmark; 2) the Landmarks Board held a public hearing on the proposed designation on September 2, 2015; and 3) on September 2, 2015, the Board recommended that the City Council approve the proposed designation.

Section 3. The City Council also finds that upon public notice required by law, the council held a public hearing on the proposed designation on October 20, 2015 and upon the basis of the presentations at that hearing finds that the building and the property at 2322 23rd St. possesses a special character and special historic, architectural, or aesthetic interest or value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance is relevant to its construction in the 1920s, its association with Fred Herkert, a local builder; and 2) its architectural significance indicative of a vernacular frame

1 construction with Bungalow elements, and; 3) its environmental significance for its location  
2 within the potential Whittier Historic District, which retains its residential historic character.

3 Section 5. The City Council further finds that the foregoing landmark designation is  
4 necessary to promote the public health, safety, and welfare of the residents of the city.

5 Section 6. There is hereby created as a landmark the building and property located at  
6 2322 23rd St., also known as the Herkert-Glasser Cottage, whose legal landmark boundary  
7 encompasses a portion of the legal lots upon which it sits:

8 LOT 7 LESS SLY 124 FT BLK 184 BOULDER EAST

9 as depicted in the proposed landmark boundary map, attached hereto as Exhibit A.

10 Section 7. The City Council directs that the department of Planning, Housing and  
11 Sustainability give prompt notice of this designation to the property owner and cause a copy of  
12 this ordinance to be recorded as described in Subsection 9-11-6(d), B.R.C. 1981.

13 Section 8. The City Council deems it appropriate that this ordinance be published by title  
14 only and orders that copies of this ordinance be made available in the office of the City Clerk for  
15 public inspection and acquisition.

16 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE  
17 ONLY THIS 6TH DAY OF OCTOBER, 2015.

18

19

20

\_\_\_\_\_

21

Mayor

22 Attest:

23

\_\_\_\_\_

24

City Clerk

25

1 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY  
2 TITLE ONLY THIS 20TH DAY OF OCTOBER, 2015.

3

4

\_\_\_\_\_  
Mayor

5

Attest:

6

7

\_\_\_\_\_  
City Clerk

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**Exhibit A – Landmark Boundary Map for 2322 23rd St.**

LOT 7 LESS SLY 124 FT BLK 184 BOULDER EAST



**9-11-1 & 9-11-2 Purposes and Intent  
Boulder Revised Code, 1981**

**9-11-1:** *Purpose and Legislative Intent* states:

- (a) The purpose of this chapter is to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this chapter to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.
- (b) The City Council does not intend by this chapter to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.
- (c) The City Council intends that in reviewing applications for alterations to and new construction on landmarks or structures in a historic district, the Landmarks Board shall follow relevant city policies, including, without limitation, energy-efficient design, access for the disabled and creative approaches to renovation.

**9-11-2:** *City Council may Designate or Amend Landmarks and Historic Districts* states:

- (a) Pursuant to the procedures in this chapter the City Council may by ordinance:
  - (1) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;
  - (2) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;
  - (3) Designate as a discontinuous historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas, having a special character and historical, architectural, or aesthetic interest or value that are united together by historical, architectural, or aesthetic characteristics; and
  - (4) Amend designations to add features or property to or from the site or district.
- (b) Upon designation, the property included in any such designation is subject to all the requirements of this code and other ordinances of the city.

**SIGNIFICANCE CRITERIA**

**Individual Landmark**

**September 1975**

On September 6, 1975, the City Council adopted Ordinance #4000 providing procedures for the designation of Landmarks and Historic Districts in the City of Boulder. The purpose of the ordinance is the preservation of the City's permitted cultural, historic, and architectural heritage. The Landmarks Board is permitted by the ordinance to adopt rules and regulations as it deems necessary for its own organization and procedures. The following Significance Criteria have been adopted by the board to help evaluate each potential designation in a consistent and equitable manner.

**Historic Significance**

The place (building, site, area) should show character, interest or value as part of the development, heritage, or cultural characteristics of the community, state or nation; be the site of a historic, or prehistoric event that had an effect upon society; or exemplify the cultural, political, economic, or social heritage of the community.

Date of Construction: This area of consideration places particular importance on the age of the structure.

Association with Historical Persons or Events: This association could be national, state, or local.

Distinction in the Development of the Community of Boulder: This is most applicable to an institution (religious, educational, civic, etc) or business structure, though in some cases residences might qualify. It stresses the importance of preserving those places which demonstrate the growth during different time spans in the history of Boulder, in order to maintain an awareness of our cultural, economic, social or political heritage.

Recognition by Authorities: If it is recognized by Historic Boulder, Inc. the Boulder Historical Society, local historians (Barker, Crossen, Frink, Gladden, Paddock, Schooland, etc), State Historical Society, The Improvement of Boulder, Colorado by F.L. Olmsted, or others in published form as having historic interest and value.

Other, if applicable.

**Architectural Significance**

The place should embody those distinguishing characteristics of an architectural type specimen, a good example of the common; be the work of an architect or master builder, known nationally, state-wide, or locally, and perhaps whose work has influenced later development; contain elements of architectural design, detail, materials or craftsmanship which represent a significant innovation; or be a fine example of the uncommon.

Recognized Period/Style: It should exemplify specific elements of an architectural period/style, i.e.: Victorian, Revival styles, such as described by *Historic American Building Survey Criteria*, *Gingerbread Age* (Maass), *76 Boulder Homes* (Barkar), *The History of Architectural Style* (Marcus/Wiffin), *Architecture in San Francisco* (Gebhard et al), *History of Architecture* (Fletcher), *Architecture/Colorado*, and any other published source of universal or local analysis of a style.

Architect or Builder of Prominence: A good example of the work of an architect or builder who is recognized for expertise in his field nationally, state-wide, or locally.

Artistic Merit: A skillful integration of design, material, and color which is of excellent visual quality and/or demonstrates superior craftsmanship.

Example of the Uncommon: Elements of architectural design, details, or craftsmanship that are representative of a significant innovation.

Indigenous Qualities: A style or material that is particularly associated with the Boulder area.

Other, if applicable.

### **Environmental Significance**

The place should enhance the variety, interest, and sense of identity of the community by the protection of the unique natural and man-made environment.

Site Characteristics: It should be of high quality in terms of planned or natural vegetation.

Compatibility with Site: Consideration will be given to scale, massing placement, or other qualities of design with respect to its site.

Geographic Importance: Due to its unique location or singular physical characteristics, it represents an established and familiar visual feature of the community.

Environmental Appropriateness: The surroundings are complementary and/or it is situated in a manner particularly suited to its function.

Area Integrity: Places which provide historical, architectural, or environmental importance and continuity of an existing condition, although taken singularly or out of context might not qualify under other criteria.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE:** Second reading and consideration of a motion to order published by title only Ordinance No. 8084 amending Section 4-2-4, “State Law Procedures Apply,” B.R.C., 1981, eliminating the principal campus of Naropa University from the application of the 500 foot distance restriction imposed by the Colorado Liquor Code for Beer and Wine licenses only, and setting forth related details.

**PRESENTERS**

Jane S. Brautigam, City Manager  
Thomas A. Carr, City Attorney  
Bob Eichen, Chief Financial Officer  
Sandra M. Llanes, Senior Assistant City Attorney  
Mishawn Cook, Licensing and Collection Administrator

**EXECUTIVE SUMMARY**

At the May 5, 2015 City Council meeting, a representative from Quality Inn & Suites spoke during the public comment period and stated that the hotel would like to apply for a beer and wine license but was unable to do so because his business is located within 500 feet of Naropa University. State law prohibits the issuance of a liquor license to a business located within 500 feet of a school or university, but provides local governing bodies with the ability to remove this restriction by waiver. A waiver must be implemented by ordinance.

City Council requested that staff bring forward an ordinance to address the matter. The purpose of this agenda item is to propose an ordinance waiving the 500 foot rule for Naropa University. The memorandum also provides a brief history of the 500 foot waiver rule. Adoption of the proposed ordinance would create the ability for Quality Inn &

Suites and other establishments located within 500 feet of Naropa University to apply for beer and wine licenses.

## **STAFF RECOMMENDATION**

### **Suggested Motion Language:**

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

Motion to introduce and order published by title only an ordinance amending Section 4-2-4, "State Law Procedures Apply," B.R.C., 1981, eliminating the principal campus of Naropa University from the application of the 500 foot distance restriction imposed by the Colorado Liquor Code for Beer and Wine licenses only, and setting forth related details.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic – Will likely have a positive impact on the business community that could also positively impact city revenues in the form of license fees and tax.
- Environmental - None
- Social – Will create more opportunities for establishments to acquire liquor licenses within the city. If not adequately managed, this could create additional possibilities for underage service or over service of alcohol. It will also have a positive impact on Naropa University's conferences in that it will create the possibility of service of alcohol to enhance the conference experience.

## **OTHER IMPACTS**

- Fiscal – City licensing is able to defray approximately 70% of the administrative cost for liquor license application processing with the application and license fees collected. The city is currently at the maximum license fee amount permitted by the state. The city will not be able to exceed the 70% cost recovery level. In the instance of issued beer and wine liquor licenses, the city receives occupation tax and would also receive any resulting increase in sales tax, admissions tax, food service tax, and accommodations tax that may stem from newly issued beer and wine liquor licenses. The number of new license applications and the amount of new tax paid is unknown.
- Staff Time – City licensing has sufficient staff to complete the necessary 500 foot measurements for applications adjacent to Naropa University, and to process new liquor license applications that may result from this BRC change.

## **BOARD AND COMMISSION FEEDBACK**

The Beverage Licensing Authority discussed Quality Inn's request for waiver at its September meeting. While the BLA did not take a formal vote, the Chair observed that the Authority is divided on this issue, with two members recommending extreme caution

and the other members viewing the request as one similar to the prior waiver in place for CU's principal campus. The consensus of the BLA was that if Council should decide to grant a waiver, the waiver should be similar to the one granted to CU's principal campus. That is, it should only allow beer and wine licenses within 500 feet of Naropa's principal campus.

## **PUBLIC FEEDBACK**

Naropa University has provided a letter of support for the issuance of a beer and wine license to Quality Inn & Suites. **Attachment E**

## **BACKGROUND & ANALYSIS**

State law provides that no liquor license may be granted to a business located within 500 feet of any school. However, state law provides local governments with the ability to waive that restriction under two scenarios. A local government may "eliminate or reduce the distance restrictions . . . for any class of license, or may eliminate one or more types of schools or campuses from the application of any distance restriction."

Section 4-2-4, B.R.C. (adopted in 1987 and amended as recently as 2013) contains a waiver that allows the city to accept a liquor license application for establishments located within 500 feet of the University of Colorado. It eliminates the distance requirement for the principal campus of CU, but only allows for hotel-restaurant liquor and beer-wine licenses. The current code reads as follows:

Section 4-2-4, "State Law Procedures Apply," B.R.C. 1981.

- (a) Provisions of the Colorado Liquor Code and the Colorado Beer Code governing procedures for applications, hearings, and decisions for state liquor or fermented malt beverages apply to city licenses. The principal campus of the University of Colorado is eliminated from the application of the 500 foot distance restriction of § 12-47-313(1)(d)(I), C.R.S., for hotel-restaurant and beer and wine liquor licenses only. For the purposes of this section, the principal campus is defined as the area generally circumscribed by Broadway Street on the west; Baseline Road on the south; 28th Street, Colorado Avenue, and Folsom Street on the east; and Boulder Creek, 17th Street, and University Avenue on the north.
- (b) The optional procedures set forth in §§ 12-47-601(3) to (6), C.R.S., are accepted and adopted for application by the Beverage Licensing Authority.

The Quality Inn & Suites is located approximately 393 feet from Naropa University. The hotel is ineligible to apply for a liquor license, because it is within 500 feet of a school or university. There are also several other establishments located within 500 feet of Naropa University who are ineligible to apply for a liquor license because of their proximity to the school. **Attachment D**. The proposed ordinance would eliminate this restriction and allow Quality Inn, and other businesses within 500 feet of Naropa University, to apply for

a liquor license. City staff would measure the 500 foot boundary using the description in Section 4-2-4 (b), B.R.C., and the Naropa University boundaries. **Attachment C.**

## **MATRIX OF OPTIONS**

There are several options that Council could take with respect to this matter. They are as follows:

### **Option 1 – Eliminate Naropa University’s principal campus from the 500’ restriction.**

Naropa University’s principal campus is located at 2130 Arapahoe Avenue in Boulder Colorado. The city has the ability to create a waiver that removes the principal campus of Naropa from the 500 foot restriction. This would mean that any business located within 500 feet of Naropa would now be eligible to apply for any class of liquor license.

### **Option 2 – Eliminate a class of license from the 500’ restriction.**

The city also has the ability to eliminate a class of license (for example Beer & Wine) from the 500 foot restriction. This would have the effect of removing the distance restriction throughout the city for Beer & Wine licenses only.

### **Option 3 – Reduce the distance restriction for any class of license.**

The city has the ability to reduce the distance restriction from 500 feet to something less than 500 feet for a particular class of license. This would have the effect of allowing establishments located within 375 feet (or some other defined distance) of a school or university to apply for a license, but could be limited, for example, to beer and wine licenses only.

Since CU is currently eliminated from the 500 foot restriction for hotel-restaurant and beer and wine licenses only, the city would need to clarify whether the shorter distance would be applied to CU’s current waiver or whether the waiver would remain the same.

### **Option 4 – Eliminate Naropa University’s principal campus from the 500’ restriction and limit it to a class of license.**

The city has the ability to remove Naropa’s campus from the 500 foot restriction, and limit it to a certain class of license (i.e. Beer & Wine). This would have the effect of allowing beer and wine license applications within 500 feet of Naropa University. This option is most similar to what the city has in place now with CU and is incorporated in the proposed ordinance as staff’s recommendation to respond to Council’s direction. **Attachment A.**

### **Option 5 – No action**

The existing waiver for CU with respect to beer & wine licenses and hotel-restaurant licenses would remain in place.

### **STAFF RECOMMENDATION**

If Council wishes to increase the ability of establishments to obtain liquor licenses in the area located within 500 feet of Naropa University, staff recommends adoption of Attachment A – Proposed Ordinance for beer and wine licenses only also described as Option 4 above.

### **ATTACHMENTS**

Attachment A – Proposed Ordinance

Attachment B – Aerial Map of Naropa Arapahoe Campus and Vicinity

Attachment C – Naropa University Boundaries

Attachment D – Map showing other businesses located within 500 feet of Naropa

Attachment E – Naropa letter of support

## ORDINANCE NO. 8084

AN ORDINANCE AMENDING SECTION 4-2-4, "STATE LAW PROCEDURES APPLY," B.R.C. 1981, ELIMINATING THE PRINCIPAL CAMPUS OF NAROPA UNIVERSITY FROM THE APPLICATION OF THE 500 FOOT DISTANCE RESTRICTION IMPOSED BY THE COLORADO LIQUOR CODE FOR BEER AND WINE LICENSES ONLY, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 4-2-4, B.R.C. 1981, is amended to read:

**4-2-4. - State Law Procedures Apply.**

- (a) Provisions of the Colorado Liquor Code and the Colorado Beer Code governing procedures for applications, hearing, and decisions for state liquor or fermented malt beverages apply for city licenses. The principal campus of the University of Colorado is eliminated from the application of the 500-foot distance restriction of § 12-47-313(1)(d)(I), C.R.S., for hotel-restaurant and beer and wine liquor licenses only. For the purposes of this section, the principal campus is defined as the area generally circumscribed by Broadway Street on the west; Baseline Road on the south; 28th Street, Colorado Avenue, and Folsom Street on the east; and Boulder Creek, 17th Street, and University Avenue on the north.
- (b) Provisions of the Colorado Liquor Code and the Colorado Beer Code governing procedures for applications, hearing, and decisions for state liquor or fermented malt beverages apply for city licenses. The principal campus of the Naropa University is eliminated from the application of the 500-foot distance restriction of § 12-47-313(1)(d)(I), C.R.S., for beer and wine liquor licenses only. For the purposes of this section, the principal campus is defined as the area generally circumscribed by Arapahoe Avenue on the north; Marine Street and the University of Colorado on the south; a business at 2034 Arapahoe and University of Colorado residences on the west; and a multi-use bike path on the east.
- (~~c~~) The optional procedures <sup>[7]</sup> set forth in §§ 12-47-601(3) to (6), C.R.S., are accepted and adopted for application by the Beverage Licensing Authority.

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

1           Section 3. The city council deems it appropriate that this ordinance be published by title  
2 only and orders that copies of this ordinance be made available in the office of the city clerk for  
3 public inspection and acquisition.

4           INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
5 TITLE ONLY this 6th day of October, 2015.

8 \_\_\_\_\_  
Mayor

9 Attest:

10 \_\_\_\_\_  
11 City Clerk

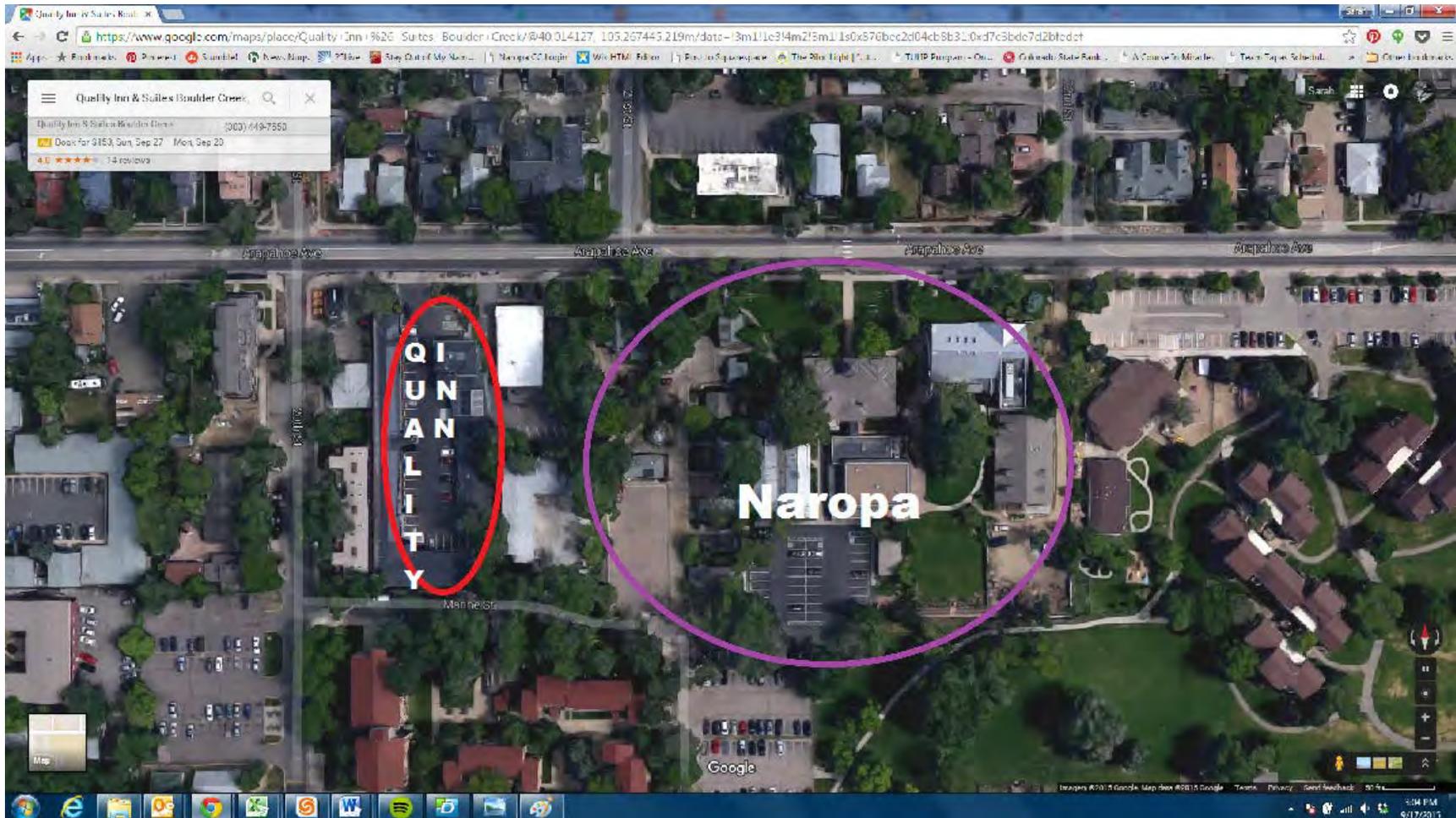
13           READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
14 PUBLISHED BY TITLE ONLY this 20th day of October, 2015.

17 \_\_\_\_\_  
18 Mayor

19 Attest:

20 \_\_\_\_\_  
21 City Clerk

Attachment B - Aerial Map of Naropa Arapahoe Campus and Vicinity



# Naropa University Main Campus



## City of Boulder, Colorado

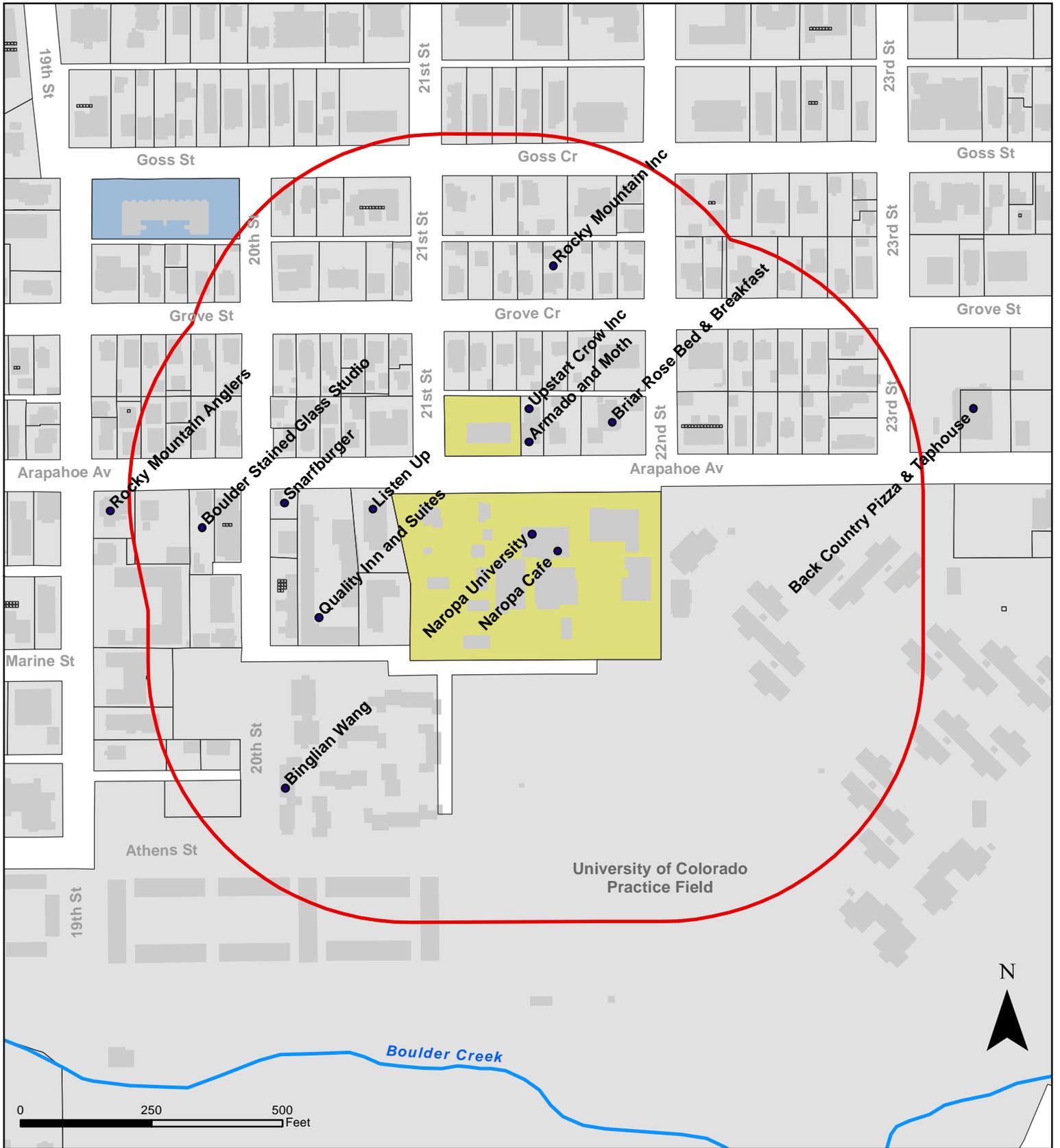
All rights reserved. The map information contained hereon is intended for the sole use of the purchaser and may not be copied, duplicated or redistributed in any way, in whole or in part, without the expressed written consent of the City of Boulder. The information depicted is provided as a graphical representation only. While source documents were developed in compliance with National Map Accuracy Standards, the City of Boulder provides no guarantee, express or implied, as to the accuracy and/or completeness of the information contained hereon. Printed on 7/20/2015.

 Naropa Campus Boundary

N



Attachment D - Map Showing Other Businesses Located Within 500 Feet of Naropa  
**Naropa University Main Campus**



**City of Boulder, Colorado**

All rights reserved. The map information contained hereon is intended for the sole use of the purchaser and may not be copied, duplicated or redistributed in any way, in whole or in part, without the expressed written consent of the City of Boulder. The information depicted is provided as a graphical representation only. While source documents were developed in compliance with National Map Accuracy Standards, the City of Boulder provides no guarantee, express or implied, as to the accuracy and/or completeness of the information contained hereon. Printed on 7/20/2015.

- Businesses within 500 feet
- Naropa Housing
- Naropa 500 foot Buffer
- Naropa Campus

Buffer distance is approximate, actual distance measured using a route of direct pedestrian access.



NAROPA UNIVERSITY

January 26, 2014

S. Jarvie Worcester, Jr.  
Boulder Hotel Group, LLC  
2020 Arapahoe Ave.  
Boulder, CO 80203

**RE: Quality Inn and Suites, Boulder Creek – Beer and Wine License**

**Dear Mr. Worcester,**

On behalf of Naropa University, I am writing to support your application for a beer and wine license for Quality Inn and Suites located at 2020 Arapahoe Avenue. We believe strongly in supporting local businesses, and we note with pride the level of business that we have brought to local hotels. Naropa University frequently hosts a number of high-level speakers and special guests at the Quality Inn and Suites, and approval of the license would bring added value and convenience to our guests.

Naropa University has been a long-time client of The Quality Inn and Suites for several years and typically books between 350-500 room nights a year for our summer and fall writing programs and conferences. We look forward expanding this relationship with the new ownership and believe that the ability to serve wine to guests, will truly enhance the experience for the participants attending our programs and events and make The Quality Inn and Suites a more attractive option for those visiting Naropa.

Please let us know if we can offer any further support to your establishment and thank you for being such a great community partner to Naropa.

Sincerely,

Todd J. Kilburn

Vice President for Business Affairs and Chief Financial Officer



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE** Consideration of the following items relating to the 2016 Budget:

1. Public hearing on the proposed 2016 City of Boulder Budget; and
2. Second reading and consideration of a motion to adopt Ordinance No. 8085 that adopts a budget for the City of Boulder, Colorado, for the fiscal year commencing on the first day of January 2016 and ending on the last day of December 2016 and setting forth details in relation thereto; and
3. Second reading and consideration of a motion to adopt Ordinance No. 8086 that establishes the 2015 City of Boulder property tax mill levies which are to be collected by the County of Boulder, State of Colorado, within the City of Boulder in 2016 for payment of expenditures by the City of Boulder, County of Boulder, State of Colorado, and setting forth details in relation thereto; and
4. Second reading and consideration of a motion to adopt Ordinance No. 8087 that appropriates money to defray expenses and liabilities of the City of Boulder, Colorado, for the 2016 fiscal year of the City of Boulder, commencing on the first day of January 2016, and ending on the last day of December 2016, and setting forth details in relation thereto;
5. Second reading and consideration of a motion to adopt Ordinance No. 8088 that amends Section 3-8-3 and Chapter 4-20 of the B.R.C. 1981 changing certain fees, and setting forth details in relation thereto; and

Consideration of a motion to adjourn from the Boulder City Council and convene as the Central Area General Improvement District Board of Directors.

**PRESENTERS**

Jane S. Brautigam, City Manager

Bob Eiche, Chief Financial Officer

Cheryl Pattelli, Director of Finance

Peggy Bunzli, Budget Officer

Maureen Rait, Executive Director of Public Works

David Driskell, Executive Director of Planning, Housing and Sustainability

Heather Bailey, Executive Director of Energy Strategy and Electric Utility Development

Yvette Bowden, Director of Parks and recreation  
Michael Calderazzo, Fire Chief  
James Cho, Municipal Court Administrator  
Karen Rahn, Director of Human Services  
Mike Sweeney, Interim Director of Public Works for Transportation  
Greg Testa, Chief of Police  
Tracy Winfree, Director of Open Space and Mountain Parks  
Molly Winter, Director of Community Vitality  
Patrick Von Keyserling, Director of Communications

### **EXECUTIVE SUMMARY**

The purpose of this item is the adoption of the 2016 budget and other related ordinances (see **Attachments A-F**) to appropriate city funds as presented in the 2016 Recommended Budget, for the 2016 fiscal year. This includes adoption of the ordinance that establishes the 2015 mill levy for the city and the ordinance that changes certain codified fees.

[Agenda item 5A](#), including attachments, for the Oct. 6, 2015 City Council meeting provides additional background information on the development and review of the 2016 Recommended Budget. [Video coverage](#) of the Oct. 6 meeting and the [staff presentation](#) at the Oct. 6 meeting also provide additional information.

To facilitate council review of the 2016 Recommended Budget, staff has also prepared a list of each change proposed for the budget that occurred after council received the [2016 Recommended Budget document](#), on Aug. 28, 2015 (see **Attachment G**).

### **STAFF RECOMMENDATION**

Staff recommends adoption of the following four ordinances:

- **Budget Adoption Ordinance (Attachment B (Option 2))**  
The Charter of the City of Boulder requires that, before the city establishes the property tax mill levy, the annual budget that summarizes sources and uses must be approved. The ordinance included in this attachment incorporates the 2016 Recommended Budget.
- **Mill Levy Ordinance (Attachment C)**  
In order to prevent any ratcheting down of the city's mill levies per the Taxpayer Bill of Rights (TABOR), a temporary mill levy credit was used whenever the calculated revenue forecast exceeded the calculated TABOR revenue limitation by more than 0.10 mill. As a result of the passage of Ballot Issue 201, "Retention of Property Tax Funds" approved by voters on Nov. 4, 2008, the remaining restrictions on property tax collected by the City of Boulder have been eliminated.

Ballot Issue 201 had the effect of reducing the mill levy credit by 0.50 mill each year until the credit was completely eliminated. The mill levy credit was completely eliminated in the 2011 mill levy calculation (for 2012 property tax collections).

Given the most current assessed valuation information received from Boulder County and the passage of Ballot Issue 201, the following is the net mill levy for 2015 (this is unchanged from 2014):

Mill Levy 11.981

- **Appropriation Ordinance (Attachment E (Option 2))**  
This ordinance appropriates funds as stated in the budget ordinance for 2016.
- **Fees Ordinance (Attachment F)**  
City fees are adjusted based on costs of providing city services and depend on calculations of inflation, pricing guidelines, or service-specific cost analysis. The annual budget process also provides an opportunity to review and clarify the Boulder Revised Code language related to fees and rates.

**Suggested Motion Language:**

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

- Motion to adopt Ordinance No. 8085, **as amended**, adopting the 2016 City of Boulder budget;
- Motion to adopt Ordinance No. 8086 establishing the City of Boulder property tax mill levy for 2015 to be collected in 2016;
- Motion to adopt Ordinance No. 8087, **as amended**, appropriating the 2016 City of Boulder budget;
- Motion to adopt Ordinance No. 8088 changing certain fees; and

Consideration of a motion to adjourn from the Boulder City Council and convene as the Central Area General Improvement District Board of Directors.

\*Staff recommends adoption of **amended** ordinances 8085 and 8087, noted as **option 2** in the attachments.

**OTHER IMPACTS**

- **Fiscal** - This item will appropriate funds to implement the City of Boulder's 2016 budget. This budget is based on the City Manager's 2016 Recommended Budget and in accordance with City Council's feedback provided during the Sep. 8 Study Session and the Oct. 6 first reading of the budget ordinances. In addition to the budget ordinances, the property tax mill levy and fees ordinance are also included. These ordinances are necessary to fund the annual budget in full.
- **Staff time** - Staff time for this process is allocated in the Budget Division's regular annual work plan.

## **BACKGROUND AND ADDITIONAL INFORMATION**

A City Council study session on the 2016 Recommended Budget was held on Sept. 8, 2015, and the First Reading of the Budget ordinances, including a public hearing, was held on Oct. 6, 2015. This memo provides additional information in response to council questions and feedback at and following the Oct. 6 meeting, and relating to the attached ordinances. Given the emphasis noted by council on continuing code enforcement needs, an alternate budget option (option 2) that could help address those needs is also included below for council consideration.

### **Code Enforcement and Rental Housing Licensing**

In response to feedback and questions received at the Oct. 6 council meeting, staff has compiled information related to code enforcement, rental housing licensing and parking enforcement below. This information provides the context of enforcement resources, as well as information on 2014 and 2015 budget implementation in these areas.

#### 2014 Code Enforcement Discussion and 2015 Budget

On April 8, 2014, staff from Public Works, Planning, Housing & Sustainability (known as Community Planning and Sustainability at that time), and the Police Department provided council with an overview of how code enforcement functions are managed in the city. The April 8, 2014, study session memo can be found [here](#). Council was briefed on a broad array of issues that fall under the umbrella of code enforcement responsibilities and the way in which issues are handled. A table depicting the responsibilities can be found [here](#).

Some concerns were raised by council during the study session. The full list can be found in the [study session summary](#), but key issues revolved around rental units. Council members expressed general concern about the quality of rental housing and the city's efforts to improve it, about the potential numbers of unlicensed rental units and units that may be created illegally, and about housing units that may be used illegally as vacation rentals by owner, or VRBO.

#### Public Works - Rental License Inspection Quality Assurance Initiative

During the Sept. 9, 2014 budget study session council asked staff to further consider how the overall quality of rental housing could be improved in support of the city's Comprehensive Housing Strategy goals. At that time, rental housing inspections were performed by third-party inspectors licensed through the city but selected and hired by the property owner. Although the contractor license qualified the inspector, the city did not audit any of the inspectors' work to make sure buildings are meeting the minimum standards of the International Property Maintenance Code (IPMC).

To enhance the rental housing inspection and licensing program, staff proposed implementing a new quality assurance (QA) program in 2015 that would follow the practices of the energy smart (SmartRegs) program. The SmartRegs QA consisted of working with property owners to schedule a time to gain access to perform an audit of the inspection. The two inspections are then compared and the inconsistencies shared with the rental license inspector. Similarly, staff proposed to begin "Live QA" inspections which would occur simultaneously with the rental license inspections performed by the rental inspector. The QA Inspector would also work with property management companies and property owners to gain access at various stages during the 4-year cycle of the rental license, allowing a more proactive enforcement of the IPMC. Performing live QA and interim IPMC-based inspections was intended to provide insight into

how the rental license baseline and renewal inspections were being performed in the field. This was to be an interim step in a larger discussion about rental license enforcement as staff worked towards a comprehensive analysis which would incorporate the enforcement of SmartRegs compliance into the rental licensing program.

#### Public Works - 2015 Enhancements for Rental Housing Licensing and Code Enforcement

The City Council supported the proposed initiative; and the adopted 2015 Budget included the addition of a .50 Full Time Equivalent (FTE) code compliance specialist in Public Works, who would be dedicated to enforcement of rental housing licensing, along with 2.0 FTE in Public Works, which would be used to hire one inspector and one administrative specialist to support the QA program. These resources were funded from the revenues from rental licensing fees.

#### Public Works - 2015 Implementation of Rental Housing Licensing and Code Enforcement

*Staffing:* The department was unsuccessful in hiring the compliance specialist position as a part time position, and a portion of the QA inspector was reallocated to bring the compliance specialist position to full time. The position was filled July 7, 2015.

The remaining funding for the QA inspector is now being used to fund a contract (approximately \$90,000) with Code Consultants International, Inc. (CCI), which is performing a comprehensive analysis of the inspection and application process for the Rental Housing Licensing (RHL) program. The department has also hired the 1.0 administrative specialist to support the QA program and enforcement. Although the funding from the unfilled QA inspector position was dedicated to the CCI contract, the remaining 0.59 FTE is available to be reallocated for other council priorities (see alternate budget option noted below).

*Program Update:* In June 2015, the city retained CCI to assist with the implementation of the QA program for RHL inspections. Since June, CCI has interviewed all licensed inspectors to understand their inspection process, verify what type of inspection checklists are being used and has asked for feedback regarding the city's RHL inspection program. CCI has also selected a sample of properties from various neighborhoods throughout the city for QA inspection. The sample includes all types of rental properties ranging from single family homes to multi-unit buildings. The properties selected also represent a broad sampling of the inspector pool. Three hundred properties, or approximately 12 percent of all rental properties in the city, have been selected to receive QA inspections. CCI will conduct these inspections during the remainder of the fourth quarter of 2015. Once 25 percent of the QA inspections are complete, CCI will provide the city with a report of preliminary findings. A full report is expected to be available in January 2016, and will inform next steps for the QA inspection process, including a training program for RHL inspectors.

In 2016, the rental licensing fee is proposed to be increased from \$70 to \$105 to cover program costs. This fee has not been adjusted since 2011.

#### Police Department - Staffing for Code Enforcement

The Boulder Police Department's Code Enforcement unit currently consists of one supervisor, three officers and one administrative staff member who address the external nuisance violations of codes that affect the health, life, and safety concerns of the city, for a total of 5.0 FTE. Of these, one officer and the administrative assistant position were added in the May 2014

Adjustment to Base in order to implement bear protection regulations for securing waste storage, after passage of a new code requiring bear-resistant trash containers.

The following table provides 2014 and 2015 staffing levels related directly to quality of life code enforcement across all departments:

Department (Workgroup or Program)*	Existing FTE/Adjusted 2014	2015	Increase
Public Works (Code Enforcement)	1.32	1.32	.00
Public Works (Rental Licensing)	2.30	4.80	2.50
PH&S (Rental Licensing)	.23	.23	.00
PH&S (Zoning Admin and Enforcement)	1.16	1.16	.00
PD (Code Enforcement)	5.00	5.00	.00
City Attorney (Prosecution)	.71	.71	.00
<b>TOTAL</b>	<b>10.72</b>	<b>13.22</b>	<b>2.50</b>

\*All FTE counts include supervisory and administrative personnel, in addition to personnel who directly provide code enforcement services.

**Alternate 2016 Budget Option (Option 2-recommended)**

Recognizing continued issues related to ongoing code enforcement, several council members at the October 6, 2015, public hearing on the 2016 budget suggested that staff consider the possible need for additional resources in this area. Chief Testa confirmed that the Code Enforcement unit would benefit by the addition of a new officer and therefore staff is recommending that council consider eliminating the addition of the proposed safety administrator position (see information on this position below) and substituting the addition of a code enforcement officer. The net impact to the 2016 Recommend Budget would be an additional \$15,714 (reduction of \$91,725 in the Workers Compensation fund and increase of \$107,439 in the General Fund). A portion of the FTE would be transferred from the PW-DSS, (see above on available FTE), for a net decrease to the 2016 Recommended Budget total FTE of 0.59 FTE.

This additional code enforcement officer would increase time in the field and allow the Police Department to redistribute district assignments and dedicate a code enforcement officer to patrol district 5, which is the patrol zone targeted for phase II implementation of bear protection enforcement. Staff believes that it would be possible to delay the hiring of the safety administrator position and in the coming year, the city would rely on the citywide safety committee working with the risk manager to address priorities highlighted below.

**Safety Administrator**

The 2016 Recommended Budget includes the addition of a Safety Administrator position in the Risk Management Division of the Finance Department. The division currently has one safety position, the Safety and Workers Compensation Coordinator, who works on two major risk management activities:

1. Loss Prevention – These are the activities that involve trying to prevent injuries from happening. This includes but is not limited to safety training for employees and

managers, worksite inspections, accident investigations, analyzing loss trends and developing strategies to prevent future losses, and directing safety committee activities.

2. Loss Control – These activities involve minimizing the cost of injuries that occur. This involves but is not limited to coordination of medical care for injured employees, working with the third party claim administrator on injury issues, working with legal counsel on litigated cases, communicating with supervisors about modified duty assignments, and answering injured employee questions.

A recent assessment of the division identified the need for additional support in the area of safety, in particular to work closely with departments across the city to enhance existing safety programs. The new Safety Administrator position would focus primarily on loss prevention. It is anticipated that the new position would do the following:

1. Prepare quarterly reports for directors concerning their department's loss record and recommend steps that can be taken to address the losses that are occurring in their department.
2. Develop a safety certification program with each department that will address specific loss exposures for that department. This is a new activity.
3. Based upon #2, develop specific safety training programs for each department. This is new.
4. Assist individual department safety committees with their activities.
5. Lead the newly formed city-wide safety committee in addressing safety issues that affect all city departments.
6. Investigate injury accidents with supervisors to determine the root cause of the accident and work with the departments to implement process improvements. This is a new activity.
7. Visit worksites to determine that proper safety protocols are being followed. This would be an enhancement of what is currently being done.
8. Prepare safety communication newsletters for city staff. This would be a new activity.
9. Assist departments with workplace safety audits. This would be an enhancement of current work.

By strengthening the loss prevention activities, the city would expect to see a reduction in the number of on the job injuries which have averaged about 161 per year the last five years. As the frequency and severity of injuries are reduced, the city may also see the cost of excess workers compensation insurance be reduced or at least held in check.

Of course, the most important aspect of improving the safety program is to protect employees, improve the lives of employees and their families, and minimize the chance that they will be involved in a life altering incident. The newly formed citywide safety team can make an impact on safety culture in the organization over the next year, and the addition of a safety administrator will be assessed for the 2017 budget.

### **Parking Enforcement**

There are currently 10 parking management officers to enforce over 40 parking-related ordinances citywide. Their enforcement focus is the commercial districts for overtime at meters and the 10 Neighborhood Parking Permit (NPP) program. Over the last several years, the number

of commercial districts has grown with the creation of Boulder Junction as well as the addition of new NPPs and the expansion of existing NPPs. During 2015, a structural review report was conducted for the Downtown and University Hill Management Division and Parking Services. A number of recommendations were proposed including the reorganization of the division into the Department of Community Vitality. In addition, the report found that the current complement of parking management officers does not allow for sufficient staffing for parking compliance and enforcement functions. Subsequently, the consultant conducted an in-depth staffing analysis and recommended an additional two enforcement officers to adequately address the enforcement and compliance needs of the community. In order to address this immediate need, these will be brought to council in an Adjustment to Base request this year and will be incorporated into future budgets through the ongoing budget process.

### **Additional Police Officers**

The Police Department master plan was approved in the fall of 2013 and included a recommendation to increase police officer positions through a phased in approach over five years. The increase in staffing consisted of eight additional officers, one commander, and two civilian positions. As of 2015, the department has added five officer positions, one commander, and the two civilian positions.

The two additional police officers requested in the 2016 budget will be used to enhance the department's ability to provide direct services to the community, including the development of a two-officer homeless outreach team. Other enhancements planned with the recommended addition of eight police officers by 2018 include: a dedicated DUI enforcement officer, an additional officer assigned to the daytime Pearl St. Mall Unit, and an additional officer assigned to the Community Services Unit, with the remaining three officer positions used to enhance street staffing.

The homeless outreach team will allow two officers to focus on engaging and building relationships with our unhoused community and partner with human service agencies, including the Boulder Homeless Services Collaborative (Bridge House, Boulder Shelter for the Homeless and Boulder Outreach for Homeless Overflow) to provide education, resources and referrals to meet the needs of our homeless population.

A dedicated DUI enforcement officer will enhance the department's ability to enforce drinking and drugged driving violations by having one officer dedicated in this area of enforcement, rather than assigning multiple officers on a rotational basis and as shift staffing allows.

Adding an additional officer to the daytime Pearl St. Mall Unit will increase the staffing to six officers, allowing for more officer presence in and around the mall to better serve and meet the needs of our community.

Assigning an additional officer to the Community Services Unit will help the existing officer with crime prevention and education efforts, community presentations and the other related responsibilities, and enhance community engagement by partnering with the city neighborhood liaison and other community groups.

Assigning officers to these positions is predicated upon filling current police officer vacancies and the officers' completion of an approximate eleven month training program.

### **City of Boulder Restorative Justice Program and Project EDGE**

#### **Community Mediation Services/Human Services Restorative Justice**

The City of Boulder's Community Mediation Service (CMS) provides restorative justice (RJ) services to clients charged with such offenses as nuisance parties, minors in possession of alcohol, low level physical assault, lesser degrees of arson, and possession of small amounts of drugs. CMS receives RJ referrals from two sources: the City of Boulder Municipal Court and the Boulder County District Attorney's Office (DA).

#### *Municipal Court referrals:*

A typical restorative justice process consists of an initial intake meeting with an offender (and a parent or guardian if they are a minor), and a more formal restorative justice session. Typically the intake meeting is conducted by a CMS staff member, and in some instances, in conjunction with a CMS volunteer. The purpose of the intake is to hear the offender's perspective on the offense as well as to provide an opportunity to describe the RJ process to the client. The actual RJ session will include two trained facilitators comprised of CMS staff and/or volunteers, the offender(s) (with parent or guardian if they are a minor), and a victim where appropriate. If a clearly defined victim declines to participate in the process, a community member may serve as a proxy victim, and in some instances, may relay information from the non-participating victim. Community members may also include a police officer where appropriate, neighbors, teachers, peers, etc., and they are tasked with helping to identify the harm caused by offender and mechanisms for repair.

The end goal of the RJ session is for the client to come away with a written agreement defining specific tasks he/she must complete to repair the harms identified in the restorative justice process. Typical agreement items may include compensation for repairing or replacing damaged items or resulting expenses, apologies, participation in pro-social activities, educating others about the offense and impacts, and developing strategies for finding a job or finishing school successfully. Clients typically have a month to complete the terms of their agreement, and successful completion is verified by CMS staff.

In calendar year 2014, CMS handled 56 cases referred from the Municipal Court via either the City Attorney's Office (CAO) or Probation. Municipal referrals for RJ cover clients of all ages. One-third of referred cases were related to noise complaints, and approximately 16 percent of the cases were related to fire/fireworks offenses. Other categories of offenses addressed by restorative justice include trespassing, obstruction and physical assault. In 2014, 53 out of the total of 56 cases that were referred by the municipal court were successfully concluded with fulfillment of the restorative justice agreement by the client. Unsuccessful participants were referred back to the municipal court for final disposition of their case.

#### *District Attorney Office referrals:*

In 2014, Boulder County became one of a handful of Colorado jurisdictions participating in a restorative justice pilot project approved by the state legislature. This pilot is being administered by the DA's office, and CMS is one of a handful of participating local agencies providing

restorative justice services. DA referrals are currently limited to minors. DA cases are structured similarly to those from the CAO, although these do not involve a court filing and come through the DA's Diversion office. Typically, cases also involve more escalated charges than those at the municipal level. In some instances, the RJ process addresses offenses related to illegal substances, and the process may consist of multiple RJ sessions over a period of months.

*Funding and Fees:*

CMS is funded with general funds appropriated to the Human Services Department. Funding for 2015 for the program is \$154,000, including 1.83 FTE, to cover all mediation services. In addition, approximately 30 active community mediation volunteers assist with RJ and mediation services.

For RJ Services, CMS charges municipal court referred offenders \$125 for participating in the RJ process. In 2014, \$6,000 was collected in RJ fees. Fees may be reduced or waived in instances of financial hardship. Under the agreement with the DA's office for the state RJ pilot project, CMS will be paid \$11,000 in 2015 for handling approximately 24 RJ clients. Funding is anticipated to continue through 2016.

Currently, long-term tracking of recidivism rates among those who successfully complete the RJ process is not completed, due to resource constraints. However, CMS saw only one repeat client in 2014 that had previously offended. Feedback from anonymous DA pilot project participant surveys reflect a high level of satisfaction with the CMS RJ process.

Municipal Court/CU Restorative Justice Program

In addition to Community Mediation Services, Boulder Municipal Court also utilizes the CU Restorative Justice Program (CURJ) for offenders of some low-level non-traffic violations. Only University of Colorado students are eligible for this program since it is administered by the University of Colorado's Office of Student Conduct, and referrals are made by the CAO - prosecution division. However, not all eligible defendants are referred. It depends on their previous contacts with the court and their history with CURJ. Not all cases are referred by the CAO; conversely, not all referred cases are accepted by the program.

Violations typically referred are quality of life violations. For example, brawling, making a false report, public urination, obstructing and resisting, fraudulent ID prohibited, disrupting quiet enjoyment of home, making unreasonable noise, and nuisance party prohibited are among the most commonly referred.

Below are the numbers of cases that the CAO has referred to CURJ in the past three years. Cases that are referred but not accepted by the program are not counted in the totals. Cases that are not accepted through the office intake process are included in these numbers. The academic years are from approximately Aug. 17 to Aug. 16 of the following calendar year. The 2015-2016 numbers include how many students have been accepted and/or attended an office intake since 8/18/2015.

2013-2014: 266  
2014-2015: 323  
2015-2016: 98

### Project EDGE

In mid-2014 the Boulder Police Department implemented the EDGE program (Early Diversion, Get Engaged), in partnership with Mental Health Partners (MHP). Mental health clinicians work out of the Police Department and respond to calls with officers to provide direct intervention services to community members.

Between third quarter 2014 and second quarter 2015, Mental Health Partners report there were 451 EDGE encounters with 210 unique clients with the Boulder Police Department. Ninety-seven percent of these people were diverted from arrest or ticketing based on their interaction with the EDGE program. Forty-two percent of EDGE clients have had at least one face-to-face visit with a behavioral health provider (e.g. therapist, prescriber, peer support specialist or case manager) within 60 days of their most recent EDGE field encounter. EDGE clients engaged with MHP an average of eight times after diversion.

### Energy

At the Oct. 6 first reading of the 2016 Recommended Budget, council asked for clarification of staffing costs, and City Manager's contingency spending and budget in the Energy Strategy and Electric Utility Development project budget.

The following information is excerpted from [the Sept. 8, 2015](#) study session and further detail can be found in that information packet. The below information details the 2016 focus and provides details related to expenses anticipated from the \$1 million City Manager Contingency and the Project budget (supported by voter approved Utility Occupation Tax dollars). All staffing costs shown include salaries and benefits.

In 2016, the focus will be on Colorado Public Utilities Commission (PUC) litigation work, other legal proceedings, and continued implementation of the transition work plan. This work represents a significant amount of resources for the Energy Future Project, however, no significant dollars will be spent until after a decision is made at the PUC. The PUC decision will inform next steps in the process and will ultimately determine which path the city will take in pursuing its energy future goals. The city is aware that there are further uncertainties about the outcome of regulatory and legal processes, and the proposed 2016 budget is structured in a way that addresses and minimizes risk.

In the 2015 approved budget, council approved a \$1 million contingency, in the City Manager's Office, to help supplement the Energy Future budget for additional unplanned expenses, if needed. This contingency is being used to help supplement transition staff salaries (projected 2015 expense is \$277,276), as noted in Table 1 below. **As part of the 2016 budget process, staff recommends approval of \$277,276 to replenish funds used out of the \$1 million contingency in 2015.**

Table 1

<b>2015 PROJECTED USES - \$1M CITY MANAGER (CM) CONTINGENCY</b>	
<b>Staffing*/** – 5.50 FTE</b>	<b>\$277,276</b>
<b>TOTAL</b>	<b>\$277,276</b>

\*With shared resources across projects this represents partial funding of these positions from this source in 2015. These resources are now fully dedicated to the Energy projects and funding for these positions is requested out of the \$1M CM contingency starting in the second half of 2015 and in 2016.

\*\*All costs shown include salaries and benefits.

The 2016 budget will continue to support personnel and operating expenses for the implementation of the transition work plan. Funds were appropriated in 2015 for a multi-year project budget, and the unspent amounts of the 2015 budget are the primary sources of funding for the project in 2016 and beyond. As in 2015, additional funding for key staffing positions in support of the Transition Work Plan are proposed to be funded out of the \$1 million CM contingency in 2016.

To be conservative, we have front loaded the expenditures in 2016. Since we do not know the timing of many of the costs that will be incurred, this provides maximum flexibility. Any appropriation not spent in 2016 will roll over into 2017. What exactly will be needed in 2017 will become clearer in the next year and will be addressed during the 2017 budget process.

Projected uses for the 2016 Energy Future budget and \$1 million CM Contingency budgets are summarized in the tables below.

Table 2

<b>2016 PROJECTED SOURCES AND USES - ENERGY FUTURE BUDGET</b>	
<b>Projected Beginning Balance (from 2015 Carryover)</b>	<b>\$4,009,395</b>
<b>Staffing* – 7.75FTE</b>	<b>\$1,107,323</b>
<b>Consulting and Contract Services</b>	
Transition Plan	\$965,500
Legal and Regulatory	\$1,350,000
<b>Total</b>	<b>\$2,315,500</b>
<b>Systems</b>	<b>\$280,000</b>
<b>Capital</b>	<b>\$33,063</b>
<b>Purchased Services and Supplies</b>	<b>\$216,252</b>
<b>2016 Total Uses</b>	<b>\$3,952,138</b>
<b>Future Planned Expenditures</b>	<b>\$57,257</b>
<b>TOTAL (2015-2017 BUDGET)</b>	<b>\$7,880,327</b>

\*All costs shown include salaries and benefits.

Table 3

<b>2016 PROJECTED USES - \$1M CITY MANAGER (CM) CONTINGENCY</b>	
<b>Staffing* – 4.50 FTE</b>	<b>\$447,639</b>
<b>TOTAL</b>	<b>\$447,639</b>

\*All costs shown include salaries and benefits.

### **Transportation Planning/Go Boulder**

The Transportation Planning/GO Boulder portion of the recommended 2016 budget is 6.5 FTE and approximately \$5,968,000. Approximately \$1,774,000 included in this budget is pass through revenue from CU and RTD associated with operating the HOP, not city resources.

The recommended 2016 budget including staffing levels is formulated to support the 2016 work plan. In the functional area of transportation planning/GO Boulder this includes support of existing programs, major community planning initiatives, and capital improvement program implementation.

For 2016, support for existing ongoing programs includes the CU/City/RTD HOP partnership, RTD coordination, Transportation Demand Management (TDM)/Eco Pass, and pedestrian/cycling safety outreach/education. Major community planning initiatives include the Boulder Valley Comprehensive Plan (BVCP) major update, Impact Fee Study, RTD Diagonal Highway Bus Rapid Transit (BRT) Environmental Impact Study (EIS), Arapahoe Avenue BRT regional corridor study, and the Boulder County Community-wide Eco Pass Study. Capital improvement program (CIP) implementation support includes Community, Culture, and Safety tax projects, the Broadway reconstruction (Violet to US 36) project, the 19th Street (Norwood to Upland) complete street project, and corridor studies to scope the Canyon Boulevard complete street, 30th Street/Colorado Avenue, and East Arapahoe Avenue projects.

### **Community Newsletter**

The intent of the community newsletter is to provide a variety of city information to every resident through a mailed publication; electronic versions also will be available to nonresidents and businesses who may be interested in the Boulder community.

Online only and email newsletters, as well as media inserted newsletters, were considered as a potentially more cost effective distribution method. The city previously provided a quarterly newsletter that was inserted into the Daily Camera; as not every resident subscribes to the Camera, it was not effective in reaching all Boulder residents. The city also currently offers several subscription-based department e-newsletters such as Planning, Open Space, and Parks and Recreation, and these newsletters are quite popular among their constituent groups. However, many residents miss opportunities to be informed about community issues outside of their “opt-in” subscriptions and may not be aware of how to fully engage with local government.

The Boulder Community newsletter will provide timely information that impacts the residents and businesses of Boulder, and which may not be regularly published in local media or other city newsletters. Articles may include information about:

- Neighborhood services
- Code enforcement issues
- Public safety
- Community partnerships and events
- Updates on strategic plans and council priorities
- Community priorities such as conservation, energy, recycling and arts & culture
- Ribbon cuttings and festivals
- Staff and volunteer profiles & opportunities

- Things to do in Boulder events calendar
- Park & trail profiles
- Small business & nonprofit profiles
- Sister city profiles & news
- International partnerships and engagement such as trips to the Vatican and Shimla
- City awards

Below are eight examples of municipal printed newsletters (PDF versions are published online):

[Arvada](#)

[Longmont](#)

[Aurora](#)

[Wheat Ridge](#)

[Northglenn](#)

[Redmond, WA](#)

[Los Altos Hills, CA](#)

[Lacey, WA](#)

**Attachment H** contains copies of a few successful community newsletters, as examples of what a City of Boulder Community Newsletter might provide.

### **Fire Safety Educator**

The following provides information on the work of the current Fire Safety Educator position in the City of Boulder Fire Department, as well as resources associated with and provided by the University of Colorado (CU).

#### Current Fire Safety Educator Position Work

Major work programs scheduled for the current Fire Safety Educator for 2016 area as follows:

- Fire drills at sorority and fraternities
- Fire drills at CU resident dorms (2x/year)\*
- Safety talks at sorority and fraternities
- Citizens' Academy
- Fire outreach for disabled population (4x year)
- Summer reading program with BPL
- Camp Boulder-Fire (Middle school program)
- RA Academy\*
- Greek Leadership Academy
- Green Streets/Open House at Station 1
- Car seat technician program
- Preschool and school visits (over 175 classes)
- Emergency preparedness

[This list consists of the larger more time consuming events, many other smaller events will take place and be coordinated through or performed by the current Fire Safety Educator.]

Two of the above items are directly related to CU, designated by an asterisk. The fire drills at the dorm are coordinated by the Fire Safety Educator but the actual event is witnessed by the on-duty engine company. The RA Academy is our largest CU event held each year for half-a-day in

August. This event takes a large amount of coordination and organization. Less than 15 percent of the Fire Safety Educator's time is spent on the University, although considerable time is spent on education events for the "off-campus" CU population.

#### Resources provided by CU

The City of Boulder Fire Department has an excellent working relationship with CU regarding safety and safety education.

A few examples of ways in which CU has collaborated with the Fire Department include:

- Following a request from the Fire Department, CU provided signage above fire connections, to better indicate which part of a building they served. This was completed within a week of the request.
- CU purchased Knox Boxes (a value of approximately \$5,000), that are mounted within the city's fire apparatus and secure CU keys.
- CU consults with the department on access issues for new buildings that will be built and remodel projects on campus.
- CU informs the department of all street closures.
- All new CU buildings are equipped with radio enhancement systems to ensure that firefighters can communicate in and around those buildings.
- CU consults with the department on fire alarm panel access.

In direct compensation, CU pays for the overtime (OT) cost that the city incurs in staffing the RA Fire Academy, approximately \$3,000. None of the other programs on the CU campus warrant any other OT cost. The Fire Department solicited the University to pay for a new "fire extinguisher" prop (BullEx system) to help Fire Department staff train CU personnel on campus, however CU declined.

The Greek Leadership Academy supports an off-campus group not associated with CU but consisting of CU students. They each pay \$200 to participate in the academy to cover OT cost as well.

#### Work Planned for additional Fire Safety Educator position

Major work programs scheduled for the additional Fire Safety Educator for 2016 are as follows. The list below includes new initiatives that would be developed, as well as expansion of existing work, and efforts to make events/programs more available to the larger community.

- Elderly programs including, fall safety and 911 protocols
- Adults-at-risk who needs assistance in finding community resources
- Pedestrian Safety
- Hazard House
- 1st Aid Classes (Adult, teen, kids)
- Teen Suicide Prevention
- Middle School Preparedness Camp
- HOA/civic group meetings
- Increased juvenile fire setter program
- Expanded car-seat technician program – community events involving car seat installation

- Distracted driving program for the high schools, middle schools, as well as adult education within this topic
- Home fire safety inspection and education
- Expanded smoke/CO outreach program
- Wildfire education
- Bike safety for kids and adults

### **Bilingual/Bicultural Support**

There are a number of positions across the city, which provide bilingual and bicultural support to the community. A table showing bilingual/bicultural resources in several areas of the city organization can be found as **Attachment I** to this memo. The table is not all inclusive of city bilingual or bicultural staff, but is reflective of key areas of community outreach and support. Bilingual/bicultural support is provided in direct programming, community outreach, and customer service areas.

Additional information regarding bilingual/bicultural capacity, community building and staff recruitment related to the Human Services Department will be included in the Oct. 27 Human Services Strategy study session.

### **Volunteer Coordinator**

The request for 0.50 additional FTE for volunteer coordination support in the Parks and Recreation Department is directly linked to department Master Plan efforts. Specifically, the department has spent several years utilizing only one part-time staff member to coordinate all department volunteerism initiatives (solicitation, coordination, project management and recognition). Despite this limited level of staffing, last year's efforts garnered 29,000 hours of support. The value of that support is measured in completed work projects over the course of the year and is comparable to 4.5 FTEs (when considering the average salary of Park Operations non-management staff including fringe costs). Although not the only means of addressing manpower needs, volunteerism has been particularly impactful as the department seeks to address Master Plan themes of "community building" and "financial sustainability". For example, the department employs only one horticulturalist, system-wide, which is reduced by one since 2012. In 2012 a horticulturalist position was repurposed in order to meet the needs of the growing workload of the Urban Forestry staff. Planting, care, and weeding of the urban park system's floral installations has been reduced over time but still requires more than one position can complete alone. Finding and coordinating volunteers to supplement the work has become the responsibility of the part-time volunteer coordinator. This is similar to the impact of lowered staffing hours associated with the management of Columbia Cemetery, which heavily relies upon volunteer work for upkeep, completion of creek and path weed removal, and litter pick up in the urban core. The Parks and Recreation Department continues to pursue opportunities to work with other departments, such as Open Space and Mountain Parks, to support and coordinate volunteer efforts. Nevertheless, the additional 0.50 FTE is needed for Parks and Recreation to increase the number of volunteers, associated educational programming, and impact of volunteerism (with an emphasis on anticipated tree plantings, litter pick up in the urban core, neighborhood gathering support, and outreach associated with youth and Expand programming.

**Senior Project Manager for Innovation and Data**

Strategic utilization of data and a focus on creativity and innovation are two strongly emerging areas in local government. The Senior Project Manager for Innovation and Data would provide city-wide leadership and oversight of these two areas. This position would collaborate with departments across the organization as we work toward further data transparency and improved use of data, focusing on targeted data collection, new methods of presentation and data analysis, as well as an assessment of what data would be helpful now and in the future. The City of Boulder is known to be a world-class city and in part that is a result of the implementation of leading edge ideas. This position will assist the organization in continuing to foster an innovative culture with an emphasis on new ideas – both big and small – to support further efficiencies, implement community priorities and provide unique consideration of future community needs.

The budget for the proposed Senior Project Manager for Innovation and Data includes funding for personnel costs of the position, direct non-personnel costs to support the position, and program costs, as noted in the table below:

Personnel (including benefits)	\$183,400
Direct non-personnel (computer, phone, supplies, training, etc.)	\$10,000
Program support (data analysis software tools; implementation of innovative ideas)	\$100,000
Total:	\$293,400

**Well-Being Program**

The City of Boulder’s wellness program has been funded from the Workers Compensation fund reserve for the last several years. Evidence of its success has been reflected in the reduced medical insurance premium costs for 2016. However, this source of funding is not sustainable and not appropriate for an ongoing program. Therefore, funding for the program is being shifted to the general fund in 2016, with expenditure covered through cost allocation across all funds. The base funding level (approximately \$340,000) for the program is unchanged from prior years.

The recommended 2016 Well-Being program will continue the work of previous years and also leverage a \$200,000 credit from Cigna, the city’s health insurer, to add additional programs and incentives enabling the city to take a more holistic approach toward employee well-being by addressing not only physical health, but also career, intellectual, emotional, financial, environmental, spiritual, and social health. The program would be managed by a three-quarter time wellness specialist who would be responsible for outreach and promotion during enrollment, sustaining employee engagement throughout the year, and managing the overall program. The elements of the proposed Well-Being program along with its costs are provided on the following table:

<b>2016 Wellness Programs with Integrated Wellness Credits</b>		
<b>2016 CIGNA Wellness Credit to Cover Personnel Expenses**</b>		
<b>Item</b>	<b>With Wellness Credit Total Cost</b>	<b>Comments</b>
2016 Wellness Specialist 0.75 FTE	\$65,017.00	<i>To manage the Well-Being program</i>
<b>Sub-total</b>	<b>\$65,017.00</b>	
<b>2016 CIGNA Wellness Credits to Cover Non-Personnel Expenses**</b>		
<b>Item</b>	<b>With Wellness Credit Total Cost</b>	<b>Comments</b>
Employee Well Being Programs	\$16,002.00	<i>Weight loss , stress management, get moving, etc.</i>
Employee Well Being Incentives	\$108,001.00	<i>Weight loss , stress management, get moving, etc.</i>
Seminars and Workshops	\$6,000.00	<i>weight loss, legal, financial, stress management</i>
Health Education Materials &/or reprographics	\$5,000.00	<i>Misc booklets, flyers, etc</i>
<b>Sub-total</b>	<b>\$135,003.00</b>	
<b>Total Costs Covered by CIGNA Wellness Credit</b>		<b>\$200,020.00</b>
<b>2016 City of Boulder's SimplyWell Program</b>		
<b>Item</b>	<b>With Wellness Credit Total Cost</b>	<b>Comments</b>
Integrated Wellness Program (screening, portal & telephonic services)	\$212,313.10	
Online only program (portal, telephonic services)	\$7,150.00	
Physician Uploads	\$710.00	
<b>Sub-total</b>	<b>\$220,173.10</b>	
<b>2016 City of Boulder's Additional Well-Being Programs</b>		
<b>Item</b>	<b>With Wellness Credit Total Cost</b>	<b>Comments</b>
Recreation Passes	\$104,160.00	
Memberships	\$1,000.00	
On site fitness programs	\$4,784.00	<i>Rec Center (yoga, fitness etc)</i>
Dietician consults	\$2,760.00	<i>Rec Center</i>
Trainer consults	\$1,150.00	<i>Rec Center</i>
Well Being Champion Meetings/Incentives	\$5,000.00	<i>Meals, incentives</i>
Conferences	\$1,200.00	<i>For Core Well-Being members</i>
<b>Sub-total</b>	<b>\$120,054.00</b>	
<b>Total Costs Covered by City of Boulder</b>		<b>\$540,247.10</b>
<b>**NOTE</b>		
The \$200,020 in expenses above will be covered by a wellness credit provided by Cigna. This amount will be reflected as a revenue.		

### **Increased Cost of Eco Passes**

The city provides Eco Passes to its employees, council members, and city board and commission members. These are covered across the multiple funds of the organization. The Department of Community Vitality provides Eco Passes to Downtown employees and to University Hill employees, which are funded from parking revenues. Eco Passes are also provided in the Boulder Junction Access District and these are covered by payment in lieu of taxes (PILOT) fees. Finally, one neighborhood district, Forest Glen, was formed for the purpose of providing Eco Passes to all its residents.

The 2016 budget was built using substantial inflationary estimates (up to 12 percent). However, the actual rates approved by RTD have turned out to be higher than those estimates and, as a result, the recently passed increases to the cost of Regional Transit District (RTD) Eco Passes will have a slight budgetary impact in these areas. The overall estimate is an increase of approximately \$150,000 across all of these programs. The

increased budgetary need will be addressed through adjustments to base in 2016 and built into budget projections for future budget years.

### **Parking Fees**

Following the Sept. 8 Budget study session staff provided council with information related to parking fees (see pp. 10-12 of the [Budget Agenda item packet](#)). During the budget hearing at the Oct. 6 council meeting, council expressed interest in continued dialogue related to parking fees and staff confirmed that the following items relating to parking fees will be discussed at the Nov. 12 Access Management and Parking Strategy (AMPS) update to council:

- Long-term, district permit fees, including Neighborhood Parking Permit commuter fees proposed in the 2016 budget
- Upcoming parking fee considerations
  - Potential ticket fees
  - Neighborhood Parking Permit resident and business permit fees
  - Short term, hourly parking rate and consideration of hours and days charged
- An outline of the city process for changing fees

Depending upon the specific fee, changes may be made by City Manager Rule or may require code change. Nevertheless, if council deems it appropriate, changes to fees can be made throughout the year and the budget can be amended through adjustment to base, if needed. Additionally, as a result of AMPS and other analysis ongoing, fee changes may be proposed as a part of the 2017 budget process.

### **FEMA Reserves**

The City of Boulder maintains reserves for various reasons including legal requirements, investment costs, and emergency needs, among others. The city was fortunate to have these reserves in place when the 2013 Flood occurred, resulting in over \$28 million in damages. This careful and conservative planning has ensured continuity of operations and services even as the city has had flood related costs over \$20 million to date, with FEMA and state reimbursement received to date (two years after the event) of just \$5.6 million.

The FEMA process includes substantial auditing well after reimbursements are received, and it is not uncommon for this process to result in FEMA requesting some amount of funds be returned, or “de-obligated”. In line with the city’s reserve policies and practices, a temporary reserve has been established in the seven funds receiving substantial FEMA and state reimbursement for 2013 Flood recovery costs, equal to 7 percent of reimbursement received. This reserve, in place until after all audits are completed, provides an off-set for potential de-obligation of FEMA and state funding. Once audits are completed, funds not needed would be available for use.

The following table shows current reserves booked, based on revenue recorded (including accruals) in each of these funds as of 12/31/2014:

## FEMA De-Obligation Reserve

<b>Fund</b>	<b>Amount</b>
General Fund	124,423
.25 Cent Sales Tax	9,627
OSMP	6,289
Stormwater/Flood	295,923
Transportation	51,242
Wastewater	36,445
Water	87,951
<b>Total</b>	<b>611,900</b>

These reserves are based on reimbursement received and are booked at the end of the year. As additional reimbursement is received, the reserve levels will be increased to continually represent 7 percent of reimbursement received. Total FEMA and state reimbursement in connection with the 2013 Flood is anticipated at \$17.3 million. A 7 percent reserve of the total reimbursement would be approximately \$1.2 million.

### QUESTIONS

Council members may contact [Peggy Bunzli](#) (303-441-1848) in the Budget Division for any questions they have on the contents of this agenda item, including clarification of any budget program or fund status.

### BUDGET MATERIALS ONLINE

Budget materials can be found at the following links:

[2016 Recommended Budget](#);

[2016-2021 Draft Capital Improvements Program](#);

[Sept. 8 Budget study session memo](#);

[Additional materials for Sept. 8 Budget study session](#);

[Video of Sept. 8 Budget study session](#) (choose date from list)

[Sept. 8 study session summary](#);

[Agenda item 5A, including attachments, for the Oct. 6, 2015 City Council meeting](#);

[Past budgets](#).

### PUBLIC FEEDBACK

At the Oct. 6 Public Hearing, seven members of the public spoke expressing opposition to the addition of the two new police officers proposed in the 2016 Recommended Budget.

There will be a public hearing at the Second Reading of these ordinances.

### NEXT STEPS

- Tuesday, Nov. 10 - Public hearing and third reading of the 2016 City of Boulder budget ordinances (if needed).

**ATTACHMENTS**

- Attachment A** Ordinance No. 8085 adopting a Budget for the City of Boulder for 2016
- Attachment B** Ordinance No. 8085 **amended** adopting a Budget for the City of Boulder for 2016 (**Option 2-recommended**)
- Attachment C** Ordinance No. 8086 establishing the 2015 City of Boulder property tax mill levies
- Attachment D** Ordinance No. 8087 appropriating the City of Boulder budget for 2016
- Attachment E** Ordinance No. 8087 **amended** appropriating the City of Boulder budget for 2016 (**Option 2-recommended**)
- Attachment F** Ordinance No. 8088 amending Section 3-8-3 and Chapter 4-20 of the B.R.C. 1981, changing certain fees
- Attachment G** Budget Changes document logging all changes proposed to the 2016 Recommended Budget since its publication
- Attachment H** Examples of Community Newsletters
- Attachment I** Table of bilingual/bicultural staff in key city areas

**ORDINANCE NO. 8085**

**AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF BOULDER, COLORADO, FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2016 AND ENDING ON THE LAST DAY OF DECEMBER 2016 AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the City Manager has submitted a recommended budget for fiscal year 2016 to the City Council as required by Charter; and,

WHEREAS, upon due and proper notice, numerous study sessions and public hearings have been held on said recommended budget;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO THAT THE FOLLOWING FISCAL YEAR 2016 BUDGET IS HEREBY ADOPTED:

Section 1. That estimated expenditures for fiscal year 2016 are as follows (excludes carryover and the General Improvement Districts):

General Operating Fund	\$132,160,765
Capital Development Fund	211,052
Lottery Fund	848,535
Planning and Development Services Fund	10,838,333
Affordable Housing Fund	1,570,292
Community Housing Assistance Program Fund	3,172,624
.25 Cent Sales Tax Fund	7,724,287
Library Fund	7,569,667
Recreation Activity Fund	10,414,920
Climate Action Plan Fund	1,955,433
Open Space Fund	35,402,961
Airport Fund	461,925
Transportation Fund	33,824,610

ATTACHMENT A - BUDGET ADOPTION (Option 1)

Transportation Development Fund	1,200,614
Community Development Block Grant (CDBG) Fund	634,492
HOME Investment Partnership Grant Fund	779,504
Permanent Parks and Recreation Fund	2,443,963
Boulder Junction Improvement Fund	825,000
Water Utility Fund	58,901,788
Wastewater Utility Fund	19,555,218
Stormwater/Flood Management Utility Fund	11,764,881
Telecommunications Fund	704,622
Property and Casualty Insurance Fund	1,876,157
Worker's Compensation Insurance Fund	1,774,457
Compensated Absences Fund	944,772
Fleet Operations Fund	3,779,052
Fleet Replacement Fund	5,302,879
Computer Replacement Fund	1,939,813
Equipment Replacement Fund	638,192
Facility Renovation and Replacement Fund	4,052,362
Less: Interfund Transfers	25,281,156
Less: Internal Service Fund Charges	20,458,216
TOTAL (Including Debt Service)	\$317,533,798

Section 2. That estimated carryover funds from fiscal year 2015 are as follows

(excludes General Improvement Districts):

General Operating Fund	\$ 11,600,000
Capital Development Fund	1,000,000
Lottery Fund	1,001,360
Planning & Development Services Fund	1,000,000
Affordable Housing Fund	5,000,000
Community Housing Assistance Program Fund	4,000,000
.25 Cent Sales Tax Fund	1,250,000

ATTACHMENT A - BUDGET ADOPTION (Option 1)

Climate Action Plan Fund	1,000,000
Open Space Fund	21,606,360
Airport Fund	1,000,000
Transportation Fund	25,000,000
Transportation Development Fund	1,800,000
Community Development Block Grant (CDBG) Fund	1,000,000
HOME Investment Partnership Grant Fund	1,500,000
Permanent Parks and Recreation Fund	500,000
Boulder Junction Improvement Fund	1,500,000
2011 Capital Improvement Bond Fund	1,696,137
Water Utility Fund	4,000,000
Wastewater Utility Fund	10,000,000
Stormwater/Flood Management Fund	15,000,000
Fleet Replacement Fund (Internal Service Fund)	2,000,000
Equipment Replacement Fund (Internal Service Fund)	500,000
Facility Renovation and Replacement Fund (Internal Service Fund)	4,000,000
<b>TOTAL</b>	<b>\$ 116,953,857</b>

Section 3. That estimated revenues and fund balances available for fiscal year 2016 to fund the above expenditures are as follows (excludes carryover and General Improvement Districts):

Taxes	\$ 179,995,731
Charges for Services	59,422,136
Internal Service Fund Charges	20,367,789
Sale of Goods and Capital Assets	549,424
License Fees and Fines	5,265,000
Intergovernmental and Grants	10,383,757
Interest/Lease/Rent	20,295,981

ATTACHMENT A - BUDGET ADOPTION (Option 1)

Other Revenues	14,093,779
Bond Proceeds	24,240,000
Transfers In	22,918,261
Less: Transfers	22,918,261
Less: Internal Service Fund Charges	20,367,789
Plus: Fund Balance	3,287,989
TOTAL	\$ 317,533,798

Section 4. That the proposed budget as submitted and hereinabove summarized be adopted as the budget of the City of Boulder, Colorado, for the 2016 fiscal year.

Section 5. The City Council finds that the budget must be adopted before the mill levy can be certified, and said levy must be certified to the County Assessor of the County of Boulder, State of Colorado, by December 15, 2015.

Section 6. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 7. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

ATTACHMENT A - BUDGET ADOPTION (Option 1)

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED

BY TITLE ONLY this 6th day of October, 2015.

---

Mayor

Attest:

---

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED

PUBLISHED BY TITLE ONLY this 20th day of October, 2015.

---

Mayor

Attest:

---

City Clerk

**ORDINANCE NO. 8085**

**AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF BOULDER, COLORADO, FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2016 AND ENDING ON THE LAST DAY OF DECEMBER 2016 AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the City Manager has submitted a recommended budget for fiscal year 2016 to the City Council as required by Charter; and,

WHEREAS, upon due and proper notice, numerous study sessions and public hearings have been held on said recommended budget;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO THAT THE FOLLOWING FISCAL YEAR 2016 BUDGET IS HEREBY ADOPTED:

Section 1. That estimated expenditures for fiscal year 2016 are as follows (excludes carryover and the General Improvement Districts):

General Operating Fund	\$132,268,204
Capital Development Fund	211,052
Lottery Fund	848,535
Planning and Development Services Fund	10,838,333
Affordable Housing Fund	1,570,292
Community Housing Assistance Program Fund	3,172,624
.25 Cent Sales Tax Fund	7,724,287
Library Fund	7,569,667
Recreation Activity Fund	10,414,920
Climate Action Plan Fund	1,955,433
Open Space Fund	35,402,961
Airport Fund	461,925
Transportation Fund	33,824,610

Transportation Development Fund	1,200,614
Community Development Block Grant (CDBG) Fund	634,492
HOME Investment Partnership Grant Fund	779,504
Permanent Parks and Recreation Fund	2,443,963
Boulder Junction Improvement Fund	825,000
Water Utility Fund	58,901,788
Wastewater Utility Fund	19,555,218
Stormwater/Flood Management Utility Fund	11,764,881
Telecommunications Fund	704,622
Property and Casualty Insurance Fund	1,876,157
Worker's Compensation Insurance Fund	1,682,732
Compensated Absences Fund	944,772
Fleet Operations Fund	3,779,052
Fleet Replacement Fund	5,302,879
Computer Replacement Fund	1,939,813
Equipment Replacement Fund	638,192
Facility Renovation and Replacement Fund	4,052,362
Less: Interfund Transfers	25,281,156
Less: Internal Service Fund Charges	20,458,216
TOTAL (Including Debt Service)	\$317,549,512

Section 2. That estimated carryover funds from fiscal year 2015 are as follows

(excludes General Improvement Districts):

General Operating Fund	\$ 11,600,000
Capital Development Fund	1,000,000
Lottery Fund	1,001,360
Planning & Development Services Fund	1,000,000
Affordable Housing Fund	5,000,000
Community Housing Assistance Program Fund	4,000,000
.25 Cent Sales Tax Fund	1,250,000

Climate Action Plan Fund	1,000,000
Open Space Fund	21,606,360
Airport Fund	1,000,000
Transportation Fund	25,000,000
Transportation Development Fund	1,800,000
Community Development Block Grant (CDBG) Fund	1,000,000
HOME Investment Partnership Grant Fund	1,500,000
Permanent Parks and Recreation Fund	500,000
Boulder Junction Improvement Fund	1,500,000
2011 Capital Improvement Bond Fund	1,696,137
Water Utility Fund	4,000,000
Wastewater Utility Fund	10,000,000
Stormwater/Flood Management Fund	15,000,000
Fleet Replacement Fund (Internal Service Fund)	2,000,000
Equipment Replacement Fund (Internal Service Fund)	500,000
Facility Renovation and Replacement Fund (Internal Service Fund)	4,000,000
TOTAL	\$ 116,953,857

Section 3. That estimated revenues and fund balances available for fiscal year 2016 to fund the above expenditures are as follows (excludes carryover and General Improvement Districts):

Taxes	\$ 179,995,731
Charges for Services	59,422,136
Internal Service Fund Charges	20,367,789
Sale of Goods and Capital Assets	549,424
License Fees and Fines	5,265,000
Intergovernmental and Grants	10,383,757
Interest/Lease/Rent	20,295,981

Other Revenues	14,093,779
Bond Proceeds	24,240,000
Transfers In	22,918,261
Less: Transfers	22,918,261
Less: Internal Service Fund Charges	20,367,789
Plus: Fund Balance	3,303,704
TOTAL	\$ 317,549,512

Section 4. That the proposed budget as submitted and hereinabove summarized be adopted as the budget of the City of Boulder, Colorado, for the 2016 fiscal year.

Section 5. The City Council finds that the budget must be adopted before the mill levy can be certified, and said levy must be certified to the County Assessor of the County of Boulder, State of Colorado, by December 15, 2015.

Section 6. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 7. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED

BY TITLE ONLY this 6th day of October, 2015.

---

Mayor

Attest:

---

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED

PUBLISHED BY TITLE ONLY this 20th day of October, 2015.

---

Mayor

Attest:

---

City Clerk

**ORDINANCE NO. 8086****AN ORDINANCE ESTABLISHING THE 2015 CITY OF BOULDER PROPERTY TAX MILL LEVIES WHICH ARE TO BE COLLECTED BY THE COUNTY OF BOULDER, STATE OF COLORADO, WITHIN THE CITY OF BOULDER IN 2016 FOR PAYMENT OF EXPENDITURES BY THE CITY OF BOULDER DURING THE FISCAL YEAR 2016 PROVIDING THAT SAID LEVY BE CERTIFIED TO THE COUNTY ASSESSOR OF THE COUNTY OF BOULDER, STATE OF COLORADO, SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, Section 94 of the Charter of the City of Boulder, Colorado requires the City Council to make by ordinance the proper levy in mills on each dollar of the assessed valuation of all taxable property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment during the ensuing fiscal year of the properly authorized demands upon the Treasury, and to cause said total levy to be certified to the County Assessor of the County of Boulder, State of Colorado; and

WHEREAS, after reviewing the requirements for anticipated expenditures as well as anticipated revenues from other sources for 2016, the City Council has determined that for the year of 2015, the proper mill levy, which shall be collected in 2016 by the Treasurer of the County of Boulder, State of Colorado, upon each dollar of the assessed valuation of all taxable property within the city, shall be 11.981 mills; and

WHEREAS, Boulder residents approved Ballot Issue 201 on November 4, 2008, which has the effect of allowing the retention of property tax monies collected above the limits imposed by Article X, Section 20, of the Colorado Constitution, commonly referred to as "TABOR," and reducing the mill levy credit by 0.50 mill each year until the credit is completely eliminated; and

WHEREAS, in line with those guidelines, no mill levy credit remains, and a total of 11.981 mills is to be assessed upon each dollar of assessed valuation of all taxable property with the City.

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

Section 1. For the purpose of maintaining funds to defray the general expenses of the City of Boulder, Colorado, during the fiscal year of the City commencing at 12:00 Midnight at the end of December 31, 2015, and ending at 12:00 Midnight at the end of December 31, 2016, there is hereby levied for the year of 2015 to be collected in 2016 a tax of 11.981 mills upon each dollar of the total assessed valuation of all taxable property within the City of Boulder, Colorado. The levy includes the following components:

GENERAL CITY OPERATIONS	8.748
PERMANENT PARKS FUND (Charter Sec. 161)	.900
LIBRARY FUND (Charter Sec. 165)	<u>.333</u>
TOTAL	9.981
GENERAL CITY OPERATIONS (PUBLIC SAFETY)	<u>2.000</u>
NET MILL LEVY	11.981

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 3. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

Section 4. Pursuant to Section 18 of the Charter of the City of Boulder, this ordinance shall take effect immediately upon publication after final passage.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED  
BY TITLE ONLY this 6th day of October, 2015.

---

Mayor

Attest:

---

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
PUBLISHED BY TITLE ONLY this 20th day of October, 2015.

---

Mayor

Attest:

---

City Clerk

**ORDINANCE NO. 8087**

**AN ORDINANCE APPROPRIATING MONEY TO DEFRAID EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, COLORADO, FOR THE 2016 FISCAL YEAR OF THE CITY OF BOULDER, COMMENCING ON THE FIRST DAY OF JANUARY 2016, AND ENDING ON THE LAST DAY OF DECEMBER 2016, AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the City Council has approved a motion to adopt the budget for 2016; and,

WHEREAS, the City Council has by ordinance made the property tax levy in mills upon each dollar of the total assessed valuation of all taxable property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment in part during the City's said fiscal year of the properly authorized demands upon the Treasury; and,

WHEREAS, the City Council is now desirous of making appropriations for the ensuing fiscal year as required by Section 95 of the Charter of the City of Boulder;

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

Section 1. The following appropriations are hereby made for the City of Boulder's fiscal year commencing at 12:00 Midnight at the end of December 31, 2015 and ending at 12:00 Midnight at the end of December 31, 2016, for payment of 2016 City operating expenses, capital improvements, and general obligation and interest payments:

General Operating Fund	\$132,160,765
Capital Development Fund	211,052
Lottery Fund	848,535

ATTACHMENT D - BUDGET APPROPRIATION (Option 1)

Planning and Development Services Fund	10,838,333
Affordable Housing Fund	1,570,292
Community Housing Assistance Program Fund	3,172,624
.25 Cent Sales Tax Fund	7,724,287
Library Fund	7,569,667
Recreation Activity Fund	10,414,920
Climate Action Plan Fund	1,955,433
Open Space Fund	35,402,961
Airport Fund	461,925
Transportation Fund	33,824,610
Transportation Development Fund	1,200,614
Community Development Block Grant (CDBG) Fund	634,492
HOME Investment Partnership Grant Fund	779,504
Permanent Parks and Recreation Fund	2,443,963
Boulder Junction Improvement Fund	825,000
Water Utility Fund	58,901,788
Wastewater Utility Fund	19,555,218
Stormwater/Flood Management Utility Fund	11,764,881
Telecommunications Fund	704,622
Property and Casualty Insurance Fund	1,876,157
Worker's Compensation Insurance Fund	1,774,457
Compensated Absences Fund	944,772
Fleet Operations Fund	3,779,052
Fleet Replacement Fund	5,302,879
Computer Replacement Fund	1,939,813
Equipment Replacement Fund	638,192
Facility Renovation and Replacement Fund	4,052,362
Less: Interfund Transfers	25,281,156
Less: Internal Service Fund Charges	20,458,216
TOTAL (Including Debt Service)	\$317,533,798

Section 2. The following appropriations are hereby made for the City of Boulder's fiscal year commencing January 1, 2016 and ending December 31, 2016 for estimated carryover expenditures:

General Operating Fund	\$ 11,600,000
Capital Development Fund	1,000,000
Lottery Fund	1,001,360
Planning & Development Services Fund	1,000,000
Affordable Housing Fund	5,000,000
Community Housing Assistance Program Fund	4,000,000
.25 Cent Sales Tax Fund	1,250,000
Climate Action Plan Fund	1,000,000
Open Space Fund	21,606,360
Airport Fund	1,000,000
Transportation Fund	25,000,000
Transportation Development Fund	1,800,000
Community Development Block Grant (CDBG) Fund	1,000,000
HOME Investment Partnership Grant Fund	1,500,000
Permanent Parks and Recreation Fund	500,000
Boulder Junction Improvement Fund	1,500,000
2011 Capital Improvement Bond Fund	1,696,137
Water Utility Fund	4,000,000
Wastewater Utility Fund	10,000,000
Stormwater/Flood Management Fund	15,000,000
Fleet Replacement Fund (Internal Service Fund)	2,000,000
Equipment Replacement Fund (Internal Service Fund)	500,000
Facility Renovation and Replacement Fund (Internal Service Fund)	4,000,000
<b>TOTAL</b>	<b>\$ 116,953,857</b>

Section 3. The following appropriations are hereby made for the City of Boulder's fiscal year commencing January 1, 2016, and ending December 31, 2016, for Fund Balances:

General Operating Fund	\$31,428,000
Capital Development Fund	7,595,899
Lottery Fund	441,481
Planning and Development Services Fund	4,356,217
Affordable Housing Fund	737,606
Community Housing Assistance Program Fund	658,623
.25 Cent Sales Tax Fund	2,188,919
Library Fund	1,201,859
Recreation Activity Fund	1,582,097
Climate Action Plan Fund	187,521
Open Space Fund	15,995,892
Airport Fund	598,918
Transportation Fund	6,460,919
Transportation Development Fund	1,112,104
Permanent Parks and Recreation Fund	493,264
Boulder Junction Improvement Fund	628,298
Water Utility Fund	33,680,656
Wastewater Utility Fund	7,635,286
Stormwater/Flood Management Utility Fund	12,962,605
Telecommunications Fund	1,523,074
Property and Casualty Insurance Fund	5,391,955

Worker's Compensation Insurance Fund	2,565,245
Compensated Absences Fund	1,481,735
Fleet Operations Fund	498,399
Fleet Replacement Fund	8,201,450
Computer Replacement Fund	6,793,679
Equipment Replacement Fund	5,333,231
Facility Renovation and Replacement Fund	5,280,659
TOTAL FUND BALANCES	\$167,015,591

Section 4. The City Council hereby appropriates as revenues all 2015 year-end cash balances not previously reserved for insurance or bond purposes for all purposes not designated as "emergencies", including without limitation subsequent years' expenditures, capital improvements, adverse economic conditions and revenue shortfalls, pursuant to Article X, Section 20 to the Colorado Constitution, approved by the electorate on November 3, 1992; and

Section 5. The sums of money as appropriated for the purposes defined in this ordinance shall not be over expended, and that transfers between the various appropriations defined in this ordinance shall not be made except upon supplemental appropriations by ordinance authorizing such transfer duly adopted by City Council of the City of Boulder, Colorado. It is expressly provided hereby that at any time after the passage of this ordinance and after at least one week's public notice, the Council may transfer unused balances appropriated for one purpose to another purpose, and may appropriate available revenues not included in the annual budget and appropriations ordinance.

Section 6. The City Council is of the opinion that the provisions of the within ordinance are necessary for the protection of the public peace, property, and welfare of the residents of the city, and covers matters of local concern.

Section 7. Pursuant to Section 95 of the Boulder City Charter, the annual appropriation ordinance must be adopted by December 1 and to Section 18 of the Charter, this ordinance shall take effect immediately upon publication after final passage.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED  
BY TITLE ONLY this 6th day of October, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

READ ON SECOND READING, PASSED, AND ORDERED PUBLISHED BY  
TITLE ONLY this 20th day of October, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

**ORDINANCE NO. 8087**

**AN ORDINANCE APPROPRIATING MONEY TO DEFRAID EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, COLORADO, FOR THE 2016 FISCAL YEAR OF THE CITY OF BOULDER, COMMENCING ON THE FIRST DAY OF JANUARY 2016, AND ENDING ON THE LAST DAY OF DECEMBER 2016, AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the City Council has approved a motion to adopt the budget for 2016; and,

WHEREAS, the City Council has by ordinance made the property tax levy in mills upon each dollar of the total assessed valuation of all taxable property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment in part during the City's said fiscal year of the properly authorized demands upon the Treasury; and,

WHEREAS, the City Council is now desirous of making appropriations for the ensuing fiscal year as required by Section 95 of the Charter of the City of Boulder;

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

Section 1. The following appropriations are hereby made for the City of Boulder's fiscal year commencing at 12:00 Midnight at the end of December 31, 2015 and ending at 12:00 Midnight at the end of December 31, 2016, for payment of 2016 City operating expenses, capital improvements, and general obligation and interest payments:

General Operating Fund	\$132,268,204
Capital Development Fund	211,052
Lottery Fund	848,535

ATTACHMENT E: BUDGET APPROPRIATION (Option 2)

Planning and Development Services Fund	10,838,333
Affordable Housing Fund	1,570,292
Community Housing Assistance Program Fund	3,172,624
.25 Cent Sales Tax Fund	7,724,287
Library Fund	7,569,667
Recreation Activity Fund	10,414,920
Climate Action Plan Fund	1,955,433
Open Space Fund	35,402,961
Airport Fund	461,925
Transportation Fund	33,824,610
Transportation Development Fund	1,200,614
Community Development Block Grant (CDBG) Fund	634,492
HOME Investment Partnership Grant Fund	779,504
Permanent Parks and Recreation Fund	2,443,963
Boulder Junction Improvement Fund	825,000
Water Utility Fund	58,901,788
Wastewater Utility Fund	19,555,218
Stormwater/Flood Management Utility Fund	11,764,881
Telecommunications Fund	704,622
Property and Casualty Insurance Fund	1,876,157
Worker's Compensation Insurance Fund	1,682,732
Compensated Absences Fund	944,772
Fleet Operations Fund	3,779,052
Fleet Replacement Fund	5,302,879
Computer Replacement Fund	1,939,813
Equipment Replacement Fund	638,192
Facility Renovation and Replacement Fund	4,052,362
Less: Interfund Transfers	25,281,156
Less: Internal Service Fund Charges	20,458,216
TOTAL (Including Debt Service)	\$317,549,512

ATTACHMENT E: BUDGET APPROPRIATION (Option 2)

Section 2. The following appropriations are hereby made for the City of Boulder's fiscal year commencing January 1, 2016 and ending December 31, 2016 for estimated carryover expenditures:

General Operating Fund	\$ 11,600,000
Capital Development Fund	1,000,000
Lottery Fund	1,001,360
Planning & Development Services Fund	1,000,000
Affordable Housing Fund	5,000,000
Community Housing Assistance Program Fund	4,000,000
.25 Cent Sales Tax Fund	1,250,000
Climate Action Plan Fund	1,000,000
Open Space Fund	21,606,360
Airport Fund	1,000,000
Transportation Fund	25,000,000
Transportation Development Fund	1,800,000
Community Development Block Grant (CDBG) Fund	1,000,000
HOME Investment Partnership Grant Fund	1,500,000
Permanent Parks and Recreation Fund	500,000
Boulder Junction Improvement Fund	1,500,000
2011 Capital Improvement Bond Fund	1,696,137
Water Utility Fund	4,000,000
Wastewater Utility Fund	10,000,000
Stormwater/Flood Management Fund	15,000,000
Fleet Replacement Fund (Internal Service Fund)	2,000,000
Equipment Replacement Fund (Internal Service Fund)	500,000
Facility Renovation and Replacement Fund (Internal Service Fund)	4,000,000
TOTAL	\$ 116,953,857

## ATTACHMENT E: BUDGET APPROPRIATION (Option 2)

Section 3. The following appropriations are hereby made for the City of Boulder's fiscal year commencing January 1, 2016, and ending December 31, 2016, for Fund Balances:

General Operating Fund	\$31,428,000
Capital Development Fund	7,595,899
Lottery Fund	441,481
Planning and Development Services Fund	4,356,217
Affordable Housing Fund	737,606
Community Housing Assistance Program Fund	658,623
.25 Cent Sales Tax Fund	2,188,919
Library Fund	1,201,859
Recreation Activity Fund	1,582,097
Climate Action Plan Fund	187,521
Open Space Fund	15,995,892
Airport Fund	598,918
Transportation Fund	6,460,919
Transportation Development Fund	1,112,104
Permanent Parks and Recreation Fund	493,264
Boulder Junction Improvement Fund	628,298
Water Utility Fund	33,680,656
Wastewater Utility Fund	7,635,286
Stormwater/Flood Management Utility Fund	12,962,605
Telecommunications Fund	1,523,074
Property and Casualty Insurance Fund	5,391,955

ATTACHMENT E: BUDGET APPROPRIATION (Option 2)

Worker's Compensation Insurance Fund	2,565,245
Compensated Absences Fund	1,481,735
Fleet Operations Fund	498,399
Fleet Replacement Fund	8,201,450
Computer Replacement Fund	6,793,679
Equipment Replacement Fund	5,333,231
Facility Renovation and Replacement Fund	5,280,659
<b>TOTAL FUND BALANCES</b>	<b>\$167,015,591</b>

Section 4. The City Council hereby appropriates as revenues all 2015 year-end cash balances not previously reserved for insurance or bond purposes for all purposes not designated as "emergencies", including without limitation subsequent years' expenditures, capital improvements, adverse economic conditions and revenue shortfalls, pursuant to Article X, Section 20 to the Colorado Constitution, approved by the electorate on November 3, 1992; and

Section 5. The sums of money as appropriated for the purposes defined in this ordinance shall not be over expended, and that transfers between the various appropriations defined in this ordinance shall not be made except upon supplemental appropriations by ordinance authorizing such transfer duly adopted by City Council of the City of Boulder, Colorado. It is expressly provided hereby that at any time after the passage of this ordinance and after at least one week's public notice, the Council may transfer unused balances appropriated for one purpose to another purpose, and may appropriate available revenues not included in the annual budget and appropriations ordinance.

ATTACHMENT E: BUDGET APPROPRIATION (Option 2)

Section 6. The City Council is of the opinion that the provisions of the within ordinance are necessary for the protection of the public peace, property, and welfare of the residents of the city, and covers matters of local concern.

Section 7. Pursuant to Section 95 of the Boulder City Charter, the annual appropriation ordinance must be adopted by December 1 and to Section 18 of the Charter, this ordinance shall take effect immediately upon publication after final passage.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED  
BY TITLE ONLY this 6th day of October, 2015.

---

Mayor

Attest:

---

City Clerk

READ ON SECOND READING, PASSED, AND ORDERED PUBLISHED BY  
TITLE ONLY this 20th day of October, 2015.

---

Mayor

Attest:

---

City Clerk

ORDINANCE NO. 8088

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

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

Section 1. Section 3-8-3, B.R.C. 1981, is amended to read:

**3-8-3. - Tax Imposed on Nonresidential and Residential Development.**

(a) Tax Rate: No person engaged in nonresidential or residential development in the city shall fail to pay a development excise tax thereon according to the following rates:

(1) For new or additional floor area for nonresidential development per square foot of floor area:

Transportation	\$2.48
Total:	\$2.48

(2) For new detached dwelling unit:

Park land	\$ <u>1,170.03</u> <del>1,144.84</del>
Transportation	\$ <u>2,275.92</u> <del>2,226.93</del>
Total:	\$ <u>3,445.95</u> <del>3,371.77</del>

(3) For new attached dwelling unit or mobile home:

Park land	\$ <u>813.49</u> <del>795.98</del>
Transportation	\$ <u>1,686.60</u> <del>1,650.29</del>
Total:	\$ <u>2,500.09</u> <del>2,446.27</del>

(b) Waiver of Tax Imposed on Annexation of Developed Residential Land: For property annexed with existing residential development, the tax imposed by this chapter is prorated in accordance with the following formula: one twenty-sixth of the applicable tax is waived for each full year the residence existed prior to July 17, 1988. The date on which residential development existed for determination of the waiver is the date of the issuance by Boulder County of a certificate of occupancy for the structure.

Section 2. Chapter 4-20, B.R.C. 1981, is amended to read:

....

**4-20-3. - Auctioneer License Fees.**

An applicant for an auctioneer license shall pay an annual fee of ~~\$81~~\$79 and \$7 per person submitted for background check review.

**4-20-4. - Building Contractor License, Building Permit Fees, and Payment of Estimated Use Tax.**

....

(d) The value of the work covered by the permit shall be determined by either the City of Boulder Valuation Table or the estimated value of the work covered by the permit provided by the applicant at time of application. The higher of the two valuations shall be used to calculate the building permit fees and the estimated pre-payment of construction use tax if the applicant chooses to pay use taxes pursuant to Subsection 3-2-14(a), "Methods of Paying Sales and Use Tax," B.R.C. 1981.

(1) City of Boulder Valuation Table means a table of per square foot construction values based on type of construction and use. The city has adopted the August ~~2015~~2014 version of the cost data as published by the International Code Council. The table rates are for new construction which includes additions. All other scopes of work are expressed as a percentage of the new rates as follows:

Core and Shell	75%
Basement Finish	50%
All Others	50%

....

**4-20-5. - Circus, Carnival, and Menagerie License Fees.**

An applicant for a circus, carnival, and menagerie license shall pay ~~\$425~~\$416 per day of operation.

....

**4-20-10. - Itinerant Merchant License Fee.**

An applicant for an itinerant merchant license shall pay ~~\$56~~\$54 per year plus \$7 per person submitted for background check review.

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

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

- (a) For revocable permit or leases issued in accordance with Section 8-6-6, "Requirements for Revocable Permits, Short-Term Leases and Long-Term Leases," B.R.C. 1981, an annual fee of ~~\$16.25~~~~\$15.90~~ per square foot of occupied space;
- (b) For kiosk permits, an annual fee to be negotiated by contract with the city manager;
- (c) For mobile vending carts, ~~\$2,172~~~~\$2,125.00~~ per year, payable in two equal payments by April 1 and August 1, or, for substitution or other permits which begin later in the year and are prorated, within thirty days of permit approval;
- (d) For ambulatory vendor permits, ~~\$108~~~~\$106.00~~ per month from May through September, and ~~\$54~~~~\$53~~ per month from October through April;
- (e) For any permits requiring use of utilities to be provided by the city, up to a maximum of ~~\$19~~~~\$18.50~~ per day;
- (f) For rental of advertising space on informational kiosks, \$975 per quarter section per year;
- (g) For animal permits, \$0 per permit;
- (h) For entertainment vending permits, ~~\$15.00~~~~\$14.75~~ per month;
- (i) For personal services vending permits, ~~\$108~~~~\$106~~ per month from May through September, and ~~\$54~~~~\$53.00~~ from October through April; and
- (j) For a newspaper vending machine permit, \$66.50 per year.

....

**4-20-17. - Secondhand Dealer and Pawnbroker License Fee.**

- (a) An applicant for a secondhand dealer license shall pay ~~\$113~~~~\$111~~ per year plus \$7 per person submitted for background check review.
- (b) An applicant for a pawnbroker license shall pay ~~\$2,128~~~~\$2,082~~ per year plus \$7 per person submitted for background check review.
- (c) The fees for a new license prescribed in subsections (a) and (b) of this section shall be prorated on a monthly basis.

**4-20-18. - Rental License Fee.**

The following fees shall be paid before the city manager may issue a rental license or renew a rental license:

- (a) Dwelling and Rooming Units: ~~\$10570~~ per building.
- (b) Accessory Units: ~~\$10570~~ per unit.
- (c) To cover the cost of investigative inspections, the city manager will assess to operators a \$250 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of this chapter.

....

**4-20-20. - Revocable Right of Way Permit/Lease Application Fee.**

- (a) An applicant for a revocable right of way permit shall pay:
  - (1) Initial application: \$650.00.
  - (2) Resubmittal within four weeks of initial application: \$325.00.
  - (3) Renewal: \$113.00.
- (b) An applicant for a revocable right of way lease shall pay:
  - (1) Initial application: \$750.00.
  - (2) Resubmittal within four weeks of initial application: \$375.00.
  - (3) Renewal: \$150.00.
- (c) An applicant for an encroachment investigation shall pay the following fees:
  - (1) Residential encroachment: \$708.00.
  - (2) Commercial encroachment: \$1,415.00.
- (d) An applicant for an encroachment off the Pearl Street Mall shall pay an annual fee of ~~\$11.38~~~~11.13~~ per square foot of leased area.
- (e) An applicant for a monitoring well encroachment shall pay \$530.00 per well per year.
- (f) Applications for any other encroachments not covered by this section will be reviewed and assessed a fee designed to recover city costs associated with the review and inspection.

....

**4-20-23. - Water Permit Fees.**

An applicant for a water permit under Section 11-1-14, "Permit to Make Water Main Connections," 11-1-15, "Out of City Water Service," or 11-1-16, "Permit to Sell Water," B.R.C.

1981, or for water meter installation under Section 11-1-36, "Location and Installation of Meters; Maintenance of Access to Meters," B.R.C. 1981, or for testing or inspection of backflow prevention assemblies under Section 11-1-25, "Duty to Maintain Backflow Prevention Assembly and Prevent Cross-Connection," B.R.C. 1981, and for inspection for cross-connections under Section 11-1-25, "Duty to Maintain Backflow Prevention Assembly and Prevent Cross-Connection," B.R.C. 1981, shall pay the following fees:

(a) Permit fee (stub, connection, enlargement, renewal, abandonment):

(1)	Water residential .....	\$127
(2)	Water nonresidential .....	169
(3)	Water private property repair .....	42
(4)	Irrigation residential .....	127
(5)	Irrigation nonresidential .....	169
(6)	Fire line residential .....	127
(7)	Fire line nonresidential .....	169
(8)	Main extension .....	326

(b) Inspection fee (stub, connection, enlargement, renewal, abandonment):

(1)	Water residential (first two inspections inclusive) .....	\$169
(2)	Water nonresidential (first two inspections inclusive) .....	211
(3)	Irrigation residential (first two inspections inclusive) .....	169
(4)	Irrigation nonresidential (first two inspections inclusive) .....	211
(5)	Fire line residential (first two inspections inclusive) .....	169
(6)	Fire line nonresidential (first two inspections inclusive) .....	211
(7)	Each inspection after the first two inspections ....	94
(8)	Clear water testing fee .....	243

(c) Annual water resale permit \$ 50

(d) Water meter installation fee:

(1)	¾" meter .....	<del>\$ 616</del> <u>\$639.00</u>
(2)	1" meter .....	<del>868</del> <u>904.00</u>
(3)	1½" meter (domestic) .....	<del>2,670</del> <u>2,493.00</u>
(4)	1½" meter (sprinkler) .....	<del>2,909</del> <u>2,362.00</u>
(5)	2" meter (domestic) .....	<del>3,264</del> <u>3,080.00</u>
(6)	2" meter (sprinkler) .....	<del>3,178</del> <u>2,942.00</u>
(7)	3" meter .....	<del>3,895</del> <u>3,621.00</u>
(8)	4" meter .....	<del>5,049</del> <u>4,742.00</u>
(9)	Install ¾" meter transponder .....	265
(10)	Install 1" meter transponder .... .	<u>311</u> 310.00
(11)	Install 1½" meter transponder .....	<u>378</u> 376.00
(12)	Install 2" meter transponder (domestic) .....	<u>400</u>
		<del>399.00</del>
(13)	3" to 8" meter transponder (domestic) .....	<u>986</u> 985.00
(14)	2" to 8" meter transponder (sprinkler) .....	<u>986</u> 985.00

(15)	Call back for ¾" and 1" .....	55
(16)	Call back for 1½" and 2" .....	<u>10098.00</u>

Sales tax is due on materials portion of installation.

(e)	Tap fee:	
(1)	¾" in DIP or CIP .....	<del>\$117</del> \$125.00
(2)	¾" in AC or PVC .....	<u>214</u> 223.00
(3)	1" in DIP or CIP .....	<u>127</u> 139.00
(4)	1" in AC or PVC .....	<u>222</u> 233.00
(5)	1½" .....	<u>406</u> 465.00
(6)	2" .....	<u>591</u> 608.00
(7)	4" .....	<u>357</u> 377.00
(8)	6" .....	<u>413</u> 434.00
(9)	8" .....	<u>495</u> 516.00
(10)	12" .....	<u>651</u> 672.00
(11)	Call back for installing a water tap .....	<u>110</u> 123.00

Sales tax is due on materials portion of installation.

(f)	The emergency water conservation special permit fee is	\$ 75
(g)	Tests and inspections for backflow prevention assemblies:	
(1)	To test or inspect first backflow prevention assembly .....	\$115
(2)	Each additional assembly at same location .....	\$- 75
(3)	For cross-connection inspection first hour .....	115
(4)	For each additional hour at same location .....	75

#### 4-20-24. - Water Service Fees.

A person shall pay the following charges for water services:

(a)	To terminate water service .....	\$ 33
(b)	To deliver water service termination notice .....	<u>14</u> 15.00
(c)	To remove water meter .....	<u>63</u> 62.00
(d)	To reset water meter .....	55
(e)	To resume water service .....	31
(f)	To resume water service after 3 p.m. or on weekends or holidays .....	<u>61</u> 60.00
(g)	Special meter read .....	<u>39</u> 40.00
(h)	To test meter and meter tests accurate .....	50

(i) Water monitors .....

110

**4-20-25. - Monthly Water User Charges.**

(a) Treated water monthly service charges:

Meter Size	Inside City	Outside City
3/4"	\$ <del>10.44</del> 9.67	\$ <del>15.67</del> 14.51
1"	<del>17.57</del> 16.27	<del>26.36</del> 24.40
1½"	<del>37.84</del> 35.04	<del>56.76</del> 52.57
2"	<del>66.29</del> 61.38	<del>99.44</del> 92.08
3"	<del>147.46</del> 136.54	<del>221.19</del> 204.81
4"	<del>261.10</del> 241.76	<del>391.65</del> 362.63
6"	<del>585.92</del> 542.52	<del>878.88</del> 813.78
8"	<del>1,040.64</del> 963.56	<del>1,560.97</del> 1,445.34

(b) Treated water quantity charges:

(1) Block Rate Structure:

	Block Rates (per thousand gallons of water)	Block Size (% of monthly water budget)
Block 1	\$ <del>2.76</del> 2.55	0—60%
Block 2	<del>3.68</del> 3.40	61—100%
Block 3	<del>7.36</del> 6.80	101—150%
Block 4	<del>11.04</del> 10.20	151—200%
Block 5	<del>18.40</del> 17.00	Greater than 200%

....

(d) Water leased on an annual basis: Colorado Big Thompson ~~\$35~~30.00 per acre foot; all other based on cost of assessment plus ten percent administrative fee or ~~\$35~~30.00 per acre foot, whichever is greater.

**4-20-26. - Water Plant Investment Fees.**

(a) Water utility customers shall pay the following plant investment fees:

The number of bedrooms, type of units, number of units, irrigated area, and AWC Usage\*\* are used to determine water budgets as well as calculate the Plant Investment Fee. Any changes to these characteristics may require payment of an additional Plant Investment Fee before any water budget adjustments are made.

Customer Description    PIF Amount

(1)    Single Unit Dwelling:

Type	Amount of Square Feet of Irrigable Area	Application Rate	
Outdoor [per S.F. of irrigated area (2,000 S.F. minimum)]	First 5,000 square feet of irrigable area	15 gallons per square feet (gpsf)	\$ <u>2.842.78</u>
	Next 9,000 square feet of irrigable area	12 gpsf	<u>2.382.33</u>
	Irrigable area in excess of 14,000 square feet	10 gpsf	<u>1.904.86</u>
Indoor			<u>12,188.00</u> <u>11,926.00</u>

Customer Description    PIF Amount

(2)    Multi Unit Dwelling:

Outdoor (Separate irrigation service under Paragraph (4) of this section).

Indoor	
1 or 2 bedroom unit (per unit)	\$ <u>6,966,816.00</u>
3 bedroom unit (per unit)	<u>8,707,520.00</u>
4 bedroom unit (per unit)	<u>10,448,223.00</u>
5 or more bedroom unit (per unit)	<u>12,188,926.00</u>

(3)    Nonresidential:

Outdoor (Separate irrigation service under Paragraph (4) of this section).

Indoor:

Meter size *	AWC Usage (Gallons) **		
	25%	50%	85%
¾"	N/A	30,000	165,000
1"	42,000	108,000	503,000
1½"	99,000	228,000	924,000
2"	183,000	483,000	1,941,000

Meter size *	PIF Amount		
	25%	50%	85%
3/4"	N/A	\$ <u>4,3544,260.00</u>	\$ <u>23,94122,819.00</u>
1"	\$ <u>6,0945,963.00</u>	<u>15,67115,334.00</u>	<u>72,98771,416.00</u>
1 1/2"	<u>14,36514,056.00</u>	<u>33,08332,371.00</u>	<u>134,076131,190.00</u>
2"	<u>26,55425,982.00</u>	<u>70,08668,577.00</u>	<u>281,645275,582.00</u>

Water usage other than that listed above may be evaluated and assessed a proportional PIF on a case by case basis.

\* Nonresidential meters larger than 2 inches require a special agreement described under Paragraph (5) of this section. The efficiency standard option with a corresponding special agreement is available to all nonresidential customers.

\*\* Average Winter Consumption Usage (AWC Usage), is based on a usage distribution of all nonresidential accounts with a given meter size.

"N/A" means this option is not available for purchase.

(4) Irrigation service:

Usage	Application Rate	PIF Amount
Per S.F. of irrigated area (2,000 S.F. minimum)	15 gallons per square feet (gpsf)	\$ <u>2,842.78</u>

(5) The PIF for a customer whose total water demand exceeds the water use demand described in Subsection 11-1-52(j), B.R.C. 1981, is as follows:

- (A) Raw Water: [(AYWA/30,650 acre feet) x A] plus
- (B) Water Delivery Infrastructure: [(PDWD/53,000,000 gallons per day) x B] = Total PIF

Where:

- AYWA = customer's average year water demand in acre feet
- 30,650 acre feet = city's usable water rights capacity
- A = value of city's raw water
- PDWD = customer's peak day water demand in million gallons per day
- 53,000,000 gallons per day = city's current treated water delivery capacity
- B = value of city's water delivery infrastructure

Water Asset Valuations	
A	\$418,072,046
B	<u>886,879,803867,788,457.00</u>

**4-20-27. - Wastewater Permit Fees.**

An applicant for a wastewater tap or permit under Section 11-2-8, "When Connections With Sanitary Sewer Mains Required," or 11-2-9, "Permit to Make Sanitary Sewer Connection," B.R.C. 1981, shall pay the following fees:

- (a) Permit fee (stub, connection, enlargement, renewal, abandonment):
  - (1) Wastewater residential ..... \$ 127
  - (2) Wastewater nonresidential ..... 169
  - (3) Wastewater private property repair ..... 42
  - (4) Sewer main extension permit ..... 326
  
- (b) Inspection fee (stub, connection, enlargement, abandonment):
  - (1) Wastewater residential (first two inspections inclusive) ..... \$ 169
  - (2) Wastewater nonresidential (first two inspections inclusive) ..... 211
  - (3) Each inspection after the first two inspections ..... 94
  
- (c) Sewer tap fee:
  - (1) 4" PVC and VCP ..... \$ ~~125~~133.00
  - (2) 4" RCP ..... ~~190~~206.00
  - (3) 6" PVC and VCP ..... ~~156~~164.00
  - (4) 6" RCP ..... ~~218~~234.00
  - (5) Manhole tap ..... ~~540~~598.00
  - (6) Call back for installing a sewer tap ..... ~~788~~6.00

Sales tax is due on materials portion of installation.

**4-20-28. - Monthly Wastewater User Charges.**

- (a) Monthly service charge:

Meter Size	Inside City	Outside City
3/4"	\$ <del>1.50</del> <u>1.43</u>	\$ <del>2.25</del> <u>2.15</u>
1"	<del>2.64</del> <u>2.51</u>	<del>3.95</del> <u>3.76</u>
1 1/2"	<del>6.02</del> <u>5.73</u>	<del>9.02</del> <u>8.60</u>
2"	<del>10.61</del> <u>10.10</u>	<del>15.91</del> <u>15.15</u>
3"	<del>23.85</del> <u>22.71</u>	<del>35.77</del> <u>34.07</u>
4"	<del>42.44</del> <u>40.42</u>	<del>63.66</del> <u>60.63</u>
6"	<del>95.49</del> <u>90.94</u>	<del>143.23</del> <u>136.40</u>
8"	<del>169.75</del> <u>161.67</u>	<del>254.63</del> <u>242.50</u>

(b) Quantity charge:

- (1) Average strength sewage (up to and including two hundred twenty mg/l TSS, twenty-five mg/l NH<sub>3</sub>-N, or two hundred thirty mg/l BOD):

Quantity	Inside City	Outside City
Per 1,000 gallons of billable usage	\$ <u>6.05</u> 5.76	\$ <u>9.07</u> 8.64

- (2) ~~Consumers with sewage strengths exceeding two hundred twenty mg/l TSS, or twenty five mg/l NH<sub>3</sub>-N, or two hundred thirty mg/l BOD, shall pay the quantity charge for average strength sewage and, additionally, \$368.00 per one thousand pounds of sewage which exceeds such sewage strengths for TSS, \$2,613.00 per one thousand pounds of sewage which exceeds such sewage strengths for NH<sub>3</sub>-N, and \$553.00 per one thousand pounds of sewage which exceeds such sewage strengths for BOD.~~ Excess Strength Sewage Charge. In addition to the quantity charge for average strength sewage, fees will be charged for excess strength sewage based on the following:

	<u>Strength Exceeding (mg/l)</u>	<u>Fee per 1000 lbs. of discharge</u>
<u>TSS (Total Suspended Solids)</u>	<u>220</u>	\$ <u>376</u>
<u>BOD (Biological Oxygen Demand)</u>	<u>230</u>	<u>565</u>
<u>NH<sub>3</sub>-N (Ammonia as Nitrogen)</u>	<u>25</u>	<u>2,670</u>

....

**4-20-29. - Wastewater Plant Investment Fees.**

- (a) Sanitary sewer utility customers shall pay the following plant investment fees:

Customer Description

- (1) Single Unit Dwelling:

PIF Amount
\$ <u>4,7544,652.00</u>

(2) Multi Unit Dwelling:

Description	PIF Amount
1 or 2 bedroom unit (per unit)	<u>\$2,7162,658.00</u>
3 bedroom unit (per unit)	<u>3,3963,323.00</u>
4 bedroom unit (per unit)	<u>4,0753,987.00</u>
5 or more bedroom unit (per unit)	<u>4,7544,652.00</u>

(3) Nonresidential:

	AWC Usage (Gallons) **		
Meter size *	25%	50%	85%
¾"	N/A	\$-30,000	\$-165,000
1"	\$-42,000	108,000	503,000
1½"	99,000	228,000	924,000
2"	183,000	483,000	1,941,000

	PIF Amount (\$)		
Meter size *	25%	50%	85%
¾"	N/A	\$ <u>1,6981,661.00</u>	\$ <u>9,3389,137.00</u>
1"	\$ <u>2,3772,326.00</u>	<u>6,1135,981.00</u>	<u>28,46927,856.00</u>
1½"	<u>5,6045,483.00</u>	<u>12,90512,627.00</u>	<u>52,29851,172.00</u>
2"	<u>10,35810,135.00</u>	<u>27,33726,749.00</u>	<u>109,858107,493.00</u>

....

(4) The PIF for a customer who exceeds the wastewater discharge described in Subsection 11-2-33(j), B.R.C. 1981, is calculated as follows:

....

	Wastewater Asset Valuations
A	<u>\$273,167,561267,287,242.00</u>
B	<u>30,083,31329,435,727.00</u>
C	<u>5,295,7675,181,768.00</u>
D	<u>12,134,37311,873,163.00</u>

....

**4-20-43. - Development Application Fees.**

....  
 (b) Land use regulation fees:

....  
 (31) ~~New-d~~Development related fees:

An applicant requesting a zoning verification letter shall pay ..... \$136.00.

An applicant for a development extension/staff approval review shall pay ..... \$136.00.

An applicant for a development extension/planning board approval shall pay an administrative fee of \$1,580.00 plus \$131.00/hour for staff time required.

An applicant requesting to rescind a development agreement shall pay ..... \$547.00.

An applicant for an administrative relief/transportation/parking shall pay ..... \$274.00.

An applicant for an administrative relief/nonconforming use substitution shall pay .....\$274.00.

An applicant for an administrative relief/landscaping review shall pay .... \$274.00.

An applicant requesting initial property addressing shall pay .....\$32.00 plus \$16.00/unit.

An applicant requesting a change of address shall pay ..... \$274.00.

An applicant requesting a street name change/city council approval shall pay an administrative fee of \$1,580.00 plus \$131.00/hour for staff time required.

Boulder Valley Comprehensive Plan fees:

An applicant for a land use designation change outside the annual update process shall pay \$630.00.

....  
 ....

**4-20-45. - Storm Water and Flood Management Fees.**

(a) Owners of detached residences and attached single unit metered residences in the city shall pay the following monthly storm water and flood management fees:

Size of Parcel

(1) Up to 15,000 sq. ft. .... ~~\$14.00~~13.46

(2) 15,000—30,000 sq. ft. .... ~~17.49~~16.82

(3) 30,001 sq. ft. and over .... ~~21.01~~20.20

(b) The owners of all other parcels of land in the city on which any improvement has been constructed shall pay a storm water and flood management fee based on the monthly rate in Paragraph (a)(1) of this section (for up to a fifteen thousand square foot parcel) multiplied by the ratio of the runoff coefficient of the parcel to a

coefficient of 0.43 and by the ratio of the area of the parcel in square feet to a seven thousand square foot parcel. If the calculation results in a fee less than the monthly rate in Paragraph (a)(1) of this section, then the fee specified in Paragraph (a)(1) of this section will be assessed.

**4-20-46. - Storm Water and Flood Management Utility Plant Investment Fee.**

Owners of all parcels of land in the city submitting building permit applications shall pay a storm water and flood management plant investment fee based on the square feet of added impervious area. However, if new storm water detention facilities are built by the owner according to the most current City of Boulder Design and Construction Standards in effect at the time the building permit application is submitted, on or after April 2, 2009, the applicable fee shall be reduced by fifty percent.

	PIF Amount
(Per Square Foot of Impervious Area)	<u>\$2,192.14</u>

....

**4-20-49. - Neighborhood Parking Permit Fee.**

- (a) A zone resident applying for a neighborhood parking permit shall pay \$17 for each permit or renewal thereof.
- (b) A business applying for a neighborhood parking permit for employees shall pay \$75 for each permit or renewal thereof.
- (c) An individual who does not reside within the zone applying for a neighborhood parking permit, if permitted in the zone, shall pay ~~\$90~~\$82 for each quarterly permit or renewal thereof.

....

**4-20-62. - Capital Facility Impact Fee.**

- (a) Impact Fee Rate: No person engaged in nonresidential or residential development in the city shall fail to pay a development impact fee. Fees shall be assessed and collected according to the standards of Chapter 8-9, "Capital Facility Impact Fee," B.R.C. 1981, and the following rates:

**Table 1: Impact Fee Rates for Single Family Residential per Dwelling Unit**

<u>Size Range (SF)</u>	<u>IMPACT FEE RATE</u>						
	<u>Library</u>	<u>Parks &amp; Recreation</u>	<u>Human Services</u>	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>TOTAL</u>
<u>900 or less</u>	<u>\$222</u>	<u>\$1,519</u>	<u>\$71</u>	<u>\$136</u>	<u>\$142</u>	<u>\$101</u>	<u>\$2,191</u>
<u>901-1000</u>	<u>\$257</u>	<u>\$1,763</u>	<u>\$82</u>	<u>\$157</u>	<u>\$165</u>	<u>\$117</u>	<u>\$2,541</u>

ATTACHMENT F - FEES

<u>1001-1100</u>	<u>\$288</u>	<u>\$1,974</u>	<u>\$93</u>	<u>\$175</u>	<u>\$186</u>	<u>\$130</u>	<u>\$2,846</u>
<u>1101-1200</u>	<u>\$316</u>	<u>\$2,169</u>	<u>\$102</u>	<u>\$193</u>	<u>\$203</u>	<u>\$143</u>	<u>\$3,126</u>
<u>1201-1300</u>	<u>\$342</u>	<u>\$2,347</u>	<u>\$111</u>	<u>\$209</u>	<u>\$220</u>	<u>\$157</u>	<u>\$3,386</u>
<u>1301-1400</u>	<u>\$366</u>	<u>\$2,512</u>	<u>\$118</u>	<u>\$223</u>	<u>\$236</u>	<u>\$166</u>	<u>\$3,621</u>
<u>1401-1500</u>	<u>\$390</u>	<u>\$2,668</u>	<u>\$125</u>	<u>\$237</u>	<u>\$249</u>	<u>\$176</u>	<u>\$3,845</u>
<u>1501-1600</u>	<u>\$410</u>	<u>\$2,813</u>	<u>\$133</u>	<u>\$252</u>	<u>\$263</u>	<u>\$187</u>	<u>\$4,058</u>
<u>1601-1700</u>	<u>\$429</u>	<u>\$2,951</u>	<u>\$139</u>	<u>\$262</u>	<u>\$276</u>	<u>\$195</u>	<u>\$4,252</u>
<u>1701-1800</u>	<u>\$451</u>	<u>\$3,077</u>	<u>\$144</u>	<u>\$273</u>	<u>\$288</u>	<u>\$204</u>	<u>\$4,437</u>
<u>1801-1900</u>	<u>\$467</u>	<u>\$3,198</u>	<u>\$151</u>	<u>\$285</u>	<u>\$300</u>	<u>\$213</u>	<u>\$4,614</u>
<u>1901-2000</u>	<u>\$483</u>	<u>\$3,313</u>	<u>\$157</u>	<u>\$295</u>	<u>\$310</u>	<u>\$220</u>	<u>\$4,778</u>
<u>2001-2100</u>	<u>\$499</u>	<u>\$3,421</u>	<u>\$161</u>	<u>\$304</u>	<u>\$319</u>	<u>\$226</u>	<u>\$4,930</u>
<u>2101-2200</u>	<u>\$515</u>	<u>\$3,526</u>	<u>\$166</u>	<u>\$314</u>	<u>\$332</u>	<u>\$234</u>	<u>\$5,087</u>
<u>2201-2300</u>	<u>\$529</u>	<u>\$3,625</u>	<u>\$170</u>	<u>\$321</u>	<u>\$340</u>	<u>\$240</u>	<u>\$5,225</u>
<u>2301-2400</u>	<u>\$544</u>	<u>\$3,722</u>	<u>\$175</u>	<u>\$333</u>	<u>\$350</u>	<u>\$246</u>	<u>\$5,370</u>
<u>2401-2500</u>	<u>\$556</u>	<u>\$3,813</u>	<u>\$180</u>	<u>\$340</u>	<u>\$357</u>	<u>\$254</u>	<u>\$5,500</u>
<u>2501-2600</u>	<u>\$570</u>	<u>\$3,900</u>	<u>\$185</u>	<u>\$348</u>	<u>\$364</u>	<u>\$259</u>	<u>\$5,626</u>
<u>2601-2700</u>	<u>\$581</u>	<u>\$3,984</u>	<u>\$189</u>	<u>\$355</u>	<u>\$373</u>	<u>\$264</u>	<u>\$5,746</u>
<u>2701-2800</u>	<u>\$594</u>	<u>\$4,066</u>	<u>\$192</u>	<u>\$361</u>	<u>\$381</u>	<u>\$270</u>	<u>\$5,864</u>
<u>2801-2900</u>	<u>\$605</u>	<u>\$4,145</u>	<u>\$195</u>	<u>\$368</u>	<u>\$389</u>	<u>\$275</u>	<u>\$5,977</u>
<u>2901-3000</u>	<u>\$616</u>	<u>\$4,221</u>	<u>\$198</u>	<u>\$375</u>	<u>\$396</u>	<u>\$281</u>	<u>\$6,087</u>
<u>3001-3100</u>	<u>\$626</u>	<u>\$4,292</u>	<u>\$201</u>	<u>\$383</u>	<u>\$402</u>	<u>\$286</u>	<u>\$6,190</u>
<u>3101-3200</u>	<u>\$638</u>	<u>\$4,365</u>	<u>\$205</u>	<u>\$389</u>	<u>\$409</u>	<u>\$291</u>	<u>\$6,297</u>
<u>3201-3300</u>	<u>\$648</u>	<u>\$4,433</u>	<u>\$209</u>	<u>\$396</u>	<u>\$416</u>	<u>\$295</u>	<u>\$6,397</u>
<u>3301-3400</u>	<u>\$658</u>	<u>\$4,501</u>	<u>\$213</u>	<u>\$401</u>	<u>\$422</u>	<u>\$300</u>	<u>\$6,495</u>
<u>3401-3500</u>	<u>\$666</u>	<u>\$4,566</u>	<u>\$216</u>	<u>\$407</u>	<u>\$427</u>	<u>\$303</u>	<u>\$6,585</u>
<u>3501-3600</u>	<u>\$676</u>	<u>\$4,629</u>	<u>\$219</u>	<u>\$413</u>	<u>\$432</u>	<u>\$307</u>	<u>\$6,676</u>
<u>3601-3700</u>	<u>\$686</u>	<u>\$4,690</u>	<u>\$221</u>	<u>\$417</u>	<u>\$438</u>	<u>\$310</u>	<u>\$6,762</u>

**Table 2: Impact Fee Rates for Multifamily Family Residential per Dwelling Unit**

<u>Size Range (SF)</u>	<u>IMPACT FEE RATE</u>						
	<u>Library</u>	<u>Parks &amp; Recreation</u>	<u>Human Services</u>	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>TOTAL</u>
<u>600 or less</u>	<u>\$234</u>	<u>\$1,604</u>	<u>\$74</u>	<u>\$142</u>	<u>\$151</u>	<u>\$174</u>	<u>\$2,379</u>
<u>601-700</u>	<u>\$284</u>	<u>\$1,942</u>	<u>\$92</u>	<u>\$171</u>	<u>\$183</u>	<u>\$211</u>	<u>\$2,883</u>
<u>701-800</u>	<u>\$325</u>	<u>\$2,236</u>	<u>\$105</u>	<u>\$198</u>	<u>\$209</u>	<u>\$243</u>	<u>\$3,316</u>
<u>801-900</u>	<u>\$363</u>	<u>\$2,494</u>	<u>\$118</u>	<u>\$222</u>	<u>\$234</u>	<u>\$272</u>	<u>\$3,703</u>
<u>901-1000</u>	<u>\$398</u>	<u>\$2,724</u>	<u>\$128</u>	<u>\$242</u>	<u>\$256</u>	<u>\$297</u>	<u>\$4,045</u>
<u>1001-1100</u>	<u>\$427</u>	<u>\$2,933</u>	<u>\$139</u>	<u>\$261</u>	<u>\$275</u>	<u>\$319</u>	<u>\$4,354</u>
<u>1101-1200</u>	<u>\$457</u>	<u>\$3,123</u>	<u>\$146</u>	<u>\$278</u>	<u>\$293</u>	<u>\$341</u>	<u>\$4,638</u>

<u>1201-1300</u>	<u>\$482</u>	<u>\$3,299</u>	<u>\$155</u>	<u>\$294</u>	<u>\$308</u>	<u>\$360</u>	<u>\$4,898</u>
<u>1301-1400</u>	<u>\$504</u>	<u>\$3,462</u>	<u>\$163</u>	<u>\$308</u>	<u>\$324</u>	<u>\$377</u>	<u>\$5,138</u>
<u>1401-1500</u>	<u>\$527</u>	<u>\$3,614</u>	<u>\$169</u>	<u>\$320</u>	<u>\$339</u>	<u>\$396</u>	<u>\$5,365</u>
<u>1501-1600</u>	<u>\$548</u>	<u>\$3,754</u>	<u>\$176</u>	<u>\$335</u>	<u>\$352</u>	<u>\$410</u>	<u>\$5,575</u>

**Table3: Impact Fee Rates for Nonresidential**

<u>Nonresidential Uses</u>	<u>Impact Fee Rates Per Square Foot of Nonresidential Floor Area</u>			
	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>TOTAL</u>
<u>Retail/ Restaurant</u>	<u>\$0.15</u>	<u>\$0.50</u>	<u>\$0.40</u>	<u>\$1.05</u>
<u>Business Park</u>	<u>\$0.17</u>	<u>\$0.11</u>	<u>\$0.10</u>	<u>\$0.38</u>
<u>Office</u>	<u>\$0.21</u>	<u>\$0.17</u>	<u>\$0.61</u>	<u>\$0.99</u>
<u>Hospital</u>	<u>\$0.18</u>	<u>\$0.16</u>	<u>\$0.52</u>	<u>\$0.86</u>
<u>School</u>	<u>\$0.04</u>	<u>\$0.08</u>	<u>\$0.13</u>	<u>\$0.25</u>
<u>Mini-Warehouse</u>	<u>\$0.00</u>	<u>\$0.02</u>	<u>\$0.00</u>	<u>\$0.02</u>
<u>Warehousing</u>	<u>\$0.07</u>	<u>\$0.04</u>	<u>\$0.04</u>	<u>\$0.15</u>
<u>Light Industrial</u>	<u>\$0.12</u>	<u>\$0.06</u>	<u>\$0.08</u>	<u>\$0.26</u>
<u>Other Nonresidential Uses</u>	<u>Impact Fee Rates for Other Nonresidential Uses Based on Unique Demand Indicators</u>			
	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>TOTAL</u>
<u>Nursing Home (per bed)</u>	<u>\$20.19</u>	<u>\$22.44</u>	<u>\$54.98</u>	<u>\$97.61</u>
<u>Day Care (per student)</u>	<u>\$7.85</u>	<u>\$20.20</u>	<u>\$24.68</u>	<u>\$52.73</u>
<u>Lodging (per room)</u>	<u>\$24.68</u>	<u>\$53.85</u>	<u>\$68.44</u>	<u>\$146.97</u>

**Table 1: Impact Fee Rates for Single Family Residential per Dwelling Unit**

Size Range (SF)	IMPACT FEE RATE						
	Library	Parks & Recreation	Human Services	Municipal Facilities	Police	Fire	Total
900 or less	\$218	\$1,489	\$70	\$133	\$139	\$99	\$2,148
901—1000	252	1,728	80	154	162	115	2,491
1001—1100	282	1,935	91	172	182	127	2,789
1101—1200	310	2,126	100	189	199	140	3,064
1201—1300	335	2,301	109	205	216	154	3,320
1301—1400	359	2,463	116	219	231	163	3,551
1401—1500	382	2,616	123	232	244	173	3,770
1501—1600	402	2,758	130	247	258	183	3,978
1601—1700	421	2,893	136	257	271	191	4,169
1701—1800	442	3,017	141	268	282	200	4,350

1801—1900	458	3,135	148	279	294	209	4,523
1901—2000	474	3,248	154	289	304	216	4,685
2001—2100	489	3,354	158	298	313	222	4,834
2101—2200	505	3,457	163	308	325	229	4,987
2201—2300	519	3,554	167	315	333	235	5,123
2301—2400	533	3,649	172	326	343	241	5,264
2401—2500	545	3,738	176	333	350	249	5,391
2501—2600	559	3,824	181	341	357	254	5,516
2601—2700	570	3,906	185	348	366	259	5,634
2701—2800	582	3,986	188	354	374	265	5,749
2801—2900	593	4,064	191	361	381	270	5,860
2901—3000	604	4,138	194	368	388	275	5,967
3001—3100	614	4,208	197	375	394	280	6,068
3101—3200	625	4,279	201	381	401	285	6,172
3201—3300	635	4,346	205	388	408	289	6,271
3301—3400	645	4,413	209	393	414	294	6,368
3401—3500	653	4,476	212	399	419	297	6,456
3501—3600	663	4,538	215	405	424	301	6,546
3601—3700	673	4,598	217	409	429	304	6,630

Table 2: Impact Fee Rates for Multifamily Residential per Dwelling Unit

Size Range (SF)	IMPACT FEE RATE						
	Library	Parks & Recreation	Human Services	Municipal Facilities	Police	Fire	Total
600 or less	\$229	\$1,573	\$73	\$139	\$148	\$171	\$2,333
601—700	278	1,904	90	168	179	207	2,826
701—800	319	2,192	103	194	205	238	3,251
801—900	356	2,445	116	218	229	267	3,631
901—1000	390	2,671	125	237	251	291	3,965
1001—1100	419	2,875	136	256	270	313	4,269
1101—1200	448	3,062	143	273	287	334	4,547
1201—1300	473	3,234	152	288	302	353	4,802
1301—1400	494	3,394	160	302	318	370	5,038
1401—1500	517	3,543	166	314	332	388	5,260
1501—1600	537	3,680	173	328	345	402	5,465

Table 3: Impact Fee Rates for Nonresidential

Nonresidential Uses	Impact Fee Rates Per Square Foot of Nonresidential Floor Area				
	Municipal Facilities	Police	Fire	Affordable Housing	Total
Retail/Restaurant	\$0.14	\$0.50	\$0.40	\$6.96	\$8.00
Business Park	\$0.17	\$0.11	\$0.10	\$7.70	\$8.08
Office	\$0.21	\$0.17	\$0.59	\$9.53	\$10.50
Hospital	\$0.18	\$0.15	\$0.51	\$8.23	\$9.07
School	\$0.04	\$0.08	\$0.13	\$2.24	\$2.49

Mini Warehouse	\$0.00	\$0.02	\$0.00	\$0.09	\$0.11
Warehousing	\$0.07	\$0.04	\$0.04	\$3.11	\$3.26
Light Industrial	\$0.12	\$0.06	\$0.08	\$5.62	\$5.88
Other Nonresidential Uses	Impact Fee Rates for Other Nonresidential Uses Based on Unique Demand Indicators				
	Municipal Facilities	Police	Fire	Affordable Housing	Total
Nursing Home (per bed)	\$19.80	\$22.00	\$53.89	\$877.64	\$973.33
Day Care (per student)	\$7.70	\$19.80	\$24.19	\$389.60	\$441.29
Lodging (per room)	\$24.19	\$52.80	\$67.10	\$1,072.44	\$1,216.53

(b) Additional Floor Area—Affordable Housing Linkage Fee. Section 9-8-2, "Floor Area Ratio Requirements," B.R.C. 1981, permits floor area components above the base floor area in the DT-5 zoning district. No person engaged in nonresidential development that is associated with constructing additional floor area components permitted under the requirements of Section 9-8-2, "Floor Area Ratio Requirements," B.R.C. 1981, shall fail to pay a housing linkage fee of \$9.53 per sq. ft. for such floor area.

....

**4-20-66. - Mobile Food Vehicle Sales.**

An applicant for a mobile food vehicle permit shall pay a ~~\$236~~\$231 application fee and a ~~\$236~~\$231 renewal fee per year.

Section 3. This ordinance is effective on January 1, 2016.

Section 4. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 5. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 6th day of October, 2015.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
PUBLISHED BY TITLE ONLY this \_\_\_\_ day of \_\_\_\_\_, 2015.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## ATTACHMENT G - 2016 RECOMMENDED BUDGET CHANGES

Item	Budget Document Change Description	Document	Section(s)	Page(s)
1	Energy – in the September 8 Study Session memo, there is a typo on Page 9 in the Energy section under 2016 Projected Uses (\$1M CM Contingency); the total amount should be \$447,639, as opposed to \$477,639	2016 Recommended Budget Study Session Memo		9
2	Numbers Flipped in Presentation for Sales Tax (Slide 6; Sales /Use Tax and Retail Sales Tax)	Presentation		
3	Table of Contents and List of Figures and Tables – There should be no mention of Debt in the Recommended Budget; only Sources and Uses	Recommended 2016 Budget	Pre Intro	viii, x
4	OSMP – FTE for 2016 Recommended Budget should be 117.15, not 117.56	Recommended 2016 Budget	Department Overviews – OSMP	220
5	Fire – FTE count in 2014 should be 120.33, not 118.33.	Recommended 2016 Budget	Department Overviews – Fire	175
6	DUHMD – Hill Community Development Coordinator should be \$50,500, not \$50,000	Recommended 2016 Budget	Significant Changes Between 2015 and 2016 Budget; 2015 Significant Budget Changes by Fund; One-Time and Ongoing, Department Overviews – DUHMD	14, 23, 162
7	OSMP – Associate Planner Position is Ongoing, not Fixed-Term	Recommended 2016 Budget	Significant Changes Between 2015 and 2016 Budget; 2015 Significant Budget Changes by Fund; One-Time and Ongoing, Department Overviews – OSMP	17, 28, 219
8	In Figure 5-02 and 5-03, Other should read \$55,093, and Intergovernmental Grants should read \$3,050	Recommended 2016 Budget	Sources and Uses	87, 88
9	In Figure 5-06, "Parks and Recreation" should be replaced with "Other"	Recommended 2016 Budget	Sources and Uses	93
10	In Figure 5-07 and 5-08, General Governance should read \$13,026, "DUHMD/PS" is now "Community Vitality," and should read \$12,123, CP&S and Housing combined and are now "Planning, Housing and Sustainability," and should read \$14,234 and OSMP should read \$34,251	Recommended 2016 Budget	Sources and Uses	101, 102
11	Tables 8-01 and 8-03, Administration Expenditure for 2016 has been increased to \$448,750. General Fund for 2016 has been increased to \$3,009,305, and the total amount is now \$3,116,301	Recommended 2016 Budget	Department Overviews – City Attorney's Office	126, 129
12	Tables 8-16, 8-17, and 8-18 will be provided as part of DUHMD's reorganization to Community Vitality	Recommended 2016 Budget	Department Overviews – DUHMD	158, 162, 163
13	Table 8-46, Capital Improvement Program, Cost Allocations and Debt Service for 2016 should read \$19,927,582, and the total Expenditure and Funding for 2016 should read \$35,917,925	Recommended 2016 Budget	Department Overviews – OSMP	217
14	Table 8-48 Debt Service (in both Staffing and Expenditure by Program and Expenditure by Category) should read \$6,054,625. For Staffing and Expenditure by Fund for 2016, Open Space and Mountain Parks should read \$5,770,198. The Total for all Sections of the Detail Page for 2016 should read \$5,780,973	Recommended 2016 Budget	Department Overviews – OSMP	220-221
15	Table 9-01, under Uses of Funds (2016 Recommended), City Attorney should read \$2,999, City Manager should read \$2,153, DUDMD (which will become Community Vitality) should read \$2,561, Community Sustainability and Housing will combine to form Planning, Housing and Sustainability, and that amount (combined) should read \$3,056	Recommended 2016 Budget	Fund Financials – General Fund	258-262
16	Table 9-23, under Uses of Funds (2016 Recommended, Debt Service – Bonds & Notes should read \$4,467,118. Total Uses of Funds for 2016 should read \$35,402,961	Recommended 2016 Budget	Fund Financials – Open Space	288
17	Attachment A, Library and Arts – Funding for the Library Collections is being sourced from the Capital Development Fund, not the Library Fund	Recommended 2016 Budget	City Manager's Message – Attachment A	16

## ATTACHMENT G - 2016 RECOMMENDED BUDGET CHANGES

Item	Budget Document Change Description	Document	Section(s)	Page(s)
18	Attachment B – Capital Development Fund reflects the \$150,000 funding for Library Collections	Recommended 2016 Budget	City Manager's Message – Attachment B	26
19	Table 8–07 – Move of \$131,431 to reflect the transfer of the Resilience Officer to City Manager's Office from CP&S. In Expenditure by Category for 2016, Personnel should read \$1,724,827, and under Expenditure by Fund for 2016, the General Fund should read \$2,152,515, which should also be the total for all expenditures for 2016.	Recommended 2016 Budget	Department Overviews – City Manager's Office	136
20	Table 8–42 – Change funding source for \$150,000 in Library Materials Acquisition from Library Fund to Capital Development Fund	Recommended 2016 Budget	Department Overviews – Library and Arts	208
21	Table 9–01 – Under Transfers Out (2016 Recommended) Library Fund should read \$6,206	Recommended 2016 Budget	Fund Financials – General Fund	261
22	Table 9–08 – Increase in Use of Funds to reflect \$150,000 in Library Materials and Acquisitions in 2016. Total Uses of Funds will increase to \$211,052	Recommended 2016 Budget	Fund Financials – Capital Development Fund	271
23	Table 9–21 – Transfer from the Capital Development Fund under Sources of Funds (\$150,000) in 2016; Total Sources unchanged	Recommended 2016 Budget	Fund Financials – Library Fund	285

## ATTACHMENT G - 2016 RECOMMENDED BUDGET CHANGES

Item	Draft CIP Change Description	Document	Section(s)	Page(s)
1	FAM – Add \$100,000 for the Upgrade Electric Vehicle Chargers and Battery Storage System Project in 2016; already included in 2016 Operating Budget	Draft 2016–2021 CIP	Funding Summaries, Facilities and Asset Management	21, 25, 34, 37, 45, 48, 98
2	FAM – Add \$50,000 each year from 2016 to 2021 for Miscellaneous Facility DET Projects	Draft 2016–2021 CIP	Funding Summaries, Facilities and Asset Management	21, 25, 34, 39, 45, 48, 98
3	Utilities – Add \$8,455,509 in 2020 for Barker Dam Outlet	Draft 2016–2021 CIP	Funding Summaries, Utilities	21, 29, 34, 36, 45, 53, 269
4	Utilities – Add \$4,926,849 in 2021 for Wittemeyer Ponds	Draft 2016–2021 CIP	Funding Summaries, Utilities	21, 29, 34, 36, 45, 53, 269
5	Utilities – Add \$350,000 in 2018 to NCWCD Conveyance – Carter Lake (from \$37,565,263 to \$37,915,263)	Draft 2016–2021 CIP	Funding Summaries, Utilities	21, 29, 34, 36, 45, 53, 269
6	Utilities – Add \$125,000 in 2020 to WWTF Permit Improvements (from \$18,500,000 to \$18,625,000)	Draft 2016–2021 CIP	Funding Summaries, Utilities	21, 28, 34, 37, 45, 52, 269
7	Utilities – Add \$329,278 in 2021 to Goose Creek SS Interceptor (from \$1,400,867 to \$1,730,145)	Draft 2016–2021 CIP	Funding Summaries, Utilities	21, 28, 34, 36, 45, 52, 269
8	DUHMD – Note that Downtown Management Commission also voted to recommend the CIP for downtown/CAGID	Draft 2016–2021 CIP	DUHMD	81
9	Parks and Rec – The \$500,000 originally budgeted for Violet Park in 2019 is now programmed in the Capital Development Fund.	Draft 2016–2021 CIP	Funding Summaries, Parks and Recreation	21, 24, 34, 41, 45, 50, 192, 213
10	Parks and Rec – In 2016 the department will be working with the community to develop a site plan for Scott Carpenter Park that will inform the location and priorities for capital improvements to one of Boulder’s parks that serves the entire community. Several amenities within the park are of critical importance and must be carefully redesigned to provide long-term benefit to the community including the pool, playground, baseball field and the skate park. Based on the approval of the site plan next year, the department will be seeking partnership opportunities and leveraging existing capital funds, including the use of impact fees for those capital improvements that can be attributed to growth in the community. This will be reflected in the Parks and Recreation Department Overview Pages.	Draft 2016–2021 CIP	Parks and Recreation	181–190

OCTOBER/NOVEMBER 2015



# THE ARVADA REPORT

NEWS AND INFORMATION

[www.arvada.org](http://www.arvada.org)

## A Year Out!

APPROXIMATELY ONE YEAR FROM NOW, THE GOLD LINE WILL OPEN, RESHAPING THE WAY WE VIEW TRANSPORTATION.

Next fall, the Gold Line Commuter Rail will open, offering a 20-minute ride from Arvada to Denver Union Station. It will transform our community, much the same as the first paved road between Arvada and Denver which opened 90 years ago in October of 1925. The associated infrastructure, including the Olde Town Transit Hub and the three Arvada stations at Arvada Ridge, Olde Town, and Sheridan, is beginning to take shape as well.

For example, at the Olde Town Station, construction on the plazas has begun, consisting of the installation of brick pavers, lighting, seating walls, and landscaping. All three Arvada stations will include public art that was selected by committees established by the Regional Transportation District (RTD).

See **page 4** for information about the pedestrian underpass under construction as part of the Arvada Ridge Station. 



Packet Page 263

The Olde Town Arvada Station is beginning to take shape.

## Have You Visited *arvada.org* Recently?

The City's new website launched in mid-September with enhanced features such as:

- Category-based navigation and a robust search tool to make finding information quick and easy.
- A full events calendar that allows users to export events to their personal calendars.
- The Arvada Police Department and Arvada Urban Renewal Authority websites have been integrated into *arvada.org*.
- Enhanced transparency and open data.
- Improved property search tools providing detailed information. 

Arvada Police and Northey Foundation "Shred-a-Thon" is  
October 10



See **page 9** for more information. 

**Tuesday, November 3**  
is Election Day! Exercise your  
right as a citizen:

**Don't forget to vote!**

See **Page 3** for more information

# Get Connected with Arvada

City of Arvada – City Hall, 8101 Ralston Road, Arvada, CO, 80001-8101  
720-898-7000 • [www.arvada.org](http://www.arvada.org)



24/7 Inquiries - **ASK ARVADA** at [www.arvada.org](http://www.arvada.org). To sign up for alerts about City Council Meetings or Community Events, register for **ARVADANEWS**. Go to [www.arvadaneews.org](http://www.arvadaneews.org)  
For more information, please contact Cindy Javelet, Communications Coordinator, at 720-898-7834 or [cjavelet@arvada.org](mailto:cjavelet@arvada.org).

## City Government Phone Numbers

<b>Emergency</b>	<b>9-1-1</b>	City Manager's Office	720-898-7500	Police Records	720-898-6920
<b>Non-Emergency Dispatch</b>	<b>720-898-6900</b>	Code Enforcement	720-898-7465	Sales Tax	720-898-7100
<b>City Hall Main Line</b>	<b>720-898-7000</b>	Communications Manager	720-898-7507	School Resource Officers - Contact Individual Schools	
Accounts Payable	720-898-7130	Fingerprinting Services	720-898-6808	Special Event Permits	720-898-7435
Accounts Receivable	720-898-7128	Housing	720-898-7494	Streets	720-898-7720
Animal Control	720-898-6850	Lake Arbor Golf Club	720-898-7360	Traffic Signals and Signs	720-898-7740
Arvada Center Box Office	720-898-7200	Liquor Licenses	720-898-7550	Victim Outreach Line	720-898-6770
Arvada Economic Development	720-898-7010	Majestic View Nature Center	720-898-7405	Voter Registration	720-898-7550
Arvada Urban Renewal	720-898-7060	Municipal Court	720-898-7150	Water Bills	720-898-7070
Building Inspections	720-898-7630	Park Pavilion Reservations	720-898-7410	Water Quality	720-898-7800
Building Permits	720-898-7620	Passports	720-898-7550		(after hours) 720-898-7820
		Planning and Zoning	720-898-7435	West Woods Golf Club	720-898-7370



Mayor  
**Marc Williams**  
303-940-7593(h)  
303-424-4486(w)  
[MWilliams@arvada.org](mailto:MWilliams@arvada.org)



Mayor Pro Tem  
Councilmember  
District Two  
**Mark McGoff**  
303-423-5258 (h)  
[MMcGoff@arvada.org](mailto:MMcGoff@arvada.org)



Councilmember  
At-Large  
**Don Allard**  
303-420-6559(h)  
[DAllard@arvada.org](mailto:DAllard@arvada.org)



Councilmember  
District Four  
**Bob Dyer**  
303-456-4646 (h)  
303-423-8080 (w)  
[BDyer@arvada.org](mailto:BDyer@arvada.org)



Councilmember  
At-Large  
**Bob Fifer**  
303-929-4278  
303-650-4544 (h)  
[BFifer@arvada.org](mailto:BFifer@arvada.org)



Councilmember  
District One  
**Jerry Marks**  
303-810-0571 (c)  
[JMarks@arvada.org](mailto:JMarks@arvada.org)



Councilmember  
District Three  
**John Marriott**  
720-273-3912 (c)  
[JMarriott@arvada.org](mailto:JMarriott@arvada.org)

### City Council Meetings/Workshops - Arvada City Hall, Council Chambers - Mondays, 6:00 p.m.

October	5	12	19	26	November	2	9	16	23	30
	Business Mtg. Televised	Workshop Televised	Business Mtg. Televised	<b>No Meeting</b>		<b>No Meeting</b>	Swearing-in Ceremony Televised	Business Mtg. Televised	Workshop Televised	<b>No Meeting</b>

The Arvada Report is a newsletter published by the Arvada City Manager's Office, 720-898-7500, City of Arvada, 8101 Ralston Road, Arvada, Colorado 80002. It is distributed to all residences and businesses in the City. The City of Arvada holds the ownership rights and copyrights in the design and articles contained in The Arvada Report. Articles may only be reproduced with the express permission of the City of Arvada.  
Editor: Maria VanderKolk. Graphic Design: Steve Milke. Photography: Arvada Media Services.

# The Snow is Coming!

The objective of the Arvada snow and ice control plan is to provide Arvada citizens with safe streets and open thoroughfares through the most efficient means possible. With 1,446 lane miles of streets, the City places emphasis on arterials, major collectors, and school routes, which total 467 lane miles for snow and ice control operations.

**Priority One Streets** are arterial streets such as W. 58th Ave., W. 80th Ave., Simms St., and Kipling St., and are plowed and treated first. School routes are also considered Priority One routes and are plowed and treated at the same time as the arterials. Once all Priority One and School routes have been completed, we move onto **Priority Two routes** which are major collector streets such as Ridge Road, Yank Way, Club Crest Drive, West Woods Circle, and Grandview Ave. These routes provide access to heavily traveled Priority One routes. Once these routes have been completed, we move onto special attention areas and designated residential streets with steep hills, or return to our Priority One routes depending on the storm and conditions.

All remaining streets are considered to be residential streets and will not be salted, sanded, or plowed unless there is a major snowstorm of 12 or more inches in

a single event and/or an authorized snow emergency is declared by the City Manager.

**Wadsworth Blvd., Sheridan Blvd., Ward Road south of W. 64th Ave., W. 64th Ave. west of Ward Road, and Indiana St. are State highways and are maintained by the Colorado Department of Transportation. General Information**

When plowing snow, several passes are sometimes necessary before a street is clear. Every effort is made to not plow snow on sidewalks, but the blocking of driveways and sidewalks may be unavoidable. Opening driveways and sidewalks is the sole responsibility of the property owner. It is generally best to open your driveways and sidewalks after the snowplows have completed their operations.

Streets are treated with liquid de-icer, salt and/or a mixture of salt to sand, depending on conditions. The liquid de-icer and salt is used to speed up the melting process; the sand provides traction. During icy conditions, streets are treated in the same priority order as they are plowed. To comply with clean air regulations, the City is limited in the amount of sand that can be used. Streets are swept following a storm as soon as weather conditions allow. 

For more information and to see a snow removal map, visit [arvada.org](http://arvada.org).



## Candidates for Arvada City Council

### MAYOR

#### FOUR YEAR TERM – VOTE FOR ONE

- Marc Williams
- Dave Chandler

### COUNCILMEMBER-AT-LARGE

#### FOUR YEAR TERM – VOTE FOR ONE

- Bob Fifer
- Carl Campanella
- Kathy Drulard

### COUNCILMEMBER DISTRICT 1

#### TWO YEAR TERM – VOTE FOR ONE

- Nancy Ford
- Jerry Marks

### COUNCILMEMBER DISTRICT 2

#### FOUR YEAR TERM – VOTE FOR ONE

- Mark McGoff
- Dave Palm

### COUNCILMEMBER DISTRICT 4

#### FOUR YEAR TERM – VOTE FOR ONE

- David Jones
- Bob Dyer

For more information on voting locations and other elections, visit:

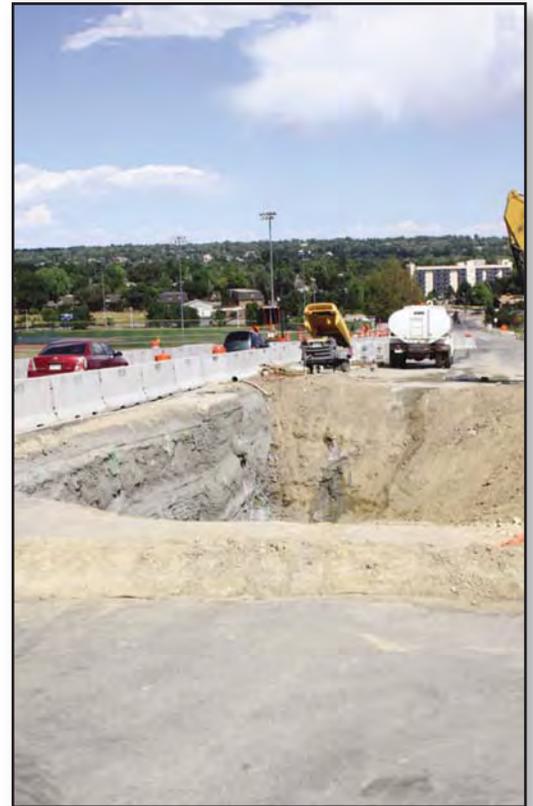
[jeffco.us/elections](http://jeffco.us/elections)  
[www.co.adams.co.us](http://www.co.adams.co.us)

# Underpass Will Improve Access to Gold Line

A much-anticipated pedestrian underpass at Kipling Pkwy. and the Van Bibber Creek Trail is under construction. The many benefits of this underpass include enhanced access for pedestrians and bicyclists to the east to have safe and easy access to Red Rocks Community College and the Arvada Ridge Station just west of Kipling Parkway.

Construction began in July of 2015 and is scheduled for completion by mid-June of 2016. Total project cost is \$2,428,274: \$1,600,000 from a Federal grant with the remaining funds coming from the City of Arvada. The project includes the following:

- A ten-foot wide, 4,000-foot concrete trail along the north side of W. 56th Place which will connect to the existing trail east of the Apex Field House and trails on both the east and west sides of Kipling Pkwy.
- A 107-foot long pedestrian underpass under Kipling Pkwy. The underpass will be constructed in two phases in order to maintain two-way traffic on Kipling. Approximately 8,000 cubic yards will be excavated for the underpass.
- Landscaping, irrigation, and lighting at the east and west ends of the underpass. 



## City Contributes \$1 Million Towards Red Rocks Expansion

In August, Red Rocks Community College (RRCC) broke ground on a \$22.5 million expansion to its Arvada location. This new Health Sciences Campus will triple the size of the existing Arvada location at 5420 Miller St. and will house all of RRCC's health professions programs in one location.

The project is the largest building campaign in RRCC's history and will have a lasting economic impact on the community for generations to come.

"The Arvada City Council invested \$1 million towards the expansion, recognizing both the social and economic benefits of having this state-of-the-art facility in our community," stated Mayor Marc Williams.

The Health Sciences Campus will expand access to current high-demand degree and certificate pro-



grams while adding new programs for expanding needs and transfer opportunities. This effort will transform the Arvada location into a full-service campus that will accelerate the number of graduates in health occupations such as Physician Assistant, Medical Assistant, Nurse Aide, and Diagnostic Medical Sonography.

Construction will be completed in summer of 2016 in time for fall semester. 



Scan the QR code to watch a video about the Red Rocks expansion.



# Neighborhood Corner

The City of Arvada's Neighborhood Services Team provides customer service support to community members by responding to their concerns relating to violations of Arvada's Municipal Code. Here are some things to remember now that fall is here.

## Leaves

Trees have started dropping their leaves. We want to remind our residents that blowing leaves into the street is against code. Instead, take advantage of the City's leaf recycling program (for more information see [page 7](#)).

## The Snow is Coming

Residents are required to remove snow and ice from the sidewalks on all sides of their property within 24 hours of the end of any snow storm. Shovel the full width of the sidewalk down to the bare pavement or concrete (which will prevent ice from forming); do not shovel the snow into the street. Because snowy, icy sidewalks present a significant safety concern, residents are not given a warning but rather are issued a notice stating that if the sidewalks are not cleared within 24 hours they may receive a citation. The City also has the right to clear the sidewalk and assess the cost to the property owner.

Consider meeting with your neighbors. Are there elderly or disabled folks on your block who could use your help? If you are going to be away from home, would one of your neighbors be willing to shovel your walk in your absence? Perhaps you have a snow blower and are happy to plow your entire block!

If you are unable to shovel due to age or disability, contact Neighborhood Services at **720-898-7465**. We may be able to pair you with an agency which can provide assistance.

## We Want to Hear From You!

In an effort to offer positive support and maintain engagement with the community, the Neighborhood Services Team encourages questions from community members about code violations or

other concerns. Please submit your question to [codeenforcement@arvada.org](mailto:codeenforcement@arvada.org) or through Ask Arvada on the City's website, or call **720-898-7465**. We will select topics for upcoming issues of *The Arvada Report*.

From the last issue we received a number of questions related to parking such as junk vehicles, recreational vehicles, or an excessive number of vehicles. These issues are covered under City ordinance *Sec. 18.8 I.P.M.C Sec. 302.8 Motor Vehicles and Municipal Code, Model Traffic Code, Sec. 54-174 Parking, storage and use of major recreational equipment*. (The entire ordinance is available on the City's website.)

While it can be frustrating when neighbors park many vehicles at one residence, vehicles that are currently licensed and in operable condition are considered legal vehicles and may be parked anywhere on the public street in a legal parking manner.

Code Compliance Officers enforce when the vehicles are unlicensed and inoperable. The vehicles must be visible to the officer. In the case when it is not visible a photo from the reporting party or a witness is needed in order for the violation to be enforceable. Peeking through or looking over fences are not acceptable means of collecting evidence in a court of law.

It can be annoying when neighbors park in front of your home, too close to your driveway, or park large vehicles at the end of a cul-de-sac where parking is already cramped. Try talking to your neighbor, and being considerate of how we impact others. Ask yourself, "How do my actions affect the community I live in?" Become proactive in improving the quality of your community - just because your actions are legal doesn't mean that you are being a good neighbor. ☺



# FOCUS Update



### Growth and Economic Development

No Strategic Results were slated for completion in 2014.



### Infrastructure

By December 31, 2014, a conceptual plan and location for a new Justice Center will be completed in order to accommodate emerging safety requirements for the public.



### Vibrant Community & Neighborhoods

By July, 2014, a decision will be finalized as to the feasibility of an eastside recreation center being located on City owned property.



### Organizational & Service Effectiveness

By October 31, 2014, City Council policy and budget decisions will be guided by information from performance reports from all departments.

By 2014, a formalized system for Council enacted fiscal and operational policies for the City is adopted.

Arvada continues to work on a new way of doing business - FOCUS. This integrated performance management system is not a project with a defined end date. Instead, it is a change for how City staff looks at what

we do each day. It provides data for decision-making and helps drive funding for the many programs Arvada citizens want and need.

We made this important philosophical change to allow Arvada to prepare for the future, while also directly showing our citizens the value they receive for their investment. 2014 was a pivotal year as we

strived to achieve strategic results set forth in the six-year City Council Strategic Plan. The diagrams illustrate our performance in 2014 and provide a look at the strategic results we are addressing this year.

Work continues on 11 strategic results with a completion date slated in 2015.

Would you like to learn more about FOCUS? Contact Kelley Hartman, Performance Budget Manager at **720-898-7513** or [khartman@arvada.org](mailto:khartman@arvada.org).



# November is Recycling Month

**P**roper disposal or recycling of leaves, cooking oil, and paint helps keep Arvada beautiful. Take advantage of these **FREE** programs in November!

### Leaf Recycling

Saturdays, November 7, 14, and 21 from 9 a.m. – 3 p.m.

Stenger Soccer Complex (north-east entrance) at 5675 Oak St.

Perma Green Organics at 5520 Harlan St.

These drop-off sites are for Arvada residents and are not available for commercial landscapers. Leaves in plastic bags must be emptied; **NO** large brush, branches, or tree stumps will be accepted.

### Cooking Oil Recycling

Saturday, November 28 from 10 a.m. – 2 p.m.

City Shops at 6161 Wadsworth Blvd. or 6701 Indiana St.

The Saturday after Thanksgiving, the City will again partner with RecycOil© to recycle cooking oil. Used cooking oil cannot be poured down the sink because it clogs pipes. Liquids cannot be added to trash, because it will spill onto the street. RecycOil© uses cooking oil to manufacture biodiesel, a fuel.

### Paint Recycling

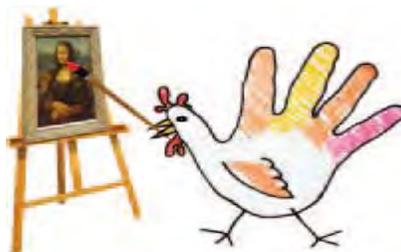
Wednesdays and Saturdays from 8 a.m. – 2 p.m. throughout the year, Rooney Road Recycling Center, 151 S. Rooney Road in Golden. (303-316-6262)

Paint recycling is now a free service, thanks to a recent law that took effect on July 1, 2015. Old paint can be recycled at any of the PaintCare sites ([www.paintcare.org/paintcare-states/colorado](http://www.paintcare.org/paintcare-states/colorado)) as well as the Rooney Road Recycling Center. Clean out your garage and make November a true recycling month! 



## Don't Miss the New Handmade Holiday Arts and Crafts Fair!

For those of you who may not have heard, the Holiday Craft Fair is no longer being held at the Arvada Center. The exciting news is there is a new Handmade Holiday Arts and Crafts Fair that will be held November 27 and 28 at Arvada High School, 7951 W. 65th Ave. Many of your favorite vendors will be at this fun, new holiday fair along with entertainment, food, live music, and free parking. Additional information at [www.stateoftheartspromotions.com](http://www.stateoftheartspromotions.com). 



## Arvada Historical Society Christmas Yard Sale

**Mcllvoy House**  
**7307 Grandview Ave.**

Find an abundance of gently used Christmas items at very reasonable prices!

Please bring your donations for the sale to the Mcllvoy House:

November 14, 9 a.m. – 2 p.m.

November 17 and 18, 4 – 7 p.m.

For further information call

**303-815-4154.** 

# Walk Honoring Veterans Scheduled for November 7

**H**elp recognize and honor the veterans of our community by inviting a veteran(s) to join in the Veterans Walk on November 7 - the Saturday before Veterans Day.

Short walks will be held at two locations: Two Ponds National Wildlife Refuge, 9210 W. 80th Ave., and Majestic View Nature Center, 7030 Garrison St. Both walks begin at 9 a.m. At 10 a.m. participants are invited to Majestic View Nature Center for light refreshments.

The Veterans Walk is an opportunity to enjoy the natural landscape while reflecting on our many freedoms. Most importantly, it is an opportunity to spend time with veterans and say, "Thank you." Please call

**720-898-7405** if you plan to participate in this free event.

The Veterans Walk is sponsored by Founders and Friends of Two Ponds NWR, and Majestic View Nature Center. 



## Uncork Your Holiday Cheer at Wines for the Holidays

**Friday, November 13, 6 – 9 p.m.**

Lamar Street Center, 5889 Lamar St.

\$35 per person

(purchase online through the Arvada Festivals Commission website [www.arvadafestivals.com](http://www.arvadafestivals.com))

The annual Wines for the Holidays, produced by the Arvada Festivals Commission, is an opportunity to sample Colorado wineries and Arvada restaurants while raising money for worthy causes. This year's recipient is the Carin' Clinic, an Arvada non-profit pediatric clinic dedicated to providing affordable healthcare for children from birth to 18.

Enjoy a wide variety of wines from Front Range Wineries including Avanti, Spero Winery, Augustina's Winery, Redstone Meadery, and more. Sample delicious appetizers and desserts from 3 Sons Italian Restaurant, Kristos Epicurean Market, Luke's Steakhouse, Bada Bing, Lost Weekend Grill, Noodles and Company, and more.

Tickets are \$35 and must be purchased in advance. Visit [arvadafestivals.com](http://arvadafestivals.com) or call **720-898-7403** for more information. Don't delay—this event sells out every year! 



**Respect. Dedication. Responsibility**  
**We will always strive for Excellence**

# POLICE DEPARTMENT **ARVADA**



*The Arvada Police Department's section of The Arvada Report is published by the City of Arvada with content provided by the Arvada Police Department as a service to the citizens of Arvada.*

### Contact Numbers

Emergencies .....911

Non-Emergency Reporting .....720-898-6900

Office of the Chief .....720-898-6650

Records Department ...720-898-6920

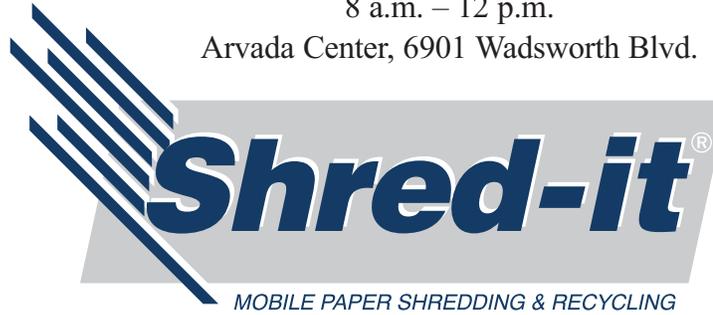
Investigations ..720-898-6700

Media Relations .....720-898-6654

**Arvada Police Department**  
8101 Ralston Road  
Arvada CO 80002  
**720-898-6900**  
**www.arvadapd.org**

## Shred-A-Thon

Saturday, October 10  
8 a.m. – 12 p.m.  
Arvada Center, 6901 Wadsworth Blvd.



The Arvada Police Department and the Northey Foundation invites residents to protect their identity and personal information by taking part in our Annual Shred-A-Thon. Arvada Police partners with Shred-it to safely destroy documents containing personal information.

Residents and businesses can bring up to three boxes or three bags of documents. Items recommended for shredding are:

- Credit card statements
- Bank statements
- Tax forms
- Medical statements
- Other items containing personal information

The event is free, but donations are welcomed. Proceeds from the Shred-A-Thon will benefit the W. Michael Northey Foundation which pro-

vides scholarships to local high school students. This is one of only two fundraising events held each year for the Northey Foundation. Area high school students and Arvada Police Explorers will be on hand to assist with unloading items. 



# A Letter From the Chief

I hope you have all enjoyed your summer and appreciate the numerous opportunities our officers have had to meet with and get to know you, our community members. Whether a block party, a community event, a lemonade stand, or National Night Out, we have had a great summer of engaging with the community.

I am pleased to introduce the new sector Commanders who are leading the Arvada Police Department's community policing efforts at each of our stations.

Combined, these commanders

bring 61 years of experience with our Department to their positions, and they are excited to work with you on neighborhood initiatives and issues. Our Commanders move to different units from time to time to ensure new ideas, maintain skill sets and mentor staff. In addition, we have had several recent promotions as officers retire, promote, or move on to lead neighboring communities.

While these may be new faces leading the sectors, the commitment and depth of experience remains constant. Over the next

year, we will schedule open houses and other community events to give you a chance to meet your sector Commanders and ask questions.

We thank you for your continued support of the Arvada Police Department and your commitment to making Arvada an exceptional place to live, work, and play.

Sincerely,

Don Wick

Chief of Police

Arvada Police Department 



**Adam Sector**

**Commander Strate**

Lake Arbor Community Station

8110 Vance Drive

**720-898-6970**



**Baker Sector**

**Commander Williams**

Headquarters

8101 Ralston Road

**720-898-6900**



**Charlie Sector**

**Commander Hutchcraft**

West Woods Community Station

6644 Kendrick Drive

**720-898-6980**

# Recent Promotions Include New Commander, Two New Sergeants

The Arvada Police Department recently promoted three among its ranks. Drew Williams was promoted to Commander, and Joseph Gravelle and Gabriel Collins were promoted to Sergeant.



*Williams*

Drew Williams was promoted to Commander in July 2015. Prior to his new role, Williams served as a Sergeant with Arvada Police, a position he has held since January 2014. Williams

joined the Arvada Police Department in June 2011 after serving in the Golden Police Department for ten years; three in the role of Sergeant. During his tenure with Golden, Williams served in Patrol, Motorcycle/Traffic, SWAT, and as a recruiting officer. Williams also served two years as a volunteer fire-

fighter with the Fairmount Fire Department. Williams is a graduate of American Intercontinental University in Illinois with a Masters Degree in Business Administration/Operations Management and a Bachelors Degree in Criminal Justice.



*Gravelle*

Joe Gravelle was promoted to the rank of Sergeant. Gravelle has been a member of the Arvada Police Department since July 2007. As a member of the patrol team, Gravelle worked as an

EVOC (driving) instructor, a Critical Incident Tactics (CIT) coach, and Field Training Officer for new recruits. He also served on the Jeffco Regional SWAT team for two years. Gravelle has a Master's Degree in Criminology from Regis University and a Bachelor's in

Criminal Justice from the University of Northern Colorado.



*Collins*

Gabe Collins was also promoted to the rank of Sergeant. Collins joined the Arvada Police Department in November 2012. While in patrol, Collins helped design a traffic collision prevention program

for Charlie Sector. Prior to joining the Arvada PD, Collins worked for the Scottsdale Police Department as a patrol officer for six years and as a Program Manager for their Commercial Vehicle Safety Section for another four years. Collins has a Master's Degree in Business Administration from Arizona State University and a Bachelor's Degree in Psychology from the University of California Santa Cruz. 

## Arvada Offers Self-Defense Classes for Women

The Arvada Police Department regularly offers classes to residents on crime prevention, animal management, and self-defense. One of the most popular and successful classes is the Sexual Harassment, Assault, and Rape Prevention – or S.H.A.R.P. – class.

This FREE self-defense class is designed for women to give them the confidence and skills needed to defend themselves in situations ranging from sexual harassment in the workplace, to being approached or grabbed by a hostile person.

The next available class will be held over four evenings, October 20, 22, 27, and 29 at the Arvada Police Beghtol Training Facility. Each session is three hours from 6 – 9 p.m. The class size is limited to 12 people and often fills quickly.

Participants must be Arvada residents and at least 16 years of age; however, ages 14 and 15 may attend if accompanied by a parent or legal guardian.

For more information, please call the SHARP line at **720-898-7985**. 



# Regional Crime Laboratory

*PRINTED WITH PERMISSION FROM JEFFERSON COUNTY SHERIFF'S OFFICE.*

The Jefferson County Regional Crime Laboratory (JCRCL) was established in August 2013, opened its doors in May 2014, and became fully accredited in October of 2014.

The JCRCL was established with an agreement between the Jefferson County Sheriff's Office and the Lakewood, Arvada, Wheat Ridge, and Golden Police Departments. It is located at the Jefferson County Sheriff's Office complex at 200 Jefferson County Parkway in Golden and provides services to all law enforcement agencies within Jefferson County. Ultimately, there will be 14 members providing laboratory services to involved agencies.

The 16,000 square foot design provides the support necessary to meet the needs of the various users. The state-of-the-art lab includes space for deoxyribonucleic acid (DNA) and serology analysis, firearms testing, latent fingerprint examination, drug analysis, and photography and video examination. The JCRCL is equipped to provide examination, testing, testimony, and expertise in the areas of bloodstain pattern analysis, footwear and tire track examination, and crime scene response. The JCRCL also provides training in a variety of forensic disciplines to law enforcement agencies. JCRCL is one of six crime labs in the state of Colorado, and currently the only one specializing in the crime scene discipline.

## Latent Print Unit

The Latent Print Unit is com-

posed of examiners from the Jefferson County Sheriff's Office and the Lakewood and Arvada Police Departments. All examiners are Certified Latent Print Examiners and some also hold various levels of crime scene certification through the International Association for Identification.



This unit is responsible for processing evidence related to fingerprints, comparing fingerprints developed at crime scenes to known suspects, and searching unidentified fingerprints through the Automated Fingerprint Identification System (AFIS) and the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System (IAFIS).

## Chemistry Unit

The Chemistry Unit is responsible for identifying suspected drugs for the presence of controlled substances.

## Forensics Biology Unit

The Forensics Biology Unit is divided into two sections:

Serology and DNA. In the Serology section, analysts are responsible for examining crime scene evidence for the presence of biological fluids such as blood, semen, and saliva. In the DNA section, analysts are responsible for performing short tandem repeat (STR) DNA analysis on the items examined in the Serology section. DNA profiles obtained from the evidence items can be compared to samples from known individuals in an attempt to identify the source of the evidentiary DNA profile. The DNA profiles from evidence items may also be entered and searched in the Combined DNA Index System (CODIS), the national DNA database. The DNA section may also perform male-specific DNA analysis utilizing Y chromosome STRs for certain cases.

## Forensic Photography and Video Unit

The Photography Unit documents crime scenes through the use of digital imaging, videography, and aerial photography. Digital image processing, custom printing services, and video production and enhancement are also provided to agencies in Jefferson County.

## Firearms and Tool Mark Unit

The Firearms and Tool Mark Unit is responsible for the examination of firearms and the comparison of ammunition recovered from crime scenes to the ammunition of known firearms. The section also examines and compares tools and tool marks recovered at crime scenes. Serial number restoration on weapons and other items of evidence will also be part of the unit's case work. 



# Critters Corner

## Barking Dogs

BY JENNIE WHITTLE

**W**hat does your dog do while you're away? Is Fluffy outside loving life . . . or disrupting neighbors? You may not hear your dog bark much, but dogs can act differently when family is gone.

Unattended dogs left outside bark for many reasons:

- **Fun:** chasing squirrels, exploring, etc. They know no one is home to interrupt them!
- **Boredom:** how often do you walk/play with your dog? Do you provide engaging treats/toys while you're away?
- **Anxiety:** dogs are social animals like us and many prefer

company. They see you leave and the panic sets in.

As a dog owner, you are responsible for their behavior whether you're home or not. While you cannot control squirrels or neighborhood cats in the area, you can control your pets. If you know your dog is barking when you are away, keep him inside. That way, there's less to bark at and the sound won't reach disgruntled neighbors.

Are they being destructive when left indoors? Training goes a long way! Research kennel training to keep them safe, if needed. Doggy daycare is a great resource

also. If your furry friend must be outdoors when you're away, they must have access to shelter from the elements and clean water (doggy doors suffice). Aside from training, exercise, and busy toys, there are a variety of automatic bark collars available. Some are "static" (shock) and some are spray, which squirts dogs in the face with a scented spray. There can be adverse effects from the collars and often user error renders them useless, so be sure to do your research.

For more information, call Animal Management at 720-898-6850. 

## A Tale of Two Donors

Ralston House Child Advocacy Centers in Arvada, Lakewood, and Northglenn depend on the generosity of people who give back to their communities. Some donors tell us they give because they were abused as a child. They remember the trauma they endured and wish there had been a Ralston House environment where they could have told their story of abuse without being re-traumatized. Others know someone whose child was sexually assaulted. Recently, Ralston House received two donations of mention. Although very different, each of these heartfelt gifts will make a meaningful impact in the lives of children and families who have experienced traumatic abuse.

One donor was motivated by the work we do at Ralston House. She read an article

about us and was inspired by the personal touch of our staff, the breadth of our services, and the number of children we serve each year. She was able to give a generous donation of \$5,000 and we called to let her know how much she inspired us with her confidence and her support.

The second donor was a teenager who came to Ralston House for a forensic interview. She had been removed from her home and needed to be interviewed about what had happened to her. Now placed in a foster home, her life had been turned upside down. She was afraid and reluctant to talk. The victim advocate gently talked with her in the parking lot and finally convinced her to come inside. After the interview, she thanked the staff for the snacks and asked how we were able to afford to help so many

kids. When the staff told her we receive some money from grants and donations from lots of people, she insisted on giving us \$3, despite us telling her she didn't need to pay. Her foster mom told us it was all the money she had. It was a meaningful gift to her and to us. She needed to know that she could help others the way she had been helped, with kindness and respect.

Whatever your reasons for giving, remember: Giving is tax deductible. Giving makes you a part of something bigger than yourself. Giving helps you remember the blessings in your own life. Giving provides a good example for your kids and your grandkids and your siblings that we all are responsible for each other. Thank you for giving.

And please remember,  
[www.ralstonhouse.net](http://www.ralstonhouse.net). 

## Festival of Scarecrows

Olde Town Arvada  
Saturday, October 10  
(inclement weather date October 17)  
10 a.m. – 3 p.m.



Fall would not be complete without the Festivals of Scarecrows. It's free! It's fun! Its family friendly! Last year, over 2,000 people of all ages joined the festivities, produced by the City of Arvada Festivals Commission, Historic Olde Town Arvada, and the Arvada Gardeners.

This not-to-miss festival has fun activities for everyone including:

- Scarecrow contest
- Giant pumpkin contest
- Decorated pumpkin contest
- Baked pumpkin goods contest (no pies)
- Hay Rides
- Kids activities and games
- Local vendors
- Music and Karaoke

For more information call **720-898-7403** or visit [www.arvadafestivals.com](http://www.arvadafestivals.com). 

# Trees Across Arvada



### Are you:

- Looking to make your yard more beautiful?
- Needing to replace a tree you lost in the November 2014 freeze?
- Hoping to reduce your summer utility bill by increasing the shade on your home?

“**Trees Across Arvada**” is your answer! The program is back for its 12th year of making low-cost shade trees available to Arvada area residents. Over 2,000 drought-resistant trees have been planted in Arvada as a result of this program.

The program is made possible through the Colorado Tree Coalition, a non-profit organization dedicated to preserving Colorado’s community forests. The trees, all low-to-moderately low water use varieties, are 3 – 12 feet on arrival and up to 1.5 inches. Trees cost between \$30 and \$80 and are available balled and burlaped, bare root, or air-pruned. Order and pay for trees by December 31, 2015; tree pick-up is in mid-April 2016. For more information e-mail [arvadatrees@comcast.net](mailto:arvadatrees@comcast.net), or call **303-421-3206**. 

## Griffith Station Park is Open!

*The newly completed Griffith Station Park at W. 52nd Ave. and Carr St. recognizes a neighborhood which was located on the Interurban line; the Interurban stop was called Griffith Station. The new park incorporates railroad themes including a trolley play structure and a track pattern in the walkway.* 





# Arvada fire protection district

## Arvada Fire Protection District

*The Arvada Fire Protection District's section of The Arvada Report is published by the City of Arvada with content provided by the Arvada Fire Protection District as a service to the citizens of Arvada. The City of Arvada is not responsible for the accuracy of the information contained in this section of The Arvada Report.*

### Board of Directors

*Edward G. (Ted) Terranova  
President*

*Thomas D. (Tom) McAdam  
Vice-President*

*Robert (Bob) Loveridge  
Secretary*

*Mathew M. (Matt) Kramer  
Treasurer*

*Jeffrey E. (Jeff) Van Es  
Assistant Secretary-Treasurer*

**Arvada  
Fire Protection District**  
7903 Allison Way • Arvada, CO 80005  
**303-424-3012**  
**www.arvadafire.com**

## Adopt a Fire Hydrant

**T**he transition from fall to winter will soon be upon us. While there is much speculation as to whether we will see lots of snow or not this winter, the Arvada Fire Department is seeking your assistance in keeping fire hydrants accessible should we have a winter with heavy snowfall.

Fire hydrants are vital to our ability to quickly extinguish a fire. Establishing that flow of water from the hydrant to the fire engine is often one of the first priorities during a fire incident.

During the winter and especially when we have heavy snowfall, fire hydrants are likely to become obstructed, buried, or unusable due to snow and ice build-up or snow piles from plowing. This is where you can help your fire department. If you have a fire hydrant in close proximity to your home we ask that you and your neighbors "adopt the hydrant." Please take the time to make sure it is

clear of snow and ice so that firefighters can quickly see it, safely approach it, and have adequate clear space to operate it.

Clearing ice and snow away from the fire hydrant allows for a safer working surface, much like clearing your sidewalk, and provides a clear working space to hook hose into the hydrant and provide a water supply for firefighting. Ideally, a space of three feet around the fire hydrant in all directions should be clear of ice and snow.

If you have questions or concerns about the fire hydrant near your home you may contact the Community Risk Reduction Division at **303-424-3012**. ■



# Risk vs. Benefit

CHIEF JON GREER

As I sat in the funeral for Engineer John Whelen of the Denver Fire Department, it became clear I needed to remind our firefighters to always think of the risks they take on every call, versus the benefit of their actions. This did not occur to me initially because I didn't believe John Whelen, or anyone from Denver Fire did anything wrong. I was not there, and must assume they did everything right. Nevertheless, we are in a dangerous profession and I want to do everything in my power to make sure an Arvada firefighter does not die in the line of duty.

We came very close to losing two firefighters in April of 2011 when fire engulfed a house while they were inside; both suffered second and third degree burns. If not for the heroic efforts of those two firefighters to get out of the structure we could have lost them, and I thank God for that on a regular basis.

Our firefighters are trained to think about risk analysis on a continual basis. They face a very different environment each time they respond on a call, so we follow a very simple risk analysis each time we arrive on a scene. It goes like this:

- We will risk a lot to save a lot (Savable Lives)
- We will risk a little to save a little (Savable Property)
- We will risk nothing to save what has already been lost (Lives and Property already lost)

This analysis is not limited to structure fires. We train to use it on all calls. Every year firefighters die on the scene of car accidents or medical emergencies. One of the most frightening places we send our people is to accident scenes on Interstate



70. Drivers might get irritated that emergency responders essentially shut down a highway when responding to accidents. We do not take these actions because we enjoy making you late. We take these actions because, in the case of the Arvada Fire Protection District, our apparatus have been hit twice in the last 15 years on the interstate. Once a fire truck was hit by a van going 70 miles per hour. Luckily the apparatus did what it was positioned to do and protected the firefighters (the apparatus was nearly destroyed). I want our people to risk as little as possible so they can safely complete their duties. If lives are in danger at the accident scene, the first fire engine to arrive will immediately go to work (risking a lot) while the next fire engine that arrives sets up traffic cones. If there are no lives in danger at the scene, the first fire engine will set up cones (risking a little).

On structure fires the first thing that our dispatchers and subsequent arriving equipment want to know is

if anyone is at home and if so, did they get out. If everyone is out, our actions change accordingly because no lives are in danger. The house can be rebuilt. This does not mean we will not enter and extinguish the fire, but we will do so in a much more deliberate fashion—risking a little. If, however, someone is trapped inside, we will get in as quickly as possible, if necessary without a fire hose and proper ventilation, to extract the occupants—risking a lot. If the structure is fully engulfed with no possible survivors, we will not enter but only apply water from the outside, risking nothing.

The bottom line is, for every call we go on, we conduct a risk analysis. We will risk everything for someone whose life is in danger, but if no life is in danger we will not risk everything and we should not. We take the mantra “Everyone Goes Home” very seriously.

As always, thank you for letting us be your fire department. It is a responsibility we take very seriously. ■

# Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!

October 4 – 10 is Fire Prevention Week. This public health and safety observance was established in 1922 to commemorate the Great Chicago Fire of 1871, and serves as a reminder of simple risk reducing activities that should be conducted in the home to prevent fires and decrease the incidence of injury and death as a result of fire.

Location matters when it comes to your smoke alarm. That’s the message behind this year’s Fire Prevention Week campaign: “Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!” We would like to remind local residents about the importance of having working smoke alarms in every bedroom, outside each sleeping area, and on every level of the home, including the basement.

In a fire, seconds count. Half of home fire deaths result from fires reported at night between 11 p.m. and 7 a.m. when most people are asleep. Home smoke alarms can alert people to a fire before it spreads, giving everyone enough time to get out.

According to the latest National Fire Protection Association (NFPA) research, working smoke alarms cut the chance of dying in a fire in half. Meanwhile, three out of five fire deaths resulted from fires in homes with no smoke alarms or no working smoke alarms.

This year’s Fire Prevention Week campaign includes the following smoke alarm messages:

- Install smoke alarms in every bedroom, outside each separate sleeping area, and on every level of the home, including the basement.
- Interconnect all smoke alarms throughout the home. This way, when one sounds, they all do.
- Test alarms at least monthly by pushing the test button.
- Replace all smoke alarms when they are ten years old or sooner if they don’t respond properly.
- Make sure everyone in the home knows the sound of the smoke alarm and understands what to do when they hear it.
- If the smoke alarm sounds, get outside and stay outside. Go to your outside meeting place.
- Call the fire department from outside the home.

To learn more about smoke alarms and “Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!” visit NFPA’s Web site at [www.firepreventionweek.org](http://www.firepreventionweek.org) and [www.sparky.org/fpw](http://www.sparky.org/fpw). ■



## Calling for Directors for Friends of Arvada Fire Protection District (FAFPD)

Effective immediately, we are soliciting letters of interest for individuals to serve on the Board of Directors for FAFPD, a 501c3 organization that serves to benefit the community of the Arvada Fire Protection District.

**The letter of interest should include the following:**

- Name and address.
- Directors need to reside in the District, own a business in the District, or be employees of the District.
- Listing of skills and aptitudes that could benefit FAFPD.
- We are especially in need of someone skilled in social media updates and/or website development.
- Why do you want to be a director on the FAFPD Board?

Please submit your letters no later than **October 6, 2015** to be considered for a position as director.

Letters of interest can be submitted via the following methods:

**Mail:** FAFPD

Attn: Lacey Jackson  
7903 Allison Way  
Arvada, CO 80005

**Email:** [lacey.jackson@arvadafire.com](mailto:lacey.jackson@arvadafire.com)

**In person:** 7903 Allison Way

Any questions can be directed to Lacey Jackson at **303-424-3012** or [lacey.jackson@arvadafire.com](mailto:lacey.jackson@arvadafire.com). ■

# Identifying Hazardous Extinguishers

We do not tend to consider that a product used for fire safety can become a hazard in your home or business. But from time to time, manufacturers of fire protection products recall their equipment due to potential hazards.

Recently, the Arvada Fire Protection District responded to a report of an explosion in a residence. Upon arrival, the fire crew found a fire extinguisher that had failed and created what sounded like an explosion. The extinguisher's valve assembly had failed and separated from the body. This failure created an explosive sound because fire extinguishers are kept under pressure so that the extinguishing agent can be expelled in the event of a fire. This particular brand of fire extinguisher had been recalled due to a high rate of the valve assembly separating from the body.

There are a few ways to ensure that your fire extinguisher is maintained in working order:

- Ensure that the fire extinguisher is in an accessible location and not obstructed.
- The pressure gauge reading or indicator remains in the operable range or position. This is typically verifying that the indicator is in the green area of the pressure gauge.
- The condition of the extinguisher is good. The body and valve should be free of damage, the hose should be flexible and not cracked, the nozzle unclogged, and the pin should be in the handle to safeguard from unintentional discharges.

The above conditions should be checked on a monthly basis. Fire extinguishers should also have an internal inspection conducted every six years per the manufacturer service manual. The last inspection that needs to take place is a hydrostatic test every 12 years by persons who are trained in pressure-testing procedures and safeguards. An option that is usually recommended in the residential setting, is to replace your fire extinguisher with a new one at the six-year internal inspection date.

For more information regarding product recall information, visit the United States Consumer Product Safety Commissions website at: [www.cpsc.gov/](http://www.cpsc.gov/) ■



## Arvada Fire and American Red Cross Install 219 Smoke Alarms During Blitzes



Arvada Fire conducted two door-to-door smoke alarm and fire safety campaigns during the month of July in collaboration with the American Red Cross, reaching out to two mobile home communities in our 80002 zip code. For the two events, 48 individuals came together and were able to install 219 smoke alarms, 86 carbon monoxide alarms, and 54 battery replacements to ensure residents had working smoke alarms. In addition, residents were educated regarding home escape planning and fire prevention in the home. ■

# ARVADA

ECONOMIC DEVELOPMENT ASSOCIATION

 /InvestInArvada  @InvestInArvada  /InvestInArvada [ArvadaEconomicDevelopment.org](http://ArvadaEconomicDevelopment.org)

## **Arvada Company Profile: Pie Consulting & Engineering**

The Arvada Economic Development Association (AEDA) is profiling primary employers that are conducting business in Arvada. A primary employer is defined as a company that sells the majority of its product or service outside the community, thereby bringing in new dollars to Arvada. In this edition, AEDA is showcasing Pie Consulting & Engineering located at 6275 Joyce Drive.

Sixteen years and growing, Pie Consulting & Engineering is a leading provider of building and forensic science services with experts who provide a diverse range of engineering, rehabilitative design, consulting, enclosure commissioning (BECx), and field performance testing services. Founded in 1999, Pie services its clients globally via its Arvada headquarters, which employs nearly 40 people. The company also has regional offices in Texas, Minnesota, and Florida.



*Pie's engineers often find themselves in precarious positions out in the field. Here, Matt Heron performs water penetration testing on the glass dome of the Ralph L. Carr Colorado Judicial Center in downtown Denver.*

Major Colorado projects include the Marriott at Denver International Airport, the former campus of CU Health Sciences at 9th and Colorado, the construction rehabilitation project at Sawgrass in Aurora, and Pearl Place—the new Google complex to be constructed in Boulder. Pie's clients span an impressive list of national general

contractors, design professionals, and owner groups, as well as insurance and legal professionals and corporate players.

After experiencing a remarkable 40% jump in growth last year, Pie entered 2015 with the momentum to make this year its highest-performing year yet. Pie's growth is fueled by a strong foundation of integrated company core values, highly skilled and motivated employees, an

unwavering commitment to clients, and a focused strategic plan to drive growth without compromising on quality and reliable service. This year, Pie was named a 2015 Colorado Companies to Watch, an honor given to rapidly growing second-tier companies that are driving forces in Colorado's economy.

Pie continually strives to improve the lives of clients, the communities that it impacts, its staff, and their families. The company supports several charitable organizations including hosting the annual Cherrity Pie Fall Festival benefiting Denver's Anchor Center for Blind Children. Last year's event raised more than \$30,000, bringing the four-year cumulative event total to nearly \$100,000. This year's festival will take place at the Anchor Center in late September. In Arvada, Pie supports a number of local causes including the Arvada Chamber of Commerce's Sand in the City and the inaugural year for Arvada on Tap.

Since the beginning, Pie has strived to make a lasting impression on clients, industry peers, and especially its competitors, so much so that they ask, "Who are those guys?" Based on Pie's skyrocketing growth this year, they are doing just that. To learn more about PIE Consulting & Engineering, go to [www.YouTube.com/investinarvada](http://www.YouTube.com/investinarvada) and watch the video profiling the company.

## **Arvada Supports Small Business**

The Arvada Economic Development Association (AEDA), established in 1992, strives to attract and retain businesses and employment to the City, regardless of size. Because of Arvada's demographics and unique geographic position in the metro area, a large majority of businesses in the City are small. In fact, according to Arvada's most recent business license database, over 97% of Arvada businesses are under 50 employees.

AEDA works under a formal agreement with the City of Arvada to provide economic development programs to Arvada's business community. During the 2008 recession, the Arvada City Council had the foresight to set aside funds to benefit local businesses, and beginning in 2009 allocated a total of \$2 million towards AEDA's programs. Currently there are six programs which the AEDA Board of Directors can use to help small businesses to grow and remain competitive, including a small business grant program, a revolving loan program, a microloan program, a technical assistance program for manufacturers, a job incentive program, and an "Opportunity Fund."

The small business grant program reimburses up to half of a business’s expenses (to a certain threshold) for different types of investments. Since 2009, the AEDA Board has dispersed grants to 80 businesses, totaling \$741,000 in match-funding and yielding over \$4,100,000 in total capital investment. Annette Kovash and Dan Terry, owners of the company Super Tees, benefitted from this program. AEDA reimbursed \$15,000 to Super Tees after a \$150,000 renovation to its building which included improvements to the exterior façade and signage. AEDA Executive Director Ryan Stachelski states, “We’re able to leverage their dollars and our dollars in order for them to move forward with things they wouldn’t have done without the assistance. It makes the business look better; it makes the property look better; it makes the City look better.”

Unique Natural Products, a small manufacturer of child and pet-safe cleaning supplies, was able to take advantage of AEDA’s manufacturing program known as the Arvada Manufacturing Initiative (AMI). The company used AMI to offset technical assistance and training costs for operational and production efficiencies improvements. “Already we are seeing a difference! Our work flow has become much more effective and it will be so much easier training new



*Super Tees property before the renovation*



*Super Tees property after the renovation*

employees because of the systems we’ve put into place. This is a great program and we are excited to implement it in our offices next,” said Julie Holmes, General Manager.

The AEDA Board has a strong commitment to accountability for the financial assistance it provides to these small businesses. Before approving grant requests, the Board ensures that the opportunity demonstrates public benefit, a return on investment to the community, and that the project is in alignment with its mission to support business and

employment in Arvada. “This program gives so many Arvada businesses the opportunity to make their capital improvements a reality. It is a ‘win-win’ for Arvada,” said Paul Heller, President of the AEDA Board of Directors.

AEDA has been successful because of the trust, shared vision, and financial support provided by the Arvada City Council. Through this partnership, Arvada’s businesses benefit from a progressive, pro-business environment in Arvada.

***New Arvada Businesses***

The following new businesses have either opened or plan to open soon in Arvada. For a complete listing of products and services offered by Arvada businesses, go to [arvadaeconomicdevelopment.org](http://arvadaeconomicdevelopment.org) – **Business Directory.**

**Alio Industries**  
5335 Xenon St.

**Appleseed Collectibles**  
6656 Wadsworth Blvd.

**Autozone**  
6595 Wadsworth Blvd.

**Freddy’s Barbershop**  
8700 Wadsworth Blvd.

**Klines Beer Hall**  
7519 Grandview Ave.

**Lesch Family Dentistry**  
9950 W. 80th Ave.

**Steubens**  
7355 Ralston Road



Invest in Arvada is more than a tagline; it is a home grown culture that supports improving the quality of space in Arvada for all businesses, residents, and visitors. By simply choosing to shop Arvada first, you are investing in the community. 3.46% of each purchase made in Arvada goes to pay for City services such as police, parks, and street maintenance. Keeping the dollars in Arvada helps create and retain quality jobs. Small businesses are the nation’s largest employer and account for the majority of job growth. Next time you make a purchase, remember . . .

***Shop Smart. Shop Local.***  
***Invest in Arvada!***

# AEDA Programs by the Numbers

-Since 2009-

## REVOLVING LOANS



**\$383.5K**  
in loans

## JOB CREATION PROGRAM



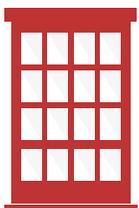
**14**  
new job grants

## MANUFACTURING INITIATIVE



**3** businesses  
received training

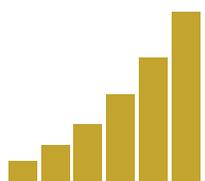
## SMALL BUSINESS GRANTS



**80**  
businesses



**\$741K**  
in grants

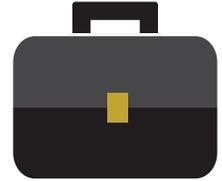


**\$4.16M**  
in total capital  
improvements

## MICROLOANS



**\$200K**  
invested



**100+**  
jobs created/  
retained

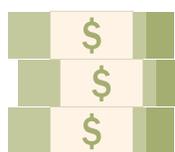
## OPPORTUNITY FUND



**11**  
businesses  
assisted



**260**  
new  
jobs



**\$500K**  
in grants  
issued



**\$875K**  
in new  
sales tax



**\$12.3M**  
in private  
sector  
investment



# MAJESTIC VIEW NATURE CENTER

**720-898-7405**

[www.arvada.org/nature](http://www.arvada.org/nature)  
[www.facebook.com/majesticviewnaturecenter](https://www.facebook.com/majesticviewnaturecenter)

**7030 Garrison St.**

### Open Year Round

#### Current Public Hours

Monday through Thursday  
and Saturday

October-May: 10 a.m. – 3 p.m.

June-September 10 a.m. – 5 p.m.

Located in 80-acre Majestic View Park,  
offering public, school, scout, home  
school and community group programs,  
and rentals.

#### Pre-Registration Required

Call **720-898-7405** or stop by.

Full class descriptions available at

[www.arvada.org/nature](http://www.arvada.org/nature)

### School Field Trips:

#### Elementary

#### Exploration Program

Topics are science standards based,  
specific to grade level.

**Call for information.**



### Drop-In Story Times

First Thursday of the month at 10 a.m., and

Third Wednesday of the month at 3 p.m.

All ages, Free.

### Wildlife Watching

Saturday, October 3, 10:30 – 11:30 a.m.

All ages, Free

### Insect Study

Saturdays, October 3, 10, and 17, 4:30 – 6:30 p.m.

Ages 10 – adult. \$20 for the three week session.

A hands-on exploration of the insects we know and  
love, or will learn to love. Covers most of the Boy Scout  
Merit Badge requirements.

### No-Carve, No-Mess, All Spook

Tuesday, October 6, 5:30 – 6:30 p.m.

Ages 6 – adult, \$3/person, \$10/family.

Non-traditional pumpkin decorating techniques. We  
supply materials, you bring the pumpkins.

### Preschool Fun with Animals

Wednesdays, October 7, 14, 21, and 28, 10 – 10:45 a.m.

Ages 3 – 6, \$15 for four week session.

### Open Fire Cooking

Wednesdays, October 7 and 14, 6:30 – 8:30 p.m.

All ages (young kids with adult), \$25/class.

Taught by Sarqit Outdoor Living School.

### What's in the Pond?

Saturday, October 10, 11 a.m. – 1 p.m.

Ages 8 – adult, \$7.

Taught by Paul McIver, Ecologist. Bring a snack and be  
prepared to go outside.

### Avian Arvada - Bird Walks in

#### Local Spaces

Saturday, October 17, 8 – 11 a.m.

All ages, Free.

Join an Audubon Master Birder at Two Ponds National  
Wildlife Refuge (9210 W. 80th Ave.).

### Top 10 Fall Garden Tasks for a Good 2016

Saturday, October 17, 11:30 a.m. – 12:30 p.m.

Adults, \$3.

Learn from a CSU Master Gardener about 10 important  
fall garden tasks.

### Nature Notebooks – Flight and Sketch

Wednesdays, October 21, 28, and November 4, 6 – 7:30 p.m.

Ages 8 – adult, \$40 for 3-week session.

Develop your artistic skills using a variety of mediums and  
techniques.

### Caribbean Isles: Majestic View Nature Center Travel Series

Tuesday, October 27, 7 – 8:30 p.m.

Ages 10 – adult, \$3.

### Wild, Weird, and Wacky

Monday, November 2, 5 – 6 p.m.

Ages 4 – 10, Free.

Learn about a few of the weirder members of the  
animal kingdom.

### Tai Chi at Majestic View

Mondays, November 9 – December 14

**Beginning Tai Chi**, 6:15 – 7:15 p.m.

**Continuing Tai Chi**, 5 – 6 p.m.

Adults, \$60 for each 6-week session.

### Rawhide Rattles

Thursdays, November 12 and 19, 6:30 – 8:30 p.m.

All ages (young kids with adult), \$25.

Sarqit Outdoor Living School teaches you to make a  
unique percussion instrument.

### Now I See You, Now I Don't

Saturday, November 14, 10:30-11:15 a.m.

Ages 3-6, \$3.

Explore one of nature's greatest defenses - camouflage!

### Wolves - Alpha to Omega:

#### Night with a Naturalist Series

Tuesday, November 17, 6 – 7:30 p.m.

All ages, Free.

### Talk to the Animals:

#### The Downtown Aquarium

Saturday, November 28, 10:30 – 11:15 a.m.

All ages, \$3/person or \$10/family.

Interact with ambassador animals from The Downtown  
Aquarium.

### Cattail Angels

Wednesday, December 2, 6:30 – 8:30 p.m.

All ages (young kids with adult), Free.

Weave an angel out of cattails with Sarqit Outdoor  
Living School.

### Eco Holiday Crafts

Thursdays, December 3, 10, and 17, 5 – 6:30 p.m.

Ages 6 – adult, \$5/class or \$13 for all three.

Ornaments and decorations made from reused products.

### Digging for Dessert

Saturday, December 5, 11 a.m. – 12 p.m.

Ages 6 – 12, Free.

Mine chocolate chips from tasty cookies and learn how  
mining affects the land.

# Around Town



## October

- 10 Festival of Scarecrows**  
Olde Town Square  
10 a.m. – 3 p.m.  
**303-898-7403**  
*See page 14*
- 10 Top Hats and Ball Caps**  
Arvada Community Food Bank Fundraiser  
Lamar Street Center  
5889 Lamar Street  
6 – 11 p.m.  
**303-424-6685**
- 10 Shred-A-Thon**  
Sponsored by the Arvada Police Department  
Arvada Center for Arts and Humanities  
8 a.m. – 12 p.m.  
**720-898-6900**  
*See page 9*
- 22 Taste of Arvada**  
October 22  
Sponsored by the Arvada Chamber of Commerce  
APEX Center  
6 – 8 p.m.  
**303-424-0313**

- 30 Halloween Bike Ride**  
Sponsored by Healthy Places  
Arvada  
Olde Town Square  
6 p.m.  
**720-898-7000**
- 30 Trick or Treat Street**  
Olde Town Arvada  
5 – 7 p.m.  
**303-420-6100**

## November

- 6-7 APEX Annual Craft Fair**  
Community Rec Center  
6842 Wadsworth Blvd.  
6 – 8:30 p.m. Friday  
9 a.m. – 3 p.m. Saturday  
**303-425-9583**
- 7 Veterans Walk**  
Two Ponds National Wildlife Refuge and Majestic View Nature Center  
9 a.m.  
**720-898-7405**  
*See page 8*
- 8 Hot Chocolate Bike Ride**  
Arvada Olde Town Square  
3 p.m.  
**720-898-7000**

- 13 Wines for the Holidays**  
Lamar Street Event Center  
5889 Lamar Street  
5 – 8:30 p.m.  
**720-898-7000**  
*See page 8*
- 20-21 Christmas Yard Sale**  
Arvada Historical Society  
McIlvoy House  
7307 Grandview Avenue  
**303-815-4154**  
*See page 7*
- 11/23-12/23 Irving Berlin's White Christmas**  
Arvada Center for Arts and Humanities  
6901 Wadsworth Blvd.  
**720-898-7200**
- 27 Handmade Holiday Arts and Crafts Fair**  
Arvada High School  
7951 W. 65th Ave.  
*See page 7*

The Arvada Visitors Center is a one-stop-shop resource for the residents of Arvada and guests visiting the area. The Visitors Center is located in Historic Olde Town Arvada at 7305 Grandview Ave. **Summer hours:** May - August, Monday - Friday: 8:30 a.m. - 5 p.m., Saturday: 10 a.m. - 4 p.m., **Winter hours:** September - April, Monday - Friday: 8:30 a.m. - 5 p.m.  
For more information, contact Jean Gordon at **720-898-3380** or [jean@visitarvada.org](mailto:jean@visitarvada.org). Online at [visitarvada.org](http://visitarvada.org).



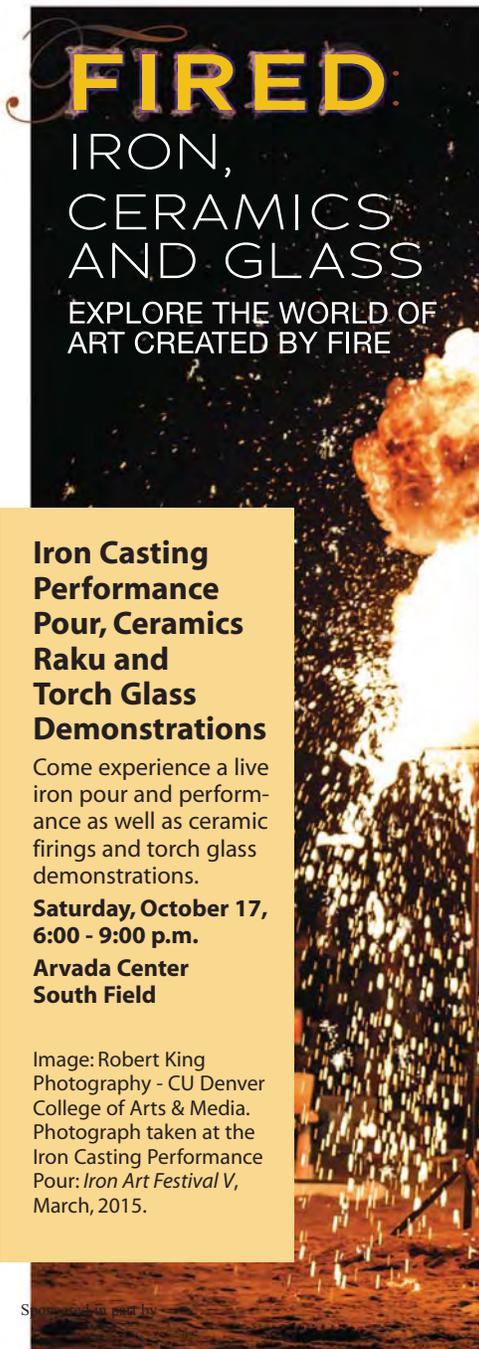
# Arvada Center Happenings

IN THE GALLERIES



*The Arvada Center—  
Treat Yourself to the Arts!*

To purchase tickets and for more information call 720-898-7200 or visit [www.arvadacenter.org](http://www.arvadacenter.org)



**FIRED**  
IRON,  
CERAMICS  
AND GLASS  
EXPLORE THE WORLD OF  
ART CREATED BY FIRE

**Iron Casting  
Performance  
Pour, Ceramics  
Raku and  
Torch Glass  
Demonstrations**

Come experience a live iron pour and performance as well as ceramic firings and torch glass demonstrations.

**Saturday, October 17,  
6:00 - 9:00 p.m.**  
**Arvada Center  
South Field**

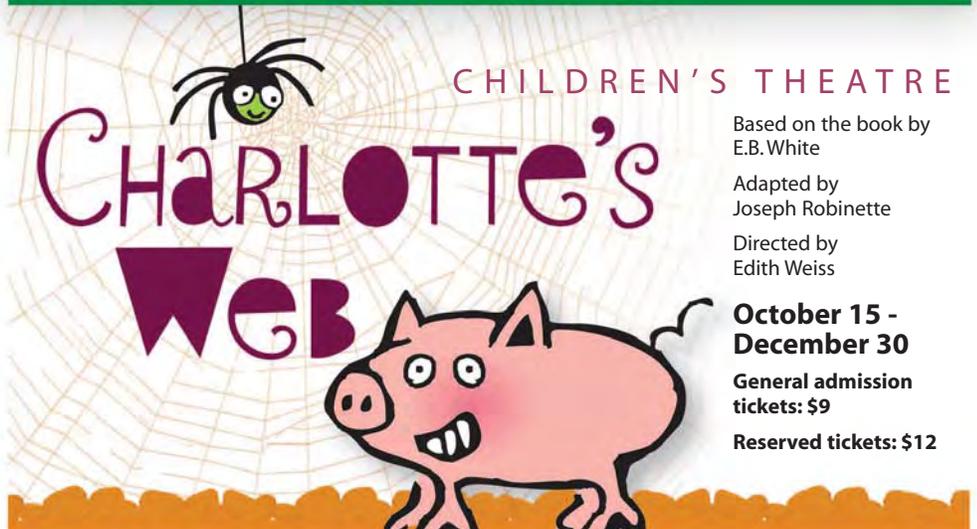
Image: Robert King Photography - CU Denver College of Arts & Media. Photograph taken at the Iron Casting Performance Pour: *Iron Art Festival V*, March, 2015.



*Irving Berlin's*  
**WHITE CHRISTMAS**  
THE MUSICAL

Based upon the Paramount Pictures Film  
Written for the Screen by Norman Krasna, Norman Panama and Melvin Frank  
Music and Lyrics by Irving Berlin • Book by David Ives and Paul Blake  
Original stage production directed by Walter Bobbie • Orchestrations by Larry Blank  
Vocal and Dance Arrangements by Bruce Pomahac • Directed by Gavin Mayer

**NOVEMBER 24 – DECEMBER 23, 2015**  
MAIN STAGE THEATRE



CHILDREN'S THEATRE

Based on the book by E.B. White  
Adapted by Joseph Robinette  
Directed by Edith Weiss

**Charlotte's  
WEB**

**October 15 -  
December 30**  
General admission  
tickets: \$9  
Reserved tickets: \$12



# YOUR VOTE IS YOUR VOICE

Nov. 3

Local government touches your life more than any other form of government. And when you vote in a local election, it's your chance to really make a difference.

The city of Aurora will conduct its regular municipal election Nov. 3 when voters will elect a mayor, two at-large council members and council members for Wards IV, V and VI. Terms of office are four years.

Voters also will be asked to vote on Charter Amendment 2J, which would repeal a section of the city of Aurora charter related to appropriate and reasonable economic incentives for motor sports facilities. Finally, the ballot will include a statewide tax issue and school district races.

### Confirm your registration

Visit [www.govotecolorado.com](http://www.govotecolorado.com) to ensure that you are registered to vote and verify your address. If you do not receive a ballot, contact your county elections office or visit a Voter Service and Polling Center to request one. Ballots are not mailed after Oct. 26, and are not forwarded by the Postal Service.

### Receive Help at a Voter Service and Polling Center

Visit any Voter Service and Polling Center in your county from Oct. 26 through 7 p.m., Nov. 3 to register to vote, update your registration, request or replace a ballot, or vote on an accessible voting machine. Hours vary. To find your nearest ballot box or VSPC location, please visit [www.mycoloradovote.org](http://www.mycoloradovote.org).

### Watch your mailbox

Because this is a mail-ballot election, all active registered Aurora voters in Adams, Arapahoe and Douglas counties will automatically receive a ballot in the mail. Ballots will be sent out starting Oct. 12, and in order to be counted, must be received no later than 7 p.m. Nov. 3.

### Return your ballot

1. Mail your ballot with 70 cents paid postage (must arrive by Nov. 3; postmarks do not count).
2. Stop by the Aurora City Clerk's Office at the Aurora Municipal Center, 15151 E. Alameda Parkway; or the Clerk and Record Altura Plaza facility at 15400 E. 14th Place in Aurora during regular business hours.
3. Drop your ballot off at 24-hour ballot drop-off location, which are located at the Aurora Municipal Center west parking lot; the Mission Viejo Library, 15324 E. Hampden Circle; the Tallyn's Reach Library, 23911 E. Arapahoe Road; the Aurora Center for Active Adults, 30 Del Mar Circle; and the Arapahoe County CentrePoint Plaza, 14980 E. Alameda Drive.

For a list of candidates and other information, contact the Aurora City Clerk's Office at 303.739.7094 or visit [www.auroragov.org](http://www.auroragov.org).

## Upcoming Aurora City Council Town Meetings

Call 303.739.7015 for more information.

### Ward I Town Meeting

#### Council Member Sally Mounier

- Oct. 1, 6-8 p.m.
- Oct. 10, 1-3 p.m. (Say It To Sally)
- Nov. 5, 6-8 p.m.
- Nov. 14, 1-3 p.m. (Say It To Sally)

Martin Luther King, Jr. Library  
9898 E. Colfax Ave.

### Mornings with Marsha and Mounier Council Members Sally Mounier and Marsha Berzins

- Oct. 22, 7:15-8:30 a.m.
- Nov. 19, 7:15-8:30 a.m.

Tin Cup at Aurora Hills  
50 S. Peoria St.

### Ward III Town Meeting

#### Council Member Marsha Berzins

- Oct. 14, 6:30-8 p.m.
- Nov. 12, 6:30-8 p.m.

Aurora Chamber of Commerce  
14305 E. Alameda Ave.

### Ward IV Town Meeting

#### Council Member Molly Markert

- Oct. 22, 6:30-8:30 p.m.

Pima Medical Institute  
13750 E. Mississippi Ave.

### Ward V Town Meeting

#### Council Member Bob Roth

- Oct. 14, 6:30-8:30 p.m. (candidate forum)

Heather Gardens Clubhouse  
2888 S. Heather Gardens Way

### Ward VI Town Meeting

#### Council Member Bob Broom

- Oct. 7, 7-8:30 p.m. (candidate forum)

Heritage Eagle Bend Clubhouse  
23155 E. Heritage Parkway

## CherryArts Festival at Stanley in Aurora to bring national art, local flavor and creative living

Experience national art, local flavor and creative living at the CherryArts Festival at Stanley Oct. 23, 24 and 25.

Produced by the Cherry Creek Arts Festival, CherryArts Festival is a collaboration with the yet-to-be-opened Stanley Marketplace, located at 2501 Dallas St., in Aurora.

The festival includes a national juried art show with more than 70 exhibiting artists in 13 media categories, including ceramics, mixed media, digital art, photography, metalworks and drawing. For a complete list of participating artists, visit <http://cherryartsstanley.org/exhibiting-artists/>.

In addition to the national juried artists, visitors will enjoy live entertainment, children's activities, home design vignettes by Colorado Homes & Lifestyles and culinary demonstrations at the Colorado Homes & Lifestyles Kitchen presented by Specialty Appliance Dacor. Visitors also are invited to experience Chandelier Harp, the interactive light sculpture created by Boulder-based and internationally renowned artist Jen Lewin.

"We are excited to collaborate with the Stanley Marketplace as they open their doors to the Aurora and Stapleton neighborhoods," said Chris Stevens, CherryArts president and CEO. "CherryArts' newest event, CherryArts Festival at Stanley, strives to integrate art buying into this new food-centric, community-inspired hub."



Opening in 2016 inside a former aviation building on the border of Aurora and Stapleton, Stanley Marketplace will include a beer hall, multiple restaurants, a fitness center and yoga studio, office space, an events center, and numerous retail options.

CherryArts Festival at Stanley is free to the public from 10 a.m. to 5 p.m. Oct. 24 and 25, with a special Opening Night Grand Tasting ticketed event from 6 to 9 p.m. Oct. 23.

The Opening Night Grand Tasting will feature an exclusive first look at Stanley Marketplace with a grand tasting of future Stanley Marketplace restaurants and vendors, national juried visual artists, and special entertainment and programming. Tickets to the Opening Night Grand Tasting can be purchased at <http://cherryartsstanley.org/buy-tickets-grand-tasting/>.

For more details, visit [cherryartsstanley.org](http://cherryartsstanley.org).

## Aurora Fire Department accredited once again for quality of service

The Aurora Fire Department has demonstrated that it is among the best of the best fire departments in the country after earning re-accreditation for the fourth consecutive time from the Commission on Fire Accreditation International.

The Aurora Fire Department received the five-year Accredited Agency Status after meeting the criteria established through the Commission on Fire Accreditation International's voluntary self-assessment and accreditation program.

It's one of more than 200 agencies to achieve International Accredited Agency status with the commission and the Center for Public Safety Excellence, Inc.

"This achievement once again demonstrates the Aurora Fire Department's commitment to provide the highest quality of service to our community," Aurora Fire Chief Mike Garcia said. "We have used the Commission on Fire Accreditation International's process as a proactive mechanism to plan the department's future and locate areas where we can improve on the quality of the service we provide."

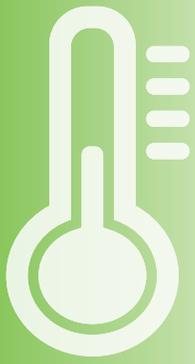
The Commission on Fire Accreditation International is dedicated to assisting the fire and emergency service agencies throughout the world in achieving excellence through self-assessment and accreditation in order to provide continuous quality improvement and the enhancement of service delivery to their communities.

The accreditation process is voluntary, and provides an agency with an improvement model to assess their service delivery and performance internally, and then works with a team of peers from other agencies to evaluate their completed self-assessment.



## Recycling Roundup

Recycling is a good habit, but it is important to remember it comes third in the oft recited mantra: "reduce, reuse, recycle." Investing in products and devices that are durable and lasting or that eliminate our need for disposable products are great ways to reduce waste and are worth the little extra it may cost over the long-term. Repurposing, or reusing old products to meet a need you have, can be a money-saving and stylish way of getting things done.



## Energy Tip

Are you replacing air filters when you should be? A clogged air filter in your furnace or air conditioner can reduce the system's efficiency and waste energy. Going too long without replacing a filter can affect the function and safety of your heating and cooling systems.



## Sign up for emergency notifications

Register to receive emergency notifications about natural and man-made disasters, missing child or at-risk adult, or a public safety issue in your area through your cell phone, text messaging or email by signing up online with the city of Aurora. Go to [www.auroragov.org](http://www.auroragov.org), click on the "Citizen Alert, Notification Sign Up" button and follow the easy instructions. Notifications do not include weather alerts. For weather alerts, tune into a NOAA Weather Alert Radio or local television and radio stations or sign up on some of the various websites like news stations that offer weather notifications. Emergency messages also are often posted on the city's Facebook page at [facebook.com/auroragov](https://facebook.com/auroragov).

## Emergency sirens testing Nov. 10

At 11:30 a.m. Nov. 10, the city's Office of Emergency Management will test the early warning sirens. You will hear a three-minute wailing sound, which in the case of a real emergency would warn residents to seek shelter. At the end of the test, sirens will sound a 30-second whoop tone indicating an all-clear. Visit [auroragov.org](http://auroragov.org) for more information.

# OUT AND ABOUT

## Gateway to the Rockies Art Show

Sept. 22 to Nov. 7  
9 a.m. to 4 p.m. Tuesday through Friday  
11 a.m. to 4 p.m. Saturday and Sunday  
Aurora History Museum, 15051 E. Alameda Parkway  
303.739.6660 or [auroramuseum.org](http://auroramuseum.org)

View a juried exhibit of paintings, photography and miniatures. Artwork is for sale.

## Confidential Shredding

Shred for free during the month of October  
8 a.m. to 4 p.m. Monday through Friday  
8 a.m. to noon Saturday  
Curbside, Inc., 15686 E. Batavia Drive  
303.343.7096

Open to Aurora residents, businesses and city employees (with city ID). Unlimited amount of paper only. To view your paper being shredded, make an appointment for Wednesdays from 8 a.m. to 4 p.m. and pay \$25 for 10 boxes.

## Trick or Treat Nature Trail

Oct. 25, 1 to 4 p.m.  
Star K Ranch, 16002 E. Smith Road  
Register at 303.326.8650.

Stroll the trail for booths, a scavenger hunt puzzle and more. Free.

## Oil and Gas Committee

Nov. 4, 3 to 4:30 p.m.  
Aurora Municipal Center, 15151 E. Alameda Parkway  
Aspen Room (Second Floor)  
303.739.7000

The public is invited to attend this informal committee appointed by the Aurora City Council to discuss oil and gas issues as they arise.

## Fall Pottery Sale

Nov. 6 and 7, 9 a.m. to 4 p.m.  
Ecotech Institute, 1400 S. Abilene St.  
303.344.1776

Shop for handmade pottery courtesy of the Aurora Potters Guild.

## Festival of Wreaths

Nov. 10 to Dec. 11  
9 a.m. to 4 p.m. Tuesday through Friday  
11 a.m. to 4 p.m. Saturday and Sunday  
Aurora History Museum, 15051 E. Alameda Parkway  
303.739.6660 or [auroramuseum.org](http://auroramuseum.org)

Sign up your business or organization to decorate and donate a wreath to be sold in this silent auction fundraiser for the museum, or come out and bid on one of more than 30 festive wreaths.

## America Recycles Day

Nov. 15, 9 a.m. to 1 p.m.  
Aurora Central Facilities Recycling Drop-off  
13646 E. Ellsworth Ave. (at the south end of the city's Wastewater/Stormwater lot)

Aurora residents may drop off mercury-containing devices (excluding CFLs and fluorescent tubes) and alkaline batteries.



## Got chemicals?

Help the environment and dispose of household chemicals and paints responsibly. For just \$20, the At Your Door program will pick up chemicals from your home and properly dispose of them. They'll even accept electronics. Call 800.449.7587 or go to [WMAYourDoor.com](http://WMAYourDoor.com).

If it's old paint that's taking up your storage space, you can take the lid off, let it dry out, and put it in the trash, or you can take it to various businesses that will accept it for free through the statewide PaintCare program. For a list of acceptable items and locations near you, go to [paintcare.com](http://paintcare.com) or call 855.724.6809.

## Xeric landscape wins award

Congratulations to Deb Hoffman, this year's winner of the annual Excellence in Xeriscape award. In its second year, the contest recognizes residential and commercial customers who have converted to xeriscape and created great showcases for low-water landscapes.

Hoffman converted to xeriscape in 2007 after moving into a home that had little more than weeds and dirt in the front yard.

"I knew about the concept, but had no experience with it," said Hoffman, adding that she has been pleasantly surprised by how little maintenance—and water—her landscape requires. She watered for about two years, but aside for weeding, the landscape now requires little maintenance. "I really don't have to worry about it much. It is so well-rooted that it needs no water other than rain."

Hundreds of Aurora Water customers have taken advantage of the free xeriscape design consultations offered through Water Conservation and have converted to xeriscape. It's a water-saving concept that incorporates native plants and groups them together based on their water needs. Once established, many xeriscape plants require little or no water, and there is a wide variety of xeric plants, so landscapes can have year-round color and a ton of variety.



# WATER Conservation Classes

Learn how to save water and money on your monthly bill while creating incredible landscapes that will make your neighbors jealous.



## Registration is Required.

Call 303.739.7195 or go to [aurorawater.org/waterclasses](http://aurorawater.org/waterclasses)

## PREPARING FOR YOUR DESIGN CONSULTATION

This class is required for your one-on-one design consultation. Learn how to map your property and compile information for your designer.

- Nov. 3, 6 to 7:30 p.m.  
Aurora Municipal Center, Aurora Room  
15151 E. Alameda Parkway

## Our permanent conservation measures that

limit watering to three days a week ended Sept. 30, but please continue to water wisely and remember that your trees need water at least once a month throughout the year.



## Rebate program changes

There's only a few months left to take advantage of the \$25 toilet rebate offered through Water Conservation. Beginning in 2016, that rebate, which is offered for toilets with an average 1.28 gallons per flush, will no longer be offered. However, customers can still take advantage of the \$150 rebate offered for ultra-high efficiency toilets that use an average of 1.1 gallons per flush or less. Look for the WaterSense logo when you're shopping and go to [aurorawater.org](http://aurorawater.org) for more information.





# OUR TOWN

THE OFFICIAL NEWSLETTER OF THE TOWN OF LOS ALTOS HILLS

SEPTEMBER 2015



4

Conserving Water



5

Taking Care of the Town



6

Butterflies



8

The Value of Common Core



## BICYCLING BY THE NUMBERS

9

Millions of bike trips each day in the U.S.

238

Number of gallons (in millions) of gas saved by commuting to work on a bike each year in U.S.

1

Billion of bicycles in the world, about twice the number of cars

60

Percentage of all bike trips are one mile or less



Packet Page 291

# Bicycling to School

Learning to ride a bicycle is a memorable rite of passage for many children. It will be many years before they learn how to drive, but riding a bike offers kids a sense of freedom and a simple, efficient way to get around — especially getting to and from school. With Gardner Bullis Elementary School located in the heart of town, cyclists — young and old — are a daily sight along Fremont Road. [CONTINUED ON PAGE 2]



## Biking as a Lifestyle Choice

You don't have to be a dedicated bicycle enthusiast, spending thousands of dollars on equipment and gear, to really enjoy biking. Once you own a bike and realize how easy it is to get around, you let it become part of your lifestyle. One resident explained, "Getting around by bike is a big part of our family's daily routine. We all choose to bike over taking a car for most short trips. We bike to school, meetings, errands, and just for fun."

## Biking to School

Kids love the flexibility of riding a bike to school. Jan Ahrens said, "My two sons really like the flexibility and control of their schedule. They bike to school at different times, and return home when they've finished their after-school sports, hanging out with friends, or studying. Best of all, they don't need to coordinate with me."

## Bike-to-School Day

Each spring, Gardner Bullis Elementary School's annual Bike-to-School Day promotes biking to school by providing group rendezvous points, treats at school,



*A Gardner Bullis student participates in the ABC Quick Check performed by Margaret Suozzo on Bike to School Day.*

and equipment safety checks. This school-wide event encourages students who do not already bike to school to try it out for a day. Safety in numbers is encouraged through bike trains — self-organized groups that bike together to school. Once the students reach school, volunteer parents offer ABC Quick Checks for bicycles and helmet fittings, which help kids learn how to check the air, brakes, crank, and chain on their bikes, as well as understand how to properly fit a helmet. Volunteer students hand out treats for those who biked, walked, or carpooled. Note that the Fremont Road pathway from West Edith to Town Hall is a

designated Safe Route to School. The next Bike-to-School Day is May 4, 2016.

## WoW! Program

GreenTown Los Altos, which strives to educate and inspire residents of Los Altos Hills and Los Altos to make environmentally-friendly choices and become more sustainable, introduced the Walk or Wheel (WoW!) program to encourage walking or biking to school. After several years, GreenTown reports that more than 43% of elementary school students and 67% of middle school students who attend Los Altos School District schools walk or ride a bike to school. Students who participate learn that riding a bike is not only good for the environment, but is also a great exercise, and they learn safety skills.

## SCHOOL TRAFFIC

As school begins in late summer, so do local traffic delays. Be aware that traffic on Fremont Road will generally back up between 8:15 to 8:30 am and 2:15 to 3:00 pm as parents drop off and pickup students at Gardner Bullis Elementary School Monday through Friday. Local drivers might want to look for alternate routes during these times. Please watch for students crossing by foot and on bikes on Fremont Road at crosswalks at West Edith, at Miranda, at Fremont Pines Lane, and at Manuella.

## SHERIFF'S BICYCLE SAFETY NOTES

One of our most important responsibilities at the Sheriff's Office is to keep residents of Los Altos Hills safe whether they are skating, riding a bicycle, motorcycle, or car. Therefore, we enforce all bicycle and motor vehicle laws to ensure public safety. Whether you are a beginner or veteran cyclist, please be informed about these California bicycle laws and relevant motor vehicle laws.

Let's start off with the bicycle helmet law. California Vehicle Code (CVC) 21212(a) is the law that requires all juveniles under 18 years of age to wear a helmet. This applies to all juveniles who ride on a bicycle, scooter, inline skates, motorized scooter, and skateboard. After the age of 18, the decision to wear a helmet is up to the individual; however, consider that there is a correlation between brain injuries and cyclists not wearing helmets. Helmets are designed to absorb the type of impact that is harmful (and sometimes lethal) to the brain.

Let's turn our attention to CVC 21200(a), the law that requires cyclists to obey all the same rules of the road as vehicles. In particular, CVC 27400(a) prohibits both cyclists and drivers wearing ear buds/headphones in both ears while operating a vehicle. This is because, when listening to music, a cyclist or driver cannot hear critical sounds in front and behind them — like a siren of an emergency vehicle, an approaching or trailing vehicle, or the sound of horse hooves.

Next, let's discuss CVC 22450(a) that requires all motor vehicles and cyclists to come to a full and complete stop at all posted stop signs. This bears repeating: *all motor vehicles and cyclists must come to a full and complete stop at all posted signs*. It is our experience that many cyclists feel they do not have to obey stop signs because they claim that they can see that an intersection is clear, or they say that it is inconvenient to unclip their shoes. The law, however, does not allow for any exceptions. Deputies who witness stop sign violations will issue a ticket.

Finally, let's cover the recently-passed bicycle law, CVC 21760(a), commonly known as the three-foot safety act. This law requires that motorists must pass a bicycle with at least three feet between the motor vehicle and the cyclist. However, there are some exceptions to this law; for example, if the lanes of traffic cannot allow for a three-foot distance between the motor vehicle and bicycle, or if passing would not endanger the cyclist's safety. In addition, the law requires that the motorist must slow to a prudent speed to pass the cyclist safely. This is especially important in Los Altos Hills, where many roadways have steep drop-offs.

The WoW! program at Gardner Bullis reinforces bicycling, walking, and carpooling to school all year long through recognition at school assemblies for trips completed and milestone awards. The school holds a bike safety assembly once per year to instruct students on safe riding rules and techniques. "Perhaps the best part is the sense of community that comes from walking and biking to school with your friends and family members," said Margaret Suozzo the school's WoW! organizer.

## Sharing the Road

By and large, the roads of Los Altos Hills are wonderfully scenic, winding and narrow. Here are a few basic safety tips for cyclists when sharing the road with motor vehicles:

- Cyclists must obey all traffic signals and stop signs.
- Be visible, alert, and communicate your intentions.
- Stay as far right on the road as you safely can.
- Cyclists should ride single file on a busy or narrow road.
- Be considerate to motorists, pedestrians and equestrians.
- Cyclists and pedestrians should carry identification.



### TO LEARN MORE:

To learn more about bicycle safety, visit:  
Agenda Item 5C Page 98  
<http://www.nhtsa.gov/people/injury/pedbimot/bike/kidsandbikesafetyweb/>

FROM THE CITY MANAGER

# Fiscal Year 2015-16 Budget Details

On June 18, 2015, the City Council adopted the 2015-16 Operating and Capital Budget with General Fund Budget of \$9.8 million in general fund revenues and \$9.7 million in general fund expenditure and transfers. Total general fund revenue is projected to increase by 4% and

general fund expenditures and transfers are projected to be reduced by 2% from the 2014-15 revised budget.

As shown below, the property tax, other taxes, and license, permits, and charges for services categories represent 74% of total budgeted general fund revenues. These revenue sources are sensitive to changes in the housing market. With the strengthening of the housing market, property tax revenue experienced an average 7% growth in the last few years, with a further 6% projected increase for 2015-16. This growth was driven by the restoration of property values to pre-recession levels. Property values were temporarily reduced by the County Assessor's Office during the "Great Recession" as required by Prop 8 Decline in Property Value. The "other taxes" category accounts for property transfers and is projected



Carl Cabill

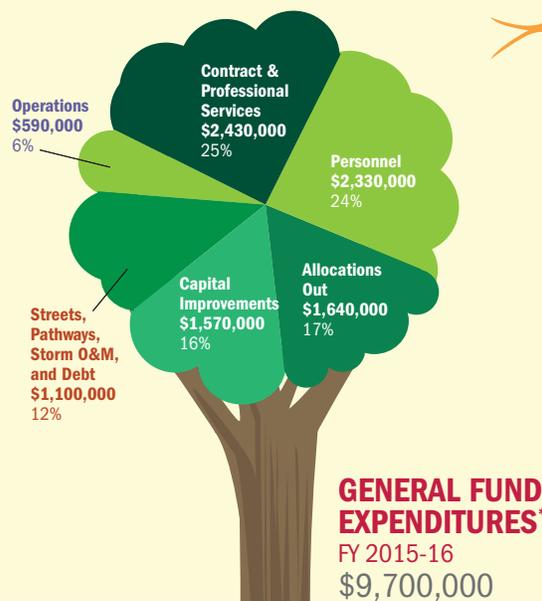
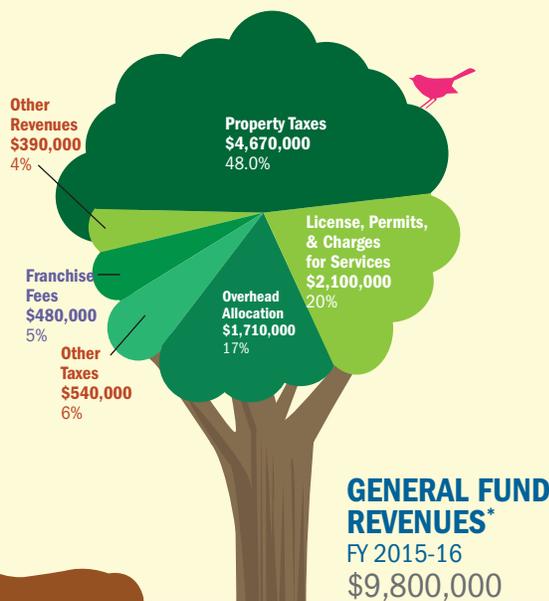
to increase 3%. License, permits, and charges for services are related to private developments. In the last three years, the town has seen a rise in these revenues because of increased numbers of development permits issued, as well as increases in the cost-recovery ratio.

The total \$9.8 million of budgeted general fund revenues supports the City Council-approved general fund appropriations and transfers of \$9.7 million. As shown in the expenditure chart, a substantial portion of the town's expenditures are related to personnel and contracts and professional services, which include a \$1.1 million contract with the County Sheriff for law enforcement services. Comparing to the 2014-15 revised budget, overall budgeted expenditures remain flat. To contain payroll costs, the town continues its policy of benefit cost-sharing with employees. Increases in contracts and professional services and operations are offset by the removal of one-time project appropriations, such as the general plan update, and biennial expenditures, like the election cost, in the prior year.

With continued commitment to maintaining the integrity of the town's infrastructure, the 2015-16

budget includes the transfer of \$614,000 for the Matadero Creek storm drain erosion repair and Barron Creek channel restoration projects and \$1.1 million for routine maintenance of the town's streets, pathways, and storm drains. Additionally, the budget includes a continued investment of \$1.1 million in the town's annual street rehabilitation program to maintain the overall public road pavement in good condition, with \$811,000 transferred from the general fund.

The general fund surplus of \$127,000 brings total projected 2015-16 general fund reserves to \$6.4 million. The council designated \$2.1 million of those reserves for operating contingencies, disaster contingencies, pension liability, and equipment replacement. The remaining \$4.3 million in undesignated reserves can support general fund operations for seven months without using general fund revenues budgeted in the new fiscal year. With \$2.1 million in designated and \$4.3 million in undesignated reserves, the town is in a financially healthy position for the coming year. A copy of the town's budget is available at [www.losaltoshills.ca.gov](http://www.losaltoshills.ca.gov) or at Town Hall Administrative Services Department.



\*Excludes internal allocations.

The Planning Department reviews proposed development for compliance with the town's General Plan and Zoning Ordinance and prepares long-range planning and policy documents. The department also provides support to the Planning Commission and City Council on development and land-use matters, and coordinates with the Pathways, Environmental Design and Protection, and Open Space Committees in the review of development permit applications.

The building division reviews architectural and structural plans for compliance with applicable building, plumbing, electrical, mechanical, and energy codes, and conducts site inspec-

tions of buildings under construction to ensure compliance with these codes.

**Planning and Building Activity**

Planning and building activity is at an all-time high. The town saw an increase in the number of planning approvals and building permits issued in the last fiscal year (July 1, 2014 through June 30, 2015). There were a total of 193 planning approvals, inclusive of the following:

- 32 new residences
- 31 additions and remodels
- 25 landscape plans
- 12 pools
- 40 fence/gates

In contrast, there were 142 planning approvals in FY 2013-14 and 119 planning approvals in FY 2012-13.

A total of 653 building permits were issued in fiscal year 2014-15 inclusive of the following:

- 28 new residences
- 10 second units
- 41 additions
- 91 interior remodels
- 34 pools
- 81 solar panels
- 25 EV chargers
- 54 re-roofs

By comparison, 568 permits were issued in FY 2013-14, and 474 permits were issued in FY 2012-13.

*Suzanne Avila, AICP, Planning Director*

Recently, residents received a notice from Purissima Hills Water District and Cal Water limiting outdoor watering to only two days per week. Below are some common questions that residents have about the new regulation.

**Q. Are drip irrigation, and hand watering exempt from the two day-a-week limitation?**

A. Yes. Drip irrigation, hand watering, and vegetable garden watering are exempt from the two-day-a-week limitation, but you must continue to show reductions or consistent low water use. An exemption from the two-day-a-week rule doesn't exempt a resident from conservation in total use.

# CONSERVING WATER

**Q. Will my entire landscape die by watering on only two days a week?**

A. No. Most shrubs and lawns will survive with a cycle-and-soak schedule two days a week. Lawns should no longer be brilliant green, but a dull olive color with a lot of brown; the lawn is still alive. And some shrubs that poorly fit a California climate will die, but this is a good time to replace with drought-tolerant natives. Make trees a top priority — give them water.

A common mistake made by professional gardeners is to overwater landscapes, which promote rapid growth and screening. During a severe drought, there should be no over-watering. Watering only two days should suffice.

**Q. If my weather-based controller saves more water than a two-day-a-week schedule, do we have to conform to the regulation?**

A. Yes. Though this is partly correct, you must conform to the two-day-a-week schedule which enables the districts to monitor everyone's schedule for compliance, and enables neighborhood-based compliance. In addition, weather-based controllers don't automatically account for mandatory cutbacks during a drought; in fact, this system may water more than previous years. Some systems, nevertheless, may be set for reduction, such as 25% less than the system's recommended amount. It still doesn't exempt you from the two-day-a-week rule.

**Q. Some people will simply water more on two days, and not reduce. Does the two-day-a-week rule help conserve water?**

A. Yes. It's expected that residents in town are responsible and want to contribute to the solution and not the problem. Using an equal amount or more water on two days than a prior watering schedule is gaming the system, which is irresponsible given the severe drought in the state.

**Q. Can the water districts monitor my use and will I be fined for watering more than two days?**

A. Yes. Noncompliance with the regulation will result in notices from the water districts, and continued failure to comply will result in a fine or termination of water service.

# TAKING CARE OF THE TOWN

Each day, while residents go about their business, there is a hard-working crew of three that works behind the scenes, sometimes around the clock, to keep the town well-maintained and safe. That team is the town's Public Works Department, led by Superintendent Jacob Asfour, and his crew members, Oswaldo Arellano and Hector Huerta — all of whom take great pride in their work. The public works teams are on call 24/7, 365 days a year. They are responsible for the maintenance of 65 miles of paved roadways and 96 miles of pathways. When trees fall and block roadways or storm drains back up, Asfour and his team are the first responders. All of the town's maintenance crewmembers have commercial class A driver's licenses and are certified in heavy equipment operation, traffic control, handling hazardous materials, trenching, and excavation. Additionally, crew members are CERT-certified and receive regular training in first aid and all aspects of workplace safety.

In addition to maintaining roads and pathways, the Public Works Department provides many other critical services such as trimming trees and shrubs along public roads and pathways; creating and maintaining street signs; cleaning storm drains and natural ditches; maintaining town facilities and parks; maintaining all of the town's vehicles; making minor street repairs and applying asphalt crack sealing; building small shelters; removing graffiti; and helping with the maintenance of Westwind Community Barn. In addition to all these ongoing responsibilities, the team also helps out with official town events, like the Pathways Run/Walk and the Town Picnic.

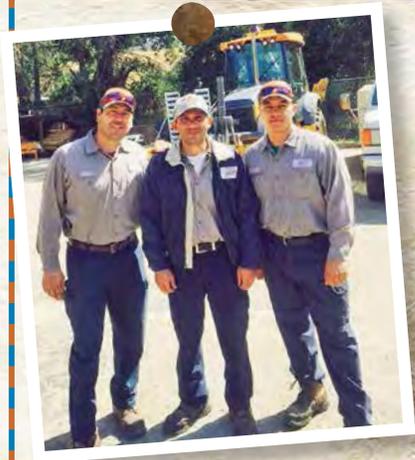
Unfortunately, there are some individuals who use the town's beautiful streets as their own dumping ground—an activity that is strictly forbidden by town ordinance. Asfour and his team regularly go around and pick up illegally dumped garbage, and sometime hazardous materials, soon after it is reported—at a cost to all residents. (Residents are encouraged to call 911 to report any illegal dumping in progress.)

Throughout the year, Asfour focuses on specific projects, depending on the season. Prior to the rainy season, Asfour and his crew focus on cleaning trenches and storm drains from accumulated fall leaves and debris. When winter arrives, the crew keep storm drains clean and repair any damage to roadways and pathways.

After spring arrives and before the summer fire season begins, the crew works assiduously to clear dry weeds and dead or overgrown trees from the sides of roads and pathways. This is the most challenging period for the crew because not only do weeds grow quickly, they are also growing all over town, an area that covers approximately nine square miles. For a crew of three, there is a lot to take care of in a short period of time. Residents, who are concerned about the fire danger that tall weeds pose call in to make maintenance requests. However, these calls frequently come in all at once. For some residents, tall weeds can also aggravate allergy conditions as well as harbor disease-carrying insects like ticks. Some plants like poison oak and stinging nettle are noxious and must be cleared from the edges of pathways. Aware of all these issues, the crew of three does its best to schedule all the weed-clearing as soon as possible.

In the summer, the crew also repairs the roadway by replacing small sections or filling cracks with hot tar. At Westwind Community Barn, the crew assists with maintenance project like replacing storm drains or minor construction or repair projects.

To contact the Public Works Department, to report a maintenance request, contact Town Hall at 650-941-7222 or [rchiu@losaltoshills.ca.gov](mailto:rchiu@losaltoshills.ca.gov).



## MEET THE TEAM

**Jacob Asfour** (center), Superintendent, reports to the Public Works director. He keeps track of all projects, and supervises his crew members — Oswaldo Arellano and Hector Huerta. Asfour has been working as Superintendent since September 2008. Prior to that, he was the lead maintenance worker for the Town of Woodside for eleven years. Asfour is certified in advanced welding, carpentry, and operating heavy equipment. He lives in Union City with his wife and two children.

**Oswaldo Arellano** (left), Maintenance Worker II, started working in the Public Works Department in December 2008. Prior to that, he worked at Westwind Barn for five years and was responsible for taking care of the horses, making repairs to the Barn and surrounding fenced pasture. Oswaldo lives in Mountain View with his wife and two children.

**Hector Huerta** (right), Maintenance Worker II, has been employed by the town since June 2009. Huerta has his technical certification in commercial and residential heating, venting, and air conditioning. He lives in Half Moon Bay with his wife and two children.



weather comes and the host plant is gone, the larvae go dormant. This is usually in the leaf litter or duff near where the host plant was. When it rains again and the plants start to grow, the larva wakes up, eats until it is big enough to pupate, then metamorphoses into a butterfly, and the cycle starts again. Several butterfly species are in our environment year round in less recognizable forms. If you want to encourage butterflies in the garden, it is important to understand the life cycle. For example, clearing out leaf litter may clear out the butterfly larvae as well.

Some butterflies migrate long distances, which affects their reproductive strategy. The painted lady (*Vanessa cardui*), shown on left, overwinters on the US/Mexico border and migrates northward in late winter. Although we often see painted lady butterflies, they



### LIST OF BUTTERFLY-FRIENDLY PLANT SPECIES

Yarrow (*Achillea millefolium*)  
 Hollyhock (*Alcea rosea*)  
 Aster (*Aster chilensis*)  
 Foxglove (*Digitalis sp.*)  
 Buckwheat (*Eriogonum spp.*)  
 Sunflower (*Helianthus spp.*)  
 Lupine (*Lupinus spp.*)  
 Sticky monkey flower (*Mimulus aurantiacus*)  
 Beard tongue (*Penstemon spp.*)  
 Milkweed (*Asclepias spp.*)  
 Borage  
 Hound's tongue (*Cynoglossum spp.*)

are not actually regular residents of the town – they are just passing through. In some years they migrate through in the millions and are quite noticeable. When they emerge as adults, they have a large store of yellow fat that allows them to fly long distances non-stop. If you have ever noticed a big yellow splotch on your windshield, it may have been from a painted lady from the border. Eventually, these long-distance travelers use up this store of fat and stop to nectar and mate. They lay their eggs, the larvae hatch, and within about four weeks another set

of adults continues the migration route. So, when you hear about butterflies migrating from Canada to Mexico (and vice versa), it is not a single butterfly that makes the trek; it takes a few generations to accomplish the task. They migrate north in late winter, and migrate south in August-November. Exactly why this happens remains a mystery.

Contrast this with the West Coast lady (*Vanessa annabella*), pictured above, which moves up and down slope, rather than up and down latitudes. This butterfly is territorial. It is common in urban environments, and occurs in all habitats except the deep woods. Because it has a localized migration pattern, it does not need to produce several generations each year. Interestingly, both species rely on the same host and nectar plants, which are mainly our weeds, including thistles and mallow.

### FUN FACTS

- Our understanding of the relationship between butterflies and plants contributed to our understanding of co-evolution, where two completely different species evolve reciprocally (a change in one elicits a change in the other).
- Butterflies are not significant pollinators, but they do provide food for birds. Monarch butterflies taste bad, so several other species that look like monarchs are less likely to be eaten by birds.
- The painted lady migration pattern is also observed from North Africa and the Middle East into Europe.

### Butterfly-friendly gardening practices

Plant several different host and nectar plants to attract butterflies. The larvae depend on native plants (oaks, coyote brush, buckeye, lupine, hound's tongue, plantago are just a few). The adults will nectar on native or non-native plants, so sweet pea, sunflower, borage, milkweed, daisies, yarrow, and just about any flowering plant will provide a nectar source for butterflies. When providing a nectar source, consider planting a palette that includes plants that bloom at different times of the year so that there is always a source of food for butterflies (and other nectaring insects, like bees).

Provide a wet or muddy spot on the ground for water and social connections (called puddling). Butterflies are social because they only have a few weeks to complete the cycle and create more butterflies. They meet at the watering hole, which is often a muddy rut in a dirt road, the edge of a cattle pond, or a puddle. Bird baths are too deep. Butterflies may drink water when puddling, but the main purpose is thought to be social.

Leave leaf litter in the area around the butterfly host plants. If you include host plants in your garden where butterflies lay their eggs and larvae hatch out and feed, it may be important to leave some of the leaf litter and duff around the plants. It depends on the particular host plants and butterfly species, but some overwinter in the leaves and duff that accumulates under the plants.

*Taylor Vanderlip is an environmental consultant specializing in biological issues.*



# The Value of Common Core

The memories of summer fade away slowly as a new school year begins.

The biggest change in the world of education is the implementation of Common Core State Standards (CCSS) for K-12 programs intended to validate learning strategies in our public schools.

The CCSS are a set of K-12 educational standards in mathematics and language arts and literacy that have been adopted across 45 states; thus, as families move all across the country, our students will find a common set of learning goals within public schools using the CCSS. These new standards are designed to build students' knowledge and skills as they progress through school, so they are prepared for college entry and career life. Designed to have fewer, simplified standards, the CCSS adds rigor, so students delve deeper into fewer required topics. California's old state standards were overly prescriptive. Our local schools have embraced the CCSS, because they more clearly separate "the what" from "the how." This allows our teachers more freedom to innovate and tailor lesson plans to their specific needs.

The new standards have an integrated model of literacy that blends reading, writing, speaking, listening, and language skills applicable to a range of subjects. "The Common Core now gives us permission to go in depth," said Marie Pinder, teacher at Gardner Bullis Elementary. Her third-

*Above: Gunn High School pre-calculus students take it outside, where a bouncing ball demonstrates an infinite geometric series. Right: Bullis Charter School middle school students work in small groups to investigate the fall of the Roman Empire.*

grade students explored their passions with "Expert Projects," which they researched through books, online sources, created slides on computers, and then presented to an audience. One challenge was the varied levels of reading comprehension among students, so Pinder worked with the school librarian to provide books at just the right level via library carts in the classroom.

The Common Core State Standards are designed to build students' knowledge and skills as they progress through school, so they are prepared for college entry and career life. Designed to have fewer, simplified standards, the CCSS adds rigor, so students delve deeper into fewer required topics.

The new standards increase frequency of non-fiction reading and require cross-disciplinary projects. "The Common Core makes the benefits of a more unified curriculum more obvious," explained Lisa Stone, teacher of History and English Language Arts at Bullis Charter's middle school. Her students studied the fall of the Roman Empire, then broke into small groups to answer, "Is the USA next?" The students researched reliable sources, resolved conflicting information, summarized findings, and took notes. With all students speaking, the groups presented their findings to an audience accompanied by multimedia slides. The associated writing assignment was, "What was the main cause for the fall of the Roman Empire?," based on the evidence they had gathered through historical research.

In science and social studies, teachers lead students cooperatively in "close reading" of complex texts like the Magna Carta in its original English, science articles, and scientific data. These passages are challenging for all students. Teachers structure questions to break it down for analysis to improve comprehension.

The goal for mathematics is to teach learning strategies to solve problems that will last a lifetime, rather than memorizing facts that can be soon forgotten. Mistakes are an opportunity for deeper learning. In algebra classes, teacher Noirin Foy at Blach

# STATE INTRODUCES THE SBAC TEST

Junior High posted the new learning goals on the wall and removed the desks. She has kidney-shaped tables topped with white boards. "These tables made the biggest change for me to implement the Common Core," she said. Daily, she created small groups based upon student need and gave mini lectures on the tables. She encouraged her students to take pictures with phones and computers for their notes. "Hearing each other's reasoning is really powerful. They need to socialize. They are off topic much less often in this class environment," observed Foy.

With high school students fluent in technology, the standards do not drive instruction, but reflect what teachers can



now do to facilitate learning strategies. "Students cannot cram for a month, take a test, and move on," reflected Robert Barker, world literature teacher at Los Altos High School. "Through online discussion groups we are now hearing from everyone. Students are crowd-sourcing ideas in class where all benefit — from struggling to advanced students." Barker continued, "The students are not just staring at screens. Their online participation fosters increased face-to-face interactions. We can now logistically manage transformational instruction that is

In September, parents will receive the first results for the new SBAC (SMARTER Balanced Assessment Consortium) Testing for those who took the test in the previous school year. There will be a numerical score for mathematics and for language, but the overall value reported will be one of four values: Exceeds Standard, Met Standard, Nearly Met Standard, or Standard Not Met. An important point to remember is that these results cannot be compared with previous results from the former STAR tests.

Local schools administered the tests by computer. During SBAC testing, students were given a varying number of questions that might range in difficulty. The computer-based tests adjusted the questions asked based on how a student answered previously. If they answered correctly, the next question might be harder. If they answered incorrectly, the next question might be easier.

"Formative assessment is currently moving toward center stage on the national scene. Not surprisingly, it appears that most formative assessment efforts lack attention to the rigorous elements that are critical to potential effectiveness," wrote David Foster of the Silicon Valley Mathematics Initiative in 2009. Fast-forward to the spring of 2015, when the state provided assessments developed by Foster to public schools to use for mathematics. These arrived too late in the school year to impact SBAC results as testing was already underway. However, Sandra McGonagle, Assistant Superintendent for the Los Altos school district, reported that these assessments are very high quality, include full rubrics for teachers, and will be useful as formative assessments in this and future school years.

Very few students in third through eighth grade opted out of the state testing according to school district officials. At the high school level, a greater but not significant number of students opted out. SBAC testing occurred in the same timeframe as Advanced Placement (AP) testing. Overall in California, there was little opposition to the new tests as the state does not tie the student test results to teacher compensation.

differentiated, democratic, practiced, and immediate."

Gunn High School is moving to "block scheduling" with class lengths of 70, 75, or 80 minutes. Gunn math teacher Toni Smith commented, "Common Core is a new way of applying concepts to real-life problems. With the new schedule, we have more time for group work and for projects where kids can be creative and apply their learning." For example, her math students designed amusement park rides with computer-based modeling and made math rap videos to remember the quadratic formula.

The remaining challenge is that textbooks have not yet responded to Common Core, but teachers are pulling inspiration from many sources and meet

in teams and across specialties to share what works. "As teachers, we know that there isn't one mathematics or language arts program out there that works for all students. We pick and choose the best parts of the programs we have used over the years and we use the knowledge and skills we learned about teaching those subject areas to differentiate instruction to meet the needs of all students. The Common Core State Standards are bringing us back to a place where teachers have more control to do this," said Teri Baldwin, Palo Alto Educators Association President.

*Heather Rose is a member of the Los Altos Hills Education Committee. More details can be found at <http://losaltoshillseducation.org>.*

## OPENINGS ON YOUTH COMMISSION

The Los Altos Hills Youth Commission (LAHYC), established in 2010, represents tweens and teens (grades 6 - 12) in local government and engages them through

activities and volunteer events. Each year the LAHYC holds three signature events: Movie Night, the Halloween Monster Bash, and the Leadership Conference. The popular Leadership Conference is designed to promote leadership, and foster participation in certain fields that have thrived in Silicon Valley. The other popular event for local youth is Movie Night, usually held at Town Hall, aimed towards



bonding and developing a sense of community for young people who live in Los Altos Hills. The commission is dedicated to making a difference in the community, participating in the town's annual Town Picnic, Earth Day Festival, Hoedown, Barn Lighting, and

Easter Egg Hunt. Members of the youth commission also volunteer by feeding the homeless on Thanksgiving Day.

The LAHYC meets the first and third Tuesdays of every month from 7:00 to 8:00 pm in the Parks and Recreation Building at Town Hall. Currently there are three openings on the LAHYC; Agenda Item 5C, Page 105. For more information contact [sgualtieri@losaltoshills.ca.gov](mailto:sgualtieri@losaltoshills.ca.gov).

**W**ith summer coming to a close, students are gearing up for a new fall schedule. Back-to-school letters from local principals include a myriad of information and reminders for the new school year. As parents envision the year ahead and the things they hope to support their children in accomplishing, El Camino Hospital provides considerations to reinforce the mental well-being of teen students. In addition, there are many ways to enhance communication with your child and to connect with your local school to understand the mental health resources specific to your community in order to meet the unique needs of your family.



## Fostering MENTAL Well-Being

The beginning of the school year holds so much promise, and expectations can often be stretched. When the importance of mental well-being is discussed regularly, parents and children can align goals. Surveys reveal differing responses when you ask adolescents what they are most worried about compared to what they think their parents are most worried about for them—these conversations can help close that gap and build understanding.

Parents can be unsure on how to start these conversations. Something as simple as a car ride is a chance to start a dialogue with your teenager and ask your teen to give you details about what their ideal school year would look like. Open-ended discussions can enable your teen to feel listened to in a supportive way and provide opportunities to talk about how stress can occur and how it can be managed. Throughout the school year, regular check-ins with your child to see how things are going in terms of stress can be helpful in being able to identify potential problems early.

Topics of discussion could also include the importance of sleep and how many hours per night are ideal for physical and emotional well-being. Does the

8-10 hours of sleep recommended each night by health professionals match what you and your teen think is adequate? According to the National Sleep Foundation, most teens are not getting a sufficient number of hours of sleep each night and this can impact mood, memory, and ability to succeed in school. Healthy limits on electronic use, how to manage stress, and your personal definitions of “success” are all important topics that can be open-ended discussions with your child.

Fortunately, there is a wealth of services in the community to support these conversations and define new goals with your child, including services provided by your school. Your primary care doctor, school nurse, community mental health centers, local hospitals, and health professionals are all resources that can provide you with information and tools along the way.

Asking the questions below, at the start of the school year, can help you identify mental health resources available to you and your child:

- **How can my child access counseling services through the school?** Local high schools are equipped with therapists, counselors, nurses, and other health professionals. These individuals are

eager to answer questions and provide information.

- **Are there mental health services available outside of school?** You and your family can also connect with your primary care physician, local community mental health organizations, mental health professionals such as therapists and psychiatrists, and your local hospitals. You can ask these professionals how you can be supported at school and at home with whatever needs are specific to your child.
- **Are there peer mental health support groups my child can participate in?** Various community organizations such as Adolescent Counseling Services (ACS) and Community Health Awareness Council (CHAC) facilitate teen programs and groups such as OUTLET and Teen Talk. These groups allow teens to be supported by peers and offer education for families. Health professionals can also help you find groups near your home or school.
- **Who should we contact if my child experiences a mental health crisis?** Before a crisis, find out the hours your school counselor and resource officer are available and an explanation of what that position entails. If it is a critical situation, go to the nearest emergency room or call 9-1-1. You can also contact the National Suicide Prevention Hotline: 800-273-TALK (273-8255).

Schools are often notified of local community health education opportunities that aim to reduce the stigma associated with mental health conditions, improve the education and understanding of these illnesses, and enhance access to care for those in need. Parent education events are often posted on school calendars. Examples of organizations that host mental health education events throughout the year include: El Camino Hospital, Palo Alto Medical Foundation (PAMF), Santa Clara County Suicide Prevention, Stanford Hospital, and others. The Health Care Alliance for Response to Adolescent Depression (HEARD) organization website at [www.heardalliance.org](http://www.heardalliance.org) offers an extensive list of local mental health resources.

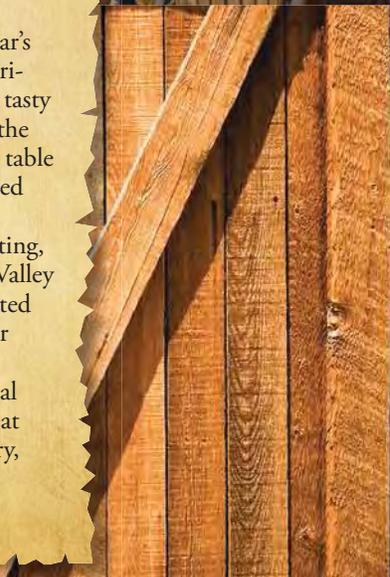
Lauren Olajiz, MPH, Mental Health Services  
Community Liaison Specialist, El Camino Hospital



# LOS ALTOS HILLS HOEDOWN

The annual Los Altos Hills Hoedown will be held on Saturday, September 12, from 3:00 to 8:00 pm at Westwind Community Barn. A new feature at this year's hoedown is the Boneyard Food Truck, an exciting and memorable dining experience — so don't forget to bring money for food and beverages. Along with the tasty food, attendees will enjoy live bluegrass music, a farmers' market, and entertainment for the entire family. The community farmers' market gives residents the opportunity to set up a table to sell their own garden-grown fruits and vegetables. Quench your thirst with hand-pressed apple cider, made using DeMartini Orchard's apples and Hidden Villa's press.

Custom handweavers will be providing textile demonstrations including quilting, knitting, crocheting, spinning, and weaving. The event will also feature leather tooling by Silicon Valley Leathercraft Guild as well as the popular soap-making, puppet-making, and family-oriented games and prizes. For further enjoyment, there will be equestrian exhibitions in the upper arena, featuring 4-H mini horses and riding demonstrations from the Pacific Ridge Pony Club. A bake sale will be hosted by 4-H, Youth Commission, and Pony Club. Several local wines will be poured. For more information, or if you would like to participate (e.g., sell at the farmers market, host a craft table, game, help teach knitting, crocheting or embroidery, pour wine), or donate to the event, please contact Sarah Gualtieri 650-947-2518 or [sgualtieri@losaltoshills.ca.gov](mailto:sgualtieri@losaltoshills.ca.gov).

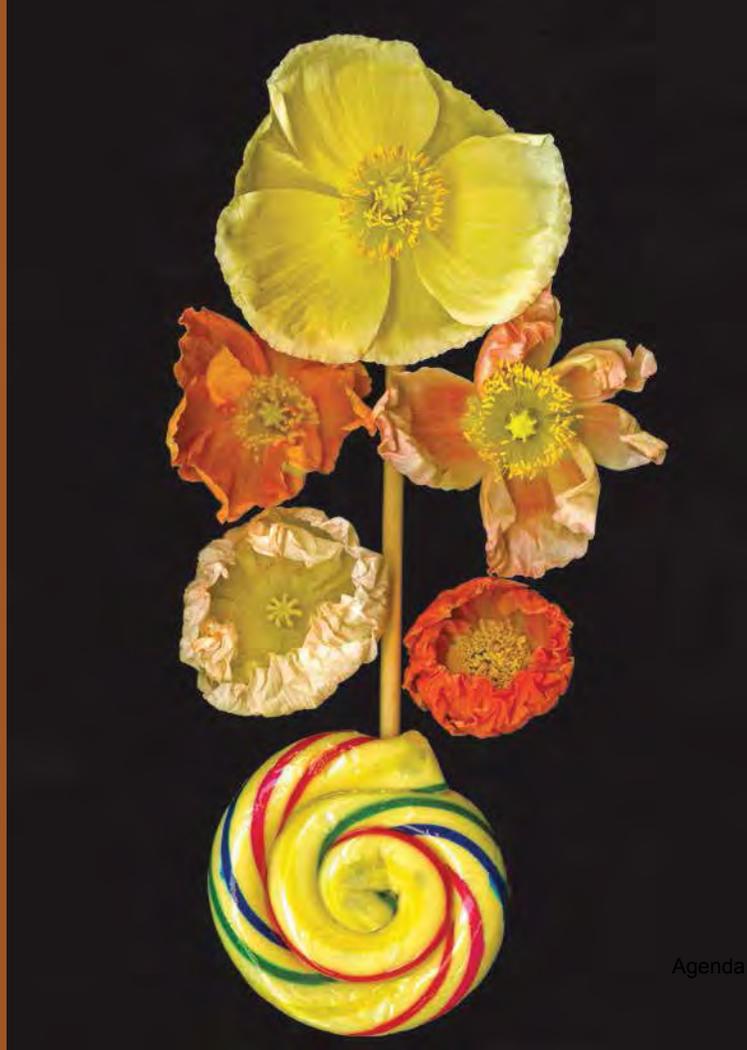


## SAVE THE DATE

## OBJECTS IN A NEW LIGHT

The community is invited to attend a reception at Town Hall, on September 27 from 2:00 to 5:00 pm, for a new exhibit featuring the paintings and photography of Immaculada Del Castillo Ditzel. Ditzel was born in Madrid, Spain, and enjoyed a career as an economist before she switched to fine art, initially out of curiosity and as a challenge, and now as a way of life. Her still-life photographs are very sophisticated — she carefully juxtaposes everyday objects in a unique way to make viewers see them in a new light. Backgrounds are often black. The photography uses unconventional cameras, materials, and printing methods featuring creative digital photography. Her art mirrors her philosophy of life — love of simplicity and beauty and a marriage of art and technology.

The exhibit will include some extra-large painted canvasses in the council chamber and a room full of humorous paintings of deer, engaged in activities of daily living, like Packet Page 301



## FOR THE DIAMOND ANNIVERSARY OF THE TOWN OF LOS ALTOS HILLS

The occasion of the Los Altos Hills' 60-year anniversary is an appropriate time for our community to draw inspiration from our past as we look forward and plan for the future. Celebrate our ever-changing community with dinner, dancing, and live music at Los Altos Golf and Country Club.

Sat., January 30, 2016  
6:00 pm Reception  
7:00 pm Dinner



**TOWN OF LOS ALTOS HILLS**  
 26379 Fremont Road  
 Los Altos Hills, CA 94022

Presorted Standard  
 U.S. Postage  
 Paid  
 Los Altos, CA  
 Permit No. 306

**Town Newsletter Statement of Purpose**

This is the official town newsletter to communicate current issues, services, and activities in Los Altos Hills to the residents of the town — to facilitate, encourage, and improve interaction between the residents and the town government. The newsletter is published quarterly. **Deadline for the next issue is Oct 1, 2015.**

Printed with soy-based inks. International Paper, the manufacturer of the paper, has earned Sustainable Forestry Initiative and Forestry Stewardship Council dual certification.

[www.losaltoshills.ca.gov](http://www.losaltoshills.ca.gov)

**Our Town**

Our Town is published with assistance from the City Clerk, Deborah Padovan, and Town Volunteer Committees.

Editor: Alexander Atkins

Associate Editor: Glen Reed

Contributing Writers: Sarah Gualtieri, Heather Rose, Tay Vanderlip

Photography: Alexander Atkins, Jitze Couperus, Sarah Gualtieri, Heather Rose

**Los Altos Hills City Council**

Courtenay Corrigan, Mayor  
 John Harpootlian, Mayor Pro Tem  
 Rich Larsen  
 John Radford  
 Gary Waldeck

**City Manager**

Carl Cahill

**CALENDAR**



**Sept 12**

**Sat., 3:00 – 8:00 pm**  
**Hoedown at Westwind Community Barn**  
 Live bluegrass music, BBQ food truck, crafts, and dancing. For more information see page 11. Free entrance, with food and drink available for purchase.

**27**

**Sunday, 2:00 – 5:00 pm**  
**Art Reception for Immaculada Del Castillo Ditzel**  
 Photography and paintings by Ditzel. The free event, held at Town Hall, will feature live

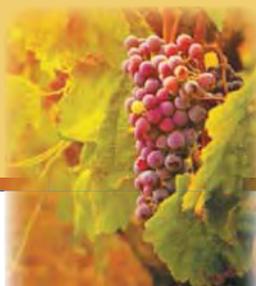
music, gourmet food and wine. For more information, call 650-941-7222.

**Oct 11**

**Sunday, 2:00 – 4:00 pm**  
**The History of the Taaffe Family**  
 The Los Altos Hills History Committee presents a history of the Taaffe family at Town Hall. The Taaffe family was one of the first families of Los Altos Hills, and whose descendants are still residents of the town.

**25**

**Sunday, 2:00 – 5:00 pm**  
**Los Altos Hills Vines and Wine**  
 Join Los Altos Hills vintners at Town Hall



for tastings of locally-produced wines. This event is open to the public with a \$20 entrance fee. Registration provides you with a souvenir glass and the tastings. To register visit: [losaltoshills.ca.gov](http://losaltoshills.ca.gov) or call 650-947-2518 for more information.



**Nov 29**

**Sunday, 6:00 pm**  
**Los Altos Festival of Lights Parade**  
 Get into the holiday spirit with a treasured holiday tradition: a parade featuring festive floats and holiday music. Look for the Los Altos Hills Parks and Recreation float. For more information visit: [losaltosparade.com](http://losaltosparade.com).



**Dec 6**

**Sunday, 2:00 – 5:00 pm**  
**Barn Lighting at Westwind Community Barn**  
 Join your neighbors in singing holiday carols, visits with Santa, crafts, and refreshments. The barn lighting will take place at 5:00 pm.

**Jan 30**

**Sat., 6:00 pm**  
**Town's 60th Anniversary Celebration**  
 Reception and dinner at the Los Altos Golf and Country Club.

Calendar events are also posted on town's website: [www.losaltoshills.ca.gov](http://www.losaltoshills.ca.gov)



## Maiden Voyage

The inaugural Northglenn Pirate Fest, a two-day event celebrating all things buccaneer, swashbuckling and even scurvy, was a huge success. Hundreds of people attended the Pirates Ball on Friday, Sept. 18, with thousands turning out on Saturday, Sept. 19, for the Pirate Festival. Thanks to everyone who attended and those who put so much work into the event! Northglenn Pirate Fest will return next year with more pirate fun for all!



Photos on right side by Weinrauch Photography

## Options for Voting, Registration

### Residents to Decide on City Tax Extension, Council Representatives

Ballots for the Nov. 3 election will be mailed to registered voters by the Adams County Election Department from Oct. 12 through 16. Ballots cannot be forwarded through the mail, so it is important that your voter registration record is accurate. Voters can review and change their mailing address online at [www.GoVoteColorado.com](http://www.GoVoteColorado.com).

Residents with a Colorado driver's license or ID card issued by the Department of Revenue can register to vote online at the same web address. Voter registration can also be done in person at the City Clerk's Office, the Adams County Election Department and at motor vehicle locations.

Voter Service and Polling Centers will be available beginning Oct. 26 for voters who need a replacement ballot or who may need to use an accessible voting machine. Service center locations can be found online at [www.adamscountyelections.com](http://www.adamscountyelections.com).

Voted ballots must be returned by 7 p.m. on Nov. 3 to be counted. Postmarks do not count for this deadline. Instructions on returning your ballot, either by mail or at a drop-off site, will be included with your ballot. The City Clerk's Office, located in City Hall at 11701 Community Center Drive, will serve as a drop-off location. For voter convenience, a 24-hour ballot drop box will be available

Continued on Page 8

### Contact Information

For additional information, call the Adams County Election Department at 720-523-6500 or the City Clerk's Office at 303-450-8756.

**On the Web:** Go to [www.govotecolorado.com](http://www.govotecolorado.com) to register to vote and check or change your personal information.

### Important 2015 Election Dates



#### Oct. 12: Ballots Mailed

Ballots will be mailed to all eligible voters to the address on your voter registration file. Verify or update your address at [www.GoVoteColorado.com](http://www.GoVoteColorado.com).



#### Oct. 13: Drop-off Sites Open

Drop-off boxes will be located in the City Clerk's Office and the south City Hall parking lot. A complete list will be at [www.adamscountyelections.com](http://www.adamscountyelections.com).



#### Oct. 26: Voter Service & Polling Centers Open

A complete list of centers will be located at [www.adamscountyelections.com](http://www.adamscountyelections.com).



#### Oct. 26: Deadline to Register Online

Visit [www.GoVoteColorado.com](http://www.GoVoteColorado.com) to register to vote and receive your ballot by mail. (Eligible residents may register to vote in person at any time before 7 p.m. on Election Day.)



#### Nov. 3: Election Day

Drop-off sites and Voter Service & Polling Centers are open from 7 a.m. to 7 p.m. **Ballots must be received by 7 p.m. to be counted.** Postmarks do not count.

### In This Edition

■ **WARD 4 NEIGHBORHOOD MEETING:** City Council candidates for Ward 4 have been invited to the event. **Page 2**

■ **BUDGET 2016:** City Council receives proposed \$56 million budget from staff; wastewater project is the biggest project expenditure. **Page 2**

■ **DISCOUNT FOR SOLAR:** Adams County residents can receive a discount on solar panels for their homes through a county program. **Page 5**

■ **LOOK TO THE FUTURE:** The city will honor the deeds and accomplishments of Northglenn companies at the 4th Annual Business Appreciation Breakfast. **Page 5**

■ **TREE FESTIVAL AT NOEL NORTHGLENN THIS YEAR:** Groups or businesses can decorate trees that will be auctioned off to benefit the CPAAN Holiday Gift Giving Program. **Page 6**

■ **TRAVEL FILMS RETURN:** Witness some of the amazing feats of Native Americans on Oct. 7. **Page 6**



■ **MEDICARE MONDAY:** Experts will discuss the changes to this federal program, explain ways to maneuver through the system and answer your questions on Oct. 19 at the senior center. **Page 7**



■ **DINE AND DONATE:** 10 percent of the cost of meals purchased at The Glenn on the evening of Nov. 4 will benefit the Northglenn Community Foundation. **Page 7**

■ **FREE LANDFILL DAY:** Northglenn residents can take all the large debris that won't fit in a polycart to Tower Road Landfill on Oct. 17. **Page 7**



**Public Welcome to Safe Street Halloween on Oct. 24.** **Page 8**

**Street Sweeping Throughout City in October.** **Page 3**



Agenda Item 5C **Page 109**

Aug. 24, 2015

Resolutions:

**Sullivan Appointed to Liquor Authority**

CR-109 – In a unanimous vote, council approved the appointment of Verna Sullivan to the Liquor Licensing Authority for the city, effective immediately. Sullivan will fill the unexpired term of Virgil Hall that expires Dec. 31, 2015.

**North Metro Task Force Now Legal Entity, Fiscal Year Amended**

CR-110 – Council unanimously approved the second amendment to the Intergovernmental Agreement between Adams County, city and county of Broomfield and the municipalities of Brighton, Commerce City, Federal Heights, Northglenn, Thornton and Westminster to establish the North Metro Task Force as a legal entity and to re-define its fiscal year as defined in the Intergovernmental Agreement.

**Ward 4 Neighborhood Meeting**

Wed., Oct. 21, 6:15 p.m. meet and greet, 6:30 p.m. start; Shepherds' Hall, 650 Kennedy Drive

Residents are encouraged to meet with Ward 4 elected officials and pass along questions, concerns or comments about the city and its government.

There will be an open seat for a City Council representative from Ward 4. Come and meet the candidates, and be sure to vote on Nov. 3!

For more information, contact councilmembers Kim Snetzinger at 303-913-7195 or ksnetzinger@northglenn.org or Gene Wieneke at 303-457-0858 or gwieneke@northglenn.org.

Community Solar Gardens, LLC for solar energy services. This renewable energy will reduce utility costs for the city and fossil fuel consumption, reducing the city's impact on the environment.

Sept. 14, 2015

Resolutions:

**Appointee to VALE Board**

CR-112 – In a unanimous decision, council approved the appointment of Ashley Witkovich to the Victim Assistance and Law Enforcement (VALE) Board, effective immediately, to fill the unexpired term of Susan Kroh, and to a new three-year term which expires Dec. 31, 2018.

**City Council Supports Federal HOME Program**

CR-113 – In a unanimous decision, council approved a resolution expressing strong support for the continuance of the United States Department of Housing and Urban Development HOME Investment Partnership Program, and urges the United States Congress not to cut

**Council Scorecard**

Aug. 24, 2015

**Resolutions**

Measure	Result	Vote
CR-109	Passed	Unanimous
CR-110	Passed	Unanimous
CR-111	Passed	Unanimous

Sept. 14, 2015

**Resolutions**

Measure	Result	Vote
CR-112	Passed	Unanimous
CR-113	Passed	Unanimous

funding for the HOME program in fiscal year 2016. The HOME program is the only federal block grant program for state and local governments designed exclusively to provide affordable housing for low income families.

– Local Legislative Recap by Margo Aldrich, Public Communications Manager

Meet Your Mayor and City Councilmembers

Mayor	Ward 1	Ward 2	Ward 3	Ward 4
				
Joyce Downing 303-457-3542 mayor@northglenn.org	Carol Dodge 303-601-3633 cdodge@northglenn.org mayor pro tem	Wayne Dodge 303-457-9872 wdodge@northglenn.org	Joe Brown 720-260-0208 joebrown@northglenn.org	Leslie Carrico 303-451-5046 lcarrico@northglenn.org
				
Marcy Whitman 303-521-0201 mwhitman@northglenn.org	Kyle Mullica 303-847-2225 kmullica@northglenn.org	Gene Wieneke 303-457-0858 gwieneke@northglenn.org	Kim Snetzinger 303-913-7195 ksnetzinger@northglenn.org	

**On the Web:** Go to [www.northglenn.org/webdocs](http://www.northglenn.org/webdocs) for more information about what council is voting on and what they'll be addressing.

**Council Receives \$56M Proposed Budget for 2016**

Acting City Manager David Willett presented the proposed 2016 Budget to City Council on Sept. 21.

The stated goal of the 2016 Budget is to successfully meet the service demands of the community, augment reinvestment in city infrastructure, to fortify the financial position of the city, and to plan for Northglenn's future.

The 2016 Budget does not anticipate any new tax increase or water rate increase. Additional expenses include consulting services for several city programs and services; an increase in Adams County's Dispatch and Animal Shelter fees; an infrared paving unit; vehicle replacement; a registration software program; and several city improvement projects.

The chart above and to the right shows projected revenue for the seven funds that comprise the budget.

Overall, citywide revenues for the proposed 2016 Budget stand at \$48,130,499 with city-wide expenditures at \$56,616,772.

Budget Funds	Beginning Fund Balance	Revenues & Other Sources	Expenditures & Other Uses	Net Change	Ending Fund Balance
General Fund	\$18,282,321	\$24,375,765	\$24,276,334	\$99,431	\$18,381,752
Conservation Trust Fund	\$745,322	\$373,507	\$1,050,000	(\$676,493)	\$68,829
CDBG Fund	-	-	-	-	-
Capital Projects Fund	\$12,508,285	\$7,374,709	\$7,273,748	\$100,961	\$12,609,246
Water & Wastewater Fund	\$16,874,230	\$14,103,511	\$21,833,739	(\$7,730,228)	\$9,144,002
Stormwater Fund	\$926,662	\$439,322	\$333,194	\$106,128	\$1,032,790
Sanitation Fund	\$1,405,128	\$1,463,685	\$1,849,757	(\$386,072)	\$1,019,056
<b>Total</b>	<b>\$50,741,948</b>	<b>\$48,130,499</b>	<b>\$56,616,772</b>	<b>(\$8,486,273)</b>	<b>\$42,255,675</b>

Proposed 2016 Projects	Capital Improvement Projects
<b>Planning Projects</b> • Second Phase – Zoning Code Re-Write..... \$80K • Development Studies .....\$120K • Pedestrian Bike and Mobility.....\$120K • Utility Study .....\$150K	• Northwest Open Space Facility Improvement..... \$1M • Justice Center .....\$2.5M in 2016 • Residential Street Program .....\$450K • 99th Avenue Reconstruction.....\$350K • Wastewater Headworks & Clarifier Project.....\$9.6M in 2016



Oct. 3-10 is Fire Prevention Week  
[www.northmetrofire.org/fpw2015](http://www.northmetrofire.org/fpw2015)

Fire Safety Fair

Oct. 10, 10 a.m.-2 p.m.,  
 Walmart Neighborhood Market, 10755 Washington St.

## Council Study Sessions & Meetings

**Council Meeting:**  
7 p.m. Mon., Oct. 12 and 26

**Study Session:**  
6 p.m. Mon., Oct. 19 & Nov. 2

Residents are welcome at council meetings and study sessions. Council meetings are held on the second and fourth Monday of the month at 7 p.m. Study sessions are held as needed on the first and third Monday of each month at 6 p.m. Call 303-450-8756 for more information.

**Location:** Study sessions and council meetings are held at City Council Chambers in City Hall, 11701 Community Center Drive.

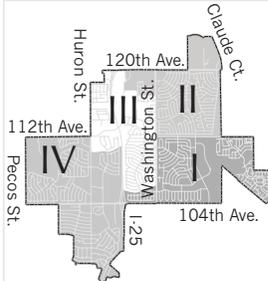
**Audio/Video:** If you missed the latest council meeting, watch it on Comcast Cable Channel 8.

- **Sunday:** Council meetings at 10 a.m. and 6 p.m., study sessions at 2 and 10:30 p.m.
- **Monday, Wednesday & Friday:** Council meetings at 12:30 and 10:30 p.m., study sessions at 8 a.m. and 5:30 p.m.
- **Tuesday & Thursday:** Council meetings at 8 a.m. and 6 p.m., study sessions at noon.
- **Saturday:** Council meetings at noon and 7:30 p.m., study sessions at 9 a.m. and 4 p.m.

You can also listen to audio recordings the day after meetings occur at [www.northglenn.org](http://www.northglenn.org).

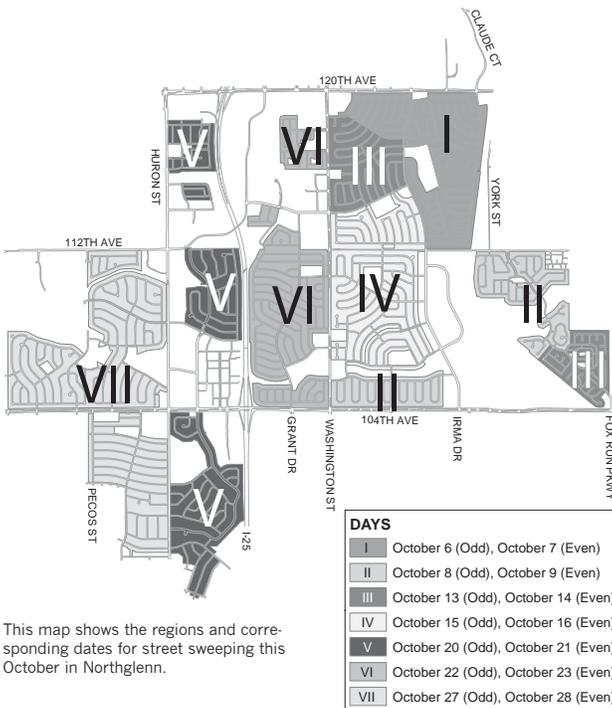
### City Wards

If you don't know which ward you live in, call the City Clerk's Office at 303-450-8756.



### Social Media

- [www.facebook.com/cityofnorthglenn](http://www.facebook.com/cityofnorthglenn)
- [www.twitter.com/northglennco](http://www.twitter.com/northglennco)



This map shows the regions and corresponding dates for street sweeping this October in Northglenn.

# City Will Sweep Streets in October

It's street sweeping time! In order to keep Northglenn beautiful, tidy and healthy, the city will sweep the streets of every neighborhood in October. It's a big undertaking, but there's a good plan in place and everyone will benefit.

#### Why is the city sweeping the streets?

1. It reduces trash and other contaminants from running into waterways.
2. Street sweeping reduces dust and improves air quality.
3. It improves safety by clearing pavement markings and enhancing traction for vehicles and bikes.

#### How long will it take?

It will take all of October to clean the entire city. However, crews will be in each neighborhood for just two days as they work their way across town.

#### How will residents know when it's their turn to have their street swept?

One week prior to the sweeping, flyers will be placed at every residence in the scheduled neighborhood. An additional reminder flyer will be distributed one day before the sweeping. "No Parking" signs will be posted in each neighborhood the day prior to, and during, sweeping.

#### What do residents need to do to prepare for their street sweeping day?

During the two-day sweeping cycle, residents should remove any vehicle, trailer or other equipment from the odd numbered side of the road on the first day, and then from the even numbered side of the road on the second day. The flyers and "No Parking" signs will remind residents which day they need to clear each side. This parking restriction is in effect from 7 a.m. to 3:30 p.m. for the two-day sweeping cycle. There is no restriction to driving on the streets.

#### When will street sweeping happen again?

The city plans to perform a full residential neighborhood sweeping program in the late spring and late fall of 2016.

#### Can residents rake leaves and yard debris into the street for the sweepers?

Yes, this should help make fall yard clean up a little easier.

Questions about street sweeping? Contact Public Works at 303-450-4001 or e-mail Steve Grace at [sgrace@northglenn.org](mailto:sgrace@northglenn.org).

### Numbers to Know

- EMERGENCIES/POLICE ..... 911
- Animal Control ..... 303-450-8886
- Animal Impound... 303-288-3294
- Building Permits... 303-450-8745
- City Hall ..... 303-451-8326
- City Clerk..... 303-450-8756
- City Court..... 303-450-8701
- City Manager..... 303-450-8709
- Communications .. 303-450-8713
- Customer ..... 303-450-8994
- Services
- Economic ..... 303-450-8743
- Development
- Fire (non-emerg)... 303-452-9910
- (North Metro Fire Rescue)
- Graffiti Hotline..... 303-252-3849
- Neighborhood..... 303-280-7876
- Services
- Parks & Trails..... 303-280-7821
- Planning & Zoning 303-450-8739
- Police ..... 911
- Polycarts/ ..... 303-450-4004
- Roll-Off Rentals
- Street Repair ..... 303-450-4001
- Rec Center..... 303-450-8800
- Records (Police) ... 303-450-8892
- Senior Center ..... 303-450-8801
- Snow & ..... 303-450-4001
- Ice Removal
- Storm Drainage... 303-450-4001
- Street Sweeping .. 303-450-4001
- Trash/Special..... 303-450-4004
- Pick-up
- Utility Billing/ ..... 303-450-8770
- Cust. Service
- Volunteering ..... 303-450-8904
- Water..... 303-450-4045
- Conservation Hotline
- Water/Sewer ..... 303-280-7803
- Problems
- Water/Sewer ..... 303-451-1289
- 24-hour Line

## the Northglenn Connection

The Northglenn Connection is a monthly publication that is delivered to city residents.

To suggest topics, stories or article ideas for this newsletter, contact Margo Aldrich at 303-450-8713 or [maldrich@northglenn.org](mailto:maldrich@northglenn.org).

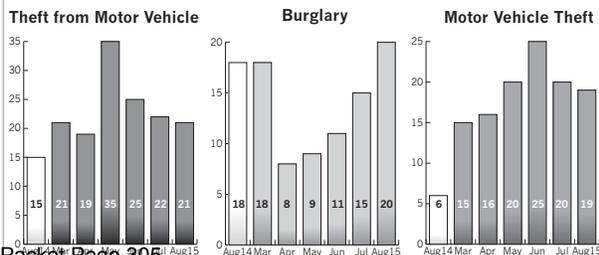
Use it as a reference for city information and to learn about what is happening in the community.

This publication and past editions are also available at [www.northglenn.org/connection](http://www.northglenn.org/connection).

You may also contact Aldrich for questions or comments about Channel 8 television programming.

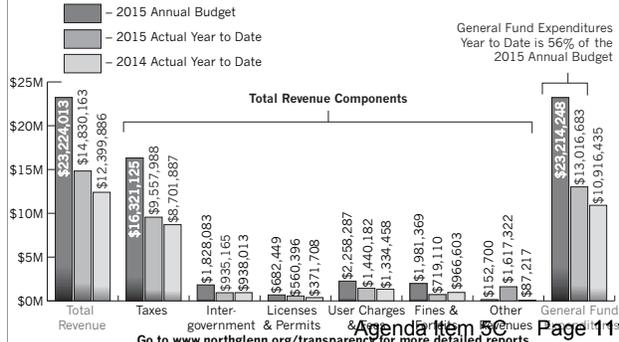
## City of Northglenn Aug. 2015 Crime Statistics

These charts show statistics from the Northglenn Police Department for theft from a motor vehicle, burglary and motor vehicle theft in the city over the last six months as well as from August of a year ago. To report a crime, call 911.



## July 2015 General Fund Financial Report

Figures are through the end of July



## Up Close Tour



The public took tours of the city's Water Treatment Plant on Sept. 17 as part of Colorado Cities & Towns Week. While at the event, attendees enjoyed a barbecue and got an up close look at some of the large vehicles that the Public Works Department uses on a daily basis.

## Area Stores Recycling Painting Products

A new option is available to discard old paint and paint products in an environmentally-responsible manner.

Up to five gallons of acceptable products can be dropped off at a number of local businesses for no charge. This service is available to both households and businesses.

Please visit [www.paintcare.org](http://www.paintcare.org) for more details on the program.

### Local Drop-Off Sites

Sherwin-Williams  
11455 N. Washington St.  
Northglenn  
303-252-9944

Kwal Paint  
11450 N. Cherokee St.  
Northglenn  
303-452-9107

Mile High Ace Hardware  
2800 W. 104th Ave.  
Federal Heights  
303-531-2370

NorthSide Paint & Decorating  
12365 Huron St.  
Westminster  
303-451-1701

### Acceptable Products

- Interior and exterior architectural paints: latex, acrylic, water-based, alkyd, oil-based, enamel (including textured coatings)
- Deck coatings, floor paints (including elastomeric)
- Primers, sealers, undercoaters
- Stains
- Shellacs, lacquers, varnishes, urethanes (single component)
- Waterproofing concrete/wood/masonry sealers and repellents (not tar or bitumen-based)
- Metal coating, rust preventative
- Field and lawn paints

### Products Not Taken

- Paint thinners, mineral spirits, solvents
- Aerosol paints (spray cans)
- Auto and marine paints
- Art and craft paints
- Caulking compounds, epoxies, glues, adhesives
- Paint additives, colorants, tints, resins
- Wood preservatives (containing pesticides)
- Roof patch and repair
- Asphalt, tar and bitumen-based products
- 2-component coatings
- Deck cleaners
- Traffic and road marking paints
- Industrial Maintenance (IM) coatings
- Original Equipment Manufacturer (shop application) paints and finishes

SOURCE: PAINTCARE.ORG

## Take Leaves to Yard Waste Mulching Center

Struggling to fit your leaves, grass, branches and household garbage into one polycart?

The city's Yard Waste Mulching Center (YWMC) is available to Northglenn residents. Simply take your green waste to the center and dump it out. The city will turn it into mulch that is free for everyone.

The center is located at the city's Maintenance & Operations Facility, 12301 Claude Court.

It's open every Friday year-round from 11 a.m. to 2 p.m. The YWMC is also open every Saturday from 8 a.m. to 3 p.m. from April through November. (From December to March, it's open on the first Saturday of each month.)

Residents wishing to drop off green waste must provide proof of Northglenn residency – either a driver's license and/or current utility bill.

Commercial companies are not allowed to dispose of green waste at the YWMC. However, they are welcome to take mulch.

When coming to the center, the city recommends bagging or covering waste that may blow away, including leaves or grass.

Please bring a shovel or other tools. City staff is available to help unload yard waste and load mulch into pickups or trailers if a liability waiver is signed.



**Items accepted at the YWMC:**  
• Leaves • Branches • Grass

**Not accepted:**  
• Sod • Dirt • Lumber • Gravel

### No Yard Waste in Recycling Polycarts

Do NOT put green waste in the blue-lid recycling polycarts. It CANNOT be processed by curbside recycling.

### Trash Must Go in Polycarts

The city will only take away what is in the polycart. Bags of trash or leaves left on the curb will not be picked up.

For more information, please call 303-450-4004 from 7 a.m. to 3:30 p.m. weekdays.

## Roll-Offs Available for Large Amounts of Debris

### ■ Group of Five Neighbors Can Team Up to Rent 20- or 30-Cubic-Yard Dumpster for Free

Let's roll (off)!

If you're looking to clean out your garage or have a home construction project with a lot of debris, team up with some of your near-by neighbors to rent a roll-off for free.

A group of five residences in the same neighborhood can collectively rent a roll-off for no cost. The city just needs one resident to serve as a contact.

If you do not have a group, the cost for the roll-off is \$180.

The city will drop off one of the 20- or 30-cubic-yard containers on either

a Monday or Friday morning and pick it up three days later – either Thursday or Monday morning.

Participants must agree to the terms and conditions of the program. Anything that is not allowed to go in a trash polycart is not allowed to go in a roll-off. This includes electronics, tires and flammable material.

Roll-offs are available on a first-come, first-served basis. To register, go to [www.northglenn.org/rolloffrequest](http://www.northglenn.org/rolloffrequest) or call 303-450-4004 from 7 a.m. to 3:30 p.m. weekdays.

## Trees Still Hurt From Nov. '14 Freeze

November 2014 saw the most severe freeze/thaw weather cycle since 1991.

On Nov. 10, the recorded high temperature was 64 degrees. On Nov. 12, the recorded low was -13 degrees, a whopping 77-degree drop. The trees' winter processes were not complete and the plant cells of outdoor trees and shrubs simply froze. Conifers showed damage immediately. Many trees froze with their leaves still attached, while older

and weaker landscape plants showed more severe impacts.

However, while many trees and plants have shown signs of new growth, full recovery may take several years.

Many residents have reported their trees and shrubs are making a comeback, while others chose to re-plant.

Whatever your decision, keep in mind we live on what was a short grass prairie, not a woodland, and plant accordingly.

**Free Landfill Day on Oct 17.** Go to Page 7 for Details.

# BUSINESS BREAKFAST IV

LOOK TO THE FUTURE

## City to Honor Businesses

The city is hosting its 4th Annual Business Appreciation Breakfast, which is part of the ongoing effort to recognize local businesses for their commitment and contributions to the community.

The theme this year is "Look to the Future," based on the *Back to the Future* movie series. The breakfast is being held on the day that Marty McFly and Doc Brown go to the future in *Back to the Future II* - Oct. 21, 2015. This year also marks the 30th anniversary of the original movie.

The city is extremely pleased to welcome Julie Clark as our keynote speaker. She is the founder of The Baby Einstein Company, a start-up business that was born in her basement and became an internationally acclaimed, multimillion-dollar company in less than five years.



Clark

Julie will enlighten the audience with her personal entrepreneurial experiences, and her lessons learned through the process of creating an entirely new industry.

Her Baby Einstein videos and books have been translated into more than 30 languages and have been on the New York Times Best Sellers list since the company's start up over 15 years ago.

In 2009, Julie was honored at the President's State of the Union Address.

For more information on the event, contact Economic Development Manager Debbie Tuttle at dtuttle@northglenn.org or 303-450-8743.

### Northglenn Business Appreciation Breakfast Awards Business of the Year Awards

One business is selected in each of the following categories. Two others will receive honorable mention awards. The businesses were selected within the six categories below based on dedication, innovation, leadership, business growth and stability, customer service, community commitment and involvement and entrepreneurial spirit:

- **Home-Based**
- **Rookie Business** (Less than 2 years old)
- **Small Business** (1-10 employees)
- **Mid-Size Business** (11-25 employees)
- **Large Business** (26+ employees)
- **Business Longevity** (20+ years in the city)

#### Recognition Awards:

- **Young Entrepreneur:** This award honors one student who lives in the city or attends a Northglenn school (K-12). The student has demonstrated business entrepreneurship through innovation and vision.
- **People's Choice:** This award honors one business that has been chosen through an online popular vote for having the best product or service and overall customer satisfaction.
- **Business Landscaping:** The Planning Commission recognizes businesses for their excellent landscaping, which enhances the appeal and character of the city.
- **Community Impact:** This award honors one business that has gone above and beyond to positively impact the community through philanthropic and/or outreach efforts.

### New Business Announcements

At the end of August, Northglenn had 921 businesses. Of that, 704 are storefronts and 217 are home-based. This year Northglenn has announced 35 new storefront businesses, adding 498 new jobs and absorbing 80,691 square feet of office, industrial and retail space.

• **Halloween City** leased the former Big Lots building at 540 E. 120th Ave. for the season. They provide Halloween costumes and supplies and will employ 30 people. For more information visit [www.halloweency.com](http://www.halloweency.com).

• **SAFEbuilt** is leasing 1,700 square feet at 11684 Huron St., Suite 104 B. SAFEbuilt provides building department services, community planning and zoning and community improvement services to over 200 communities nationwide, including six in Colorado. SAFEbuilt has contracted building department services with the city of Northglenn for more than six years. They will employ 20 people at the new Northglenn Huron facility, along with six employees that will remain housed at City Hall. Those seeking a building permit for Northglenn should continue to go to City Hall. Hours of operation are weekdays from 8 a.m. to 5 p.m. For more information, please call 970-292-2200 or visit [www.safebuilt.com](http://www.safebuilt.com).

• **Land Home Financial Services** leased 1,391 square feet at 100 E. 120th Ave., Unit G-120. They are a home mortgage center and will employ five people. Hours of operation are weekdays from 8 a.m. to 5 p.m. For more information visit [www.lhfinancial.com/mortgage-center](http://www.lhfinancial.com/mortgage-center) or call 1-800-241-5263.

• **Texas Roadhouse** has constructed a new 7,900-square-foot full-service restaurant at 231 W. 104th Ave. in the Northglenn Marketplace (former Bennigan's restaurant site). Texas Roadhouse plans to open in late November and will have 140 employees. They expect to serve more than 400,000 customers annually, and this facility will also serve as the national training center for the company. Visit [www.texasroadhouse.com](http://www.texasroadhouse.com) for more information.

• **WestView Autos, Inc.** leased 3,200 square feet at 10650 Irma Drive, Unit 13. The company is an online auto dealership and will employ two people. Hours of operation are Monday through Thursday from 10 a.m. to 3 p.m. For more information call 720-285-2099 or visit [www.westviewautos.com](http://www.westviewautos.com).

• **Your Art Department** leased 1,241 square feet at 10667 Melody Drive, Unit B-015. The business employs two people and develops advertising and promotional materials, including banners, silk screening, business cards and other related items. Hours of operation are weekdays from 8 a.m. to 5 p.m. Call 1-844-278-4968 or visit [www.yourartdepartment.com](http://www.yourartdepartment.com) or for more information.

## Discount on Solar Panels Available Through County

■ Applications Must Be Submitted by Oct. 31.

By Adams County

Adams County has partnered with Solar Benefits Colorado to launch a first-of-its-kind community discount program that makes it easier and more

affordable for county residents to power their homes with solar energy.

By pooling buying power, residents who participate in the solar energy program will receive up to 30 percent off the cost of a rooftop solar panel system until 2016, plus a \$500 program rebate.

Residents who wish to participate can sign up at [www.mygroupenergy.com/group/colorado](http://www.mygroupenergy.com/group/colorado). Participants will then

be connected with Sunrun, the local solar energy installer selected by the program's community evaluation committee. The deadline to register for the discounted solar system is Oct. 31, 2015.

"All Adams County residents and employees are eligible for these incentives, including employees who live outside of Adams County," said Julia Ferguson, Adams County's sustain-

ability coordinator. "Solar energy and electric vehicles are two excellent ways for residents to help ensure better air quality while at the same time spend less on energy costs. Because research shows that people who know somebody with solar make the choice to go solar themselves, we encourage everyone to help spread the word about this exciting program."

## Hundreds of Local Children to Receive Bicycle Through Program

■ City Will Pick Up Bicycle Donations From Northglenn Residents, Businesses



Last year, 380 children's bicycles were distributed through the Northglenn Bike Program.

All the bikes for the program are donated and come from resi-

dents and local nonprofits.

If they need a little repair, a team of volunteers based out of the city's Maintenance & Operations Building works year-round to fix the bikes as they come in. Bikes are distributed during the summer and again during the holidays. Donations are accepted throughout the year.

The program started several years ago when city sanitation workers noticed that bikes were being discarded. They began

picking them up, collecting them, and the bike program was born.

Now, in addition to individuals, many community organizations such as Boy Scout troops, churches, parishes and businesses collect bikes and donate them to the program as a community service project. Last year, Precision Metal, a manufacturing company in Northglenn, collected 25 bikes.

For the holiday bike distribution, families and children

are nominated by their teachers, pastors and school counselors. Families can also request help directly.

The holiday distribution will be at the Immaculate Heart of Mary Parish, 11385 Grant Drive, on Thursday, Dec. 17.

To donate, drop off bikes at the M&O Building, 12301 Claude Court. Also, Northglenn residents can contact Jenni Murphy at 303-450-8904 or [jmurphy@northglenn.org](mailto:jmurphy@northglenn.org) and a pick up will be arranged.

News Briefs

■ **YOUTH HOOPS PROGRAM TEAMS WITH NUGGETS:** The city's youth basketball program has partnered with the Denver Nuggets to offer the Junior Nuggets program. Participants in the city's youth basketball league will get two tickets to a Nuggets game this season and a reversible Junior Nuggets jersey for games. The program will continue to be a recreational league where players learn fundamentals in a fun and positive environment. This fall, practices start the week of Oct. 12. The cost is \$65 for residents, \$70 for non-residents. Go to [www.northglenn.org/recxpress](http://www.northglenn.org/recxpress) or call 303-450-8800 to sign up today!

■ **FASTRACKS WORK IN AREA BEGINS:** Crews are working along the RTD guideway between 112th and 124th avenues as part of the FasTracks commuter rail program. This includes construction of the bridge over 120th Avenue. While there are no planned lane or street closures at this time, please be cautious in the area as trucks will be moving in and out of the guideway. For safety, fencing will be installed to define the construction zone. Work will continue in this area through 2015. Scheduled dates are subject to change and are weather dependent.

■ **HELP PUT UP LIGHTS AT STONEHOCKER:** The Northglenn Historic Preservation Foundation is seeking volunteers to help put up the holiday lights at Stonehocker Farmhouse, 10950 Fox Run Parkway. If you would be interested, please contact Mayor Joyce Downing at [nhp1999@aol.com](mailto:nhp1999@aol.com) or 303-457-3542.

Roy Geist



Sometimes we need to say good bye, even if it seems too soon.

Roy Geist, age 80, weight training instructor for seniors at the Rec Center for 14 years, died unexpectedly on Sept. 3.

In the weight room, Roy was known for his sparkling personality and wry sense of humor. His wife, Lani, is also active at the center.

Tehra Porterfield, Roy's supervisor, said the seniors "absolutely adored him."

Other comments by those who will miss him:

"Roy was our idol and our inspiration. We all wanted to be like him." – Jessie

"Roy always said, 'quitting is not allowed,' we love him and miss him." – Sue

"Roy said, 'life is good,' and it is." – Phil

Northglenn Arts  
find your creative side

Classes | Film | Auditions | Performances  
Offered through the City of Northglenn at the DL Parsons Theatre

NYT Academy [northglenn.org/nytacademy](http://northglenn.org/nytacademy)

The award-winning Northglenn Youth Theatre program offers opportunities for young actors of all ages and abilities to explore the art of live theatrical performance. NYT Academy offers classes, workshops and personalized training to compliment our acclaimed main stage productions.

**Musical Theatre Class** Ages 6-11  
Work on a big number from a Broadway musical, while focusing on all the details that make the magic happen.

Oct 12 – Nov 16 \$60 R/\$66 NR

**Acting with an Accent** Ages 11-18 (Intermediate/Advanced Level)  
Work on a selected scene focusing on incorporating the accent and learning the tricks to compliment the character.

Cockney Accent Class  
Oct 12 – Nov 2 \$40 R/\$44 NR



**NYT Show Hoppers**  
Hop on the tour bus with NYT Director Kimberly Jongejan and

attend a live theatrical production at a professional venue along the Front Range. When available, we will tour the venues, speak with staff and get the inside scoop into the production. NYT staff chaperones participants. The tour bus will begin and end at the D.L. Parsons Theatre. Perfect for NYT alumni, current or prospective participants, and other youth actors.

**October 25** Register by October 18  
**WEST SIDE STORY**  
at Candlelight Dinner Theatre  
Bus will depart Northglenn at 11:30 am

Call 303.450.8785 for information, pricing, and to register

303.450.8800

11801 Community Center Drive | Northglenn, CO 80233 [www.northglenn.org/theatre](http://www.northglenn.org/theatre)

Travel Films [northglenn.org/travelfilms](http://northglenn.org/travelfilms)

Each film, or documentary, is personally narrated by the filmmaker. Films start at 10:30 am, last approximately two hours and include a 15-minute intermission.  
\$6.50 seniors/youth, \$7.50 adults



Rediscovering Ancient America October 7

A Film by Gray Warriner

The film travels across the United States and back in time to uncover accomplishments by Native Americans. See the Serpent Mound, the Marching Bears of Iowa's Effigy Mounds and giant earthen birds in Wisconsin. Explore towering temple mounds overlooking turquoise waters in Florida, and cliff dwellings and Pueblo towns of the West.

Art on Parade Voting ends October 30!



Last year's winner  
Butterfly Tree

Sculptures for Northglenn's Art on Parade program are on display at E.B. Rains Jr. Memorial Park through May of 2016. But voting for the "People's Choice" award will close on October 30. If you have not voted for your favorite sculpture, we invite you to do so. Please visit the park, view the sculptures and cast your vote. Vote online at [northglennarts.org](http://northglennarts.org) or pick up a ballot at the Northglenn Recreation Center.

Remember - the winning artist will be awarded a \$1,000 prize and their work will be permanently displayed in Northglenn.

Cast your vote today at [northglennarts.org](http://northglennarts.org) or pick up a ballot at the Northglenn Recreation



Rec Renewal

Crews and staff made the most of the week-long annual cleaning of the Northglenn Recreation Center in August. The pool was re-lined and a new gutter and boiler system were installed. The original seats from the D.L. Parsons Theatre were replaced. The center also has new weight lifting machines and free weights. For more information, call 303-450-8800.



Enchanted Forest at Noel Northglenn

Decorate a Tree to Benefit CPAAN Holiday Gift Program

New to Noel Northglenn this year will be an Enchanted Forest Tree Festival!

Register your group or business in the tree decorating contest. Trees will then be auctioned off as a fundraiser to benefit the Citizen's Police Academy Alumni Association of Northglenn (CPAAN) Holiday Gift Giving Program. The winning bid on the tree gets to take the tree home or to their business. The cost is \$50 to enter a large tree, \$25 to enter a small tree. All trees should be artificial. Tree decorating time is 12-4 p.m. on Friday, Dec. 4, at the Northglenn Recreation Center.

For more information, contact Ashley Garst at 303-450-8935 or [agarst@northglenn.org](mailto:agarst@northglenn.org).

Getting Your Garden Ready for Winter

1. Feed the soil
2. Mulching, it saves moisture
3. Garden clean up, but let ornamental grasses and perennials stay put
4. Watering
5. Plant spring bulbs
6. Plant perennials and ornamental grasses
7. Fertilize the lawn
8. Inoculate the roots
9. Rake leaves
10. Finally...relax in the garden!

Gardening Discount Through Foundation

The Northglenn Community Foundation (NCF) has partnered with High Country Gardens to provide residents a 10 percent discount on their purchases by using the special discount code "NORTHGLENN."

High Country Gardens will donate 5 percent of the purchase price to the NCF to help fund the Utility Assistance Program for residents in need of financial assistance.

Place your order through [www.northglennnfc.org](http://www.northglennnfc.org).

SCHOOL'S OUT SPECIALS

**Fall Foliage Hike & Lunch**

**Fri., Oct. 9, 9 a.m.-4 p.m., meet at the Northglenn Recreation Center, 11801 Community Center Drive**

What is better than having a day off from school? Having something to do! Youth ages 11 to 15 can spend the morning hiking Guanella Pass and viewing the fall foliage before enjoying lunch. The trip includes admission, lunch, transportation and supervision by city personnel. Please bring two snacks and a water bottle. Cost is \$35 for residents, \$40 for non-residents. To register, call 303-450-8800 or go to [www.northglenn.org/recxpress](http://www.northglenn.org/recxpress). RECXPRESS CODE: 21810

**Coffee with the Mayor**

**Mon., Oct. 12, 8:30 a.m., Atlanta Bread in the Northglenn Marketplace**

Enjoy a fresh cup of coffee and listen to a presentation from RTD Board Director Larry Hoy. He'll discuss commuter rail, Call-n-Ride and other RTD-related topics.



**Downing**

Mayor **Joyce**

Downing will be on hand to share information about the city and answer any questions you might have. For more information, call 303-450-8713.

**Free Landfill Day**

**7 a.m.-2 p.m. Sat., Oct. 17, Tower Road Landfill, 88th Avenue, just east of Tower Road in Commerce City**

This event offers residents an opportunity to dispose of items that are too large to fit in a polycart.

To get to the landfill, take 120th or 104th avenues east to Tower Road, go south to 88th Avenue, then go east.

Here are some rules for residents planning on dropping off items:

- Only one load per residence.
- All loads to the landfill must be covered.
- Proof of residency such as a driver's license and/or current utility bill is required.
- Mattresses and box springs cost \$26 each to drop off.

**Medicare Monday**



**9:30-11:30 a.m. Mon., Oct. 19, Northglenn Senior Center, 11801 Community Center Drive**

On the first Monday of the Medicare Open Enrollment Period, Medicare experts from the Colorado Gerontological Society (CGS) will present information on a variety of topics, including:

- Prevention and health promotion initiatives
- Changes in Medicare premiums, deductibles and co-pays
- How to apply for extra money to help with costs of Medicare Part B and D
- How to comparison shop for Medicare Supplement or Medicare Advantage plans
- Answers to your Medicare questions

This event is free and open to the public; however, you should make reservations at the center or by calling 303-450-8801. Refreshments will be served.

For more information on the event, contact the CGS at 303-333-3482.

- People bringing a pick-up truck or trailer face a gate charge plus taxes and fees if they bring more than 5 cubic yards of content.
- Electronics, tires, car batteries, appliances with Freon, fluorescent light bulbs and hazardous liquids or materials are NOT accepted. Call 303-450-4004 weekdays from 7 a.m. to 3:30 p.m. for help with disposing of these items or for more information on free landfill day.

COLORADO YOUTH ADVENTURES

**Elitch's & Fright Fest**

**Sat., Oct. 17, 2-10:45 p.m., meet at the Northglenn Recreation Center, 11801 Community Center Drive**

Do you love Mind Eraser, Boomerang or Tower of Doom? Join us at Elitch's for a day full of roller coasters, carnival games and an adventure in the seasonal haunted house. For youth ages 11 to 18. Cost is \$35 for residents, \$39 for non-residents. Please bring extra money for food. Call 303-450-8800 or

go to [www.northglenn.org/recxpress](http://www.northglenn.org/recxpress) to sign up. RECXPRESS CODE: 21794

**Advanced Care Babysitting Class**

**Sat., Oct 24, 9 a.m.-3 p.m., Northglenn Recreation Center, 11801 Community Center Drive**

This course for first-time babysitters ages 11 to 13 covers CPR, first aid, growth and development, safety, feeding, diapering and bathing. Cost is \$55 for residents, \$60 for non-residents. Call 303-450-8800 or go to [www.northglenn.org/recxpress](http://www.northglenn.org/recxpress) to sign up. RECXPRESS CODE: 21542

**Wilderness and Remote First Aid & CPR**

**Nov. 3-4 (two-day class), 5-9 p.m., Northglenn Recreation Center, 11801 Community Center Drive**

What if someone sustained an injury in a remote area with no cell phone coverage? Would you know what to do? This class covers how to make a stretcher from nearby materials, CPR, choking, tourniquets, EpiPen application and triage techniques along with other first aid practices. The class meets OSHA and Colorado Fish and Wildlife Division requirements. Cost is \$69 for residents, \$76 for non-residents. Go to [www.northglenn.org/recxpress](http://www.northglenn.org/recxpress) or call 303-450-8800 for more information. RECXPRESS CODE: 21779

**Northglenn Community Foundation Dine & Donate**

**Wed., Nov. 4, 5-10 p.m., The Glenn, 11140 Irma Drive**

Have a great meal and help out your neighbors at the same time! The Glenn will donate 10 percent of all food purchases to the Northglenn Community Foundation to help fund the Utility Assistance Program, which is for Northglenn residents who need a helping hand. Patrons can also make tax-deductible donations during the event. For more information, go to [www.northglenncf.org](http://www.northglenncf.org).

**Senior Center Events**

These events occur at the Northglenn Senior Center, 11801 Community Center Drive, unless noted. Call 303-450-8801 for more information.



HEALTHY LIVING SERIES

**Healthy Gluten-Free Living**

*Tues., Oct. 6, 1 p.m.*

Learn the basics of gluten-free living, including shopping and cooking tips, as well as advice on dietary supplements for nutritional support. Presented by Fallon Rhodes of the Northglenn Natural Grocers store. All ages are welcome. Call 303-450-8801 for more information.

**Skype Class**

*Mon., Oct. 12, 1 p.m.*

Learn about the online video chat Skype and how you can use it to keep in touch with family and friends. The senior center will soon start offering the opportunity to Skype on a monthly basis. This free class is presented by Ward 3 Councilmember Marci Whitman. Please RSVP by

Oct. 8 at the center or by calling 303-450-8801. For people ages 55 and over.

FESTIVE FRIDAY

**Oktoberfest Potluck**

*Fri., Oct. 16, 12 p.m.*

The Northglenn Senior Organization (NSO) will provide the brats and sauerkraut – you provide the side dish or dessert. Please RSVP by Oct. 14 at the center or by calling 303-450-8801. Cost is free. For people ages 55 and over.

SENIOR BOOK CLUB

**"The Martian"**

*Tues., Oct. 27, 1 p.m.*

Six days ago, astronaut Mark Watney became one of the first people to walk on Mars. Now, he's sure he'll be the first person to die there. Read the novel before checking out the upcoming movie starring Matt

Damon. For more information or to reserve a copy, call 303-450-8801 or stop by the center. For people ages 55 and over.

FESTIVE FRIDAY

**Halloween Party**

*Fri., Oct. 30, 1 p.m.*

Join us for a ghoulish time! Enjoy games, a costume contest and refreshments. Please RSVP by Oct. 28 at the center or by calling 303-450-8801. Cost is free. For people ages 55 and over.



HEALTHY LIVING SERIES

**Exercise for Everyday Life**

*Tues., Nov. 3, 1 p.m.*

Strong muscles are crucial for everyday tasks, such as getting in and out of the car, pushing a shopping cart, walking your dog, cleaning the house and gardening. Learn exercises that will help you go about your day with less muscle strain and more ease. Cost is free. Call 303-450-8801 for additional details.

FESTIVE FRIDAY

**Holiday Tea Party**

*Fri., Nov. 6, 1 p.m.*

Celebrate the holidays in style with afternoon tea while enjoying holiday entertainment. Please RSVP by Nov. 4 at the center or by calling 303-450-8801. Cost is \$7. For people ages 55 and over.



P.O. Box 330061  
11701 Community Center Drive  
Northglenn, CO 80233-8061  
www.northglenn.org  
Phone: 303-451-8326  
Fax: 303-450-8708

October 2015



### Continued From Front Page

in the south parking lot at City Hall. Drop boxes open on Oct. 13.

When you receive your ballot in the mail, it will contain the City Council candidates for the ward you live in,

candidates for Adams 12 Five Star Schools and questions from Adams County and the state.

Below is a copy of the ballot content for the city of Northglenn.

#### Council Candidates

The City Council candidates who will appear on the ballot are as follows (listed alphabetically):

- Ward 1: Jordan Sauers and a spot for a write-in candidate will

be included.

- Ward 2: Becky Brown and Gaye Monroe
- Ward 3: Marci Whitman
- Ward 4: Antonio Esquibel, Rosie Garner and Jenny Willford

#### Ballot Wording

Below is a copy of the city's question that will appear on the ballot along with the City Council candidates and questions submitted by other entities such as the state, county and Adams 12 Five Star Schools. Additional information regarding the ballot question will be provided in the TABOR notice, which will be mailed by Adams County on Oct. 2 to all households with at least one registered voter.

#### CITY OF NORTHGLENN BALLOT ISSUE 2M: (SALES TAX EXTENSION)

WITHOUT RAISING ADDITIONAL TAXES, SHALL THE EXISTING ONE HALF PERCENT (1/2%) SALES AND USE TAX ON NON-FOOD ITEMS ORIGINALLY ADOPTED BY NORTHGLENN'S ELECTORS AT THE SPECIAL ELECTION OF MAY 9, 1989, AND EXTENDED AT THE MUNICIPAL ELECTIONS OF NOVEMBER 8, 1994, NOVEMBER 2, 1999, NOVEMBER 2, 2004, AND NOVEMBER 2, 2010, BE EXTENDED AS A VOTER APPROVED REVENUE CHANGE WITHOUT A SUNSET CLAUSE, THE PROCEEDS OF SUCH SALES AND USE TAX EXTENSION TO BE USED EXCLUSIVELY FOR THE CONSTRUCTION AND REHABILITATION OF CITY OF NORTHGLENN CAPITAL IMPROVEMENTS AND THE ACQUISITION OF WATER?

## Have a Spooktacular Time at Safe Street Halloween

■ Oct. 24, 5:30-8:30 p.m., Northglenn High School, 601 W. 100th Pl.

The Police Department and Northglenn High School are teaming up again for Safe Street Halloween. This annual event, now in its 17th year, provides area residents with a free, safe, fun and sometimes frightening environment for kids to trick-or-treat.

Northglenn High School students will entertain all the costume-clad children

and their guardians with creatively-decorated classrooms and Halloween-themed music.

The students and local groups and businesses will pass out pumpkin-fulls of candy. Last year more than 5,000 kids received 3,000 pounds of candy.

Be sure to line up early, as you need to be through the line by 8:30 p.m. to have a chance at the goodies!

Community groups and local businesses are invited to participate. Candy can be donated at the police department. For more information contact Sgt. Brandon Hipp at 303-450-8960.

#### Halloween Safety Tips

The National Safety Council offers the following safety tips to trick-or-treat:

##### Safety Tips for Motorists

- Watch for children walking on roadways, medians and curbs.
- Enter and exit driveways and alleys carefully.
- At twilight and later in the evening, watch for children in dark clothing.

##### Trick-or-Treating

- Instruct your children to travel only in familiar, well-lit areas and avoid trick-or-treating alone.

- Tell your children not to eat any treats until they return home.
- Teach your children to never enter a stranger's home.

##### Costumes

- All costumes, wigs and accessories should be fire-resistant.
- If children are allowed out after dark, fasten reflective tape to their costumes and bags to make sure they are visible.
- When buying Halloween makeup, make sure it is non-toxic and always test it in a small area first.
- Remove all makeup before children go to bed to prevent skin and eye irritation.

## Inside this issue...

- 2 Mayor's Corner
- 4 City Manager's Column
- 4 Community Calendar
- 6 Economic Development Update
- 10 Police Updates
- 11 Wheat Ridge 2020



## Welcome to the information Age

How can I find out when public meetings are scheduled? What are some upcoming events in the City? Is the Performance in the Park cancelled due to weather? How can I stay informed on City happenings?

Gone are the days where there was only one way to find out what was going on in your City. Today the City offers as many ways to get information as possible! As you know **Connections**, our City newsletter is your quarterly connection to City information. This newsletter is mailed out to all households and businesses in the City to keep everyone informed. Connections features articles by the Mayor and City Manager, calendars, and stories from City departments. In this issue there is even a Carnation Festival map and schedule insert to help you plan your Festival weekend! But sometimes the stories are dated, dates have changed or there wasn't time to get the latest story to the printer...

Now citizens have instant access to the latest developments. The City has joined **Facebook!** We are posting events, meetings, cancellations, closures, classes, traffic alerts, ribbon cuttings, news stories, and much more!! "Like" our page at City of Wheat Ridge Government to stay up to date on everything Wheat Ridge. Did you know we beat out Honolulu, Hawaii on Livability's list of Top Places to Retire? Have you seen the fun pictures of the Criterium that zoomed around the City last month? Were you thinking about going to a City Council Meeting? Facebook can remind you when the next meeting is or if it's been cancelled. The Facebook page can help connect you with all kinds of information. The City is happy to join the Wheat Ridge Police Department and the Recreation Center in the world of Facebook. Be sure to "like" their pages as well; they are both full of great information about the City!

Our **City Website** [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us) is another great source of information. News flashes in the center of the site can keep you informed of all the breaking news in the City. At the bottom left hand side of the page the "Notify Me" button will give you the option to enter your email address and received text or email updates on the topics you find interesting. The "Alert" bar along the right hand side posts traffic and crime alerts. The City Calendar is a great way to see what upcoming meetings and events the City has on the horizon. If you want to see some

really great videos and articles about Wheat Ridge, check out the Life is Sweet page.

If you are a Comcast subscriber tune in to **Channel 8** to see the City Bulletin Board with useful information, Top of the Hour videos, and City Council meetings. If you are not a Comcast subscriber, you can view Top of the Hour videos and all public meetings on the City website using the WRTV8 link.

Sign up for **Mayor's Matters**, the Mayor's bi-monthly electronic newsletter, for even more information on events, meetings, and news in the City. Email [jjay@ci.wheatridge.co.us](mailto:jjay@ci.wheatridge.co.us) to sign up!



Attend **Coffee with the Mayor** for information and conversation with Mayor Joyce Jay on the first Saturday morning of every month. Last but not least you can always do it the old fashioned way and give us a **call on our main line** at 303-234-5900. There are so many ways to get information about the City and you can choose to get information in any way you prefer or in all the ways available! Transparency to very important to us and we want all citizens to feel included and informed about City services, events, and news. Welcome to the information age; tell us how we can help connect you!

PRSRT STD  
U.S. Postage PAID  
Denver, CO  
Permit No. 1673

City of  
**Wheat Ridge**  
7500 W. 29th Avenue  
Wheat Ridge, CO 80033



# Mayor Joyce Jay



## Today's Wheat Ridge:

### Brought to you by Citizen Input Over the Last Decade

Wheat Ridge has gone through many changes in the past ten years. It is clear when you take a look at our new developments such as Kipling Ridge, the newly remodeled King Soopers and all the new residential choices now available in the City. Today's Wheat Ridge did not happen overnight. There are several guiding documents that have contributed to the vision of Wheat Ridge; two of those documents are the Neighborhood Revitalization Strategy (NRS) and the Envision Wheat Ridge Comprehensive Plan. I think it's important to remember that the decisions City Council makes today are influenced by guiding documents and plans that have been adopted and are the products of years of citizen input and public engagement. I am so proud of all the great strides our City has made and I look forward to seeing what our constantly evolving City has in store for the next ten years.

#### Neighborhood Revitalization Strategy (NRS)

This year is the tenth anniversary of the NRS which was commissioned and adopted by the City Council in 2005. The study was conducted to evaluate the state of the City; our population and household trends, jobs and retail sales trends, housing market and commercial inventory. The NRS outlined recommendations and objectives that attempted to address issues being faced by the community and to restore the City to a Community of Choice for homeowners and businesses. The plan was developed based on extensive public input from stakeholder interviews to larger public meetings.

The recommendations of that report included implementation of several strategies to reposition the City including:

- › Accelerate and shape the development of 38th Avenue
- › Develop signage and enhance gateways and general appearance
  - › It is critical that Wheat Ridge recognizes that it must have a clear message that is widely promoted, easily understood, repeated throughout the community, and leveraged to maximize economic impact
- › Develop new, market-rate housing at key locations throughout the City
- › Acquire, upgrade, and sell out-of-date housing stock
- › Improve existing multi-family rental property
- › Redevelop the Wadsworth Corridor
- › Transform how the City and residents manage change
- › Create Wheat Ridge 2020, a public, non-profit corporation, to facilitate and encourage appropriate development in Wheat Ridge

See the full NRS report at: <http://www.ci.wheatridge.co.us/276/Repositioning-Wheat-Ridge>

#### Envision Wheat Ridge Comprehensive Plan

Another important document in envisioning the future of Wheat Ridge is the comprehensive plan. In 2009, City Council approved a resolution adopting Envision Wheat Ridge Comprehensive Plan. A comprehensive plan is a policy document that provides the vision for what a community wants to become and the steps that need to be taken to reach that vision. The plan provides guidance and direction to local leaders who are responsible for implementing desired changes and

charting the future of the community. The City formed a Citizens Advisory Committee, which I served on before I was elected to City Council. The Committee provided advice and feedback to the Planning Commission and City Council on the development of the plan. Additionally, three public community meetings were conducted. More than 60 citizens attended each meeting and provided feedback and input to the plan.

Some of the key values outlined in the plan were:

- › Create a Resilient Local Economy Based on a Balanced Mix of Land Uses
- › Promote Vibrant Neighborhoods and an Array of Housing Options
- › Enhance Community Character and Accentuate Quality Design
- › Increase Transportation Connections and Options
- › Provide Quality Community Amenities, Services, and Resources
- › Ensure a Sustainable Future

You can read the entire plan at: <http://www.ci.wheatridge.co.us/871/Comprehensive-Plan>

As Wheat Ridge grows and changes it can be easy to forget how we got here. Today's Wheat Ridge is the product of the hard work of citizens, elected officials and staff. Studies and plans of both present and past, and visions from the last decade have influenced decisions made over the years. I am proud of what we have accomplished, and proud to continue the great work of all the committed citizens that came before us. The City is celebrating progress we have made over the past 10 years since the adoption of the NRS. Stay tuned for more information on the NRS Anniversary Celebration.

## Aging Well in a Healthy Community

Mayor Joyce Jay addressed a crowd of more than 200 at the Jefferson County 2015 Summit on Aging in June. The Aging Well Project invited community members to come together to discuss plans and ideas on the topic of aging well in a healthy community. City officials from a number

of cities within the county were asked to talk about how their community is preparing for the increase in the aging population. The keynote speaker addressed the "Graying of America" and how it will impact communities. Attendees participated in a wide range of discussions and workshops on

how best to meet the needs and provide services for the rapidly growing senior population.

For more information visit their website at <https://jeffco.us/human-services/aging-and-adult-services/aging-well-project/> or contact Susan Franklin at 303-271-4051 or [sfrankli@jeffco.us](mailto:sfrankli@jeffco.us).

# Advisory Panel Reviews Ward Rail Station

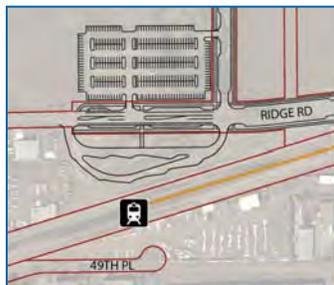
Construction of RTD's Gold Line commuter rail line is well under way with trains scheduled to begin running in 2016. The Gold Line is being constructed as part of RTD's FasTracks program.

With the line scheduled to open in just a year, City Council decided to invite the Urban Land Institute (ULI) to convene a panel to help the City better understand the potential of the area surrounding the Wheat Ridge - Ward station. ULI is a consortium of real estate professionals, including brokers, developers, planners and designers, who donate their time to further best practices in real estate development.

In February, the expert panel interviewed stakeholders and brainstormed the potential development of the station area. On June 15th the panel's final report was presented to City Council.

Some of the recommendations were to build a strong multi-modal street grid; brand the area; recruit more job based land uses, possibly include a creative incubator space; and create a diverse mix of housing surrounding the station. City Council was receptive to the recommendations of the panel. City staff will be evaluating whether changes are needed to any City plans, policies and regulations. The full report is available on the NW Subarea page of the City's website <http://www.ci.wheatridge.co.us/1130/Northwest-Subarea>

The Gold Line starts in Wheat Ridge just east of Ward Road and passengers



Ward Road Station, including the platform, parking lot and improvements to Ridge Road and Taft Court. The Station is being constructed as part of RTD's FasTracks and is scheduled to open in 2016.

boarding there will arrive about 20 minutes later at the new Denver Union Station. The Wheat Ridge station will be located at Ridge Road and Taft Court in the northwest part of the City. The station improvements are coming along quickly. RTD will be improving and building several streets in the area around the station, and installing a significant piece of public art with a Wheat Ridge theme. The art was selected by an RTD appointed committee that included City Council members and the Mayor.

The City believes there is a significant opportunity for development and redevelopment surrounding the station and the potential to create a new Wheat Ridge neighborhood that includes housing and jobs. To learn more about the Gold Line log on to <http://www.ci.wheatridge.co.us/891/FasTracks>

**46th Annual Wheat Ridge Carnation Festival**  
 Featuring Mike Zito & The Wheel  
**August 14-16, 2015**  
 Friday 4pm-11pm • Saturday Noon-11pm • Sunday (Circus Only) 9am-6pm  
**Live Music - 12 Great Bands • Fireworks BOTH NIGHTS!**  
**Zoppé Family Circus • Automezzi Car Show on Sunday 9am-2pm**  
**Parade • Fine Art Show • KidsZone with Carnival & Teen Stage**  
**Expanded Beer, Wine & Food Offerings • Artisans & Vendors**  
**Anderson Park, 44th & Field Street, Wheat Ridge**  
**Festival Admission is FREE!**  
 Visit [www.thecarnationfestival.com](http://www.thecarnationfestival.com) for more information & circus tickets.  
 Enter coupon code: NINO TO SAVE \$5

City of Wheat Ridge sponsors: the smile generation, Xcel Energy, noble energy, T-BANK, AUTO CARE, Davita, HealthCare Partners, Zoppé CIRCUS.

**The Wheat Ridge Carnation Festival will celebrate its 46th year this summer with a three-day event at Anderson Park, 4355 Field Street, beginning Friday, August 14th.**  
 Please refer to the insert in this paper for a complete schedule of events, or check out the website at [www.thecarnationfestival.com](http://www.thecarnationfestival.com).

## City Council

### MAYOR



Joyce Jay  
303-420-8533  
jjay@ci.wheatridge.co.us

### CITY TREASURER



Larry Schulz  
303-235-2810  
lschulz@ci.wheatridge.co.us

### DISTRICT I



William "Bud" Starker  
303-598-9671  
bstarker@ci.wheatridge.co.us

### DISTRICT II



Kristi Davis  
303-757-8488  
kdavis@ci.wheatridge.co.us

### DISTRICT III



George Pond  
303-880-8729  
gpond@ci.wheatridge.co.us

### DISTRICT IV



Tracy Langworthy  
303-420-8055  
tlangworthy@ci.wheatridge.co.us

### JUDGE



Judge Christopher Randall  
303-235-2835

### CITY CLERK



Janelle Shaver  
303-235-2823  
jshaver@ci.wheatridge.co.us



Jerry DiTullio  
303-231-1392  
jditullio@ci.wheatridge.co.us



Zachary Urban  
720-252-5930  
zurban@ci.wheatridge.co.us



Tim Fitzgerald  
720-360-0871  
tfitzgerald@ci.wheatridge.co.us



Genevieve Wooden  
303-204-9504  
gwooden@ci.wheatridge.co.us

# CITY MANAGER'S Column

## Colorado Cities & Towns Week



City Manager Patrick Goff

Colorado Cities & Towns Week is September 14th through the 20th. This is an opportunity for municipalities to connect with residents and acknowledge the outstanding work our municipal employees and volunteers are engaged in on a daily basis and remind our residents about the vital services provided by the City of Wheat Ridge. I would like to personally thank the City's 230 full-time and part-time employees, the 200 to 300 temporary and seasonal employees, the Mayor and City Council, the Board and Commission members and all the other volunteers for their dedicated service to the City of Wheat Ridge and the community.

The idea of establishing a municipal government to meet the basic needs of the community came to Colorado with the earliest miners and shopkeepers. In 1868, residents of a booming Georgetown decided they could better provide for their community by working together in an organized fashion. The Colorado territorial legislature granted them a charter to incorporate, and Georgetown

holds the oldest continuous municipal charter in the state. Municipal government continues to remain the most economical method to provide public services. In fact, Colorado residents have created a half-dozen new cities and towns in the past 20 years, with the most recent addition, Castle Pines, incorporating in 2007.

During the Gold Rush of 1859, Wheat Ridge became a popular rest stop for miners traveling through the community from Denver. After the rush, many of those miners returned to Wheat Ridge to farm the area's fertile soils. Wheat Ridge historically produced wheat and a variety of fruits and vegetables to serve the Denver region. Eventually the establishment of greenhouses led the City to become the largest producer of carnations in the world. As an unincorporated area in Jefferson County, a number of service suppliers were established to provide water, sanitation, and fire protection to residents. Wheat Ridge finally incorporated as a City in August of 1969 due to annexation pressure from surrounding jurisdictions.

Municipal governments provide a variety of programs and services to their residents. Some are mandated by state statute, city charter or city ordinances and others are based on the needs and desires of the specific community. Wheat Ridge is not a "full-service" City because several public services, such as fire and utilities, are provided by other governmental districts. For instance, Wheat Ridge residents are served by four separate fire districts, six water districts and seven sanitary sewer districts. However, the City does provide traditional municipal services such as parks and recreation, public safety, street maintenance, land use and zoning, building inspection and municipal court.

When you are out enjoying all Wheat Ridge has to offer, take a minute and look around.



**We plant the flowers**  
the next time you stop and smell the roses ■■■



**We serve and protect**  
the next time you see a police car on patrol ■■■



**We direct traffic**  
the next time you are stopped at a red light ■■■



**We balance the budget**  
the next time you're planning your household budget ■■■



**We watch over the neighborhood**  
the next time you take a stroll through your safe neighborhood ■■■



**We let you know**  
the next time you use the website or hear the warning sirens ■■■



**We pave the way**  
the next time you go out for a spin ■■■



**We bring people together and entertain**  
the next time you drive by the Active Adult Center, take a class at the Wheat Ridge Recreation Center, or attend a community event ■■■



**We have pride**  
the next time you see a new or remodeled business or restaurant, or just look around town with pride ■■■



**We help you play**  
the next time you take a stroll in the park, run or bike down a trail, seesaw at the playground, or kick a ball on a soccer field ■■■



**We clean up**  
the next time a storm litters the streets, your neighbors weeds are out of control, or trash is accumulating on a property ■■■

■■■ **Pause and think about the hard working men and women – staff, elected officials and volunteers – who care for our community and the essential services they provide.**



**And we have answers**  
the next time you wonder about anything from street maintenance to community events... check out our website at [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us) or call 303-234-5900 and we'll do our best to answer your questions.

### COMMUNITY CALENDAR

#### AUGUST

- 10 Wheat Ridge City Council Meeting, 7 p.m. Wheat Ridge City Hall
- 24 Wheat Ridge City Council Meeting, 7 p.m. Wheat Ridge City Hall

#### SEPTEMBER

- 7 No Council Meeting;  
City Administrative facilities will be closed for Labor Day
- 14 Wheat Ridge City Council Meeting, 7 p.m. Wheat Ridge City Hall
- 28 Wheat Ridge City Council Meeting, 7 p.m. Wheat Ridge City Hall

#### OCTOBER

- 12 Wheat Ridge City Council Meeting, 7 p.m. Wheat Ridge City Hall
- 26 Wheat Ridge City Council Meeting, 7 p.m. Wheat Ridge City Hall

## COMMUNITY

You may not think about it, but people just like you manage our town/city. The next time you come up with that great idea to make our community better, consider running for office, volunteering to serve on a committee, or attending a committee meeting. And always be sure to vote! Colorado cities & towns work for you — and now they need you to work for them.

Packet Page 314



Patrick Goff  
City Manager  
303-235-2819



Ken Johnstone  
Community Development Director  
303-235-2846



Joyce Manwaring  
Parks & Recreation Director  
303-231-1307



Scott Brink  
Public Works Director  
303-235-2861



Dan Brennan  
Chief of Police  
303-235-2913



Heather Geyer  
Administrative Services Director  
303-235-2826

# I Don't Live in a Floodplain

## Why is my Basement Flooding?



### Everyone is at risk

Did you know that everyone is at risk of flooding no matter where their house is? For most Wheat Ridge residents the risk is fairly low. However, for those that live in a floodplain the risk is more significant. If you live in a 100-year floodplain along Clear Creek or Lena Gulch, or in a Special Flood Hazard Area (SFHA), the chance of your property flooding in any given year is at least 1%, which means over the life of a typical 30-year mortgage, there is a 23% chance of being flooded. And, in an extremely wet year, many properties outside of the designated areas may receive water damage.

### My basement has never been wet before. What happened?

This year many basements flooded that had never been wet before. The rainfall from mid-April to mid-June was 13.5 inches. The average rainfall for this area is less than 16 inches per year. That means 84% of the yearly precipitation fell during an eight-week period, leaving groundwater at record highs.

Many sump pumps and foundations were not able to withstand this level of ground water. And, the heavy water volume and hail knocked down leaves, branches and other debris that clogged water inlets and slowed drainage.

### Flooding vs groundwater

If the water came in through a window or door, then it is classified as flooding. If the water is seeping in from the walls or floor, then it is caused by the rise of sub-surface water and is known as groundwater.

### Will my insurance pay for the damage?

If you carry a separate flood insurance policy through the Federal Emergency Management Agency (FEMA), and water enters your house from the surface such as through a window or door, then it is classified as flooding, and therefore covered by FEMA. If the water is seeping in from the walls or floor, then it is caused by groundwater, and that is not covered by either flood insurance or your homeowner's policy.

There are no good solutions to basement flooding problems that result from groundwater inundation. No government assistance is available to help you cope with groundwater flooding problems.

### An ounce of prevention

If your basement or garage continues to flood, you may want to consider making changes to your property, like waterproofing your basement or installing a sump pump (or perhaps

increasing the size of your pump) to reduce the risk.

Before you buy, learn everything you can about groundwater levels and drainage patterns before you purchase a piece of property. If the current owners aren't using the basement, find out why.

Before you build, investigate the groundwater characteristics of the site before installing a basement, pool, or septic system. If you are close to a river, stream, lake, or wetland, it is more likely that the water table will be close to the surface. Your neighbors may be able to give you valuable information about past incidents of water under your property.

Take common sense precautions to lessen the impact of flooding:

- ◆ Inventory your possessions and take photographs of them
- ◆ Keep valuable items out of your basement or at least store them in an elevated area
- ◆ Raise the level of appliances and HVAC equipment
- ◆ Be sure your sump pump is working and is of adequate size, and add a battery back-up or UPS

Ask your insurance agent about obtaining flood insurance or confirming that you already have it. Most companies require a 30-day waiting period for coverage to take effect, so don't wait for the creek to rise before you purchase the insurance. The price of the policy is set by FEMA based on the flood designation of your property, so you will not need to shop around; the price will be the same.

More information about flood insurance can be found on the National Flood Insurance Program (NFIP) website at [www.floodsmart.gov](http://www.floodsmart.gov). or on the City's floodplain webpage at [www.ci.wheatridge.co.us/flood](http://www.ci.wheatridge.co.us/flood)

Property owners can direct requests or complaints about flooding or drainage problems to the City Public Works Department at 303-235-2861.



Wheat Ridge Optimist Club Award

From left, Chief Dan Brennan, Sergeant Jon Pickett and Commander Wade Hammond.

The Wheat Ridge Optimist Club honored Sergeant Jon Pickett with the Optimist Club Respect for Law Award in June. Sergeant Pickett was selected for the award based on his work in establishing a law enforcement Explorer Post program for youth in 2013. Sergeant Pickett was a Police Explorer as a teenager and he wanted to offer Wheat Ridge youth the same opportunity he had in high school.

Today, the department has a cadre of 15-20 male and female youth who actively participate in the Explorer program. Jon and his fellow instructors provide law enforcement-related training, as well as mentoring, coaching, and character development for these youth. Explorers participate in state, regional and national competitions, ride-along with officers on patrol, and assist in providing traffic and crowd control at community events.

## HOME

We may not think about it, but several of the services and resources we rely on to keep our homes safe and secure — such as weed control, clean neighborhoods, animal control, and wildlife management — are provided by our city. The next time you take a stroll around your neighborhood, think about the hard working men and women who care for our community. Colorado cities and towns work for you.

COLORADO CITIES & TOWNS  
[www.coloradocitiesandtowns.org](http://www.coloradocitiesandtowns.org)



## ECONOMIC DEVELOPMENT in Wheat Ridge

*Growth and Progress!*

### Development Update

Cranes, bulldozers and the sound of hammers and saws were commonplace in Wheat Ridge the past year. And that trend continues as Wheat Ridge has slowly become a City of Choice for the development community. The following is a short list of some of the development occurring throughout Wheat Ridge.

**Kipling Ridge at 38th** - City officials and staff were present for the June ribbon cutting for Sprouts Farmers Market and the newly-built Starbucks. The 64-bed memory care facility owned and operated by Morningstar Senior Living, will be finished soon. One site remains open for development. A public/private partnership between the City/Urban Renewal Agency and the developer assisted with the public infrastructure necessary to build the project. The City contributed \$3,000,000 to the \$24,000,000 project.

**North of I-70 on Kipling** - Natural Grocers proudly cut the ribbon on their new store in late May. Natural Grocers demolished the site where Furr's Cafeteria once stood. Natural Grocers has five founding principles which are to provide nutrition education, high quality products, affordable pricing, commitment to their communities, and commitment to their employees.

**The West Side** will see new development at the Applewood Shopping Center at 32nd Avenue and Youngfield Street. A new Starbucks will feature a drive-thru, outdoor patio seating and will serve beer and wine. The second project is a King Soopers fueling station at the area where the Old Chicago restaurant was located.

**The East Side** of town remains busy along the Ridge at 38. The successful Perrin's Row Townhouse development is fully sold-out. The project used Tax Increment Financing (TIF) from Renewal Wheat Ridge for public improvements. It was projected the 26-unit development would take more than 36 months to construct and sell, but the project sold out in just over one year, as the popularity of Wheat Ridge increases.

**The Ridge at 38** - 6101 West 38th Avenue is getting some new life as father/daughter team Tom and Liz Keltner rehabilitate the property and open a holistic wellness center featuring up to five different modalities of treatment and wellness. Their investment is another example of the excitement created on the corridor.

Activity is complete on The Kidney Center at 6920 West 38th Avenue. This was formerly Mark's Restaurant. A group of physicians purchased and invested in the redevelopment of the property in 2014.

**The Wilmore Center** on the northwest corner of 38th Avenue and Wadsworth Boulevard saw Baby and Co. open with a ribbon cutting in early June. The new business provides personalized maternity care, wellness classes and a birthing center with the comforts of home. This is Baby and Co's second center in Colorado.

**At Wadsworth and 44th Avenue** - Phase II of the Town Center Apartments is underway. The 50 new senior living units will add to the 88 units built in Phase I. Assisted by Renewal Wheat Ridge, the project has more than 1,000 people on the waiting list for the new units. The senior apartments should be opened in early 2016.

**New Restaurants** - If all this reading has made you hungry try one of the new or remodeled restaurants in town. Check out the Pierogi Factory at 3895 Wadsworth Blvd., TaVerns at 7601 W. 44th Avenue, the remodeled Mama's Burritos at 9730 W. 44th Avenue, Mighty Joe's Kitchen at 10101 49th Avenue, Heidi's Brooklyn Deli in the Applewood Shopping Center, the Iron Rail Tavern at Kipling and 41st, and Clancy's Irish Pub, 7000 W. 38th Avenue.

For more information on opening a business or development in Wheat Ridge, contact Economic Development Manager Steve Art at [sart@ci.wheatridge.co.us](mailto:sart@ci.wheatridge.co.us) or call him at 303-235-2806.

### Framed in Wheat Ridge!



Grizzly Creek Custom Framing staff members Dennis Dunn, Shirley Whitcomb, and owner Tim Tripp.

Grizzly Creek Custom Framing is a member of the Professional Picture Framers Association and a recipient of the TOP 100 Art & Retailers Award from Decor Magazine. Co-owners Tim and Kim Tripp recently made the decision to move from the Olde Town Arvada area where costs were skyrocketing as a result of light rail. "Since we have never seen anyone carry a picture frame on a light rail train, the increased costs made no sense for our business," Tripp explained. "Wheat Ridge made more economic sense and the location that opened up was perfect for us."

The new location, 4910 Iris Street, occupies about 2,500 square feet, and is right behind the new Vitamin Cottage just off Kipling, north of I-70. It is about half the size of the Arvada location. The new building presented some major challenges because of previous fire damage. "We've made quite a few improvements, but the City staff did a great job of working with us to complete the project," Tripp said.

Tripp retired from law enforcement in 2004. "I was a huge fan of Mayberry RFD and Barney Fife. I had memorabilia

all over my house and I needed to do something with it. So I taught myself how to cut mats by volunteering at one of the shops we eventually purchased. I was fortunate to learn framing from a 17-time national framing champion in Idaho. And the rest is history."

Bear lovers Tim and Kim purchased two struggling businesses and began Grizzly Creek Custom Framing. While Tripp and his staff have many famous clients including Comedian Jay Leno and Steven Tyler of Aerosmith, it's the smaller, more creative projects that Tripp values most. "We pride ourselves on our creativity, and the shop is set up with design in mind. The display area allows the customer to explore all kinds of options." Co-owner Kim is the bookkeeper, but also gets to flex her creative muscles in the store and at art shows. "All of our employees are creative, friendly and driven by customer service," says Tripp.

The shop is open Monday through Friday 10 a.m. - 5:30 p.m. and Saturdays from 10 a.m. - 4 p.m. You can find them online at [www.grizzlycreekframing.com](http://www.grizzlycreekframing.com)

### Clancy's Irish Pub Lands a New Home

Clancy's, the regions oldest Irish pub, operated in Wheat Ridge for more than 40 years. In the redevelopment process for the new Kipling Ridge shopping center, Clancy's old building was sold and demolished last year. Clancy's ownership group spent more than a year looking for the perfect Wheat Ridge location and finally landed on Ridge at 38.

When The Office Bar and Lounge, 7000 W. 38th Avenue, ceased operations earlier this year, Clancy's ownership group was able to purchase the building. With a new location, some paint, and a redesign of the kitchen, Clancy's opened their doors last May.



The bar and restaurant features Irish dishes like fish and chips, Shepard's Pie, and a selection of customized hamburgers. The two outdoor patios invite neighbors to come and enjoy a cold beverage, and the small, quaint rooms inside are reminiscent of an Irish pub. Clancy's is open daily and will feature late night live music, DJ's and Karaoke.

Find out more on their Facebook page or visit them at 38th Avenue between



VIBRANCY

We may not think about it, but our city works hard to keep our community thriving through economic development efforts and tourism promotion. The next time you see a new business or restaurant opening its doors, think about the hard working men and women who care for our community. Colorado cities and towns work for you.



Opening Day for Sprouts Farmers Market at Kipling Ridge, 38th Avenue and Kipling Street.



Mayor Joyce Jay and Councilman Bud Starker attended the June opening of the new Sprouts Farmers Market at Kipling Ridge, Kipling Street and 38th Avenue.

## ESTIP Pays Off Early

On June 25, 2012, City Council approved an Enhanced Sales Tax Incentive Program (ESTIP) agreement with the Dillon Companies, owners of the King Soopers store at Sheridan Boulevard and 38th Avenue.

City Council agreed to share back \$300,000 in sales tax increment that would be generated by the store after a major remodel. The remodel was needed due to new grocery competition in the area with the opening of a Walmart in Lakeside and the Sprouts Farmers Market about a mile east on 38th Avenue. City staff met with representatives from the Dillon Company and King Soopers to discuss an agreement that would provide an economic development incentive to keep the store viable and provide incentive for the Dillon Company to sign another 15-year lease that would keep the store in Wheat Ridge.

The agreement stipulated the share back would not exceed \$300,000 or seven years, whichever ever occurred first. After only three years the \$300,000 payment has been satisfied.

“With every economic development incentive we provide, we hope there is an impact to the surrounding area,” said Economic Development Manager Steve Art, “and in this case that proved true. Bob Perry, the owner of the center, decided to give not only the King Sooper store, but the entire shopping center a facelift, vastly improving the look of the entire corner.”

An ESTIP provides a rebate for new sales taxes generated by a project when it is complete. This means that sales taxes generated prior to the improvements still flow to the City’s general fund; it’s only the new “incremental” sales tax dollars (which are generated above the existing base levels) that are used to repay the agreement. Now that the agreement is satisfied, the incremental sales tax generated from this store will be available for other general fund programs and services.

To learn more about the City’s ESTIP and other economic development incentives, contact Steve Art at [sart@ci.wheatridge.co.us](mailto:sart@ci.wheatridge.co.us) or 303-235-2806.

## Nutrition Guidance for Good Health



Nutritionist  
Melissa Williford

How might confused and nutrient-hungry consumers unscramble conflicting information about what’s best for their bodies? Qualified, conscientious guidance is available through the Wheat Ridge Recreation Center’s Nutrition Services. Workshops and consultations are aligned with consumer interests and needs and offer a variety of topics to help nutrition and healthy eating become a life-long habit rather than a diet.

Nutrition Consulting is available by appointment at the Recreation Center as well as the Active Adult Center. Registered dietitian/nutritionist Melissa Williford will provide in-depth, individual nutrition counseling to assist

in overall health and well-being. Melissa helps clients create healthy eating plans that are achievable and can be maintained. She believes there is always a way to make nutrition fun, simple, and part of a new routine.

Those struggling with diabetes shouldn’t be forced to refrain from enjoying a variety of foods. Mastering Your Diabetes, an interactive series, is designed to help consumers take charge of diabetes through healthy behaviors. Attendees learn to plan meals using various techniques, when and how to monitor blood sugar and how to make a permanent change in eating patterns to help manage diabetes and thrive!

Heart disease is the leading cause of death for men and women, and over 1.5 million Americans suffer from heart attacks and strokes annually. Join Melissa for Healthy Living with Heart to learn how to live a heart-healthy life. She will offer advice on optimum eating patterns, healthy levels of physical activity, and which risk factors or conditions can increase an individual’s chance of heart disease. This nutrition-focused workshop will help consumers lower cholesterol and blood pressure, while increasing overall health. To find out more or to sample one of Melissa’s heart-healthy recipes go to [www.ci.wheatridge.co.us/Nutrition](http://www.ci.wheatridge.co.us/Nutrition)

**Woah! Check it out!**

Have you seen the new **Wheat Ridge Parks & Recreation Activity Guide** yet?

Pick up your copy today at one of our facilities or check it out online at: [www.ci.wheatridge.co.us/Registration](http://www.ci.wheatridge.co.us/Registration)

Packet Page 317

**LIFESTYLE**

We may not think about it, but several of the resources we rely on to keep us entertained, informed, and healthy — such as trails, open space, and cultural events — are provided by our city. The next time you are relaxing in a park or attending a class at the Active Adult Center, think about the hard working men and women who care for our community. Colorado cities and towns work for you.

COLORADO CITIES & TOWNS  
[www.coloradocitiesandtowns.org](http://www.coloradocitiesandtowns.org)

Agenda Item 5C Page 123

# Clear Creek Trail Segment is On the Move!



The yellow line indicates the new segment of the Clear Creek Trail.

The Wheat Ridge Greenbelt, a highly popular portion of the Clear Creek Trail, is a treasured amenity to our community. With opportunities for hiking, walking, biking, horseback riding and nature viewing it's clear why the Wheat Ridge Greenbelt is so attractive to residents and visitors. Hence, the Wheat Ridge Parks and Recreation Department is pleased to announce the relocation of a segment of the trail to further improve the users' experience!

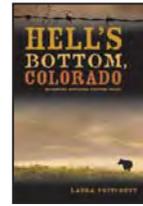
Construction began in early August and will not require any detours to the current trail allowing continued trail access throughout the project. The current trail travels west on 41st Avenue from Kipling to the Wheat Ridge Greenbelt through the Northwest Lakewood Sanitation property located at Miller Street. The

new portion will be relocated to the open space property at approximately 42nd and Kipling, cross Clear Creek, and tie into the 43rd and Moore trailhead.

The new trail segment is approximately one-half mile long and will ensure the trail's path permanently adjoins to open space property. The relocation and improvement will also provide a more direct route for users and minimize exposure to vehicular traffic.

The segment should be available for use by December of 2015, and the Wheat Ridge Parks and Recreation Department invites residents explore and discover the new and improved Wheat Ridge Greenbelt and Clear Creek Trail.

For more information, visit [www.ci.wheatridge.co.us/ParksandRecreation](http://www.ci.wheatridge.co.us/ParksandRecreation) or call 303.231.1300.



## Small Town Colorado Stories Selected for Wheat Ridge Reads

A local book club, Wheat Ridge Reads, invites both adult and teen readers to explore Hell's Bottom, Colorado, a collection of linked short stories by Colorado author Laura Pritchett. Winner of the Milkweed National Fiction Prize and the PEN USA Award for Fiction, Hell's Bottom, Colorado, focuses on one extended ranching family in Colorado, unfolding their stories with warmth and gritty reality.

Raised on a Colorado ranch, Pritchett is the author/editor of seven books, a writing coach, and an activist. Still a Colorado resident, she is on the faculty at Lighthouse Writers Workshop in Denver, and provides one-on-one coaching as well as workshops on a variety of writing topics.

To support community discussion, Pritchett will appear at two public Wheat Ridge Reads events in September:

- Books and Brews, 6 p.m., Wednesday,

Sept. 16, at Clancy's Irish Pub, 7000 W. 38th Avenue

- Wheat Ridge Public Library's Thursday Morning Book Group, 9 a.m., Sept. 17, 5435 W. 32nd Avenue Pritchett will also meet with Wheat Ridge High School students and staff to discuss the book and writing techniques.

Hell's Bottom, Colorado, is available at local libraries and local bookstores, and is available in downloadable formats from online retailers. Wheat Ridge Reads is sponsored by the Wheat Ridge Cultural Commission, Jefferson County Public Library and the Wheat Ridge Library. The program is designed to promote literacy and a shared reading experience throughout the City.

For more information, contact Commissioner Gay Porter DeNileon at 303-274-4066 or contact her by email [gpdnileon@gmail.com](mailto:gpdnileon@gmail.com)



## Give our kids a brake!

School starts August 17th

Safe Routes to School is a national partnership with state and local entities to advocate legislation for safe routes to school, to help fund safety programs through federal grants, and to implement safety programs in the community. It is at the local level that the program becomes a reality. The Wheat Ridge Police Department asks drivers to be

especially observant of children riding their bicycles or walking to school in the coming weeks.

- Watch for, and yield to, pedestrians and bicyclists near and around schools.
- Obey the speed limits for school zones.
- Come to a complete stop at stop lights and stop signs.
- Do not block pedestrian crosswalks.
- Obey traffic signals; make sure you are going the right speed for the conditions, and obey no-parking signs.

Parents are encouraged to talk to their school principal about a Safe Routes to School Program, or visit the National Highway Traffic Safety Administration's (NHTSA) Safe Routes To School Toolkit for more information.

# SAFETY

We may not think about it, but several of the services we rely on to keep us safe — such as such as police, storm warnings, and emergency preparedness— are provided by our city. The next time you see a police car on patrol or hear a siren in the distance, think about the hard working men and women who care for our community. Colorado cities and towns work for you.

COLORADO CITIES & TOWNS  
[www.coloradocitiesandtowns.org](http://www.coloradocitiesandtowns.org)

Packet Page 318

# We're getting clean!

An all-hands-on-deck approach to a thorough deep clean of the recreation center. From cleaning equipment to power washing locker rooms to refinishing hard wood floors – it's a busy week!

Wheat Ridge Recreation Center  
Closed Aug. 24-28  
The Active Adult Center  
Closed Aug. 20-25

**Don't worry, Golden Recreation Center welcomes you (with a SilverSneakers or annual pass) while we are busy freshening up!**

Agenda Item 5C Page 124

# Bike and Pedestrian Trails Continue to Improve

The City of Wheat Ridge is committed to improving bicycle and pedestrian transportation opportunities throughout the City. In addition to adding and enhancing facilities within the boundaries of Wheat Ridge itself, the City has worked closely with neighboring cities such as Arvada and Lakewood to improve connectivity between communities.

Dedicated and shared-use bicycle lanes were recently installed on Pierce Street from 26th Avenue to 48th Avenue, providing a vital north-south link between existing facilities in Lakewood and the Clear Creek regional trail. Further improvements scheduled for installation in 2015 and 2016 include:

### 32nd Avenue from Sheridan Boulevard to Youngfield Street

Dedicated bicycle lanes and shared use

### Kipling Street from 32nd Avenue to 44th Avenue

Construction of a multi-use trail along the east side of Kipling St., linking Crown Hill Park with Discovery Park and the Clear Creek Regional Trail – 78% was funded with a federal grant

### Miller Street from 44th Avenue to I-70 Frontage Road

Dedicated shared space for bicycles and pedestrians

### Tabors Street from I-70 North Frontage Road to Ridge Road

Complete reconstruction of the street, including the addition of bicycle lanes and sidewalk, providing improved accessibility to the Gold Line Commuter Rail Station, scheduled for opening later in 2016

### 35th Avenue North from Sheridan Boulevard to High Court to 38th Avenue

Bicycle facilities to be determined by public process commencing later this year.

Cyclists must obey the same traffic laws as motorists. They need to signal when making a turn, check behind them before turning or changing lanes, obey all traffic signals and stop signs, ride in the same direction as traffic, and yield to pedestrians in crosswalks.

### While not required by law, the following safe practices help prevent accidents:

- Don't wear earphones or earbuds while biking
- Ride single-file if riding abreast interferes with traffic flow
- Ride to the far right when safe to do so, that doesn't mean riding through debris or into the curb
- Wear highly visible clothing and ride where cars can see you
- Make eye contact with drivers when possible

For more information contact the Public Works Department at 303-286-2861.



**THERE WILL BE ROAD CLOSURES ON SUNDAY, AUGUST 23 FROM APPROX. 1:30 – 2:30 P.M.**



To bypass the race route on the north, travelers should use I-70, which will NOT be affected by the race - on the south, use Colfax or Highway 6.

The City of Wheat Ridge will once again host the USA Pro Challenge on Sunday, August 23rd. This seven-day event will draw the world's top cyclists to race through the majestic Colorado Rockies. The final stage of the race will take male riders from Golden through Wheat Ridge and on to Downtown Denver. The women will end their three-day race in Golden.

Specific times will be governed by the speed of the actual race and cannot be predetermined. As the last rider passes by from west to east, roads will be opened. Be advised the route continues all the way into Denver, passing through Wheat Ridge and Lakewood.

If you would like further information or would like to volunteer for the event, contact Commander Mark Cooney at 303-235-2931 or Carly Lorentz at 303-235-2867. Watch the City website for last minute changes [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us)

## Spinning for Fun & Fitness!

It may not be the USA Pro Challenge, but athletes of any age and fitness level can increase endurance, cardiovascular fitness, muscle strength, and flexibility while enjoying a complete workout with indoor cycling at the Wheat Ridge Recreation Center! Riders can control intensity by adjusting bike tension and are encouraged to make it "your ride, your way." Classes are available on a drop-in basis, and consist of a 45-55 minute ride, without the heat and UV rays of the intense Colorado sun.

Fifty-seven-year-old Faye Dettmann credits group cycling classes with her return to an active and healthy lifestyle, even though she professes she "almost died during my very first class." Faye suffered from debilitating foot pain and eventually underwent surgery for tarsal tunnel syndrome. Although a dedicated indoor cyclist before surgery, her post-operative rehabilitation required moderation as she eased back into cycling. The biggest surprise of resuming her spinning class was that her rehabilitation was accelerated, pain diminished and her foot mobility quickly increased from 15% to 90%. She is now back 100%. Faye loves the social atmosphere of the classes and credits the Recreation Center for being welcoming, informative, and accommodating to all. Group cycling classes



have given her the confidence to get out on a road bike—something she hadn't done before. For Faye, and many like her, it's all about staying healthy and mobile—and being social, of course!

In addition to group cycling certification, instructors maintain American Red Cross First Aid and CPR/AED certification. Bring a water bottle and a sweat towel, and check in at the front desk at least 15 minutes prior to class time, as bikes are limited. For more information, visit [www.ci.wheatridge.co.us/groupfitness](http://www.ci.wheatridge.co.us/groupfitness) or call 303-231-1300.

## Women Join Pro Challenge Race

For the first time this year, the USA Pro Challenge will hold a three-day elite women's race in conjunction with the men's race in August.

The route for the women's event will overlap with some parts of the men's race, and the women will compete for the same daily prize money as the men.

The three-day race is slated for August 21-23; the men's race is scheduled for August 17-23.

"We are very excited to support women's cycling in the U.S. and bring more of an awareness to these incredible athletes on a large stage in Colorado with world-class crowds," said Shawn Hunter, CEO of the USA Pro Challenge. "The women bring an entirely new dynamic to our race and we are confident the fierce skills of these riders will impress and inspire all of our passionate fans."

The women's race will start with a time trial in Breckenridge, Colorado on August 21, the same day the men will race a TT in the mountain town. The women will conclude their three days of racing in Golden; the men's final stage takes them from Golden to

Denver that same day.

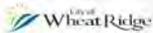
Boulder resident Mara Abbott, who races for Wiggle-Honda, is looking forward to the race. "I am beyond thrilled to have a chance to compete at the Women's USA Pro Challenge this year," she said. "I think to be able to race on your home turf is special for any racer and especially for

me because Colorado holds the majority of my heart. When the men finished up Flagstaff, only two blocks from the house where I grew up, I avoided the race entirely because I was jealous and sad. To get a chance to compete in the Colorado mountains is a dream come true."



## TRAVEL

We may not think about it, but several of the services we rely on each day to get where we need to go — such as traffic safety, street maintenance, snow plowing, and bus shelters — are provided by our city. The next time you are out for a spin, think about the hard working men and women who care for our community. Colorado cities and towns work for you.





COLORADO CITIES & TOWNS  
[www.coloradocitiesandtowns.org](http://www.coloradocitiesandtowns.org)

Agenda Item 5C Page 125



Exceptional People Providing Exceptional Service!



Dear Community Member,

There has been a lot of national and local attention focused on law enforcement during the past 18 months. Many of these stories are focused on police use of force, a lack of transparency by law enforcement agencies and an erosion of the trust between law enforcement and the communities they serve.

In some cases, the use of force may appear questionable and needs to be thoroughly investigated before rushing to judgement on the justification and legality of the force used. In the majority of cases, the use of force by law enforcement is justified, reasonable and lawful. While most of the recent attention has been focused on big-city law enforcement agencies, some of these incidents have occurred in smaller communities and agencies. I recognize that our organization is only one critical incident away from intense scrutiny by the media and the community.

It has been troubling to me to see the erosion of trust that has occurred over the past year in so many communities. Over the last twenty years a lot of work has been done by law enforcement agencies and leaders to promote community policing opportunities by developing collaborative relationships with law abiding community members to address crime, traffic and quality of life issues. Those accomplishments seem to have lost ground recently because of a few instances of inappropriate use of force by law enforcement officers in a few communities. Additionally the corrupt behavior that exists in some law enforcement organizations has resulted in a loss of public trust and transparency, which has led to calls for police reform nationally and in Colorado.

As a community member, there are several things you should know about your police department. The Wheat Ridge Police Department is committed to hiring the very best people and providing quality training in all facets of the job. Our mission statement speaks to the importance of collaborating with the community in providing these services. The department recognizes its responsibility to make sure officers not only receive training in skills areas, they receive training in communications, critical incidents, critical thinking, problem-solving, cultural awareness, and de-escalation, and are well-versed in Constitutional laws and legalities.

Our department is nationally accredited through the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). CALEA accreditation is not easily attained, and what it means is that your police department strives to follow the "best business practices" in law enforcement today. Members of the department are involved in their community. They are active members of local service and business organizations, sit on the boards for non-profit organizations, reach out to the faith-based community, and provide education and prevention training to our schools.

The President's Task Force on 21st Century Policing has outlined seven broad goals and recommendations for police departments across the country to implement. The International Association of Chiefs of Police (IACP) issued a report earlier this year entitled IACP National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Community Trust. The concepts incorporated in these reports are not new; both reports require every law enforcement agency to find strategies to address the issues of how our agencies interact with the law-abiding public. My leadership team is currently reviewing both reports and assessing how our programs and efforts align with these recommendations.

In closing, the members of the Wheat Ridge Police Department take our responsibility to serve and protect the community within the framework of our legal system very seriously. Policing is a people business; we rely upon trained professionals to provide critical public safety services in very difficult, chaotic and evolving circumstances. And the reality is we get it right almost every time, and we need to learn from those situations when we don't get it right. While no organization providing these types of services is perfect, know that Wheat Ridge Police Department strives to be exceptional and professional in the services we provide, and we hold ourselves accountable to the highest standards of our honorable profession.

Sincerely,

Daniel F. Brennan

Wheat Ridge Police Chief



Commander Dave Pickett was promoted to Division Chief of the Support Services Division in June. Commander Pickett grew up in Fort Collins, Colorado and his first position in law enforcement was as a Reserve Police Officer with the Fort Collins Police Department. Dave began his career with the Wheat Ridge Police Department in 1984. He has worked a variety of operational and administrative assignments throughout his career.

Dave has received many awards, including the Medal of Valor for capturing a first degree burglary suspect after being wounded by friendly fire. He was on the tactical planning committee and commanded a SWAT team for the 2008 Democratic National Convention. He served eight years on the West Metro Drug Task Force and continues to work with outside entities such as the Critical Incident Response Team and the regional Records Management Consortium.

Dave has a Bachelor of Science Degree from Colorado State University. He has attended the Police Executive Research Forum's Senior Management Institute and Northwestern University's School of Staff and Command. He holds a second degree black belt in Taekwon-Do and was a member of the Governor's twenty best police pistol competitors in the state from 1988 through 1991.



Tracy and Tony Wardell.

On June 22, 2015, Officer Tony Wardell was welcomed to the Wheat Ridge Police Department. Officer Wardell will become a member of the same department his father joined on the same date 23 years ago in 1992. This is the first-ever second-generation officer for the WRPD. "I couldn't be more proud," Sergeant (and dad) Tracy Wardell explained. "I have had the honor of serving this community for the past 23 years, and it is good to know my son will be here to carry on after



The Wheat Ridge traffic safety, life quality, and crime reduction (TLC) neighborhood program is in full swing. Earlier this year, City staff selected two residential neighborhoods, the Clear Creek Station located in District II, and Clearvale neighborhood located in District IV, and one commercial corridor on 44th Avenue from Harlan Street to Wadsworth Boulevard, to participate in the TLC program. Property assessments are currently underway in each of these neighborhoods and along the commercial corridor, and neighborhood events are being planned to help residents clean up the areas.

Neighborhood Outreach

In May, City staff partnered with Wheat Ridge 2020 and walked the TLC neighborhoods, passing out notices for neighborhood meetings, setting cleanup dates, and providing other community resources. Two neighborhood meetings were held in May. Both meetings were well-attended, and items discussed included, "What do you like about where you live?" and "What are the issues affecting your neighborhood?" The responses gave the Community Services Team and the police department an idea of how to best work with the residents in the areas.

Neighborhood Cleanup/ Dumpster Days

One event targeted to improve the areas is Dumpster Days. Dumpsters are provided to the residents of the area to discard items such as yard waste, free of charge. The first neighborhood cleanup was in the Clearvale neighborhood in July. The second event will be in the Clear Creek Station neighborhood on August 8, 2015. All residents and property owners are invited to get involved in the beautification and continued maintenance of their properties and neighborhoods.

Studies have shown neighborhoods that engage in proactive code enforcement strategies can help eliminate nuisances, increase property values, and develop a greater sense of community and pride.

If you have questions regarding Code Enforcement strategies, please contact the Community Services Team at (303) 235-2926, Wheat Ridge 2020 at 720-259-1030; or email Cody the Code Ranger at Cody@ci.wheatridge.co.us.



On behalf of Wheat Ridge 2020, we want to extend a big thank you to all of the community members who supported the Ridge at 38 Criterium! This year the event more than doubled in size - riders, volunteers and spectators.



## Clarifying Wheat Ridge 2020's Role in Public Issues

Would you be surprised if Wheat Ridge Cyclery didn't have a part in a cycling race happening right outside their door? Of course Wheat Ridge's largest bicycle shop is involved in the Ridge at 38 Criterium as a proud sponsor and host. Similarly, Wheat Ridge 2020 gets involved in issues central to our mission. We are in the business of advancing Wheat Ridge as a vibrant and sustainable community. As a community and economic development corporation, many policy issues directly impact our mission and we are compelled to be involved in the dialogue.

You may see our Board of Directors take a stand in support of or against local policy issues. Perhaps you have noticed Wheat Ridge 2020 offers a training class for people thinking about running for office. We do these things to offer useful information and to help interested citizens better understand community and economic development issues, and how our mission is impacted by public policy. You will never see our

organization do anything for or against a specific candidate running for election. We do not engage in any candidate endorsements. We do, however, offer candidates an opportunity to reply to a candidate survey about policies that impact our mission. All survey results are published on our website.

Wheat Ridge 2020 is a volunteer-driven, staff-supported and board-directed organization working to build community in Wheat Ridge. We attract a diverse group of members who may not agree on all things. We respect all who participate in civil, civic dialogue. Our community has many important questions and opportunities before us. Our organization will continue to be active in priority policy issues that we believe impact our community's ability to be vibrant and sustainable. We encourage everyone to be informed and participate as a citizen and voter.

*Britta Fisher, Executive Director Wheat Ridge 2020*



Lutheran Medical Center offers a series of free educational seminars on a variety of health and medical topics. There are also a number tours and classes offered, which may have a minimal charge.

The educational seminars are led by physicians and most are held at the Lutheran Medical Center's Learning Center, 8300 W. 38th Avenue, 2nd floor.

For a complete list of classes or to register online, visit [Lutheranmedicalcenter.org/classes](http://Lutheranmedicalcenter.org/classes) or call the Answerline at 303-689-4595.  
Packet Page 321



During the rainy month of April, teacher and City Councilman Jerry Ditullio and his Wheat Ridge High School Career Exploration Classes braved the elements to help preserve the Greenbelt. Students worked with Parks staff and the Institute of Environmental Solutions (IES) to protect existing trees, pull weeds, plant trees, seeds and flowers, and dig post holes for fencing. Their hard work was rewarded with lunch at Pietra's Pizzeria and Italian Restaurant, 44th & Field St.. Thanks to all for their efforts!



### Live Local Dines

**August 13th** 5-7pm  
Fido's Grub-n-Tub & Roaming Bull Food Truck, 588 W 38th Ave, Wheat Ridge CO 80212

**October 8th** 5-7pm  
Mighty Joe's Kitchen, 10160 W 50th Ave #5, Wheat Ridge CO 80033

### Live Local Active

**August 8th** 9:30-10:30am  
Yoga in the Park

**August 20th** 6-9pm  
Cruiser Crawl

### Ridgefest

Saturday, September 12th, 3-8:30pm  
Where: Wheat Ridge 5-8 on the green & parking lot. This event showcases the agricultural heritage and appeal of the Ridge at 38 district. The event features an Artisan & Ag Marketplace, Retro Ridge Games, a local "Home Brew" contest, kids art area and live Bluegrass concert, the event aims to satisfy enthusiasts of all kinds.

### Mid-Century & Modern Home Tour

Saturday, September 26th, 1-5pm  
Where: Pick up your tickets at modmood. We invite you to join us for an afternoon tour of Mid Century and Modern homes throughout Wheat Ridge followed by a cool after party with live music and tasty refreshments at modmood. Buy your tickets now for \$30 at [www.WheatRidge2020.org](http://www.WheatRidge2020.org). Tickets are limited and may sell out before the event.

### Explore Wheat Ridge Tour

Sunday, October 17th, 2-4pm  
Where: Rickoli's Brewery  
You're invited to a bus tour of Wheat Ridge! Join us to learn more about what the Wheat Ridge community has to offer, meet other residents, and learn how to become more involved in the community. The \$10 cost includes a beverage ticket for Rickoli's (beer or in-house brewed black cherry soda or root beer) as well as samples of delicious pizza from Infinitus Pie following the tour.

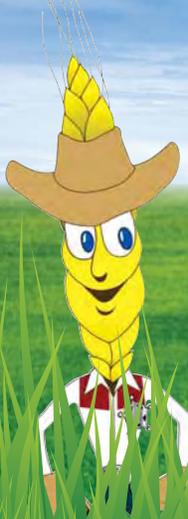
### Trunk or Treat

Saturday, October 24th, 4-6pm  
Where: Wheat Ridge 5-8 in the parking lot. A fun Trick or Treat experience for kids and their families in a safe area with participation from firefighters, police officers, and the local community. Community members decorate their trunks of their vehicles with creative disguises to delight kids of all ages and distribute candy for Halloween. This event will feature a haunted house, "Trunk Decorating Contest", crafts for the kids, and a costume parade to kick off the event.



# CODY SAYS:

Out **STANDING** in Their Field!



**Have you ever called code enforcement and didn't get a live answer?**

Here's why: From about 7 a.m. - 5 p.m. each day, our Community Services Officers (CSOs) are out in the field addressing nuisance code violations, animal control, park patrol and enforcement violations that citizens have reported; they are speaking to property owners, investigating tall grass and weeds complaints, barking dogs, trash and litter and a host of other code-related issues. And once they have investigated a report, they must follow up to be sure the nuisance has been corrected. In the office they return phone calls, tackle a mountain of paperwork and often must attend court hearings.

When you call in or are transferred to the code enforcement division, PLEASE leave a detailed message that includes your contact information, a brief description of the issue and the property address or location. The message line is checked 7 days a week from 7 a.m. - 5 p.m.. An officer will call back if you leave call-back information.

**What is the process for a code complaint?**

When an officer receives a complaint, they inspect the property for violations. When found, notice of violation is issued with a compliance date. Both the owner and the person occupying the property receive notice. Depending on the violation, property owners have a specific amount of time to respond and bring the property up to code. If the property is not in compliance by the specified date, an administration citation will be issued with a new compliance date. The property can receive up to three citations for the same case. Each citation adds an additional fine. If the property is still in violation, the officers will request an abatement hearing from a judge. This means the City is granted permission to correct the code violation, at the expense of the property owner.

CSOs understand there are circumstances that may delay compliance of the property. The goal is to correct the issue, not to collect fees or harass residents. If the property owner contacts the officer and shows progress towards correcting the issue, citations can often be avoided.

If you have any questions or would like to report a code complaint, please call 303-235-2926, email [Cody@ci.wheatridge.co.us](mailto:Cody@ci.wheatridge.co.us) or contact the non-emergency dispatch line at 303-237-2220.

**Cody wants you to know how proud we are of our code enforcement officers. They respond to many calls throughout the year.**

## Tree and Yard Waste Recycling

When Rooney Recycling closed the organics operation at 151 Rooney Road, the City began to receive calls about what to do with tree limbs, lawn clippings and other yard waste. Home owners should first check with their individual carriers to determine what they will pick up. If your project is too large or your carrier does not haul organic materials, the following resources are available.

**Pioneer Sand and Gravel**

303-279-4748  
7608 Highway 93  
Golden, CO 80403  
M-F: 7 a.m. - 5 p.m., Sat: 7 a.m. - 4 p.m.  
(Must be less than five inches in diameter and under five feet in length, \$12.50 per sq. cubic yard)

**Oxford Recycling**

303-762-1160  
2400 W. Oxford Ave  
Englewood, CO 80110  
M-Sat: 7 a.m. - 4:30 p.m.  
(Accepts tree branches and shrubs, \$8 per sq. cubic yard)

**Jensen Sales Company**

303-791-4250  
8980 S. Santa Fe Dr.  
Highlands Ranch, CO 80129  
M-F: 8 a.m. - 4 p.m.  
(Branches and trees only, \$15 per sq. cubic yard)

## BENEFITS OF A PET LICENSE



- 🐾 Immediate notification if your missing pet is found. In many cases, animal control or a good Samaritan can bring your pet directly home.
- 🐾 Your pet licensing fee helps support Foothills Animal Shelter – where thousands of homeless pets are cared for each year.
- 🐾 It's easy! License online, by mail or in person.

**A license, renewed annually, is required for all dogs 4 months and older living within the city limits of Wheat Ridge.**

For more information visit [www.FoothillsAnimalShelter.org/License](http://www.FoothillsAnimalShelter.org/License) or call **303-278-7575**



*Brought to you in partnership with the City of Wheat Ridge and Wheat Ridge Police Department's Community Services Team*

## Bilingual/Bicultural Staff Across the City of Boulder-2015

Department	Area of Service	FTE	Language	Direct Support to Community
Human Services	Community Relations	1.00	Spanish	N
	Human Rights	0.50	Spanish	Y
	Community Mediation	0.50	Spanish	Y
	Youth Opportunities Program	1.35	Spanish	Y
	Family Outreach	8.33	Spanish	Y
	Senior Services	<u>2.00</u>	Spanish (1)/German (1)	Y
		13.68		
Housing	Affordable Housing Programs	1.00	Spanish	N
	Homeownership	<u>1.00</u>	Spanish	Y
		2.00		
Municipal Court	Accounting	0.50	Spanish	N
	Probation	1.00	Spanish	Y
	Code	<u>3.00</u>	Spanish	Y
		4.50		
OSMP	Education/Youth	3.00	Spanish (3)/French (1)	Y
	Administration	1.00	Spanish	N
	Ranger	1.00	Spanish	Y
	Outreach	4.00	Spanish	Y
	Project Management	1.00	Spanish	N
	Operations	1.00	Spanish	N
	Research and Information	<u>1.00</u>	Spanish/French	N
		12.00		
Parks and Recreation	Business Services	3.00	Spanish (1), German (1), Mandarin (1)	Y
	EXPAND	2.00	American Sign Language (ASL)	Y
	Youth Services Initiative	1.00	Spanish	Y
	Centers/Programs	<u>16.00</u>	Spanish (13), Czech (1), Mandarin (1), Ukrainian (1)	Y
		22.00		
Fire	Emergency Services	4.00	Spanish	Y
	Emergency Services	1.00	German	Y
	Emergency Services	<u>1.00</u>	Filipino	Y
		6.00		
Police	Records	3.00	Spanish (2)/Vietnamese (1)	Y
	Detective Administration	1.00	Spanish	N
	Animal Control	1.00	Spanish	Y
	Dispatch	3.00	Spanish (2)/German (1)	Y
	Detectives	3.00	Spanish	Y
	Patrol - Watch I	5.00	Spanish (4)/Hmong (1)	Y
	Patrol - Watch II	2.00	Spanish (1)/German (1)	Y
	Patrol - Watch III	1.00	Spanish	Y
	Community Services	1.00	Spanish	Y
	Officers in Training	1.00	Spanish	Y
	Facilities	<u>1.00</u>	Spanish	N
		22.00		

The Police Department also has available a 24 hour language line for all languages and dialects



**CENTRAL AREA GENERAL IMPROVEMENT DISTRICT (CAGID)  
BOARD OF DIRECTORS AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE** Consideration of a motion to adopt three resolutions pertaining to the 2016 budget of the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund):

1. A resolution concerning the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund), adopting a budget for the fiscal year beginning January 1, 2016; and
2. A resolution establishing the 2015 City of Boulder Central Area General Improvement District Property Tax Mill Levy for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
3. A resolution appropriating money to defray the expenses and liabilities of the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund) for the 2016 fiscal year and setting forth details in relation thereto; and

Consideration of a motion to adjourn from the CAGID Board of Directors and to convene as the University Hill General Improvement District (UHGID) Board of Directors.

**PRESENTERS**

Jane S. Brautigam, City Manager  
Bob Eichen, Chief Financial Officer  
Cheryl Pattelli, Director of Finance  
Peggy Bunzli, Budget Officer  
Maria Diaz, Budget Analyst

**EXECUTIVE SUMMARY**

A few years ago, the name of the Central Area General Improvement District (CAGID) Fund was changed to the Downtown Commercial District (DCD) Fund to better reflect that there are multiple sources of revenues within the fund. Though DCD is now common terminology for the fund, budget appropriations and adoptions must be done under CAGID, to ensure that bondholders holding CAGID bonds know that CAGID is still in existence and that the CAGID board has appropriated funds to make the debt service payments. The State of Colorado also defines the entity as CAGID and budget transactions must indicate the CAGID name.

The purpose of this item is to adopt and appropriate the 2016 budget for the Downtown Commercial District Fund as well as set the 2015 Central Area General Improvement District property tax mill levy.

To comply with Article X, Section 20 of the Colorado Constitution in establishing the Central Area General Improvement District property tax mill levy, a mill levy credit of 6.168 mills is necessary. Staff is recommending the following mill levy:

Base Mill Levy	9.990
Less: Mill Levy Credit	<u>(6.168)</u>
Net Mill Levy	3.822

In response to council request, additional information related to the mill levy and revenue limits is included in the body of this memo.

**STAFF RECOMMENDATION**

**Suggested Motion Language:**

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

- Motion to adopt Downtown Commercial District (DCD) Resolution No. 272 adopting the 2016 budget for the DCD Fund;
- Motion to adopt Downtown Commercial District (DCD) Resolution No. 273 establishing the 2015 Boulder Central Area General Improvement District Property Tax mill levy;
- Motion to adopt Downtown Commercial District (DCD) Resolution No. 274 appropriating the 2016 budget for the DCD Fund; and

Consideration of a motion to adjourn from the CAGID Board of Directors and to convene as the University Hill General Improvement District (UHGID) Board of Directors.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

These resolutions (**Attachments A-C**) adopt the 2016 budget, establish the 2015 property tax mill levy and appropriate funding presented to council in the City Manager's 2016 Recommended Budget for the Downtown Commercial District Fund, and were reviewed by council during the 2016 budget process. **Attachment D** shows the impact of the 2016 revenues and expenditures on the DCD fund balance.

The budget supports a variety of projects and services within the Central Area General Improvement District that include social, environmental and economic issues.

## **OTHER IMPACTS**

- Fiscal - The 2016 budget for the Downtown Commercial District Fund is \$8,781,777.
- Staff time - Staff time for this process is allocated in the Budget Division's annual work plan.

## **ADDITIONAL INFORMATION ON REVENUE LIMITS**

There are two State laws limiting revenue collections in Colorado. They include state statute 29-1-301, C.R.S., known as the "5.5%" revenue limit and Article X, Section 20 of the Colorado Constitution, commonly known as the "Taxpayer Bill of Rights" or TABOR. Voters in local municipalities and districts can remove these limits, by majority approval of a ballot issue in a November election. Entities doing so can remove both limits with a single ballot measure.

CAGID is subject to both limitations. In 1997 a ballot measure asking voters to remove TABOR limitations was struck down on a vote of 14 to 34. No further ballot measures have been introduced to remove either limitation.

TABOR includes two limitations on the amount of property taxes that CAGID can collect. The first sets a cap on the amount of mills levied at the prior year amount unless increased by voter approval. The second limits revenues to prior year revenue collection levels plus inflation and growth. Each entity (including GIDs separately from the city) must meet both requirements (the "nesting" effect of TABOR). When assessed values increase so that the revenues CAGID collects exceed the combination of growth and inflation in the district, the mill levy must be adjusted downward to ensure revenue collections stay within TABOR limits. In so doing, the new mill levy cannot be increased to the previous number without voter approval (this is called the "ratchet down" effect of TABOR). To avoid this, a mill levy credit, rather than a permanent reduction, may be applied. The credit is considered temporary so has the effect of reducing revenue collections by applying a lower mill levy for the next year, without permanently reducing the cap on the amount of mills levied. As shown above, this credit is calculated annually when setting the mill levy for CAGID, in order to ensure compliance with TABOR.

The table below shows the impact of TABOR and the 5.5% revenue limit for CAGID in 2016.

**CAGID**

<b>Preliminary Assessed Valuation from County</b>	<b>\$308,885,728</b>
---------------------------------------------------	----------------------

**Mill Levy and Limits**

	<b>Mill Levy</b>	<b>Collections</b>
Pre-TABOR mill levy - upper limit under TABOR	9.990	\$ 3,085,768
Mill levy credit to be TABOR compliant	(6.168)	
<b>2015 Mill levy under TABOR limitations</b>	<b>3.822</b>	<b>\$ 1,180,561</b>
5.5% Limit (29-1-301, C.R.S.)		\$ 1,295,995

	<b>Collections w/o Limits / Restrictions</b>	<b>Difference Between Limited and Unlimited</b>
<b>Without Limitations/Restrictions</b>		
if TABOR and 5.5% restrictions removed (impact of TABOR limit)	\$ 3,085,768	\$ 1,905,207
if TABOR restriction removed (impact of 5.5% limit)	1,295,995	115,434

**BOARD AND COMMISSION FEEDBACK**

The 2016 budget was also reviewed and approved by the Downtown Management Commission on September 14, 2015.

**PUBLIC FEEDBACK**

A public hearing will be held on the 2016 budget, appropriations, and mill levy.

**ATTACHMENTS**

- A. Proposed resolution adopting a budget for the DCD Fund for 2016
- B. Proposed resolution establishing the Central Area General Improvement District Property Tax Mill Levy for 2015 to be collected in 2016
- C. Proposed resolution appropriating money to defray expenses and liabilities for the DCD Fund for 2016
- D. Impact of the 2016 Budget on the DCD Fund

**RESOLUTION NO. 272**

**A RESOLUTION CONCERNING THE CITY OF BOULDER  
DOWNTOWN COMMERCIAL DISTRICT FUND (FORMERLY  
KNOWN AS THE CENTRAL AREA GENERAL  
IMPROVEMENT DISTRICT FUND), ADOPTING A BUDGET  
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016.**

WHEREAS, Chapter 8-4 of the Revised Code of the City of Boulder requires that the Board annually determine the amount of money necessary to be raised for the District by an ad valorem tax levy on the taxable property in the District; and

WHEREAS, said chapter provides that prior to the start of proceedings for said levy of taxes, the Board shall prepare and adopt a budget, and

WHEREAS, all requirements of said chapter pertaining to the giving of public notice have been accomplished; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT, that:

Section 1. Estimated expenditures for fiscal year 2016 are as follows:

Operations	\$6,939,191
Debt Service	<u>1,842,586</u>
TOTAL	\$8,781,777

Section 2. Estimated revenues available in fiscal year 2016 to fund the above expenditures are as follows:

Property Taxes	\$ 1,244,641
Parking Fees	6,740,585
Transfer in for 1000 Walnut	193,103
Other Revenues	<u>300,029</u>
TOTAL	\$ 8,478,358

Section 3. The proposed budget as submitted and hereinabove summarized be adopted as the budget of the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund) for the 2016 fiscal year.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**RESOLUTION NO. 273**

**A RESOLUTION ESTABLISHING THE 2015 CITY OF BOULDER CENTRAL AREA GENERAL IMPROVEMENT DISTRICT PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2016, AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the Board has prepared and adopted a budget for the District for the 2016 fiscal year; and

WHEREAS, the Board has reviewed the projected expenditures of the District for 2016; and

WHEREAS, the Board has considered all sources of revenue of the District; and

WHEREAS, the Board has determined that there will not be sufficient revenues produced by the facilities operated by the District along with income from investment to cover expenses of operation and debt service and that a tax levy of 3.822 mills should therefore be imposed; and

WHEREAS, the preliminary assessed valuation information received from the County under Article X, Section 20 of the Colorado Constitution indicates that the growth limit in the Central Area General Improvement District for 2015 property taxes is 2.68% and

WHEREAS, in order to conform with the County information, a mill levy credit of 6.168 mills is necessary for a total of 3.822 mills to be assessed upon each dollar of assessed valuation of all taxable property with the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE CITY OF BOULDER CENTRAL AREA GENERAL IMPROVEMENT DISTRICT that:

Section 1. Effective at 12:00 Midnight at the end of December 31, 2015 there is hereby levied for the year of 2015 to be collected in 2016, a tax of 3.822 mills upon each dollar of the total assessed valuation of all taxable property within the area of the City of Boulder Central Area General Improvement District. The levy includes the following components:

General Operations and Debt	9.990
Less: Mill Levy Credit	<u>(6.168)</u>
Net Mill Levy (Subject to Article X, Section 20 of the Colorado Constitution)	3.822

Section 2. The secretary of the District is directed to certify the within levy to the County Assessor, Boulder County, Colorado.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**RESOLUTION NO. 274**

**A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER DOWNTOWN COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT FUND) FOR THE 2016 FISCAL YEAR AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the City Council, acting as the Board of Directors of the Central Area General Improvement District, has taken final action approving the revenues and expenditures of the budget for 2016; and

WHEREAS, the Board desires to make appropriations for the ensuing fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, ACTING AS THE BOARD OF DIRECTORS OF THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT, that:

Section 1. The following appropriations are hereby made for the City of Boulder Downtown Commercial District Fund's fiscal year commencing January 1, 2016, and ending December 31, 2016, from the funds of the District for the payment of the District's Operating Expenses, and Debt Service payments:

Operations	\$6,939,191
Debt Service	<u>1,842,586</u>
TOTAL	\$8,781,777

Section 2. The following appropriation is hereby made for the City of Boulder Downtown Commercial District Fund's fiscal year commencing January 1, 2016 and ending December 31, 2016, for fund balance:

Fund Balance (12/31/2015)	\$4,352,185
---------------------------	-------------

Section 3. The following appropriation is hereby made for the Downtown Commercial District Fund's fiscal year commencing January 1, 2016, and ending December 31, 2016 for estimated carryover expenditures.

Capital Improvements Projects	\$2,825,000
-------------------------------	-------------

Section 4. The City Council, acting as the Board of Directors of the Central Area General Improvement District, hereby appropriates as revenues all 2015 year end cash balances not previously reserved for insurance or bond purposes for all purposes not designated as "emergencies", including without limitation subsequent years' expenditures, capital improvements, adverse economic conditions and revenue shortfalls, pursuant to Article X, Section 20 to the Colorado Constitution, approved by the electorate on November 3, 1992.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**ACTIVITY BY FUND, in thousands**

<b>Fund Title</b>	<b>Projected Fund Balance 1/1/2016</b>	<b>Estimated Revenues Including Transfers In</b>	<b>Appropriations Including Transfers Out</b>	<b>Projected Fund Balance 12/31/2016</b>	<b>Projected Changes in Fund Balance</b>
Downtown Commercial District	4,352	8,478	8,782	4,048	(304)
<b>Totals</b>	<b>\$ 4,352</b>	<b>\$ 8,478</b>	<b>\$ 8,782</b>	<b>\$ 4,048</b>	<b>\$ (304)</b>



**UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT (UHGID)  
BOARD OF DIRECTORS AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE** Consideration of a motion to adopt three resolutions pertaining to the 2016 budget of the City of Boulder University Hill Commercial District Fund (formerly known as the University Hill General Improvement District Fund):

1. A resolution concerning the City of Boulder University Hill Commercial District Fund (formerly known as the University Hill General Improvement District Fund), adopting a budget for the fiscal year beginning January 1, 2016; and
2. A resolution establishing the 2015 City of Boulder University Hill General Improvement District Property Tax Mill Levy for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
3. A resolution appropriating money to defray the expenses and liabilities of the City of Boulder University Hill Commercial District Fund (formerly known as the University Hill General Improvement District Fund) for the 2016 fiscal year and setting forth details in relation thereto; and

Consideration of a motion to adjourn from the UHGID Board of Directors and convene as the Boulder Municipal Property Authority Board of Directors.

**PRESENTERS**

Jane S. Brautigam, City Manager  
Bob Eichen, Chief Financial Officer  
Cheryl Pattelli, Director of Finance  
Peggy Bunzli, Budget Officer  
Maria Diaz, Budget Analyst

**EXECUTIVE SUMMARY**

A few years ago, the name of the University Hill General Improvement District (UHGID) Fund was changed to the University Hill Commercial District (UHCD) Fund to better reflect that there are multiple sources of revenues within the fund. Though UHCD is now common terminology for the fund, budget appropriations and adoptions must be done under UHCD. The State of Colorado also defines the entity as UHCD and budget transactions must indicate the UHCD name.

The purpose of this item is to adopt and appropriate the 2016 budget for the University Hill Commercial District Fund as well as set the 2015 University Hill General Improvement District property tax mill levy.

To comply with Article X, Section 20 of the Colorado Constitution, a mill levy credit of 3.232 mills is necessary. Staff is recommending the following mill levy:

Base Mill Levy	4.984
Less: Mill Levy Credit	<u>(3.232)</u>
Net Mill Levy	1.752

In response to council request, additional information related to the mill levy and revenue limits is included in the body of this memo.

**STAFF RECOMMENDATION**

**Suggested Motion Language**

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

- Motion to adopt University Hill Commercial District (UHCD) Resolution No. 196 adopting the 2016 budget for the UHCD Fund;
- Motion to adopt University Hill Commercial District (UHCD) Resolution No. 197 establishing the 2015 University Hill General Improvement District Property Tax mill levy;
- Motion to adopt University Hill Commercial District (UHCD) Resolution No. 198 appropriating the 2016 budget for the UHCD Fund; and

Consideration of a motion to adjourn from the UHCD Board of Directors and convene as the Boulder Municipal Property Authority Board of Directors.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

These resolutions (**Attachments A-C**) adopt the 2016 budget, establish the 2015 property tax mill levy and appropriate funding as presented to council in the City Manager's 2016 Recommended Budget for the University Hill Commercial District Fund, and were reviewed by council during the 2016 budget process. **Attachment D** shows the impact of the 2016 revenues and expenditures on the UHCD fund balance.

The budget supports a variety of projects and services within the University Hill General Improvement District that include social, environmental and economic issues.

## **OTHER IMPACTS**

- Fiscal - The 2016 budget for the University Hill Commercial District Fund is \$640,284
- Staff time - Staff time for this process is allocated in the Budget Division's annual work plan.

## **ADDITIONAL INFORMATION ON REVENUE LIMITS**

There are two State laws limiting revenue collections in Colorado. They include state statute 29-1-301, C.R.S., known as the "5.5%" revenue limit and Article X, Section 20 of the Colorado Constitution, commonly known as the "Taxpayer Bill of Rights" or TABOR. Voters in local municipalities and districts can remove these limits, by majority approval of a ballot issue in a November election. Entities doing so can remove both limits with a single ballot measure.

UHGID is subject to both limitations. No ballot measures have been introduced to remove either limitation.

TABOR includes two limitations on the amount of property taxes that UHGID can collect. The first sets a cap on the amount of mills levied at the prior year amount unless increased by voter approval. The second limits revenues to prior year revenue collection levels plus inflation and growth. Each entity (including GIDs separately from the city) must meet both requirements (the "nesting" effect of TABOR). When assessed values increase so that the revenues UHGID collects exceed the combination of growth and inflation in the district, the mill levy must be adjusted downward to ensure revenue collections stay within TABOR limits. In so doing, the new mill levy cannot be increased to the previous number without voter approval (this is called the "ratchet down" effect of TABOR). To avoid this, a mill levy credit, rather than a permanent reduction, may be applied. The credit is considered temporary so has the effect of reducing revenue collections by applying a lower mill levy for the next year, without permanently reducing the cap on the amount of mills levied. As shown above, this credit is calculated annually when setting the mill levy for UHGID, in order to ensure compliance with TABOR.



**RESOLUTION NO. 196**

**A RESOLUTION CONCERNING THE CITY OF BOULDER  
UNIVERSITY HILL COMMERCIAL DISTRICT FUND  
(FORMERLY KNOWN AS THE UNIVERSITY HILL GENERAL  
IMPROVEMENT DISTRICT FUND), ADOPTING A BUDGET  
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016**

WHEREAS, Chapter 8-4 of the Revised Code of the City of Boulder requires that the Board annually determine the amount of money necessary to be raised for the District by an ad valorem tax levy on the taxable property in the District; and

WHEREAS, said chapter provides that prior to the start of proceedings for said levy of taxes, the Board shall prepare and adopt a budget, and

WHEREAS, all requirements of said chapter pertaining to the giving of public notice have been accomplished; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT, that:

Section 1. Estimated expenditures for fiscal year 2016 are as follows:

Operations	\$640,284
Debt Service	<u>0</u>
TOTAL	\$640,284

Section 2. Estimated revenues for fiscal year 2016 to fund the above expenditures are as follows:

Property Tax	\$ 33,138
Ownership Tax	1,500
Parking Meter Revenue Transferred from General Fund	425,000
Parking Fees	126,100
Other Revenues	<u>5,790</u>
TOTAL	\$591,528

Section 3. The proposed budget as submitted and hereinabove summarized be adopted as the budget of the City of Boulder University Hill Commercial District Fund (formerly known as the University Hill General Improvement District Fund) for the 2016 fiscal year.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**RESOLUTION NO. 197**

**A RESOLUTION ESTABLISHING THE 2015 CITY OF BOULDER UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2016, AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the Board has prepared and adopted a budget for the District for the 2016 fiscal year; and

WHEREAS, the Board has reviewed the projected expenditures of the District for 2016, and

WHEREAS, the Board has considered all sources of revenue of the District; and

WHEREAS, the Board has determined that there will not be sufficient revenues produced by the facilities operated by the District along with income from investment to cover expenses of operation and debt service and that a tax levy of 1.752 mills should therefore be imposed; and

WHEREAS, the preliminary assessed valuation information received from the County under Article X, Section 20 of the Colorado Constitution indicates that the growth limit in the University Hill General Improvement District for 2015 property taxes is 2.78% and

WHEREAS, in order to conform with the County information, a mill levy credit of 3.232 mills is necessary for a total of 1.752 mills to be assessed upon each dollar of assessed valuation of all taxable property with the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE CITY OF BOULDER UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT, that:

Section 1. Effective at 12:00 Midnight at the end of December 31, 2015 there is hereby levied for the year of 2015, to be collected in 2016 a tax of 1.752 mills upon each

dollar of the total assessed valuation of all taxable property within the area of the City of Boulder University Hill General Improvement District. The levy includes the following components:

General Operating and Debt	4.984
Less: Mill Levy Credit	<u>(3.232)</u>
Net Mill Levy (Subject to Article X, Section 20 of the Colorado Constitution)	1.752

Section 2. The secretary of the District is directed to certify the within levy to the County Assessor, Boulder County, Colorado.

ADOPTED this 20<sup>th</sup> day of October, 2015.

\_\_\_\_\_

Chair

Attest:

\_\_\_\_\_

Secretary

**RESOLUTION NO. 198**

**A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER UNIVERSITY HILL COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT FUND) FOR THE 2016 FISCAL YEAR AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the City Council, acting as the Board of Directors of the University Hill General Improvement District, has taken final action approving the revenues and expenditures of the budget for 2016 and

WHEREAS, the Board desires to make appropriations for the ensuing fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, ACTING AS THE BOARD OF DIRECTORS OF THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT, that:

Section 1. The following appropriations are hereby made for the City of Boulder University Hill Commercial District Fund’s fiscal year commencing January 1, 2016, and ending December 31, 2016, from the funds of the District for the payment of the District’s Operating Expenses, and Debt Service payments:

Operations	\$640,284
Debt Service	<u>0</u>
TOTAL	\$640,284

Section 2. The following appropriation is hereby made for the City of Boulder University Hill Commercial District's fiscal year commencing January 1, 2016, and ending December 31, 2016, for fund balance:

Fund Balance (12/31/2015)	\$726,095
---------------------------	-----------

Section 3. The City Council, acting as the Board of Directors of the University Hill General Improvement District, hereby appropriates as revenues all 2015 year end cash balances not previously reserved for insurance or bond purposes for all purposes not

designated as "emergencies", including without limitation subsequent years' expenditures, capital improvements, adverse economic conditions and revenue shortfalls, pursuant to Article X, Section 20 to the Colorado Constitution, approved by the electorate on November 3, 1992.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**ACTIVITY BY FUND, in thousands**

<b>Fund Title</b>	<b>Projected Fund Balance 1/1/2016</b>	<b>Estimated Revenues Including Transfers In</b>	<b>Appropriations Including Transfers Out</b>	<b>Projected Fund Balance 12/31/2016</b>	<b>Projected Changes in Fund Balance</b>
University Hill Commercial District	726	592	640	678	(48)
<b>Totals</b>	<b>\$ 726</b>	<b>\$ 592</b>	<b>\$ 640</b>	<b>\$ 678</b>	<b>\$ (48)</b>



**BOULDER MUNICIPAL PROPERTY AUTHORITY  
BOARD OF DIRECTORS AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE** Consideration of a motion to adopt a resolution formally adopting the 2016 budget for the Boulder Municipal Property Authority; and

Consideration of a motion to adjourn from the Boulder Municipal Property Authority (BPMA) Board of Directors and convene as the Forest Glen Transit Pass General Improvement District Board of Directors.

**PRESENTERS**

Jane S. Brautigam, City Manager  
Bob Eichen, Chief Financial Officer  
Cheryl Pattelli, Director of Finance  
Peggy Bunzli, Budget Officer  
Maria Diaz, Budget Analyst

**EXECUTIVE SUMMARY**

The Boulder Municipal Property Authority (BMPA) was formed as a Colorado nonprofit corporation in February of 1988. BMPA was formed for the purpose of acquiring real and personal property and leasing, selling or otherwise conveying the same to the city. BMPA is governed by a nine-member board of directors, which consists of the members of the City Council. BMPA's officers include a President and Vice President, which, pursuant to its Bylaws, shall be the Mayor and Mayor Pro Tem, respectively, of the city and a Secretary-Treasurer, which shall be the Chief Financial Officer of the city. BMPA has no assets, other than assets acquired from the issuance of debt securities, which are pledged to the repayment of such securities.

BMPA is a nonprofit corporation. However, it is a component unit of the city of Boulder as provided in the definition of "Reporting Entity" used by Governmental Accounting Standards Board. This requires that the financial statements of BMPA be included in the city's Comprehensive Annual Financial Report. Therefore, BMPA must adopt a formal annual budget.

The debt service payments being appropriated by this resolution are made on Lease Purchase Revenue Notes and Certificates of Participation. The revenues used to make these payments will be base rental payments from several city funds, including the General, Lottery, Permanent Parks and Recreation, Open Space, Affordable Housing and Transportation funds.

This appropriation also includes a transfer from BMPA to the Open Space Fund for the tenth of 10 annual payments BMPA will receive from Boulder County for the county's share of the purchase of a conservation easement. BMPA will transfer each of those annual payments from Boulder County to the Open Space Fund for payment of debt service on the Boulder Valley Farms, Inc., Series 2006A BMPA note that was issued for this purpose. This resolution (**Attachment A**) adopts the 2016 BMPA budget. **Attachment B** shows the impact of the 2016 revenues and expenditures on the BMPA fund balance.

## **STAFF RECOMMENDATION**

### **Suggested Motion Language**

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

Motion to adopt a BMPA Resolution No.141 adopting the 2016 budget for the Boulder Municipal Property Authority; and

Consideration of a motion to adjourn from the Boulder Municipal Property Authority (BPMA) Board of Directors and convene as the Forest Glen Transit Pass General Improvement District Board of Directors.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

This action is an accounting requirement of the Governmental Accounting Standards Board.

### **OTHER IMPACTS**

- Fiscal - This appropriation of \$1,862,396 includes \$1,701,487 in the Boulder Municipal Property Authority Debt Service Fund for 2016 debt service payments and \$160,909 for the transfer to the Open Space Fund from Boulder County for the Culver property purchase reimbursement.
- Staff time for this process is allocated in the Budget Division's annual work plan.

### **ATTACHMENTS**

- A. Proposed Resolution adopting a budget for the Boulder Municipal Property Authority for 2016
- B. Impact of the 2016 Budget on the Boulder Municipal Property Authority Fund Balance

**RESOLUTION NO. 141**

**A RESOLUTION CONCERNING THE BOULDER MUNICIPAL PROPERTY AUTHORITY (BMPA), ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016.**

WHEREAS, the Boulder Municipal Property Authority is a nonprofit corporation duly organized and existing under the laws of the State of Colorado, and;

WHEREAS, the Boulder Municipal Property Authority is a component unit of the City of Boulder, for accounting purposes only, and as such, is required to formally adopt an annual budget, and;

WHEREAS, certain 2016 debt service obligations of the Boulder Municipal Property Authority are known;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE BOULDER MUNICIPAL PROPERTY AUTHORITY, that:

Section 1. Estimated debt service expenditures for fiscal year 2016 are \$1,862,396.

Section 2. Estimated revenues, in the form of base rental payments from city departments, and intergovernmental revenue from Boulder County available for fiscal year 2016 to fund the above expenditures, are \$1,862,396.

Section 3. The proposed budget as submitted and hereinabove summarized shall be adopted as the budget of the Boulder Municipal Property Authority for the 2016 fiscal year and appropriated into the Boulder Municipal Property Authority Debt Service Fund.

ADOPTED this 20<sup>th</sup> day of October, 2015.

Attest:

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

**ACTIVITY BY FUND, in thousands**

Fund Title	Projected Fund Balance 1/1/2016	Estimated Revenues Including Transfers In	Appropriations Including Transfers Out	Projected Fund Balance 12/31/2016	Projected Changes in Fund Balance
Boulder Municipal Property Authority	\$ -	\$ 1,862	\$ 1,862	-	\$ -
<b>Totals</b>	<b>\$ -</b>	<b>\$ 1,862</b>	<b>\$ 1,862</b>	<b>\$ -</b>	<b>\$ -</b>



**FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT  
BOARD OF DIRECTORS AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE** Consideration of motion to adopt three resolutions pertaining to the 2016 budget of the City of Boulder Forest Glen Transit Pass General Improvement District Fund:

1. A resolution concerning the City of Boulder Forest Glen Transit Pass General Improvement District, adopting a budget for the fiscal year beginning January 1, 2016; and
2. A resolution establishing the 2015 City of Boulder Forest Glen Transit Pass General Improvement District Property Tax Mill Levy for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
3. A resolution appropriating money to defray the expenses and liabilities of the City of Boulder Forest Glen Transit Pass General Improvement District for the 2016 fiscal year and setting forth details in relation thereto; and

Consideration of a motion to adjourn from the City of Boulder Forest Glen Transit Pass General Improvement District Board of Directors, and convene as the Boulder Junction Access Commission General Improvement District - Parking Board of Directors.

**PRESENTERS**

Jane S. Brautigam, City Manager  
Bob Eichen, Chief Financial Officer  
Cheryl Pattelli, Director of Finance  
Peggy Bunzli, Budget Officer  
Maria Diaz, Budget Analyst

**EXECUTIVE SUMMARY**

In November 2000, residents of the city’s Forest Glen neighborhood voted to form a General Improvement District (GID) to provide Regional Transit District (RTD) transit passes for all neighborhood residents. To comply with terms of the GID’s creation in 2000, the Forest Glen GID Eco Pass Program was subject to a public audit and review in 2006. One of the final recommendations of the audit and review was to continue the GID’s Eco Pass program.

Subsequent informal reviews with the Forest Glen Transit Pass district participants occur annually in the Fall each year. Any resident living in the Forest Glen neighborhood is eligible to receive an RTD Eco Pass, regardless of whether they rent or own a home. Funding for the passes is generated from property tax revenues collected from property owners in the GID.

The purpose of this agenda item is to adopt and appropriate the Forest Glen Transit Pass GID budget for 2016, and to establish the 2015 Forest Glen Transit Pass GID mill levy. A maximum mill levy of 2.310 mills and an exemption from Article X, Section 20 of the Colorado Constitution were approved by the voters during the GID’s formation.

Staff is recommending the following mill levy:

Base Mill Levy	2.310
Less: Mill Levy Credit	<u>(1.217)</u>
Net Mill Levy	1.093

**STAFF RECOMMENDATION**

**Suggested Motion Language:**

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

- Motion to adopt Forest Glen Transit Pass Resolution No. 49 adopting the 2016 budget for the Forest Glen Transit Pass GID Fund;
- Motion to adopt Forest Glen Transit Pass Resolution No. 50 establishing the 2015 City of Boulder Forest Glen Transit Pass General Improvement District Property Tax Mill Levy;
- Motion to adopt Forest Glen Transit Pass Resolution No. 51 appropriating the 2016 budget for the Forest Glen Transit Pass GID Fund; and

Consideration of a motion to adjourn from the City of Boulder Forest Glen Transit Pass General Improvement District Board of Directors, and convene as the Boulder Junction Access Commission General Improvement District – Parking Board of Directors.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

These resolutions (**Attachments A-C**) adopt the 2016 budget, establish the 2015 property tax mill levy and appropriate funding, as presented to council in the City Manager's 2016 Recommended Budget, for the Forest Glen Transit Pass General Improvement District, and were reviewed by council during the 2016 budget process. **Attachment D** shows the impact of the 2016 revenues and expenditures on the Forest Glen Transit Pass GID fund balance.

The budget supports the Forest Glen Transit Pass General Improvement District that was established to provide Eco Passes to residents living within the district.

### **OTHER IMPACTS**

- Fiscal - The 2016 budget for City of Boulder Forest Glen Transit Pass General Improvement District is \$15,533.
- Staff time - Staff time for this process is allocated as part of the Budget Division's annual work plan.

### **ATTACHMENTS**

- A. Proposed resolution adopting a budget for Forest Glen Transit Pass GID for 2016
- B. Proposed resolution establishing the Forest Glen Transit Pass GID Property Tax Mill Levy for 2015
- C. Proposed resolution appropriating money to defray expenses and liabilities for the Forest Glen Transit Pass GID for 2016
- D. Impact of the 2016 Budget on the Forest Glen Transit Pass GID Fund Balance

**RESOLUTION NO. 49**

**A RESOLUTION CONCERNING THE FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT, ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016.**

WHEREAS, Chapter 8-4 of the Revised Code of the City of Boulder requires that the Board annually determine the amount of money necessary to be raised for the District by an ad valorem tax levy on the taxable property in the District; and

WHEREAS, said chapter provides that prior to the start of proceedings for said levy of taxes, the Board shall prepare and adopt a budget, and

WHEREAS, all requirements of said chapter pertaining to the giving of public notice have been accomplished;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT, that:

Section 1. Estimated expenditures for fiscal year 2016 are as follows:

Operations	\$15,533
------------	----------

Section 2. Estimated revenues available in fiscal year 2016 to fund the above expenditures are as follows:

Property Taxes	\$ 10,150
Operating Subsidies from Transportation and CAP Funds	4,660
Specific Ownership Tax	472
Other Revenue	251
Estimated Fund Balance as of (12/31/2015)	25,128
TOTAL	\$40,661

Section 3. The proposed budget as submitted and hereinabove summarized be adopted as the budget of the Forest Glen Transit Pass General Improvement District for the 2016 fiscal year.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**RESOLUTION NO. 50**

**A RESOLUTION ESTABLISHING THE 2015 FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2016, AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the Board has prepared and adopted a budget for the District for the 2016 fiscal year; and

WHEREAS, the Board has reviewed the projected expenditures of the District for 2016; and

WHEREAS, the Board has considered all sources of revenue of the District; and

WHEREAS, the Board has determined that a tax levy of 1.093 should therefore be imposed; and

WHEREAS, in order to conform with the County information, a mill levy credit of 1.217 mills is necessary for a total of 1.093 mills to be assessed upon each dollar of assessed valuation of all taxable property with the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT that:

Section 1. Effective at 12:00 Midnight at the end of December 31, 2015, there is hereby levied for the year of 2015 to be collected in 2016, a tax of 1.093 mills upon each dollar of the total assessed valuation of all taxable property within the area of the Forest Glen Transit Pass General Improvement District. The levy includes the following components:

General Operations and Debt	2.310
Less: Mill Levy Credit	<u>(1.217)</u>
Net Mill Levy	1.093

Section 2. The secretary of the District is directed to certify the within levy to the County Assessor, Boulder County, Colorado.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**RESOLUTION NO. 51**

**A RESOLUTION APPROPRIATING MONEY TO  
DEFRAY THE EXPENSES AND LIABILITIES OF  
THE FOREST GLEN TRANSIT PASS GENERAL  
IMPROVEMENT DISTRICT FOR THE 2016 FISCAL  
YEAR AND SETTING FORTH DETAILS IN  
RELATION THERETO.**

WHEREAS, the City Council, acting as the Board of Directors of the Forest Glen Transit Pass General Improvement District, has taken final action approving the revenues and expenditures of the budget for 2016; and

WHEREAS, the Board desires to make appropriations for the ensuing fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER , COLORADO, ACTING AS THE BOARD OF DIRECTORS OF THE FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT, that:

Section 1. The following appropriations are hereby made for the Forest Glen Transit Pass General Improvement District's fiscal year commencing January 1, 2016, and ending December 31, 2016, from the funds of the District for the payment of the District's Operating Expenses:

Operations	\$15,533
------------	----------

ADOPTED this 20<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
Chair

Attest:

\_\_\_\_\_  
Secretary

**ACTIVITY BY FUND, in thousands**

<b>Fund Title</b>	<b>Projected Fund Balance 1/1/2016</b>	<b>Estimated Revenues Including Transfers In</b>	<b>Appropriations Including Transfers Out</b>	<b>Projected Fund Balance 12/31/2016</b>	<b>Projected Changes in Fund Balance</b>
Transit Pass GID	25	16	16	25	-
<b>Totals</b>	<b>\$ 25</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 25</b>	<b>\$ -</b>



**BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT  
DISTRICT - PARKING  
BOARD OF DIRECTORS AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE** Consideration of a motion to adopt three resolutions pertaining to the 2016 budget of the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund:

1. A resolution concerning the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund, adopting a budget for the fiscal year beginning January 1, 2016; and
2. A resolution establishing the 2015 City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Property Tax Mill Levy for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
3. A resolution appropriating money to defray the expenses and liabilities of the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund for the 2016 fiscal year and setting forth details in relation thereto; and

Consideration of a motion to adjourn from the Boulder Junction Access Commission General Improvement District - Parking Board of Directors and convene as the Board of Directors of the Boulder Junction Access Commission General Improvement District – Travel Demand Management.

**PRESENTERS**

Jane S. Brautigam, City Manager  
Bob Eichen, Chief Financial Officer  
Cheryl Pattelli, Director of Finance  
Peggy Bunzli, Budget Officer  
Maria Diaz, Budget Analyst

**EXECUTIVE SUMMARY**

The Boulder Junction Access General Improvement District - Parking (the “District”) was created by City Council with the adoption of ordinance 7731 on July 20, 2010. The District provides parking and transportation related services and improvements to support Travel Demand Management strategies of the Transit Village Plan. The District operates in conjunction with the Boulder Junction Access General Improvement District - Travel Demand Management.

A mail ballot election on Nov. 2, 2010 approved a maximum mill levy and authorized the issuance of bonds. At its April 16, 2012 meeting, the Boulder Junction Access District – Parking Commission voted unanimously in support of increasing the property tax mill levy from 5.000 mills to 10.000 mills. The District’s expenditures and work plan will be determined by the timing and type of development within the District.

The purpose of this item is to adopt and appropriate the 2016 budget for the Boulder Junction Access General Improvement District - Parking Fund as well as set the 2015 property tax mill levy at 10.000 mills.

**STAFF RECOMMENDATION**

**Suggested Motion Language:**

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

- Motion to adopt Boulder Junction Access Commission General Improvement District – Parking Resolution No. 14 adopting the 2016 budget for the Boulder Junction Access Commission General Improvement District – Parking Fund;
- Motion to adopt Boulder Junction Access Commission General Improvement District – Parking Resolution No. 15 establishing the 2015 Boulder Junction Access Commission General Improvement District – Parking Property Tax mill levy;
- Motion to adopt Boulder Junction Access Commission General Improvement District – Parking Resolution No. 16 appropriating the 2016 budget for the Boulder Junction Access Commission General Improvement District – Parking Fund; and

Consideration of a motion to adjourn from the Boulder Junction Access Commission General Improvement District – Parking Board of Directors and convene as the Board of Directors of the Boulder Junction Access Commission General Improvement District – Travel Demand Management.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

These resolutions (**Attachments A-C**) adopt the 2016 budget, establish the 2015 property tax mill levy and appropriate funding as presented to council in the City Manager's 2016 Recommended Budget for the Boulder Junction Access Commission General Improvement District (GID) – Parking Fund and were reviewed by council during the 2016 budget process. **Attachment D** shows the impact of the 2016 revenues and expenditures on the Boulder Junction Access Commission GID – Parking fund balance.

The budget supports a variety of planning, capital improvements, and transportation services within the District that provide social and environmental benefits to the city as a whole.

## **OTHER IMPACTS**

- Fiscal - The 2016 budget for the Boulder Junction Access Commission General Improvement District – Parking Fund is \$433,519.
- Staff time - Staff time for this process is allocated in the Budget Division's annual work plan.

## **BOARD AND COMMISSION FEEDBACK**

The 2016 budget was also reviewed and approved by the Boulder Junction General Improvement District – Parking Commission on Sept. 17, 2015.

## **PUBLIC FEEDBACK**

A public hearing will be held on the 2016 budget appropriations and mill levy.

## **ATTACHMENTS**

- A. Proposed resolution adopting a budget for the Boulder Junction Access Commission General Improvement District – Parking Fund for 2016
- B. Proposed resolution establishing the Boulder Junction Access Commission General Improvement District – Parking Property Tax Mill Levy for 2015
- C. Proposed resolution appropriating money to defray expenses and liabilities for the Boulder Junction Access Commission General Improvement District – Parking Fund for 2016
- D. Impact of the 2016 Budget on the Boulder Junction Access Commission General Improvement District – Parking Fund

**RESOLUTION NO. 14**

**A RESOLUTION CONCERNING THE CITY OF BOULDER,  
BOULDER JUNCTION ACCESS COMMISSION GENERAL  
IMPROVEMENT DISTRICT - PARKING FUND, ADOPTING A  
BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016**

WHEREAS, Chapter 8-4 of the Revised Code of the City of Boulder requires that the Board annually determine the amount of money necessary to be raised for the District by an ad valorem tax levy on the taxable property in the District; and

WHEREAS, said chapter provides that prior to the start of proceedings for said levy of taxes, the Board shall prepare and adopt a budget, and

WHEREAS, all requirements of said chapter pertaining to the giving of public notice have been accomplished; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – PARKING, that:

Section 1. Estimated expenditures for fiscal year 2016 are as follows:

Operations	\$ 61,143
Debt Service	<u>372,376</u>
TOTAL	\$433,519

Section 2. Estimated revenues for fiscal year 2016 to fund the above expenditures are as follows:

Property Taxes	\$ 50,638
Parking Garage Revenue	61,050
Transfer from General Fund	312,848
Ownership Tax	2,532
Other	<u>307</u>
TOTAL	\$427,375

Section 3. The proposed budget as submitted and hereinabove summarized be adopted as the budget of the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund for the 2016 fiscal year.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**RESOLUTION NO. 15**

**A RESOLUTION ESTABLISHING THE 2015 CITY OF BOULDER, BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT - PARKING PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2016, AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the Board has prepared and adopted a budget for the District for the 2016 fiscal year; and

WHEREAS, the Board has reviewed the projected expenditures of the District for 2016, and

WHEREAS, the Board has considered all sources of revenue of the District; and

WHEREAS, the Board has determined that there will not be sufficient revenues produced by the facilities operated by the District along with income from investment to cover expenses of operation and debt service and that a tax levy of 10.000 mills should therefore be imposed; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE CITY OF BOULDER, BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT - PARKING, that:

Section 1. Effective at 12:00 Midnight at the end of December 31, 2015 there is hereby levied for the year of 2015, to be collected in 2016 a tax of 10.000 mills upon each dollar of the total assessed valuation of all taxable property within the area of the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking.

Section 2. The secretary of the District is directed to certify the within levy to the County Assessor, Boulder County, Colorado.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**RESOLUTION NO. 16**

**A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – PARKING FUND FOR THE 2016 FISCAL YEAR AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the City Council, acting as the Board of Directors of the Boulder Junction Access Commission General Improvement District – Parking, has taken final action approving the revenues and expenditures of the budget for 2016 and

WHEREAS, the Board desires to make appropriations for the ensuing fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, ACTING AS THE BOARD OF DIRECTORS OF BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – PARKING, that:

Section 1. The following appropriations are hereby made for the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund’s fiscal year commencing January 1, 2016, and ending December 31, 2016, from the funds of the District for the payment of the District's Operating Expenses, and Debt Service payments:

Operations	\$ 61,143
Debt Service	<u>372,376</u>
TOTAL	\$433,519

Section 2. The following appropriation is hereby made for the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking’s fiscal year commencing January 1, 2016, and ending December 31, 2016, for fund balance:

Fund Balance (12/31/2015)	\$49,496
---------------------------	----------

Section 3. The City Council, acting as the Board of Directors of the Boulder Junction Access Commission General Improvement District – Parking, hereby appropriates as revenues all 2015 year end cash balances not previously reserved for insurance or bond purposes for all purposes not designated as "emergencies", including without limitation subsequent years' expenditures, capital improvements, adverse economic conditions and revenue shortfalls, pursuant to Article X, Section 20 to the Colorado Constitution, approved by the electorate on November 3, 1992.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**ACTIVITY BY FUND, in thousands**

<b>Fund Title</b>	<b>Projected Fund Balance 1/1/2016</b>	<b>Estimated Revenues Including Transfers In</b>	<b>Appropriations Including Transfers Out</b>	<b>Projected Fund Balance 12/31/2016</b>	<b>Projected Changes in Fund Balance</b>
Boulder Junction GID Parking	49	427	433	43	(6)
<b>Totals</b>	<b>\$ 49</b>	<b>\$ 427</b>	<b>\$ 433</b>	<b>\$ 43</b>	<b>\$ (6)</b>



**BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT  
DISTRICT – TRAVEL DEMAND MANAGEMENT  
BOARD OF DIRECTORS AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE** Consideration of a motion to adopt three resolutions pertaining to the 2016 budget of the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund:

1. A resolution concerning the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund, adopting a budget for the fiscal year beginning January 1, 2016; and
2. A resolution establishing the 2015 City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Property Tax Mill Levy for payment of expenditures, in part, of the District during the 2016 fiscal year, and setting forth details in relation thereto; and
3. A resolution appropriating money to defray the expenses and liabilities of the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund for the 2016 fiscal year and setting forth details in relation thereto; and

Consideration of a motion to adjourn from the Boulder Junction Access Commission General Improvement District – Travel Demand Management Board of Directors and reconvene as the City Council.

**PRESENTERS**

Jane S. Brautigam, City Manager  
Bob Eichen, Chief Financial Officer  
Cheryl Pattelli, Director of Finance  
Peggy Bunzli, Budget Officer  
Maria Diaz, Budget Analyst

## **EXECUTIVE SUMMARY**

The Boulder Junction Access General Improvement District - Travel Demand Management (the “District”) was created by City Council with the adoption of ordinance 7732 on July 20, 2010. The District provides parking and transportation related services and improvements to support Travel Demand Management strategies of the Transit Village Plan. The District operates in conjunction with the Boulder Junction Access General Improvement District - Parking.

A mail ballot election on Nov. 2, 2010 approved a maximum mill levy and authorized the issuance of bonds. The initial levy was established at 5 mills and remains unchanged for 2015. The District has entered into Payments in Lieu of Taxes (PILOT) agreements to initiate payment for services such as Eco Passes when certificates of occupancy are issued. The District’s expenditures and work plan will be determined by the timing and type of development within the District.

The purpose of this item is to adopt and appropriate the 2016 budget for the Boulder Junction Access General Improvement District - Travel Demand Management Fund as well as set the 2015 property tax mill levy at 5 mills.

## **STAFF RECOMMENDATION**

### **Suggested Motion Language**

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

- Motion to adopt Boulder Junction Access Commission General Improvement District – Travel Demand Management Resolution No. 14 adopting the 2016 budget for the Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund;
- Motion to adopt Boulder Junction Access Commission General Improvement District – Travel Demand Management Resolution No. 15 establishing the 2015 Boulder Junction Access Commission General Improvement District – Travel Demand Management Property Tax mill levy;
- Motion to adopt Boulder Junction Access Commission General Improvement District – Travel Demand Management Resolution No. 16 appropriating the 2016 budget for the Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund; and

Consideration of a motion to adjourn from the Boulder Junction Access Commission General Improvement District – Travel Demand Management Board of Directors and reconvene as the City Council.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

These resolutions (**Attachments A-C**) adopt the 2016 budget, establish the 2015 property tax mill levy and appropriate funding as presented to Council in the City Manager's 2016 Recommended Budget for the Boulder Junction Access Commission General Improvement District (GID) – Travel Demand Management (TDM) Fund, and were reviewed by council during the 2016 budget process. **Attachment D** shows the impact of the 2016 revenues and expenditures on the Boulder Junction Access Commission GID – TDM fund balance.

The budget supports a variety of planning, capital improvements, and transportation services within the District that provide social and environmental benefits to the city as a whole.

## **OTHER IMPACTS**

- Fiscal - The 2016 budget for the Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund is \$175,717.
- Staff time - Staff time for this process is allocated in the Budget Division's annual work plan.

## **BOARD AND COMMISSION FEEDBACK**

The 2016 budget was also reviewed and approved by the Boulder Junction General Improvement District – Parking Commission on Sept. 17, 2015.

## **PUBLIC FEEDBACK**

A public hearing will be held on the 2016 budget appropriations and mill levy.

## **ATTACHMENTS**

- A. Proposed resolution adopting a budget for the Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund for 2016
- B. Proposed resolution establishing the Boulder Junction Access Commission General Improvement District – Travel Demand Management Property Tax Mill Levy for 2015
- C. Proposed resolution appropriating money to defray expenses and liabilities for the Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund for 2016
- D. Impact of the 2016 Budget on the Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund

**RESOLUTION NO. 14**

**A RESOLUTION CONCERNING THE CITY OF BOULDER,  
BOULDER JUNCTION ACCESS COMMISSION GENERAL  
IMPROVEMENT DISTRICT – TRAVEL DEMAND  
MANAGEMENT FUND, ADOPTING A BUDGET FOR THE  
FISCAL YEAR BEGINNING JANUARY 1, 2016**

WHEREAS, Chapter 8-4 of the Revised Code of the City of Boulder requires that the Board annually determine the amount of money necessary to be raised for the District by an ad valorem tax levy on the taxable property in the District; and

WHEREAS, said chapter provides that prior to the start of proceedings for said levy of taxes, the Board shall prepare and adopt a budget, and

WHEREAS, all requirements of said chapter pertaining to the giving of public notice have been accomplished; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – TRAVEL DEMAND MANAGEMENT, that:

Section 1. Estimated expenditures for fiscal year 2016 are as follows:

Operations	\$175,717
Debt Service	<u>0</u>
TOTAL	\$175,717

Section 2. Estimated revenues for fiscal year 2016 to fund the above expenditures are as follows:

Property Taxes	\$ 40,422
Ownership Taxes	2,020
Payment in Lieu of Taxes	109,343
Other Revenue	<u>0</u>
TOTAL	\$151,785

Section 3. The proposed budget as submitted and hereinabove summarized be adopted as the budget of the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund for the 2016 fiscal year.

ADOPTED this 20<sup>th</sup> day of October, 2016.

---

Chair

Attest:

---

Secretary

**RESOLUTION NO. 15**

**A RESOLUTION ESTABLISHING THE 2015 CITY OF BOULDER, BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – TRAVEL DEMAND MANAGEMENT PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2016, AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the Board has prepared and adopted a budget for the District for the 2016 fiscal year; and

WHEREAS, the Board has reviewed the projected expenditures of the District for 2016, and

WHEREAS, the Board has considered all sources of revenue of the District; and

WHEREAS, the Board has determined that there will not be sufficient revenues produced by the facilities operated by the District along with income from investment to cover expenses of operation and debt service and that a tax levy of 5.000 mills should therefore be imposed; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE CITY OF BOULDER, BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – TRAVEL DEMAND MANAGEMENT, that:

Section 1. Effective at 12:00 Midnight at the end of December 31, 2015 there is hereby levied for the year of 2015, to be collected in 2016 a tax of 5.000 mills upon each dollar of the total assessed valuation of all taxable property within the area of the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management.

Section 2. The secretary of the District is directed to certify the within levy to the County Assessor, Boulder County, Colorado.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**RESOLUTION NO. 16**

**A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – TRAVEL DEMAND MANAGEMENT FUND FOR THE 2016 FISCAL YEAR AND SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the City Council, acting as the Board of Directors of the Boulder Junction Access Commission General Improvement District – Travel Demand Management, has taken final action approving the revenues and expenditures of the budget for 2016 and

WHEREAS, the Board desires to make appropriations for the ensuing fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, ACTING AS THE BOARD OF DIRECTORS OF THE BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – TRAVEL DEMAND MANAGEMENT, that:

Section 1. The following appropriations are hereby made for the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund’s fiscal year commencing January 1, 2016, and ending December 31, 2016, from the funds of the District for the payment of the District's Operating Expenses, and Debt Service payments:

Operations	\$175,717
Debt Service	<u>0</u>
TOTAL	\$175,717

Section 2. The following appropriation is hereby made for the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management’s fiscal year commencing January 1, 2016, and ending December 31, 2016, for fund balance:

Fund Balance (12/31/2015)	\$23,932
---------------------------	----------

Section 3. The City Council, acting as the Board of Directors of the Boulder Junction Access Commission General Improvement District – Travel Demand Management, hereby appropriates as revenues all 2015 year end cash balances not previously reserved for insurance or bond purposes for all purposes not designated as "emergencies", including without limitation subsequent years' expenditures, capital improvements, adverse economic conditions and revenue shortfalls, pursuant to Article X, Section 20 to the Colorado Constitution, approved by the electorate on November 3, 1992.

ADOPTED this 20<sup>th</sup> day of October, 2015.

---

Chair

Attest:

---

Secretary

**ACTIVITY BY FUND, in thousands**

<b>Fund Title</b>	<b>Projected Fund Balance 1/1/2016</b>	<b>Estimated Revenues Including Transfers In</b>	<b>Appropriations Including Transfers Out</b>	<b>Projected Fund Balance 12/31/2016</b>	<b>Projected Changes in Fund Balance</b>
Boulder Junction Access GID TDM	24	152	176	-	(24)
<b>Totals</b>	<b>\$ 24</b>	<b>\$ 152</b>	<b>\$ 176</b>	<b>\$ -</b>	<b>\$ (24)</b>



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: October 20, 2015**

**AGENDA TITLE:** Continued second reading and consideration of a motion to order published by title only, Ordinance No. 8072 to improve occupancy enforcement by amending Title 9 “Land Use Code” by amending Section 9-15-9, “Multiple Dwelling Units And Occupancy - Specific Defenses,” eliminating a defense to over-occupancy based upon “active and diligent” management practices, amending Title 10 “Structures” amending Section 10-3-2, “Rental License Required Before Occupancy and License Exemptions” adding a prohibition of offering or advertising rental of a property without a valid rental license, adding a new Section 10-3-20 “Occupancy” requiring that the maximum legal occupancy be posted on all rental properties, requiring all rental licenses to include a notation of maximum occupancy and requiring all rental advertisements to include the maximum legal occupancy; amending Section 10-3-16 “Administrative Remedy” by increasing the fines for first and second violations and setting forth related details.

**PRESENTERS**

Jane S. Brautigam, City Manager

Tom Carr, City Attorney

Maureen Rait, Executive Director, Public Works

David Driskell, Executive Director, Community Planning and Sustainability

Susan Richstone, Deputy Director, Community Planning and Sustainability

Charles Ferro, Development Review Manager

Brian Holmes, Zoning Administrator

**EXECUTIVE SUMMARY**

At the 2015 Council retreat, Council directed staff to explore ways in which the city’s occupancy limits could be enforced more effectively, including the possibility of removing the “grand-fathering” provision. The purpose for this agenda item is to present potential options to Council and seek feedback and direction on which steps Council

would prefer. At the May 28, 2015 special council meeting, Council considered a presentation by the city attorney of seven options to better enforce the city's occupancy limits in residential properties. The options identified were as follows:

1. Require posting of legal occupancy at all rental locations.
2. Require notation of legal occupancy on all rental licenses.
3. Encourage the use of administrative remedies for over-occupancy violations, by increasing sanctions and modifying defenses.
4. Prohibit advertisement for either sales or rental of occupancy in excess of the occupancy set forth in the rental licensing database.
5. Require proof of any nonconforming occupancy to be made at time of rental license application or renewal. In the absence of proof, occupancy would be set at the base occupancy for the zone district.
6. Eliminate the non-conforming occupancy provision in Section 9-8-5(c), B.C.R. 1981 ("Occupancy of Dwelling Units").
7. In the alternative, add a condition to Section 9-8-5(c) restricting application to units that were legally occupied and licensed for rental during the entire period of nonconforming occupancy.

Council's direction was for staff to prepare an ordinance implementing options 1, 2, 3, and 4 and including more information about options 5 and 7. Council did not support implementation of option 6. Council held a public hearing on second reading at the September 15, 2015 council meeting. Council continued second reading until October 6, 2015.

Suggested Motion Language:

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

Motion to introduce, adopt on first reading and order published by title only, Ordinance No. 8072 to improve occupancy enforcement by amending Title 9 "Land Use Code" by amending Section 9-15-9, "Multiple Dwelling Units And Occupancy - Specific Defenses," eliminating a defense to over-occupancy based upon "active and diligent" management practices, amending Title 10 "Structures" amending Section 10-3-2, "Rental License Required Before Occupancy and License Exemptions" adding a prohibition of offering or advertising rental of a property without a valid rental license, adding a new Section 10-3-20 "Occupancy" requiring that the maximum legal occupancy be posted on all rental properties, requiring all rental licenses to include a notation of maximum occupancy and requiring all rental advertisements to include the maximum legal

occupancy; amending Section 10-3-16 “Administrative Remedy” by increasing the fines for first and second violations and setting forth related details.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic: Illegal over-occupancy can have a detrimental effect on the city’s economy by increasing housing prices for both the purchase of single family homes and for rentals.
- Environmental: Increased occupancy in an area not suitable for it could increase the city’s carbon footprint.
- Social: Illegal over-occupancy has a significant detrimental effect on the social fabric of the city’s neighborhoods.

## **OTHER IMPACTS**

Fiscal – The proposed ordinance may have some fiscal impact to support implementation.

Staff Time – More effective regulation of occupancy should be accomplished with existing staff.

## **BOARD AND COMMISSION FEEDBACK**

None

## **BACKGROUND & ANALYSIS**

A detailed discussion of the background of occupancy regulation in Boulder can be found in the [agenda memorandum](#) prepared for the May 28, 2015 council meeting.

## **FIRST READING**

Council passed ordinance number 8072 on first reading at the September 1, 2015 council meeting. There were no Council comments or questions regarding the ordinance.

## **SECOND READING**

Council held a public hearing on second reading at the September 15, 2015 council meeting. Over 80 individuals spoke at the public hearing. The vast majority spoke against the city’s occupancy limits and therefore opposed any effort to enforce those limits more effectively. The public hearing lasted for three hours and six minutes, concluding at 11:37 p.m. Due to the late hour, the Council decided to continue consideration on second reading until a date to be determined by the Council Agenda Committee. The CAC scheduled continued consideration for the October 20, 2015 meeting. At the October 6, 2015 meeting, several individuals spoke at public comment describing the impact of over-occupancy on their residential neighborhoods.

## PROPOSED ORDINANCE

A proposed ordinance drafted to implement options 1, 2, 3 and 4 proposed by staff on May 28, 2015 is **Attachment A**. The following is a discussion of each of those proposed options and a description of the corresponding section in the proposed ordinance.

1. Require posting of legal occupancy at all rental locations.

Section 3 of the proposed ordinance would add a new Section 10-3-20. Section 10-3-20(a) would require posting of the maximum legal occupancy as follows:

Every operator shall post conspicuously either on all public entrances or in a position clearly visible on entry into each dwelling unit a sign stating the maximum legal occupancy for the dwelling unit.

2. Require notation of legal occupancy on all rental licenses.

New Section 10-3-20(b) would require a notation on each rental license as follows:

Each license shall include a notation of the legal occupancy for each dwelling unit covered by the license. Acceptance of the license shall constitute a waiver of any claim for a non-conforming occupancy in excess of the occupancy stated on the license. The notation on the license shall also not provide the basis for an assertion of non-conforming occupancy.

The last sentence is necessary because city staff will not be requiring proof of occupancy at the time of license issuance. Thus, the notation may be subject to alteration when staff has the opportunity to investigate the particular license at some later date.

3. Increase the use of administrative remedies by increasing the minimum fines for over-occupancy violations or modifying the affirmative defenses.

The proposed ordinance includes several provisions to respond to Council's direction for implementation of this option.

Section 1 of the proposed ordinance would amend Section 9-15-9(c) to eliminate a property owner's ability to defend by showing "active and diligent management practices." The operative language being stricken is as follows:

Prior to the initiation of the prosecution process, the defendant undertook and pursued means to avoid over-occupancy violations by engaging in active and diligent property management practices that were reasonable under the circumstances

In addition, Section 4 of the proposed ordinance would amend Section 10-3-16(a)(1) to raise the civil penalty for a first violation from \$150 to \$500 and for a second violation from \$300 to \$750.

4. Prohibit advertisement for either sales or rental of occupancy in excess of the occupancy set forth in the rental licensing database.

The proposed ordinance would implement this option through two additions to the code. Section 2 of the proposed ordinance would add an advertising restriction to the rental licensing requirement. Under this proposed change, it would not only be illegal to rent without a rental license, but would also be illegal to offer to rent or advertise to rent without a rental license. Identical language is included in ordinance number 8050 relating to short term rentals. If Council approves passage of that ordinance, the language is not necessary in this ordinance.

Section 3 of the proposed ordinance would also require that the maximum legal occupancy be included in any advertisement or other offer to rent. The proposed language is as follows:

Each advertisement for rental shall include a statement of the maximum legal occupancy of the dwelling unit to be rented.

Staff has included proposed amendments. At the Council Agenda Committee on September 8, 2015, Mayor Appelbaum raised the question whether requiring a statement of the legal occupancy on signage would be sufficient, because legal occupancy has several variables. Council's interest was really in stating the number of unrelated individuals permitted in a particular dwelling unit. Accordingly, staff recommends that Council include **Amendment 1 in Attachment C**. The proposed ordinance includes an amendment to Title 9. **Amendment 2 in Attachment C** would waive the requirements of Section 9-1-5.

**Options not being implemented at this time.**

5. Require proof of any non-conforming occupancy to be made at time of rental license application or renewal. In the absence of proof, occupancy would be set at the base occupancy for the zone district.

Implementation of this option would require a major change in the rental licensing unit. Currently, desk staff accepts fees and issues licenses. They have no regulatory function. Implementation of option 5 would require staff to be trained to determine the appropriate occupancy. As was more fully described in the May 28, 2015 memorandum, doing so can be challenging. Staff's recommendation is to assess the effectiveness of the current changes before undertaking this potentially costly option.

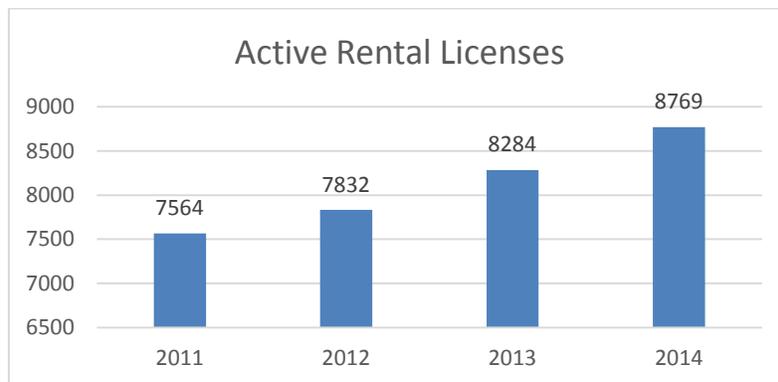
6. Add a condition to Section 9-8-5(c) restricting application to units that were legally occupied and licensed for rental during the entire period of nonconforming occupancy.

This option, like option number 5, is staff intensive. This change is a smaller step than elimination of non-conforming occupancy completely. It is not clear, however, whether there is any correlation between non-conforming occupancy and failure to obtain a rental license. Thus, it is difficult to predict what effect such a change would have on occupancy levels. Staff does not recommend pursuing this option at this time.

### Staff Response to Testimony at Second Reading Public Hearing

The testimony as second reading was mostly directed against the city’s occupancy limitations. It was part of an organized effort to discourage more effective enforcement of those regulations.<sup>1</sup> Few, if any, speakers addressed the actual language of the ordinance. Speakers mostly expressed the view that Boulder should loosen or eliminate its occupancy limitations.

Over-occupancy is a particular issue in college towns.<sup>2</sup> Communities that have a large percentage of their population in search of low cost housing have a built in incentive for over occupancy. **Attachment B** includes just a few documents demonstrating other attempts by other college communities to address this issue. Cities generally seek to maintain stable single-family neighborhoods. There is a tipping point at which a home is more valuable as a rental than as an owner-occupied residence. The more rent that a property can generate, the more value it has at the time of sale. Limiting the number of unrelated people who can rent a property limits the amount of total rent that can be charged and therefore limits the market-value of the property. Over the last several years, Boulder has experienced a growth in the number of active rental licenses. Between 2011 and 2014, the number of licenses active at any time during the year grew by 16% or 1,205 licenses. The following chart demonstrates that growth:



There has been a consistent effort to address the Cooperative Housing ordinance to allow more group living in Boulder. Such changes are challenging, because it is difficult to draft an ordinance that effectively distinguishes between a cooperative living arrangement and an over-occupied rental. In 2014, staff proposed a modest change that

<sup>1</sup> A copy of the webpage for the group that organized the testimony is Attachment D.

<sup>2</sup> Attachment E includes some conversations from the website Reddit, which provide an insight to the nature of the issue.

would have allowed up to six unrelated individuals over the age of 62 to live together. At the September 2, 2014 council meeting, 41 people spoke at open comment, mostly about the proposed ordinance. Council did not pass the ordinance on first reading.

It appears that the community’s view of occupancy limits may be different in different areas of the city. Most complaints originate in either the University Hill area or Martin Acres. The following table compares enforcement action in those areas to the rest of the city:

	Citywide Total	Martin Acres Total	University Hill Total	Percent of Citywide Total
<b>Cases Investigated</b>				
Cases Opened	178	75 (42%)	22 (12%)	87 (64%)
Cases Closed	183	73 (40%)	22 (12%)	95 (52%)
Non Violation (NVC)	113	43 (38%)	14 (12%)	57 (50%)
Closed	70	30 (43%)	8 (11%)	38 (51%)
<b>Cases Pending</b>				
Cases Pending - Under Investigation	2	2 (100%)		2 (100%)

One potential longer term solution might be for Council to consider different occupancy limits in other areas while maintaining and enforcing current limits in other areas. If Council seeks to have more effective occupancy enforcement in these areas, Council could direct the city manager enforce only on University Hill and in Martin Acres until Council has the opportunity to give more in-depth consideration to occupancy issues citywide. **Attachment C** includes a proposed **Amendment 3** that would implement this direction.

**ATTACHMENTS**

- Attachment A – Proposed Ordinance
- Attachment B – Materials relating to other communities
- Attachment C – Proposed Amendment Language
- Attachment D – Webpage for “Make Boulder Home”
- Attachment E – Materials from the website Reddit

## ORDINANCE NO. 8072

AN ORDINANCE AMENDING TITLE 9 “LAND USE CODE” BY AMENDING SECTION 9-15-9, “MULTIPLE DWELLING UNITS AND OCCUPANCY - SPECIFIC DEFENSES,” ELIMINATING A DEFENSE TO OVER-OCCUPANCY BASED UPON “ACTIVE AND DILIGENT” MANAGEMENT PRACTICES, AMENDING TITLE 10 “STRUCTURES” AMENDING SECTION 10-3-2, “RENTAL LICENSE REQUIRED BEFORE OCCUPANCY AND LICENSE EXEMPTIONS” ADDING A PROHIBITION OF OFFERING OR ADVERTISING RENTAL OF A PROPERTY WITHOUT A VALID RENTAL LICENSE, ADDING A NEW SECTION 10-3-20 “OCCUPANCY” REQUIRING THAT THE MAXIMUM LEGAL OCCUPANCY BE POSTED ON ALL RENTAL PROPERTIES, REQUIRING ALL RENTAL LICENSES TO INCLUDE A NOTATION OF MAXIMUM OCCUPANCY AND REQUIRING ALL RENTAL ADVERTISEMENTS TO INCLUDE THE MAXIMUM LEGAL OCCUPANCY; AMENDING SECTION 10-3-16 “ADMINISTRATIVE REMEDY” BY INCREASING THE FINES FOR FIRST AND SECOND VIOLATIONS AND SETTING FORTH RELATED DETAILS.

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

COLORADO:

Section 1. Section 9-15-9(c) is amended to read as follows:

**9-15-9. - Multiple Dwelling Units and Occupancy - Specific Defenses.**

- (c) Specific Defenses to Alleged Violations Related to Occupancy of a Unit Which Is a Rental Property: The following shall constitute specific defenses to any alleged violation of subsection 9-8-5(a), B.R.C. 1981, relating to the occupancy of units:
- (1) It shall be a specific defense to an alleged violation of subsection 9-8-5(a), B.R.C. 1981, that a defendant is a nonresident landlord or nonresident property manager and:
    - (A) ~~Prior to the initiation of the prosecution process, the defendant undertook and pursued means to avoid over-occupancy violations by engaging in active and diligent property management practices that were reasonable under the circumstances; or~~
    - ~~(B)~~ The defendant had no actual knowledge of the over-occupancy of the relevant rental housing property prior to the initiation of the prosecution process. However, this specific defense shall not apply when a defendant reasonably should have been aware of the occupancy violation ~~through the use of active and diligent property management practices.~~
    - ~~(B)~~ For the purposes of this subsection, the initiation of a prosecution process occurs when any of the following events occurs:
      - (i) A potential defendant is first contacted by a city investigator in connection with the investigation of an occupancy violation;

(ii) A summons and complaint alleging an occupancy violation is served upon a defendant; or

(iii) A criminal complaint is filed against a defendant alleging an occupancy violation.

(C) For purposes of this subsection, a nonresident landlord or nonresident property manager means a person who is neither a full-time nor part-time resident of the property that he or she owns or manages.

~~(2) For the purpose of this subsection, active and diligent management practices means those practices that, under the circumstances, are reasonably likely to prevent or correct any over-occupancy violations. The following factors will be considered in determining whether or not a nonresident landlord or nonresident property manager utilized diligent and active management practices. However, the existence or nonexistence of any single one of these factors shall not, of itself, be determinative:~~

~~(A) Written leases or other writings that document the maximum permitted number of occupants in each rental housing unit, the names of such occupants, the procedures required to add additional occupants, and a description of the potential consequences that may apply in any case of over-occupancy;~~

~~(B) Annual inspections of rental premises and more frequent inspections when tenants change or when there is any indication of problems at a rental housing site;~~

~~(C) The use of periodic written communications to remind tenants of applicable occupancy rules;~~

~~(D) Investigation and prompt action, where appropriate, when there are indications that occupancy violations may be occurring. Such indications may include, but are not limited to, the following:~~

~~(i) Receipt of a rent or lease payment from any person not listed on the lease or approved as an agent of the resident;~~

~~(ii) Receipt of a complaint or information from any source regarding alleged occupancy violations;~~

~~(iii) Receipt of a complaint or information from any source related to excess parking, excess trash, excess noise or of any other condition or impact associated with a rental housing site that would put a reasonable property manager on notice that additional investigation related to occupancy is appropriate;~~

~~(iv) Receipt of a complaint or information from any source suggesting that conditions at the rental housing site are less than safe or habitable; or~~

~~(E) Any other reasonable steps taken to ensure compliance with applicable code provisions with regard to levels of occupancy.~~

Section 2. Section 10-3-2(a) is amended to read as follows:

**10-3-2. - Rental License Required Before Occupancy and License Exemptions.**

(a) No operator shall allow, or offer to allow through advertisement or otherwise, any person to occupy any rental property as a tenant or lessee or otherwise for a valuable consideration

1 unless each room or group of rooms constituting the rental property has been issued a valid  
2 rental license by the city manager.

3 Section 3. A new Section 10-3-20 is added as follows:

4 **10-3-20. - Occupancy.**

- 5 (a) Every operator shall post conspicuously either on all public entrances or in a position  
6 clearly visible on entry into each dwelling unit a sign stating the maximum legal occupancy  
7 for the dwelling unit.  
8 (b) Each license shall include a notation of the legal occupancy for each dwelling unit covered  
9 by the license. Acceptance of the license shall constitute a waiver of any claim for a non-  
conforming occupancy in excess of the occupancy stated on the license. The Notation on  
the license shall also not provide the basis for an assertion of non-conforming occupancy.  
10 (c) Each advertisement for rental shall include a statement of the maximum legal occupancy of  
the dwelling unit to be rented.

11 Section 4. Section 10-3-16 is amended to read as follows:

12 **10-3-16. - Administrative Remedy.**

- 13 (a) If the city manager finds that a violation of any provision of this chapter or chapter 10-2,  
14 "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to the  
operator and an opportunity for hearing under the procedures prescribed by chapter 1-3,  
"Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions  
to remedy the violation:  
15 (1) Impose a civil penalty according to the following schedule:  
16 (A) For the first violation of the provision, ~~\$500~~150.00;  
17 (B) For the second violation of the same provision, ~~\$300~~750.00; and  
18 (C) For the third violation of the same provision, \$1,000.00;  
19 (2) Revoke the rental license; and  
20 (3) Issue any order reasonably calculated to ensure compliance with this chapter and  
chapter 10-2, "Property Maintenance Code," B.R.C. 1981.  
21 (b) If notice is given to the city manager by the operator at least forty-eight hours before the  
22 time and date set forth in the notice of hearing on any violation that the violation has been  
corrected, the manager will reinspect the building. If the manager finds that the violation  
has been corrected, the manager may cancel the hearing.  
23 (c) The city manager's authority under this section is in addition to any other authority the  
24 manager has to enforce this chapter, and election of one remedy by the manager shall not  
preclude resorting to any other remedy as well.  
25 (d) The city manager may, in addition to taking other collection remedies, certify due and  
unpaid charges to the Boulder County Treasurer for collection as provided by section 2-2-  
12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer for  
Collection," B.R.C. 1981.

1 (e) To cover the costs of investigative inspections, the city manager will assess operators a  
2 \$250.00 fee per inspection, where the city manager performs an investigative inspection to  
ascertain compliance with or violations of this chapter.

3 Section 5. This ordinance is necessary to protect the public health, safety, and welfare of  
4 the residents of the city, and covers matters of local concern.

5 Section 6. The City Council deems it appropriate that this ordinance be published by title  
6 only and orders that copies of this ordinance be made available in the office of the city clerk for  
7 public inspection and acquisition.

8 Section 7. This ordinance shall be effective January 4, 2016, unless disapproved by the  
9 voters pursuant to section 43 of the Boulder Home Rule Charter.

11 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
12 TITLE ONLY this 1st day of September, 2015.

14  
15 \_\_\_\_\_  
Mayor

16 Attest:

17 \_\_\_\_\_  
18 City Clerk

1 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
2 PUBLISHED BY TITLE ONLY this 20<sup>th</sup> day of October, 2015.

5 \_\_\_\_\_  
Mayor

6 Attest:

7 \_\_\_\_\_  
8 City Clerk

3  
4  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COLLEGE TOWNS | RETIREMENT | BUSINESS | TRAVEL | NEIGHBORHOODS | NEW URBANISM

ADVERTISE | DIRECTORY |  |  |  | 

# Occupancy Limits

College Town Life | College Town News | College Town Issues | Search

## Occupancy Limits and Rental Property Licensing/Registration

College towns most often need to enact some form of occupancy limit ordinance for either of two reasons: 1) safety 2) maintaining affordable housing for all community residents. (No [or few] limits on the number of unrelated occupants allowed in a dwelling unit can raise home prices in college towns out of the reach of families and singles/couples, since homes in college towns often sell for ten times the amount of possible yearly rental income.)

The chart below is regularly being added to as information becomes available on other college towns. Information is broken out by state, and color-coded according to the number of unrelated people community ordinances allow to share a dwelling unit (see the color key in the Occupancy limit for unrelated persons column.)

City, State	Occupancy limit for unrelated persons				Different for owner-occupant?	Rental property licensing?
	2	3	4	5>		
<b>Alaska</b>						
<b>Anchorage, AK</b>			3			
University of Alaska Anchorage						
<b>Alabama</b>						
<b>Auburn, AL</b>			2		Does not apply	Unregulated
Auburn University						
<b>Troy, AL</b>						
Troy University					Specifically prohibits anyone but single families from dwelling in houses located in R-1 zones and more narrowly defines a family as being a single family unit related by blood, marriage or adoption. -effective 8/1/06	
<b>Tuscaloosa, AL</b>			2			Implemented (6 Apr 2005)
University of Alabama			(6 Apr 2005)			
			5			
			(In a "University" district)			A second amendment would change occupancy regulations to allow up to five unrelated people to live

## College Town Life :: Occupancy Limits

	<b>Formerly 3 (2003)</b>	<b>Exemptions for Owner- Occupants (3 rented rooms or less)</b>	<b>Rental license required</b>
Arizona			together in a University district. It would also change occupancy rules so that only two unrelated people could live together in residences in historic districts with the exception of historic district properties where three unrelated people live together now.
<b>Tempe, AZ Arizona State University</b>	<b>3</b>	<b>Exemptions for Owner- Occupants</b>	<b>Rental housing code (registration required)</b>
Arkansas			
<b>Little Rock, AR University of Arkansas at Little Rock</b>	<b>4</b>	<b>No exemption</b>	<b>Rental property inspection program</b>
California			
<b>Davis, CA University of California, Davis</b>		<b>Does not apply</b>	<b>Unregulated (program no longer in effect)</b>
<b>San Bernardino, CA</b>		<b>Exemptions for Owner- Occupants</b>	<b>Rental inspection ordinance inactive (not currently funded)</b>
<b>State University - San Bernardino</b>			
<b>San Francisco, CA San Francisco State University</b>	<b>10</b>	<b>No exemption</b>	<b>Rent control ordinance</b>
<b>San Jose, CA San Jose State University</b>	<b>Sole occupancy limit is California's housing code, which uses a square footage formula rather than the number of rooms</b>	<b>Does not apply</b>	<b>Must register as a business owner Requires a Housing Occupancy Permit for tri-plex and larger structures, has a routine and complaint response inspection and has a rent control program for those built before September 7, 1979.</b>
<b>Santa Barbara, CA University of</b>	<b>No</b>	<b>Does not apply</b>	<b>Unregulated</b>

<b>California - Santa Barbara</b>			
<b>Santa Cruz, CA</b>		<i>Does not apply</i>	<i>Unregulated</i>
<b>University of California - Santa Cruz</b>			
<b>Colorado</b>			
<b>Boulder, CO</b>	<b>3</b>	<b>Exemptions for Owner-Occupants (with conditions)</b>	<b>Rental Housing Inspection &amp; Licensing Program</b>
<b>University of Colorado at Boulder</b>			
<b>Fort Collins, CO</b>	<b>3</b>	<i>Does not apply</i>	<i>Unregulated</i>
<b>Colorado State University</b>			
<b>Greeley, CO</b>	<b>2</b>	<i>Does not apply</i>	<i>Unregulated</i>
<b>University of Northern Colorado</b>			
<b>Delaware</b>			
<b>Newark, DE</b>	<b>3 (in some zones 4)</b>	<b>Owners who live in their single-family type houses ... may take in three (3) roomers or boarders.</b>	
<b>University of Delaware</b>		<b>Non-owner occupied by zoning district</b>	
		<b>3 - RH, RT, RS 4 - RR</b>	
		<b>3 - RD 4 - RM</b>	
		<b>In certain instances properties in Newark are deed restricted to limit the number of renters to less than the number permitted in relevant zoning districts.</b>	
<b>Florida</b>			
<b>DeLand, FL</b>	<b>2</b>		<b>Court ruling that upholds the city's right to prohibit more than two unrelated people from occupying a single-family house (31 Mar 2005)</b>
<b>Stetson University</b>			

## College Town Life :: Occupancy Limits

<b>Gaineville, FL</b> University of Florida	<b>3</b>	<b>No exemption (with exception)</b>	<b>Landlord Permit Ordinance (registration required)</b>
<b>Tallahassee, FL</b>  Florida State University	<b>3</b>	<b>No response</b>	<b>Rooming House Ordinance</b>
<b>Georgia</b> <b>Athens, GA</b> University of Georgia	<b>2</b>	<b>Does not apply</b>	<b>Rental registration policy ruled unconstitutional by Clarke County Superior Court (Feb 2004)</b>
<b>Atlanta, GA</b> Emory University	<b>3</b>	<b>Does not apply</b>	<b>Unregulated</b>
<b>Milledgeville, GA</b> Georgia College & State University	<b>3 (15 Nov 2006)</b>		
<b>Statesboro, GA</b>  Georgia Southern University	<b>3</b>	<b>Does not apply</b>	<b>Unregulated</b>
<b>Hawaii</b> <b>Honolulu, HI</b> University of Hawaii at Manoa	<b>5</b>	<b>Does not apply</b>	<b>Unregulated</b>
<b>Idaho</b> <b>Moscow, ID</b> University of Idaho	<b>6</b>	<b>Does not apply</b>	<b>Unregulated</b>
<b>Illinois</b> <b>Evanston, IL</b> Northwestern University	<b>3</b>		
<b>Normal, IL</b> Illinois State University	<b>2</b>	<b>No exemption</b>	<b>International Property Maintenance Code (Housing Inspection and licensing)</b>
<b>Urbana- Champaign, IL</b> University of Illinois at Urbana- Champaign	<b>4</b>	<b>Does not apply</b>	<b>Unregulated</b>
<b>Indiana</b> <b>Bloomington, IN</b> Indiana University-	<b>3</b>	<b>Exemptions for Owner- Occupants</b>	<b>Rental registration</b>

<b>Bloomington</b>			
<b>West Lafayette, IN</b> Purdue University	<b>3</b>	<b>No exemption</b>	<b>Rental housing inspection program</b>
<b>Iowa</b>			
<b>Ames, IA</b> Iowa State University	<b>3</b>	<b>No exemption</b>	<b>Rental housing code (letter of compliance required)</b>
<b>Cedar Falls, IA</b> University of Northern Iowa	<b>4</b>	<b>Exemptions for Owner-Occupants</b>	<b>Minimum Rental Housing Code</b>
<b>Iowa City, IA</b> University of Iowa	<b>3</b>	<b>Exemptions for Owner-Occupants</b>	<b>Rental housing inspection</b>
<b>Kansas</b>			
<b>Lawrence, KS</b> University of Kansas	<b>3</b>	<b>Exemptions for Owner-Occupants</b>	<b>Rental licensing</b>
<b>Kentucky</b>			
<b>Lexington-Fayette, KY</b> University of Kentucky		<b>Does not apply</b>	<b>Unregulated</b>
<b>Louisville, KY</b> University of Louisville	<b>5</b>	<b>Does not apply</b>	<b>Unregulated</b>
<b>Maine</b>			
<b>Orono, ME</b> University of Maine	<b>5</b>	<b>Does not apply</b>	<b>Unregulated (under discussion)</b>
<b>Portland, ME</b> University of Southern Maine	<b>16</b>	<b>Does not apply</b>	<b>Unregulated</b>
<b>Maryland</b>			
<b>Baltimore, MD</b> Johns Hopkins University	<b>2</b> (In a single-family house)		<b>In Baltimore County, no more than 2 unrelated people may live together in a single-family dwelling. Houses converted into apartments units are included. In that case, only two per apartment are allowed.</b>
	<b>4</b>		<b>In Baltimore City, the codes are more complex, but in basic, no more than 4 unrelated people may live together in a single-family dwelling.</b>

**College Park,  
MD  
Univerity of  
Maryland**

rent-control plan that would likely limit the rent of single-family homes to a maximum of \$1,800 a month or 1 percent of the house's taxable value, whichever number is greater  
(29 Mar 2005)

landlord Alan Tyler, along with several student tenants, are suing the College Park City Council in an attempt to block a rent stabilization ordinance. Enacted in 2005, the ordinance sets a ceiling on rent of 1 percent of a single-family home's value, and Tyler has accused the city of overstepping its jurisdiction. (5 Mar 2007)

**Salisbury, MD  
Salisbury  
University**

from 4 to 2 - 2002  
from 2 to 3 -  
2005

What Does 4-3 Mean For Salisbury Residents?  
Three years after lowering the number of unrelated people allowed to live in a housing unit from 4 to 2, this college town is bumping the occupancy limit up from 2 to 3  
WMDT - 6 Oct 2005

**Massachusetts**

**Amherst, MA  
University of  
Massachusetts-  
Amherst**

4

*Does not apply*      *Unregulated*

**Boston, MA  
Boston  
University and  
others**

?

*Exemptions for  
Owner-  
Occupants*      *Housing Division  
Rental Re-inspection  
Ordinance (PDF)*

**Michigan**

**Ann Arbor, MI  
University of  
Michigan - Ann  
Arbor**

4

*Exemptions for  
Owner-  
Occupants  
(routine  
inspections not  
required for  
owner-occupied  
properties)*      *Housing Inspection  
(PDF) (applies to rental  
and owner-occupied  
dwellings)*

**East Lansing,  
MI  
Michigan State  
University**

2

*No exemption*      *Rental housing  
license program*

College Town Life :: Occupancy Limits

<p><b>Mt. Pleasant, MI</b> Central Michigan University</p>	<p>2</p>	<p><i>Exemptions for Owner-Occupants (except owner-occupied duplexes)</i></p>	<p><b>Rental housing license program</b></p>
<p><b>Minnesota</b> <b>Mankato, MN</b> University of Minnesota - Mankato</p>	<p>2</p>		
<p><b>Winona, MN</b> Winona State University</p>	<p>3 (reduced from 5)</p>		<p>No more than 30 percent rental properties allowed on any city block (Dec 2005)</p>
<p><b>Mississippi</b> <b>Hattiesburg, MS</b> University of Southern Mississippi</p>	<p>City considering 2 fall 2006</p>		<p><u>Cities struggle with rental regulations</u> American - 15 Sep 2006 ...HATTIESBURG, MS - Probably the most controversial ordinance deals with rental housing and would make it illegal for property owners to rent a home in a single-family residential area to two or more renters who are not related by blood, marriage or living as a couple.</p> <p>The other two ordinances deal with parking cars on lawns and quiet hours within the city...</p>
<p><b>Oxford, MS</b> University of Mississippi</p>	<p>5</p>	<p><i>Does not apply</i></p>	<p><i>Unregulated</i> considering limits of 3 unrelated tenants will be set on houses in areas zoned RA and a limit of 4 unrelated tenants for houses zoned RB, such as duplexes (1 Sep 2004)</p>
<p><b>Missouri</b> <b>Columbia, MO</b> University of Missouri-Columbia</p>	<p>3</p>	<p><b>No exemption</b></p>	<p><b>Rental Unit Conservation Law</b> (regulates licensing of rental properties)</p>

St. Louis, MO University of Missouri - St. Louis	3	Does not apply	Unregulated
Montana			
Bozeman, MT University of Montana	4		
Nevada			
Las Vegas, NV University of Nevada - Las Vegas	4	Does not apply	Unregulated
New Jersey			
New Brunswick, NJ Rutgers University		Exemptions for Owner-Occupants	Rent Control Ordinance
New York			
Binghamton, NY State University of New York at Binghamton	1		
Brockport, NY State University of New York at Brockport	3 (if property built after 1993)		inspection every three years
Buffalo, NY SUNY at Buffalo		Exemptions for Owner-Occupants	Rental licensing program
Geneseo, NY State University College at Geneseo	4		require an inspection every three years for rental properties. system for registering landlords (27 Feb 2005)
New Rochelle, NY College of New Rochelle Monroe College Iona College	3		
Oneonta, NY State University of New York at Oneonta	3		
Syracuse, NY Syracuse University	5 currently proposal by the Southeast University Neighborhood Association to reduce the number of unrelated adults	Does not apply	Unregulated

permitted in a rental unit from five people to three -  
**A Full House Over Housing**  
 University-area issues draw crowd to City Hall  
 Post-Standard - 2 Mar 2007

## New Mexico

Albuquerque, NM  
 University of New Mexico - Main Campus

5

*Does not apply**Unregulated*

## North Carolina

Chapel Hill, NC  
 University of North Carolina at Chapel Hill

4

No exemption

Rental licensing program

Durham, NC  
 Duke University

3

Greensboro, NC  
 University of North Carolina at Greensboro

4

*No response**No response*

Greenville, NC  
 East Carolina University

3

City files suits against landlords for violations  
 Daily Reflector - 2 Mar 2007

... GREENVILLE, NC -  
 The city of Greenville has filed lawsuits against the owners of seven rental properties as part of stepped-up enforcement of a zoning ordinance limiting occupancy to no more than three unrelated people.

Raleigh, NC  
 North Carolina State University

4

*Does not apply**Unregulated*

## North Dakota

Grand Forks, ND  
 University of North Dakota

4

*Does not apply**Unregulated*

## Ohio

Athens, OH  
 Ohio University

3 renters per house  
 in R-1

College Town Life :: Occupancy Limits

<b>Bowling Green, OH</b> Bowling Green State University	3		
<b>Kent, OH</b> Kent State University	2		Limit of 2 unrelated unless dwelling is licensed as a boarding house
<b>Oxford, OH</b> Miami University	4	<b>Exemptions for Owner-Occupants eliminated 2004</b>	Rental licensing program
<b>Toledo, OH</b> Toledo of University	3		
<b>Oklahoma</b>			
<b>Edmond, OK</b> University of Central Oklahoma	5	<i>Does not apply</i>	<i>Unregulated</i>
<b>Oklahoma City, OK</b> Oklahoma City Community College	5	<i>Does not apply</i>	<i>Unregulated</i>
<b>Oregon</b>			
<b>Corvallis, OR</b> Oregon State University	5	<b>No exemption</b>	<b>Rental Housing Program</b>
<b>Eugene, OR</b> University of Oregon	5	<i>Does not apply</i>	<i>Unregulated</i>
<b>Portland, OR</b> Portland State University	6	<i>Does not apply</i>	<i>Unregulated</i>
<b>Pennsylvania</b>			
<b>Annvile, PA</b> Lebanon Valley College		<b>5 currently proposed rules would lower the number of unrelated people who can live in a house from five to three, require rental licensing and inspections, and impose penalties for tenants' disruptive conduct (2 Mar 2007)</b>	
<b>Kutztown, PA</b> Kutztown University	2	<b>500 linear feet separation required between student homes</b>	<b>§ 225-25.1. Student home. [Added 5-9-1995 by Ord. No. 5-1995]</b>
<b>Lower Merion,</b>	3		

PA Bryn Mawr College	3	<i>Exemptions for Owner- Occupants (licenses are required only for income- producing rental units)</i>	Rental licensing program
Philadelphia, PA Temple University			
Reading, PA Albright College	3	and off-campus student houses to be no closer than 800 feet from each other	
State College, PA Pennsylvania State University	3	restriction does not apply to properties at which three- unrelated people lived before 1979	
Sellinsgrove, PA Susquehanna University	3		
York, PA York University	2		
West Chester, PA West Chester University of Pennsylvania	4		considering change to 2 (17 Sep 2004)
South Carolina			
Columbia, SC University of South Carolina	3		
South Dakota			
Brookings, SD South Dakota State University	3	<i>Exemptions for Owner- Occupants</i>	Rental Housing Inspections & Licensing
Sioux Falls, SD U of SD, Augustana College	3		
Tennessee			
Nashville, TN	3	<i>Does not apply</i>	<i>Unregulated</i>
Texas			
Arlington, TX The University of Texas at Arlington		<i>Does not apply</i>	<i>Unregulated</i>
Austin, TX	6	<i>Does not apply</i>	<i>Unregulated</i>

College Town Life :: Occupancy Limits

University of Texas at Austin	(10 under special conditions)		
Bryan, TX College Station, TX Texas A&M University	4 <u>Considering 2 (10 Oct 2006)</u>		
	<i>Residential Neighborhood Conservation</i> Those who already have more than two unrelated roommates in a neighborhood conservation district are "grandfathered," and can continue living there until the property is sold or leased.		
Lubbock, TX Texas Tech University	2	<i>Does not apply</i>	<i>Unregulated</i>
San Marcos, TX Texas State University - San Marcos	2 <u>(2 Feb 2005)</u>		
Utah			
Logan, UT	3	<i>Does not apply</i>	<i>Unregulated</i>
Provo City, UT	2-3	<i>Exemptions for Owner-Occupants</i>	<i>Rental Dwelling Business Licensing</i>
Salt Lake City, UT University of Utah	3	<i>No exemption</i>	<i>Rental licensing program (3 or more units only)</i>
Virginia			
Blacksburg, VA Virginia Tech	3	<i>Exemptions for Owner-Occupants</i>	<i>Rental permit program</i>
Charlottesville, VA University of Virginia	4		limit the number of unrelated adults living together from four to three in some near-UVA single-family neighborhoods like JPA, Venable, and Lewis Mountain. <u>(19 Mar 2003)</u>
Fairfax, VA	4	<i>Exemptions for Owner-Occupants</i>	<i>Rental Occupancy Program</i>
Williamsburg, VA William and Mary University	3		

College Town Life :: Occupancy Limits

Location	Occupancy Limit	Exemptions for Owner-Occupants (for 1 or 2 rented rooms)	Rental Inspection program
<b>Vermont</b> <b>Burlington, VT</b> University of Vermont	4		
<b>Washington</b> <b>Bellingham, WA</b>	3	Does not apply	Unregulated
<b>Seattle, WA</b> University of Washington	8	Does not apply	Ordinance repeal 1996
<b>Spokane, WA</b> Washington State University Spokane		Does not apply	Unregulated
<b>Wisconsin</b> <b>Eau Claire, WI</b> University of Wisconsin-Eau Claire	3-4, depending on the zoning district, 5 if the property has a rooming house license	Does not apply	Housing maintenance code applies to all residential properties
<b>Madison, WI</b> University of Wisconsin - Madison	2	family plus 4	Housing code applies to all buildings
<b>Milwaukee, WI</b> University of Wisconsin - Milwaukee	4		

SiteMeter



## What Other College Communities Have Done

### *Examples of Regulatory Actions to Preserve the Single-Family, Residential Character of a Campus Neighborhood*

West Urbana is not alone in trying to preserve its single-family residential neighborhood. The May 2002 issue of *Zoning News*, a publication of the American Planning Association, discusses "How Communities Address the Problems of Students Living Off-Campus." It lists effective strategies to reverse the "encroachment of student rental housing into nearby single-family neighborhoods and the negative effects of this encroachment."<sup>1</sup> Research by members of the West Urbana Neighborhood Association details solutions other college communities have implemented to achieve these goals.<sup>2</sup> What follows are examples from which we can extrapolate and learn.

**Restrict the Definition of Family** "The most common method of attempting to deal with over-occupation of rental properties in a single-family district."

Example of a "functional family" from Ann Arbor, MI: "... functional family means a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary."<sup>3</sup>

The restrictive family definition needs to be non-discriminatory and broad enough to include two unrelated partners and same-sex partners. Specific exceptions can be included in such an ordinance: e.g., in-home childcare; elderly care; sabbatical renters; exchange students, etc. Towns that have passed such an ordinance, and the year of passage include:

- ◆ Macomb, IL, 2001
- ◆ Ann Arbor, MI [Survived challenges at the State Supreme Court level, 2001]
- ◆ East Lansing, MI, 1997
- ◆ Burlington, VT, 2001
- ◆ Salisbury, MD, 2003
- ◆ Binghamton, NY, [Survived challenges at the State Supreme Court level, 2000]

---

<sup>1</sup> Craig Raborn: "Coping with Colleges: How Communities Address the Problems of Students Living Off-Campus." *Zoning News*, May 2002, p1-6. [Quote, p.1] Other quotes from this article, unless otherwise indicated.

<sup>2</sup> Research was conducted over the last several years and may not be 100% accurate.

<sup>3</sup> Chapter 55, Zoning Code. Also at: <http://www.ci.ann-arbor.mi.us/Planning/codes/ch55-all.html>

**Reduce the Number of Unrelateds** [currently 4 in Urbana]. Provide a sunset provision which requires that any current rentals will have to conform to the new occupancy rate within a specified number of years. Examples of the number of permitted unrelateds in other communities and when current level enacted are:

- ◆ Carbondale, IL, 2, 1974
- ◆ Normal, IL, 2, long-standing
- ◆ Macomb, IL, 2, 2001
- ◆ Columbus, OH, 2, long-standing
- ◆ Madison, WI, 2, long-standing
- ◆ East Lansing, MI, 2, 1997
- ◆ Salisbury, MD, 2, 2003. Included a sunset provision of 3 years for existing rentals.
- ◆ Lawrence, KS, 3, 2003
- ◆ Provo, UT, 2, 2003
- ◆ Lincoln, NE, 2 [Survived challenges at the State Supreme Court level, 1997]
- ◆ Bloomington, IN, 3 [Survived challenges at the State Supreme Court level, 2003]
- ◆ Allentown, PA: Student overlay district, limiting the number of unrelateds permitted in this district compared to other parts of town. [Upheld in court challenges.]

**Enforce Codes and Standards Ordinances** to encourage compliance with existing codes include:

- ◆ Bethlehem, PA: Tenant & Landlord must sign supplementary agreement that stipulates an understanding of legal # of occupants; obligations of landlord for maintenance; obligations of decent conduct by tenants.
- ◆ Gainesville, FL: Requires rental occupancy permit to be maintained on premises.
- ◆ Iowa City, IA: Have info disclosure form on responsibilities and # occupants. Post legal # occupants for every rental property on the Web.
- ◆ West Lafayette, IN: Nuisance inspector who inspects key neighborhoods 3-4/x daily. Has resulted in a major change in appearance of area.

### **Issue Residential Parking Permits**

- ◆ Manhattan, KS: issues two permits per property at nominal fee. Overnight parking in neighborhoods near campus prohibited without a permit.
- ◆ Newark, DE: No more than 2 residential parking permits will be issued per address for any non-owner occupant single-family type dwelling requiring a rental permit.
- ◆ Columbus, OH: Limits number of 'stacked' cars in a driveway; also limits to area devoted to parking and maneuvering of vehicles in the University District Overlay to 35% of lot to prevent the "auto salvage yards" syndrome.
- ◆ Eugene, OR: One permit per address, with a limited number of additional permits for a 2-hour parking limit only.

- ◆ East Lansing, MI: 24/7 program in select neighborhoods, which limits number of permits [up to 3 or 4, depending on area] per address. No on-street parking 2am-5am. Grandfathered businesses exempted.
- ◆ Bloomington, IN: Limits number of permits issued to Greek houses in the neighborhood. Greek Houses do not receive visitor passes.

**Inspect Rentals and License Landlords** "Safe rental housing and a record of responsible parties for each property are additional benefits of such a program."

- ◆ Columbia, MO: Requires certificate of compliance, HVAC inspection, and city inspection. Registration and inspection fees required.
- ◆ Gainesville, FL: Yearly fee for rental properties. Website promotion of licensed properties. Landlord point system, in which revocation of license possible for non-compliance [passed 2003].
- ◆ Iowa City, IA: requires rental permit [fee assessed every 3 years per structure and per number of bedrooms] and one-time Certificate for Structure Compliance [one-time fee].
- ◆ West Lafayette, IN: Requires certification of all rental housing. Annual fee of \$300 per structure in 2002, and additional per-unit fee. Different fees depending on whether owner-occupied, # of relateds and/or unrelateds, and multi-housing/single-family unit, etc.
- ◆ East Lansing, MI: Annual inspections.
- ◆ Boulder, CO: Baseline and safety inspections required. Fines up to \$2000 if unlicensed. Exempted properties include: owner-occupied or sabbatical rentals.

**Implement Rooming House Programs** These programs may be permitted in certain zones or overlay districts and may be prohibited in single-family districts.

- ◆ Adopt ordinance making a Student Rental Home a use by special exception
  - ◆ West Chester, PA
  - ◆ Merrion Township, PA
- ◆ Limits on density of student houses:
  - ◆ West Chester, PA: bans new student housing within 400' of other such housing.
  - ◆ Newark, DE: student homes must be at least 10 lot-widths apart.

**Target Disorderly Houses** Minimizing nuisance and over-occupancy violations. Drafting ordinances to preserve the spirit of single-family zoning.

- ◆ East Lansing, MI: Landlord fined daily if over-occupied. Landlord must prove tried to evict. Can fine landlord or tenant. If there are too many noise violations, the landlord is notified and ultimately liable. \$1,000 fines and possible incarceration for serious repeat noise violations. Enforced twice and never needed subsequently, as of 2004.
- ◆ Columbus, OH: Owner liable for over-occupancy.
- ◆ West Lafayette, IN: Requires Occupancy Affidavit, which must be displayed on premises. Fines of \$1000-\$2500 imposed on landlord for over-occupancy. Owner and tenants must sign occupancy affidavit.

- ◆ Springfield, IL: Website of landlords with excessive violations.  
[http://www.springfield.il.us/CITY\\_GOV/ComServ/TopTen.htm](http://www.springfield.il.us/CITY_GOV/ComServ/TopTen.htm)
- ◆ Ames, IA: Aggressive enforcement of over-occupancy. Landlords and tenants found in violation of the occupancy limit for their area will be fined \$500 for the first violation and \$750 for additional violations.
- ◆ Carbondale, IL: Second offense for over-occupancy: fine owner and tenants. Burden is on the owner to inform tenants of legal occupancy rate. Burden of proof on residency is on the tenant.
- ◆ Bloomington, IN: Everyone on lease gets a ticket if there is a noise complaint, whether present or not at party.
- ◆ Boulder, CO: violation for over-occupancy and nuisance violations can be up to \$2,000 and 90 days in jail.
- ◆ Manhattan, KS: If tenants get more than 2 serious violations within a year, the city can shut down the rental house.
- ◆ Normal, IL; Boulder, CO; Ft. Collins, CO; Ames, IA; Tuscaloosa, AL; and Blacksburg, VA: ban of indoor [upholstered] furniture outside, "based on national fire safety standards and tragedies that have occurred with fires on porches or with waterlogged furniture causing collapse of the structure. Couches outdoors also attract vagrants who may find them a nice place to sleep and smoke."
- ◆ Eugene, OR: Requires bike storage – number depending on type of building and number of units.
- ◆ West Chester, PA: For drinking offenses, can impose the maximum state penalty – loss of driver's license.

## Other Solutions

### Encourage Owner-Occupancy and Responsible Management

- ◆ East Lansing, MI: Occupancy limits based on dwelling size and whether owner-occupied.
- ◆ West Lafayette, IN: rental registration program assigns different category of fees and fines for rental properties, depending on whether or not it is owner occupied. Properties with out-of-town owners must have a local manager if property owner lives outside of designated area [e.g., city or county limits].
- ◆ Carbondale, IL, Ann Arbor, MI, and Boulder, CO: Must have a local agent to manage property, even if owned by out-of-town parent.
- ◆ Ann Arbor, MI: UMich has Website listing of approved landlords.
- ◆ East Lansing, MI: Considering buying back rental licenses and converting rentals back to single-family, owner-occupied properties [as of 2004].

### Limit Occupancy Based On Parking Availability

- ◆ East Lansing, MI. Under consideration.

### **Reverse Grandfathered Non-Conforming Uses**

- ◆ Tallahassee, FL: Elimination of non-conforming status for properties that have had three or more violations of a rental housing ordinance during a six-month period.
- ◆ Bloomington, IN: Require all owners to register, and rescind non-conforming status if they do not register.
- ◆ Utah: Abandonment and Amortization of Nonconforming Uses: "The right to continue a nonconforming use may be lost if the use is abandoned for a period of time. State law does not define the period of time so it must be done by municipal ordinance. Most municipal zoning ordinances allow six months to one year of non- use, after which the property cannot be used except in conformity with the current zoning ordinance." Elsewhere, applies towards abatement of nuisances.
- ◆ Mason County, IL: "Whenever a nonconforming use has been discontinued for a period of 12 months, such use shall not thereafter be reestablished, and use thereafter shall conform to the provisions of this ordinance."
- ◆ Elgin, IL: "Multi-Family Conversion Program" with funding to encourage conversion of grandfathered properties back to single-family.

### **Establish A Conservation District Or Overlay Zones to Discourage Demolition Of Historic Properties** and insure new development is architecturally compatible with existing fabric of the neighborhood.

- ◆ Portland, OR, 1977
- ◆ Cambridge, MA, 1983
- ◆ Raleigh, NC, 1988
- ◆ Lake Forest, IL, 1990
- ◆ Arlington, VA, 1998
- ◆ Palos Verdes, CA, 1998
- ◆ Austin, TX, 1999
- ◆ Arlington, VA, 1999
- ◆ Boulder, CO, 2002
- ◆ Chapel Hill, NC

### **Develop Deed Restrictions and Covenants** for specified neighborhoods

- ◆ Newark, DE: Limits on number of student homes permitted: "A student home is permitted on a lot only if any portion of the lot is no closer to any portion of another student home, than a distance determined by multiplying times 10 the required lot width for a single-family detached dwelling in the zoning district in which the proposed student home is located."<sup>4</sup>

---

<sup>4</sup> <http://www.udel.edu/towngown/HousingRentalGuide.html>

## Attachment C

### Amendment 1

#### 10-3-20. - Occupancy.

- (a) Every operator shall post conspicuously either on all public entrances or in a position clearly visible on entry into each dwelling unit a sign stating the maximum occupancy by unrelated individuals permissible pursuant to Section 9-8-5, B.R.C. 1981, “Occupancy of Dwelling Units.” ~~legal occupancy for the dwelling unit.~~
- (b) Each license shall include a notation of the legal occupancy, including the number of unrelated individuals permitted, for each dwelling unit covered by the license. Acceptance of the license shall constitute a waiver of any claim for a non-conforming occupancy in excess of the occupancy stated on the license. The Notation on the license shall also not provide the basis for an assertion of non-conforming occupancy.
- (c) Each advertisement for rental shall include a statement of the maximum occupancy by unrelated individuals permissible pursuant to Section 9-8-5, B.R.C. 1981 “Occupancy of Dwelling Units” ~~legal occupancy~~ of the dwelling unit to be rented.

### Amendment 2

Section 8. The requirements of Section 9-1-5, B.R.C. 1981 “Amendments and Effect of Pending Amendments” are waived.

### Amendment 3

Section 9. Until December 31, 2016, enforcement of Section 9-8-5, B.R.C. 1981 (“Occupancy of Dwelling Units”) shall be limited to the area south of Arapahoe Avenue, north of Baseline Road, east of 9<sup>th</sup> Street and west of Broadway and the area south of Baseline Road, north of Table Mesa Drive, east of Broadway and west of U.S. Route 36.



# Make Boulder Home

Now with 99% more housing in every dwelling unit.

## Occupancy Limit Crackdown Hearing and Game Night

On September 15th, 2015 the Boulder City Council will be voting on a new law, which would make it much easier to enforce the existing occupancy limits for unrelated persons. These limits make it illegal for more than 3, or in some cases 4, people to share a home in Boulder — no matter how large the house is, and irrespective of the relationships between the people living in the home — unless they fit the city's narrow definition of "family."

We want you to write [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov), and tell them why the occupancy limits are broken, and how making them easier to enforce will harm renters of modest means in Boulder. Short letters to the editor of the Daily Camera are also useful. They must be less than 300 words, and include your name, phone number, and address (only your name and city will be published). Send them to [openforum@dailycamera.com](mailto:openforum@dailycamera.com).

Most importantly, **join us the evening of Tuesday, September 15th to speak at the public hearing!** The Council meeting will begin at 6pm, but we don't know where in the agenda this hearing will end up, so we're planning to bring snacks, and a bunch of board games, and make a night of it in the lobby of the Municipal Building, at 1777 Broadway (the SW corner of Canyon & Broadway), while we wait our turn to speak. You can **RSVP on Facebook if you like**, and share the event widely.

We will also be making a series of short video introductions, highlighting members of the community who would be harmed by the new law, and the occupancy limits more generally. **Join us at 5:30pm this Friday, September 11th for a potluck to participate in the video project at 2961 Broadway, Boulder, CO.**

We're especially interested in getting representation from Boulder's thriving non-profit scene — either employees, or managers who know that many of their employees need to share housing to be able to live in Boulder on non-profit wages. Vital service workers would also be a great voice to have present!

The new law will:

- Make it illegal to advertise for roommates above and beyond the legal occupancy of the property, making it more difficult for shared homes to find new members on Craigslist, on Facebook

groups, and elsewhere online.

- Require the legal occupancy limit to be posted prominently on the property, giving you a vivid reminder every time you walk through your front door that you are an outlaw who is not welcome in Boulder.
- Dramatically increase the fines levied when occupancy limit violations are prosecuted, and remove many plausible legal defenses, making it more likely that a single complaint or inspection results in eviction.

You can read the ordinance in its entirety in **this PDF**, and for more background, see **this City Council study session memo from May 28th**.

Somehow city staff has come to the conclusion that cracking down on shared housing will provide "community benefit" since they believe that shared housing damages the fabric of our community, increases greenhouse gas emissions, and is bad for our economy. No supporting documentation is given for these conclusions, and our own research looking at the utility bills and usage records for the Boulder cooperative houses certainly suggests otherwise.

Actually cracking down on shared housing would have dramatic impacts on the supply of affordable housing in Boulder — by some (rental inspector) estimates, roughly 1/4 of all rental units in the city are over occupied, meaning something like 10,000-15,000 people get affordable housing in the city this way. This is similar to the number of people living in the city's official, subsidized affordable housing.

This entry was posted in Call to Action and tagged boulder, city council, crackdown, enforcement, hearing, housing, law, occupancy, ordinance on September 9, 2015

[<http://makeboulderhome.org/2015/09/09/occupancy-limit-crackdown-hearing-and-game-night/>] by Zane Selvans.

u

Upcoming Meetups: [Plan something](#)

**BOULDER** [comments](#) [related](#)

Want to join? [Log in](#) or [sign up](#) in seconds. | [English](#)

This is an archived post. You won't be able to vote or comment.

search

this post was submitted on 11 Dec 2014

**3 points** (71% upvoted)

shortlink: <https://redd.it/2ozlg4>

3

**Boulder Occupancy Laws** (self.boulder)  
submitted 10 months ago by millzner

Hi, I'm looking to start a lease come Jan 1st in Boulder and am looking at 4 or 5 bedroom places. I want to fit 4 or 5 people into one of these houses so I can get cheaper rent. How strict is the 3 unrelated occupants law? I looked at a 4 bedroom place the other day and the landlord didnt seem to care if 4 people lived there as long as he "didn't know about it" and would only have 3 of us sign leases. Is this law ever an issue with the cops or the city? We plan on having a few parties throughout the year...

username

password

remember me [reset password](#)

[login](#)



[discuss this ad on reddit](#)

[Submit a new link](#)

[Submit a new text post](#)

[10 comments](#) [share](#)

[all 10 comments](#)

sorted by: [best](#)

[ - ] [particles\\_](#) 8 points 10 months ago

Yes its illegal and yes you can be fined/evicted if someone finds out. How someone would find out isn't clear but I believe most of the time its due to a noise complaint by a neighbor who knows more than the limit is living there.

The laws are pretty dumb imo considering its 4 unrelated people in an apartment but 3 in a house.

From this

page:<https://bouldercolorado.gov/pages/city-of-boulder-occupancy-regulations>

"Over-occupancy complaints are usually made because of noise, parking issues, and trash

Packet Page 412

**boulder**

[subscribe](#) 8,280 Boulderites

~20 Boulderites

**25 square miles surrounded by reality**

**Before asking a question, please ensure that the Wiki doesn't address it**

**Wiki Articles**

- [Visiting Boulder?](#)
- [Looking for Housing?](#)
- [Looking for Services?](#)

**/r/Boulder Rules:**

- No Craigslist-style postings. Let's keep this more local happenings and community discussion. If you need to buy or sell something use a different venue. Post

Agenda Item 5J Page 34

accumulation."

[permalink](#)

[–] [smalltoes](#) 3 points 10 months ago

Your biggest problem with this, more than actually getting caught, is finding a landlord that doesn't give a shit how many people are in the house. Most won't be cool with it because it makes them liable, ect. That said yes they are strict on enforcing it when they find out the regulations are being broken and I know people who have been evicted for it. But on another note I've also lived in a few houses where we had 5 people in it and no problems with the cops. Good luck either way.

[permalink](#)

[–] [g\\_mo821](#) 2 points 9 months ago

Coming from a CU student, I've never seen an issue. Not just on the hill either

[permalink](#) [parent](#)

[–] [AndBeingSelfReliant](#) 2 points 10 months ago

i wonder how easy it could be for a landlord to get around this by making a non-permanant divider to make it "two units"

[permalink](#)

[–] [overflowingInt](#) 4 points 10 months ago

I believe that's a zoning thing, not a 'wall goes here and it is so' thing.

[permalink](#) [parent](#)

[–] [TarmacJohn](#) 2 points 10 months ago

It is going to be highly dependent on the neighbors as that is the only real enforcement mechanism. I've had four people on and off in my house, but usually three. We've never had any issues, but are quiet and get along with the neighbors. It is really just going to come down to impact on the neighbors. If you are taking up all the street parking or making a ton of noise, at some point someone will report you and you won't really have a leg to stand on. If there is adequate parking for your cars and you are considerate to the neighborhood the enforcement arm of the city has no way to actually find out. In my experience they only

Packet Page 413

instead in /r/boulderlist/ .

- Personal attacks and abusive comments will be removed. Continually posting these will result in a subreddit ban. Let's keep the discussions thoughtful and polite.
- Full list of rules here

**Know of a party or a show? Post a personal. Meet your fellow Boulderites. Boulder's social scene that may not be fit for the masses - check out:**

**Boulder :: Uncut**

**Our Colorado Friends**

- Colorado
- CO Scene
- Denver
- Aurora
- Erie
- Longmont
- Fort Collins
- CU Boulder
- CO Hikers



[discuss this ad on reddit](#)

**MODERATORS**

[message the moderators](#)

- buddhabelieves
- rational\_thinker
- Weatherstation
- smdaegan

[about moderation team >](#)

< > discussions in /r/boulder X

22 points · 28 comments

Bernie Sanders will be holding a rally in Boulder on Saturday!  
Agenda Item 5J Page 35

enforce the statute on reported violations, and don't actively try to seek out houses with more than 3 people.

[permalink](#)

[–] [mister-noggin](#) 1 point 9 months ago

I had four in one place for a couple years. No problems. But we were clean and quiet (no parties), and friendly with the neighbors.

[permalink](#)

[–] [friendzoned69](#) 1 point 7 months ago

So as long as the neighbors don't report someone they will be fine? I have a friend who is planning on sharing a room next year with someone not on the lease and they were wondering what they can do to make sure they don't get caught?

[permalink](#)

[–] [millzner](#) [S] 2 points 7 months ago

We have 6 in our place right now and have been fine. We also have small get together pretty often. Our neighbors haven't complained yet.

[permalink](#) [parent](#)

[–] [DougHamilton](#) 0 points 10 months ago

Your neighbors will find out, and report you, when they see 4 adults coming in and out of your house (zoned for single family) everyday. Not to include, the 4 cars sitting the driveway and/or road (which neighbors hate) and all the girlfriends/boyfriends entering and exiting at all hours of the night.

[permalink](#)

**about**

- blog
- about
- values
- team
- source code
- advertise
- jobs

**help**

- site rules
- FAQ
- wiki
- reddiquette
- transparency
- contact us

**apps & tools**

- Alien Blue iOS app
- reddit AMA app
- mobile beta
- buttons

**<3**

- reddit gold**
- reddit store
- redditgifts
- reddit.tv

Use of this site constitutes acceptance of our [User Agreement](#) and [Privacy Policy](#). © 2015 reddit inc. All rights reserved. REDDIT and the ALIEN Logo are registered trademarks of reddit inc.

π

Upcoming Meetups: [Plan something](#)

**BOULDER** **comments** related

Want to join? Log in or sign up in seconds. | **English**

This is an archived post. You won't be able to vote or comment.

search

this post was submitted on 16 Feb 2015

**9 points** (75% upvoted)

shortlink: <https://redd.it/2w4zhn>

**9** Experience with Boulder Occupancy Laws? (self.boulder) submitted 7 months ago by friendzoned69

Has anyone run into trouble with their landlord/ the city of Boulder for sharing a room with someone not on the lease? How did you get caught or not get caught? What was the process once you got caught? Any advice on how to work around these silly laws?

username

password

remember me [reset password](#)

**login**

**Submit a new link**

**Submit a new text post**

9 comments share

**boulder**

[subscribe](#) 8,280 Boulderites

~20 Boulderites

**25 square miles surrounded by reality**

**Before asking a question, please ensure that the Wiki doesn't address it**

**Wiki Articles**

- Visiting Boulder?
- Looking for Housing?
- Looking for Services?

**/r/Boulder Rules:**

- No Craigslist-style postings. Let's keep this more local happenings and community discussion. If you need to buy or sell something use a different venue. Post instead in /r/boulderlist/ .
- Personal attacks and abusive comments will be removed. Continually posting these will result in a subreddit ban. Let's keep the discussions thoughtful and polite.
- Full list of rules here

**Know of a party or a show? Post a personal.**

**all 9 comments**

sorted by: **best**

[–] **stockphish** 13 points 7 months ago

I think the adage don't break 2 laws at the same time applies. Nobody cares as long as you aren't drawing negative attention to yourself.

[permalink](#)

[–] **TarmacJohn** 6 points 7 months ago

The good old "One crime at a time". /u/stockphish is dead on, don't piss anyone off or give anyone that would care to report you a reason to come by and you'll be fine. If you are in a private rental, I am nearly certain you won't have any issues as long as you don't clog up parking and keep tidy. If you are in an apartment with an onsite leasing agency, it could get a little more tricky.

[permalink](#) [parent](#)

[–] **bucknuggets** 4 points 7 months ago  
Packet Page 415

Right - loud parties, really messy lawn (if you have one), etc is *far* more likely to get your neighbors to complain.

[permalink](#) [parent](#)

[–] **mister-noggin** 3 points 7 months ago

Yes, exactly. Nobody (almost) cares as long as they're not being bothered.

In addition to that, we always introduced ourselves to the neighbors when we moved in, and asked them to come to us first if there was ever a problem.

[permalink](#) [parent](#)

[–] **FearTheCron** 7 points 7 months ago

I think the big thing I have seen is if someone in the house gets annoyed at too many people living in the house its an easy way for them to leverage the situation. I was renting a basement room from someone who, without even talking to me first, rented out the third room down there. There were already two of us and it wasn't really big enough for us as is. I used this law as leverage to get the third guy out of there. If he had talked to me first and probably dropped my rent significantly I may have agreed to it but with the way he handled it, I was glad to have the law on my side. I think its mostly just a "nobody cares unless you are doing something else wrong at the same time" but understand that the "anything else wrong" clause applies to the opinion of everyone involved.

[permalink](#)

[–] **PropManager** 7 points 7 months ago

Property manager here. If I caught you I would issue you a 3 day notice to get the extra person out I there or else I would start the eviction process. All these responses are about other residents no caring. Maybe not but I assure you the landlords care.

[permalink](#)

[–] **kerowack** 4 points 7 months ago

So any tips on good practices to avoid you or making you aware of the situation?

[permalink](#) [parent](#)

[–] **PropManager** 4 points 7 months ago

**Meet your fellow Boulderites. Boulder's social scene that may not be fit for the masses - check out:**

**Boulder :: Uncut**

**Our Colorado Friends**

- Colorado
- CO Scene
- Denver
- Aurora
- Erie
- Longmont
- Fort Collins
- CU Boulder
- CO Hikers

/r/toastme



discuss this ad on reddit

**MODERATORS**

[message the moderators](#)

buddhabelieves  
rational\_thinker  
Weatherstation  
smdaegan

[about moderation team >](#)

< > discussions in /r/boulder X

22 points · 28 comments

 Bernie Sanders will be holding a rally in Boulder on Saturday!

Have them get a PO box for mail and get packages sent somewhere else. Most people get caught because of mail.

[permalink](#) [parent](#)

[–] **Moggyman** 2 points 7 months ago

I've known many violators and zero people who got caught.

[permalink](#)

**about**

- blog
- about
- values
- team
- source code
- advertise
- jobs

**help**

- site rules
- FAQ
- wiki
- reddiquette
- transparency
- contact us

**apps & tools**

- Alien Blue iOS app
- reddit AMA app
- mobile beta
- buttons

**<3**

- reddit gold**
- reddit store
- redditgifts
- reddit.tv

Use of this site constitutes acceptance of our [User Agreement](#) and [Privacy Policy](#). © 2015 reddit inc. All rights reserved.  
REDDIT and the ALIEN Logo are registered trademarks of reddit inc.

π

Upcoming Meetups: [Plan something](#)

**BOULDER** [comments](#) [related](#)

Want to join? Log in or sign up in seconds. | [English](#)

This is an archived post. You won't be able to vote or comment.

search

this post was submitted on 05 Aug 2014

**12 points** (88% upvoted)

shortlink: <https://redd.it/2cqept>

**12** **Boulder Occupancy (please affirm that this is a terrible idea)** (self.boulder)  
submitted 1 year ago \* by DirtPow

Long story short, living in a 4 BR within a zoning district that only allows 3 unrelated roommates. It was fine because two of the roommates were related (unless that itself is a grey area in the ordinance...) but one of them recently moved for a job.

A roommate threw out the idea of going to the court house and getting a certificate of domestic partnership (I neither like, know much, or even care about him...) Now the landlord is asking about our plans and what we're going to do.

The way I see it, we just continue to write three checks rather than four and don't say anything. We're all late 20's working professionals and don't throw parties so we're not attracting attention to ourselves. Plus, (b) No person shall make any misrepresentations in order to obtain a certificate of domestic partnership nor shall any person make any misrepresentations in connection with the process of the registration of a domestic partnership.

Perjury is no joke, plus it seems the future legal blowback of a domestic partnership is insane. I laughed and joked when it was first mentioned months ago, but now that it's gaining traction I'm feeling like I'm taking crazy pills. Please reassure me that

Packet Page 418

username

password

remember me [reset password](#)

[login](#)

[Submit a new link](#)

[Submit a new text post](#)

**boulder**

[subscribe](#) 8,280 Boulderites

~23 Boulderites

**25 square miles surrounded by reality**

**Before asking a question, please ensure that the Wiki doesn't address it**

**Wiki Articles**

- Visiting Boulder?
- Looking for Housing?
- Looking for Services?

**/r/Boulder Rules:**

- No Craigslist-style postings. Let's keep this more local happenings and community discussion. If you need to buy or sell something use a different venue. Post instead in [/r/boulderlist/](#).
- Personal attacks and abusive comments will be removed. Continually posting these will result in a subreddit ban. Let's keep the discussions thoughtful and polite.
- Full list of rules [here](#)

**Know of a party or a show? Post a personal.**

Agenda Item 5J Page 40

this is an absolutely terrible idea and would never work.

\*This is being brought up because I myself am moving to Denver and looking to sublet, doesn't even seem like it's my problem to worry about.

19 comments share

all 19 comments

sorted by: best

[-] ZeusApolloAttack 25 points 1 year ago

Yes, it is a terrible idea.

permalink

[-] DirtPow [S] 3 points 1 year ago

Nice to hear another voice of reason, my roommates are complete idiots.

permalink parent

[-] waka324 11 points 1 year ago

This sounds like a good movie plot, but terrible idea.

permalink

[-] MrBody42 3 points 1 year ago

Seinfeld episode material right there

permalink parent

[-] midfield99 7 points 1 year ago

That sounds like a horrible idea. Though how concerned is the landlord about occupancy? You would not be the first household to break boulder occupancy regulations. I've even occasionally seen ads on craigslist for coops that are breaking occupancy regulations.

permalink

[-] JoeyJoeJoeJrShab 3 points 1 year ago

Can somebody explain the purpose of this zoning code? I mean 4 bedrooms could easily house 4 people. Why should it matter if they're related? Is there any purpose behind this besides making it harder for students to find affordable housing?

permalink

[-] DirtPow [S] 2 points 1 year ago

From my understanding it's mainly for the purpose of parking availability. Going to

Meet your fellow Boulderites. Boulder's social scene that may not be fit for the masses - check out:

Boulder :: Uncut

Our Colorado Friends

- Colorado
- CO Scene
- Denver
- Aurora
- Erie
- Longmont
- Fort Collins
- CU Boulder
- CO Hikers



discuss this ad on reddit

MODERATORS

message the moderators

- buddhabelieves
- rational\_thinker
- Weatherstation
- smdaegan

about moderation team >

< > discussions in /r/boulder X

22 points · 28 comments

Bernie Sanders will be holding a rally in Boulder on Saturday!

generalize, but most CU students seem to have cars. Limiting the number of people living in a house limits the number of cars that are parked in the street - even if occupancy inside is not an issue.

[permalink](#) [parent](#)

[–] [orderlyopus](#) 3 points 1 year ago

from what I've heard the whole 3 person max thing for the most part is not really enforced unless A) you have a ton of people living there B) you're causing a ruckus C) you're trying to legally grow marijuana there. the police will use anything they can to make growing marijuana illegal.

[permalink](#)

[–] [Trailer\\_Nova](#) 1 point 1 year ago

Correct, I have been in violation before and never heard a thing. Also had friends that were on the hill about 9 people in a house without an exemption and they pooled money then had just 3. People pay.

[permalink](#) [parent](#)

[–] [BrotherBear1](#) 2 points 1 year ago

Sounds like the plot of that movie with Adam Sandler and Kevin James where they are firemen and find some legal loophole where if they become domestic partners it will benefit them. Terrible movie and terrible idea

[permalink](#)

[–] [Vwr32](#) 2 points 1 year ago

Haha I tried this once and the lady called my bluff and essentially told us it would be fraud. Don't do it

[permalink](#)

[–] [Guns\\_And\\_Dogs](#) 4 points 1 year ago

Just go for it – the worst thing that could happen is you have a free place to stay in jail.

[permalink](#)

[–] [ImNotAWhaleBiologist](#) 1 point 1 year ago

Free food, too.

[permalink](#) [parent](#)

[–] [bunabhucan](#) 2 points 1 year ago

Landlord here: It is something partially to prevent landlords from abusing you. Landlord asking about your plans probably means just that. I think if you agree to pay him full rent he will be fine. An alternative is a new lease. How much time was on the old one.

Your roommate is crazy.

[permalink](#)

[–] [HUPMbVpVLtpe808c](#) 1 point 1 year ago

This is an absolutely stupid idea.

[permalink](#)

[–] [Rodeo9](#) 1 point 1 year ago

I have a friend who did this to get around the zoning. It worked out fine for them.

[permalink](#)

[–] **[deleted]** 1 point 1 year ago

LOL, for what it's worth, I actually went through this some years ago in Bowling Green, OH. They have the same zoning ordinance. I was living with three others, and one of their boyfriends actually suggested one of the three girls and I get married in order to live in this house.

Long story short, we went through with it, and lived for a year in this beautiful old Victorian home. It was \$40 for the marriage license and \$160 for the dissolution of the marriage afterward. We thought the \$200 (split four ways) was worth it to live in this house. We had the benefit of free legal services via the university, so the cost of the dissolution was much lower than it would have been. (This was something we looked into beforehand).

The awkward part was pretending to be married every time our landlord was around. But it was exhilarating, especially when word got back to my family after the marriage license showed up in the newspaper (we were unaware that they publish all the new licenses there...).

So I'm not recommending it either way, but it could work given the right circumstances. We had heard that the punishment for breaking the ordinance was some ridiculous fine multiplied by how many days you've been staying there - so on that basis we thought it was better to play it safe. There was a house down the street that had been spied on due to being suspected of breaking the occupancy law, and they ended up having to pay a fine in the thousands IIRC, in addition to being kicked out of the house.

[permalink](#)

[–] **mohi6809** 1 point 1 year ago

Every year I've lived off campus we have been in violation of zoning laws. No one gives a shit.

[permalink](#)

[–] **lonefrontranger** 1 point 1 year ago

my husband lived in a giant ramshackle rental over on Gillaspie with six roommates (and four dogs, but that's another story) when he was in grad school.

Unless you have a very uptight landlord or really shitty neighbors, my understanding is that it's a very loosely observed regulation. We live in Martin Acres and I am aware of several rental properties within a few streets of us that are not in compliance. No one really cares from what I can tell.

[permalink](#)

**about**

- blog
- about
- values
- team
- source code

Packet Page 421

**help**

- site rules
- FAQ
- wiki
- reddiquette
- transparency

**apps & tools**

- Alien Blue iOS app
- reddit AMA app
- mobile beta
- buttons

**<3**

- reddit gold
- reddit store
- redditgifts
- reddit.tv

Agenda Item 5J Page 43

## Council Working Agreements

### Council Process:

- The council will work on general discipline in being prepared to ask questions and make comments.
- The council asks the mayor to intervene if discussion on agenda items extends beyond a reasonable time frame.
- The council will engage in the practice of colloquy to fully explore the different sides of a specific point.
- The mayor will ask the city clerk to set the timer lights for council members if discussions begin to exceed efficient debate. Members should respect the lights as a time reminder, but will not be bound by them as absolute limits.
- Rather than restating a point, council members should simply say "I agree."
- The council agenda committee may, with advance notice, adjust each public speaker's time to two rather than three minutes during public hearings for items on which many speakers want to address the council.
- Council members will grant each other permission to mentor and support each other on how each person contributes to the goal of being accountable for demonstrating community leadership.
- In order to hear each other respectfully and honor the public, council will avoid body language that could convey disrespect, side conversations, talking to staff, whispering to neighboring council members, passing notes, and leaving the council chambers.
- Regarding not revisiting past discussions, the council should check-in with fellow members periodically to ensure that this is not an issue.
- During a council meeting, any form of electronic messages, including emails and texts, that relate to matters being considered and which arrived at any time during that meeting shall not be read by council members, nor shall any messages on matters under consideration be sent by council members.

### Council Communication:

- Council members agree to keep quasi-judicial roles scrupulously separate between members of boards and members of council, avoid expressing ideas to board members on things coming before the board, and carefully disclose or recuse themselves when there is involvement with board members on a topic.
- Council agrees to e-mail the city manager about issues that they run into that staff or boards may be working on so that the manager can be actively involved in managing issues and keeping the full council informed well in advance of items coming before council for action.
- Members will keep the full council informed on issues from committees, public groups or other agencies that they are following, through hot line e-mails, brief verbal reports at the end of council meetings or other means.
- The council will find ways to support majority council decisions and adequately inform the public, through responsive letters that explain how divergent points of view were heard and honored in decisions, via standard e-mail responses for hot issues, by occasional council Letters to the Editor to clarify the facts, or by seeking out reporters after meetings to explain controversial decisions.

**Council Committees:**

- Council committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each committee meeting will be noticed once per month in the Daily Camera.
- The council agenda will include time for reports from committees under Matters from Members of Council, noting that written communications from the committees are appropriate as well.

**Selection of Mayor and Mayor Pro Tem:**

- Council members will make a good faith effort to select the mayor and mayor pro tem in an open and transparent process.
- After the council election, members seeking election as mayor or mayor pro tem should:
  - make their interest in the positions known to their fellow members as soon as possible;
  - focus their communication with other council members on the positive attributes the member brings to the positions; and
  - refrain from any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals' presentations may include, but need not be limited to the following:
  - the skills and attributes the member would bring to the mayoral position;
  - the member's ability to efficiently run council meetings, respect the views of the minority while allowing the majority to rule, and perform other mayoral duties;
  - how the member would represent the city and city council and mayor position at gatherings outside of city council meetings
  - how the member would serve on and appoint other council members to regional and national boards and commissions; and
  - how the member would promote trust of the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

Agreed: Members of the Boulder City Council

Handwritten signatures of council members in blue ink, arranged in three rows and three columns. Each signature is written over a horizontal line.

Approved by Council: January 21, 2014

# City of Boulder 2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
<b>Climate and Energy</b>	Energy Future and Associated Projects	Council	CC: Open Access Transmission Tariff			
			SS: Power Supply	SS (2): Rates, Energy Services, Power Supply	Project update	Project update
		Staff Activities	Budget update	Budget update	Budget update	Budget update
	Climate Commitment	Council	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan
			Staff Activities	Launch action plan	SS: Review interim goals, targets and strategies Energy system transformation; blue print convening	Implementation based on action plan
		Council	Briefing	SS (2)		
<b>Housing/Land Use Planning</b>	Comprehensive Housing Strategy (Housing Boulder)	Staff Activities	Housing Matters launch event, engagement activities	Draft strategy development	Implementation based on adopted strategy	Implementation based on adopted strategy
		Council	SS: Direction of preferred scenario	SS : Draft plan and action plan		
	Sustainable Streets and Centers/ East Arapahoe	Staff Activities	Develop East Arapahoe action plan	Next Corridor - 30th St or Colorado		
		Council	SS	Direction or IP	Direction or IP	Direction or IP
	Resilience	Staff Activities	Develop scoping plan	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
	Boulder Valley Comprehensive Plan	Council	Issues identification	SS	Direction or IP	Direction or IP
		Staff Activities	Update and coordinate with BVCP	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
	<b>Transportation</b>	Transportation Master Plan Implementation	Council	Update and coordinate with BVCP		Update and coordinate with BVCP
Staff Activities						
Regional Travel		Council		Briefing		Briefing
		Staff Activities	Staff and elected official activities ongoing			
Access Management and Parking Strategy (AMPS)		Council		SS : Review options & Update; including recommendations for TDM tool kit for new development	Council action on TDM Tool Kit for new development	Recommendations including planning code changes
						SS: Review options and update
		Staff Activities	Ongoing work plan in 7 focus areas	Ongoing work plan	Ongoing work plan	Ongoing work plan
		Alternatives analysis and specific option development		Specific option development/refinements		
		Joint Board workshop & public engagement		Joint Board workshop & public engagement		

# City of Boulder 2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	
<b>Civic Area</b>	Civic Area Implementation	<b>Council</b>	SS: Parkland Concepts Plan	CC: Approval of Concept Plan			
		<b>Staff Activities</b>	Outreach to community & partners; create delivery plan for spring, summer, fall events	Deliver spring events	Deliver summer activities and events	Review 2015 activation; compare lessons from 2014 and revise for 2016	
			Draft of parkland concept plan options for public workshop, Boards, Council review	Board/Commission input on Concept Plan	Begin detailed design work on park improvements	Complete detailed design work for bidding	
			Develop overall site master plan concepts, begin to formulate major capital projects	Initial feasibility planning on major capital projects	Continue to develop capital projects, identify potential partners, explore financing options	Continue to develop capital projects, identify potential partners, explore financing options	
<b>Local Food</b>	Sustainable Agriculture and Local Foods	<b>Council</b>	IP and local meals for Council Pilot		Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan	Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan	
		<b>Staff Activities</b>					
<b>Livability</b>	University Hill Moratorium	<b>Council</b>	SS: Review options		IP		
			CC: Public Hearing and Decision				
		<b>Staff Activities</b>	Recommendation & development of ordinances, changes and recommend other strategies to address Moratorium goals	Follow up on other strategies & coordination with Hill Reinvestment Strategy; incorporate strategies into other work plan			
			Board review & public engagement		Board review & public engagement		
	University Hill Reinvestment Strategy	<b>Council</b>			Direction on 14 <sup>th</sup> Street redevelopment proposal		SS
					SS: Update on strategy		
		<b>Staff Activities</b>	Residential service district (RSD) pilot program	RSD pilot program	RSD pilot program	RSD pilot program	
			Work plan implementation	Work plan implementation	Work plan implementation	On-going work plan implementation	
			Establish benchmarks and evaluation criteria	Commercial district: Eco Pass Study & Commercial bear dumpsters	Implement volunteer program for clean up	Evaluate existing programs	
			14 <sup>th</sup> Street Lot public/private partnership redevelopment options re: work force affordable housing	14 <sup>th</sup> Street Lot public/private partnership redevelopment options re: work force affordable housing	Research options for sustainable governance & funding	Develop options for sustainable governance & funding	
		Stakeholder engagement	Stakeholder engagement	Stakeholder engagement	Stakeholder engagement		
	Homeless Action Plan	<b>Council</b>	IP: 2014 Accomplishments	SS: As part of Human Services strategy update		IP - Services and Regional coordination update	
	<b>Staff Activities</b>						
Community Cultural Plan	<b>Council</b>	Council update and input on testing phase	Briefing	SS: Adoption of Community Cultural Plan			
	<b>Staff Activities</b>	Research phase complete. Drafting phase complete. Testing phase begins	Testing phase complete. Certification phase begins	Implementation begins. New public art policy drafting	Public Art Policy drafting		

# City of Boulder 2015 Work Plan

(Tentative as of December 16, 2014)

	Projects		1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
<b>Other</b>	Boulder Junction	Council				
		Staff Activities	Ongoing redevelopment coordination	North Side of Pearl and Goose Creek bridge landscaping install. Bridge opens		Depot Square opens
	Capital Projects Activity	Council	Ongoing and Wastewater Collection System Rehabilitation program begins	Ongoing	SS: 2016-2021 CIP	Ongoing
		Staff Activities				
	CityWide Special Events	Council	Report on 2015 City Events			Summary of 2015 City Events
		Staff Activities	Implement new events application and internal review process	Refine systems as needed	Refine systems as needed	Improve events application for new online Landlinks System in 2016
	Community Broadband	Council	SS			SS
		Staff Activities	Broadband Action Group formation and consultant assessment	Consultant assessment continued	Consultant assessment continued	Present findings and recommendations
	Design Excellence	Council	SS: Staff Recommendations design tools/process changes	IP	CC: Draft recommendations/Adopt strategy	
		Staff Activities	Issues identification/ preliminary work on design tools/ process changes	Technical analysis /develop options	Draft recommendations	
			Public engagement	Boards/public engagement	Boards/public engagement	
	Flood-related Annexations	Council				
		Staff Activities	Flood Annexations - Individual	Flood Annexations - Old Tale Rd	Ongoing	Ongoing
	Human Services Strategy	Council		SS		Public Hearing
		Staff Activities				
	Flood Management	Council			IP: Stormwater Master Plan and Wastewater Collection System Master Plan consideration	
		Staff	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue		
	Smoking Ban - Implementation	Council	CC: Second reading			
		Staff Activities	Education campaign	Enforcement begins	Monitor Outcomes	Monitor Outcomes
	Vacation Rental by Owner (VRBO)	Council	SS			
Staff Activities		Research regulations and possible fees or taxes				

**COUNCIL MEMBERS**

Matthew Appelbaum	Mayor
Suzanne Jones	Mayor Pro Tem
Macon Cowles	Council Member
George Karakehian	Council Member
Lisa Morzel	Council Member
Tim Plass	Council Member
Andrew Shoemaker	Council Member
Sam Weaver	Council Member
Mary Young	Council Member

**COUNCIL EMPLOYEES**

Thomas A. Carr	City Attorney
Jane S. Brautigam	City Manager
Linda P. Cooke	Municipal Judge

**KEY STAFF**

Mary Ann Weideman	Assistant City Manager
Bob Eichem	Chief Financial Officer
Alisa D. Lewis	City Clerk
Patrick von Keyserling	Communications Director
David Driskell	Executive Director for the Department of Planning, Housing and Sustainability
Molly Winter	Director of Community Vitality
Heather Bailey	Executive Director of Energy Strategy and Electric Utility Development
Michael Calderazzo	Fire Chief
Joyce Lira	Human Resources Director
Karen Rahn	Human Services Director
Don Ingle	Information Technology Director
Eileen Gomez	Labor Relations Director
David Farnan	Library and Arts Director
James Cho	Municipal Court Administrator
Tracy Winfree	Open Space and Mountain Parks Director
Yvette Bowden	Parks and Recreation Director
Greg Testa	Police Chief
Maureen Rait	Executive Director of Public Works
Cheryl Pattelli	Director of Fiscal Services
Mike Sweeney	Acting Transportation Director
Jeff Arthur	Utilities Director

## 2015 City Council Committee Assignments

### INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel, Plass (Castillo – staff alternate)
Boulder County Consortium of Cities	Young, Morzel (alternate)
Colorado Municipal League (CML) – Policy Committee	Jones, Cowles (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Jones, Plass
Housing Authority (Boulder Housing Partners)	Shoemaker
Metro Mayors Caucus	Appelbaum
National League of Cities (NLC)	Appelbaum, Cowles
Resource Conservation Advisory Board	Morzel (at large seat), Plass
Rocky Flats Stewardship	Morzel, Plass (1 <sup>st</sup> alternate), Castillo (2 <sup>nd</sup> alternate)
University of Colorado (CU)/City Oversight	Cowles, Shoemaker, Weaver
US36 Mayors and Commission Coalition	Appelbaum
US36 Commuting Solutions	Karakehian, Morzel (alternate)
Urban Drainage and Flood Control District	Jones

### LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Young
Boulder Convention and Visitors Bureau	Plass, Cowles (alternate)
Dairy Center for the Arts	Jones
Downtown Business Improvement District Board	Weaver, Young

### INTERNAL CITY COMMITTEES

Audit Committee	Cowles, Morzel, Shoemaker
Boards and Commissions Committee	Plass, Shoemaker
Boulder Urban Renewal Authority (BURA) Mayoral Appointment	Karakehian
Charter Committee	Karakehian, Morzel, Weaver
Civic Use Pad/ 9 <sup>th</sup> and Canyon	Karakehian, Morzel, Young
Council Employees Salary Review	Cowles, Shoemaker
Council Retreat Committee	Jones, Morzel
Evaluation Committee	Morzel, Plass
Housing Strategy Process Sub-Committee	Morzel, Shoemaker, Young
Legislative Committee	Jones, Karakehian, Weaver
School Issues Committee	Morzel, Plass, Shoemaker

### SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Jones
Kisumu, Kenya	Morzel
Llaza, Tibet	Shoemaker
Dushanbe, Tajikistan	Weaver
Yamagata, Japan	Plass
Mante, Mexico	Young
Yateras, Cuba	Karakehian, Cowles (alternate)
Sister City Sub-Committee	Morzel, , Karakehian

	A	B	C	D	E	F
1	Date	Status	Topic		Location	Contacts
69						
70		Approved	Development Fee Study	6-8PM	Chambers	Susan Richstone/Lauren Reader
71	10/13/15	Approved	Boulder Junction Update	8-9 PM	Chambers	David Driskell/Lauren Reader
72						
73		Approved	<b>Briefing:</b> Boulder Energy Future	5:30-6 PM	Chambers	Heather Bailey/Heidi Joyce
74	10/27/15	Approved	Human Services Strategy Update: Public Engagement Process, Funding and County Partnership	6-7:30 PM	Chambers	Karen Rahn
75		Approved	Homelessness - Update on Public Engagement Process, Initiatives and 2015-16 Sheltering Season	7:30-9 PM	Chambers	Karen Rahn
76						
77	11/12/15	Approved	AMPS Update	6-7:30 PM	Chambers	Molly Winter/Ruth Weiss
78		Approved	Broadband Working Group Status Update	7:30-9 PM	Chambers	Don Ingle
79						
80	11/24/15	Thanksgiving Holiday Week - No Meeting				
81						
82	12/08/15	Approved	<b>Briefing:</b> East Arapahoe Transportation Corridor Plan	5:30-6		Randall Rutsch/Rene Lopez
83		approved	Hill Reinvestment Strategy Update	6-7:30 PM		Molly Winters/Ruth Weiss
84		Approved	Marijuana Advisory Committee	7:30-9 PM	Chambers	Tom Carr/Heather Hayward
85						
86						
87	12/22/15	Christmas Holiday Week - No Meeting				
88	12/29/15	New Years Holiday Week - No Meeting				

November 3, 2015 - ELECTION DAY - No Meeting			
November 10, 2015 - 6:00 PM Business Meeting Council Chambers, 1777 Broadway			
Open Forum for Nominations for Mayor and Mayor Pro Tem 5-6 PM			
Agenda Section		Time	Minutes
SPECIAL PRESENTATIONS	Solar Garden Declaration	5	Minutes
OPEN COMMENT		45	Minutes
CONSENT	Budget Hearing 3 rdg if necessary	15	Minutes
	Consideration of a motion to approve the minutes for 10/5/2015 Special Meeting		
	Motion authorizing CM to enter into an IGA with CDOT re Baseline Underpass Proj		
	1st rdg - authoring the CM to execute a deed vacating 2 public access easements at 901 Pearl		
	Study Session Summary- Boulder Junction Update		
PUBLIC HEARINGS			
	Boulder Civic Area Phase I Park Development	60	Minutes
	RESERVED for PUBLIC HEARING- possibly 3rd rdg MJ Code and Policy Changes	120	Minutes
	Trigg-Delier Property Acquisition	10	Minutes
	Community Cultural Plan	60	Minutes
MATTERS FROM CITY MANAGER	Zero Waste Strategic Plan	30	Minutes
MATTERS FROM CITY ATTORNEY			Minutes
MATTERS FROM MEMBERS OF COUNCIL			Minutes
CALL-UPS			Minutes
Total Estimated Meeting Time (Hours:Minutes)		5:45	
November 17, 2015- Swear in New Council Members 10 AM			
November 17, 2015- Civic Area Winter Activation Event 5:30 PM - Civic Area			
November 17, 2015- 1st meeting of New Council 6:30 PM Business Meeting Council Chambers, 1777 Broadway			
Agenda Section	Item Name	Time	Minutes
Council- Mayor/Mayor Pro Tem Election	Council Election of Mayor and Mayor Pro Tem	30	Minutes
SPECIAL PRESENTATIONS			Minutes
OPEN COMMENT		45	Minutes
CONSENT	First reading Second Budget Supplemental	15	Minutes
	1st rdg Rezoning .8 Acre of land located at 385 S. Broadway		
	Renew 10 yr lease w CPW for climbing access mgmt- Eldorado		
	Renew 10 yr lease w CPW for trail management- Eldorado		
	Motion authorizing CM to enter into a 10 yr lease with Mile High Gliding at Boulder Municipal Airport		
	1st rdg Leases for Point to Point Electrical conduit Crossings		
	Study Session Summary re: Services Strategy Update 10/27/15		
	Study Session Summary re: Homelessness Update4 10/27/15		
PUBLIC HEARINGS			Minutes
			Minutes
MATTERS FROM CITY MANAGER	Motion to Accept 2016 HSF Recommendations	30	Minutes
	Update on Rec Marijuana Educational Program	60	Minutes
	2015 State and Fed legislative Agenda Description	40	minutes
MATTERS FROM CITY ATTORNEY			Minutes
MATTERS FROM MEMBERS OF COUNCIL	Select a new member for BVCP Process Committee for vacancy	10	Minutes
CALL-UPS			Minutes
Total Estimated Meeting Time (Hours:Minutes)		3:20	

December 1, 2015			
Start Time: 6:00 PM Business Meeting			
Location: Council Chambers, 1777 Broadway			
Agenda Section		Time	Minutes
SPECIAL PRESENTATIONS	Proclamation PAC-12 Conference Centennial Day-		
OPEN COMMENT		45	Minutes
CONSENT	2nd Rdg Budget Supplemental	15	Minutes
	1st rdg to implement West Trail Study Area plan re: equine use and sledding		
	Gregory Creek Mitigation Plan		
	1st rdg annexation for 3.2 acre located at 4525 Palo Parkway RMX-2- needs to be annexed before 2/1 to be eligible for state affordable housing funding		
	Motion to approve 2015 State and Fed legislative Agenda Description		
	1st rdg Form Based Code Pilot Project Boulder Junction		
	2nd rdg vacating the CM to execute a deed vacating 2 public access easements at 901 Pearl		
PUBLIC HEARINGS			
	2nd rdg Rezoning .8 Acre of land located at 385 S. Broadway	120	Minutes
	2nd rdg Leases for Point to Point electrical conduit Crossings	30	Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
		<b>Total Estimated Meeting Time (Hours:Minutes)</b>	<b>3:30</b>
<b>December 2, 2015 CU/COB Leadership Lunch</b>			
<b>December 15, 2015</b>			
<b>Start Time: 6:00 PM Business Meeting</b>			
<b>Location: Council Chambers, 1777 Broadway</b>			
Agenda Section	Item Name	Time	Minutes
SPECIAL PRESENTATIONS			
OPEN COMMENT		45	Minutes
CONSENT	2nd rdg to implement West Trail Study Area Plan re: equine use and sledding - moved to consent	15	Minutes
Public Hearing	BVCP - Joint hearing with Planning Board - <b>No other items to be scheduled for this evening:</b> Initial screening of Public requests, report on results of listening tour, results from BVCP survey, discussion of focus areas and policy changes.	180	Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
		<b>Total Estimated Meeting Time (Hours:Minutes)</b>	<b>4:00</b>
Legislative Breakfast 7:30-9 AM			
December 18th			

January 5, 2016 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway			
Agenda Section		Time	Minutes
SPECIAL PRESENTATIONS			
OPEN COMMENT		45	Minutes
CONSENT	2nd rdg annexation for 3.2 acre located at 4525 Palo Parkway RMX-2- needs to be annexed before 2/1 to be eligible for state affordable housing funding	15	Minutes
PUBLIC HEARINGS			Minutes
			Minutes
			Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
<b>Total Estimated Meeting Time (Hours:Minutes)</b>		<b>1:00</b>	
January 19, 2016 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway			
Agenda Section	Item Name	Time	Minutes
SPECIAL PRESENTATIONS			
OPEN COMMENT		45	Minutes
CONSENT		15	Minutes
PUBLIC HEARINGS	2nd Rdg Form Based Code Pilot Project Boulder Junction	90	Minutes
	West Fourmile Canyon Creek Area Study update and direction Ponderosa MHP	90	Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
<b>Total Estimated Meeting Time (Hours:Minutes)</b>		<b>4:00</b>	



TO: Members of City Council

FROM: Danielle Sears, City Clerk's Office

DATE: October 20<sup>th</sup>, 2015

SUBJECT: Information Packet

---

### **1. CALL UPS**

- A. Concept Plan Review 2801 Jay Rd. (LUR2015-00074)
- B. Concept Plan Review 3303 Broadway (LUR2015-00058)
- C. Landmark Alteration Certificate proposal for the construction of a 405 sq. ft. addition to the main house, to modify the fenestration on the south (rear) elevation, and to construct a new 280 sq. ft. free-standing, one-car garage at the landmarked Hannah Barker House at 800 Arapahoe Avenue, per Section 9-11-18 of the Boulder Revised Code 1981 (HIS2015-00232). This Landmark Alteration Certificate is subject to City Council call-up no later than October 20, 2015.
- D. Landmark Alteration Certificate proposing the removal of outdoor seating at the landmark Glen Huntington Band Shell in Central Park per Section 9-11-18 of the Boulder Revised Code, 1981 (HIS2015-00237). This Landmark Alteration Certificate is subject to City Council call-up no later than October 20, 2015.
- E. Naming of Washington School Park

### **2. INFORMATION ITEMS**

- A. Boulder's Energy Future: Transition Plan and Budget Update
- B. Housing and Community Development Program Funding Allocations, including Affordable Housing Fund, Community Housing Assistance Program, and Community Development Block Grant

### **3. BOARDS & COMMISSIONS**

- A. Boulder Design Advisory Board—July 15<sup>th</sup>, 2015
- B. Boulder Design Advisory Board—July 29<sup>th</sup>, 2015
- C. Environmental Advisory Board—September 2<sup>nd</sup>, 2015
- D. Library Commission—August 5<sup>th</sup>, 2015
- E. Planning Board—July 16<sup>th</sup>, 2015
- F. Planning Board—August 27<sup>th</sup>, 2015

- G. Planning Board—September 2<sup>nd</sup>, 2015
- H. Planning Board—September 3<sup>rd</sup>, 2015
- I. Planning Board—September 17<sup>th</sup>, 2015
- J. Transportation Advisory Board—August 10<sup>th</sup>, 2015

**4. DECLARATIONS**

None.



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

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

Date: October 20, 2015

**Subject: Call-Up Item: Concept Plan Review 2801 Jay Rd. (LUR2015-00074)**

### EXECUTIVE SUMMARY

On October 1, 2015, the Planning Board reviewed and commented on a Concept Plan application to redevelop the property located at 2801 Jay Rd. with a multi-family residential development consisting of 94 units in eight buildings. The development is proposed as a receiving site to accommodate required affordable housing from a companion development at 3303 Broadway. The applicant seeks to annex the property to the city with Residential - Mixed 2 (RMX-2) zoning and amend the Boulder Valley Comprehensive Plan (BVCP) land use designation from Public to High Density Residential

City Council may vote to call-up the Concept Plan to review and discuss within 30 days of the Planning Board hearing. The call up period concludes on **November 2, 2015** (the end of the 30-day call up period falls on a weekend and so is extended to the following Monday). There are two City Council meetings within this period for call-up consideration, on October 6 and 20, 2015. The staff memorandum to Planning Board, minutes, meeting audio, and other related background materials are on the city website for Planning Board, available [here](#) (Follow the links: *2015 → 10 OCT → 10.01.2015 → 10.01.2015 PB Packet*). The draft minutes from the Planning Board hearing are provided in **Attachment A** and the Concept Plan submittal package is provided in **Attachment B**.

At the Planning Board hearing, there was significant public comment on the application. In addition, a large number of written comments had been received previously and are included with the staff memorandum to the Planning Board. At the meeting, 14 residents spoke in opposition to the project and one spoke in support of the proposal. The general themes of public comment made at the meeting have been summarized on the following page.

### **In Opposition:**

- Housing – Affordable units should not be segregated on the outskirts of the city without access to services.
- Connectivity – There is no safe walking access to/from the site, especially along Jay Rd., and no reliable transit choice.
- Compatibility – Proposal is inconsistent with character of the neighborhood. Does not preserve the natural setting and block view sheds.
- Infrastructure – Extensive transportation improvements and sewer extension are necessary.
- Density – Proposal includes too many units and square footage and is too intense to be compatible with the surrounding neighborhood. Density is out of proportion.
- Traffic and Access – Jay Rd. is heavily trafficked and congested. The intersection of Jay Rd. and 28th St./U.S. 36 is dangerous and very accident-prone (both automobile and bicycle). A large number of special events along Jay Road contribute to these issues.
- Land Use – Proposed zoning and land use designation are not appropriate.
- Gateway – The property is a gateway site to the city. Proposal does not represent a gateway design and the development blocks views of foothills from Jay Rd.
- Parking – There is no consideration of overflow parking from residents in proposed development.
- Public Process and Participation – The neighborhood was not given appropriate notice and there has been no outreach. Need a thoughtful planning process. The development is premature because service expansion has not been approved. A vision for the property needs to be part of the larger BVCP update. Approval of this development sets a negative precedent.
- Proposal represents unnecessary sprawl.

### **In Support:**

A representative of the property owner, the Colorado District of the Church of the Nazarene, spoke in support of the proposal. The development would provide family affordable housing and represents an attractive design.

The majority of the Board recommended that development should be at a lower intensity to be compatible with the surrounding area. Some members expressed concern that the proposal is inconsistent with BVCP goals and objectives. A vision for the property should be developed through the upcoming BVCP update. There was some interest in converting the location from Area II to an Area III in the BVCP.

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

### **ATTACHMENTS**

- A. Draft October 1, 2015 Planning Board Minutes
- B. Concept Plan Submittal

**CITY OF BOULDER  
PLANNING BOARD ACTION MINUTES  
October 1, 2015  
1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Chair  
Bryan Bowen  
John Putnam  
Leonard May  
Liz Payton  
Crystal Gray

**PLANNING BOARD MEMBERS ABSENT:**

John Gerstle

**STAFF PRESENT:**

Charles Ferro, Development Review Manager  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Assistant III  
Sloane Walbert, Planner I  
David Thompson, Transportation Engineer  
Beth Roberts, Housing Planner  
Jessica Stevens, Civil Engineer II

**1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 6:04 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **L. Payton** and seconded by **J. Putnam** the Planning Board voted 6-0 (**J. Gerstle** absent) to approve the July 16, August 6, August 20, August 27, September 2, September 3, and September 17, 2015 minutes as amended.

**3. PUBLIC PARTICIPATION**

No one spoke.

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

**A.** Informational Item: TECHNICAL DOCUMENT REVIEW: Final Plat for the elimination of the lot line between Lot 6A and Lot 7A of West Rose Hill Replat A to create one lot addressed 927 7<sup>th</sup> Street. The project site is split-zoned Residential - Low 1

(RL-1) and Residential - Estate (RE). Case no. TEC2015-00028.

- B. Call Up Items: Eben Fine Park rehabilitation and enhancement  
Floodplain Development Permit (LUR2015-00077)  
Wetland Permit (LUR2015-00078)

None of the items were called up.

## 5. PUBLIC HEARING ITEMS

- A. CONCEPT PLAN REVIEW AND COMMENT: Request for citizen, staff and Planning Board comment on a proposal to redevelop the property located at 3303 Broadway with an approximately 83,000 square foot 3-story building multi-use building with below-grade parking. The building is proposed to include 94 residential units, coffee shop, community room, fitness center and office space for micro and co-working offices. Proposed residential units will consist of 55 efficiency units (less than 475 square feet), 23 one-bedroom units and 16 two-bedroom units. The applicant seeks to amend the Boulder Valley Comprehensive Plan (BVCP) land use designation and rezone the property to Residential – High 3 (RH-3).

Applicant: Margaret Freund, Fulton Hill Properties  
Property Owner: Mental Health Center of Boulder County

### Staff Presentation:

- C. Ferro introduced the item.
- S. Walbert presented the item to the Board.

### Board Questions:

- S. Walbert answered questions from the Board.

### Applicant Presentation:

Margaret Freund, with Fulton Hill Properties, 3139 7<sup>th</sup> St., the applicant, and J. V. DeSousa, with J.V. DeSousa, LLC, 2510 47<sup>th</sup> St., the architect, presented the item to the Board.

### Board Questions:

S. Walbert, C. Ferro, H. Pannewig, M. Freund and J. DeSousa, answered questions from the Board.

### Public Hearing:

1. David Rose, 4134 Stone Pl., spoke in opposition to the project.
2. Maureen Taylor, 4382 Apple Way, spoke in opposition to the project.
3. Robyn Kube, 4160 Amber Pl., spoke in opposition to the project.
4. Will LeBoeuf, 2994 23<sup>rd</sup> St. spoke in support to the project.
5. Greg Smith, 1501 Upland Ave. spoke in support to the project.
6. Joe Gibbs, 2010 18<sup>th</sup> St., spoke in support to the project.
7. Bob Crifasi, 3257 Hawthorn Hallow, spoke in opposition to the project.
8. Mark Bloomfield, 1720 15<sup>th</sup> St., spoke in support to the project.

9. **Bill Williams, 3320 N. Broadway** spoke in opposition to the project.
10. **Tommy Stover, 3310 Broadway St.**, spoke in opposition to the project.
11. **Tim Ryan, 497 Kalmia Ave.**, spoke in support to the project.
12. **Amy Webb, 1032 Hawthorn**, spoke in opposition to the project.
13. **Robert Webb, 1032 Hawthorn Ave.**, spoke in opposition to the project.
14. **Judy Nogg, 1182 Juniper Ave.**, spoke in opposition to the project.
15. **Bill Myeus, with Mental Health Partners, 1333 Iris, Ave.**, spoke in support to the project.
16. **Janine Malcolm, 3346 Hickok Pl.**, spoke in support to the project.
17. **Rich Schmelzer, 1080 Juniper Ave.**, spoke in opposition to the project.
18. **Lisa Jo Landsberg, 2320 Balsam Dr.**, spoke in support to the project.
19. **Peter Mayer, 1339 Hawthorne**, spoke in opposition to the project.
20. **Kevin Gross, 2320 Balsam Dr.**, spoke in support / opposition to the project.
21. **Evan Manee, 3393 O'Neal Pkwy.**, spoke in support to the project.
22. **Eric Budd, 3025 Broadway, St., #38**, spoke in support to the project.

**Board Comments:**

**Key Issue #1:** Is the proposed concept plan compatible with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP)? Would the project be compatible with the character of the surrounding area?

- All Board members agreed with the staff's analysis.
- **J. Putnam** stated that there is a lot to like in the Concept Plan but it presents some real challenges. This is a good site for residential use. It would be a challenge to find a public use for this location. He likes the mixed use components with commercial amenities in the plan. The micro units are also helpful and useful. It is important to note that there would be no surface parking with this project. He also appreciates the 3<sup>rd</sup> floor setback. The city needs more affordable housing. However, his concern is that it may not be the right location for the proposed development. Proposed density is too high. The plan's lack of affordable housing on-site and the provision of required affordable units off-site are not in tune with the current Comp Plan update. He felt that this building would stand out awkwardly due to the density in this location. This area is not an area of change, but a place of greater stability. The neighboring context must be taken into consideration.
- **L. Payton** supports staff's conclusions and agrees with the Comp Plan criteria that staff highlighted. In regards to traffic congestion, she visited the site and recognized the traffic issues. The lines for the hug-n-go for the school will not go away and there will be a lot of cars along Hawthorn Ave. into the future. This is a good site for residential, such as family housing. In addition, she added that she was not sure what would fit in that area with an RH-3 zoning. In her opinion, she did not think it was a good spot for commercial; it should be strictly residential. She is sympathetic to those that are in need of affordable housing. Finally, in her opinion, this location may no longer be good for public use since the city purchased the hospital site.

- **A. Brockett** stated that there is a real need for housing of different kinds for families and younger people and this project could provide some of that. This is an appropriate site for some kind of attached housing. He stated that he supports the mixed use aspect of the proposed plan. Transit access is good for the proposed location. The primary issue is the proposed density of the site. The applicant is proposing the most intense residential zone in the city. He does not believe the highest density zone can be proposed in a place where walking is not an option. Walkability is a key piece of density. Compatibility with the neighborhood is lacking. Something more of a mixed or medium density project would be better. Would like to see mixed incomes and families as well. He stated that he would like to see a project with less density and to have more quality open space which is lacking. If more density is proposed at this location, he urged the applicant to look at aggressive transportation management strategies.
- **B. Bowen** agreed with the previous comments. When he looks at the volume, scale and mass of the project, he does not have any concerns. He likes how the project is proposing to carve up the volume to make smaller units. Affordability is important and this can be achieved with smaller units. He stated that he likes how Broadway is evolving and creating a nice street frontage. He would like to see this happen all along the Broadway corridor. Perhaps this could be done by changing land use designations all along Broadway. He stated that there is an issue in the city with providing enough affordable housing. He agrees with the idea of placing micro units along the corridor and there needs to be a more diverse spread of unit mix. He stated that is appropriate to have a mix of apartments and family oriented units. His concern focused on the number of cars, not the number of people in that location. He stated he would be more in favor of the Concept Plan if the parking were reduced to offering half a parking stall, rather than 2 per unit, for example. Architecturally, the site plan is well resolved. The arrangement of uses makes sense and he likes mix of uses. The coffee shop is great idea and good to include. He proposed the next step would be to find the right zoning to accommodate the project.
- **L. May** stated that he generally agrees with the previous comments and staff. He stated that the mixed use is good idea in this location and high density housing is appropriate. He doesn't agree with the review process in general, not specific to this project. He stated that these types of decisions need to be resolved at the comprehensive level through the BVCP. A vision for Broadway needs to be developed with heavy engagement with the neighborhoods. That, in turn, will give a predictable path to the neighborhoods and developers for what may happen in the future. **L. May** stated that he would like to see this addressed at the Comp Plan update generally for the Broadway corridor, and then have the applicants come back with a proposal that fits the new vision. Currently this Concept Plan does not comply with the Comp Plan, however if the Comp Plan is revised, it may comply.
- **C. Gray** agrees with **L. May's** comments regarding the Comp Plan and looking at it from a comprehensive standpoint. The zoning proposal is incompatible with the surrounding residential area. The type of zoning **C. Gray** sees as more compatible for this area would be more of a product for families to serve in-commuters (i.e. a single-family residence,

townhome or duplex). This plan needs to be attractive to families since the proximity is close to school. In regards to affordable units in the community, inclusionary zone requirements should be met on-site by all projects. However, the Planning Board does not know what the developers' final requirements will be for that project until the permit is picked up. In regards to the open space issue, she stated that the city's open space and growth management policies have put pressure on housing; however, it has created a compact community that has allowed the city to develop a good transportation system, etc. Another thing that has put pressure on development is the growing university. We must work with them to house students, faculty and staff. In terms of this Concept Plan, the Public zoning is not compatible with the proposed project, but it is compatible with residential, public and non-profit use.

### **Key Issue #2: Flood**

- **L. Payton** asked whether historical flooding events should be considered in our analysis of this project, since we know that this site floods from existing data and photos. The proposed parking garage would be affected by a flood despite the proposal to build under the regulations of the 100 year floodplain. She stated that it could wait for site review to discuss what is realistic.
  - **S. Walbert** stated that under the current regulations, the developers would have to flood proof the garage. It would need to be demonstrated that water would not enter the garage.
- **J. Putnam** stated that the Planning Board will be looking at site review and Comp Plan criteria. The Board would need to look at spillover affects in neighboring properties. Flooding is something that the Board will need to evaluate in future reviews.
- **L. May** stated that when the Board looks at the criteria modifications, whether they are in the Boulder Revised Code or the Comp Plan, the Board will need to review the flood criteria. Look at history of what has flooded and if it can still be affected. This has not been adequately reviewed.

### **Summary of Concept Plan:**

The Board agreed that there is a general interest in seeing residential at the proposed location. Nearly all Board members were in favor of multi-family residential. A lower intensity is recommended by the Board for compatibility with the existing neighborhood. From a flood perspective, the Board felt it was critical to look at those issues carefully. There was a general feeling that RH-3 was not an appropriate zoning for this site. The Board agreed that undertaking a study or perhaps policy revisions in the Comp Plan would be necessary; however, this would put this project on hold until the changes could be made. The Board offered that they are in support of a sub-community plan that included a vision for the Broadway corridor going forward. In regards to zoning, the Board suggested a zone in which calculations are based on open space or parking, rather than dwelling units per acre. Overall, the Board was very supportive of staff's position and, while the Board agreed that this is a suitable place for residential development, it is probably more suited to medium density, not high density development.

- B. CONCEPT PLAN REVIEW AND COMMENT:** Request for citizen, staff and Planning Board comment on a proposal to redevelop the property located at 2801 Jay Road with a multi-family residential development consisting of 94 units in eight buildings. The development is proposed as a receiving site to accommodate required affordable housing from a companion development at 3303 Broadway. The applicant seeks to annex the property to the city with Residential - Mixed 2 (RMX-2) zoning and amend the Boulder Valley Comprehensive Plan (BVCP) land use designation.

Applicant: Margaret Freund, Fulton Hill Properties

Property Owner: Colorado District of the Church of the Nazarene

**Staff Presentation:**

C. Ferro introduced the item.

S. Walbert presented the item to the Board.

**Board Questions:**

S. Walbert answered questions from the Board.

**Applicant Presentation:**

Margaret Freund, with Fulton Hill Properties, 3139 7<sup>th</sup> St., the applicant, and J.V. DeSousa, of J.V. DeSousa, LLC, 2510 47<sup>th</sup> St., the architect, presented the item to the Board.

**Board Questions:**

S. Walbert, C. Ferro, H. Pannewig, M. Freund and J. DeSousa, answered questions from the Board.

**Public Hearing:**

1. Carlos Espinosa, 2892 Jay Rd., spoke in opposition to the project.
2. Maureen Taylor, 4382 Apple Way, spoke in opposition to the project.
3. Robyn Kube, 4160 Amber Pl., spoke in opposition to the project.
4. Heather Hosterman, 2823 Jay Rd., spoke in opposition to the project.
5. Wyley Hodgson, 2823 Jay Rd., spoke in opposition to the project.
6. Mick Shopnizz, 2503 Sumac Ave., spoke in opposition to the project.
7. David Ralph 13246 Humboldt Way, spoke in support to the project.
8. Andrea Grant, 4384 Apple Ct., spoke in opposition to the project.
9. Paul Strupp, 4192 Amber Pl., spoke in opposition to the project.
10. Margaret Bruehl, 4192 Amber Pl., spoke in opposition to the project.
11. Paulina Hewett, 2865 Jay Rd., spoke in opposition to the project.
12. Jann Scott, 4145 Autumn Ct., spoke in opposition to the project.
13. Peter Galvin, 4259 Sumac Ct., spoke in opposition to the project.
14. Matthew Karowe, 2825 Jay Rd., spoke in opposition to the project.

**Board Comments:**

**Key Issue #1: Is the proposed annexation, initial zoning and concept plan compatible with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP). Would the project be compatible with the character of the surrounding area?**

- **C. Gray** agreed with staff's comment that the proposed use would be inconsistent with the Comp Plan's goals and objectives (specifically policies 2.10, 2.05 and 6.12). It would be better to address development of this property as part of the Comp Plan update, similar to the comments under Agenda Item 5A for 3303 Broadway. The proposed concept plan is incompatible with the surrounding land uses. The higher density proposed is too much and would be incompatible.
- **L. May** agreed with **C. Gray**. He questioned staff as to the history of this parcel being located in Area II. In looking at this area and how it is defined by the roadway, he suggested that this should be moved to Area III based on the typography.
  - **S. Walbert** answered **L. May's** question and said that it has been located in Area II for a number of years, because the existing church was considered to be "urban development." The exact amount of years is not known at this time.
- **B. Bowen** stated it is difficult to define what the best development would be in the proposed area. If development were done at this corner, a mixed income affordable housing would be a good fit for that site. However, maybe not at the density proposed. In term of design, there are some good comparisons to the newer modern developments. Specifically, the Holiday housing area was a lot more fine-grained in nuance than this proposal. The big parking lot design is not the right solution for this project. He suggested moving the parking to the east side of the property, running all buildings on an east/west axis and possibly incorporating a passive solar access project. In addition, the developer should allow for more ground level apartments. The density proposed now is more that can be accommodated at this location. The applicant should consider an "agriburbia" type development.
- **A. Brockett** agreed with **B. Bowen**. Housing is the right use for the proposed parcel and mixed income would be a good way to go. He also liked **B. Bowen's** village concept which he mentioned. At this location, it is not devoid of services but services are not next to them either. He stated that only lower density can be supported. In addition, it would be beneficial to provide a better gateway to the city.
- **L. Payton** agreed with the staff analysis. She stated that she is not sure housing is the right use for the property. She would like to look at this property in the context of the Comp Plan update and use more of a community process to help determine what should be developed at the location. With regard to density, the proposal violates the urban to rural transect. This location is not near employment or transit; therefore, it is not a suitable site for affordable housing. People would be required to have a car to get around from this location. In regards to the materials proposed, she stated that they are not of good quality but appreciates the mixed housing types proposed. She stated that she did conduct a site visit and accessing the site in a car was "terrifying" with the traffic.

- **B. Bowen** commended the designer for the simple and elegant architecture.
- **J. Putnam** agreed with **B. Bowen**. He stressed that connectivity is a major issue and that the site is isolated by the current infrastructure, from a pedestrian and bicycle perspective. The 205 transit route is only a “thin lifeline” to the site. Even with an enhanced design concept, as described by **B. Bowen**, the applicant would need to put a lot of thought into the infrastructure and connectivity to the site. Fixing the Jay Rd. and 28<sup>th</sup> St. intersection would take a lot of thought and a lot of money. Given that annexation is a discretionary act on the part of the city, development of the property would be done as part of a larger plan. It would be better to determine through a plan whether this property is going to the edge of urban development or located in the middle of a larger development in the future. At this point, it is hard to plan for both possibilities.

**Summary of Concept Plan:**

In general, the Board agreed with staff’s analysis in the memorandum. The Board agreed they would support a lower density development, including the property as part of larger Comp Plan strategies and possibly converting the location from Area II to an Area III.

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

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 10:17 p.m.

APPROVED BY

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

\_\_\_\_\_  
DATE

## 2801 Jay Road

studio303, Inc

September 16, 2015

Sloane Walbert  
 Planner I, Department of Community Planning and Sustainability  
 City of Boulder  
 1739 Broadway, 3rd Floor  
 Boulder, CO 80306-0791

Dear Sloane,

Below is the information you requested regarding site metrics - a confirmation of unit types and counts as well as percentage of site dedicated to open space.

**Unit types and counts**

Original scheme as presented in the **Concept Review** package:

	unit count	area per unit	total area
2 bedroom row houses	30	1260	37800
3 bedroom row houses	13	1500	19500
3 bedroom townhouses	8	1536	12288
2 bedroom apartments	38	770	29260
1 bedroom apartments	5	680	3400
apartment circulation (15%)			7789
<b>totals</b>	<b>94</b>		<b>110037</b>

2801 Jay Road

studio303, Inc

Scheme modified after meeting with City of Boulder **Inclusionary Housing** to meet their needs:

	unit count	area per unit	total area
3 bedroom row houses	26	1400	36400
4 bedroom row houses	17	1650	28050
4 bedroom townhouses	8	1700	13600
2 bedroom apartments	38	770	29260
1 bedroom apartments	5	680	3400
apartment circulation (15%)			7789
<b>total unit count</b>	<b>94</b>		<b>118499</b>

### Open space for either scenario

overall site area	207,274 sf (4.76 acres)
planted areas	56,427 sf
public plazas	4,550 sf
total open space	60,978 sf
<b>open space as percentage of overall site</b>	<b>29.4%</b>

The above totals exclude sidewalks, the Woonerf area, as well as all other vehicular surfaces.

Let me know if you need additional information.

Regards,

Ali Gidfar

**2801 Jay Road**

2015.08.14

On site housing mix

Dear Sloane

Below you will find conceptual counts and unit sizes for 2801 Jay Road's proposed redevelopment.

We have met with both Jeff Yegian and Michelle Allen to help us better understand the needs surrounding inclusionary housing.

They have voiced strong preference for larger units that will meet housing needs for families. Current units coming on line in the affordable category are heavily weighted toward efficiency, one and two bedroom units. Jeff and Michelle believe that the needs of the community will be better served by three and four bedroom units, and have asked that we increase the number of three bedrooms, and include four bedroom units on site. Our meetings with Jeff and Michelle have occurred after our conceptual plans were developed and submitted for review by you and others in the City. As a result, the data provided below deviate from the documents presented for review. The fine tuning of the mix of units (sizes, count of bedrooms and bathrooms), as well as what proportion may be affordable versus market rate, will be determined through input from inclusionary housing, neighbors, as well as other city departments. The developer has stated that any mix from 100% to a lesser amount of affordable housing is acceptable on the Jay Road site.

Please note that it is imperative that, 3303 Broadway and 2801 Jay Road be considered as "sister" properties. The former fulfills the needs for workforce housing, while the latter meets the needs of affordable housing for larger families.

Respectfully,

Ali Gidfar, Architect.

**Unit counts and sizes:**

Apartment block (along Jay Road):

- two bedrooms = thirty eight at 850 sf each = 32,300 sf
- one bedrooms = five at 650 sf each = 3,250 sf
- efficiencies = 0
- **total area, including circulation = 37,300 sf**

Town Homes (along west property line)

- four bedroom units = eight units at 1600 sf each = 12,800 sf (does not include one car garage per unit)
- **total area of town homes, less garages = 12,800 sf**

Row homes (along north and west property lines, no garages):

- three bedroom row homes = nineteen at 1450 sf = 27,500 sf
- four bedroom row homes = eleven at 1600 sf = 17,600 sf
- **total area of row homes = 45,100 sf**

**2801 Jay Road**

2015.08.14

On site housing mix

Alley homes (center of site, one car garage each):

- three bedroom units = seven at 1450 sf = 10,150 sf
- four bedroom units = six at 1600 sf = 9,600 sf
- **total alley home area less garages = 19,750 sf**

**Total for all finished area = 114,950 sf**

**Open space for entire site:**

- Park = 9,200 sf
- dog park = 3,700 sf
- yoga park = 3,100 sf
- woonerf = 44,600 sf
- back yards = 13,700n sf
- apartment balconies + plaza = 5,000 sf

**Total proposed usable outdoor space = 79,300 sf** (does not include drives and parking surfaces)



# Fulton Hill

PROPERTIES

**Concept Plan** | 3303 Broadway *and* 2801 Jay Road | June 15, 2015

[www.FultonHillProperties.com](http://www.FultonHillProperties.com)

2801 Jay

# 2801 Jay Road



# 2801 Jay Road Concept

## 2801 Jay Road: family focused affordable housing

2801 Jay Road will be a family oriented residential neighborhood with a mixture of row houses and apartments. Approximately one half of the row houses on site will be large three-bedroom units providing affordable living space for families. The remainder will be primarily two-bedroom row house and apartment units with only a small number of one-bedroom apartments. This focus on larger units is dramatically different from what is happening in affordable housing across the City of Boulder today.

A portion of the row houses will have attached garages, some with alley access.

Neighborhood amenities will include a community room dedicated to serving both the residents of the development and residents of surrounding neighborhoods.

The neighborhood will have a streetscape that encourages resident interaction and a small pocket park with playground and open space.

2801 Jay Road is currently outside the city boundaries but the site is designated as Area II which indicates that the site is planned to be annexed into the city.

- 2801 Jay Road Program:**
- 21 three-bedroom row houses**
  - 30 two-bedroom row houses**
  - 38 two-bedroom apartments**
  - 5 one-bedroom apartments**
  - 142 parking spaces**



### 2801 Jay Road Concept: *site plan*



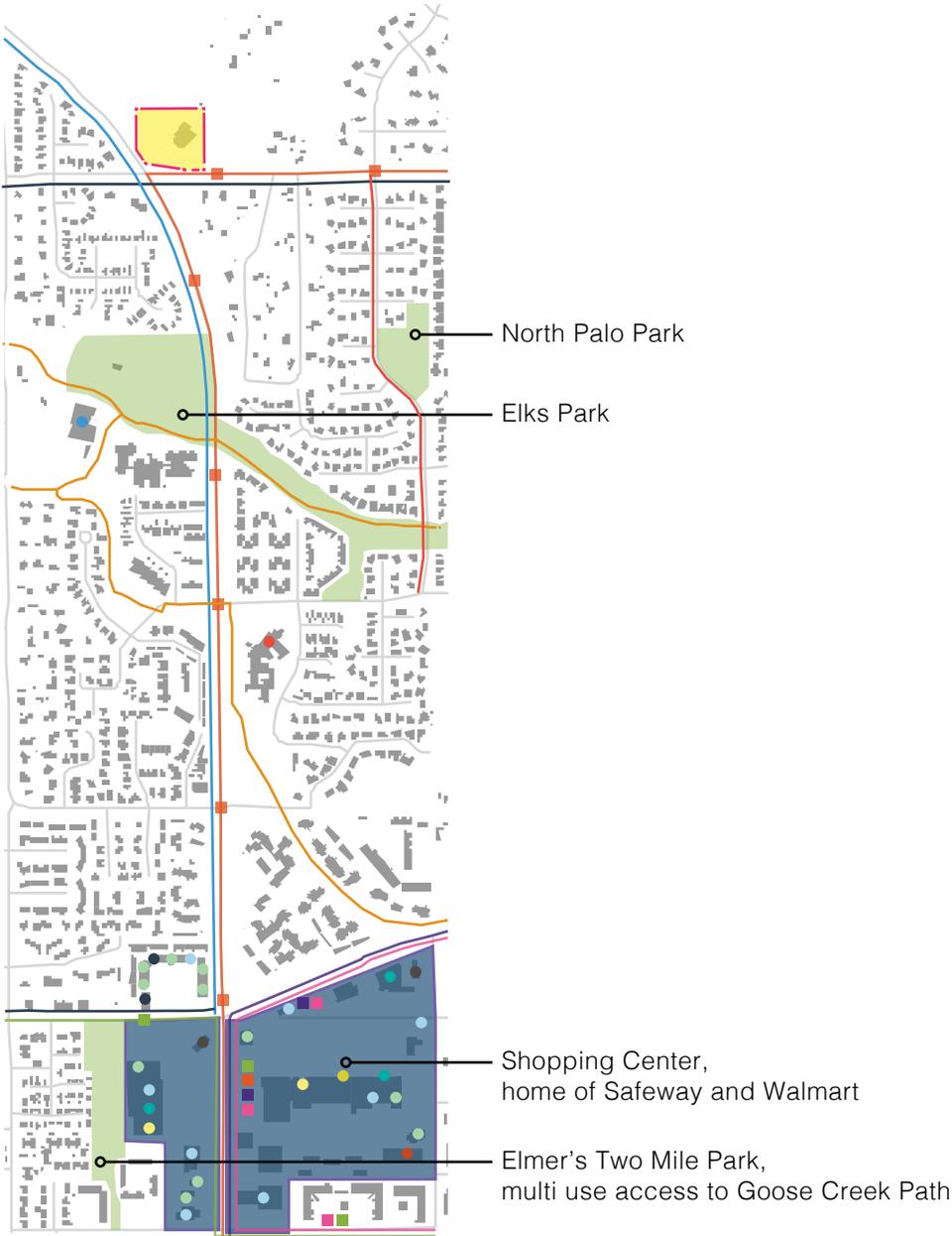
- 2 bedroom row house on street parking
- 3 bedroom row house alley access garage
- 3 bedroom row house with attached garage
- apartment block 1 & 2 bedroom flats
- community park
- dog park
- yoga park
- private yard
- woonerf

# Highest and Best Use: *Affordable Multi-family Housing*

Analysis of the site conditions and opportunities, discussions with City staff and consultation with the Church of the Nazarene, the current owner of the site, indicates that the highest and best use of the site is as an affordable residential neighborhood tailored to families. Development of the site with the proposed mix of residential units is supported by the following factors:

- **Continues an existing pattern of development on US 36 north of Iris**
- **Zoning and land use appropriate to surrounding properties**
- **Multi-modal transit opportunities to minimize vehicular traffic: bus route and bike lanes connect the site to commercial centers**
- **Close proximity to commercial and retail services at 28th and Iris.**
- **Quick and easy access to major employment centers: Center Green, 29th Street, Downtown**
- **Close to recreational assets: Open Space, Boulder Reservoir, Palo Park, Pleasant View soccer fields.**

- Onstreet Bike Lane
- Designated Bike Route
- Multi Use Path
- Paved Shoulder
- 205 Bus Route
- 208 Bus Route
- BOLT Bus Route
- BOUND Bus Route
- school
- rec center
- market
- cafe or restaurant
- bank
- beauty salon
- small specialty retail
- medical center
- outdoor swimming
- gas station
- open space
- shopping center





# Multi-modal Access

This site offers excellent multi-modal access. It is served every 30 minutes by the 205 bus route along Jay Road. The 205 bus connects the site to the downtown transit center with linkages to nearly the entire RTD service area. The 205 provides access to job centers in the Gunbarrel area, the 29th Street area and Downtown.

The site is adjacent to or nearby several bike routes, on-street bike lanes and multi-use paths.



- Onstreet Bike Lane
- Designated Bike Route
- Multi Use Path
- Paved Shoulder
- Underpass
- 205 Bus Route

## Proximity to Shopping

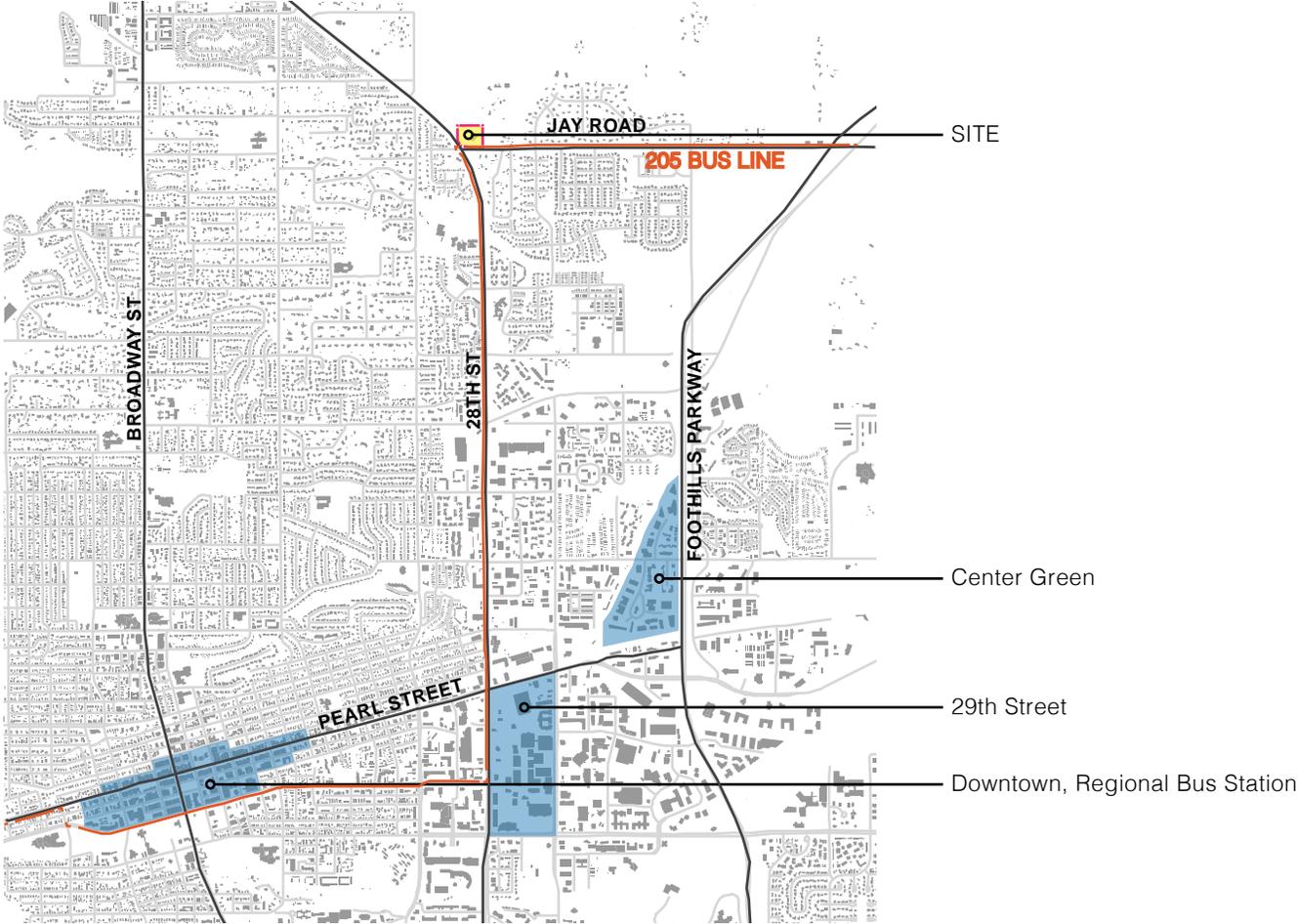
A wide range of commercial services are available on 28th Street. Within one mile south of the site are two grocery stores, a pharmacy, a laundromat, a dry cleaner, an urgent care facility, a fitness center, a bank, a hair salon, and cafes and restaurants.



Shopping Center,  
home of Safeway and Walmart

# Proximity to Employment Centers

Within a single bus ride or short bike ride of the site are the following employment centers: Downtown, the University of Colorado, 29th Street, Center Green. A single bus ride also takes riders to the Downtown transit center with easy connections to buses accessing all parts of Boulder and regional service to Denver, Longmont, Golden and Denver International Airport.



### *Proximity to Recreation*

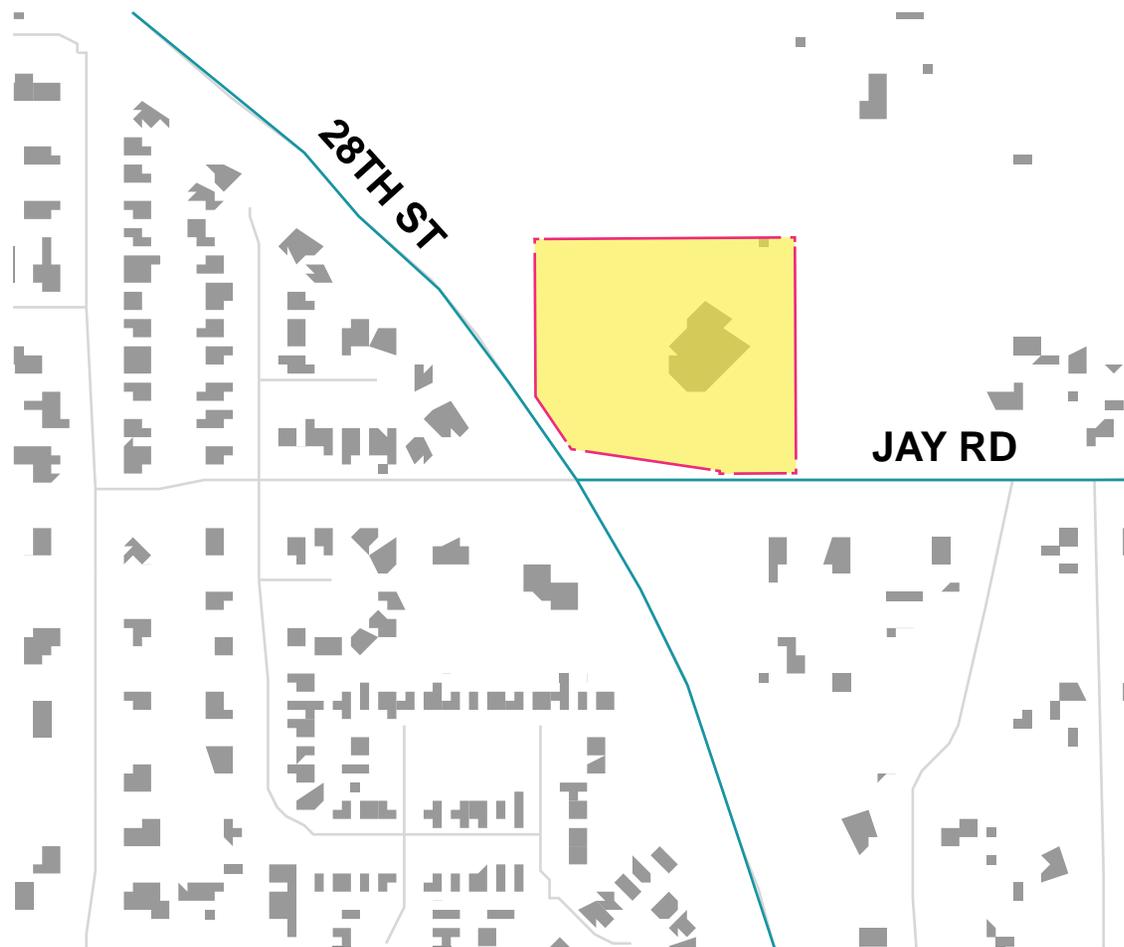
Nearby is the Four Mile Creek path which links to hiking trails on OSMP land both west of Broadway and east of the Diagonal Highway. Along this path are also Pleasant View soccer fields and the Elks Club pool. A little farther away is the Boulder Reservoir with links to open space.

Palo Park is within five blocks to the south of the site.



## Site Access

The site is easily accessed by two major arterial roads, US 36/28th Street and Jay Road. US 36 provides easy access to much of central Boulder's commercial core. Jay Road provides a convenient connection to Foothills Parkway and the Diagonal Highway providing linkages to the greater Front Range metro area.



## *Annexation/Planning Reserve*

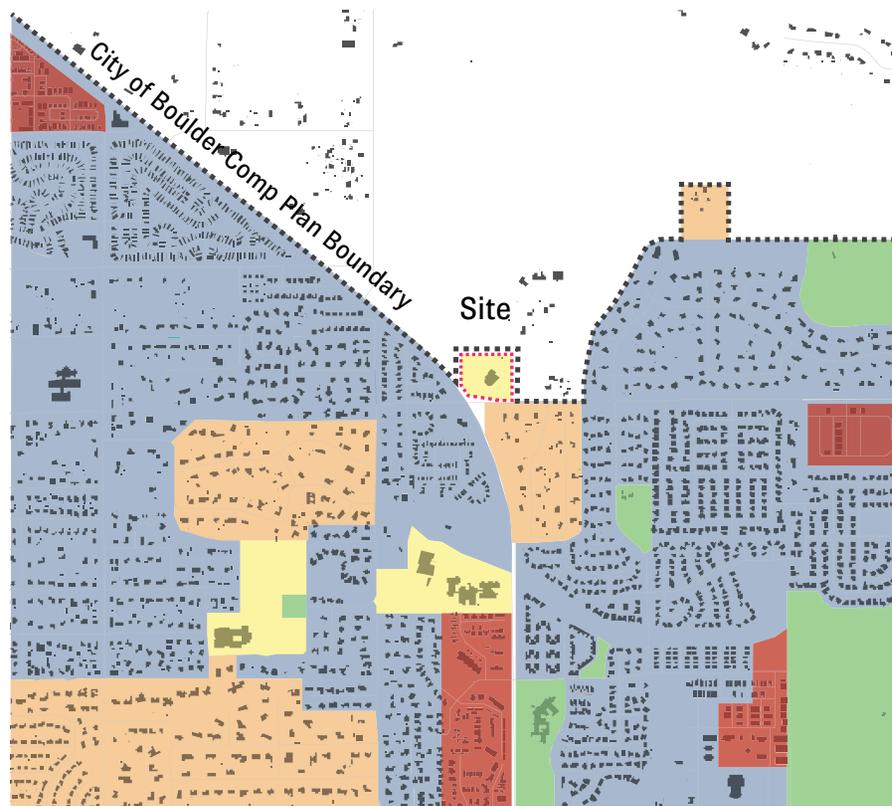
The project site currently sits outside of the city limits. Land to the west and south is within the City of Boulder. The site is currently served by an out of city utility agreement and has sufficient contiguous boundary with existing city property to meet the state mandated 1/6th contiguous border with the municipality to allow annexation. No additional right-of-way along Jay Road will need to be annexed into the city.

The City of Boulder and the Boulder Valley Comprehensive Plan have designated the land as Area II, within the service area of the city, and eligible for future annexation into the city.

Annexation of the site fits within both the city's long term goals and objectives of careful, limited and carefully planned growth while addressing its short term goals as well.

Development of this site today in no way limits or diminishes the

future development possibilities of the Area III Planning reserve to the north. Given the city's current need for housing and the likelihood of a continuing need for housing in the future, it seems that development of the Planning Reserve will contain some form of housing within its program. It seems equally unlikely that the Planning Reserve would ever be developed with low density single family residential. Viewed through this lens, the medium density multi-family housing proposed for the site at 2801 Jay Road acts as an appropriate transition between the single family neighborhoods to the west and south and a future development of the Planning Reserve whether that be as a commercial, mixed use or medium to high density residential use. The program proposed at 2801 Jay Road addresses the City of Boulder's current needs while leaving many options open for the Planning Reserve in the future.



- Very Low Density Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Public
- Park, Urban and Other

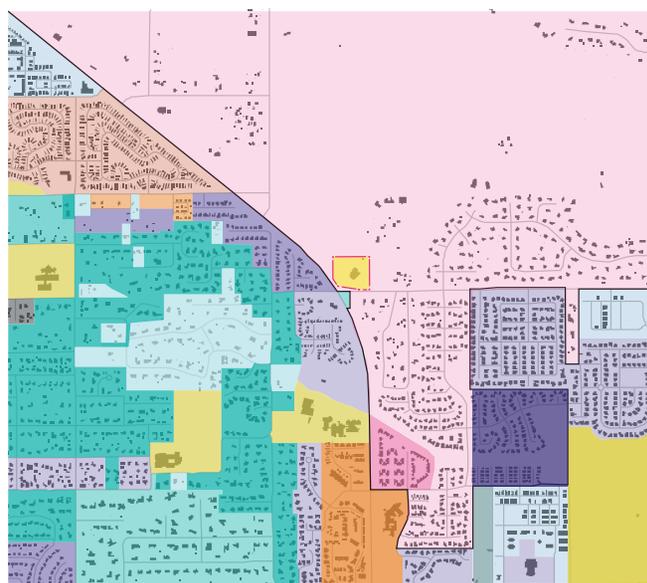
### Existing and Proposed Zoning

The current zoning designation of the site is P / Public.

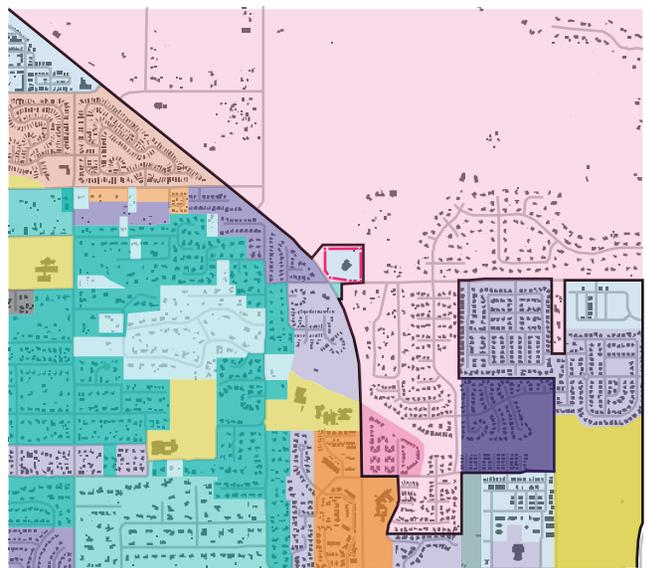
In order to provide affordable housing, a stated high-priority goal of the Boulder Valley Comprehensive Plan, the development team proposes the site be annexed into the City of Boulder and assigned a zoning designation that allows a mix of densities that will provide a framework for a flexible and successful residential development. The RMX-2 zone classification meets these requirements as stated in 9-5-2 of the Boulder Land Use Code:

**RMX-2 (Residential - Mixed 2):** Medium density residential areas which have a mix of densities from low density to high density and where complementary uses may be permitted.

This is a common zone designation in the north Boulder area where new medium density multi-family housing is to be constructed adjacent to or nearby low density single family neighborhoods. Three sites near 2801 Jay: Northfield Commons between Palo Parkway and Kalmia, Northfield Village at 47th and Jay Road and the Holiday Neighborhood along US 36 between Yarmouth and Lee Hill have been recently developed with an RMX-2 zone designation.



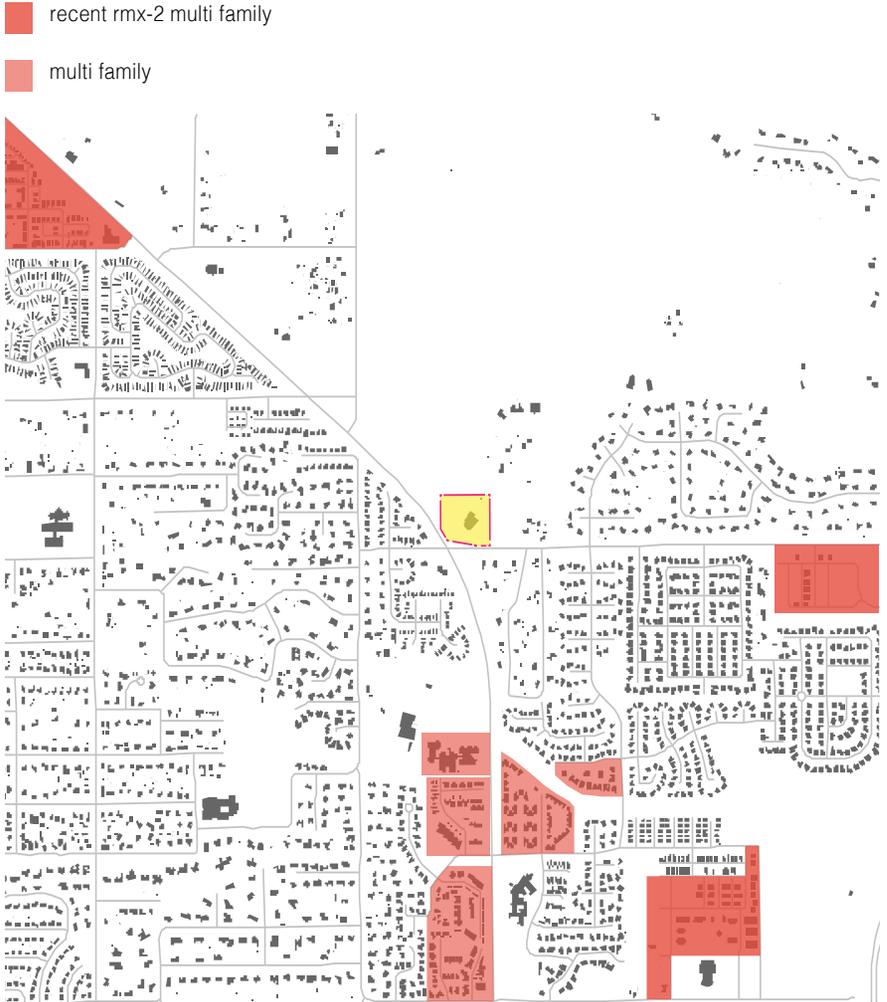
Existing Zoning



Proposed Zoning

# Existing Pattern of Multi-family Development Along 28th Street and Jay Road

Twenty-eighth Street between Iris and Jay is characterized by a substantial amount of multi-family housing along both sides of the street. Farther to the north on the west side of US 36 is the multi-family development at Holiday. Although development of the Planning Reserve remains out in the future it will in all likelihood contain some housing, probably at densities greater than what is proposed at 2801 Jay Road.



# Existing Site and Surrounding Context



The site is at the northeast corner of the intersection of Jay Road and US 36. The site has a single point of vehicular access, at the southeast corner of the site onto Jay Road.



An existing church building is sited in the center of the property. Parking paved with asphaltic concrete occurs along the eastern edge of the site.



The western half of the site is minimally landscaped with native short grasses.



## *Surrounding Neighborhood Context*

**These images illustrate the context in and around the project site.**



## *Surrounding Neighborhood Context*

**These images show structures near the project site.**



# Architectural Character: 2801 Jay Road

## Site organization and building form/massing/organization

The new neighborhood at 2801 Jay Road is planned to be family friendly and create a strong sense of place and neighborhood identity. The development is focused around a small pocket park at the heart of the site and a "woonerf" approach to streets and vehicular circulation in order to make the site as kid safe as possible.

A three story apartment block sets the south edge of the site along Jay Road providing an appropriate urban scale to the arterial street. Parking along the south side of the building under the building's second floor minimizes ground surface area dedicated to parking. This still allows residential units on the north side of the ground floor that face the small neighborhood street and enhance the pedestrian experience.

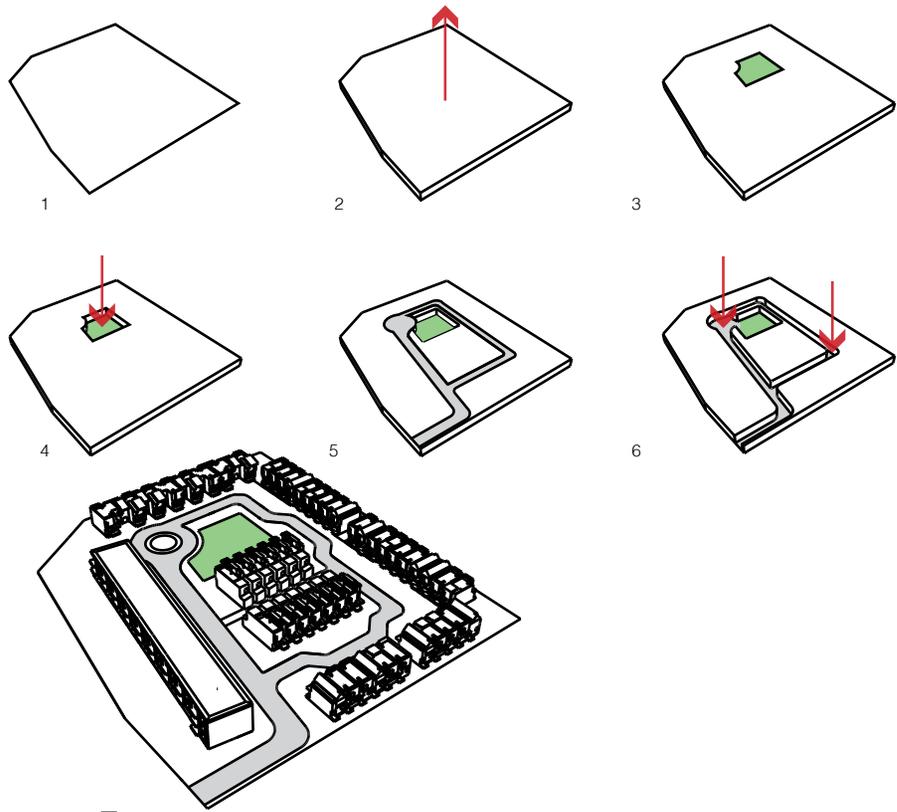
On the north end of the ground floor of the apartment structure

a community room faces north across a small plaza and the street to the pocket park. In the south-east corner of the park is a small playground with play equipment but also a varied environment of natural elements that support play and engage the imaginative minds of children: mounds to roll down, rocks to hide behind and trees to climb. Parents will be able to gather and sit at a table in the community room or on chairs on the plaza and watch their children play.

The Woonerf concept uses winding streets and blurred boundaries between areas for cars and areas for pedestrians. People and cars share the same space, effectively giving the street back to people. This causes cars to slow down making the neighborhood safer for children.



Woonerf concept: pedestrians first Park



# Architectural Character: 2801 Jay Road

To the north of the apartment structure blocks of row houses wrap the edges of the site, define internal streets and enclose the pocket park. Each row house is articulated as a distinct volume to give individual identity and variety and to break down the scale of the overall mass. The row houses are two stories in height, some with a small stair tower giving access to a roof deck.

Every row house has a small covered front porch, just big enough to hold two chairs and flower pot. Many of the row houses have a private fenced backyard for kids, pets and gardens.

The row houses are divided among two-bedroom units with on-street parking, three-bedroom units with attached garages and three-bedroom units with attached garages and alley access.

### Architectural expression

Building volumes, both on the row houses and the apartment building, are clad in varied materials to reduce the scale of the structure and give visual interest to the streetscape. A material palette of stucco, cement fiber and metal panels and a small amount of wood will be intermixed with the varied plans and forms of the structures to create a significant amount of variety so that the property does not feel like a repetitive set of elements.

Large windows admit lots of natural light and on the ground floor connect the interior of the units to the streetscape. Covered front porches and small gardens in front of every unit give scale, character and an opportunity for individual expression to the neighborhood.



# Broader Community Benefit

We propose a unique solution, two sites in different parts of the community with vastly different programs, to provide more high quality affordable housing in the configuration the city needs than could be achieved by either site developed separately. In this instance it's true, the whole is greater than the sum of its parts.

This is a project that does so much more than just provide housing on two sites. The effects of this project will be felt by the people who live on the sites, by the residents of the neighborhoods surrounding the sites who work in the micro offices and use the community rooms, by the people who stop at the coffee shop to chat

with friends. It doesn't stop there, however. The effects of this project will extend far and wide to people who live across the entire community:

- **Mental Health Partners**
- **Church of the Nazarene**



### Community Benefit: *Church of the Nazarene*

The Colorado District Church of the Nazarene owns the site at 2801 Jay Road. Although they no longer operate a church at this location, they do have an active congregation in Boulder, the South Broadway Church of the Nazarene. In its own words, the South Broadway Church of the Nazarene is "a varied group that includes children and teenagers, students, singles, married couples, parents, and grandparents and range in age from newborn to 98! We live in and around Boulder including Golden, Longmont, Superior, Broomfield, Louisville and, of course, the Martin Acres neighborhood in Boulder."

The Church of the Nazarene has a strong commitment to community development. As part of their mission, they offer space and facility free or at low cost to outside groups for uses such as, but not limited to: Community groups, other non-profit organiza-

tions, government organizations, schools, day-cares, disaster shelters, distribution centers for food and clothing to the needy, scouting and other youth organizations, sports leagues, substance abuse and rehabilitation organizations and its subsidiaries, and others, in keeping with the furtherance of their religious mission.

The Church has programs to sponsor children, eliminate poverty, provide education, health care, economic development and disaster relief and many other programs to help women and children locally and worldwide. The Nazarene Compassionate Ministries (NCM) partners with local Nazarene congregations around the world to clothe, shelter, feed, heal, educate, and live in solidarity with those who suffer under oppression, injustice, violence, poverty, hunger, and disease.

The Church is a partner on this project, as they believe the development of affordable housing in Boulder is in keeping with their mission.



Summary:

The conversation about housing in Boulder is inextricably linked with conversations about the number of workers commuting into the City and the need for affordable and workforce housing. Boulder has set goals for the direction of housing that will allow the character and spirit of the community to continue while accommodating growth. These goals include: making 10 percent of housing be permanently affordable units; the creation of a variety of housing options in every part of the city, including existing single-family neighborhoods, while preserving neighborhood character; establishing minimum density standards or alternative approaches to managing density to avoid creating new areas that offer only large, high-priced, single-family homes; provide developers with

an incentive to go above and beyond the current Inclusionary Housing requirements by providing a density bonus for additional affordable units. Our vision is to help the City meet these goals. We believe we have demonstrated a level of community benefit that warrants a Special Ordinance, so that we may work with staff to realize our project on these two sites. We hope that staff, Planning Board members and members of Council will walk with us towards this vision, and provide support.



## LSC TRANSPORTATION CONSULTANTS, INC.



1889 York Street  
Denver, CO 80206  
(303) 333-1105  
FAX (303) 333-1107  
E-mail: [lsc@lscdenver.com](mailto:lsc@lscdenver.com)

June 12, 2015

Ms. Margaret Freund  
Fulton Hill Properties, LLC  
1000 Carlisle Avenue  
Richmond, VA 23231

Re: 2801 Jay Road  
Boulder, CO  
(LSC #150540)

Dear Ms. Freund:

In response to your request, LSC Transportation Consultants, Inc. has prepared this Trip Generation and Assignment Report for the proposed 2801 Jay Road redevelopment. As shown on Figure 1, the site currently includes a church and is located north of Jay Road, west of Voilet Avenue, and east of 28<sup>th</sup> Street (US 36) in Boulder, Colorado.

## IMPACT AREA

Figure 1 shows the vicinity map.

### Area Roadways

The major roadways in the site's vicinity are shown on Figure 1 and are described below.

- **Jay Road** is an east-west, two-lane roadway south of the site. The intersection with US 36 is signalized with auxiliary turn lanes. The posted speed limit in the vicinity of the site is 35 mph.
- **28<sup>th</sup> Street (US 36)** is a north-south, two-lane street west of the site. It is classified as NR-A (Non-Rural Principal Highway) by CDOT. The intersection with Jay Road is signalized with auxiliary turn lanes. The posted speed limit in the vicinity of the site is 45 mph.
- **Voilet Avenue** is a north-south, two-lane local gravel street east of the site that provides access to a few individual residential properties. The intersection with Jay Road is unsignalized.

### PROPOSED LAND USE AND ACCESS

The development is proposed to include 51 residential townhome dwelling units and 43 apartment dwelling units. The conceptual site plan is shown in Figure 2. The existing church on

the property will be removed as part of the redevelopment. A portion of the units will be affordable and a portion will be market rate.

### **ALTERNATIVE TRAVEL MODES**

An alternate travel mode share of 20 percent is expected. The site is well positioned to take advantage of the City's extensive network of bike lanes and bike routes as well as the existing bus routes along 28<sup>th</sup> Street (US 36) and Jay Road. A Travel Demand Management (TDM) Plan will be provided with Site Review if appropriate.

### **TRIP GENERATION**

Table 1 shows the estimated typical weekday, morning peak-hour, and afternoon peak-hour trip generation for the site based on the rates from *Trip Generation, 9<sup>th</sup> Edition, 2012*, by the Institute of Transportation Engineers (ITE) and the implementation of a TDM Plan.

The proposed land use on the site is projected to generate about 466 new vehicle-trips on the average weekday, with about half entering and half exiting the site during a 24-hour period. During the morning peak-hour, which generally occurs for one hour between 6:30 and 8:30 a.m., about seven vehicles would enter and about 30 vehicles would exit the site. During the afternoon peak-hour, which generally occurs for one hour between 4:00 and 6:30 p.m., about 29 vehicles would enter and about 14 vehicles would exit the site.

### **TRIP DISTRIBUTION**

Figure 3 shows the estimated distribution of site-generated traffic.

### **TRIP ASSIGNMENT**

Figure 4 shows the assignment of site-generated traffic.

\* \* \* \* \*

We trust this information will assist you in planning for the proposed 2801 Jay Road development.

Respectfully submitted,

LSC Transportation Consultants,

By:

Christopher S. McGranahan, P.E.  
Principal



6-12-15

CSM/wc

Enclosure: Table 1  
Figures 1 - 4

**Table 1  
ESTIMATED TRAFFIC GENERATION  
2801 Jay Road  
Boulder, CO  
(LSC #150540; June, 2015)**

Trip Generating Category	Quantity	Trip Generation Rates <sup>(1)</sup>					Vehicle - Trips Generated					
		Average Weekday	AM Peak Hour In	AM Peak Hour Out	PM Peak Hour In	PM Peak Hour Out	Average Weekday	AM Peak Hour In	AM Peak Hour Out	PM Peak - Hour In	PM Peak - Hour Out	
<b>Townhomes</b>												
2-Bedroom Row Homes <sup>(2)</sup>	30 DU <sup>(3)</sup>	5.81	0.075	0.365	0.348	0.172	174	2	11	11	5	
3-Bedroom Townhomes <sup>(2)</sup>	8 DU	5.81	0.075	0.365	0.348	0.172	47	1	3	3	1	
3-Bedroom Row Homes <sup>(2)</sup>	13 DU	5.81	0.075	0.365	0.348	0.172	76	1	5	5	2	
<b>Apartments</b>												
2-Bedroom Flats <sup>(4)</sup>	38 DU	6.65	0.102	0.408	0.403	0.217	253	4	16	15	8	
1-Bedroom Flats <sup>(4)</sup>	5 DU	6.65	0.102	0.408	0.403	0.217	33	1	2	2	1	
<b>Total</b>	<b>94 DU</b>						<b>583</b>	<b>9</b>	<b>37</b>	<b>36</b>	<b>17</b>	
							20% Alternative Travel Mode Reduction	117	2	7	7	3
							<b>Net Total Trips</b>	<b>466</b>	<b>7</b>	<b>30</b>	<b>29</b>	<b>14</b>

Notes:  
 (1) Source: *Trip Generation*, Institute of Transportation Engineers, 9th Edition, 2012.  
 (2) ITE Land Use No. 230 - Residential Condominium/ Townhouse  
 (3) DU = Dwelling Units  
 (4) ITE Land Use No. 220 - Apartment



Approximate Scale  
Scale: 1"=600'



Figure 1  
**Vicinity  
Map**

2801 Jay Road (LSC #150540)

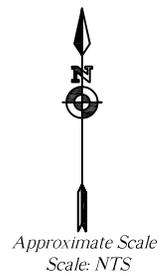
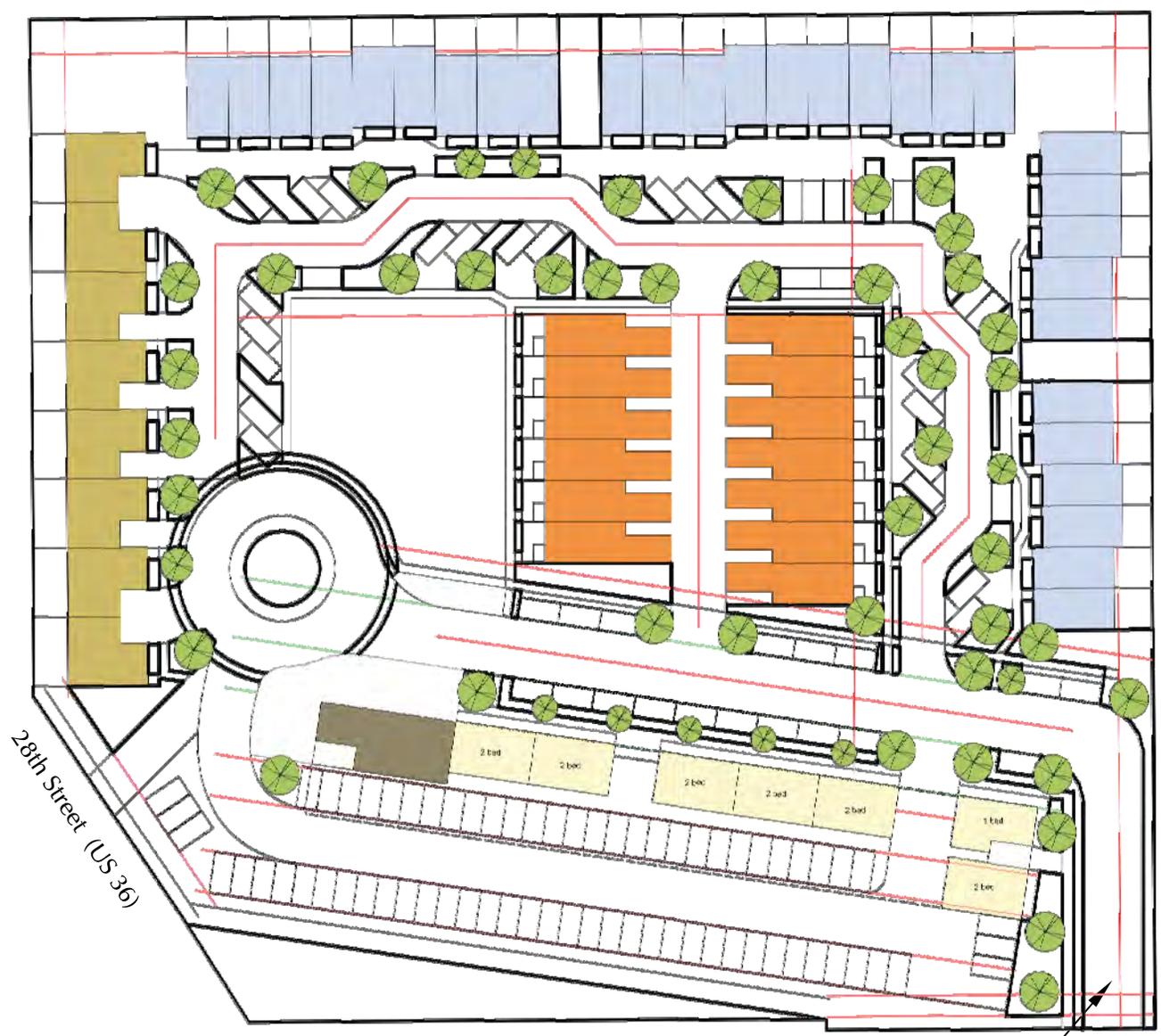


Figure 2  
**Rough  
Site Plan**

2801 Jay Road (LSC #150540)

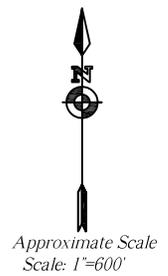
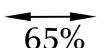
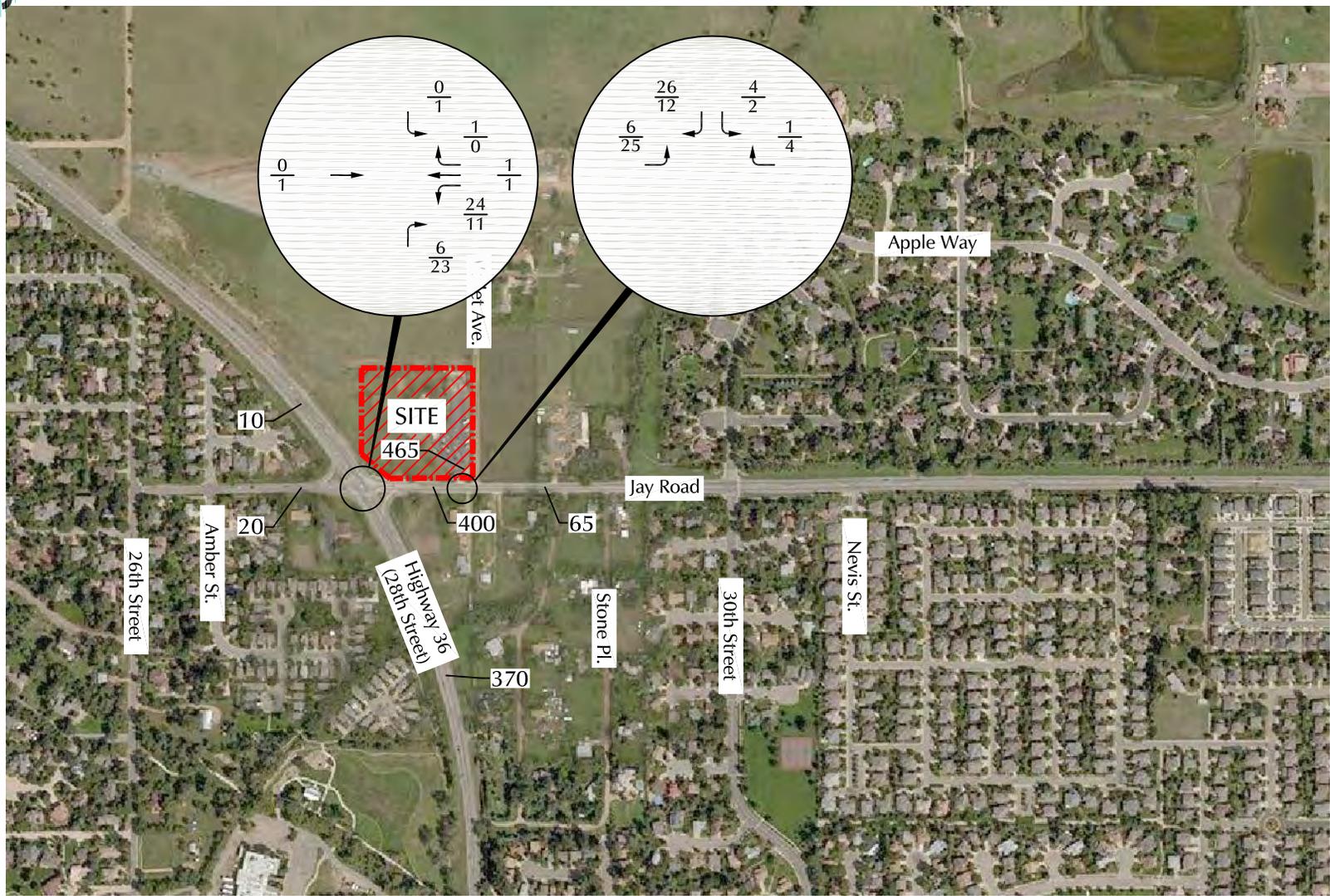


Figure 3  
*Directional Distribution of Site-Generated Traffic*  
 2801 Jay Road (LSC #150540)

LEGEND:  
 = Percent Directional Distribution



Approximate Scale  
Scale: 1"=600'



LEGEND:

- $\frac{26}{35}$  = AM Peak Hour Traffic
- $\frac{4}{2}$  = PM Peak Hour Traffic
- 2,500 = Average Daily Traffic

Figure 4

**Assignment of Site-Generated Traffic**

2801 Jay Road (LSC #150540)



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

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

Date: October 20, 2015

**Subject: Call-Up Item: Concept Plan Review 3303 Broadway (LUR2015-00058)**

### EXECUTIVE SUMMARY

On October 1, 2015 the Planning Board reviewed and commented on an a Concept Plan application to redevelop the property located at 3303 Broadway with an approximately 83,000 square foot 3-story building multi-use building with below-grade parking. The building is proposed to include 94 residential units, coffee shop, community room, fitness center and office space for micro and co-working offices. Proposed residential units will consist of 55 efficiency units (less than 475 square feet), 23 one-bedroom units and 16 two-bedroom units. The applicant seeks to amend the Boulder Valley Comprehensive Plan (BVCP) land use designation and rezone the property to Residential – High 3 (RH-3).

City Council may vote to call-up the Concept Plan to review and discuss within 30 days of the Planning Board hearing. The call up period concludes on **November 2, 2015** (the end of the 30-day call up period falls on a weekend and so is extended to the following Monday). There are two City Council meetings within this period for call-up consideration, on October 6 and 20, 2015. The staff memorandum to Planning Board, minutes, meeting audio, and other related background materials are on the city website for Planning Board, available [here](#) (Follow the links: *2015 → 10 OCT → 10.01.2015 → 10.01.2015 PB Packet*). The draft minutes from the Planning Board hearing are provided in **Attachment A** and the Concept Plan submittal package is provided in **Attachment B**.

At the Planning Board hearing, there was significant public comment on the application. In addition, a large number of written comments had been received previously and are included with the staff memorandum to the Planning Board. At the meeting, 11 residents spoke in opposition to the project and 10 spoke in support of the proposal. One person neither opposed nor supported the project but commented that increased density is very difficult for neighborhoods but the proposal is a better option than the development of mansions.

The general themes of public comment made at the meeting have been summarized below.

**In Opposition:**

- Parking – Sufficient parking is not being provided by the development. Permit parking would not work for the neighborhood.
- Flood – The site has flooded multiple times. Serious concerns about garage flooding.
- Density – Proposal includes too many units and square footage and is too intense to be compatible with the surrounding neighborhood.
- Traffic – Traffic and congestion are major issues during drop-off and pick-up times for the school. There are already bicycle and pedestrian accidents. Increased traffic and congestion is not safe for children walking to school.
- Access – Intersections of Broadway with Iris Ave. and Hawthorn Ave. are congested and can be dangerous. The entrance to the underground parking is located where parents line up for hug-n-go for the school.
- Housing – Provided housing should be catered to families who are invested in the neighborhood, next to school. Affordable housing should be provided on site and not segregated on the outskirts of the city.
- Zoning and Use – RH-3 is not an appropriate zoning, the zoning should remain public. Need a public use for the property.
- Community Benefit – The project does not contain any community benefits. Amenities like a coffee shop and gym are already provided in the area.
- Compatibility - the building is not compatible with the character of the surrounding neighborhood or the general area. There is a lack of community integration because the neighborhood is low density and family-oriented. Building is much too large to be compatible with surrounding uses.
- Light and noise pollution. General degradation of quality of life for neighbors.

**In Support:**

- Housing – Project provides small residential units, which offers housing options and helps keep the city an affordable place to live. Neighborhood needs more housing options to be inclusive, especially for younger people, entrepreneurs and employees of expanding businesses in the city. The project is next to a school, which could serve teachers or families. Could be an opportunity for people to own rather than rent. Alternatively, the city needs a rental product for people in the middle who do not qualify for affordable housing. The project has good access to jobs. The small unit size means it will stay affordable. Tying the project to the 2801 Jay Rd. site is a good solution.
- Density – Higher density makes sense in this location. The project is on Broadway, near transit and jobs. People will not need a car.
- Community Benefit – The provision of housing is a big benefit. The proposed use is better than what could be developed by right under Public zoning. Mixed use with co-working space is a benefit. Provision of coffee shop, gym and community room would be a neighborhood asset.
- The proposal is a transit oriented, mixed-use development, which contributes to the city’s sustainability goals.
- Developer has done a lot of outreach to neighborhood so far.

The majority of the Board recommended that development should be at a lower intensity to be compatible with the surrounding neighborhood and is probably more suited to medium density development. Flood impacts will need to be examined carefully in subsequent review processes. The

Board stated that RH-3 does not appear to be an appropriate zone district for the property. The majority of the Board agreed that there is not a comprehensive vision for the Broadway corridor and it would be beneficial to look at appropriate development on Broadway through the upcoming Boulder Valley Comprehensive Plan (BVCP) update or a sub-community plan.

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

#### **ATTACHMENTS**

- A. Draft October 1, 2015 Planning Board Minutes
- B. Concept Plan Submittal

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**October 1, 2015**  
**1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Chair  
Bryan Bowen  
John Putnam  
Leonard May  
Liz Payton  
Crystal Gray

**PLANNING BOARD MEMBERS ABSENT:**

John Gerstle

**STAFF PRESENT:**

Charles Ferro, Development Review Manager  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Assistant III  
Sloane Walbert, Planner I  
David Thompson, Transportation Engineer  
Beth Roberts, Housing Planner  
Jessica Stevens, Civil Engineer II

**1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 6:04 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **L. Payton** and seconded by **J. Putnam** the Planning Board voted 6-0 (**J. Gerstle** absent) to approve the July 16, August 6, August 20, August 27, September 2, September 3, and September 17, 2015 minutes as amended.

**3. PUBLIC PARTICIPATION**

No one spoke.

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

**A.** Informational Item: TECHNICAL DOCUMENT REVIEW: Final Plat for the elimination of the lot line between Lot 6A and Lot 7A of West Rose Hill Replat A to create one lot addressed 927 7<sup>th</sup> Street. The project site is split-zoned Residential - Low 1

(RL-1) and Residential - Estate (RE). Case no. TEC2015-00028.

- B.** Call Up Items: Eben Fine Park rehabilitation and enhancement  
Floodplain Development Permit (LUR2015-00077)  
Wetland Permit (LUR2015-00078)

None of the items were called up.

## **5. PUBLIC HEARING ITEMS**

- A. CONCEPT PLAN REVIEW AND COMMENT:** Request for citizen, staff and Planning Board comment on a proposal to redevelop the property located at 3303 Broadway with an approximately 83,000 square foot 3-story building multi-use building with below-grade parking. The building is proposed to include 94 residential units, coffee shop, community room, fitness center and office space for micro and co-working offices. Proposed residential units will consist of 55 efficiency units (less than 475 square feet), 23 one-bedroom units and 16 two-bedroom units. The applicant seeks to amend the Boulder Valley Comprehensive Plan (BVCP) land use designation and rezone the property to Residential – High 3 (RH-3).

Applicant: Margaret Freund, Fulton Hill Properties  
Property Owner: Mental Health Center of Boulder County

### **Staff Presentation:**

- C. Ferro** introduced the item.
- S. Walbert** presented the item to the Board.

### **Board Questions:**

- S. Walbert** answered questions from the Board.

### **Applicant Presentation:**

**Margaret Freund**, with **Fulton Hill Properties, 3139 7<sup>th</sup> St.**, the applicant, and **J. V. DeSousa**, with **J.V. DeSousa, LLC, 2510 47<sup>th</sup> St.**, the architect, presented the item to the Board.

### **Board Questions:**

**S. Walbert, C. Ferro, H. Pannewig, M. Freund** and **J. DeSousa**, answered questions from the Board.

### **Public Hearing:**

1. **David Rose, 4134 Stone Pl.**, spoke in opposition to the project.
2. **Maureen Taylor, 4382 Apple Way**, spoke in opposition to the project.
3. **Robyn Kube, 4160 Amber Pl.**, spoke in opposition to the project.
4. **Will LeBoeuf, 2994 23<sup>rd</sup> St.** spoke in support to the project.
5. **Greg Smith, 1501 Upland Ave.** spoke in support to the project.
6. **Joe Gibbs, 2010 18<sup>th</sup> St.**, spoke in support to the project.
7. **Bob Crifasi, 3257 Hawthorn Hallow**, spoke in opposition to the project.
8. **Mark Bloomfield, 1720 15<sup>th</sup> St.**, spoke in support to the project.

9. **Bill Williams, 3320 N. Broadway** spoke in opposition to the project.
10. **Tommy Stover, 3310 Broadway St.**, spoke in opposition to the project.
11. **Tim Ryan, 497 Kalmia Ave.**, spoke in support to the project.
12. **Amy Webb, 1032 Hawthorn**, spoke in opposition to the project.
13. **Robert Webb, 1032 Hawthorn Ave.**, spoke in opposition to the project.
14. **Judy Nogg, 1182 Juniper Ave.**, spoke in opposition to the project.
15. **Bill Myeus, with Mental Health Partners, 1333 Iris, Ave.**, spoke in support to the project.
16. **Janine Malcolm, 3346 Hickok Pl.**, spoke in support to the project.
17. **Rich Schmelzer, 1080 Juniper Ave.**, spoke in opposition to the project.
18. **Lisa Jo Landsberg, 2320 Balsam Dr.**, spoke in support to the project.
19. **Peter Mayer, 1339 Hawthorne**, spoke in opposition to the project.
20. **Kevin Gross, 2320 Balsam Dr.**, spoke in support / opposition to the project.
21. **Evan Manee, 3393 O'Neal Pkwy.**, spoke in support to the project.
22. **Eric Budd, 3025 Broadway, St., #38**, spoke in support to the project.

#### **Board Comments:**

**Key Issue #1:** Is the proposed concept plan compatible with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP)? Would the project be compatible with the character of the surrounding area?

- All Board members agreed with the staff's analysis.
- **J. Putnam** stated that there is a lot to like in the Concept Plan but it presents some real challenges. This is a good site for residential use. It would be a challenge to find a public use for this location. He likes the mixed use components with commercial amenities in the plan. The micro units are also helpful and useful. It is important to note that there would be no surface parking with this project. He also appreciates the 3<sup>rd</sup> floor setback. The city needs more affordable housing. However, his concern is that it may not be the right location for the proposed development. Proposed density is too high. The plan's lack of affordable housing on-site and the provision of required affordable units off-site are not in tune with the current Comp Plan update. He felt that this building would stand out awkwardly due to the density in this location. This area is not an area of change, but a place of greater stability. The neighboring context must be taken into consideration.
- **L. Payton** supports staff's conclusions and agrees with the Comp Plan criteria that staff highlighted. In regards to traffic congestion, she visited the site and recognized the traffic issues. The lines for the hug-n-go for the school will not go away and there will be a lot of cars along Hawthorn Ave. into the future. This is a good site for residential, such as family housing. In addition, she added that she was not sure what would fit in that area with an RH-3 zoning. In her opinion, she did not think it was a good spot for commercial; it should be strictly residential. She is sympathetic to those that are in need of affordable housing. Finally, in her opinion, this location may no longer be good for public use since the city purchased the hospital site.

- **A. Brockett** stated that there is a real need for housing of different kinds for families and younger people and this project could provide some of that. This is an appropriate site for some kind of attached housing. He stated that he supports the mixed use aspect of the proposed plan. Transit access is good for the proposed location. The primary issue is the proposed density of the site. The applicant is proposing the most intense residential zone in the city. He does not believe the highest density zone can be proposed in a place where walking is not an option. Walkability is a key piece of density. Compatibility with the neighborhood is lacking. Something more of a mixed or medium density project would be better. Would like to see mixed incomes and families as well. He stated that he would like to see a project with less density and to have more quality open space which is lacking. If more density is proposed at this location, he urged the applicant to look at aggressive transportation management strategies.
- **B. Bowen** agreed with the previous comments. When he looks at the volume, scale and mass of the project, he does not have any concerns. He likes how the project is proposing to carve up the volume to make smaller units. Affordability is important and this can be achieved with smaller units. He stated that he likes how Broadway is evolving and creating a nice street frontage. He would like to see this happen all along the Broadway corridor. Perhaps this could be done by changing land use designations all along Broadway. He stated that there is an issue in the city with providing enough affordable housing. He agrees with the idea of placing micro units along the corridor and there needs to be a more diverse spread of unit mix. He stated that is appropriate to have a mix of apartments and family oriented units. His concern focused on the number of cars, not the number of people in that location. He stated he would be more in favor of the Concept Plan if the parking were reduced to offering half a parking stall, rather than 2 per unit, for example. Architecturally, the site plan is well resolved. The arrangement of uses makes sense and he likes mix of uses. The coffee shop is great idea and good to include. He proposed the next step would be to find the right zoning to accommodate the project.
- **L. May** stated that he generally agrees with the previous comments and staff. He stated that the mixed use is good idea in this location and high density housing is appropriate. He doesn't agree with the review process in general, not specific to this project. He stated that these types of decisions need to be resolved at the comprehensive level through the BVCP. A vision for Broadway needs to be developed with heavy engagement with the neighborhoods. That, in turn, will give a predictable path to the neighborhoods and developers for what may happen in the future. **L. May** stated that he would like to see this addressed at the Comp Plan update generally for the Broadway corridor, and then have the applicants come back with a proposal that fits the new vision. Currently this Concept Plan does not comply with the Comp Plan, however if the Comp Plan is revised, it may comply.
- **C. Gray** agrees with **L. May's** comments regarding the Comp Plan and looking at it from a comprehensive standpoint. The zoning proposal is incompatible with the surrounding residential area. The type of zoning **C. Gray** sees as more compatible for this area would be more of a product for families to serve in-commuters (i.e. a single-family residence,

townhome or duplex). This plan needs to be attractive to families since the proximity is close to school. In regards to affordable units in the community, inclusionary zone requirements should be met on-site by all projects. However, the Planning Board does not know what the developers' final requirements will be for that project until the permit is picked up. In regards to the open space issue, she stated that the city's open space and growth management policies have put pressure on housing; however, it has created a compact community that has allowed the city to develop a good transportation system, etc. Another thing that has put pressure on development is the growing university. We must work with them to house students, faculty and staff. In terms of this Concept Plan, the Public zoning is not compatible with the proposed project, but it is compatible with residential, public and non-profit use.

### **Key Issue #2: Flood**

- **L. Payton** asked whether historical flooding events should be considered in our analysis of this project, since we know that this site floods from existing data and photos. The proposed parking garage would be affected by a flood despite the proposal to build under the regulations of the 100 year floodplain. She stated that it could wait for site review to discuss what is realistic.
  - **S. Walbert** stated that under the current regulations, the developers would have to flood proof the garage. It would need to be demonstrated that water would not enter the garage.
- **J. Putnam** stated that the Planning Board will be looking at site review and Comp Plan criteria. The Board would need to look at spillover affects in neighboring properties. Flooding is something that the Board will need to evaluate in future reviews.
- **L. May** stated that when the Board looks at the criteria modifications, whether they are in the Boulder Revised Code or the Comp Plan, the Board will need to review the flood criteria. Look at history of what has flooded and if it can still be affected. This has not been adequately reviewed.

### **Summary of Concept Plan:**

The Board agreed that there is a general interest in seeing residential at the proposed location. Nearly all Board members were in favor of multi-family residential. A lower intensity is recommended by the Board for compatibility with the existing neighborhood. From a flood perspective, the Board felt it was critical to look at those issues carefully. There was a general feeling that RH-3 was not an appropriate zoning for this site. The Board agreed that undertaking a study or perhaps policy revisions in the Comp Plan would be necessary; however, this would put this project on hold until the changes could be made. The Board offered that they are in support of a sub-community plan that included a vision for the Broadway corridor going forward. In regards to zoning, the Board suggested a zone in which calculations are based on open space or parking, rather than dwelling units per acre. Overall, the Board was very supportive of staff's position and, while the Board agreed that this is a suitable place for residential development, it is probably more suited to medium density, not high density development.

- B. CONCEPT PLAN REVIEW AND COMMENT:** Request for citizen, staff and Planning Board comment on a proposal to redevelop the property located at 2801 Jay Road with a multi-family residential development consisting of 94 units in eight buildings. The development is proposed as a receiving site to accommodate required affordable housing from a companion development at 3303 Broadway. The applicant seeks to annex the property to the city with Residential - Mixed 2 (RMX-2) zoning and amend the Boulder Valley Comprehensive Plan (BVCP) land use designation.

Applicant: Margaret Freund, Fulton Hill Properties  
Property Owner: Colorado District of the Church of the Nazarene

**Staff Presentation:**

- C. Ferro introduced the item.  
S. Walbert presented the item to the Board.

**Board Questions:**

- S. Walbert answered questions from the Board.

**Applicant Presentation:**

Margaret Freund, with Fulton Hill Properties, 3139 7<sup>th</sup> St., the applicant, and J.V. DeSousa, of J.V. DeSousa, LLC, 2510 47<sup>th</sup> St., the architect, presented the item to the Board.

**Board Questions:**

S. Walbert, C. Ferro, H. Pannewig, M. Freund and J. DeSousa, answered questions from the Board.

**Public Hearing:**

1. Carlos Espinosa, 2892 Jay Rd., spoke in opposition to the project.
2. Maureen Taylor, 4382 Apple Way, spoke in opposition to the project.
3. Robyn Kube, 4160 Amber Pl., spoke in opposition to the project.
4. Heather Hosterman, 2823 Jay Rd., spoke in opposition to the project.
5. Wyley Hodgson, 2823 Jay Rd., spoke in opposition to the project.
6. Mick Shopnizz, 2503 Sumac Ave., spoke in opposition to the project.
7. David Ralph 13246 Humboldt Way, spoke in support to the project.
8. Andrea Grant, 4384 Apple Ct., spoke in opposition to the project.
9. Paul Strupp, 4192 Amber Pl., spoke in opposition to the project.
10. Margaret Bruehl, 4192 Amber Pl., spoke in opposition to the project.
11. Paulina Hewett, 2865 Jay Rd., spoke in opposition to the project.
12. Jann Scott, 4145 Autumn Ct., spoke in opposition to the project.
13. Peter Galvin, 4259 Sumac Ct., spoke in opposition to the project.
14. Matthew Karowe, 2825 Jay Rd., spoke in opposition to the project.

**Board Comments:**

**Key Issue #1: Is the proposed annexation, initial zoning and concept plan compatible with the goals, objectives and recommendations of the Boulder Valley Comprehensive Plan (BVCP). Would the project be compatible with the character of the surrounding area?**

- **C. Gray** agreed with staff's comment that the proposed use would be inconsistent with the Comp Plan's goals and objectives (specifically policies 2.10, 2.05 and 6.12). It would be better to address development of this property as part of the Comp Plan update, similar to the comments under Agenda Item 5A for 3303 Broadway. The proposed concept plan is incompatible with the surrounding land uses. The higher density proposed is too much and would be incompatible.
- **L. May** agreed with **C. Gray**. He questioned staff as to the history of this parcel being located in Area II. In looking at this area and how it is defined by the roadway, he suggested that this should be moved to Area III based on the typography.
  - **S. Walbert** answered **L. May's** question and said that it has been located in Area II for a number of years, because the existing church was considered to be "urban development." The exact amount of years is not known at this time.
- **B. Bowen** stated it is difficult to define what the best development would be in the proposed area. If development were done at this corner, a mixed income affordable housing would be a good fit for that site. However, maybe not at the density proposed. In term of design, there are some good comparisons to the newer modern developments. Specifically, the Holiday housing area was a lot more fine-grained in nuance than this proposal. The big parking lot design is not the right solution for this project. He suggested moving the parking to the east side of the property, running all buildings on an east/west axis and possibly incorporating a passive solar access project. In addition, the developer should allow for more ground level apartments. The density proposed now is more that can be accommodated at this location. The applicant should consider an "agriburbia" type development.
- **A. Brockett** agreed with **B. Bowen**. Housing is the right use for the proposed parcel and mixed income would be a good way to go. He also liked **B. Bowen's** village concept which he mentioned. At this location, it is not devoid of services but services are not next to them either. He stated that only lower density can be supported. In addition, it would be beneficial to provide a better gateway to the city.
- **L. Payton** agreed with the staff analysis. She stated that she is not sure housing is the right use for the property. She would like to look at this property in the context of the Comp Plan update and use more of a community process to help determine what should be developed at the location. With regard to density, the proposal violates the urban to rural transect. This location is not near employment or transit; therefore, it is not a suitable site for affordable housing. People would be required to have a car to get around from this location. In regards to the materials proposed, she stated that they are not of good quality but appreciates the mixed housing types proposed. She stated that she did conduct a site visit and accessing the site in a car was "terrifying" with the traffic.

- **B. Bowen** commended the designer for the simple and elegant architecture.
- **J. Putnam** agreed with **B. Bowen**. He stressed that connectivity is a major issue and that the site is isolated by the current infrastructure, from a pedestrian and bicycle perspective. The 205 transit route is only a “thin lifeline” to the site. Even with an enhanced design concept, as described by **B. Bowen**, the applicant would need to put a lot of thought into the infrastructure and connectivity to the site. Fixing the Jay Rd. and 28<sup>th</sup> St. intersection would take a lot of thought and a lot of money. Given that annexation is a discretionary act on the part of the city, development of the property would be done as part of a larger plan. It would be better to determine through a plan whether this property is going to the edge of urban development or located in the middle of a larger development in the future. At this point, it is hard to plan for both possibilities.

**Summary of Concept Plan:**

In general, the Board agreed with staff’s analysis in the memorandum. The Board agreed they would support a lower density development, including the property as part of larger Comp Plan strategies and possibly converting the location from Area II to an Area III.

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

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 10:17 p.m.

APPROVED BY

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

\_\_\_\_\_  
DATE

*Due to file size, Attachment B can be viewed in the City Council's office in the City Manager's office.*



## 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  
Deb Kalish, Senior Assistant City Attorney  
Lesli Ellis, Comprehensive Planning Manager  
James Hewat, Senior Historic Preservation Planner  
Marcy Cameron, Historic Preservation Planner

Date: October 20, 2015

**Call-up Item:** Landmark Alteration Certificate proposal for the construction of a 405 sq. ft. addition to the main house, to modify the fenestration on the south (rear) elevation, and to construct a new 280 sq. ft. free-standing, one-car garage at the landmarked Hannah Barker House at 800 Arapahoe Avenue, per Section 9-11-18 of the Boulder Revised Code 1981 (HIS2015-00232). This Landmark Alteration Certificate is subject to City Council call-up no later than **October 20, 2015**.

---

### EXECUTIVE SUMMARY

The application was approved with conditions by the Landmarks Board (5-0). The decision was based upon the board's consideration that the proposed construction meets the requirements in Section 9-11-18, B.R.C. 1981.

The board's approval is subject to a 14-day call-up period by City Council. The approval of this Landmark Alteration Certificate is subject to City Council call-up no later than **October 20, 2015**.

### ATTACHMENTS:

- A. Notice of Disposition dated October 15, 2015
- B. Applicant Materials

**Notice of Disposition**

You are hereby advised that on October 7, 2015 the following action was taken:

- ACTION:** Approved by a vote of 5-0
- APPLICATION:** Public hearing and consideration of a Landmark Alteration Certificate to construct a 405 sq. ft. addition to the main house, modify the fenestration on the south elevation, and construct a new 280 sq. ft. free-standing, one-car garage, per section 9-11-18 of the Boulder Revised Code (HIS2015-00080).
- LOCATION:** 800 Arapahoe Avenue
- ZONING:** RMX-1 (Residential – Mixed 1)
- APPLICANT/OWNER:** Steven Dodd / Boulder Historical Society

This decision was arrived at based on the purposes and intent of the Historic Preservation Code as set forth in 9-11-18, B.R.C., 1981, as applied to the Landmark Alteration Certificate application.

**Public Hearing**

**Abby Daniels**, 1123 Spruce Street, Historic Boulder, Inc., spoke in support of Landmark Alteration certificate.

**Kathryn Barth**, 2940 20<sup>th</sup> Street, architect and citizen, expressed concern over some aspects of the proposal.

**Motion**

On a motion by **F. Sheets** seconded by **K. Remley**, the Landmarks Board approved (5-0) the Landmark Alteration Certificate for the proposed construction of an addition at the rear of the main house and construction of a free-standing garage as shown on plans dated September 15, 2015, finding that the proposed new construction generally meets the standards for issuance of a Landmark Alteration Certificate in Chapter 9-11-18, B.R.C. 1981, subject to the following conditions:

**CONDITIONS OF APPROVAL:**

1. The applicant shall be responsible for constructing the addition and garage in compliance with the approved plans dated September 15, 2015, except as modified by these conditions of approval.
2. Prior to submitting a building permit application and final issuance of the Landmark Alteration Certificate, the applicant shall submit final architectural plans that shall be subject to the final review and approval of the Landmarks design review committee (Ldrc) and that include:
  - (A) Retention of the three windows at the south elevation of the main house.

- (B) Elimination of the two new window openings at the south elevation of the main house.
  - (C) Modification of the plans to include a single door at the deck rather than two new openings.
  - (D) Further integration of the deck into the roof structure of the addition.
  - (E) Simplification of the window profiles on the addition and garage.
3. The Ldrc shall review details regarding the new construction, including materials, door and window details including moldings, and proposed insets, railing details, paint colors, and hardscaping on the property to ensure that the approval is consistent with the *General Design Guidelines* and the historic preservation ordinance.

#### **SUPPORT FOR BOZA VARIANCE UNDER CRITERION 4**

The applicant also requested, and was granted, support for a variance from the Board of Zoning Adjustment for a variance to the required front and rear yard setbacks.

#### **Motion**

On a motion by **F. Sheets** seconded by **K. Remley**, the Landmarks Board approved (5-0) a variance to the required front and rear yard setback under Section 9-2-3(h)(4), finding that the proposed construction generally meets the *General Design Guidelines* and the historic preservation ordinance. The board considers that the construction of an addition and a garage in a “by-right” location would have an adverse impact on the historic character of the landmarked house and site.



Site Plan - Proposed



East – Existing

SCALE: 3/16" = 1'-0"

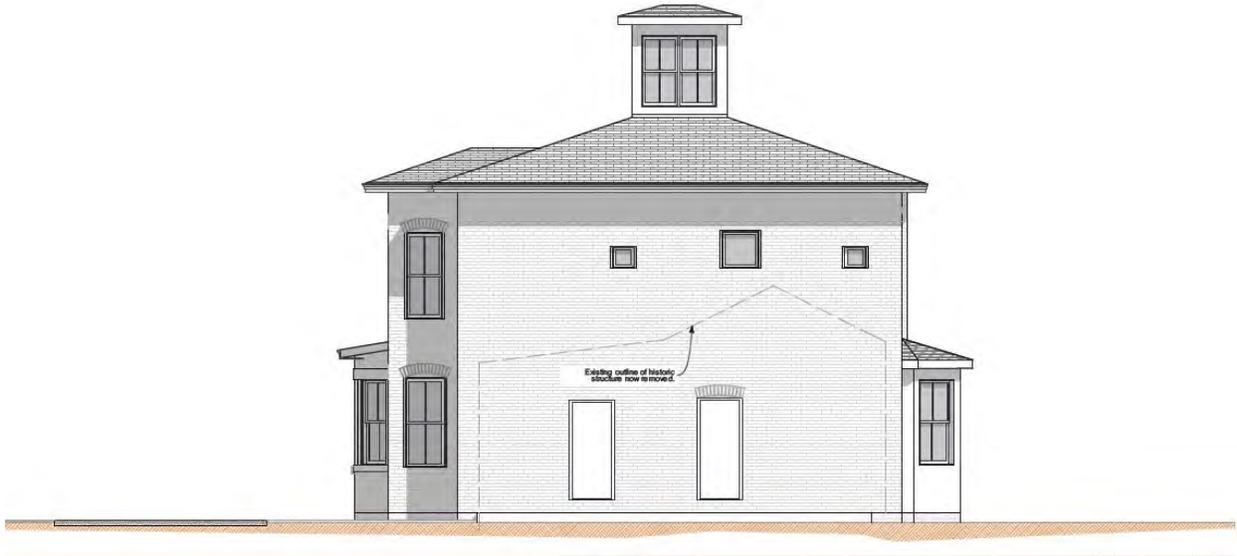
Existing East Elevation



North – Existing

SCALE: 3/16" = 1'-0"

Existing North Elevation



South – Existing  
SCALE: 3/16" = 1'-0"

Existing South Elevation



West – Existing  
SCALE: 3/16" = 1'-0"

Existing West Elevation



East – Proposed

SCALE: 3/16" = 1'-0"

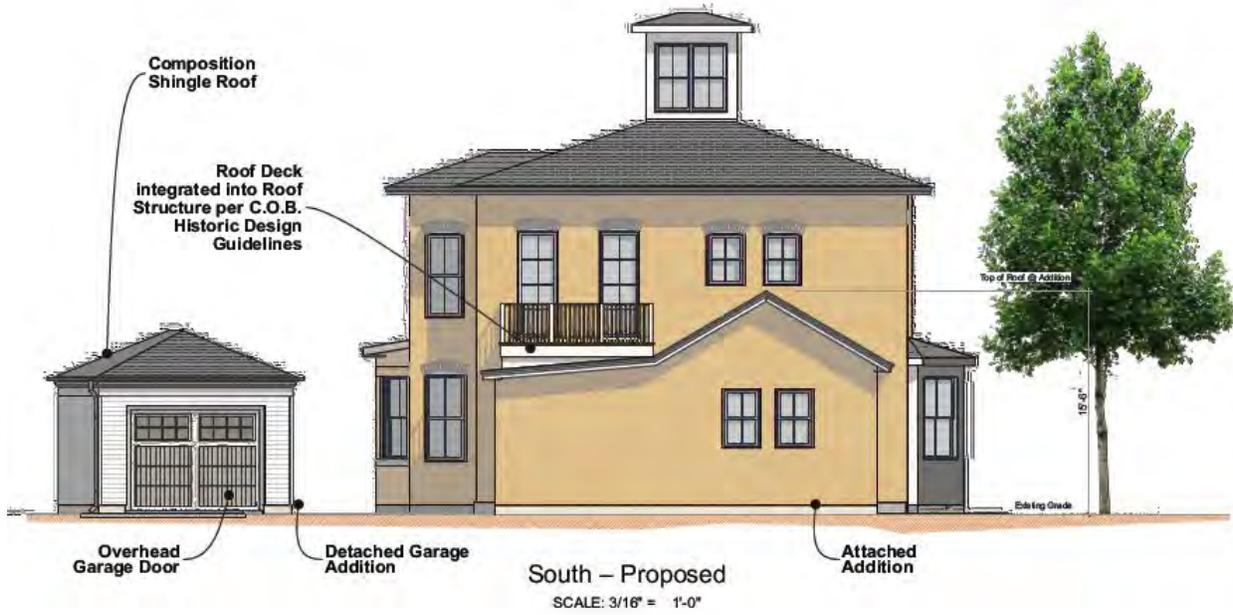
Proposed east elevation



North – Proposed

SCALE: 3/16" = 1'-0"

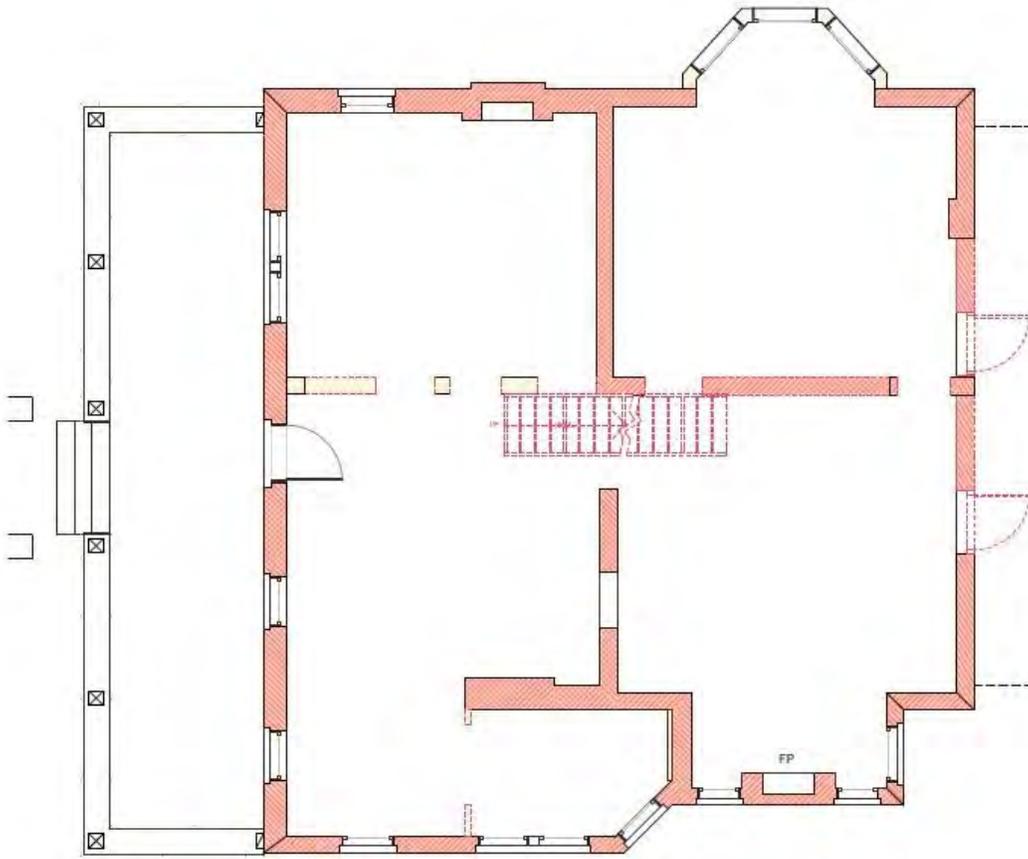
Proposed north elevation



Proposed South elevation



Proposed West elevation



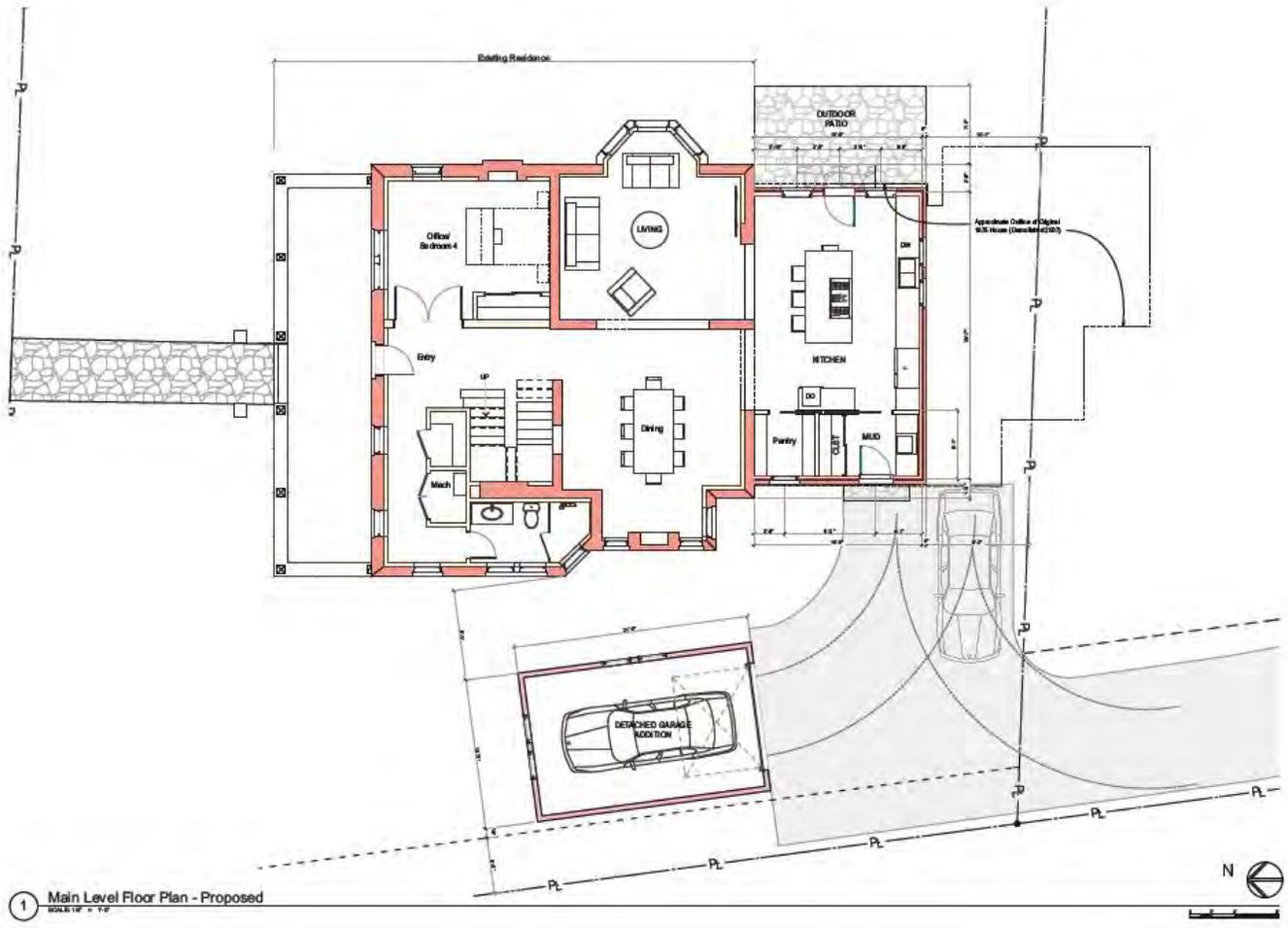
1

Main Level Floor Plan - Existing & Demo

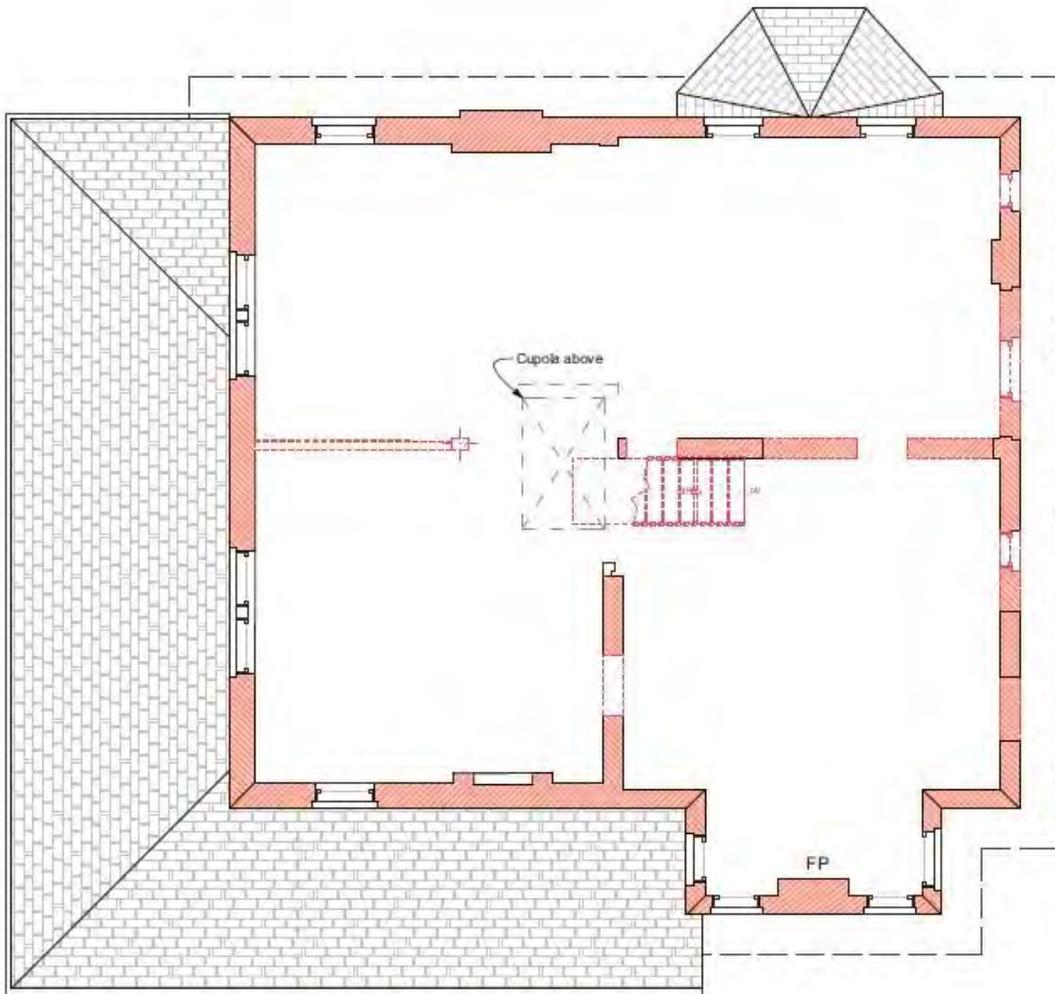
SCALE 1/4" = 1'-0"



### Main Level Existing

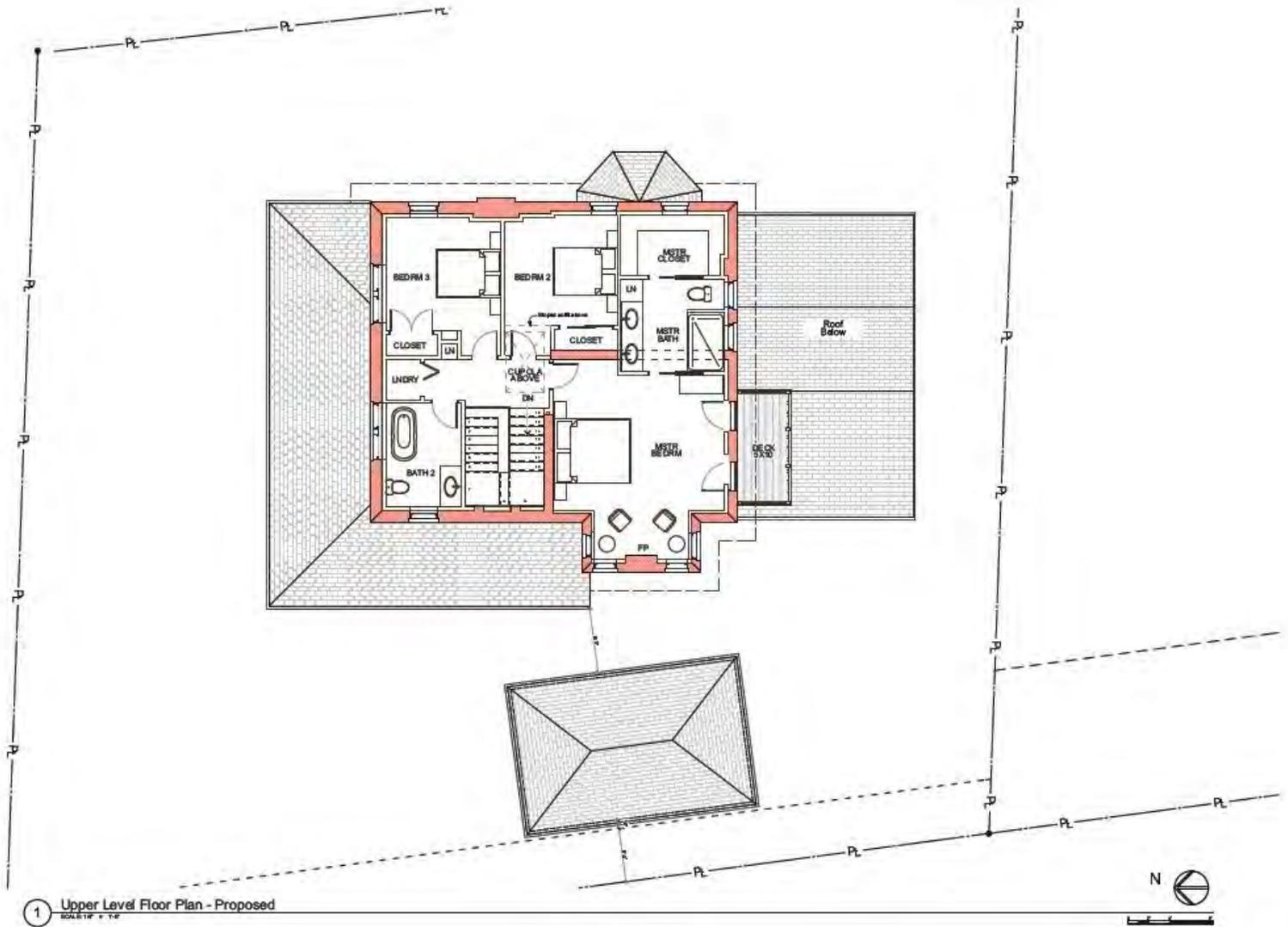


Main Level proposed



2 Upper Level Floor Plan - Existing & Demo  
SCALE 1/4" = 1'-0"

Upper Level existing



Upper Level proposed



**East Garage**

SCALE: 1/4" = 1'-0"

Proposed garage east elevation



**North Garage**

SCALE: 1/4" = 1'-0"

Proposed garage north elevation



**West Garage**

SCALE: 1/4" = 1'-0"

Proposed garage west elevation



**South Garage**

SCALE: 1/4" = 1'-0"

Proposed garage south elevation



Street (North) Perspective - Proposed

Rendering of proposed north elevation



SE Render - Proposed

Rendering of proposed south and east elevations



SW Render - Proposed

Rendering of proposed south and west elevations



## 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  
Deb Kalish, Senior Assistant City Attorney  
Lesli Ellis, Comprehensive Planning Manager  
James Hewat, Senior Historic Preservation Planner  
Marcy Cameron, Historic Preservation Planner

Date: October 20, 2015

**Call-up Item:** Landmark Alteration Certificate proposing the removal of outdoor seating at the landmark Glen Huntington Band Shell in Central Park per Section 9-11-18 of the Boulder Revised Code, 1981 (HIS2015-00237). This Landmark Alteration Certificate is subject to City Council call-up no later than **October 20, 2015**.

---

### EXECUTIVE SUMMARY

The application was approved with conditions by the Landmarks Board (4-1, F. Sheets opposed). The decision was based upon the board's consideration that the proposed construction generally meets the requirements in Section 9-11-18, B.R.C. 1981.

The board's approval is subject to a 14-day call-up period by the City Council. The approval of this Landmark Alteration Certificate is subject to the City Council call-up no later than **October 20, 2015**.

### ATTACHMENTS:

- A. Notice of Disposition dated October 15, 2015
- B. Applicant Materials

**Notice of Disposition**

You are hereby advised that on October 7, 2015 the following action was taken:

- ACTION:** Approved by a vote of 4-1
- APPLICATION:** Public hearing and consideration of an Landmark Alteration Certificate application for the removal of outdoor seating at 1236 Canyon Boulevard, the Glen Huntington Band Shell in Central Park, per Section 9-11-18 of the Boulder Revised Code, 1981 (HIS2015-00237).
- LOCATION:** 1236 Canyon Boulevard
- ZONING:** Public
- APPLICANT/OWNER:** City of Boulder, Parks and Recreation Department

This decision was arrived at based on the purposes and intent of the Historic Preservation Code as set forth in 9-11-18, B.R.C., 1981, as applied to the Landmark Alteration Certificate application.

**Public Hearing**

- Michael Dardis**, 1360 Walnut Street, #406, spoke against removal of seating.
- Mark Gerwing**, 1530 Lee Hill Drive, former chair of the Landmarks Board and architect, spoke in support of removal of the seating.
- Abby Daniels**, 1123 Spruce Street, Historic Boulder, Inc. Executive Director, expressed Historic Boulder's Preservation Committee's reservations about removal of the seating.
- Kathryn Barth**, 2940 20th Street, citizen, architect and Historic Boulder, Inc. Preservation Committee Chair, spoke against removal of seating.

**Motion**

On a motion by **D. Yin**, seconded by **K. Remley**, the Landmarks Board approved (4-1, F. Sheets opposed) the Landmark Alteration Certificate for the proposed removal of outdoor seating and construction of a path through the landmark area as shown on plans dated September 2, 2015, finding that they generally meet the standards for issuance of a Landmark Alteration Certificate in Section 9-11-18, B.R.C. 1981, subject to the following conditions:

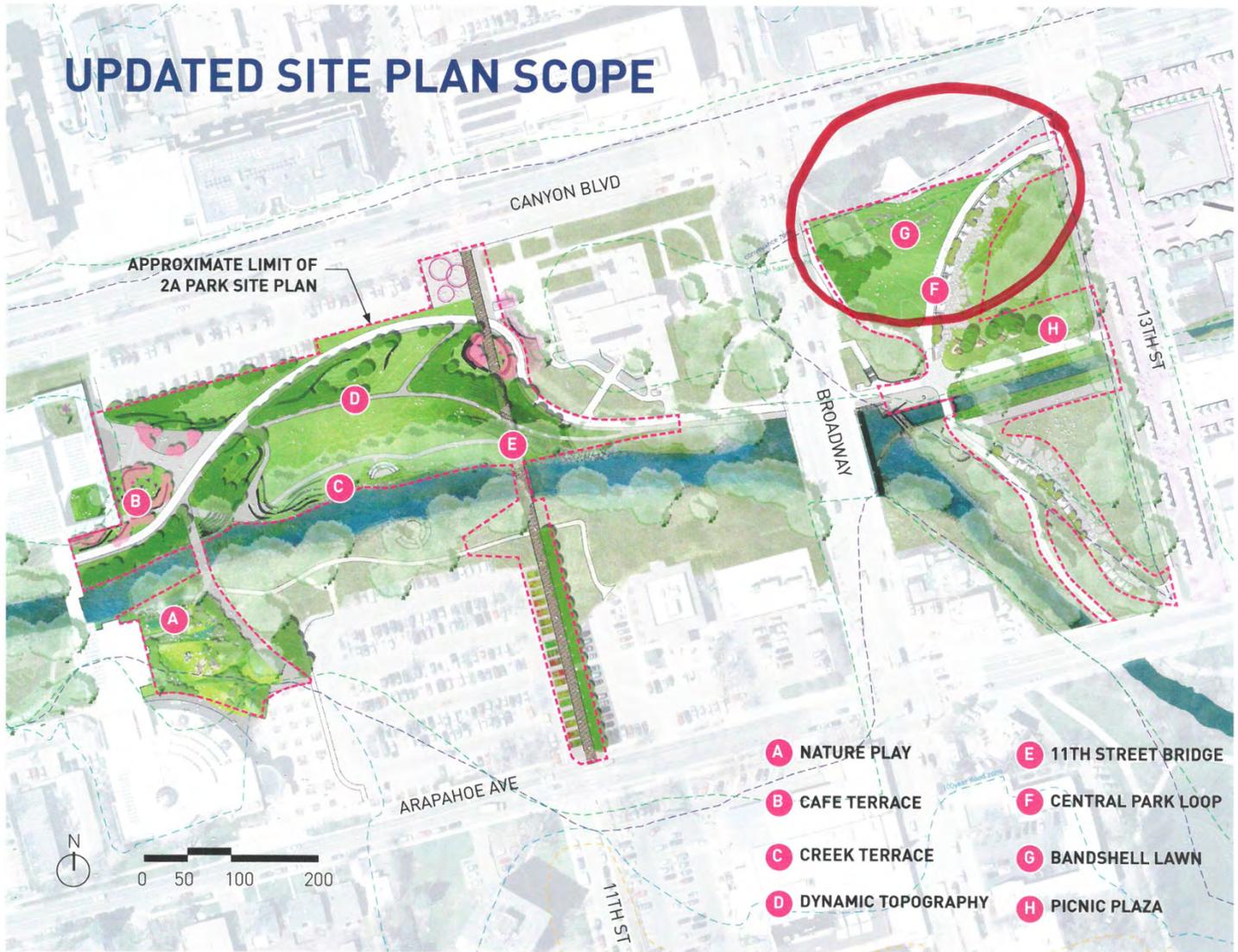
**CONDITIONS OF APPROVAL**

1. The applicant shall be responsible for the removal of outdoor seating, relocation of the bermed area and construction of a new path, all in compliance with the approved plans dated September 2, 2015, except as modified by these conditions of approval.
2. Prior to submitting a building permit application and final issuance of the Landmark Alteration Certificate, the applicant shall submit the following:
  - Revised plans showing the proposed new path to move further southeast and the berm back from the stage than proposed to allow for more seating.

- Revised plans showing a significant reduction of the amount of paving for the proposed path.
- Submission of detailed photographs and dimensions of the seating prior to removal in the event that it is to be reinstalled in the future.

These design details shall be reviewed and approved by the Landmarks design review committee, prior to the issuance of a building permit. The applicant shall demonstrate that the design details are in compliance with the intent of this approval and the *General Design Guidelines*.

F. Sheets considered the extent of proposed change in the Landmark boundary could have an adverse effect its historic character and voted against the proposal.



Updated Site Plan Scope, 2015. Bandshell area is circled in red.

# FARMERS' MARKET LOOP - PREFERRED ALT



Proposed Plan for Farmers' Market Loop, 2015.

## FARMERS' MARKET LOOP - ALT



Alternate proposed plan for Farmers' Market Loop if seating were to remain, 2015.

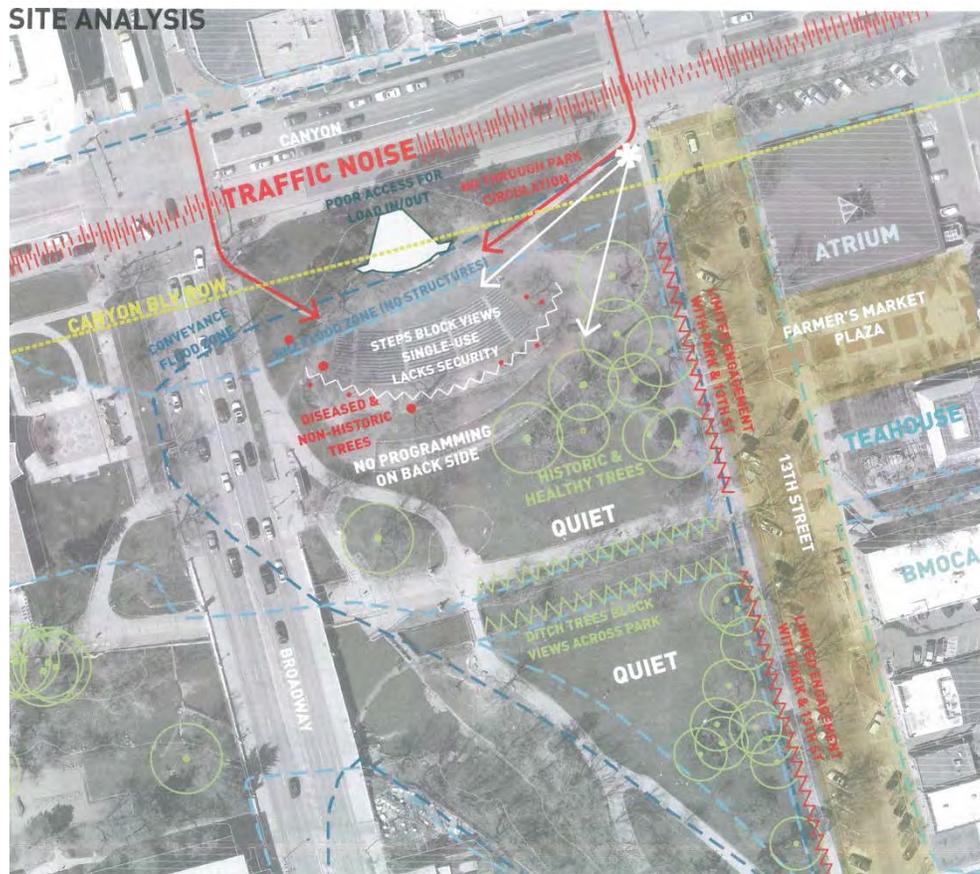


Enlargement Plan: Central Park, 2015.

## "ALLEY" - EXISTING LOCATION



"Alley" – Existing Plan, 2015.



Site Analysis, 2015.

# PARK SITE PLAN BANDSHELL LOCATION OPTION 1



## BANDSHELL IN ORIGINAL LOCATION

### CRITERIA:

#### SITE CONTEXT

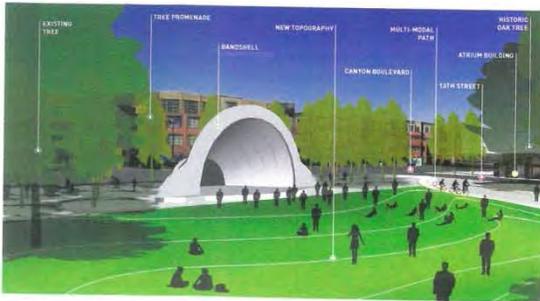
- Removes formal seating area and incorporates informal lawn seating.
- Added multi-modal park circulation through the park gives more "eyes on the park".
- Landscape along Canyon features Tree promenade with DG paving for open circulation and new high branching trees. Multi-Modal path runs along the back of the bandshell (assumes curb line stays the same).
- Back of bandshell and access issues remain.
- Canyon Boulevard ROW will likely result in potential conflicts with multi-modal circulation.
- Landscape or sound walls won't help mitigate traffic noise to significant level for comfort and performances.

#### PROGRAMMING

- Lawn seating area could fit around 700 people for an event (small to medium scale).
- Direct access to Farmer's Market for similar programming events.
- Informal lawn good for everyday park use and flexible programming that does or doesn't use the bandshell.
- Could re-purpose the bandshell for more art-based programming with performances limited by ambient noise.
- Site context and noise level limits the kind of performances. For example, acoustic performances will be severely limited by noise level.
- All performances will need to be amplified.

#### STRUCTURE

- Existing Bandshell location remains, saving cost and potential logistical complications from moving the structure.
- Minor additions to the structure can include lighting and painting.
- Structure located within the flood HHZ and Conveyance Zone and restricts opportunities to enhance the structure or move it slightly within the flood zone.
- No structure expansion or building additions because of location in HHZ flood zone.



**DALLAS, TX**  
FAIR PARK

The bandshell is used for outdoor concerts as it has for many years. It also has a special lighting display when the bandshell is in use for a performance.



**MEMPHIS, TN**  
LEVITT SHELL AT OVERTON PARK

The Overton Park Shell was built in 1938 by the City of Memphis and the Memphis Area NAACP. It was designed by architect Max Fuchs and modeled after similar bandshells in Chicago, New York and St. Louis. Over the years, there have been numerous efforts, some to renovate the shell, and some to destroy it. Over the past 20 years, Over Our Shell presented hundreds of live concerts in the Overton Park before having to end its programs.

In 2008, the Shell partnered with the City of Memphis and the Martin Luther King Foundation to renovate the Shell and present 50 live concerts every year. It was renamed Levitt Shell at Overton Park and renovation was begun in 2007. It opened again with live music for all on September 4, 2008.

The Shell previously had formal seating that it removed for an open lawn. In addition to adding modern lighting and acoustical features to the structure.



**LINDSBORG, KS**  
SWENSON PARK

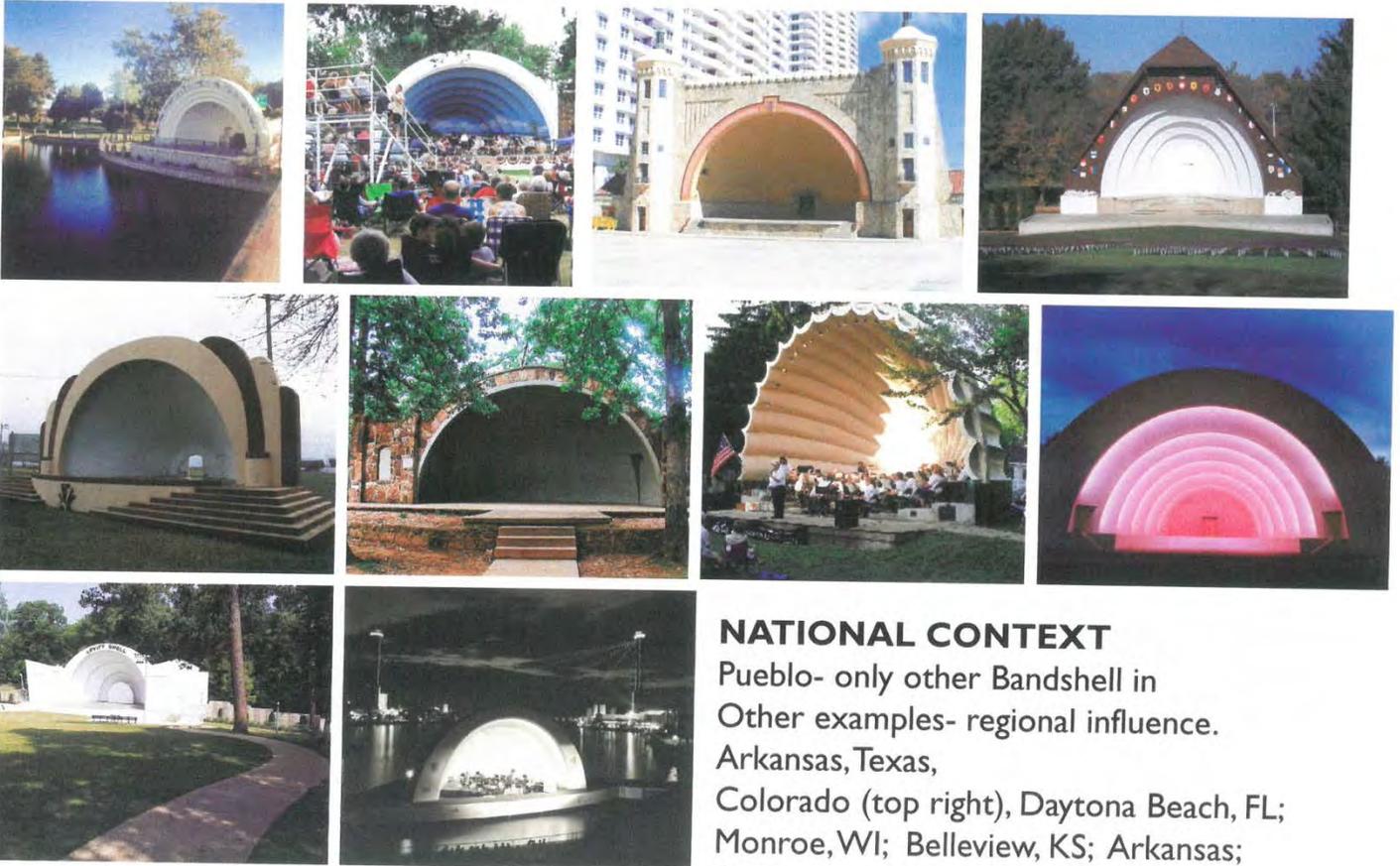
"I had good luck as a 1935 project in 1935 was as a centerpiece on the east side of the park. Many times during the past you can expect theatre productions." Considering the heavy use of the Bandshell today the city has done a good job of maintaining it over time. It is the oldest outdoor theatre in America. Its physical state is a reflection of its importance to the community and its history.



**HARLEM, NYC**  
JACKIE ROBINSON PARK

Jackie Robinson Park is still used for musical programs and films in the summer. Its site in Harlem attracts numerous people. The bandshell is smaller so it can only accommodate smaller acts. The site and structure itself has been well-maintained over the years.





**NATIONAL CONTEXT**

Pueblo- only other Bandshell in  
Other examples- regional influence.  
Arkansas, Texas,  
Colorado (top right), Daytona Beach, FL;  
Monroe, WI; Belleview, KS; Arkansas;  
Ft. Atkinson, Fair Park, TX; Memphis,  
TN; Chicago – Century of Progress,  
1933.



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Yvette Bowden, Director, Parks and Recreation  
Therron Dieckmann, Deputy Director, Parks and Recreation  
Jeff Haley, Planning Manager  
Sarah DeSouza, Senior Manager for Community Outreach  
Tina Briggs, Landscape Designer II

Date: October 20, 2015

**Subject: Call Up: Naming of Washington School Park**

---

### EXECUTIVE SUMMARY

Earlier this year, Parks and Recreation Department (department) staff initiated the naming process for the park at the former Washington School Site (Outlot B, Washington Village II Subdivision, 2901 13<sup>th</sup> St.) (**Attachment A**). Pursuant to the city's Policy on Commemorative Naming of City Facilities (**Attachment B**) and the department's Park and Plaza Naming Policy (**Attachment C**), staff solicited community feedback (**Attachment D**) and brought this matter to the Parks and Recreation Advisory Board (PRAB) in July 2015, which subsequently recommended approval of the proposal upon a unanimous vote. Pursuant to the department's Naming Policy, if the PRAB approves the recommendation, the decision is to be forwarded to City Council in an information packet as a call-up item, allowing council the opportunity to reconsider the board's determination. If approved, the name would be announced to the community and signage would be installed in the park.

### FISCAL IMPACT

The cost associated with naming the park is approximately \$5000. The Parks and Recreation Department (the "Department") has identified funding in its 2015 budget to cover these costs.

## COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** None apply
- **Environmental:** None apply
- **Social:** Using social media, listservs and on-site park signs, the neighboring community has been contacted to solicit their input on the naming proposal.

## BACKGROUND

City Council approved the Washington Village II project on February 25, 2009. This approval permitted 33 dwelling units and 2,950 square feet of office/commercial space on the ground floor of a new building along Broadway and community facilities on the 3-acre site. On February 7, 2013 the Planning Board unanimously approved the request to extend the existing Washington Village II project approval, which was set to expire on February 25, 2013. The approval permitted three additional years to complete the project consistent with the original conditions of approval.

The 1215 Cedar Avenue property is bounded by Broadway to the west, Cedar Avenue to the south, 13<sup>th</sup> Street to the east, and a mix of multi-family and single-family development to the north. It consists of three acres and is currently occupied by the vacant Washington Elementary School that was closed in 2003 by the Boulder Valley School District (BVSD) due to school consolidation. Its closure prompted a comprehensive process to consider how the site should be developed. While there was initial interest from several groups to develop the site, Wonderland Hill Development Company was the only group that proceeded with a site design for city consideration. The Washington School property was the subject of two Concept Plan and two Site and Use Review applications during the years 2007 and 2009. All were ultimately approved.

On March 2015, a Special Warranty Deed (**Attachment E**) was filed by Washington School Developments, LLC formally granting the park property to the City of Boulder's Parks and Recreation Department.

## ANALYSIS

In June and July 2015, Department staff worked with the neighboring community to determine a name for the park. After conducting an extensive public input process (**Attachment C**) to solicit proposed park names (**Attachment F**), 22 out of the 69 responses (32 percent) requested the park be named Washington Park, a derivative of Washington School Park. The name Washington Village Park received nine votes representing 13 percent of the total.

The following quote from one of the park neighbors captures the essence of the majority of feedback about this recommendation:

“Many families in Boulder have decades-old connections to Washington Elementary School, a.k.a. Escuela Bilingue Washington. Our children grew up in the is neighborhood and attended school in this now landmarked building (one of three identically-constructed schools in Boulder). It is fitting that the park bear the original name of the historic school, since that plot of land was a children’s playground and also functioned as a neighborhood park for nearly 100 years.”

In December 2010, the City of Boulder adopted a Policy on Commemorative Naming of City Facilities (**Attachment A**). The purpose of the policy was to allow, in appropriate circumstances, the naming or renaming of facilities, owned and operated by the City, in commemoration of persons that have made unusually significant contributions to the City. Since the community overwhelmingly supported naming the site a non-commemorative name, Washington School Park, it is not necessary to proceed with the requirements of the Commemorative Naming Policy and instead, the department’s Park and Plaza Naming Policy (**Attachment B**) was followed.

## **NEXT STEPS**

The PRAB requests that Council support the recommendation to name the park site located at Outlot B, Washington Village II Subdivision, 2901 13<sup>th</sup> St., Washington School Park per the majority opinion of the neighboring community.

## **ATTACHMENTS:**

Attachment A: Site Map

Attachment B: City of Boulder’s Commemorative Naming Policy

Attachment C: Parks and Recreation Department’s Park and Plaza Naming Policy

Attachment D: Public Input Process and Timeline

Attachment E: Special Warranty Deed

Attachment F: Proposed Park Names

Attachment G: Park Name Data

# WASHINGTON SCHOOL PARK



**CITY OF BOULDER**  
\*\*\*  
**POLICIES, PROCEDURES AND GUIDELINES**

---

**Policy on Commemorative Naming of City Facilities**

**EFFECTIVE DATE:**

**December 1, 2010**



**Jane S. Brautigam, City Manager**

---

**I. POLICY**

It is the policy of the City of Boulder (“City”) to allow, in appropriate circumstances, the naming or renaming of facilities, owned and operated by the City, in commemoration of persons that have made unusually significant contributions to the City. This allowance extends to facilities that are owned by the City but leased to, and used by, another entity.

**II. PURPOSE**

City facilities are built and maintained at public expense and for the purpose of carrying out city business. The naming of such facilities can have long lasting implications and raise political, legal and equity concerns both within the City organization and with the public at large. The purpose of this policy is to attempt to anticipate these concerns and to provide a uniform, transparent and citywide process for addressing them.

**III. SCOPE**

A. **Policy Limited to Naming in Response to Commemoration of Persons** - The scope of this policy does not extend to other practices of naming city facilities, including:

- 1) Naming of facilities in response to sponsorship (addressed in *Policy on Sponsorship Naming of City Facilities*).
- 2) Naming for purposes of public identification (i.e., “North Boulder Park” and “East Boulder Recreation Center”), or
- 3) Naming after landmarks, including naming after local resources, geographic feature, or identifiable community characteristics.
- 4) Naming after past or present owners of the property, property donors, or after the name historically used for identification of the property.

B. **Applicability of Existing Department Policies** - Some City departments, including the Parks and Recreation and Community Planning and Sustainability, have policies and procedures already in place that guide the consideration of naming of City facilities within their purview. To the extent that such policies incorporate requirements that are at least as strict as this policy, including specific adherence to all five procedural steps outlined in Section VI of this policy, such department-specific policies shall continue to take precedence over this policy and be the sole documents to be adhered to with regard to naming.

### III. DEFINITIONS

The following terms are used in this policy:

**Commemorative:** The term “commemorative” or “commemoration,” as used herein, refers to the practice of naming a facility to honor persons who have over an extended period of time: demonstrated excellence, courage or exceptional service to the citizens of the City, the State of Colorado or the nation; provided extensive community service; worked to foster equality and reduce discrimination; made a significant financial donation or in-kind contribution to a City facility with such contribution significantly benefiting the community that the facility serves (i.e. the facility may not have otherwise been possible without the financial assistance), or who have; historical significance to the community, the City of Boulder, the State of Colorado or the nation.

**Donation:** The term “donation” describes financial or in-kind contributions that are made without restrictions on how the money or resources are to be used and without expectation of reciprocal benefit by the donee. When a contribution is made with a clear expectation that an obligation is created or that the recipient will provide something of value in return, the contribution is considered a “sponsorship,” not a donation.

**Facility:** The term “facility, as used herein, means any City-owned land and buildings, and any features affixed to the land including components of the property such as rooms, parks, fields, trails, shelters and other components of the facility. The term “facility,” however, does not extend to city streets, alleys or amenities such as trees, benches and fountains.

**Person** – The term “person,” as used herein, refers to any living or deceased human being. It does not extend to the name of any organization, including but not limited to, a business, sole proprietorship, partnership, or corporation.

### IV. CITY RETENTION OF RIGHT TO RENAME

The City retains the right to rename facilities at any time.

### V. LIMITATIONS

A city facility cannot be named or renamed:

A. After an elected or appointed City official, or family member thereof, that is currently serving, at the time of application or consideration of such application.

Commemorative naming immediately after termination of a city official's terms of service, while not prohibited, is discouraged.

B. After a currently employed City staff member or volunteer, that is currently employed or volunteering, at the time of application or consideration of such application. Commemorative naming immediately after termination of a city staff member's employment, or volunteer's tenure, while not prohibited, is discouraged. Furthermore, commemorative naming for former City staff members is not appropriate when based only on tenure or performance of normal job duties.

C. After a person which has a quasi-judicial matter pending, or expected to be pending, before the City at the time of application or consideration of such application.

## **VI. PROCEDURES**

- Step 1 Consideration for naming or renaming of a City facility begins with the completion of a Commemorative Naming Application
- Step 2 The proponent of the naming/renaming will be required to solicit and summarize feedback from impacted stakeholders in order to capture controversies associated with the proposal. Depending on the nature of the facility and whether the proposed name would replace a previous commemorative name, this process could include extensive outreach to nearby property owners or constituency groups associated with the facility.
- Step 3 The Commemorative Naming Application, along with a summary of public comment, must then be submitted to the City Manager's Office for consideration.
- Step 4 The application will first be reviewed by the **city's naming committee**; a standing committee created by this policy composed of representatives from the City Manager's and City Attorney's Office, along with a representative of the facility to be named. The focus of the committee's work can include developing a recommendation for the City Manager's consideration and documenting that recommendation.
- Step 5 After reviewing all information provided, the City Manager will make a determination on whether to approve or disapprove the naming proposal. The city manager will then submit his or her decision, along with all supporting documentation, to the city council in a Weekly Information Packet (WIP) as a call-up item that allows council the ability to reconsider the city manager's decision. Until council has had that opportunity, a decision on the naming or renaming shall not be considered final.

## **VII. CONSTRUCTION AND INTERPRETATION**

Employees who have questions concerning the interpretation or application of this policy are directed to contact the City Manager or his/her designee.

**VIII. EXCEPTIONS/CHANGE**

These guidelines may be reviewed and changed at any time.

**IX. CITY MANAGER DESIGNEE**

December 1, 2010 - Carl Castillo, Policy Advisor

**CITY OF BOULDER  
DEPARTMENT OF PARKS AND RECREATION**

\*\*\*

**POLICIES AND PROCEDURES**

---

**Park and Plaza Naming and  
Dedication Policy**

**EFFECTIVE DATE:** September 2012

---

**Kirk W. Kincannon, CPRP, Director of Parks and Recreation**

---

**I. POLICY**

It is the policy of the Parks and Recreation Department to provide community members with the opportunity to name and dedicate city parks and plazas owned and operated by the Parks and Recreation Department.

**II. PURPOSE**

The purpose of the park and plaza naming and dedication policy is to provide a clear process for naming and dedicating parks and plazas owned and managed by the Parks and Recreation Department.

**III. PROCEDURES**

**Park and Plaza Naming**

- Considerations for naming a park or plaza include one or more of the following:
  1. Historic names relevant to the park or plaza;
  2. Geographic names descriptive of the location or significant natural features (including flora, fauna and geography in or near the park or plaza);
  3. Cultural names relevant to the park or plaza;
  4. Person(s) or organizations who made significant contributions to the park or plaza being named;
  5. Persons (or organizations) who made a significant contribution to the community over an extended period of time; and/or
  6. Person(s) or organizations donating land to be used for park or plaza purpose(s).

- Considerations for park or plaza name changes must be made through the completion of a Park and Plaza Naming/Renaming Application (to be developed) to the Parks and Recreation Advisory Board (through the Parks and Planning Superintendent).
- Prior to the Board’s consideration, the department will notify the impacted neighborhood of the proposed park name or name change to allow time for comments prior to the Board meeting. Staff will review the naming application and supporting documentation, along with the public input and make a recommendation to the PRAB.
- All proposed names for Parks and Recreation Department owned and managed parks and plazas must be considered and approved by a majority of the members of the Parks and Recreation Advisory Board (PRAB) at a regular business meeting.
- Upon approval by the Parks and Recreation Advisory Board, a Weekly Information Packet (WIP) item will be provided to City Council for their review and consideration (through a City Council call-up), of the recommended name.

### **Park and Plaza Dedications**

Areas within a named or unnamed park or plaza owned and managed by the Parks and Recreation Department may be dedicated according to the following criteria:

- Considerations for dedicating a park or plaza include one or more of the following:
  1. Persons (or organizations) who made significant contributions to the park or plaza being named
  2. Persons (or organizations) who donated the land for the park or plaza; and/or
  3. Persons (or organizations) who made a significant contribution to the community over an extended period of time.
- Considerations for park or plaza name changes must be made through the completion of a Park and Plaza Dedication Application (to be developed) to the Parks and Recreation Advisory Board (through the Parks and Planning Superintendent).
- Prior to the Board’s consideration, the department will notify the impacted neighborhood of the proposed park name or name change to allow time for comments prior to the Board meeting. Staff will review the naming application and supporting documentation, along with the public input and make a recommendation to the PRAB.
- All proposed names for Parks and Recreation Department owned and managed parks and plazas must be considered and approved by a majority of the members of the Parks and Recreation Advisory Board (PRAB) at a regular business meeting.
- Upon approval by the Parks and Recreation Advisory Board, a Weekly Information Packet (WIP) item will be provided to City Council for their review and consideration (through a City Council call-up), of the recommended name.

## Commemorative Naming/Renaming Application

Please provide the following:

1. Current park name and location
  
2. Name of the person, organization or constituency submitting the application in support of the commemorative name/name change
  
3. Proposed commemorative name/rename
  
4. Describe the person, organization or constituency that is requesting the commemorative name/name change. Please address who the person, organization or constituency represents, the size and demographics of the group represented and the connection of this person, organization or constituency to the commemorative honoree.
  
5. Provide research and documentation in support of the commemorative name/rename of the park. This information should clearly support the City's definition of commemorative naming and must demonstrate that the name supports the City's practice of naming a facility to honor persons who have over an extended period of time:
  - Demonstrated excellence, courage or exceptional service to the citizens of the City, the State of Colorado or the nation; or
  - Provided extensive community service; or
  - Worked to foster equality and reduce discrimination; or
  - Made a significant financial donation or in-kind contribution to a City facility with such a contribution significantly benefiting the community that the facility serves (i.e. the

facility may not have otherwise been possible without the financial assistance); or who have; or

- Been of historical significance to the community; the City of Boulder, the State of Colorado or the nation.

## Washington Park Recommended Naming Process

- **June 22 to June 29**
  - Open period for park naming suggestions ( ¼ mile radius postcard, park signage, neighborhood association messaging)
    - Reduced from 2 weeks to 1 week
- **June 1 – July 12**
  - Suggested names will be posted on web page and open for neighborhood input.
    - Reduced from 2 weeks to 12 days (can't reduce to 7 due to holiday)
- **July 13 – July 20**
  - Recommended name posted on web page for input, also post draft memo to PRAB which helps outline how the name was chosen
    - Reduced from 2 weeks to 1 week
- **July 22- July 27**
  - Recommendation on park name made to PRAB and open for public comment/public hearing
    - PRAB Memo available for public review on July 22
    - PRAB Agenda 27

### **If not a commemorative name:**

- **Aug 6 - Aug 18**
  - If recommended name is not commemorative, park name will be shared with City Council through an information packet – August 18 (at the earliest, prelim memo due Aug 6)

### **If commemorative name:**

- **Aug 6 - TBD**
  - Community members will be encouraged to begin the commemorative naming process (with city staff) – August through October

[Park and Plaza Naming and Dedication Policy](#)

[Policy on Commemorative naming of City Facilities](#)

For Administrative Purposes Only  
Property Address: 2901 13<sup>th</sup> Street  
Grantor: Washington School Developments  
Grantee: City of Boulder

### **SPECIAL WARRANTY DEED**

**THIS DEED**, dated this 1st day of March, 2015, between WASHINGTON SCHOOL DEVELOPMENTS LLC, a Colorado limited liability company; Grantor, and the CITY OF BOULDER, a Colorado home rule city, Grantee, whose legal address is 1777 Broadway, Boulder, Colorado 80302.

**WITNESSETH**, that the Grantor, for and in consideration of LESS THAN FIVE HUNDRED DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Boulder, State of Colorado, described as follows:

Outlot B, Washington Village II Subdivision,  
City of Boulder, County of Boulder, State of Colorado

**TOGETHER** with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

**TO HAVE AND TO HOLD** the said premises above bargained and described with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself, its personal representatives, successors and assigns, does covenant and agree that it shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.



## Washington Village Park Name Suggestions

### Q1 What is your park name suggestion?

Answered: 56 Skipped: 0

#	Responses	Date
1	Meyer's Park	6/29/2015 6:27 PM
2	Washington School Park	6/29/2015 12:26 PM
3	Washington School Park	6/29/2015 10:59 AM
4	Washington School Park	6/29/2015 10:31 AM
5	Washington School Park	6/29/2015 9:45 AM
6	Washington School Park	6/29/2015 8:30 AM
7	Washington school park	6/28/2015 9:31 PM
8	Washington School Park	6/28/2015 9:10 PM
9	Esquelita Park	6/28/2015 7:21 PM
10	Washington Park	6/28/2015 7:13 PM
11	Washington School Park	6/28/2015 6:03 PM
12	Washington School Park	6/28/2015 5:00 PM
13	Hootee Vii Park	6/28/2015 2:04 PM
14	Cedar Commons	6/28/2015 12:05 PM
15	Washington School Park	6/28/2015 11:19 AM
16	Old North Boulder Commons	6/28/2015 6:26 AM
17	Washington Park	6/27/2015 4:40 PM
18	Washington School Park	6/27/2015 3:44 PM
19	Historic Washington School Park	6/27/2015 2:29 PM
20	Ronald Reagan Park	6/27/2015 11:06 AM
21	Old Nobo Park	6/27/2015 8:32 AM
22	George and Martha Park	6/26/2015 9:14 PM
23	Washington Village Park: In Honor of the Hendricks family	6/26/2015 7:55 PM
24	Washington School Park	6/26/2015 11:46 AM
25	Historic Washington School Park	6/26/2015 11:44 AM
26	Big Ash Park	6/26/2015 10:49 AM
27	Washington School Park	6/26/2015 10:44 AM
28	Washington School Neighborhood park	6/26/2015 10:38 AM
29	Washington School Park	6/26/2015 8:53 AM
30	Washington School Park	6/26/2015 8:46 AM
31	Millionaire's Front Yard Park	6/26/2015 8:39 AM
32	Washington School Park	6/26/2015 8:06 AM
33	Washington Village Park	6/26/2015 7:39 AM

## Washington Village Park Name Suggestions

34	Washington School Park	6/25/2015 10:28 PM
35	WASHINGTON SCHOOL	6/25/2015 9:59 PM
36	Washington School Park	6/25/2015 7:55 PM
37	Washington School Park	6/25/2015 7:20 PM
38	Gless Park	6/25/2015 7:17 PM
39	Gless Park	6/25/2015 7:05 PM
40	Washington school park	6/25/2015 4:54 PM
41	Someone Else's Front Yard	6/25/2015 3:07 PM
42	I not sure of their name?	6/25/2015 1:44 PM
43	#5 -- "GEORGE GLESS HONORARY PARK"	6/25/2015 1:29 PM
44	Washington Park	6/25/2015 11:09 AM
45	Washington Village Park	6/25/2015 11:01 AM
46	Four Tree Park	6/25/2015 10:55 AM
47	Gless Park	6/25/2015 10:53 AM
48	Washington Village Park	6/19/2015 1:57 PM
49	Washington School Park	6/19/2015 12:45 PM
50	Washington School Park	6/19/2015 12:19 PM
51	Washington School Park	6/19/2015 6:51 AM
52	Washington Community Park	6/18/2015 11:08 PM
53	Washington Park	6/18/2015 10:21 PM
54	Washington Village Park	6/18/2015 8:42 PM
55	Washington Village Park	6/18/2015 7:01 PM
56	Washington School Park	6/18/2015 9:59 AM

## Washington Village Park Name Suggestions

### Q2 Why would you like this to be the official park name?

Answered: 56 Skipped: 0

#	Responses	Date
1	There are so many people with the name of Meyer who have contributed in a significant manner to the history of Boulder, CO and indeed the USA	6/29/2015 6:27 PM
2	It recognizes and honors the long history of the property as part of Washington School.	6/29/2015 12:26 PM
3	To honor the thousands of children and hundreds of teachers that were the Washington School community.	6/29/2015 10:59 AM
4	For the same reasons set forth by Michael Hibner and Fran Brown.	6/29/2015 10:31 AM
5	This name reflects the heritage of the site and the deep ties many in the area have to that heritage. I am extremely opposed to naming the park after "Washington Village." Along with others, I had previously advocated the park be named after George and Jean Gless. After discussion with their son, I no longer wish for that name.	6/29/2015 9:45 AM
6	Many families in Boulder have decades-old connections to Washington Elementary School, a.k.a. Escuela Bilingue Washington. Our children grew up in this neighborhood and attended school in this now landmarked building (one of three identically-constructed schools in Boulder.) It is fitting that the park bear the original name of the historic school, since that plot of land was a children's playground and also functioned as a neighborhood park for nearly 100 years. We feel that the city's working name "Washington Village Park" should not be adopted because it reflects a contentious commercial venture that was strongly opposed by so many citizens of Boulder that political means were required to secure this pocket park for us all to enjoy. Additionally, the dedication of a bench honoring the late Dr. George and Mrs. Jean Gless for their steadfast neighborly stewardship is appropriate and should be included at the formal dedication of our park.	6/29/2015 8:30 AM
7	Because it sits on the grounds of the Washington school site	6/28/2015 9:31 PM
8	Because it best fits the history of the site.	6/28/2015 9:10 PM
9	Esquelita is Spanish meaning Little School. It is a reference to the bilingual school that was once a rich part of Washington School history .	6/28/2015 7:21 PM
10	Includes the school and the village.	6/28/2015 7:13 PM
11	Many families in Boulder have decades-old connections to Washington Elementary School, a.k.a. Escuela Bilingue Washington. Our children grew up in this neighborhood and attended school in this now landmarked building (one of three identically-constructed schools in Boulder.) It is fitting that the park bear the original name of the historic school, since that plot of land was a children's playground and also functioned as a neighborhood park for nearly 100 years. We feel that the city's working name "Washington Village Park" should not be adopted because it reflects a contentious commercial venture that was strongly opposed by so many citizens of Boulder that political means were required to secure this pocket park for us all to enjoy. Additionally, the dedication of a bench honoring the late Dr. George and Mrs. Jean Gless for their steadfast neighborly stewardship is appropriate and should be included at the formal dedication of our park. see: <a href="http://www.dailycamera.com/guest-opinions/ci_25087543/honor-jean-and-george-gless">http://www.dailycamera.com/guest-opinions/ci_25087543/honor-jean-and-george-gless</a>	6/28/2015 6:03 PM
12	Historical reasons.	6/28/2015 5:00 PM
13	Arapahoe word for camp - shout out to native peoples who used this area as a winter camp. With the park surrounded by homes, seems fitting to save an open space in memory of earlier inhabitants.	6/28/2015 2:04 PM
14	Sits on Cedar Ave.	6/28/2015 12:05 PM
15	It honors the school on the site.	6/28/2015 11:19 AM
16	The word "commons", in this application, offers two meanings: 1.) Land or resources belonging to or affecting the whole of a community. 2.) Occurring, found, or done often; prevalent. Both definitions describe some of the very most wonderful aspects of living in Boulder. Your "common" local resident holds a deep appreciation for our land and spaces, natural resource, community. Referring to this park as a common space, located in its' historic Old North Boulder, also acknowledges the growth that is currently underway, while nodding to our predecessors who were the first to establish it.	6/28/2015 6:26 AM

## Washington Village Park Name Suggestions

17	Its immediate connection is to the Washington School. The baseball backstop used to be right in the corner of 13th and Cedar. The Washington name also connects to the adjacent Washington Street Neighborhood. Please don't rekindle the neighborhood conflict with contentious names.	6/27/2015 4:40 PM
18	Washington School was an important Boulder facility for a long, long time. The building is still right there.	6/27/2015 3:44 PM
19	By including the word "Historic" it emphasizes the value placed on History and what Boulder has done to maintain open spaces in our community.	6/27/2015 2:29 PM
20	Boulder is in dire need of diversification and to commemorate someone who did so much for Boulder and the entire country. It would also help to make the city more inclusive and mainstream while helping to repair the city's tainted image.	6/27/2015 11:06 AM
21	There isn't a great name for this whole neighborhood. I have heard 3 different names for this part of town, and none of them stick (including Skyline?)....so it'd be nice to have a geographical name for the park that can solidify the identity of this neighborhood. Old North Boulder seems to be pretty good.	6/27/2015 8:32 AM
22	This refers to the Washington school, and is more neighborly.	6/26/2015 9:14 PM
23	Washington Village Park could have only happened for two reasons: The first reason being Jim Leach from Wonderland Hill Development Company took a chance to develop a new housing product that is not only innovative but healthy for all the stakeholders involved; and the second reason is that Kirk Hendricks a Master Builder and lender. Kirk Hendricks is the ONLY reason why this development has succeeded. He invested in the idea of cohousing enabling Jim Leach to succeed. Kirk Hendrick loaned Wonderland Hill well over 6 million dollars and purched two units totaling 2 million dollars. During the toughest periods in Washington Village's history, the recession and the floods, Kirk stayed committed to loaning on the property when most would have bailed, giving the developer one break after another. Not only did he loan on the land, provide construction loans, and purchase units within the development, he also worked the land with his tractor and constantly give thoughtful advice to the architects, structural & civil engineers, landscape architect, and the general contractors and their subs. Kirk has been building in Boulder for over 40 years and is now 75 years of age. He has built many residence in Pine Book Hills, North Field Commons, Spring Creek, and the list goes on. It is nice to celebrate those who have passed; but my question to you is, why are we not celebrating those who are still alive? There is absolutely no way, no way, this project would have survived if Kirk wasn't apart of it. As a lender he didn't receive a penny for the donation the park land, but he appreciates the value it has for the project, the greater neighborhood and the city. It is time to start to honor those who participate at the level he does not only for the project he has committed himself to, but for what he is doing for the city; as a lender he is launching projects that employ people so that they can support their families. We should be honoring the Hendricks family name becuase he has done so much and has asked for so little in return. After all, honoring him in this way will only encourage him, to move in a positive direction with his investments.	6/26/2015 7:55 PM
24	1) The park is for the use and enjoyment of ALL of the people of the neighborhood, not just residents of Washington Village. 2) For over 100 years, that site was Washington School. 3) We've lived in our house across the street from the school for 36 years and have always referred to that property as Washington School.	6/26/2015 11:46 AM
25	It is a nod to the history of the site.	6/26/2015 11:44 AM
26	There are some big, beautiful ash trees on the property	6/26/2015 10:49 AM
27	Honors the 100-year significance of the school as the heart of our neighborhood and the educational start for our children. It recalls the names of stable, outstanding faculty who served, including Betty Reeves, Elmer Sandrin, Gerry Gregg, and others.	6/26/2015 10:44 AM
28	It has been this name for over 100years	6/26/2015 10:38 AM
29	It honors everyone connected with the school for the 100 years it functioned as such - not some stupid property development that was executed under very questionable circumstances.	6/26/2015 8:53 AM
30	The park should be named for the school that was a centerpiece of the neighborhood for almost a hundred years (and certainly not for the housing development we're left with in its place).	6/26/2015 8:46 AM
31	It's very accurate, and is just a patch of grass. The houses sold for over a million dollars!	6/26/2015 8:39 AM
32	This name honors the historic importance of a school that was a part of Boulder for one hundred years. It may be a village now, but that is recent history.	6/26/2015 8:06 AM
33	It honors the school	6/26/2015 7:39 AM
34	It represents its history.	6/25/2015 10:28 PM

## Washington Village Park Name Suggestions

35	MY FIRST THOUGHT WAS TO GIVE HONOR TO GEORGE GLESS AND INCLUDE HIS NAME IN THE PARK NAME BUT AFTER REVIEWING NOTES AND REFLECTING ON PAST YEARS THAT WE HAVE KNOWN JEAN AND GEORGE GLESS, I THINK THAT THEY WOULD LOVE TO KEEP THE NAME AS "WASHINGTON SCHOOL". THEY BOTH WERE VERY HAPPY WITH THE ORIGINAL NAME AND I KNOW THAT GEORGE WOULD NOT WANT IT ANY OTHER WAY.	6/25/2015 9:59 PM
36	It belonged to the school before the development. This would keep some of the history.	6/25/2015 7:55 PM
37	Historical	6/25/2015 7:20 PM
38	The Glesses built their home across from the school (there is an interesting but of history there) and were important figures in the neighborhood and at CU. Their son, John Gless, should be consulted.	6/25/2015 7:17 PM
39	George and Jean Gless lived across the street from the Park, are original pioneers to this neighborhood, were universally admired by all of us, and would be more than perfect namesakes.	6/25/2015 7:05 PM
40	I am living in Washington village school as a member of the Washington village community. I love the history of the school and would love the park holding that history and memories	6/25/2015 4:54 PM
41	I would like "Someone Else's Front Yard" to be the name of the park because you feel like you are in the front yard of the people who live in the houses that surround the park. If you want to play ball or frisbee you worry that the ball might break a window. Or that you will disturb their privacy with loud noises. Why is the city spending our money to take care of someone else's front yard? P.S. All those Ash trees will get Emerald Ash Beetle disease if they are not treated.	6/25/2015 3:07 PM
42	I think you should name the Park after the longest serving Teacher that taught at Washington School. Because she or he spent more time on the old playground than anyone else and seems fitting they should be recognized. Great idea allowing the community to take part.	6/25/2015 1:44 PM
43	GEORGE AND JEAN GLESS WERE THE EARLY SETTLERS THAT MOVED INTO THE LARGE LOT JUST ACROSS THE STREET AND THEY HAVE ALWAYS BEEN AVID SUPPORTERS IN BOULDER AND BEEN VERY HEAVILY INVOLVED IN OUR COMMUNITY ACTIVITIES HERE. THEIR ORIGINAL HOME ON 13TH ST. CAME IN THE FORM OF THE LOG CABIN CARRIED ON THE BED OF A PICKUP TRUCK. TO US, THEY WERE LIKE "ORIGINAL SETTLERS OF OUR NEIGHBORHOOD. THANK YOU -- WIN & JEANNE NOLIN 1324 CEDAR -- 3034491315 winje@comcast.net	6/25/2015 1:29 PM
44	It is historic and simple.	6/25/2015 11:09 AM
45	To commemorate the old Washington School.	6/25/2015 11:01 AM
46	Because of the four large magnificent trees there.	6/25/2015 10:55 AM
47	George and Jean Gless were the pioneers of this neighborhood, lived across from Washington school for decades, built the cabin there by hand, raised their kids at that school, and we're a representative of that block it's important to keep HISTORY in neighborhoods, Washington School is historic, NOT Washington Village. The neighborhood has used that space for 100 years.	6/25/2015 10:53 AM
48	I believe the land was part of development lot for the Washington Village Cohousing Community, and the community has decided to donate the park to the city for everyone to enjoy. I think their generosity should be considered in naming the park.	6/19/2015 1:57 PM
49	This park is the former site of the Washington School. I would like to see the school honored and acknowledged for its stately presence in Boulder since 1903.	6/19/2015 12:45 PM
50	Because the school pre-dates almost everything else in the neighborhood, and naming the park after the school honors everyone who was ever connected with this school - which should have never closed and never been sold off for development.	6/19/2015 12:19 PM
51	Because the park is on the grounds of the former Washington School. This preserves a bit if the history and honors the 100+ year connection.	6/19/2015 6:51 AM
52	This name represents the park as being a place the entire neighborhood can use and enjoy.	6/18/2015 11:08 PM
53	It keeps the historical significance of the school, and it can be equally appreciated by both the Washington Village Community, and the greater neighborhood. Plus, it is reasonably short.	6/18/2015 10:21 PM
54	It is a fairly neutral name that ties to the historic school and the neighborhood community that donated the site.	6/18/2015 8:42 PM
55	Because it has the name Washington in it and it was given by Washington Village to the city of Boulder	6/18/2015 7:01 PM

# Washington Village Park Name Suggestions

56	To tie the name to the historic school house on the adjacent property	6/18/2015 9:59 AM
----	-----------------------------------------------------------------------	-------------------

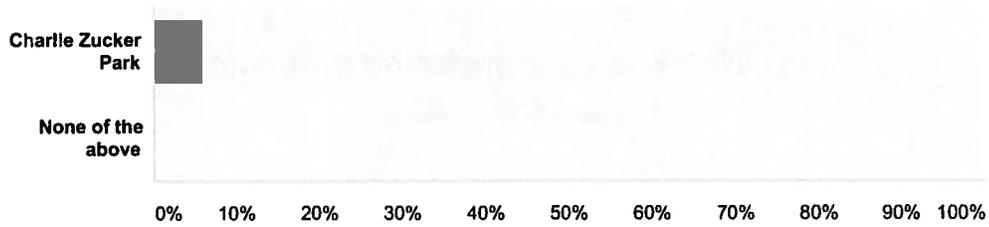
# Washington Village Park Re-name List

## Q1 Which is your preferred park name?

Answered: 69 Skipped: 0



## Washington Village Park Re-name List



Answer Choices	Responses	
Big Ash Park	2.90%	2
Cedar Commons	2.90%	2
Esquelita Park	2.90%	2
Four Tree Park	0.00%	0
George and Martha Park	0.00%	0
George Gless Honorary Park	2.90%	2
Gless Park	1.45%	1
Historic Washington School Park	5.80%	4
Hootee Vii Park	1.45%	1
Meyer's Park	1.45%	1
Millionaire's Front Yard Park	0.00%	0
Old Nobo Park	2.90%	2
Old North Boulder Commons	4.35%	3
Ronald Reagan Park	1.45%	1
Someone Else's Front Yard	10.14%	7
Washington School Park	31.88%	22
Washington Park	8.70%	6
Washington Village Park	10.14%	7
Washington Village Park (in honor of the Hendricks Family)	2.90%	2
Charlie Zucker Park	5.80%	4
None of the above	0.00%	0
<b>Total</b>		<b>69</b>

## Washington Village Park Re-name List

### Q2 Comments: (comments submitted may become public record)

Answered: 20 Skipped: 49

#	Responses	Date
1	Great name	7/12/2015 7:22 AM
2	Cedar Commons is a brilliant name! Please choose it because it is the BEST!	7/9/2015 5:46 AM
3	Name elicits inclusion and honor.	7/8/2015 3:34 PM
4	Any recognition of the decades of service George Gless provided to the neighborhood would be suitable and well-deserved! The legacy of his family should be preserved!	7/3/2015 1:30 PM
5	I am wondering why three names I recommended before the timeline were not included: Jim Leach Park; Leach-Gless Park; and "Our" Park. Can you please respond?	7/2/2015 5:38 PM
6	I would like to have the park name reflect the fact that the land was the playground for the historic school for 100 years... Even though it's a little more cumbersome to have "School" in the name, I believe it's important to include that word - so it's clear that the park is named after the school, and only indirectly after George Washington. I would prefer that the park name NOT be reminiscent of the bitter battle against the development that was fought in public hearings for over 2 years... Even though George Gless was clearly a well-loved and appreciated member of the neighborhood, naming the park after one of the leaders of the battle would feel like the neighborhood is sticking a permanent reminder that "we didn't want you here" in the face of the residents of Washington Village, who are making a concerted effort to add their own value to the neighborhood. I would be in favor of there being a set of plaques - or even some kind of weather-proof informational signs - maybe on the back of the park sign - that tell the "good neighbor" story of George Gless... or the "urban planning" story of Charlie Zucker... or the story of the developer, Jim Leach's contributions to affordable housing and the historical preservation of the school, or the financial generosity of the Hendricks family, who (I believe) donated the land for the park... Combined, those four represent a positive story of how people can resolve conflicting personal interests by hearing each other out and focusing on finding a solution that best serves the interests of the public as a whole. I am hopeful that those who criticize the park as being "someone else's front yard" will eventually appreciate the fact that the "millionaires" who happen to have the park on their front door step are very welcoming and friendly toward the many neighbors, children, and dogs who take advantage of the park on a daily basis, because it is, in fact, a public space. I appreciate the humor of whoever suggested Big Ash Park... I would seriously consider the name if we could somehow be assured that the four big ashes will always be there... I am extremely hopeful that the City will consider the park trees to be worthy of being treated against ash borers.	7/2/2015 4:13 PM
7	Without Charlie, this site might still be in litigation. His special gift for bringing people together is sorely missed.	7/2/2015 11:31 AM
8	This name honors the 100 years that this property was a public school.	7/1/2015 9:41 PM
9	This is a nice name.	7/1/2015 5:57 PM
10	Let's honor the property's legacy—the Washington school. Let's not honor those who would have stopped the project from ever occurring (Gless).	7/1/2015 5:56 PM
11	Meets criteria 1 thru 4 above. A name that all neighborhood factions can identify with, and agree upon. Short and historic.	7/1/2015 5:40 PM
12	How about UAP - Ugly Architecture Park	7/1/2015 3:32 PM
13	I thought I suggested "< An Acre Park" - that didn't make the cut? so sad. . . . But Escuelita Park is even better! Great name for since it was a bilingual school!	7/1/2015 1:53 PM
14	Neutral. Accurately reflects the parcel's use and place in the community for over 100 years. By referencing the school, it honors the parcel's historical use and ties it to the old building.	7/1/2015 11:21 AM
15	Please don't cause more problems between neighbors with your choice.	7/1/2015 11:07 AM
16	Charlie Zucker Park	7/1/2015 10:17 AM
17	None of the above, but that wasn't an option - Charlie Zucker Park	7/1/2015 10:08 AM

## Washington Village Park Re-name List

18	After all the things the city has gotten wrong over the life of this project, please, please get this one correct. The property served the city for 100 years as Washington School, so it is fitting that the sorry rump that remains be called Washington School Park. It does not correct any of the underhanded things that happened in the process, but maybe we, the neighborhood, can begin to heal. Do the right thing.	7/1/2015 10:02 AM
19	Historic commemoration	7/1/2015 9:08 AM
20	George and Jean Gless, the best friends Washington School and the neighborhood ever had. They need to be remembered in the name of the park, any and all combinations, The Gless Memory Park is my best idea	6/30/2015 6:46 PM



## INFORMATION PACKET MEMORANDUM

**To:** Members of City Council

**From:** Jane S. Brautigam, City Manager  
Heather Bailey, Executive Director of Energy Strategy and Electric Utility  
Development

**Date:** October 20, 2015

**Subject:** Information Item: Boulder's Energy Future - Transition Plan and Budget Update

### A. Transition Plan Update

The Transition Work Plan serves as a working tool for the city that will be updated on a regular basis as regulatory and legal issues are addressed, tasks are refined, and work is completed. It is designed to manage the risks of acquisition while prioritizing the fundamentals of an electric utility: safety and reliability. The updated schedule overview dated October 8, 2015, is presented as **Attachment A**. Significant work and accomplishments completed since the last update to council include:

- Ongoing evaluation of and response to various motions, and engagement with intervening parties as part of the Colorado Public Utilities Commission Petition for Transfer of Assets
- Ongoing evaluation and engagement with Xcel Energy on their response to the power supply request for proposal
- Ongoing evaluation and engagement with various vendors who provided qualification statements for ongoing operation and maintenance services
- Continued work on the Information Technology roadmap project
- Evaluated energy services options and recommended programs to pursue in 2015- 2016 including solar capacity analysis (beginning with the [Mapdwell solar map](#)), Department of Energy grant for nanogrid pilots, community solar options for low-income, and a workplace solar and electric vehicle challenge.
- Communication and outreach work – digital communication and awareness initiative
- Initiated work on developing a model for cash flows and budget associated with operation of the local electric utility
- Initiated work on developing a key accounts program

- Participation in a number of regional, national and international collaborations in support of the Boulder community's climate and energy goals (**Attachment B**)

Anticipated work during the fourth quarter of 2015 includes:

- Pursue application to the Colorado Public Utilities Commission for transfer of assets responding to answer testimony and discovery requests
- Ongoing evaluation and engagement with Xcel Energy on their response to the power supply request for proposal
- Ongoing evaluation and engagement with various vendors who provided qualification statements for ongoing operation and maintenance services
- Complete work on the Information Technology roadmap project and integrate information in the transition work plan
- Continue implementation and evaluation of energy services related to solar, electric vehicles, and nanogrids.
- Continue work on the key accounts program.
- Initiate the development of customer service policies and procedures.
- Continue to meet with the Energy Services, Rates, Reliability and Safety and Resource Acquisition working groups as necessary
- Continue work on the cash flow and budget model with the goal of having an operational model by the end of the year in order to evaluate changes that arise through the legal process
- Development of operations, maintenance, construction, and safety policies and procedures
- Development of customer service policies and guidelines
- Communication and outreach work

## **B. Budget Update**

The municipalization Transition Work Plan represents a significant undertaking. In particular, the legal and technical work necessary to prepare for the potential acquisition of the local distribution system and launch of a municipal utility will be a considerable investment. Recognizing this, in 2011, city voters approved an increase to the Utility Occupation Tax in the amount of \$1.9 million a year. The use of this tax revenue has been allocated to the following categories:

- Legal services (PUC, condemnation and FERC Counsel)
- Consulting services related to municipalization and separation of Xcel Energy's (Xcel) system (engineering and appraisal services)
- Salary and benefits (executive director of Energy Strategy and Electric Utility Development)
- Purchased services and supplies (office space and supplies)

### Budget

The 2015-2017 total budget of \$7,880,327 is funded from the 2015 Utility Occupation Tax, \$2,015,710; general fund reserves of \$4,214,648 which will be repaid from future Utility Occupation Tax collections for 2016 and 2017; a one-time general fund request of \$712,877;

2015 encumbrance carryover of \$495,731; and 2015 Operating Carryover of \$441,361. These funds will be allocated to support high priority tasks, salaries and benefits related to acquiring necessary assets and preparing to launch and operate an electric utility. Expenditures for 2015 total \$1,369,861 and are below year to date budget targets.

The 2015-2017 sources and uses for this effort are provided in the charts below.

<b>2015-2017 Sources</b>				
2015 Utility Occupation Tax	2,015,710			
General Fund Reserves (to be replenished by 2016 and 2017 UOT revenue)	4,214,648			
One-time General Fund Request	712,877			
2015 Encumbrance Carryover	495,731			
2015 ATB Carryover Request	441,361			
<b>TOTAL (2015-2017)</b>	<b>7,880,327</b>			
<b>2015 Uses (Energy Future)</b>	<b>2015 Revised Budget</b>	<b>Expenditures</b>	<b>Committed</b>	<b>Balance</b>
<b>Staffing</b>	<b>891,900</b>	<b>542,518</b>	<b>0</b>	<b>349,382</b>
Consulting and Contract Services - Transition Plan	867,500	52,573	47,143	767,784
Consulting and Contract Services - Legal and Regulatory	1,261,282	619,703	567,390	74,189
<b>Consulting and Contract Services</b>	<b>2,128,782</b>	<b>672,276</b>	<b>614,533</b>	<b>841,973</b>
<b>Systems</b>	<b>290,000</b>	<b>78,541</b>	<b>71,459</b>	<b>140,000</b>
<b>Capital</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Purchased Services and Supplies</b>	<b>216,252</b>	<b>76,527</b>	<b>17,920</b>	<b>121,805</b>
<b>Contingency</b>	<b>343,998</b>	<b>0</b>	<b>0</b>	<b>343,998</b>
<b>2015 Total</b>	<b>3,870,932</b>	<b>1,369,861</b>	<b>703,912</b>	<b>1,797,159</b>
<b>Future Planned Expenditures</b>	<b>4,009,395</b>			
<b>TOTAL (2015-2017)</b>	<b>7,880,327</b>			

In addition to the 2015 approved project budget, council approved a \$1 million contingency, out of the City Manager fund, to help supplement the Energy Future budget for additional unplanned expenses. The contingency fund has been used to help supplement staff salaries in 2015. The projected budget for the 2015 contingency fund is \$277,276. Expenditures for 2015 total \$73,329 and are below year to date budget targets.

<b>2015 Uses (\$1 Million Contingency)</b>	<b>2015 Revised Budget</b>	<b>Expenditures</b>	<b>Committed</b>	<b>Balance</b>
<b>Staffing</b>	<b>277,276</b>	<b>73,329</b>	<b>0</b>	<b>203,947</b>
<b>2015 Total</b>	<b>277,276</b>	<b>73,329</b>	<b>0</b>	<b>203,947</b>

Below is a chart of the expenditures spent to date on this project, since the approval of the Utility Occupation Tax.

	2012	2013	2014	2015	
Actual Expenditures	\$1,033,762	\$2,512,615	\$1,942,452	\$1,369,861	
\$1 Million Contingency	-	-	-	\$73,329	
<b>TOTAL (2012-2015)</b>	<b>\$1,033,762</b>	<b>\$2,512,615</b>	<b>\$1,942,452</b>	<b>\$ 1,443,190</b>	<b>\$6,932,019</b>

Other staff resources assigned to this effort have been allocated within existing budgets and are separate from the \$7,880,327 budget. This is in alignment with the overall priority of this effort and existing roles, responsibilities and funding, as well as the approach historically taken with other significant and cross-departmental city projects. As a reminder, an organizational chart showing those assigned to this project and their areas of focus is included as **Attachment C**. A list that includes staff working on this effort, the percentage of time spent in 2015 on the project and associated budget allocation is provided in **Attachment D**.

**Attachments:**

Attachment A: Transition Work Plan Schedule (Updated October 8, 2015)

Attachment B: Regional, National and International Collaboration

Attachment C: Organizational Chart

Attachment D: Staffing Resources

# TRANSITION WORK PLAN SCHEDULE OVERVIEW

10/14/2015

TASK	2015		2016				2017				2018	2019
	Completed	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4		
<b>DEFINITIONS</b>												
DAY 1 - Boulder pays for system and has right to collect revenue												
DAY 2 - Full Separation/integration complete												
<b>LEGAL/REGULATORY</b>												
<b>PUC Process</b>												
Submit Application for Transfer of Assets												
<b>Condemnation Process</b>												
<b>FERC/NERC/WECC Compliance</b>												
Perform NERC system compliance assessment; confirm proper registration, register with WECC												
Identify and document filing requirements												
Develop Boulder compliance plan												
<b>PLANNING &amp; ENGINEERING</b>												
<b>Systems</b>												
<b>GIS</b>												
<b>SCADA</b>												
Review Xcel SCADA information												
Evaluate SCADA communication protocol												
Implement SCADA system												
<b>Modeling</b>												
<b>Policies/Procedures/Standards</b>												
Research Electric Utility Industry Policies, Procedures and Standards												
<b>Developer Standards</b>												
Review Xcel Developer Standards												
Develop Boulder Developer Standards												
<b>Interconnection Standards</b>												
Review Xcel Interconnection Standards												
Develop Boulder Interconnection Standards												
<b>Additional Facilities &amp; Services</b>												
Review Xcel Standards for Additional Facilities & Services												
Develop Boulder Standards for Additional Facilities & Services												
<b>Impact Fees and Charges</b>												
Review Xcel Impact Fees and Charges												
Develop Boulder Impact Fees and Charges												
<b>Service Contracts for Large Customers</b>												
Review Xcel Service Contracts for Large Customers												
Develop Boulder Service Contracts for Large Customers												
<b>Substation, Transmission, Distribution Design Manuals</b>												
Review Xcel Substation, Transmission, Distribution Design Manuals												
Develop Boulder Substation, Transmission, Distribution Design Manuals												
<b>Substation, Transmission, Distribution Materials and Construction Standards</b>												
Review Xcel Substation, Transmission, Distribution Materials and Construction Standards												
Develop Boulder Substation, Transmission, Distribution Materials and Construction Standards												
<b>Substation, Transmission, Distribution System Planning Guidelines</b>												
Review Xcel Substation, Transmission, Distribution System Planning Guidelines												
Develop Boulder Substation, Transmission, Distribution System Planning Guidelines												
<b>Meter Maintenance &amp; Testing Standards</b>												
Review Xcel Meter Maintenance & Testing Standards												
Develop Boulder Meter Maintenance & Testing Standards												
<b>Council approval of Engineering Policies (as needed)</b>												
<b>Planning &amp; Engineering Studies</b>												
<b>System Map</b>												
Review Xcel's System Map for Boulder system												
Issue RFP, Determine Contractor, Develop System Map and Inventory												
<b>System Model</b>												
Review Xcel's System Model for Boulder system												
Issue RFP, Determine Contractor, Develop System Model												

# TRANSITION WORK PLAN SCHEDULE OVERVIEW

10/14/2015

TASK	2015		2016				2017				2018	2019
	Completed	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4		
<b>Protective Device Coordination</b>												
Review Xcel's Device Protection schemes for Boulder system												
Issue RFP, Determine Contractor, Perform Coordination Study												
<b>Arc Flash Analysis</b>												
Review Xcel's Arc Flash study/incident energy levels for Boulder system												
Issue RFP, Determine Contractor, Perform Arc Flash Study												
<b>Long Range Plan</b>												
Review Xcel's Long Range Plan for Boulder System												
Issue RFP, Determine Contractor, Develop Long Range Plan												
<b>CONSTRUCTION, OPERATIONS AND MAINTENANCE</b>												
Evaluate construction & operations services to outsource												
RFQ for on-going services												
Issue RFPs for on-going services												
Negotiate contracts for on-going services												
<b>Meter Reading</b>												
Expand water meter reading operations or sub-contract; implement												
<b>Locate and lease support facility space</b>												
Office Space/Printing/Mail Room/Meeting Room (Construction)												
Indoor Warehouse												
Outdoor Warehouse/ Laydown Yard												
Transformer & Equipment Shop												
Vehicle & Equipment Shelters/Storage												
Meter Shop												
Substation Shop												
Vehicle Service & Maintenance												
Dispatch Center												
SCADA Operations Center												
Emergency Operations Center												
<b>Systems</b>												
<b>Outage Management System</b>												
Evaluate Outage Management Options												
Evaluate and Implement Outage Management or coordinate with Xcel												
<b>Meter Data Management</b>												
Review Xcel meter reading technical requirements and communication protocols OR contract with Xcel for meter reading												
Implement Meter Data Collection/Management System OR develop meter data transfer and system testing plan with Xcel												
<b>Inventory</b>												
<b>Warehouse Stock</b>												
Obtain list of unique or critical equipment specific to Boulder territory												
Determine warehouse inventory levels and purchasing requirements to meet scheduled and emergency work												
Stock Warehouse												
<b>Meters</b>												
Determine required metering inventory levels and purchasing requirements to replace meters as part of ongoing maintenance												
Stock meter shop												
Needs assessment for future meter replacement program (input into LRP); compatibility, functionality, etc.)												
<b>Equipment/Tools</b>												
Contract Crew Equipment												
Service Crew Equipment												
Meter Tech Equipment												
Vehicles												
Rolling Stock												
Personal Protective Equipment												

# TRANSITION WORK PLAN SCHEDULE OVERVIEW

10/14/2015

TASK	2015		2016				2017				2018	2019
	Completed	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4		
<b>Policies/Procedures/Standards (Construction &amp; Operations)</b>												
<b>System Operations Procedures</b>												
Review Xcel system operations standards												
Develop Boulder system operations procedures												
<b>System Inspection, Maintenance, and Testing Procedures</b>												
Review Xcel system inspection, maintenance, and testing standards and reports for 5 historical years												
Develop Boulder system inspection, maintenance, and testing procedures												
<b>Vegetation Management Plan</b>												
Review Xcel information on vegetation management requirements including clearing cycles and status of Boulder circuits.												
Evaluate existing City practices, determine expansion of City practices or develop separate plan, finalize Vegetation Management Plan												
<b>Outage Response &amp; Emergency Operating Plan</b>												
Obtain SAIDI and SAIFI for Boulder circuits for the most recent 5 historical years												
Evaluate synergies with other City operations and finalize Outage Response & Emergency Operating Plan												
<b>Council Approval of Construction &amp; Operations Policies (as needed)</b>												
Secure building and facility space of on-going services												
Vendor mobilization for on-going services												
<b>POWER SUPPLY</b>												
<b>Policies/Procedures/Standards</b>												
Evaluate Rocky Mountain Reserve Group participation												
Risk Management Protocols												
Utility REC & Carbon tracking protocols												
<b>Load Forecast</b>												
Develop estimate of future generation/displacement from existing and anticipated city owned or third-party DSM/EE/DG for 10 year planning cycle												
Perform Local Solar Potential Capacity Analysis												
Create web based solar mapping platform utilizing LIDAR												
Establish Short and Long Term Power Supply RFP objectives that meet technical requirements for delivery, cost, environmental priorities and Utility of Future vision												
Review 10 years of historical monthly retail load data, by customer class, from Xcel; adjust to delivery points												
Review 10 years of historical DSM & EE energy/capacity displacement from Xcel programs												
Review 10 years of historical generation from local third-party owned generation (DG)												
Develop current and 10-year summer/winter energy and demand load profile by delivery point												
<b>Power Supply</b>												
<b>Power Supply Preliminary Evaluation</b>												
Choose Power Supply Advisors												
Form Power Supply Working Group												
Ongoing Power Supply Working Group Meetings												
<b>Secure Power Supply and Transmission Service</b>												
Issue RFP to Xcel Energy												
Evaluate Xcel Energy Proposal												
Issue RFP to third party providers												
Receive responses and evaluate proposals												
Negotiate contract for integrated power supply and transmission service												
Implementation of power supply and transmission prior to Day 1												
<b>Resource Planning</b>												
<b>Integrated Resource Planning</b>												
Determine IRP process including: participants, required data, frequency, approval process, need for consultants, etc												
Potential IRP Working Groups												
<b>Colorado Renewable Energy Resource (RES) Compliance Plan</b>												
Develop and implement RES compliance plan based on state requirements												

# TRANSITION WORK PLAN SCHEDULE OVERVIEW

10/14/2015

TASK	2015		2016				2017				2018	2019
	Completed	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4		
<b>CUSTOMER SERVICE</b>												
Determine call center implementation approach												
Issue RFP for call center representative and outsource (if required)												
<b>Billing/Collections Staff</b>												
Expand current City operations for electric billing/collections												
Output Services Inc. (OSI) - printing and mailing bills and notices												
e-Comply/Chase Paymentech - process phone and online credit payments												
JP Morgan Chase - process check payments												
Vanco Services - electronic payments												
<b>Systems</b>												
<b>Customer Information (CIS/Billing)</b>												
Internal evaluation for CIS system requirements												
Review Customer Account Information												
Contract with Advanced Utility to configure software for electric billing												
CIS system - Software programming implementation												
Clean Data												
Import Customer Account Information and CIS "live" testing with Call Center												
<b>Policies/Procedures/Standards</b>												
<b>Customer Service Policies</b>												
Develop Customer Service Policies and Procedures												
Develop Collection and Information Privacy Policies and Procedures												
Council approval of Policies (as needed)												
<b>Key Accounts</b>												
Develop Key Account Program												
Establish criteria for Key Accounts												
Identify and Tag Key Accounts												
Align with overall Customer Experience Strategy												
<b>Customer Account Transition</b>												
Communications and Customer Experience Working Group												
Develop/implement communication strategy												
Develop/revise customer interface platforms and contact information												
<b>ENERGY SERVICES</b>												
<b>Develop Interim Energy Services Program</b>												
Form Energy Services working group												
Develop options for Interim Energy Services Program												
Develop plan and funding options for Interim Energy Services Program												
Implement Interim Energy Services Program												
<b>Develop Energy Services for Day 1</b>												
Review gap analysis with Xcel offerings												
Research best practices, emerging trends and customer needs												
Develop energy services alternatives and costs												
Develop Rate Structures or Riders for input into rate development												
Establish Measurement and Verification Guidelines and Methodology												
Public process/Council approval (as needed)												
Finalize Energy Services												
Market and Launch Day 1 Energy Services												
<b>Existing (Xcel) Customer Programs- Billing Transition</b>												
Obtain list of current and anticipated City customers participating in existing Xcel sponsored programs.												
Determine legacy Xcel customers that require program support and ongoing bill credits/compensation (if necessary).												
Incorporate billing methodology to continue credits/compensation to legacy Xcel program participants if necessary.												
<b>FINANCE &amp; ACCOUNTING</b>												
<b>Financial Modeling</b>												
Select Consultant for Cash Flow Model Development												

# TRANSITION WORK PLAN SCHEDULE OVERVIEW

10/14/2015

TASK	2015		2016				2017				2018	2019
	Completed	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4		
Develop Financial Cash Flow Model Development												
<b>Resource (Capital) Planning and Financial Management System</b>												
Modify/expand Tyler Munis Enterprise Resource Planning system for electric operation												
<b>Accounting</b>												
Modify/expand Tyler Munis Accounting system for electric operation												
FERC Accounting												
GASB Accounting												
<b>Purchasing</b>												
<b>Asset Management</b>												
<b>Insurance</b>												
Evaluate Enterprise Risk Management Options												
Personnel Related Insurance - evaluate current self-insurance coverage and adjust as needed												
Equipment Related Insurance - evaluate current self-insurance coverage and adjust as needed												
<b>Budget</b>												
10-20 year Budget (preliminary/pro forma)												
10-20 year Budget (final for bond issuance)												
Refresh Budget (using final retail rates) for Charter Metrics												
<b>Rates</b>												
From Rates Working Group												
Issue RFP and choose contractor for Rate Analysis												
Identify Rate Components and preliminary rate structure												
Cost of Service Study												
Develop Rates (final for bond issuance)												
Public process/Council approval of rates (as needed)												
Finalize Rates												
<b>FINANCING</b>												
<b>BRIDGE LOAN</b>												
Election												
Solicitation												
Council Process (as needed)												
Bridge Loan Prep												
Bridge Loan Duration												
<b>BONDING</b>												
Bond Prep												
Issue RFP for Bond Underwriter												
Development of official statement												
Rating agency presentations												
Investor presentations/Drafting of disclosure documents												
Issue Bonds												
<b>SUPPORT SERVICES</b>												
<b>Fleet Service Management System</b>												
<b>Administrative Policies</b>												
<b>Human Resources</b>												
HR Staffing Assessment												
Review/revise existing Personnel Policies following HR Staffing Assessment												
<b>Information Technology</b>												
Select Consultant for IT Roadmap Development												
IT Roadmap Development												
<b>Facilities</b>												
<b>Fleet</b>												
<b>Communications</b>												
Interim Communications and Outreach												
Communication and Customer Experience Working Group												
<b>Branding, Marketing &amp; Communications Plan</b>												
Evaluate need for branding and logo; develop preliminary budget												
Branding design; preliminary marketing/communication plan												

# TRANSITION WORK PLAN SCHEDULE OVERVIEW

10/14/2015

TASK	2015		2016				2017				2018	2019
	Completed	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4		
Public Process/Council approval of branding and logo (as needed)												
Finalize branding and communication plan and budget; identify audience, format, content, and timing												
Launch branding and communication plan												
<b>Accident Investigation Procedures</b>												
Incorporate electric operations requirements into current procedures												
Establish/Adopt Safety Policies & Training Programs for electric operations												
<b>INTER-DEPARTMENT ASSESSMENTS</b>												
<b>GOVERNANCE</b>												
Governance Working Group												
Create Utility Advisory Board												
<b>INTERCONNECTION</b>												

## ATTACHMENT B

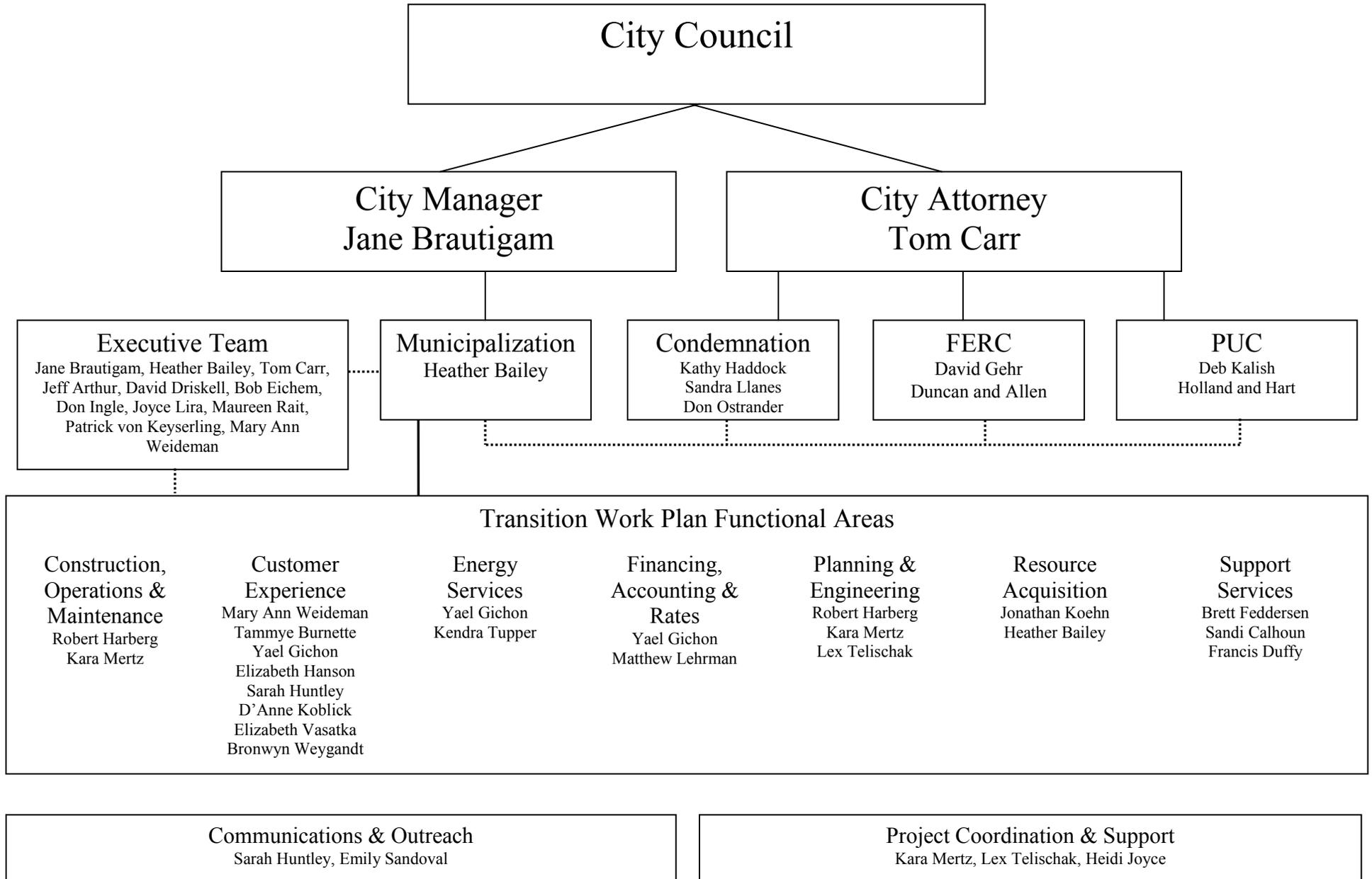
### Regional, National and International Collaboration

Area of Collaboration	Relevant Activities in 2015
Legislative & Regulatory	<ul style="list-style-type: none"> <li>• <b>Colorado Public Utilities Commission (PUC) Proceeding No. 14AL-0660E (2014 Rate Case)</b>—Staff participated in the proceeding including the settlement discussions.</li> <li>• <b>Monitored Bills introduced in 2015 Legislative Session.</b></li> <li>• <b>Colorado Public Utilities Commission (PUC) Proceeding No. 14R-0394EG (Rulemaking on Energy Data Access and Privacy Rules)</b>—Created a coalition of eight local governments to recommend rule changes to facilitate climate action planning. The Commission ruled on the proceeding on July 7, approving many of the City’s recommendations for improving building owner access to whole building data such as replacing the 15/15 rule with a 4/50 data privacy rule. Concurrently, the Commission dismissed several of the more impactful recommendations made by Boulder and Denver that would have made it easier for communities to obtain energy usage data. In particular, they upheld the current 15/15 data privacy rule for community energy reports.</li> <li>• <b>In partnership with Boulder County, developed the Colorado Climate Future Coalition</b> to lead efforts to advocate for policy and regulatory changes that promote and support local decision making in pursuit of a low carbon energy future including those that would simultaneously promote community resilience, economic vitality and job creation.</li> <li>• <b>Colorado Public Utilities Commission (PUC) Proceeding No. 14A-1057 (2015-2016 DSM plan)</b>—Staff participated in settlement negotiations.</li> </ul>
Regional Technical and Outreach Working Groups	<ul style="list-style-type: none"> <li>• <b>Colorado Climate Networking Steering Committee</b>—The Colorado Climate Network and the <a href="#">Colorado Municipal League</a> are convening a statewide Local Resilience Project and the Northern Front Range Resiliency Project to help improve the resilience of Colorado local governments and local resources to possible climate change impacts. The Network released the final report available at: <a href="http://www.coclimatenetwork.org/resilience.htm">http://www.coclimatenetwork.org/resilience.htm</a></li> <li>• <b>Local Government Working Group on Public Utilities Commission Issues</b>—Developed strawman community energy report and participated in meetings with Xcel Energy technical staff to refine list of energy consumption and programmatic metrics that will be provided to local governments for climate and energy planning.</li> <li>• <b>Boulder Sustainability Alliance</b>—Representatives from CU Boulder, BVSD, Boulder County and the city have continued to meet to discuss sustainability related issues; particularly issues associated with energy. On May 4 the Alliance was the primary topic at the Town/Gown event at CU Boulder. Leadership from each of the four Alliance organizations spoke about efforts relate to climate, energy and sustainability.</li> <li>• <b>Boulder, Boulder County &amp; City/County of Denver Collaboration</b>—Staff from the four agencies meet quarterly to discuss ongoing issues related to energy and climate, waste reduction and transportation alternatives.</li> <li>• <b>Colorado Clean Energy Cluster</b>—Colorado Clean Energy Cluster (CCEC) is a project-driven, nonprofit economic development organization aimed at growing</li> </ul>

## ATTACHMENT B

	<p>primary jobs in Colorado in the area of clean energy through formal partnerships between clean energy companies, the public sector and higher education. The board is made up of cities, businesses and universities – the city’s membership includes board seats for the city, Boulder Chamber, and the University of Colorado Boulder. The city is collaborating with CCEC on the following efforts:</p> <ul style="list-style-type: none"> <li>▪ Managing a Department of Energy grant funded project to increase energy resilience at the city’s Water Treatment plant</li> <li>▪ Organizing and tracking the local clean tech energy sector</li> <li>▪ Identifying and developing high profile/high impact pilot projects that engages our local clean energy companies</li> <li>▪ Ensuring the success of the Boulder Energy Challenge grant recipients</li> </ul>
<p>National Technical and Outreach Working Groups</p>	<ul style="list-style-type: none"> <li>• <b>iUrban Smart City Advisory Group</b>—Participated in two collaborative webinars with international advisory group members</li> <li>• <b>USDN Utility-Data User Group</b>—Participated in bi-monthly webinars on topics from EPA Portfolio Manager to an overview of ACEEE tools and resources.</li> </ul>
<p>Conferences &amp; Presentations</p>	<ul style="list-style-type: none"> <li>• February 24-23, Panel and Presentation at COSEIA Conference</li> <li>• March 5, Presentation at Law Seminars International Conference</li> <li>• March 12, Presentation to Gunbarrel Energy Future</li> <li>• March 17, Alliance for Sustainable Colorado Legislative Briefing</li> <li>• March 25-27, Planning Committee and Presentation at the Second Annual Maui Energy Conference</li> <li>• March 31, 2015, Presentation to CU Policy Class</li> <li>• April 20, Hosted presentation by Hubert Fechner head of Renewable Energy at the Institute of Applied Science in Vienna</li> <li>• May 12-13 Carbon Neutral Cities Alliance, Vancouver</li> <li>• May 19, Presentation to Boulder Valley Rotary Club</li> <li>• May 20, Presentation to Leave Boulder County Out</li> <li>• May 27, Presentation at American Antitrust Institute Conference</li> <li>• June 18, Presentation to Boulder Economic Council</li> <li>• June 29, USDN Technical Microgrid Workshop, Boston</li> <li>• July 13, Vail Symposium Panel and Presentation</li> <li>• July 14, Presentation to Boulder County Commissioners</li> <li>• July 22-23, Energy System Transformation Breakthrough Convening</li> <li>• July 27, Presentation to Empower Our Future</li> <li>• September 1, Alliance for Sustainable Colorado Panel</li> <li>• September 18, Presentation to Colorado Municipal League</li> <li>• September 21, Presentation to Empower Our Future</li> <li>• September 23, Presentation to Environmental Entrepreneurs</li> <li>• October 8, Presentation to Fossil Fuel Free Denver</li> <li>• October 9, Presentation to International Delegates</li> <li>• October 16, Presentation to CAMU</li> </ul>

ATTACHMENT C  
Organizational Chart



**ATTACHMENT D**  
**Boulder's Municipalization Exploration Project**  
 2015 Staffing Resources  
 January - September, 2015

<b>Executive Director</b>	<b>Source of Funding</b>	<b>% of Time</b>
Heather Bailey	Utility Occupation Tax (UOT)	100
		<b>\$283,633</b>

<b>Executive Team</b>	<b>Source of Funding</b>	<b>% of Time</b>
Jeff Arthur	PW Utilities	2
Jane Brautigam	CMO Budget	5
Tom Carr	CAO Budget	8
David Driskell	CP&S Budget	3
Bob Eichem	Finance Budget	4
Don Ingle	IT Budget	8
Joyce Lira	HR Budget	3
Maureen Rait	PW Budget	4
Patrick von Keyserling	Communications Budget	2
Mary Ann Weideman	CMO Budget	6
		<b>\$75,042 Estimated Cost</b>

<b>Project Team</b>	<b>Source of Funding</b>	<b>% of Time</b>
Sandi Calhoun	HR Budget	6
Carl Castillo	CMO Budget	1
Kelly Crandall	CAP Budget	83 Jan. through May
Francis Duffy	IT Budget	1
Brett Feddersen	IT Budget	9
David Gehr	CAO Budget	28
Yael Gichon	CAP Budget/General Fund (\$1M)	98
Kathy Haddock	CAO Budget	66
Robert Harberg	PW Budget/General Fund	100 Beginning Mar. 2015
Sarah Huntley	Communications Budget	33
Heidi Joyce	General Fund	100
Deb Kalish	CAO Budget	59
Jonathan Koehn	CP&S Budget	80
Matt Lehrman	General Fund (\$1M)	100 Beginning July 2015
Sandra Llanes	CAO Budget	30
Kara Mertz	CP&S Budget	7
Cheryl Pattelli	Finance Budget	<1
Lisa Smith	General Fund	100 Jan. through Aug. 2015
Lex Telischak	General Fund (\$1M)	100 Beginning May 2015
		<b>\$738,007 Estimated Cost</b>

<b>Support</b>	<b>Source of Funding</b>	<b>% of Time</b>
Tammye Burnette	CMO Budget	<1
Marion Down	IT Budget	2
Aaron Estevez-Miller	General Fund	100 Jun. through Aug. 2015
Daniel Fairchild	IT Budget	2
Maya Fohrman	General Fund	100 May through Aug. 2015
Elizabeth Hanson	CP&S Budget/UOT	4
Taylor Jacobs	PW Budget	<1
Elesha Johnson	CMO Budget	3
D'Anne Koblick	General Fund	17
Sean Metrick	PW/CP&S Budget	<1
John Miller	General Fund	100 Jan. through Feb. 2015
Laurie Nading	CAO Budget	39
Denise Noe	HR Budget	<1
Joanna Paradiso	P&DS Budget	2
Penn Richman	IT Budget	15
Emily Sandoval	General Fund	100 Beginning May 2015
Lindsay Sandoval	General Fund	100 Jan. through May 2015
Jessica Sharkey	General Fund (\$1M)	100 May through June 2015
Kendra Tupper	CAP Budget	10
Elizabeth Vasatka	CAP Budget	4
Bronwyn Weygandt	PW Budget	2

<b>\$289,652</b>	<b>Utility Occupation Tax</b>	<b>\$105,137 Estimated Cost</b>
<b>\$252,866</b>	<b>One-time General Fund Request</b>	
<b>\$73,329</b>	<b>\$1 Million Contingency</b>	
<b>\$585,973</b>	<b>Other Funding Sources</b>	



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager  
David Driskell, Executive Director, Department of Planning, Housing and Sustainability  
Jeff Yegian, Division of Housing Manager  
Kristin Hyser, Community Investment Program Manager  
Kate Masingale, Funding Administrator

Date: October 15, 2015

**Subject: Housing and Community Development Program Funding Allocations**, including Affordable Housing Fund, Community Housing Assistance Program, and Community Development Block Grant

---

### EXECUTIVE SUMMARY

This memorandum details the affordable housing and community development funding allocations totaling approximately \$3.5 million in Affordable Housing Funds, Community Housing Assistance Program funds, and Community Development Block Grant funds. Funding allocations were reviewed and recommended by the City Manager-appointed Affordable Housing Technical Review Group (TRG) and Community Development Advisory Committee (CDAC) and approved by the City Manager. These awards represent significant City of Boulder investments to achieve the city's affordable housing goal and support agencies serving low income residents of Boulder.

### FISCAL IMPACT

The funding awards described in this Information Item are made from the approved budgets of the three dedicated funds - Affordable Housing Funds, Community Housing Assistance Program funds, and Community Development Block Grant funds.

### COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Below is a list of sustainability outcomes and assessment criteria that were considered in the 2016 fund round.

- **Economic:** Investing capital in affordable housing development and preservation stimulates the economy by creating and supporting jobs in construction fields; supporting businesses that supply construction trades; attracting and retaining employers and a skilled workforce; and increasing revenues for local communities through sales, income and property taxes, and fees.
- **Environmental:** An environmental review process is required for all projects receiving affordable housing and community development funds to ensure the proposed project does not negatively impact the surrounding environment and to ensure the property site itself will not have adverse

environmental or health effects on end users. Furthermore, providing opportunities for people to live where they work reduces traffic and air pollution.

- Social: Affordable housing programs and community development activities positively impact the lives of many low income Boulder residents. Providing affordable housing choices to low income households builds stability and provides opportunities to work towards self-sufficiency. Capital investments in local agencies serving low income residents allows for heightened service provision.

## **BACKGROUND**

The Division of Housing works to provide housing opportunities that promote an economically diverse and environmentally sustainable community. Through collaboration with, and provision of funds to, affordable housing providers, local nonprofit agencies serving low and moderate income persons and other city departments, the city is able to facilitate affordable housing opportunities and support the capital needs of service providers.

Funds available include local Affordable Housing Funds (AHF), Community Housing Assistance Program (CHAP) funds, and federal Community Development Block Grant (CDBG) funds.

- AHF and CHAP funds are generated locally and were created to enable the city to further its commitment and support for the creation, preservation, and retention of affordable housing in Boulder.
- The city's annual federal CDBG grant allows the city to pursue a variety of housing and community development activities benefiting low and moderate income persons. The city's limited CDBG dollars are the only city funds available to meet the capital needs, including facility acquisition or rehabilitation, of agencies that serve low and moderate income persons in Boulder.

Funding allocations are guided by local priorities identified in several documents including: the 2015-2020 Housing and Community Development Consolidated Plan; the Boulder Valley Comprehensive Plan; the Boulder County 10-Year Plan to Address Homelessness approved in 2010; and the 2005-2016 Housing and Human Services Master Plan.

Funds are managed by the Division of Housing and are allocated through two annual fund rounds: the Affordable Housing Fund Round and the Community Development Fund Round. The fund rounds are competitive processes comprised of the following actions:

- Determination of funding availability for both affordable housing and community development activities.
- Release of Notice of Funding Availability sent to affordable housing providers and community agencies, posted on website and public notice included in the Daily Camera. All application materials are available on the city's website.
- Pre-Application meeting and one-on-one technical assistance sessions with potential applicants. Pre-Application session advertised to affordable housing providers and community agencies, posted on website and public notice included in the Daily Camera.
- Pre-Applications reviewed by staff to determine eligibility. Includes working with applicants to clarify questions or concerns regarding the applications.
- Applications submitted for review by staff and City Manager appointed advisory groups.
- Through Information Item, provide City Council list of applications received.
- List of applications received and under consideration posted on the city website.
- Affordable housing applications are reviewed by the Technical Review Group (TRG) and community development funding requests are reviewed by the Community Development Advisory Committee (CDAC). These two committees interview applicants and participate in deliberations leading to funding recommendations. Applicant interviews and funding

recommendation deliberations are advertised on the city's website, are open to the public and include time for public comment. Written comments on applications are shared with the TRG and CDAC.

- Preliminary recommendations are shared with applicants and provided the opportunity to appeal the recommendations.
- Recommendations are submitted to the City Manager for review and approval.
- City Manager notifies City Council members of funding decisions.
- Fund award recipients notified in mid-November.
- Funding decisions posted online.

**The Technical Review Group is comprised of the following members:**

Dan Rotner, Architect  
Kiva Stram, Commercial Lender  
Matt Schildt, Housing Developer  
Jeremy Syz, Real Estate Attorney  
Susan Weeks, Realtor

**The Community Development Advisory Committee is comprised of the following members:**

Ben Doyle, Attorney  
Eric Johnson, Contractor  
Shari Leach, Nonprofit Executive Director  
Alexis Miles, Community Member  
Sherry Richards, Realtor

The 2016 fund rounds were launched in the summer of 2015 with the affordable housing and community development deliberations occurring in September. On October 8, 2015, the TRG and CDAC presented their recommendations to the City Manager and all recommendations were approved.

In addition to the annual fund rounds, the Division receives and accepts time-sensitive Opportunity Funding requests throughout the year. Requests are vetted using the same process as outlined above, however expedited, including committee review and recommendation to the City Manager for approval. Some of these funding requests are opportunities to support new projects. Others result from changed circumstances, such as existing projects experiencing increased construction costs requiring additional funds to achieve the desired outcomes.

**ANALYSIS**

As a result of the competitive affordable housing and community development fund rounds and the Opportunity Funding requests, the following funding awards continue the city's progress toward its affordable housing goal and address the capital improvement needs of agencies serving low income households in Boulder.

**2016 City of Boulder Affordable Housing Funding Allocations**

The 2016 Affordable Housing Fund Round applications included a mix of projects proposing to produce new affordable housing units, preserve existing affordable units and provide assistance in the form of owner-occupied housing rehabilitation and housing counseling. The 2016 funding recommendations from the TRG and staff are:

<b>Applicant Project</b>	<b>Activity</b>	<b>Award Amount</b>
Attention Inc. <i>Chase Court Group Home</i>	Rehabilitation	\$50,173
Boulder County Housing Authority (BCHA) <i>Housing and Financial Education</i>	Homeownership Counseling	\$60,000
Boulder Housing Partners (BHP) <i>Palo Park</i>	New Construction	\$975,000
Boulder Shelter for the Homeless <i>Transitional Units</i>	Rehabilitation	\$70,000
Longs Peak Energy Conservation <i>Homeowner Rehabilitation</i>	Rehabilitation	\$125,000
Thistle Community Housing <i>Mapleton Mobile Home Park</i>	Engineering Services	\$40,000
<b>TOTAL</b>		<b>\$1,320,173</b>
<b>Opportunity Fund</b>	<b>Future Affordable Housing Activities</b>	<b>\$1,679,827</b>

### **2016 Community Development Funding Allocation Process**

The 2016 Community Development Fund Round awards will address the capital needs of Boulder nonprofit organizations and provide microenterprise assistance. In addition, public service funds will benefit low income students residing in Boulder and attending Boulder Valley School District schools. The CDAC and staff recommendations for the 2016 CDBG funds are:

<b>Applicant Project</b>	<b>Activity</b>	<b>Award Amount*</b>
Acorn Wilderness Early Learning Center <i>Window Replacement</i>	Capital Improvements	\$85,000
Colorado Enterprise Fund <i>Boulder Microenterprise Program</i>	Project Delivery Costs	\$50,000
Growing Gardens	Capital Improvements	\$215,000
Family Resource Schools	Public Services	\$108,000
<b>TOTAL</b>		<b>\$458,000</b>

\*The award amount is based on estimates, with the actual award amounts to be confirmed mid-2016 upon HUD's release of the annual federal funding allocation.

### **Opportunity Funding Requests Approved in 2015**

As mentioned above, in addition to providing funding to partners through the annual competitive fund rounds, throughout the year the Division of Housing provides financial resources to partners to address time-sensitive funding needs utilizing the Opportunity Fund, which is capitalized with unanticipated and/or unallocated funds and returned allocations.

Opportunity Fund requests in 2015 have allowed the city to support both new projects as well as existing projects that have experienced a change in circumstances (e.g., construction cost escalations) to achieve the desired outcomes and community benefits. The largest of these investments included the city's partnership with Element Properties and Allison Management to acquire and rehabilitate the Thunderbird Apartments and Osage 100 Apartments securing the permanent affordability of 203 rental units. Providing \$8.25 million to acquire the property, this subsidy is the largest individual affordable housing program investment the city has made to date, as defined by the amount of funding and number of units preserved.

In addition to the annual fund rounds, the following Opportunity Funding requests were approved in 2015:

<b>Applicant Project</b>	<b>Activity</b>	<b>Award Amount</b>
Boulder Housing Partners <i>Orchard Grove Vacant Land</i>	Land Banking/Acquisition	\$3,000,000
Boulder Housing Partners** <i>Palo Park</i>	Predevelopment <i>To be reimbursed if the project does not proceed.</i>	\$220,000
Long's Peak Energy Conservation** <i>Homeowner Rehabilitation</i>	Rehabilitation	\$66,500
Element Properties <i>Thunderbird &amp; Osage Apartments</i>	Acquisition	\$8,250,000
Emergency Family Assistance Association** <i>North Boulder Transitional Housing</i>	New Construction	\$150,000
Boulder Housing Coalition** <i>Chrysalis &amp; Masala</i>	Rehabilitation	\$264,286
<b>Total</b>		<b>\$11,950,786</b>

*\*\*Projects with previous funding awards and needing additional funding to achieve the desired outcomes.*

#### **NEXT STEPS**

Division of Housing staff will work with partner agencies to develop funding agreements and necessary legal documents. Projects receiving local funding (Affordable Housing Funds and Community Housing Assistance Program) may be able to begin in the first quarter of 2016. CDBG funded projects will be able to start in the third quarter of 2016, pending environmental review clearance, when the federal funds are received.

Any unallocated funds plus additional funding received by the city, either through cash-in-lieu payments or higher than projected revenues, are available for opportunity funding throughout the year. This allows the city to target specific unmet needs or respond to time-sensitive requests or special opportunities.

**CITY OF BOULDER**  
**BOULDER DESIGN ADVISORY BOARD MINUTES**  
**July 15, 2015**  
**1777 Broadway, 1777 West Conference Room**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**BDAB MEMBERS PRESENT:**

Jamison Brown, Chair  
Jeff Dawson  
Michelle Lee  
Jim Baily  
David McInerney

**BDAB MEMBERS ABSENT:**

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

Leonard May

**STAFF PRESENT:**

Sam Assefa, Senior Urban Designer  
Charles Ferro, Development Review Manager  
Elaine McLaughlin, Senior Planner  
Chandler Van Schaack, Planner I

**BOARD DISCUSSION:**

**1. Approval of Minutes**

The board approved the June 10, 2015 BDAB minutes.

**2. Boulder Commons Project Review**

The applicant gave a presentation of the project.

**BOARD COMMENTS:**

**J. Brown** commented that the plaza read as a large circulation zone with not a lot of definition from a user standpoint. He also felt that the grassy park area needed more attention in terms of becoming a programmed place to enliven the area. He suggested adding moveable furniture, places to sit, something to provide more shade, interesting things to look at, food carts, etc.

**M. Lee** pointed out that the permanent programming should reflect the seasonal programming. She noted that the pattern of the paving was very linear and the applicant had an opportunity to add more movement and curves in the plaza and improve upon the vertical circulation in regards to the entrance to the parking. **J. Brown** agreed that the parking entrance needed more attention.

There was a discussion on the appropriateness of having a bike lane through the middle of the plaza. The board felt that the potential for the area would improve greatly if there was not a required bike lane which felt like an intrusion of the space. The board recommended

eliminating this area as a multi-modal path connection to allow more flexibility but it can still be used by bikes.

**J. Baily** asked if the two large transformer pads in the plaza, which were shown in the site plan, could be relocated.

The applicant acknowledged the fact that there is no ideal location for a service area and they discussed some of the design solutions they were considering.

**M. Lee** suggested putting in some pedestrian-scale light poles that could also be multi-purpose and decorative.

**M. Lee** questioned the location of the coffee shop and its ability to draw in customers.

**J. Baily** inquired as to how the applicant envisioned handling service with buildings of this size and also recommended that they designate a specific loading zone.

The applicant explained that they are treating it as an urban building so service trucks will come in the afternoon and evening. Most trash containers will be in the basement with the exception of the location on the southern building next to the restaurant.

**M. Lee** saw an opportunity to draw people in with the restaurant area on the west end of the south building, especially with the hotel being so close. She thought the massing on the building set up a strong corner but the restaurant area got tucked away and had a small amount of seating. She would like to see the landscape that is between the Goose Creek connection and the building be utilized as a social space where people could gather.

**J. Baily** strongly agreed with **M. Lee's** comment and felt that the seating should be pulled out as much as possible.

**J. Dawson** questioned the legitimacy of the masonry because of lack of enough transparency to draw people into the space. He suggested making the restaurant more present along the street.

**J. Brown** agreed with **J. Dawson's** comments and suggested perhaps moving the entrance of the restaurant to the front of the building so pedestrians could see into the interior and/or making the brick box on the corner an interior space rather than exterior.

**J. Dawson** liked the strong composition of the south building and felt that the contrast in materials was really effective and elegant along the street.

**M. Lee** pointed out the wood underneath the soffit on the triangular corner piece and asked if they would consider wrapping the metal underneath instead of the wood. She felt the location was a little high for wood and was such a small area.

The board expressed support for the solar panel on the south elevation of the south building.

**J. Brown** thought the edge of the last solar panel on the building should be inset. **J. Baily** agreed and liked how it turned into an awning at the bottom and also capped the building.

**J. Brown** encouraged the applicant to keep in mind the reflectivity of the metal panel in the plaza area.

**J. Baily** was concerned about the overall color/materials becoming very bleak in the winter. He felt there was an opportunity to animate the building a little more where the first floor retail met the second floor. He also felt the strict regularity with the patterns of the windows could use some shadow and depth.

**M. Lee** suggested the use of blade signs to add some life to the building in the winter months.

**J. Dawson** did not have a concern that the window patterning would become monotonous since the buildings were not that long. He cautioned the applicant in adding color on the fourth floor as it could disrupt the sophistication of the materials and become overly animated.

**J. Brown** liked the massing of the first floor of the north building but was concerned that the window materials did not quite fit in. He suggested breaking up the patterning with a textured material.

**J. Dawson** liked the consistency in the use of materials from top to bottom on the south building. He thought the north building felt less refined in terms of the use of materials and the openings. He suggested arranging the materials so they create a sense of continuity between the two buildings.

**M. Lee** liked the variety and diversity of the different buildings in Boulder Junction.

**D. McInerney** liked the use of the steel beams on the ground floor.

**J. Baily** liked the overall form of the portion of the north building facing the street and also that it was slightly different than the south building. He also liked the patterning of the top two floors and would not mind if that was pulled down to the first floor. He also considered how these buildings fit within the existing structures in Boulder Junction. It needs the retail on the first floor to be consistent with the feel of the entire area.

**M. Lee** strongly encouraged them to keep the retail component on the first floor especially if they pull the brick down to that level.

**D. McInerney** inquired as to whether the masonry specified on the south building (Lakewood brick black diamond smooth) would be darker than it appeared in the plans.

**J. Dawson** asked how they are using the wood on the east façade of north building and inquired if it would make sense to try to emphasize the entries a little more, especially with the wood material.

### 3. S'PARK Project Review

**E. McLaughlin** suggested that the board focus on the Ciclo and the S'PARK West buildings (permanently affordable units) in their review.

The applicant went over some concerns that the board discussed at a previous BDAB meeting and also highlighted changes that have been made since they last reviewed the project such as the shape of the roof, proportions of the windows, the use of materials on the upper two stories, materials, rhythm and height of the façade, and the way the building touched the ground.

## BOARD COMMENTS:

### **Ciclo Building**

The board generally liked the Cor-Ten Steel material used.

**J. Baily** shared a concern that the Cor-Ten could potentially bleed onto the sidewalk.

**M. Lee** thought the Community Cycles building should have a continuous singularity in the architecture with a stronger differentiation between the first floor retail units and the residential above.

**J. Baily** felt that this was not necessarily a negative thing. He commented that the entrance to Community Cycles was more apparent than on previous renderings. He also thought the way in which the corner was drawn in current plans helped to scale down the building and make it more welcoming.

**J. Brown** thought that the top two stories needed to come all the way out on the corner rather than being recessed to give the building a more complete look.

**J. Dawson** disagreed with **M. Lee's** comment (above) due to a concern that too many of the buildings in the S'PARK development have glass on the ground with a building floating above. He liked the overall changes and thought that the Maarket building could be something special within the development and the Community Cycles building could be a little calmer and familiar in terms of its proportions. He also liked the use of natural materials to bring in some color and recommended switching the design between the residential and public entrances on the ends of the building.

**J. Brown** agreed with possibly switching the design on the corners. On the 34<sup>th</sup> Street elevation, he wondered if carrying the white bond element through horizontally, instead of having transom light behind the sign-band, would help with the singularity in architecture that **M. Lee** referenced.

**M. Lee** suggested keeping the interesting elements on the residential level and flattening out the lower level on the same plane so it feels like it's cantilevering and more uplifting.

**J. Brown** struggled with the expression of the non-brick piece of the ground floor. He thought either this or the brick piece should change to express that this level is a different use.

There were some concerns expressed with the proportion of the windows at 34<sup>th</sup> and Valmont.

### **S'PARK West Building (3155 Bluff Street)**

**J. Dawson** had a concern about the uniformly square proportions of the openings and thought there may be an opportunity to fit in a few more vertical portions.

**J. Brown** struggled with the zone between the townhouse projections and suggested having them go above the parapet for the back section as opposed to staying below it which might help diminish the long horizontal between the two ends.

The board agreed that the color palette and materials were improved from previous plans.

**J. Baily** agreed with **J. Dawson** to be cautious of the usage of square window openings especially in the stucco portion above the brick. This portion of the building seems to be the weakest link.

**D. McInerney** agreed that the stucco portion of the façade was the weakest link because the middle pair of windows at the bottom of the stucco sat right on top of the masonry.

**J. Dawson** pointed out that the applicant had clustered the townhomes to create doubles but that it could be interesting to arrange them in the same consistent direction to create a series of more vertical townhome forms versus bringing them together. This would give the units a private entry rather than a shared porch.

**E. McLaughlin** asked the board to comment on whether or not the materials used were equivalent or better quality in comparison to the market rate units that are on the site.

**D. McInerney** thought the materials had become much more equivalent in the current iteration.

**J. Dawson** agreed and thought the switch to brick over block made more sense; he liked the wood material and thought that there was a level of refinement that is not normally seen in less expensive housing.

#### **4. Board Matters**

The board went over the draft agenda for the 2015 BDAB Retreat.

The board discussed how best to gather feedback from applicants regarding the design review process.

There was discussion about the Landmarks Board's concerns with the Design Guidelines review process.

*Note: The 2015 BDAB Retreat was originally scheduled for August 12, 2015 but was later rescheduled for October 14, 2015.*

APPROVED BY:

Jamison W. Brown

Board Chair

9/30/2015

DATE

**CITY OF BOULDER**  
**BOULDER DESIGN ADVISORY BOARD MINUTES**  
**July 29, 2015**  
**1777 Broadway, 1777 West Conference Room**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**BDAB MEMBERS PRESENT:**

Jamison Brown, Chair  
Michelle Lee  
Jim Baily  
David McInerney

**BDAB MEMBERS ABSENT:**

Jeff Dawson

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

**STAFF PRESENT:**

Sam Assefa, Senior Urban Designer  
Kalani Paho, Urban Designer

**BOARD DISCUSSION:**

**1. Canyon Center Project Review**

The applicant gave a presentation of the project.

**BOARD COMMENTS:**

There was general consensus among board members on the following:

- Tan color on the fireplaces
- Evaluate the rationale for the stucco patterning
- Assess materials to be used for the railings – perhaps a lighter or simpler material
- Remove the red trim cap of the buttress elements and lighten the trim on the chimneys
- Either remove the floating horizontal trim or carry it all the way through
- If there is a façade where all of the windows are being replaced so that the uniformity can be maintained and a more vertical proportioned window can be used, this would be the preferable option when and if that opportunity arises

**2. Board Matters**

S. Assefa introduced Kalani Paho, the City of Boulder's new Urban Designer.

The board discussed the edits and the process/timeline of the Downtown Design Guidelines.

APPROVED BY

  
Board Chair

7.29.15  
DATE

**CITY OF BOULDER, COLORADO  
BOARDS AND COMMISSIONS MEETING SUMMARY**

**NAME OF BOARD/COMMISSION:** Environmental Advisory Board

**DATE OF MEETING:** September 2, 2015

**NAME/TELEPHONE OF PERSON PREPARING SUMMARY:** Sandy Briggs/303-441-1931.

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

**Environmental Advisory Board Members Present:** Steve Morgan, Tim Hillman, Brad Queen and Karen Crofton.

**Environmental Advisory Board Members Absent:** Morgan Lommele.

**Staff Members Present:** Susan Richstone, Brett KenCairn, Kevin Andrews and Sandy Briggs.

**MEETING SUMMARY:**

❖ **Board Protocol**

- The board stated they are there to add value and suggested that a more clearly defined process would help them to be most effective and supportive towards this goal. Form and substance need to exist together and there is concern that their opinions are not being heard.
- The board expressed that they have not been given enough time to adequately review, discuss and comment on items prior to Council presentation and sometimes feel like staff “passes through” just to have the EAB “box checked”. The board requests to be more interactive than this with staff.
- One board member is concerned that specific information he might need to review in order to offer the most valuable feedback has not been available on a timely basis or has been delayed in ways that limited his capacity for timely input. He suggested all information and correspondence relating to agenda topics be collectively available on the public web page or other open, collaborative platforms.
- Another board member brought up that often staff may want to use the EAB meeting to present a “dry run” before going to Council. He thinks this is worthwhile as is the deliberate attempt to improve processes of the EAB.

❖ **Mid-Year Check-In**

- The board agrees that staff is well prepared and doing a great job, consolidating notes has improved reporting, efforts to improve the process demonstrates commitment to improvement, and **K. Crofton** will continue to effectively pull together board thoughts for letters to Council as needed.
- The board sees the need for improvement with keeping staff presentations and board comments and questions brief and concise, having more time to review information, receiving more clarity about what’s expected from them and what impact their participation provides, and holding the system accountable for following up on Old Business items.

## **1. CALL TO ORDER**

Environmental Advisory Board Chair **S. Morgan** declared a quorum and the meeting was called to order at 6:06 pm.

## **2. APPROVAL OF MINUTES**

On a motion by **B. Queen**, seconded by **T. Hillman**, the Environmental Advisory Board voted 4-0 (**M. Lommele** absent) to approve the August 5, 2015 meeting minutes.

## **4. PUBLIC PARTICIPATION**

None.

## **5. PUBLIC HEARING ITEMS**

None.

## **6. DISCUSSION ITEMS**

### **A. Board Protocol (Richstone)**

**S. Richstone**, Deputy Director of Community Planning & Sustainability, shared information and her extensive experience regarding supporting City Boards, both quasi-judicial with decision-making authority and advisory that provide advice, ideas and recommendations to City Council and the City Manager.

The EAB has specific jurisdiction about topics for discussion and would have to ask to advise on topics for which their feedback is not specifically requested. The advisory board helps to shape city master processes that Council determines are priorities.

One-way communication via email with staff is acceptable but email discussions among board members are not since this constitutes an online meeting and such meetings are not publicly accessible. There is nothing the board does that should not be subject to public scrutiny.

The roles of board members versus staff were clarified in terms of research responsibilities.

Board members are allowed to provide individual, personal opinions as long as they are not representing themselves as board members at the time.

The Procedural Rules of the Environmental Advisory Board were reviewed on a high level, including a possible agenda format for discussion.

Questions were fielded and comments and concerns from the board were heard. These are captured in the Meeting Summary.

### **B. Mid-Year Check-In (KenCairn)**

**B. KenCairn** provided a written overview of key issues reviewed during the first part of 2015 and asked for the board's feedback on what's working well and what areas for improvement exist.

Board comments are captured in the Meeting Summary.

## **7. OLD BUSINESS/UPDATES**

The board requested a more structured procedure for requesting and receiving updates regarding

previous agenda items. If any board member would like to receive an update, they will contact **S. Briggs** and she will obtain and provide information.

**8. MATTERS FROM THE ENVIRONMENTAL ADVISORY BOARD, CITY MANAGER AND CITY ATTORNEY**

- At the request of **B. KenCairn**, **S. Briggs** has created an Environmental Advisory Board binder containing meeting packets and all board communications. The purpose of the binder is to alleviate any confusion or questions about previous discussions and correspondence, both during meetings and otherwise. **S. Briggs** will bring the binder to subsequent meetings for reference as needed.
- Questions arose regarding a board's prerogative to change or influence its own agenda and whether new strategies for the city to consider can be offered by boards. **B. Queen** will provide reference to a 2014 Council agenda item regarding these issues.

**9. DEBRIEF MEETING/CALENDAR CHECK**

The next meeting is Wednesday, October 7.

In addition to rescheduling the Hearing Definition Clarification discussion with Carey Markel, the board is scheduled to hear and discuss the Boulder Valley Comprehensive Plan update.

**10. ADJOURNMENT**

Environmental Advisory Board adjourned at 7:54 pm.

Approved:

 \_\_\_\_\_  
Chair      Date      10/7/15

**CITY OF BOULDER  
BOULDER, COLORADO  
BOARDS AND COMMISSIONS MEETING  
MINUTES**

<b>Name of Board/ Commission:</b> Library Commission	
<b>Date of Meeting:</b> August 5, 2015 in the Canyon Meeting Room, Main Library, 1001 Arapahoe Ave.	
<b>Contact Information Preparing Summary:</b> Carrie Mills, 303-441-3106	
<b>Commission Members Present:</b> Paul Sutter, Joni Teter, Donna O'Brien, and Alicia Gibb <b>Commission Members Absent:</b> Tim O'Shea	
<b>Library Staff Present:</b> David Farnan, Director of Library & Arts Jennifer Miles, Deputy Library Director Shelley Sullivan, Boulder Reads Manager Carrie Mills, Administrative Specialist II Dick Shahan, Library Clerk I	
<b>Type of Meeting:</b> Regular	
<b>Agenda Item 1: Call to Order and Approval of Agenda</b>	<b>[5:35 p.m., Audio 0:16 min]</b>
The meeting was called to order at 5:35 p.m. Sutter recommended that the commission allow time at 6:00 p.m. for public comment should anyone arrive around the usual start time and wish to speak.	
<b>Agenda Item 2: Public Participation</b>	<b>[5:36 p.m., Audio 1:00 min]</b>
No members from the public were present.	
<b>Agenda Item 3: Consent Agenda</b>	<b>[5:36 p.m., Audio 1:07 min]</b>
<b>Item 3A, Approval of June 3, 2015 minutes (p. 2-5)</b> Teter submitted recommended changes to the minutes prior to the meeting, found here: <a href="https://boulderlibrary.org/wp-content/uploads/2014/12/2015-Aug-LC-Handouts.pdf#page=1">https://boulderlibrary.org/wp-content/uploads/2014/12/2015-Aug-LC-Handouts.pdf#page=1</a> . Gibb motioned to approve the minutes with Teter's recommended changes. Teter seconded. Vote 4-0, unanimous.	
<b>Item 3B, Approval of July 11, 2015 minutes (p. 6-8)</b> Sutter noted that since the retreat minutes were not intended to be as complete as those generated from regular meetings, the format for the minutes were acceptable. Gibb moved to approve the minutes as written. Teter seconded. Vote 4-0, unanimous.	
<b>Agenda Item 4: Presentation: Overview of the Boulder Reads program – Shelley Sullivan, Boulder Reads Manager</b>	<b>[5:37 p.m., Audio 2:40 min]</b>
Sullivan presented a brief overview of services that Boulder Reads provides. She distributed an informational sheet, found here: <a href="https://boulderlibrary.org/wp-content/uploads/2014/12/2015-Aug-LC-Handouts.pdf#page=4">https://boulderlibrary.org/wp-content/uploads/2014/12/2015-Aug-LC-Handouts.pdf#page=4</a>	
<b>Commission discussion, questions, and comments included:</b>	
<ul style="list-style-type: none"> <li>▪ Sutter inquired about eligibility requirements for Reading Buddies participants. Sullivan replied that the program is open to everyone, but through surveying, most parents reported enrolling their children because they had fallen behind. Further, she explained that the genesis of the program was to support the adult learners in Boulder Reads with concurrent enrichment.</li> <li>▪ O'Brien asked about the new initiative for a Reading Buddies partnership with the University of Colorado at Boulder Education Department. Sullivan noted that the coursework includes a required practicum, and involvement in the program would go towards meeting that requirement.</li> <li>▪ Teter inquired who the initial target audience is for the digital literacy initiative. Sullivan envisioned the first class being comprised of some Boulder Reads learners and others who are introduced through Book a Librarian and other service functions. Further, she intended on an open lab which would allow users to access computers for self-guided work.</li> <li>▪ O'Brien asked about the breakdown of non-native English speakers in the Boulder Reads population. Sullivan reported that 65-70% of participants are non-native speakers in the adult literacy program, which she attributed to the changing demographics of the community. Sullivan discussed the screening process, which</li> </ul>	

includes residency in Boulder County, conversational ability in English, and reading below the 11<sup>th</sup> grade level. Further, applicants must have literacy goals (reading, writing, literacy development) to be in the program. For those who do not qualify for the program, Sullivan noted that Boulder Reads is still a valuable resource because staff can provide a referral.

- Sutter mentioned the upcoming master plan process and asked Sullivan if there was anything she imagined for developing the program. Sullivan hoped to engage in family programming and initiatives by supporting literacy across the lifespan. With Adult Services, she anticipated building a digital literacy program.
- Gibb recommended that this community be included in the Master Plan process.
- O'Brien commended the staff behind Boulder Reads and their work. Sullivan noted that it is a testament to the community, citing the thousands of hours donated by volunteers.

**Agenda Item 5: Review draft Distribution of Community Information Policy (p. 9-10)**

[6:14 p.m., Audio 39:57 min]

Farnan explained that the policy stems from a limitation on space and the propensity for the community information area to become cluttered. Miles provided background, explaining that patrons have brought materials to the library for quite some time, but that this policy aims at providing transparency on the decision-making process. Farnan and Miles noted that this is outside of the community bulletin board, which allows anyone in the community to post information. Instead, the distribution of community information was geared towards items that best serve the public through multiple copies, such as bus schedules and maps.

**Commission discussion, questions, and comments included:**

- O'Brien asked about any incidents that precipitated this policy. Miles explained that this was a recommendation from the City Attorney's office, noting that this was not a transparent process.
- Gibb recommended that this be presented as information curated by staff.
- Teter clarified that library should not be a repository, but instead that staff should be able to point patrons to where information can be found. Miles noted that the library only keeps what is asked for most often.
- Teter recommended that the policy describe what materials they want to display, instead of what materials will not be accepted. In reflection, she saw the free speech language at the front of the policy as a red flag.
- The commission asked staff for a revised draft for reconsideration at a later meeting.

**Agenda Item 6: Budget Update (p. 11)**

[6:27 p.m., Audio 53:06 min]

Devin Billingsley, Senior Budget Analyst, submitted a memo to update the commission on the budget, but will not have anything to present until after the City Manager presents the proposed 2016 budget to City Council. Farnan noted that Billingsley will likely attend next month. The budget memo can be found here: <https://boulderlibrary.org/wp-content/uploads/2014/12/2015-August-LC-Packet.pdf#page=11>

**Commission discussion, questions, and comments included:**

- Teter asked where money for collection development will be focused. Farnan noted eBooks and easy readers in the children's list are a priority, in addition to adding more copies of best sellers to decrease the number of people on each waiting list.

**Agenda Item 7: Library Master Plan update (p. 12-17)**

[6:30 p.m., Audio 55:16 min]

**Item 7A, Review July 11, 2015 Library Commission Retreat minutes**

Sutter asked the commissioners to review outcomes from the retreat to see if anything jumped out that should be included in the master planning process. O'Brien remarked that she was surprised by how similar the outcomes from all groups were at the retreat.

**Item 7B, Review draft Boulder Public Library Master Plan Process overview and timeline**

Teter explained that she is looking for the opportunity to build off of other departments with strong public input components. Sutter believed that better results would come from surveys that included an educational component around innovations done by other libraries, essentially by presenting visions to participants and seeing how well they responded to the idea. When asked what makes the master plan useful, Farnan explained that a well-written plan provides leverage when looking for funding or prioritizing projects within the city and the department. Further, he stated that it is also a useful budget tool. O'Brien added that citizens used the master plan as a point of inquiry at commission meetings following its creation. Teter recommended following and building on the recent methods of outreach employed by the city.

**Item 8A, Future Agenda Items**

This item can be found in the Library Commission memo, found here: <https://boulderlibrary.org/wp-content/uploads/2014/12/2015-August-LC-Packet.pdf#page=18>

**Item 8B, Discussion of Library Commission job description**

Gibb and O'Shea worked on a revised description, but found that they had more questions than answers during the process, especially on the intended audience. Gibb asked the commissioners for a better understanding of the history and scope of the position. O'Brien explained that during her application process, her only understanding of the position came from the charter and her own experience. O'Brien noted that they needed teeth for the chair to ask ineffective commissioners to resign based on their fulfillment of ascribed duties. Sutter hoped that the job description would provide a more comprehensive understanding of the position and what qualities make a good commissioner. Gibb recommended more illustrative language in the description to provide a better sense of responsibilities.

**Item 8C, Update on Egyptian Study Society events**

Teter explained that the Egyptian Study Society events have been a pilot for a new sponsorship opportunity where, should a sponsored program carry a fee but still receive free space through the library, the group must provide something in return, either a donation or free programming. She explained that the 2-day program in Egyptian study comes with a fee of \$45, and in turn, the group is providing free STEAM programs run by volunteers at the Main Library and branches. Teter saw this as a model for community partners.

**Item 8D, Staff appreciation update**

Teter reported on plans for a staff appreciation ice cream social in the south courtyard at the Main Library on Thursday, Aug. 27, 2015. Arrangements have been made for all of the branches based on their operating hours and staff preferences.

**Item 8E, Boulder Library Foundation update**

O'Brien announced that the Foundation board approved going forward with their first fundraiser on Oct. 16, 2015. The commissioners will receive letters to distribute to their circles of influence, particularly reaching out to atypical library users and members of the tech community. The event is covering the soft opening of new maker space. There will be catering from the Seeds Library Café and a cash bar. More than monetary donations, the Foundation is looking to gather energy from the community around the maker space.

**Item 8F, Jaipur Literature Festival**

Farnan reported that the festival is coming together. The event has downsized from three days to two full days. Most of the activity will happen in the Main Library. Organizers expect 900 people per hour circulating through the library. Following a question from Sutter, Teter confirmed that volunteer opportunities are still available.

**Item 8G, Update on Email Responses to Library Commission**

O'Brien commended Sutter on his thoughtful response to all commission communication.

**Agenda Item 9: Library and Arts Director's Report (p. 30-31)****[7:30 p.m., Audio 1:55:51 hr]****Item 9A, Library Charter Revisions**

Prior to the meeting, Sutter caught an important revision regarding the merge of Library Fund and Library Support Fund following the first reading from the City Council. Sutter and Teter presented recommended modifications based on the commission's initial recommendation. The revised version can be found here: <https://boulderlibrary.org/wp-content/uploads/2014/12/2015-Aug-LC-Handouts.pdf#page=14> Sutter recommended adding back in Sec. 133 h. regarding encouragement of grants or gifts. Sutter motioned for the commission, in reaction to the most recent revisions, empower David Farnan to go to the City Attorney's office with the revisions provided by Teter. Teter added that the revisions provided by the commission are to restore the intent of the original recommendation. Gibb seconded. Vote 4-0, unanimous.

**Item 9B, Parking at the Main Library**

Farnan pushed for at least one hour of free parking, and in response the plan is to allow everyone in the Civic Area free parking for one hour. Farnan will bring back the final recommendation from the City Manager's office for feedback from the Library Commission. Response will be loud. Ask for reservations now. O'Brien inquired about volunteer parking passes. Farnan mentioned that the current distribution of volunteer passes was unmonitored and that the

method will change, but will still be available. O'Brien asked if the Foundation members and other entities working in service to the library will pay for parking. Miles noted that the lot is owned and controlled by the city. Overall, Farnan explained that these changes will afford Parking Services the ability to manage on daily basis. In response to a question, Farnan confirmed that senior center parking will be exempt, but that the dedicated spaces in the library lot will be opened back up to the general public.

**Item 9C, Summer Reading Program**

The Library Commission decided to send a letter to staff involved in the Summer Reading Program to commend them on their hard work. Sutter asked about contributing factors for their success. Farnan pointed to the well-designed program, extensive outreach, and new energy from the staff. Farnan agreed to bring the superhero postcards to the next meeting.

**Item 9D, Liquor License**

Sutter recapped the discussion from the last commission meeting. Sutter asked for greater detail of the mechanisms for serving and controlling alcohol in the library. Farnan explained that the bridge will close on Thursdays to provide exclusive access to the North building for ticket holders. O'Brien asked about the anticipated start date. Farnan explained that the decision would be made pending outcome of the liquor license application. O'Brien remarked that she and O'Shea still had lingering questions, and she hoped to revisit this issue again when O'Shea was able to voice his thoughts. Farnan detailed the management agreement with Downtown Boulder, Inc. (DBI), noting that they will manage program and alcohol while the library provides the location. DBI and the library will split both costs and profits equally. Sutter expressed uncertainty as to how the Library Commission fit into the partnership. Sutter reminded commissioners that at the last meeting, the commission approved a motion to support the sale of alcohol outside of the library's operating hours, while awaiting more detail for intentions during operating hours. Teter moved that the proposal for handling alcohol sales during operating hours is appropriate. O'Brien added that commissioners would still like more information and future updates around alcohol sales during operating hours. O'Brien seconded. Vote 4-0, unanimous.

**Agenda Item 10: Adjournment**

**[8:04 p.m., Audio 2:29:52 hr]**

There being no further business to come before the commission at this time, the meeting was adjourned at 8:04 p.m.

**Date, Time, and Location of Next Meeting:**

The next Library Commission meeting will be at 6:00 p.m. on Wed., Sept. 2, 2015, at the Meadows Branch Library, 4800 Baseline Road, Boulder, CO 80303.

Commissioner Sutter approved these minutes on Sept. 21, 2015; and Jennifer Miles attested to it.

An audio recording of the full meeting for which these minutes are a summary, is available on the Library Commission web page at <http://boulderlibrary.org/about/commission.html>

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**July 16, 2015**  
**1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Chair  
Crystal Gray  
Leonard May  
Liz Payton  
John Putnam

**PLANNING BOARD MEMBERS ABSENT:**

John Gerstle  
Bryan Bowen

**STAFF PRESENT:**

David Driskell, Executive Director of CP&S  
Susan Richstone, Deputy Director of CP&S  
Charles Ferro, Development Review Manager  
Cindy Spence, Administrative Assistant III  
Sloane Walbert, Planner I  
Chandler Van Schaak, Planner I  
Jessica Stevens, Civil Engineer II  
Lesli Ellis, Comprehensive Planning Manager for CP&S  
Courtland Hyser, Senior Planner  
Caitlin Zacharias, Comprehensive Planning Associate Planner  
Jean Gatza, Community Sustainability Coordinator  
Brett KenCairn, Senior Environmental Planner of CP&S

**1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 5:09 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **J. Putnam** and seconded by **C. Gray** the Planning Board voted **5-0 (J. Gerstle and B. Bowen absent)** to approve the February 19, March 19, May 21, and June 4, 2015 as amended.

- C. Gray added a last minute amendment for 3/19/2015. Includes Item 5A – please add a bullet after Board comments: “Some Planning Board members commented that this approval does not constitute an approval of a new auto bridge over Boulder Creek.”

### 3. PUBLIC PARTICIPATION

- 1) **Matt Patrick, 2775 Valmont Rd**, representing the Boulder Food Park. There is “heart” behind project. Had neighborhood meetings for outreach. This is a local project. They have listened and heard neighbors. See as this project as a benefit to community. Wants to make a place everyone can all enjoy. Invested over a year of work and want to continue to hear the public feedback. Trying to make all happy.
  - 2) **Hank Grant, 2775 Valmont Rd**, original founder of Boulder Food Park with Matt Patrick. Want to educate community regarding food and farm to table food. They have a commitment to small business, this will give them the platform. They are willing to listen to neighbors and serve the community.
  - 3) **Graham Bailhache, 1606 IO Ct, Lafayette**, working with founders of Boulder Food Park regarding development. Trying to work with the neighbors and their concerns. A big concern is noise to the residents. Will work to put in landscaping screen and mitigate noise. Help to minimize impact on residents and businesses. Take concerns in consideration in the planning. Want to have the right impact on the community.
  - 4) **Clyda Stafford, 3120 Eastwood Ct.**, spoke in opposition of the Boulder Food Park. She stated she had not heard of any outreach by applicants. Affordable, dense housing is in the area. There is no consideration what dense affordable housing does to the community. This project will bring too much noise. Affordable housing is surrounded by noise. No need for more eating establishments. This will be a bar and open until 2:00 am. Outdoor seating and games will bring noise.
  - 5) **Karen Aronson, 2707 Valmont Rd.**, spoke in opposition to the Boulder Food Park. Can hear voices from the bike path already. Concerned about too much noise and confusion from the music. With music, it can ask to turn it down, but the voices will continue. Many residents are renters in the area. Not all residents were invited to the neighborhood meeting. Many don’t know this is happening. Asked board to postpone their decision so confusions can be cleared up and more discussions can be done regarding noise.
  - 6) **Kate Remley, 646 Pearl St.**, member of Landmarks Board and liaison to the Downtown Urban Design Guidelines. **K. Remley** spoke to the Urban Design Guidelines. Extensive changes are proposed to Historic Guidelines and to perimeter buildings. Fundamental changes are proposed to the guidelines. Original goal was to make alterations to perimeter buildings. Landmarks Board would like to suggest joint board sessions between Planning Board and Landmarks Board to discuss alternative suggestions to discuss alternative approaches to revise the guidelines. Perhaps staff could organize meetings with board members and public. A draft revision is the tested with public at large before it goes into effect. Landmarks Board would like to understand the issues with the Planning Board and schedule follow-up discussions.
- S. Richstone** informed the board that **S. Assefa** will be going to responded and provide more information. **S. Richstone** clarified that the red-lines that BDAB did were not intended to be actual proposed changes to the Historic District area. Once recommendations are given for the changes, they would come to Planning Board. Request

from City Council and pointed out they would not exempt the downtown area in regards to height the restrictions until the changes to the Downtown Design Guidelines occurred. Council was more focused on the non-historic area. Council wanted this to happen quickly. Then height restrictions would be limited automatically on the downtown area once those revisions occurred. Landmarks Board will have the opportunity to discuss the BDAB memo in August. There will be a definitely public participation.

**L. May**, commented that the BDAB memo was not an official recommendation. It is still a work in progress. Process has not started. Boars make the first draft giving recommendations, then have public participation.

- 7) **Sue Wong, 3924 Wedge Ct, Longmont**, owns the property at 2727 Valmont. She has owned property for 32 years. Property has been used as a music venue and very audible in Two Mile Creek even though it was an inside venue. She is concerned regarding the light intrusion as well. She is not 100% in support of the Boulder Food Park. She asked the Planning Board to re-evaluate this project.
- 8) **Justin Riley, 2775 Valmont St.**, supports proposal for the Boulder Food Park. They have nixed the outdoor music, new windows. They are willing to make accommodations. He stated that this project will be a community benefit but making efforts to not disturb the neighboring community.

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

**A. Call-Up Item:** USE REVIEW (LUR2015-00060) for new tavern with outdoor seating area over 300 square feet in size to be operated in conjunction with "Boulder Food Park" mobile food vehicle sales. The call-up period expires July 20, 2015.

- **C. Van Schaak** addressed the board's questions. He addressed the project's Management Plan with regards to the music issue. There will be amplified music outdoors but at a low level. Will be using small targeted speakers. There will be no live amplified music outside. This was recently amended based on concerns expressed.
- **L. May** asked if anything regarding voice levels was addressed.
- **C. Van Schaak** stated the city's noise ordinance was addressed ant that they would meet the 55 decibels level between hours of 11:00pm to 7:00am. If there is a complaint, Zoning Enforcement would go out and if a there is a sound violation, the owners would pay for sound study.
- **C. Gray** said that Code Enforcement calls were now managed by the Boulder Police Department. She also said that the closing hours that are set by Planning Board cannot be violated. She asked staff to confirm this.
- **C. Van Schaak** the Disposition lays out conditions of approval and becomes a binding document. If the venue would stay open past the approved time, then they lose approval and shut down. Planning Board or public can initiate a call up for review.
- **J. Putnum** clarified the noise standards. In the zone in question, the ordinance states 55 decibels from 7:00am to 11:00pm and 50 decibels from 11:00pm to 7:00am.

from City Council and pointed out they would not exempt the downtown area in regards to height the restrictions until the changes to the Downtown Design Guidelines occurred. Council was more focused on the non-historic area. Council wanted this to happen quickly. Then height restrictions would be limited automatically on the downtown area once those revisions occurred. Landmarks Board will have the opportunity to discuss the BDAB memo in August. There will be a definitely public participation.

**L. May**, commented that the BDAB memo was not an official recommendation. It is still a work in progress. Process has not started. Boars make the first draft giving recommendations, then have public participation.

- 7) **Sue Wong, 3924 Wedge Ct, Longmont**, owns the property at 2727 Valmont. She has owned property for 32 years. Property has been used as a music venue and very audible in Two Mile Creek even though it was an inside venue. She is concerned regarding the light intrusion as well. She is not 100% in support of the Boulder Food Park. She asked the Planning Board to re-evaluate this project.
- 8) **Justin Riley, 2775 Valmont St.**, supports proposal for the Boulder Food Park. They have nixed the outdoor music, new windows. They are willing to make accommodations. He stated that this project will be a community benefit but making efforts to not disturb the neighboring community.

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

A. **Call-Up Item:** USE REVIEW (LUR2015-00060) for new tavern with outdoor seating area over 300 square feet in size to be operated in conjunction with "Boulder Food Park" mobile food vehicle sales. The call-up period expires July 20, 2015.

- **C. Van Schaak** addressed the board's questions. He addressed the project's Management Plan with regards to the music issue. There will be amplified music outdoors but at a low level. Will be using small targeted speakers. There will be no live amplified music outside. This was recently amended based on concerns expressed.
- **L. May** asked if anything regarding voice levels was addressed.
- **C. Van Schaak** stated the city's noise ordinance was addressed ant that they would meet the 55 decibels level between hours of 11:00pm to 7:00am. If there is a complaint, Zoning Enforcement would go out and if a there is a sound violation, the owners would pay for sound study.
- **C. Gray** reiterated that Code Enforcement has been taken over by the Boulder police. Different closing hours need to be clarified and if not and have violations, the owner can use land use privileges. She asked **C. Van Schaak** to clarify for the public.
- **C. Van Schaak** the Disposition lays out conditions of approval and becomes a binding document. If the venue would stay open past the approved time, then they lose approval and shut down. Planning Board or public can initiate a call up for review.
- **J. Putnum** clarified the noise standards. In the zone in question, the ordinance states 55 decibels from 7:00am to 11:00pm and 50 decibels from 11:00pm to 7:00am.

- **C. Van Schaak** stated the applicants were not required to hold a neighborhood meeting and that public notice was provided. Applicants stated they would hand deliver the public notices to residents. City mailed public notice to property managers of complexes but not individual residents.
- B. Call-Up Item:** Floodplain Development Permit (LUR2015-00051) for Boulder Community Foothills Hospital Campus – 4747 Arapahoe, Fitness Equipment. The call-up period expires July 23, 2015.
- C. Call-Up Item:** USE REVIEW (LUR2015-00041): Request for a new restaurant (“Doug's Day Diner”) to utilize an existing 815 square foot outdoor patio at 2400 Arapahoe Avenue within the Business - Regional 1 (BR-1) zone district. Hours of operation are 6:00 a.m. to 8:00 p.m., seven days a week. The call-up period expires on July 22, 2015.

**None of the items were called up.**

## **5. PUBLIC HEARING ITEMS**

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

#### **A. Boulder Valley Comprehensive Plan Update**

##### **Staff Presentation:**

**L. Ellis** and **C. Hyser** presented the item to the board.

##### **Board Questions:**

**L. Ellis, C. Hyser** and **S. Richstone** answered questions from the board.

##### **Board Comments:**

###### **General**

- **L. May** stated that quotes are helpful and prompts people to think about things and visible. It would not open yourselves to inevitable criticism from the sub-community by portraying several perspectives.
- **J. Putnam** stated that the neighborhood fact sheets could get really cluttered with quotes. Appreciates the idea to personalize the BVCP. Suggested adding a few fun things about the community or rankings would make it more personal and softer. **J. Putnam** worries about quotes as it could be more of a distraction.
- **A. Brockett** requests that the Planning Board receives minutes from the BVCP Process Sub-Committee.
- **L. May** stated more than handful of changes needs to be done.

##### **Key Issue #1:**

###### **Service Area Expansion:**

- **L. Payton** L. Payton stated that she is pleased staff is taking the approach to expand outreach on the BVCP update. She stated that she supports the statistical survey

approach. She does not see a compelling reason to look at Area III Planning Reserve service area expansion. A need has not been identified.

- **L. May**, in regards to Area III, in order to look at expanding into the reserve, there has to be a unique compelling need to expand into it. Don't see anything on horizon to justify that. We say we are built out, but there is potential for additional development in existing sites. Not a necessity to expand the service area.
- **A. Brockett**, in favor of approach you are taking, partially. Providing clarity is good. If a unique proposal, I would be willing to entertain the expansion. Or if a community partner identified a need, would be willing to look at. There is no need now to expand into planning reserve. Currently there is development in our central places and redeveloping parking lots and we are not done. No immediate desire to open a study of the service area expansion.
- **C. Gray** in agreement with the previous comments made by board members. We should talk about the service area expansions.
- **L. Ellis** suggests inviting owners to give ideas. Don't want to not give the opportunity. The staff is trying to hear ideas, then make determination whether to carry forward with this process.
- **A. Brockett** suggests the board craft our recommendation how we want it to be.
- **C. Gray** is in agreement with the present proposal. The Land Use Map (Area I) will continue forward. **L. Ellis** agreed and stated that it will happen regardless. Staff wanted to separate Land Use Map from service area expansion discussions. **C. Gray** stated one pitfall in the past 5yr updates was with the criteria in proposing a Land Use Map change. It allows anyone to come to Planning Board, request a rezone and change land use designation which triggers a whole process. She suggests more discipline in the process.
- **J. Putnam**, agrees with the general approach everything so far. No compelling need to open it up. Concerned with the process. Wants to open it up to the public and look at some time in the future.

#### **Key Issue #2:**

##### **Land Use Labeling:**

- **J. Putnam** stated that in regard to updating the BVCP Land Use categories, two things that would be helpful to review would be 1) The sense of where have we stumbled and things aren't lining up (ex. Open Space Other) and 2) evolving notions of mixed use and why some categories of uses are not allowed. **J. Putnam** stated he likes structure and it seems logical.
- **A. Brockett** echoed **J. Putnam** and a defining of Open Space Other is needed. Regarding the updating the BVCP Land Use and how relates to zoning map is difficult and not explained. Would like to see it better defined and transparent to the citizens. Would be nice to see land use categories and how they related to our zoning regulations. Listing of allowed zone districts for each land use districts does not exist. Would be nice to see a map to that. Land Use and zoning need to map to each other.
- **L. Payton** stated that the BVCP Land Use category needs more definition. Likes proposed new structure. If Land Use category is more consistent, it will be easier to compare. Suggest new Land Use category as a Historic Land Use designation, or

something related to Historic Preservation. Bolster efforts of the preservation program.

### **Key Issue #3:**

#### **Projections Methods and Preliminary Results**

- **J. Putnam** asked if there is value to defining what could be added by-right. The way by which we add density seems to be missing. In the maps of future employment and residential uses, parts of town are zoned for single-family use and gives a different equation compared to parts of town zoned for mixed-use. Need to find a way to distinguish that would be helpful. Approach seems sound overall.
- **A. Brockett**, regards to the “heat map”, encouraged the staff to eliminate one category. Also, the staff included the growth projections for 2015 and anticipating in 2040, it would be helpful to show a percent/year rate percent growth and what does it entail.
- **L. Payton** stated the “heat map” is great addition to the BVCP. Suggested that the mining history is needed in the comp plan and a Lolita’s image be added, because it has been landmarked. Need irrigation and agriculture history. Surprised that Boulder High School not listed in central Boulder. Will throw people off. Suggested the Mapleton Early Childhood Center should be added.
- **A. Brockett** stated that this will be fantastic addition to the Comp Plan.
- **C. Gray** stated that in regards to Open Space, add a few comments regarding the city tax for Open Space.

### **Key Issues #4**

#### **Expansion:**

- **C. Gray** nature of employment is changing. Questioned how you show projections and expansion of tech firms. How are the number of employees accounted for in the projections? **C. Hyser** stated that numbers can come from the Bureau of Labor Statistics and generates data for the number of employees and can map to locations. In addition, square footage information that is compared. Number can go up as you densify. May need to increase that assumption as to how many employees fit into commercial space. **L. Ellis** stated this has been done in years past.
- **L. May** not only number of employees and type of employment as it ties into economic sustainability. This could be “heat mapped”. To have an understanding as to how employment patterns are changing and how that impacts the economic development policies. Could have a base line so we can compare at the next update to what has happened since last update. If we understand our employment is changing and becoming more tech oriented, we could project based on what we have experienced over the last decade what that may look like in 25 years. This would assist in finding information of the types of jobs, and not focus on the demographics of the employees.

## B. Climate Commitment Update

### Staff Presentation:

**D. Driskell** introduced the item.

**B. KenCairn** presented the item to the board.

### Board Questions:

**B. KenCairn** and **D. Driskell** answered questions from the board.

### Board Comments:

#### Key Issue #1

**Support adoption of emissions reduction goal of 80% below 2005 levels by the year 2050?**

- **C. Gray** and **J. Putnam** support the adoption of emissions reduction. **J. Putnam** emphasized focusing on the strategies.
- **A. Brockett** support the 80% reduction strategies but need to refocus away from gross numbers and on to intensity levels per capita per job. Feels the incentives are set up the wrong way. Important to change to look at the intensity level. Lots of grey areas and uncertainty in the areas. Encouraged the goals to focus on things we can measure with confidence and on things we can affect (ex. air travel). This is an example of something out of our control and can't quantify it. Make it a practical tool by focusing on areas we have levers and impacts is important.
- **L. May** supports the goal. Drawn to the recommendations that it should be least 80%. It is a living doc and will evolve over time. Agrees that the ultimate number is the per capita reduction as opposed to the gross emissions and to get that down.
- **L. Payton** supports the goal. Concerned about dropping items from the inventory. The goal needs to include a comparison of Boulder to other cities.
- **L. May** in regards to air travel for example, there is a value to public education to the component. Need to change behavior to meet our goals. Need to look at the cost benefits of it.
- **C. Gray** announced that Colorado Chapter of the Colorado Renewable Energy Society will hold an event on August 11, 2015, 7:00pm to 9:00pm at the business school. Fort Collins will discuss their model about how to shape the transformation of energy use at the community level. Their goal reductions of 80% by 2030 and carbon neutrality by 2050 will be discussed. Will send information around.
- **B. KenCairn** mentioned that they have been trying to organize a staff exchange with Fort Collins.
- **J. Putnam** suggested providing comparative benchmarks against other peer cities will be important. If we have achieved only by ourselves, we have failed.
- **B. KenCairn** stated that this is a huge economic development opportunity for us.
- **A. Brockett** stated that we should participate in an international study of comparisons of emissions.
- **L. May** stated that it would be worthwhile to participate in international comparisons.

**Key Issue #2:**

**Are there key emission reduction actions not represented in the city's current programs and strategies that should also be considered?**

- **L. Payton** feels that reuse should be pushed more aggressively. Could make demolition harder and restoration/retrofitting easier.
- **B. KenCairn** is talking with forestry team to work with the state to create a wood yard for reuse.
- **L. May** the conservation aspect jumped out to him and general consumption which is conservation. Something needs to change. Need to give more emphasis on education in the plan.
- **A. Brockett** sees land use as a tool to get people living and working and live near where work and take the bus. Focus on reuse and meld with costs of new construction. If we limited the cost of demolition, and ultimately limit the cost of reconstruction. Have this in mind as part of our tool kit.
- **J. Putnam** stated the plan is robust, but suggested maybe more acknowledgement of partnerships, especially in the region. It would meet that export need. Also, we need to think about how we would reduce carbon with and without municipalization. This can be accomplished with the municipal. We need to be honest and explicit with ourselves.
- **C. Gray** agrees with demolition and reusing what we have in our buildings. Strategy for buying eco pass and linking to head tax. Will not capture everyone, but move the needle. Need more discussion on this.
- **L. May** in regards to regional partnership and eco passes, what options we have to partner with some other towns to address community issue. Perhaps roll into an ECO pass to partner with other municipalities. Better link to and with towns.
- **B. KenCairn** and **D. Driskell** stated that we may see more state mandated regulations in this area of discussion in the upcoming years.

**Key Issue #3:**

**How can the city most effectively engage the community in the refinement and implementation of the proposed Climate Commitment?**

- **J. Putnam** liked idea regarding 43,000 regional transition plans. Makes the transition easy and seamless and attainable. Provide city with an individual platform. Need to help people to understand and avoid complexities.
- **A. Brockett** stated that a flyer provided to the public regarding "what could you do" would be helpful.
- **C. Gray** likes programs like SNUG and compelling. **B. KenCairn** provided an example. "Here's how you can change". Smart Regs is a good example. A way that gets them engaged and doing things to their property. Also, **D. Driskell** has been good at involving the youth and engaging them in this discussion.
- **L. Payton** stated that we need to re-engage the public groups that helped launch the city's clean energy future.
- **B. KenCairn** an exciting initiative forming called Climate Culture Collaborative. A group to help link all the other groups. They want to be a partner with us and we are cultivating that.

- **L. Payton** stated that she read that people in Germany embraced renewable energy because it did not change way they lived. Maybe we could reassure people that we can achieve our climate commitment without a major transformation of the character of our community. Could Boulder be an example to the world that a community can keep its character and still achieve its climate goals.
- **B. KenCairn** stated there is a potential to create focus.

### C. Medical Office Update

#### **Staff Presentation:**

**L. Ellis** presented the item to the board.

#### **Board Questions:**

**L. Ellis** answered questions from the board.

#### **Board Comments:**

- **L. Putnum** states it makes sense to hold and wait and see what the hospital is going to do.

### D. Additional Matters

- More form based code meetings next week.
- **L. Ellis** reminded the board of a possible tour for CIP projected for Aug. 3, 2015
- **L. Ellis** is working on joint meeting with Planning Commission in mid-September 2015 to discuss the BVCP.
- **L. May** asked in regards to the Downtown Guidelines, Will Planning Board have a role in the guideline revision. Need to get clarification, but would like to a recommendation or approval role. All board members agreed.

## 7. DEBRIEF MEETING/CALENDAR CHECK

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 9:08 p.m.

APPROVED BY

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

10/1/15  
DATE

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**August 27, 2015**  
**909 Arapahoe Rd., West Senior Center**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Chair  
Bryan Bowen  
John Putnam  
John Gerstle  
Leonard May  
Liz Payton  
Crystal Gray

**PLANNING BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

Charles Ferro, Development Review Manager  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Assistant III  
David Thompson, Transportation Engineer  
Elaine McLaughlin, Senior Planner  
Chandler Van Schaak, Planner I

**1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 5:37 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

**3. PUBLIC PARTICIPATION**

**No one spoke**

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

**5. PUBLIC HEARING ITEMS**

**A.** Public hearing and consideration of a USE REVIEW (LUR2015-00069) to allow a 1,500 square foot restaurant use at 5530 Spine Rd. within the Alexan Flatirons/ Apex 5510 mixed-use development. The proposal includes a request to increase the parking

reduction previously granted to the Alexan Flatirons/ Apex 5510 development from 7.1% to 9.5% for a total of 249 parking spaces to be provided where 275 are required pursuant to the Residential – High 5 (RH-5) zoning standards.

Applicant: Meaghan Turner for Kimley Horn  
Owner: Boulder CAF II, LLC

**Staff Presentation:**

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

**Board Questions:**

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

**Applicant Presentation:**

**No one spoke.**

**Board Questions:**

There were no questions from the board.

**Public Hearing:**

1. **Edward Vanegas, 549 Peregrine Circle, Longmont**, spoke in support of the project.

**Board Comments:**

**No one spoke.**

**Motion:**

B. Bowen moved, seconded by J. Putnam the Planning Board approved (7-0) the Use Review application LUR2015-00069, adopting the staff memorandum as findings of fact and subject to the recommended conditions of approval.

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. The Applicant shall ensure that the development shall be in compliance with all approved plans prepared by the Applicant on August 3, 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 3, 2015 which is attached to this Notice of Disposition.
  - b. Size of the restaurant use shall be limited to 1,500 square feet, with a total of 23 interior seats and 16 outdoor seats. All trash located within the outdoor seating area, on the tavern property and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.

c. The approved restaurant use shall be closed from 10:00 p.m. to 6:00 a.m., Mon. – Fri., before 7:00 a.m. and after 10:00 p.m. on Saturdays, and before 7:00 a.m. and after 9:00 p.m. Sundays.

2. The Applicant shall not expand or modify the approved use, except pursuant to Subsection 9-2-15(h), B.R.C. 1981.

3. The Applicant shall comply with all previous conditions contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: the Development Agreement recorded at Reception No. 03314182 on May 23, 2013 and the Subdivision Agreement recorded at Reception No. 03336953 in the records of the Boulder County Clerk and Recorder.

4. This approval shall be limited to Kafe Urban, operated consistent with the Applicant's Management Plan dated August 3, 2015. Any changes in ownership shall be subject to the review and approval of the Planning Director. The purpose of such review shall be to inform such subsequent user of this space that it will be required to operate the restaurant in compliance with the terms of this approval.

**B.** Public hearing, consideration, and recommendation to City Council to rezone a 0.81 acre portion of land generally located at 385 South Broadway from the Residential - Low 1 (RL-1) to the Business - Transitional 2 (BT-2) zoning district consistent with the Boulder Valley Comprehensive Plan land use map designation of Transitional Business while retaining a 25-foot area along the northern and western property lines within the RL-1 zoning district. (LUR2015-00047), and

Public hearing, consideration, and recommendation to City Council to adopt an ordinance amending sections 9-2-14, "Site Review," B.R.C.1981, and 9-9-2, "General Provisions," B.R.C. 1981, to ensure reasonable compatibility of the development of lots and parcels located in more than one zoning district, one of which is a low density residential district with neighboring land uses, and setting forth related details. This proposed code change would implement the buffer zone on the north and west sides of the property located at 385 Broadway that was contemplated in the 2008 mid-term Comprehensive Plan update, and is intended to ensure properties with similar circumstances are compatible.

Applicant for Rezoning: Erin Bagnall  
Owner for Rezoning: 385 Broadway LLC

Public hearing, consideration, and recommendation to City Council to adopt an ordinance amending sections 9-2-14, "Site Review," B.R.C.1981, and 9-9-2, "General Provisions," B.R.C. 1981, to ensure reasonable compatibility of the development of lots and parcels located in more than one zoning district one of which is a low density residential district with neighboring land uses, and setting forth related details. This proposed code change would implement the buffer zone on the north and west sides of the property located at

385 Broadway that was contemplated in the 2008 mid-term Comprehensive Plan update and similar circumstances are compatible.

**Staff Presentation:**

**E. McLaughlin** presented the item to the board.

**Board Questions:**

**E. McLaughlin** and **H. Pannewig** answered questions from the board.

**Applicant Presentation:**

**Adrian Sopher**, the applicant, presented the item to the board.

**Board Questions:**

**Adrian Sopher**, the applicant, and **Brad Curl**, council for the applicant, answered questions from the board.

**Public Hearing:**

1. **Madeline Meacham, 17090 30<sup>th</sup> St, Ste. 280 (pooling time with Mohammad Salim and Barbara Rossner)**, spoke in opposition to the project.
2. **Paul Cheng, 2280 Bluebell Ave.**, spoke in opposition to the project.
3. **Oren C. Taft, 485 Sunnyside Ln.**, spoke in opposition to the project.
4. **Shirley Keller, 2525 Taft Dr.**, spoke in opposition to the project.
5. **Chuck Palmer, 2270 Bluebell Ave.**, spoke in opposition to the project.
6. **Michael Dominick, 2265 Bluebell Ave.**, spoke in opposition to the project.
7. **Doris Hass, 2207 Bluebell Ave.**, spoke in opposition to the project.
8. **Julie Hass, 2207 Bluebell Ave.**, spoke in opposition to the project.
9. **Anne Pizzi, 2132 Mariposa Ave.** spoke in opposition to the project.
10. **Patty Angerer, 2225 Bluebell Ave.**, spoke in opposition to the project.
11. **Tom Angerer, 2225 Bluebell Ave.**, spoke in opposition to the project.
12. **Rachel Homer, 1910 Mariposa**, spoke in opposition to the project.
13. **Helen Goldman, 2275 Bluebell Ave.**, spoke in opposition to the project.
14. **Jennifer Alexander (& children), 415 Sunnyside Ln.**, spoke in opposition to the project.
15. **Dan Olson, 2285 Bluebell Ave.**, spoke in opposition to the project.
16. **Lois Kruschwitz, 2190 Bluebell Ave.**, spoke in opposition to the project.
17. **Julianna Bellipanni, 2290 Bluebell Ave.**, spoke in opposition to the project.
18. **Erin Arslanagic, 2225 Bluebell Ave.**, spoke in opposition to the project.
19. **Martin Goldman, 2275 Bluebell Ave.**, spoke in opposition to the project.
20. **Mark Gershfeld, 517 22<sup>nd</sup> St.**, spoke in opposition to the project.
21. **Brad Curl, 2521 Broadway, Ste. A**, spoke in support to the project.

**Board Comments:**

**Key Issue #1:**

**Is the rezoning request consistent with required review criteria for rezoning?**

- **B. Bowen** stated that in regard to the rezoning, there are two criteria to look at. Is the rezoning in alignment with Land Use Map; and it is clear that it is not. The criteria is clear. Also look at if the rezoning is compliance with goals and polices of the BVCP.
- **C. Gray**, in regards to the rezoning request, she said that there are two different areas to look at within the Comp Plan. The policies and goals and the Land Use Map. Every time there has been a Land Use Map change as part of the Comp Plan update the staff has said it subject to a rezoning hearing.
- **L. May** stated that the project is overwhelming not in compliance with the Comp Plan. We are looking at another case in the next hearing regarding annexation of a parcel, and we are looking at reductions of a right-of-way, or rather reductions in setbacks. There is a 100 foot right-of-way which is not consistent with the area. In this case, we look at 2008 land use change as an anomaly (i.e. mistake). Does not believe that because it is in place now, that we should perpetuate it further.
- **J. Putnam** agrees with previous board statements. Need to separate consistency of Land Use Map from consistencies with the policies and goals of the BVCP. The map is fairly straight forward. The board should focus on the BVCP criteria, policies and goals. Need to look at the by-right usages. Not convinced that the maximum allowable uses by-right will meet the criteria of the BVCP, especially the question regarding the protection of residential neighborhoods. Not sure it will be buffer with maximum intensity. May fit in some scenarios, but the board must look at full range of potential scenarios. Important in channeling development in areas of infrastructure. Questions regarding the transportation infrastructure including how much we want to load the curb cut and access to Broadway. Busy bike and pedestrian zone there and not sure it will be the best way to provide access in the long run. Has concerns about surface streets as well as through Bluebell.
- **A. Brockett** is in agreement with colleagues. Shares concerns regarding the level that can be put into transitional business zones and whether that is appropriate in residential neighborhoods. Would be getter that use is sectioned off from Bluebell and residential streets and keep the access through the existing easement. Sympathy with people who want to keep their quiet residential streets. The possibility of access to the site from Bluebell makes the project not compatible with the current BVCP polices. In regards to channeling development into areas with adequate infrastructure, the current access is awkward. If it came through Bluebell, it may be more straightforward, but worse for the neighborhood. To the point a public member made that an RL-2 would be an allowed zone district, if the BVCP map is changed back to Low Density Residential, an RL-2 does allow for some more intense uses than single family residential that might be buffers for Broadway could give options but not as intense.
- **L. Payton** agrees with everything said by colleagues. Want to talk about the issue regarding that we don't know what might go there and how can we assess the proposal will be consistent with the Comp Plan. BVCP is by and for the people of Boulder and to make sure represents Boulder.
- **J. Gerstle** in agreement with colleagues. What happened in the previous map redrawing seems to have happened without consideration to residents. Comfortable at looking what happens to the neighborhood to prevail over the map.
- **B. Bowen**, in defense of city staff, there has been lots of criticism of what they are doing. They work hard and do lots for the city. Reasonable that they would the make next step

to fix the zoning to coincide with Land Use Map. Encourage the public to be understanding of the situation and give staff credit for working hard.

- **J. Putnam** have staff prepare findings on board discussion.
- **A. Brockett** stated that we should provide the Comp Plan items.

### **Comp Plan call up**

- **J. Putnam** stated that the proposed rezoning was not consistent with the policies and goals of the BVCP, including the channeling of development to areas of change. The channeling of development. Parts of town are stable and parts are changing. This area that has been characterize by stability. Changing by-right requires careful scrutiny of Comp Plan. The proposed rezoning is inconsistent with the following Comp Plan policies and goals:
  - a) 1.29 (*Channeling Development to Areas with Adequate Infrastructure*),
  - b) 2.09 (*Neighborhoods as Building Blocks*),
  - c) 2.10 (*Preservation and Support for Residential Neighborhoods*),
  - d) 2.13 (*Projection of Residential Neighborhoods Adjacent to Non-Residential Zones*),
  - e) 2.14 (*Mix of Complimentary Land Uses*),
  - f) 2.15 (*Compatibility of Adjacent Land Uses*),
  - g) 2.30 (*Sensitive In-Fill and Redevelopment*).
- The board was in agreement with **J. Putnam** proposals.

### **Motion:**

On a motion by **L. May** moved, seconded by **C. Gray** to recommend to City Council to deny (7-0) the request to a zoning change (pending staff to draft findings for consideration at a later date and to continue this discussion at a future Planning Board meeting).

### **Board Remarks:**

- **L. May** stated he understands that things change within the city Residents have a reasonable expectation that when they make a living choice within a neighborhood, especially in a cul-de-sac, that it does not become a thru street. When that use is open ended as a BT-2, it leaves the door open for consideration for considerations of other zone changes or land use changes in the future. The discussion tonight was about the zoning, the board must look at the worst case scenario. The townhome project was not specially discussed as it was not part of the packet. The long-term issue of predictability of what might happen is the focus is what might happen.
- **L. Payton** informed the public that the city is about to launch a 2015 comp plan. Proposals are welcome.
- **C. Gray** stated that she was basing her decision on the Comp plan goals and policies and not on unrelated issues such as noise and traffic.

On a motion by **L. May**, seconded by **J. Putnam** moved (7-0) to continue the Planning Board hearing to September 17, 2015 for staff to develop the findings toward the prior motion.

L. May moved, seconded by C. Gray to recommend to City Council to not adopt the ordinance amending sections 9-2-14, "Site Review," B.R.C.1981, and 9-9-2, "General Provisions," B.R.C. 1981 attached herein, to ensure reasonable compatibility of the development of lots and parcels located in more than one zoning district one of which is a low density residential district with neighboring land uses, and setting forth related details; and incorporating this staff memorandum as findings of fact.

**Board Follow-up Questions:**

**B. Bowen** asked Staff of questions re split zoning.

**C. Ferro** answered questions for Board

**C. Public hearing and consideration of Annexation and Initial Zoning (case no. LUR2015-00029) for the property located at 236 Pearl Street and a portion of the property at 250 Pearl Street. The proposal includes a request for annexation with an initial zoning of Residential Mixed - 1 (RMX-1).**

Property Owners: William L. and Carole F. Cassio (236 Pearl) and GKN Family LLP (250 Pearl)

Applicant: Stephen Sparn

**Staff Presentation:**

**E. McLaughlin** presented the item to the board. Stated that this item is continued from agenda of August 6, 2015 at the request of the applicant. Public notification was sent to property owners within 600 feet.

**Board Questions:**

**E. McLaughlin** and **C. Ferro** answered questions from the board.

**Applicant Presentation:**

**Stephen Sparn**, the applicant, presented the item to the board.

**Board Questions:**

**Stephen Sparn**, the applicant, answered questions from the board.

**Public Hearing:**

No one spoke.

**Board Comments:**

- All board members supported the annexation.
- **J. Putnam** stated it is a model for consistency
- **L. May stated that he has** mostly no issues. Only a concern with the internal zero lot line.

**Motion:**

**A. Brockett** moved, seconded by **J. Putnam** moved to recommend (7-0) to City Council approval of the proposed annexation with initial zoning of Residential Mixed – 1 (RMX-1) and Business-Transitional – 2 (BT-2) pertaining to request No. LUR2015-00029, incorporating this staff memorandum as findings of fact, subject to the recommended conditions of approval for these annexations as provided for in the draft annexation agreements in **Attachment E**.

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

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 8:49 p.m.

APPROVED BY

  
Board Chair

10/11/15  
DATE

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**September 2, 2015**  
**1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Chair  
Bryan Bowen  
John Putnam  
John Gerstle  
Liz Payton  
Crystal Gray

**PLANNING BOARD MEMBERS ABSENT:**

Leonard May

**STAFF PRESENT:**

Charles Ferro, Development Review Manager  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Assistant III  
David Thompson, Transportation Engineer  
Elaine McLaughlin, Senior Planner  
Sam Assefa, Senior Urban Designer  
Molly Winter, DUHMD Executive Director  
Chris Hagelin, Senior Transportation Planner  
Edward Stafford, Development Review Manager  
Michelle Allen, Division of Housing

**1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 5:03p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

**3. PUBLIC PARTICIPATION**

**No one spoke**

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

## 5. PUBLIC HEARING ITEMS

**A. SITE AND USE REVIEWS:** Applications under case no.'s LUR2015-00010 and LUR2015-00011, 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 to create a new mixed use, mixed income neighborhood comprised of seven 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 housing 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 building of 20,754 square feet; and
- **S'PARK\_west** with 45 units of permanently affordable attached residential, and
- **S'PARK\_west** with 24 market rate townhomes.
- 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 intends to pursue Vested Rights per section 9-2-19, B.R.C. 1981
- Use Reviews are for three restaurants with outdoor seating greater than 300 square feet within 500 feet of a residential area.

### Staff Presentation:

**C. Ferro** introduced the item.

**E. McLaughlin, S. Assefa** and **M. Winter** presented the item to the board.

### Board Questions:

**E. McLaughlin, C. Ferro, H. Pannewig, S. Assefa, M. Winter, C. Hagelin, D. Thompson, E. Stafford, M. Allen,** and **Jamison Brown (BDAB Chair)** answered questions from the board.

### Applicant Presentation:

The applicants, architects and developers, presented the item to the board:

- **Scott Holton** with **Element Properties, 1539 Pearl St.**
- **Adrian Sopher** with **Sopher Sparn Architects, 1731 15<sup>th</sup> St., #250**
- **Ben Nesbitt** with **Worksbureau Architecture, 2524 N 24<sup>th</sup> St., Phoenix, AZ**
- **Tim Laughlin** with **Surround Architecture, 1727 15<sup>th</sup> St., #200**

- **Luke Sanzone with Marpa Landscape Design, 1275 Cherryvale Rd.**, the applicants, architects and developers, presented the item to the board.

**Board Questions:**

**S. Holton, A. Sopher, B. Nesbitt, L. Sanzone and Pete Jefferson with M. E. Group, 2820 N. 48<sup>th</sup> St., Lincoln, NE**, the applicant and architects, answered questions from the board.

**Disclosures:**

**Board members were asked to disclose any ex-parte contacts they may have had on this item:**

- **J. Putnam, L. Payton, A. Brockett and J. Gerstle** stated they are members of Community Cycle.
- **J. Gerstle and C. Gray** stated they made site visits.

**Public Hearing:**

1. **Adam Stenftenasel, 1830 22<sup>nd</sup> St. # 4**, spoke in support to the project.
2. **Matt Cutter, 2943 11<sup>th</sup> St.**, spoke in support to the project.
3. **Zane Selvans, 744 Marine St.**, spoke in support to the project.
4. **Mary Durall, 251 Pearl St., #4**, spoke in support to the project.
5. **Ray Keener, 2805 Wilderness Pl., Ste. 1000**, spoke in support to the project.
6. **Harmon Zuckerman, 280 30<sup>th</sup> St.**, spoke in support to the project.
7. **David Adamson, 815 North St.**, spoke in support to the project.
8. **Ed Withers, 3028 30<sup>th</sup> St.**, spoke in support to the project.
9. **Sue Prant, 3172 29<sup>th</sup>**, spoke in support to the project.
10. **Richard Rowland, 3711 Ridgeway St.**, spoke in support to the project.
11. **Robert Wade Horn, 3405 Valmont St, #C**, spoke in support to the project.
12. **Lucy Conklin, 3173 Westwood Ct.**, spoke in support to the project.
13. **Francoise Poinsathe, 2636 57<sup>th</sup> St.**, spoke in support to the project.
14. **Julie McCabe, 526 Arapahoe**, spoke in support to the project.
15. **Eric Budd, 3025 Broadway, #38**, spoke in support to the project.

**6. ADJOURNMENT**

The Planning Board adjourned the meeting at 9:23 p.m. to be continued September 3, 2015.

APPROVED BY

  
 Board Chair

10/11/15  
 DATE

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**(Continuation of the Planning Board Meeting, September 2, 2015)**  
**September 3, 2015**  
**1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Chair  
Bryan Bowen  
John Putnam  
John Gerstle  
Leonard May  
Liz Payton  
Crystal Gray

**PLANNING BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

Charles Ferro, Development Review Manager  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Assistant III  
David Thompson, Transportation Engineer  
Elaine McLaughlin, Senior Planner  
Sam Assefa, Senior Urban Designer  
Edward Stafford, Development Review Manager  
Michelle Allen, Division of Housing

**1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 3:05 p.m. and the following business was conducted.

**2. PUBLIC HEARING ITEMS**

**CONTINUATION FROM PLANNING BOARD MEETING, SEPTEMBER 2, 2015**

**A. SITE AND USE REVIEWS:** Applications under case no.'s LUR2015-00010 and LUR2015-00011, 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 to create a new mixed use, mixed income neighborhood comprised of seven 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 housing 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 building of 20,754 square feet; and
- **S'PARK\_west** with 45 units of permanently affordable attached residential, and
- **S'PARK\_west** with 24 market rate townhomes.
- 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 intends to pursue Vested Rights per section 9-2-19, B.R.C. 1981
- Use Reviews are for three restaurants with outdoor seating greater than 300 square feet within 500 feet of a residential area.

#### **Board Disclosures:**

- **L. May** stated for the record that he watched the TV8 broadcast of the Planning Board meeting from September 2, 2015. As well as the PowerPoint presentations from staff and the applicants an all written material.
- No other ex parte communications occurred between the end of the September 2, 2015 Planning Board meeting and the beginning of this Planning Board meeting.

#### **Board Comments:**

##### **Key Issue 1:**

**Is the proposed urban design and planning for the overall plan and the individual areas consistent with the Transit Village Area Plan (TVAP) intent and design guidelines?**

- **J. Putnam** stated the consistency of the project with the TVAP and the Design Guidelines intent is uncanny. Strong application. Appreciates seeing a number of buildings together in one plan. Helps with design and connectivity. He agrees with the staff memo. Brings high spots in terms of integration with way Boulder Junction was supposed to work. The left turn lane element on Valmont is a critical benefit. Will help with getting quiet zone accomplished. LEED Neighborhood certification very important and productive. Energy efficiency allowances very important. Design is a strong design and architectural package. Over all very strong.
- **C. Gray** appreciates the developer and architectural team listening to Planning Board's concept plan comments, especially the breaking up the mass. Different architecture is very strong. Meets TVAP guidelines. When talk about 3-4 stories in MU-4 Zone, would like to have seen more. Support diversity of housing types and commercial space. LEED Neighborhood certification is an important step. Goal of having Net Zero buildings for the Spark West is

important. Landscape architecture will be a mixed use low plantings throughout. Make sure reflected in the plans with the seating.

- **L. Payton** feels the mass and scale are generally ok. Appreciates the bulk is by railroad tracks and taken down to the West. Mixed use buildings is very successful. Has concern that each blding is an iconic building and may not result in a cohesive neighborhood. Individual buildings are beautiful. The materials are quality materials. Should address concrete block on pedestrian side. Concerns on city compoent affordable housing. Appreciates the energy efficiency. Concern with consistency of TVAP.
- **A. Brockett** feel it is very consistent with TVAP plan. Maches perfectly. Well designed project. Integrating different design approaches is appreciated. Project accomplished many city goals. Appreciate the reachout to neighborhood. Withh no one agaist is testimant to quality of work. Appricate scaled the bulk of the project. Maintain compatibilty. Minimal parking is a great thing. Envisioned the TVAP plan. Including the cycling component is a nice thing. Appricate the inclusion of different housing typology. Inclusion of mixed income is good to see. LEAD Neighborhood platinum level is exciting. Project really stands out.
- **B. Bowen** agrees with what has been said by board members. Meets and exceed what looking for in TVAP. Good example of the process working well. TVAP is a well thought out plan and well vetted. Willingness to listen to Planning Board. Going through the process in for several cycles in BDAP is commendable. Building and materials are an excellent design. Several architects and several design esthetics are good to have together. Look at them as idenitivable buildings rather than iconic. Makes for good public relm spaces. Density well balanced. Example of the community benefit that the Planning Board strives toward such as with putting parking underground. In the family and human habitation piece of the project, it pushed it into a good direcion. Townhouses as a part of Timber are very positive. Shame that on the front side they have a small flex space. Could not enliven the street much.. Kids could live well in an environment such as this; kid friendly. Likes the balance rear access parking attached garages with living space fed off the kitchen, that starts to break down seen with the tuckunder garage projects. Likes changes on woonerf and especially the teardrop drop off. Landscape design is positive with the layering in of edible landscaping. Applicant worked to bring in large canopy trees in key places and the types of trees that will be protected.
- **J. Gerstle** agrees the project meets the TVAP intent and design guidelines. Attractive layout and plan. Concerned with where kids can play who live in the family oriented housing. Don't see it near or close by. Concered that the roof area is not being productively used as it could be. The use of solar locations and green roofs, should be considered. Big area that could be used as a resource.
- **L. May** agrees with his colleagues comments. Consistant with TVAP generally. Concern if one takes out all elements put on the table for this project (LEAD Neighborhood level and affordable housing), possiblity of near net zero buildings, does it still meet the criteria (site review). Leads into whether to LEAD and energy efficiency are relevant to meeting the criteria. Architectural concerns on west side of project, as it seems there is very different level of design quality. East higher quality level than west side.

### Key Issue 2:

#### **Building Materials**

**MARKT – restaurant, office:**

**Ben Nesbitt reviewed the material and elevations.**

- **L. Payton** concerned about the use of concrete block on the woonerf side. **S. Holton** and **B. Nesbitt** stated it was reduced by over 70% from previous discussions. Balance with context and play with wood materials. Will be used it in a limited capacity.
- **B. Bowen** said he feels the block is a reasonable material and positive.
- **C. Gray** stated the Planning Board can get push back from the community that too many forms or materials are used in projects. She stated she likes the forms and the materials proposed.
- **J. Gerstle** expressed concern with the standing seam and the reflection of sun on neighbors. **B. Nesbitt** stated the galvanized will weather (5-10 years) and become the pewter so as to breakup reflections. In addition, based on sun angle, distance to neighbors, and the location, it will not have much reflection. **J. Gerstle** stated he is a fan of occasional splashes of bright colors.
- **L. Payton** questioned if the lattice is it functional or ornamental. **B. Nesbitt** stated it is functional as a shade.
- **C. Gray** stated she was concerned about the space between the Railyard building and south end of Markt building since it is a delivery space and will have trucks backing in and out. It is not an urban design amenity between the buildings. **Leslie Ewy**, civil engineer for the project, stated the bollards are strategically placed to keep vehicles from entering onto multiuse path.

#### **RAILYARDS Building:**

**Paula Claridge, with Sopher Sparn Architecture, reviewed the materials and elevations.**

- **L. Payton** stated the building would have a better look if used a higher quality of brick material. Brick would be much more attractive and higher quality, making the building more appealing. Concerned regarding CMU.
- **B. Bowen** most concerned with this building in concept plan. It's better now in terms of overall windows and mullions.
- **S. Assefa** informed Planning Board that the CMU was discussed and that currently there is not a requirement that a material cannot be used. Trying to strike a balance. BDAB happy with significant amount of reduction in the amount of CMU. Regarding CMU, staff and BDAB felt on balance and is acceptable, especially on the ground floor.
- **L. May** regarding the CMU that it works fairly well with this. The vertical tearing of metal panel composite is sterile. Applicant is trying to emulate old warehouses. The thing that is harmful to building is where masonry aspects on west elevation at entrance and corners. Doesn't integrate into the building.
- **L. Payton** commented that the artwork on the roll down doors is a great idea. How would the art be provided? Applicants are open to whether permanent or changing. Required (murals) confirmed by staff.

#### **CICLO Building:**

**Erin Bagnall, with Sopher Sparn Architecture, reviewed the material and elevations.**

- **L. Payton** stated she liked the saw tooth aspect of the building.
- **L. May** stated that this building improved the most of the buildings through the BDAB process. East side (saw tooth) works well. When on the corners, it breakdowns. Rhythm is lost on east side. Like to see carry forth on the building when wrap the corners.

**Timber Lofts:**

**B. Nesbitt reviewed the materials and elevations.**

- **L. Payton** stated that there is no top to the building. Understands the reason for the balconies as they are required, but balconies chop up the building. Timber townhomes is more successful because it doesn't have the choppy balconies.
- **L. May** agrees with **L. Payton's** comments, but not sure much can be done as balconies are required (private open space). Since these are apartments, they don't open to their own outdoor space like the townhomes.
- **C. Gray** stated that the building is easy to understand and important to have the balconies. Nice warm environment. Likes these elevations.
- **J. Putnam** agrees with **C. Gray**.

**Meredith House:**

**Tim Laughlin, with Surround Architecture, reviewed the materials and elevations.**

- **L. Payton** suggested that in regards to the CMU, felt there is more refinement in the paving than on the sign for Meredith House. Looks like concrete block with a sign on it. Lost the refinement.
- **B. Bowen** stated that all the buildings have come together in a rational way.

**S'PARK West (permanently affordable housing, 45 units):**

**Paula Claridge, with Sopher Sparn Architecture reviewed the materials and elevations.**

- **L. May** stated that there is a difference in sophistication of design between the east and west side. West side starts to lose its visual coherency. Sterility and visually static on the lower building. As buildings get small from east to west, loses design quality of the project as a whole.
- **L. Payton** stated that the extent of stucco or plaster is visible from the street and materials not carrying all the way up is concerning and complicated on the bottom ground floor elevations.

**S'PARK West (24 townhomes)**

**Erin Bagnall, with Sopher Sparn Architecture, reviewed the materials and elevations for the board.**

- **L. Payton** stated that due to the materials changing, the building needs to keep same materials going up.
- **L. May** stated that the order and rational starts breaking down.
- **J. Putnam**, in regards to material choices, he appreciates not using nice materials for market rate units compared to the affordable rate units.

**Key Issue 3:**

**Design Concerns**

- In regards to the use of CMU on the on MARKET and Railyards buildings, the board agreed that this is no longer a concern.
- In regards to the use of vertical framing on corners and middle of the Railyards building, the board agreed that this is no longer a concern.

- In regards to the transformer issue, **J. Putnam** stated that there was acknowledgment by the applicant that some awkwardness exists. **J. Putnam** stated that this doesn't rise to the level of Site Review criteria, but wants to encourage some creativity related to that location.
- **H. Pannewig** stated that the proposed site was a condition of approval by staff and addressed the transformer and be located to a less visible location. She read a draft of a condition that read as follows, "*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.*"
- **J. Putnam** states there is room for creativity to hide it. Ways to embrace and make it work such as embracing it with art, recycled rail- or electric-related materials or LED information kiosk that could be a sustainability dashboard for the project.
- In regards to the corners of the Ciclo Building, the board agreed that this is no longer a concern.
- In regards to the Timber Building and the balconies and that these building this building does not have an intentional top, the board agreed that this is no longer a concern.
- In regards to the S'PARK west project and Meredith House regarding the number of materials, the board agreed is some concern. The board offered to work with staff on the conditions. **S. Holton** open to conditions to work on things. From TVAP, establishes a different design district. Thought they had a good reception in Concept Review. The building changed very little from Concept Review. **A. Brockett** supports the change in design vernacular from eastern portion to the RL-6 and in the right direction. **A. Brockett** would like to see some refinements in terms of the materials being more consistent top to bottom. **L. May** stated that is not the materials they are using, but the change in the forms. The building starts to become a visual jumble. The remainder of the board was in agreement. **J. Gerstle** expressed some concern regarding the materials and that it is vinyl comparted to other buildings. He directed the applicant to work with staff on this matter. **L. May** asked staff if make a design refinement designations, it go back to BDAB. More form and material concerns of the board. **B. Bowen** feels there are nice moments with the materials. Perhaps send them to BDAB on S'PARK West one more time to work on architectural composition. The applicant was in agreement. It would be a condition to approval.
- **H. Pannewig** read a drafted condition of approval reading as follows, "*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: 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.*"
- **C. Gray** stated that the affordable piece is more attractive than the western piece. Success of this is focused on the site planning with the cut through and paths.
- **J. Putnam** raised the issue of exits and corridors. When backing into a location with hazardous materials such as the rail train area, having all your access from one corridor

raises some concern. Not a code requirement or site review requirement, but worth looking at for safety and avoid a bad situation.

#### **Key Issue 4:**

##### **Outdoor Play Space Issue**

- **L. Payton** stated this is the city funded affordable housing, and one goal is to offer some in-commuters housing. It needs to compete. How attract families to the units and compete with outer areas. Families looking for places that foster enrichment. Should be family friendly in the design. The area where the applicant indicated that the kids could come out and play is actually covered parking. Not really a play space. Need more information regarding Meredith Park and if affordable housing residents can use it. No guarantee of arrangements for Meredith Park. We shouldn't short affordable housing residents. Would like the S'PARK West affordable housing portion is looked at again and provide quality open space for families. Not socially equitable for affordable housing portion with no play area.
- **A. Brockett** stated that pocket parks are close by. Have a bigger park closer. Goose Creek greenway is in close proximity to this project. Like to see a little more green space in townhome section, but does not believe they are shorting the affordable housing families. Access to green space is critical to get the guarantee that all green spaces are available to all residents in this area.
- **C. Ferro** informed the board that the city will be building a pocket park across from project.
- **L. May** is sympathetic to **L. Payton's** concerns. Given how it is designed, and a park across the street, this project suitably works for this area. The project does not insist on more green space be provided at the expense of the housing put in this area.
- **S. Holton** stated that perhaps a cross easement between property owners could be a solution for both S'PARK properties. Meredith Park could be included. Could make it a requirement for TEC doc so it can be recorded. And could reach the minimal requirements. Regarding the Timber Deck, want to be more selective due to the amenities offered and don't feel right about total access to all residents.
- **H. Pannewig** drafted a new condition that the board further discussed and suggestions.
- **L. Payton** stated that **H. Pannewig's** first draft didn't indicate a size. And she was not so concerned with the Timber Deck but with access for resident to the lower courtyard where kids might play.
- **B. Bowen** does not feel the new condition needs to say more paly equipment needed nor a sandbox. Not relevant. All that needs to be addressed is public access. Agrees that something needs to be done with Timber Lofts as well. But shouldn't try to do this with the pool, common room or enclosed facilities.
- **J. Putnam** commented that any language regarding active play spaces, he would rather not draft it now and place in the conditions, and suggest the developer to think about a reasonable budget for residents for them to plan what they think would work best. Suggested creative uses with left over materials for play structures. If make it their space, would bring value.
- **C. Gray** counted 8 units that overlook greenway and have porches. The Community House is big asset for that area. Key is having a welcoming aspect of the area.

- **J. Gerstle** stated that he likes applicant's proposal and meets issues he was concerned about.
- **H. Pannewig** read a drafted condition of approval reading as follows, *"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."*

**Key Issue 5:**

**Is the project Compatible to the Site Review criteria if certain items taken away that are not guaranteed such as the LEAD Platinum and the near Net Zero?**

- **H. Pannewig** addressed that based on previous comments, the board can impose energy efficiency conditions. These plans indicate that they are working toward Net Zero not saying that they not meet Net Zero. But that they would get the LEAD Neighborhood certification. She suggested the board read that as part of the plan. It does not need to be a part of the condition.
- **B. Bowen** in looking at the review criteria, not based on meeting energy conditions because it's not baselines. Criteria is based on more if they meet the building code and the TVAP. On affordability, the board can't mandate things be accomplished on site. Stated that we can't make that part of the criteria.
- **A. Brockett** feels when you take away the things that are mentioned but not guaranteed, it complies with TVAP when one takes away the energy eff conditions. Tenants are aspirational but not guaranteed.
- **J. Putnam** agrees it is important. The energy usage piece is a place to pause, due to it not being clearly written. In the use of the roof and would we see PV on it? Extent that its being built with space that can be used PV, he would like to see condition that wiring is "plug and play" to make use of that. Make it easier and faster to do it when it happens. In regards to the EV issue, that when electrical systems are sized, to think about growth and number and capacity of charging stations. Will need more than 6 electric car spaces in this development and meet our goals. Convenient charging will be a basic need in 5-10 years. Don't have to put in now, but capacity and plan to build.
- **C. Gray** interpreted that the goal for Net Zero was for only the S'PARK West (affordable housing). She asked the applicant what they feel comfortable doing?
- **S. Holton** informed the board that the goal is that S'PARK West affordable housing and CICLO are areas for the effort to get to Net Zero has greatest benefit. Ability to do so is driven by tax credit market and solar tax credits. Aspiration to reach Net Zero.
- **J. Putnam** would like buildings designed to accommodate proper capacity and EV. May propose as a condition.
- All board members agreed it meets site criteria without those aspiration ideas with new condition that pre-wire for solar and capacity for increased EV.
- **P. Jefferson**, speaking on behalf of electrical engineers, the proposal would be an empty conduit rather than electrical wiring.
- **H. Pannewig** read a drafted condition of approval reading as follows, *"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.”*

- **J. Gerstle** stated that there is lots of roof top area. There can be alternative uses for rooftops that can be terraces, vegetable gardens, etc.
- **A. Sopher** stated that they would be open to those options but the Land Use Code has a provision that doesn't allow that because of changes to overall height. **S. Holton** wants to minimize the height of buildings. If the Board would have some reprieve to allow for that use, we would look at it.
- **A. Brockett** can't approve a taller building but can't give exception to height rules.
- **C. Gray** clarified #3 on the conditions, under (c.5), want a clear date constructed. And in regards to the "finger" towards Commons, she asked for that to be included.
- **C. Ferro** informed the board that the project can't be given a Certificate of Occupancy unless that is complete.
- **H. Pannewig** stated it is regulated through the sub-division.

#### **Key Issue 9:**

**Do the Use Review applications for the Brewpub and restaurants meet the Use Review Criteria of section 9-2-15(d), B.R.C. 1981?**

- **J. Putnam** suggested that the two restaurants should be allowed to open at 6:00am vs. 7:00am. Close time is fine at 11:00pm.
- **J. Gerstle** defined that the music will end at 10:00pm. Will we anticipate conflicts with the music and noise?
- The board agreed to amend time to 6-11.
- **L. Payton** stated that people will choose to live here so the music shouldn't be an issue.
- **C. Gray** need consistency is in the Use Review with restaurants in regards to the dumping of bottles after hours. Staff stated it is in the management plan.

#### **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 approves (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 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.

### **Recommended 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.
  - 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 34<sup>th</sup> Street.
  - ii. A left-turn lane and “quiet zone” raised median on westbound Valmont Road east of 34<sup>th</sup> 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 34<sup>th</sup> 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 34<sup>th</sup> Street.
  - viii. Extending the left-turn lane on southbound 30<sup>th</sup> Street at Bluff to 75-feet.
  - ix. The north side of Bluff Street from 31<sup>st</sup> Street to the road’s terminus at the proposed Woonerf.
    - x. 32<sup>nd</sup> Street from Bluff Street to the north property line.
    - xi. Junction Place from Bluff Street to the north property line.
    - xii. Meredith Street from 32<sup>nd</sup> Street to 34<sup>th</sup> Street.
  - xiii. All alleys with a dedicated public access easement.
  - xiv. All sidewalks with a dedicated public access easement.
  - xv. Storm water quality improvements and storm water detention improvements, including but not limited to permeable parking lot paving.

## **USE REVIEW BREW PUB: 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 7:00 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.

## **USE REVIEW CONDITIONS FOR THE 3,500 SQUARE FOOT RESTAURANT LOCATED AT THE SOUTH END OF THE RAILYARDS SUITE: 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 7:00 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.

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

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 6:46 p.m.

APPROVED BY

  
Board Chair

10/1/15  
DATE

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**September 17, 2015**  
**909 Arapahoe Ave., West Senior Center**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Chair  
Bryan Bowen  
John Putnam  
John Gerstle  
Leonard May  
Liz Payton  
Crystal Gray

**PLANNING BOARD MEMBERS ABSENT:**

None

**CITY STAFF PRESENT:**

Lesli Ellis, Comprehensive Planning Manager  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Assistant III  
David Thompson, Transportation Engineer  
Jeff Haley, Parks Planning Manager  
Courtland Hyser, Senior Planner  
Susan Richstone, Deputy Director of Community Planning & Sustainability  
Jean Gatza, Community Sustainability Coordinator  
Caitlin Zacharias, Comprehensive Planning Associate Planner  
Joanna Crean, Public Works Projects Coordinator  
Sam Assefa, Senior Urban Designer

**PLANNING COMMISSION BOARD MEMBERS PRESENT:**

Doug Young, Chair  
W. C. Pat Shanks  
Lieschen Gargano  
Michael Baker  
Leah Martinson  
Natalie Feinberg Lopez  
Daniel Hilton

**COUNTY STAFF PRESENT:**

Pete Fogg, Senior Planner, Boulder County  
Abigail Shannon, Senior Planner, Boulder County  
Steven Giang, Planner I, Boulder County

**JOINT STUDY SESSION**

The Joint Study Session between the Boulder Planning Board and Boulder County Planning Commission was called to order by **A. Brockett** at 5:43pm.

**1. DISCUSSION**

**A. Topic:** Boulder Valley Comprehensive Plan 2015 Update – Provide an update to the City Planning Board and the County Planning Commission on the Boulder Valley Comprehensive Plan (BVCP) foundations work, change request process schedule, Aug. 31 Community Kickoff, and areas of focus next steps. Hold discussion and receive feedback on these topics.

**Introductions:**

The board members and staff introduced themselves.

**Staff Presentation:**

**L. Ellis, C. Hyser, S. Richstone and P. Fogg** presented the item.

**Board Questions:**

Board members asked staff questions about the Boulder Valley Comprehensive Plan and process.

**Discussion Summary:**

Following a presentation from city staff, the city Planning Board and county Planning Commission engaged in an open discussion of the Boulder Valley Comprehensive Plan 2015 Update. For this summary, comments from that discussion are grouped according to major themes that arose:

**1) Community Engagement**

- All board members agreed that the 2015 BVCP is off to a great start. They were very supportive of what has been done.
- The board members encouraged more discussions with CU representatives regarding its future capacity vs. the goals of the city.
- The staff highlighted elements of their engagement strategy with the boards. Specifically, how non-English speaking citizens or people who are not digitally engaged were reached. The engagement with the Latino community has unique factors in regards to language and work schedules.
- **J. Gatz** informed the board members that staff is partnering with the Latino Task Force and to go around town to “Pop up Meetings”, speaking with both English and Spanish speaking citizens. Staff is also working with “intercambio” of Boulder to have comment sheets distributed at their English classes. Continued partnership with Spanish meetings. Also working with the family resource staff, within the schools. Staff has learned a lot

of information at these meetings and so far the citizens have been excited. The focus of these citizens is not necessarily on active lifestyle, but on schools and safety for the family. They have concerns with affordability and that the neighborhoods stay nice.

**P. Shanks** stated that when reaching out to the Latino community, topics rated high importance are an emphasis on family, access to education and higher education, jobs that pay a reasonable wage, and to feel accepted in Boulder County.

- Staff informed the board members that the Boulder Housing Partners have great engagement plans and that they are planning to work with them in the near future.
- Board members stated that the Kickoff Event on August 31, 2015 was well done. They saw many people attending that are not generally at city meetings. The boards suggested carrying through with the same ideas at future meetings. They suggested informing people at the time of the meeting as to how their input will carry through and feed into the process. In addition, where what the next steps staff will undertake and to have the people attending feel more engaged and involved.
- The boards suggested involving school-aged children. This might allow staff to reach people that are not aware or engaged. They stated that it is important when kids (elementary to high school aged students) involved, because it will encourage their parents to get involved. Staff stated that they will partner with Growing Up Boulder and see if they can push the survey.
- In regards to the Survey scheduled to be sent out, the boards asked staff if annexed parts of Boulder County will be involved. Staff informed the boards that the survey will be to all households proportionately in the Boulder Valley, including Gun Barrel. The results will be collated according to geographic areas.

## 2) Foundations Work (Profile, Projections, Trends, Fact Sheets, Mapping)

- The boards agreed that the document is on the right track, information dense and holds interesting content.
- **L. Payton** L. Payton stated that toward the end of the document, the section regarding employment, there is a classification labeled “creative jobs” and a discussion of “creative class.” These jobs are described as involving creativity and innovation. L. Payton expressed concern labeling a programmer (for example) as a “creative job” vs. a welder or teacher. She suggested removing the “creative class” discussion and updating the labeling
- On the Trends Report regarding travel times, members asked the staff how is the travel information double checked for increased time allotments. C. Gray suggested asking the citizens within the survey, have they noticed an increase in traffic, is it the same, or less. The experience/perception does not seem to resonate with the data. Perception is different vs. data. This topic could be a good place for a public forum, rather than the survey, to get feedback. This topic is on people’s minds and gives them a chance to explore that. Board members stressed that if the same measure points are being used, could it be possible traffic is more congested and we are not picking up on the new avenues people are using (i.e. bikes, walking). Staff will follow-up on additional research.
- The boards were in agreement that the Trends Report is a breakthrough and a step forward. The comments were similar regarding the Fact Sheets. The boards suggested the staff go to local neighborhoods and set up “listening sessions” at a local level. The

information obtained could be beneficial. The staff stated that they anticipate adding new information and future conditions. In addition, as the staff gathers information, varying policy ideas may develop and may be applied.

- In regards to the Mapping, the staff stated they may capture additional detailed mapping, however in the near term, the Mapping will be used for discussion and to capture ideas for the future.
- The boards encouraged when staff is presenting data, it would be beneficial to have it presented in per capita and totals for emissions and green house gases.

### 3) Focused topics for the 2015 update

- Staff asked the boards to look at Page 9 of 73 in the September 17, 2015 packet for a list of the focused topics and to use as reference. The emphasis of staff is to have the boards input on whether staff is focusing on the right area and the areas of importance.
- The boards suggested the adding of a category called “Arts and Culture”. Staff stated that this is already present in the focused topics. The boards suggested that that area is a large focus of the community.
- In regards to the topic “Neighborhood & Character”, the boards suggested the emphasizing of area plans and sub-area plans. Staff stated that this could be added once they received feedback from the survey. The boards stated that there is a renewed interest that it would be good to talk about and to get the item of sub-community planning on the BVCP.
- The boards discussed the topic of “Growth and Management”. It was stated that there is too much focus on the reducing of “vehicular” congestion and not enough on mobility with other modes of transportation. There needs to be a balance to help enhance other methods of mobility (i.e. bike, bus, walking).
- The boards stated that the BVCP should tie into the Land Use Regulations. The Comp Plan is not a regulatory document; however some use it for guidance on decisions or implementation. Currently there is ambiguity in the plan in terms of how it connects to zoning districts and land use categories are not clear. It has been discussed that the Comp Plan should make designations clearer. The staff reiterated that the intention of the Land Use Plan was not intended to be used as a regulatory document. The plan should be used more at a guide and have flexibility but clarity too. The staff agreed that the plan could be clearer and want to work on it. The boards agreed that the BVCP could be made more transparent and easy to use.
- The board stated that the Site Review Criteria has some gaps and should not be connected to the Comp Plan. The boards suggested to staff to look for connections within the Comp Plan and Site Review Criteria and to place real policies within. The boards agreed that there are connections between the Comp Plan and Land Use Code, therefore mirroring between the two documents should exist.
- Implementation is very important. Staff reminded the boards that they can make recommendation for changes to the Land Use Plan over the coming months. Staff is not able to correct the code through the Comp Plan, but the boards or staff can identify items in the code that might need to be fixed after the Comp Plan is adjusted in the near future.
- The boards agreed that it is good to see that the Comp Plan identified city owned buildings in which energy improvements have been made. This will demonstrate to the

public that the city is making progress. In addition, it demonstrates what the city wants to see happen in the future and how far we have to go.

#### 4) **New information in community that might affect the focus**

- The boards expressed the willingness of a chance to suggest aspirations of the Comp Plan that they would like to see implemented. The boards would like the opportunity to discuss the joint aspirations between the county and the city in terms of climate change, transportation in addition to what the main and growth goals would be for the 2040 projections.
- An aspirational topic was suggested that within the large amount of city and county's open space, organic farms could be developed to feed our communities as a viable possibility. It was suggested to see more big ideas and how to implement them.
- Another aspiration topic presented by the boards was the energy code and if there should be a discussion of that topic. The county and city are moving forward separately. The county is implementing Net Zero requirements. The city of Boulder has adopted a new energy code with the 30% above standard code. Both are steps forward, however there are big differences between the two and the Comp Plan could be a place to work on that. The boards agreed that a more aspirational base discussion regarding energy usage would be beneficial. The boards stated they would like to see the Comp Plan discuss the transition from older mode of sustainable metrics towards a living within our new carbon and water budgets. If the city and county have adopted these aggressive targets for 2050, it needs to be permeating in the Comp Plan in order to know what is ahead and are we, as a city and county, on track.

### **ADJOURNMENT OF JOINT STUDY SESSION**

The Boulder Planning Board and Boulder County Planning Commission adjourned the Joint Study Session portion by **A. Brockett** at 7: 19 p.m.

---

### **PLANNING BOARD MEETING**

The Boulder Planning Board meeting portion commenced.

#### **1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 7:37 p.m. and the following business was conducted.

#### **2. APPROVAL OF MINUTES**

#### **3. PUBLIC PARTICIPATION**

1. **Chuck Palmer, 2270 Bluebell, Ave.**, spoke in opposition of the rezoning of 385 South Broadway.
2. **Beth Flemming, 2285 Bluebell Ave.**, representing the HOA Lower Bluebell Improvement Association, spoke in opposition of the rezoning of 385 South Broadway.

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

- A. Continuation of the consideration and recommendation to City Council on the rezoning application for a 0.8 acre portion of land generally located at 385 South Broadway from the Residential - Low 1 (RL-1) to the Business - Transitional 2 (BT-2) under case no. LUR2015-00047 and consideration of a motion to approve findings recommending denial of the application.

#### **Motion**

Motion by J. Putnam, seconded by C. Gray, that the applicant failed to demonstrate that application no. LUR2015-00047 meets the requirements of the Boulder Revised Code, recommends to City Council denial of the application, and adopts the staff memorandum dated for the September 17, 2015 Planning Board meeting and its Attachment A as findings of fact and conclusions of law. Passed unanimously 7-0.

#### 5. PUBLIC HEARING ITEMS

- A. Public hearing and consideration of a recommendation to Parks and Recreation Advisory Board on the Boulder Civic Area, Phase I Park Development Plan, Community and Environmental Assessment Process (CEAP).

#### **Staff Presentation:**

J. Haley, S. Assefa and J. Crean presented the item to the board.

#### **Board Questions:**

J. Haley, S. Assefa and J. Crean answered questions from the board.

#### **Public Hearing:**

- 1) **Chuck Palmer, 2270 Bluebell, Ave.**, spoke in regards to the proposed band shell seating and spoke in opposition to the reduction of the space in front of the band shell. **C. Palmer** is in support of the plan otherwise.

#### **Board Comments:**

- **A. Brockett** encourages the flow of water to the plans. He cautioned that it not be too anesthetic and suggested to having things get pushed by the water or incorporate water and sand. In regards to the band shell, he suggested adding more vegetation and trees in the proposed plans for shade. He stated that it may make the band shell more successful and change the shape. In addition, **A. Brockett** supports the proposed re-routed bike path. He suggested design elements that would direct people in the correct direction and not proceed straight through the park.
- **B. Bowen** suggested looking at the proposed plantings and considering the longevity of trees for the future canopy. He stated that he would like to see good climbing boulders in play areas. He stated that this element could work for adults and children together. He encouraged the reinforcement of the habitat nature of the stream. Finally, he suggested in

the area of the city owned patio next to Broadway, Riverside building, to look at improvements.

- **J. Putnam** encouraged redevelopment of the stream to provide a sitting area or stream access point north of the creek, east of Broadway. He stated that the ramp above the diversion is a place for kids to play, and to maybe make it more thoughtful as it is an opportunity not to lose. He encouraged thinking of safety issues. **J. Putnam** suggested looking for native vegetation and making choices with fewer entrapment or hazard issues. Be thoughtful of what you use and placement of vegetation. Moving water and sand for kids would be beneficial. Overall, **J. Putnam** stated the plan looked very strong. In regards to the proposed rocks near the band shell, he suggested to have hidden electrical sockets in the hard cape, which may make it more active and encourage folks to get outside.
- **J. Gerstle** agreed with most of the previous comments. In regards to proposed vegetation, while we don't want dangerous elements, **J. Gerstle** expressed concern over losing cottonwood trees. He stated that, in regards to the existing benches in front of band shell, they are more efficient for letting more people in that small area to listen to concerts and allow folks to dance.
- **L. Payton** encouraged plans to be added which would allow having large groups gather or have outdoor grills in place. She stated this would appeal to the Latino and multicultural citizens to engage with the park. In regards to the plans for the bridge on 11<sup>th</sup> street, she noted that here has been no discussion of the bridge design. **J. Haley** informed the board that the new bridge proposed over the creek would be relocated further west than its current location and that the bridge would be widened with artistic elements. **L. Payton** suggested that the bridge should have lights installed which would pull people across at night. The goal of the bridge should be to make it a point of interest. **J. Haley** assured the board that the bridge plan is being reviewed with consultants. **L. Payton** added that she likes the idea of a lawn amphitheaters and it would encourage dancing.
- **B. Bowen** suggested the showing of movies at the band shell which would emphasize programming at the band shell.
- **L. Payton** suggested letting the public come up with the programming, rather than having it staff driven and make it free of charge. Perhaps then neighborhoods would come down to see what is happening at the band shell. She stated that the key getting families and ethnic groups to the band shell is the cost. Finally, **L. Payton** stated that she would like to see the catching fish at the creek for children facilitated in the plan. Overall, she is in support of the proposed plan.
- **L. May** reinforced the comments regarding the band shell and proposed seating. He stated that he does not believe the problem is the band shell, but that the space and activity space should be made useful for kids and adults.
- **C. Gray** stated she agreed with the comments of fellow board members. She stated that any band shell changes should be intentional improvements. Finally, **C. Gray** stated that water quality is very important in this area and staff should keep an eye on upstream sources, such as mines, and monitor water quality.

**Motion:**

On a motion by **A. Brockett** seconded by **J. Putnam** the Planning Board approved the recommendation to the Parks and Recreation Advisory Board approval of the preferred alternative, Phase I Park Development Plan and associated CEAP documentation. Passed unanimously 7-0.

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

**A. S. Assefa** stated that the design tour of recent downtown buildings performed yesterday, September 16, 2015, was very successful and informative. Board stated they found it very useful.

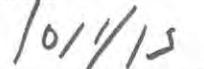
**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 8:46 p.m.

APPROVED BY

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

  
\_\_\_\_\_  
DATE

**CITY OF BOULDER  
BOULDER, COLORADO  
BOARDS AND COMMISSIONS MEETING  
MINUTES**

<b>Name of Board/ Commission:</b> Transportation Advisory Board	
<b>Date of Meeting:</b> 10 August, 2015	
<b>Contact Information Preparing Summary:</b> Kaaren Davis 303.441.3233	
<b>Board Members Present:</b> Zane Selvans, Andria Bilich, Dom Nozzi, Bill Rigler, Daniel Stellar, Andria Bilich <b>Board Members Absent:</b>	
<b>Staff Present:</b> Michael Gardner-Sweeney, Interim Director of Public Works for Transportation Gerrit Slatter, Principal Transportation Projects Engineer Greg Izzo, Public Works Maintenance Manager Kathleen Bracke, GO Boulder Manager Jean Sanson, Senior Transportation Planner Chris Hagelin, Senior Transportation Planner David "DK" Kemp, Sr. Transportation Planner Randall Rutsch, Senior Transportation Planner Natalie Stiffler, Transportation Planner II Kaaren Davis, Board Secretary	
<b>Consultants Present:</b> none	
<b>Type of Meeting:</b> Advisory/ Regular	
<b>Agenda Item 1: Call to Order</b>	<b>[6:01 p.m.]</b>
The meeting was called to order at 6:01 p.m.	
<b>Agenda Item 2: Approval of minutes from 8 June 2015</b>	<b>[6:01 p.m.]</b>
Move to approve July 13, 2015 minutes as presented.	
<b>Motion: Nozzi Second: Rigler</b>	
<b>4:1:0 (Bilich Abstains)</b>	
<b>Agenda Item 3: Public Participation</b>	<b>[6:02 p.m.]</b>
<ul style="list-style-type: none"> <li>• <b>Dave Morrison</b> – Lived here since '95- Folsom Avenue living labs is a boondoggle. Huge traffic backups. Drives around town all the time. Sees nothing but trouble with this. There may be more bicycles but there are a dozen cars for each bike. This project should be up to a vote of the people. Stop it right now. If you want more bikes there are other ways than taking away lanes from cars. Not convinced by the numbers so far provided.</li> <li>• <b>Andrew Celani</b>-Started at Smooth Motors in 1984. Have been there since. Since the inception of the Living Labs, what was a good corridor has turned into a nightmare. There has been a negative impact to business. The diminished capacity of the street and the difficulty of navigating the pylons has created a SNAFU. Our business is down a magnificent amount (43%) from an aggregate of prior years. City staff has decided they are the rulers and will make decisions for us. Staff member David Kemp admits to lack of data. TAB and Council need to decide whether the catastrophe on Folsom is to be repeated or whether those adversely affected will just quietly go away</li> <li>• <b>Sue Prant</b> – Thanks to the board and staff for their efforts on the Living Labs projects. There is actually quite a lot of data from the beforehand. It's a shame the Camera has decided to present the issue the way they have. There has been only one week of trial. The road is much calmer and quieter. The traffic is moving slower. It's much safer and more attractive to both bikes and pedestrians. Questions comparing one week of business in the summer with an aggregate of multiple years (referring to the prior speaker). This is a trial. If we pull out now, we learn nothing. Keep with the plan. Evaluate and study.</li> <li>• <b>Fred Ecks</b> – Live close to south 30<sup>th</sup>. Its bike lane is similar to how Folsom was. Rarely rides a bike in town anymore because it is too dangerous. Glad to see the change. Please continue.</li> <li>• <b>Sara Mayer</b> – Avid cyclist and does drive. Raised two kids with one car in the family. Kids walked or biked to school every day. Likes to see staff find ways to get people out of their cars. The Folsom reach is too small to provide any useful data. Does not include the most dangerous section. Rides Iris often. We owe it to people to study how much traffic actually travels Iris during all parts of the year. Routes on Hawthorne/Grape and Kalmia would allow bike travel without using Iris. Traffic will divert into neighborhoods with the Iris plan. What is the plan for cleaning the bike lanes and snow removal with all of the vertical elements that divide it from traffic? A community wide pass and more busses would make this all much easier. Likens car use to smoking, which became socially unacceptable. It should become socially unacceptable to use a car for any trip</li> </ul>	

under 5 miles, or driving an SUV or any vehicle with gas mileage under 35 miles to the gallon or to drive your children to school.

- **Charles Brock** – Has been avoiding Folsom by bike for years since his son was struck by a car. Has been happy to take Folsom to and from work every day for the last three weeks. There is only congestion between 5 and 5:30. The project is 97% effective. If we solve the remaining three percent, we will have a solid transit corridor. Go the full time for the trial.
- **Michael Smith** – Lives at Folsom and Valmont. Agrees with the intention of encouraging bike traffic. But seems a great expense for little value. Does not see the overall plan for bike lanes in the city that actually moves cyclists effectively. There is enormous car inflow every day that makes biking hard. Does not see how this plan addresses that issue. It would also be good to better enforce the speed limit across the City. Stopped using Folsom unless he has to (by car). Worse congestion. Bigger backups and the pedestrian crosswalks make it worse still.
- **Gary Sprung** - In the short time the Folsom project has existed, he has ridden bike through a couple of times, driven his car through a couple of times. By bike feels safer which is great. By car, the flow was fine, though the perception was that congestion was worse since he had to start further back. Longer left turn lane might help. Overall it seems like the project is working. Loves the comments about needing to do something about the 40-65,000 cars and the Eco Pass (referring to a previous speaker), but those solutions cost a whole lot of money. This is pretty cheap to do, so why not try it? Not sure why there is so much anger over this project.
- **Aaron Johnson** – Appreciate the effort of the City to promote bicycling, and appreciate the effort to collect data. There was a real effort to prove the effectiveness of these treatments. Things like safety are hard to quantitatively compare to things like minutes of delay, Even if data shows that there are delays, you might still ask yourselves, how many minutes of delay are worth a life or an injury or a feeling of safety while biking. Encourages staff and the board to urge Council to stay strong. The squeakiest wheel is not always the one we should listen to. Instead listen to the well-ordered and data supported arguments.
- **Les Helbak** – Opposed to the Folsom Living Lab project. Most people he has talked to feel it is kind of kludgy. Folsom used to be a decent bike corridor, but is now a disaster for cars. Cars are backed up now with no cyclists in sight. In winter there will be still fewer bikes. Cars idling is bad for pollution. Right turns seem like an accident waiting to happen. This is not a good idea.
- **Robert Rowe** – Works in boulder lives in Broomfield. Supports all living labs treatments. As a cyclist has been on the Folsom stretch both before and after. Likes it now. Feels safer. Can take his wife on the route now. She feels safer. One less thing to worry about. Cars are there but can keep an eye out. Please continue with the trials.
- **Randy Offstein** – Tries to ride his bike around town as often as possible. In general feels that bike lanes around town are good. Has never had any bad experiences. Always yields to cars regardless of the laws (cars are much bigger than he is on his bike). But also minds the bikes when driving. Boulder has an existing car traffic problem. Sees no point in reducing traffic lanes. Bikes have many options for getting around town. Cars do not have alternate options. Many of us must drive frequently. It makes no sense to hugely expand the bike lane at the expense of making the car traffic problem worse.

**Agenda Item 4: Staff briefing and TAB input regarding August 25, 2015 City Council Study Session on TMP implementation progress including: Living Lab, Transportation Maintenance, and Capital Project Updates.**

[6:32 p.m.]

Mike Sweeney, Chris Hagelin, Randall Rutsch, DK Kemp and Gerrit Slatter gave the presentation to the board.

**Executive Summary from Packet Materials:**

The City of Boulder has a multimodal transportation system that serves as a model for sustainable travel in the U.S. The Transportation Master Plan (TMP) outlines the vision for transportation and provides the policy and investment direction for achieving the community's access and mobility goals.

The 2014 TMP builds upon a strong multimodal policy foundation and continuing refinements to the existing system. It includes a focus on "Complete Streets," with work programs centered on a variety of Bicycle and Pedestrian Innovations, as well as the community's Renewed Vision for Transit. In August 2014, the updated TMP document was accepted by City Council and work in 2015 and beyond is centered on implementing the TMP based on the TMP Action Plan, which includes a list of "immediate" action items for 2014 to 2016.

The TMP implementation continues to focus on an integrated approach, with partnerships across city departments and with local and regional community partners. The TMP implementation is being coordinated and integrated with the city's priority-based budgeting approach and capital investment strategies.

The 2014 TMP update was developed through an extensive community engagement process and this spirit of ongoing community participation continues in all areas of TMP implementation. Examples of TMP implementation include the Living Laboratory approach for advancing the "Complete Streets" goals of the TMP and ongoing work with the community and agency partners in the transit area. Please see [www.BoulderTMP.net](http://www.BoulderTMP.net) for more details.

This is the second study session reviewing the implementation of the 2014 TMP in the 12-month period since the plan was accepted by council. These six-month check-ins ensure that the TMP implementation remains consistent with the council's priorities and the city's efforts to promote long-term sustainability and resiliency.

Highlights of the second six months of implementation include:

- Implementation of the Living Lab Phase II Corridor Projects, including a one-month check-in on the Folsom Street implementation;
- Progress on Maintenance Initiatives, reflecting additional funding in this area;
- Advancement of Capital Projects Implementation under the three-year bond funding approved by the voters in November 2011 and the sales tax reallocation in 2013.

The "Analysis" section contains more information about these and other implementation actions, organized into areas seeking more in-depth input from council and those providing updates to past materials or ongoing efforts.

#### **Questions for Council/TAB**

1. Does council have feedback on the ongoing implementation and evaluation of the Complete Streets Living Lab Phase II corridor projects, including the installed Folsom Street project?
2. Does council have comments on the recent changes in maintenance activities or the ongoing evaluation and transformation efforts?
3. Does council have questions or comments about the ongoing Transportation capital improvements program or its individual projects?

**Board discussion and comments included:**

**[7:56 p.m.]**

#### **Living Lab**

- Support for option 2. Tweak but go forward.
- Execution and intention are a B-plus. Communication and public outreach is a D.
- Suggestions that info graphics should be simplified and graphs clarified.
- Suggestions to be very clear in future communications about what the goals of the project are and what benefits we expect to see if we meet them. Also to be clear on whether the goals are to make things better for everyone, or whether they represent tradeoffs.
- Questions regarding the ratio of favorable to unfavorable responses to the project and how these relate to the success of the project so far.
- Questions about the accuracy of the modeling as compared to data collected early in the project.
- Questions around the impacts to businesses on the Folsom corridor and what is being done to address their concerns.
- Thanks to staff for persevering through the early adversity.
- Suggestions that staff work to communicate to the community that the City does, in fact, have a large amount of "beforehand" data.
- Discussions around how much new data must be gathered and the timing of its release to effectively evaluate project effects and provide useful and solid data to the community.
- Suggestions that in the Council packet it be conveyed that TAB has been discussing right sizing for quite a while and that there is a significant body of data from other communities that shows that right sizing can work.
- Discussion around the impact of mid-block crossings on traffic in conjunction with the right-sizing projects.
- Discussion around how to deal with peak congestion.
- Suggestions for alternatives to mid-block crossings and signalized intersections with regards to reducing peak traffic issues.
- Suggestion to better explain how the project will reduce air emissions.

- Request for a way to find a quantitative expression of the tradeoffs between congestion and the GHG.
- Clarifications around the timeline for advancement of the other parts of the project (Iris and 63rd).
- An opinion that if the goal is to make the roads more accessible to the interested but concerned cyclist group (this is a very high priority in the TMP), this project is providing protected bike lanes meets that need.
- A suggestion to provide annotation to the data about how it was collected. This might address many of the concerns about the data quality.
- Questions regarding who is involved in the communication efforts and how the communications duties are divided up.
- Recommendation not to share numbers that are statistically insignificant.
- Discussion of observations on safety features of the 4 to 3 lane conversion on Folsom, and on peaks observed by a business nearby the treatment.

#### **Maintenance Initiatives**

- Recommendations to include information on strategies for snow control on higher sloped streets.
- Suggestions for clarifications on exactly what costs for street maintenance go to. Ex: \$1.6 million buys 5 miles of what kind of residential streets?
- Commendations for the data driven approach and for such measures as third party analysis.
- Questions regarding relative ratio of how much can be gained by repurposing or streamlining our current resources, and how much we lack resources to do.
- Questions regarding the environmental soundness of our de-icing materials.
- Questions about whether the City has an issue about accepting right of way for residential streets that then require very expensive ongoing upkeep.
- Discussion of the importance of transparency. Suggested use of social media for dealing with concerns/complaints. Real-time updates on maintenance and snow control.
- Suggestions to clearly convey to the public exactly how much we can do on snow control with the resources we have.
- Discussion of the importance of demonstrating in the Living Labs projects that we learned the lessons of snow control in protected bike lanes from the University Avenue trial.
- Questions about the adequacy of funding for roadway maintenance.
- Thanks for calling out the needs for crews to work snow removal at the transit stops.

#### **Capital Projects Implementation**

- Questions as to how the starting project for 28<sup>th</sup> and Foothills would interface with the Iris corridor right-sizing project.
- A suggestion to total the leveraged amounts of construction cost for Council.
- Clarifications on timing of the studies discussed.
- Appreciation for the quality of the presentation. Easy to understand.
- Suggestions for a map similar to Cone Zones (or a layer within Cone Zones) showing these projects so that people can see what is going on real time.

#### **Focus Areas Updates**

- Suggestions for utilizing social media to broadcast project progress.
- Comments about bike parking outside of the Library main branch.
- Clarifications on the VIA replacement grants.
- Clarifications on the BRT expansion on 28<sup>th</sup> (Flatirons Flyer).

### **Agenda Item 5: Matters**

**[9:16 p.m.]**

#### **A.) Matters from the Board Included:**

Board member Selvans brought up the below matter(s)

- Discussion of TAB producing an op-ed to clarify that there is a lot of data and a lot of analysis that was done before the right-sizing project.

#### **B.) Matters from staff/Non Agenda:**

**[9:43 p.m.]**

- NPP briefing in advance of Sept. 14 public hearing cannot be provided at this time as Molly Winter could not come to this meeting..
- September Joint Board meeting on the Chautauqua lease.

### **Agenda Item 6: Future Schedule Discussion:**

**[9:48 p.m.]**

Combined with Matters from Staff

**Agenda Item 7: Adjournment**

[9:48 p.m.]

There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 9:48 p.m.

**Motion: moved to adjourn; Selvans, seconded by: Bilich**

**Motion passes 5:0**

**Date, Time, and Location of Next Meeting:**

The next meeting will be a regular meeting on Monday, 14, September, 2015 in the Council Chambers, 2<sup>nd</sup> floor of the Municipal Building, at 6 p.m.; unless otherwise decided by staff and the Board.

APPROVED BY:

  
Board Chair

ATTESTED:

  
Board Secretary

Date

9/14/2015

Date

9/14/2015

An audio recording of the full meeting for which these minutes are a summary is available on the Transportation Advisory Board web page.