BOULDER CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Tuesday, November 10, 2015
5:30 PM

I. MAYOR AND MAYOR PRO TEM FORUM

A. Opportunity for Council Members and Council Members Elect to voice interest in being nominated for the position of Mayor or Mayor Pro Tem.

Per Council Procedures in Section IX. – Nomination and Elections:

"On the second Tuesday in November, of every odd-numbered year…council members and council members elect shall gather in council chambers for the purpose of expressing interest in nomination for mayor and/or mayor pro tem for the new council. The mayor shall chair the meeting. Any council member with an unexpired term or council member elect may express his or her interest in serving as mayor or mayor pro tem. Any person expressing an interest shall make a speech regarding his or her qualifications for either or both positions. Each candidate shall make only one speech regardless of whether the council member is seeking either position or both positions. No speech shall exceed five minutes in length."

AGENDA

1. CALL TO ORDER AND ROLL CALL

A. Parting Comments from **Council Member Cowles**
B. Parting Comments from **Council Member Karakehian**
C. Parting Comments from **Council Member Plass**

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 **October 20, 2015** City Council **Regular Meeting**

B. Consideration of a motion to accept the **Study Session Summary** from **October 13, 2015** regarding **Boulder Junction**

C. Consideration of a motion to accept the **Study Session Summary** from **October 13, 2015** regarding **Development-Related Impact Fees and Excise Tax Update Study**

D. Consideration of a motion to authorize the City Manager to enter into an **Intergovernmental Agreement** between the **City of Boulder** and the **Colorado Department of Transportation** for the **Baseline Road Underpass Project**

E. Consideration of a motion to call a **Special Meeting** of the **Boulder City Council on Thursday, November 19, 2015 at 6 PM** in the **City Council Chambers** located at 1777 Broadway for the purpose of an **Executive Session regarding Municipalization**

F. Consideration of a Motion to **approve Resolution No. 1174 in Support o**f a **Five - Year Extension** of the **Federal Solar Investment Tax Credit**

G. Consideration of a motion to **approve two Resolutions No. 1175 & 1176 to provide fire protection services** to certain **annexed properties** previously served by the **Boulder Rural Fire Protection District** and the **Rocky Mountain Fire Protection District**

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

1. **Third reading** and consideration of a motion to order published by title only **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
2. **Third 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
3. **Third 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

I. Introduction, **first reading** and consideration of a motion to order published by title only and **adopt by emergency Ordinance No. 8091 amending Title 4**, "Licenses and Permits," by Amending Section 4-20-62, "Capital Facility Impact Fee," B.R.C. 1981 **adding** a column to Table 3, "**Impact Fee Rates For Nonresidential**," and setting forth related details

J. **Third 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 9-8-5, "Occupancy of Dwelling units," by

adding a disclosure requirement for non-conforming occupancy and a prohibition on misrepresenting occupancy, 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

K. Introduction, **first reading** and consideration of a motion to order published by title only, **Ordinance No. 8090 vacating** and authorizing the City Manager to **execute two deeds of vacation to vacate two public access easements at 901 Pearl Street** Applicant/Property Owner: 901 Eldridge, Inc.

4. POTENTIAL CALL-UP CHECK IN

Opportunity for Council to indicate possible interest in the call-up of an item listed under 8-A. No action will be taken on this item at this time.

8A .

1. 5555 Racquet Lane/Meadows Tennis Club Expansion Site & Use Review

2. 2751 30th Street Concept Plan Review (LUR2015-00053)

ORDER OF BUSINESS

5. PUBLIC HEARINGS

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

A. Consideration of a motion to **approve the purchase of approximately 24.59 acres of land** with one house, associated outbuildings, water resources and appurtenant mineral rights at **4290 Eldorado Springs Dr.** from the Brett D. Trigg Heritage Trust for **$1,600,000 for Open Space and Mountain Parks purposes**; an additional expenditure of up **to $100,000 is** being requested for immediate needs

B. **Third reading** and consideration of a motion to **amend, adopt** and order published by title only **Ordinance No. 8081** amending chapters 6-14, "**Medical Marijuana," and 6-16, "Recreational Marijuana"**

C. Consideration of a motion to **accept** the **Boulder Civic Area, Phase I Park Development Plan, Community and Environmental Assessment Process (CEAP)**

6. MATTERS FROM THE CITY MANAGER

A. Acceptance of City of Boulder **Zero Waste Strategic Plan**

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MEMBERS OF COUNCIL

A. Potential Call-Ups

1. **5555 Racquet Lane/Meadows Tennis Club Expansion Site & Use Review**
2. **2751 30th Street Concept Plan Review** (LUR2015-00053)

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 / 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
October 20, 2015

1. CALL TO ORDER AND ROLL CALL

Mayor Appelbaum called the regular October 20, 2015 City Council meeting to order at 6:04 PM in Council Chambers.

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

A. Pearl Street Mall Declaration

The America Planning Association presented the City of Boulder with the 2015 Great Places Award. Council Member Karakehian presented the 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.

1) Crystal Gray- 1709 Spruce, on behalf of the Indian Peaks Sierra Club, the Sierra Club was in support of item 3-J the Commercial Building ordinance relating to Energy Efficiency.
2) Margaret Freund sponsor for the concept plan for 3303 Broadway, asked council to call-up the item to provide the opportunity for a conversation with council regarding the proposed concept plan and to receive Council guidance and direction.
3) Mary Cowen suggested that council not call-up the property at 3303 Broadway so that further community awareness of this large development proposal would take place. The project received less that favorable review from the planning board and the community was just beginning to hear of this project.
4) Peter Mayer voiced opposition to calling-up the concept plan for 3303 Broadway noting that he agreed with staff and the Planning Board. If it was called-up, he suggested letting the developer know that significant changes needed to be made.
5) Miriam Gilbert agreed with the comments from Mary Cowen and urged support of the Planning Board decision. She did not recommend the call-up on 8A-3, the property at 3303 Broadway. She agreed that the community needed to be better informed with regard to the project.
6) Kathryn Barth urged call-up of the Landmark Alteration Certificate for the Bandshell.
7) Johann Selim, resident of Boulder of 17 years, was proponent of the permanently affordable housing project at 2801 Jay Road.
8) Tim Ryan urged the council to call-up the Concept Plan review 3303 Broadway because of the challenges that it presented. He noted that affordable housing was a critical need and the discussion about potential solutions needed to take place.
9) Robyn Kube did not believe it was necessary to call-up the concept plan for 3303 Broadway or the 2801Jay Road projects, as the developer was given clear feedback from staff.

10) Eric Budd - supported the affordable units projects such as 3303 Broadway and 2801 Jay Road.
11) Mark Haeg spoke in support of the project at 3303 Broadway noting it would provide a wonderful opportunity for young people to purchase homes. If called-up the council would have the opportunity to shape the projects
12) Carl Anuta - supported the call-up of the Landmarks Board Alteration Certificate of the Bandshell.
13) Paulina Hewett - supported council call-up of the concept plan for the development of the property at 2801 Jay Road. Felt the corner of Jay Road and Hwy 36 should be included in Reserve III. Adding 94 units on less than five acres would create a problem.
14) Judy Nogg - was opposed to the People's Clinic site project (3303 Broadway) however it would be a good site for 15 affordable family housing units.
15) Maureen Taylor - opposed to the projects for 3303 Broadway and 2801 Jay Rd. indicating that she agreed with the feedback from both staff and Planning Board regarding density and traffic congestion.
16) Bob Crifasi - supported the action of the Planning Board in sending the project back to the developer for significant changes. If the council did call-up the concept plan for 2801 Jay Road, he suggested it look for a way to keep the property zoned for public use.
17) Greg Smith - supported the call-up of the concept plan for both 3303 Broadway and 2801 Jay Road noting that the projects were a great idea that would provide affordable family housing. The project would benefit from council's feedback.
18) Joe Gibbs - agreed with the previous speaker noting that as a young professional he had few options affordable to him to purchase a home.
19) Odile Fazioni - spoke regarding code enforcement issues regarding bears. She asked the City to increase enforcement on the east side of the city as increased number of bear siding in that area created a higher potential for bears being put down.
20) Shawn Coleman - spoke to the code changes for Medical and Recreational Marijuana, specifically merchandising. He raised concerns regarding the incident a the Pride Fest where The Farm was issued a citation for having a booth to support the event.
21) Judd Golden - spoke to marijuana code changes, noting that consumers needed to have a voice. He expressed that consumers need to have a public place to consume marijuana.
22) Erica Mayer - supported the proposal to enforce occupancy limits as her neighborhood, University Hill, had recently seen an increase in student rentals which created significant negative impacts on families I the area.
23) James Duncan asked Council to oppose the Trans Pacific Partnership.
24) Chris Allred - also opposed the TPP with documentation to follow providing additional information regarding this issue.

City Attorney Carr clarified that there was no citation issued at the Pride Fest to the Farm but noted that they displayed a banner that staff felt was in violation of the current marijuana law. He also provided a draft ordinance that would change the current ordinance. He did not recommend taking any action until after the discussion on Novembe10.

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.**

      Council Member Cowles noted that the appointment went to Clifton Larson Allen LLP. He also spoke to the importance of finding a replacement for him on the Audit Committee.

   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 NOTE: A PUBLIC HEARING FOR THIS ITEM IS SCHEDULED ON 3RD READING, NOVEMBER 10TH.

This item was pulled from the consent agenda and moved to a public hearing after item 5J.

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

Council Member Cowles moved, seconded by Council Member Weaver, to approve Consent Agenda items 3A through 3M with item 3L removed. The motion carried 9:0 at 7:24PM.

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

No interest was expressed in calling-up this item

B. CONCEPT PLAN REVIEW TO REDEVELOP THE PROPERTY AT 2801 JAY RD.

Interest was expressed in calling up this item.

C. CONCEPT PLAN REVIEW TO REDEVELOP THE PROPERTY AT 3303 BROADWAY

Interest was expressed in calling up this item.

D. LANDMARK ALTERATION CERTIFICATE TO CONSTRUCT A 405 SQ FT ADDITION AT 800 ARAPAHOE

No interest was expressed in calling-up this item

E. LANDMARK ALTERATION CERTIFICATE TO REMOVE OUTDOOR SEATING AT 1236 CANYON (BANDSHELL)

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.

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

The presentation for this item was provided by James Hewat, Historic Planner. All speakers were sworn in by the City Clerk as this was a quasi judicial hearing.

City Council Members were asked to disclose any *Exparte* communications:

Council Member Weaver indicated that he lived about a block from the property but had no additional information regarding the house.

The public hearing was opened:

1) Douglas Johnson, the applicant, provided a brief history about the original owners and asked Council to landmark the property.

There being no further speakers the public hearing was closed.

Council Member Young moved, seconded by Council Member Morzel, to adopt 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. The motion carried 8:0 with Council Member Karakehian absent at 7:56 PM.

B. 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

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

The public hearing was opened:

1) Jamie Worcester, owner of the Quality Inn and Suites, supported the waiver and would be applying for a beer and wine license.

There being no further speakers the public hearing was closed.

Council Member Karakehian moved, seconded by Council Member Jones, to adopt 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. The motion carried 9:0 at 8:02 PM.

The following items 5C-5I were heard as one public hearing.

C. CONSIDERATION OF THE FOLLOWING ITEMS RELATING TO THE 2016 BUDGET

The presentation for this item was provided by City Manager Brautigam and Budget Officer, Peggy Bunzli.

1. **PUBLIC HEARING ON THE PROPOSED 2016 CITY OF BOULDER BUDGET**; and

   The Public hearing was opened:
   1) Renee Morgan spoke in opposition of the amount of funding that goes to the Police Department. She indicated that the funds should go the Mental Health services.
   2) Rob Smoke expressed that the costs for judicial services and other costs associated with the No-Camping ordinance should be considered prior to approving a budget.
   3) Darren O'Connor supported additional funding for Mental Health services rather that any additional funding or additional officers for the Police Department.
   4) Ann Moss, Vice Chair of the Boulder Arts Commission, thanked the City for the increased interest and financial support for the Arts. Boulder should be a leading Arts Center in the area.

   There being no further speakers the public hearing was closed.

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.**

Council Member Plass moved, seconded by Council Member Weaver, to adopt Ordinance Nos. 8085 as amended, Ordinance No 8086, Ordinance No. 8087 as amended and Ordinance No. 8088. The motion carried on a roll call vote 9:0 at 9:07 PM.

By acclamation the Boulder City Council adjourned and convened 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**

Board Member Jones moved, seconded by Board Member Morzel, to adopt Central Area General Improvement District Resolution Nos. 272, 273 and 274. The motion carried 9:0 at 9:09 PM.

By acclamation the CAGID Board of Directors adjourned and convened 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**

Board Member Appelbaum moved, seconded by Board Member Weaver, to adopt University Hill General Improvement District Resolution Nos. 196, 197 and 198. The motion carried 9:0 at 9:09 PM.

By acclamation the UHGID Board of Directors adjourned and convened as the Boulder Municipal Property Authority Board of Directors.

F. CONSIDERATION OF A MOTION TO ADOPT RESOLUTION NO. 141 FORMALLY ADOPTING THE 2016 BUDGET FOR THE BOULDER MUNICIPAL PROPERTY AUTHORITY; AND

Board Member Morzel moved, seconded by Board Member Jones, to adopt Boulder Municipal Property Authority Resolution No 141. The motion carried 9:0 at 9:10 PM.

By acclamation the Boulder Municipal Property Authority (BPMA) Board of Directors adjourned and convened 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**

Board Member Cowles moved, seconded by Board Member Young, to adopt Forest Glen Transit Pass General Improvement District Resolution Nos.49, 50 and 51. The motion carried 9:0 at 9:11 PM.

By acclamation the Forest Glen Transit Pass General Improvement District Board of Directors adjourned and convened 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**

Board Member Weaver moved, seconded by Board Member Plass, to adopt Boulder Junction Access Commission General Improvement District – Parking Resolution Nos. 14, 15 and 16. The motion carried 9:0 at 9:11 PM.

By acclamation the Boulder Junction Access Commission General Improvement District - Parking Board of Directors adjourned and convened 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**

Board Member Karakehian moved, seconded by Board Member Jones, to adopt Boulder Junction Access Commission General Improvement District – Travel Demand Management Resolution Nos. 14, 15 and 16. The motion carried 9:0 at 9:12 PM.

By acclamation the Boulder Junction Access Commission General Improvement District – Travel Demand Management Board of Directors adjourned and reconvened 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 was a continued item, the public hearing was held and closed on October 6, 2015. No new testimony was considered.

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

Council Member Shoemaker moved, seconded by Council Member Jones, to approve as amended on second reading 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 The motion carried 9:0 at 10:42 PM.

A Nod of Five was given to direct city staff to review BCH's suggested amendments and make recommendations to the next Council about how to improve our existing co-op ordinance to facilitate equity co-ops.

Mayor Appelbaum moved, seconded by Council Member Cowles to suspend the rules and continue the meeting at 10:45. The motion carried 7:2, Council Members Plass and Karakehian opposed.

3L. SECOND READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8081 AMENDING CHAPTERS 6-14 "MEDICAL MARIJUANA" AND 6-16 "RECREATIONAL MARIJUANA" AND CODE CHANGES

NOTE: This item was removed from the Consent agenda and heard with a public hearing. An additional public hearing for this item is scheduled on 3rd reading, November 10th.

Council Member Cowles spoke to proposed changes he requested the Attorney to draft. Council members expressed an interest in considering the changes at third reading of the ordinance on November 10th.

The public hearing was opened:

1) Jeff Gard - supported providing due process with neutral determination on Suspensions or Revocations.

2) Kevin Cheney - noted that businesses were now well extablished and due process hsould be reinstated. He also spoke to the interpretation of advertising at aspecial events.
3) Jep Seman - expressed that the porposed changes were a good start, but only a start. He recommended adoption of the state code. He urged allowing MIPS licenses to be transferred.
4) Heath Harmon, Director of BOCO Public Health Department - spoke about the need to engage the whole community in the discussion. He also raised the issue of negative impacts of Marijuana on youth.
5) Chris Woods - business owner who was cited for supporting the Pride Fest, asked for an Administrative Review process before a judge. They are proud to sponsor charitable events.
6) Devin Liles - representing the Farm, emphasized that the scope one time transfer marijuana licenses should extend to include cultivation facilities.
7) Edward Jabari - Stated that the Maijuana industry in Boulder is very important and agreed with previous speakers that the state code should be considered.

There being no further speakers, the public hearing was closed.

Council Member Cowles moved, seconded by Council Member Morzel to approve on second reading Ordinance No. 8081 amending chapters 6-14 "Medical Marijuana" and 6-16 "Recreational Marijuana" and Code changes

Council Member Cowles moved, seconded by Council Member Morzel, to amend the Ordinance to add having quasi-judicial hearings apply to suspension and revocations. The motion carried 6:3 with Mayor Appelbaum and Council Members Plass and Karakehian opposed. The vote was taken at 11:39 PM.

Vote was taken on the main motion as amended. The motion carried 9:0 at 11:40 PM.

Open Comment was reopened.
1) Edward Jabari spoke regarding Occupancy Enforcement and short term rentals.

There being no further speakers, the Open Comment was closed.

6. MATTERS FROM THE CITY MANAGER

7. MATTERS FROM THE CITY ATTORNEY – 11:44 PM

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

Council Member Weaver moved, seconded by Council Member Jones, 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.

Council Member Jones asked for council support to participate in Colorado Oil and Gas Commission Rule Making.

Council Member Morzel moved, seconded by Council Member Weaver to participate in Colorado Oil and Gas Commission Rule Making

8. MATTERS FROM MEMBERS OF COUNCIL

A. Potential Call-Ups

1. NAMING OF WASHINGTON SCHOOL PARK

No action was taken on this item

2. CONCEPT PLAN REVIEW TO REDEVELOP THE PROPERTY AT 2801 JAY RD.

3. CONCEPT PLAN REVIEW TO REDEVELOP THE PROPERTY AT 3303 BROADWAY

Council Member Cowles moved, seconded by Council Member Plass to call-up the Concept Plan reviews for 2801 Jay Rd. and 3303 Broadway. The Motion failed 3-6 with Morzel, Plass, Young, Jones, Appelbaum and Weaver against at 12:22 AM.

4. LANDMARK ALTERATION CERTIFICATE TO CONSTRUCT A 405 SQ FT. ADDITION AT 800 ARAPAHOE

No action was taken on this item

5. LANDMARK ALTERATION CERTIFICATE TO REMOVE OUTDOOR SEATING FROM 1236 CANYON (BANDSHELL)

Council directed City Manager Brautigam to not remove the seating of the Bandshell until after council had the discussion regarding the Civic Area Plan.

B. Retreat Committee Update

Council Member Morzel introduced this item. She indicated that the committee was still looking for a place to hold the retreat. Council Member Jones expressed concern about people not feeling they were being heard and wanted council to address that issue. and study session before the retreat being used as a process brainstorming session and guidance of council relating to the public.

9. PUBLIC COMMENT ON MATTERS -15 min

Public comment on any motions made under Matters.

1) Margaret Freund supported having the council call-up the concept plans to promote discussion and further direction in this matter.

There being no further speakers, the public hearing was closed.

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

Vote was taken on the 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. The motion carried 8:1 with Karakehian opposed at 12:21 AM.

Vote was taken on the motion to participate in Colorado Oil and Gas Commission Rule Making. The motion carried 9:0, at 12:22 AM.

Vote was taken on the motion to call-up the Concept Plan reviews for 2801 Jay Rd. and 3303 Broadway. The Motion failed 3-6 with Shoemaker, Cowles and Karakehian in support at 12:22 AM.

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

12. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on October 21, 2015 at 12:23 AM.

Approved this 10th day of November, 2015.

APPROVED BY:

_____

Matthew Appelbaum
Mayor

ATTEST:

_____

Alisa D. Lewis
City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 10, 2015

AGENDA TITLE: Consideration of a motion to accept the Study Session Summary from October 13, 2015 regarding Boulder Junction

PRESENTERS
Jane S. Brautigam, City Manager
Maureen Rait, Executive Director of Public Works
David Driskell, Executive Director of Planning, Housing & Sustainability
Michael Calderazzo, Fire Chief
David Gelderloos, Administrative Battalion Chief
Molly Winter, Director of Community Vitality
David Gehr, Deputy City Attorney
Susan Richstone, Deputy Director, Planning, Housing & Sustainability
Jeff Yegian, Housing Division Manager
Edward Stafford, Development Review Manager for Public Works
Jay Sugnet, Project Manager – Housing Boulder
Eric M. Ameigh, Public Works Projects Coordinator

EXECUTIVE SUMMARY

This agenda item provides a summary of the Oct. 13, 2015 study session on Boulder Junction. The purpose of the study session was to:

1. Update City Council and solicit feedback on the implementation of the Transit Village Area Plan (TVAP) to date;
2. Provide council with an update on general fund finances related to Boulder Junction development;
3. Solicit feedback on possible next steps for the city-owned site at 30th and Pearl streets; and
4. Provide council with a preliminary analysis of relocation options for Fire Station #3.

STAFF RECOMMENDATION

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

Motion to accept the Study Session Summary from October 13, 2015 regarding Boulder Junction

BACKGROUND

The background information for this topic can be found in the study session memorandum and the study session presentation, both dated Oct. 13, 2015.

NEXT STEPS

Dec. 1, 2015: First reading of a draft ordinance for the Form-based Code pilot. The Form-based Code in Boulder Junction will govern future development of properties in Phase I of Boulder Junction, including the city-owned Pollard site.

Jan. 19, 2016: Second reading and public hearing for the Form-based Code pilot.

Late First Quarter 2016: Study session on Boulder Junction. Staff will provide updates on public and private development activities, as well as additional information and analysis that will assist council in shaping a redevelopment process for the city-owned Pollard site. Council may be asked to consider guiding principles or criteria for success in the site's redevelopment.

Second Quarter 2016: Study session on Fire Station #3. Staff will provide council with additional analysis of the issues and opportunities associated with the Mapleton Ballfields site, as well as a potential strategy for acquisition of a private site, should it become necessary.

ATTACHMENTS

- **Attachment A** – Study Session Summary from October 13, 2015 regarding Boulder Junction

Oct. 13, 2015 Study Session Summary on Boulder Junction

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 members: City Manager Jane S. Brautigam, Executive Director of Planning, Housing and Sustainability David Driskell, Executive Director of Public Works Maureen Rait, Fire Chief Michael Calderazzo, Administrative Battalion Chief David Gelderloos, Director of Community Vitality Molly Winter, Deputy City Attorney David Gehr, Development Review Manager for Public Works Edward Stafford, Development Review Manager for Planning, Housing, and Sustainability Charles Ferro, Division of Housing Manager Jeff Yegian, and Housing Boulder Project Manager Jay Sugnet

OVERVIEW

Mr. Driskell provided an overview of the implementation of the Transit Village Area Plan (TVAP) to date, focusing on public improvements, private developments, the partnership at Depot Square, and next steps. Following is a summary of the council discussion.

General Comments and Questions

- Several council members were complimentary of the progress being made in Boulder Junction and thanked staff for all their efforts.

- Council members had questions about the S'PARK and proposed Reve developments, the Form-based Code project, and the progress on TVAP housing goals. Mr. Driskell responded that both S'PARK and The Reve have been voluntarily participating in the Form-based Code pilot project and providing a good learning opportunity. Boulder Junction development is on track with its housing goals in terms of on-side affordability, but the market is currently providing more commercial space than anticipated in the TVAP.

- Responding to questions about the public investment in the Pollard site, Mr. Driskell reported that the city and RTD invested approximately $9.5 million for the site acquisition. The city's total affordable housing investment is approximately $6 million. Staff expects that a development outcome that meets the established goals will likely see the city break even from a financial perspective. This expectation is based on an estimated current property value of $12 to $15 million. An important next step is to develop criteria for success in the redevelopment, regardless of the path that council chooses – a partnership or outright sale. Some council members commented that this is a potential model for other sites, similar to the Holiday neighborhood – where the city purchased the former drive-in movie theater and created new value and a diversity of housing, using more than one partner to develop the project.

- A majority of council was generally supportive of leveraging the Pollard site to achieve TVAP goals and citywide affordable housing goals, but expressed flexibility on the exact number and type of housing units that might be built on the site itself. Several council members noted that

the original vision for the site was affordable housing, with close access to transit and the other amenities of Boulder Junction. There was general acknowledgement that the development would not be 100 percent residential, but rather a mixture of uses, with a good deal of the 3.7 acres allocated to residential uses.

- Several council members were open to selling the site and then using the proceeds for affordable housing elsewhere in the city. The city could still require a higher level of affordable housing on the site (e.g., 50 to 60 percent), since a major TVAP goal is the integration of affordable housing. If the site is sold, the repayment of housing funds should be adjusted to account for any loss of purchasing power due to increases in property values and construction costs. Such an approach should also include a plan for where to spend the money. The Boulder Community Hospital site was mentioned as a possible opportunity for affordable housing investment, as was Phase II of Boulder Junction's implementation. Mr. Driskell noted that, due to the varied funding sources, allocation of any proceeds from a sale would require additional analysis.

Specific Comments and Questions

- A council member asked when Phase II of Boulder Junction might begin and if there will be a community process. Mr. Driskell responded that yes, it will involve a community process similar to the original TVAP, and that this community engagement process will be a topic for council to discuss at the January 2016 retreat. It is a significant effort that will require additional resources to develop the implementation plan for Phase II.

- When asked whether additional parking would be needed at the Pollard site, Mr. Driskell responded that perhaps it could. The city originally thought that the Pollard site would be first to develop, but it is now likely to be one of the last Phase I sites to redevelop. To determine if more parking is needed, staff would first need to analyze what district parking has been proposed or built in the district and the expected utilization of that parking. The site will be part of the Boulder Junction Access District, so the analysis will be completed within the context of the entire district.

- Ms. Winter reported that the Google and The Reve developments will both be included in the Boulder Junction Access District for travel demand management. She also noted that businesses in the Steel Yards are experiencing difficulty with parking and staff is developing potential solutions for council to review early next year.

- One member of council said that building affordable housing on a $12 to15 million property makes little sense. The Pollard site is one of the most valuable pieces of property in Boulder, and the city should explore options to capture that value. The council generally agreed that staff should look at options for maximizing the value of the site while meeting affordable housing goals and that council would weigh options once more analysis is completed.

- Some council members suggested that consideration be given to a cooperative housing development on the site and/or multiple developers to generate more varied housing types.

Fire Station #3

Administrative Battalion Chief Gelderloos gave an overview of the preliminary analysis of relocation options for Fire Station #3, including pros and cons of the Pollard site, Mapleton Ballfields site, and acquisition of a private site. Following is a summary of the council discussion.

General Comments and Questions

- Several council members affirmed their support for relocating the fire station. It is an important priority.

- Several council members focused on two primary issues – the 500-year floodplain and potential impacts to the Mapleton Ballfields.

- Chief Gelderloos explained that both the Mapleton and Pollard sites would require fill to elevate the station above the 500-year floodplain. The Pollard site would require more fill than the Mapleton site and therefore poses a potentially higher risk to neighboring sites. In addition, there is more development around the Pollard site and therefore more potential risk associated with relocating the fire station there.

- Although council recognized that flooding is an issue everywhere in the city, some council members expressed interest in knowing what roads are prone to flooding around the area in question and how access to and from the fire station might be impacted.

- There were also questions about the future of the fields at the Mapleton site and how they might be affected. The Parks and Recreation Department is exploring options for improving the utility of the Mapleton facility, including redesigning the fields there to serve multiple purposes. These options are being considered within the overall context of both the Parks and Recreation Master Plan and a study of the city's fields.

- A majority of council members expressed a preference for the Mapleton site over the Pollard site and several council members requested more details about constraints for the Mapleton site. Mr. Gehr responded that a confidential memo can be prepared on the two primary issues (parking easement for the businesses to the south and the conditions of the donation of the land for the ballfields).

Specific Comments and Questions

- Council members asked about how much land might be used at the Mapleton site. Mr. Gelderloos responded that there are different options being considered. The Fire-Rescue Department has a preference to build more than just a fire station, and will look at co-locating facilities, in coordination with other city departments. The station could potentially incorporate additional uses (community spaces, a police substation, fire administration offices, etc.).

- Some members of council expressed concern that looking only at the two city-owned sites limits options and forces a design where it may not fit. Other properties might be a better choice with fewer issues and potentially less cost.

The mayor concluded the meeting by thanking staff and stating that the relocation of Fire Station #3 remains a top city priority.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 10, 2015

AGENDA TITLE: Consideration of a motion to accept the Study Session Summary from October 13, 2015 regarding Development-related Impact Fees and Excise Tax Update Study

PRESENTERS:
Jane S. Brautigam, City Manager
David Gehr, Deputy City Attorney
Susan Richstone, Deputy Director of Planning, Housing & Sustainability
Chris Hagelin, Senior Transportation Planner
Kristin Hyser, Community Investment Program Manager
Devin Billingsley, Senior Budget Analyst
Matt Chasansky, Office of Arts & Culture Manager
Chris Meschuk, Senior Planner

EXECUTIVE SUMMARY:
This agenda item provides a summary of the October 13, 2015, study session on the Development-related Impact Fees and Excise Tax Update Study. The purpose of the study session was to introduce the consultant team to council, provide an update on the development-related impact fee and excise tax studies underway, and to provide the opportunity for council questions and input.

STAFF RECOMMENDATION:

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

Motion to accept the Study Session Summary from October 13, 2015 regarding Development-related Impact Fees and Excise Tax Update Study (**Attachment A**)

ATTACHMENT

A: Study Session Summary from October 13, 2015 regarding Development-related Impact Fees and Excise Tax Update Study

City Council Study Session Summary
October 13, 2015
Development-related Impact Fees and Excise Tax Update Study

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: Susan Richstone, Deputy Director of Planning, Housing & Sustainability; David Gehr, Deputy City Attorney; Chris Hagelin, Senior Transportation Planner; Chris Meschuk, Senior Planner; Julie Herlands, TischlerBise; David Doezema, Keyser Marston Associates

PURPOSE

The purpose of the study session was to introduce the consultant team to council, provide an update on the development-related impact fee and excise tax studies underway, and to provide the opportunity for council questions and input.

OVERVIEW OF PRESENTATION

Susan Richstone, Deputy Director for Planning, introduced the item and the presenters. Chris Meschuk, Senior Planner introduced the staff team and reviewed the policy framework and background of development excise taxes and impact fees. He highlighted the timeline for the project, which began in January 2015, with the RFP issued in May 2015, and the consultant firms began work in August 2015. Mr. Meschuk introduced the four components of the study and which consulting firms are working on each component.

Julie Herlands of TischlerBise introduced the firm of TischlerBise, covered their scope of work, gave more detailed information on impact fees and excise taxes, and reviewed the scope of work for the impact fee study and excise tax study updates.

David Dozema of Keyser Marston Associates introduced the firm of Keyser Marston Associates, and covered their scope of work. Mr. Dozema provided information on the methodology for the affordable housing commercial linkage fee nexus study, as well as for the public art component.

Ms. Herlands presented the multimodal transportation and funding strategy component, and the scope of work and analysis that will be completed.

Mr. Meschuk concluded the presentation by outlining the public process, and the three phases of the project which are underway, and is anticipated to conclude in the second quarter of 2016, contingent upon the outcome of the election related to initiative 301.

Questions and Comments on the Background & Basics of Impact Fees & Excise Taxes

Capital vs. Operating

The major focus of the impact fee and excise tax study centers on capital infrastructure and capital asset expansion. However, the transportation component includes an operational aspect.

Impact Fee Credit

Impact fee credits relate to netting out future property and sales taxes that development will

generate to make sure that taxpayers are not being charged twice for the same growth-related capital expansion. The credit can be included in the impact fee calculation and a full analysis of this issue will be included in the study. Several council members expressed interest in understanding the role that credits can play as an incentive tool for certain land uses.

Level of Service Standard

The typical basis of impact fees are current levels of service and what is needed to maintain those levels. There is the possibility of using a plan-based calculation methodology which entails the city having a *funded* plan to improve levels of service for everyone (existing and new residents). This approach would allow an impact fee to be charged to help the city meet that higher service level, but requires the city to have a plan to fund the higher service level for the portion not attributable to new growth. Additional information on the levels of service will be brought forward as a part of the study.

Comparable Cities

The criteria used to find comparable cities for the transportation component is communities that have similarities to Boulder and have operational/maintenance based fees. This is an uncommon practice and the set of peer cities is small. The criteria for finding comparable cities for the housing linkage fee is also difficult since a relatively small number exist. The comparable range will likely include select California cities and an additional four cities located on the east coast and/or in Colorado resort communities. As a result, the various components of the project will have different peer cities.

Stakeholder Group

The stakeholders will be identified and selected at the end of 2015 and beginning of 2016. The intent is to have one group, although it may be appropriate to do some work in smaller groups based on the different components.

Context of Impact Fees and Excise Taxes

The current impact fee and excise tax study is one piece of the way the city implements the policy that growth pay its own way. There are other fees and taxes including construction use tax, permit fees, and plant investment and tap fees that are paid by new development. The results of this study will be placed within the context of these revenue sources as well as in the context of planning and development regulatory mechanisms, e.g. inclusionary housing, exactions, the Boulder Valley Comprehensive Plan policies and the city's comprehensive financial strategy. Staff will provide some additional comparative information related to development-related fees and excise taxes with other communities when options are being presented in phase 3 of the project.

Questions and Comments on the Affordable Housing component

Fee Study Maximum amount and Relation to Inclusionary Housing

The affordable housing commercial linkage fee nexus study typically results in a mathematical maximum fee level which is significantly higher than what is adopted by cities due to policy considerations and financial feasibility. The fees should calibrate with and achieve the goals and intentions of the municipality, and several additional factors and policy tradeoffs must be made. In addition, several council members expressed a desire to examine the fee level in partnership with the Inclusionary Housing program and fees. Other communities have assessed the goals of the fee and the strength of the market. For instance, in the case of Cupertino, CA, the intention was increase the fee from $6 while not deterring or impeding development or incentivizing development moving to other jurisdictions.

Best Practices and literature review related to linkage fees and affordable housing
Several council members inquired on the relationship of the linkage fee to the local economy, and any research and analysis on the relationship of linkage fees on low income populations and affordable housing. The study will look at generalized impacts including potential increase in development costs, escalation of rents, financial impact on nonprofits and small businesses. This analysis will explore the possibility of exemptions, and will be performed in the context of the local real estate market.

Middle Income Housing
The nexus study will include analysis to determine if there is a need for mitigating impacts to middle income housing. If a nexus is identified, staff will explore programming of funds to meet this need. This is being performed in parallel with the Housing Boulder project, which is examining the current market conditions related to middle income housing, and what market interventions such as programs, regulations, or mechanisms could be created to produce middle income products.

Affordable Housing Levels of Service
The linkage fee study will include examining what the current and desired level of service is for affordable housing. If data is available, it may be possible to examine the level of service by affordability level. Additionally, Boulder is an employment center where many of the jobs are occupied by workers who do not live in the city.

Questions and Comments on the Public Art component

Definition of "Public Art"
Several council members expressed interest in understanding what type of art will fall under this definition and potential program, such as public performance art or visual art or architectural enhancements to a building. The study will examine other programs across the county, and will provide recommendations on programmatic implementation such as this.

Regulatory Approach
The public art program analysis will be explored under the basis of the city's police powers and development regulations, not the impact fee statutes. The study will examine and provide recommendations on how regulations could be implemented, and requirements such as an on-site requirement vs. buy-out payments, and requirement parameters will be included.

Questions and Comments on the Transportation component

Comprehensive Transportation funding
The scope of this study will look at the transportation programs and capital costs related to new development, in relation to the revenue streams, including the existing transportation portion of the development excise tax, the potential for a new transportation impact fee, utility fee, as well as other on-going transportation operating funding. Council members expressed interest in understanding what other funding tools and potential programs are under consideration that are related to this effort, such as the community-wide eco pass, and head tax, and policy discussions such as the BVCP.

Location and Use-based fee adjustments
The study will include examining location-based fees taking into account all the various modes of transportation available in a geographic area. However, this is a complex effort due to the open nature of the transportation system. In addition, different land uses result in different

impacts, including commute distance, adjacent services and densities (transect approach), and the demographics of the area.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: Nov. 10, 2015

AGENDA TITLE: Request to authorize the City Manager to enter into an Intergovernmental Agreement between the City of Boulder and the Colorado Department of Transportation for the Baseline Road Underpass Project

PRESENTERS
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

EXECUTIVE SUMMARY

City staff has been working over the past three years to plan and design the Baseline Underpass project, located between 28th Street (U.S. 36) and Broadway (S.H. 93). The Baseline project is expected to cost $5.404 million to complete and was awarded $4.05 million in a grant from the federal Transportation Improvement Program (TIP) in 2012. The grant is monitored by the Denver Regional Council of Governments (DRCOG), and recipients are required to follow a defined timeline for implementation and meet due dates for completion of project phases.

In fall 2014, as the final design of the project was concluding and the construction documents/bid package was being prepared, a final review meeting was held at which Colorado Department of Transportation (CDOT) staff voiced objections to the proposed design and concerns over its potential effect on traffic operations for the eastbound auxiliary lane along Baseline Road. See **Attachment A** that illustrates the area of concern. The design is of concern to CDOT because Baseline is a state highway.

CDOT is not permitting the project to move forward toward construction unless an Intergovernmental Agreement (IGA) is developed, signed and completed that stipulates ultimate operating conditions for Baseline Road. Staff recommends the city enter the IGA

in order not to forfeit $4.05 million in grant funding and allow the project to be constructed in 2016.

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 Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) regarding the Baseline Road Underpass Project.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Economic: The project helps the city achieve its economic goals by improving walking, bicycling, driving and transit access from this location to the commercial center on the south side of Baseline and the university on the north, and for travelers, employees, students and residents passing through the area.

Environmental: This project helps the city achieve its environmental goals by providing a safer crossing and connections to the existing bicycle and pedestrian facilities and adjacent transit stops. In addition to addressing current needs at this crossing location, this project is anticipated to decrease single-occupant vehicle use, which would reduce the use of non-renewable energy resources and greenhouse gas emissions. In the DRCOG TIP application, it was estimated that this project would result in an annual emissions reduction of 239,000 pounds of carbon dioxide due to increased bicycle and pedestrian travel.

Social: This project helps the city achieve its social sustainability goals by improving transportation options for all community members to use and enhancing public safety with a grade-separated crossing of Baseline Road.

OTHER IMPACTS

- Fiscal – If the $4.05 million federal transportation funding grant is forfeited, the design costs to date for this project will not be reimbursed. The design cost will be covered by city transportation funds, and new sources of funding will need to be obtained to complete the project.
- Staff time – Staff time is included in the project budget.

BACKGROUND

The existing Baseline Road crossing location has received a number of treatments over the past 14 years due to its high level of activity, adjacent land uses and city goal of encouraging walking and bicycling. The Baseline Road Underpass Project includes a new underpass which replaces the existing pedestrian signal, connections from the underpass to other transportation facilities, median reconstruction, street resurfacing, storm drainage capacity work on the north side of Baseline Road, a multi-use path on the east side of Broadway from the Skunk Creek path to Baseline Road, public art, landscaping and urban design.

The project budget is $5.404 million and is funded with $4.05 million from the federal government, $800,000 from the state and $554,000 from the City of Boulder. The project design process began in 2012, and three options were evaluated through the city's Community Environmental Assessment Process (CEAP). The Transportation Advisory Board recommended approval of the CEAP and the recommended project alternative in May 2014, and the CEAP was forwarded to City Council for potential call-up in June 2014 and was not called up.

The project followed a typical schedule of stakeholder/public involvement, design development and preliminary design. Coordination took place with CDOT at regular intervals along the design. Baseline Road is designated as a state highway between 28th Street and Broadway (US36 E), which gives ultimate purview of this street segment to CDOT. In fall of 2014, as the final design of the project was concluding and the construction documents/bid package was being prepared, a final review meeting was held at which CDOT voiced objections to the proposed design and its potential effect on traffic operations for the eastbound auxiliary lane along Baseline Road. Several meetings were held between city staff and CDOT staff in an effort to reach consensus on the design. These meetings yielded no meaningful progress and CDOT ultimately determined to allow the proposed design to move forward only upon certain conditions being accepted. These conditions state that if specific operations and safety thresholds along Baseline Road exceed a set of predetermined parameters, the roadway would be "devolved" or "returned" to the city and removed from the state highway system.

ANALYSIS

The primary objective of the project is to enhance safety for bicyclists, pedestrians and drivers in this location by providing a grade-separated bicycle/pedestrian crossing under Baseline Road. In order to provide the most functional underpass alignment, the proposed design will reconfigure the eastbound auxiliary lane along the Basemar Shopping Center frontage to a configuration that CDOT does not currently approve. CDOT practices tend to be freeway/highway oriented, and as a result its design methods are reflective of that approach to road design. Since mid-2014, city staff has been working with CDOT to obtain its consent for the city's proposed design and demonstrate that the design meets the required standard; however, CDOT will not accept the proposed design without imposing conditions on the city. If the project is not advertised by December 2015, $4.05 million of federal grant funding is in jeopardy.

In an effort to not compromise $3.5 million in federal funding and to make sure the Baseline Underpass project is implemented, city staff has been working with CDOT to determine what the conditions of acceptance will be in order for the project to move forward as planned. CDOT has proposed nine specific triggers, or Key Performance Indicators (KPIs), such as an increase in the number of crashes or the amount of congestion. If any one of the thresholds is exceeded after a three-year period that starts when the project is completed, the city will take over ownership and maintenance of this section of Baseline Road (US-36 E). City staff has worked with CDOT to craft language regarding the KPIs that are reflective of the project's design and purpose and not ancillary to the project.

The DRCOG board has placed the project on final notice. At a meeting held Oct. 21, 2015, city staff were called upon to provide an explanation for the project delays and the overall plan and schedule to get the project advertised by the end of 2015. The DRCOG board ultimately voted to allow a 120-day extension, but it was made clear that if the project is not advertised for construction by January 2016, the federal funding will be withdrawn and the city will receive a penalty limiting the number of project submittals for the next TIP funding cycle.

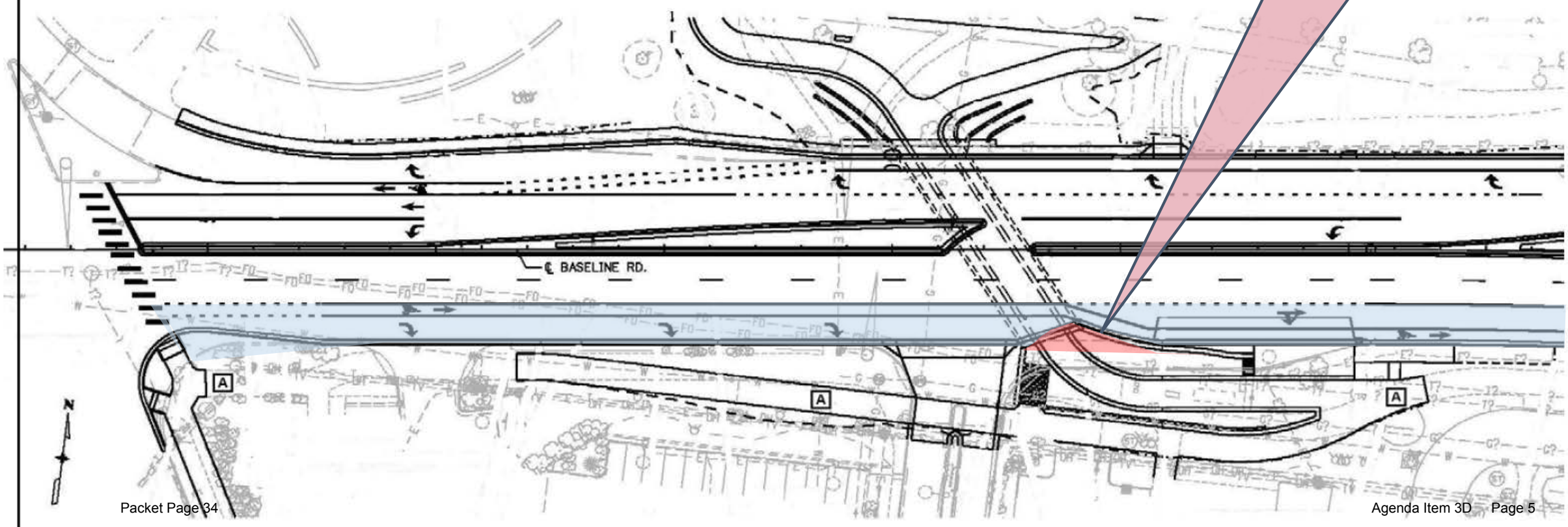
Staff is negotiating the best possible position with respect to the KPIs proposed by CDOT. Based on traffic modeling performed by the project consultants, it is likely that none of the KPIs will be triggered, and the road will continue to be operated and maintained by CDOT. However, in the event one of the KPIs should be exceeded, the road would be devolved and the city would take ownership. CDOT also would give the city a one-time payment equivalent to the projected future cost of maintenance, which is estimated to be $400,000. It is estimated that CDOT currently spends less than $5,000 per year maintaining this segment of Baseline Road. Staff has weighed the potential risks and recommends that the city enter the IGA with CDOT so as to not jeopardize the present federal funding and also because it expects there is a low likelihood of a devolution of the roadway actually coming to fruition. Attachment B includes a summary of the major components of the IGA to be entered into by the City of Boulder and the Colorado Department of Transportation.

ATTACHMENTS

A. Baseline Underpass Exhibit
B. Outline of major components of the IGA

Baseline Road Design Exhibit – City of Boulder

CDOT desires to maintain current 3rd lane as continuous auxiliary lane. City desires to make it discontinuous to accommodate better underpass design. Traffic simulation has shown this design to perform at acceptable level of service.



ATTACHMENT B
OUTLINE OF COMPONENTS OF THE IGA

1. PROJECT DESCRIPTION

"The work" under this agreement shall consist of final design and upon approval by CDOT, construction of Baseline Road as shown in Exhibit A

2. IGA KEY SUMMARY POINTS

- The City and CDOT have a difference of opinion about the design for the Baseline Road-Pedestrian Underpass Project. CDOT has concerns about the change in traffic and safety operations
- City staff have demonstrated by both traffic modeling and design that the proposed design will work acceptably
- City and CDOT will enter an agreement wherein if certain Key Performance Indicators (KPIs) related to traffic operations and safety are exceeded, when KPIs are compared before construction and at a point three years after construction, CDOT will abandon Baseline Road from the State Highway System. The abandoned portion includes that segment of Baseline Road between and including Broadway (State Highway 93) and 28th Street (U.S. Highway 36).
- Staff does not expect abandonment will be a step that becomes necessary.
- Should abandonment become necessary, a separate IGA between the City and CDOT will be entered into by both parties. The process for abandonment is governed by state statute, section 43-2-106, C.R.S. If and when the segment of Baseline Road is abandoned, they city will take over ownership of and maintenance responsibility for that segment.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: NOVEMBER 10, 2015

AGENDA TITLE: Consideration of a motion to approve two Resolutions Nos. 1174 & 1175 to provide fire protection services to certain annexed properties previously served by the Boulder Rural Fire Protection District and the Rocky Mountain Fire Protection District.

PRESENTER:

Thomas A. Carr, City Attorney

EXECUTIVE SUMMARY

Any property annexed to the City of Boulder is served by the City's fire department. Prior to annexation, the properties identified in Exhibit 1 to Attachment A were protected and taxed by the Boulder Rural Fire Protection District. Prior to annexation, the properties identified in Exhibit 1 to Attachment B were protected and taxed by the Rocky Mountain Fire Protection District. These properties are now protected and taxed by the City of Boulder. To protect these properties from double taxation, the City Attorney's Office will petition the Boulder County District Court for an order amending the boundaries of the two fire districts to exclude these properties. To support our petitions, City Council needs to adopt a resolution for each fire district stating that the city now agrees to provide fire protection and emergency services to these properties.

STAFF RECOMMENDATION

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

Motion to adopt two resolutions to provide fire protection services to certain annexed properties previously served by the Boulder Rural Fire Protection District and the Rocky Mountain Fire Protection District.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: These resolutions implement agreements between the City and surrounding fire districts. Upon annexation of properties by the City, the fire district that previously served particular properties is released and the City assumes the first responder obligations for fire protection and emergency services. The city's petitions to District Court are supported by a resolution by City Council and is required to remove the mill levy of the fire district from the annexed properties. Following that court action, property owners of the newly annexed properties are relieved of their obligation to pay the fire district for fire protection services. That provides an economic benefit for those property owners.

- Environmental: Clarifying the first responder for fire protection and emergency service purposes for properties newly annexed to the City eliminates the need for two different fire agencies to respond to the same location. This clarity of responsibility should make fire fighting activities more efficient and thereby potentially minimize environmental (as well as life and safety) damage.

- Social: As newly annexed properties are integrated into the City, it is important that they be provided the full range of city services. These resolutions helps accomplish that objective while also preventing the double taxation of residents of newly annexed properties.

OTHER IMPACTS

- Not applicable

BOARD AND COMMISSION FEEDBACK

- Not applicable

PUBLIC FEEDBACK

- Not applicable

BACKGROUND

The purpose of the proposed resolutions is to express the Council's intent to provide fire protection and emergency services to newly annexed properties. The city attorney will use these resolutions to obtain a District Court order relieving the affected residents of their obligation to pay property taxes to their former fire district.

ANALYSIS

To protect recently annexed property from future double taxation by the City and the District, Council is asked to approve the resolutions for exclusion of these properties from the two fire districts. The District Court will then be petitioned for a Court order to amend each of the fire District's boundaries to exclude the properties shown on Exhibit 1 to Attachment A and Exhibit 1 to Attachment B.

MATRIX OF OPTIONS

- Not applicable

ATTACHMENTS

Attachment A – Resolution Boulder Rural Fire Protection District
Attachment B – Resolution Rocky Mountain Fire Protection District
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RESOLUTION NO. 1175

A RESOLUTION TO PROVIDE EMERGENCY SERVICES TO CERTAIN ANNEXED PROPERTIES PREVIOUSLY SERVED BY THE BOULDER RURAL FIRE PROTECTION DISTRICT.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND RECITES THAT:

A. The City of Boulder has annexed certain properties, which properties were formerly provided with emergency services by the Boulder Rural Fire Protection District ("District");

B. The City can provide emergency services to those properties;

C. The City is presently providing such services, and has done so since the properties were annexed;

D. The District will not be harmed by exclusion of those properties from its jurisdiction; and

E. The owners of the properties will be harmed by paying property taxes to both the City and the District for the same emergency services.

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

Section 1. The City of Boulder, Colorado, will provide fire and emergency services to the properties specified in Exhibit 1, which service has previously been provided by the Boulder Rural Fire Protection District. This protection is currently being provided by the City, therefore this resolution will necessarily be, and continue to be, effective on January 1, 2016.

INTRODUCE, READ, PASSED AND ADOPTED this 10th day of November 2015.

_____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT 1

2015 EXCLUSIONS
BOULDER RURAL FIRE PROTECTION DISTRICT

Applicant/Owner	Address	Tax ID No.	Actual Value (In $)	Ord. No.	Date Recorded	Reception No.
Grady, Seana	1950 Riverside Avenue	R0033058	868,800	8022	2/4/15	03426089
Alexander, Frank Lyon	4415 Garnet Lane	R0033552	1,082,500	8023	2/4/15	03426129
Carpenter, Amy J. and Stephen R.	2200 Emerald Road	R0033231	1,095,100	8025	2/4/15	03426171
Norwood Garden, LLC	2350 Norwood Ave	R0033544	982,300	8026	2/4/15	03426181

RESOLUTION NO. 1176

A RESOLUTION TO PROVIDE EMERGENCY SERVICES TO CERTAIN ANNEXED PROPERTIES PREVIOUSLY SERVED BY THE ROCKY MOUNTAIN FIRE PROTECTION DISTRICT.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND RECITES THAT:

A. The City of Boulder has annexed certain properties, which properties were formerly provided with emergency services by the Rocky Mountain Fire Protection District ("District");

B. The City can provide emergency services to those properties;

C. The City is presently providing such services, and has done so since the properties were annexed;

D. The District will not be harmed by exclusion of those properties from its jurisdiction; and

E. The owners of the properties will be harmed by paying property taxes to both the City and the District for the same emergency services.

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

Section 1. The City of Boulder, Colorado, will provide fire and emergency services to the properties specified in Exhibit 1, which service has previously been provided by the Boulder Rural Fire Protection District. This protection is currently being provided by the City, therefore this resolution will necessarily be, and continue to be, effective on January 1, 2016.

INTRODUCE, READ, PASSED AND ADOPTED this 10th day of November 2015.

_____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT 1
2015 EXCLUSIONS
ROCKY MOUNTAIN FIRE
PROTECTION DISTRICT

Applicant/Owner	Address	Tax ID No.	Actual Value (In $)	Ord. No.	Date Recorded	Reception No.
Cherryvale Commons, Ltd.	0 Oreg Ave.	R0604956	$572,100	7955	2/27/14	3367898
De Luca, Silvano and Elvira G.	1085 Gaptor Road	R0036372	778,000	8024	2/4/15	03426144
Macinko Exempt Trust	1165 Old Tale Road	R0036010	743,100	8039	4/27/15	03441905
Anderson, Cynthia B. and Charles W.	1193 Old Tale Road	R0035505	978,500	8039	4/27/15	03441905
Erickson, Steven	1228 Old Tale Road	R0036261	553,500	8039	4/27/15	03441905
Bruff, Harold H. and Sherlynne Guest	1245 Old Tale Road	R0036326	1,261,600	8039	4/27/15	03441905
Mortner, Jeffrey P. and Wendy E.	1270 Old Tale Road	R0035846	1,700,000	8039	4/27/15	03441905
Corson, Thomas E. and Barbara A.	1275 Old Tale Road	R0072034	1,540,400	8039	4/27/15	03441905
Moran, Montgomery F.	1305 Old Tale Road	R0035711	1,547,700	8039	4/27/15	03441905
Simenson, Joanne M.	1315 Old Tale Road	R0036407	854,700	8039	4/27/15	03441905
Kingdom, Sarah R.	1325 Old Tale Road	R0035900	936,400	8039	4/27/15	03441905
Masterson-Praeger, Kellie	1402 Old Tale Road	R0035529	971,100	8039	4/27/15	03441905
Dick, William J. III	1409 Old Tale Road	R0035456	1,151,300	8039	4/27/15	03441905

Applicant/Owner	Address	Tax ID No.	Actual Value (In $)	Ord. No.	Date Recorded	Reception No.
Bennett, John K. and Penelope A.	1412 Old Tale Road	R0036676	1,607,600	8039	4/27/15	03441905
Peterson Thurmer, Joyce	1435 Old Tale Road	R0036532	812,100	8039	4/27/15	03441905
Perry, Thomas J.	1436 Old Tale Road	R0035309	810,700	8039	4/27/15	03441905
Bradley Peterson, Cameron	1457 Old Tale Road	R0035487	944,900	8039	4/27/15	03441905
Kiefer, Jason and Jennifer	1483 Old Tale Road	R0035719	817,900	8039	4/27/15	03441905
Leddon, Richard L. III and Jeanie C.	1507 Old Tale Road	R0035298	1.105,400	8039	4/27/15	03441905
Vellequette, Mark C. and Mary Beth	1510 Old Tale Road	R0036114	1,000,000	8039	4/27/15	03441905
Duncan-McWethy, Laurie Wenzel, Martin J and Mary S.	1533 Old Tale Road	R0035746	1,344,700	8039	4/27/15	03441905
Elliott, Stewart Gregory and Robin M.	1566 Old Tale Road	R0035409	1,138,100	8039	4/27/15	03441905
Young, Porsche Elaine Revocable Trust	1548 Old Tale Road	R0036656	668,100	8076	10/9/15	03478578
Lochridge, Patton G. and Claire C.	5955 Baseline	R0035883	410,100	8077	10/9/15	03478577
Burkley, Mark and Tara	1385 Cherryvale Road	R0035406	403,100	8078 8079	10/9/15	03478576 03478575

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 10, 2015

AGENDA TITLE: Consideration of a Motion to Approve Resolution No. 1174 in Support of a Five Year Extension of the Federal Solar Investment Tax Credit

PRESENTERS
Jane S. Brautigam, City Manager
Carl Castillo, Policy Advisor
Jonathan Koehn, Regional Sustainability Coordinator
Matthew Lehrman, Energy Strategy Coordinator

EXECUTIVE SUMMARY

At their Oct. 26 meeting, Council's Agenda Committee asked that a resolution in support of a five year extension of the federal investment tax credit be prepared and brought forth for Council's consideration at their Nov. 10 meeting. Such resolution is included as **Attachment A**.

ATTACHMENT

Attachment A - Resolution in Support of a Five Year Extension of the Federal Solar Investment Tax Credit

RESOLUTION NO. 1174

A RESOLUTION IN SUPPORT OF A FIVE YEAR EXTENSION OF THE FEDERAL SOLAR INVESTMENT TAX CREDIT

FINDINGS

The City Council finds as follows:

1. Originally enacted as part of the federal Energy Policy Act of 2005, the solar investment tax credit (ITC) provides a 30 percent tax credit for the cost of solar energy systems placed in service on residential and commercial properties before December 31, 2016.

2. The ITC is widely considered the most important federal policy mechanism to support the deployment of solar energy in the United States.

3. By maintaining and extending the solar investment tax credit, we are supporting the continued development of solar energy, encouraging private sector investment in solar manufacturing and project construction, and encouraging homeowners to invest in renewable energy systems that will benefit our local economy and environment for many years to come, while at the same time reducing costs for consumers.

4. The ITC has helped annual solar installation in the U.S. grow by over 1,600 percent since it was implemented in 2006 – a compound annual growth rate of 76 percent.

5. Total investment in the U.S. economy from solar during 2016-22 is projected to be more than $124 billion, $39 billion more than if the ITC expires.

6. The Solar Energy Industries Association (SEIA) and Bloomberg New Energy Finance (BNEF) have estimated that without an ITC extension, the U.S. stands to lose 80,000 solar jobs in 2017, plus an additional 20,000 jobs in related affected industries, for a total loss of 100,000 American jobs.

7. In contrast, an ITC extension would yield 61,000 more solar jobs in 2017 than a no-ITC extension scenario and 58,000 more jobs in 2021.

8. If the ITC is extended, by 2022 more than 95 GW of solar power will be installed in the U.S., generating nearly 144,000 Terawatt-hours of electricity each year.

This means that:

- The solar industry would generate enough electricity to power 19 million homes

- Solar would account for 3.5 percent of U.S. electricity generation – up from just 0.1 percent in 2010

- Every year, solar power would offset 100 million metric tons of carbon dioxide (CO2) emissions, equivalent to shuttering 26 coal-fired power plants or taking 20 million cars off the roads

9. Colorado has a 30 percent Renewable Energy Standard and is one of the nation's top states for solar jobs per capita. Colorado has lowered solar permit fees and local communities are making it easier to go solar.

10. While the price of solar is predicted to continue to decline, a Stanford Business School assessment of leading state markets concluded price reductions over the next eighteen months won't sufficiently compensate for the ITC loss.

11. In Boulder, residents and businesses have long prioritized clean energy options such as solar and have continued to support options that reduce emissions, save money and build local energy resilience.

12. Local clean energy generation such as solar is a cornerstone of Boulder's long-term energy strategy. Through the benefit of the ITC, Boulder has one of the highest levels of installed solar per capita in the country, with more than 1,900 solar installations on Boulder homes and businesses with a current combined capacity of over 16 megawatts.

13. Boulder has continued to develop creative solutions to ensure solar is accessible to all energy consumers. City staff worked with a team to draft legislation that opened the door for solar garden programs by Colorado utilities. HB10-1342, the Colorado Solar Gardens Act, passed in 2010 and was signed into law in Boulder.

14. The Colorado Solar Energy Industries Association (COSEIA) designated Boulder as a Platinum-level Solar community; its highest designation for Solar Friendly Communities.

15. Boulder was awarded platinum status for implementing leading-edge, solar-friendly practices such as standards protecting solar access, and updates to the fire code that support installation of rooftop solar panels.

16. A combination of a continued ITC, falling installed costs and compliance with the Clean Power Plan will drive a new era of growth for solar that eventually will put

it on a strong competitive playing field with both retail electricity and alternative sources of wholesale generation.

17. Due to the critical importance of the ITC in increasing access to solar and helping renewable energy technologies become competitive with traditional sources of energy production, and because the ITC is often the swing factor for homeowners ability to go solar, the City of Boulder believes it is the wrong time to end this important tax credit.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the City Council strongly supports a five year extension of the ITC and directs city staff to send this resolution to members of the city's congressional delegation

Resolved this 10th day of November, 2015

_____
Matthew Appelbaum, Mayor

Attest

_____
Alisa Lewis, City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 10, 2015

AGENDA TITLE Consideration of the following items relating to the 2016 Budget:

1. Third 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
2. Third 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
3. Third 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.

PRESENTERS
Jane S. Brautigam, City Manager
Bob Eichem, Chief Financial Officer
Cheryl Pattelli, Director of Finance
Peggy Bunzli, Budget Officer
David Driskell, Executive Director of Planning, Housing and Sustainability
Karen Rahn, Director of Human Services
Greg Testa, Chief of Police

EXECUTIVE SUMMARY
The purpose of this item is the adoption of the 2016 budget and other related ordinances (see **Attachments A-C**) 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 5C, including attachments, for the Oct. 20, 2015 City Council meeting provides additional background information on the development and review of the 2016 Recommended Budget. Video coverage of the Oct. 20 meeting and the staff presentation at the Oct. 20 meeting also provide additional information.

STAFF RECOMMENDATION

Staff recommends adoption of the following four ordinances:

- **Budget Adoption Ordinance (Attachment A)**
  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 B)**
  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 C)**
  This ordinance appropriates funds as stated in the budget ordinance for 2016.

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 on second reading**, 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 on second reading**, appropriating the 2016 City of Boulder budget.

*Staff recommends adoption of ordinances 8085 and 8087, as amended on Oct. 20, 2015.

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, the Oct. 6 first reading of the budget ordinances, and the Oct. 20 second reading of the budget ordinances. In addition to the budget ordinances, the property tax mill levy is 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, a first reading of the budget ordinances, including a public hearing, was held on Oct. 6, 2015, and a second reading of the budget ordinances was held on Oct. 20, 2015.

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 code enforcement officer. Therefore, at the Oct. 20, 2015, Second Reading of the Budget ordinances, staff brought forward an alternate budget option and provided corresponding amended budget ordinances for council consideration. The alternate option included eliminating the addition of the previously proposed safety administrator position 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 Public Works – Development and Support Services division, for a net decrease to the 2016 Recommended Budget total FTE of 0.59 FTE.

Council accepted this alternate option and voted unanimously in favor of the motion to adopt the amended budget ordinances. As a result, a third reading of the budget ordinances is required in order to adopt the 2016 Budget. At the Oct. 20, 2015, council meeting, a third reading of this item was recommended to be included on the consent agenda and is provided as such here.

This memo also provides additional information in response to council questions and feedback at the Oct. 20, 2015, meeting, and relating to the attached ordinances.

<u>Project EDGE and Police Homeless Outreach</u>

<u>Project EDGE Contact With Homeless</u>

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. Of the 451 EDGE encounters, approximately 26 percent of the people were identified as unhoused. An additional ten percent were reported as having unknown housing status.

Police Department – Homeless Outreach Team

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.

The homeless outreach team will consist of two officers who will 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. The Homeless Outreach Team will use a variety of community resources, including calling upon clinicians with the EDGE Program to provide on scene assessments and referrals, when needed.

Bear Protection Code Enforcement

On March 18, 2014, City Council adopted an ordinance requiring all trash and compost to be secured from bears at all times until collected by a waste hauler. This ordinance applies to a defined bear protection zone, determined by the city manager via City Manager Rule. The wildlife coordinator monitors bear activity and advises the city manager on the potential need for the zone to be updated. Staff will be reviewing bear activity and will analyze the potential to extend the bear protection zone east of Broadway in the first quarter of 2016.

The enforcement of the current zone is being implemented in phases to allow for education to the public and the fabrication of the bear carts and dumpsters to ensure availability to the public before enforcement. This map, of the Bear Protection Zones, shows the phase I and phase II areas for enforcement. Phase II is currently scheduled to begin June 1, 2016 and will include the phase II geographical area and dumpsters in phase I. Phase III in 2017 will include dumpsters in phase II and bring public cans within the zone into compliance. The phasing approach gives adequate time to provide education to each phase zone to help improve understanding and compliance before enforcement begins.

One officer and an 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 referenced above. As noted, the 2016 Recommended Budget was amended at second reading to include the addition of a code enforcement officer in the Police Department. 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.

More details about the history and current phased enforcement can be found on the Boulder Wildlife Plan page of the city's website.

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;
Sept. 8 study session summary;
Agenda item 5A, including attachments, of the Oct. 6, 2015 City Council meeting;
Agenda item 5C, including attachments, of the Oct.20, 2015 City Council meeting
Video coverage of budget meetings (choose date from list)
Past budgets.

PUBLIC FEEDBACK
Four members of the public spoke at the Oct. 20, 2015, Public Hearing, including two in opposition to the addition of the two new police officers proposed in the 2016 Recommended Budget, one with regard to costs related to the camping ordinance, and one, representing the Boulder Arts Commission, in support of funding for the arts included in the 2016 Recommended Budget.

ATTACHMENTS

Attachment A	Ordinance No. 8085, **amended** on second reading, adopting a Budget for the City of Boulder for 2016
Attachment B	Ordinance No. 8086 establishing the 2015 City of Boulder property tax mill levies
Attachment C	Ordinance No. 8087, **amended** on second reading, appropriating the City of Boulder budget for 2016

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

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 10th day of November, 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)	.333
TOTAL	9.981
GENERAL CITY OPERATIONS (PUBLIC SAFETY)	2.000
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

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 10th day of November, 2015.

_____
Mayor

Attest:

_____
City Clerk

ORDINANCE NO. 8087

AN ORDINANCE APPROPRIATING 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.

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

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. 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

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

READ ON THIRD READING, PASSED, AND ORDERED PUBLISHED BY TITLE ONLY this 10th day of November, 2015.

_____
Mayor

Attest:

_____
City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 10, 2015

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only and adopt by emergency Ordinance No. 8091 amending Title 4, "Licenses And Permits," by Amending Section 4-20-62, "Capital Facility Impact Fee," B.R.C. 1981 adding a column to Table 3, "Impact Fee Rates For Nonresidential," and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney
Bob Eichem, Chief Financial Officer
Peggy Bunzli, Budget Officer

EXECUTIVE SUMMARY

At the October 20, 2015 City Council meeting, the council adopted ordinance number 8088, setting and amending fees. Every year, as a part of the annual budget process, council considers proposed changes to fees for the coming year. 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.

During the process of updating fees for 2016 and preparing ordinance 8088 changing certain codified fees for 2016, the newly adopted Housing Linkage fees were inadvertently omitted. While no changes were being proposed to those fees for 2016, the fees should have remained in the code. The attached ordinance corrects this and includes the Housing Linkage fees for 2016, unchanged from 2015. These fees are part of the 2016 budget and should be considered as part of the budget package council will consider

for final adoption at the November 10, 2015 City Council meeting. Thus, staff recommends that council adopt the attached ordinance as an emergency measure.

STAFF RECOMMENDATION

Suggested Motion Language:
Staff requests Council consideration of this matter and action in the form of the following motion:
Motion to introduce, adopt as an emergency measure and order published by title only an ordinance amending Title 4 "Licenses And Permits," by Amending Section 4-20-62 "Capital Facility Impact Fee," B.R.C. 1981 adding a column to Table 3 "Impact Fee Rates For Nonresidential," and setting forth related details.

ATTACHMENT

Attachment A – Proposed Ordinance

ORDINANCE NO. 8091

AN EMERGENCY ORDINANCE AMENDING TITLE 4 "LICENSES AND PERMITS," BY AMENDING SECTION 4-20-62, "CAPITAL FACILITY IMPACT FEE," B.R.C. 1981 ADDING A COLUMN TO TABLE 3 "IMPACT FEE RATES FOR NONRESIDENTIAL," AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 4-20-62, B.R.C. 1981, "Table 3: Impact Fee Rate for Nonresidential," is amended to read:

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 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	$0.15	$0.50	$0.40	$6.96	$8.01
Business Park	$0.17	$0.11	$0.10	$7.70	$8.08
Office	$0.21	$0.17	$0.61	$9.53	$10.52
Hospital	$0.18	$0.16	$0.52	$8.23	$9.09
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)	$20.19	$22.44	$54.98	$877.64	$975.25
Day Care (per student)	$7.85	$20.20	$24.68	$389.60	$442.33
Lodging (per room)	$24.68	$53.85	$68.44	$1,072.44	$1,219.41

(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.

….

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 3. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

Section 4. 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 to address an oversight in the budget process. Immediate effectiveness is necessary because November 10, 2015 is the last meeting of the 2014-2015 city council that adopted the budget measures associated with this fee. This ordinance shall become effective immediately.

READ ON FIRST READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this 10th day of November 2015.

_____
Mayor

Attest:

_____
City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 10, 2015

AGENDA TITLE: Third 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 9-8-5, "Occupancy of Dwelling units," by adding a disclosure requirement for non-conforming occupancy and a prohibition on misrepresenting occupancy, by amending Section 9-15-9, "Multiple Dwelling Units And Occupancy - Specific Defenses," amending a defense to over-occupancy, 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.R.C. 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 on October 20, 2015.

<u>Suggested Motion Language</u>:
Staff requests Council consideration of this matter and action in the form of the following motion:

Motion to adopt on third reading and order published by title only, Ordinance No. 8072 to improve occupancy enforcement by amending Title 9 "Land Use Code" by amending Section 9-8-5 "Occupancy of Dwelling units" by adding a disclosure requirement for non-conforming occupancy and a prohibition on misrepresenting occupancy, by amending Section 9-15-9, "Multiple Dwelling Units And Occupancy - Specific Defenses," amending a defense to over-occupancy, 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. Council continued consideration at the October 20, 2015 City Council meeting.

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 5 of the proposed ordinance would add a new Section 10-3-20. At second reading, after hearing comments that such a posting could create safety risks and potentially stigmatize renters, Council amended the new section to require posting on the inside of the principal entrance. The amended section reads as follows:

> Every operator shall post conspicuously on the inside of the main entrance to each dwelling unit the maximum number of unrelated individuals permitted under section 9-8-5, B.R.C. 1981 ("Occupancy of Dwelling Units") in a form specified by the city manager.

2. Require disclosure of maximum unrelated occupancy.

New Section 10-3-20 reads as follows:

10-3-20. - Occupancy.

(a) Every operator shall post conspicuously on the inside of the main entrance to each dwelling unit the maximum number of unrelated individuals permitted under section 9-8-5, B.R.C. 1981 ("Occupancy of Dwelling Units") in a form specified by the city manager.
(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 of the dwelling unit to be rented.

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 2 of the proposed ordinance would have eliminated a defense in Section 9-15-9(c) that allowed a property owner ability to defend by showing "active and diligent management practices." At second reading, council amended this section to limit, but not eliminate the defense. The amended section reads as follows:

(A) Prior to the initiation of the prosecution process, the defendant undertook and pursued means to avoid over-occupancy violations by:
  (i) complying with adverting requirements of Chapter 10-3-2, B.R.C. 1981 and the posting requirements of Chapter 10-3-20, B.R.C. 1981;
  (ii) receiving rent payments from only those persons on a lease that includes no more than the number of tenants associated with the occupancy limitation of the unit; and
  (iii) requiring each tenant to acknowledge, through a lease provision or otherwise, the established occupancy limitation for the unit; and

(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.

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. At second reading, council amended this section to limit the application of the increased fines to Martin Acres, University Hill and Goss Grove. The amended section includes geographic descriptions of these areas.

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 3 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. Council included this language in ordinance 8050. Thus, this amendment is no longer necessary, but the language in the ordinance reflect the code as amended.

At second reading, council amended the proposed ordinance to require disclosure of rental occupancy at the time of a real estate sale in some circumstances. In addition, council added a prohibition against misrepresenting legal occupancy. The amendment is in section 1 and reads as follows:

(5) If a property owner intends to sell a dwelling unit with a non-conforming occupancy that exceeds the occupancy limits in Subsection 9-8-5(a), B.R.C. 1981, every such contract for the purchase and sale of a dwelling unit shall contain a disclosure statement that indicates the allowable occupancy of the dwelling unit.
(d) Prohibition. No person shall occupy a dwelling unit in violation of this section or intentionally or negligently misrepresent the permitted occupancy of a dwelling unit in violation of this section.

5. Limit the Owner-occupied Exemption to Persons over Age 21.

Current code exempts from the rental licensing requirement any dwelling unit occupied by the owner or a member of the owner's family. Council amended this exemption to exclude persons under the age of 21. The amended language is as follows:

(1) Any dwelling unit occupied by the owner or members of the owner's family <u>who are at least 21 years of age</u> and housing no more than two roomers who are unrelated to the owner or the owner's family. An owner includes an occupant who certifies that the occupant owns an interest in a corporation, firm, partnership, association, organization or any other group acting as a unit that owns the rental property.

ATTACHMENTS

Attachment A – Proposed Ordinance

ORDINANCE NO. 8072

AN ORDINANCE AMENDING TITLE 9 "LAND USE CODE" BY AMENDING SECTION 9-8-5 "OCCUPANCY OF DWELLING UNITS" BY ADDING A DISCLOSURE REQUIREMENT FOR NON-CONFORMING OCCUPANCY AND A PROHIBITION ON MISREPRESENTING OCCUPANCY, AMENDING SECTION 9-15-9, "MULTIPLE DWELLING UNITS AND OCCUPANCY - SPECIFIC DEFENSES," AMENDING A DEFENSE TO OVER-OCCUPANCY, AMENDING TITLE 10 "STRUCTURES" AMENDING SECTION 10-3-2, "RENTAL LICENSE REQUIRED BEFORE OCCUPANCY AND LICENSE EXEMPTIONS" ADDING A PROHBITION OF OFFERING OR ADVERTISING RENTAL OF A PROPERTY WITHOUT A VALID RENTAL LICENSE, AND LIMITING THE RENTAL LICENSING EXEMPTION FOR FAMILY MEMBERS; AMENDING SECTION 10-3-16 "ADMINISTRATIVE REMEDY" BY INCREASING THE FINES FOR FIRST AND SECOND VIOLATIONS AND SETTING FORTH RELATED DETAILS AND ADDING A NEW SECTION 10-3-20 "OCCUPANCY" REQUIRING THAT THE MAXIMUM LEGAL OCCUPANCY BE POSTED IN 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.

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

Section 1. Section 9-8-5, "Occupancy of Dwelling Units," is amended to read:

9-8-5. - Occupancy of Dwelling Units.

(a) General Occupancy Restrictions: Subject to the provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, no persons except the following persons shall occupy a dwelling unit:
  (1) Members of a family plus one or two roomers. The quarters that the roomers use shall not exceed one-third of the total floor area of the dwelling unit and shall not be a separate dwelling unit;
  (2) Up to three persons in P, A, RR, RE, and RL zones;
  (3) Up to four persons in MU, RM, RMX, RH, BT, BC, BMS, BR, DT, IS, IG, IM, and IMS zones; or
  (4) Two persons and any of their children by blood, marriage, guardianship, including foster children, or adoption.

(b) Accessory Dwelling Unit, Owner's Accessory Unit, or Limited Accessory Dwelling Unit: The occupancy of an accessory dwelling unit, owner's accessory unit, or limited accessory dwelling unit must meet the requirements of Subsection 9-6-3(a), B.R.C. 1981.

(c) Nonconformity: A dwelling unit that has a legally established occupancy higher than the occupancy level allowed by Subsection (a) of this section may maintain such occupancy of the dwelling unit as a nonconforming use, subject to the following:

(1) The higher occupancy level was established because of a rezoning of the property, an ordinance change affecting the property, or other city approval;

(2) The rules for continuation, restoration, and change of a nonconforming use set forth in Chapter 9-10, "Nonconformance Standards," B.R.C. 1981, and Section 9-2-15, "Use Review," B.R.C. 1981;

(3) Units with an occupancy greater than four unrelated persons shall not exceed a total occupancy of the dwelling unit of one person per bedroom; ~~and~~

(4) The provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and

(5) If a property owner intends to sell a dwelling unit with a non-conforming occupancy that exceeds the occupancy limits in Subsection 9-8-5(a), B.R.C. 1981, every such contract for the purchase and sale of a dwelling unit shall contain a disclosure statement that indicates the allowable occupancy of the dwelling unit.

(d) Prohibition. No person shall occupy a dwelling unit in violation of this section or intentionally or negligently misrepresent the permitted occupancy of a dwelling unit in violation of this section.

Section 2. 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~~ Prior to the initiation of the prosecution process, the defendant undertook and pursued means to avoid over-occupancy violations by:

(i) complying with adverting requirements of Chapter 10-3-2, B.R.C. 1981 and the posting requirements of Chapter 10-3-20, B.R.C. 1981;

(ii) receiving rent payments from only those persons on a lease that includes no more than the number of tenants associated with the occupancy limitation of the unit; and

(iii) requiring each tenant to acknowledge, through a lease provision or otherwise, the established occupancy limitation for the unit; and

(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~~.

(C) 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.

(D) 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 3. Section 10-3-2 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 unless each room or group of rooms constituting the rental property has been issued a valid rental license by the city manager.

(b) Buildings, or building areas, described in one or more of the following paragraphs are exempted from the requirement to obtain a rental license from the city manager.

(1) Any dwelling unit occupied by the owner or members of the owner's family who are at least 21 years of age and housing no more than two roomers who are unrelated to the owner or the owner's family. An owner includes an occupant who certifies that the occupant owns an interest in a corporation, firm, partnership, association, organization or any other group acting as a unit that owns the rental property.

(2) A dwelling unit meeting all of the following conditions:

(A) The dwelling unit constitutes the owner's principal residence;

(B) The dwelling unit is temporarily rented by the owner for a period of time no greater than twelve consecutive months in any twenty-four-month period;

(C) The dwelling unit was occupied by the owner immediately before its rental;

(D) The owner of the dwelling unit is temporarily living outside of Boulder County; and

(E) The owner intends to re-occupy the dwelling unit upon termination of the temporary rental period identified in subparagraph (b)(2)(B) of this section.

(3) Commercial hotel and motel occupancies which offer lodging accommodations primarily for periods of time less than thirty days, but bed and breakfast facilities are not excluded from rental license requirements.

(4) Common areas and elements of buildings containing attached, but individually owned, dwelling units.

Section 4. Section 10-3-16 is amended to read as follows:

10-3-16. - Administrative Remedy.

(a) If the city manager finds that a violation of any provision of this chapter or chapter 10-2, "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:

(1) Impose a civil penalty according to the following schedule:

(A) For any violation in the following areas: the area south of Arapahoe Avenue, north of Baseline Road, east of 6th Street and west of Broadway, the area south of Baseline Road, north of Table Mesa Drive, east of Broadway; and the area west of U.S Route 36 and the area south of Canyon Boulevard, north of Arapahoe Avenue, west of Folsom Street and east of 15th Street:

(i) For the first violation of the provision, $500~~150~~.00;

(ii) ~~(B)~~For the second violation of the same provision, $~~300~~750.00; and

(iii) ~~(C)~~For the third violation of the same provision, $1,000.00;

(B) For a violation in any other area

(i) For the first violation of the provision $150
(ii) For the second violation of the same provision $300; and
(iii) For the third violation of the same provision $1,000

(2) Revoke the rental license; and
(3) 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 operator 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, the manager will reinspect the building. If the manager finds that the violation has been corrected, the manager may cancel the hearing.

(c) The city manager's authority under this section is in addition to any other authority the manager has to enforce this chapter, and election of one remedy by the 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 operators a $250.00 fee per inspection, where the city manager performs an investigative inspection to ascertain compliance with or violations of this chapter.

Section 5. A new Section 10-3-20 is added as follows:

10-3-20. - Occupancy.

(a) Every operator shall post conspicuously on the inside of the main entrance to each dwelling unit the maximum number of unrelated individuals permitted under section 9-8-5, B.R.C. 1981 ("Occupancy of Dwelling Units") in a form specified by the city manager.

(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 of the dwelling unit to be rented.

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 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 8. This ordinance shall be effective January 4, 2016, unless disapproved by the voters pursuant to section 43 of the Boulder Home Rule Charter.

Section 9. The requirements of Section 9-1-5, B.R.C. 1981 "Amendments and Effect of Pending Amendments" are waived.

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

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_____
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

K:\CCAD\o-8072 3rd Reading-2396.docx

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 10th day of November, 2015.

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_____
Mayor

Attest:

_____
City Clerk

K:\CCAD\o-8072 3rd Reading-2396.ocx

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 10, 2015

AGENDA TITLE
Introduction, first reading and consideration of a motion to order published by title only, Ordinance No. 8090 vacating and authorizing the City Manager to execute two deeds of vacation to vacate two public access easements at 901 Pearl Street.

Applicant/Property Owner: 901 Eldridge, Inc.

PRESENTER/S
Jane S. Brautigam, City Manager
Bob Eichem, Finance Director /Acting Executive Director of Administrative Services,
David Driskell, Executive Director of Planning, Housing & Sustainability
Charles Ferro, Development Review Manager
Sloane Walbert, Planner I

EXECUTIVE SUMMARY
The applicant and property owner requests vacation of two public access easements at 901 Pearl Street. The easements were originally dedicated to the public by means of two grants of easement recorded April 28, 2009. A Site and Use Review was approved in 2008 for a mixed-use building on the property. As a condition of approval, the applicant was required to dedicate the portions of public sidewalk located on the property. This included an easement beyond the sidewalk limits along 9th Street to maintain a sidewalk width of 8 feet and an easement along Pearl Street to ensure a sidewalk width of 15 feet. However, the project was never constructed and a new Site Review was approved in 2013 with a different site design (#LUR2013-00039). The subject easements are no longer necessary to ensure public access and are located beneath the new building, which is currently under construction. Existing public access easements must be vacated by ordinance, with City Council approval.

STAFF RECOMMENDATION
Staff finds that the criteria of section 8-6-9, “Vacation of Public Rights-of-Way and Public

Access Easements," B.R.C. 1981 can be met and recommends that the City Council take the following action:

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

Motion to:
Introduce on first reading and order published by title only, Ordinance No. 8090 vacating and authorizing the City Manager to execute two deeds of vacation to vacate two public access easements located at 901 Pearl Street.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: None identified.
- Environmental: None identified.
- Social: None identified.

OTHER IMPACTS

- Fiscal: No impact.
- Staff time: The vacation application has been processed through the provisions of a standard vacation process and is within normal staff work plans.

BOARD AND COMMISSION FEEDBACK

Notification was sent to the Planning Board on October 30, 2015 in conformance with Section 79 of the Boulder City Charter.

PUBLIC FEEDBACK

All notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. Public notice of this proposed vacation was sent to property owners within 600 feet of the project on June 16, 2015. Staff received several inquiries from the public but no one expressed opposition to the vacations. Most inquiries were regarding the building under construction or the alley behind the construction.

BACKGROUND

The approximately one-half acre site is located within the Downtown 2 (DT-2) zoning district at the northwest corner of 9th and Pearl Streets (a vicinity map with zone districts is provided in **Attachment A**). The building currently under construction was approved per Site Review #LUR2013-00039 on October 1, 2013. The development is a three-story mixed-use building, with the first two stories at a zero lot line. The ground floor restaurant is planned with outdoor seating recessed below the second story, which does not encroach into the public walkway. Unfortunately, the subject easements were not shown on the plans or survey information submitted for the new development. Thus, the necessity for these vacations was not discovered until the building permit phase.

A similar project was approved in 2008, but due to the economic downturn, that approval expired. As a condition of this approval, the applicant was required to dedicate the proposed portions of the public sidewalks located on the property. This included an easement beyond the sidewalk limits along 9th Street to maintain a sidewalk width of 8 feet and an easement along Pearl Street to ensure a sidewalk width of 15 feet. However, at site review for the new development, staff determined that these widths were excessive considering the street classifications and uses.

Figure 1: Vicinity Map

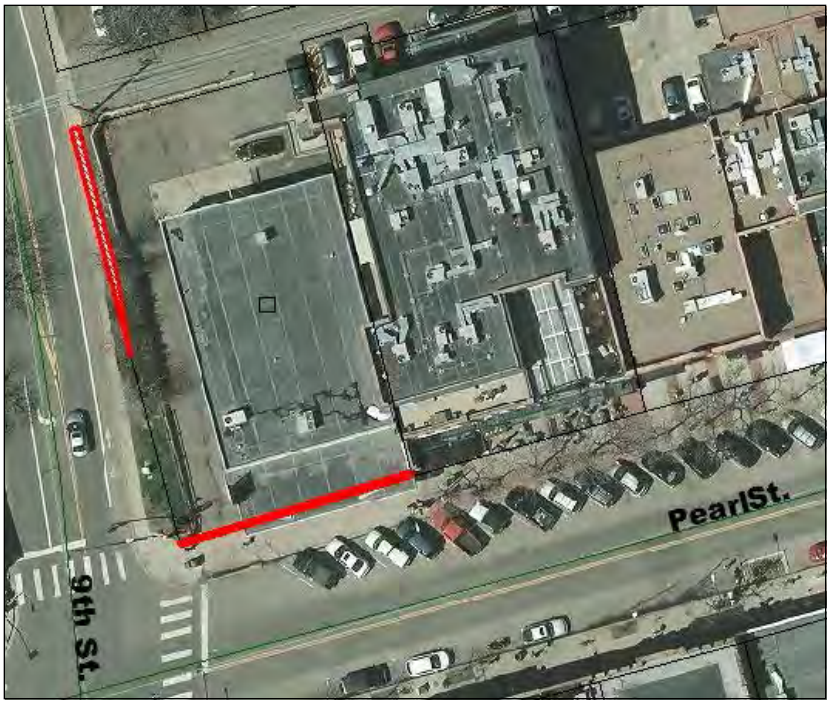


Figure 2: Easements to be Vacated (in red)

It was determined that the sidewalk on 9th Street adjacent to subject property could taper from 8 feet at the corner of Pearl Street to 5 feet on the north end of the site, which connects to the single-family property across the alley. This width is consistent with the City's Design and Construction Standards (DCS) for a sidewalk on a collector street adjacent to a residential land use. The sidewalk on Pearl Street is 11 feet - 10 inches, including tree grates.

The West Pearl pedestrian and streetscape improvements have been completed and were coordinated with the construction of the new building to provide adequate access on the south side of the building. Refer to **Figures 3 and 4** on the following pages for images showing current conditions.

The subject easements have carried pedestrian traffic and must be vacated by ordinance, with City Council approval. The easements were dedicated to the public by means of two grants of easement recorded April 28, 2009. Inadvertently, these easements were re-recorded February 6, 2012. The subject easements are no longer necessary to ensure public access and are located beneath the new building, which is currently under construction.

ANALYSIS

The subject easements were declared open to the public when they were dedicated and thus must be vacated by ordinance passed by City Council. In order for the existing easements to be vacated, the council would have to conclude that the criteria under subsection 8-6-9(c), B.R.C. 1981 are met. Staff has reviewed this vacation request and has concluded that the criteria can be met as discussed as follows.

(1) The applicant must demonstrate that the public purpose for which an easement or right-of-way was originally acquired or dedicated is no longer valid or necessary for public use;

The subject 1.25-foot wide public access easement along the south property line is 96 square feet in area and was originally dedicated to the public by means of a grant of easement recorded April 28, 2009. The purpose of the easement was to ensure a minimum sidewalk width of 15 feet along Pearl Street. The narrow easement on the northwest corner of the property, 158 square feet in area, was also dedicated to the public by means of a grant of easement recorded April 28, 2009. The purpose of the easement was to ensure a minimum sidewalk width of 8 feet along 9th Street. Staff reviewed the new proposal to ensure that adequate width was provided following development without the need for easements (refer to **Figures 3 and 4**). Refer to the approved Site Plans in **Attachment D**. The easements were intended for a specific and limited purpose, which will continue to be met with the proposed vacation. The easements are no longer necessary to ensure public access along these streets.

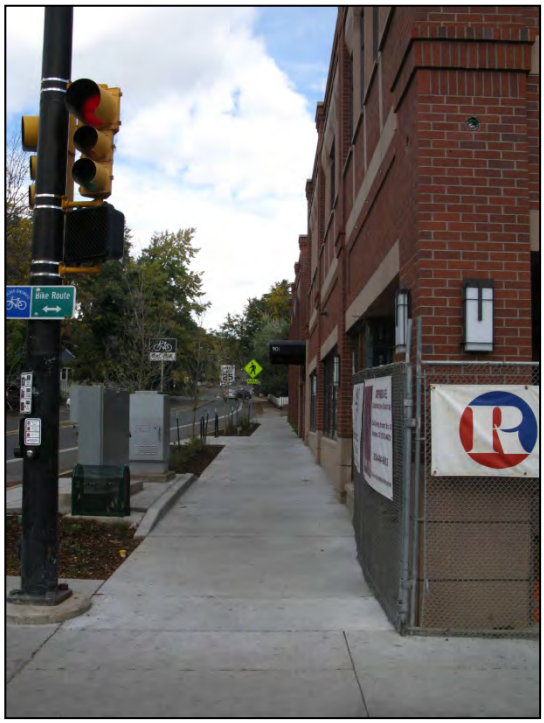


Figure 3: Access along 9th Street

Figure 4: Access along Pearl Street

(2) All agencies and departments having a conceivable interest in the easement or right-of-way must indicate that no need exists, either at present or conceivable in the future, to retain the property as an easement or right-of-way, either for its original purpose or for some other public purpose unless the vacation ordinance retains the needed utility or right-of-way easement;

The proposed vacation has been evaluated by the Planning, Public Works and Transportation Departments and it has been collectively concluded that the public entities would have no conceivable future interest in the easements to be vacated since the necessary width to accommodate pedestrian traffic will be provided on 9th and Pearl Streets. CenturyLink, Comcast, and Xcel have also approved the request.

(3) The applicant must demonstrate, consistent with the Boulder Valley Comprehensive Plan and the City's land use regulations, either:

(A) That failure to vacate an existing right-of-way or easement on the property would cause a substantial hardship to the use of the property consistent with the Boulder Valley Comprehensive Plan and the City's land use regulations; or

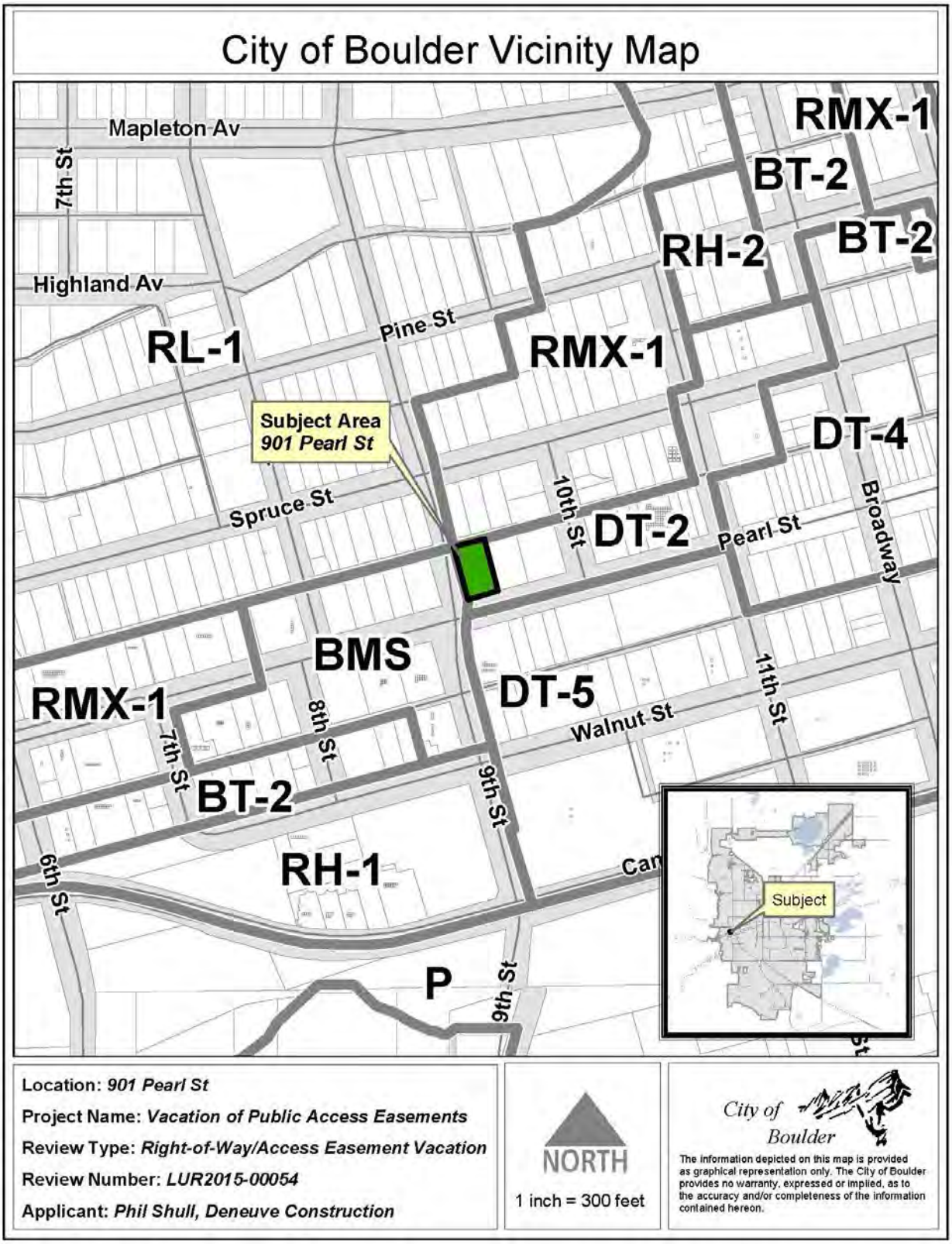
The easements are located beneath a building that is currently under construction, which was approved in 2013. At the time of review, the subject easements were not identified on the survey or plans. It would be a substantial hardship to the property owner if the easements were not vacated.

(B) That vacation of the easement or right-of-way would actually provide a greater public benefit than retaining the property in its present status.

Not Applicable.

ATTACHMENTS

Attachment A:	Vicinity Map
Attachment B:	Proposed Ordinance No. 8090
Attachment C:	Draft Deeds of Vacation
Attachment D:	Approved Technical Documents


City of Boulder Vicinity Map
Mapleton Av
7th St
Highland Av
RL-1
Pine St
RMX-1
BT-2
RH-2
BT-2
RMX-1
Subject Area
901 Pearl St
DT-4
Spruce St
10th St
DT-2
Pearl St
Broadway
BMS
DT-5
RMX-1
8th St
7th St
Walnut St
11th St
BT-2
9th St
RH-1
6th St
P
Subject
Location: 901 Pearl St
Project Name: Vacation of Public Access Easements
Review Type: Right-of-Way/Access Easement Vacation
Review Number: LUR2015-00054
Applicant: Phil Shull, Deneuve Construction
NORTH
1 inch = 300 feet
City of Boulder
The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained hereon.

ORDINANCE NO. 8090

AN ORDINANCE VACATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE DEEDS OF VACATION FOR TWO PUBLIC ACCESS EASEMENTS GENERALLY LOCATED AT 901 PEARL STREET, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER FINDS AND RECITES THAT:

A. 901 Pearl Unit 100, LLC, a Colorado limited liability company, the owner of the property located at 901 Pearl Street, Boulder, CO has requested that the City vacate two public access easements located at 901 Pearl Street; and

B. The City Council is of the opinion that the requested vacations are in the public interest and that said public access easements are not necessary for the public use.

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

Section 1. The City Council vacates and authorizes the city manager to execute two deeds of vacation for the public access easements described as follows:

(1) Public Access Easement (96 square feet in size) dedicated to the City of Boulder on April 3, 2009 and recorded in the records of the Boulder County Clerk and Recorder on April 28, 2009 at Reception No. 2995500 and re-recorded on February 6, 2012 at Reception No. 03200945 as more particularly described on **Exhibit A**.

(2) Public Access Easement (26.87 square feet in size) dedicated to the City of Boulder on April 3, 2009 and recorded in the records of the Boulder County Clerk and Recorder on April 28, 2009 at Reception No. 2995501 and re-recorded on February 6, 2012 at Reception No. 03200946 as more particularly described on **Exhibit B**.

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 3. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 10th day of November, 2015.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of December, 2015.

_____
Mayor

Attest:

_____
City Clerk

EXHIBIT A

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

THE 915 PEARL STREET PROPERTY, BOULDER, COLORADO LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 25, T1N, R71W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

REGISTERED PROFESSIONAL LAND SURVEYOR 20134 12/16/08

LEGAL DESCRIPTION

A STRIP OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 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. 2942470 OF THE BOULDER COUNTY RECORDS AND AS SURVEYED AND SHOWN ON AN IMPROVEMENT SURVEY PLAT BY PLS 20134, DATED OCTOBER 5, 2007, AND FILED AS SURVEY PLAT #LS-07-0200 AT THE BOULDER COUNTY LAND USE DEPARTMENT, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF 10TH STREET AND PEARL STREET IN THE CITY OF BOULDER, SAID INTERSECTION BEING MARKED BY A 2.5" ALLOY CAP IN MONUMENT BOX, THENCE S 75°00'00" W ALONG SAID CENTERLINE OF PEARL STREET, 218.09 FEET, AS SURVEYED; THENCE N 14°59'34" W, 40.00 FEET, AS SURVEYED; THENCE S 75°00'00" W, 0.93 FEET, AS SURVEYED, TO THE SOUTHEASTERLY CORNER OF SAID PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 2942470 AND THE POINT OF BEGINNING;

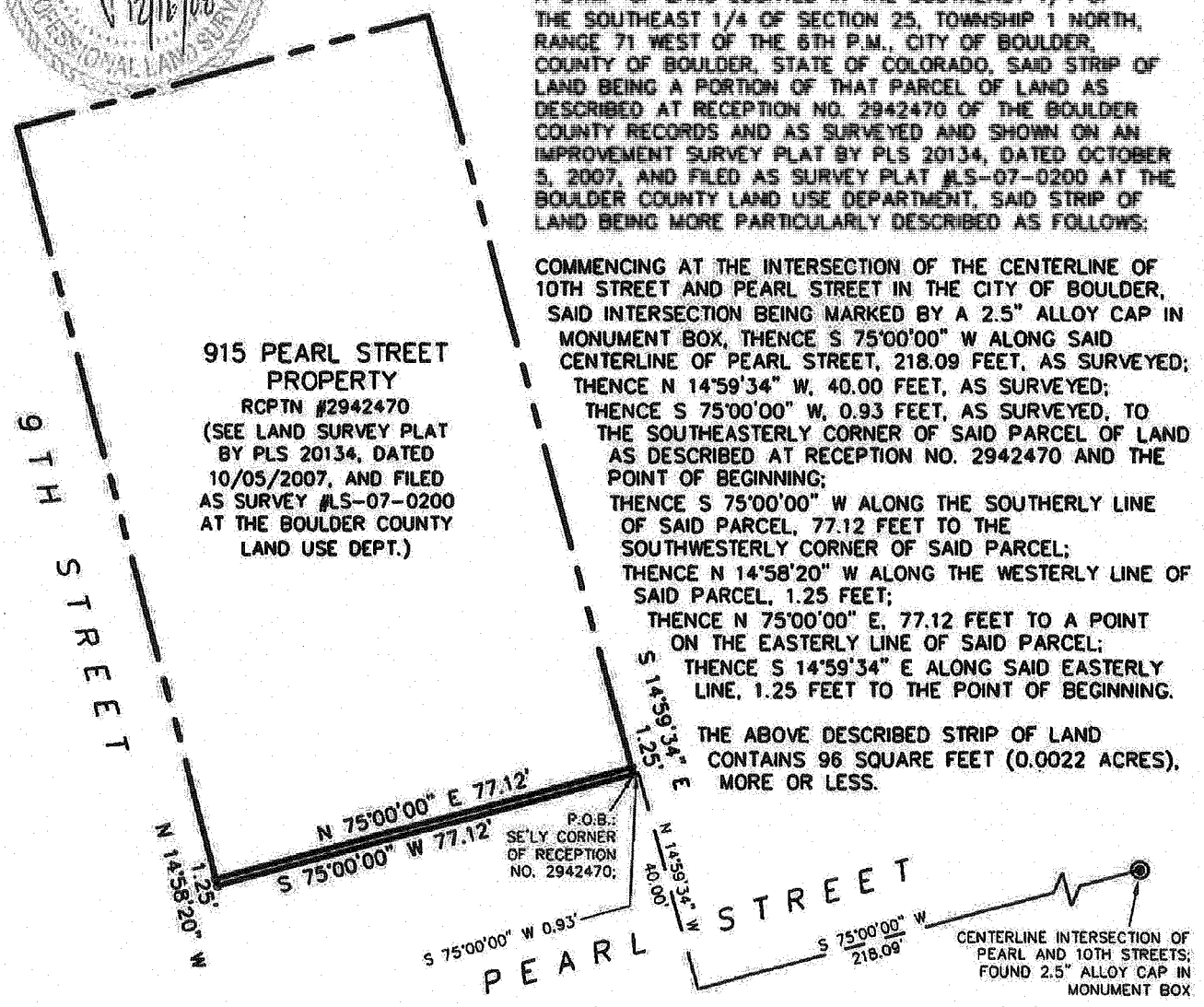
THENCE S 75°00'00" W ALONG THE SOUTHERLY LINE OF SAID PARCEL, 77.12 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL;

THENCE N 14°58'20" W ALONG THE WESTERLY LINE OF SAID PARCEL, 1.25 FEET;

THENCE N 75°00'00" E, 77.12 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL;

THENCE S 14°59'34" E ALONG SAID EASTERLY LINE, 1.25 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 96 SQUARE FEET (0.0022 ACRES), MORE OR LESS.



THIS MAP WAS PREPARED BY

BOULDER LAND CONSULTANTS, INC.

5690 VALMONT RD. BOULDER, CO 80301
(303) 443-3616

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.

N

BOULDER LAND CONSULTANTS, INC.

SCALE: 1" = 30'

PROJECT #74207
"74207LDB.DWG"
DATE: 12/16/2008

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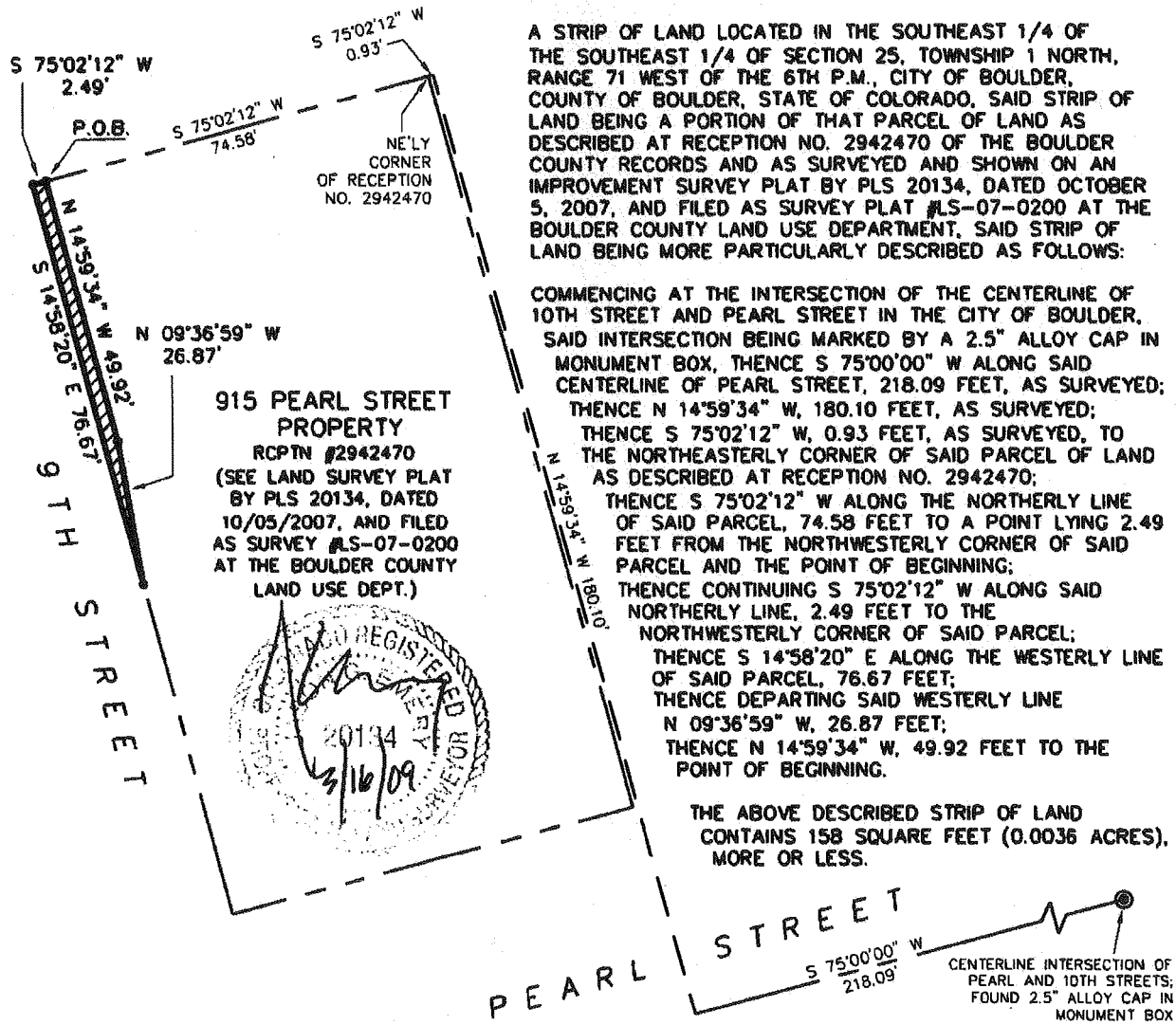
EXHIBIT B

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

THE 915 PEARL STREET PROPERTY, BOULDER, COLORADO LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 25, T1N, R71W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.



LEGAL DESCRIPTION

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THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 158 SQUARE FEET (0.0036 ACRES), MORE OR LESS.

THIS MAP WAS PREPARED BY

BOULDER LAND CONSULTANTS, INC.
5690 VALMONT RD. BOULDER, CO 80301
(303) 443-3616

NOTE:
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N
BOULDER LAND CONSULTANTS, INC.

SCALE: 1" = 30'

PROJECT #74207
"74207LDA_R1.DWG"
DATE: 03/16/2009

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For Administrative Purposes Only
Address: 901 Pearl St. (AKA 915 Pearl St.)
Case No. LUR2015-00054

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owner of the subservient land, in the manner prescribed by Section 43-2-302, C.R.S., a public access easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 2995501 on the 28th day of April, 2009 and re-recorded at Reception No. 03200946 on the 6th day of February, 2012 located at 901 Pearl Street and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The above easement vacation and release of said easement at 901 Pearl Street shall extend only to the portion and the type of easements specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the easement.

Executed this _____ day of _____, 20__, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado, pursuant to Ordinance No. _____, adopted by the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By:_____
Jane S. Brautigam, City Manager

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

_____
Date

EXHIBIT A

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

THE 915 PEARL STREET PROPERTY, BOULDER, COLORADO LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 25, T1N, R71W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

12/16/08

LEGAL DESCRIPTION

A STRIP OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 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. 2942470 OF THE BOULDER COUNTY RECORDS AND AS SURVEYED AND SHOWN ON AN IMPROVEMENT SURVEY PLAT BY PLS 20134, DATED OCTOBER 5, 2007, AND FILED AS SURVEY PLAT #LS-07-0200 AT THE BOULDER COUNTY LAND USE DEPARTMENT, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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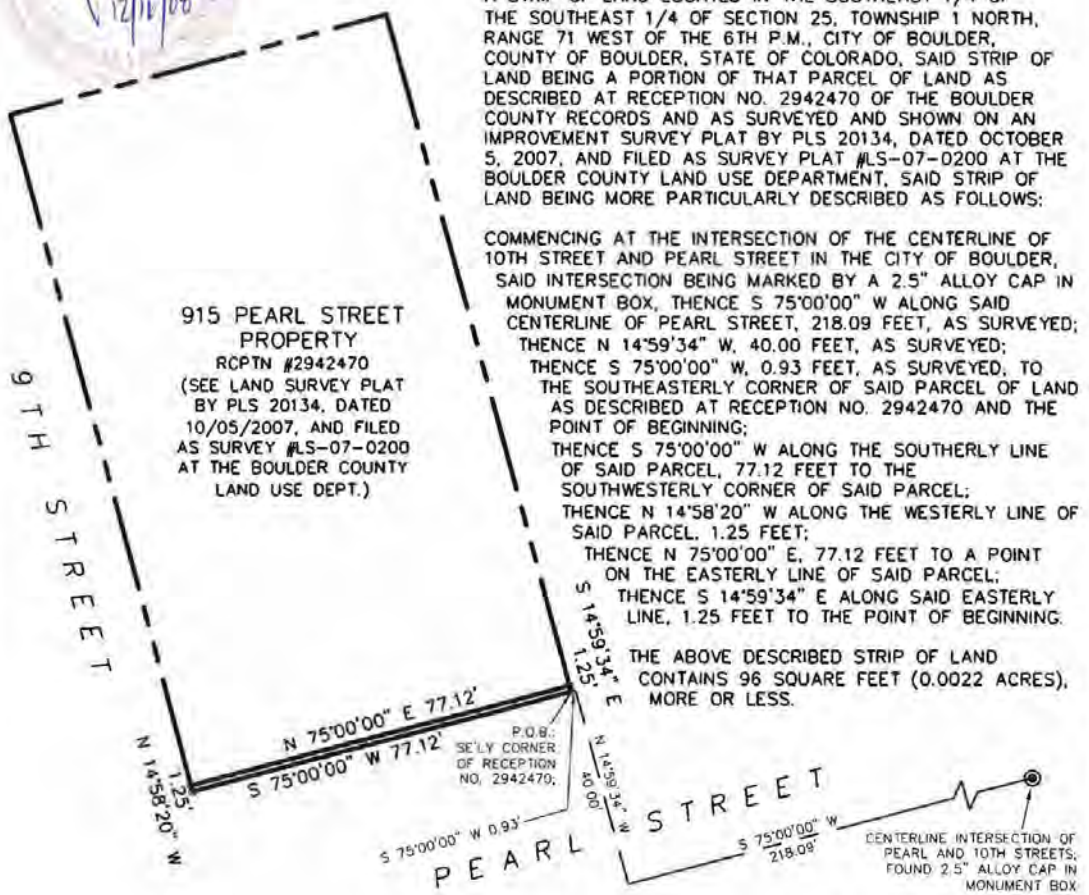

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5690 VALMONT RD. BOULDER, CO 80301
(303) 443-3616

NOTE:
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N
BOULDER LAND CONSULTANTS, INC.

SCALE: 1" = 30'

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PROJECT #74207
"74207LDB.DWG"
DATE: 12/16/2008

For Administrative Purposes Only
Address: 901 Pearl St. (AKA 915 Pearl St.)
Case No. LUR2015-00054

DEED OF VACATION

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Executed this _____ day of _____, 20__, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado, pursuant to Ordinance No. _____, adopted by the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By:_____
Jane S. Brautigam, City Manager

Attest:

_____
City Clerk

Approved as to form:

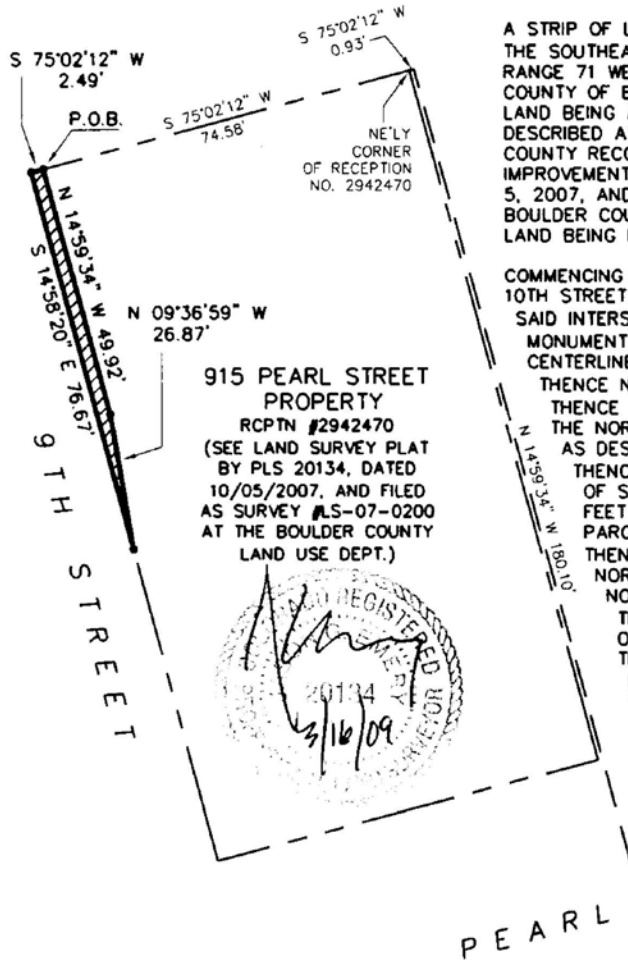
_____
City Attorney's Office

_____
Date

EXHIBIT A

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

THE 915 PEARL STREET PROPERTY, BOULDER, COLORADO LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 25, T1N, R71W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.



LEGAL DESCRIPTION

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SCALE: 1" = 30'

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PROJECT #74207
"74207LDA_R1.DWG"
DATE: 03/16/2009

PROJECT DIRECTORY

OWNER
901 Eldridge, Inc.
2344 Spruce St., Suite B
Boulder, CO 80302
(303) 444-6633
Contact: Phil Shull
e-mail: pshull@deneuveconstruction.com

CONTRACTOR
Deneuve Construction
2344 Spruce Street, Suite B
Boulder, CO 80302
(303) 444-6633
Contact: David Garabed
e-mail: dg@deneuveconstruction.com

ARCHITECT
Bray Architecture, Inc.
1300-C Yellow Pine Ave.
Boulder CO 80304
(303) 444-1598
Contact: Jim Bray
e-mail: jbray@nobs-design.com

LANDSCAPE ARCHITECT
Nature's Design Associates, LLC
15674 Indiana Gulch Rd
Jamestown, CO 80455
(303) 459-3333
Contact: Becky Martinek
e-mail: martinek@hughes.net

CIVIL ENGINEER
JVA, Inc.
1319 Spruce St.
Boulder CO 80302
(303) 444-1951
Contact: Charlie Hager
e-mail: chager@jvajva.com

901 Pearl Street

Final Technical Documents
January 28, 2014

LEGAL DESCRIPTION

Legal Description:
TRACT 313 LESS E 0.97 FT 25-1N-71 1374622 12/93
BCR SPLIT TO ID 1382/LOT LINE ADJ 1/94

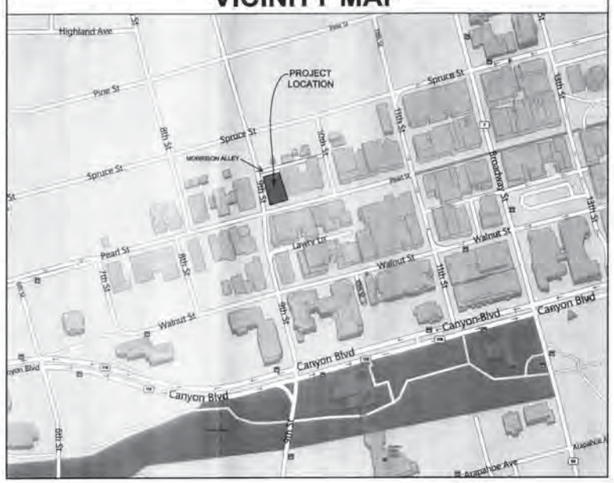
Sec-Town-Range:
25-1N-71

Subdivision:
TR, NBR 158, 160, 162

PROJECT DATA

PROJECT ADDRESS:	901 Pearl Street Boulder, Colorado 80302
PROJECT DESCRIPTION:	Demolition of an existing building and construction of a new 3-Story Mixed Use Building
ZONING:	DT-2
BUILDING TYPE:	V-B, Fully Sprinkled
OCCUPANCY:	A-2, R-2 & S-2

VICINITY MAP



PROJECT DATA

ZONING

ZONING DISTRICT	DT-2
MIN. FRONT YARD SETBACK	0'
MIN. SIDE SETBACK - STREET	0'
MIN. SIDE SETBACK - INTERIOR	0'
MIN. REAR YARD SETBACK	15'
REQUESTED VARIANCE	**0'**
MIN. FRONT SETBACK- 3RD STORY & ABOVE	0' 15'
REQUESTED VARIANCE	**13'**
MAX. BUILDING HEIGHT	38'
MAX. No. OF STORIES	2
REQUESTED VARIANCE	**3**

SITE

LOT AREA	10,803

OPEN SPACE

REQUIRED OPEN SPACE (15% of LOT AREA)	1,620
GROUND LEVEL	1,103
25% RESIDENCE BALCONIES	551
R.O.W. 10% BONUS	60
TOTAL OPEN SPACE	**1,714**
OVERAGE	5.80%

BUILDING AREA

MAX F.A.R. FOR DT-2	1.5
F.A.R. ADDITIONS	
RESIDENTIAL FLOOR AREA	0.5
ONSITE PARKING	0.5
MAX ALLOWABLE F.A.R.	2.0
ALLOWABLE FLOOR AREA	21,606
1st FLOOR AREA	7,114
2nd FLOOR AREA	7,949
3rd FLOOR AREA	6,528
TOTAL FLOOR AREA	**21,591**

PARKING

REQUIRED (1 PER DU)	4
PROVIDED	4

BIKE PARKING

PROVIDED	10

SHEET INDEX

SHEET	DESCRIPTION
A0.0	Cover Sheet
A2.0	Site Plan & Property Line Encroachment Plan
A2.1	First & Second Floor Plans
A2.2	Third Floor & Roof Plans
A3.1	Exterior Elevations
A3.2	Exterior Elevations
A4.1	Building Sections
A5.1	Solar Shadow Analysis
E1	Site Lighting & Photometric Plan
L1.1	Landscape Plan
L1.2	Landscape Details
IR-1	Irrigation Plan
IR-2	Irrigation Details

Note: Final Civil Technical Documents under separate cover

CITY OF BOULDER
PLANNING & DEVELOPMENT SERVICES
APPROVED
FINAL LAND USE
LAND USE REC. 1/28/14

City of Boulder - Department of Planning and Development Services
FINAL LAND USE DRAWING
"RECORD SET"

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

Deneuve

901 PEARL STREET
BOULDER, COLORADO

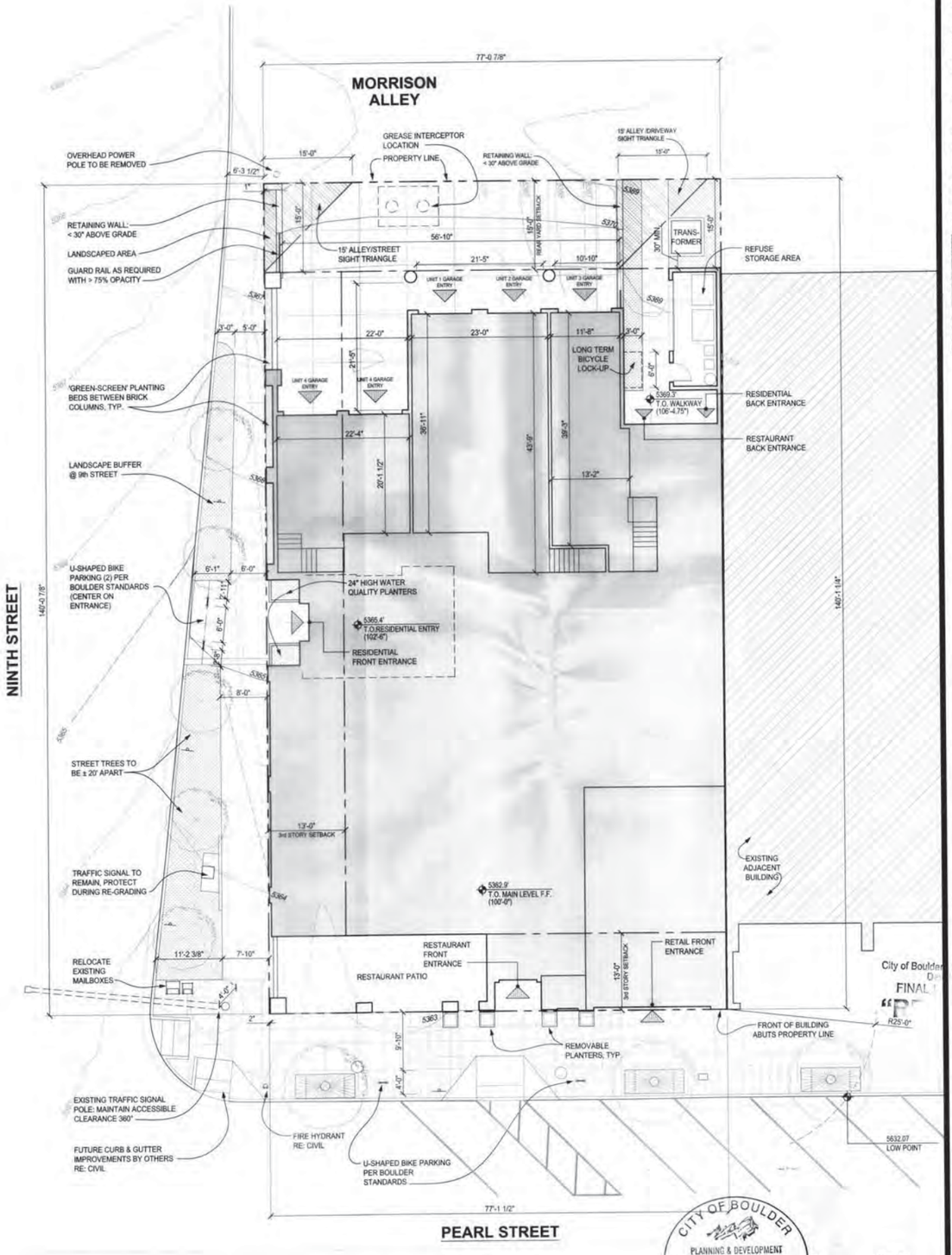
TEC NO: TEC2013-0074
LUR NO: ~~LUR2013-0039~~
PROJECT NO: 201309
FINAL ARCHITECTURAL PLANS
ISSUE DATE: 11-18-13
REVISIONS: 1 12-30-13 2 1-28-14

COVER SHEET

SHEET NUMBER
A0.0

TEC2013-00074 BSLU

2 A2.0 **PROPERTY LINE ENCROACHMENT PLAN**
1" = 10'



1 A2.0 **ARCHITECTURAL SITE PLAN**
1" = 10'

City of Boulder Department of Planning and Development Services
FINAL DRAWING
"R SET"

CITY OF BOULDER
PLANNING & DEVELOPMENT SERVICES
APPROVED
FINAL LAND USE DRAWING
LAND USE REVIEW MANAGER 7/24/14 DATE

NORTH

0' 5' 10' 20'

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

Denetive

901 PEARL STREET
BOULDER, COLORADO

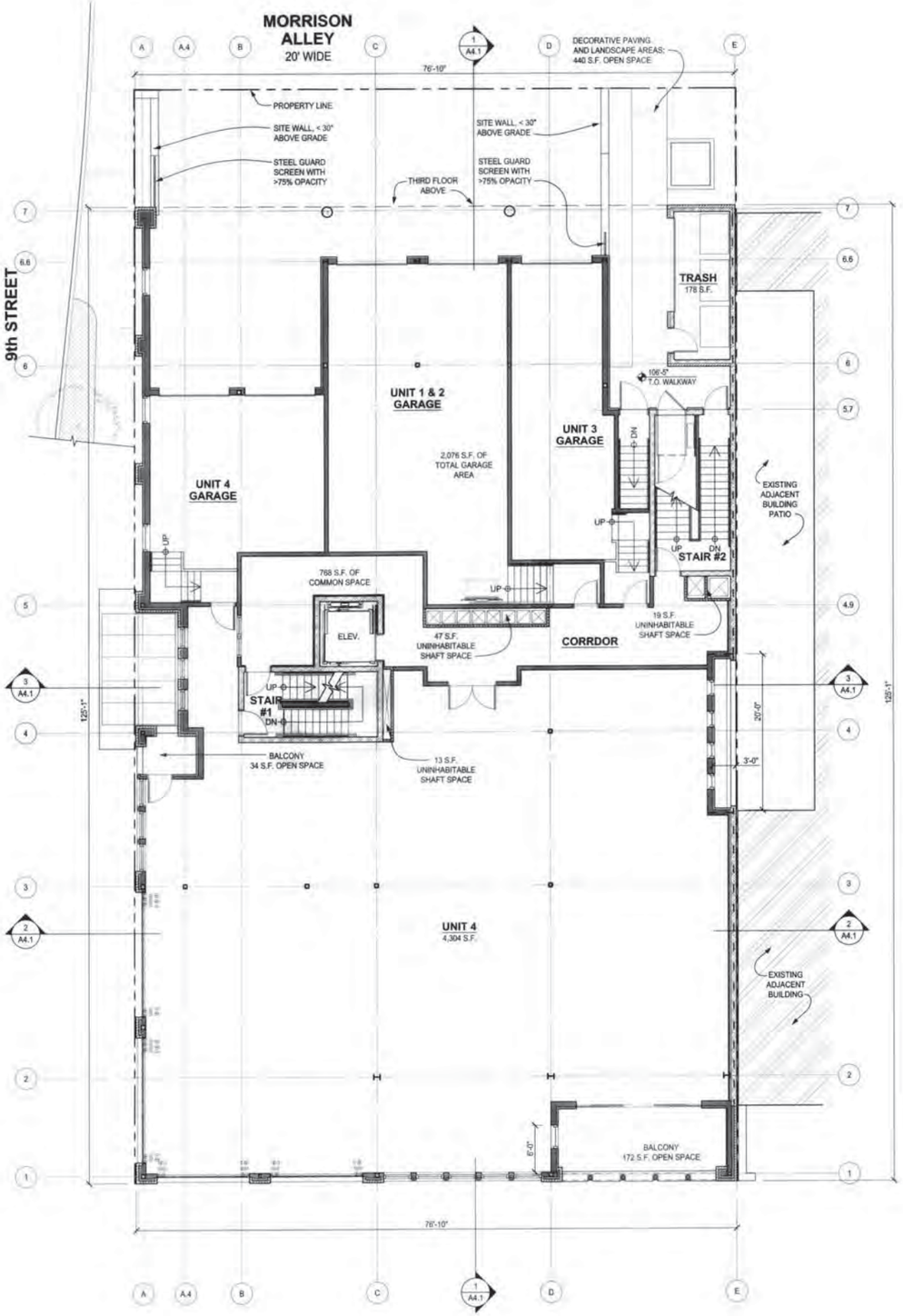
TEC NO. TEC2013-00074
LUR NO. LUR2013-00039
PROJECT NO. 201309

FINAL ARCHITECTURAL PLANS

ISSUE DATE: 11-18-13
REVISIONS: 1 12-30-13
2 1-28-14

SHEET TITLE: SITE & ENCROACHMENT PLANS

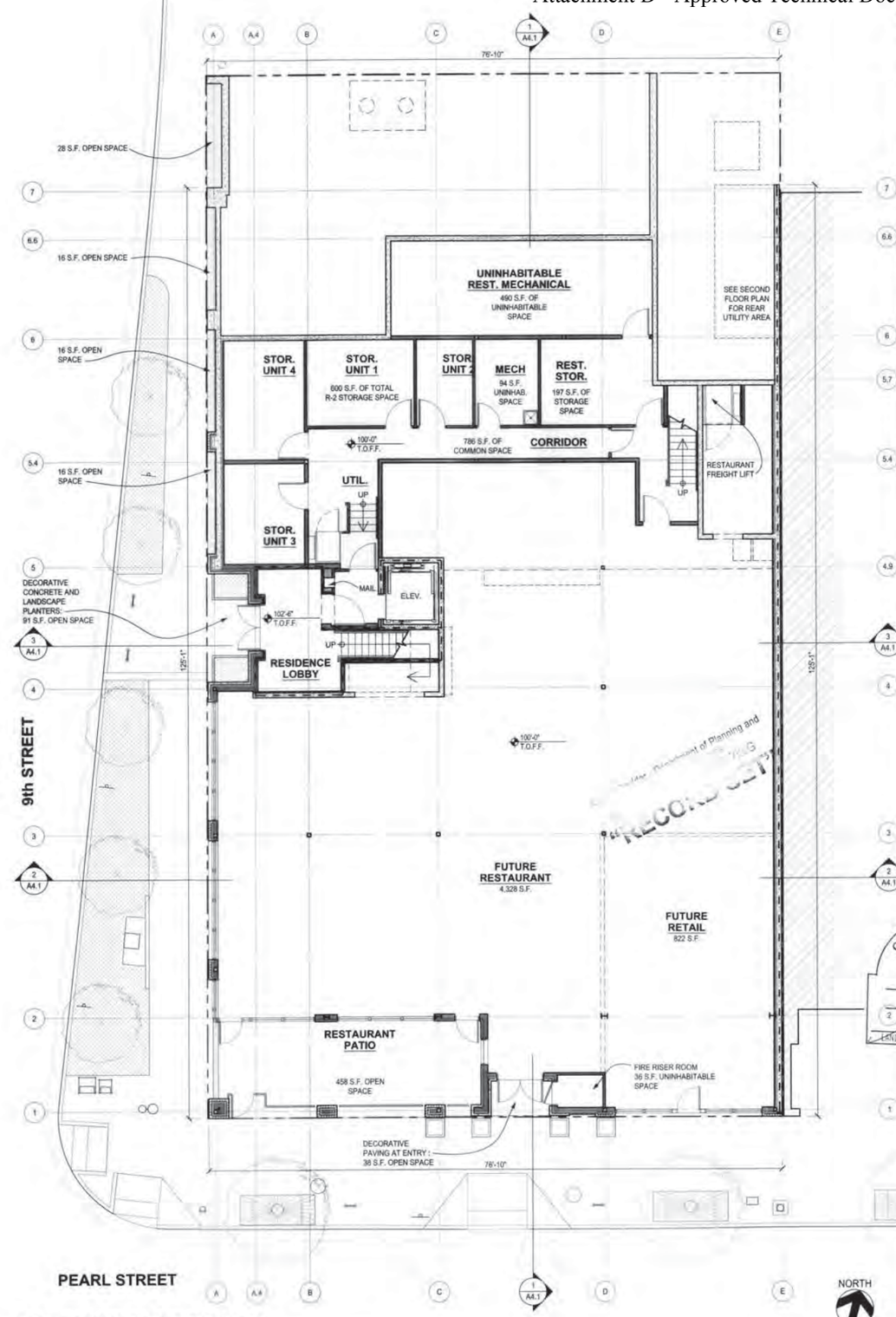
SHEET NUMBER: A2.0



2 SECOND FLOOR PLAN

A2.1 1/8" = 1'-0"

- 8,028 S.F. TOTAL AREA
- 7,949 S.F. FLOOR AREA
- 79 S.F. UNINHABITABLE SPACE
- 43 S.F. OPEN SPACE



1 FIRST FLOOR PLAN

A2.1 1/8" = 1'-0"

- 7,730 S.F. TOTAL AREA
- 7,114 S.F. FLOOR AREA
- 620 S.F. UNINHABITABLE SPACE
- 1,103 S.F. OPEN SPACE (INCLUDES 2ND FLOOR OPEN SPACE AT GROUND LEVEL)

NORTH

0' 4 8 16

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

Deneuve

901 PEARL STREET
BOULDER, COLORADO

CITY OF BOULDER
PLANNING & DEVELOPMENT SERVICES
APPROVED
FINAL LAND USE DRAWING
LAND USE REVIEW MANAGER DATE

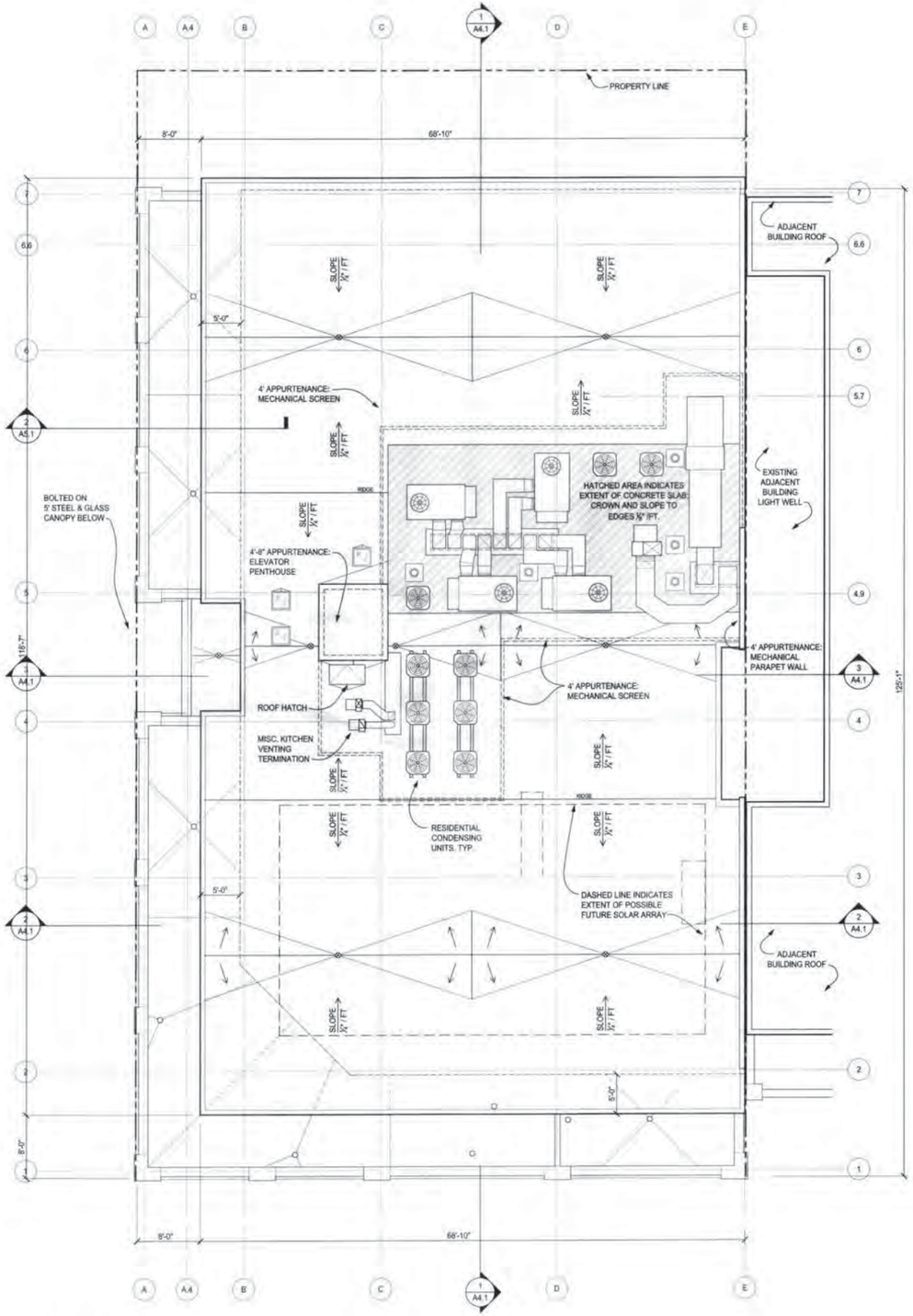
TEC NO: TEC2013-0074
LUR NO: ~~LUR2013-0038~~
PROJECT NO: 201309

FINAL ARCHITECTURAL PLANS

ISSUE DATE: 11-18-13
REVISIONS: 1 12-30-13, 2 1-28-14

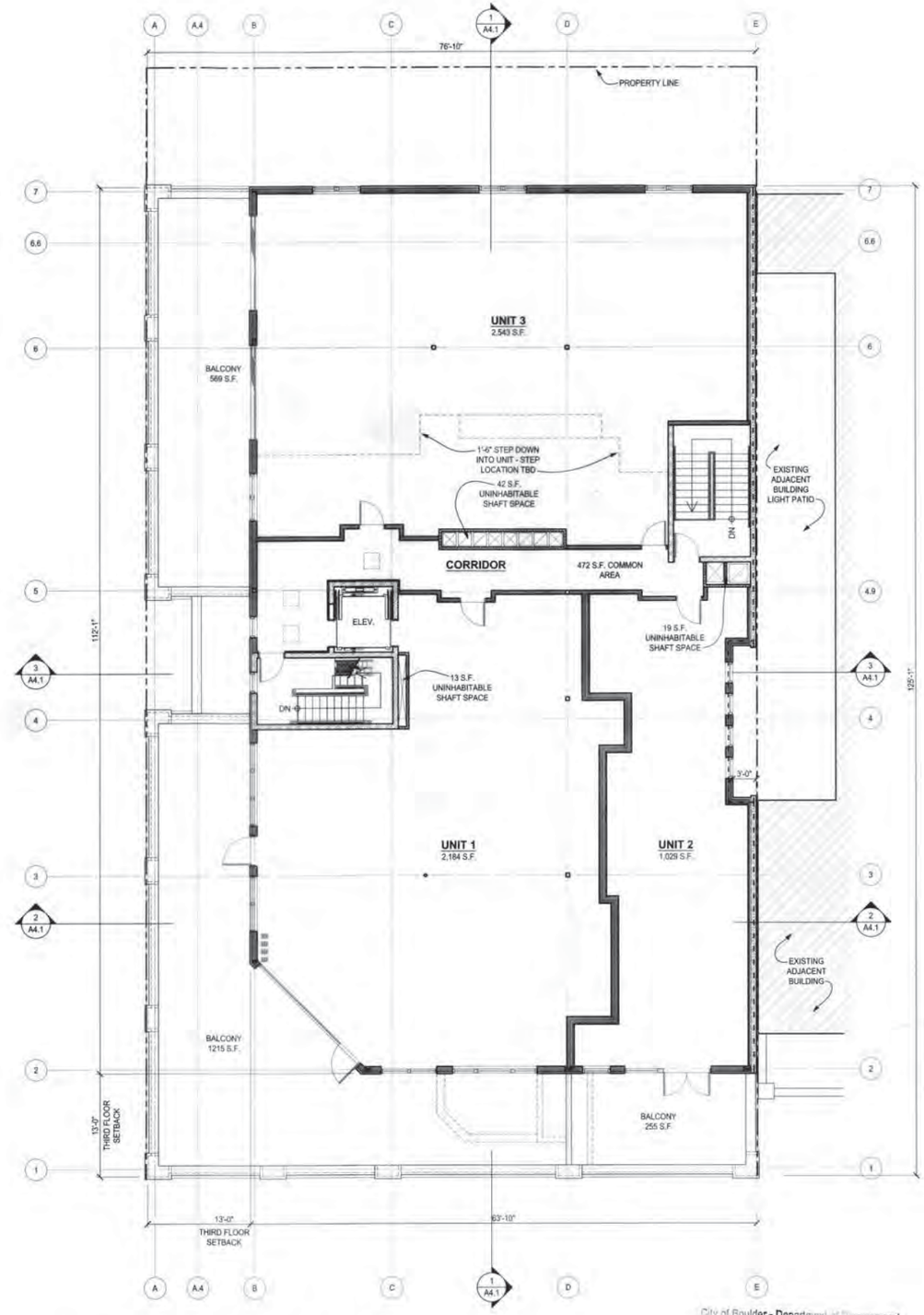
FIRST & SECOND FLOOR PLANS

SHEET NUMBER: A2.1



2 ROOF PLAN
A2.2 1/8" = 1'-0"

- 8,038 S.F. TOTAL ROOF AREA
- 1,805 S.F. APPURTENANCE AREA
  22.5% OF ROOF AREA < 25% MAX.



1 THIRD LEVEL FLOOR PLAN
A2.2 1/8" = 1'-0"

- 6,602 S.F. TOTAL AREA
- 6,528 S.F. FLOOR AREA
- 74 S.F. UNINHABITABLE SPACE
- 510 S.F. OPEN SPACE

City of Boulder - Department of Planning and Development
FINAL LAND USE DRAWING
"RECORD SET"

NORTH

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

Deneuve

901 PEARL STREET
BOULDER, COLORADO

CITY OF BOULDER
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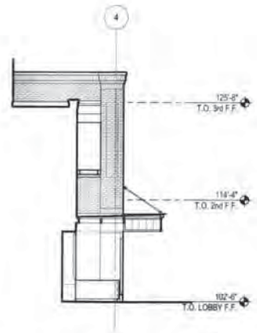
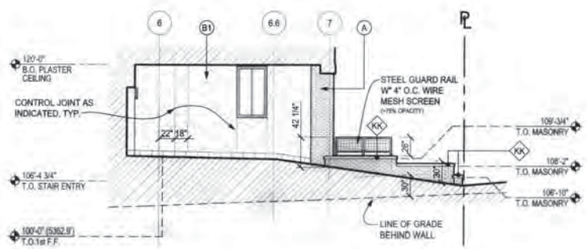
FINAL ARCHITECTURAL PLANS
ISSUE DATE: 11-18-13
REVISIONS: 1 12-30-13; 2 1-28-14
SHEET TITLE: THIRD LEVEL FLOOR PLAN & ROOF PLAN
SHEET NUMBER: A2.2

WALL/PARTITION LEGEND

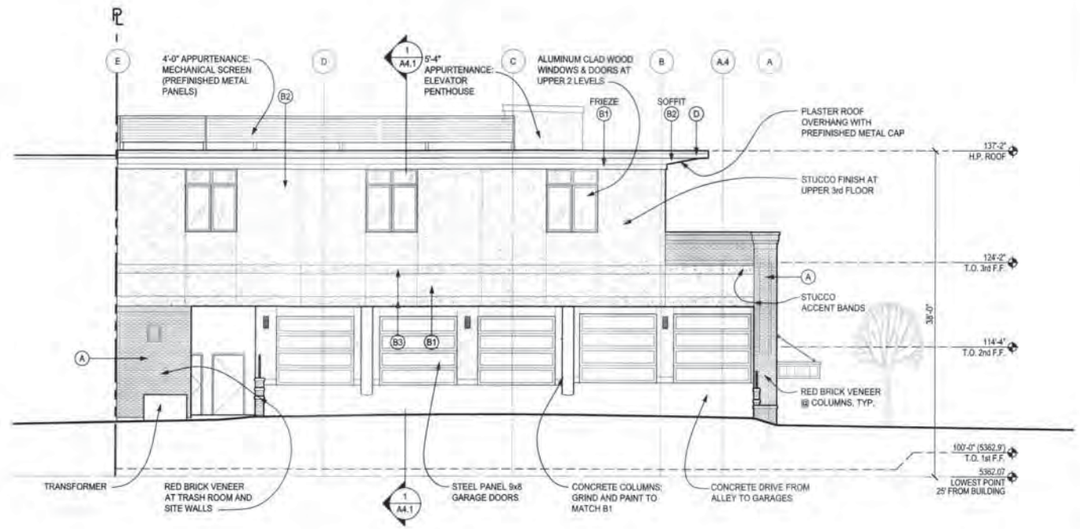
A - BRICK VENEER RE: 3A/A0.2
"COLONIAL GRAN" ROBINSON BRICK CO
B - SMOOTH 2-COAT STUCCO FINISH RE: 3B&C/A0.2
B1 - HC86 "KINGSPORT GRAY"
B2 - AC-39 "NORTH HAMPTON BEIGE"
B3 - HC-67 "CLINTON BROWN"
C - 8"x16" BLACK SLATE TILE BASE
D - PREFINISHED METAL FASCIA :
"ZINC GREY" BERRIDGE MANUFACTURING CO.



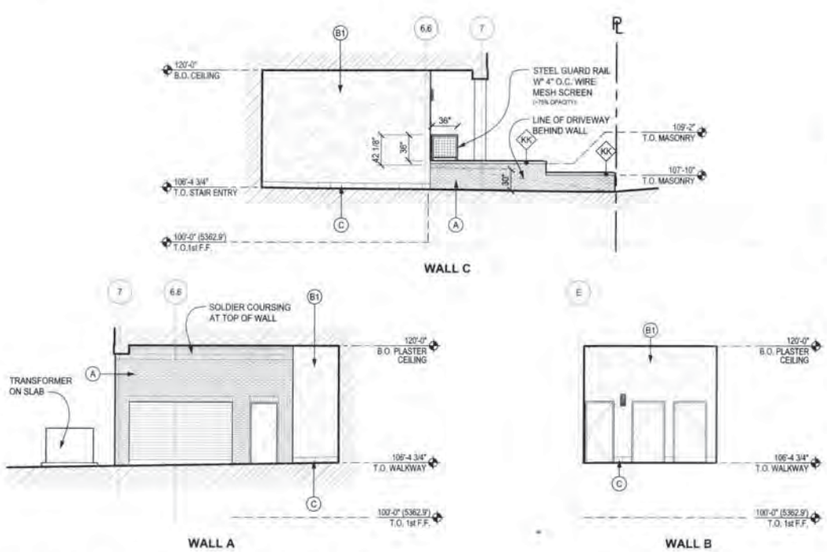
5 A3.1 SOUTH LOBBY ENTRY ELEVATION
1/8" = 1'-0"



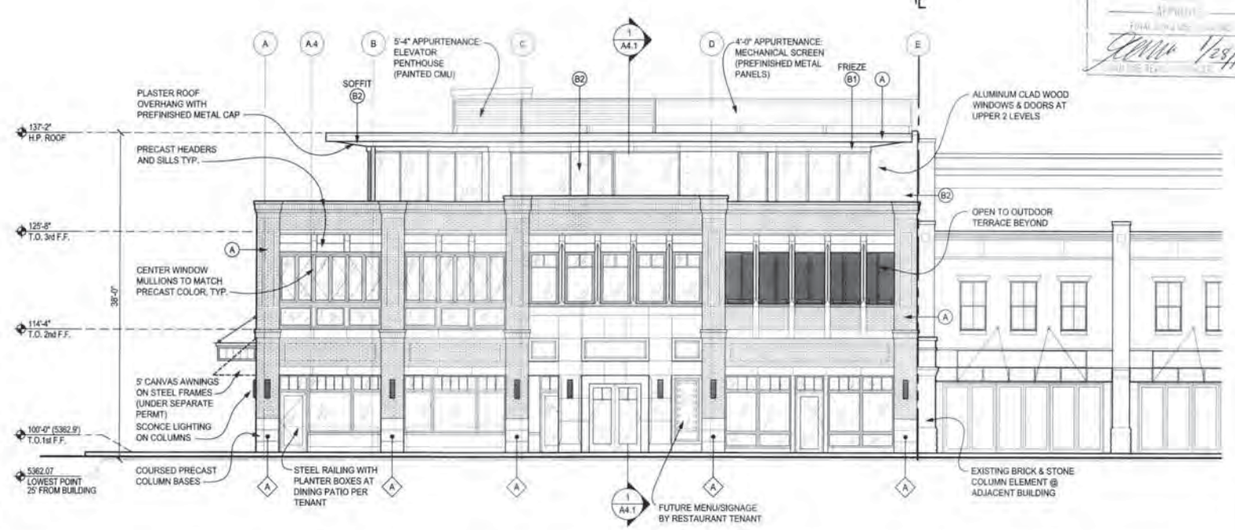
4 A3.1 CARPORT ELEVATION
1/8" = 1'-0"



2 A3.1 NORTH ELEVATION
1/8" = 1'-0"



3 A3.1 TRASH AREA ELEVATIONS
1/8" = 1'-0"



1 A3.1 SOUTH ELEVATION
1/8" = 1'-0"

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1/29/14

City of Boulder ... of Planning and ... DRAWING ... "...RD SET"

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

901 PEARL STREET
BOULDER, COLORADO

TEC NO. TEC2013-0074
LUR NO. ~~LUR2013-0039~~
PROJECT NO. 201309
FINAL ARCHITECTURAL PLANS
ISSUE DATE: 11-18-13
REVISIONS: 1 12-30-13
2 1-28-14

EXTERIOR ELEVATIONS

SHEET NUMBER: A3.1

WALL/PARTITION LEGEND

A - BRICK VENEER RE: 3A/A0.2
"COLONIAL GRAN" ROBINSON BRICK CO
B - SMOOTH 2-COAT STUCCO FINISH RE: 3B&C/A0.2
B1 - HC86 "KINGSPORT GRAY"
B2 - AC-39 "NORTH HAMPTON BEIGE"
B3 - HC-67 "CLINTON BROWN"
C - 8'x16" BLACK SLATE TILE BASE
D - PREFINISHED METAL FASCIA :
"ZINC GREY" BERRIDGE MANUFACTURING CO.

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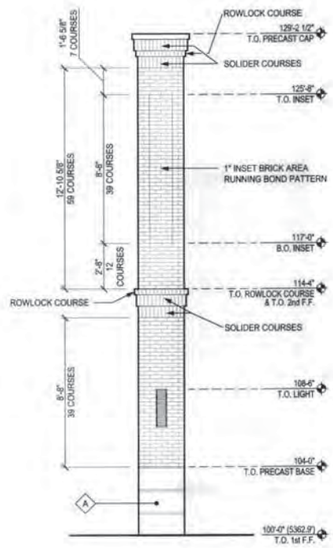
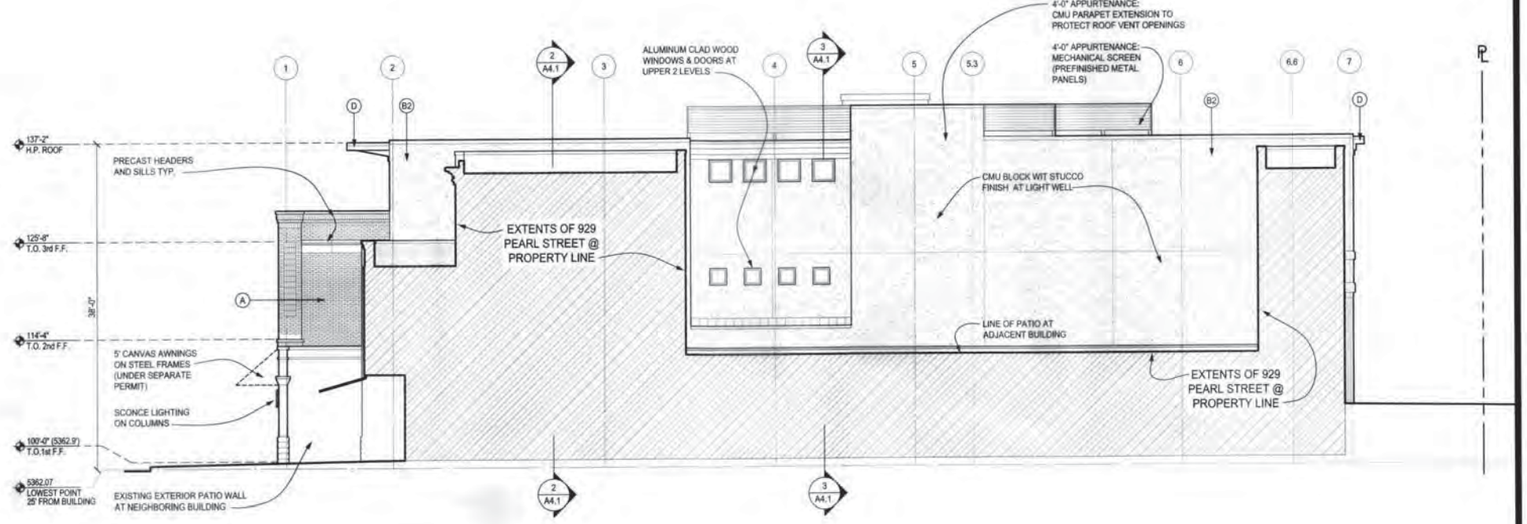
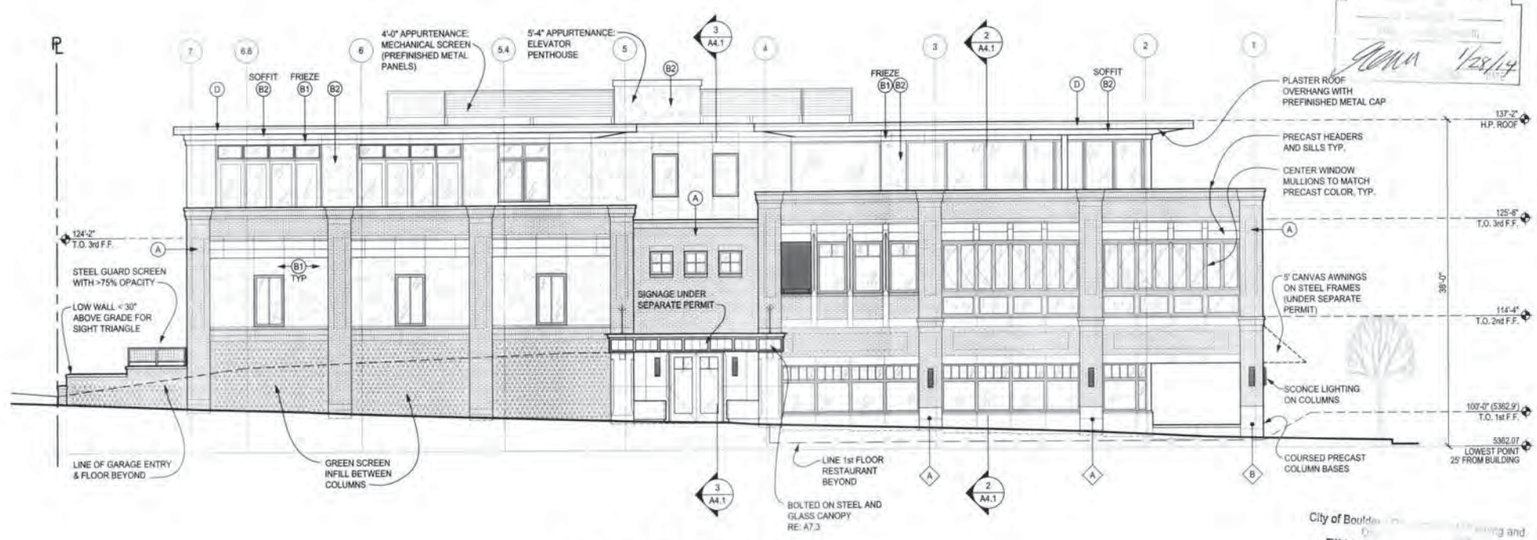
1300-C Yellow Pine
Boulder, CO 80304



3 A3.2 **BRICK COURSING AT COLUMNS**
1/4" = 1'-0"



2 A3.2 **EAST ELEVATION**
1/8" = 1'-0"



1 A3.2 **WEST ELEVATION**
1/8" = 1'-0"

CITY OF BOULDER
Planning and Development Services
1/28/14

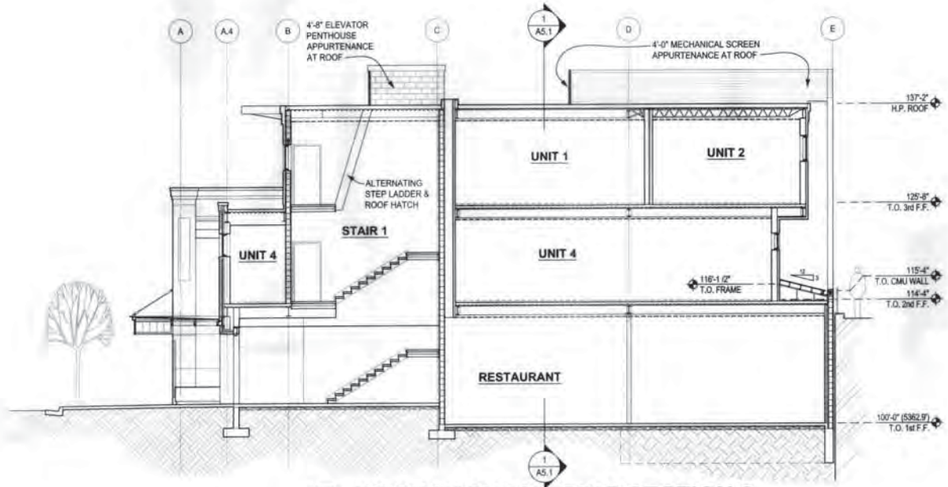
City of Boulder
Planning and Development Services
FINAL DRAWING
"STAMPED SET"

901 PEARL STREET
BOULDER, COLORADO

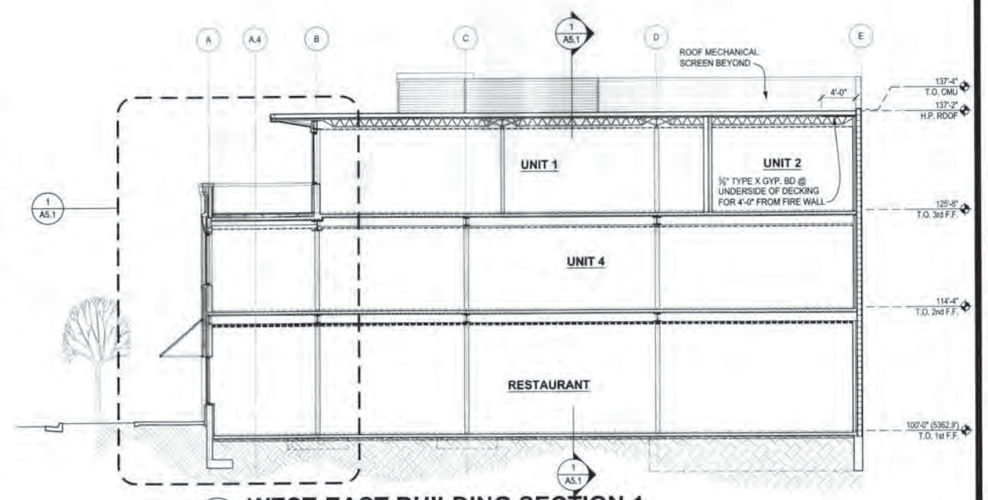
TEC NO: TEC2013-0074
LUR NO: ~~LUR2013-0028~~
PROJECT NO: 201309
FINAL ARCHITECTURAL PLANS
ISSUE DATE: 11-18-13
REVISIONS: 1 12-30-13
2 1-28-14

EXTERIOR ELEVATIONS

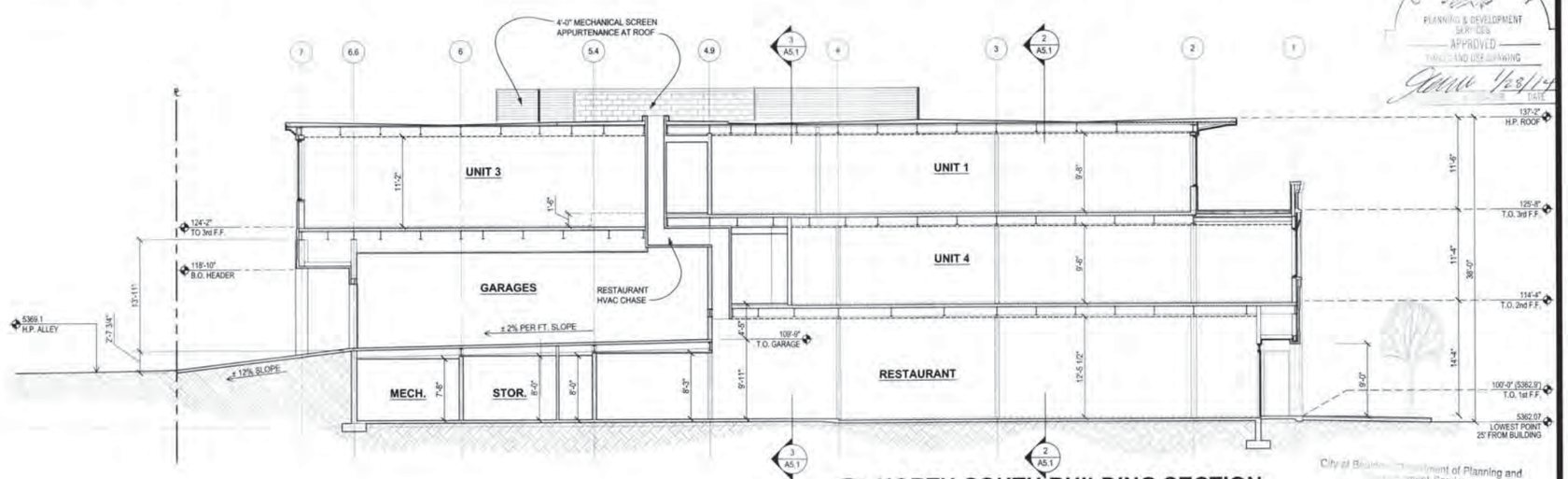
SHEET NUMBER:
A3.2



3 A4.1 **WEST-EAST BUILDING SECTION 2**
1/8" = 1'-0"



2 A4.1 **WEST-EAST BUILDING SECTION 1**
1/8" = 1'-0"



1 A4.1 **NORTH-SOUTH BUILDING SECTION**
1/8" = 1'-0"

CITY OF BOULDER
PLANNING & DEVELOPMENT SERVICES
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Jenn 1/23/14
DATE

City of Boulder Department of Planning and Development Services
FINAL LAND USE DRAWING
RECORD SET

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

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901 PEARL STREET
BOULDER, COLORADO

TEC NO: TEC2013-00074
LUR NO: LUR2013-00039
PROJECT NO: 201309

FINAL ARCHITECTURAL PLANS
ISSUE DATE: 11-18-13
REVISIONS: 1 12-30-13, 2 1-28-14

SHEET TITLE: BUILDING SECTIONS

SHEET NUMBER: A4.1

SOLAR ACCESS AT 2 P.M.

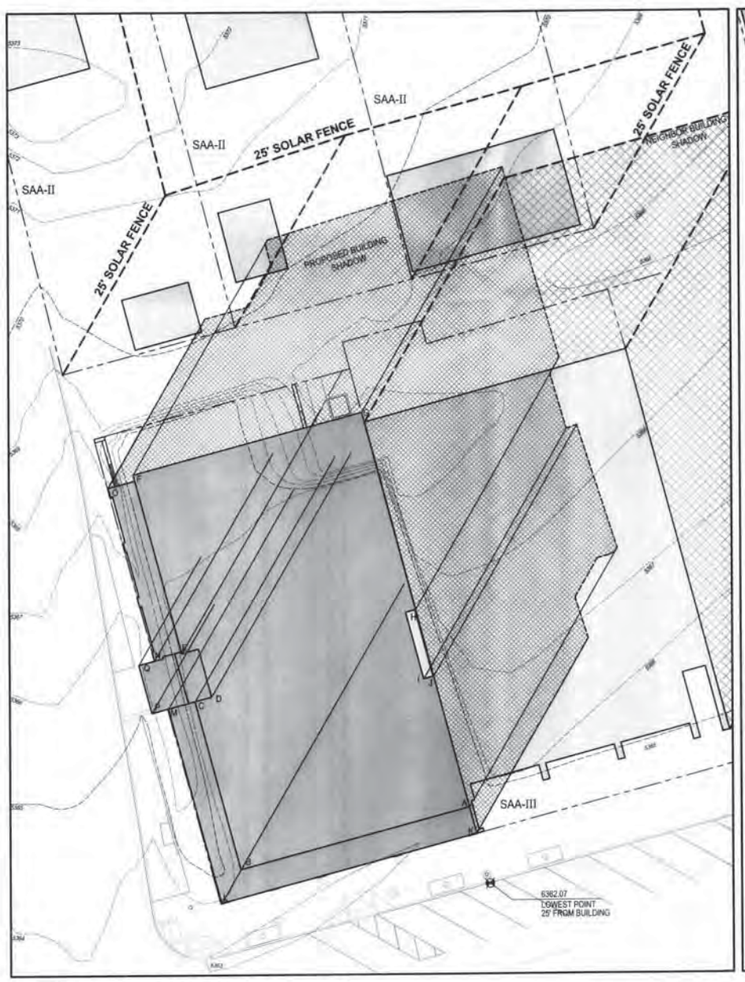
Roof Element	Building Height Above Grade	Shadow Length	Elevation Start	Elevation End	Change in Elevation	Revised Height	Revised Shadow Length
A	36.1	97.4	64	67.4	3.4	32.7	86.6
B	36.3	96.1	63.8	64	0.2	36.1	95.6
C	36.3	96.1	63.8	69.1	5.3	31	82
D	36.3	96.1	63.8	69.2	5.4	30.9	81.7
E	36.3	96.1	63.8	68.9	5.1	31.2	82.5
F	35.3	93.4	64.8	70.4	5.6	29.7	78.9
G	31.1	82.3	69.1	69.1	0	31.1	82.3
H	36	95.3	64.1	68.3	4.2	31.8	84.2
I	36	95.3	64.1	68.5	4.4	31.6	83.6
J	36	95.3	64.1	68.4	4.3	31.7	83.9
K	28.1	74.4	63.5	66.9	3.4	24.7	65.4
L	27.8	73.5	63.8	63.5	-0.3	28.1	74.4
M	25.2	66.8	66.4	63.9	-2.5	27.7	73.3
N	24.9	63.8	66.7	65.4	-1.3	26.2	69.4
O	23.6	62.5	68	70.2	2.2	21.4	56.6
P	11.7	30.9	65.9	63.8	-2.1	13.8	36.6
Q	11.7	30.9	65.9	63.9	-2	13.7	36.3

SOLAR ACCESS AT NOON

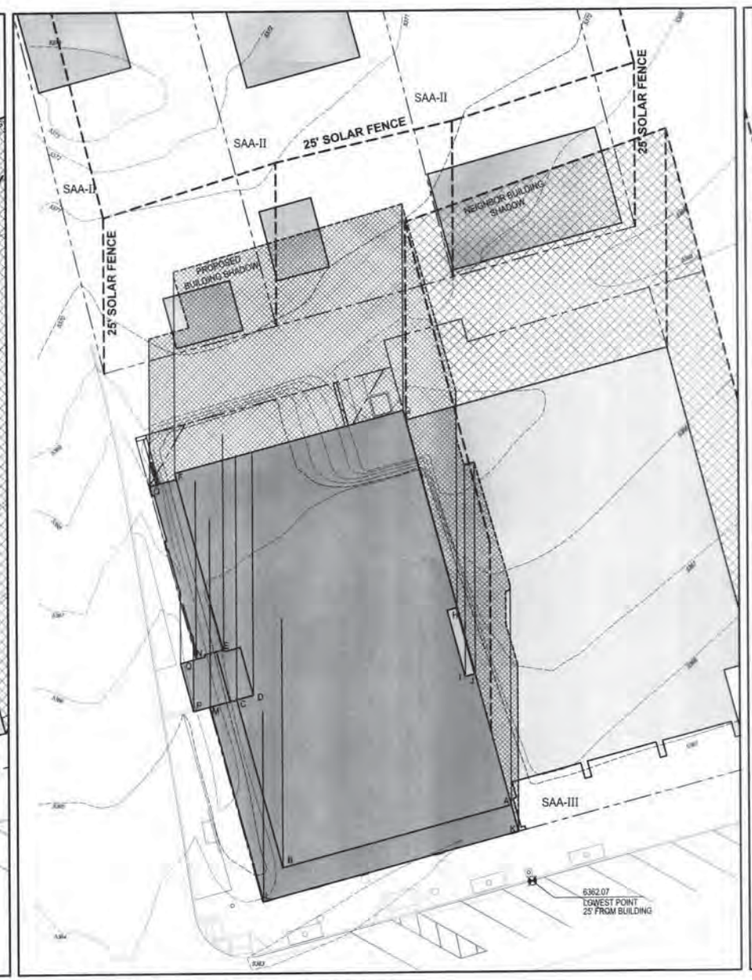
Roof Element	Building Height Above Grade	Shadow Length	Elevation Start	Elevation End	Change in Elevation	Revised Height	Revised Shadow Length
A	36.1	72.2	64	68.1	4.1	32	64
B	36.3	72.6	63.8	64.7	0.9	35.4	71.8
C	36.3	72.6	63.8	64.6	0.8	35.5	71
D	36.3	72.6	63.8	64.7	0.9	35.4	70.8
E	36.3	72.6	63.8	69	5.2	31.1	63.2
F	35.3	71.6	64.8	70.8	6	29.3	58.6
G	31.1	62.2	69.1	70.1	1	30.1	60.2
H	36	72	64.1	68.6	4.5	31.5	63
I	36	72	64.1	69.3	5.2	30.8	61.6
J	36	72	64.1	69.3	5.2	30.8	61.8
K	28.1	56.2	63.5	67.3	3.8	24.3	48.6
L	27.8	55.6	63.8	63.8	0	27.8	55.6
M	25.2	50.4	66.4	64.3	-2.1	27.3	54.6
N	24.9	49.8	66.7	65.6	-1.1	26	52
O	23.6	45.2	68	70.1	2.1	21.5	43
P	11.7	23.4	65.9	66.6	0.7	11	22
Q	11.7	23.4	65.9	66.8	0.9	10.8	21.6

SOLAR ACCESS AT 10 A.M.

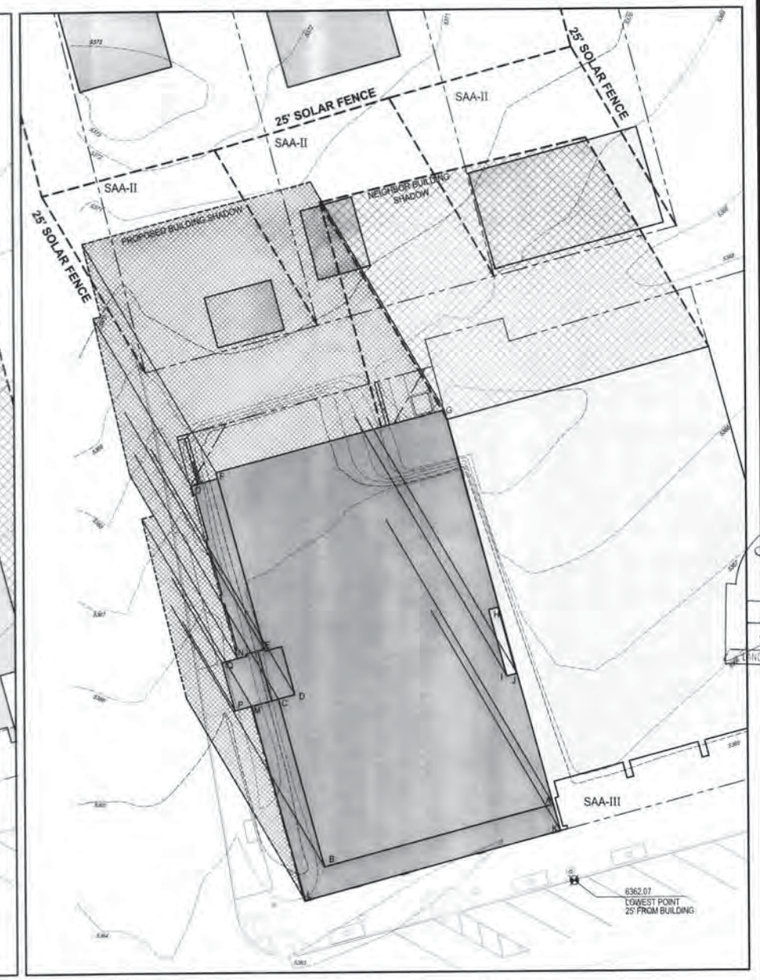
Roof Element	Building Height Above Grade	Shadow Length	Elevation Start	Elevation End	Change in Elevation	Revised Height	Revised Shadow Length
A	36.1	97.4	64	63.9	-0.1	36.2	95.9
B	36.3	96.1	63.8	66.7	2.9	33.4	88.3
C	36.3	96.1	63.8	68.9	5.1	31.2	82.5
D	36.3	96.1	63.8	68.7	4.9	31.4	82.8
E	36.3	96.1	63.8	69.6	5.8	30.5	80.7
F	35.3	93.4	64.8	71	6.2	29.1	77
G	31.1	82.3	69.1	71.1	2	29.1	77
H	36	95.3	64.1	69.8	5.7	30.3	80.2
I	36	95.3	64.1	67	2.9	33.1	87.6
J	36	95.3	64.1	67.5	3.4	32.6	86.3
K	28.1	74.4	63.5	63.5	0	28.1	74.4
L	27.8	73.5	63.8	65.8	2	25.8	68.2
M	25.2	66.8	66.4	67.7	1.3	23.9	63.2
N	24.9	63.8	66.7	68.2	1.5	23.4	61.9
O	23.6	62.5	68	70.3	2.3	21.3	56.4
P	11.7	30.9	65.9	66.2	0.3	11.4	30.1
Q	11.7	30.9	65.9	66.7	0.8	10.9	28.8



SHADOW ANALYSIS - 2 P.M.
SCALE: 1" = 20'



SHADOW ANALYSIS - 12 NOON
SCALE: 1" = 20'



SHADOW ANALYSIS - 10 A.M.
SCALE: 1" = 20'

Lot is Zoned DT-2 - Solar Access Area III

NORTH

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

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901 PEARL STREET
BOULDER, COLORADO

CITY OF BOULDER
PLANNING & DEVELOPMENT SERVICES
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FINAL LAND USE DRAWING
LAND USE REVIEW MANAGER DATE

TEC NO: TEC2013-00074
LUR NO: ~~LUR2013-00036~~
PROJECT NO: 201309
FINAL ARCHITECTURAL PLANS
ISSUE DATE: 11-18-13
REVISIONS: 1 12-30-13
2 1-28-14
SHEET TITLE:
BUILDING SHADOW ANALYSIS
SHEET NUMBER:
A5.1

LITHONIA LIGHTING®

Catalog Number:
Name:
Type: CC

FEATURES & SPECIFICATIONS

INTENDED USE
Ideal for a wide variety of low- to medium-height ceiling applications including commercial, retail and hospitality spaces where an open or damp location rated fixture is required.

CONSTRUCTION
Utilizes an extruded socket housing that attaches at the reflector via key hole mount, which provides superior heat dissipation and extended lamp life. Socket housing also adapts to accommodate varying lamp lengths.
Heavy-gauge, die-formed galvanized steel mounting frame. Attached to frame are vertically adjustable mounting brackets for use with C channels, ½" steel conduit or 19-gauge flat bar hangers included. Standard 2 frames are equipped with galvanized junction box lid. Listed for through-wire applications. Junction lobes equipped with (3) ½" and (4) ¾" conduit knockouts with pryout tabs and removable screw down.
Reflector clips packed with reflector for installation on roughout.
Maximum 1-1/2" ceiling thickness.

OPTICS
Aluminum bat reflectors are optically designed to maximize lamp output and to provide superior glare control. Anodized finishes for open reflectors are semi-specular to diffuse in a variety of colors. Polyester powder coat finishes choices available in satin. Lenses are available in clear flat glass, textured prismatic glass or polycarbonate to provide optimal visual comfort and improved aesthetics. Lens is recessed 7/8 (2.2) from flange.

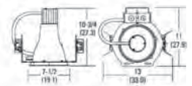
ELECTRICAL
Electronic ballast with end of lamp life protection mandatory. Class P thermally protected ballast protects against improper contact with insulation. Maximum starting temperature is 275°-18°C.
Rated for #12 AWG conductor thru-branch wiring. Minimum 90° supply wire. Ground wire provided.
Lamp Socket Base:
DTT 4-pin lamps – 13W (GX24-1); 18W (GX24-2); 26W (GX24-3)
TRT 4-pin lamps – 13W (GX24-1); 18W (GX24-2); 26W & 32W (GX24-3); 42W (GX24q-4)

LISTINGS
Fixtures are UL Listed for thru-branch wiring. Also UL Listed suitable for damp locations, and to U.S. and Canadian Safety Standards.

Compact Fluorescent Downlighting

6" LP6FN

OPEN REFLECTOR
Vertical 1-Lamp, Double Twin-Tube (DTT) or Triple-Tube (TRT)



Specifications
Max. height: 10-3/4 (27.3)
Ceiling opening: 7 (17.8)
Overall size: 7-1/2 (19.1)
Length: 13 (33.0)
Width: 11 (27.9)
All dimensions are inches (centimeters).

ORDERING INFORMATION

For shortest lead times, configure product using **standard options (shown in bold)**
Example: LP6FN 26-42TRT 609A MVOLT

LP6FN

Series	Wattage/lamp	Reflector/color	Lens/lens	Voltage	Options[1]
LP6FN	13DTT[2]	609 White open	(blank) No lens	**MVOLT[3]**	AGE2 Advance Mark 10® electronic dimming ballast, 120V or 277V. Must be voltage specific. Minimum dimming level 5%
	18DTT	**609A Clear diffuse open**	CCL Clear glass lens	120	ECG5 Lutron EcoSystem electronic dimming ballast, 120V - 277V. Must be voltage specific. Minimum dimming level 5%
	26DTT	**609AZ Clear semi-specular open**	TTS Tempered glass prismatic lens	277	**EL Emergency PSDL3 DL battery pack with integral test switch. Lens removal required before EL testing[4]**
	13TRT	609G2 Gold diffuse open	TCL Clear polycarbonate lenses	347[5]	**ELR Emergency PSDL3 DL battery pack with remote test switch[4]**
	26-42TRT[1]	609GZ2 Gold semi-specular open			ELH4 Iota 1-420-R High lumen output emergency battery pack. Internal test switch provided. Maximum average lumen output is 1300 (42W)[4]
	26TRT	609PS Pewter diffuse open			ELRH4 Iota 1-420-R-W-R High lumen output emergency battery pack. Remote test switch provided. Maximum average lumen output is 1300 (42W)[4]
	32TRT	609WZ2 Wheat semi-specular open			DM7 Single slow-blow fuse, must specify voltage
	42TRT				BDP Ballast disconnect plug (inserts plates that require in-fixture disconnect)[6]
					RFI Radio interference filter
					LBN Lens barhangers
					WLF 39K lamp (shipped separately)[7]
					NSO Sensor Switch nLight® dimming relay[8]
					FWR White flange

NOTES:
1 Not available with AGE2 or ECG5.
2 Not available with EL or WLF.
3 Electronic multi-volt ballast capable of operating any line voltage from 120-277V. Slow-Blow fuse.
4 Not available with EL or ELR.
5 AMT (7.8) is width and 4 1/2" (11.4) is length.
6 Not recommended for field installation.
7 One EL relay will use 0-10 VDC dimming mode, shipped installed. Requires additional eight ballast supply.
8 For additional options and finishes see

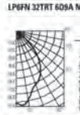
Accessories
Order as separate catalog number.
HBAK Angled ceiling adapter. Degree of slope must be specified (15D, 15S, 30D, 30S, 45D, 45S, 30DN, 45DN).
CTW Ceiling thickness between in-used inner-ceiling interwoven is greater than 1-1/2 (3.8). Maximum thickness 2 (5.1).

Downlighting and Track — **Sheet #: LP6FN-OPEN**

6" LP6FN Vertical 1-Lamp, Double Twin-Tube (DTT) or Triple Tube (TRT), Open

Distribution Curve | Distribution Data | Output Data | Coefficient of Utilization | Luminance Data at 30° Above Floor for a Single Luminaire

LP6FN 32TRT 609A MVOLT, (1) 32W TRT lamp, 2400 rated lumens. 1.6 s/mh. Test no. LTL11603



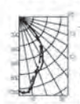
	cp	Lumens	Zone	Lumens % Lamp
0	912		0 - 30	423.0
5	943	98	0 - 40	956.8
15	962	312	0 - 60	1314.7
25	938	334	0 - 90	1425.9
35	911	329	90 - 180	0.0
45	70	32	0 - 180	1425.9
55	0	0		
65	0	0		
75	0	0		
85	0	0		
90	0	0		

Total Efficiency

pf	80%		70%		50%	
pc	50%	30%	50%	30%	50%	30%
0	61	61	58	58	57	57
1	56	55	53	53	52	51
2	51	50	48	47	45	45
3	47	44	44	41	43	40
4	43	40	40	37	38	35
5	40	37	37	34	35	32
6	37	33	34	31	32	30
7	34	31	30	28	30	27
8	32	28	31	26	31	24
9	30	26	29	24	29	23
10	28	24	27	24	27	24

Task Height: 2.5ft
Initial FC
Mounting Center Image Beam Diameter | 50% Beam FC | 10% Beam Diameter | 50% Beam FC | 10% Beam FC
8.0 | 30.1 | 5.7 | 7.1 | 1.4 | 1.8
10.0 | 18.2 | 7.8 | 4.1 | 1.0 | 1.6
12.0 | 12.1 | 9.9 | 2.7 | 1.0 | 1.0
14.0 | 8.6 | 12.0 | 2.0 | 2.0 | 0.7
16.0 | 6.5 | 14.0 | 1.5 | 2.0 | 0.4

LP6FN 32TRT 609AZ MVOLT, (1) 32W TRT lamp, 2400 rated lumens. 1.0 s/mh. Test no. LTL11604



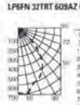
	cp	Lumens	Zone	Lumens % Lamp
0	1030		0 - 30	673.9
5	1060	99	0 - 40	1020.7
15	857	243	0 - 60	1281.1
25	727	332	0 - 90	1285.0
35	560	349	90 - 180	0.0
45	300	227	0 - 180	1285.0
55	9	22		
65	2	2		
75	1	1		
85	0	0		
90	0	0		

Total Efficiency

pf	80%		70%		50%	
pc	50%	30%	50%	30%	50%	30%
0	64	64	62	62	60	59
1	59	57	56	54	54	51
2	54	51	51	48	48	45
3	50	47	48	44	45	42
4	46	42	43	40	41	38
5	42	39	41	36	38	35
6	39	36	38	33	35	33
7	36	33	35	30	33	30
8	34	30	33	30	33	30
9	31	28	31	28	31	28
10	29	26	29	26	29	26

Task Height: 2.5ft
Initial FC
Mounting Center Image Beam Diameter | 50% Beam FC | 10% Beam Diameter | 50% Beam FC | 10% Beam FC
8.0 | 34.1 | 5.4 | 7.1 | 1.3 | 1.8
10.0 | 18.5 | 7.5 | 4.0 | 1.0 | 1.6
12.0 | 11.4 | 9.3 | 2.7 | 1.0 | 1.1
14.0 | 7.6 | 11.0 | 2.0 | 2.0 | 0.8
16.0 | 5.1 | 13.3 | 1.5 | 2.0 | 0.6

LP6FN 32TRT 609AZ CGL MVOLT, (1) 32W TRT lamp, 2400 rated lumens, 1.1 s/mh. Test no. LTL15104



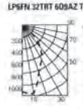
	cp	Zone	Lumens % Lamp
0	440	0 - 30	179
5	493	0 - 40	146
15	624	0 - 60	180
25	566	0 - 90	273
35	464	90 - 180	0
45	218	0 - 180	273
55	35		
65	8		
75	0		
85	0		
90	0		

Efficiency: 40.8%

pf	80%		70%		50%	
pc	50%	30%	50%	30%	50%	30%
0	48	48	47	47	45	45
1	44	43	44	43	42	41
2	41	40	40	38	39	37
3	37	36	37	34	36	34
4	34	32	34	31	33	31
5	31	29	31	28	32	28
6	28	26	29	26	29	26
7	27	24	26	24	26	23
8	25	22	25	22	24	22
9	23	20	23	20	22	20
10	21	19	21	19	21	19

Task Height: 2.5ft
50% beam | 10% beam
42.4 | 90.8
Initial fc
Mtg. Center Ht. | Beam Diameter ft | Diameter ft
8 | 26.6 | 3 | 10 | 11 | 4
10 | 19.7 | 5 | 10 | 10 | 3
12 | 17.3 | 6 | 9 | 10 | 1
14 | 8.9 | 10 | 6 | 10 | 1
16 | 6.1 | 11 | 3 | 10 | 1

LP6FN 32TRT 609AZ T73 MVOLT, (1) 32W TRT lamp, 2400 rated lumens, 1.1 s/mh. Test no. LTL15105



	cp	Zone	Lumens % Lamp
0	1107	0 - 30	665
5	1184	0 - 40	990
15	994	0 - 60	1218
25	796	0 - 90	1327
35	577	90 - 180	0
45	267	0 - 180	1327
55	27		
65	6		
75	2		
85	0		
90	0		

Efficiency: 37.1%

pf	80%		70%		50%	
pc	50%	30%	50%	30%	50%	30%
0	67	67	66	66	67	67
1	58	55	56	54	53	52
2	50	49	51	48	49	47
3	44	43	47	44	46	43
4	44	41	43	40	42	40
5	41	37	40	37	39	36
6	38	34	37	34	36	34
7	35	32	35	31	34	31
8	33	29	32	29	32	29
9	30	27	30	27	30	27
10	29	25	28	25	28	25

Task Height: 2.5ft
50% beam | 10% beam
40.0 | 99.4
Initial fc
Mtg. Center Ht. | Beam Diameter ft | Diameter ft
8 | 26.6 | 3 | 10 | 11 | 4
10 | 19.7 | 5 | 10 | 10 | 3
12 | 17.3 | 6 | 9 | 10 | 1
14 | 8.9 | 10 | 6 | 10 | 1
16 | 6.1 | 11 | 3 | 10 | 1

LITHONIA LIGHTING®
An Acuity Brands Company

Sheet #: LP6FN-OPEN

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Lithonia Lighting
Recessed Downlighting and Track
One Lithonia Way, Conyers, GA 30012
Phone: 800.705.4500 Fax: 770.918.1209
www.lithonia.com

LUMINAIRE SCHEDULE

KEY	LAMP	DESCRIPTION	CEIL'G (DEPTH)	MANUFACTURER/#	VOLT
AA	(1)F13TBX/BPX 35, (870 LUM, 82 CRI)	DECORATIVE WALL SCONCE 16"X7", W/ WHITE OPAL GLASS	WALL MOUNT (9'-0")	SCOTT 53925	120
BB	(1)F13TBX/BPX 35, (870 LUM, 82 CRI)	DECORATIVE WALL SCONCE 26"X7" W/ WHITE OPAL GLASS	WALL MOUNT (10'-0")	SCOTT 53927	120
CC	(1)F13DTT/BPX 35, (870 LUM, 82 CRI)	6" ROUND OPEN DOWNLIGHT CLEAR SPECULAR REFLECTOR VERTICAL LAMPS, HPF ELECTRONIC BALLAST,	GRID/GYP (6")	LITHONIA LP6FN 13DTT 609A MVOLT	120

NOTES:
*NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN MODEL NUMBERS AND DESCRIPTIONS PRIOR TO ORDERING
*VERIFY CEILING INSULATION W/ GC AND NOTIFY ENGINEER OF ANY IC RATING CONFLICTS PRIOR TO ORDERING

AA & BB

	DIMENSIONS W	H	D	MC	BASE MODEL NO.	ADD LAMP CODE	ADD FINISH CODE
	WLR 7"	16-1/2"	4"	8-1/4"	53925	1CF13	BA, BN, PT
	ALR 7"	9"	4"	10-1/2"	53926	1CF13	
	APR 7"	26"	4"	13"	53927	1CF13	
	ADR 11"	16-1/2"	4"	8-1/4"	53930	2CF18	BA, BN, PT
	ADR 11"	21"	4"	10-1/2"	53931	2CF39	
	ADR 11"	26"	4"	13"	53932	2CF40	

Sconces

ORDERING INFORMATION

Order as a Complete Unit: Model No. + Lamp Code + Finish Code + Option Code + Voltage

TECHNICAL SPECIFICATIONS
Ballast: High Power Factor, Electronic, 120/277
Mounting: Wall Sconces Mount to a 4" Octagonal Electrical Box (by others) With a Universal Strap and Hardware Provided. Fixture Mounting Center (MC) Dimension is Measured from Top of Fixture to Center of Electrical Box.

FINISHES
BA Brushed Aluminum
BN Brushed Nickel
PT Painted Finishes – (Specify Color Code from Our Standard Finish Chart)

OPTIONS
EM Emergency Battery Pack with Fluorescent Lighting (Remote)
BTL Bottom Lens
DIM Dimmable Integral Ballast (Consult Factory)
FAA Faux Alabaster Acrylic (Hand Painted)
TPL Top Lens

LAMPING
CF18 = 18 Watt Box Compact Fluorescent Electronic, 2011 Base
CF39 = 39 Watt Box Compact Fluorescent Electronic, 2011 Base
CF40 = 40 Watt Box Compact Fluorescent Electronic, 2011 Base
CF13 = 13 Watt Box Compact Fluorescent Electronic, 2011 Base

FEATURES
- Opal Matte Acrylic
- Easy Tool-Less Relamping
- Solid Aluminum Material
- Complementary Fixture(s) Shown Separately.

Scott Architectural Lighting
3335 WATT DRIVE • FAIRFIELD CA 94534 TEL (707) 864-0172 • FAX (707) 864-2168
www.scottarchlighting.com
Scott Architectural Lighting Reserves The Right To Make Design Changes Without Prior Notice.

SITE PHOTOMETRIC PLAN
1" = 10'

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

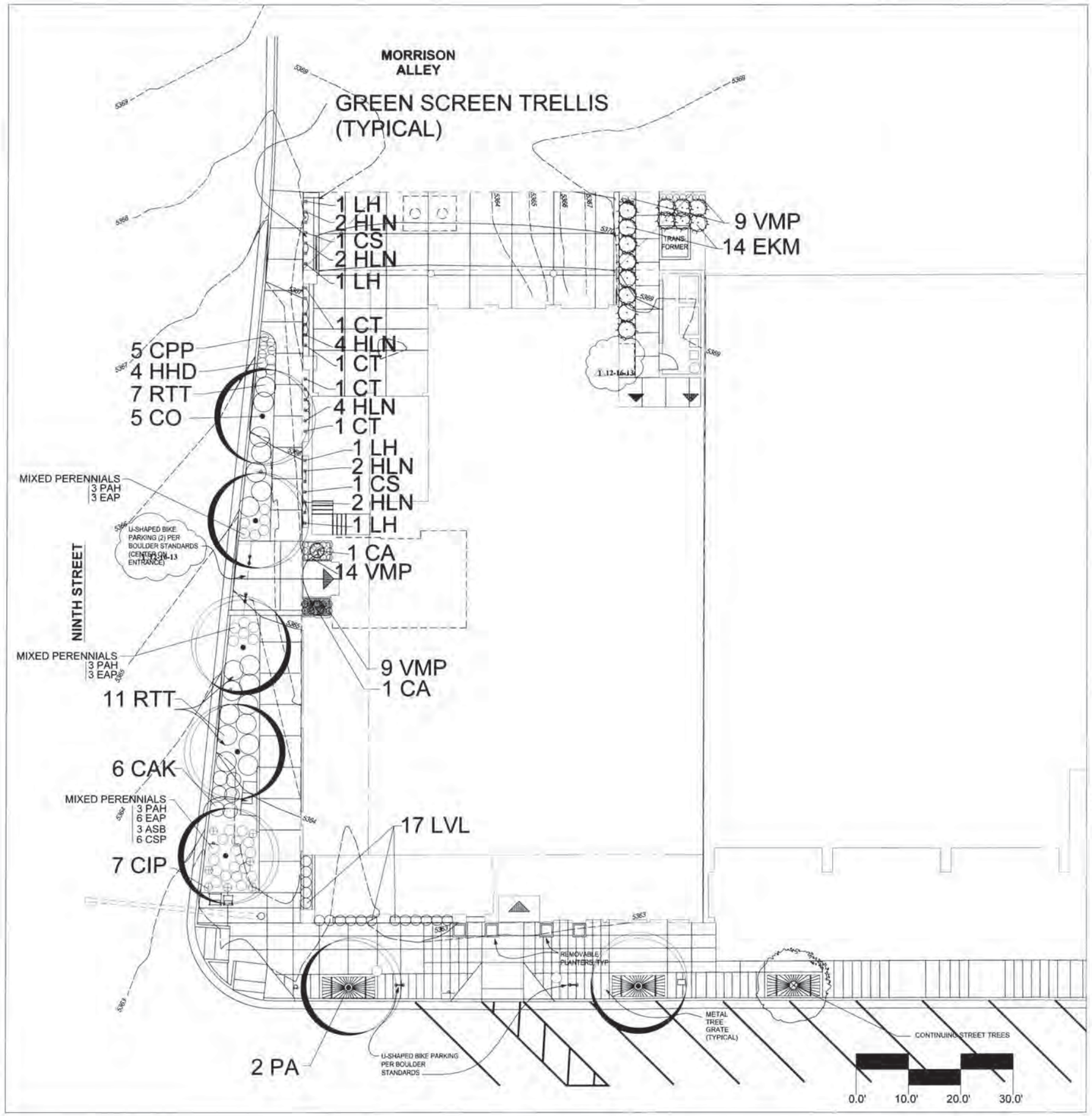
boulder engineering
plumbing, mechanical and electrical
1717 15th Street
Boulder, CO 80302
303.444.6038 phone
303.442.1172 fax
staff@boulderengineering.com

901 PEARL STREET
BOULDER, COLORADO

CITY OF BOULDER
PLANNING & DEVELOPMENT SERVICES
APPROVED
FINAL LAND USE DRAWING
7/28/14

PROJECT No: 13005
ISSUE DATE: 11-18-13
REVISIONS:
SHEET TITLE:
SHEET NUMBER: E1

Department of Planning and Development Services
FINAL LAND USE DRAWING
RECORD SET



PLANT LIST

note: plant quantities provided as a courtesy only. If discrepancy between plan and plant count exists, plan takes precedence

H	High water	18-20 gallons per s.f. per season
M	Moderate water	10 gallons per s.f. per season
L	Low water	0-3 gallons per s.f. per season
V	No additional irrigation water needed after establishment	

QTY	KEY	BOTANIC NAME	COMMON NAME	SIZE	H2o
		SHADE TREES:			
5	CO	CELTIS OCCIDENTALIS	WESTERN HACKBERRY	3"	L
2	PA	PLATANUS X ACERIFOLIA	LONDON PLANE TREE	3"	M
7		TOTAL TREES			
		SPECIMEN SHRUBS:			
2	CA	CARAGANA ABORESCENS 'PENDULA'	WEEPING SIBERIAN PEASHRUB STANDARD	1.5"	L
		DECIDUOUS SHRUBS:			
17	LVL	LIGUSTRUM VULGARE LODENSE	LODENSE PRIVET	#5	L
18	RTT	RHUS TRILOBA	THREE LEAF SUMAC	#5	L
		EVERGREEN SHRUBS:			
14	EKM	EUONYMUS KIAUTSCHOVICA 'MANHATTAN'	EOUNYMUS MANHATTAN	#5	M
51		TOTAL SHRUBS			
		PERENNIALS AND GROUND COVERS:			
3	ASB	ARTEMISIA STELLERIANA 'SILVER BROCADE'	SILVER BROCADE SAGE	#1	L
6	CAK	CALAMAGROSTIS ACUTIFLORA 'K. FORESTER'	FEATHER REED GRASS	#1	L-M
7	CIP	CALLIRHOE INVOLUCRATA	PRAIRIE WINECUPS	#1	L
6	CSP	CALYLOPHUS SERRULATUS 'PRAIRIE LODE'	PRAIRIE LODE SUNDROPS	#1	L
2	CS	CELASTRUS SCANDENS 'BAILMAN'	AUTUMN REVOLUTION BITTERSWEET VINE	#1	L
5	CPP	CERASTOSTIGMA PLUMBAGINOIDES	PLUMBAGO	#1	L
4	CT	CLEMATIS TERNIFLORA	SWEET AUTUMN CLEMATIS VINE	#1	L
12	EAP	ECHINACEA ANGUSTIFOLIA	PURPLE PRAIRIE CONE FLOWER	#1	L
4	HHD	HEMEROCALLIS 'HYPERION'	DAYLILLY, YELLOW	#1	L
16	HLN	HUMULUS LUPULUS NEOMEXICANUS	NATIVE HOP VINE	#1	L
4	LH	LONICERA HECKROTTI 'GOLDFLAME'	GOLDFLAME HONEYSUCKLE VINE	#1	L
9	PAH	PENNISETUM ALOPECUROIDES	HAMELN FOUNTAIN GRASS	#1	L-M
32	VMP	VINCA MINOR	PERIWINKLE	#1	L

LANDSCAPE NOTES

1. THE FOLLOWING SPECIFICATIONS ARE MEANT TO MEET OR EXCEED THE CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS. WHERE DISCREPANCIES OCCUR, THE CITY STANDARDS SHALL TAKE PRECEDENCE.
2. THERE ARE NO VIABLE TREES OR SHRUBS EXISTING ON THE SITE TO BE SAVED. ALL EXISTING VOLUNTEER TREES AND EXISTING SHRUBS ARE TO BE REMOVED.
3. ALL TREE GRATES TO MATCH SPECIFIED TREE GRATES ALONG PEARL STREET.
4. ELECTROMAGNETIC SPECTRUM LIGHT BULBS APPROPRIATE FOR PHOTOSYNTHESIS OF PLANTS SHALL BE USED IN LIGHT FIXTURES WHERE PLANTINGS ARE UNDER THE BUILDING AND NOT EXPOSED TO ANY NATURAL SUNLIGHT (NE CORNER OF BUILDING).
5. ALL NEW AT-GRADE PLANTING BEDS SHALL BE AMENDED WITH A SOIL MIXTURE COMPRISED OF ⅓ ORGANIC COMPOST, ⅓ EXISTING TOPSOIL, AND ⅓ PLANTERS MIX TO A MINIMUM DEPTH OF 18".
6. ALL NEW ABOVE GRADE PLANTERS SHALL BE BACKFILLED WITH A SOIL MIXTURE COMPRISED OF ⅓ ORGANIC COMPOST, ⅓ CLEAN TOPSOIL, AND ⅓ PLANTERS MIX. ALL DRAINAGE SPECIFICATIONS SHALL TAKE PRECEDENCE OVER LANDSCAPE SPECIFICATIONS. SEE CIVIL ENGINEERING PLANS FOR DRAINAGE SPECIFICATIONS.
7. ALL NEW DECIDUOUS TREES SHALL BE STAKED ACCORDING TO CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS.
8. ALL NEW SHRUB BEDS SHALL RECEIVE A 3" LAYER OF NATURAL COLOR GORILLA HAIR MULCH WITH NO FABRIC UNDERLAY.
9. THE PROPERTY OWNER SHALL MAINTAIN THE LANDSCAPING PLAN AS ORIGINALLY APPROVED AND PROVIDE FOR REPLACEMENT OF PLANT MATERIALS THAT HAVE DIED OR HAVE OTHERWISE BEEN DAMAGED OR REMOVED, AND MAINTENANCE OF ALL NON-LIVE LANDSCAPING MATERIALS INCLUDING, BUT NOT LIMITED TO, FENCING, PAVING, AND RETAINING WALLS, FOR A PERIOD OF FIVE YEARS FROM THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLETION.
10. LABELS THAT IDENTIFY THE BOTANICAL OR COMMON NAME OF THE PLANT MATERIAL SHALL BE ON ALL TREES AT THE TIME OF FINAL INSPECTION.
11. NO TREES SHALL BE PLANTED WITHIN 10' OF A WATER OR SEWER LINE. NO SHRUBS OR TREES SHALL BE PLANTED WITHIN A 10' RADIUS AROUND FIRE HYDRANTS.

IRRIGATION NOTES

1. A COMPLETELY AUTOMATIC IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED TO COVER ALL NEW PLANTING BEDS.
2. MOISTURE SENSING DEVICE(S) SHALL BE INSTALLED TO OVERRIDE AND/OR MANAGE THE IRRIGATION SYSTEM.
3. THE IRRIGATION SYSTEM SHALL BE DESIGNED SUCH THAT TREE, SHRUB AND PERENNIAL BEDS WITH DIFFERENT EXPOSURES AND DIFFERENT WATER NEEDS SHALL EACH BE ON SEPARATE VALVES.
4. SYSTEM SHALL FOLLOW CITY OF BOULDER SPECIFICATIONS.

PROJECT DATA:

	TOTAL
TOTAL LOT SIZE	10,803 S.F.
TOTAL PARKING LOT/DRIVES SIZE	N/A
TOTAL AREA NOT COVERED BY BUILDING OR PARKING LOT	1,063 S.F.

	REQUIRED	PROVIDED
1 TREE PER 1500 S.F. C.O.B. STANDARD 9-9-12	1	0
5 SHRUBS PER 1500 S.F. C.O.B. STANDARD 9-9-12	5	51
C.O.B. STANDARD 9-9-14 NOT APPLICABLE TO THIS PROJECT		
TOTAL NUMBER OF STREET TREES PEARL ST. C.O.B. STANDARD 9-9-13	2	2
TOTAL NUMBER OF STREET TREES NINTH ST. C.O.B. STANDARD 9-9-13	5	5

	REQUIRED	PROVIDED
TOTAL QUANTITY OF TREES	8	7
TOTAL QUANTITY OF SHRUBS	5	51

LANDSCAPE KEY FOR PLANT MATERIAL

- NEW 3" CAL. DECIDUOUS SHADE TREE
- NEW DECIDUOUS SHRUB (STANDARD FORM)
- NEW #5 DECIDUOUS SHRUB
- NEW #5 EVERGREEN SHRUB
- NEW #1 GRASSES, PERENNIALS, GROUND COVERS, AND VINES

Licensed Landscape Architecture
NATURE'S DESIGN ASSOCIATES LLC
15674 Indiana Gulch Rd.
Jamestown, CO 80455
phone: 303-459-3333
fax: 303-459-0644
email: martinek@hughes.net

City of Boulder
FINAL

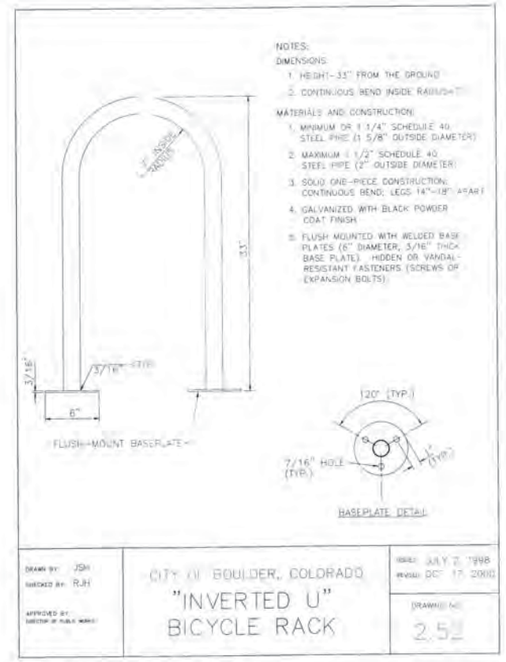
LANDSCAPE ARCHITECTURE STAMP

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

901 PEARL STREET
BOULDER, COLORADO

CITY OF BOULDER
PLANNING DEPARTMENT
FILE
DATE STAMP
1/28/14

TEC NO: TEC2013-00074
LUR NO: LUR2013-00039
PROJECT NO: 201309
TECH DOC PLANS
ISSUE DATE: 11-18-13
REVISIONS: 1 12-16-13; 2 01-23-14
SHEET TITLE: LANDSCAPE PLAN
SHEET NUMBER: L1.1



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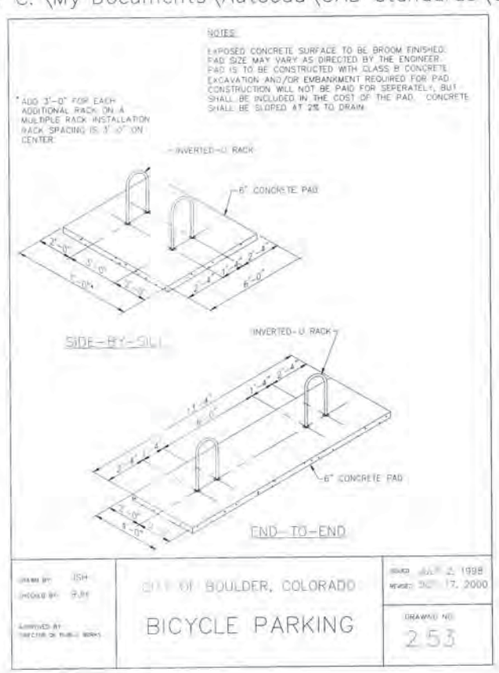
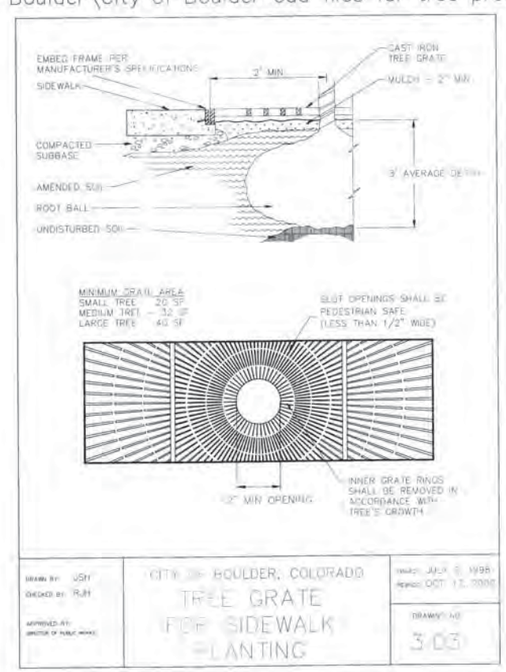




BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

901 PEARL STREET
BOULDER, COLORADO

CITY OF BOULDER
PLANNING & DEVELOPMENT

Licensed Landscape Architecture
NATURES DESIGN ASSOCIATES LLC
15674 Indiana Gulch Rd.
Jamestown, CO 80455
phone: 303-459-3333
fax: 303-459-0644
email: martinek@ughes.net

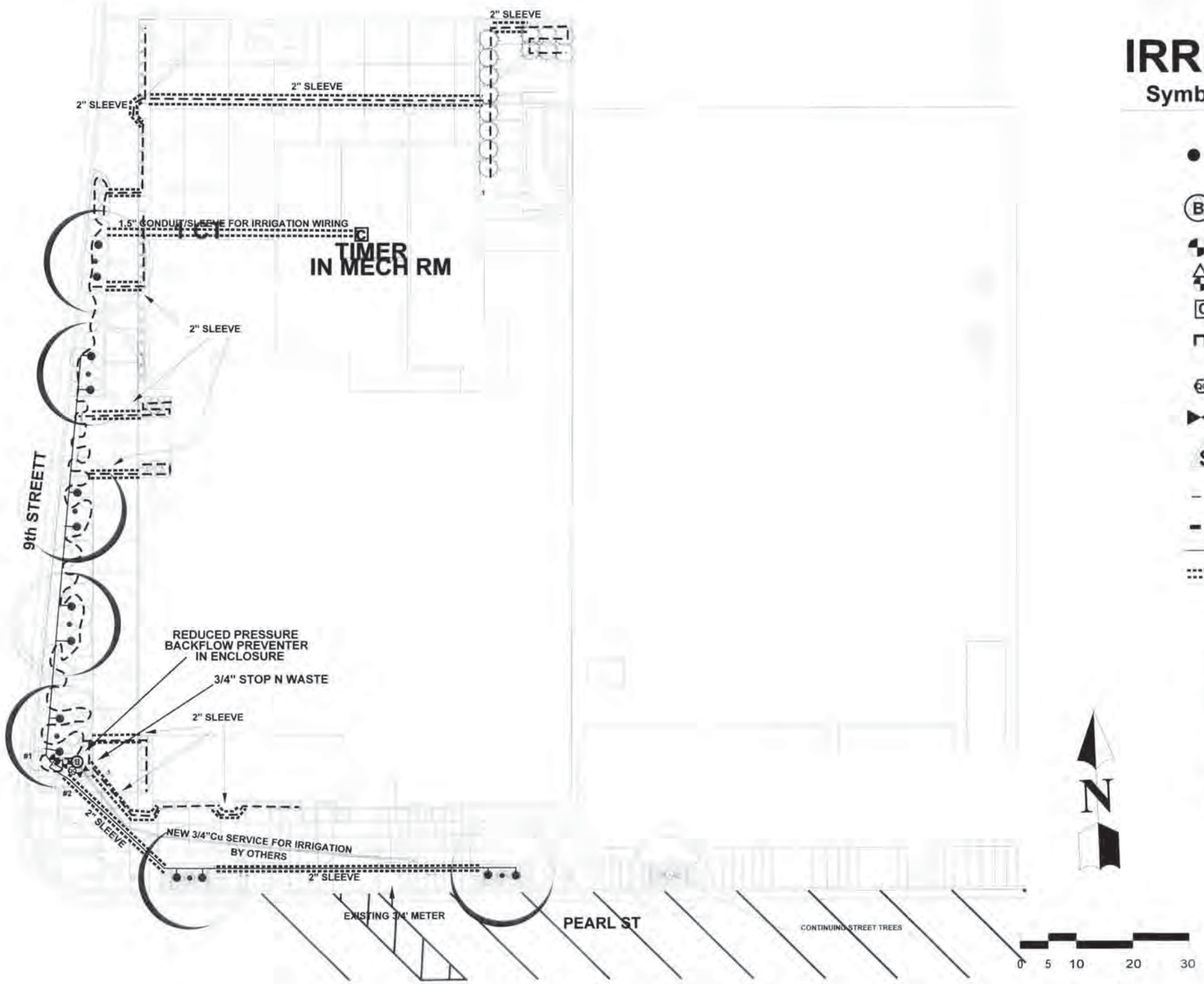
City of Boulder
FINAL
SET

LANDSCAPE ARCHITECTURE STAMP

TEC NO: TEC2013-00074
LUR NO: ~~LUR2013-00030~~
PROJECT NO: 201309
TECH DOC
PLANS
ISSUE DATE: 11-18-13
REVISIONS: 1 12-16-13
2 01-23-14
SHEET TITLE: LANDSCAPE DETAILS
SHEET NUMBER: L1.2

IRRIGATION NOTES

1. THE IRRIGATION SYSTEM UTILIZES THE HUNTER ROOT ZONE WATERING SYSTEM FOR STREET TREES AND A DRIP SYSTEM FOR PLANTINGS.
2. IRRIGATION WATER IS SUPPLIED BY A TAP OFF OF A DEDICATED 3/4" WATER METER.
3. THE BACKFLOW PREVENTER SHALL BE OF THE REDUCED PRESSURE TYPE.
4. MAINLINE SHALL BE DRAINABLE AND THE ENTIRE SYSTEM SHALL BE BLOWNOUT PRIOR TO WINTER TEMPERATURES.
5. THE MAXIMUM ZONE SHALL NOT EXCEED 4 GALLONS PER MINUTE(GPM).
6. SYSTEM IS DESIGNED FOR 80PSI. PRESSURE IS REPORTED TO BE 90-102 PSI AS PER VINNY, BOULDER UTILITIES DEPT, 11-13-13. SYSTEM SHALL REQUIRE INSTALLATION OF A PRV. PRESSURE OF LESS THAN 80PSI SHALL BE REPORTED TO THE CONSULTANT PRIOR TO ONSET OF CONSTRUCTION.
7. SYSTEM SHALL UTILIZE A RAIN SENSOR CAPABLE OF ADJUSTING AND/OR OVERIDING REGULAR PROGRAMMING OF THE CONTROLLER.
8. SYSTEM UTILIZES A HUNTER PRO C, 6 STATION CONTROLLER. SYSTEM SHALL BE EQUIPPED WITH RAIN/MOISTURE SENSORS.
9. THE DRIP SYSTEM SHALL CONSIST OF ONE 1 GALLON PER HOUR(GPH) EMITTER PER 1 GALLON SHRUB, TWO 1 GALLON EMITTERS FOR EACH 5 GALLON SHRUB AND FOUR TO SIX 1 GPH EMITTERS FOR EACH TREE DEPENDING ON SIZE AND TYPE.
10. REFER TO CITY OF BOULDER DESIGN AND CONSTRUCTION STREETSCAPING STANDARDS.
11. REFER TO THE CIVIL ENGINEER DRAWINGS FOR GRADING AND UTILITY INFORMATION.



IRRIGATION LEGEND

Symbol	Description
●	HUNTER RZWS-18-25 ROOT ZONE WATERING SYSTEM
(B)	Febco 825Y 3/4" WITH ENCLOSURE
	Rain Bird 100 PEB
	Rain Bird XCZ-075
C	HUNTER PRO-C PC-300 CONTROLLER
	DRIP END FLUSH ASSEMBLY AT EACH DRIP LATERAL'DEAD END'
	Rain Bird 33LRC QUICK COUPLER
	3/4" STOP N WASTE VALVE
S	HUNTER WIRELESS RAIN CLICK
- - - -	DRIP 3/4" UV POLYETHYLENE
- - -	MAINLINE 1" CLASS 200 PVC
	LATERAL 1" CLASS 200 PVC
	SLEEVES 2" CLASS 160 PVC

WATER USE TABLE 901 PEARL ST

ZONE	GPM	GRADE	HYDRO PW	PLANT TYPE	PRECIP RATE (in/hr)	EVAPOTRANSPIRATION (in)	AVERAGE MIN PER WK		# OF PLANTS PER ZONE		WEEKLY GALLONS AVERAGE	PEAK IN PER WEEK	PEAK MIN PER WEEK	PEAK GALLONS PER WEEK
1	3.5	R	40	TREES	.40	1	40		2		140	1.20	60	175
2	3	D	25	DRIP	.25	.60	120		2		360	1.00	180	540
3														
4														
5														
6														
LAWN AVERAGE RUN TIME PER WEEK								2.0HRS						
LAWN PEAK RUN TIME PER WEEK													4HRS	
AVERAGE GALLONS PER WEEK											500			
PEAK SEASON GALLONS PER WEEK														715

COLORADO 811

IRRIGATION PLAN BY
WATER ENGINEERING, INC
17897 W. 53RD DR.
GOLDEN, COLORADO 80403
303-618-6307 FAX 303-474-3100
CARROLLEMAIL@AOL.COM

BRAY Architecture, Inc
1300-C Yellow Pine
Boulder, CO 80304

901 PEARL STREET
BOULDER, COLORADO

TEC NO. TEC2013-00074
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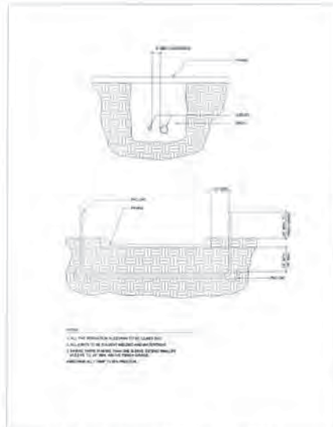
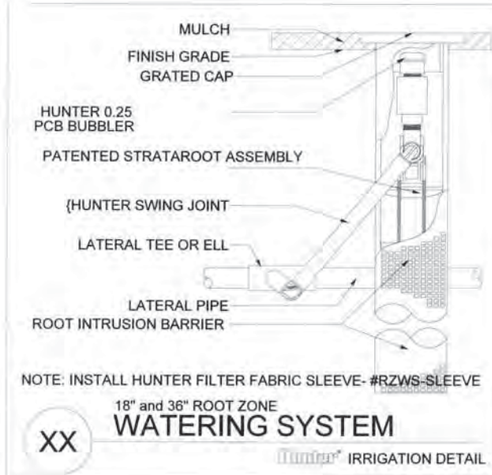
SHEET TITLE IRRIGATION PLAN
SHEET NUMBER IR-1

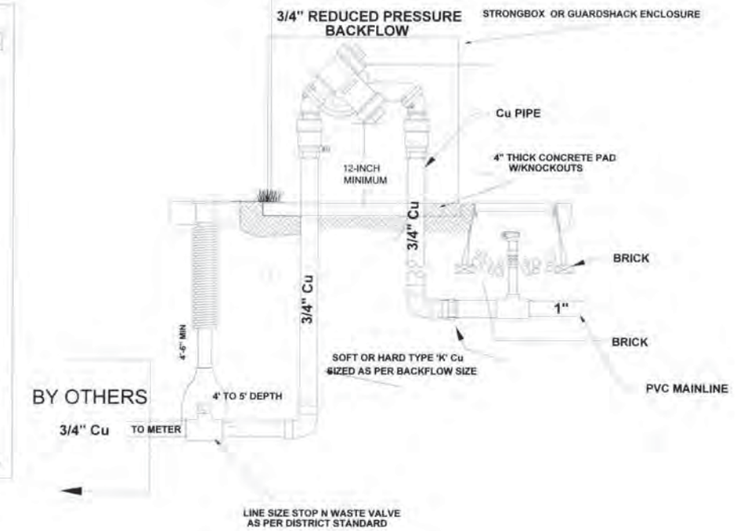
Hunter MINI-CLIK
NO SCALE INSTALLATION DETAIL

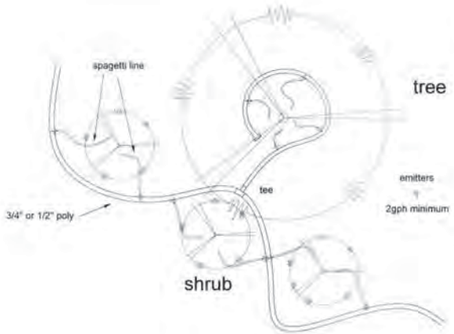


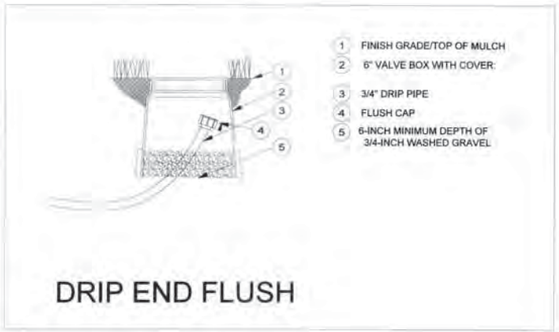
IRRIGATION SLEEVING



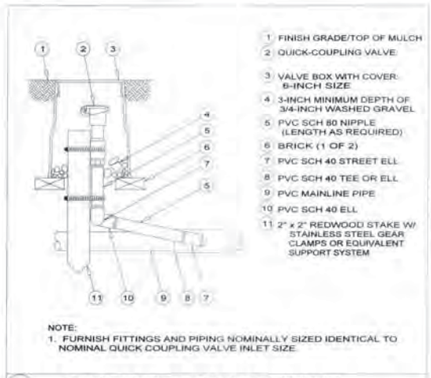
XX WATERING SYSTEM
Hunter IRRIGATION DETAIL



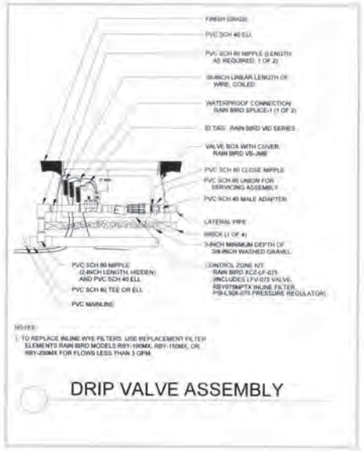




DRIP END FLUSH

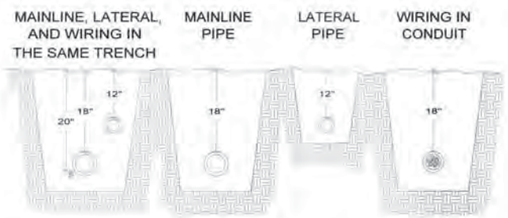


D QUICK-COUPLING VALVE



DRIP VALVE ASSEMBLY

SECTION VIEW



PLAN VIEW

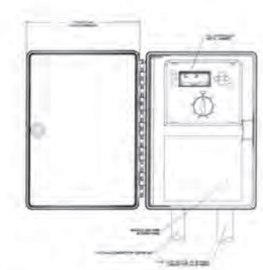
RUN WIRING UNDER MAINLINE, TAPE AND BUNDLE AT 10' O.C.

ALL PLASTIC PIPING TO BE SNAKED IN TRENCH AS SHOWN

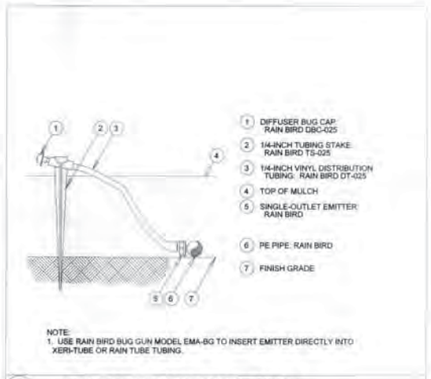
TIE A 24" LOOP IN ALL WIRING AT CHANGES OF DIRECTION OF 30ø UNTIE AFTER ALL CONNECTIONS HAVE BEEN MADE.

NOTE:
SLEEVE BELOW ALL HARDSCAPE ELEMENTS WITH SCHEDULE 40 PVC 2 TIMES THE DIAMETER OF THE PIPE WITHIN.

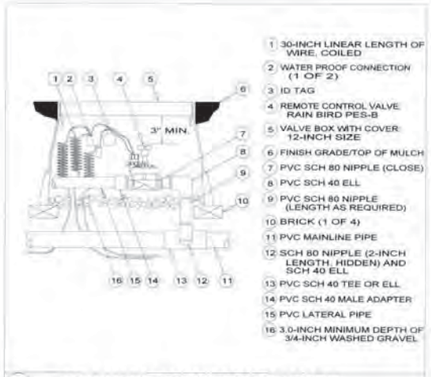
PIPE & WIRE TRENCHING



Hunter PRO C
NO SCALE INSTALLATION DETAIL



D EMITTER INTO XERI-TUBE



D REMOTE CONTROL VALVE

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

901 PEARL STREET
BOULDER, COLORADO

CITY OF BOULDER
PLANNING & DEVELOPMENT SERVICES
RECEIVED
1/28/14

Department of Development Services
LAND USE DIVISION
RECORD

TEC NO: TEC2013-00074
LUR NO: ~~LUR2013-00039~~
PROJECT NO: 201309

TEC DOC PLANS
ISSUE DATE: 11-18-13
REVISIONS: 1 12-16-13
2 01-23-14

IRRIGATION PLAN
BY
WATER ENGINEERING, INC
17897 W. 53RD DR.
GOLDEN, COLORADO 80403
303-618-6307 FAX 303-474-3100
CARROLLEMAIL@AOL.COM

SHEET TITLE: IRRIGATION DETAILS
SHEET NUMBER: IR-2

EPA WaterSense PARTNER

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 10, 2015

AGENDA TITLE: Consideration of a motion to approve the purchase of approximately 24.59 acres of land with one house, associated outbuildings, water resources and appurtenant mineral rights at 4290 Eldorado Springs Dr. from the Brett D. Trigg Heritage Trust for $1,600,000 for Open Space and Mountain Parks purposes. An additional expenditure of up to $100,000 is being requested for immediate needs.

PRESENTER/S
Jane S. Brautigam, City Manager
Tracy Winfree, Director, Open Space and Mountain Parks
Bethany Collins, Property Agent

EXECUTIVE SUMMARY
The Trigg-Delier property, to be purchased from the Brett D. Trigg Heritage Trust, is a 24.59-acre parcel along the south side of Eldorado Springs Drive adjacent to the West Rudd and Dunn II open space parcels (see Attachments A and B). The purchase price is $1,600,000 which includes one house, a detached garage, associated outbuildings, a decreed domestic well and natural spring, and mineral rights appurtenant to the property.

The property will remain closed to the public until a resource assessment and management recommendations are developed with guidance from the Visitor Master Plan, as well as relevant strategies in the Eldorado Mountain/Doudy Draw Trail Study Area Plan and the Grassland Ecosystem Management Plan -- a process anticipated taking no more than one year. During this time, Open Space and Mountain Parks (OSMP) staff will evaluate resource management and infrastructure needs of the property, as well as examine the historic values of the home and improvements and the feasibility of their restoration or necessity for deconstruction. In the interim, the land will be managed according to best practices and consistent with the adjacent OSMP properties to conserve the resource values.

The acquisition of this property satisfies the following City of Boulder Charter purposes:

- *Preservation of natural areas characterized by flora or fauna that are unusual, spectacular, scientifically valuable, unique, or that represent outstanding or rare examples of native species.* The Davidson Ditch corridor, pond, and high-quality

grasslands on the property include habitat suitable for the federally threatened Preble's meadow jumping mouse, the state-threatened northern leopard frog and the rare dwarf leadplant – all of which have been documented on nearby properties. The property's grasslands are mostly xeric tallgrass – a locally, nationally and globally rare plant community – and serve as important habitat for grassland-nesting birds and rare butterflies. This acquisition enhances OSMP's ability to conserve these valuable grasslands by adding significant acreage contiguous to other OSMP properties.

- *Utilization of land for shaping the development of the city, limiting urban sprawl, and disciplining growth*. This property is considered a priority for preservation within two of the existing plans guiding the department's acquisition strategy. It is located within the accelerated acquisition area outlined in the OSMP 2013 Acquisition Update, as well as Area III (rural preservation) with a land use designation of Open Space-Other in the Boulder Valley Comprehensive Plan.
- *Preservation of land for its aesthetic value and its contribution to the quality of life of the community*. The mesa-top portion of the property is highly visible from Eldorado Springs Drive and State Highway 93. The parcel is adjacent to other OSMP land and preserving it will further protect the viewshed and aesthetic values in the area.

STAFF RECOMMENDATION:

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

Motion to approve the purchase of approximately 24.59 acres of land with one house, associated outbuildings, water resources and appurtenant mineral rights at 4290 Eldorado Springs Dr. from the Brett D. Trigg Heritage Trust for $1,600,000 for Open Space and Mountain Parks purposes, as well as an additional expenditure of up to $100,000 for immediate needs.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Environmental: OSMP is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly owned lands.
- Economic: OSMP contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- Social: Because OSMP lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

OTHER IMPACTS

- Fiscal – The purchase price for the Trigg-Delier property is $1,600,000 payable at the time of closing. An additional expenditure of up to $100,000 is being requested for immediate needs. There are sufficient funds in the Open Space Fund for this acquisition and related needs; a Cash Flow Projection is included as Attachment C.
- Staff time - This acquisition is part of the normal 2015 work plan for the OSMP real estate property agents and program staff.

BOARD AND COMMISSION FEEDBACK

At its Oct. 14, 2015 public meeting, the Open Space Board of Trustees unanimously approved and recommended City Council approval of the purchase of the Trigg-Delier property and additional funding for immediate needs.

PUBLIC COMMENT AND PROCESS

This item was heard at the Oct. 14, 2015 Open Space Board of Trustees public meeting advertised in the *Daily Camera* on Oct. 11, 2015. There was public feedback from two of the property's neighbors – Mr. Doug Pagels and Mr. Rich Reynolds. Both expressed support for the acquisition by OSMP, as well as concerns about the potential for increased public access or development of trails on the property. Considering the site's proximity to their homes and the unique natural resources, wildlife and habitat found there, both neighbors requested that OSMP consider limiting additional public access and trails on this property.

ANALYSIS

The 24.59-acre Trigg-Delier property is bordered on three sides by other OSMP lands and includes high-quality grasslands and riparian and wetland resources. (See Attachment D.) Acquisition will include a house, garage, and associated outbuildings as well as a decreed spring and domestic well and any mineral rights tied to the property.

The property's native vegetation and water resources, in addition to its proximity to South Boulder Creek make it a priority for preservation. Adding to system contiguity, the adjacent and nearby OSMP properties have documented occurrences of the state-threatened northern leopard frog and the federally designated Preble's meadow jumping mouse, as well as the rare dwarf leadplant and several rare butterflies. Additionally, the property's native grasslands serve as important habitat for grassland-nesting birds and include xeric tallgrass – a locally, nationally and globally rare plant community. The adjacent OSMP properties are designated as a natural area in the Visitor Master Plan (VMP) and include a seasonal closure to protect this habitat for ground-nesting songbirds. The property's viewshed, particularly from the mesa top, provides expansive views toward Eldorado Canyon State Park, the Flatirons and north over the Boulder Valley.

The management direction for the Trigg-Delier property will be influenced by the guidance for that natural area as detailed in the VMP, as well as relevant strategies in the Eldorado Mountain/Doudy Draw Trail Study Area Plan and the Grassland Ecosystem Management Plan. Staff is expecting to return to the Open Space Board of Trustees with management recommendations within one year of final purchase.

The house and other improvements on the property contribute to the heritage and history of the Eldorado Springs/Marshall area. Parts of the home date to around 1910, and earlier

generations of the Trigg-Delier family worked in the local coal mines. The matriarch of the property had a historic site survey performed by Boulder County, and while deemed ineligible for the National Register of Historic Places and local landmark designation, OSMP staff will re-examine the integrity of the structures and will likely request a reconsideration of the eligibility.

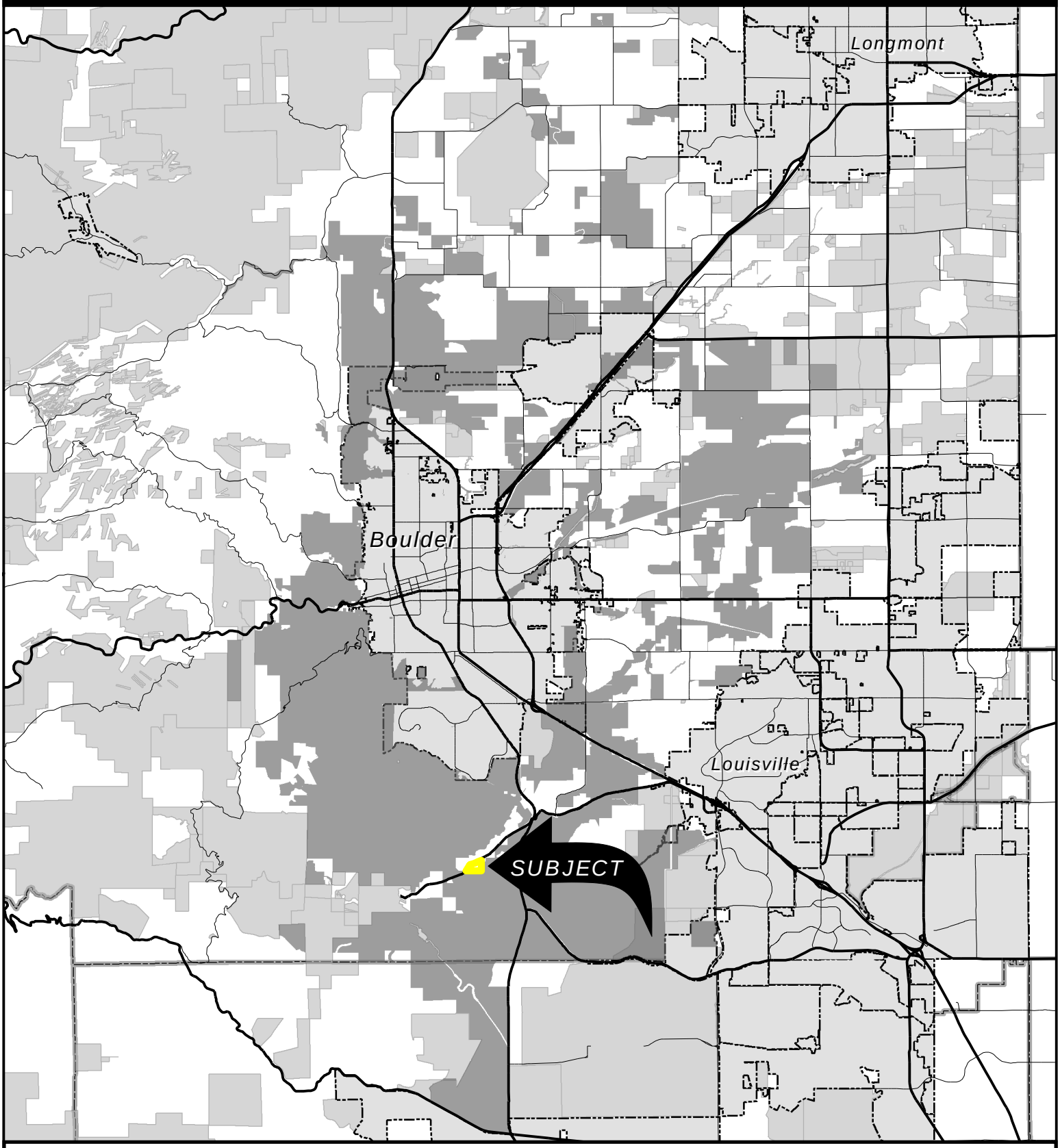
The market value and purchase price of this property was calculated as a large acreage improved residential site, rather than on a vacant land (or per-acre) basis. The property has a residence, an access drive, decreed domestic water well and spring, septic system, a twenty-six acre size and utility connections which contribute significantly to its overall value. Converting the total purchase price of an improved property to a price per-acre can be misleading or inappropriate. Per acre price comparisons should be between properties of the same type, either raw land, building sites or improved properties which have structures or other on-site improvements. OSMP real estate staff believes the purchase price negotiated for this property is competitive and on the lower end of comparably improved acreages. For the purpose of future negotiations, staff is careful about providing specific details regarding the valuation of property's assets.

ATTACHMENTS:

A. Vicinity Map
B. Location Map
C. Cash Flow Projection
D. Photographs

ATTACHMENT A - City of Boulder Open Space & Mountain Parks

VICINITY MAP - Trigg-Delier



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Subject Property

City of Boulder OSMP

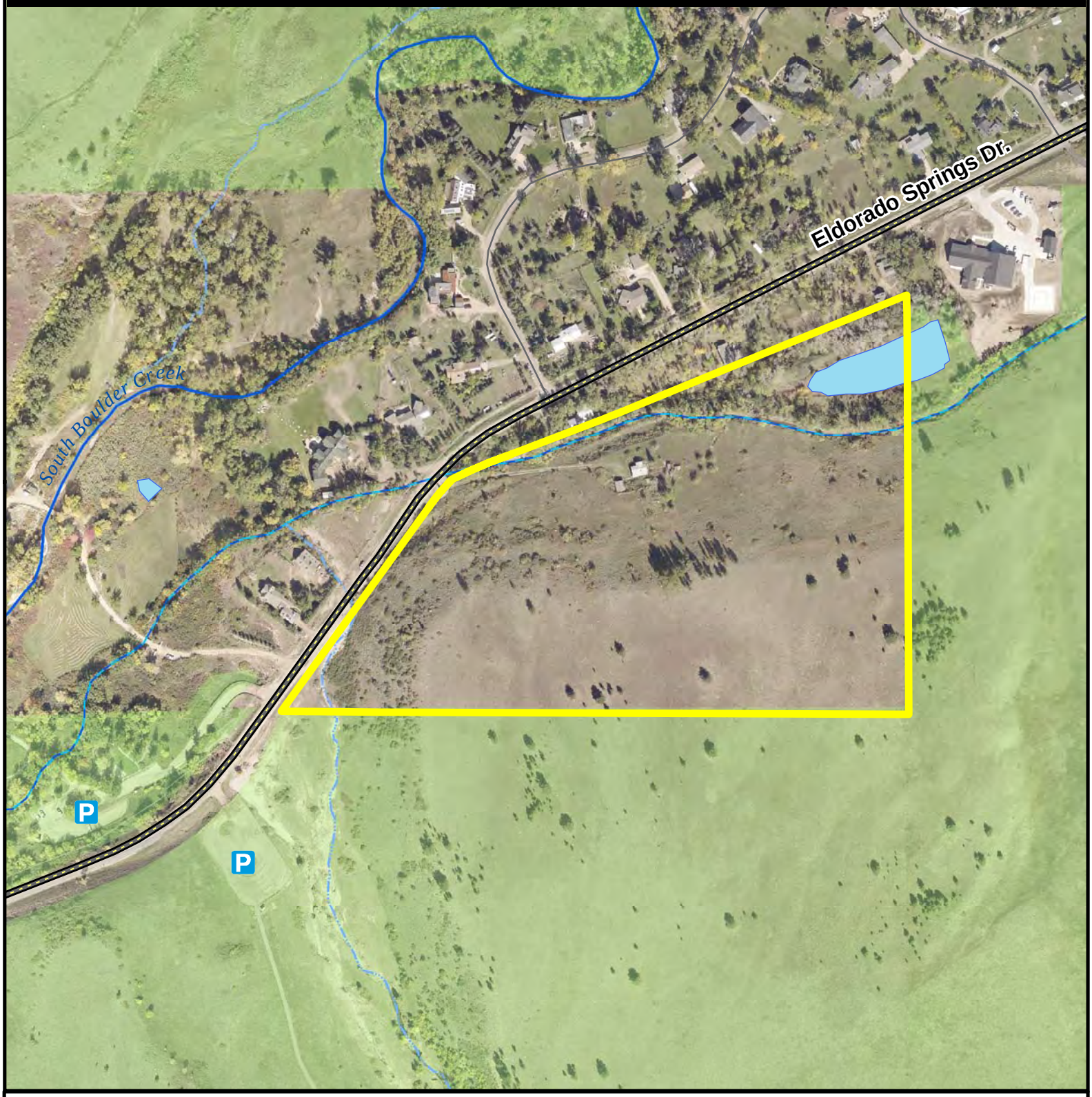
Other Public Lands

0 0.5 1 2 3 4 5 Miles

Approximate property boundaries from Boulder County Assessor's Data.

Path: E:\MapFiles\Property\TriggDelier\VICINITY-TriggDelier.mxdUser: philc2 Date: 9/30/2015 Document Path: E:\MapFiles\Property\TriggDelier\VICINITY-TriggDelier.mxd

ATTACHMENT B - City of Boulder Open Space & Mountain Parks
LOCATION MAP - Trigg-Delier Property



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P OSMP Trailhead with Designated Parking

Trigg-Delier Parcel

OSMP Fee Property

0 0.1 0.2 Miles

User: philc2 Date: 10/6/2015 Document Path: E:\MapFiles\Property\TriggDelier\TriggDelierLocationMap.mxd

Projected Open Space Cashflow 2014-2020

		2014 Actual	2015 Adopted	2016 Projected	2017 Projected	2018 Projected	2019 Projected	2020 Projected
	PROJECTED SALES TAX GROWTH							
1	2011-2018 Sales Tax forecast 05/08/2012	**3.48%**	**3.28%**	**3.29%**	**3.20%**	**3.15%**	**3.15%**	
2	2013-2019 Sales Tax forecast 04/05/2013	**6.18%**	**3.03%**	**4.39%**	**2.10%**	**3.57%**	**-9.37%**	
3	2014-2019	**3.50%**	**3.35%**	**3.35%**	**3.25%**	**3.20%**	**3.20%**	
4	2015-2020		**3.13%**	**3.02%**	**3.73%**	**3.41%**	**3.41%**	**3.41%**
5	**BEGINNING CASH BALANCE**	$17,110,163	$30,931,434	$25,685,062	$28,031,561	$33,368,096	$39,506,806	$44,163,367
	SOURCES OF FUNDS							
6	OS Sales Tax Revenue (for 2014 budget used as not all 2014 sales tax received)	$28,425,675	$29,286,214	$ 30,572,783	$ 31,216,301	$ 32,331,488	$ 29,301,107	$ 24,436,628
7	OS Fund - Investments/Leases/Misc.	$831,242	$671,856	$817,193	$669,163	$682,428	$696,090	$710,163
8	Proceeds from RE sale	$6,791						
9	Proceeds from 2014 Bond Sale	$10,123,341						
10	Funds from CDOT for Granite acquisition							
11	General Fund Transfer for Mountain Parks:	$1,103,384	$1,140,735	$1,171,553	$1,208,122	$1,245,832	$1,284,720	
12	General Fund Appropriation for Real Estate Services:	$152,642	$148,889	$150,378	$151,882	$153,400	$154,934	$156,484
13	Lottery Fund Appropriation for CIP Purposes:	$343,000	$355,300	$360,630	$355,300	$355,300	$355,300	$355,300
14	Unexpended Lottery Funds Carried Over from Previous Year	$141,764						
15	Grants	$72,525						
16	Total Annual Sources of Funds:	$41,200,364	$31,602,994	$33,072,537	$33,600,768	$34,768,448	$31,792,151	$25,658,575
17	Total Sources of Funds Available:	**$58,310,527**	**$62,534,428**	**$58,757,599**	**$61,632,329**	**$68,136,545**	**$71,298,958**	**$69,821,942**
	USES OF FUNDS							
18	Total Debt Service for Bonds & Notes:	$7,313,610	$5,499,199	$5,377,423	$4,780,124	$4,566,365	$2,685,917	$660,686
19	Capital Available for Land Acquisitions & Preservation	$5,400,000	$5,400,000	$5,400,000	$5,400,000	$5,400,000	$5,400,000	$5,400,000
20	2014 Bond Proceeds	$10,123,341	$6,892,413					
21	Total Capital Available for Land Acquisitions & Preservation:	$15,523,341	$12,292,413	$5,400,000	$5,400,000	$5,400,000	$5,400,000	$5,400,000
22	RE Acquisition 2014	$5,174,203						
23	Less Immediate Improvements Budget YTD		$92,000					
24	Less Other 2015 Land Acquisition/Commitments YTD		$2,350,000					
25	**Trigg-Delier**		**$1,600,000**					
26	**Trigg-Delier Immediate Improvements (Acquisition CIP)**		**$100,000**					
27	Remaining Land Acquisition Capital Available:	$10,349,138	$8,150,413	$5,400,000	$5,400,000	$5,400,000	$5,400,000	$5,400,000
28	Capital for Visitor Infrastructure:	$1,005,257	$1,758,700	$1,010,000	$1,010,000	$1,070,000	$920,000	$930,000
29	Unexpended Visitor Infrastructure Funds Carried Over from Previous Year							
30	Supplemental Visitor Infrastructure Appropriation							
31	Vehicle Acquisition			$300,000				
32	Highway 93 Underpass							
33	Capital for Water Rights Acquisition:	$89,511	$200,000	$200,000	$200,000	$200,000	$200,000	$200,000
34	Unexpended Water Rights Funds Carried Over from Previous Year							
35	South Boulder Creek Flow In Stream Flow:	$1,912	$150,000	$2,000,000				
36	South Boulder Creek Flow In Stream Flow Carried Over from Previous Year							
37	Capital for Mineral Rights Acquistion:	$0	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000
38	Unexpended Mineral Rights Funds Carried Over from Previous Year							
39	Lottery Capital for MP Restoration	$224,226	$355,300	$355,300	$355,300	$355,300	$355,300	$355,300
40	Unexpended Lottery Funds Carried Over from Previous Year							
41	Total CIP Expenditures:	$6,495,109	$14,856,413	$9,365,300	$7,065,300	$7,125,300	$6,975,300	$6,985,300
42	Management Operating Expenditures - OSMP Program:	$12,309,332	$14,996,163	$14,416,801	$14,779,984	$15,223,383	$15,680,085	$16,150,487
43	Operating Supplemental and Carryover							
44	Management Operating Expenditures - RE Services:	$152,642	$148,889	$150,378	$151,882	$153,400	$154,934	$156,484
45	Cost Allocation:	$1,108,400	$1,348,701	$1,416,136	$1,486,943	$1,561,290	$1,639,354	$1,721,322
46	Total Management Operating Expenditures:	$13,570,374	$16,493,753	$15,983,315	$16,418,809	$16,938,073	$17,474,373	$18,028,293
47	Total Uses of Funds:	**$27,379,093**	**$36,849,365**	**$30,726,038**	**$28,264,233**	**$28,629,738**	**$27,135,590**	**$25,674,279**
	ENDING CASH BALANCE:	$30,931,434	$25,685,062	$28,031,561	$33,368,096	$39,506,806	$44,163,367	$44,147,663
48	Less Reserves:	$3,500,000	$2,500,000	$2,400,000	$2,000,000	$2,000,000	$1,100,000	$100,000
49	Less Reserve for 27th Pay Period	$45,000	$95,000	$145,000	$195,000			
50	Sick/Vacation/Bonus Reserve	$490,000	$490,000	$490,000	$490,000	$490,000	$490,000	490000
51	Property and Casualty Reserve	$400,000	$400,000	$400,000	$400,000	$400,000	$400,000	400000
52	South Boulder Creek Flow Reserve	$1,750,000	$2,000,000					
53	IBM Connector Trail		$200,000					
54	Vehicle Acquisition Reserve	$150,000	$300,000					
55	Facility Maintenance Reserve	$100,000	$200,000	$300,000	$400,000	$500,000	$600,000	
56	**UNRESTRICTED CASH BALANCE AFTER RESERVES:**	**$24,496,434**	**$19,500,062**	**$24,296,561**	**$29,883,096**	**$36,116,806**	**$41,573,367**	**$44,047,663**

House

Coal/Tool Shed

Garage

Driveway access

Panorama from east side of property

View east over southern fenceline and adjacent OSMP lands

Looking west towards Eldorado Canyon

Looking north over house and neighborhood

View northwest from east side of property

Davidson Ditch corridor

View northwest from south of house

Vegetated hillside

Looking northeast towards ephemeral pond

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 10, 2015

AGENDA TITLE:
Third reading and consideration of a motion to amend, adopt and order published by title only 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 Eichem, Chief Financial Officer
Kathy Haddock, Senior Assistant City Attorney
Mishawn Cook, Licensing and Collection Administrator

EXECUTIVE SUMMARY

This agenda item is the third public hearing on Ordinance No. 8081. First reading of the ordinance on September 29, 2015, included a public hearing to determine whether council wanted additional amendments to those recommended by staff and determine future direction. After the public hearing on first reading, staff drafted a revised ordinance including changes requested by council. Council also directed the city manager to create a marijuana advisory panel that would review the marijuana codes for an extensive analysis of whether further changes were necessary. The council agenda committee scheduled a discussion of the scope of the advisory panel for the December 8, 2015 council study session. For the September 29th meeting, staff had also prepared amendments requested by a council member. Staff supported these amendments. Council requested that the ordinance be on the consent agenda for the October 20th meeting.

At the meeting on October 20th, two council members pulled the ordinance from the consent agenda and council held a second public hearing. Council added an amendment that a council member requested late in the afternoon. The proposed language was passed out to council after the meeting began. Staff did not support this proposed

amendment. Council approved the ordinance with one of two proposed amendments. That ordinance is **Attachment A.**

STAFF RECOMMENDATION:

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

Third reading and consideration of a motion to amend, adopt and order published by title only Ordinance No. 8081 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.

BACKGROUND

At the September 29, 2015 special 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.

On October 20, 2015, council approved on second reading Ordinance No. 8081 with an additional amendment regarding appeals of suspensions or revocations. Staff does not recommend this change at this time. The amendment added on October 20th, would make license denials and revocations subject to administrative review. On September 20, 2011, council adopted Ordinance No. 7814, which made such decisions final subject only to judicial review. The reasoning was that businesses were using the administrative review provision as a tool to delay business closure. Businesses that were denied licenses or whose licenses were revoked often presented a significant risk to the community. Prompt closure protected public safety. At the time, there were businesses that predated the city’s licensing regulations. These businesses applied for licenses while they were operating. If they were unable to comply with the licensing requirements, there was a significant economic incentive for the businesses to continue operating. Use of the administrative review process allowed the business to delay closure. With the completion of the licensing process, this is no longer an issue. There are however, a few businesses that commit serious violations of the law. In the last two years, the city has revoked three licenses. Of these, two cases were settled by allowing the business to sell to a qualified third party. It there was an administrative review process in place, these businesses could have delayed closure. Considering the nature and extent of the

violations, it is unlikely that they could have prevented it. Staff recommends that council not implement this change now, but allow the advisory committee to consider all of the potential implications and other potential solutions as part of the overall review.

SECOND READING QUESTIONS:

Advertising

Q: Can marijuana businesses sponsor charitable events?
Yes. Subsection 8(p) of both the medical and recreational marijuana codes allow marijuana businesses to sponsor charitable events and have the name of the business identified as are other sponsors of the events (on flyers and other advertising of the event on which sponsors are listed).

Q: Has city staff ever advised marijuana businesses about the advertising laws?
Yes. Staff provides suggestions and comments about advertising scenarios on a constant case by case basis during inspections and upon direct requests. After the recreational marijuana code was adopted, staff held a meeting for all marijuana businesses on December 13, 2013. The attendees represented most, if not all, of the marijuana businesses, and there was extensive discussion about the implications of the code.

Q: Why did City Council adopt restrictions on advertising by marijuana businesses?
When the original comprehensive medical marijuana provisions were adopted on May 18, 2010, Ordinance No. 7716 restricted marijuana businesses from advertising in a manner "inconsistent with the medicinal use of medical marijuana" or in a way that was "misleading, deceptive, false or is designed to appeal to minors" and went on to prohibit advertising for recreational or other than medicinal purposes.

The charitable exception was adopted in Ordinance No. 7877 on November 1, 2012. It was adopted with other restrictions that were added which prevented medical marijuana businesses from advertising in the plain view of the public, on any outdoor advertising, or in any publication. The exception was originally drafted to be consistent with Denver's. Staff held two meetings with marijuana businesses on September 7, and October 5, 2012, and had a self-selecting survey open to the public September 4-21, 2012. The responses were 41.3% in support of advertising limits, 45.1% opposed and 13.7% with other suggestions. The businesses were offered a chance to draft language limiting advertising, but the suggestions provided were unenforceable. See agenda memo of October 16, 2012. While council made changes to other parts of the advertising exceptions, there were no changes requested to the exception for charitable advertising.

When the recreational code was adopted by Ordinance No. 7930 on November 12, 2013, the same language as the medical code for the charitable exception was adopted.

Q: What is the state law regarding advertising?
A marijuana business cannot engage in advertising at or in connection with an event unless the marijuana business has reliable evidence that no more than 30 percent of the

audience at the event and/or viewing the advertising is reasonably expected to be under the age of 21. For daytime events on the Pearl Street mall or along Boulder creek, the expectation is that more than 30 percent of the audience will be under 21.

Unlike the state law, Boulder's law would allow the businesses to sponsor and be included in the list of sponsors on publications of a charitable event at which more than 30 percent of the audience is expected to be over 21. The state's law is more restrictive; however, the businesses must follow both the state and city law. Neither the state nor the city would allow booths, or advertising separate from the event organizer, unless the marijuana business shows reliable evidence that no more than 30 percent of the audience is expected to be under 21.

Enforcement

Q: Why does Boulder need laws when marijuana businesses are compliant?

Compliance with the law is a complicated balance between the laws and the level of enforcement. Generally, people comply with the laws that are enforced. Many of the Boulder businesses that were not complying with the city laws have closed. Nevertheless, there are still occasional serious violations. For example, it would be reasonable to expect that no business would consider selling to a minor that provides a valid vertical Colorado driver's license. However, during compliance checks, the police found 4 businesses that sold to a minor showing a vertical driver's license, which indicates that the driver is under 21 years of age. This is a sample vertical driver's license:

Q: Why is the city staff being so strict in its enforcement of marijuana laws?

Whether the city staff is being too strict is a matter of perception. Staff has understood council to say that marijuana businesses should not be selling to minors and should be conducting their businesses in accordance with the city's laws. Many violations are found but not cited and the business is allowed to correct the violation. Other violations are cited as a warning, but no penalty is imposed. For violations where a written report is produced by the police, fire, building, or code compliance, and sent to city licensing, fines have been imposed. When a business has been previously sanctioned for serious violations two or more times and another serious violation has been found, licenses have been revoked. None of the businesses who have been fined or had licenses revoked have been able to show that a violation of city law did not occur. The businesses instead have

offered mitigation material to explain that their changes to managers, staff training, operating procedures, or licensed premises will avoid future city violations.

Q; Does city staff work with businesses to correct violations or only impose sanctions?
The staff works with businesses on correcting violations before writing violation reports. The goal of staff is to encourage compliance, not to issue penalties. When performing the initial and annual follow-up inspections, police, fire, licensing, building and code enforcement representatives all work with the businesses and give them a period of time to correct violations. The Boulder Police Department offers training for employees of marijuana businesses' to review city laws and ID checking of customers. During that training, each attendee receives a book showing pictures of the correct government issued ID from each state and federal IDs, and examples of fake IDs. Despite Boulder being clear that it does compliance checks 5-6 times a year, police do find businesses selling to minors even when the operative shows the vertical minor Colorado driver's license.

The types of violations for which businesses have been cited include:

1. Not making marijuana waste unusable or unrecognizable before throwing in the dumpster which is also a violation of state law. This leads to dumpster divers, kids, transients and others having access to the marijuana.
2. Allowing minors in restricted areas or selling to minors.
3. Video surveillance equipment not operating as required.
4. Not having a manager working when the business is open.
5. Not using a safe for storage.
6. Employees using marijuana on site.
7. Offering discounts to VIP customers or allowing the use of coupons.

The types of violations city officials have discovered, but work on facilitating compliance rather than imposing sanctions include:

1. Odor complaints.
2. Selling products other than those that are marked with the businesses name or logo.
3. Not having security diagrams or emergency contacts posted as required.
4. Selling improperly labeled marijuana edibles.
5. Banners that are compliant with Boulder sign code but not MJ code.
6. Having games of chance without a gaming license.

Revocations of licenses have only occurred when the business has been previously penalized for serious and multiple violations.

Q: Why does the one-time transfer exception in Ordinance No. 8081 only apply to grows that have a MIP in Boulder?
The city never imposed vertical integration requirements on businesses other than for MIPs to have grows in Boulder. Therefore, since council has determined to revoke the

requirement for MIPs to have a grow in Boulder, the one-time change of ownership was allowed to "undo" the city's required vertical integration.

Q: Why does Boulder have laws about marijuana in addition to the state laws?
State laws are written broadly to fit every situation in every town, city, and county, and to address the issues important to the state, like state-level licenses, records from seed to sale, and certain security provisions. Both the constitutional amendments and state statute anticipate that local governments will adopt time, place and manner restrictions. These allow the local government to adopt requirements for where businesses can be located and how they can be operated so that marijuana operations fit into the community without unnecessary disruption by a new type of business. These include zoning and building requirements as well as operational requirements to deter crime that can be related to cash businesses and those with highly regulated substances like liquor and pharmaceuticals.

The balance of community enrichment through tax payments and economic development versus negative community impacts from non-compliant businesses selling to minors without repercussion has thus far been a good one. Far fewer community complaints have been received than originally anticipated by the city staff group. Our local laws are a credit to the City of Boulder and have been used as a template for many municipalities across the State of Colorado and the United States.

RESPONSES TO STATEMENTS AT PUBLIC HEARING:

A. Boulder businesses are very compliant with city laws.
Boulder businesses who continue to operate here are very compliant. Many prospective new applicants state to city licensing that they gravitate to Boulder because they know that they will not be forced to compete with bad businesses or illegal operators. They want to locate their businesses here because they know they can comply fully with our city laws. Most business owners running businesses here have been in operation for almost five years. They have a great deal of experience with our medical marijuana requirements which mirror the recreational marijuana requirements which mirror our older medical code, and also with our inspection and compliance requirements. Boulder business owners also know that the City of Boulder does inspect our licensed premises and does enforce our local laws. Our businesses are very successful because they have the experience and the ability to comply. However, enforcement shows continuing violations by long-term businesses, including selling to minors.

B. Boulder's ordinance does not provide sufficient due process.
The Boulder District Court has ruled that Boulder's enforcement procedures provide constitutional due process to the businesses. Judge Klein ruled that when the right is a revocable privilege as is a marijuana business license rather than a constitutionally-protected right:

> Due process is satisfied by providing adequate notice of opposing claims, a reasonable opportunity to defend against those claims and a fair and

> impartial decision [citations omitted]. Due process only requires the opportunity to be heard; it does not mandate that the Plaintiff be allowed to testify. [Citations omitted]. . . . In conclusion, this Court finds and concludes that the City has provided the due process protections that it is required to provide. . . . The Court concludes, having reviewed the March 2, 2012 Denial/Revocation letter issued by the City to Plaintiff, as well as the other documents attached to the parties pleadings as exhibits, that during the course of the City's investigation and the City's inspections, Plaintiff was given an adequate opportunity to respond to the City's concerns prior to the City's taking action on its investigation. . . . Finally, the Court also recognizes that while Plaintiff would have preferred the appeals process previously provided by the Boulder Municipal Code, such a preference does not mean that the current process denies Plaintiff of its ability to respond and be heard on these issues. In fact, the current process provides just such a means of responding and being heard, that process is simply conducted through the provisions of Rule 106(a)(4), C.R.C.P., as set forth in the Boulder Municipals Code , Section 6-14-4(e).

A copy of the opinion with the detailed analysis is **Attachment B**. However, council has requested that de novo review of staff decisions by a municipal court judge of fines, suspensions, and revocations be re-inserted into both the Medical and Recreational codes and so that has been done. In the near future, the cost and need for additional funding for licensing, police, CAO and the municipal court to complete this new source of work should be undertaken.

C. Why do the businesses have a scanner for identification when a scanner does not recognize all types of identification?

Scanners are very good at weeding out numerous types of false IDs, but it is challenging to keep up with those making false IDs. Therefore, a scanner is only one tool to use for checking the age and residence of a person before entry into a marijuana business. Officer Bookout was recently made aware that some scanners do not recognize military IDs or passports. Staff is researching to find ways that we can help the businesses checking those types of identifications.

Attachments:

A: Ordinance No. 8081 including amendments added at second reading
B: Judge Klein - Opinion and Detailed Analysis dated March 23, 2012

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_2, 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 6-14-4(e) "General Provisions" is amended by the deletion of subsection (e).

Section 5. 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.

* * *

(i) Renewable Energy Usage Required. A medical 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 Windsource~~, 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 medical marijuana businesses licensed by the city on October 22, 2013, this requirement shall apply at the time of renewal of the medical marijuana business license following October 22, 2013.

* * *

(m) Delivery Between Medical Marijuana Businesses. It shall be unlawful for any person to transport medical marijuana, except as specifically allowed by applicable law, unless the medical marijuana being transported meets the following requirements:

* * *

(4) Unless otherwise specifically allowed by applicable law, medical marijuana may be transported only:

(A) From a medical marijuana cultivation facility to a medical marijuana center; and

(B) Which medical marijuana business is owned by the same person as owns the cultivation facility; or

(C) Between one medical marijuana center to another medical marijuana center, or from a medical marijuana cultivation facility to another medical marijuana cultivation facility, with proper bill of sale completed before transport.

* * *

Section 6. Section 6-14-9 "Right of Entry – Records to be Maintained"

* * *

(g) Reporting of Energy Use and Carbon Offset ~~Renewable Energy Credit (REC)~~ Purchases. 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 marijuana businesses that cultivate medical marijuana, the report shall include the number of certified Renewable Energy Credits (RECs) purchased, or the subscription level for another renewal energy acquisition program approved by the manager.

Section 7. Section 6-14-14 "Suspension or Revocation of License; Imposition of Fines," B.R.C. 1981 is amended as follows:

* * *

(c) Fines for violations of this chapter may be imposed by the city against the person or any licensee up to $5,000 per person and any licensee per occurrence. Any person or licensee subjected to civil penalties or revocation or suspension of its license shall be entitled to a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, to contest such penalties. All such hearings shall be conducted by the Boulder Municipal Court as the hearing officer under a de novo standard of review.

Section 8. Subsection 6-16-1 "Legislative Intent, Findings, and Purpose," B.R.C. 1981 is amended as follows:

(a) Legislative Intent and Findings. The city council intends to regulate the use, possession, cultivation, production, and distribution of marijuana in a manner that is consistent with Article XVIII, Section 16 of the Colorado Constitution (the "Recreational Marijuana Amendment" also known as Amendment 64) and finds that the provisions of this chapter are directly and demonstrably related to the operation of marijuana establishments in a manner to minimize negative impacts on the community.

* * *

(7) Marijuana businesses are 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 9. Section 6-16-2 "Definitions," B.R.C. 1981, is amended as follows:

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 divide the licensed medical marijuana business to allow for both a medical and a recreational marijuana wellness center or cultivation facility as separate business premises with separate licenses from the city within the same footprint and owned by the same person as the medical marijuana wellness center or cultivation facility. The licensees with an ownership or financial interest of either part of a co-located marijuana business may not be changed to be different from the other.

* * *

Recreational marijuana business means (a) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or one ounce of marijuana, or (b) any person that sells any amount of marijuana, or (c) any person who possesses marijuana openly or publicly. The term recreational marijuana business shall not include the private cultivation, possession, ~~production,~~ or use within a person's residence of no more than (a) six plants in an enclosed, locked space, or (b) one ounce of marijuana, or (c) the marijuana derived from ~~produced by~~ no more than six plants on the premises where the plants were grown if the plants were grown in an enclosed, locked space.

* * *

Recreational marijuana plant means a marijuana seed that is germinated and all parts of the growth therefrom, including, without limitation, roots, stalks, and leaves, so long as the flowers, roots, stalks, and leaves are all connected and in a growing medium. For purposes of this chapter, any part of the plant removed is considered harvested and no longer part of a recreational marijuana plant, but marijuana.

* * *

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 10. Subsections (f) and (g) of Section 6-16-3 "License Required," B.R.C. 1981 are amended, and subsection (i) is deleted in its entirety and re-enacted, as follows:

* * *

(f) Conversion of Licenses to Different Marijuana Business. A license for a marijuana establishment may not be converted to a license for a medical marijuana business. A license for a medical marijuana business that was licensed, open, and operating on October 22, 2013, or that had submitted a complete application for a medical marijuana business on October 22,

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 11. Section 6-16-4(e) "General Provisions" is amended by the deletion of subsection (e).

Section 12. 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 13. 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 Windsource~~, 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.

* * *

(m) Delivery Between Recreational Marijuana Businesses. It shall be unlawful for any person to transport recreational marijuana, except as specifically allowed by applicable law, unless the recreational marijuana being transported meets the following requirements:

* * *

(4) Unless otherwise specifically allowed by applicable law, recreational marijuana may be transported with proper bill of sale completed before transport only:

(A) From a cultivation facility to a recreational marijuana center or marijuana-infused product manufacturer, and which recreational marijuana business is owned by the same person who owns the cultivation facility;

(B) From a cultivation facility to another recreational marijuana cultivation facility;

(~~B~~C) Between one recreational marijuana center to another center; or

(~~C~~D) Between a marijuana-infused product manufacturer and a medical or recreational marijuana center.

* * *

Section 14. Section 6-16-9 "Right of Entry – Records to be Maintained"

* * *

(g) Reporting of Energy Use and ~~Renewable Energy Credit (REC)~~Carbon Offset Purchases. The records to be maintained and submitted to the city on a quarterly basis, by each recreational marijuana business 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 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.

Section 15. Section 6-16-13 "Prohibited Acts," B.R.C. 1981, is amended as follows:

6-16-13. Prohibited Acts.

(a) Prohibited Acts. It shall be unlawful for any person to:

* * *

(36) Produce any marijuana without a license from the city for a marijuana-infused product manufacturer;

(37) Distribute, or contract to distribute, marijuana using any freight or package service, community rideshare, or other commercial transportation network, not including the United States Postal Service; or

(38) Possess extraction vessels, and butane, propane, compressed CO_2, 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.

Section 16. Section 6-16-14 "Suspension or Revocation of License; Imposition of Fines," B.R.C. 1981 is amended as follows:

* * *

(c) Civil penalties for violations of this chapter may be imposed by the city against the person or any licensee up to $5,000 per person and any licensee per occurrence. Any person or licensee subjected to civil penalties or revocation or suspension of its license shall be entitled to a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, to contest such penalties. All such hearings shall be conducted by the Boulder Municipal Court as the hearing officer under a de novo standard of review.

Section 17. 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 18. 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 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

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 10th day of November, 2015.

.

_____
Mayor

Attest:

_____
City Clerk

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District Court, Boulder County, State of Colorado 1777 Sixth Street, Boulder, Colorado 80302 (303) 441-3771	EFILED Document CO Boulder County District Court 20th JD Filing Date: Mar 23 2012 3:47PM MDT Filing ID: 43285593 Review Clerk: N/A
Plaintiff: Boulder Kind Care, LLC, dba Boulder Kind Care, v. Defendants: City of Boulder	▲ COURT USE ONLY ▲
Attorney for Plaintiff: Jeffrey Gard, Esq. *Attorney for Defendants*: Kathleen Haddock, Esq.	Case Number: 12 CV 213 Division 2 Courtroom Q
ORDER RE: PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION PURSUANT TO C.R.C.P. 65	

This matter is before the Court on Plaintiff's Motion for Preliminary Injunction Pursuant to Rule 65, C.R.C.P. A hearing was held in this matter on March 16, 2012. At the conclusion of the hearing, because the Court believed that a number of issues could not be resolved without further legal research, the Court Ordered that the matter be briefed by the parties no later than 5:00 p.m. on Wednesday, March 21, 2012. At the outset, the Court notes that Plaintiff's brief was filed at 5:29 p.m., and it is therefore untimely.

At the time of the March 16, 2012 hearing, it was clear to the Court that local licensing authorities, in this instance the City of Boulder, have the statutory authority to deny Medical Marijuana Business "applications." §12-43.3-301, et.seq., C.R.S.. In its March 16, 2012 ruling this Court asked the parties to address two primary issues in their respective briefs that were unclear to the Court at that time: (1) Does the City of Boulder have independent authority apart from that of the state to "revoke" licenses previously issued; and (2) in what manner, if any, was the Plaintiff afforded due process in absence of an administrative evidentiary hearing by the City of Boulder when it denied Plaintiff's applications and revoked Plaintiff's existing license.

Before addressing the request for injunctive relief, the Court will address the issue of whether the Defendant had the authority to revoke Plaintiff's existing medical marijuana business license. Section 12-43.3-601(1), C.R.S., states:

> In addition to any other sanctions prescribed by this article or rules promulgated pursuant to this article, the state licensing authority or a local licensing authority has the power, on its own motion or on complaint, after investigation and opportunity for a *public hearing at which the licensee shall be afforded an opportunity to be heard*, to suspend or revoke a license issued by the respective authority for a violation by the licensee or by any of the agents or employees of the licensee of the provisions of this article, or any of the rules promulgated

> pursuant to this article, or of any of the terms, conditions, or provisions of the license issued by the state or local licensing authority.

(emphasis added)

At first blush, this statute appears to provide the very protections that Plaintiff asserts it was denied, a "public hearing at which the licensee shall be afforded an opportunity to be heard." However, the analysis does not stop there.

It is undisputed that the City of Boulder is a "Home Rule City," subject to the grants and limitations set forth in Article XX of the Constitution of the State of Colorado. Section 6 of Article XX states:

> The people of each city or town of this state, having a population of two thousand inhabitants as determined by the last preceding census taken under the authority of the United States, the state of Colorado or said city or town, are hereby vested with, and they shall always have, power to make, amend, add to or replace the charter of said city or town, which shall be an organic law and extend to all its local and municipal matters.
>
> *Such charter and the ordinances made pursuant thereto in such matters shall supercede within the territorial limits and other jurisdiction of said city or town and law of the state in conflict therewith.*

(emphasis added)

Moreover, this delegation is recognized and specifically incorporated into the Boulder Municipal Code at Section 6-14-1(c)[1]

Boulder Municipal Code Section 6-14-4(e) addressing the "General Provisions" of the City of Boulder's Medical Marijuana ordinances states:

> (e) Decisions on Application or Revocation Final. The decision of the city manager on an application for a medical marijuana business license or revocation thereof pursuant to this chapter shall be the final decision of the City subject only to judicial review pursuant to Colorado Rule of Civil Procedure 106(a)(4), unless the notice of the decision includes an opportunity for a hearing as provided in

---

[1] Boulder Municipal Code Section 6-14-1(c) :

> (c) Relationship to State Law. The provisions in this chapter that are different from the State Law are consistent with the City's responsibility to protect the public health, safety and welfare as authorized by §12-43.3-305, C.R.S., and by the home rule authority granted to the City by Article XX of the Colorado Constitution and the Charter of the City. The City intends that both State Law and this chapter apply within the City. Where this chapter conflicts with the State Law, this chapter shall apply on all matters authorized in §12-43.3-101, et seq., C.R.S. and all matters of local concern.

Section 1-3-3, "Notice of Agency Action," B.R.C. 1981. No defense or objection may be presented for judicial review unless it is first presented to the city manager prior to the decision.

Boulder Municipal Code Section 6-14-5 sets forth the City's regulations relative to 'Applications' for medical marijuana businesses and section 6-14-14 sets forth the City's regulations relative to the suspension or revocation of licenses already issued and the reasons for such revocation and suspension.

It is therefore clear to this Court, and it hereby concludes, that Defendants do have the delegable authority pursuant to state law to suspend and revoke medical marijuana business licenses previously issued under their local authority and regulatory scheme.

On its merits then, the question remains, did the City act in a manner with respect to these Plaintiffs which exceeded its jurisdiction, or in such a manner that the City's actions could be construed to be an abuse of discretion. Rule 106(a)(4), C.R.C.P. That question must be reserved for consideration on Plaintiff's complaint.

Preceding a determination on the merits of Plaintiffs complaint, the Court will now addresses the issue of whether Plaintiff is entitled to preliminary injunctive relief pursuant to Rule 65, C.R.C.P.

The standard for issuing a preliminary injunction under Rule 65, C.R.C.P. is set forth in Rathke v. McFarlane, 648 P.2d 648 (Colo. 1982). There, the Court set forth a six part test for a Court's evaluation as to whether injunctive relief should be entered. The requesting party must meet each prong of the six part test.

The first prong of the Rathke test requires the requesting party to show a reasonable probability of success on the merits of its claims before the Court. In the complaint that initiated these proceedings, Plaintiff requests relief from the Court in the form of a judicial writ under Rule 106(a)(4), C.R.C.P. Plaintiff asserts in its complaint that the City "exceeded its jurisdiction or abused its discretion" by: (1) revoking Plaintiff's previously issued Medical Marijuana Business License at 3065 W. Sterling Circle, Boulder, Colorado 80301; (2) by denying a license application for an Optional Premises Cultivation Facility located at 3095 W. Sterling Circle, Boulder, Colorado 80301; and, (3) by denying an application for a Permanent Modification for the Medical Marijuana Business located at 3065 W. Sterling Circle, Boulder, Colorado 80301.

Because the Court finds and concludes that Plaintiff cannot show a reasonable likelihood of success on the merits of its Rule 106(a)(4), C.R.C.P. complaint, the Court denies Plaintiff's motion for preliminary injunctive relief under Rule 65, C.R.C.P.

The gravamen of Plaintiff's argument on this first prong of the Rathke analysis is that: (1) the City denied Plaintiff due process of law when it denied its two applications and revoked its existing license to operate a Medical Marijuana Business; (2) the City usurped the licensing and regulatory authority of the state; (3) all decisions regarding medical marijuana licenses are vested exclusively in the City Manager, and the City Manager improperly delegated his authority to the

Licensing Manager; and (4) because this was a purported first the City abused its discretion by denying Plaintiff's applications and revoking its existing license.

The Court will address the due process arguments last. With respect to the Plaintiff's assertion that the City usurped the licensing and regulatory authority of the state, the Court concludes that it has adequately addressed that issue above, and that further discussion on the issue is unnecessary. On that note, the Court concludes that the City has not usurped the licensing and regulatory authority of the state.

With respect to Plaintiff's assertions that the decisions regarding medical marijuana decisions are not delegable to the City Licensing Manager, the Court finds and concludes that Plaintiff's assertion is without merit. The City's regulatory scheme, delegated to it as a "home rule city" pursuant to Article XX, Section 6 of the Colorado Constitution and §§12-43.3-101, et.seq, C.R.S., contains the following provision:

> **6-14-16 City Manager Authorized to Issue Rules.**
>
> The city manager may adopt rules and regulations that the city manager determines are reasonably necessary to implement the requirements of this chapter. (emphasis in original)

The Court can only conclude that this rule making authority includes the ability of the City Manager to delegate his or her decision making authority to the City Licensing Manager. In sum, this Court sees nothing in the state or local regulatory scheme prohibiting the City manager from delegating his oversight, investigative, and sanctioning authority to the City's Licensing Manager. In fact, what the Court does see is a regulatory scheme that specifically contemplates the delegation of authority that Plaintiff complains about.

With respect to Plaintiff's argument that the City's actions were too harsh in that, as Plaintiff argues, this was Plaintiff's first infraction, this Court sees nothing in the local regulatory scheme, or state regulatory scheme for that matter, that requires the City to give a "pass" on a purported first violation. To the contrary, what the Court does see is a relatively comprehensive regulatory scheme that recognizes the seriousness of the industry that it seeks to regulate as well as an emphasis on the importance of regulating the industry with a view of protecting public health and safety. Again, the Court finds and concludes that Plaintiff's argument on this point is without merit.

Finally, with respect to Plaintiff's due process argument, as an initial inquiry, Plaintiff must show what it is that he claims is entitled to due process protections. Does Plaintiff have a legally protected right or property interest that entitles it to traditional due process protections? Or, is Plaintiff's interest in operating a medical marijuana business in the City and County of Boulder something less than a constitutionally protected right or property interest?

This Court concludes, based upon applicable law that the interest Plaintiff has in operating a medical marijuana business is a revocable privilege subject to will and scrutiny of local and state authorities, not a constitutionally protected right or property interest. See, §12-

43.3-101, et.seq., C.R.S., *and* section 6-14-12(b), B.R.C. Pursuant to Boulder Municipal Code Section 6-14-12(b), "[A] medical marijuana business license is a revocable privilege, and no holder thereof shall be deemed to have acquired any property interest therein."

Be that as it may, the Court also finds for purposes of determining whether injunctive relief is appropriate, that Defendant has afforded Plaintiff due process in the denial of Plaintiff's two applications and revocation of its existing license. The level of process due in any particular situation is addressed in Defendant's brief at pages 4 and 5. The Court cites it here:

> The process required in a particular situation depends on the right protected. As Judge Friendly stated it in his seminal article:
>
> > The required degree of procedural safeguards varies directly with the importance of the private interest affected and the need for and usefulness of the particular safeguard in the given circumstances and inversely with the burden and any other adverse consequences of affording it. H. Friendly, *Some Kind of Hearing,* 123 U.Pa.L.Rev. 1267, 1278 (1975) (footnote omitted).
>
> *Baden v. Koch*, 799 F.2d 825, 831 (2d Cir. 1986).
>
> Due process is satisfied by providing adequate notice of opposing claims, a reasonable opportunity to defend against those claims, and a fair and impartial decision. *Colo. State Bd. Of Medical Examiners v. Hoffner*, 832 P.2d 1062 (Colo. App. 1992); *Davis v. State Bd. Of Psychologist Examiners*, 791 P.2d 1198 (Colo.App. 1989). Due process only requires the opportunity to be heard; it does not mandate that Plaintiff be allowed to testify. *Norton v. Colorado State Board of Medical Examiners,* 821 P.2d 897 (Colo. App. 1991).
>
> Standards of due process are flexible and will depend on the situation. *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972); *Wilkinson v. Austin*, 545 U.S. 209, 224 (2005). In evaluating the level of due process required for alleged deprivation by a government action, the court must evaluate on a case-by-case basis the nature and extent of the constitutional right being limited. *See Goss v. Lopez*, 419 U.S. 565, 572-76 (1975) 1; *Wilkinson, supra* at 224 ("[W]e generally have declined to establish rigid rules and instead have embraced a framework to evaluate the sufficiency of particular [due process] procedures.") (internal citations omitted). This framework concerns the following elements:
>
> > First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

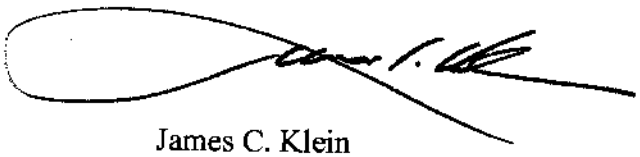
Wilkinson v. Austin, 545 U.S. 209, 224-25 (2005) (citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)).

In conclusion, this Court finds and concludes that the City has provided the due process protections that it is required to provide. Again, applying for or maintaining a previously issued medical marijuana license is not a constitutional right. To the contrary, it is a revocable privilege subject to local and state scrutiny. This Court concludes, having reviewed the March 2, 2012 Denial/Revocation letter issued by the City to Plaintiff, as well as the other documents attached to the parties pleadings as exhibits, that during the course of the City's investigation and the City's inspections, Plaintiff was given an adequate opportunity to respond to the City's concerns prior to the City's taking action on its investigation.

Moreover, of the infractions cited by the City as reasons for denial and revocation, each is specifically listed as a requisite item in the Boulder Municipal Code for purposes of applying for a medical marijuana business license, or for operating a business under an existing license. It is difficult for this Court to understand how Plaintiff can argue now that it was somehow not on 'notice,' and therefore lacked an opportunity to respond.

Finally, the Court also recognizes that while Plaintiff would have preferred the appeals process previously provided by the Boulder Municipal Code, such a preference does not mean that the current process denies Plaintiff of its ability to respond and be heard on these issues. In fact, the current process provides just such a means of responding and being heard, that process is simply conducted through the provisions of Rule 106(a)(4), C.R.C.P., as set forth in the Boulder Municipal Code, Section 6-14-4(e).

BY THE COURT



DATED: 3/23/12

James C. Klein
District Court Judge

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 10, 2015

AGENDA TITLE: Consideration of a motion to:

1. Accept the Boulder Civic Area, Phase I Park Development Plan, Community and Environmental Assessment Process (CEAP) (**Attachment A**).

PRESENTER/S
Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing & Sustainability
Maureen Rait, Executive Director of Public Works
Yvette Bowden, Director of Parks and Recreation
Sam Assefa, Senior Urban Designer, Project Coordinator
Jeff Haley, Parks Planning Manager, Project Coordinator
Joanna Crean, Senior Project Manager, Project Coordinator

EXECUTIVE SUMMARY

In June 2015, the City Council accepted the updated Boulder Civic Area Master Plan, which defines the overall concept for the site and establishes criteria and guidelines for the consideration of specific improvements. The site includes the area between Canyon Boulevard and Arapahoe Avenue and 9th and 14th Streets. The 2015 Civic Area Master Plan replaces the 1992 Civic Center Master Plan and builds on the 2013 Vision Plan. The long-term vision is to transform the Civic Area into an even more unique place that reflects the community's shared values and its diversity, providing space and programs for people to gather, recreate, eat, learn, deliberate and innovate. The plan establishes the goals, guiding principles and core themes for Civic Area implementation.

Implementation of the Boulder Civic Area Master Plan is expected to take place over the next 10 to 20 years. However, due to the passage of the Community, Culture and Safety tax initiative in November 2014, the first phase of improvements in the Civic Area are moving forward. The goal is to create a more vibrant and active urban park and civic area, including recreational amenities, community spaces, safety improvements, and connections and access improvements to and through the Civic Area. A park plan is being developed to implement the $8.7 million Phase I improvements and coordinate with the more than $5 million from the tax devoted to Boulder Creek Path, 11th Street lighting, public art and Arapahoe underpass

improvements. In order to advance these Phase I improvements and guide further work on longer-term investments, a Community and Environmental Assessment Process (CEAP) to adopt the Phase I park plan is necessary.

The purpose of the CEAP is to assess the potential impacts of conceptual project alternatives to inform the selection and refinement of a preferred alternative. In this case, the preferred alternative is the Civic Area Park Development Plan. The CEAP is a formal review process to balance multiple community goals by assessing a project against the policies outlined in the Boulder Valley Comprehensive Plan (BVCP) and master plans. The CEAP process includes review by an interdepartmental staff team and the "sponsoring" or primary advisory board, which in this case is the Parks and Recreation Advisory Board (PRAB). Given the community-wide interest in the Civic Area as well as the complexity and involvement of multiple boards and commissions in the recently accepted Civic Area Master Plan, the CEAP document and Park Development Plan (preferred alternative) were also reviewed by Planning Board and specific improvements proposed to the Bandshell landmark site reviewed by Landmarks Board.

The purpose of this agenda item is for City Council's final review and consideration. Upon approval of the Boulder Civic Area Phase I Park Development Plan (CEAP), the project can then proceed with final design and coordination through the city's standard review process with construction anticipated in summer 2016. Council's role in reviewing the Phase I Park Development Plan and associated CEAP documentation is to look for consistency with the Civic Area Master Plan Park Performance Criteria related to the "Park at the Core" and the question that is the focus for review is:

1. Does the Civic Area Park Development Plan meet the "Park at the Core" performance criteria as outlined in the Civic Area Master Plan?

RECOMMENDATION

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

1. Motion to accept the Boulder Civic Area, Phase I Park Development Plan, Community and Environmental Assessment Process (CEAP) (**Attachment A**).

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** – Throughout the past several years many studies and examples have demonstrated that investment into parks and public spaces within urban areas lead to economic health through increases in residential and commercial development adjacent to public urban parks. The Civic Area park development will help to achieve these multiple objectives and city goals by combining community, transportation, recreation, and aesthetic improvements to the Civic Area, the municipal campus and Central Park. The area will be complementary to Pearl Street (the commercial heart)

and support downtown businesses and economic vitality in the "bookends" of the Civic Area.

- **Environmental** – Boulder's Civic Area has well-used bicycle and pedestrian amenities and convenient transit connections, serving as both an important destination and connector to encourage multi-modal transportation and reduce greenhouse emissions. The Civic Area is located within the 100-year floodplain, and much of the land lies within the High Hazard Zone (HHZ). The park development will enable the city to meet or exceed existing flood standards, including avoiding placing new structures and parking in the HHZ and will be proactive about planning for and educating about floods that support sustainable and resilient development. The park is also a central location to enjoy outdoor recreation in the middle of the city. The linear "green" along Boulder Creek will be a unifying focus, providing natural beauty, ecological function and flood safety as well as recreational, art, and cultural opportunities. Park improvements will enhance connection and access to the creek, including enhanced Creek Path connection through Central Park and enhanced lighting for safety and security. The park development will improve the wetland buffer on the north embankment from a degraded condition to a restored and re-vegetated slope that will enhance both habitat and area aesthetics.
- **Social** – Boulder's Civic Area has symbolic, geographic, and functional importance and should serve as an inclusive place for people to interact with each other and with government. The area has a historical focus and many long-standing functions and facilities highly valued by the community, such as the Municipal Building, library, Sister City Plaza, Farmers' Market, Bandshell and Teahouse. Existing community assets will continue to play a vital role in the area as well as potential to expand civic services or cultural, arts, science, educational or entertainment amenities that are otherwise lacking in the community. The site has been designed specifically with families in mind and to create a multi-generational and multi-cultural public space that serves all members of the community through specific amenities and programs. A specific example includes the removal of the bench seating at the Bandshell to be replaced with a sloped lawn. This proposal allows for a range of activities and events to integrate the Bandshell with the new park design.

OTHER IMPACTS

- **Fiscal** –With the passage of the Community, Culture and Safety tax initiative that passed in November 2014, $8.7 million is being used to implement phase I improvements of the Civic Area park site and coordinate with the more than $5 million from the tax devoted to Boulder Creek Path, 11th Street lighting and Arapahoe underpass improvements.
- **Staff Time** –Staff time is included in the project budget and part of the work plan for 2015 and 2016.

BOARD AND COMMISSION FEEDBACK

The city's Planning Board discussed the Boulder Civic Area, Phase I Park Development Plan and CEAP documentation at its September 17, 2015 meeting and recommended approval (7-0) to the PRAB. Planning Board's role in reviewing was to look for consistency with the Civic Area Master Plan and the Boulder Valley Comprehensive Plan (BVCP) goals and

policies. The Planning Board also provided feedback and input related to design considerations for the nature play area, enhancing the environmental qualities of the Boulder Creek corridor and enhancements to the historic Bandshell. PRAB reviewed the Boulder Civic Area, Phase I Park Development Plan and CEAP documentation on September 28 and unanimously recommended approval to City Council. PRAB also provided many suggestions regarding the multi-use paths and connectivity as well as enhancements to the nature play areas. Staff will incorporate the Planning Board and PRAB suggestions into the final design phase of the plan and appreciates the continued support for the project.

Based on these two approvals, staff then presented an application for Landmarks Board consideration of alterations to the Bandshell site (removal of seating) which was approved on October 7, 2015. As part of the approval, board members specified several amendments including moving the proposed new path in Central Park further southeast and pushing the proposed berm back to allow for more Bandshell seating; reducing the amount of paving of the proposed path and including more permeability; providing some permanent seating; and providing detailed photographs and dimensions of the seating prior to removal in the event that it is to be reinstalled in the future. Staff will work with the Landmarks Design Review Committee to include these revisions as part of the plan refinement and final design process.

At the City Council meeting on October 20, the Landmark approval was a call-up item on the agenda. Council did not call up the item but requested clarification on the approach to the project and how the seating removal relates to long-term changes to the Bandshell including potential relocation. Staff explained that this is a near-term opportunity to enhance the functionality and the relationship to the park while the long-term location of the Bandshell will continue to be analyzed in 2016 with the Canyon Complete Street project as well as the Urban Design Framework for the East Bookend along 13th. The Landmark approval was specifically for the removal of the seating and does not preclude future modifications or relocation of the bandshell.

PUBLIC PROCESS

The updated Boulder Civic Area Master Plan (*accepted June 16, 2015*) builds on an 18-month collaboration (2012-2013) with the Boulder community, boards and commissions and City Council to develop the Vision Plan (*approved Sept. 3, 2013*). In the fall of 2014, community feedback was collected about program preferences and park design themes. In March 2015, the city hosted a stakeholder workshop and a public open house as well as a joint board and commission workshop. The purpose was to collect feedback on draft Park Site Plan options and long-term improvement strategies related to the master plan update. On March 31, 2015, this information was presented to City Council during a Study Session. After receiving City Council feedback on strategies for the long-term improvements, the Civic Area Master Plan was revised accordingly and adopted by City Council.

The following provides a synopsis of the public input for the Civic Area Park Site Plan:

- ***September 2014 Public Open House:*** Feedback was collected on preferred elements/images related to Parks + Nature, Access + Connectivity, and Events + Programming. Responses included positive remarks about incorporating open lawn,

visual connectivity, art, performances, nature play and events. The consensus feedback was to incorporate park programs and features that are unique to Boulder and can't be found elsewhere in the city. In addition, most expressed a desire for a variety of ways to experience the park.

- ***October 2014 Public Presentation:*** Feedback and comments were solicited on illustrative views depicting a nature play playground adjacent to Boulder Creek, a large event lawn, an entrance promenade from Canyon and picnic activities along the irrigation ditch. Positive remarks were given to all illustrations and especially for the nature play illustration and elements that integrated the nature of Boulder Creek.

- ***March 2015 Public Open House, Joint Board/Commission Workshop, Stakeholder Workshop, City Council Study Session:*** Feedback was collected on the three Design Alternatives, Creek Grove, Creek Valley and Creek Promenade and feedback on different aspects of each alternative was used to create the Hybrid Creek Valley Site Plan.

- ***July 15th 2015 Public Open House and online engagement:*** One of the outcomes of the City Council Study Session on March 31 was the Design Inspiration Initiative which invited the public to participate by responding to questions and submit ideas to help inform design. The ideas were collected and shared with the community as part of an open house on July 15, 2015. The outcomes were then shared with City Council at a briefing on July 30, 2015. The initiative focused on options related to:

    - ***Nature Play*** – Nature play is interaction with the natural environment that allows for hands-on contact, exploration, contemplation, planning and education. A nature play area is included as a key element in the design of the Civic Area and the community was invited to help inform the final design of this area.

    - ***11th Street Spine and Bridge*** – A goal of the Civic Area design is to provide physical connectivity from Pearl Street and University Hill to the Civic Area. This will be accomplished with a new pathway aligning with 11th Street through the Civic Area and crossing Boulder Creek with an iconic bridge that becomes a destination. The public was encouraged to provide input on the design.

    - ***Bandshell*** - The Bandshell is an historic landmark, which provides a specific framework to preserve its historical character. However, many factors limit its current effectiveness as a performance venue as well as programmatic functionality. As part of the Civic Area improvements, council and the community have been interested in considering opportunities to increase its use and were asked to submit ideas.

    - Feedback, concepts, and illustrations from the design inspiration input on the 11th Street Bridge, Nature Play and the Bandshell were used to continue

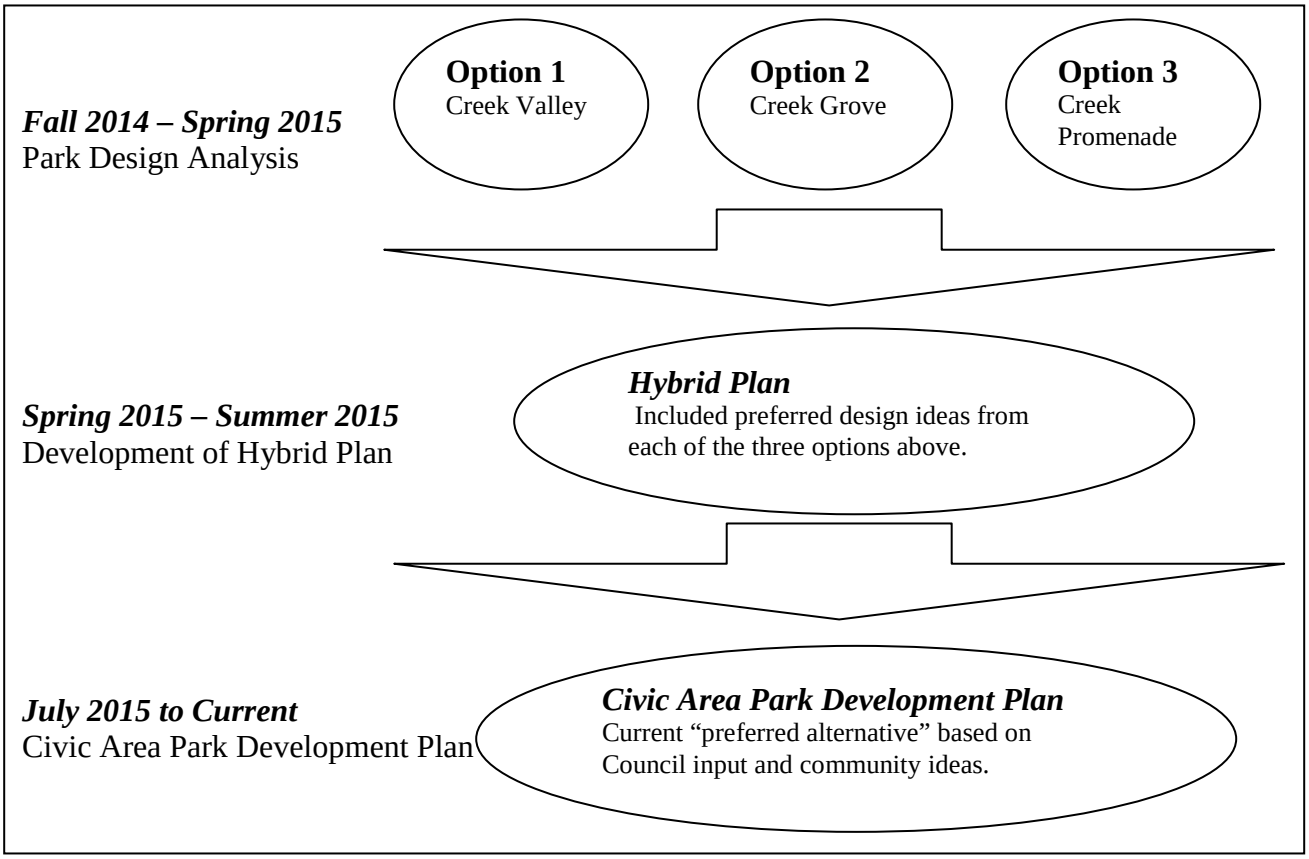
refinement of the associated design elements in the Park Development Plan that is presented in conjunction with the CEAP document.

- ***October / November 2015 Visualize the Civic Area:*** To continue community engagement and awareness of the proposed improvements, staff facilitated several opportunities for involvement and feedback. A press release was completed with the local media outlining the plans and process. Plans and illustrations were installed on site in several locations to provide community review of the proposed improvements. Two guided tours were conducted to provide overview and invite questions and feedback. Finally, a scale model is on display in the main library to allow the public to view the proposed plans in three-dimensional representation.

OVERVIEW OF CEAP & PARK PLAN

The Community and Environmental Assessment Process (CEAP) is a formal review process to consider the impacts of public development projects. The Civic Area park plan was identified for the CEAP process to formalize comments and approval of the plan. After the CEAP is complete, the project can proceed with the city's standard review process for final design and permitting with construction anticipated in summer 2016.

The scope of this CEAP focuses on three alternative configurations for the park space with different alignments to the Boulder Creek Path, Bandshell location, irrigation ditch treatments, and methods for integrating visual and physical access to Boulder Creek. The figure below illustrates the design process and progression of the park planning throughout the past year.



Overview of "Options"

- Option 1, the "Creek Valley" included a large continuous green space with dynamic topography, separating the main through route, the creek path from the central green space/Boulder Creek.
- Option 2, the "Creek Grove" in contrast had a slightly smaller central green space with more plaza (hardscape) space and a minor separation of the creek path from the central green space/Boulder Creek.
- Option 3, the "Creek Promenade" included an orthogonal green space with the creek path between the green space and the Boulder Creek.

The detail of the comparative evaluation of the options is included in the CEAP report (**Attachment A**). A public workshop and online survey was conducted to understand the community feedback and preferences for elements of each alternative. Each option resulted in varied public feedback regarding the configuration of the green space. However, the majority of support favored the option 1 and 2 that separated the creek path from the main green space adjacent to Boulder Creek with a preference to "dynamic topography" and a continuous large green space in (option 1) and larger plaza space (option 2). The resulting "hybrid" plan incorporated the preferred aspects of both.

"Hybrid Plan"

The hybrid plan created the largest continuous green space or "green valley" and used dynamic topography to create a diversity of spaces and experiences including "softscape" green space with "hardscape" plaza areas. The hybrid plan provides the most access to the creek with new grading, had a large entrance promenade along Canyon Boulevard with increased plaza spaces west of the Municipal Building and east of the North Library. The plan also included a Picnic Plaza along the irrigation ditch with a new bike path loop connecting through Central Park that would accommodate an expansion of the Farmers' Market. Finally, it included the possible relocating of the Bandshell in the Civic Area.

Civic Area Park Development Plan (preferred alternative)

Recently the design team has further refined the hybrid plan to produce a formal Park Development Plan (**Attachment B**) that staff is requesting review and consideration for approval. This plan incorporates all the preferred aspects of the hybrid plan but has a more refined scope to reflect the Community, Culture and Safety tax initiative (Phase I) capital funding source. The plan combines all the elements supported by the community and City Council such as the 11th Street "spine," creek terraces, nature play, improved creek path, plaza spaces and an enhanced Farmers' Market (**Attachments C, D, E, F, G**). The plan (Figure 1) will continue to be refined through the final design and permitting with construction anticipated in summer 2016. While the design progresses, construction cost estimates are continuously updated to inform the amenities that will be implemented through the $8.7M available funding.

Bandshell - One of the key elements that has been excluded from the Park Development Plan is the relocation of the Bandshell. Staff has recognized the larger relationship of the Bandshell with the overall urban design of the Civic Area including the structures in the 1300 Block east of Central Park and the areas west of the Library considered "the bookends." Additionally,

the Bandshell has a direct connection to Canyon Boulevard which is currently in the planning phase to develop a "complete street" that will accommodate all modes of transportation and enhance the traveling experience along the roadway. Therefore, the Bandshell will continue to be explored as part of the longer-term planning initiatives mentioned above and the current Park Development Plan (as reflected in the CEAP report and in Figure 1 below) does not recommend any modification or relocation to the Bandshell structure in the near-term development. However, the plan, or preferred alternative, does illustrate the removal of the bench seating area in front of the Bandshell (**Attachment E**) to better integrate the structure into the park and provide for a variety of uses and programs in the area such as the Farmers' Market, cultural activities and events. The seats were not built as part of the original construction of the Bandshell and were added several years later. Similarly, many cities across the country with historic bandshell structures have taken this approach as this greatly improves the use and aesthetics of the area. This proposal requires a Landmark Alteration Certificate. The Landmarks Board approved the removal the bench seating at the Bandshell on October 7, 2015 as a near-term opportunity to enhance the use and functionality of the Bandshell. It was recognized that the seating was not integral to the original construction and the removal would better integrate the Bandshell into the park

Irrigation Ditch – Another key element in the Park Development Plan is the irrigation ditch, which is privately owned within the east end of the Civic Area. Several ditch companies share ownership in the ditch and need to ensure that access, safety and liability are considered in any ditch modifications. As part of the near-term park development, no major modifications will be made within the ditch easement. However, the Park Development Plan does include widening the existing bike path bridge over the ditch and constructing a new paved access route south of the ditch for increased access for maintenance and headgate operations. The plan also provides opportunities for celebrating the historic context of this unique amenity through educational and interpretive opportunities. As the design progresses, staff will continue to coordinate with the ditch companies to ensure access, liability and maintenance are addressed.

Parking – To provide better connectivity and access into the park from adjacent sidewalks and paths, the plan preliminarily indicates the removal of approximately 45 parking spaces. To mitigate this parking loss and the increase in demand for access to the new park, a multidepartment staff team has been working to develop strategies and options to address potential impacts and opportunities for multimodal access to/from the Civic Area. The overall approach is to comprehensively and collectively manage and price all parking lots within the Civic Area campus, including parking lots at Park Central, New Britain, Library, and Municipal buildings. This will create pools of shared parking that can be used as both short-term visitor parking for all civic uses and long-term City of Boulder employee parking which will provide a larger overall supply of parking for all users. The city will also enhance existing Transportation Demand Management (TDM) programs and improve related facilities within the Civic Area.

Prior to Civic Area construction in the summer of 2016, management and pricing changes will be implemented in the parking lots beginning January 2016 for city employees and February 2016 for the community. An education and outreach campaign will begin in November to

prepare all potentially impacted users before the changes are implemented. After the management and pricing changes are implemented, feedback will be collected to determine if further refinements are needed. It should be noted that in addition to serving the goals of the Civic Area, the parking and TDM strategies being explored support the city's Transportation Master Plan objectives and overall sustainability goals.

FIGURE 1 – CIVIC AREA PARK DEVELOPMENT PLAN

ANALYSIS

1. Does the Civic Area Park Development Plan meet the "Park at the Core" performance criteria as outlined in the Civic Area Master Plan?

Yes, staff considers the Park Development Plan to be consistent with the performance criteria of the Civic Area Master Plan related to the "Park at the Core." As indicated below, the following criteria as illustrated in the Civic Area Master Plan apply to the current Park Development Plan and have influenced the design and planning of the park improvements.

- **Plazas and Gathering Spaces** – The Park Development Plan provides a mix of spaces that vary in size to create a more human scale environment that are welcoming, safe and attractive for a variety of uses and programs. New green spaces and plaza areas will allow a variety of events, activities and programs to ensure the park is functional throughout the day and evening for a variety of park uses. The improved park will provide necessary infrastructure and accommodate large events that

currently take place in the park as well as less formal and smaller events on a more frequent basis.

- **Park Access** - The current Park Development Plan balances the creation of a vibrant public park with the reality of access needs for and through the site. Many new connections and path enhancements are planned for the site as well as better connectivity to transit. The plan recognizes the importance of the multi-use paths within the Civic Area and the design provides for many opportunities to prevent conflicts between pedestrians and bicyclist such as pavement markings, detectable warnings and designated lanes for bikes/pedestrians. The design incorporates all applicable codes and standards for multi-use paths that will provide for an efficient, functional and safe experience for park users as path users traveling through the park (**Attachment G**). Throughout the design, the team has engaged cycling representatives and the community to ensure the path alignments and detailed design incorporates innovation and strategies for a successful path system.

- **Art and Entertainment** - Many aspects of the Civic Area Park Development Plan emphasize and celebrate the arts within the transformation of the site as noted in specific locations within the plan. A supplemental arts master plan is under development to inform the specific process and locations for implementing public art within the Civic Area. This framework is in concert with the current Community Cultural Plan, Public Art Policy and the Civic Area Master Plan. The intent is to provide a robust public process for commissioning and selecting public art that meets specific criteria. Many options exist to provide interactive art, temporary art as well as permanent displays in strategic locations to further create a sense of place in the park.

- **Food** – One of the many current tenants of the site is the Farmers Market and a focus on local food advocacy and opportunities to relate to the Pearl Street Mall. The park design provides better connectivity and functionality for the market as well as access to restaurants and establishments located on the Pearl Street Mall and University Hill. Several areas have been planned within the Civic Area to allow edible landscapes and event spaces for food demonstrations and activities.

- **Services Extending the Range of Uses** – All areas within the park will have adequate access to utilities and infrastructure to support a variety of uses and programs within the park for greatest flexibility to serve the community. The spaces will allow a range of opportunities from large, multi-day events to intimate lunch-time performances and food carts.

- **Views and Viewpoints** – Building on the legacy of Frederick Law Olmstead Jr., the new design of the park allows better views to the foothills as well as the stream to focus on the natural spaces within the park. Similarly, the creation of the 11th Street Spine will allow better visibility into the park from Canyon as well as Arapahoe and provide better access into the park. Vegetation and other barriers will selectively be removed to open view corridors for safety, security and access.

- **Public Amenities** – The park design will include all the key amenities to help support public use anticipated with a vibrant urban park. Site furnishings, play equipment, artwork, signage and restrooms will be provided to accommodate use by all visitors to the park.

- **Build Green** – The foundation of the park design and consistent theme throughout the development of the park includes low-impact design and sustainable infrastructure. For example, innovations have been used to manage stormwater runoff, reduce water consumption through efficient irrigation design, mitigate urban heat island effects through intentional plantings, enhance habitat and conservation of ecological areas and use sustainable materials in the construction of the park improvements.

- **Safety and Security –** The design of the park includes strategies identified in "Crime Prevention through Environmental Design" or (CPTED). These include enhanced visibility with "eyes on the park" at all times from neighbors to park visitors and adjacent businesses. Lighting will also be enhanced and increased to provide visibility and safety in the evenings and at night for park users and attendees at meetings. The design of the landscape areas and amenities allows for defensible space and eliminates hiding areas or opportunities for criminal activity. Throughout the final design, more opportunities will be explored to further enhance safety and security through innovative design and successful programming of the space.

LONG-TERM CIVIC AREA MASTER PLAN IMPLEMENTATION

Implementation of the Civic Area Master Plan beyond the park development will depend on the availability of funding sources (public, private and other). These sources vary in their revenue generation potential and may require specific governance structures. The finance and governance strategies for future implementation phases will continue to be explored.

To ensure the current park development will integrate seamlessly with the long-term development of future phases, staff will be developing guidelines for future improvements for the west and east "bookends" of the Civic Area, including appropriate land uses and desired urban form. Depending on the decision on the next area of application for the Form-Based Code (FBC) that is currently being piloted for Boulder Junction, the area south of Canyon Boulevard including the Civic Area "bookends" may be the subject area for developing a FBC. The primary goal of the design guidelines or a FBC is to serve as an implementation tool that provides clear and predictable design outcomes and urban form that address scale, mass, height and architectural character of buildings and set standards for the public realm including connections and public spaces such as plazas. This work will be developed in the first quarter of 2016 as part of the discussion on the next steps for the FBC implementation in areas outside of Boulder Junction. If the Civic Area is selected for the next phase of the FBC, then the FBC will serve as the implementation tool in place of design guidelines. The design guidelines or FBC for the Civic Area will be developed through a public process, including the engagements of boards, commissions and council, and will be presented for council's acceptance in fourth quarter 2016.

The desired urban form and design characteristics, as well as the future land uses for the bookends, will also be informed by a more detailed analysis of flood opportunities and constraints, a study on the feasibility and type of year-round market hall for the east bookend (13th Street), and discussions about the former site of the Boulder Community Health (BCH) Broadway campus. The detailed flood analysis is scheduled to be completed by Dec. of 2015 and a market hall feasibility study by Feb. of 2016. Discussions on the potential uses of the BCH site will also inform the type and mix of uses for the bookends depending on how much of the civic uses currently housed in the Civic Area may be relocated to BCH. It is anticipated that a study session will be scheduled in the first half of 2016 to discuss the long-term future use of the bookends, including the results of the flood analysis, market hall feasibility study, design guidelines or FBC, and potential civic uses in the Civic Area versus BCH.

Civic Use Pad

Related to the west bookend of the Civic Area, is the Civic Use Pad. Discussions are ongoing regarding the potential for a mixed-use building on the pad adjacent to the St. Julien Hotel, which could include a "civic use" space of approximately 8,000 square feet on the first floor along with hotel uses above. The civic use space is envisioned as a flexible space to be available at a discounted rate to community and non-profit groups for civic and cultural functions. In May 2015, the city and the St. Julien signed a letter of intent which outlines at a high level the key issues, process, and responsibilities for moving forward. City staff are working with St. Julien Partners to find solutions for the critical path design components. In 2016, efforts will focus on the development of a management agreement governing use of the civic use space as well as regulatory approvals for construction of the building. Council is expected to consider action on a management agreement before the end of 2016 and will be updated on the design of the space.

PRORITIES FOR PARK PLAN IMPLEMENTATION

The Park Development Plan combines all the elements supported by the community and City Council such as the 11th Street "spine," creek terraces, nature play, improved creek path, plaza spaces and an enhanced Farmers' Market. Upon approval, the plan (see **Attachment B)** will continue to be refined through a final design process with construction anticipated in summer 2016. While the design progresses, construction cost estimates are continuously updated to inform the amenities that will be implemented through the $8.7M. Due to increases in construction costs, staff will need to carefully prioritize what amenities will be constructed with the current funding based on the goals of the plan developed through community input and City Council direction. City Council will continue to be updated on the implementation priorities in conjunction with comprehensive updates on the 2A, Community, Culture and Safety tax initiative.

NEXT STEPS

Upon City Council acceptance, the Phase 1 Park Development Plan will move to final design and proceed to construction in 2016 through 2017. Additionally in 2016, a more detailed urban design plan for the east and west bookends will be discussed. See **Attachment H** for a more detailed timeline of the Civic Area process.

ATTACHMENTS

Attachment A – Boulder Civic Area Phase I Park Development Plan CEAP
Attachment B – Civic Area Park Development Plan
Attachment C – Nature Play and North Library
Attachment D – 11th St. Bridge and Park
Attachment E – Central Park
Attachment F – Farmers' Market Illustration
Attachment G – Proposed Circulation
Attachment H – Map View of Timeline

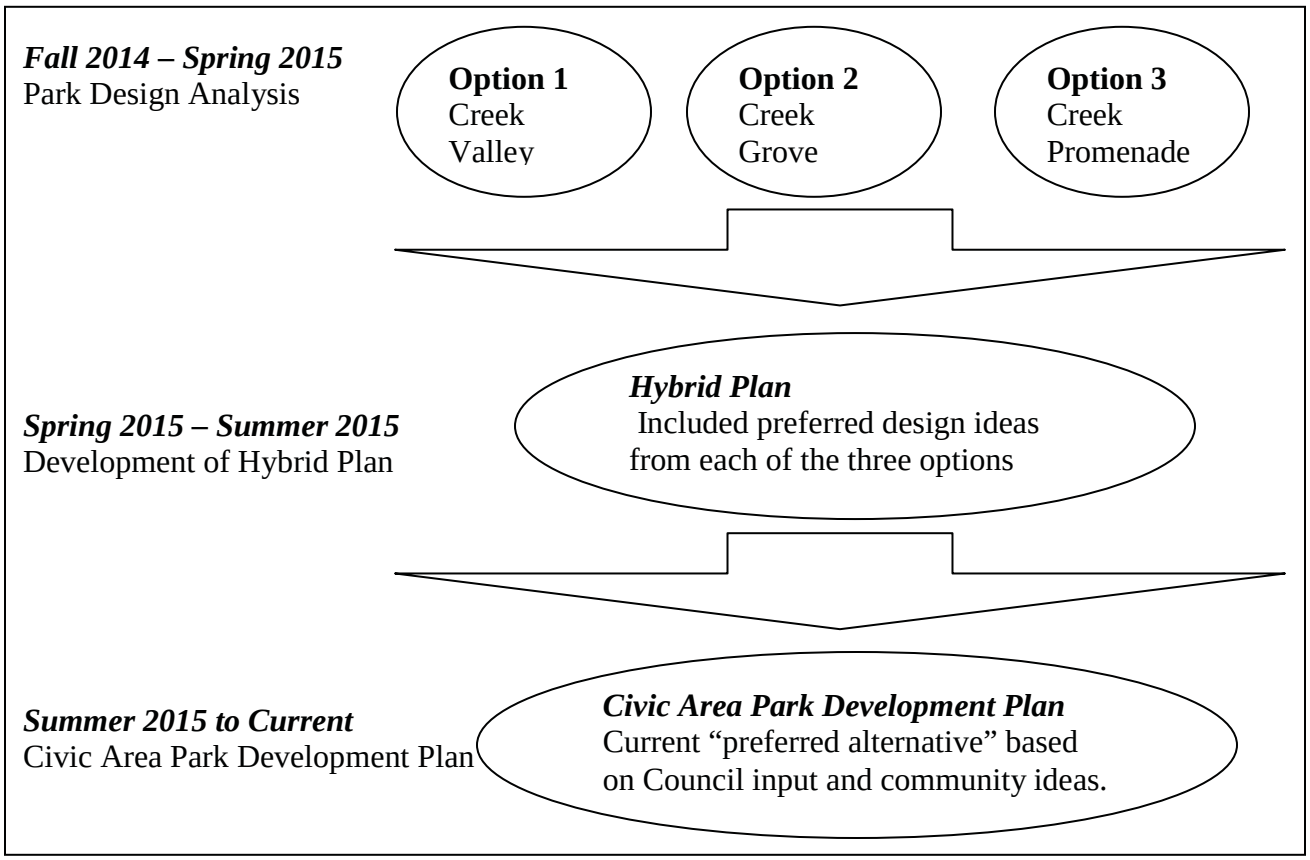
BOULDER CIVIC AREA PARK DEVELOPMENT PLAN

Community and Environmental Assessment Process Report

September 2015

EXECUTIVE SUMMARY

With the passage of the 2A Community, Culture and Safety tax initiative in November 2014, and the recent City Council acceptance of the updated Civic Area Master Plan, a Civic Area Park Development Plan is being developed to implement the $8.7 million in phase I improvements. These improvements will also coordinate with the more than $5 million from the tax devoted to Boulder Creek Path, lighting between 17th and Eben G. Fine Park11th Street lighting and Arapahoe underpass improvements. The Community and Environmental Assessment Process (CEAP) is a formal review process to consider the impacts of public development projects. The purpose of the CEAP is to assess potential impacts of conceptual project alternatives in order to inform the selection of desired elements and the refinement of a preferred alternative. This CEAP summarizes an evaluation of three alternatives for the park design configuration, with a focus on different spatial configuration of the open green space in conjunction with the multi-use creek path, including different options for the treatment of the Bandshell and Irrigation Ditch. Option 1, the "Creek Valley" included a large continuous green space with dynamic topography, separating the main through route, the creek path from the central green space/Boulder Creek. Option 2, the "Creek Grove" in contrast had a slightly smaller central green space with more plaza (hardscape) space and a minor separation of the creek path from the central green space/Boulder Creek. Option 3, the "Creek Promenade" included an orthogonal green space with the creek path between the green space and the Creek. Each option resulted in varied public feedback regarding the configuration of the green space. However, the majority of support favored the option 1 and 2 that separated the creek path from the main green space adjacent to Boulder Creek with a preference to "dynamic topography" and a continuous large green space in (option 1) and larger plaza space (option 2). The resulting "hybrid" plan incorporated the preferred aspects of both. The figure below illustrates the process completed to date to develop the Civic Area Park Development Plan.



Civic Area Park Development Plan (preferred alternative)

Recently the design team has further refined the "hybrid" plan to produce a formal Park Development Plan (preferred alternative) that staff is requesting review and consideration for approval as part of the CEAP. This plan incorporates all the preferred aspects of the hybrid plan but has a more narrow scope to reflect the Community, Culture and Safety tax initiative (Phase I) capital funding that is available. The plan combines all the elements supported by the community and City Council such as a promenade along Canyon, 11th Street "spine," creek terraces, nature play, improved creek path, plaza spaces and an enhanced Farmers' Market. The plan (Figure 1) will continue to be refined through the final design and permitting with construction anticipated in 2016.

FIGURE 1 – CIVIC AREA PARK DEVELOPMENT PLAN (Preferred Alternative)

While the design progresses, construction cost estimates are continuously updated to inform the amenities that will be implemented through the $8.7M. Primarily due to ongoing increases in construction costs, the project will need to carefully prioritize what amenities will be constructed with the current funding based on the goals of the plan developed through community input and City Council direction. Currently, the plan includes the following aspects of the plan will be prioritized for implementation with current funding:

1. The Creek at the Core $5.6M: Boulder Creek is a symbol of what defines Boulder—outdoor space and nature – and it is located at the heart of the Civic Area. Many cities need to re-create this type of urban park feature; in Boulder, it is not only present but serves as the cohesive thread across the entire site. The proposed amenities within the park development plan that improve the creek experience will include:
   - Creek Lawn or "Green Valley" (north of the creek)
   - Creek Walk Terrace (north embankment of the creek)
   - Nature Play Areas

2. Community Spaces $1.9M: The community vision is for the Civic Area to serve as a place for people to gather, for events, both planned and impromptu that activate the public space and create a vibrant destination. The proposed amenities within the site plan that achieve this will include:
   - Café Terraces
   - Performance Hill
   - Farmers' Market Enhancements
   - Interactive Public Art

3. Connections and Access $1.2M: There are limited physical connections between the Civic Area and other parts of the city. In addition, one of the tenets of the site redevelopment and activation is that downtown and the Civic Area should function as a unit to together attract greater numbers of citizens and visitors; this will not occur without better connectivity. The proposed amenities within the park development plan that achieve this will include:
   - 11th Street Spine and Bridge
   - Expanded Farmers' Market Loop

1.0 DESCRIPTION AND LOCATION OF THE PROJECT

The project is primarily located between Canyon Boulevard and Arapahoe Ave, and 9th and 13th Street. Portions of the project that are outside the park boundary are within existing easements or other City owned parcels. The entire project area is within the conveyance zone, the high hazard zone and the 100 year floodplain along Boulder Creek and the combined irrigation ditch channel. The existing area includes municipal and public park space that includes a multi-use creek path between 13th and Arapahoe Ave and 9th, and connecting stretch along the private irrigation ditch.

2.0 BACKGROUND, PURPOSE AND NEED FOR THE PROJECT

In June 2015, the City Council accepted the updated Boulder Civic Area Master Plan, which defines the overall concept for the site and establishes criteria and guidelines for the consideration of specific improvements. The site includes the area between Canyon Boulevard and Arapahoe Avenue and 9th and 14th Streets. The 2015 Civic Area Master Plan replaces the 1992 Civic Center

Master Plan and builds on the 2013 Vision Plan. The long-term vision is to transform the Civic Area into an even more unique place that reflects the community's shared values and its diversity, providing space and programs for people to gather, recreate, eat, learn, deliberate and innovate. The plan establishes the goals, guiding principles and core themes for Civic Area implementation.

Implementation of the Boulder Civic Area Master Plan is expected to take place over the next 10 to 20 years. However, due to the passage of the Community, Culture and Safety tax initiative in November 2014, the first phase of improvements in the Civic Area are moving forward. The goal is to create a more vibrant and active urban park and civic area, including recreational amenities, community spaces, safety improvements, and connections and access improvements to and through the Civic Area. A park plan is being developed to implement the $8.7 million Phase I improvements and coordinate with the more than $5 million from the tax devoted to Boulder Creek Path, 11th Street lighting, public art and Arapahoe underpass improvements. In order to advance these Phase I improvements and guide further work on longer-term investments, a Community and Environmental Assessment Process (CEAP) to adopt the Phase I park plan is necessary.

3.0 DESCRIPTION OF PROJECT ALTERNATIVES AND SUMMARY OF MAJOR ISSUES

The scope of the CEAP focuses on three alternatives configurations for the park space with different alignments to the Creek Path, Bandshell location, ditch treatments, and methods for integrating visual and physical access to Boulder Creek. A comparative evaluation of the options is included below. A public workshop and online survey was conducted to understand the committee feedback and preferences for elements of each alternative.

Overview of "Options"

- Option 1, the "Creek Valley" (Figure 3) included a large continuous green space with dynamic topography, separating the main through route, the creek path from the central green space/Boulder Creek.
- Option 2, the "Creek Grove" (Figure 4) in contrast had a slightly smaller central green space with more plaza (hardscape) space and a minor separation of the creek path from the central green space/Boulder Creek.
- Option 3, the "Creek Promenade" (Figure 5) included an orthogonal green space with the creek path between the green space and the Boulder Creek.

FIGURE 2 – OVERVIEW OF PLAN OPTIONS (ALTERNATES)

CONSISTENT ELEMENTS

- Improved Creek Lawn
- 11th Street Spine + Signature Pedestrian Bridge.
- Improved Creek Path Circulation and Conflict resolution.
- Gateway Promenade.
- Cafe Terrace & Cherry Tree Plazas.
- Creek Walk / Terrace with improved access to the creek.
- Expanded Farmer's Market into Central Park.
- Nature Play along south side of the Creek.

CREEK GROVE

Key Differences

- Bandshell remains
- Large Plaza Space
- Small/Focused Creek Lawn
- Minor Creek Path detour around central space
- North Farmer's Ditch remains

CREEK VALLEY

Key Differences

- Bandshell relocated offsite
- Smaller plaza space
- Large Green Valley space with dynamic topography
- Creek Path detour around green Space
- Picnic Plaza around North Farmer's Ditch

CREEK PROMENADE

Key Differences

- Bandshell relocated on-site
- Creek Path straight along the creek
- Large flat lawn at the core
- Medium sized plaza spaces
- Decked/culverted North Farmer's Ditch

	Comparison of Park Options		
	Option 1 Creek Valley	Option 2 Creek Grove	Option 3 Creek Promenade
Best visual and physical access to Boulder Creek		✓	
Greatest variety of experiences throughout the year			✓
Best Bike and pedestrian connections		✓	
Most active and well used park space	✓		
Respects the uniqueness of Boulder and the site's history		✓	
Most favorable approach for addressing the bandshell			✓
Ability to host larger events	✓		✓
Designed to encourage daily use of the park space	✓	✓	

FIGURE 3 – CREEK VALLEY PLAN

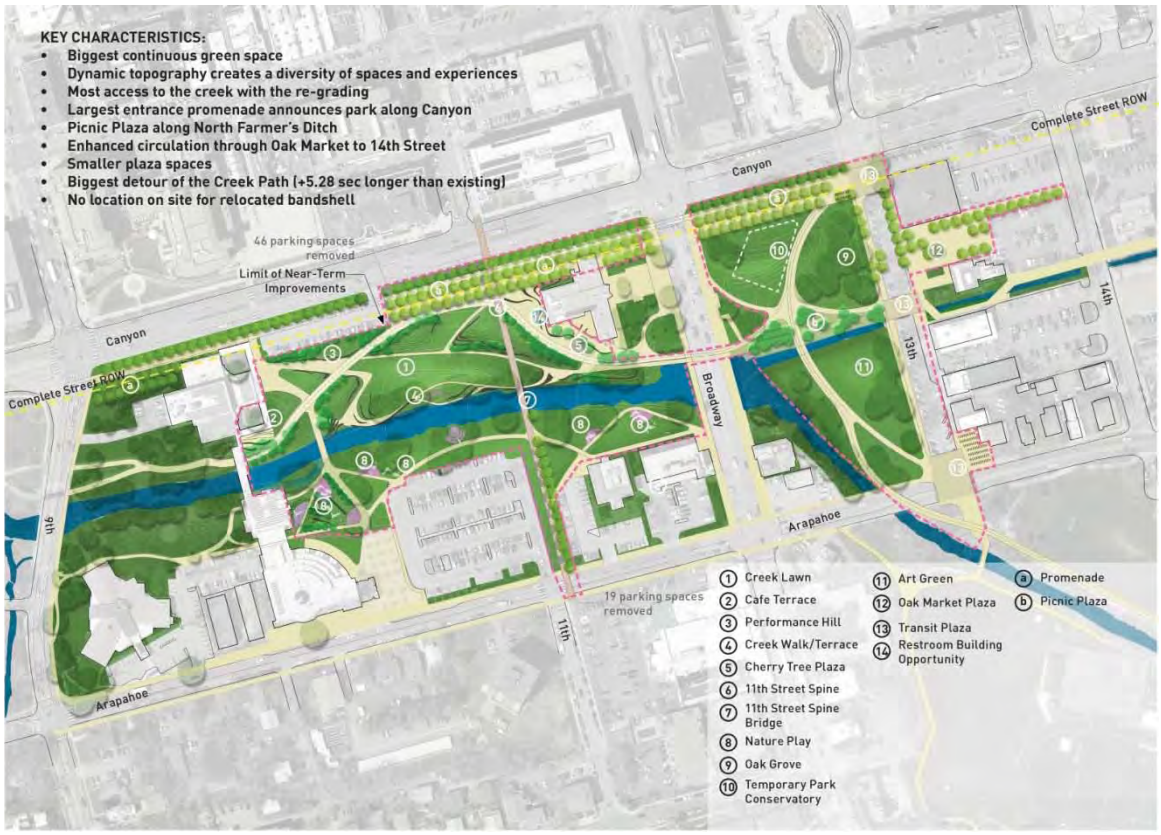


FIGURE 4 – CREEK GROVE PLAN

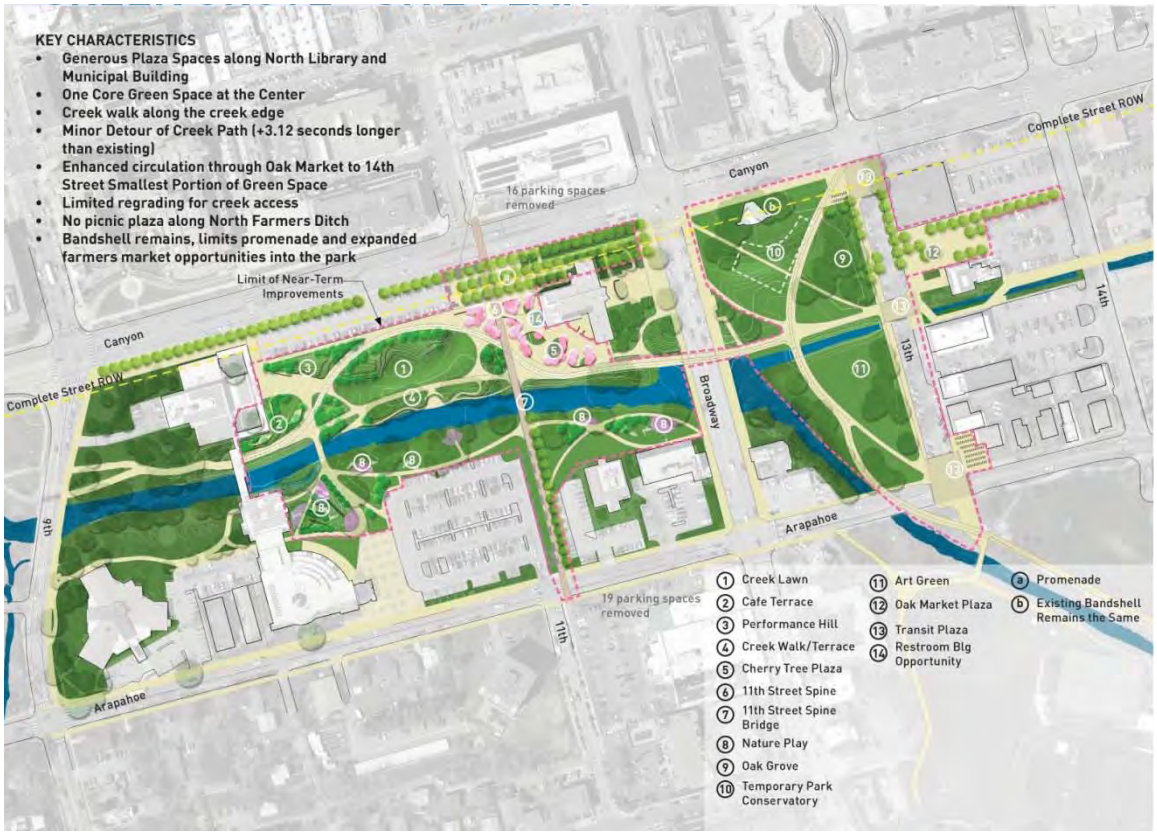
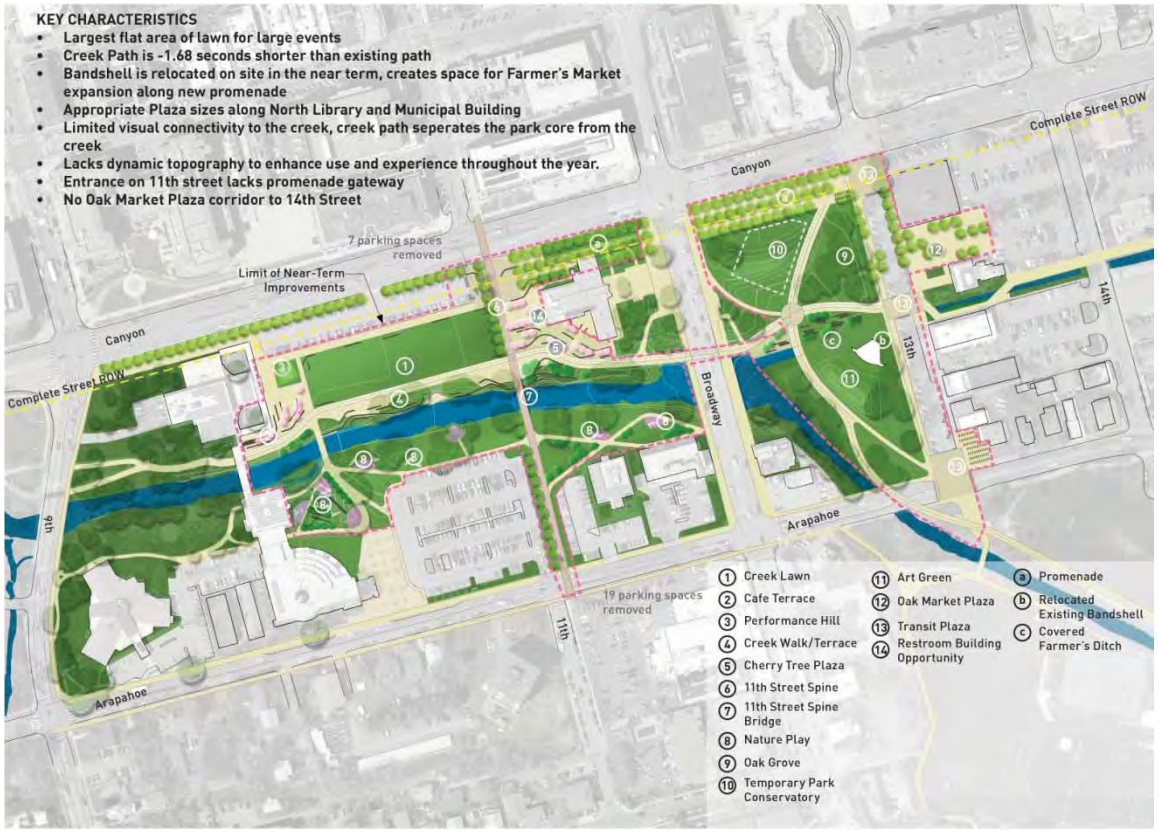


FIGURE 5 – CREEK PROMENADE PLAN



4.0 PERMITS, WETLANDS PROTECTION AND HABITAT ENHANCEMENT

Wetlands and Other Waters of the U.S. – Boulder Creek, a perennial stream, occurs within the study area and has been previously determined by the U.S. Army Corps of Engineers (Corps) to be a jurisdictional water of the U.S. Four combined irrigation ditches, North Boulder Farmers Ditch, Boulder and Left Hand Ditch, Boulder and White Rock Ditch, and the Smith & Goss Ditch is also present in the study area and may qualify for agricultural irrigation ditch exemptions from 404 permitting requirements. Limited wetlands occur in the study area. If any work is planned within Boulder Creek or the irrigation ditch, consultation on the Clean Water Act Section 404 Authorization would be required. Additionally, Boulder Creek falls under the City of Boulder wetland regulatory program and work in the creek would require a City of Boulder Wetland Permit. The Creek also falls into the Urban Drainage and Flood Control District (UDFCD) Maintenance Program, which will require additional reviews and approvals to maintain this agreement. The majority of the park also falls within the 100-year floodplain that will require a City of Boulder Floodplain Development Permit. The park will also achieve permits through the City's Technical Document review process. The irrigation ditch is not a city-regulated feature.

Threatened and Endangered Species – The study area does not contain suitable habitat for any federally listed threatened or endangered species. Migratory Birds and Other Wildlife – ERO found no migratory bird nests in the study area, although it is likely nests are present but obscured by vegetation. Vegetation should be removed between September and February (i.e., outside of

the breeding season). If the construction schedule does not allow vegetation removal outside of the breeding season, a nest survey should be conducted prior to vegetation removal to determine if any active nests are present in the study area. If any work that would destroy eggs or chicks in the nest should not be conducted until the birds have abandoned the nest. No notable wildlife regularly occurs in the study area or would be affected by the project.

Ecological Functions and Values – In general, the ecological functions and values of the natural resources in the study area have been adversely affected by surrounding development and intense use by people. Limited wetlands are present, primarily due to almost constant foot traffic along the creek banks. Much of the vegetation consists of introduced species such as Kentucky bluegrass and landscape plants. Wildlife species using the area are primarily those accustomed to human disturbance, although some foothills species may rarely move down the creek corridor. Opportunities to improve the functions and values are limited but are considered in the Park Development Plan. The design of dynamic topography and the re-grading to reinterpret the historic creek section will provide opportunities to create new riparian habitat or wetlands along the creek.

The project is entirely within the 100 year floodplain, conveyance zone and high hazard zone. Construction of the park itself would require a City of Boulder floodplain permit.

The project will likely require the following permits:

- City of Boulder Floodplain Development Permit
- City of Boulder Wetlands Permit
- United States Army Corps of Engineers 404 Wetlands Permit

5.0 PREFERRED PROJECT ALTERNATIVE

"Hybrid Plan"

A hybrid plan (see Figure 6) was based on aspects of the Creek Valley alternative (Option 1) with aspects of the Creek Grove (Option 2) and the bandshell location from Creek Promenade (Option 3) was selected as the preferred project alternative. The plan created the biggest continuous green space or "green valley". It used dynamic topography to create a diversity of spaces and experiences including softscape green space with hardscape plaza space (see Figure 7). This concept had the most access to the creek with new grading and a large entrance promenade along Canyon with increased plaza spaces west of the Municipal Building and east of the North Library. This option also included a Picnic Plaza along the irrigation ditch with a new bike path loop connecting through Central Park that can accommodate an expansion of the farmer's market (see Figure 8). Finally, it included the possible relocation of the Bandshell in the Civic Area.

Civic Area Park Development Plan (preferred alternative)

Recently the design team has further refined the hybrid plan to produce a formal Park Development Plan (preferred alternative) that staff is requesting review and consideration for approval. This plan incorporates all the preferred aspects of the hybrid plan but has a more narrow scope to reflect the Community, Culture and Safety tax initiative (Phase I) capital funding that is available. The plan combines all the elements supported by the community and City Council such as a promenade along Canyon, 11th Street "spine," creek terraces, nature play, improved creek

path, plaza spaces and an enhanced Farmers' Market. The plan (Figure 1) will continue to be refined through the final design and permitting with construction anticipated in 2016. While the design progresses, construction cost estimates are continuously updated to inform the amenities that will be implemented through the $8.7M available funding.

One of the key elements that have been excluded from the Park Development Plan is the relocation of the Bandshell. Staff has recognized the larger relationship of the Bandshell with the overall urban design of the Civic Area including the structures in the 1300 Block east of Central Park and the areas west of the Library considered "the bookends." Additionally, the Bandshell has a direct connection to Canyon Boulevard which is currently in the planning phase to develop a "complete street" that will accommodate all modes of transportation and enhance the traveling experience along the roadway. Therefore, the Bandshell will continue to be explored as part of the longer-term planning initiatives mentioned above and the current Park Development Plan (as reflected in the CEAP report and in Figure 1 below) does not recommend any modification or relocation to the Bandshell structure in the near-term development.

However, the Park Development Plan, or preferred alternative, does illustrate the removal of the bench seating area adjacent to the Bandshell to allow a more functional and multi-use park experience. The seats were not built as part of the original construction of the Bandshell and were added several years later. This idea has been suggested by the community, supported by staff and viewed as an opportunity to better integrate the Bandshell into the park in a way that allows shared use with other programs and activities such as the Farmers' Market, cultural activities and events. Similarly, many cities across the country with historic bandshell structures have taken this approach and found that this greatly improves the use and aesthetics of the area. This proposal requires a Landmark Alteration Certificate and staff are currently in the process of meeting with representatives to determine the feasibility of this approach. At the Planning Board hearing on September 17, staff will be able to provide an update on the status and next steps in the process. If the decision has to go before the Landmarks Board for consideration, the meeting will be held on November 4. Staff will continue to update the Planning Board as the process proceeds.

Another key element in the Park Development Plan is the irrigation ditch, which is a privately owned amenity within the Civic Area that provides critical irrigation water to many shareholders downstream. Several ditch companies share ownership in the ditch and need to ensure that maintenance access, safety and liability are considered in any modifications to the ditch. As part of the near-term park development, no modifications will be made within the ditch easement. However, the Park Development Plan balances better integration of the ditch into the park outside of the ditch easement while celebrating the historic context of this unique amenity through interpretive opportunities.

FIGURE 6 –"HYBRID" PLAN

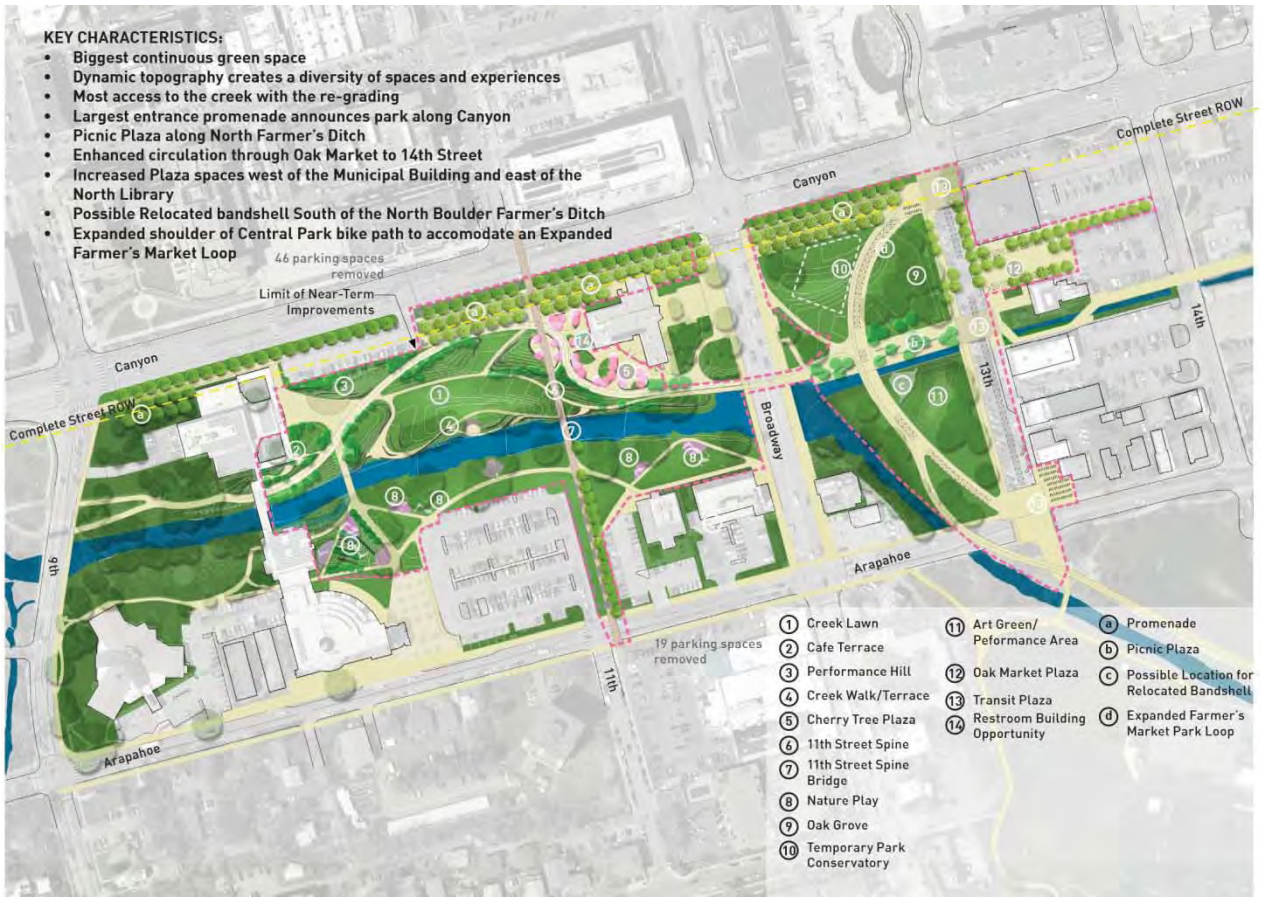


FIGURE 7 – DIAGRAM SECTIONS

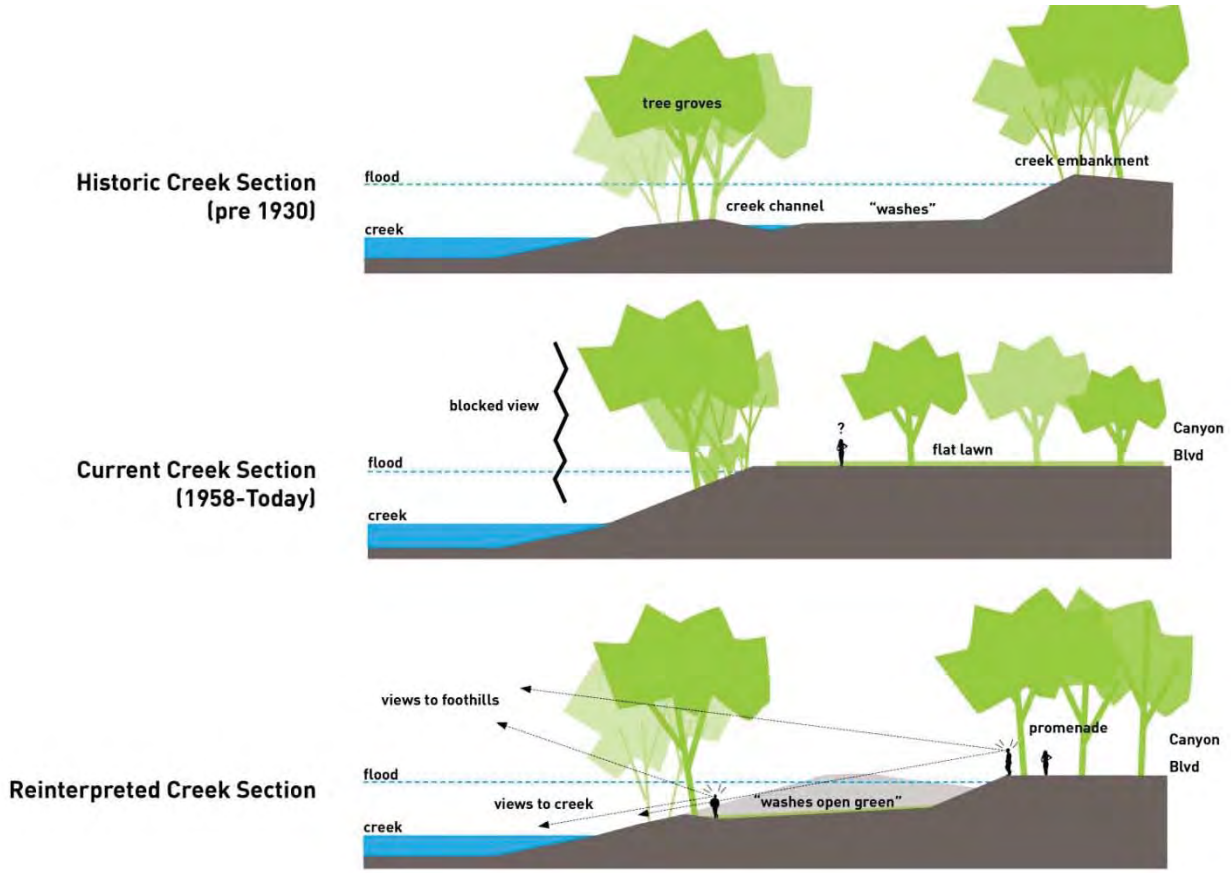


FIGURE 8 – FARMERS' MARKET LOOP

6.0 PUBLIC INPUT TO DATE

The vision plan was developed through an 18-month collaboration with the Boulder community, boards and commissions and City Council. The vision plan, approved by City Council on Sept. 3, 2013, established the goals, guiding principles and core themes for the Civic Area. The updated, adopted Civic Area Master Plan builds on the public engagements held by the city and its consultant team (Tom Leader Studio, along with real estate and economic development consultant HR&A). In the fall of 2014, community feedback was collected about program preferences and park design themes. In March 2015, the city hosted a stakeholder workshop and a public open house as well as a joint board and commission workshop. The purpose was to collect feedback on draft Park development Plan options and long-term improvement strategies related to the master plan update. On March 31, 2015, this information was presented to City Council during a Study Session. After receiving City Council feedback on strategies for the long-term improvements, the Civic Area Master Plan was revised accordingly and adopted by City Council.

The following provides a synopsis of the public input for Civic Area Park Site Plan:

- September 2014 Public Open House: Feedback was collect on preferred elements/images topically related to Parks + Nature, Access + Connectivity, and Events + Programming. Responses included positive remarks about incorporating open lawn, visual connectivity, art, performances, nature play and event. The consensus feedback from the public was to incorporate park programs and features that are unique to Boulder and can’t be found elsewhere in the city. In addition most expressed a desire for a variety of ways to experience the park. Surveys below were intended to understand the community’s highest priorities for design elements and not to exclude items or ideas.

SEPTEMBER 22 & 23 MEETING
ACCESS + CONNECTIVITY

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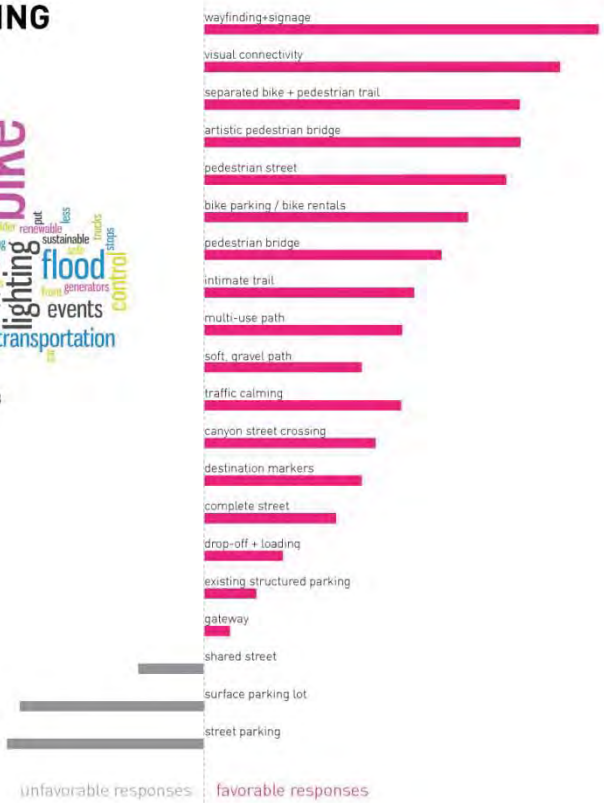
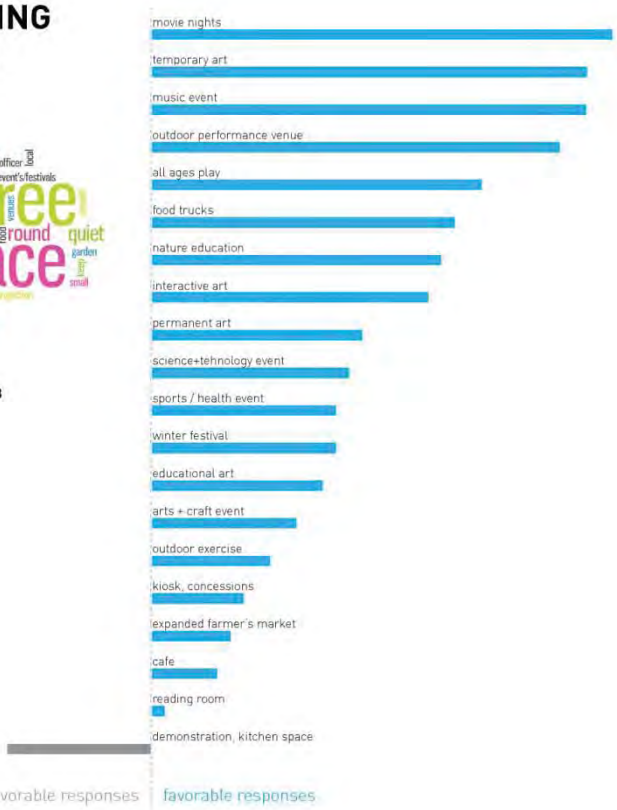


SEPTEMBER 22 & 23 MEETING
EVENTS & PROGRAMMING

WORD CLOUD GENERATED FROM GAME BOARD COMMENTS, WEB COMMENTS, AND FLIP CHART NOTES FORM THE 23RD



- October 2014 Public Presentation: Feedback and comments were solicited on illustrative views depicting a nature play playground adjacent to Boulder Creek, a large event lawn, an entrance promenade from Canyon and picnic activities along the irrigation ditch. Positive remarks were given to all illustrations but especially positive remarks for the nature play illustration and elements that integrated the nature of Boulder Creek.
- March 2015: Feedback was collected on the three Design Alternatives, Creek Grove, Creek Valley and Creek Promenade (see note 3.0 above). Feedback on different aspects of each alternative was used to create the Hybrid Creek Valley Park development Plan (note 5.0 above)
- July 15th 2015 Public Open House and online engagement (ongoing): One of the outcomes of the City Council Study Session on March 31 is the Design Inspiration Initiative which invites the public to participate by responding to questions and submit ideas to help inform design. The ideas generated were collected and shared with the community as part of an open house on July 15, 2015. The outcomes were then shared with City Council at a briefing on July 28, 2015. The initiative is focused on options related to:
    - Nature Play – Nature play is interaction with the natural environment that allows for hands-on contact, exploration, contemplation, planning and education. A nature play area is included as a key element in the design of the Civic Area and the community is invited to help inform the final design of this area. A public workshop on nature play will be held June 10th to engage citizens in design of nature play areas under the guidance of two international nature play experts – Louise Chawla and Robin Moore. This information has been shared with the design team for final implementation in the park development plan.
    - 11th Street Spine and Bridge – A goal of the Civic Area design is to provide connectivity from Pearl Street and University Hill to the Civic Area. This will be accomplished with a new pathway aligning with 11th Street through the Civic Area and crossing Boulder Creek with an iconic bridge that becomes a destination. The public was encouraged to provide input on the design.
    - Bandshell - The Bandshell is an historic landmark, which provides a specific framework to preserve its historical character. However, many factors including its location and design limit its current effectiveness as a performance venue as well as programmatic functionality. As part of the Civic Area improvements, council and the community are interested in finding a new location and opportunities to increase its use. The community is encouraged to share ideas and responses to questions related to the location of the Bandshell.
- Feedback, concepts, and illustration from the design inspiration input on the 11th Street Bridge, Nature Play and the Bandshell are used to continue refinement of the associated design elements in the Park development Plan that will be presented in conjunction with the CEAP application.

7.0 STAFF PROJECT MANAGER

The public process, CEAP and alternatives analysis is being coordinated by Jeff Haley the Parks Planning Manager for the City's Parks and Recreation Department. After city staff review by the CEAP review group and staff that have an interest in the Civic Area, the CEAP will be routed to the Planning Board, Landmarks Board, and PRAB for review and recommendation for approval.

8.0 OTHER CONSULTANTS OR RELEVANT CONTACTS

Tom Leader Studio (Landscape Architects), JVA (Civil Engineers), ACE (Hydrology), re:Arch (Architecture), and ERO (Environmental) consultants were utilized for the CEAP process and conceptual design. The Park Department staff will continue to work with the Greenways and Open Space, Transportation Division and Planning staff during the design and construction of this project.

GOALS ASSESSMENT

1) Using the Boulder Valley Comprehensive Plan and department master plans, describe the primary city goals and benefits that the project will help to achieve:

   a) Community Sustainability Goals – How does the project improve the quality of economic, environmental and social health with future generations in mind?

   Economic – Throughout the past several years many studies and examples have demonstrated that investment into parks and public spaces within urban areas lead to economic health through increases in residential and commercial development adjacent to public urban parks. The Civic Area park development will help to achieve these multiple objectives and city goals by combining community, transportation, recreation, and aesthetic improvements to the Civic Area, the municipal campus and Central Park. The area will be complementary to Pearl Street (the commercial heart) and support downtown businesses and growth of economic development in the "bookends" of the Civic Area.

   Environmental – Boulder's Civic Area has well-used bicycle and pedestrian amenities and convenient transit connections, serving as both an important destination and connector to encourage multi-modal transportation and reduce greenhouse emissions. The Civic Area is located within the 100-year floodplain, and much of the land lies within the High Hazard Zone (HHZ). The park development will enable the city to meet or exceed existing flood standards, including avoiding placing new structures and parking in the HHZ and will be proactive about planning for and educating about floods that support sustainable and resilient development. The park is also a central location to enjoy outdoor recreation in the middle of the city. The linear "green" along Boulder Creek will be a unifying focus, providing natural beauty, ecological function and flood safety as well as recreational, art, and cultural opportunities. Park improvements will enhance connection and access to the creek, including enhanced Creek Path connection through Central Park and enhanced lighting for safety and security. The park development will improve the wetland buffer on the north embankment from a degraded condition to a restored and re-vegetated slope that will enhance both habitat and area aesthetics.

   Social – Boulder's Civic Area has symbolic, geographic, and functional importance and should serve as an inclusive place for people to interact with each other and with government. The area has a historical focus and many long-standing functions and facilities highly valued by the community, such as the library, Sister City Plaza, Farmers' Market, and Teahouse. Existing community assets will continue to play a vital role in the area as well as potential to expand civic services or cultural, arts, science, educational or entertainment amenities that are otherwise lacking in the community. The site has been designed specifically with families in

mind and to create a multi-generational and multi-cultural public space that serves all members of the community through specific amenities and programs.

b) BVCP Goals related to:

- Community Design
  The Civic Area is an example of a positive community designed space. The goals of the park design is to improve community and social interaction, increase inclusiveness, and minimize impact to like-uses, venues and nearby neighborhoods; This project contributes to City pedestrian and bicycle connections, provides programmed public park space and activities for community members of all ages.

- Facilities and Services
  The proposed project includes transportation, park and environmental facilities. The Park Development Plan ensures that any new facilities (e.g., emergency services, critical government operations, and existing facilities that house vulnerable populations such as day cares and nursing homes, library) will be in compliance with the adopted Critical Facilities ordinance. Facilities associated with the Creek Path and Park further the BVCP Utility and Parks and Trails policy goals, and Life and Safety goals to ensure the plan meets or exceeds all current flood-related codes and regulations, which prohibit new development and substantial improvement to existing facilities in the HHZ.

- Environment
  Boulder's Civic Area Park is a central place to enjoy the outdoors in the middle of the city. The "green valley" along Boulder Creek will be a unifying focus, providing natural beauty, restored riparian function and flood safety as well as recreational, art, and cultural opportunities. The park will conserve energy, consider the use of renewable energy, minimize waste and carbon emissions, conserve water and improve water and air quality. The project will enhance the environment of the Boulder Creek corridor through the Civic Area by providing water quality and habitat enhancement improvements. These improvements include replacing non-native and invasive species with native and non-invasive species. In addition, the pedestrian and bike connections will facilitate alternative modes of transportation and shift single occupant trips to biking and walking thereby reducing vehicle miles traveled and associated greenhouse gases. This project will further the BVCP policy goals presented in the Preservation and Enhance Biodiversity and Native Ecosystems, Protect and Enhance the Quality of the Urban Environment, Protect Geologic Resources and Manage Natural Hazards, and Protect and Improve Water and Air Quality sections.

- Economy
  The Park Development Plan rely on and encourage partnerships in which key roles, such as administrative, maintenance operations, financial and program services, are collaboratively but formally shared between the city and other entities. It demonstrates consideration of sound financial analysis, including likely capital and ongoing operations and maintenance costs for public and private uses. The park space will help facilitate increased use for local community members, families, High School student, University

students, and increased activity between the downtown Boulder business district and the Civic Area. Creek path improvements will also assist the use of alternative transportation for commuters and therefore help to reduce dependency on foreign oil.

- Transportation
  Boulder's Civic Area has well-used bicycle and pedestrian amenities and convenient transit connections, serving as both an important destination and connector. Travel and access to the area will continue to be improved. This project will enhance the trails and path connections between 13th Street and the Library and Arapahoe Ave and Canyon Blvd. The connections are anticipated to alleviate some of the congestion and negative interactions between bicycles and pedestrians particularly at blind intersections and throughout Central Park. Wayfinding will improve connections to and from Downtown for those on foot or bike or using transit. The majority of parking is maintained to address the carrying capacity of all modal access and potential for shared parking with the mitigated loss of around 45 parking spaces. Elements of the design reduce the barrier-effect of major thoroughfares (e.g. Canyon Boulevard, Arapahoe Ave., and Broadway) and improve their aesthetic quality. The design also includes additional vehicular/maintenance access on the south side of the irrigation ditch and along 13th street.

- Housing
  The creek path and park improvements will continue to link to several residential neighborhoods and destinations, including Downtown, Gross-Grove, CU Boulder High School. It will facilitate alternative transportation and connections to these areas. It is designed to be welcoming, accessible, comfortable, clean and safe; fostering programming and design of spaces to encourage use and participation by all age groups, income levels, and visitors and locals.

- Social Concerns and Human Services
  The Civic Area and park setting will serve as a site for city management and government, including function and interactive places for the community to interface and conduct city business and be creative. It will represent the cultural richness, history, and diversity of the Boulder Community and unsure that facilities surrounding vulnerable populations such as day cares and the Senior Center will be better connection and in compliance with the adopted Critical Facilities ordinance.

c) Describe any regional goals (potential benefits or impacts to regional systems or plans?)
This project will be an important renewed community-based Park and the core of the city, with significant connections to the city's multi-use trail system that is connected to regional trail systems.

2) Is this project referenced in a master plan, sub-community or area plan? If so, what is the context in terms of goals, objectives, larger system plans, etc.? If not, why not?
The Park Development Plan is part of the adopted Civic Area Master Plan, Greenways Master Plan, BVCP trail map, and in the Transportation Master Plan. Completion of this project will fulfill these important plan components criteria outlined in the Civic Area Master Plan related to the "Park at the Core":

- **Plazas and Gathering Spaces** – The Park Development Plan provides a mix of spaces that vary in size to create a more human scale environment that are welcoming, safe and attractive for a variety of uses and programs. New green spaces and plaza areas will allow a variety of events, activities and programs to ensure the park is functional throughout the day and evening for a variety of park uses.

- **Park Access** - The current Park Development Plan balances the creation of a vibrant public park with the reality of access needs for the site. Many new connections and path enhancements are planned for the site as well as better connectivity to transit. To provide better connectivity and access into the park from adjacent paths, the plan indicates the removal of approximately 45 parking spaces. To mitigate this parking loss, a multidepartment staff team including Public Works/Transportation, Parking Services, Community Planning & Sustainability, Parks and Recreation, Communications, and Library, has been working to develop strategies and options to address potential impacts and opportunities for multimodal access to/from the Civic Area. The overall approach is to holistically manage and price all parking lots within the Civic Area campus, including parking lots at Park Central, New Britain, Library, and Municipal buildings to create larger overall supply of parking for all users. The city will also enhance existing Transportation Demand Management (TDM) programs and improve related facilities within the Civic Area. In addition to seeking feedback from city employees, additional outreach to broader downtown user groups (library patrons, city/downtown customers, and civic area visitors) will be conducted later in 2015 and in 2016 as part of the overall Civic Area project community engagement process. It should be noted that in addition to serving the goals of the Civic Area, the parking and TDM strategies being explored support the city's Transportation Master Plan objectives and overall sustainability goals.

- **Art and Entertainment** - Many aspects of the Civic Area Park Development Plan emphasize and celebrate the arts within the transformation of the site as noted in specific locations within the plan. A supplemental arts master plan is under development to inform the specific process and locations for implementing public art within the Civic Area. This framework is in concert with the current Community Cultural Plan, Public Art Policy and the Civic Area Master Plan. The intent is to provide a robust public process for commissioning and selecting public art that meets specific criteria. Many options exist to provide interactive art, temporary art as well as permanent displays in strategic locations to further create a sense of place in the park.

- **Food** – One of the many current tenants of the site is the Farmers' Market and a focus on local food advocacy and opportunities to relate to the Pearl Street Mall. The park design provides better connectivity and functionality for the market as well as access to restaurants and establishments located on the Pearl Street Mall and University Hill. Several areas have been planned within the Civic Area to allow edible landscapes and event spaces for food demonstrations and activities.

- **Services Extending the Range of Uses** – all areas within the park will have adequate access to utilities and infrastructure to support a variety of uses and programs within the

park for greatest flexibility to serve the community. The spaces will allow a range of opportunities from large, multi-day events to intimate lunch-time performances and food carts.

- **Views and Viewpoints** – Building on the legacy of Frederick Law Olmstead Jr., the new design of the park allows better views to the foothills as well as the stream to focus on the natural spaces within the park. Similarly, the creation of the 11th Street Spine will allow better visibility into the park from Canyon as well as Arapahoe and provide better access into the park. Vegetation and other barriers will selectively be removed to open view corridors for safety, security and access.

- **Public Amenities** – the park design will include all the key amenities to help support public use anticipated with a vibrant urban park. Site furnishings, play equipment, artwork, signage and restrooms will be provided to accommodate use by all visitors to the park.

- **Build Green** – the foundation of the park design and consistent theme throughout the development of the park includes low-impact design and sustainable infrastructure. For example, innovations have been used to manage stormwater runoff, reduce water consumption through efficient irrigation design, mitigate urban heat island effects through intentional plantings, enhance habitat and conservation of ecological areas and use sustainable materials in the construction of the park improvements.

- **Safety and Security –** the design of the park includes strategies identified in "Crime Prevention through Environmental Design" or (CPTED). These include enhanced visibility with "eyes on the park" at all times from neighbors to park visitors and adjacent businesses. Lighting will also be enhanced and increased to provide visibility and safety in the evenings and at night for park users and attendees at meetings. The design of the landscape areas and amenities allows for defensible space and eliminates hiding areas or opportunities for criminal activities. Throughout the final design, more opportunities will be explored to further enhance safety and security through innovative design and successful programming of the space.

3) Will this project be in conflict with the goals or policies in any departmental master plan and what are the tradeoffs among city policies and goals in the proposed project alternative? (e.g. higher financial investment to gain better long-term services or fewer environmental impacts)
Project alternatives will have some impacts to wetlands. Every attempt will be made during the design phase to preserve mature, healthy trees, restore as much of the wetland and wetland buffer area as is feasible, along with complying with the recently adopted wetlands ordinance.

4) List other city projects in the project area that are listed in a departmental master plan or the CIP.
Canyon Complete Street runs along Canyon Boulevard between 9th and 14th. Arapahoe Creek Path underpass at Arapahoe and 13th Street.

5) What are the major city, state and federal standards that will apply to the proposed project? How will the project exceed city, state or federal standards and regulations (e.g. environmental, health, safety or transportation standards)?
The project's park paths will be designed to meet or exceed ADA requirements, meet or exceed city and national standards for the development of bikeway facilities, meet or exceed the city's wetland ordinance requirements, include water quality and habitat enhancements, meet or exceed Urban Drainage and Flood Control District standards and comply with all required city, state and federal permits.

6) Are there cumulative impacts to any resources from this and other projects that need to be recognized and mitigated?
The project will result in temporary impacts to wetlands and habitat during construction that will be fully mitigated based on compliance with the city's wetland ordinance.

IMPACT ASSESSMENT

The following checklists table identifies potential short and long-term impacts from the project alternatives.

+ indicates a positive effect or improved condition
- indicates a negative effect or impact
O indicates no effect

Checklist questions are answered following each table for all categories identified as having a potential + or - impact. The preferred alternative components are highlighted in yellow.

Project Title: Boulder Civic Area Park development Plan	Option 1 Creek Valley	Option 2 Creek Grove	Option 3 Creek Promenade	Hybrid Plan	Park Development Plan
A. Natural Areas or Features					
1. Disturbance to species, communities, habitat or ecosystems due to:					
a. Construction activities	O	O	O	O	O
b. Native vegetation removal	O	O	O	O	O
c. Human or domestic animal encroachment	O	O	O	O	O
d. Chemicals (including petroleum products, fertilizers, pesticides, herbicides)	O	O	O	O	O
e. Behavioral displacement of wildlife species (due to noise from use activities)	O	O	O	O	O
f. Habitat removal	O	O	O	O	O
g. Introduction of non-native plant species in the site landscaping	O	O	O	O	O
h. Changes to groundwater or surface runoff	O	O	O	O	O
i. Wind erosion	O	O	O	O	O

2. Loss of mature trees or significant plants?	O	O	O	O	O
B. Riparian Areas / Floodplain					
1. Encroachment upon the 100-year, conveyance or high hazard flood zones?	O	O	O	O	O
2. Disturbance to or fragmentation of a riparian corridor?	+	O	O	+	+
C. Wetlands					
1. Disturbance to or loss of a wetland on site?	+	O	O	+	+
D. Geology and Soils					
1. a. Impacts to unique geological or physical features?	O	O	O	O	O
b. Geological development constraints?	O	O	O	O	O
c. Substantial changes in topography?	+	O	O	+	+
d. Changes in soil or fill materials on the site?	+	O	O	+	+
e. Phasing of earth work?	+	O	O	+	+
E. Water Quality					
1. Impacts to water quality from any of the following?					
a. Clearing, excavation, grading or other construction activities	-	-	-	-	-
b. Change in hardscape	+	O	O	+	+
c. Change in site ground features	+	+	+	+	+
d. change in storm drainage	+	+	+	+	+
e. change in vegetation	+	+	+	+	+
f. change in pedestrian and vehicle traffic	+	+	O	+	+
g. pollutants	O	O	O	O	O
2. Exposure of groundwater contamination from excavation or pumping?	O	O	O	O	O
F. Air Quality					
a. From mobile sources?	O	O	O	O	O
b. From stationary sources?	O	O	O	O	O
G. Resource Conservation					
1. Changes in water use?	+	+	O	+	+
2. Increases or decreases in energy use?	O	O	O	O	O
3. Generation of excess waste?	O	O	O	O	O
H. Cultural / Historic Resources					
1. a. Impacts to a prehistoric or archaeological site?	O	O	O	O	O
b. Impacts to a building or structure over fifty years of age?	-	O	-	-	+
c. impacts to a historic feature of the site?	-	O	-	-	+
d. Impacts to significant agricultural land?	O	O	O	O	O
I. Visual Quality					
1. a. Effects on scenic vistas or public views?	+	+	O	+	+
b. Effects on the aesthetics of a site open to public view?	+	+	+	+	+
c. Effects on views to unique geological or physical features?	+	+	O	+	+
D. Changes in lighting?	+	+	+	+	+
J. Safety					
1. Health hazards, odors or radon?	O		O	O	O
2. Disposal of hazardous materials?	O		O	O	O

3. Site hazards?	O		O	O	O
K. Physiological Well-being					
1. Exposure to excessive noise?	O		O	-	O
2. Excessive light or glare?	O	O	O	O	O
3. Increase in vibrations?	O	O	O	O	O
L. Services					
1. Additional need for:					
a. Water or sanitary sewer services?	O	O	O	O	O
b. Storm sewer / flood control features?	+	+	O	O	O
c. Maintenance of pipes, culverts and manholes?	O	O	O	O	O
d. Police services?	O	O	O	O	O
e. Fire protection services?	O	O	O	O	O
f. Recreation or parks facilities?	+	+	+	+	+
g. Library services?	+	+	+	+	+
h. Transportation improvements / traffic mitigation?	+	+	+	+	+
i. Parking	+	+	+	+	+
j. Affordable housing?	O	O	O	O	O
k. Open space / urban open land?	+	+	+	+	+
l. Power or energy use?	+	+	+	+	+
m. Telecommunications?	O	O	O	O	O
n. Health care / social services?	O	O	O	O	O
o. Trash removal or recycling services?	O	O	O	O	O
M. Special Populations					
1. Effects on:					
a. Persons with disabilities?	+	+	+	+	+
b. Senior population?	+	+	+	+	+
c. Children or youth?	+	+	+	+	+
d. Restricted income persons	+	+	+	+	+
e. People of diverse backgrounds (including Latino and other immigrants)?	+	+	+	+	+
f. Neighborhoods	+	+	+	+	+
g. Sensitive populations located near the project (e.g. schools, hospitals and nursing homes)?	+	+	+	+	+
N. Economy					
1. Utilization of existing infrastructure?	+	+	+	+	+
2. Effect on operating expenses?	-	-	-	-	-
3. Effect on economic activity?	+	+	+	+	+
4. Impacts to businesses, employment, retail sales or city revenue?	+	+	O	O	O

CHECK LIST QUESTIONS

Note: The following questions are a supplement to the CEAP checklist. Only checklist items having a – or + anticipated impact have questions answered in full.

A. Natural Areas

1. Describe the potential for disturbance to or loss of significant: species, plant communities, wildlife habitats, or ecosystems via any of the activities listed below (significant species include any species listed or proposed to be listed as rare, threatened or endangered on federal, state or county lists) – See Below
a. Construction activities
b. Native vegetation removal
c. Human or domestic animal encroachment
d. Chemicals to be stored or used on the site (including petroleum products, fertilizers, pesticides, herbicides)
e. Behavioral displacement of wildlife species (due to noise from use activities)
f. Introduction of non-native plant species in the site landscaping
g. Changes to groundwater (including installation of sump pumps) or surface runoff (storm drainage, natural stream) on the site
h. Potential for discharge of sediment to any body of water either in the short term (construction-related) or long term
i. Potential for wind erosion and transport of dust and sediment from the site

2. Describe the potential for disturbance to or loss of mature trees or significant plants. – See Below

If the potential impacts have been identified, please provide any of the following information that is relevant to the project:

- A description of how the proposed project would avoid, minimize or mitigate identified impacts
- A habitat assessment of the site, including: 1) a list of plant and animal species and plant communities of special concern found on the site; 2) a wildlife habitat evaluation of the site
- Map of the site showing the location of any Boulder Valley Natural Ecosystem, Boulder County Environmental Conservation Area, or critical wildlife habitat – See Below

The banks of Boulder Creek are heavily disturbed throughout the study area, and generally consist of compacted bare ground with exposed roots and rocks (Photos 1 and 2). Some understory vegetation is present, typically consisting of Kentucky bluegrass (Poa pratensis). The tree overstory of the riparian area along Boulder Creek consists of green ash (Fraxinus pennsylvanica), plains cottonwood (Populus deltoides ssp. Monilifera), and peachleaf willow (Salix amygdaloides) (Figure 2). Vegetation in the landscaped uplands consists of Kentucky blue grass and additional ash, cottonwood, and oak (Quercus sp.) trees.
In addition to the commercial and municipal uses, the study area is used for recreational activity. ERO assessed the study area for potential isolated wetlands, jurisdictional wetlands, and other waters of the U.S. and City-regulated areas. Boulder Creek occurs within the study area and is depicted as a perennial stream on the U.S. Geological Survey Boulder, Colorado topographic quadrangle map of the study area. Boulder Creek is an eventual tributary to the South Platte River and has previously been found to be jurisdictional by the Corps. Within the study area, Boulder Creek ranges from 10 to 30 feet wide and runs from west to east (Photo 6). ERO found very little wetland vegetation along Boulder Creek during the 2014 site visit. A small wetland mitigation area is present northwest of the Broadway Street bridge and there are small, scattered patches of wetland vegetation elsewhere. The Corps may also likely consider the irrigation ditch as

jurisdictional because it is part of an irrigation ditch system that eventually conveys water back to Boulder Creek. However, these ditches are almost exclusively used for the agricultural irrigation production of food or fiber and therefore may be exempt from 404 permitting requirements based on an agricultural exemption.

Work proposed in Boulder Creek such as bank stabilization, formalized access points or "splash pool", or in-stream structures, would require authorization under Section 404 of the CWA. Work in Boulder Creek would also require a City of Boulder Wetland Permit.

Some of the proposed activities may be authorized under one or more Nationwide Permits, including NWP 13 –Bank Stabilization; NWP 27 Aquatic Habitat Restoration, Enhancement, or Establishment Activities; and NWP 42 – Recreational Facilities. If the proposed work does not meet NWP criteria, the Corps would require an Individual Permit, which is a more time-consuming process than obtaining NWP authorization (6 to 8 months versus 1 or 2 months). The City of Boulder Wetland Permit could be obtained in parallel with the Section 404 process. Mitigation would be required for both federal and City authorization.

Threatened and Endangered Species

The Boulder County Comprehensive Plan identifies the area of Boulder Creek through the Civic Area as an "Environmental Conservation Area: Riparian Habitat Connector. In addition the Boulder Valley Comprehensive Plan shows the site as a "group two" Natural Ecosystem. It is with this understanding that ERO visited the site area in 2014 to assess the site for suitable habitat for federally listed threatened and endangered species protected under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.). The study area does not fall within U.S. Fish and Wildlife Service (Service) habitat or survey guidelines for the majority of the species listed by the Service as potentially being present in Boulder County.

Because of the lack of critical habitat, the proposed project would not likely directly affect any of the species listed as potentially being present in Boulder County, including Preble's, ULTO, and CBP. Depending upon the ultimate design of the proposed project, consultation on potential depletions to the South Platte River may be necessary if a federal nexus, such as Section 404 permit authorization, is associated with the project. No migratory bird nests, including potential raptor nests, were observed in the study area during the 2014 site visit. Although nests were not observed during the 2014 site visit, the trees and shrubs in the study area provide abundant suitable nesting substrate and nests are likely present, particularly in larger trees.

To avoid destroying an active nest, eggs, or chicks, vegetation removal should occur between September and February (i.e., outside of the breeding season). If the construction schedule does not allow vegetation removal outside of the breeding season, a nest survey should be conducted prior to vegetation removal to determine if any active nests are present in the study area so they can be avoided. If an active nest is identified within or near the study area, activities that would directly impact the nest during the breeding season should be restricted.

Riparian corridors are typically good movement corridors for wildlife, particularly at the interface of ecotypes such as the foothills and plains interface at the study area. The dense development and

intensive use of the area greatly reduces the functionality of the Boulder Creek riparian corridor for wildlife movement through and beyond the study area. The creek corridor also no longer connects highly functioning ecosystems, therefore, rare or uncommon species do not occur within the study area.

In general, pressures on the system from development and human activity greatly reduce the ecological functions and values of the natural resources in the study area. The natural resources in the study area are typical of urbanized riparian corridors, including migratory and nesting birds, roosting raptors, mammals of all sizes such as deer, fox, raccoons and rabbits. One exception is the slightly higher species diversity due to the presence of the study area at the foothills/plains transition zone. For these reasons, elements of the Boulder Civic Area concept plan are likely to have little further adverse effects on the functions and values of natural resources. However reducing functioning vegetation and cover does reduce the amount of habitat available to urban tolerant species.

Although natural resources are of low quality, efforts to improve them should be included in the concept plan. In many instances, plan elements would act as mitigation for impacts to the wetland buffers. For example, any sort of bank stabilization and revegetation, coupled with effective pedestrian access control, would provide a benefit to the corridor. De-compacting soils on the upper banks would improve permeability, offsetting any increases in impermeable surfaces. Use of native trees, shrubs, and forbs in planting areas would also be desirable as a means to maintain or improve plant species diversity.

One element of the concept plan that has been discussed is selectively thinning trees and shrubs along the creek to provide move visual connection between the north and south parts of the study area and to open up views to the creek. Selective thinning would reduce vegetation cover and opportunities for wildlife nesting and foraging. Careful selection of trees and shrubs to be removed may actually improve the health of the riparian woodland by reducing competition and creating a more diverse age class structure. The Park Development Plan incorporates areas to restore and re-vegetate the site in specific areas along the creek away from heavy foot traffic.

In addition to providing benefits to natural resources in the study area, there are many opportunities to improve human interaction with the creek. Shallow pools supplied with treated water and constructed along the upper banks Boulder Creek would allow for supervised wading of children in a safe setting, but in close enough proximity to the creek to have a sense of the natural setting. An outflow from the pools would allow clean, treated water to cascade into Boulder Creek. Carefully designed in-stream structures could enhance both kayak and tuber use and add diversity to streambed habitat. Educational signage could provide information on the Boulder Creek and the St. Vrain water sheds, increasing awareness of Colorado's limited water resources.

In summary, developing a concept plan for the Boulder Civic Area will provide opportunities to improve human use of the area without further degrading natural resources in the study area. Whenever possible though, improvements to human use should be designed to also improve natural resources, thereby maximizing project benefits.

a. Construction Activities

The project involves construction activities in and around Boulder Creek, but the majority of the work will be outside the inner wetlands, but will impact the wetlands buffer. The layout of the path will be designed to minimize impacts to large trees, but will try to remove dying/diseased trees based on the recommendations from the tree survey. The City Forester will be consulted regarding the health of any existing trees that could be impacted and an evaluation will be conducted for the presence of nesting birds. Impacts to wetlands will be minimized and mitigation and enhancement of wetlands will be included as part of the project.

b. Native Vegetation
Efforts will be made to use primarily native vegetation especially along the wetland buffer creek corridor and protect existing significant trees and shrubs (taking into consideration their anticipated lifespan) and maintain an ecologically healthy creek channel.

c. Human or domestic animal encroachment
The project is located in a highly urbanized area. Increased use by humans or domestic animals is not anticipated to impact the wildlife that currently inhabits the area.

d. Chemicals
Neither project phases include the use of chemicals beyond those used during construction. Future habitat maintenance will not include the use of chemical treatments.

e. Wildlife Displacement
Construction activities will likely limit the use of the area by wildlife. It is anticipated that these species will return to the area following the construction period. Efforts will be made to avoid destroying an active nest, eggs, or chicks, vegetation removal should occur between September and February (i.e., outside of the breeding season). If the construction schedule does not allow vegetation removal outside of the breeding season, a nest survey should be conducted prior to vegetation removal to determine if any active nests are present in the study area so they can be avoided. If an active nest is identified within or near the study area, activities that would directly impact the nest during the breeding season should be restricted.

f. Habitat Removal
The project will temporarily remove habitat during construction. Native vegetation will be used for site landscaping and it is anticipated that overall with an increase diverse native vegetation cover, common urban riparian habitat will be therefore be enhanced by the project.

g. Introduction on Non-Native Species
The project will landscape with primarily native species and will avoid the use of invasive species.

h. Changes in Groundwater or Surface Water
No anticipated impacts.

i. Wind Erosion
No anticipated impacts.

2. Loss of Mature Trees or Significant Plants
A tree assessment report by Taddiken Tree Company a licensed arborist was conducted throughout the Civic Area and provides information on the general health and will be used to assess the health, tree hazard risks and maintenance recommendations. The removal of mature and healthy trees will be minimized throughout the Civic Area. Special protection will be given to the historic trees in Central Park (Oak Grove), and only trees that are diseased and in decline will be removed. Select pruning to trees is anticipated to increase visibility and address security concerns.

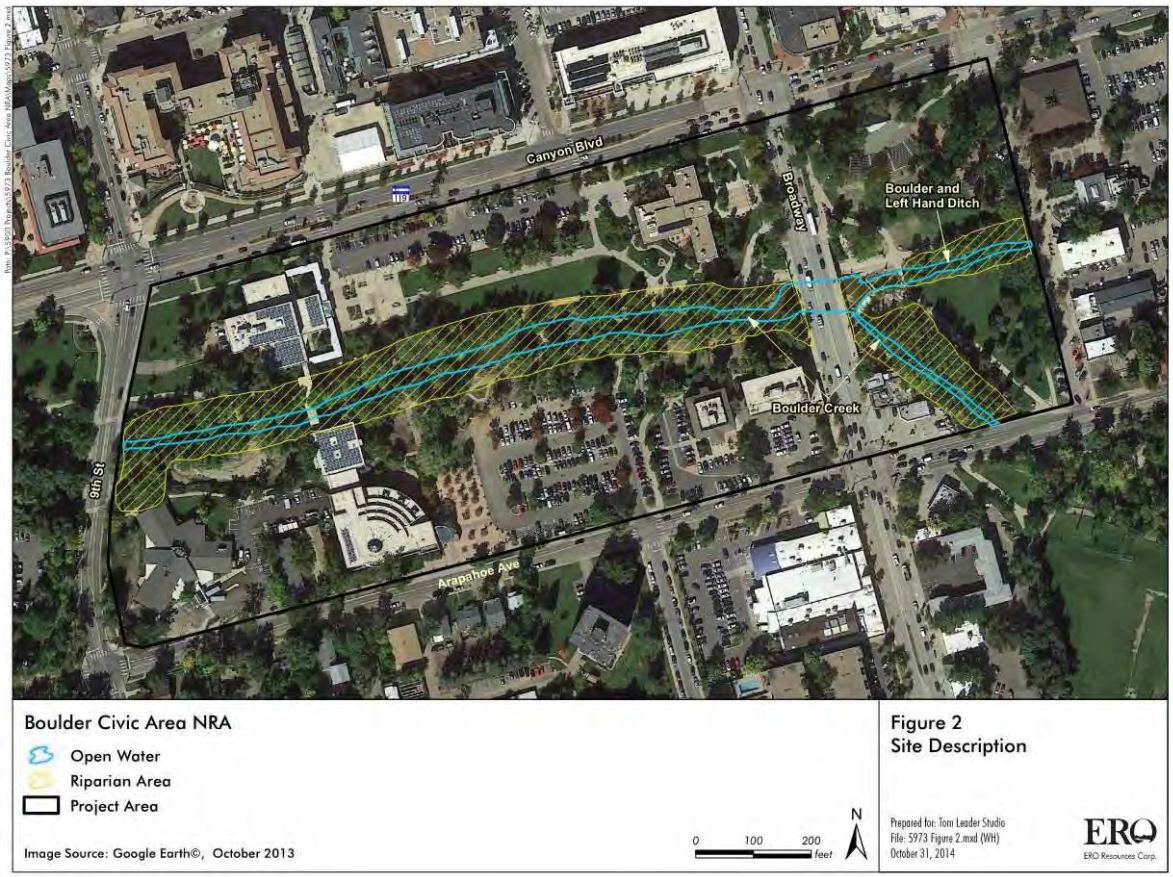
B. Riparian Areas / Floodplains
1. Describe the extent to which the project will encroach upon the 100-year, conveyance or high hazard flood zones. The project improvements are entirely within these flood zones. The appropriate flood analysis and permits will be obtained after a preliminary design has been completed.

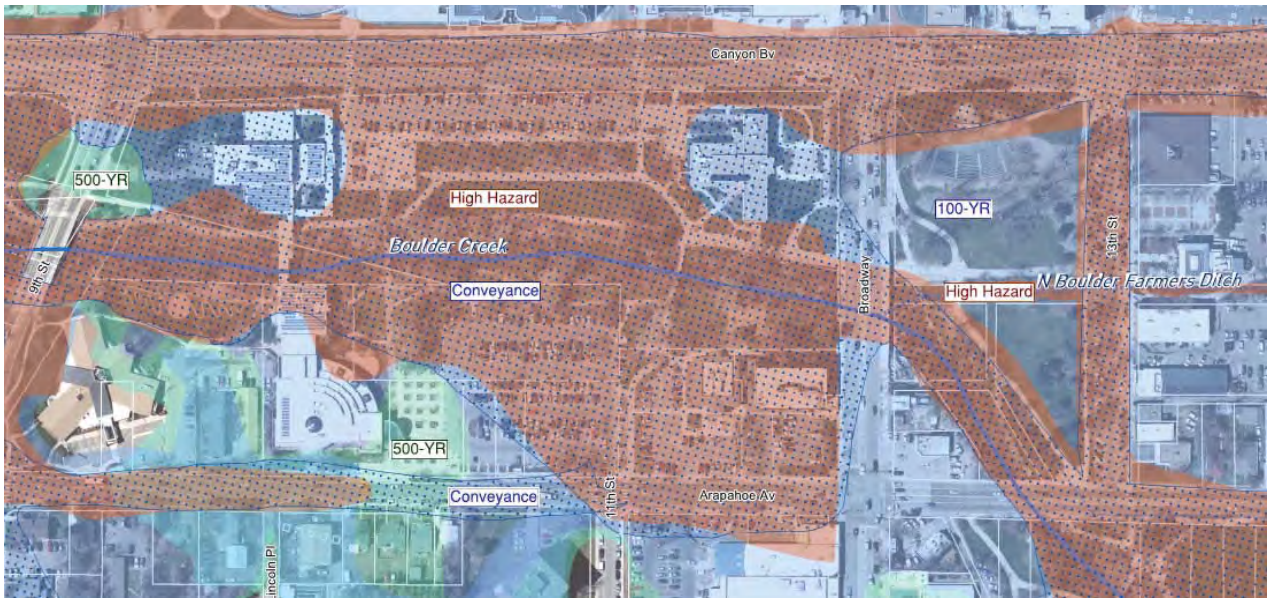
2. Describe the extent to which the project will encroach upon, disturb, or fragment a riparian corridor (this includes impacts to the existing channel of flow, stream banks, adjacent riparian zone extending 50 feet out from each bank, and any existing drainage from the site to a creek or stream) – *See Below*

If potential impacts have been identified, please provide any of the following information that is relevant to the project:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts to habitat, vegetation, aquatic life or water quality
- A map showing the location of any streams, ditches and other water bodies on or near the project site
- A map showing the location of the 100-year flood, conveyance, and high hazard flood zones relative to the project site

Below is a figure that presents the existing floodplain conditions along the project reach, as well as the existing mapped wetlands and inner and outer buffer areas. The project will be within the 100-year flood, conveyance, and high hazard flood zones, and aspects of the project will be constructed within the wetland buffer area. Mitigation would be done in compliance with the city's wetland permit requirements. It is anticipated that the completed project will enhance the riparian corridor and water quality enhancement features will improve water quality.





C.Wetlands

1. Describe any disturbance to or loss of a wetland on site that may result from the project. – See Above

If potential impacts have been identified, please provide any of the following information that is relevant to the project:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts.

- A map showing the location of any wetlands on or near the site. Identify both those wetlands and buffer areas which are jurisdictional under city code (on the wetlands map in our ordinance) and other wetlands pursuant to federal criteria (definitional).

D. Geology and Soils
1. Describe any:
   a. impacts to unique geologic or physical features – No Impacts
   b. geologic development constraints or effects to earth conditions or landslide, erosion or subsidence – No Impacts
   c. substantial changes in topography or – No Impacts
   d. changes in soil or fill material on the site that may result from the project – No Impacts

If potential impacts have been identified, please provide any of the following information that is relevant to the project:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts.
- A map showing the location of any unique geologic or physical features, or hazardous soil or geologic conditions on the site.

E. Water Quality
1. Describe any impacts to water quality that may result from any of the following:
   a. Clearing, excavation, grading or other construction activities that will be involved with the project – *Construction of the proposed project features will require clearing, excavation and grading. This work will be done in accordance with construction site best management practices to ensure water quality and prevent sedimentation of the stream corridor.*

   b. Changes in the amount of hardscape (paving, concrete, brick, or buildings) in the project area – *The project includes construction of new concrete sidewalks and patios and reconstructing the multi-use path. These features will likely increase the impervious surface area along the project reach. Runoff from the trail will be routed to pervious surfaces prior to discharge to Boulder Creek.*

   c. Permanent changes in site ground features such as paved areas or changes in topography – *See comment above regarding the impervious areas. The project also includes a significant grading exercise to sculpt the area around the creek mimicking the historic conditions.*

   d. Changes in the storm drainage from the site after project completion – *The project will increase the runoff due to the increased imperviousness, however, the runoff will be directed to pervious surfaces and multiple water quality treatment techniques will be utilized throughout the project area.*

   e. Change in vegetation – *The project will disrupt / remove vegetation during construction. The project landscaping will use native and non-invasive landscape plantings.*

f. Change in pedestrian and vehicle traffic – *The project includes extension 11th Street pedestrian connection to Pearl Street and enhancement of the multi-use path that will facilitate alternative modes of transportation and therefore help to decrease vehicle traffic.*

g. Potential pollution sources during and after construction (may include temporary or permanent use or storage of petroleum products) – *Construction of the project features will require heavy equipment with associated petro-chemicals. Source control of these chemicals will be included as part of the construction specifications. There will be no use of chemicals following project completion (Greenways habitat maintenance is done without the use of chemicals).*

2. Describe any pumping of groundwater that may be anticipated either during construction or as a result of the project. If excavation or pumping is planned, what is known about groundwater contamination in the surrounding area (1/4 mile radius of the project) and the direction of groundwater flow? *No Impacts*

If any potential impacts have been identified, please provide any of the following that is relevant to the project:

- A description of how the proposed project would avoid, minimize, or mitigate impacts to water quality
- Information from city water quality files and other sources (state oil inspector or the CDPHE) on sites with soil and groundwater impacts within 1.4 mile radius of the project
- Groundwater levels from borings or temporary peizometers prior to proposed dewatering or installation of drainage structures

F. Air Quality

1. Describe potential short or long term impacts to air quality resulting from this project. Distinguish between impacts from mobile sources (VMT/trips) and stationary sources (APEN, HAPS).

Construction of the project will result in temporary increases in emissions. The trail components of the project will, however, facilitate use of alternative transportation modes and therefore help to reduce overall city emissions. The project will not result in any stationary air quality impacts.

G. Resource Conservation

1. Describe potential changes in water use that may result from the project.

a. Estimate the indoor, outdoor (irrigation) and total daily water use for the facility – The existing area north of the Boulder Creek between the Library and Municipal buildings is mainly lawn area, which requires an intensive watering schedule due to the constant pedestrian/vehicular impacts. The proposed changes would reduce the lawn areas and also dedicate large areas of the park for wetland mitigation and planting areas which will require initial irrigation, however, as the plants are established irrigation needs will be reduced.

b. Describe plans for minimizing water use on the site (Xeriscape landscaping, efficient irrigation system) – *The use of native and drought tolerant species will be incorporated into the planting design to decrease the demand of potable water irrigation. In addition, the proposed grading and stormwater features will serve to correlate a natural soil*

moisture gradient to the plant water demands, and increase the interaction of plant mass and roots with stormwater runoff.

2. Describe potential increases or decreases in energy use that may result from the project.
   a. Describe plans for minimizing energy use on the project or how energy conservation measures will be incorporated into the building design
   The creek path components of the project will facilitate use of alternative transportation modes and therefore help to reduce overall city emissions. The project will not result in any stationary air quality impacts.
   b. Describe plans for using renewable energy sources on the project or how renewable energy sources will be incorporated into the building design – No Impacts
   c. Describe how the project will be built to LEED standards – No Impacts

3. Describe the potential for excess waste generation resulting from the project. If potential impacts to waste generation have been identified, please describe plans for recycling and waste minimization (deconstruction, reuse, recycling, green points). – No Impacts

H. Cultural / Historic Resources
1. Describe any impacts to:
   a. a prehistoric or historic archaeological site – *No Impacts (see below)*
   b. a building or structure over fifty years of age – *No Impacts to the historic structures in the Civic Area are considered in the Park Development Plan proposal (including The Atrium Building, Municipal Building, Tea House, BMOCA, Library or the Bandshell Structure). Consideration is included to remove the Bandshell seating area south of the Bandshell structure and replace with a new pedestrian and bike loop through Central Park including an informal lawn bowl seating in place of the formal seating. Feedback from the July 2015 Design Inspiration provided many favorable responses to remove the seating and incorporate and informal lawn seating. It is understood that a Landmarks review of the potential removal of the seating will occur concurrently with the development of the Site Plan. The diversion structures within the Boulder Creek near the headworks for the irrigation ditch are landmarked structures that are not anticipated to be modified as part of this project.*
   c. a historic feature of the site such as an irrigation ditch – See Below
   d. significant agricultural lands that may result from the project – No Impacts

If any potential impacts have been identified, please provide the following:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts.

The Park Development Plan included a cultural resources survey along stream reaches. The combined irrigation ditch was identified as a cultural resource. Consultant and City staff continues to work closely with the various ditch companies who own and have interest in the ditch located within Central Park. The topics of discussion and coordination relate to access, infrastructure, operations and liability. These topics are addressed in the Park Development Plan with the goal towards achieving a balanced approach. Council will continue to be informed of the proposed design of the ditch through upcoming memos and briefing. Disturbance of the ditch is

not anticipated as part of the installation of the access paths on either side of the ditch. In addition a picnic plaza with signage/narratives incorporating the historic importance of the ditch are included near, but outside the irrigation ditch easement.

I. Visual Quality

1. Describe the effects on:

a. scenic vistas or views open to the public – *Effort will be made to open up view to Boulder Creek and out to Flatirons using selective tree removal, tree pruning and regarding.*

b. the aesthetics of a site open to public view – *The design incorporates methods to increase a sense of public openness and accessibility from the street sidewalks into the park space and down to the creek.*

c. view corridors from the site to unique geologic or physical features that may result from the project – No Impacts

J. Safety

1. Describe any additional health hazards, odors or exposure of people to radon that may result from the project – No Impacts
2. Describe measures for the disposal of hazardous materials – No Impacts
3. Describe any additional hazards that may result from the project (including risk of explosion or the release of hazardous substances such as oil, pesticides, chemicals or radiation) **–** No Impacts

If potential impacts have been identified, please provide the following:

- A description of how the proposed project would avoid, minimize, or mitigate identified impacts during or after site construction through management of hazardous materials or application of safety precautions.

K. Physiological Well-being

1. Describe the potential for exposure of people to excessive noise, light or glare caused by any phase of the project (construction or operations) **–** See Below
2. Describe any increase in vibrations or odor that may result from the project **–** See Below

If potential impacts have been identified, please provide the following:

- A description of how the project would avoid, minimize or mitigate identified impacts

The project will result in increased vibrations and noise during construction. This disruption will be minimized by conducting construction only during weekdays during normal business hours.

L. Services

1. Describe any increased need for the following services as a result of the project:

a. Water or sanitary sewer services – *With the earthwork and sculpting of the land within the project site, some of the water and sanitary services may be impacted and will need to be replaced.*

b. Storm sewer / flood control features

By adding water quality features and opening up the channel, it is anticipated that the project will improve storm sewer and flood control features. The project will model a no-rise situation for the 100-yr event.

c. Maintenance of pipes, culverts and manholes

If pipes, culverts and/or manholes are found to be function below optimal levels within the area of Phase I, improvements or rehabilitation will occur.

d. Police services – Possible Impacts

e. Fire protection – No Impacts

f. Recreation or parks facilities – *Extension of the multi-use path will provide recreational opportunities in addition to increased access to Boulder Creek, and a large "Green Valley" lawn for passive recreation.*

g. Libraries – No Impacts

h. Transportation improvements / traffic mitigation – *Enhancement of the multi-use path and pedestrian access may increase the amount of alternative transportation miles and therefore increase the maintenance requirements*

i. Parking – *A multi-departmental staff team has been working to develop strategies and options to address potential impacts and opportunities for multimodal access to/from the civic area. These options include a wide range of Transportation Demand Management (TDM) techniques as well as parking management strategies to accommodate existing and future needs by city employees, library patrons, city/downtown customers, and visitors to the Civic Area. In addition to serving the goals of the Civic Area, the parking and TDM strategies being explored support the city's Transportation Master Plan objectives and overall sustainability goals. City employees have been engaged in this process through focus group discussions and open houses to review the potential strategies. As part of the continued Civic Area Park Development planning process in 2015, the TDM and parking management strategies will be refined and the selected options will be deployed on a broader scale in 2016. The project is removing roughly 45 parking spaces. A majority of the parking within the park has also been identified as counter to the City Code, which identifies no parking, shall be within the high hazard and conveyance zones or in areas with 18" of flooding.*

j. Affordable housing – No Impacts

k. Open space / urban open land – No Impacts

l. Power or energy use – *Extension of the multi-use path may increase the amount of alternative transportation miles and therefore decrease the use of oil and gas.*

m. Telecommunications – No Impacts

n. Health care / social services – No Impacts

o. Trash removal or recycling services

The trail system will facilitate easier trash and debris removal.

2. Describe any impacts to any of the above existing or planned city services or department master plans as a result of this project (e.g. budget, available parking, planned use of the site, public access, automobile / pedestrian conflicts, views) – See above

M. Special Populations

1. Describe any effects the project may have on the following special populations:

a. Persons with disabilities – See Below

b. Senior populations – See Below
c. Children or youth – See Below
d. Restricted income persons – See Below
e. People of diverse backgrounds – See Below
f. Sensitive populations located near the project (e.g. adjacent neighborhoods or property owners, schools, hospitals, nursing homes) – See Below

Boulder's Civic Area has symbolic, geographic, and functional importance and should serve as an inclusive place for people to interact with each other and with government. The area has a historical focus and many long-standing functions and facilities highly valued by the community, such as the library, Sister City Plaza, Farmers' Market, and Teahouse. Existing community assets will continue to play a vital role in the area as well as potential to expand civic services or cultural, arts, science, educational or entertainment amenities that are otherwise lacking in the community. The site has been designed specifically with families in mind and to create a multi-generational and multi-cultural public space that serves all members of the community through specific amenities and programs. Understanding the importance of access and circulation throughout the site with the various paths and sidewalks, staff is working closely with the consultant team as well as cycling advocates within the community to ensure a safe and efficient route for the multiple users within the park. The park development plan will continue to build on the Civic Area Master Plan by providing detailed design and analysis of the key circulation routes and facilities. The proposed pedestrian and bike paths would be designed to ADA standards, providing a safe alternative mode of transportation for persons with disabilities, children and all other multi-use path connections. Restricted income people could use the adjacent transit and bus facilities to commute via mass-transit biking or walking instead of needing to rely on more expensive modes of transportation. The proposed physical and visual gateway enhancements will encourage ease of circulation from adjacent paths and transit facilities while providing new bike locks, benches and seating, enhanced signage and lighting.

N. Economic Vitality
1. Describe how the project will enhance economic activity in the city or region or generate economic opportunities. – *The Park with provide increased opportunities for outdoor recreation including nature exploration and play, fishing, kayaking, jogging, yoga, tai chi, etc. This plan is intended for use by the public, businesses, property owners, city officials and staff. The plan helps ensure that when redevelopment occurs around the park, property owners (public and private) can design their projects to be consistent with the vision for the area. It also helps ensure that public improvements will be in place to support the new development. Provide a vibrant mix of uses and design to encourage activity and inclusiveness throughout daytime and evening hours and around the year, which will help the economic vitality to areas in and around the Civic Area including downtown DBI uses, BMOCA, Boulder Farmers' Market, Tea House, Alfalfas, St. Julian's, etc. In addition this first phase of the park development will help to potential future programs such as a Performance Art Center, Market Hall.*

2. Describe any potential impacts to:
a. businesses in the vicinity of the project (ROW, access or parking) – See above c. retail sales or city revenue and how they might be mitigated – *No Impacts*
b. employment – *No Impacts*

CANYON BLVD
APPROXIMATE LIMIT OF CIVIC AREA PARK DEVELOPMENT PLAN
BROADWAY
13TH ST
ARAPAHOE AVE
A NATURE PLAY
B CAFE TERRACE
C PERFORMANCE HILL
D PEDESTRIAN PATH
E CREEK ACCESS AND TERRACE
F BIKE CREEK PATH
G GREEN VALLEY WITH DYNAMIC TOPOGRAPHY
H PEDESTRIAN UNDERPASS
I RESTORED RIPARIAN BANKS
J 11TH STREET BRIDGE
K DEMONSTRATION GARDENS
L PEDESTRIAN CROSSING ZONE
M BRIDGE EXPANSION
N FARMERS' MARKET LOOP
O BANDSHELL LAWN
P PICNIC PLAZA
0' 40' 80'
TOM LEADER STUDIO

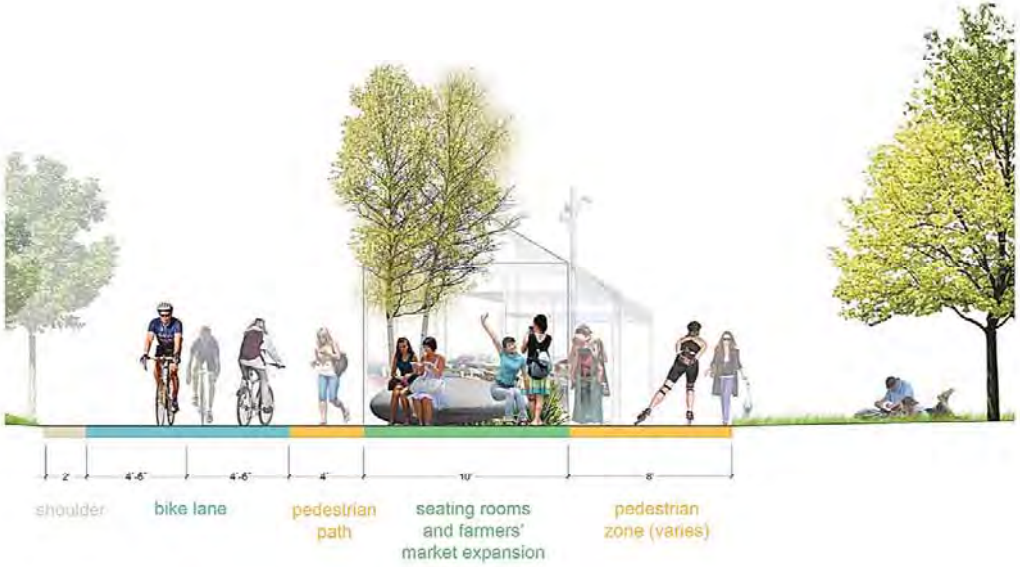
ENLARGEMENT PLAN: NATURE PLAY AND NORTH LIBRARY

ENLARGEMENT PLAN: 11TH ST BRIDGE AND PARK

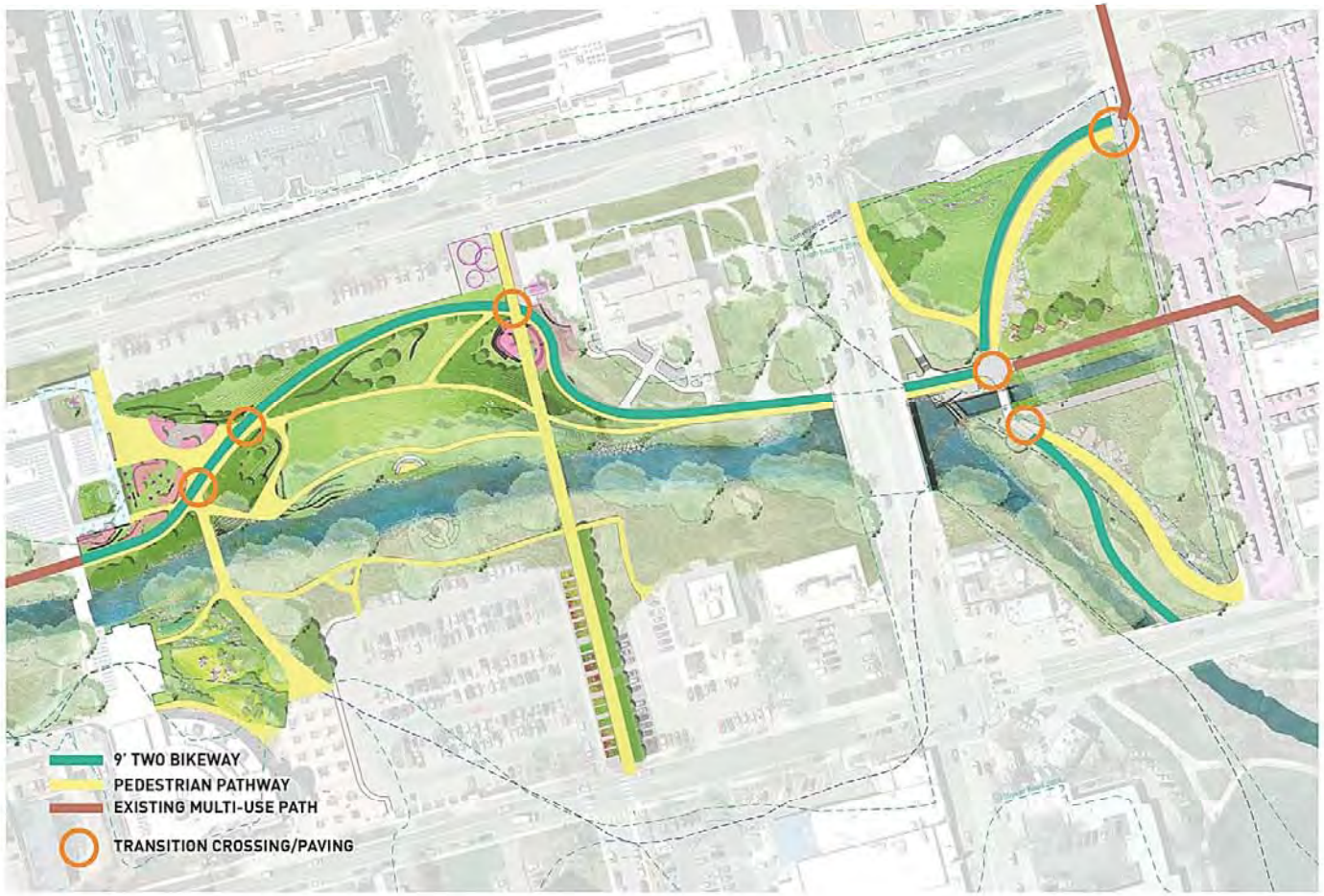
ENLARGEMENT PLAN: CENTRAL PARK
CANYON BLVD
13TH STREET
BROADWAY
ARAPAHOE AVE
A EXISTING BANDSHELL
B TEMPORARY ACCESS PATH
C BANDSHELL LAWN BERM
D PROPOSED TREE GROVE
E PEDESTRIAN PATH
F MULTI-USE CREEK PATH (BIKES)
G PEDESTRIAN CROSSING ZONE
H PEDESTRIAN CROSSING ZONE
I EXISTING MULTI-USE PATH
J ACCESS PATH
K EXISTING BRIDGE
L BRIDGE EXPANSION / METAL GRATE
M EXISTING TREES / OAK GROVE
N FARMERS' MARKET LOOP
O AREA FOR FARMER'S MARKET TENTS
P PICNIC PLAZA
Q PICNIC TABLES
Scale: 1" = 40'
0 20 80

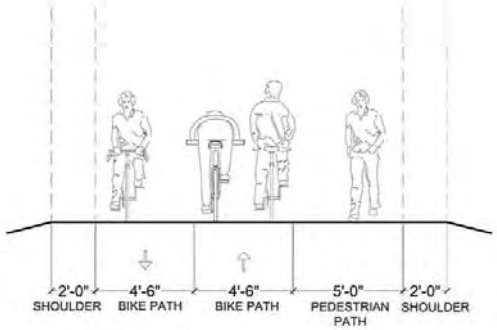
FARMERS' MARKET LOOP AXON

FARMERS' MARKET LOOP SECTION

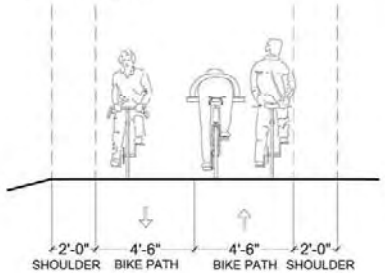


PROPOSED CIRCULATION HIERARCHY

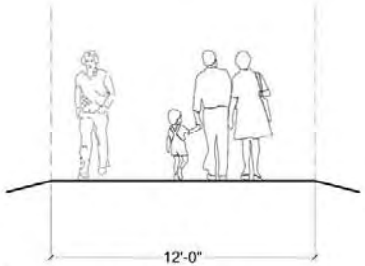




multi-use path



separate secondary bike path



primary pedestrian path

9th
17th
Canyon Complete Streets
Alternatives Analysis 2016
Design Development 2017
Civic Use Pad Managment Agreement & Design Development Q1/Q2 2016
Atrium Architectural Test-Fit Q2/Q3 2016
Market Hall Feasibility Study Q1 2016
Flood Analysis East Bookend Q1 2016
East Bookend Urban Design Framework 2016
Flood Analysis West Bookend Q1 2016
West Bookend Urban Design Framework 2016
Shared Managed Parking Q1 2016
Arapahoe Underpass Design Development 2016-2017
CU Conference Center/Hotel Collaboration w/CU on Key Issues 2016
CANYON BLVD
BROADWAY
ARAPAHOE AVE

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: November 10, 2015

AGENDA TITLE: Acceptance of City of Boulder Zero Waste Strategic Plan

PRESENTERS
Jane S. Brautigam, City Manager
David Driskell, Executive Director, Planning, Housing & Sustainability
Susan Richstone, Deputy Director, Planning, Housing & Sustainability
Kara Mertz, Environmental Action Project Manager
Jamie Harkins, Sustainability Coordinator

I. EXECUTIVE SUMMARY

With the update to the Zero Waste Strategic Plan (ZWSP), and implementation of the new Universal Zero Waste Ordinance, Boulder has the opportunity to create a transformative change in our community. Taken together, the vision and decision-making process outlined in the ZWSP and the concrete work plan items outlined in the Action Plan will create a community where everyone knows how to minimize the waste they create or have the opportunity to recycle or compost their waste wherever they live, work or play in Boulder.

The purpose of this agenda item is for council to accept the Zero Waste Strategic Plan (**Attachment A**). The associated 2015-2016 Action Plan which outlines significant zero waste work items for the next few years is also included in **Attachment B**. This agenda item follows the Feb 17 City Council meeting, when council affirmed the goals and framework for the Zero Waste Strategic Plan.

II. STAFF RECOMMENDATION

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

Motion to accept the Zero Waste Strategic Plan contained in Attachment A.

III. BOARD AND COMMISSION FEEDBACK

The Environmental Advisory Board reviewed the direction for the ZWSP at its Jan 7 meeting. The board was supportive of the ZWSP's goal areas and strategies. (Jan 7 meeting minutes.)

The Planning Board reviewed the ZWSP at its Oct 22 meeting and unanimously endorsed it.

IV. PUBLIC FEEDBACK

Throughout 2014 and 2015, staff has been engaging with the public and stakeholders to analyze the effectiveness of the trash tax, frame the community zero waste vision and develop the Zero Waste Strategic Plan including its associated Action Plan.

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

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

V. BACKGROUND

The City of Boulder's Master Plan for Waste Reduction was completed and accepted by City Council in February 2006 along with a Zero Waste Resolution. This plan contained a goal of 85 percent waste diversion by 2017. The process to update the plan began in 2011, but the process was put on hold to dedicate staff resources to the Disposable Bag

Fee ordinance development and implementation and completion of construction for Phase I of 6400 Arapahoe.

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

The results of the study were presented to City Council in Feb. 2014, at a study session on July 29, 2014 and at a council meeting on February 17, 2015. At these meetings, council weighed in on the ZWSP format, goal areas and priority initiatives. The feedback received from council included the following:

- Waste diversion is very important, especially as it tracks very closely with greenhouse gas reductions
- Toxicity reduction should stand on its own and not be set against the other goals
- Re-use activities and source reduction should be prioritized over recycling or composting
- Requirements for commercial recycling and composting at multi-family complexes should be prioritized (the Universal Zero Waste Ordinance to address multi-family and commercial recycling and composting was adopted in June 2015)
- Single-family residential strategies are a lower priority for the near-term action plan than the commercial strategies
- Recycling and composting need to be made more convenient and accessible in multi-family complexes
- Cost-effectiveness should be the primary consideration in facility investment
- The entire property at 6400 Arapahoe should be kept open for zero waste activities and other entities besides ReSource and Eco-Cycle should be allowed to locate there; especially those that can highlight innovation in the zero waste arena
- The city should not invest in a construction and demolition (C&D) facility, but rather it should be a regional facility funded by Boulder County

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

Diversion Rates		
	2004	**2014**
Single-Family Residential	48%	58%
Multi-Family Residential	14%	20%
Commercial and Industrial	25%	28%
Community Wide	**30%**	**34%**

VI. ANALYSIS

The ZWSP is designed to be a guiding document that provides an overarching framework to prioritize future zero waste investment options and assist in council and staff decision-making. In addition to the written plan, the content will also be accessible by the community as part of a new "zero waste portal" on the city website (www.ZeroWasteBoulder.com) that went live on October 15. The new web portal will help the community understand the ongoing progress being made towards the goals, what strategies the city is currently pursuing and how they can get involved. Attached to the ZWSP is an Action Plan that describes the next two to three years of significant work plan items and initiatives to be pursued, which will be updated annually to reflect any changes or additions. The main components of the plan include:

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

Key Components of the Strategic Plan

Roles

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

Goals and Performance Metrics

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

Waste Diversion Goal

- **85% Waste Diversion in each sector by 2025** (Residential single-family, Residential multi-family, and Commercial)

Source Reduction Goal

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

Climate Change Goal

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

Participation Goal

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

Guiding Investment Principles
The guiding investment principles focus on providing convenient programs and services that reduce waste but are not initially viable for the private sector to provide. Once a new program or facility investment is determined to help achieve one or more of the plan's goals and there is sufficient funding to support the investment, it will be evaluated according to the investment principles and given a score for how many of the principles with which it aligns.

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

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

2015/2016 Action Plan

The city's Action Plan covers the next two to three years of significant staff work plan items that will move us closer to the goals outlined in the Zero Waste Strategic Plan and is intended to dovetail with the short-term action plans of our community partners. Council reviewed the potential strategies in this Action Plan at the Feb. 17 study session and is included in this packet for Council reference. Since then the strategies were evaluated against the evaluation criteria in the ZWSP. The document will be updated annually to reflect any changes or additions in strategies and investments. The 2015/2016 Action Plan includes:

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

The city's community zero waste partners also have provided their action plans to be included in the ZWSP so that the public has a complete picture of what zero waste services, programs, and other initiatives are being pursued in Boulder.

6400 Arapahoe Strategic Development Planning Process
The future development of the city's property at 6400 Arapahoe will be a major focus area in the coming years, and an outline of the proposed strategic development process is included in the ZWSP Action Plan. Given the current interest in uses for the east side of the property and the upcoming (December 2017) expiration of the site review approval

for Phase II on the west side of the property, the creation of a development plan with options for potential funding sources is necessary. City planning staff is currently meeting with representatives of the nonprofits operating at the site to explore options for moving forward with Phase II .

VII. NEXT STEPS

Once the Zero Waste Strategic Plan is officially accepted it will be used in the annual evaluation of Trash Tax expenditures on programs, services, incentives, and policies to achieve the goals of the plan. The Action Plan will be updated annually to reflect the city's and the zero waste partners' current priorities and strategies.

The strategic development planning process for the site at 6400 Arapahoe will be one of these strategies and City Council will be updated as that process moves forward.

ATTACHMENTS

A: Zero Waste Strategic Plan
B: 2015-2016 Zero Waste Action Plan

City of Boulder

Zero Waste Strategic Plan

November 2015

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Section 5: Evaluation Process Pg 10

-Guiding Investment Principles
-Evaluation Criteria

Section 6: Issues, Challenges, and Potential Initiatives Pg 12

-Commercial Sector
-Single-Family Residential Sector
-Multi-Family Residential Sector
-Zero Waste Facilities

SECTION 1: Introduction

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

How the Zero Waste Strategic Plan Will Be Used

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

History

Recycling and waste reduction are interwoven into the fabric of what makes Boulder, Boulder. Beginning in 1976, when a group of Eco-Cycle volunteers began collecting recyclable materials from neighborhoods in old, yellow school buses, Boulder was one of the first communities in the country to have curbside recycling. In 1989, the city instituted the trash tax and took over the recycling program, expanding it to include city-wide curbside collection in a partnership between the city, Eco-Cycle, Western Disposal and the Boulder Energy Conservation Center (now, Center for Resource Conservation). In 1992, 1995, and in 2001, the city expanded the types of recyclable materials collected. In 2001, the city also transformed the municipally contracted, curbside program into a regulated, private sector industry, allowing the existing trash tax funding to be used to expand into commercial recycling and hard-to-recycle materials collection services.

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

Planning Framework

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

Sustainability Framework

Safe Community

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

Healthy and Socially Thriving Community

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

Livable Community

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

Accessible and Connected Community

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

Environmentally Sustainable Community

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

Economically Vital Community

When the City of Boulder supports an environment for creativity and innovation; promotes a qualified and diversified work force; fosters regional and public/private collaboration with key organizations; and invests in infrastructure and amenities that attract and retain diverse businesses and entrepreneurs, then it will be an Economically Vital Community.

Good Governance

When the City of Boulder models stewardship of the city's financial, human, information and physical assets; supports strategic decision making; enhances and facilitates transparency, accuracy, efficiency, effectiveness and quality customer service; supports, develops and enhances relationships between the city and community/regional partners; and provides assurance of regulatory and policy compliance, then it will have provided Good Governance.

The ZWSP exists to promote an environmentally sustainable community, encouraging the prevention of waste and the recycling/composting of materials to ensure the efficient use of resources and reduce pollution. Additionally, Boulder's unique zero waste landscape, which relies heavily on fostering partnerships, supports organizations that contribute to the economic vitality of the community.

The strategies that will be needed to reach the zero waste goals of this plan will further good governance and address many of the other categories as well. The attached Action Plan identifies which Sustainability Framework categories each initiative promotes.

SECTION 2: Current Progress and Getting to Zero Waste

Despite the progress since the original 2006 Master Plan for Waste Reduction, community-wide waste diversion, which includes single-family residential, multi-family residential and commercial properties, rose modestly from 30 to 34 percent in the nine years between 2004 and 2014. Gains have been made in the residential sector's diversion rates; however, the percentage of Boulder's waste stream generated by the commercial sector has increased significantly while the corresponding diversion rate has remained stagnant. This has contributed to keeping Boulder's community-wide diversion rate relatively low.

Diversion Rates	2004	2014
Single-Family Residential	48%	58%
Multi-Family Residential	14%	20%
Commercial and Industrial	25%	28%
Community Wide	30%	34%

Getting to Zero Waste

When the city's Zero Waste Resolution was passed in 2006, it included the following specific reasons why Boulder should strive to be a zero waste community, including:

- the disposal of materials in facilities such as landfills and incinerators wastes natural resources, wrongly transfers liabilities to future generations, and has the potential to cause damage to human health;
- avoiding the creation of waste materials in the first place is the most economically efficient and environmentally sustainability resource management strategy; and
- a resource-based economy will create and sustain more productive and meaningful jobs than a dis posal-based economy.

The Resolution also began to outline the city's role in achieving this zero waste vision, stating that "government can be ultimately responsible for establishing criteria needed to eliminate waste, for creating the economic and regulatory environment in which to achieve it, and for leading by example." Inherent in this description is the reality that the city cannot work alone, and that only through collaboration with its private, nonprofit and public sector partners can the entire community achieve zero waste. One aim of this plan is to further define the appropriate roles for the city and its partners given the current infrastructure and regulatory environment present which will guide trash tax investment decisions in the future.

One of the city's partners, Eco-Cycle, developed a Bridge Strategy to a Zero Waste Community, which details the path a community can take to achieve the zero waste milestone. At its core, the strategy has three phases:

Phase One: ACCESS – develop infrastructure and provide access to recycling services across all sectors.

Phase Two: PARTICIPATION – build participation in a source separation society and target hard-to-recycle material streams.

Phase Three: ZERO WASTE – reduce per-capita discard generation

In parallel with this strategy, Boulder has already done significant work developing the infrastructure and access needed for all residents, businesses, employees and visitors to properly separate most of their waste materials. This list below of basic facilities needed builds upon the facilities in Eco-Cycle's strategy and includes eight facilities that Boulder needs:

BASIC FACILITY NEEDS	
Materials Recovery Facility for Recycling	√
Composting Facility	√
Center for Hard-to-Recycle Materials (CHaRM)	√
Deconstruction Reuse Facility	√
Construction and Demolition Debris Recycling Facility	
Creative Reuse Center	√
Zero Waste Transfer Station for Residue (for "whatever's left")	

Boulder is fortunate to have in place five of these seven facilities; however work needs to be done to provide universal access to them and to ensure a high level of participation in their services. The city continues to build participation through education, services, incentives and regulations. Future trash tax investments in new programs, services and facilities guided by this plan will work to build that participation to new heights and to improve source reduction efforts, reducing per-capita waste generation to create a more efficient society.

This is how Boulder will get to zero waste. While not all of the solutions to every part of the waste stream exist today, focusing on the trajectory of maximizing participation at every level and reducing the use of materials designed for the landfill will allow the community to reach the goals of this plan.

In recognition that a large part of enabling personal action is knowledge of how each person can contribute to achieving these goals, this ZWSP has an accompanying website at www.ZeroWasteBoulder.com that will be updated consistently and aims to condense and summarize all the information the community needs to achieve the vision.

Existing Programs

The city currently sponsors a variety of waste reduction programs and incentives with Trash Tax revenues that drive materials to existing facilities. These include the following (and more information about each can be found at www.ZeroWasteBoulder.com):

- Yard Waste Drop-Off Center at Western Disposal
- Wood Waste Drop-Off Center at Western Disposal
- Green Teams – Student-to-student outreach in off campus residential neighborhoods
- Boulder Valley School District Educational Programs
- Extra corrugated cardboard collection on University Hill during August move-in time period
- Sponsorship of Eco-Cycle Times, Holiday Guides and other educational materials
- Business Start-up Rebate for towards interior bins and compostable bags
- Property Manager Rolling Grant Program to offset cost of expanding enclosures
- Free one-on-one business advising program through PACE (Partners for a Clean Environment)
- Custom zero waste signs for inside businesses
- Multi-family housing recycling and composting advising program
- $250 Zero Waste Special Event Rebate

VISION

It is the city's vision that Boulder is a place where residents, business owners, employees and visitors are empowered and take personal action to generate zero waste. It is a place where all are informed on how to play their part in achieving the goals of the Zero Waste Strategic Plan. The community will minimize the creation of all types of waste through conscious consumption choices and reuse opportunities, and will be able to divert waste materials that are produced to the appropriate recycling, compost or reuse services.

Section 3: City and Partner Roles

In contrast to communities with municipal control over waste hauling, state mandates or high landfill tip fees that encourage zero waste investments, Boulder relies on a strong network of nonprofit, for-profit, governmental and community partnerships to invest resources in the success of our zero waste systems. In this dynamic environment, the City of Boulder has a role to: facilitate a community vision around zero waste; "set the rules" so everyone can play on an even field; and work with each community partner to collaboratively build facilities and deliver strategic programs and services.

Due to this unique zero waste landscape in Boulder, this plan aims to clarify the roles of both the City and its partners in moving towards the community's zero waste goals. The process of developing this plan included conversations with many partners to define the roles outlined below. While not intended to be an exclusive or static list, this explanation will assist in guiding and prioritizing the efforts the city should pursue in years to come. It is important to recognize that these individual roles are only effective when they are taken together and many organizations are working toward a common vision. For example, the City could develop an ordinance designed to level the playing field between private companies, but it may go nowhere unless community members are willing to add their expertise to inform ordinance options; advocates can inform and organize the community; regional facilities can adapt operations if necessary to respond to the proposed regulation; and community members can participate in the resulting zero waste programs and services. It is with this in mind that the following guidance was developed.

Roles of the City of Boulder:

- Council and staff development and support for state and federal legislation
- Support regional and statewide efforts in areas such as product stewardship, locally generated compost, toxics reduction and other forms of market develop ment and waste prevention
- Collaborate on planning efforts to craft a communitywide vision for zero waste; set goals; plan local facilities, programs and services
- Collaborate with other partners to create education al messages and materials that help inform and empower community members to reach toward zero waste
- Own and manage leases and operating agreements with the Center for Resource Conservation (CRC) for ReSource and Eco-Cycle for the Center for Hard-to-Recycle Materials at 6400 Arapahoe
- Develop and manage city programs and services, including yard waste and wood waste drop-off facilities, and provide financial incentives when needed and appropriate
- Ensure zero waste policies, programs and services "protect the common good" and conform to state and federal laws and regulations, and promote the health, safety, and welfare of the residents of Boulder
- Develop and implement regulation, associated enforcement and land use approvals within the City of Boulder
- Provide financial support and contracts for critical infrastructure/facilities
  - o If the private sector cannot independently fund
  - o To ensure longevity of facilities
  - o To ensure equitable access to facilities
  - o To serve current and near-term City/Boulder community needs1
- Support the Partners for a Clean Environment service providing zero waste advising services, recognition, and certification of performance to City of Boulder businesses
- Create and manage community working groups/task forces when needed
- Pursue City Council motions, actions, recognition when needed/appropriate
- Serve as a member of regional committees for infrastructure planning; standardized reporting; education and outreach; etc.
- Provide expertise on zero waste issues, education, opportunities, and services by participating in work ing groups and on advisory boards; participate in Resource Conservation Advisory Board discussions and subcommittees for regional policy discussions, zero waste facility planning and feedback to the Board of County Commissioners on the operations of the Boulder County Recycling Center

Roles of Boulder County:

- Commissioner and staff development and support for state and federal legislation
- Support regional and statewide efforts in product stewardship, cooperative purchasing of recycled-content materials and locally generated compost, toxics reduction, and other forms of market develop ment and waste prevention
- County-wide leadership through the intergovernmental Resource Conservation Advisory Board

(RCAB), and other community partnership building activities, to:

- o Promote resource conservation, zero waste and a healthy environment through policy change recommendations, regional planning, goal setting, educational outreach and advisory services, providing grant funding, development and management of facilities and programs, and standardized reporting.
- o Foster regional agreements to formalize commitments and activities-initially on zero waste education and outreach-using guiding principles to standardize messaging, facilitate cost sharing, and to better define the roles of county, municipal, nonprofit and for-profit partners.

- Manage regional facilities, programs and services, including owning and managing the Boulder County Recycling Center, the Hazardous Materials Management Facility and public drop-off recycling centers, waste transfer stations, yard waste and wood waste drop-off facilities and construction and demolition (C&D) drop-off facilities.
- Provide financial support and contracts for critical infrastructure/facilities
- Regulate deconstruction waste diversion, hauling of waste, recyclables, etc. in unincorporated Boulder County
- Ensure that zero waste policies, programs and practices conform to state and federal laws and regulations, and promote the health, safety, and welfare of the residents of Boulder County
- Support the Partners for a Clean Environment service providing zero waste advising services, recognition, and certification of performance to Boulder County businesses in partnership with municipalities and potentially other entities
- Provide expertise on zero waste issues, education, opportunities, and services by participating in work ing groups and on advisory boards.

Roles of other Community Zero Waste Partners:

- Help galvanize the community around the vision of Zero Waste Boulder
- Educate and communicate to partner's customers/members
- Community organizing
- Research on national and international best practices
- Private investment in facilities or services
- Test services/material recovery prior to full-scale implementation
- Operate "waste exchanges" where proprietary information must be protected (thus inappropriate for the city or county to hold as public record)
- Operator for publicly-sponsored or privately-held facilities or services
- Volunteer mobilization
- Social media pushes and other community education requiring quick turnaround
- Advocacy to represent desires of community members
- Tracking and reporting (measurement and verification) for partner organizations' own activities

Nonprofit

- Investments that can be supported by grants or cross-subsidized by organization's commercial strate gies ("social enterprise")
- Focus on "how to change the world"
- Partner with the city to "protect the common good"
- Fee-based services

For-profit

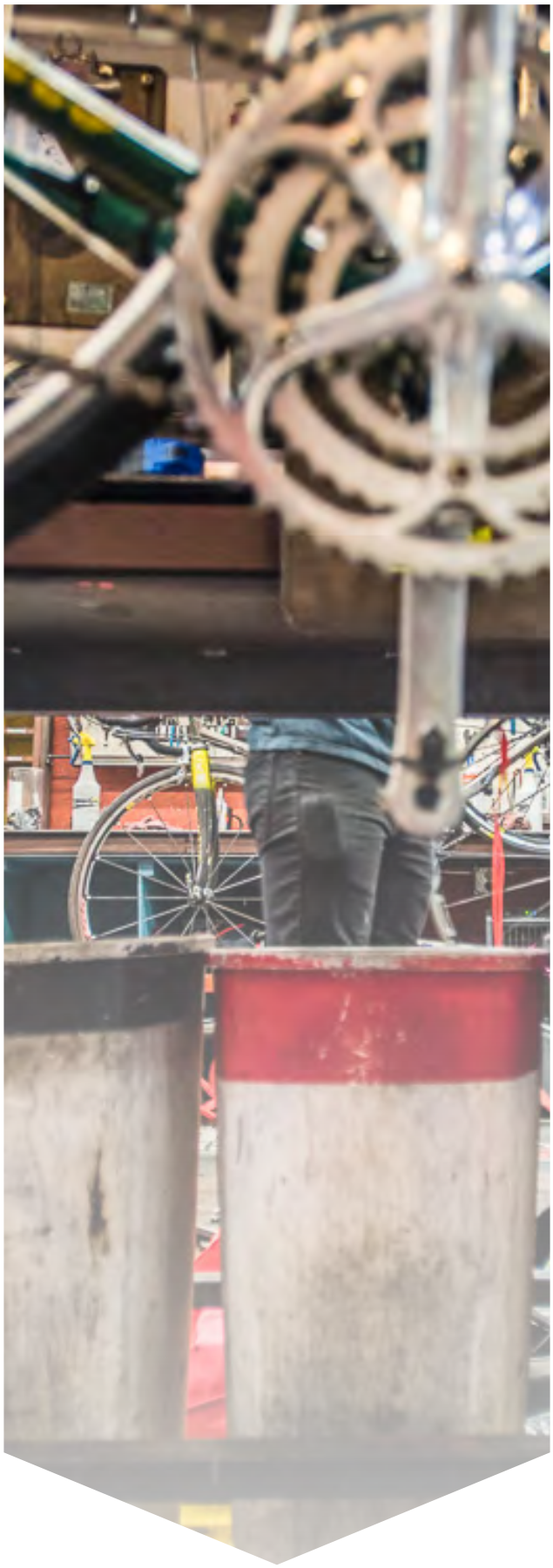
- Investments with payback potential
- Facility capital improvements
- Fee-based services

Community members

- Expertise to inform government-sponsored initiatives
- Feedback to government on proposed programs, services and regulations
- Collaborative program development and partner in entrepreneurial iniatives
- Participation in zero waste services
- Customers for zero waste services and facilities

Section 4: Goals and Performance Metrics

This ZWSP expands upon the original 2006 goal of 85% waste diversion in recognition that the percentage of waste diverted from the landfill, on its own, provides an insufficient picture of the waste reduction efforts of the community. Additional goals related to source reduction, climate, and participation are included in this plan as a result of input received throughout the update process regarding community priorities.



Waste Diversion

The percentage of waste diversion is calculated by taking the weight of total materials recycled and composted and dividing this by the weight of the total discarded materials (total recycled, composted, and landfilled). In 2006 City Council adopted a goal of 85% waste diversion, which is the internationally accepted diversion rate for a zero waste community, in recognition that currently there are materials in the waste stream that cannot yet be recycled, composted, or otherwise repurposed. The new target date to achieve this level of waste diversion is 2025. Each sector of the Boulder community, including single-family residential, multi-family residential, and commercial should each achieve 85% waste diversion.

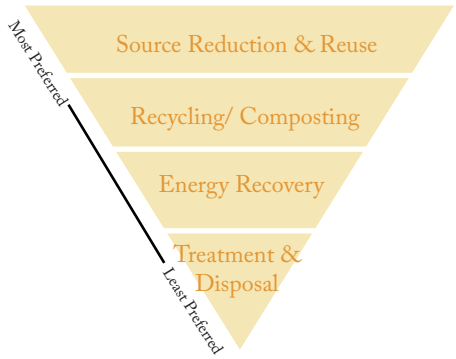
GOAL: 85% WASTE DIVERSION IN EACH SECTOR BY 2025 (RESIDENTIAL SINGLE-FAMILY, RESIDENTIAL MULTI-FAMILY, AND COMMERCIAL)

PERFORMANCE METRIC: WASTE DIVERSION BY SECTOR (REPORTED ANNUALLY)

Source Reduction

While much of the city's focus since the acceptance of the original master plan has been on recycling and compost services and infrastructure, this ZWSP has an increased focus on reducing waste at its source. This priority is aligned with the EPA's waste hierarchy, which ranks the most environmentally sound strategies for municipal solid waste. This hierarchy emphasizes source reduction and reuse as the most preferred approach.

EPA Waste Management Hierarchy



Source reduction goals are commonly measured by calculating the total waste material generation per capita (including all discarded materials that are thrown in the trash, recycled and composted). According to EPA data, the average American generated 4.38 pounds of total waste per day in 2012, and recycled or composted 1.51 pounds of those materials. The city will begin to measure this metric annually. It will be based on the required reports of the waste haulers operating in the city and the city will prioritize initiatives that reduce this number.

GOAL: MEASURE PER CAPITA TOTAL WASTE GENERATION (TRASH, RECYCLING AND COMPOST) AND WORK TO DECREASE THIS OVER TIME

PERFORMANCE METRIC: POUNDS OF TOTAL WASTE PER PERSON PER DAY (REPORTED ANNUALLY)

Climate Change

The renewal of the Climate Action Plan Tax in 2012 and the continued support of the city's Climate Commitment efforts demonstrate Boulder's recognition that the community supports the imperative of drastically reducing our greenhouse gas (GHG) emissions. City master and strategic plans that address the focus areas of the Climate Commitment are a main tool for achieving those emission reductions, and waste is one of these focus areas. Boulder's past GHG inventories did calculate emissions from the disposal of waste, but the methodology then did not take full account of recycling and compost practices. The city's new GHG inventory, currently under development, will include improved methods to measure the GHG impacts of the transport and disposal of waste.
In addition to emissions from the disposal of waste, there is emerging recognition of the importance of measuring the GHG impacts created by the consumption choices a community makes. The city will continue to monitor the evolution of this process, as there is not yet a widely adopted methodology for incorporating consumption measures into GHG inventories.

GOAL: MEASURE GHG EMISSIONS FROM WASTE DISPOSAL TO THE GREATEST EXTENT POSSIBLE AND IMPLEMENT STRATEGIES TO REDUCE GHG EMISSIONS FROM WASTE.

PERFORMANCE METRIC: GHG EMISSIONS GENERATED FROM WASTE DISPOSAL (REPORTED ANNUALLY)

Participation

In addition to performance metrics above, increasing participation in Boulder's zero waste programs in also a priority. Beginning in 2010, the annual Boulder hauler reporting form included a request for the number of trash, recycling and compost customers (by service address) by sector in addition to tonnage data. In addition, while we track the number of customers using the CHaRM or ReSource, we are working with Eco-Cycle and CRC to help identify and increase the number of "unique" customers accessing those city-sponsored facilities. The city will continue to collaborate with partners to develop improved measures of participation across all programs and facilities. Initiatives will be created or adjusted with the goal of maximizing the number and diversity of individual participants in zero waste services and programs. Community-wide surveys on zero waste programs and participation will be used when possible to gauge diversity of participants.

Guiding Investment Principles

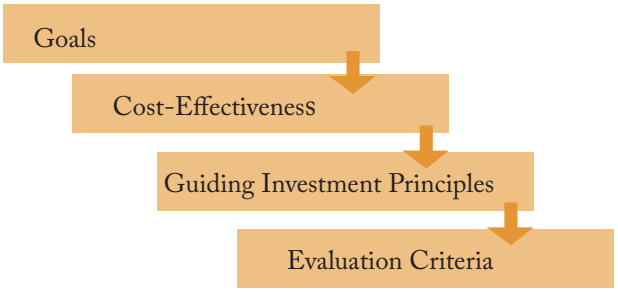
GOAL: MAXIMIZE THE NUMBER AND DIVERSITY OF INDIVIDUAL PARTICIPANTS IN ZERO WASTE SERVICES AND PROGRAMS.

PERFORMANCE METRIC: NUMBER OF UNIQUE PARTICIPANTS USING ZERO WASTE PROGRAMS, SERVICES AND FACILITIES (REPORTED ANNUALLY)

Section 5: Evaluation Process

This strategic plan will guide the city's annual decisions about which investments in new or expanded programs, incentives and facilities should be made by providing a clear framework to evaluate the options. Generally speaking, the basic trajectory of strategies the city implements is to begin with voluntary programs, then encourage broader participation with financial incentives, and finally moving to regulatory approaches when incentives do not create enough of the desired outcomes.

The guiding investment principles focus on providing convenient programs and services that reduce waste but are not initially viable for the private sector to provide. Programs and services are designed to be "spun off" when either the economic motivators or the desires of the program participants have shifted sufficiently to allow the private sector to take over. Sometimes this shift requires enabling legislation so that all private sector companies are playing by the same rules.



Once a new program or facility investment is determined to help achieve one or more goals and there are sufficient trash tax funds to support the investment, it will be evaluated according to the following investment principles and given a numerical score for how many principles it aligns with:

- Preference will be given to cooperative ventures with for-profit and nonprofit organizations over sole municipal control.
- One-time funding is preferable to ongoing program support.
- Investments will be prioritized if they are "opportunistic" and take advantage of fund matches or enjoy significant community support.
- The city will avoid duplicating services where an exist ing community organization can either provide the service or whose existing services could be built upon.
- Investments will be prioritized if they have the ability to achieve multiple community sustainability goals in addition to the zero waste goals in this plan.
- Following the Environmental Protection Agency's Waste Management Hierarchy, preference will be given first to source reduction or waste avoidance; then to recycling and composting; then to energy recovery for non recyclable materials; and lastly to treatment and disposal. The City will generally not invest in energy recovery facilities that use materials that would otherwise be recyclable or compostable as a feedstock.
- The City will strive to fund projects that test new and innovative waste reduction solutions, especially solutions that provide an alternative to disposing materials that are not currently recyclable or compostable or those that offer a more efficient process for recycling (or reusing) a material.
- Toxic materials are inherently non-sustainable. Any investment is encouraged that can reduce their use, whether through legislation, education or encouraging producer responsibility.
- The city can fund business plans and technical assistance to help partners determine private sector (for-profit or nonprofit) viability.

All new investments options in a given budget year will be ranked according to how well it scores against these invest-

ment principles. By ensuring that new investments meet at least one of these principles the city will fund programs, services and facilities that are consistent with its role as defined in this plan.

Evaluation Criteria

Following the initial ranking with the investment principles, new initiatives that meet at least one investment principle will also be evaluated qualitatively and quantitatively according to evaluation criteria. For each criterion the initiative will receive 3 points for a "high" rating, 2 points for a "medium" rating, and 1 point for a "low" rating. When evaluating the quantitative criteria these ratings will be based on estimated tons (of waste diverted or greenhouse gases avoided) or estimated increases in participation.

Quantitative	Rating based on:
Diversion Potential	Tons of waste that will be diverted from the landfill
Greenhouse Gas Reduction Potential	Tons of greenhouse gas emissions that will be avoided
Community Engagement	Ability to encourage broad community participation and raise awareness across diverse audiences

Quantitative	Rating based on:
Upstream Conservation	Ability to support source reduction, repair, reuse or reduced toxicity
Difficulty of Implementation	Consideration of how difficult an initiative will be to implement, taking into account staffing, funding and policy needs

The final piece of the criteria evaluation is a measure of cost effectiveness. Depending on the focus of the new initiative (i.e. increasing diversion, participation, etc.) the cost to implement and sustain it will be divided by the relevant quantitative measure. This will provide an estimated cost per ton of material or per additional participant that the initiative will achieve.

These four filters (goals, investment principles, evaluation criteria and cost effectiveness) and the resultant rankings will allow staff and Council to determine zero waste priority work plan items and investments.

Section 6: Issues, Challenges, and Potential Initiatives

Commercial Sector

Issues and Challenges

Based on discussions with the city's business zero waste advisors, surveys and meetings with property owners and business leaders, it is clear that some barriers exist to implementing recycling or compost service in businesses. These barriers include:

- Businesses and multi-family property managers must initiate and pay for additional services, unlike the single-family residential sector where services can be included with trash collection service.
- Unless a business is able to reduce its level of trash service, these costs are additive.
- There is a landlord/tenant split incentive, where an owner or property management company pays the trash bills and may be unwilling to subscribe to additional services requested by businesses.
- Trash and recycling containers in common collection areas often suffer from "the tragedy of the commons," and contamination is an issue. Many businesses report illegal dumping as a significant concern, especially if they are to be required to add recycling or compost collection service.
- There is often insufficient space for additional carts or dumpsters, especially in dense commercial districts.

Potential New Initiatives

Business Recycling Requirement – This universal recycling requirement for businesses would likely require every commercial property owner/business to subscribe to single-stream recycling collection. Any such ordinance would need to include exemptions for extreme financial hardship and significant space constraints; an adequate phase-in period; and be paired with incentives and technical assistance. [This requirement was included in the Universal Zero Waste Ordinance adopted by City Council on June 16, 2015.]

Food Business Compost Collection Requirement – This universal requirement for business that serve, sell or prepare food or other compostable organic materials would require compost collection service. Again, specific exemptions, technical assistance and incentives should be designed to help affected businesses overcome common barriers at start-up. [A compost requirement for all businesses was included in the Universal Zero Waste Ordinance adopted by City Council on June 16, 2015.]

Take-Out Packaging – This strategy would encourage voluntary use of recyclable or compostable packaging by take-out restaurants. Significant technical assistance and incentives to encourage more widespread adoption would be needed, including helping establish proper on-site collection systems for recyclable and compostable take-out packaging.

Single-Family Residential Sector

Issues and Challenges

While this sector has access to curbside recycling and compost collection and diverts a higher percentage of waste than other sectors, waste sorts reveal that there are still gains to be made from the recyclable and compostable materials still present in the trash. According to previous years' surveys and input at public meetings, the main barrier to greater diversion is persistent confusion over what materials are recyclable and compostable. Single-family residents would benefit from a more intense focus on:

- Clarity around recycling and composting guidelines
- Technical assistance to overcome barriers to food waste composting

Potential Commercial Initiatives	Goals Addressed	New Diversion (tons)	New GHG Reductions (tons)
Business Recycling Requirement	Diversion Climate Participation	5,500 – 11,900	17,000 – 36,600
Food Business Compost Collection Requirement	Diversion Climate Participation	8,600 – 17,100	1,800 – 3,600
Take-Out Packaging	Diversion Climate Participation	100 – 200	< 100

- Facilities that accept hard-to-recycle and hazardous materials
- Reduce and reuse opportunities

Potential New Initiatives

Every Other Week Trash Collection – This strategy would decrease regular single-family trash collection to an every-other-week frequency while increasing organics or recycling collection to a weekly frequency. Any resident still wishing to subscribe to weekly trash collection could do so for an additional charge.

Homeowner Collection Service Requirement – This requirement would modify Boulder Revised Code subsection 6-3-3(b) to require all homeowners to subscribe to curbside trash collection, which is not currently mandated. This would provide an estimated 20% of the single-family residents in Boulder with curbside recycling and compost collection service. This requirement would help alleviate the problem of illegal dumping, since residential rental property owners are the only property owners required to subscribe to trash collection, they frequently report instances of illegal dumping. [A requirement for all property owners to subscribe to recycling and compost collection was included in the Universal Zero Waste Ordinance adopted by City Council on June 16, 2015.]

Multi-Family Residential Sector

Issues and Challenges

Similar to the experiences of other cities, the multi-family housing sector has the lowest diversion rate of all sectors in Boulder. This is due to barriers including the high resident turnover, inadequate recycling containers on site and limited education received by residents since many do not interact with their waste hauler. In multi-family housing complexes issues with improper recyclable and compostable materials sorting (contamination) are more common in comparison to single-family homes and property owners report a significant problem with illegal dumping. The fact that property owners or managers are often not onsite is also a barrier.

Potential New Initiatives

Multi-Family Composting – This strategy could either modify existing policy to require haulers provide compost collection to multi-family accounts in addition to recycling; or could require multi-family property owners to subscribe to recycling and composting service. This requirement should be phased in over time with significant technical assistance and should be accompanied by a review of potentially conflicting land use code requirements to accommodate a smooth transition to any new requirement. [A requirement for all property owners to subscribe to recycling and compost collection was included in the Universal Zero Waste Ordinance adopted by City Council on June 16, 2015.]

Existing Policy Enforcement – This strategy would increase resources for enforcement of the existing recycling requirement for multi-family housing, which requires that haulers provide a volume of recycling collection equal to at least half of the volume of trash collection offered to multi-family customers.

Potential Single Family Initiatives	Goals Addressed	New Diversion (tons)	New GHG Reductions (tons)
Every Other Week Trash Collection	Diversion Climate Participation	2,500 – 5,000	2,600 – 5,200
Homeowner Collection Service Requirement	Diversion Climate Participation	7,400	15,000

Potential Multi-Family Initiatives	Goals Addressed	New Diversion (tons)	New GHG Reductions (tons)
Multi-Family Composting	Diversion Climate Participation	300 – 600	< 100
Existing Policy Enforcement	Diversion Climate Participation	2,100 – 5,800	9,400

Zero Waste Facilities

While Boulder is close to having access to all of the zero waste facilities needed to achieve the plan goals, there are several remaining needs that will have to be addressed in coming years. This list below outlines possible facility needs anticipated today, however future technological developments or partnership opportunities may arise, at which time those facility investments will be evaluated according to the guiding principles in this plan.

Potential New Facility Investments

Compost Site for Commercial Organics - Currently, compostable materials collected from businesses are taken to Western Disposal's compost facility only if that business contracts with Western as its hauler. Other haulers take commercially generated compostable materials to processing facilities that are outside of Boulder County. A city-supported compost facility, at Western or another site, could ensure capacity to serve Boulder's zero waste needs for the long-term, ensure the gate fees are equitable for all haulers using the facility, and make the system more efficient and cost-effective while reducing transportation fuel emissions. In April 2015, A-1 Organics, in partnership with The EDF Group, a private energy firm based in France, is opening a biofuel organic materials digester in Weld County. This facility will be set up to accept compostable materials from businesses from throughout the Colorado Front Range. The digester will create two end-products - a peat moss substitute and natural gas. The facility has already signed a 20-year contract with the Sacramento Municipal Utility District and can accommodate additional compostable food waste collected from Boulder restaurants and supermarkets.

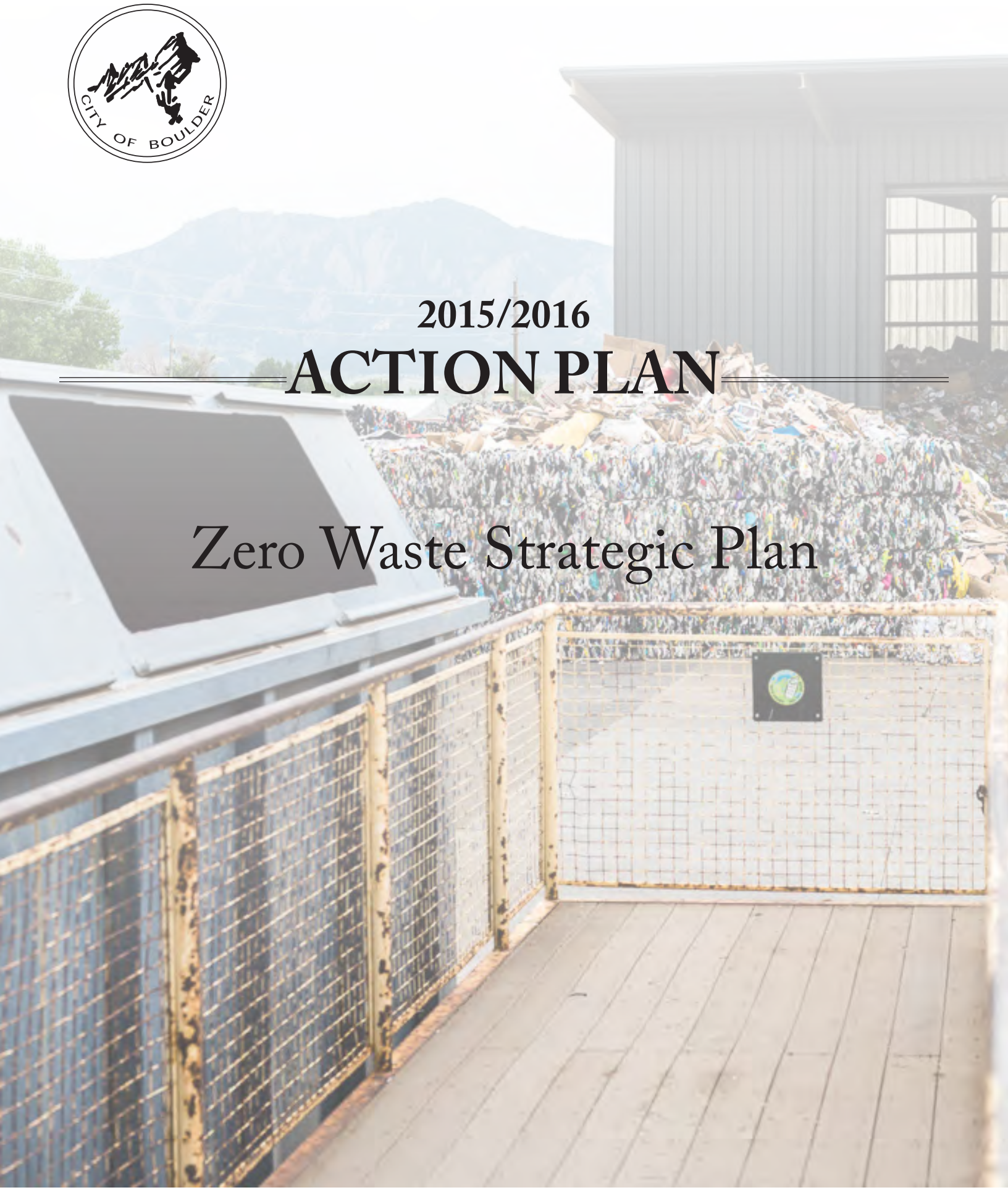
Construction and Demolition (C&D) Recycling Facility - Right now there is no facility in close proximity to Boulder that can sort and process mixed construction and demolition waste. Having this type of facility would greatly increase the diversion from construction projects.

Expanded CHaRM and ReSource - "Phase II" of development at 6400 Arapahoe, already approved through site review by City Council and Planning Board, allows for expanded capacity inside the existing leased area for CHaRM and ReSource. This development would allow each facility to accept a greater quantity and more types of materials for recycling and reuse.

Expanded Creative Reuse Center - A creative reuse center typically accepts industrial waste items that cannot be recycled and makes them available very inexpensively to the community, often artists, teachers and students for reuse. Expanding this type of facility would increase diversion, address upstream conservation and could increase community engagement and participation in other zero waste initiatives of the city.

Improvements to Boulder County Recycling Center (BCRC) - In order for the BCRC to accept a broader range of plastic packaging (including small, plastic "clamshell" food containers) and a larger quantity of commercial recyclables, the facility needs equipment upgrades.

Waste to Energy Facilities - In the broad definition of how Boulder can become a zero waste community, it would be inappropriate to ignore the possible role of facilities that could process low-grade waste into heating or vehicle fuels. In keeping with the adopted hierarchy of 1-reduce 2- reuse and 3- recycle, it would be appropriate for Boulder to fully exploit the possibility for materials to either be reused, recycled or composted before investing in waste-to-energy. However, for the last remaining waste materials that are unable to be reliably marketed for reuse or recycling, this may be a viable investment option in the future. Notwithstanding this investment priority, Boulder customers may still benefit if the private sector invests in waste-to-energy facilities (e.g., A-1 Organics food waste digester) that allow additional materials to be diverted from the landfill.



2015/2016 ACTION PLAN

Zero Waste Strategic Plan

November 2015

What is this Action Plan?

The ZWAP is designed to set Boulder's zero waste goals and an overarching framework for achieving them. It provides guiding investment principles and evaluation criteria to assist with the prioritization of year-to-year opportunities for investing trash tax revenue in new and/or expanded programs, incentives and facilities for the Boulder community. This Action Plan is designed to accompany the ZWSP and outlines the strategies the city will pursue in the coming three years based on current waste reduction needs and funding available. The Action Plan, along with community progress towards the ZWSP goals, will be updated annually.

This Action Plan is intended to be viewed in tandem with other community zero waste partners' action plans, and their strategies for the next 2-3 years are included. Taken together, they paint a more complete picture of the Boulder community's zero waste facilities, services and regulations, as these are all needed to move toward the zero waste Boulder that is encapsulated by the Strategic Plan. A "Zero Waste Boulder" requires the seven basic zero waste facilities described in the plan with universal access – plus high levels of participation in services driven by programs, incentives and regulations – to bring materials to these facilities and minimize the amount of waste heading toward our neighboring counties' landfills.

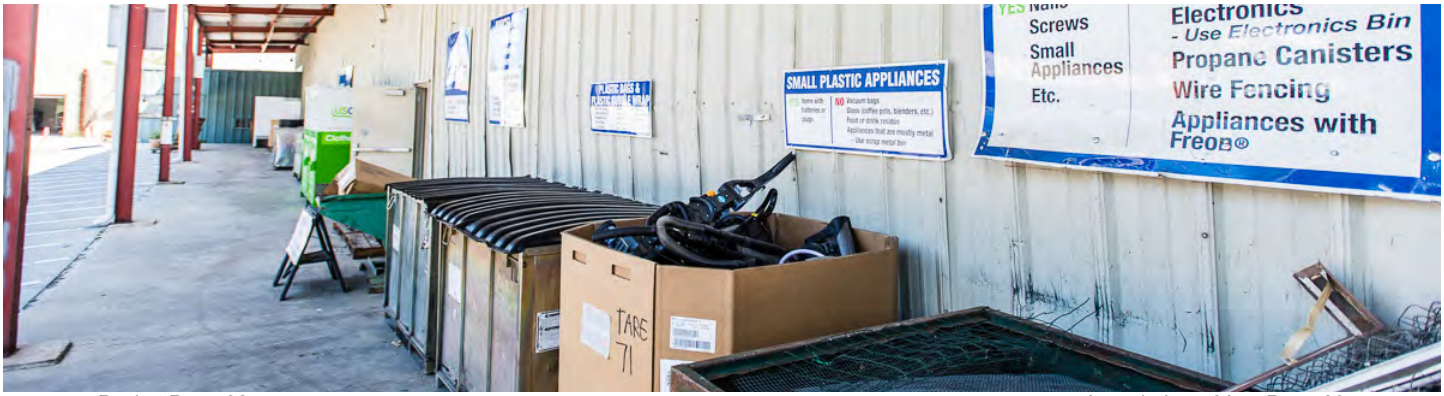
Focus of 2015-2016 Action Plan

The most recent diversion data for each sector is presented below. Despite the progress made since the original 2006 Master Plan for Waste Reduction, community-wide waste diversion has only risen modestly to 34 percent in 2014. Gains have been made in the residential sector's diversion rates; however, the percentage of Boulder's waste stream generated by the commercial sector has increased significantly while the corresponding diversion rate has remained stagnant. This has contributed to keeping Boulder's community-wide diversion rate relatively low. Due to this, as well as the significant barriers faced by the commercial sector, the 2015-2016 Action Plan primarily targets this sector along with the multifamily residential sector; and work with community partners to ensure cost-effective, universal access to facilities that can serve the Boulder community for years to come.

Diversion Rates	2004	2014
Single-Family Residential	48%	58%
Multi-Family Residential	14%	20%
Commercial and Industrial	25%	28%
Community Wide	**30%**	**34%**

2015-2016 Work Plan Items

- Expand multifamily housing assistance program based on findings of 2014 targeted pilot project which increased diversion at five complexes by between 4% and 16%.
  - Create a strategy for a cost-effective and efficient approach to providing zero waste education and assistance to the broader multi-family community.
  - Gather data and research the existing multi-family complexes to inform and prioritize outreach efforts.
  - Develop tiers of service to address common barriers (will be tailored to needs):
    - First tier will include a toolkit with resources, educational videos, handouts and signs for waste enclosures
    - Second tier will include toolkit alone with additional assistance, including adjustments to collection service levels, door-to-door outreach, and training for residents
    - Final tier will also include waste audits, recycling and compost containers for units, and



on-going feedback to residents
  - *Sustainability Framework categories: Livable Community, Environmentally Sustainable Community*
- Implement Universal Zero Waste Ordinance
  - Develop City Manager's Rule
  - Develop ordinance implementation plan
  - Develop compliance and enforcement plan, including tracking system
  - Research online self-reporting form option for compliance
  - Research ways to encourage and incentivize edible food waste donations
  - *Sustainability Framework categories: Livable Community, Environmentally Sustainable Community, Economically Vital Community*
- Expand business assistance and advising program with multiple tiers of service:
  - Toolkit for do-it-yourself businesses to include employee training videos, free signage, list of resources; examples of good collection setups ("Tier 1" outreach)
  - "Tier 2" advising and technical assistance to inform business about the Universal Zero Waste Ordinance, help them establish internal collection systems and signage; incentives available for standardized, bulk-purchased collection bins
  - "Tier 3" zero waste advising delivered by PACE advisors focused on:
    - Food-generating businesses that need to establish compost collection service
    - Commercial leased spaces where landlord-tenant issues could introduce compliance issues
    - Businesses that choose to go beyond basic service provision and work toward achieving 70-85% waste diversion

    Sustainability Framework categories: Livable Community, Environmentally Sustainable Community, Economically Vital Community
- Update waste contracts to reflect partner roles out lined in ZWSP.
  - *Sustainability Framework categories: Environmentally Sustainable Community, Good Governance*
- Negotiate with Western Disposal and A-1 Organics for equitable, cost-effective and convenient compost ing options for all area organics haulers.
  - *Sustainability Framework categories: Environmentally Sustainable Community, Good Governance*

Evaluation of 2015-2016 Strategies

Strategy	Diversion Potential* (tons/year)	Avoided Greenhouse Gas Emissions** (mtCO2e/yr)	Community Engagement	Upstream Conservation	Ease of Implementation	Cost Effectiveness
Expanded Multifamily Housing Assistance (2,000 units)	340 tons	104 mt	2	1	3	$128/ton diversion $22/MF unit
Universal Zero Waste Ordinance (effective June 2016)	14,100 – 29,000 tons	4,228 – 12,056 mt	3	2	2	Implementation: $13 - $6/ton diversion On-going: $1 - $0.54/ton diversion
2015 Business Advising Program (200 Businesses)	828 tons	249 mt	2	2	3	$92/ton diversion $380/business
2016 Business Advising Program -Tier 3 full advising (200 businesses)	828 tons	249 mt	2	2	3	$92/ton diversion $380/business
2016 Business Advising Program -Tier 2 limited advising (220 Businesses)	396 tons	118 mt	2	2	3	$140/ton diversion $251/busines

*Diversion potential for each strategy is based on assumptions around the amount of waste a business or multifamily housing unit produces and the average diversion improvement that can be expected based on prior experience or pilot studies. This calculation will get more accurate in future years with the implementation of the new RE-TRAC waste data collection system and Universal Zero Waste Ordinance tracking system currently being designed.

**Avoided greenhouse gas emissions are calculated using the same waste reduction carbon factor used in Boulder's community greenhouse gas inventory, which does not include consumption-based climate impacts. This calculation will get more accurate in future years with the implementation of the new RE-TRAC waste data collection system.

Additional Future Initiatives for the Next 2-3 Years

- Continue improving business assistance and advising program in response to needs and barriers that arise.
- Assess the rate of early compliance with any commercial regulations adopted and adjust business technical assistance to bring as many businesses on board prior to compliance deadlines.
- Expand the reach of the multifamily residential assistance program.
- Expand community-wide educational efforts on available services, incentives, and facilities as well as proper recycling/composting/source reduction methods.
- Collaborate with Boulder County and other partners on developing a regional construction and demolition recycling facility.
- Undertake a strategic development planning process for 6400 Arapahoe Ave.

6400 Arapahoe Strategic Development Planning Process

As part of the overall strategic vision for zero waste in Boulder, the city continues to strive to co-locate its reuse and recycling centers along "Recycle Row," the one-mile stretch of properties in the eastern portion of the city between Valmont and Arapahoe roads along and just east of 63rd Street. Recycle Row currently includes Western Disposal's transfer station; the city and county's yard and wood waste drop-off centers; Western Disposal's compost site; Boulder County's Recycling Center and Hazardous Material Management Facility; and the city's property at 6400 Arapahoe that is home to Eco-Cycle, the Center for Hard-to-Recycle Materials and ReSource the used building materials resale yard operated by the Center for Resource Conservation. In the future, Recycle Row may also host a construction and demolition debris sorting and transfer site as well as other zero waste facilities.

As part of crafting the city's vision, staff has begun a strategic development planning process for 6400 Arapahoe to examine the existing and proposed uses for the city's property there, and to map out a funding strategy and timeline for both Phase II development on the west side of the property (6.246 acres; currently leased to the Center for Resource Conservation and Eco-Cycle); and the site uses, concept plan and funding strategy for the east side of the property (1.928 acres; currently undeveloped and unoccupied).

The first part of this process will entail vetting and agreeing upon criteria for evaluation of development proposals, based on the Zero Waste Strategic Plan. Since the property was purchased by Trash Tax dollars, any use of the property or revenue from the sale of the property should leverage this investment by ultimately serving the community's zero waste needs. Once these criteria are fleshed out and vetted through a stakeholder process, the criteria can be weighed against each other in a way that makes sense for the community.

Given the current interest in uses for the east side of the property, and the upcoming (December 2017) expiration of site review approval for Phase II on the west side of the property, the timing is ripe to develop a Strategic Development Plan with options for funding sources for any proposed development. This exercise should help flesh out the issues, challenges and opportunities for Zero Waste and other community uses of the property.

Goals and Objectives:

- Gain a detailed understanding of all potential uses, now and into the future, for the City's property at 6400 Arapahoe.
- Provide an analysis and understanding of the opportunities, costs, issues and challenges related to the property.
- Develop an action plan specific to the funding and phasing of proposed development at the site

Products:

- Concept Plan for the eastern portion of the site (if the city maintains ownership)
- Action Plan for funding and phasing of development at the site for both the western and eastern portions of the site

COMMUNITY PARTNER ACTION PLANS

In addition to the strategies outlined above, the City of Boulder's community zero waste partners are also planning on pursuing the following action items over the next 2-3 years.

Boulder County

Goal: Boulder County's Zero Waste Resolution, adopted in 2005, set a goal of eliminating waste for Boulder County government and for the county as a whole (i.e. achieve Zero Waste or "darn near") by 2025.

Strategies:

- Construction and Demolition (C&D): Conduct

research on C&D recycling strategies and policies, continue outreach, and continue to explore the needs and potential citing for a C&D materials recycling facility
- Review the Zero Waste Action Plan for any updates that need to be adopted
- Support capacity for additional composting
- Support at-home composting
- Support ordinances similar to the City of Boulder's commercial recycling ordinance
- Boulder County Recycling Facility upgrades (in partnership with Eco-Cycle):
  - Install second corrugated cardboard baler with expanded pre-sort line and automatic plastic bag recovery system
  - Upgrade container line to include new optical sort er for plastic containers and glass processing line
  - Expand tipping floor in order to accept new commercial single stream material
  - Create new overhead coverage for bale storage areas

Center for ReSource Conservation:

- Continue to divert building materials from the land fill through our ReSource donation and retail center at 6400 Arapahoe. Keep improving operational efficiency on site so that we can continue to grow. Divert approximately 4,000,000 pounds of materials annually through this site by 2017.
- Provide new services at ReSource which will allow us to divert more materials, particularly the ability to process increased amounts of reclaimed lumber.
- Become the leader in increasing diversion of Construction and Demolition (C&D) materials across Boulder by:
  - Continuing to provide Construction and Demolition (C&D) services to City of Boulder residents, including deconstruction plans, material pickups and deconstruction expertise.
  - Expanding our C&D and acquisition services by increasing our internal capacity (staff, trucks, etc) and by raising funds to make strategic investments and improve our processes.
  - Offering multifaceted C&D services, including contractor education and outreach, data tracking and analysis and deconstruction plan verification.
  - Serve as a key part of the City's Recycle Row and as an active partner in the Boulder Zero Waste community.

University of Colorado-Boulder:

As the University continues to achieve progress towards carbon-reduction goals outlines in the University's Conceptual Plan for Carbon Neutrality (CPCN), the campus must place greater emphasis on waste reduction program in order to decrease its impacts on ecosystems and communities.

Goals:

- CU-Boulder should increase its own landfill diversion rate to at least 90 percent by 2020 as a continuous im provement benchmarking pursuit of a zero-waste goal.
- CU-Boulder shall prioritize materials management activities according to the time-honored maxim: "reduce, reuse, and recycle", that seeks first to work with suppliers to reduce or eliminate incoming supply chain materials.

Strategies:

- Design and integrate infrastructure and systems that support Zero Waste practices.
- Retrofit Zero Waste collection systems in existing facilities and all outdoor containers.
- Site and construct a compost system off campus in

partnership with the city or county, capable of pro cessing all campus originated pre- and post-consumer organics, and develop on-campus end use destination where possible and market these materials in the community.
- In support of Zero Waste goals and the university's educational mission, examine size, location, and operational capabilities of the existing facility as a campus unit or in conjunction with the city or county.
- Acquire or create small, flexible interim storage facilities to manage construction and demolition waste campus-wide.
- Actively pursue a partnership with the county to manage construction and demolition (C&D) waste.
- Include a requirement to vendors and on-campus contractors to "pack it in, pack it out".

Western Disposal:

- Work with the City of Boulder and Boulder County to require purchase and use of locally processed and produced compost and mulch products by their internal departments and contracted vendors.
- Expanded outreach to customers informing them of the new regulations and potential options to meet the requirements.
- Collaboration with the City of Boulder and Boulder County on Zero Waste Outreach efforts (education, signage, etc).
- Open Western Disposal's composting facility to other commercial haulers.
- Increase in recycling and composting routes due to additional volume and number of customers.
- Increase diversion rates in all sectors: single family residential, multifamily, and businesses.
- Attempt to find new markets for ground yard waste and wood waste coming from City of Boulder and Boulder County sponsored drop off.

Eco-Cycle:

Businesses:

- Help businesses comply with City of Boulder's universal recycling ordinance by:
  - o Creating customized trainings, tools, and hauling services to better meet businesses' needs,
  - o Supporting downtown or other space-constrained Boulder businesses in overcoming unique challenges, matched with unique collection services,
  - o Expanding Eco-Cycle's Green Star Businesses program to at least 50 businesses, and
  - o Expanding diversion and collections of hard-to-recycle materials from businesses.
- Support ordinance requiring reusable/recyclable/compostable containers to avoid take-out waste.

Residential:

- Support Multi Family Units (MFUs) in complying with the new ordinance with efforts including canvasses, volunteer trainings and recruitment, collection services, etc.
- Better support the Spanish-speaking community in the use of Zero Waste services and programs.
  - o Recruit and train Spanish-speaking Block Leaders and MFU champions.
  - o Increase the amount of educational and outreach materials in Spanish.
- Significantly increase residential understanding of additional resources available to them to help them achieve their goals, such as:
  - o Eco-Cycle A-Z Guide, which features more than 200 materials that can be recycled or reused within Boulder County through a wide variety of businesses and programs,
  - o Guidelines, tools, programs, etc. provided by Eco-Cycle and others, and
  - o Recycle Row and its facilities.

Schools:

- Make every school in Boulder Valley and St. Vrain Valley School Districts a Green Star (Zero Waste) School, currently 27 on the waiting list.
- Modify the Green Star Schools program to fit the unique needs of larger schools, particularly high schools.
- Expand reach of K-12 award-winning multi-topic environmental education program.

Zero Waste Events:

- Help shape ordinance language that has clear and enforceable requirements for event planners to exclusively use Zero Waste products.

Center for Hard-to-Recycle Materials (CHaRM):

- Continue to increase diversion by accepting more types of hard-to-recycle materials as new opportunities develop.
- Complete Phase 2 of 6400 Arapahoe development to allow for Eco-Cycle and ReSource expansion as

originally planned.
- Continue to develop social enterprise/community building opportunities by partnering with ReSource and potentially other businesses (e.g. Blue Star) to create higher-end uses for materials, local jobs and business creation, and reuse.
- Work with community partners through Boulder County Resource Conservation Advisory Board (RCAB) to explore and identify and create appropriate infrastructure and policies to increase diversion of construction and demolition materials.

Compost:

- Work with local partners, including Boulder County Resource Conservation Advisory Board (RCAB), to create local opportunities to collect, process and disseminate compost and build local soils.

Community-wide Programs:

- Collaborate with Boulder County partners to address some of the most significant materials still being landfilled, focusing on materials with greatest opportunity to reduce GHG emissions and set targets for significant increase in successful diversion.
- Create Micro-Green Star Communities (Sustainable Communities), combining Zero Waste with Zero Emissions and Resiliency.
- Help shape and support a county sustainability tax, including funding for Zero Waste infrastructure.
- Create extensive training and empowerment programs for citizen volunteers.
  - o Train Network volunteers to implement sector-specific campaigns to implement diversion at MFUs, businesses, neighborhoods, etc.
  - o Train volunteers to be climate captains, well versed on all things Zero Waste, Zero Emissions, and Resiliency.

Community-wide Education:

- Advocate for the importance of Zero Waste as a significant climate change connection.
- Create "Zero Waste Online Channel" on Eco-Cycle website as part of the website upgrade.
  - o Create quick video, presentations, volunteer webinars, PSA's, how-to's, etc. for all sectors.
  - o Provide a platform for viewing all Eco-Cycle and other local videos on Zero Waste, including from interested partners.
- Expand Choose to Reuse campaign to significantly further the reuse movement.
  - o Promote Tour de Thrift map of reuse opportunities within our community.
  - o Expand use of Choose to Reuse pledge campaign to accompany effort to reduce food take-out pack aging.
  - o Promote the sharing economy in neighborhoods with Block Leaders (where sharing of tools, garden produce, cars, etc. is structured and encouraged).
- Continue to create guidelines, articles, blogs, info graphics, holiday-related content, 3-R content, and distribute through Eco-Cycle Guide, holiday guide, ads, brochures, website, videos, presentations, tours, etc.

Eco-Cycle International:

- Expand new online "Eco-Cycle Solutions Hub," launched in 2015 to help communities around the nation achieve Zero Waste.
  - o Continue to populate map and database of best Zero Waste practices from around the nation and world.
  - o Continue to collect and create Zero Waste tools for communities.

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 the 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

City of Boulder
2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Climate and Energy	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
			Budget update	Budget update	Budget update	Budget update
		Staff Activities	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan
	Climate Commitment	Council		SS: Review interim goals, targets and strategies		
		Staff Activities	Launch action plan	Energy system transformation; blue print convening	Implementation based on action plan	Implementation based on action plan
Housing/Land Use Planning	Comprehensive Housing Strategy (Housing Boulder)	Council	Briefing	SS (2)		
		Staff Activities	Housing Matters launch event, engagement activities	Draft strategy development	Implementation based on adopted strategy	Implementation based on adopted strategy
	Sustainable Streets and Centers/ East Arapahoe	Council	SS: Direction of preferred scenario	SS : Draft plan and action plan		
				Next Corridor - 30th St or Colorado		
		Staff Activities	Develop East Arapahoe action plan			
	Resilience	Council	SS	Direction or IP	Direction or IP	Direction or IP
		Staff Activities	Develop scoping plan	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
	Boulder Valley Comprehensive Plan	Council		SS	Direction or IP	Direction or IP
		Staff Activities	Issues identification	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Transportation	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		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Civic Area	**Civic Area Implementation**	**Council**	SS: Parkland Concepts Plan	CC: Approval of Concept Plan		
		Staff Activities	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
Local Food	**Sustainable Agriculture and Local Foods**	**Council**	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
		Staff Activities				
Livability	**University Hill Moratorium**	**Council**	SS: Review options		IP	
			CC: Public Hearing and Decision			
		Staff Activities	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	**Council**		Direction on 14th Street redevelopment proposal		SS
				SS: Update on strategy		
		Staff Activities	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
				Integration of strategy recommendations from Moratorium	Research options for sustainable governance & funding	Develop options for sustainable governance & funding
			14th Street Lot public/private partnership redevelopment options re: work force affordable housing	14th Street Lot public/private partnership redevelopment options re: work force affordable housing		
			Stakeholder engagement	Stakeholder engagement	Stakeholder engagement	Stakeholder engagement
	Homeless Action Plan	**Council**	IP: 2014 Accomplishments	SS: As part of Human Services strategy update		IP - Services and Regional coordination update
		Staff Activities				
	Community Cultural Plan	**Council**	Council update and input on testing phase	Briefing	SS: Adoption of Community Cultural Plan	
		Staff Activities	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		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Other	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 (1st alternate), Castillo (2nd 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/ 9th 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
Llasa, 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	G	H
1	**Date**	**Status**	**Topic**		**Location**	**Contacts**	**Materials Due**	**Draft Summary Due**
76								
77	11/12/15	Approved	AMPS Update	6-7:30 PM	Chambers	Molly Winter/Ruth Weiss	10/29/15	11/19/15
78		Approved	Broadband Working Group Status Update	7:30-9 PM	Chambers	Don Ingle	10/29/15	11/19/15
79								
80	11/24/15	Thanksgiving Holiday Week - No Meeting						
81								
82	12/08/15	Approved	**Briefing**: East Arapahoe Transportation Corridor Plan	5:30-6	Chambers	Randall Rutsch/Rene Lopez	N/A	N/A
83		Approved	Hill Reinvestment Strategy Update	6-7:30 PM	Chambers	Molly Winters/Ruth Weiss	11/25/15	12/17/15
84		Approved	Marijuana Advisory Committee	7:30-9 PM	Chambers	Tom Carr/Heather Hayward	11/25/15	12/17/15
85								
86	12/22/15	Christmas Holiday Week - No Meeting						
87	12/29/15	New Years Holiday Week - No Meeting						
88								
89								

2015 INFORMATION PACKETS				
Date of Agenda Packet	Due to Clerk's Office by NOON	Item Type	Topic	Contacts
11/10/15	11/04/15			
		Call- up	5555 Racquet Lane	Chandler Van Schaack/Lauren Reader
		Call up	2751 30th Street concept plan	Chandler Van Schaack/Lauren Reader
11/17/15	11/10/15			
12/01/15	11/24/15			
12/15/15	12/09/15			
		Information Item	Open Space and Mountain Parks Agricultural Resources Management Plan	Kacey French/Cecil Fenio

November 10, 2015 -
5:30 PM Business Meeting
Council Chambers, 1777 Broadway

5:30 PM Mayoral Platform

Agenda Section		Time	Minutes
SPECIAL PRESENTATIONS			
	Parting Comments - Council Member Karakehian	15	Minutes
	Parting Comments - Council Member Cowles	15	
OPEN COMMENT		45	Minutes
CONSENT	Budget Hearing 3rd rdg	15	Minutes
	Resolutions to provide emergency services to certain annexed properties previously served by the Boulder Rural Fire Protection District and the Rocky Mountain Fire Protection District.		
	Study Session Summary- from 10/13 regarding Development related impact fees and Excise Taxes		
	Motion to call a Special Meeting for Executive Session on Nov 19th		
	Consideration of a motion to approve the minutes for 10/5/2015 Special Meeting		
	Emergency ordinance amending certain fees		
	Motion authorizing CM to enter into an IGA with CDOT re Baseline Underpass Proj		
	1st rdg - authorizing the CM to execute a deed vacating 2 public access easements at 901 Pearl		
	Study Session Summary- Boulder Junction Update		
PUBLIC HEARINGS			
	Trigg-Delier Property Acquisition	60	Minutes
	3rd rdg MJ Code and Policy Changes	120	Minutes
	Boulder Civic Area Phase I Park Development	10	Minutes
MATTERS FROM CITY MANAGER	Zero Waste Strategic Plan	30	Minutes
MATTERS FROM CITY ATTORNEY			Minutes
MATTERS FROM MEMBERS OF COUNCIL			Minutes
CALL-UPS	2751 30th Street Concept Plan		
	5555 Racquet Lane /Meadows Tennis Club; Site & Use Review		Minutes
	Total Estimated Meeting Time (Hours:Minutes)	5:10	

November 17, 2015- Swear in New Council Members **10 AM**
Council Photos **10:30 AM;** Transition Luncheon **11:30 AM**
Luncheon at the Onyx Room at Jill's in the St. Julien

November 17, 2015- Civic Area Winter Activation Event
5:30 PM - Civic Area

November 17, 2015 Regular Meeting
6:30 PM 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	1st Reading of Second Budget Supplemental	15	Minutes
	1st Reading of 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		
	1st Reading of an ordinance to subdivide a portion of property at 2180 Violet to allow for title transfer to Flatirons Habitat for Humanity		
	2nd rdg - authorizing the CM to execute a deed vacating 2 public access easements at 901 Pearl		
	Emergency Appropriation for BCH closing		
PUBLIC HEARINGS	Community Cultural Plan	90	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			
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)	4:50	

November 19, 2015 Special Meeting- Executive Session
6 PM Council Chambers, 1777 Broadway
401 Park Central

Agenda Section	Item Name	Time	
CALL TO ORDER AND ROLL CALL	Municipalization		
	Total Estimated Meeting Time (Hours:Minutes)	**0:00**	

November 19, 2015 Council Orientation
8 PM CMO Fishbowl Room

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 Ordinance Budget Supplemental	15	Minutes
	1st Rdg OrdinanceHabitat Conservation Area designation of the Schnell Homestead Open Space Property		
	1st Rdg Ordinance to implement West Trail Study Area plan re: equine use and sledding		
	Study Session Summary: Human Services Stratedy Update		
	1st Rdg annexation for 3.2 acre located at 4525 Palo Parkway RMX-2- needs to be annexed before 2/1 (BHP requesting annexation before 2/1 to be competitive for state affordable housing funding)		
	Motion to approve 2015 State and Fed legislative Agenda Description		
	Study Session Summary: Homelessness Strategy Update		
	2nd Rdg Ordinance vacating the CM to execute a deed vacating 2 public access easements at 901 Pearl		
PUBLIC HEARINGS	Certification of Election Results	15	Minutes
	2nd Reading of an ordinance to subdivide a portion of property at 2180 Violet to allow for title transfer to Flatirons Habitat for Humanity	30	Minutes
	2nd rdg Rezoning .8 Acre of land located at 385 S. Broadway	120	Minutes
	Gregory Creek Mitigation Plan	30	Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
	Total Estimated Meeting Time (Hours:Minutes)	**4:15**	

December 2, 2015 CU/COB Leadership Lunch			
December 15, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway			
Agenda Section	**Item Name**	**Time**	
SPECIAL PRESENTATIONS			
OPEN COMMENT		45	Minutes
CONSENT	2nd Rdg Ordianance to implement West Trail Study Area Plan re: equine use and sledding - moved to consent	15	Minutes
	2nd Rdg Ordinance Habitat Conservation Area Designation of the Schnell Homestead Open Space Property		
Public Hearing	BVCP - Joint hearing with Planning Board - **No other items to be scheduled for this evening:** Initial screening of Public requests, report on results of listening tour, results from BVCP survey, discucssion of focus areas and policy changes.	180	Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
	Total Estimated Meeting Time (Hours:Minutes)	**4:00**	
December 18, 2015 Legislative Breakfast **7:30-9 AM**			

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		15	Minutes
PUBLIC HEARINGS	Direction on initial screening of public request for BVCP	45?	Minutes
	2nd rdg annexation for 3.2 acre located at 4525 Palo Parkway RMX-2- needs to be annexed before 2/1 (BHP requesting annexation before 2/1 to be competitive for state affordable housing funding)	40	Minutes
			Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
	Total Estimated Meeting Time (Hours:Minutes)	**1:40**	

January 19, 2016 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway			
Agenda Section	**Item Name**	**Time**	
SPECIAL PRESENTATIONS			
OPEN COMMENT		45	Minutes
CONSENT		15	Minutes
	1st rdg Leases for Point to Point Electrical Conduit Crossings		
PUBLIC HEARINGS			
	West Fourmile Canyon Creek Area Study update and direction Ponderosa MHP	150	Minutes
MATTERS FROM CITY MANAGER	Living Lab Phase I Update	20	Minutes
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
	Total Estimated Meeting Time (Hours:Minutes)	**3:50**	

DRAFT
2016 Study Session Calendar

03/03/16		Boards and Commissions Interviews (Thursday)	6-9 PM	1777 West				
03/08/16		Boards and Commissions Interviews	6-9 PM	1777 West				
03/10/16		Boards and Commissions Interviews (Thursday)	6-9 PM	1777 West				
0322/16		Briefing:						
03/22/16		Boulder Junction Update	6-7:30	Chambers	Eric Ameigh, Lauren Reader			
03/22/16			7:30-9 PM	Chambers				
03/22/16		CU spring Break Mar 21-25						
03/29/16			6-9 PM	Chambers				
03/31/16		Sister City Dinner- example only	5-6:30 PM	Lobby				
			6:30-7:30	Chambers				
			7:30-9:00	Chambers				
4/12/2016			6:00-7:30	Chambers				
			7:30-9:00	Chambers				
04/26/16		No Study Session due to Council travel to Portland, OR	5:30-6:00	Chambers				
			6:00-7:30	Chambers				
			7:30-9:00	Chambers				
05/10/16			6:00-7:30	Chambers				
			7:30-9:00	Chambers				
05/24/16		Briefing	5:30-6:00	Chambers				
			6:00-7:30	Chambers				
			7:30-9:00	Chambers				

TO: Members of City Council

FROM: Michael Gallegos, City Clerk's Office

DATE: November 10, 2015

SUBJECT: Information Packet

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1. CALL UPS

A. Concept Plan Review 2751 30th Street (LUR2015-00053)

B. 5555 Racquet Lane/Meadows Club Expansion Site & Use Review
Request for expansion of the Meadows Tennis Club located at 5555 Racquet Lane within the RL-2 zone district. The proposal includes the renovation and expansion of the existing clubhouse including enclosure of two existing tennis courts adjacent to the clubhouse; relocation of two existing platform tennis courts and the addition of two new platform tennis courts and two new tennis courts. The applicant is requesting a 39% parking reduction to allow for 92 parking spaces where 151 are required following the proposed expansion. The subject project includes an application for Site Review (LUR2014-00095) and an application for Use Review (LUR2015- 00018), which is required for the expansion of the existing indoor athletic facility/ non-profit membership club.

2. INFORMATION ITEMS

None

3. BOARDS & COMMISSIONS

A. Human Relations Commission – October 19, 2015

B. Open Space Board of Trustees – October 14, 2015

C. Planning Board – October 1, 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
Chandler Van Schaack, Planner II

Date: November 10, 2015

Subject: Call-Up Item: Concept Plan Review 2751 30th Street (LUR2015-00053)

EXECUTIVE SUMMARY

On October 15, 2015 the Planning Board reviewed and commented on the above-referenced application. 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 16, 2015**. There is one City Council meeting within this time period for call-up consideration, on November 10, 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 ➔10.15.2015).* The minutes from the Planning Board hearing are provided in **Attachment A** and the Concept Plan submittal package is provided in **Attachment B**.

There were no neighborhood comments at the Planning Board hearing. Following staff's presentation of the Concept Plan submittal, the applicant presented a revised design for the project based on feedback provided by the Boulder Design Advisory Board (BDAB) at a meeting on September 23, 2015 (Revised elevation included as **Attachment C**). The discussion focused on the revised design. Several board members felt this project needs a mixed-use component to be compliant with the main street character vision for 30th Street as expressed by the adopted Transit Village Area Plan (TVAP); however, several other board members expressed support for the "family friendly" elements of the project. The board expressed support for rezoning the property to BMS as anticipated by TVAP Phase 2; however, the board acknowledged that this may not be feasible at this time due to rezoning policies included in the TVAP Implementation Plan. The board identified issues with regard to the proposed access on the south side of the site, in particular with regards to the potential future Bluff Street alignment. The Board suggested new site layouts to address those issues. Some issues were also raised in regards to site permeability and parking. The board made some recommendations for site and building improvements and parking management strategies and also suggested potentially adding residential units to the project.

Consistent with recently amended land use code section 9-2-13(a)(2), B.R.C. 1981 City Council has the opportunity to call up the application to review and comment on the concept plan within a 30-day call up period which expires on **November 16, 2015.**

ATTACHMENTS

A. 10.15.2015 Planning Board Minutes
B. Concept Plan Submittal
C. Revised Elevation Presented by Applicant at Oct. 15, 2015 Hearing

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
October 15, 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 Gerstle
Leonard May
Liz Payton
Crystal Gray

PLANNING BOARD MEMBERS ABSENT:
John Putnam

STAFF PRESENT:
Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Assistant III
David Thompson, Civil Engineer II, Transportation
Chandler Van Schaack, Planner I
Jessica Stevens, Civil Engineer II

1. CALL TO ORDER

Chair, **A. Brockett**, declared a quorum at 6:05 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **C. Gray** and seconded by **A. Brockett** the Planning Board voted 5-0 **(J. Putnam** absent; **J. Gerstle** did not vote due to being absent from the October 1, 2015 meeting) to approve the October 1, 2015 minutes as amended,

3. PUBLIC PARTICIPATION

No one spoke.

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

A. Call Up Item: Floodplain Development Permit (LUR2015-00090), 505 27th Way

B. Call Up Item: Floodplain Development Permit (LUR2015-00086), South Boulder Creek Pedestrian Bridge – 3 South Cherryvale

C. Call Up Item: Pearl Place Subdivision (TEC2015-00004) located at 2920 and 2930 Pearl; 2085, 2111 and 2121 30th Street. Final Plat to replat the existing site into two lots: one on the south side of the site (2.92 acres) and the other on the north side of the site (1.40 acres). The call up period expires on Oct. 23, 2015.

None of the items were called up.

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

A. Information Item: Second Review of the Draft Community Cultural Plan

B. Information Item: Zero Waste Strategic Plan

On a motion by **A. Brockett,** seconded by **C. Gray**, the Planning Board voted 6-0 (**J. Putnam** absent) to continue Matters 5A and 5B to the October 22, 2015 Planning Board meeting.

6. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Concept Plan (case no. LUR2015-00053) for redevelopment of a 1.85-acre site located at 2751 and 2875 30th Street within the BT-1 zoning district. Referred to as "The Boulder Junction Rowhouses" the proposed residential development is located in Phase 2 of Boulder Junction and would consist of 32 attached residential units split between four, 4-story, 37' tall rowhouse buildings totalling roughly 66,000 sq. ft. The proposal also includes a large, central open space feature constructed over a structured parking area containing 70 parking spaces.

Applicant: Jason Lewiston
Property Owner: Greenius Boulder LLC as to 2751 30th St.; McNeill Family Trust as to 2875 30th St.

Staff Presentation:
C. Ferro introduced the item.
C. Van Schaack presented the item to the board.

Board Questions:
C. Van Schaack and **D. Thompson** answered questions from the board.

Applicant Presentation:
Jason Lewiston, with **Greenius Boulder LLC, 782 Cherry Street, Denver**, the applicant, presented the item to the board.

Board Questions:
J. Lewiston, the applicant, answered questions from the board.

Public Hearing:
No one spoke.

Board Comments:
Key Issue #1: Are the preliminary plans consistent with the Transit Village Area Plan (TVAP)?

- **L. Payton** stated that the project complies with the TVAP guidelines and is consistent. Parking is underground and would eliminate the curb cut on 30th Street. While this project is not a mixed-use project, **L. Payton** stated that currently there is already a large amount of commercial development in other parts of TVAP and that there is not enough family oriented development. She expressed concern that the proposed units will be on the high income level end and that not enough affordable units would be provided.

- **J. Gerstle** generally agreed with **L. Payton**. However, he stated that it is important to have the mixed-use aspect preserved. The project should be an interesting place to walk along and the project would be enhanced with a mixed-use function.

- **A. Brockett** agreed that the project is meeting most of the goals and criteria set by TVAP. 30th Street is looking to be a main business corridor and the project needs to comply with the eventual vision of the 30th Street corridor which is to become a walkable main street. Therefore, in order to fully meet the TVAP criteria, it is necessary for the project to have a mixed-use component.

- **B. Bowen** stated that the project does not comply with TVAP guidelines due to the lack of mixed uses. The plan calls for 30th Street to be a "business main street" (i.e. retail, office and commercial spaces). This street section in TVAP is proposing zero setbacks and a different cross section than what is shown in this project's designs. Therefore this project is not TVAP compliant.

- **L. May** agreed with previous comments. The TVAP vision plan needs to be maintained. Generally this project does not comply with TVAP at this time.

- **C. Gray** stated that the project complies with the TVAP land use plan. Likes yard spaces in the design. She agrees with L. Payton that the city needs to have more projects that are family friendly. TVAP's goal is to have a mix of housing from small flats to larger family housing. According to the "commuter" survey previously looked at by the Board, participants stated they would want single family house, townhomes or duplexes. This project will meet those needs. Lots of positive things exist within this project and suggested opportunities for creative affordable units rather than the disconnected park space to the south. However, mixed-use would be beneficial as well to include.

- **A. Brockett** likes the townhome aspect and the family friendly housing and open spaces are positive. He suggested that it might be sufficient to add a mixed-use component to just a portion of the 30th Street frontage.

- **L. Payton** stated that in regards to the setbacks, which will be landscaped, that they would be pleasant to walk past.

Key Issue #2: Access

- **J. Gerstle** stated the site layout seems reasonable. He stated he would like to see two elements. He would like to see public access to the courtyard if possible. Paths from the north through the middle seem reasonable. The other element would be maintaining the permeability to the public through the site.

- **A. Brockett** stated that it seems unfair to state that the access from 30th Street can't be developed until Phase II of TVAP. In order for developers to move forward, access off 30th Street is the only answer as long as it conforms to the overall TVAP Plan. While he likes the open space concept that would be shared by all units, he is concerned about the future of the site, after Bluff Street is developed. It would leave underutilized space. Should be designed for the final layout of the site. He suggested taking the garage access to the west side, so the south side could be made into a functional pocket park.

- **B. Bowen** stated relocating the parking garage access to the alley would be an improvement. In regards to the site layout, he would want to see more detail for the future alley as a public right-of-way. He suggested to perhaps flip the parking stalls from the fence line to the building side to anticipate the future though alley. He agrees with **J. Gerstle** in that the center courtyard needs to be permeable and open to the public. In terms of site layout, if there was a strip of retail the same width as the units facing the street that would allow for two-story townhomes over the first floor of retail that could open out onto the central open space. This would also provide more diversity of housing types.

- **L. May** asked if this particular plan is in compliance with city requirements in terms of distance off 30th Street and to have access into the proposed site.

    - **D. Thompson** stated no they are not. He stated staff's preference would be to have the curb cut to the north of the site. The access would be supported by the location of the light and traffic study.

- **L. May** stated the access to the site is awkward as currently proposed. He suggested exploring access from north end of Bluff Street. This could potentially enable the addition of another unit at the south end of the block.

- **A. Brockett** said that in light of **D. Thompson's** statement that a street light will be added at Bluff Street in 2017, access would need to be taken from the north side of the project.

- **C. Gray** stated that the applicant and the city staff will need to work out a reasonable access into the parking garage. She stated that she likes the proposed plan. In regards to the alley, more landscaping along the alley and along the north pedestrian access would be beneficial. She stated that she hopes reasonable access to the site can be accomplished.

- **L. Payton** echoed **J. Gerstle's** comments regarding having permeability through the site and being open to public (east/west). She agreed that it would be awkward with the large pavement left over at the access. Perhaps removing that or to put something else in its place.

Key Issue #3: Mixed Use

- **L. May** stated that a mixed-use would give more continuity to the site. The project needs to provide diversity of housing and as many of the elements from TVAP as possible.

- **C. Gray** stated that this is the type of project that is missing from TVAP.

- **L. Payton** agrees with **C. Gray's** comments and suggested that perhaps one way to address the diversity issue would be to take one or two units and split them as affordable units, but not that they are obvious they are affordable units. She stated that more commercial units are not needed in at that site. More residential is needed.

- **B. Bowen** stated that 7 units of affordable housing would be required.

- **J. Gerstle** agreed with **L. Payton** that her suggestion would make the project better.

- **B. Bowen** stated, in terms of mixed-use, that townhouses to the backside of the park over the mixed use would give the diversity needed. For example, he suggested more commercial below on the streetscape and above that opening up to the elevated open space.

- **C. Gray** stated the proposed park gives an opportunity for mixed use.

Key Issue #4: Parking

- **L. May** encouraged reduction in parking for this project. The city does need to achieve the mode shifts of transportation and this project presents an opportunity to do that.

- **A. Brockett** agreed with **L. May's** comments. He suggested a way to accomplish this would be to bundle or have shared parking spots.

- **B. Bowen** agreed with the previous comments and added that unbundling parking would be more effective if it was a mixed use project.

- **L. Payton** supports shared parking. The current plan has excessive parking.

- **J. Gerstle** stated the parking should be unbundled.

- **C. Gray** stated she would like to learn more about their transportation management plan when they return to Planning Board as it could be applicable.

Key Issue #5: Design, Architecture, Materials

- **C. Gray** stated the applicant has responded to BDAB's advice. She likes how the buildings have been broken up. She stated some concerns about raising the door stoop and the patterns of the windows have been resolved. Items have been addressed from the FBC aspect as well.

- **L. May** stated this is a big improvement to remove the CMU and simplify the façade. He stated he is concerned with over scale of bricks and would be very resistant to condone their use.

- **B. Bowen** stated the project has come a long way from the presentation in BDAB. He also has concerns with the proposed masonry. The style of bricks proposed will not meet city's energy code without and insulated cavity wall on the interior side. He suggested to the applicant to pay attention to the proportions of masonry to glass which also appear in the FBC. In addition, the differential layers of fenestration are outlined in the FBC as well. He suggested grouping the windows over the door into a pair.

- **A. Brockett** echoed that the project has come a long way with BDAB's advice. He stated that he has no problem with the proposed masonry.

- **J. Gerstle** had nothing to add.

- **L. Payton** shared **L. May's** concerns with size of the masonry. She appreciates the applicant's effort to make the building feel like it belongs in Boulder. She approved of the building's proportions and fenestration. She had a concern with the top of the building because there does not appear to be a real cap except for a railing.

- **L. May** agrees with all of the previous comments.

Key Issue #6: Re-Zoning:

- **B. Bowen** stated that it would make sense to rezone and to have land use match the adopted TVAP plan.

- **A. Brockett** stated it would be reasonable to rezone. It is important that TVAP establishes a broad character for 30th Street and it is defined as a business main street. He stated that he would support a rezoning to BMS to make that definition more doable. He stated that in his opinion, Bluff Street would need to be built to achieve that.

- **J. Gerstle** stated he would be in support with rezoning.

- **L. Payton** stated she likes the plan as currently proposed. She stated she is not in favor of increasing the development potential and adding more units and having less open space. In regards to TVAP, it does not need to be followed to the letter for each project. She does not support the rezoning.

- **C. Gray** agrees with **L. Payton**. She believes the project is on the right track and a project like this has not been seen before. She stated that the applicant has the choice to rezone, but that she is comfortable with the project moving ahead as is.

- **A. Brockett** stated that BMS zoning does require commercial on the first level. Therefore this exact project could not be done, but it could be similar. He stated that the family friendly aspect is important to him as well.

- **B. Bowen** and **J. Gerstle** both agree that if it were rezoned, it would not preclude a family friendly project.

- **L. May** reiterated that rezoning is the applicant's prerogative.

    - **C. Ferro** stated that an adopted implementation plan for TVAP does exist. In regards to rezoning for Phase II, there is some specific language. He quoted, "*Properties in Phase II that wish to redevelop sooner could do so under current zoning or could request BVCP Land Use designation and zoning changes consistent with the adopted area plan if can be demonstrated that adequate public facilities will be in place concurrent with redevelopment including construction of transportation improvements shown on the connections plan that are necessary to serve the property and connected to the arterial street network , an early action item for plan implementation will be development of a concurrency ordinance that would require adequate public facilities and services to be in place concurrent with redevelopment . Planning Board and City Council may also consider the market absorption of properties with similar uses in Phase I when considering BVCP Land Use and zoning changes for Phase II properties.*"
      C. Ferro stated that this intentional language is designed to emphasize the build out of Phase I in advance of Phase II.

- **L. May** stated that the quote reads as though the rezoning cannot be done in a timely manner and that infrastructure needs to be in place before the Planning Board can consider rezoning changes.

- **C. Gray** stated that by advocating for rezoning, it appears that we are asking property owners to aggregate properties. She stated that this could eliminate the smaller projects that contribute to the area. In her opinion, TVAP could benefit from smaller projects as it could break up the massing.

- **B. Bowen** stated that a mixed-use zone should occur in this area and that is what is desired in this area.

- **A. Brockett** agreed with **C. Gray** in her comments regarding smaller projects, but the BMS zoning would not necessarily be a more intense project.

Summary of Concept Plan:
No action is required on behalf of the Planning Board. **A. Brockett** gave a summary of the Board's comments to the applicant. One fundamental point is that several Board members feel this project needs a mixed-use component to be compliant with the main street character vision for 30th Street. In addition however, several other Board members feel the proposed project with the family friendly component is acceptable. There is openness to rezoning to BMS however there may be some resistance from staff and existing language in the Plan. It is the applicant's decision whether or not to apply for a rezoning. In terms of access and layout, issues with regard to the southern access exist, in particular with Bluff Street. The Board has suggested new site layouts to deal with those issues. And some issues were raised in regards to permeability and parking reduction.

B. AGENDA TITLE: Public hearing and consideration of Site and Use Review applications for expansion of the Meadows Tennis Club located at 5555 Racquet Lane within the RL-2 zone district. The proposal includes the renovation and expansion of the existing clubhouse including enclosure of two existing tennis courts adjacent to the clubhouse; relocation of two existing platform tennis courts and the addition of two new platform tennis courts and two new tennis courts. The applicant is requesting a 39% parking reduction to allow for 92 parking spaces where 151 are required following the proposed expansion. The project is reviewed under two separate cases, LUR2014-00095 and LUR2015-00018.

Applicant: Jim Bray for the Meadows Club
Property Owner: Meadows Club Inc.

Board Comment:
C. Gray recused herself from this discussion.

Staff Presentation:
C. Ferro introduced the item.
C. Van Schaack presented the item to the board.

Board Questions:
C. Van Schaack and **H. Pannewig** answered questions from the board.

Applicant Presentation:
Jim Goldfarb, Meadows Club, Inc., 5555 Racquet Lane, a member of the Board of Directors of The Meadows Tennis Club, and **Jim Bray, Bray Architecture, 1300 Yellow Pine Ave.,** the architect, presented the item to the board.

Board Questions:
J. Bray, the architect, and **Don Ash,** with **Scott, Cox & Associates, 6490 Pennsylvania Ave,** the civil drainage engineer and neighbor, answered questions from the board.

Public Hearing:

1. **Tom Murphy (pooling time with Ron Berger, Myrl Miller, Don Saunders, Betsey Saunders), 5543 Stonewall Place,** spoke in opposition to the project.
2. **Sally Schneider (pooling time with Tamara Eric), 5547 Stonewall Place,** spoke in opposition to the project.
3. **Jeff Pastore, 5606 Pennsylvania Ave.,** spoke in opposition to the project.
4. **Amir Caspi, 5610 Pennsylvania Ave.,** spoke in opposition to the project.
5. **Andrew Roppel, 880 Racquet Lane,** spoke in opposition to the project.
6. **Mike Fettig, 5525 Friends Place,** spoke in opposition to the project.
7. **Brock Borman, 3150 Iris Ave., #101,** spoke in support to the project.
8. **Jim Doyle, 876 Racquet Lane,** spoke in support to the project.
9. **Janice Branam, 5521 Friends Place,** spoke in opposition to the project.

Board Comments:
Key Issues:

- **Is the proposed Site Review Amendment consistent with the criteria for Amendments to Approved Site Plans as set forth in section 9-2-14(m), B.R.C. 1981?**
- **Is the request for an expansion of the existing indoor athletic facility/ non-profit membership club use consistent with the Use Review Criteria set forth in section 9-2-15(e), B.R.C. 1981?**
- **Is the requested parking reduction consistent with the criteria for parking reductions set forth in section 9-2-14(h)(2)(K), B.R.C. 1981?**

- **L. May, B. Bowen** and **J. Gerstle** felt that in general the project is compliant and grandfathered in by the original PUD. In his opinion, the Planning Board does not have much latitude. They stated that perhaps there are some management plan issues that can be addressed.

- **A. Brockett** stated that the neighbors' concerns seem to center around changes that are allowed by-right. There have been additional concerns regarding the size of the club house, which the Planning Board can review. He agreed that the management plan can be mitigated in regards to impact on the neighbors.

- **J. Gerstle** confirmed that these elements are grandfathered in and still valid and the Planning Board has limited capabilities to deal with those grandfathered issues in regards to the proposed new tennis courts and the old tennis courts.

    - **H. Pannewig** stated that what was approved under the old PUD (approval) still remains valid.

- **L. Payton** stated her main concern was with the potential for property damage from drainage and flooding. She stated she agrees with the other Board members, if drainage issues are resolved and if the structures are out of the Planning Board's purview, then it is about the management plan.

Additional Key Issue: Changes to management plan:

- **A. Brockett** stated that the overnight events should be addressed in the management plan.

- **L. Payton** was under the assumption an overnight event only happens once a year. She stated that the issue of light leakage should be addressed in the management plan and proposed operable shades.

- **J. Gerstle** stated it would be appropriate to stipulate that the Boulder lighting code, when it becomes effective in 2017, that the older lighting which will not be in accordance with the new code should be brought up to date.

    - **C. Ferro** informed the Board that currently the applicant is not in compliant with current regulations. In this particular case, the applicant would be seeking a variance where some of the light levels would exceed what is in the code today. If the variance is granted, it would not require them to come to full compliance in 2017.
    - **H. Pannewig** could be a condition of approval.

- **A. Brockett** suggested that during swim meets, starting guns not be used and to state this in the management plan.

- **L. May** stated that most of these issues are currently addressed in the management plan. Regarding a non- renewal of the parking agreement with the school, then they would be out of compliance. In his opinion, generally the management plan has addressed most concerns from neighborhood.

Motion:

On a motion by **B. Bowen,** seconded by **J. Gerstle,** the Planning Board voted 5-0 (**J. Putnam** absent, **C. Gray** recused herself) to approve the Site Review application LUR2014-00095 and Use Review application LUR2015-00018, adopting the staff memorandum as findings of fact and subject to the recommended conditions of approval found in the staff memorandum.

Friendly amendment by **L. Payton** to add a condition requiring that the Applicant install operable shades on the eastern portion of the enclosed tennis courts. Friendly amendment was accepted by **B. Bowen** and **J. Gerstle**.

Friendly amendment **A. Brockett** to add a condition requiring the Applicant to ensure that no starting guns be used at any event on the property. Friendly amendment was accepted by **B. Bowen** and **J. Gerstle**.

C. AGENDA TITLE: Staff briefing and board input regarding the Access Management and Parking Strategy (AMPS).

Motion:
On a motion by **A. Brockett,** seconded by **C. Gray**, the Planning Board voted 6-0 (**J. Putnam** absent) to continue the Public Hearing Item 5C to the October 22, 2015 Planning Board meeting.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:17 p.m.

APPROVED BY

Board Chair

10/29/15

DATE

Concept Plan Transmittal 6.10.15
The Boulder Junction Rowhouses
2751 30th and 2875 30th

This site, 2751 30th and 2875 30th, is part of the adopted Transit Village Area Plan (TVAP) and is slated to be zoned TVAP-MU1, consistent with a BMS zoning, when Phase 2 of TVAP is implemented. The site is currently zoned BT-1.

Our proposed Boulder Junction Rowhouses will be 32 family sized homes, complete with 2,000 sf+ each (plus a 700 sf basement), 3 bedrooms, a fenced front yard, and a great community park.

They will also be among the most energy efficient homes ever built in Boulder, with solar electricity, solar hot water, NRG block walls, and healthy indoor air.

We propose entering an underground garage from the south side of the property with, for the present time, an entrance from 30th Street. The entrance to the development can be moved to the new Bluff Street, when it is extended in accordance with the TVAP transportation plan.

As part of our submittal, we would like the Planning Board to consider allowing us a 38' height, rather than the 35' currently allowed under BT-1. We have raised only the center portion of each building, at the "stair tower", to 37'. This will allow access to the roof top decks.

The façade facing 30th Street will remain at approximately 32'. The taller portion (37' height) of the building will be set back from the 30th Street property line about 40 feet.

We note that under the future BMS zoning, the site is designated to have 38' maximum height, so we believe that this is a reasonable request. Please note that **we are not asking for any additional units/density above that which is allowed under the current BT-1 zoning**.

We comply with BT-1 zoning in the matters of density / open space (minimum 1,200 sf open space per unit), front, side and rear yard setbacks, and parking (2 spaces per 3 bedroom unit).

Also, please note that our FAR, although not applicable under BT-1, is about .8, which is less than the 1.0 FAR allowed (for residential) under future BMS zoning.

With the hundreds of thousands of square feet of office space being built in Boulder Junction, there is scarcely little large size (2,000 sf +) housing being added for families, who will want a front and back (ground floor) entrance, a fenced yard for a dog, and a playground and park right outside the door. And all within walking distance of new offices, restaurants and retail.

The Boulder Junction Rowhouses will be a (clean energy) supply of homes that will be in huge demand in the district.

Please approve our project.

Thank you.

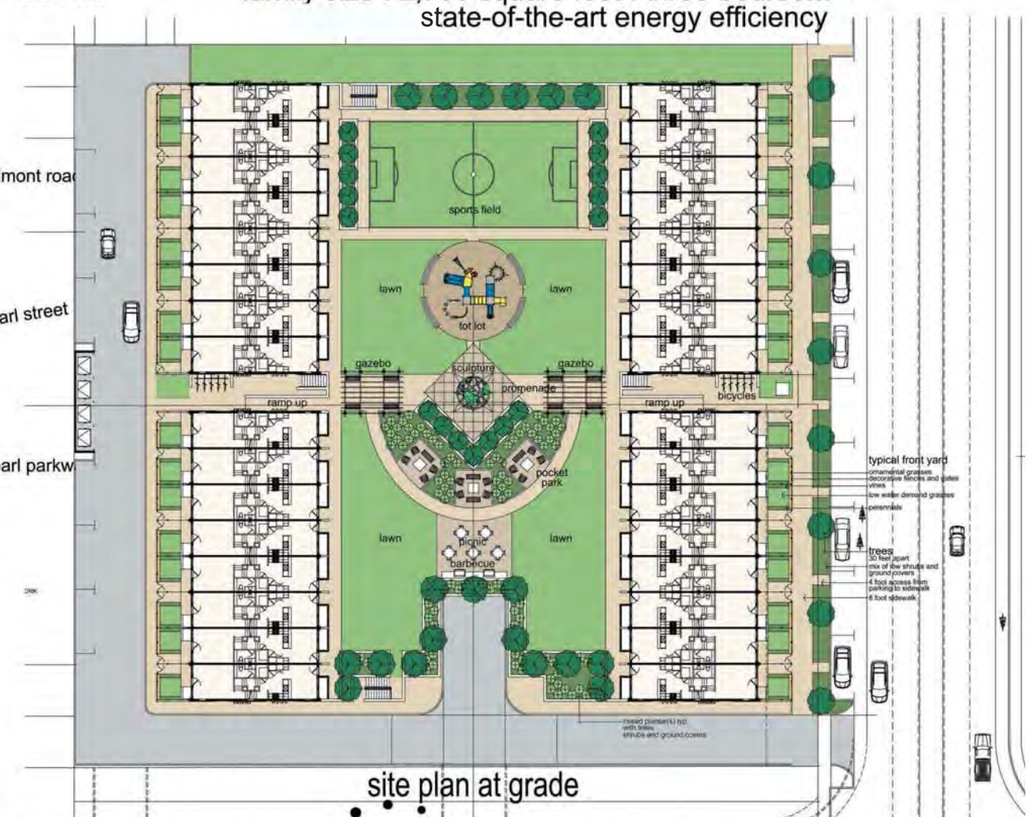
Jason Lewiston
Greenius Boulder LLC

Boulder Junction Rowhouses

site Presenting 32 new rowhouses in the City of Boulder Colorado
in the dynamic . new . Boulder Junction District

family size . 2,700 square feet . three bedroom
state-of-the-art energy efficiency

boulder junction townhomes



site plan at grade

27 April 2015

called north

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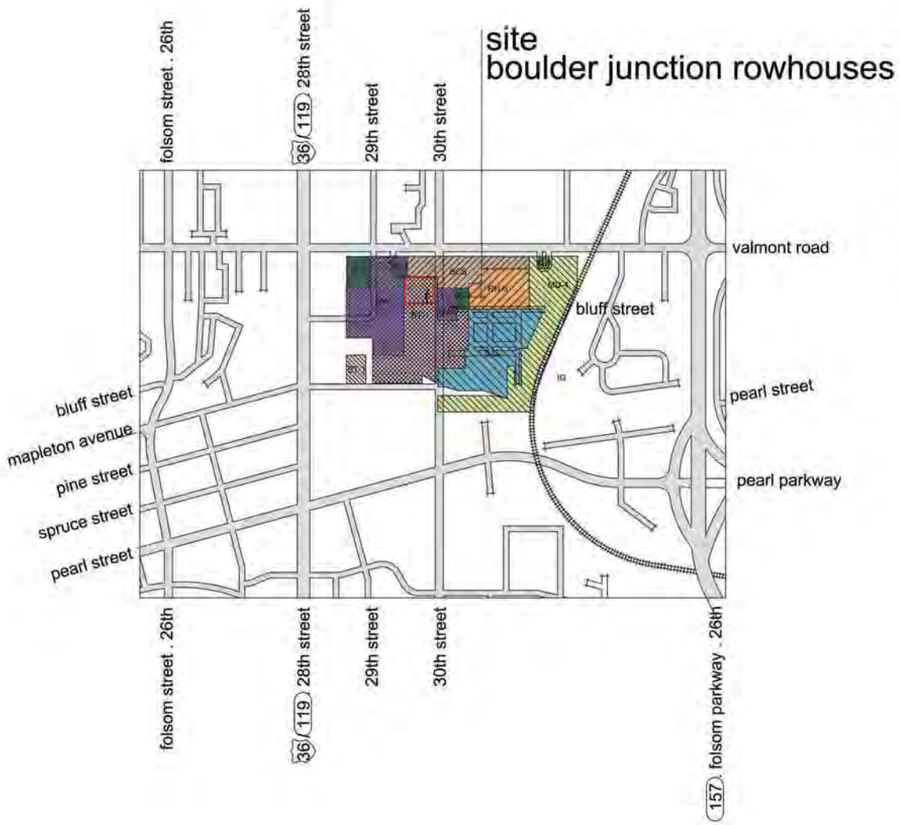
Architectural Documents
Boulder Junction
rowhouses



drawing index

drawing number	subject
	cover
1.	introduction . team . drawing index
2.	architectural site plan at grade + site location map
2a	landscape plan
3.	architectural site plan underground parking
4.	3 bedroom rowhouse floor plans
4a	plan - key
5.	front elevations
6.	rear elevations and underground parking section
7.	north elevation and site section through buildings
8.	south elevation and site section between buildings
9.	typical building section
10.	open space calculation
11.	Bluff Street extension per TVAP proposal

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Energy Features

Energy efficient design, including solar panels, is about saving money through lower utility bills. It is a fantastic coincidence that in saving money, you are also doing a great deal to help the environment by causing far less pollution, and increasing your comfort, health, safety, and even our national security.

Our rowhouse dwellers will save hundreds of dollars per year on their utility bills due to several features, including:
NRG Block: Our exteriors will be built out of an insulated block, some in brick size shapes, which is far superior to any lumber/insulation combination. There will be virtually no air loss or heat exchange through our walls.

Greenius Screens: We will install our own interior magnetic window screens (patent pending) which will block most air loss and heat exchange at the windows.

Energy Recovery Ventilator: As a result of having air tight structures, we will install energy recovery ventilators which will use the energy from indoor air to heat or cool incoming outdoor air. Our indoor air will be frequently exchanged at minimal energy loss.

Solar Panels: A 2 to 3 kWh system will provide much of the electricity for our units. The units will still be "grid" tied and will draw electricity from the grid whenever necessary.

Terrazzo concrete floors: You really don't want to know what you breath in from your carpeting or coated hardwood everyday. Our floors will be time tested, eternal poured concrete. Residents can place area rugs atop and replace them when needed if they like, but our flooring will not significantly off-gas or retain dirt.

Solar Hot Water Collectors: Have you ever picked up a hose in the summer and felt how hot the water was? We will use the sun to heat much of our hot water.

Ceiling Fans: These use a lot less energy than air conditioners in the summer. User friendly Programmable Thermostats.

LED and CFL lighting: Some of our light bulbs will last ten years or more and use 1/15 the energy of yesterdays bulbs.

Front loading washing machines: These use a lot less water than top loading washers.

With respect for our neighbors from Google, we will be installing Nest Thermostats in all of our homes, and products from the partners of Nest, including Big Ass Fans, Whirpool Appliances, and LIFX lighting.

2751 and 2875 30th Street
Boulder . Colorado

27 April 2015

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1.

Call Up
2751 30th Street

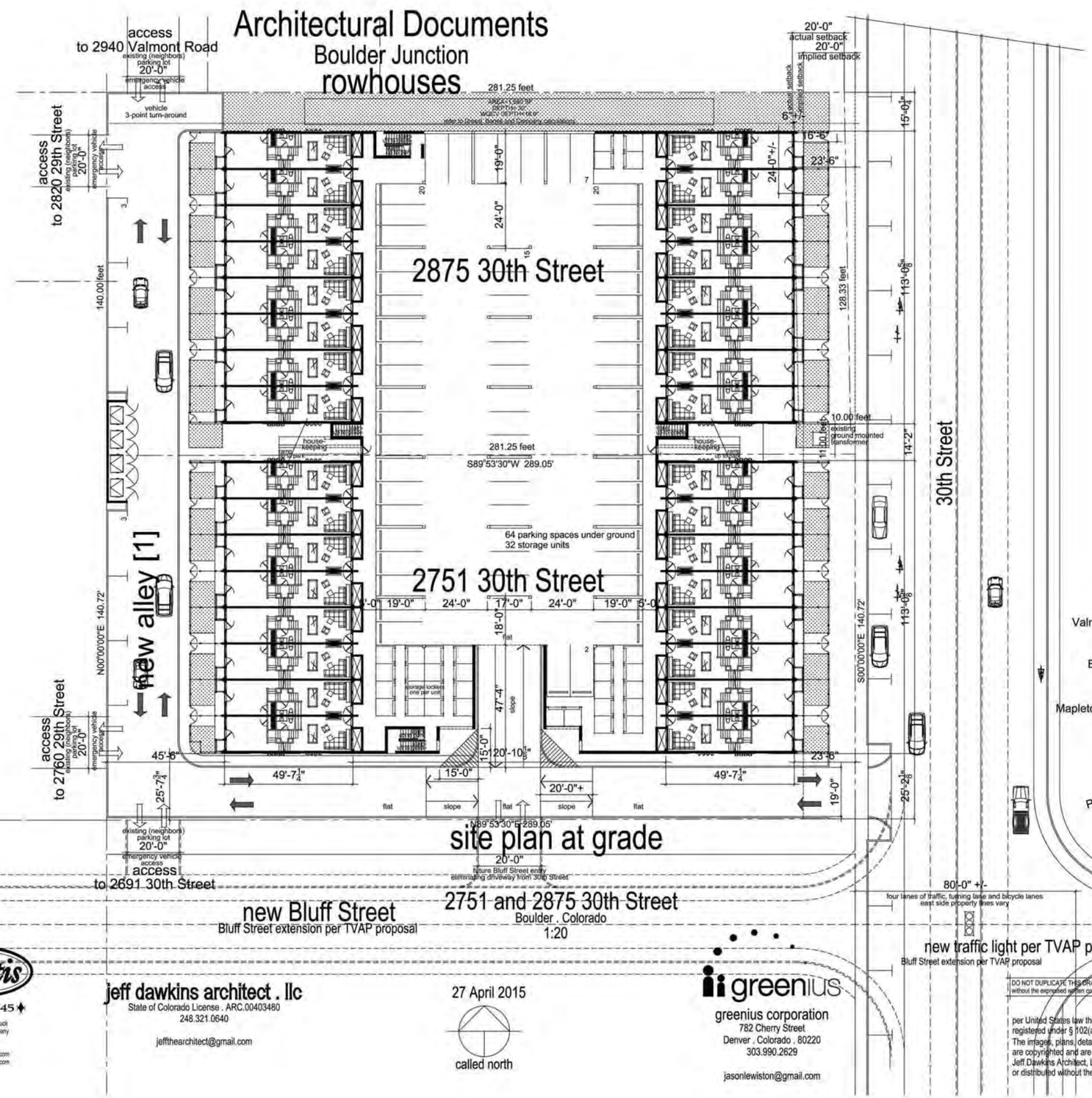
CITY OF BOULDER

Architectural Documents
Boulder Junction rowhouses

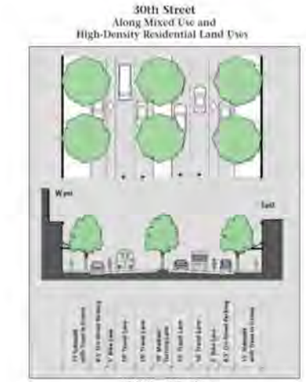
FAR (floor area ratio) BMS zoning
32 units at 2,078.64 square feet each
66,516.48 square feet
lot(s) size: 80,687 square feet
0.82 FAR

lot size calculation
2875 30th Street = 40,147 square feet
2751 30th Street = 40,540 square feet

proposed parking
32 3 Bedroom Units
2 parking spaces per unit
64 parking spaces required
70 parking spaces provided



boulder junction rowhouses
boulder junction



streetscape
as shown in TVAP

site location map

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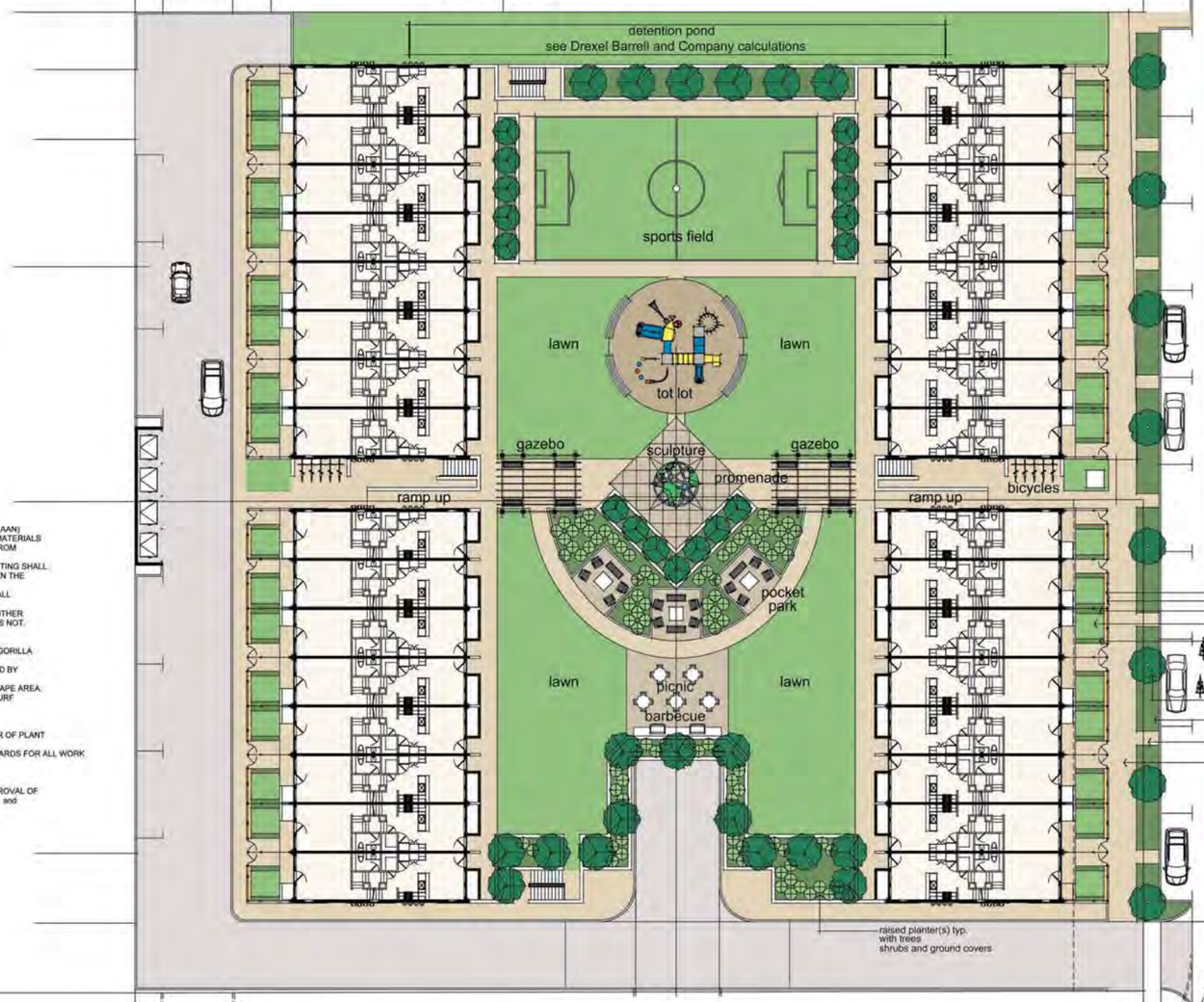
2.

Architectural Documents
Boulder Junction
rowhouses

boulder junction rowhouses

boulder junction



Sculpture
to be determined
FOCAL POINT OF PROMENADE

LEGEND

- NEW DECIDUOUS TREE
- NEW ORNAMENTAL TREE
- NEW EVERGREEN TREE
- NEW SHRUB
- NEW ORNAMENTAL GRASSES
- ENHANCED LANDSCAPE COMBINATION OF ORNAMENTAL GRASSES, PERENNIALS and GRASSES
- NATURALIZED UNDERSTORY / GROUND COVERS
- LAWN
- ENHANCED PAVING - PAVERS (CONCRETE or BRICK)
- PERMEABLE PAVING (PERMEABLE CONCRETE or BRICK PAVERS)
- ENHANCED PAVING - CIP COLORED CONCRETE
- CRUSHER FINES

NOTES

1. ALL PLANT MATERIAL SHALL MEET SPECIFICATIONS OF THE AMERICAN ASSOCIATION of NEURSERY (AAN) FOR NUMBER ONE GRADE. ALL TREES SHALL BE BALLED and BURLAPPED or EQUIVALENT. ALL PLANT MATERIALS SHALL HAVE ALL WIRE, TWINE or OTHER CONTAINMENT MATERIALS, EXCEPT FOR BURLAP, REMOVED FROM TRUNK and ROOT BALL of THE PLANT PRIOR TO PLANTING.
2. TREES SHALL NOT BE PLANTED CLOSER 10 FEET TO ANY PUBLIC SEWER or WATER LINE. TREE PLANTING SHALL BE COORDINATED WITH PUBLIC SERVICE COMPANY. LOCATIONS OF ALL UTILITIES SHALL BE VERIFIED IN THE FIELD PRIOR TO PLANTING.
3. GRADES SHALL BE SET TO ALLOW FOR PROPER DRAINAGE AWAY FROM STRUCTURES. GRADES SHALL MAINTAIN SMOOTH PROFILES AND BE FREE OF SURFACE DEBRIS, BUMPS and DEBRIS.
4. OWNERS SHALL ENSURE THAT THE LANDSCAPE PLAN IS COORDINATED WITH THE PLANS DONE BY OTHER CONSULTANTS SO THAT THE PROPOSED GRADING, STORM DRAINAGE or OTHER CONSTRUCTIONS DOES NOT CONFLICT NR PRECLUDE INSTALLATION and MAINTENANCE OF LANDSCAPE ELEMENTS ON THIS PLAN.
5. ALL SHRUB BEDS ADJACENT TO TURF AREAS SHALL BE EDGED WITH ROLLED TOP STEEL EDGER.
6. ALL SHRUB BED AREAS, PERENNIALS and GROUND COVER SHALL BE MULCHED WITH A 4" LAYER OF GORILLA HAIR MULCH. DO NOT USE WEED BARRIER FABRIC IN ANY OF THE LANDSCAPE BEDS.
7. PRIOR TO INSTALLATION OF PLANT MATERIALS, AREAS THAT HAVE BEEN COMPACTED OR DISTURBED BY CONSTRUCTION ACTIVITY SHALL BE THOROUGHLY LOOSENED; ORGANIC SOIL AMENDMENTS SHALL BE INCORPORATED AT THE RATE OF AT LEAST FOUR (4) CUBIC YARDS PER 1000 SQUARE FEET OF LANDSCAPE AREA.
8. ALL LANDSCAPE (PLANT MATERIAL and GRASS) WILL BE IRRIGATED WITH AN AUTOMATIC SYSTEM. TURF AREAS WILL HAVE A SPRAY ZONE OR SUB-SURFACE DRIP, SHRUBS and TREES WITH A DRIP ZONE and PERENNIALS / GROUNDCOVERS (PART OF THE DRIP ZONE) WILL HAVE MICRO-JET SPRAYS OR DRIP.
9. PLANTS ARE GROUPED BY WATER USE ZONE TO CONSERVE WATER.
10. CONTRACTOR SHALL VERIFY ALL MATERIAL QUANTITIES PRIOR TO INSTALLATION. ACTUAL NUMBER OF PLANT SYMBOLS SHALL HAVE PRIORITY OVER THE QUANTITY DESIGNATED
11. REFER TO CITY OF BOULDER DESIGN and CONSTRUCTION STREETSCAPING STANDSCAPING STANDARDS FOR ALL WORK WITHIN PUBLIC AREAS.
12. REFER TO THE CIVIL ENGINEER DRAWINGS FOR GRADING and UTILITY INFORMATION.
13. THIS PLAN MEETS OR EXCEEDS CITY OF BOULDER LANDSCAPE CODE REQUIREMENTS.
14. NOTHING SHALL BE PLANTED BETWEEN OCTOBER 15 and MARCH 15 WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY. STOCK, OTHER THAN CONTAINER GROWN STOCK, SHALL NOT BE PLANTED BETWEEN JUNE 1 and SEPTEMBER 1 WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY.
15. SOD SPECIFICATION:
    REVEILLE
    HYBRID TURF GRASS OF KENTUCKY BLUEGRASS and TEXAS BLUEGRASS

    SOD AVAILABLE THROUGH:
    GRAFF'S TURF FARMS
    9809 N. FRONTAGE RD 1-76
    PO BOX 715
    FORT MORGAN, CO 80701-0715
    P: 970.867.8873
    F: 970.867.4343
    E: graffs@graffsturffarms.com
    W: www.graffsturffarm.com

Landscape Plan

2751 and 2875 30th Street
Boulder . Colorado
1:20

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LANDSCAPE ARCHITECTURE□LAND PLANNING□URBAN DESIGN

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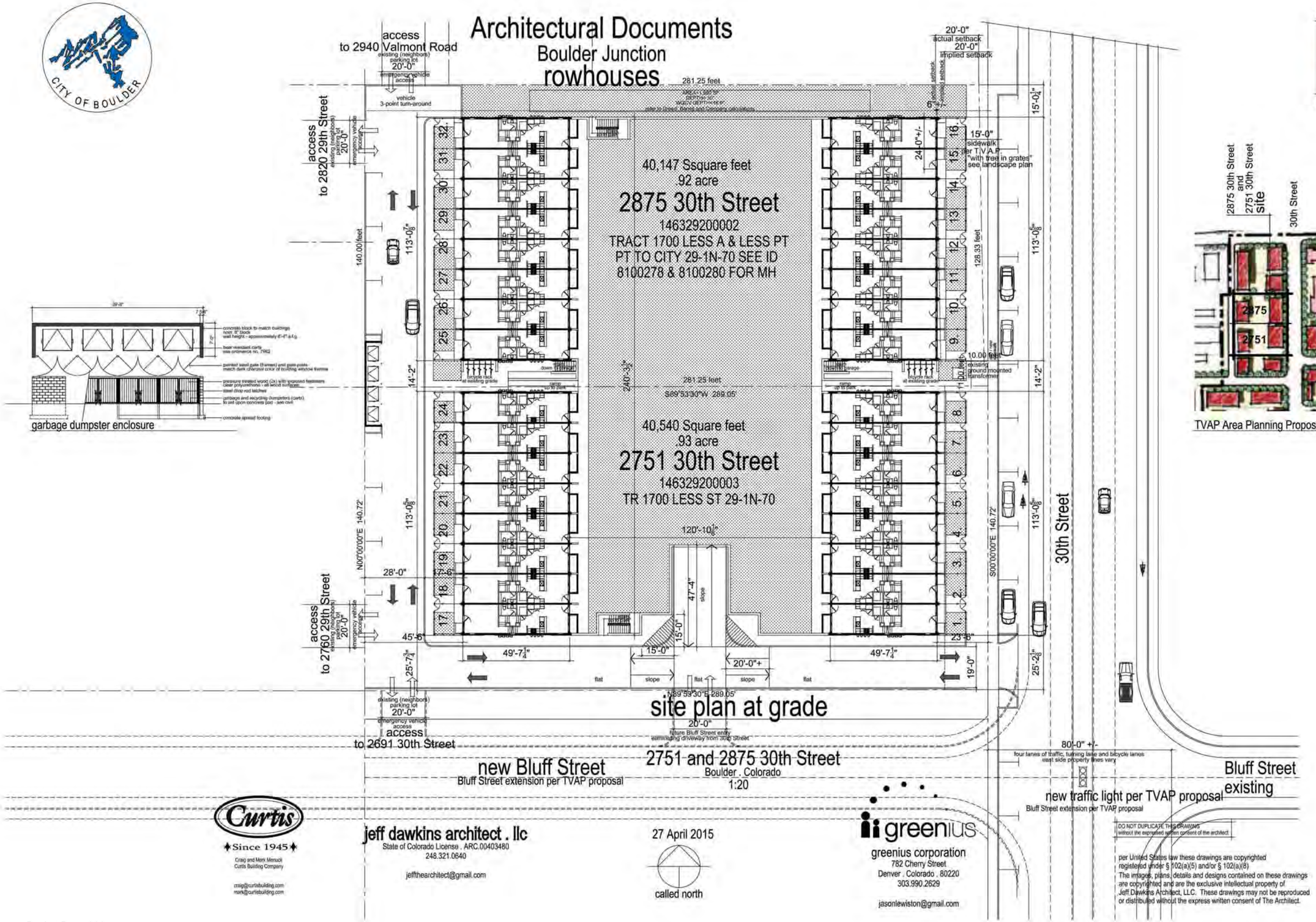
2a

Architectural Documents
Boulder Junction rowhouses



Architectural Documents
Boulder Junction
rowhouses

boulder junction rowhouses
boulder junction

typical floor plans

1/4" = 1'-0"

2751 and 2875 30th Street

Boulder . Colorado

27 April 2015

typical unit

1st floor 692.88 square feet
2nd floor 692.88 square feet
3rd floor 692.88 square feet
total 2,078.64 square feet
32 units x 2,078.64 square feet / unit
total 66,516.48 square feet development

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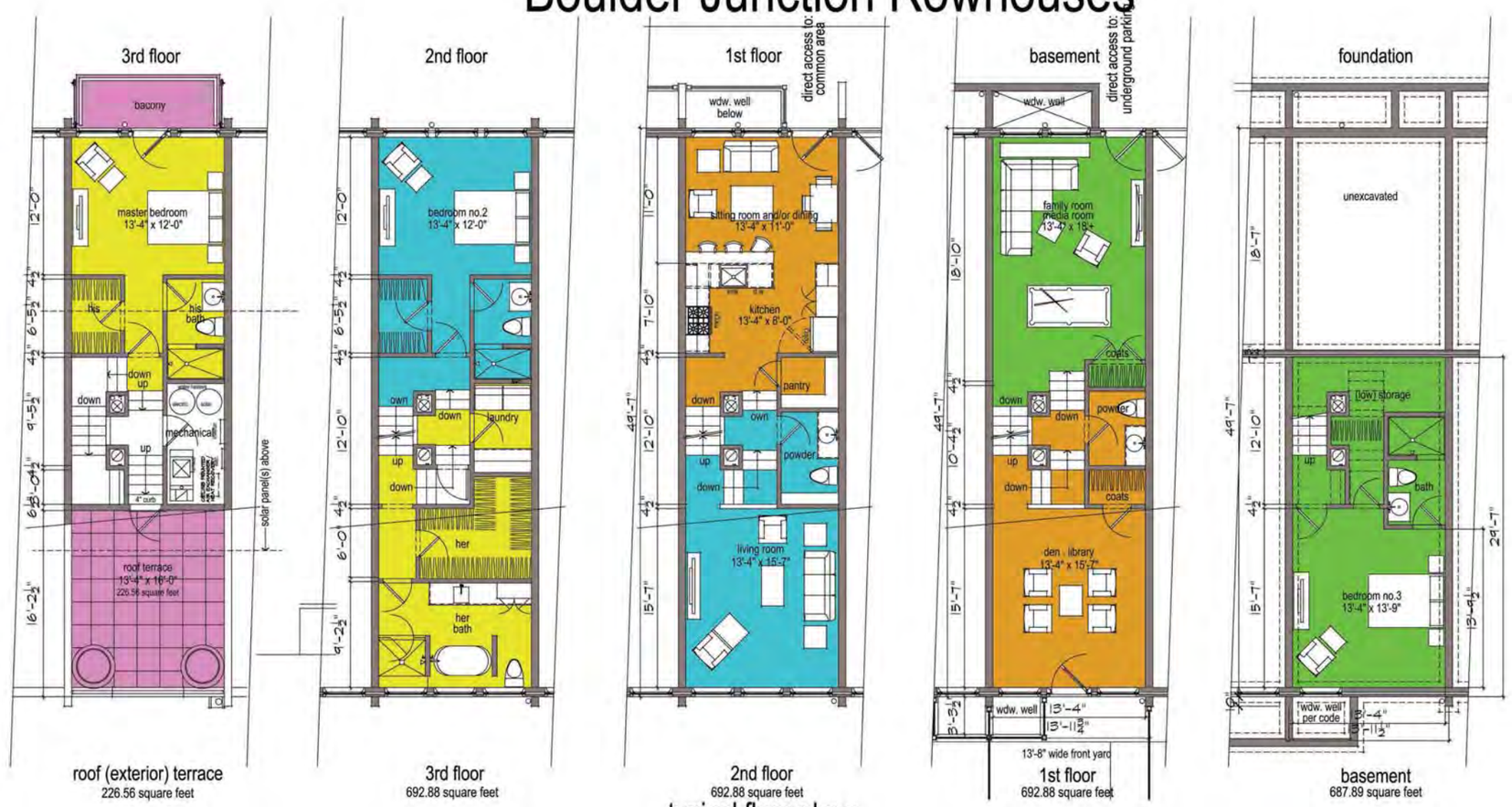
Boulder Junction Rowhouses

boulder junction rowhouses
boulder junction



typical floor plans
3/16" = 1'-0"

building section
3/32" = 1'-0"

front elevation
3/32" = 1'-0"

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4a

Architectural Documents
Boulder Junction
rowhouses

boulder junction rowhouses
boulder junction

front elevation

front elevation
3/16" = 1'-0"

2751 and 2875 30th Street
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27 April 2015

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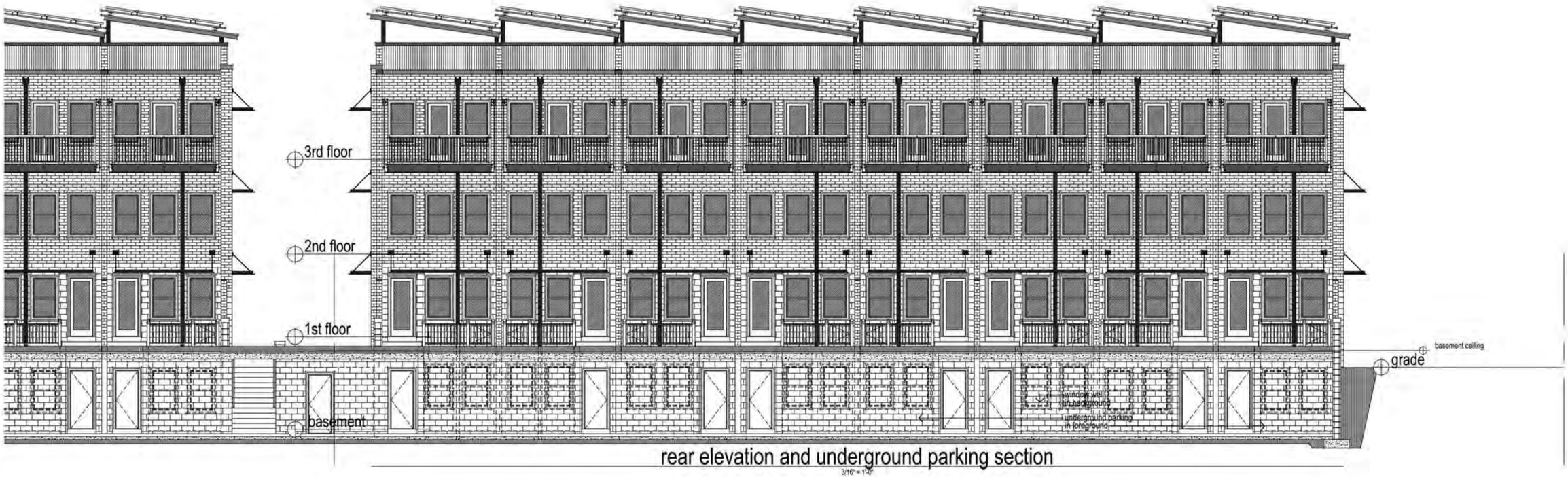
5.

Architectural Documents
Boulder Junction
rowhouses



rear elevation and underground parking section
3/16" = 1'-0"

rear elevation and underground parking section
3/16" = 1'-0"

2751 and 2875 30th Street
Boulder . Colorado

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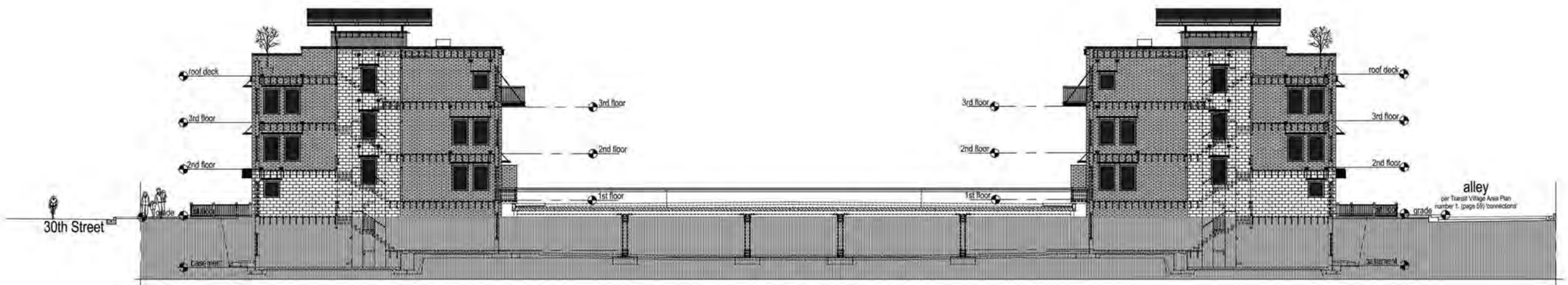
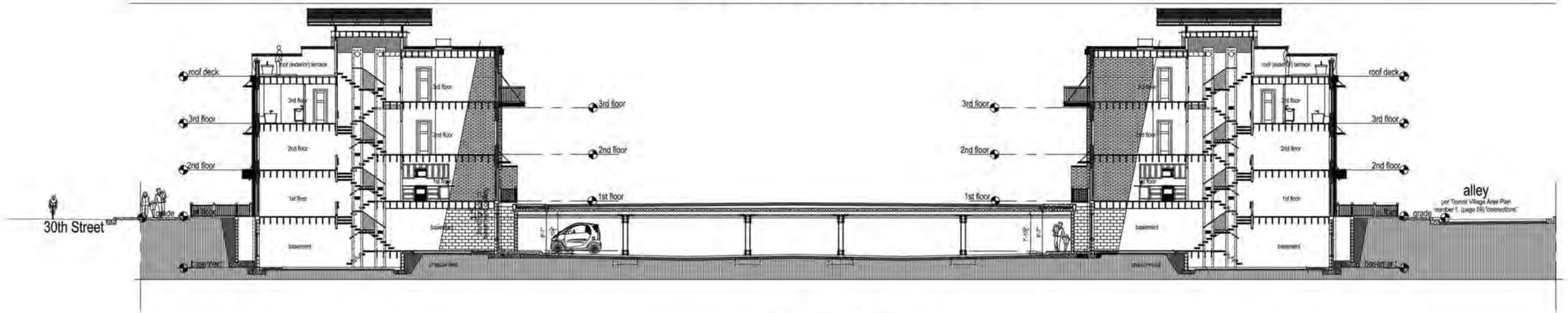
Architectural Documents
Boulder Junction
rowhouses

boulder junction rowhouses
boulder junction



north side elevations



site section

north elevation and site section

3/32" = 1'-0"

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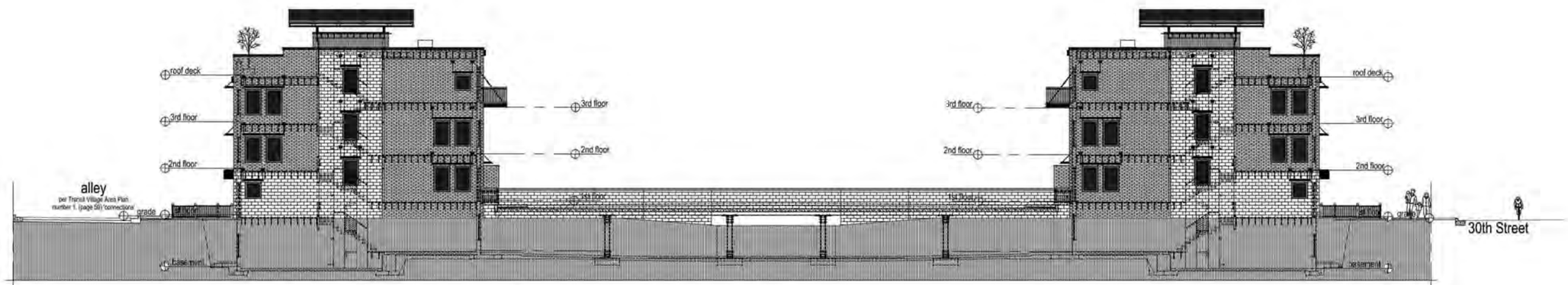
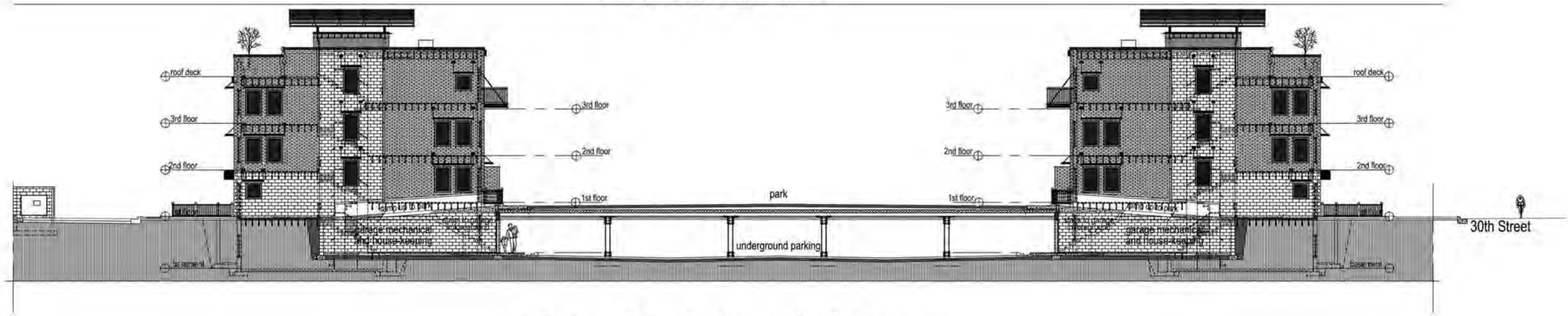
Architectural Documents
Boulder Junction
rowhouses

boulder junction rowhouses
boulder junction



south side elevation



site section - between buildings

south elevation and site section between buildings

3/32" = 1'-0"

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8.

Architectural Documents
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rowhouses

boulder junction rowhouses
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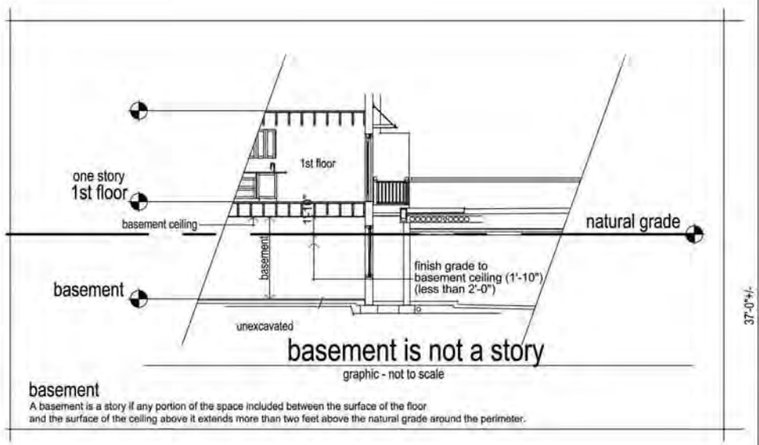

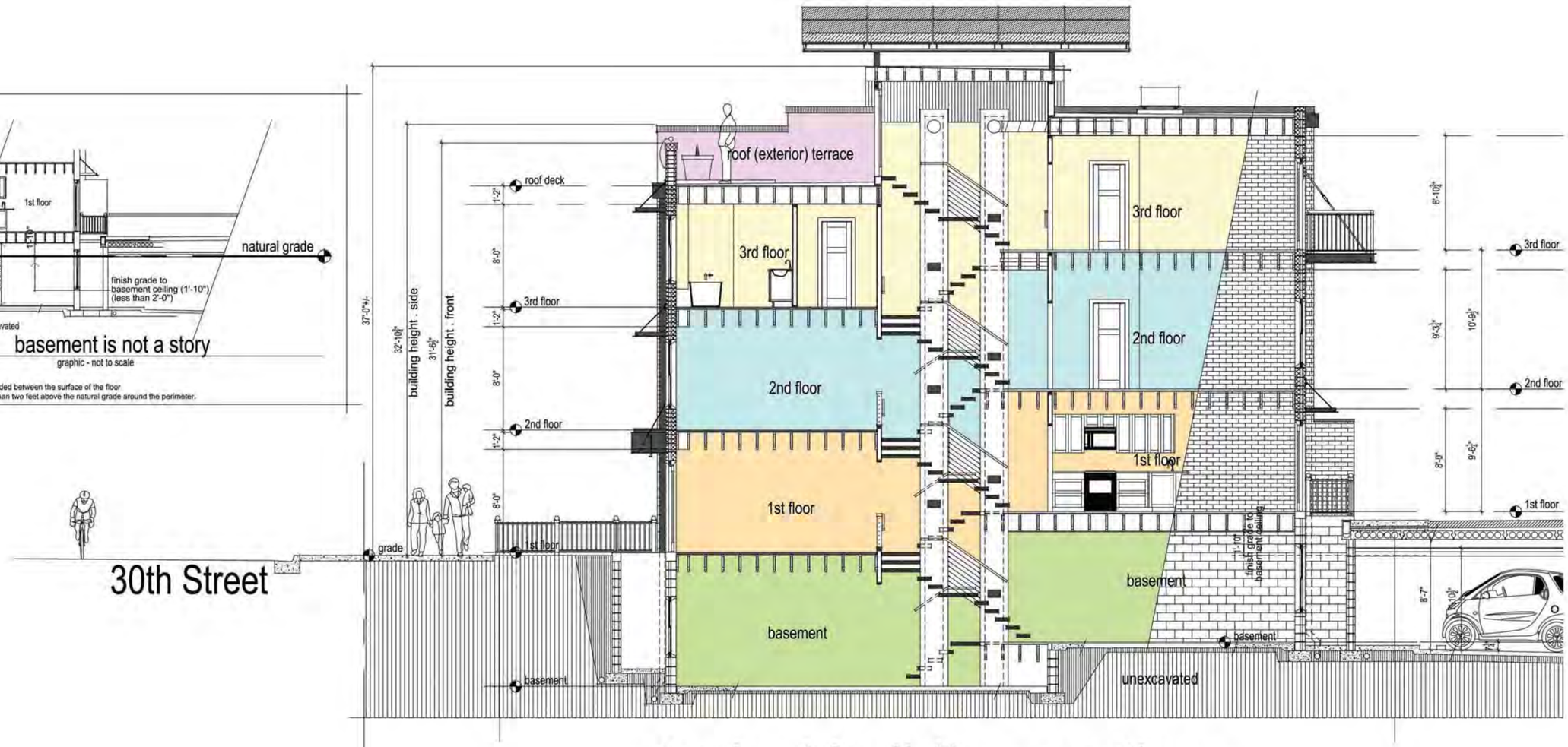

typical building section

1/4" = 1'-0"

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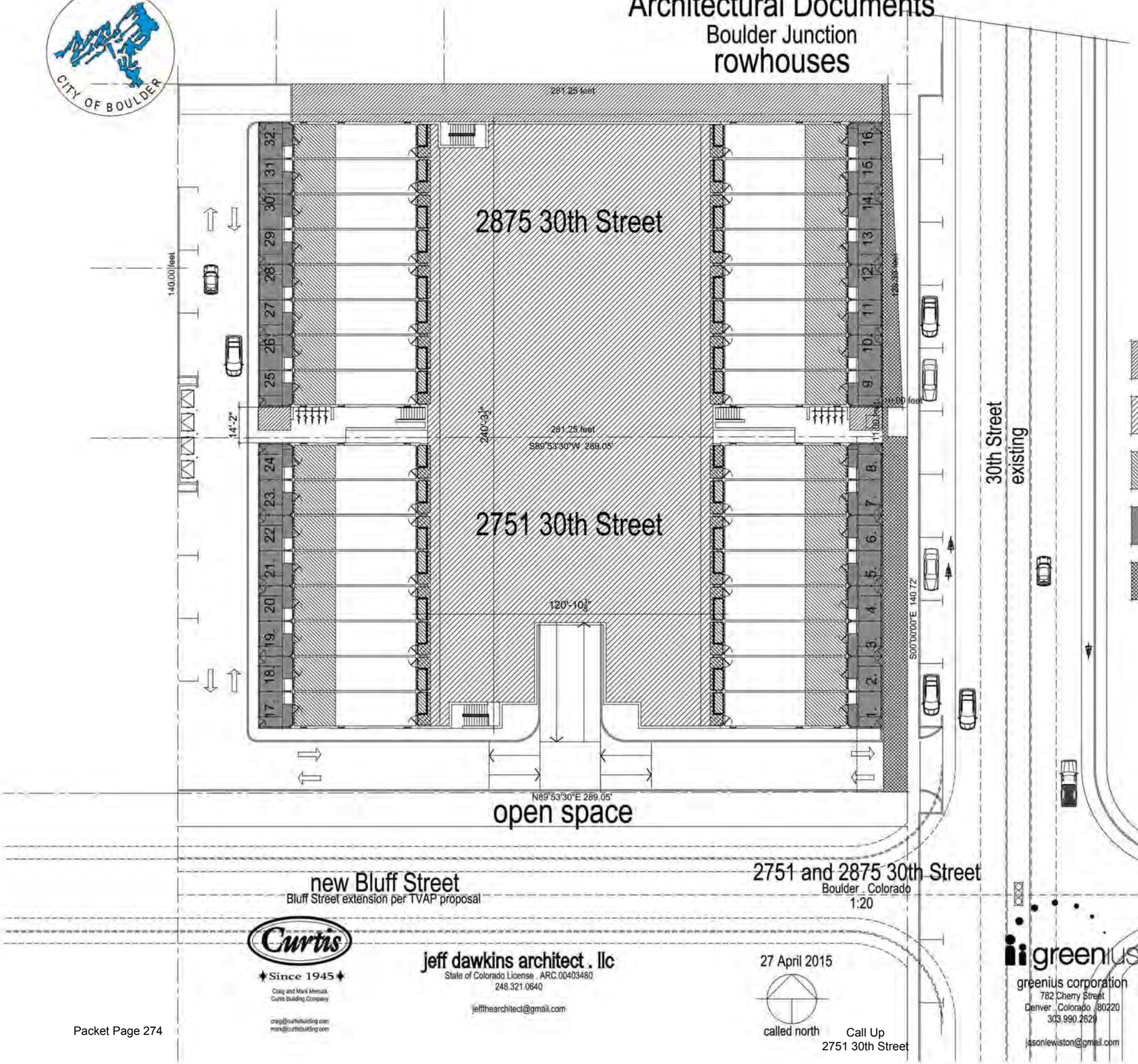
Architectural Documents
Boulder Junction rowhouses

boulder junction rowhouses
boulder junction



Sideyard
3,745.12 square feet

Park
26,026.11 square feet

Roof deck(s) - balcony(s)
8,959.68 square feet

Fenced front yards
5,441.64 square feet

Front Sidewalk - per TVAP
2,030.63 square feet

Open Space
46,203.18 square feet

total open space per Municipal Code
1,200 / unit x 32 units = 38,400 square feet open space required
46,203.18 square feet open space provided

46,203.18 square feet open space provided
is greater than 38,400 required

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CITY OF BOULDER

boulder junction rowhouses

boulder junction

Connections Explanation

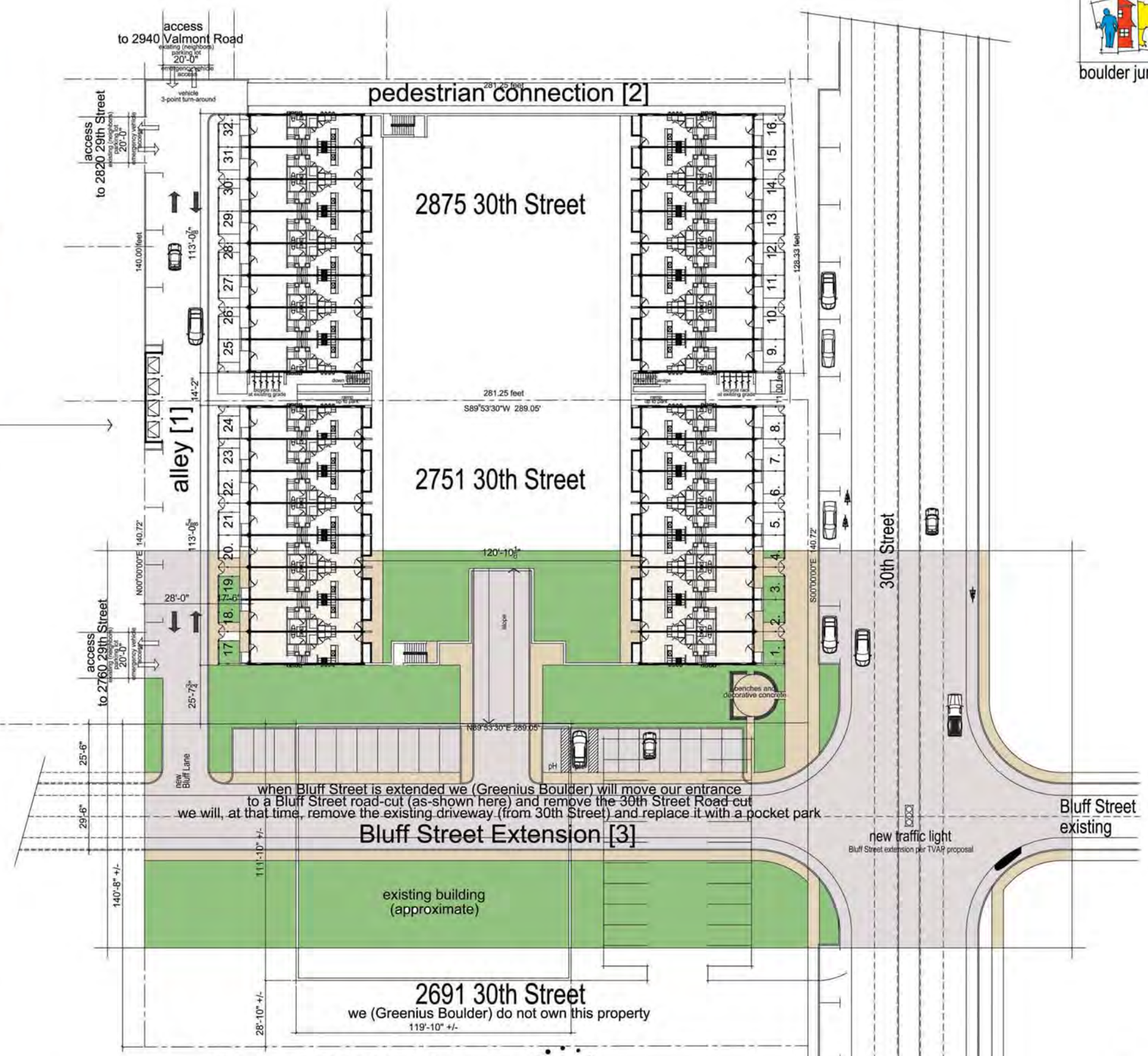
Appendix 3:
Connections Explanation and Rationale

The purpose of this appendix is to provide a detailed explanation and rationale for each connection on the Transportation Connections Plan. It will be used to help interpret the Connections Plan for capital improvement planning and review of individual development review applications.

1. **Alley:** This connection is intended to break up the large block between 29th and 30th streets and to support rear access to the lots along both 30th and 29th streets as redevelopment occurs. The block face distance between 29th and 30th streets is approximately 600 feet, well over the recommended block size for pedestrian access. And as mixed-use redevelopment occurs along 30th Street, an urban street face is expected, which will eliminate driveway access from 30th Street and necessitate rear lot access for parking and deliveries. The proposed connection has been located approximately 260 feet west of 30th Street and on the nearest property boundary.

2. **Pedestrian connection:** This connection is located on a property boundary approximately 230 feet south of Valmont Road and approximately mid-way between Valmont Road and the proposed extension of Bluff Street. The location of this connection is flexible but is meant to meet the objective of providing a pedestrian connection at least every 200-300 feet in a mid-block location.

3. **Bluff Street extension:** The continuation of Bluff Street between 29th and 30th streets is a primary connection about 750 feet south of Valmont Road and provides a key east-west connection in the area. Given the location of Goose Creek and development along 28th Street, this is the only reasonable opportunity to provide an east-west connection between Valmont Road and Mapleton Avenue. Access to this portion of 29th Street is difficult and the connection of Bluff Street will significantly improve access to the area for all modes.



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Architectural Documents
Boulder Junction
rowhouses

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30th Street Elevation
3/8" = 1'-0"

30th Street Elevation

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15 October 2015
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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
Chandler Van Schaack, Planner II

Date: November 10, 2015

Subject: Call-Up Item: 5555 Racquet Lane/Meadows Club Expansion Site & Use Review. Request for expansion of the Meadows Tennis Club located at 5555 Racquet Ln. within the RL-2 zone district. The proposal includes the renovation and expansion of the existing clubhouse including enclosure of two existing tennis courts adjacent to the clubhouse; relocation of two existing platform tennis courts and the addition of two new platform tennis courts and two new tennis courts. The applicant is requesting a 39% parking reduction to allow for 92 parking spaces where 151 are required following the proposed expansion. The subject project includes an application for Site Review (LUR2014-00095) and an application for Use Review (LUR2015-00018), which is required for the expansion of the existing indoor athletic facility/ non-profit membership club.

EXECUTIVE SUMMARY

On Oct. 15, 2015, the Planning Board voted **5 – 0** (**J. Putnam** absent, **C. Gray** recused) to approve Site Review application LUR2014-00095 and Use Review application LUR2015-00018 to allow for the expansion of the Meadows Tennis Club located at 5555 Racquet Ln. within the RL-2 zone district, including renovation and expansion of the existing clubhouse including enclosure of two existing tennis courts adjacent to the clubhouse; relocation of two existing platform tennis courts and the addition of two new platform tennis courts and two new tennis courts. The approval also included a 39% parking reduction to allow for the club to maintain 92 existing parking spaces where the expansion increases the required number of parking spaces to 151. **Attachment A** contains the Planning Board Notice of Disposition with associated conditions of approval and management plan for the tennis and swim club use. **Attachment B** contains the approved plans associated with the Site and Use Review and **Attachment C** includes staff's analysis of the Site Review, Use Review and parking reduction criteria.

The staff memorandum to Planning Board, its attachments, audio from the meeting and other related background materials including all public correspondence received by staff are available on the city website at this web link (click on *'2015'* → *'15 OCT'* → *'10.15.2015'*)

Planning Board's decision is subject to call-up of City Council within a 30-day period. There are two City Council meetings within this time period for call-up consideration, on October 20 and November 10, 2015.

BACKGROUND:
The Meadows Tennis Club, part of the Meadow Glen Planned Unit Development (PUD# P-83-109), was approved by Planning Board and City Council in 1976 and has specific conditions of approval related to three different portions of the site - Sites 1, 2, and 3 (See **Figure 1** below for delineation of original Sites 1, 2 and 3; Site 1 shown in blue, Site 2 shown in red, and Site 3 shown in green). Sites 1 and 3 were developed under low density residential zoning (i.e., LR-D; now RL-2) with a variety of attached and detached housing units and the tennis club, on Site 2, was approved as a Special Use (now referred to as Use Review). The original approval of Site 2 permitted the development of a recreation club house, swimming pool, sixteen tennis courts (five intended for enclosure), and four unenclosed paddle courts. Eight of the outdoor tennis courts were approved to have low-glare outdoor lighting. In terms of the tennis club's operating characteristics, the original approval set the total number of allowable memberships to three hundred fifty family memberships, fifty single memberships and fifty junior memberships.

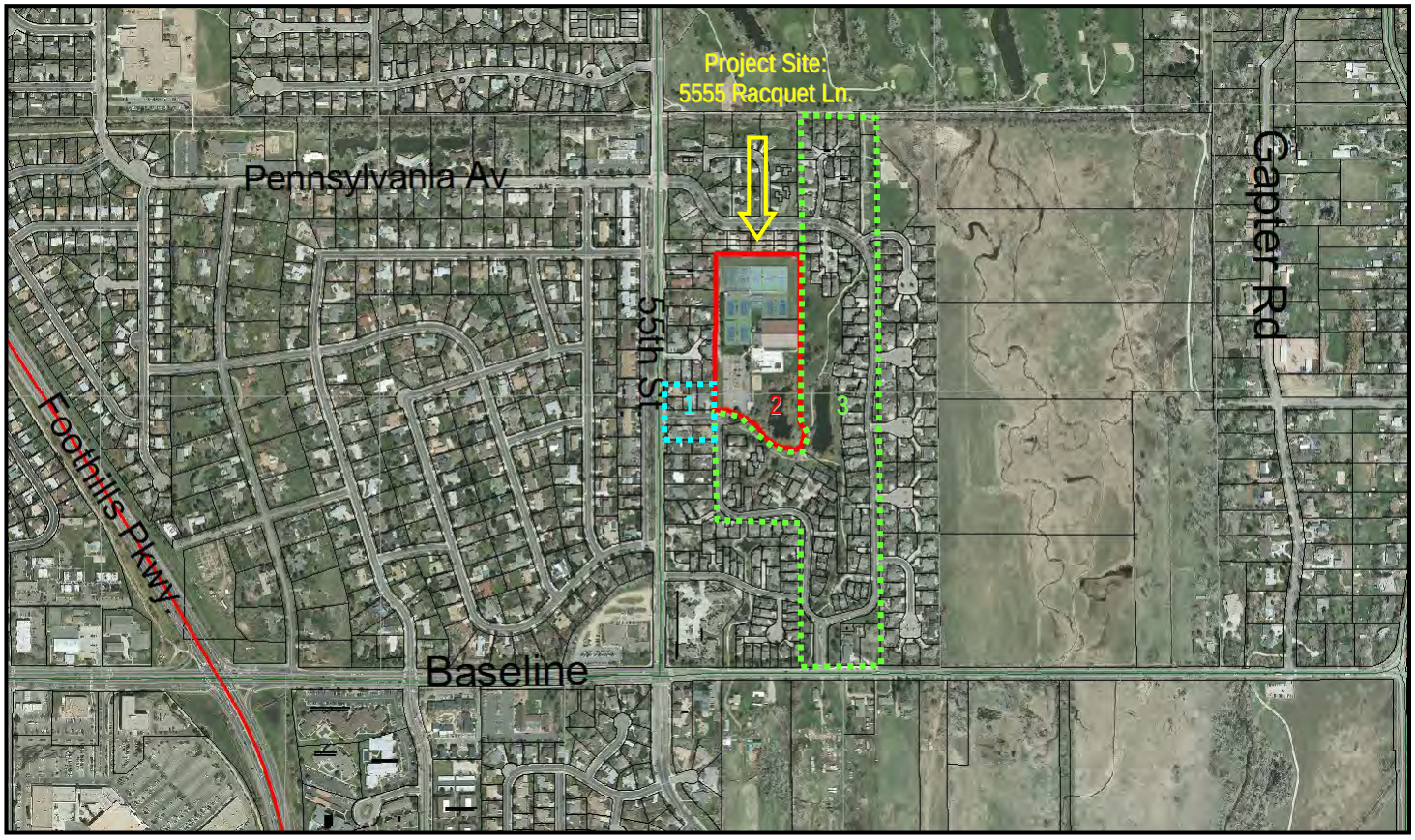

Figure 1: Vicinity Map including delineation of Sites 1, 2 and 3 as shown in original Meadow Glen PUD

Currently, there are fourteen tennis courts located on the site, three of which have been enclosed, as well as two platform tennis courts approved through a Minor Modification in 2009 (this approval converted the previously approved 'paddle' tennis courts to 'platform' tennis courts and allowed for their relocation from an approved location on the east side of the site to a location more central on the site - see **Attachment C** of Planning Board Memo for Background Materials). There is also a one-story clubhouse and a swimming pool. The club is served by 92 existing parking spaces. Per the Applicant's Management Plan, there are currently 400 active club memberships, with roughly one third of members living within 0.75 miles of the club.

Existing Site

As shown in **Figure 1**, the 7.75-acre project site is located in East Boulder off of 55th Street, to the northeast of the intersection of 55th St. and Baseline Rd. As mentioned above, the tennis club sits within the Meadow Glen PUD, and as such the context of the area immediately surrounding the site is low density residential with a variety of attached and detached units. The club is surrounded by a 50-foot wide landscaped easement along the north and west sides of the property, which was intended to provide a visual and noise buffer for the adjacent residential properties. Bordering the club on its east side is a 4.5-acre outlot under common ownership of the Meadow Glen Residents Association which serves as a central open space feature including multi-use path connections and a large pond. See Figure 3 below for a site plan depicting existing site conditions.

To the west of the Meadow Glen PUD across 55th Street is the Country Club Park subdivision. The Flatirons Golf Course lies just north of the site, and extends into a large area of city-owned open space running along the east side of the Meadow Glen PUD past Baseline to the south and eventually connecting to the East Boulder Community Center property.

Project Description

The current proposal is to complete the build-out of the tennis club facilities as anticipated by the original PUD approval and to amend the existing PUD and Special Review approvals to allow for additional expansion beyond what was originally anticipated. Aspects of the proposal which were anticipated in the original approval include enclosing the two existing outdoor tennis courts on the west side of the clubhouse with a new 35 foot tall structure and constructing two new outdoor tennis courts on the east side of the site adjacent to the existing tennis courts. Aspects of the proposal which were not anticipated in the original approval and which require an amendment to the existing approvals include expansion of the existing clubhouse by 3,398 square feet, relocation of the existing platform tennis courts and the addition of two new platform tennis courts to the northwest of the clubhouse. The four proposed platform tennis courts will replace an existing outdoor tennis court, and the former platform tennis court location will become a new landscaped courtyard with a small gazebo structure.

The proposal also includes additional landscape improvements in the parking area and around the tennis courts as well as the addition of a new masonry screen wall to the east of the proposed new outdoor tennis courts. A 39% parking reduction is being requested to allow the club to maintain the 92 existing parking spaces where 151 spaces are required following the proposed clubhouse expansion and tennis court enclosure. To support this request, the club has entered into a voluntary parking agreement with the nearby Friends' School located at the corner of 55th St. and Pennsylvania Ave. to allow the club to use an additional 54 parking spaces during special events. A variance to the lighting standards has been requested to allow for new lighting for the proposed platform tennis courts to exceed the city's outdoor lighting standards for private recreation uses,

and to allow the existing noncompliant outdoor tennis court lighting to remain, with the exception of the two courts proposed to be enclosed. Please refer to **Attachment A** for the Notice of Disposition and Attached Management Plan, and **Figure 2** below for the proposed site plan.

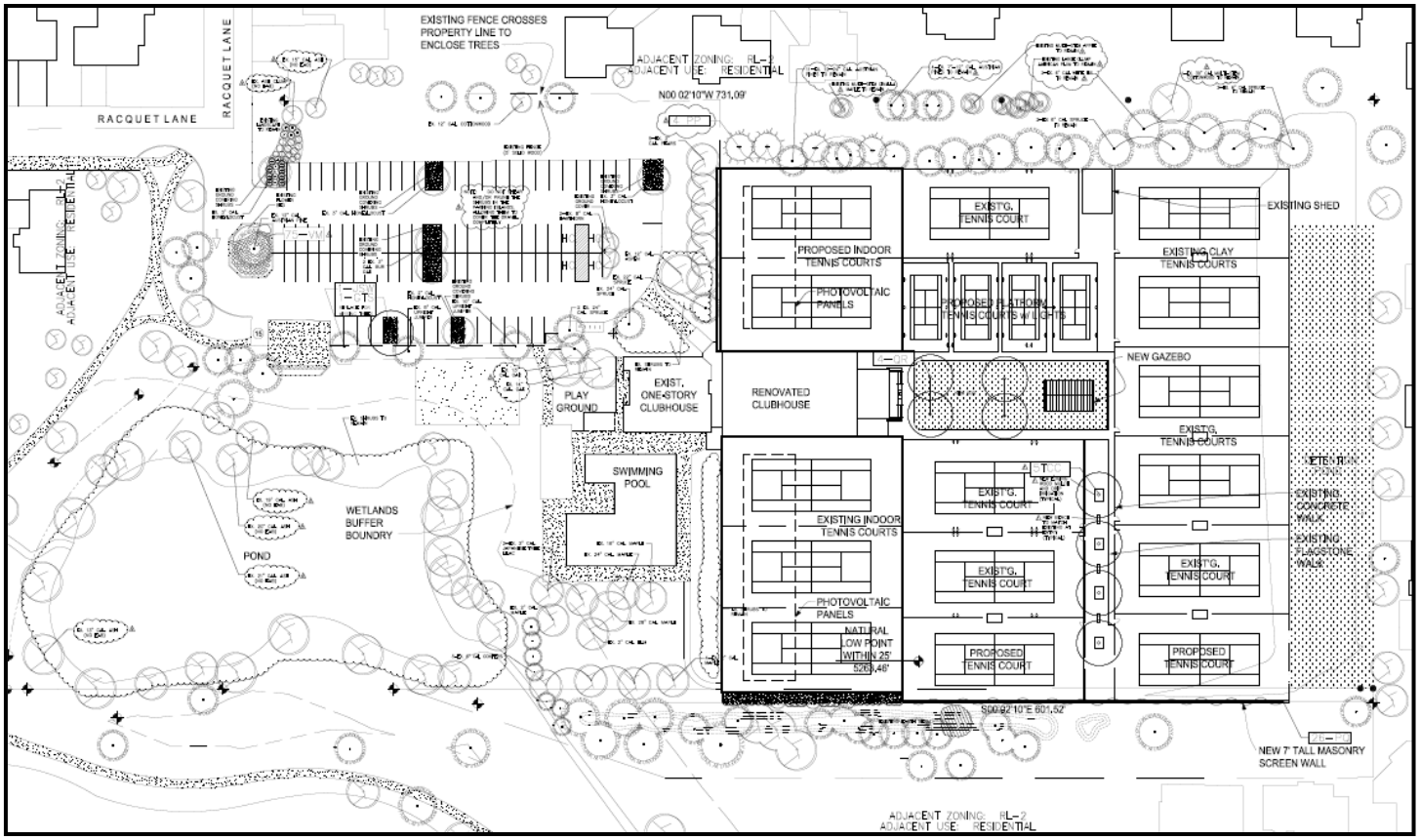

Figure 2: Proposed Site Plan

In terms of the Meadows Club's operating characteristics, the proposed expansion would not increase the number of allowable memberships as set forth in the original PUD approval. The existing hours of operation (7:00 am -10:00 pm seven days a week for outdoor tennis, with pool hours from 7:00 am to 8:00 pm) would also remain the same, with indoor tennis hours from 5:00 a.m. to 1:00 a.m. seven days a week. Per the Applicant's written statement, the proposed clubhouse renovation and expansion is intended to provide additional space for existing members.

Process

Pursuant to section 9-2-15(d), B.R.C. 1981, because the proposed project includes expansion of an existing non-residential use in a residential zoning district, a Use Review with a recommendation by staff and a final decision by the Planning Board at a public hearing is required. A Site Review Amendment is required because the scope of the project exceeds the limitations set forth in the original approval and because a parking reduction of over 25% is required to allow the existing parking area to continue to serve the club following the proposed expansion. Planning Board's decision is subject to call-up of City Council within a 30-day period. There are two City Council meetings within this time period for call-up consideration, on October 20 and November 10, 2015.

ANALYSIS
The following key issues were identified for the project:

1. **Is the proposed Site Review Amendment consistent with the criteria for Amendments to Approved Site Plans as set forth in section 9-2-14(m), B.R.C. 1981?**

   Section 9-2-14(m), "Amendments to Approved Site Plans," B.R.C. 1981 includes the procedures and review criteria for approval of an amendment to an approved site review development. The proposal was found to be consistent with the criteria for Amendments to Approved Site Plans found in section 9-2-14(m), B.R.C. 1981. Please refer to **Attachment C** for staff's complete analysis of the review criteria.

2. **Is the request for an expansion of the existing indoor athletic facility/ non-profit membership club use consistent with the Use Review Criteria set forth in section 9-2-15(e), B.R.C. 1981?**

   Section 9-2-15(e), B.R.C. 1981 includes the procedures and review criteria for approval of a Use Review. The proposal was found to be consistent with the criteria for Use Review found in section 9-2-15(e), B.R.C. 1981. Please refer to **Attachment C** for staff's complete analysis of the review criteria

3. **Is the requested parking reduction consistent with the criteria for parking reductions set forth in section 9-2-14(h)(2)(K), B.R.C. 1981?**

   The criteria for motor vehicle parking reductions are found in section 9-2-14(h)(2)(K), B.R.C. 1981. The request for a 39% parking reduction to allow for a total of 92 parking spaces to be provided where 151 would be required following the proposed tennis club expansion was found to be consistent with the applicable review criteria. Staff's complete analysis of the review criteria can be found in **Attachment C**.

<u>Planning Board Action</u>
At the public hearing on October 15, 2015, the board heard presentations by staff and the applicant, and asked questions following each presentation. During the public hearing, nine people spoke including two people who had pooled time with other neighbors. All but one of the neighbors who spoke expressed opposition to the proposed project based on concerns including light and noise impacts; parking and traffic generation; and concerns over site drainage and perceived property value impacts.

As a part of their deliberations the board discussed the proposed management plan and determined that many of the project elements about which people expressed concerns, including the proposed tennis court enclosure and addition of new outdoor tennis courts, are essentially "grandfathered" in by the existing PUD and Special Review approval and are therefore out of their purview to change. The board made changes to the management plan for the tennis club in an effort to mitigate some of the potential impacts discussed by neighbors. The board made two friendly amendments: that the indoor tennis courts shall be fitted with operable shades to prevent light trespass; and that starting guns shall not be used during swim meets.

On a motion by **B. Bowen,** seconded by **J. Gerstle,** the Planning Board voted 5-0 (**J. Putnam** absent, **C. Gray** recused herself) to approve the Site Review application LUR2014-00095 and Use Review application LUR2015-00018, adopting the staff memorandum as findings of fact, including the attached analysis of review criteria, and subject to the recommended conditions of approval with the two amendments listed in the attached Notice of Disposition. For additional details, please refer to the Planning Board minutes included as **Attachment D**.

The Planning Board decision is subject to City Council call-up within 30-days. There are two City Council meetings within this time period for call-up consideration, on October 20 and November 10, 2015.

ATTACHMENTS:

A. Planning Board Notice of Disposition dated October 15, 2015 (includes management plan)
B. Project Plans dated 7.02.2015
C. Staff's Analysis of Review Criteria
D. 10.15.2015 Planning Board Minutes

CITY OF BOULDER
Planning and Development Services

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phone 303-441-1880 • fax 303-441-3241 • email plandevelop@bouldercolorado.gov
www.boulderplandevelop.net

CITY OF BOULDER PLANNING BOARD NOTICE OF DISPOSITION

You are hereby advised that on October 15, 2015 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION:	**APPROVED WITH CONDITIONS**
PROJECT NAME:	**MEADOWS CLUB EXPANSION**
DESCRIPTION:	**SITE AND USE REVIEWS for renovation and expansion of the existing clubhouse including enclosure of two existing tennis courts adjacent to the clubhouse, relocation of two existing platform tennis courts, and the addition of two new platform tennis courts and two new tennis courts.**
LOCATION:	**5555 RACQUET LANE**
COOR:	**N01E01**
LEGAL DESCRIPTION:	**See Exhibit A attached**
APPLICANT:	**JIM BRAY**
OWNER:	**MEADOWS CLUB, INC.**
APPLICATION:	**Site and Use Review, LUR2014-00095 AND LUR2015-00018**
ZONING:	**RL-2**
CASE MANAGER:	**Chandler Van Schaack**
VESTED PROPERTY RIGHT:	**NO**

APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:
Section 9-2-14(h)(2), B.R.C. 1981:
39% parking reduction to allow for 92 parking spaces where 151 are required

This decision may be called up before the City Council on or before **November 16, 2015**. If no call-up occurs, the decision is deemed final on **November 17, 2015.**

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

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

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

Address: 5555 RACQUET LN

At its public hearing on OCTOBER 15, 2015 the Planning Board APPROVED WITH CONDITIONS the request with the following motion:

On a motion by **B. Bowen,** seconded by **J. Gerstle,** the Planning Board voted 5-0 (**J. Putnam** absent, **C. Gray** recused herself) to approve the Site Review application LUR2014-00095 and Use Review application LUR2015-00018, adopting the staff memorandum as findings of fact and subject to the recommended conditions of approval found in the staff memorandum.

Friendly amendment by **L. Payton** to add a condition requiring that the Applicant install operable shades on the eastern portion of the enclosed tennis courts. Friendly amendment was accepted by **B. Bowen** and **J. Gerstle**.

Friendly amendment **A. Brockett** to add a condition requiring the Applicant to ensure that no starting guns be used at any event on the property. Friendly amendment was accepted by **B. Bowen** and **J. Gerstle**.

CONDITIONS OF APPROVAL

SITE REVIEW – RECOMMENDED CONDITIONS OF APPROVAL (LUR2014-00095)

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on July 2, 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. 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 Annexation Agreement recorded on December 22, 1976 at Reception No. 204262 and the Subdivision Agreement recorded on July 28, 1978 at Reception No. 291301 in the records of the Boulder County Clerk and Recorder.

3. 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 shown on the approved plans dated July 2, 2015 is acceptable. Planning staff will review plans to assure that the architectural intent is performed.

   b. A **final site plan** which includes detailed vehicle and bicycle parking lot plan, 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. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.

f. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981. Prior to or concurrent with submittal of the lighting plan, the applicant will be required to submit an administrative application for a Variance to the Outdoor Lighting standards pursuant to section 9-9-16(j), B.R.C. 1981.

g. A **detailed shadow analysis** to insure compliance with the City's solar access requirements of section 9-9-17, B.R.C.

4. Prior to a building permit application, the Applicant shall construct and complete, subject to acceptance by the City, **stormwater discharge facilities and stormwater quality improvements** serving the site in conformance with the approved engineering plans and with the City of Boulder Design and Construction Standards.

5. The Applicant **shall install operable shades** on the eastern portion of the enclosed tennis courts

USE REVIEW – RECOMMENDED CONDITIONS OF APPROVAL (LUR2015-00018)

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on July 2, 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 for The Meadows Club dated October 2, 2015 which is attached to this Notice of Disposition.

   b. The outdoor tennis courts shall be closed between the hours of 10:00 p.m. and 7:00 a.m., seven days per week. The indoor tennis courts shall be closed between the hours of 1:00 a.m. and 5:00 a.m., seven days per week. The outdoor swimming pool shall be closed between the hours of 8:00 p.m. and 7:00 a.m., seven days per week.

   c. Size of the approved use shall be limited to 44,713 square feet.

2. The Applicant **shall comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: the Annexation Agreement recorded on December 22, 1976 at Reception No. 204262 and the Subdivision Agreement recorded on July 28, 1978 at Reception No. 291301 in the records of the Boulder County Clerk and Recorder.

3. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

4. The Applicant shall maintain a minimum of 54 off-site parking spaces within 1,320 feet (1/4 mile) of the property for use during special events, subject to the review and approval of the city manager. During special events, the Applicant shall provide a regularly operated shuttle vehicle to transport visitors from the overflow parking lot to the property and back. The Applicant shall provide the city manager with a copy of an executed **agreement** providing for the **off-site parking** for no fewer than 54 cars for a term of no less than one year prior to application for any building permits. Such agreements shall be renewed prior to their expiration and proof of such renewal shall be provided to the city manager prior to the expiration of any previous such agreement.

5. The Applicant shall **ensure that no starting guns be used** at any event on the Property.

By:_____
David Driskell, Secretary of the Planning Board

Address: 5555 RACQUET LN

EXHIBIT A

LEGAL DESCRIPTION

(FILM NO. 812, RECEPTION NO. 060131)
A TRACT OF LAND SITUATED IN W1/2 OF THE SW1/2 OF SECTION 34 TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34 FROM WHICH THE W1/4 CORNER OF SAID SECTION 34 BEARS NORTH 0°02'10" WEST;
THENCE SOUTH 89°55' EAST, 660.00 FEET ALONG THE SOUTH LINE OF SAID SECTION 34 TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO C. WARREN SLATER AND JANE R. SLATER AS DESCRIBED IN WARRANTY DEED RECORDED ON FILM 534 AT RECEPTION NO. 783316 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE NORTH 00°02'10" WEST, 1062.34 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 534 AT RECEPTION NO. 783316 TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 89°55' WEST, 3.74 FEET TO A POINT OF CURVE TO THE RIGHT;
THENCE NORTHWESTERLY 192.39 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE, SAID ARC HAVING A RADIUS OF 216.00 FEET, A DELTA ANGLE OF 51°02'00" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 64°24'00" WEST, 186.09 FEET;
THENCE NORTHWESTERLY 252.98 FEET ALONG THE ARC OF SAID REVERSE CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 284.00 FEET, A DELTA ANGLE OF 51°02'15" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 64°24'08" WEST 244.70 FEET;
THENCE NORTH 89°55'15" WEST 3.87 FEET;
THENCE NORTH 0°02'10" WEST, 731.09 FEET ALONG THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 534 AT RECEPTION NO. 783316 TO THE NORTHWEST CORNER THEREOF;
THENCE SOUTH 89°55' EAST, 396.00 FEET ALONG THE NORTH LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 534 AT RECEPTION NO. 783316 TO THE NORTHEAST CORNER THEREOF;
THENCE SOUTH 0°02'10" EAST 917.65 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 534 AT RECEPTION NO. 783316 TO THE TRUE POINT OF BEGINNING;

(FILM NO. 1600, RECEPTION NO. 269142)
PARCEL 1:
ALL THAT PORTION OF OUTLOT "D", "MEADOW GLEN", ACCORDING TO THE RECORDED PLAT THEREOF, DESCRIBED AS FOLLOWS:
BEGINNING AT THE MOST EASTERLY CORNER OF OUTLOT "D", "MEADOW GLEN", ACCORDING TO THE RECORDED PLAT THEREOF, THENCE WESTERLY 143.51 FEET ALONG THE SOUTHERLY LINE OF SAID OUTLOT "D" AND ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 108.81 FEET AND THE CHORD OF WHICH ARC BEARS NORTH 76°40'02" WEST, 133.33 FEET TO A POINT TANGENT; THENCE NORTH 38°53'00" WEST, 73.00 FEET; THENCE NORTHWESTERLY 41.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 97.00 FEET AND THE CHORD OF WHICH ARC BEARS NORTH 26°41'26" WEST, 40.97 FEET TO A POINT ON THE NORTHERLY LINE OF SAID OUTLOT "D"; THENCE SOUTHEASTERLY, 63.58 FEET ALONG THE NORTHERLY LINE OF SAID OUTLOT "D" AND ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 284.00 FEET TO A POINT OF REVERSE CURVE ON SAID NORTHERLY LINE OF OUTLOT "D"; THENCE SOUTHEASTERLY, 173.41 FEET ALONG THE NORTHERLY LINE OF SAID OUTLOT "D" AND ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 216.00 FEET TO THE POINT OF BEGINNING.

Address: 5555 RACQUET LN

PARCEL 2:
ALL THAT PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO MEADOWS CLUB, INC, BY INSTRUMENT RECORDED AS RECEPTION NO. 060131 OF THE BOULDER COUNTY, COLORADO RECORDS;
THENCE NORTH 0°02'10" WEST, 13.59 FEET ALONG THE EAST LINE OF SAID TRACT DESCRIBED AS RECEPTION NO. 060131; THENCE SOUTH 15°00'00" EAST, 73.58 FEET;
THENCE SOUTHERLY, 66.76 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 58.95 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 3:
ALL THAT PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO MEADOWS CLUB, INC. BY INSTRUMENT RECORDED AS RECEPTION NO. 060131 OF THE BOULDER COUNTY, COLORADO RECORDS;
THENCE NORTH 0°02'10" WEST, 259.61 FEET ALONG THE EAST LINE OF SAID TRACT DESCRIBED AS RECEPTION NO. 060131 TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 0°02'10" WEST, 658.04 FEET ALONG THE EAST LINE OF SAID TRACT DESCRIBED AS RECEPTION NO. 060131 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89°55'00" EAST, 10.00 FEET; THENCE SOUTH 0°02'10" EAST, 601.52 FEET PARALLEL WITH THE EAST LINE OF SAID TRACT DESCRIBED AS RECEPTION NO. 060131;
THENCE SOUTH 10°00'00" WEST, 57.38 FEET TO THE TRUE POINT OF BEGINNING.

Address: 5555 RACQUET LN

October 2, 2015

To: City of Boulder Planning Department
From: The Meadows Club, General Manager Bob Shoulders

Meadows Club Management Plan

The Meadows Club has been a Colorado not-for-profit club for more than 40 years and has served Boulder families and athletes with a neighborhood opportunity for community based swim meets and tennis tournaments. The club is owned and managed for and by the members and has been given Tax Exempt status as a 501 (C) (7) entity by the IRS.

The development is governed by a PUD from 1976 and preceded the neighborhood that grew up around the club. In addition to the two anticipated tennis courts on the northeast border of the property, and the covering of courts #1 and #2 as detailed in the original PUD; the club wishes to expand the club house to provide more interior space for the members. There are no additional memberships being added or additional uses proposed that were not anticipated in the original PUD. While the club is expanding the size of the clubhouse, there will be no increase in memberships which are capped at 400 by the club by-laws which are included in this plan. Note that this is below the allowable of 450 per the original PUD.

With no increase in usage, the current parking lot is more than adequate for the daily needs of the club; however, four times during the summer, there arises the need for overflow parking which has previously been absorbed by the grass areas surrounding the parking lot and tennis courts. To alleviate the parking overflow created by three community swim meets that are hosted at the club and our 4th of July party, the club has arranged for parking spaces less than 1/3 of a mile away at the Friends' School located at 5465 Pennsylvania. Meadows will staff the Friends' School parking area and actively monitor and manage the parking arrangement on these four dates which will include providing a drop area for swimmers and shuttle arrangements back to the club. All of the times and dates included in the written agreement between the Meadows Club and Friends' School is included with this management plan. Last summer went very smoothly with our lot being monitored and shuttle buses provided by Meadows staff during these events. There was no overflow into our neighborhood and all communications and execution of this arrangement was well handled by Meadows management. The club agrees to maintain a parking agreement with the Friends' School or another nearby property owner for use of overflow parking during future special events, and in no case will the Club allow for overflow parking to occur within the grass areas surrounding the parking lot and tennis courts.

Our best estimate of the participants in our swim meets indicates that we probably have about 300 swimmers per home meet which expands to approximately 500 attendees; however, only about 400 of those arrive by car in approximately 125-130 vehicles. With our current inventory of 92 spaces and the overflow arrangement with Friends' School for an additional 60+ vehicles we should be well within our capacity of parking spaces.

To actively manage the Friends' school parking overflow access, we will:

- Communicate in advance via email to all swim team members and the visiting team to utilize the overflow lot or consider alternative transportation via bike, walking trail or bus.
- Station a Meadows parking representative at the drop area near our pool gate to direct swim meet participants to drop their belongings and proceed to either available parking spaces on site or to the Friends' school lots.
- Station another Meadows parking representative at Friends' School to ensure orderly parking space usage and to communicate via cell phone with the club lot as to availability
- Have a shuttle vehicle available to bring families back and forth from the overflow lot to the Meadows should swim meet families not wish to walk

It is important to note that two of our activities, platform tennis and our swimming pool are calendar opposite seasonal activities. Our pool opens Memorial Day weekend and closes the weekend after Labor Day. Our platform tennis courts are a winter only sport.

The club is primarily a neighborhood club with nearly a third of the membership living within walking or biking distance (see included map). As part of our parking overflow plan, we will be actively encouraging our members and swim meet participants to utilize alternative transportation to lessen the demand for parking spaces. The club bike parking rack currently has the capacity to hold over 75 bikes and is being improved with the addition of 10 new city standard additional spaces and a long term bike parking area. There is additionally an RTD stop located near the site at Baseline Road and 55th Street, approximately 1,200 feet away from the club.

We are not proposing any changes to the existing uses or hours of operation of the building or site as part of the application or this management plan. The existing Meadows Club outdoor tennis hours of operation are 7am-10pm seven days a week. The indoor tennis facility hours of operation are 8:00am to 10:00pm. However, members have keys to the facility and may use the indoor facility at any time between the hours of 5am and 1am limited to four people per court in the existing three indoor courts or five aggregate courts (20 players total) with the new addition. The pool hours are 7am until 8pm.

We have timers that will shut off the tennis court lighting systems no later than 10pm nightly to ensure the neighbors surrounding the club can peacefully enjoy their property. To further block any light from our facilities, the east facing windows of our current indoor tennis courts (#3, #4 and #5) have light reducing shading installed. Similar shading or solid doors are proposed at the new court windows that face west to neighbors.

Any issues involving noise ordinances will be dealt with proactively.

- Our swim meets will no longer use a bullhorn to direct meet activities and will rely on whistles and cowbells to start heats and direct meet traffic.
- Parking lot and tennis court signage will direct members and visitors to be courteous and keep any yelling or car stereo volume to a minimum.
- Pool parties will be directed in advance to not allow amplified music and to respect the neighborhood by cleaning their activities up and vacate the space by the pool closing time of 8 pm.

The Meadows' staff consists of three full time administration staff, one full time maintenance/operations director and three full time tennis pros. Additional summer employees are added for swimming and tennis camps. There will be no increase in staffing associated with the proposed expansion.

ATTACHMENTS:

1. **Parking Study & Parking Agreement**
2. **Sound Study**
3. **Lighting Report**

TRANSPORTATION CONSULTANTS, INC.

LSC TRANSPORTATION CONSULTANTS, INC.

1889 York Street
Denver, CO 80206
(303) 333-1105
FAX (303) 333-1107
E-mail: lsc@lscdenver.com

April 30, 2015

Mr. Jim Bray
Bray Architecture
1300-C Yellow Pine
Boulder, CO 80304

Re: Meadows Tennis Club
Parking Study
Boulder, CO
LSC #150250

Dear Mr. Bray:

In response to your request, LSC Transportation Consultants, Inc. has prepared this parking analysis for the Meadows Tennis Club. As shown on Figure 1, the site is located east of 55th Street to the north of Baseline Road in Boulder, Colorado.

REPORT CONTENTS

The report contains the following: a description of the land use and the typical parking demand per the 2010 ITE *Parking Generation Manual*, 4th Edition for typical operations; an estimate of parking demand for special events; and the development of a parking management plan for special events.

LAND USE AND ACCESS

Figure 2 shows the conceptual site plan. The site has access to 55th Street via Racquet Court. The site includes ten outdoor tennis courts, five indoor tennis courts, and four platform courts. The outdoor courts are lightly used in the winter and the platform courts are typically not used in the summer. Typically, the highest number of courts in use at one time is in the summer with 15 courts available to members. To be conservative, a second analysis is provided assuming the four platform courts are modified in the future to a use that would be popular during the summer months.

VEHICLE PARKING

The site has 92 parking spaces available on the site. The nearby Friends School on the north-west corner of 55th Street and Pennsylvania Avenue has 54 available parking spaces and is agreeable to entering into a shared parking agreement if appropriate. Figure 3 shows the location of the Friends School as well as the recommended pedestrian route between the two properties.

ITE PARKING GENERATION DATA

The Institute of Transportation Engineers *Parking Generation Manual*, 4th Edition, 2010, provides data for Racquet/Tennis Clubs. The land use description in the Manual states that many of the sites sampled may also include ancillary facilities such as swimming pools, whirl-pools, saunas, weight rooms, snack bars, and retail stores. Table 1 shows the estimated average parking demand for an average weekday as well for the 33rd and 85th percentile parking demand. Excerpts from the Manual are attached.

On an average weekday, with 15 courts in use, the site would generate an average peak parking demand of about 54 parking spaces, the 33rd percentile demand would be about 46 parking spaces, and the 85th percentile demand would be about 62 parking spaces. The data in the manual suggests the peak parking demand on a typical weekend is only about two spaces per court.

On an average weekday, with 19 courts in use, the site would generate an average peak parking demand of about 68 parking spaces, the 33rd percentile demand would be about 58 parking spaces, and the 85th percentile demand would be about 79 parking spaces. The data in the manual suggests the peak parking demand on a typical weekend is only about two spaces per court.

This data suggests the 92 on-site parking spaces are sufficient to accommodate the parking demand for a typical day with either the existing peak demand from 15 courts or a theoretical demand of 19 courts. This is consistent with information provided by the applicant.

For a special event, the estimated parking demand increases to about 130 vehicles based on feedback from the applicant. A shared parking arrangement will be necessary during special events to avoid parking issues in the surrounding neighborhood. Typically, there are five to eight special events per year with three to five home swim meets between June and August, a Fourth of July picnic event, and the "Meadows Open" tournament in late August.

BIKE PARKING

The club's current bike parking is being converted to meet city standards. Ten short term parking spaces are being provided for club members that typically stay at the club for one to three hours for tennis or social events. This is an increase from the half dozen currently provided. In addition, four long-term parking spaces are being provided within the property for secure storage for those who are concerned about theft and also employees that might be staying for longer periods. The long-term parking also meets requirements with visibility from the life-guards, access to locker rooms, and locked/covered storage. This increase in number of spaces and convenience should promote the already popular bike usage for the club community.

CONCLUSIONS

1. The existing 92 on-site vehicle parking spaces are sufficient to accommodate the estimated parking demand during an average day.

2. The 92 on-site vehicle parking spaces provided on site plus the 54 available parking spaces at the Friends School north of the site total 146 available parking spaces which should be sufficient to accommodate the estimated parking demand of 130 parking spaces during a special event.

3. Ten short term bike parking spaces and four long-term bike parking spaces are being provided on the site. This is an increase from the half dozen spaces currently on the site.

RECOMMENDATIONS

4. Based on the findings of this study, the Meadows Tennis Club has entered into a shared parking arrangement with the nearby Friends School for use only during special events.

5. During a special event, all staff and members should be encouraged to use the Friends parking lot and walk to the site or if possible walk (or take other alternative travel modes) directly to the site from their point of origin.

6. The first few special events in the summer of 2015 should be monitored to determine if modifications to the proposed parking management plan are appropriate. The contingency plan for additional spaces is to enter into a second shared parking arrangement with the nearby Islamic Center of Boulder which has over 40 paved parking spaces plus a significant number of unpaved parking spaces.

* * * * *

We trust this information will assist you in planning for improvements to the Meadows Tennis Club.

Respectfully submitted,

LSC Transportation Consultants, Inc.

COLORADO LICENSED
CHRISTOPHER S. MCGRANAHAN
39018
PROFESSIONAL ENGINEER

By:_____
Christopher S. McGranahan, P.E., PTOE

4-30-15

CSM/wc

Enclosures: Table 1
Figures 1 - 3
Pages 126 - 127 of the ITE *Parking Generation Manual*, 4th Edition, 2010.

Z:\LSC\Projects\2015\150250-MeadowsTennisClub\Report\MeadowsTennisClubParking-043015.wpd

Table 1
PARKING DEMAND ESTIMATE
Meadows Tennis Club
Boulder, CO
(LSC #150250; April, 2015)

Parking Demand Category	Quantity	Parking Generation Rate (1)			Parking Generation Demand		
		33rd Percentile	Average Weekday	85th Percentile	33rd Percentile	Average Weekday	85th Percentile
Maximum Number of Courts in Use at One Time							
Tennis Courts (2)	15 Courts	3.05	3.56	4.13	46	54	62
Maximum Number of Courts On-Site							
Tennis Courts (2)	19 Courts	3.05	3.56	4.13	58	68	79

Notes:
(1) Source: *Parking Generation*, Institute of Transportation Engineers, 4th Edition, 2010.
(2) Land Use No. 491, Racquet/Tennis Club

N

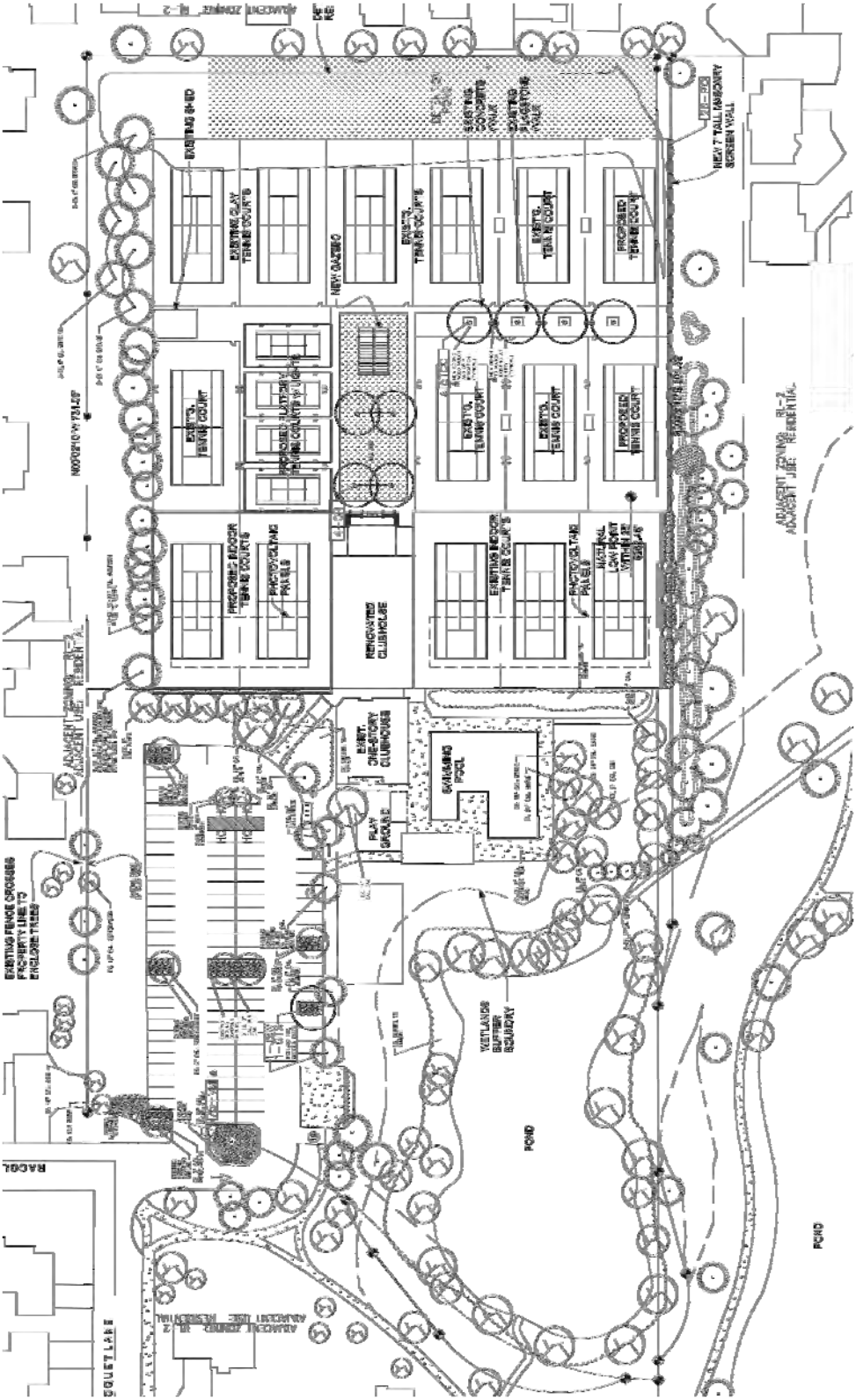
Approximate Scale
Scale: 1"=600'

LSC TRANSPORTATION CONSULTANTS, INC.

Figure 1

Vicinity Map

Meadows Tennis Club (LSC #150250)



Approximate Scale
Scale: NTS

Figure 2

Site Plan

Meadows Tennis Club (LSC #150250)

LSC TRANSPORTATION CONSULTANTS, INC.

The route generally follows:

1. North side sidewalk on Pennsylvania Avenue.
2. Cross Pennsylvania Avenue on west side of 55th Street at raised intersection.
3. East side sidewalk on Roxwood Lane.
4. Cross 55th Street at raised crosswalk about 200 feet north of Racquet Court.
5. East side sidewalk on 55th Street.
6. Cross Racquet Court.
7. South side sidewalk on Racquet Court.

Figure 3

Pedestrian Route to Overflow Parking

Meadows Tennis Club (LSC #150250)

LSC TRANSPORTATION CONSULTANTS, INC.

Land Use: 491
Racquet/Tennis Club

Description

Racquet/tennis clubs are privately-owned facilities that primarily cater to racquet sports (tennis, racquetball, or squash—indoor or outdoor). This land use may also provide ancillary facilities, such as swimming pools, whirlpools, saunas, weight rooms, snack bars and retail stores. These facilities are membership clubs that may allow access to the general public for a fee. Tennis courts (Land Use 490), health/fitness club (Land Use 492), athletic club (Land Use 493) and recreational community center (Land Use 495) are related uses.

Database Description

The database consisted of two suburban sites and one urban site. Parking demand at the urban site was similar to the suburban sites and, therefore, the data were combined and analyzed together.

- Average site parking supply ratio: 3.6 spaces per court (five study sites).
- Average number of members: 1,030 (three study sites).
- Average number of employees: 9 (five study sites).

The weekday parking demand data were collected between 4:00 and 8:00 p.m. The Saturday parking demand data were collected between 5:00 and 9:00 p.m.

The database included two study sites with Saturday parking demand data. The suburban site had six courts and a peak parking demand ratio of 2.00 vehicles per court between 7:00 and 8:00 p.m. The urban site had 12 courts and a peak parking demand ratio of 2.00 vehicles per court between 6:00 and 7:00 p.m.

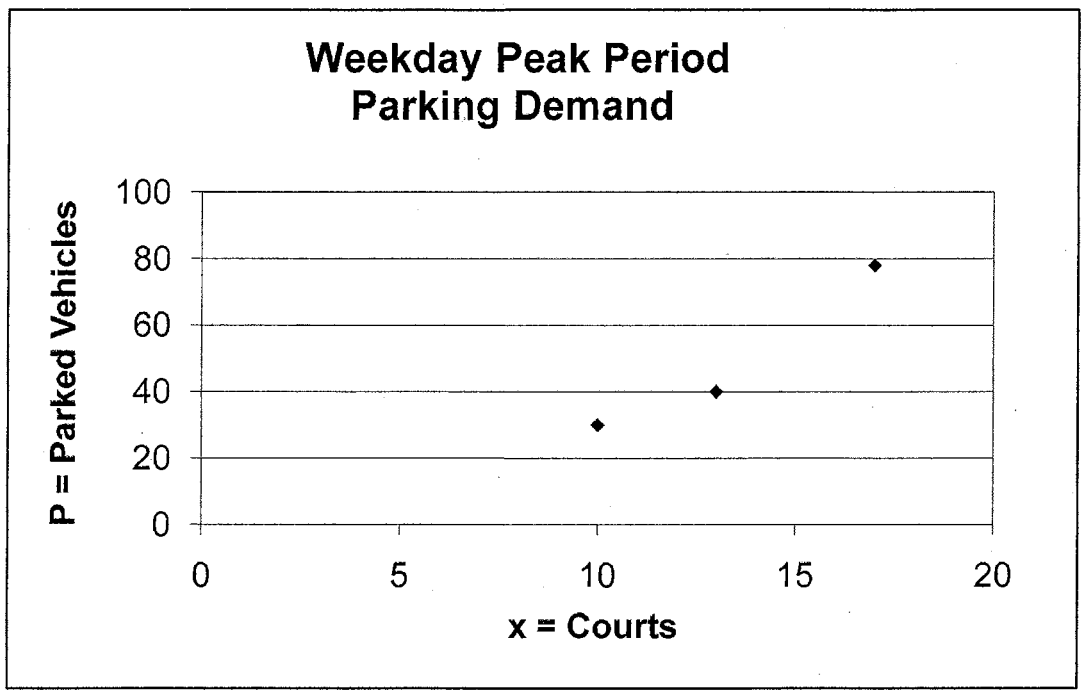
Study Sites/Years

Dewitt, NY (1988); Lake Oswego, OR (1995); Portland, OR (1995)

Land Use: 491
Racquet/Tennis Club

Average Peak Period Parking Demand vs. Courts
On a: Weekday

Statistic	Peak Period Demand
Peak Period	5:00–8:00 p.m.
Number of Study Sites	3
Average Size of Study Sites	13 courts
Average Peak Period Parking Demand	3.56 vehicles per court
Standard Deviation	0.90
Coefficient of Variation	25%
Range	3.00–4.59 vehicles per court
85th Percentile	4.13 vehicles per court
33rd Percentile	3.05 vehicles per court



◆ Actual Data Points

Friends' School

Educating The Whole Child
Head, Hand & Heart

May 1, 2015.

By signing below, Friends' School and the The Meadows Club agree to the following terms and conditions regarding the rental of Friends' School parking spaces as specified below.

The Meadows Club will utilize Friends' School parking spaces for overflow parking on Saturday June 20-th from 7AM-2PM, Saturday June 27th from 7AM-2PM, Saturday July 4th from 7AM-5PM and Saturday July 18th from 7AM-2PM. Friends' School agrees to allow The Meadows Club to utilize a maximum of 60 spaces.

The Meadows Club will provide at least one staff member to manage traffic flow and parking during all rental periods.

In consideration for the use of these parking spaces, the Meadows Club will allow the Friends' School the use of it's facilities for Friends' School field day on May 20th, 2015, at no cost to Friends' School

INSURANCE AND INDEMNITY

Friends' School assumes no liability with respect to bodily injury, illness or any activities undertaken under the contract, whether concerning persons or property in the Meadows Club's organization or a third party. The Meadows Club shall insure or otherwise protect itself with respect to bodily injury, illness or any other damages or losses, or any claims arising out of any activities undertaken under this contract. The Meadows Club will provide Friends' School with a Certificate of Liability Insurance with Friends' School listed as additional insured.

For all motor vehicles used in conducting activities under this contract, the Meadows Club shall ensure that the driver is protected by a policy of insurance covering bodily injury and property damage

The Meadows Club agrees that it shall indemnify and save harmless Friends' School, their officers, agents and employees from:

(a) any claims or losses for services rendered by any subcontractor, person or firm performing or supplying services, materials or supplies in connection with the performance of this contract; and

(b) any claims or losses resulting to any person or firm injured or damaged by the erroneous or negligent acts, including disregard of federal and state statutes or regulations, by the Meadows Club, its officers, employees or subcontractors in the performance of this contract.

5465 Pennsylvania Avenue · Boulder, Colorado 80303
ph. 303.499.1999 · fax 303.499.1365
Email: info@friendsschoolboulder.org · Website: www.friendsschoolboulder.org

FRIENDS' SCHOOL, INC.

By _____ 5/1/15
Jennifer Cope, Director of Finance & Operations Date

THE MEADOWS CLUB

By _____ 5/1/15
Bob Shoulders, General Manager Date

D. L. ADAMS ASSOCIATES
acoustics | performing arts | technology

1536 Ogden Street
Denver, CO 80218
www.dlaa.com
303.455.1900

February 12, 2015

Mr. Jim Bray
Bray Architecture
1300-C Yellow Pine
Boulder, CO 80304

RE: Meadows Tennis Club (DLAA 15-015)

Dear Jim:

We analyzed the community impact of the platform tennis courts back in 2008. During that process, we sampled platform court noise at other tennis clubs in Boulder in order to predict the community noise impact from adding two courts at the Meadows Tennis Club in Boulder, Colorado. I understand the location that we previously analyzed in 2008 was ultimately not chosen and the two platforms were placed along the center access lane of the tennis courts. We understand that the club would like to reclaim this central access as a green-space amenity and would like to relocate and add two more courts immediately west of the existing location replacing one of the existing tennis courts.

I used the data and analysis results from our initial survey to arrive at new noise contours as shown in Figure 1. We understand that the nearest property line is west of the courts at a distance of 103' from the edge of the proposed new platform tennis courts. These contours predict the estimated impact of the four platform courts being used simultaneously. The contours show 5 dBA increments. The estimated sound level at 103' would be 52 dBA.

Design Criteria

The City of Boulder Noise Code limits the noise at a residential property line to be 55 dBA during the hours of 7:00 a.m. to 11:00 p.m., and 50 dBA between 11:00 p.m. and 7:00 a.m. See the following link:
https://www.municode.com/library/co/boulder/codes/municipal_code?nodeId=TIT5GEOF_CH9NO_5-9-3EXDESOLEPR

Based on the predicted level at the property, the estimated noise from the platforms should be in compliance with the City Code..

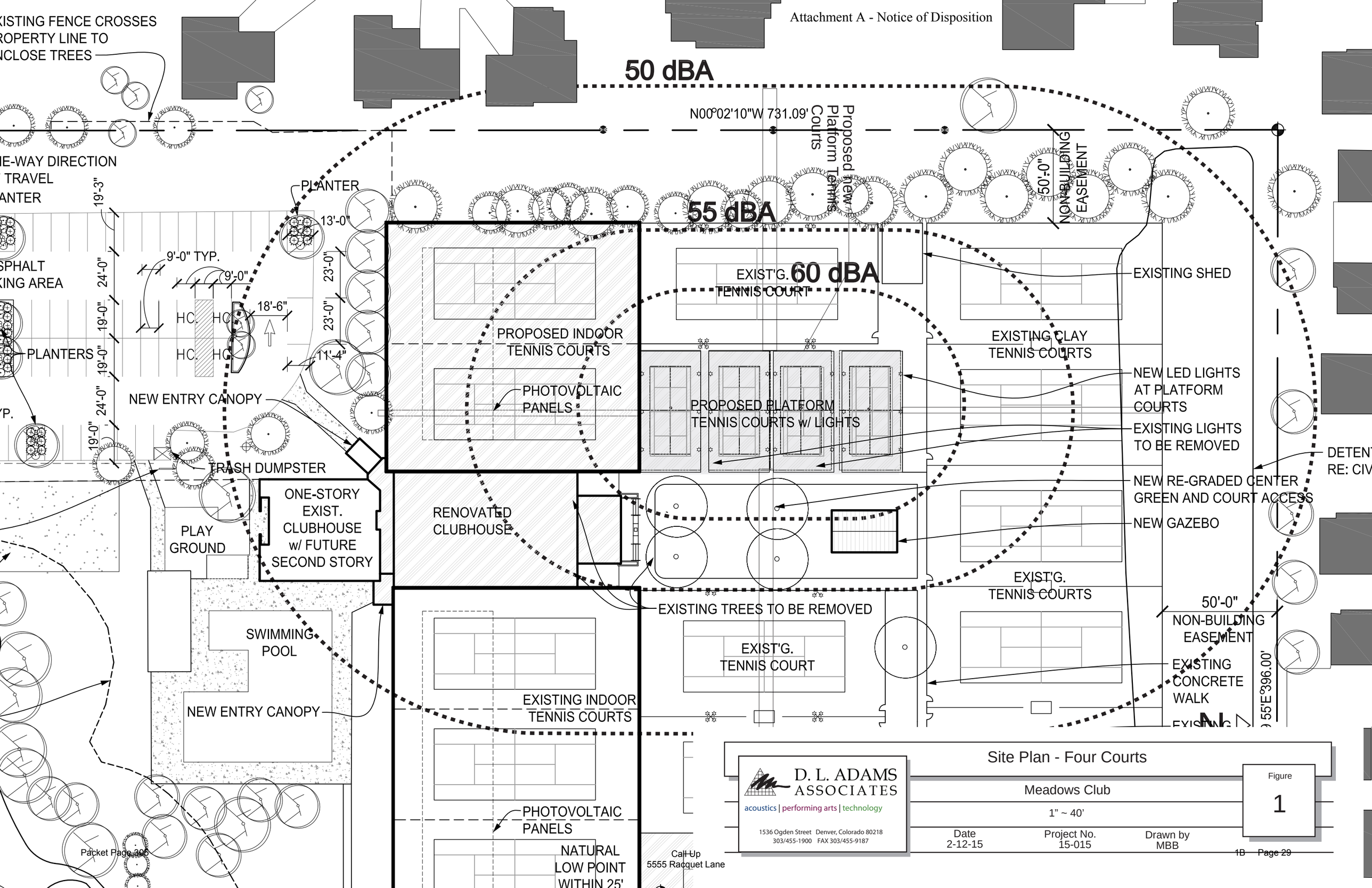
Mr. Jim Bray
February 12, 2015
Page 2

Please call me if you have any questions.

Sincerely,

Mick Barnhardt

encl. Figure 1



D. L. ADAMS ASSOCIATES
acoustics | performing arts | technology
1536 Ogden Street Denver, Colorado 80218
303/455-1900 FAX 303/455-9187

Site Plan - Four Courts

Meadows Club

1" ~ 40'

Date	Project No.	Drawn by
2-12-15	15-015	MBB

Figure 1

ATTACHMENT 3: LIGHTING REPORT

BRAY
Architecture, Inc

May 4, 2015
Revised 7/2/15

CITY OF BOULDER
Planning Department
PO Box 791
Boulder, CO 80306

RE: Lighting variance request for the Meadows Swim and Tennis Club at 5555 Racquet Court, Boulder, Colorado associated with Site Review - LUR2014-00095

Per the staff request we offer this variance request to support the existing site conditions and the proposed modifications within our Site Review submittal. Variance from table 9-12 of the BRC for the existing tennis court lights and the proposed new court lights at platform tennis courts to be at 50 foot-candles verses the permitted limited of 30 foot-candles.

Lighting Variance requirement
Variance: The city manager may grant a variance from the provisions of this section if the city manager finds that one of the criteria of subparagraph (j)(2)(A), (j)(2)(B) or (j)(2)(C), and subparagraphs (j)(2)(D) and (j)(2)(E) of this section have been met:

A. There are special circumstances or conditions applying to the land, buildings, or outdoor light fixtures for which the variance is sought, which circumstances or conditions are peculiar to such land, buildings or outdoor light fixtures and do not apply generally to the land, buildings or outdoor light fixtures in the neighborhood;
The original PUD for the club established a 50' setback/buffer to the surrounding neighborhood that is unique to the development. This buffer is developed with mature landscaping and berming to mitigate sound and the existing lighting to the surrounding community. We wish to maintain those existing lights that are above the 30ftc limit with current levels at approximately 50 ftc that have been in place for the last 40 years and add new lighting at the proposed platform courts in place of an existing lighted tennis court.

The lighting level limit of 30ftc is 40% below the lowest tennis court criteria provided in the national standards of the IES. This is a safety hazard for the members and participants of many of Boulders public tennis events to participate. With this being one of only a handful of lighted tennis facilities in Boulder County it would be to the sports detriment to no longer be able to utilize the facility due to inadequate lighting levels. An example of such low lighting levels exist at NBRC which have gone mostly un-used since there construction verses the EBRC lights which are at levels of 75ftc with much better participation.

D. The granting of the variance will generally be consistent with the purpose of this section and will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
The request reduces the amount of court lighting by 44% of that which has been in operation since the clubs inceptions with the enclosing of 4 of the lighted courts (2 in the previous construction and 2 in the proposed improvements). The new lighting proposed for the platform courts, which are used primarily in winter, are in the place of one of the existing centralized lighted courts and will be at similar levels. All the exterior courts lights are also set on timer clocks that limit use to 10pm.

E. The variance is the minimum variance that provides the relief required.
The proposed new lighting at the platform courts and the existing courts will maintain the lighting levels of 40ftc as an appropriate minimum to the level of play for the club and level any less will limit or potentially eliminate the use of night play on these courts.

The club is integral to Boulder's tennis community and the use of lighted tennis courts is vital to supporting the sport within the community. The club also wishes to support the growing sport of platform tennis that is currently limited within the community to two courts at the NBRC. These courts are currently booked for most nights of the week for a blossoming league that cannot serve the number of players in town with just these two courts. Platform is one of the fastest growing sports in the country and is well suited for Colorado's winters.

The code's limits are in place for residential development with less setbacks and limited to private uses. The clubs request is within the intent of the code with the appropriate setbacks and screening already in place to allow for 'public' sport lighting levels and has already been in operation with more lighting for the last 40 years. We urge you to allow for this variance to continue the clubs success as Boulder's primary club that serve the tennis community.

Please let us know if there is any further clarification on the variance request.

Sincerely,

Jim Bray
AIA, Leed AP, NCARB

BRAY ARCHITECTURE, INC.
1300-C Yellow Pine
Boulder, CO 80304
303.444.1598 - O
303.579.3609 - C

boulder engineering

1717 15th Street, Boulder, CO 80302 p (303) 444-6038 f (303) 442-1172

7/02/2015

Chandler Van Schaack
City of Boulder Planning & Development Services
1739 Broadway, Third Floor
Boulder, CO 80306-0791

Re: Meadows Club Expansion
5555 Racquet Ln.
Boulder, CO 80303

Review # LUR2014-00095

Dear Mr. Van Schaack

Thank you for your review of the above referenced project. Below are responses to your comments dated May 22, 2015.

The comments say "it must be demonstrated, that not only will the overall light levels on the site decrease, but that there will be no increase in light levels anywhere on the site". Photometric plans are attached that show historic, existing, and proposed light levels on the site. From the historic to existing to proposed photometric plan, overall light levels on the site have decreased from 7.3 to 6.4 to 4.8 average footcandles. The existing photometric plan saw a lighting reduction because two of the lighted courts were enclosed to become indoor tennis courts. The proposed photometric plan shows two more lighted courts being enclosed. This overall reduction of exterior lighted courts illustrates a 44% reduction in lighting impact on the surrounding neighborhood environment.

IESNA design recommendations for an outdoor tennis court lit by 20 to 25 ft. floodlights specify an average of 50 footcandles and a uniformity ratio of 4:1 or less. The proposed photometric plans shows an average of 43 footcandles and a uniformity ratio of 2.1:1. This optimal uniformity ratio justifies the average light level in the platform tennis court area increasing from current levels. Note that the proposed photometric plan shows no effect on the surrounding property lines from the increased light levels at the platform tennis courts. Also, maximum proposed footcandle values in the platform tennis court and two adjacent courts are equivalent to actual measured footcandle values, based on measurements made e_rlier this month. For reference, the East Boulder Recreation tennis courts, which see a lot of use and represent a successful installation within the City, have been measured at an average of 66 footcandles. This is higher than footcandle levels in the proposed platform tennis court area. The North Boulder Recreation tennis courts, which do not see much use according to staff, measure below a 30 footcandle average.

In an effort to "promote efficient and cost effective lighting and to conserve energy", LED lights will be installed in the proposed platform tennis court area. Also, it is the club's intent to replace, over time, existing metal halide fixtures with comparable LED fixtures.

Sincerely,

COLORADO LICENSED
GERALD F. NOVOTNY
13894
7-2-15
PROFESSIONAL ENGINEER

Gerald Novotny
Boulder Engineering

Meadows Swim & Tennis Club

Site Review Application
July 2, 2015

LEGAL DESCRIPTION

Legal Description:
TRACT 2709 & 2709 A LESS A1 & A2 & TR 3627 A & 3627 B 34-1N-70 & PT OF OUTLOT D MEADOW GLEN REPLAT

Sec-Town-Range:
34-1N-70

Subdivision:
TR, 194-198 MEADOW GLEN REPLAT

PROJECT DATA

PROJECT ADDRESS:	5555 Racquet Court Boulder, Colorado 80303
PROJECT DESCRIPTION:	Addition to existing building
ZONING:	RL-2
BUILDING TYPE:	II-B / V-B, Fully Sprinkled
OCCUPANCY:	A-3

ZONING

ZONING DISTRICT (MODULE-F)	RL-2
MIN. FRONT LANDSCAPE SETBACK	25'
MIN. FRONT PARKING SETBACK	25'
MIN. SIDE SETBACK - FROM STREET	12.5'
MIN. SIDE YARD BULK PLANE	N/A
MAX. BUILDING HEIGHT	35'
MAX. BUILDING COVERAGE	N/A
MAX. STORIES	3
MAX. FENCE HEIGHT	7'

Note: Setbacks vary based on 1976 PUD - No variations are proposed

Parking Calculations:

Parking required per PUD* — 92 spaces required
Total Spaces Provided On-Site: — 92 spaces (51 full size, 37 compact, 4 handicap)

*No increase in membership proposed

Accessible Parking Required:
Standard Accessible Space: 3
Van Accessible Space: 1
Accessible Parking Provided:
Standard Accessible Space: 3
Van Accessible Space: 1

Bicycle Parking Required: 0
Short Term Bike Parking Provided: 10
Long Term Bike Parking Provided: 4
Existing Bike Parking: 75 (non-conforming)

Open Space required: 10% = 33,678 s.f.
Open Space Provided: 76% = 254,407 s.f.
Wetland area: 30,083 s.f. / 254,407 s.f. = 12% < 50%

Accessibility:

All Primary functions are accessible.

Existing Square Footage:

Indoor Courts: 21,894 s.f.
Club House: 5,036 s.f. (includes locker rooms)
Total Square Footage: 26,930 s.f.

Proposed Square Footage:

AREA 1:
Locker Rooms: 2,795 s.f.

AREA 2:
Indoor Courts: 36,279 s.f.
Club House: 5,639 s.f.
Total Square Footage: 44,713 s.f.

PROJECT DIRECTORY

OWNER — **Meadows Swim & Tennis Club**
5555 Racquet Court
Boulder, CO 80303
(303) 494-5069
Contact: Jim Kasic
e-mail: jkasic@comcast.net

CONTRACTOR — **Wyatt Construction, Inc.**
3223 Arapahoe Street
Boulder, CO 80303
(303) 449-1255
Contact: John Wyatt
e-mail: john@wyattconstruction.com

ARCHITECT — **Bray Architecture, Inc.**
1300-C Yellow Pine Ave.
Boulder CO 80304
(303) 444-1598
Contact: Jim Bray
e-mail: brayarch@comcast.net

LANDSCAPE ARCHITECT — **Nature's Design Associates, LLC**
15674 Indiana Gulch Rd
Jamestown, CO 80455
(303) 459-3333
Contact: Becky Marinek
e-mail: marinek@hughes.net

CIVIL ENGINEERING — **Scott Cox & Associates, Inc.**
1530 55th street
Boulder, CO 80303
303-444-3051
Contact: Dana Smyly
email: dana@scottcox.com

MECHANICAL / ELECTRICAL / PLUMBING ENGINEER — **Boulder Engineering, Inc.**
1717 15th Street
Boulder, CO 80302
(303) 444-2038 / Fax (303) 442-1176
Contact: Ethan Milley
Email: ethan@boulderengineering.com

SHEET INDEX

SHEET	DESCRIPTION
A0.0	Cover Sheet
A0.1	Existing Conditions
C1.01	Preliminary Grading and Drainage Plan
C1.02	Preliminary Utility Plan
L-1	Landscape Plan
L -2	Landscape Details
A1.1	Architectural Site Plan
A2.1	Floor Plan
A3.1	Exterior Elevations
A3.2	Exterior Elevations
A4.1	Shadow Analysis
E1	Proposed Lighting Site Plan
E2	Existing Lighting Site Plan
E3	Historic Lighting Site Plan

VICINITY MAP

CODE ANALYSIS

This document is prepared using the 2012 IBC. All references are to this document unless noted otherwise. Reference local requirements for a full listing of applicable codes and requirements. The General Contractor shall reference drawings and specifications for General Requirements.

1. BUILDING CLASSIFICATION
1.1 CONSTRUCTION TYPE — Fire Area 1: VB Construction; Fire Area 2: IIIB Construction; An NFPA 13 sprinkler system will be provided throughout

2. OCCUPANCY CLASSIFICATION
2.1 OCCUPANCY GROUP — Fire Area 1: A-3 Assembly (Locker rooms); Fire Area 2: A-3 Assembly (Tennis courts w/o spectator seating)

3. BUILDING AREA/OCCUPANCY
3.1 AREA
Floor area includes the entire area "within the surrounding exterior walls."

BLDG.	USE	AREA
Fire Area 1	Assembly (A-3)	2,794
Fire Area 2	Assembly (A-3)	41,917
Total Square Feet		**44,711**

4. ALLOWABLE HEIGHT/AREA
4.1 HEIGHT - Building Stories
Per Table 503

BLDG	CONST.TYPE	USE	MAX. ALLOWED	SPRINKLER INCREASE*	ACTUAL
Fire Area 1	VB	A-3	1	2	1
Fire Area 2	IIIB	A-3	2	3	1

*Height Increase of an additional story with fire sprinkler system per 504.2

4.2 FLOOR AREA CALCULATIONS

FIRE AREA 1:

OCCUPANCY				GROUP A-3
TABULAR AREA - A_t (TABLE 503)				6,000
FRONTAGE INCREASE	F	P	W/30	
	170	218	1	
$I_f = [\frac{170}{218} - 0.25] \, 1 = 0.53$				
$[A_t \times 0.5] =$				3,000
SPRINKLER INCREASE	$[A_t \times 3] =$			18,000
AREA PER FLOOR				27,000
STORIES (504.2) (MAX 2)				1
MAX. ALLOWABLE BUILDING AREA				27,000

The actual building height (1 story) is less than the allowable height (2 stories)
The actual building area (2,794 s.f.) is less than the allowable area (27,000 s.f.)

FIRE AREA 2:

OCCUPANCY				GROUP A-3
TABULAR AREA - A_t (TABLE 503)				9,500
FRONTAGE INCREASE	F	P	W/30	
	967	1024	1	
$I_f = [\frac{967}{1024} - 0.25] \, 1 = 0.69$				
$[A_t \times 0.7] =$				6,555
SPRINKLER INCREASE	$[A_t \times 3] =$			28,500
AREA PER FLOOR				44,555
STORIES (504.2) (MAX 3)				1
MAX. ALLOWABLE BUILDING AREA				44,555

The actual building height (1 story) is less than the allowable height (3 stories)
The actual building area (41,967 s.f.) is less than the allowable area (44,555 s.f.)

5. BUILDING FIRE RESISTANCE
5.1 RATINGS AT STRUCTURAL / BUILDING ELEMENTS
Per Table 601 & 706.4

BUILDING ELEMENT	FIRE-RESISTIVE RATING
STRUCTURAL FRAME	0-HOUR
BEARING WALLS	0-HOUR
EXT. NON-BEARING WALLS (NB)	2-HOUR*
INTERIOR PARTITIONS (NB)	0-HOUR
FLOORS & FLOOR/CEILINGS	0-HOUR
ROOFS & ROOF/CEILINGS	0-HOUR
SHAFT ENCLOSURES	0-HOUR
FIRE AREA SEPARATION WALL	2-HOUR

*SEE 5.2 FOR SPECIFIC EXTERIOR WALL RATINGS

5.2 EXTERIOR WALL PROTECTION AND OPENINGS
Per Table 602 & 705.8

WALL LOCATION	DISTANCE TO PROPERTY LINE	EXTERIOR WALL (TABLE 602)	WALL OPENING PROTECTED (TABLE 705.8)
NORTH	316	0-HOUR	NO LIMIT
EAST	7	1-HOUR	25%
SOUTH	230	0-HOUR	NO LIMIT
WEST	45	0-HOUR	NO LIMIT

East wall area = 3,080 sf
Area of openings at east wall = 224.1 sf = 7.3% < 25%

6. MEANS OF EGRESS
6.1 OCCUPANT LOAD/ EXITS PER FLOOR
Per Table 1004.1.1 & 1018.1

FUNCTION	FLOOR AREA	OL FACTOR	OCCUPANT LOAD
BUSINESS AREA	2,168	100 GROSS	22
LOCKER ROOM	2,444	50 GROSS	49
EAST COURTS	21,039	50 GROSS	421
WEST COURTS	15,234	50 GROSS	305
MECHANICAL	335	300 GROSS	2
ASSEMBLY	3485	15 NET	233
TOTAL OCCUPANT LOAD			1032

6.2 EGRESS WIDTH
Per Table 1005.1

FUNCTION	OCC. LOAD	EXITS REQD.	EXITS PROV.	MIN. DOOR WIDTH (IN) REQD.	MIN. DOOR WIDTH (IN) PROV.
BUSINESS AREA	22	2	3	-	-
LOCKER ROOM	49	2	2	-	-
EAST COURTS	421	2	3	-	-
WEST COURTS	305	2	2	-	-
MECHANICAL	2	1	1	-	-
ASSEMBLY	233	2	3	-	-
TOTAL	1032				

6.3 MISCELLANEOUS REQUIREMENTS

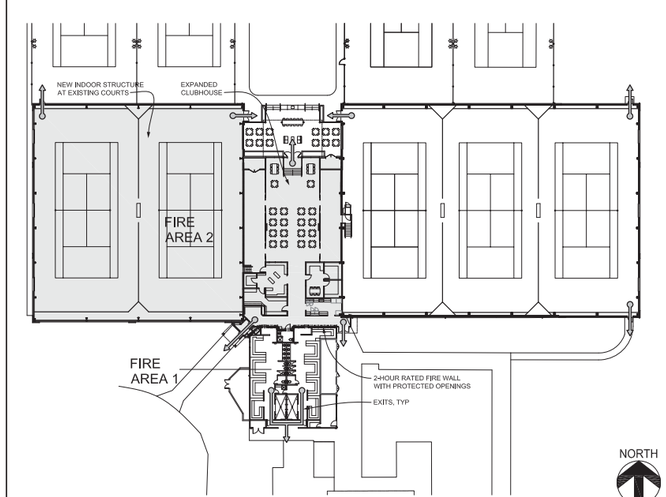
Maximum Travel Distance:	250' Per Table 1016.1
Maximum Dead End	20' Per Sec. 1017.3
Door Swing Direction:	Per Sec. 1008.1.2
Exit Illumination:	Per Sec. 1006
Illumination Emergency Power:	Per Sec. 1006
Exit Sign Requirements:	Per Sec. 1011
Fire Alarm Requirements:	Manual

7. PLUMBING REQUIREMENTS
8.1 OCCUPANT LOAD - Per Code Analysis, Section 6.1 = 591 Occupants
8.2 PLUMBING REQUIREMENTS
Per Table 2902.2

GENDER	WATER CLOSETS 1 PER 125	LAVATORIES 1 PER 200	URINALS	DRINKING FOUNTAINS 1 PER 500
REQUIRED				2
MALE	3	2	0	-
FEMALE	3	2	0	-
PROVIDED				2
MALE	2	4	2	-
FEMALE	4	4	0	-
FAMILY	1	1	-	-

FAMILY ROOM REQUIRED/PROVIDED PER 1109.21

CODE PLAN



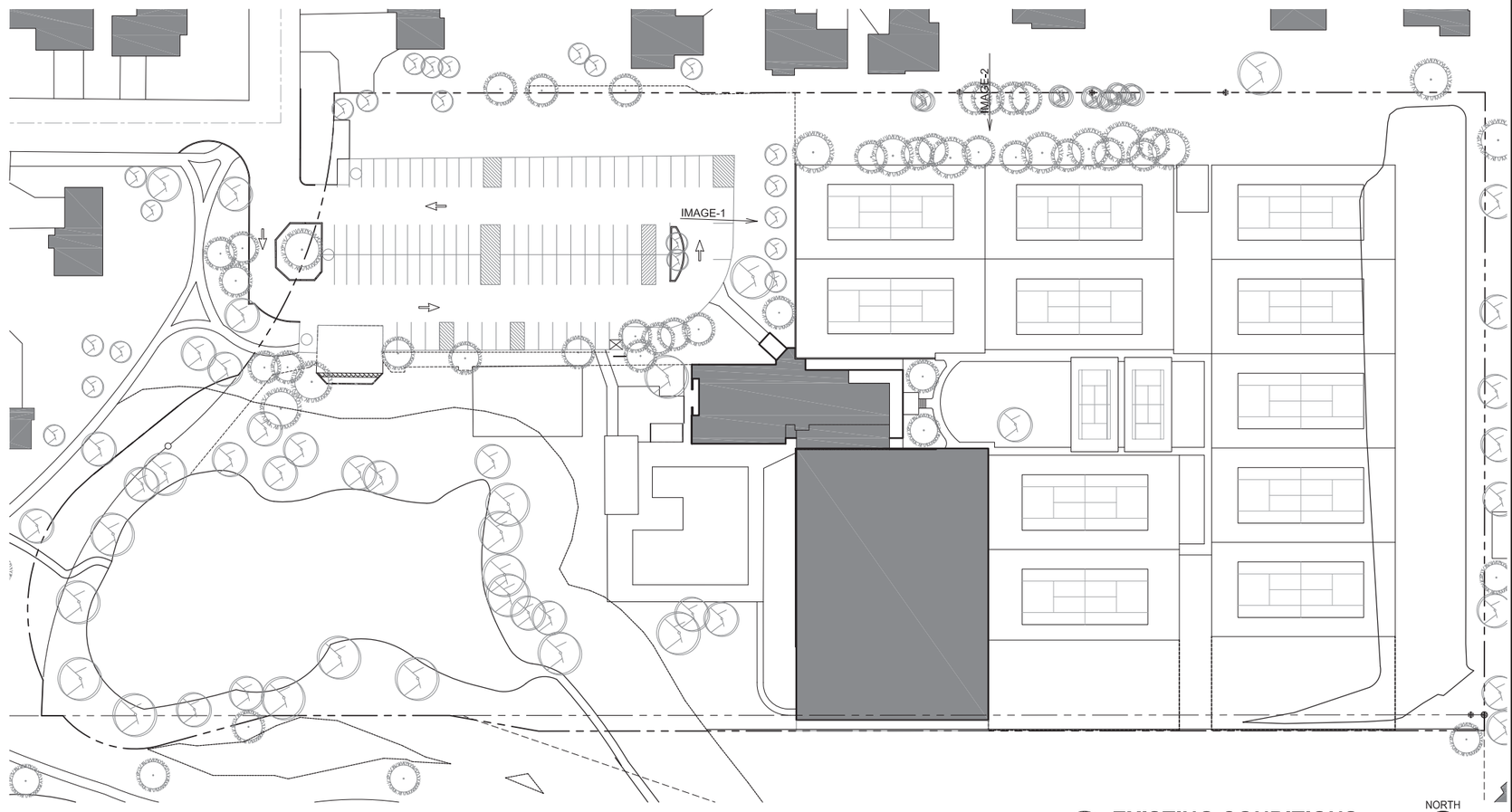
BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

MEADOWS SWIM & TENNIS CLUB EXPANSION
5555 RACQUET CT.
BOULDER, COLORADO

PROJECT NO:
ISSUE DATE: 11-3-14
REVISIONS: 2-17-15; 5-4-15; 7-2-15
SHEET TITLE: COVER SHEET
SHEET NUMBER: A0.0

EXISTING CONDITIONS - IMAGE 2

EXISTING CONDITIONS - IMAGE 1



1 A0.1 EXISTING CONDITIONS
NTS

NORTH

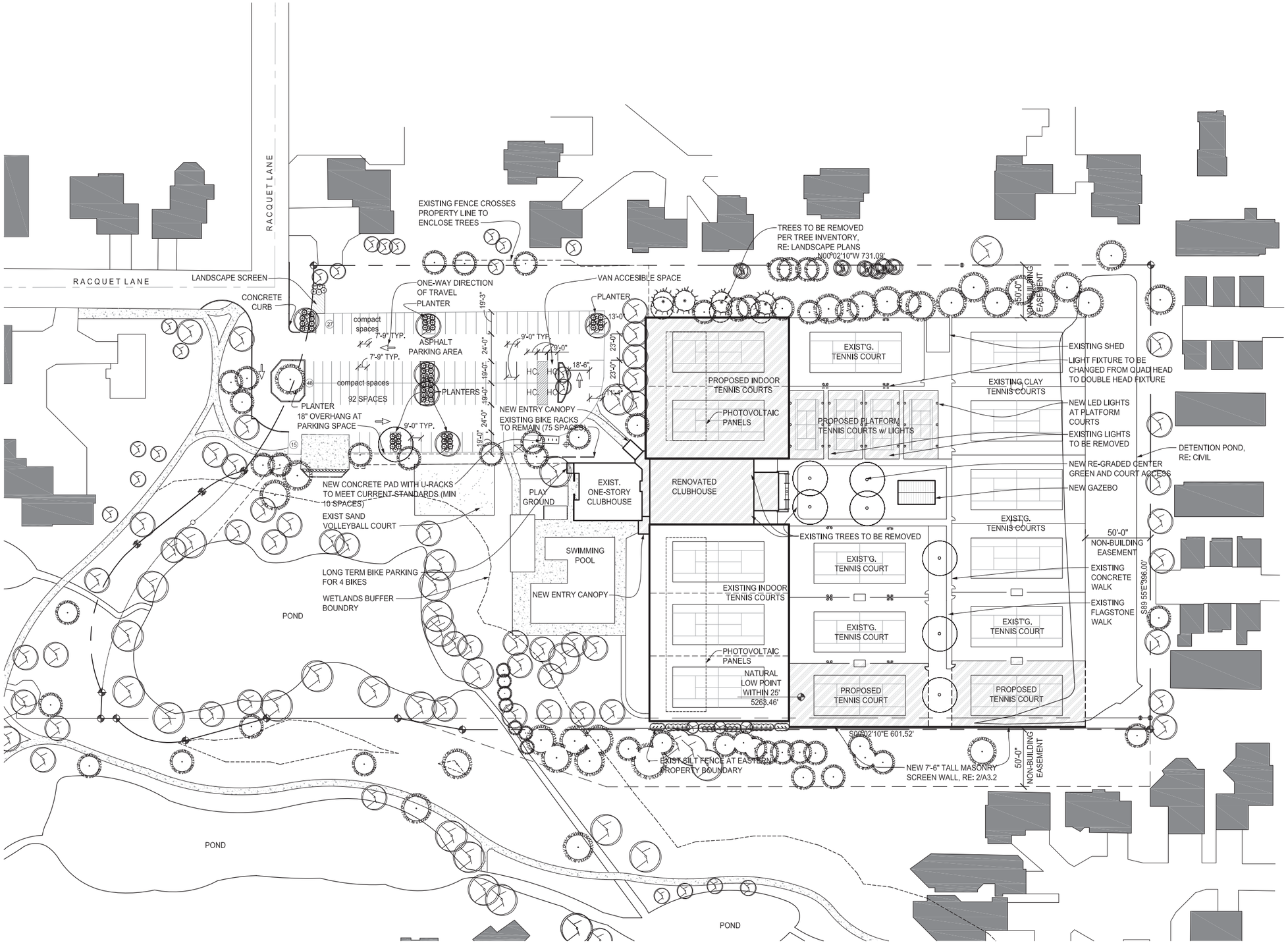
BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

MEADOWS SWIM & TENNIS CLUB EXPANSION
5555 RACQUET CT.
BOULDER, COLORADO

PROJECT NO:
ISSUE DATE: 11-3-14
REVISIONS: 2-17-15
5-4-15
7-2-15

SHEET TITLE:
EXISTING CONDITIONS

SHEET NUMBER:
A0.1



1 A1.1 **SITE PLAN**
1" = 40'-0"

NORTH
0' 20' 40' 80'

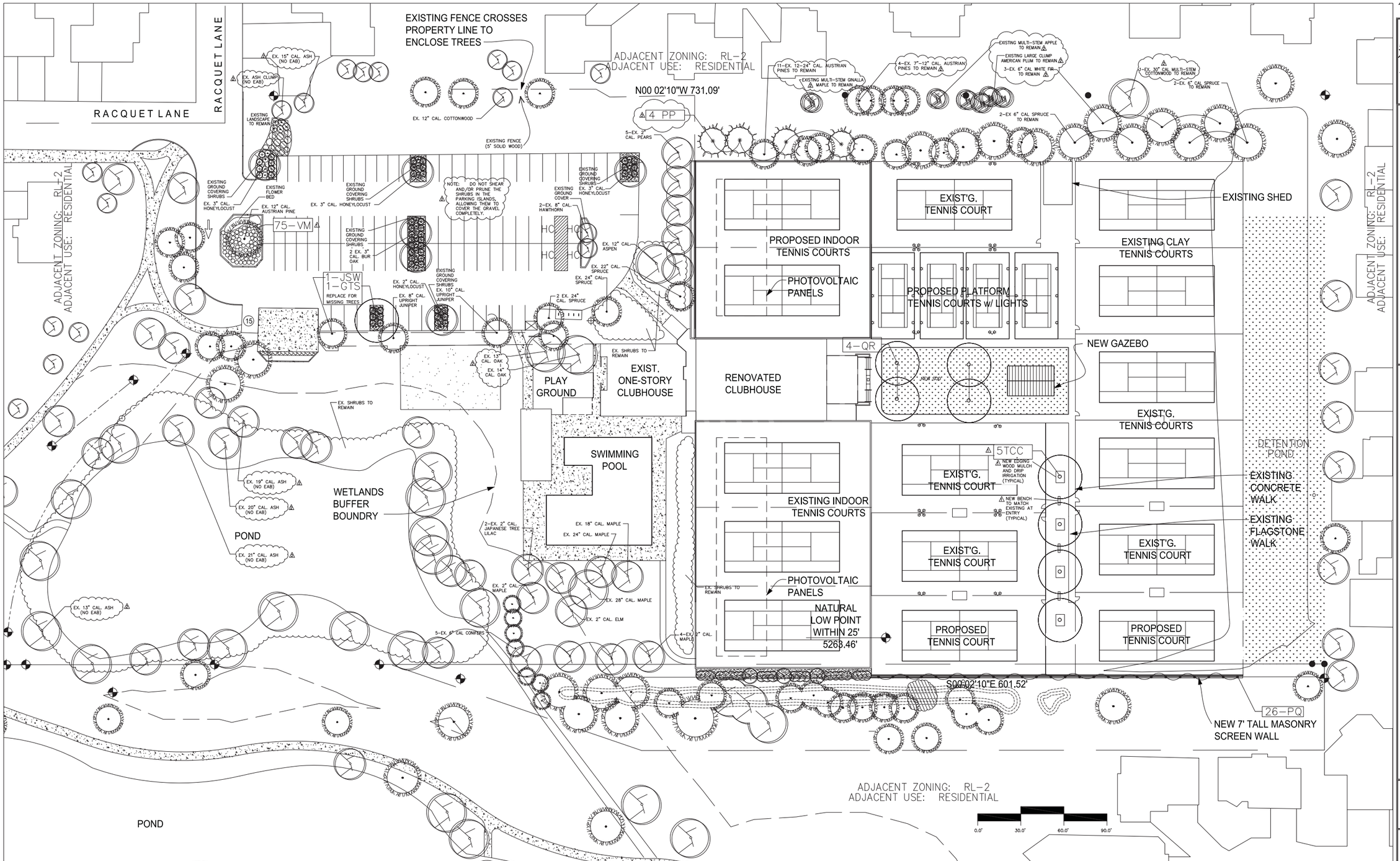
BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

MEADOWS SWIM & TENNIS CLUB EXPANSION
5555 RACQUET CT.
BOULDER, COLORADO

PROJECT NO:
ISSUE DATE: 11-3-14
REVISIONS: 2-17-15
5-4-15
7-2-15

SHEET TITLE:
ARCHITECTURAL SITE PLAN

SHEET NUMBER:
A1.1



PLANT KEY

- EXISTING TREE TO BE REMOVED
- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING CONIFER TREE TO REMAIN
- NEW DECIDUOUS TREE
- NEW CONIFER TREE
- EXISTING DECIDUOUS AND EVERGREEN SHRUBS
- NEW VINES
- NEW GROUND COVER

Call Up
5555 Racquet Lane

NORTH
SCALE 1" = 30'0"

LANDSCAPE ARCHITECTURE STAMP

Licensed Landscape Architecture
NATURE'S DESIGN ASSOCIATES LLC
15674 Indiana Gulch Rd.
Jamestown, CO 80455
phone: 303-459-3333
fax: 303-459-0644
becky.martinek15674@gmail.com

LANDSCAPE PLAN

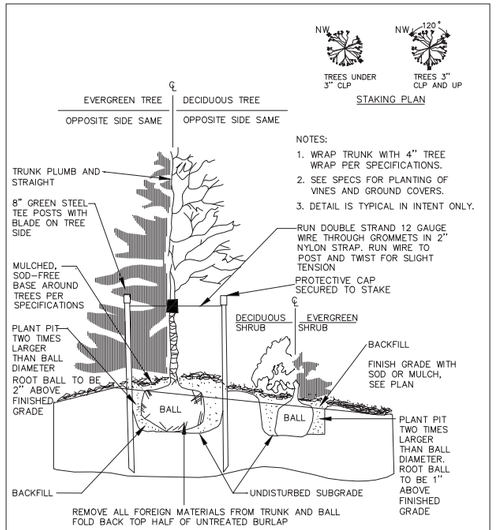
Meadow Tennis Club

5555 Racquet Court
Boulder, Colorado

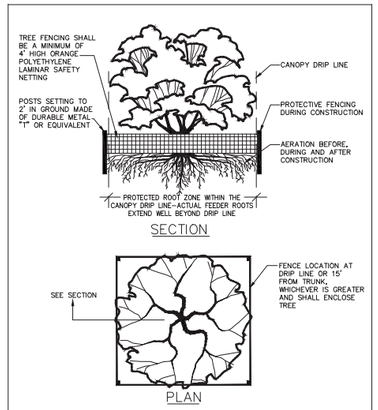
Plan Date:
11/03/2014

Revisions:
△ 02/16/2015
△ 05/04/2015
7/02/2015

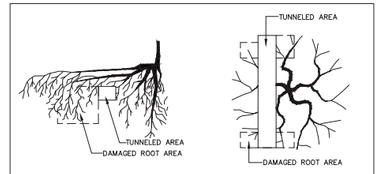
Sheet Number:
L-1



DRAWN BY: JSH CHECKED BY: SRW APPROVED BY: DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO TREES AND SHRUBS PLANTING DETAIL	ISSUED: JULY 2, 1998 REVISED: OCT. 17, 2000 DRAWING NO. 3.02



DRAWN BY: JSH CHECKED BY: RJH APPROVED BY: DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO PROTECTED ROOT ZONE AND DRIP LINE	ISSUED: JULY 2, 1998 REVISED: OCT. 17, 2000 DRAWING NO. 3.12



TUNNELING

ACCEPTED PRACTICE

NOTE: AVOID TRENCHING IF POSSIBLE. IF UNAVOIDABLE MAKE CLEAN SHARP CUT.

DRAWN BY: JSH CHECKED BY: RJH APPROVED BY: DIRECTOR OF PUBLIC WORKS	CITY OF BOULDER, COLORADO ROOT LOSS FROM TUNNELING	ISSUED: JULY 2, 1998 REVISED: OCT. 17, 2000 DRAWING NO. 3.13

CITY OF BOULDER REQUIREMENTS

PROJECT DATA:

TOTAL LOT SIZE	336,781 S.F.	
TOTAL PARKING LOT/DRIVES SIZE	29,334 S.F.	
TOTAL AREA NOT COVERED BY BUILDING OR PARKING LOT	262,292 S.F.	
POND/WETLAND AREA OUTDOOR BALL COURTS	30,083 S.F. 77,899 S.F.	
TOTAL LANDSCAPE AREA	154,310 S.F.	
	REQUIRED	PROVIDED
1TREE/5 SHRUBS PER 1500 S.F. LANDSCAPE AREA	103 TREES 515 SHRUBS	118 TREES △ 395 SHRUBS sub 12 trees for 120 shrubs
TOTAL NUMBER OF PARKING STALLS	34	93
TOTAL INTERIOR PARKING LOT LANDSCAPED AREA	1460.5 S.F.	2,435 S.F.
TOTAL INTERIOR PARKING LOT LANDSCAPED AREA AS A PERCENTAGE OF TOTAL PARKING LOT AREA	5%	8.3%
TOTAL NUMBER OF TREES IN INTERIOR PARKING LOT LANDSCAPED AREA	8	10
TOTAL PERIMETER PARKING LOT LANDSCAPED AREA	N/A	N/A
TOTAL NUMBER OF STREET TREES	N/A	N/A
TOTAL NUMBER OF ALLEY TREES	N/A	N/A
TOTAL QUANTITY OF NEW TREES PROVIDED	14	
TOTAL QUANTITY OF EXISTING TREES PROVIDED	116	

LANDSCAPE NOTES

1. THE FOLLOWING SPECIFICATIONS ARE MEANT TO MEET OR EXCEED THE CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS. WHERE DISCREPANCIES OCCUR, THE CITY STANDARDS SHALL TAKE PRECEDENCE
△ 2. BEFORE ANY LANDSCAPING ON THE PROPERTY BEGINS, A TREE ASSESSMENT SHALL BE PERFORMED BY CUTTING EDGE TREE CARE (CHARLEY WAGNER ISA #RM-2359A) TO EVALUATE ALL EXISTING ASH TREES ON SITE FOR EMERALD ASH BORER, AND RECOMMEND TREATMENT AND/OR REMOVAL AND REPLACEMENT. PROTECT EXISTING TREES ADJACENT TO NEW CONSTRUCTION FROM CONSTRUCTION TRAFFIC, DAMAGE, AND STORAGE ACCORDING TO CHAPTER 3.05 OF THE CITY OF BOULDER'S CURRENT DESIGN AND CONSTRUCTION STANDARDS. ANY IRRIGATION TRENCHING THAT LIES IN THE DRIP LINE OF THESE TREES SHALL BE HAND DUG. ANY NEW UTILITY LINES SHALL BE TUNNELED, OR THE TREE REMOVED AND REPLACED.
3. ALL NEW TREES AND SHRUBS SHALL BE BACKFILLED WITH A UNIFORM MIXTURE OF 75% EXCAVATED SOIL AND 25% ORGANIC COMPOST.
4. ALL NEW DECIDUOUS TREES SHALL BE STAKED WITH TWO 6' T-POSTS. ALL NEW EVERGREEN TREES SHALL BE STAKED WITH THREE 2' T-POSTS. ALL POSTS SHALL BE GUYED TO THE TREE WITH 12 GA. WIRE ENCASED IN RUBBER HOSE.
5. NEW SOD AREA SHALL BE AMENDED WITH 3-5 CU.YDS. ORGANIC COMPOST TILLED TO A DEPTH OF 6-8". AREA SHALL THEN BE RAKED TO A SMOOTH GRADE FOLLOWING GRADING PLAN.
6. NEW SOD SHALL BE DROUGHT TOLERANT 3-WAY BLEND.
7. LABELS THAT IDENTIFY THE BOTANICAL OR COMMON NAME OF THE PLANT MATERIAL SHALL BE ON ALL TREES AT THE TIME OF FINAL INSPECTION.
8. NO TREES SHALL BE PLANTED WITHIN 10' OF A WATER OR SEWER LINE. NO SHRUBS OR TREES SHALL BE PLANTED WITHIN A 10' RADIUS AROUND FIRE HYDRANTS. ALL UTILITIES SHALL BE LOCATED BEFORE ANY DEMOLITION OR LANDSCAPE CONSTRUCTION BEGINS. LANDSCAPE PLAN TO BE ADJUSTED TO ACCOMMODATE ANY EXISTING UTILITY.
△ 9. NEW EDGING SHALL BE 4" METAL WITH SAFETY ROLLED TOP.
△ 10.NEW MULCH SHALL BE NATURAL COLOR SHREDDED CEDAR WITH NO FABRIC UNDERLAY.
△ 11. EXISTING SHRUBS IN PARKING LOT ISLANDS ARE NOT TO BE PRUNED OR SHEARED UNTIL COMPLETE COVERAGE OF THE MULCH IS ACHIEVED.

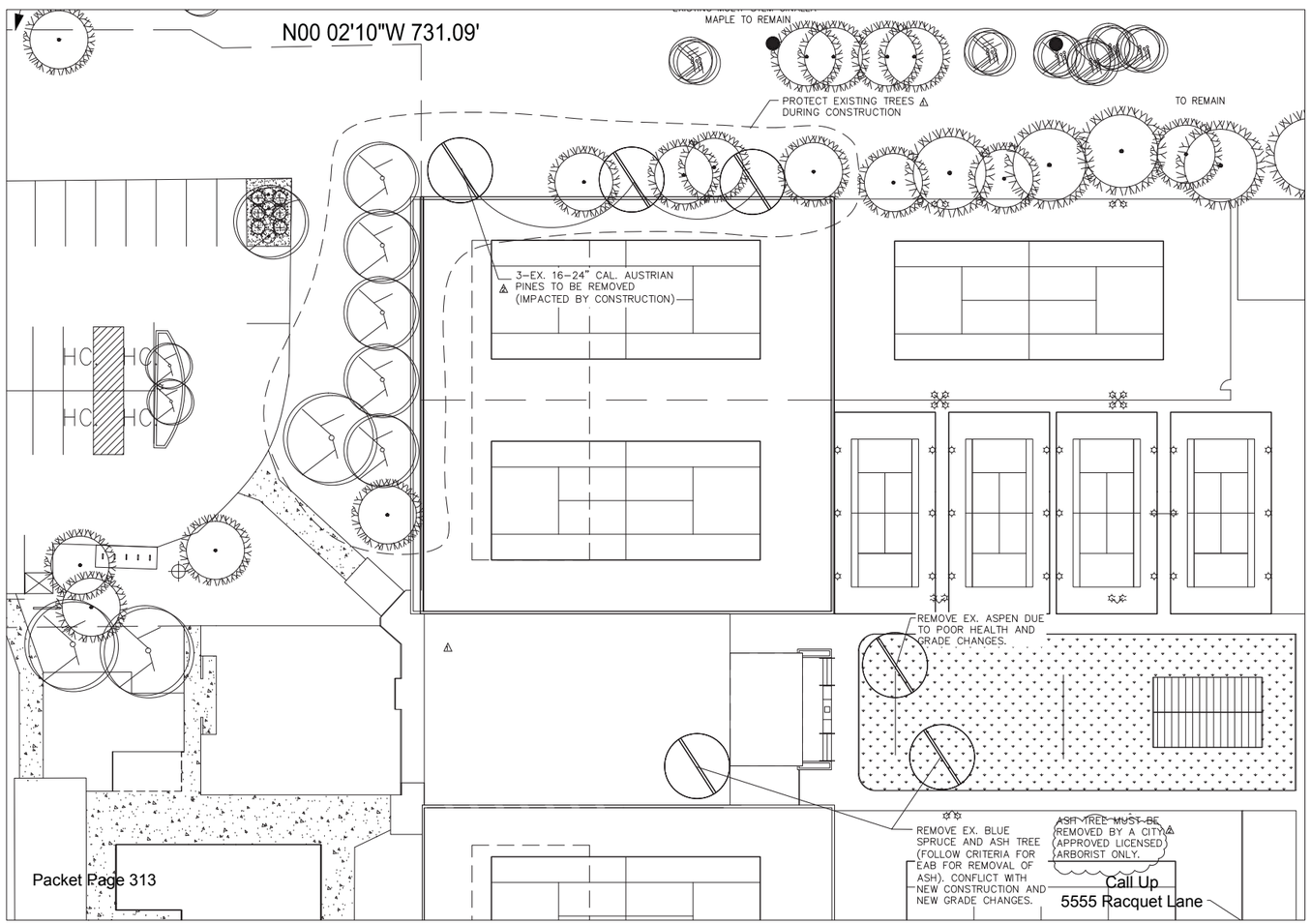
IRRIGATION NOTES

1. A COMPLETELY AUTOMATIC IRRIGATION SYSTEM EXISTS AND SHALL BE MODIFIED TO COVER ALL NEW AND EXISTING LANDSCAPING.
2. EXISTING IRRIGATION HEADS SHALL BE MOVED AND/OR REMOVED SUCH THAT TURF IRRIGATION SHALL COVER TURF AREAS ONLY. DRIP IRRIGATION SHALL BE INSTALLED TO ALL NEW PLANTINGS.
3. THE IRRIGATION SYSTEM SHALL BE DESIGNED SUCH THAT EXISTING TURF AREAS AND NEW SHRUB BEDS SHALL EACH BE ON SEPARATE VALVES.
4. IRRIGATION DESIGN SHALL BE SUBMITTED TO THE CITY OF BOULDER WITH THE BUILDING PERMIT APPLICATION.

PLANT LIST

	NO.	KEY	BOTANIC NAME	COMMON NAME	SIZE	H2o
			H2o indicates water needs of plant:			
		H	High water (18-20 gallons per s.f. per season)			
		M	Moderate water (10 gallons per s.f. per season)			
		L	Low water (0-3 gallons per s.f. per season)			
		V	No additional Irrigation water needed after establishment			
			TREES:			
	1	GTS	GLEDITSIA TRIACANTHOS INERMIS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	2"	L
	1	JSW	JUNIPERUS SCOPULORUM 'WICHITA BLUE'	WICHITA BLUE JUNIPER	5.0'	V
	4	QR	QUERCUS ROBUR	ENGLISH OAK	2"	M
△	4	PP	PICEA PUNGENS GLAUCA	COLORADO BLUE SPRUCE	5.0'	L
	4	TCC	TILIA CORDATA CORINTHEAN	CORINTHEAN LINDEN	2"	M
	14		TOTAL TREES			
			VINES:			
	26	PQ	PARTHENOCISSUS QUINQUEFOLIA	VIRGINIA CREEPER	#1	L
	26		TOTAL VINES			
△			GROUND COVERS:			
	75	VM	VINCA MINOR	PERIWINKLE	#1	L
	75		TOTAL GROUND COVERS			

EXISTING TREES TO BE PROTECTED OR REMOVED



Licensed Landscape Architecture
NATURE'S DESIGN ASSOCIATES LLC
15674 Indiana Gulch Rd.
Jamestown, CO 80455
phone: 303-459-3333
fax: 303-459-0644
becky.martinek15674@gmail.com

LANDSCAPE PLAN

Meadow Tennis Club

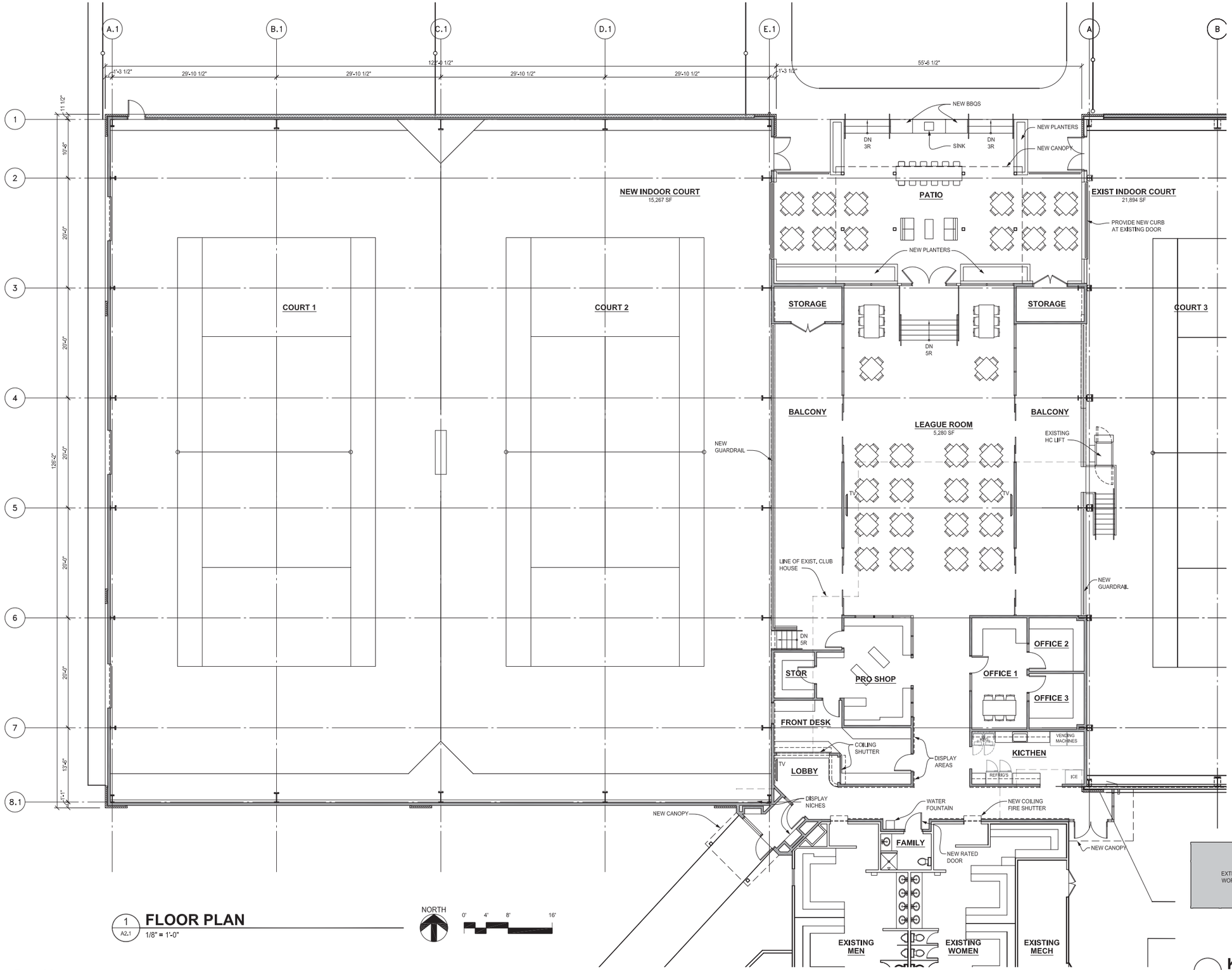
5555 Racquet Court
Boulder, Colorado

Plan Date:
11/03/2014

Revisions:
△ 2/16/2015
△ 05/04/2015
07/02/2015

Sheet Number:
L-2

LANDSCAPE ARCHITECTURE STAMP



1 A2.1 **FLOOR PLAN**
1/8" = 1'-0"

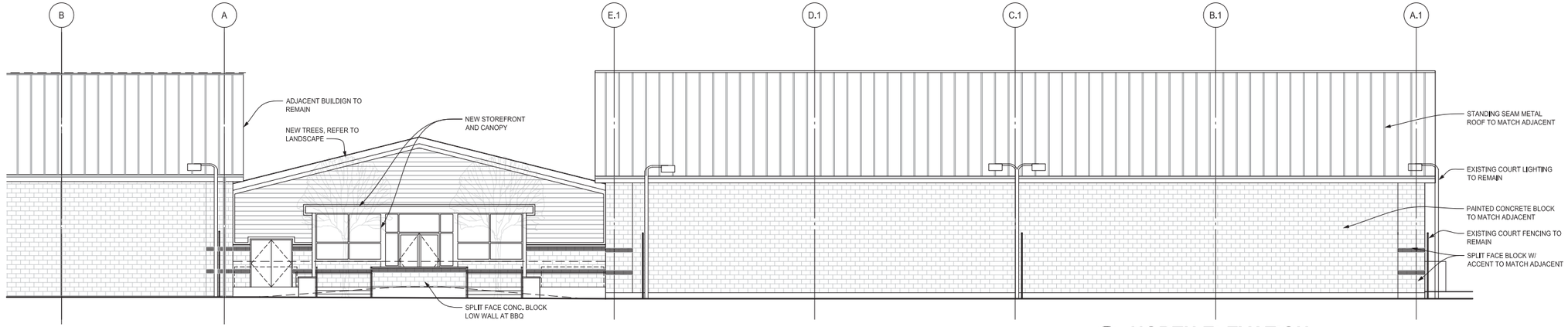
KEY PLAN

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

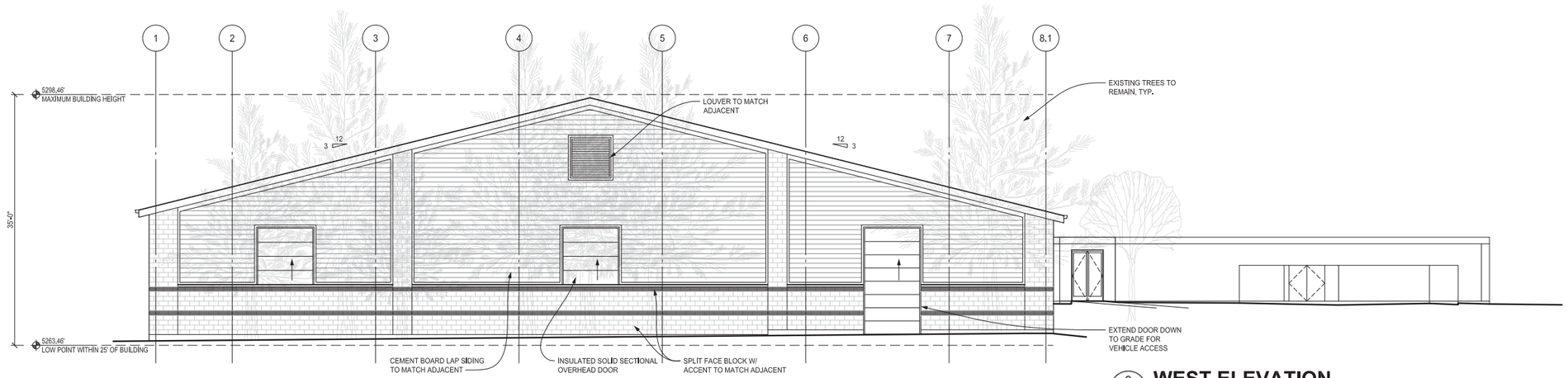
MEADOWS SWIM & TENNIS CLUB EXPANSION
5555 RACQUET CT.
BOULDER, COLORADO

PROJECT NO:
ISSUE DATE: 11-3-14
REVISIONS: 2-17-15
5-4-15
7-2-15
SHEET TITLE: FLOOR PLAN
SHEET NUMBER: A2.1

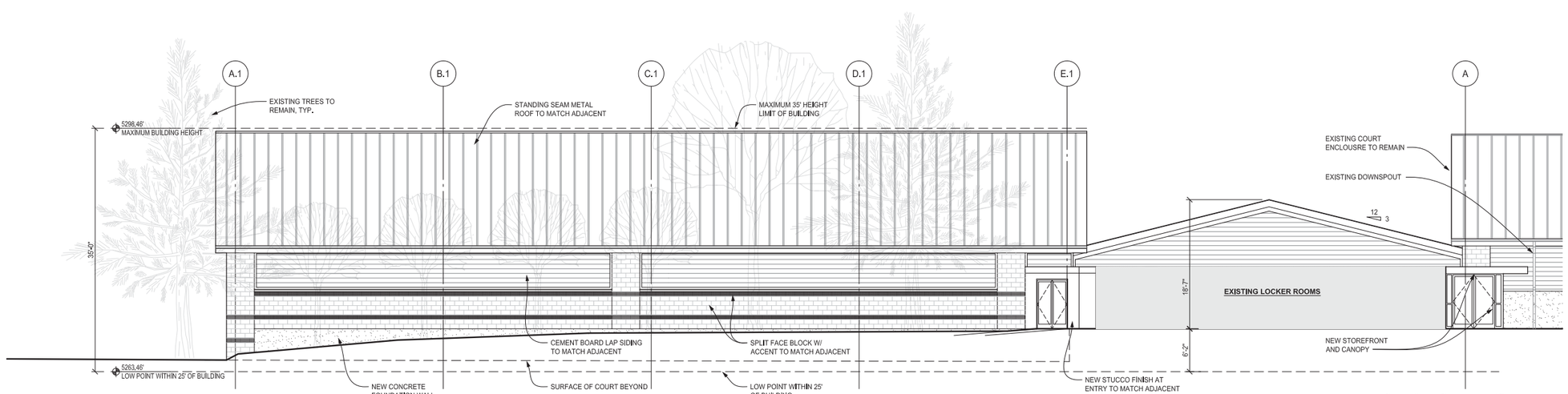
Call Up
5555 Racquet Lane



3 A3.1 **NORTH ELEVATION**
1/8" = 1'-0"



2 A3.1 **WEST ELEVATION**
1/8" = 1'-0"



1 A3.1 **SOUTH ELEVATION**
1/8" = 1'-0"

0' 4' 8' 16'

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

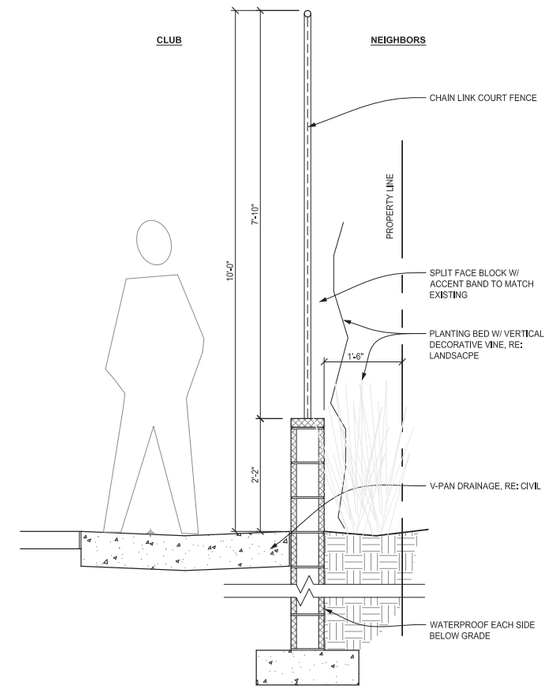
MEADOWS SWIM & TENNIS CLUB EXPANSION

5555 RACQUET CT.
BOULDER, COLORADO

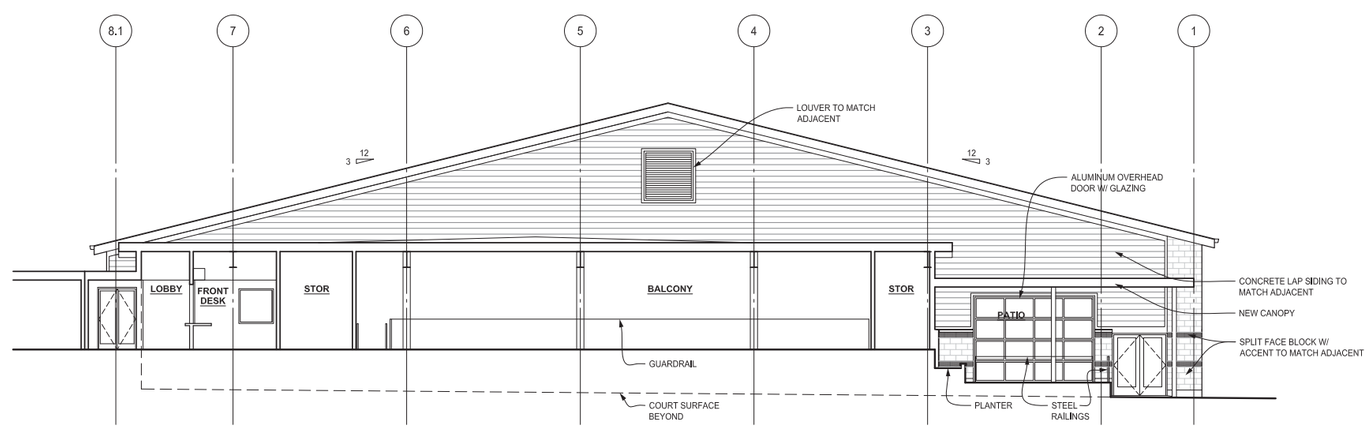
PROJECT NO:
ISSUE DATE: 11-3-14
REVISIONS: 2-17-15
5-4-15
7-2-15

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:
A3.1



2 A3.2 **BLOCK WALL DETAIL**
3/4" = 1'-0"



1 A3.2 **EAST ELEVATION**
1/8" = 1'-0"

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

MEADOWS SWIM & TENNIS CLUB EXPANSION
5555 RACQUET CT.
BOULDER, COLORADO

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ISSUE DATE: 11-3-14
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5-4-15
7-2-15

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:
A3.2

LUMINAIRE SCHEDULE

KEY	LAMP	DESCRIPTION	CEILIG (DEPTH)	MANUFACTURER/#	VOLT
AA	267W LED (20,437 LUM, 80 CRI)	LED HIGH OUTPUT AREA LIGHT, AUTOMOTIVE FRONTLINE OPTIC, 120 LED, DIE CAST ALUMINUM, 5000K	POLE (22'-0")	CREE ARE-EHO-AF-HV-12-E-UL	120

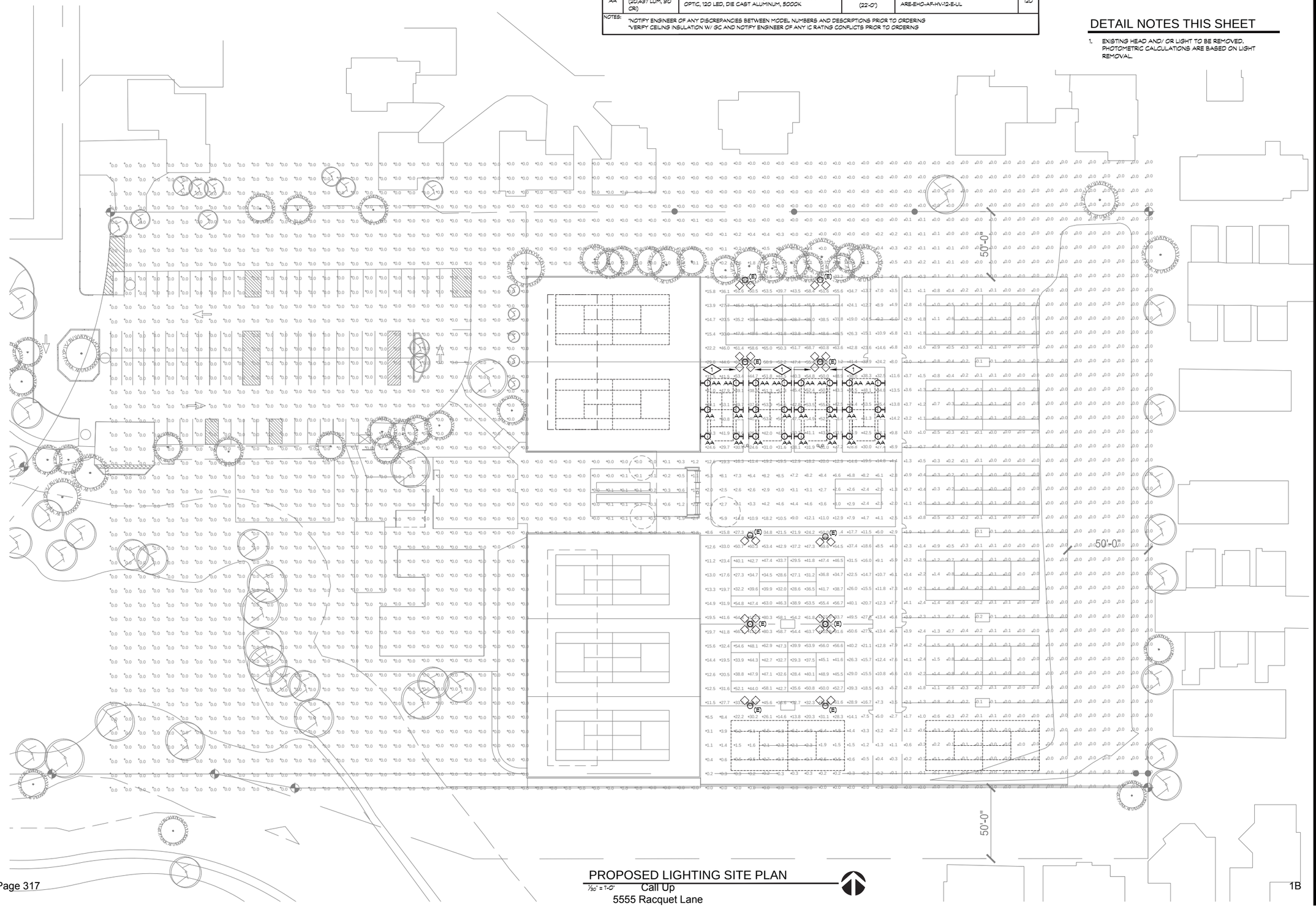
NOTES:
*NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN MODEL NUMBERS AND DESCRIPTIONS PRIOR TO ORDERING
*VERIFY CEILING INSULATION W/ GC AND NOTIFY ENGINEER OF ANY IC RATING CONFLICTS PRIOR TO ORDERING

GENERAL NOTES

A. ALL AA FIXTURES ARE TO BE MOUNTED ON THE FENCE SURROUNDING THE PLATFORM TENNIS COURTS.

DETAIL NOTES THIS SHEET

1. EXISTING HEAD AND/ OR LIGHT TO BE REMOVED. PHOTOMETRIC CALCULATIONS ARE BASED ON LIGHT REMOVAL.



PROPOSED LIGHTING SITE PLAN
1/30" = 1'-0"
Call Up
5555 Racquet Lane

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

boulder engineering
plumbing, mechanical and electrical
1717 15th Street
Boulder, CO 80302
303.444.6038 phone
303.442.1172 fax
staff@boulderengineering.com

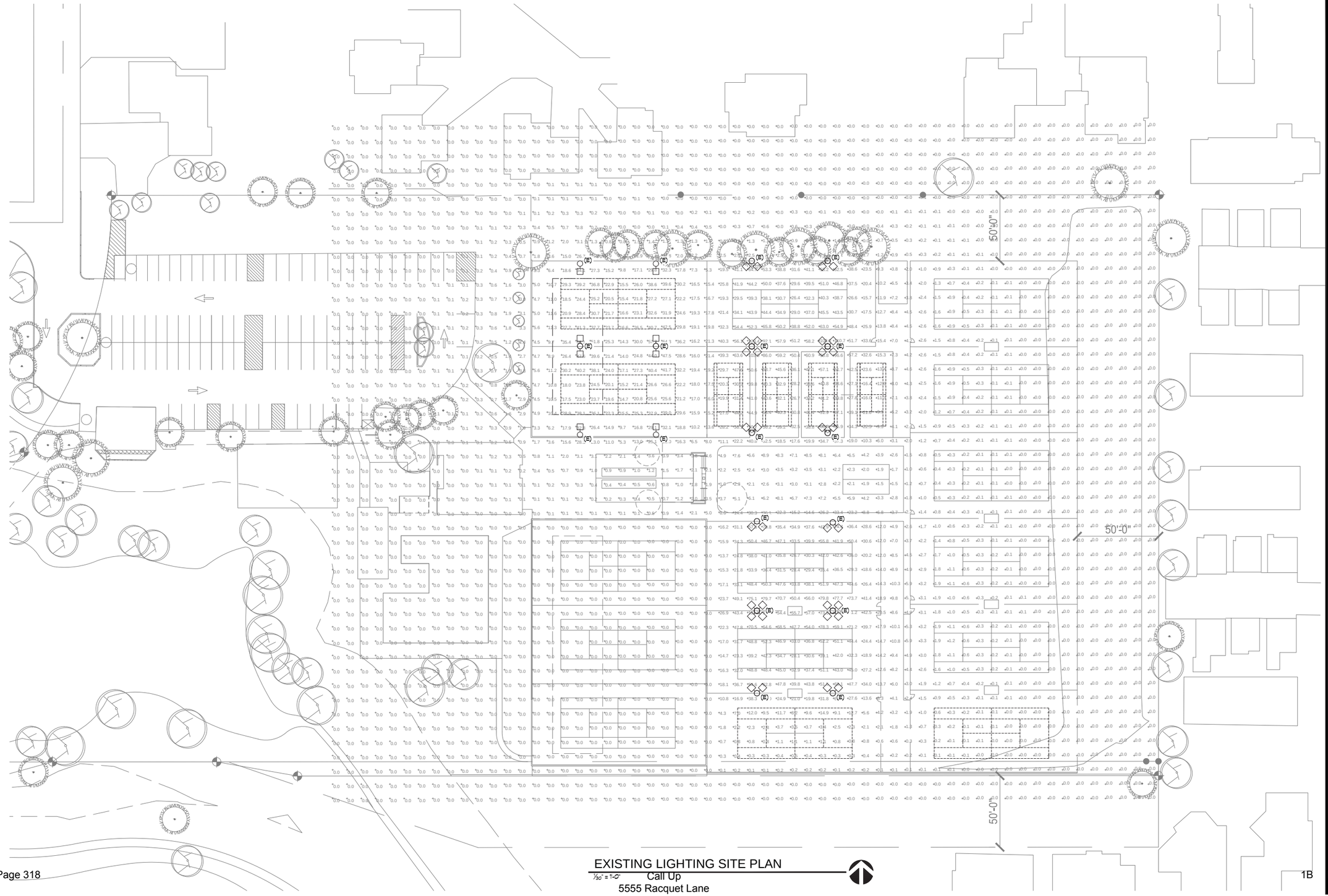
MEADOWS SWIM & TENNIS CLUB
EXPANSION
5555 RACQUET CT.
BOULDER, COLORADO

COLORADO LICENSED
PROFESSIONAL ENGINEER

PROJECT NO: 14136
ISSUE DATE: 11-03-14
REVISIONS: 07-02-15

SHEET TITLE:
PROPOSED LIGHTING SITE PLAN

SHEET NUMBER:
E1



EXISTING LIGHTING SITE PLAN
1/30" = 1'-0"
Call Up
5555 Racquet Lane

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

boulder engineering
plumbing, mechanical and electrical
1717 15th Street
Boulder, CO 80302
303.444.6038 phone
303.442.1172 fax
staff@boulderengineering.com

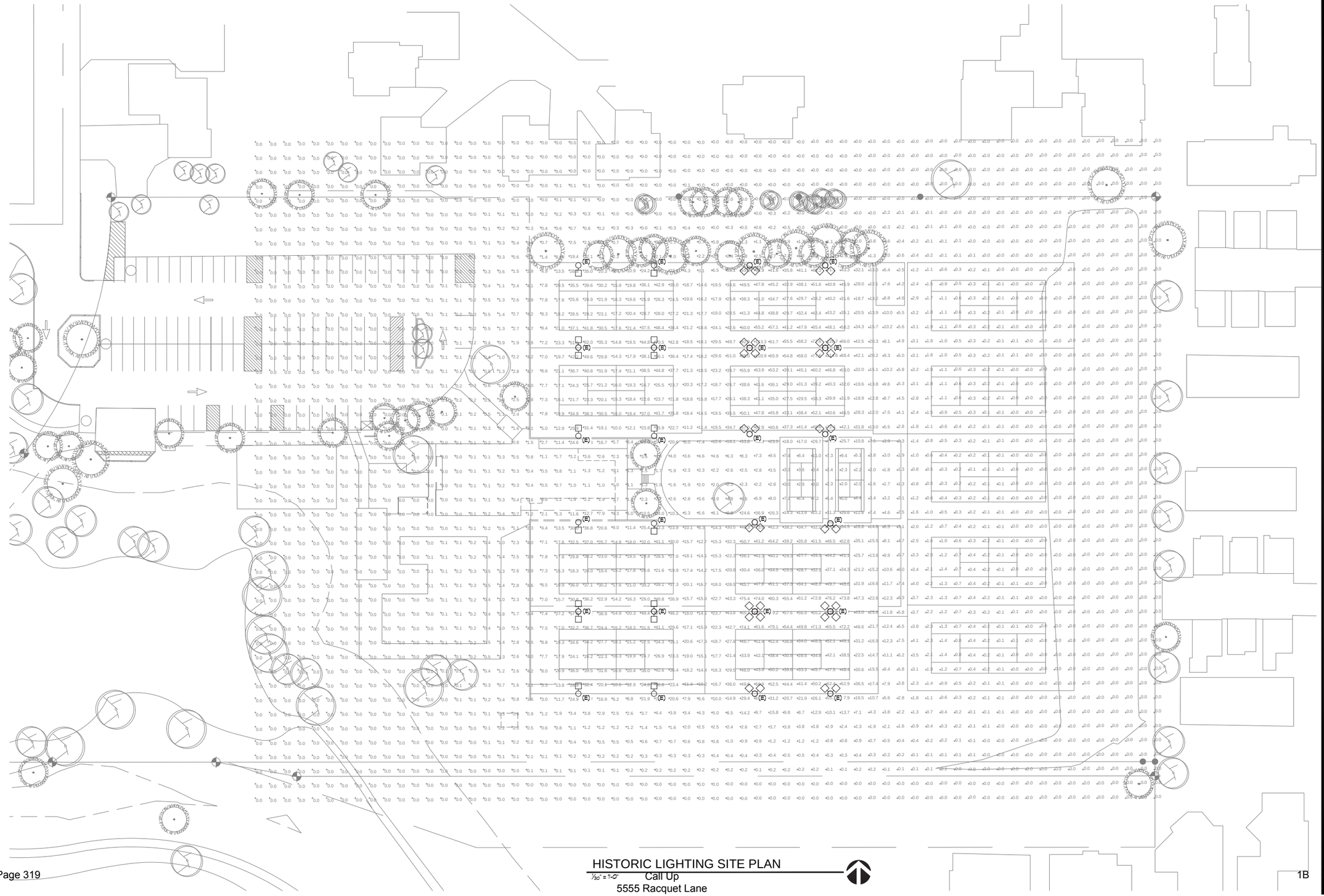
MEADOWS SWIM & TENNIS CLUB
EXPANSION
5555 RACQUET CT.
BOULDER, COLORADO

COLORADO LICENSED PROFESSIONAL ENGINEER 13994

PROJECT NO: 14136
ISSUE DATE: 11-03-14
REVISIONS: 07-02-15

SHEET TITLE:
EXISTING LIGHTING SITE PLAN

SHEET NUMBER:
E2



HISTORIC LIGHTING SITE PLAN

1/30" = 1'-0"

Call Up

5555 Racquet Lane

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

boulder engineering
plumbing, mechanical and electrical
1717 15th Street
Boulder, CO 80302
303.444.6038 phone
303.442.1172 fax
staff@boulderengineering.com

MEADOWS SWIM & TENNIS CLUB
EXPANSION
5555 RACQUET CT.
BOULDER, COLORADO

COLORADO LICENSED PROFESSIONAL ENGINEER

PROJECT NO: 14136
ISSUE DATE: 11-03-14
REVISIONS: 07-02-15

SHEET TITLE: HISTORIC LIGHTING SITE PLAN

SHEET NUMBER: E3

1 A1.1 **SITE PLAN**
1" = 40'-0"

NORTH

0' 20' 40' 80'

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

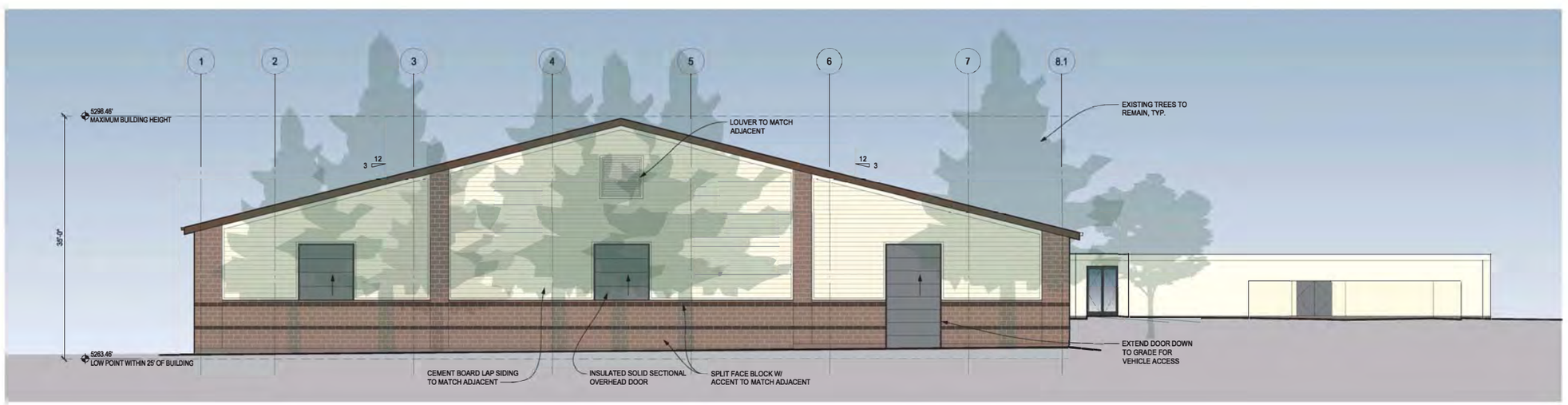
MEADOWS SWIM & TENNIS CLUB EXPANSION
5555 RACQUET CT.
BOULDER, COLORADO

PROJECT NO:
ISSUE DATE: 11-3-14
REVISIONS: 2-17-15
7-02-2015

SHEET TITLE:
ARCHITECTURAL SITE PLAN

SHEET NUMBER:
A1.1

2 A3.1 **NORTH ELEVATION**
1/8" = 1'-0"



1 A3.1 **WEST ELEVATION**
1/8" = 1'-0"

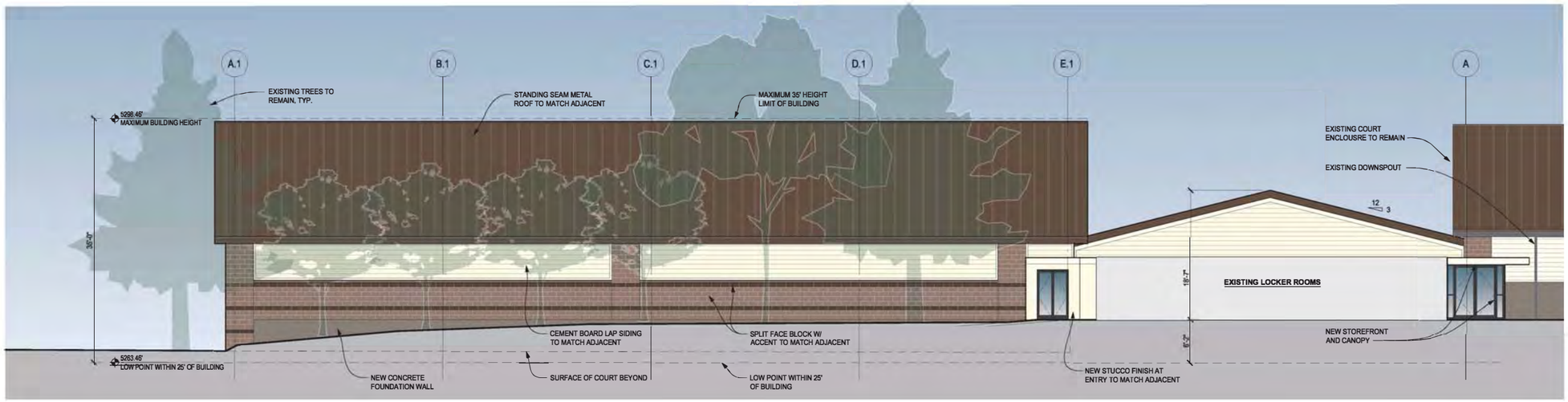
BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

MEADOWS SWIM & TENNIS CLUB EXPANSION
5555 RACQUET CT.
BOULDER, COLORADO

PROJECT NO:
ISSUE DATE: 11-3-14
REV & DNS: 2-17-15
5-4-15
7-2-15

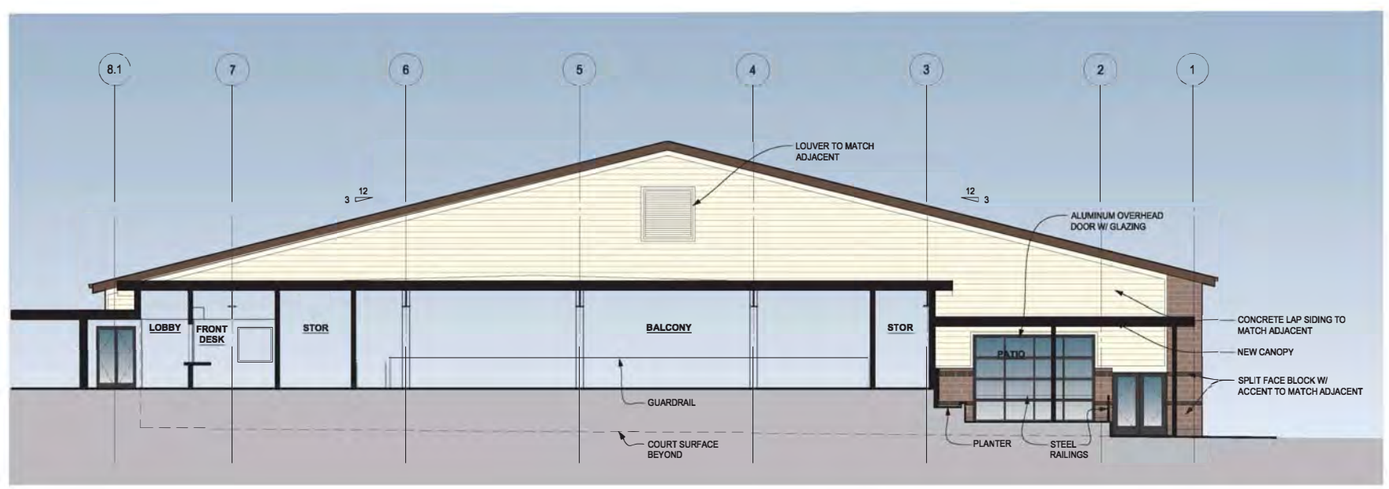
SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:
A3.1



2 A3.2 **SOUTH ELEVATION**
1/8" = 1'-0"

0' 4' 8' 16'



1 A3.2 **EAST ELEVATION**
1/8" = 1'-0"

BRAY Architecture, Inc.
1300-C Yellow Pine
Boulder, CO 80304

MEADOWS SWIM & TENNIS CLUB EXPANSION
5555 RACQUET CT.
BOULDER, COLORADO

PROJECT NO:
ISSUE DATE: 11-3-14
REVISION S: 2-17-15
5-4-15
7-2-15

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:
A3.2

Case #: LUR2014-00095
& LUR2015-00018

Project Name: Meadows Club Expansion

CRITERIA FOR REVIEW

Date: October 15, 2015

No site review application shall be approved unless the approving agency finds that:

(1) Boulder Valley Comprehensive Plan:

✓ (A) The proposed site plan is consistent with the land use map and the service area map and, on balance, the policies of the Boulder Valley Comprehensive Plan.

The subject property has a BVCP Land Use Designation of LR, Low Density Residential and is consistent with the service area map of the BVCP. Under the BVCP, lower density areas in the older section of the city consist predominantly of single-family detached structures at a density of two to six units per acre. The existing land use designation on the subject site was applied along with a zoning designation of LR, Low Density Residential, when the property was annexed into the City in 1976. At that time, the Meadows Club was the only existing use on the site. The existing RL-2 zoning and LR Land Use Designation were applied at that time in order to allow for the surrounding area to be developed as medium-density residential housing consisting of 125 units. As part of the annexation and PUD approval, the tennis club underwent a Special Review to allow for the continuation and eventual expansion of the use within the context of the planned residential development surrounding it. Acknowledging that the recreational use would not be permitted under RL-2 regulations, but only as a special use within the PUD, the original PUD approval required that "Development or modification of the approved recreational facilities (i.e., lighting, covered tennis courts, club house expansion, parking needs, etc) should be subject to Planning Department review and approval. Any expansion beyond the existing and proposed recreational facilities being approved would require additional Planning Board review."

As the use has been approved pursuant to a Special Review and as a PUD, which may be modified pursuant to Site Review and Use Review amendment standards, the proposal has been found consistent with the land use map designation for the site.

In addition, staff has found the proposal to be consistent with the following BVCP policies:

2.01 Unique Community Identity
2.14 Mix of Complementary Land Uses
2.15 Compatibility of Adjacent Land Uses
2.17 Variety of Activity Centers
2.30 Sensitive Infill and Redevelopment
3.20 Flood Management
8.07 Physical Health
8.10 Support for Community Facilities

N/A (B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation. Additionally, if the density of existing residential development within a three-hundred-foot area surrounding

the site is at or exceeds the density permitted in the Boulder Valley Comprehensive Plan, then the maximum density permitted on the site shall not exceed the lesser of:

Not applicable. There are no new residential units proposed.

N/A (i) The density permitted in the Boulder Valley Comprehensive Plan, or,

N/A (ii) The maximum number of units that could be placed on the site without waiving or varying any of the requirements of chapter 9-8, "Intensity Standards," B.R.C. 1981.

✓ (C) The proposed development's success in meeting the broad range of BVCP policies considers the economic feasibility of implementation techniques required to meet other site review criteria.

The project meets a broad range of BVCP policies as well as other site review criteria in an economically feasible manner. The improvements proposed to the site as part of this project will complete the expansion of the Meadows Tennis Club as anticipated by the original PUD approval, and will update the PUD approval to allow for the expansion and renovation of the existing clubhouse facility. The applicant has indicated that the necessary funding to construct the proposed improvements has already been obtained.

(2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design techniques which are consistent with the purpose of site review in subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

(A) Open Space: Open space, including, without limitation, parks, recreation areas, and playgrounds:

✓ (i) Useable open space is arranged to be accessible and functional and incorporates quality landscaping, a mixture of sun and shade and places to gather;

The existing tennis club property consists largely of outdoor recreational areas (tennis courts, swimming pool). The proposed landscape improvements would add passive recreational elements to the existing tennis court area in the form of a new patio for the clubhouse and a new landscaped area and gazebo structure to the north of the clubhouse amidst the existing tennis courts. Additional landscaping around the tennis courts and within the parking area will further enhance the existing recreational facilities.

N/A (ii) Private open space is provided for each detached residential unit;

Not applicable, as there are no residential units included in this project.

✓ (iii) The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas and species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (Cynomys ludiovicianus), which is a species of local concern, and their habitat;

The proposed project would maintain all existing healthy, mature trees on-site, and also preserves the existing southern detention facility while enhancing the drainage facility located on the north side of the site.

✓ (iv) The open space provides a relief to the density, both within the project and from surrounding development;

The original Meadows Club PUD approval included the provision of a 50-foot easement surrounding the club on the west, north and east sides which was intended to act as an open space buffer between the club and the surrounding residential development. The current proposal adds additional landscaping into the buffer area, and also includes provisions restricting vehicular parking within the easement. As part of the original annexation and PUD approval, the owner also created a large outlot which serves as a central park and open space feature shared by the Meadow Glen residents. The proposed project would not impact the existing park adjacent to the site, and remains within the previously established buffer area.

✓ (v) Open space designed for active recreational purposes is of a size that it will be functionally useable and located in a safe and convenient proximity to the uses to which it is meant to serve;

The majority of the open space provided on site is designed for active recreational purposes. All facilities are compliant with the applicable industry standards. The intent of the original PUD approval was to create a residential development oriented around a central recreational facility, and this project remains consistent with the intent of that facility to provide recreational opportunities.

✓ (vi) The open space provides a buffer to protect sensitive environmental features and natural areas; and

The open space easements put in place at the time of annexation and PUD approval for the subject site continue to act as a buffer between the club and adjacent uses, including the adjacent natural areas within the Meadow Glen park/ open space area.

✓ (vii) If possible, open space is linked to an area- or city-wide system.

There are sidewalks connecting the tennis club to 55th Street. It is also possible to access the club via multi-use paths running from Baseline to the adjacent open space.

N/A (B) *Open Space in Mixed Use Developments (Developments that contain a mix of residential and non-residential uses)*

Not applicable. The Meadows Club itself was originally intended to provide recreational open space within the context of a mixed use development; however, the residential portion of the development has since been completed and the club is now under separate ownership and management. The proposed modifications apply only to the tennis club portion of the development and do not include the residential component; therefore, the proposed project is not considered mixed use.

> N/A (i) The open space provides for a balance of private and shared areas for the residential uses and common open space that is available for use by both the residential and non-residential uses that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property; and
>
> N/A (ii) The open space provides active areas and passive areas that will meet the needs of the anticipated residents, occupants, tenants, and visitors of the property and are compatible with the surrounding area or an adopted plan for the area.

(C) Landscaping

The proposal includes upgrades to the existing landscaping. The existing parking lot landscaping in the parking area will be upgraded to meet city landscaping requirements, and additional planting will be provided within the 50 foot open space buffer to further mitigate potential noise and light impacts.

> ✓ (i) The project provides for aesthetic enhancement and a variety of plant and hard surface materials, and the selection of materials provides for a variety of colors and contrasts and the preservation or use of local native vegetation where appropriate;
>
> *The proposal includes several landscaping improvements on the Meadows Tennis Club site and provides for a variety of plant and hard surfaces (See Landscape Plan, included in packet as **Attachment A**)*
>
> N/A (ii) Landscape design attempts to avoid, minimize, or mitigate impacts to important native species, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;
>
> *Not applicable, as the subject site is already fully developed and as such does not contain any known endangered species or habitat.*
>
> ✓ (iii) The project provides significant amounts of plant material sized in excess of the landscaping requirements of sections 9-9-12, "Landscaping and Screening Standards" and 9-9-13, "Streetscape Design Standards," B.R.C. 1981; and

The proposal also adds additional landscaping to the buffer area surrounding the site. The landscaped buffer was required by the original PUD to mitigate impacts to adjacent residents. The landscaping within the buffer currently exceeds city landscaping and screening requirements, and will further exceed city requirements following the addition of new landscaping as currently proposed (See Landscape Plan, included in packet as Attachment A).

✓ (iv) The setbacks, yards, and useable open space along public rights-of-way are landscaped to provide attractive streetscapes, to enhance architectural features, and to contribute to the development of an attractive site plan.

The proposal includes adding new landscaping to the existing parking area, which is the only portion of the site that abuts public right-of-way.

(D) *Circulation:* Circulation, including, without limitation, the transportation system that serves the property, whether public or private and whether constructed by the developer or not:

N/A (i) High speeds are discouraged or a physical separation between streets and the project is provided;

Not applicable, as the street system and site access are already constructed and no new streets of vehicular circulation features are proposed.

✓ (ii) Potential conflicts with vehicles are minimized;

While the parking area is already existing and proposed remain largely the same, the proposed project includes landscaping improvements to the parking area which will serve to slow down vehicles and reduce conflicts with vehicles.

✓ (iii) Safe and convenient connections are provided that support multi-modal mobility through and between properties, accessible to the public within the project and between the project and the existing and proposed transportation systems, including, without limitation, streets, bikeways, pedestrianways and trails;

The existing development has several connections through and between the property, including pathways connecting the property to the adjacent residential development and open space as well as an access easement allowing for public access to the site though the adjacent residential cul-de-sac to the north of the property.

✓ (iv) Alternatives to the automobile are promoted by incorporating site design techniques, land use patterns, and supporting infrastructure that supports and encourages walking, biking, and other alternatives to the single-occupant vehicle;

The overall intent of the original PUD approval was to create a residential development around the existing tennis club so that residents would be provided recreational opportunities within walking and biking distance. The intent of the original approval has

largely been successful, as per the applicant's written statement roughly 1/3 of existing memberships are located within .75 miles of the site. As part of the requested parking reduction, the applicant has also indicated that they will communicate to members and participants via email in advance of special events to encourage alternative modes of transportation.

✓ (v) Where practical and beneficial, a significant shift away from single-occupant vehicle use to alternate modes is promoted through the use of travel demand management techniques;

Per the applicant's management plan, the club has an existing bike rack which can accommodate up to 75 bicycles, and is adding an additional 5 u-racks to the site to further encourage members to ride their bikes to the site rather than drive. The applicant has also indicated that they will communicate to members and visitors in advance of swim and tennis tournaments to consider alternative means of transportation. Standard met.

✓ (vi) On-site facilities for external linkage are provided with other modes of transportation, where applicable;

As mentioned above, the existing development has several connections through and between the property, including pathways connecting the property to the adjacent residential development and open space as well as an access easement allowing for public access to the site though the adjacent residential cul-de-sac to the north of the property.

N/A (vii) The amount of land devoted to the street system is minimized; and

Not applicable, as there are no new streets or right-of-way being dedicated through this proposal.

✓ (viii) The project is designed for the types of traffic expected, including, without limitation, automobiles, bicycles, and pedestrians, and provides safety, separation from living areas, and control of noise and exhaust.

The project is well-designed to accommodate both vehicular and bike/pedestrian traffic. The proposal includes maintaining 92 existing car parking spaces in order to meet the high demand for parking generated by the existing use, and also provides a total of 85 bike parking spaces across the site (75 existing plus 5 new u-racks).

(E) Parking

✓ (i) The project incorporates into the design of parking areas measures to provide safety, convenience, and separation of pedestrian movements from vehicular movements;

No changes to the existing parking layout are proposed, and the existing parking area has been deemed to meet the above standard.

✓ (ii) The design of parking areas makes efficient use of the land and uses the minimum amount of land necessary to meet the parking needs of the project;

The proposed parking layout represents an efficient use of the land, and uses the minimum amount of land necessary to meet the parking requirements of the development.

✓ (iii) Parking areas and lighting are designed to reduce the visual impact on the project, adjacent properties, and adjacent streets; and

The parking lot landscaping will be brought into compliance with city landscaping standards, reducing the visual impact of the parking area.

✓ (iv) Parking areas utilize landscaping materials to provide shade in excess of the requirements in Subsection 9-9-6 (d), "Parking Area Design Standards," and Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981.

The proposal includes upgrading parking lot landscaped areas in conformance with the parking lot landscaping standards. The proposal also adds landscaping buffers in excess of the required size to the perimeter of the site.

(F) Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area

✓ (i) The building height, mass, scale, orientation, and configuration are compatible with the existing character of the area or the character established by an adopted plan for the area;

The Meadows Tennis Club, part of the Meadow Glen Planned Unit Development (PUD: P-83-109), was approved by Planning Board and City Council in 1976 and has specific conditions of approval related to three different portions of the site - Sites 1, 2, and 3. Sites 1 and 3 were developed under low density residential zoning (i.e., LR-D; now RL-2) with a variety of attached and detached housing units and the tennis club, on Site 2, was approved as a special use. The original approval of Site 2 permitted the development of a recreation club house, swimming pool, 16 tennis courts (5 intended for enclosure), and 4 unenclosed paddle courts. The approval also permitted eight tennis courts to have lowglare outdoor lighting.

The existing clubhouse has not changed since the club was annexed. In 2010, the Meadows Club completed the enclosure of the three tennis courts located south of the clubhouse as anticipated in the original PUD approval. The current proposal to enclose the two tennis courts to the north of the clubhouse would complete the indoor tennis facilities anticipated by the original PUD approval. The proposed tennis court enclosure has been designed to be compatible with the clubhouse, and is comprised of single-story, 35' tall gabled roof structure with a simple palette of lap siding with a split face CMU base. The proposed renovation and expansion of the clubhouse would include a new façade on the

north elevation, which has also been designed to remain compatible with the existing architectural character of the site.

✓ (ii) The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans for the immediate area;

The proposed tennis court enclosure is 35 feet in height, which is within the maximum allowable height permitted by the zone district and is consistent with many of the multi-story residential buildings surrounding the site. The clubhouse will remain as a single story, and is significantly lower in height than the existing and proposed tennis court enclosures.

✓ (iii) The orientation of buildings minimizes shadows on and blocking of views from adjacent properties;

As discussed above, the original approval of the Meadows Club and Meadow Glen PUD incorporated 50-foot landscaped buffers around the tennis club in order to minimize impacts on adjacent residential properties. These buffers ensure that the new development anticipated by the original PUD approval will not unduly shade or block views of adjacent properties. The proposed site and building layout is consistent with the original PUD approval, and is consistent with existing Solar Access standards.

✓ (iv) If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs, and lighting;

The existing tennis club was the first use located in the area that is now the Meadow Glen PUD, and as such was incorporated into the overall design and character of the surrounding residential development. The tennis club has served as a defining feature of the surrounding neighborhood for over 40 years, and the architectural character of the proposed addition is in keeping with the existing character as well as the intent of the original PUD approval. The proposed tennis court enclosure and remodeled clubhouse façade will both incorporate the same lap siding and split-face CMU base that currently exists on site.

✓ (v) Projects are designed to a human scale and promote a safe and vibrant pedestrian experience through the location of building frontages along public streets, plazas, sidewalks and paths, and through the use of building elements, design details and landscape materials that include, without limitation, the location of entrances and windows, and the creation of transparency and activity at the pedestrian level;

This project is somewhat unique in that the intent of the original PUD was to provide a buffer around the tennis club so that the club and associated visual/ noise impacts would be separated from the surrounding neighborhood. Given the significant building setbacks as well as the fact that there is only one small corner of the site that borders public right-of-way, there is not really an opportunity to locate building frontages along a public street. The current proposal is in keeping with the intent of the original approval and largely

honors the previously approved building envelope except for an extension of the clubhouse building to the north. That being said, the proposed architecture is designed to a human scale and is appropriate given the existing and proposed uses as well as the surrounding context.

✓ (vi) To the extent practical, the project provides public amenities and planned public facilities;

The original annexation agreement and subdivision agreement pertaining to the subject property included numerous required public improvements which have all been constructed. No additional public facilities are required or proposed at this time.

N/A (vii) For residential projects, the project assists the community in producing a variety of housing types, such as multifamily, townhouses and detached single family units, as well as mixed lot sizes, number of bedrooms and sizes of units;

Not applicable. There are no new residential units proposed.

✓ (viii) For residential projects, noise is minimized between units, between buildings, and from either on-site or off-site external sources through spacing, landscaping, and building materials;

While technically this criterion is not really applicable because the proposed project is not residential, given the surrounding residential context there are a few considerations worth noting. Given that noise impacts associated with the tennis club have been an issue in the past (See Attachment C for Background Materials), staff required a noise study by a licensed professional in order to demonstrate that the new and relocated platform tennis courts would not violate the city noise ordinance and that any additional noise generated by the courts would be below the limits permitted at residential property lines (City of Boulder Noise Code limits the noise at a residential property line to 55 dBA during the hours of 7:00 a.m. to 11:00 p.m., and 50 dBA between 11:00 p.m. and 7:00 a.m.). The applicant has provided a noise study predicting the estimated impact of the four proposed platform courts being used simultaneously. The study shows the estimated sound level at 103' (the nearest residential property line) would be 52 dBA. Because the platform courts would cease operation at 10:00 pm per the applicant's management plan, the estimated sound levels would be within allowable noise limits set forth in the Boulder Revised Code.

✓ (ix) A lighting plan is provided which augments security, energy conservation, safety, and aesthetics;

The applicant is requesting that existing non-compliant lighting fixtures be allowed to remain and that the new outdoor lighting proposed for the four platform tennis courts be allowed to exceed the 30 footcandle maximum lighting level for private recreational uses set forth in section 9-9-16, B.R.C. 1981 in order to meet IESNA design recommendations for an outdoor tennis court lit by 20 to 25 ft. floodlights, which specify an average of 50 footcandles and a uniformity ratio of 4: 1 or less. The applicant has provided a lighting plan and report in support of their variance request.

Pursuant to section 9-9-16(j), B.R.C. 1981, a request for a lighting variance is processed through a staff-level administrative review; thus, the lighting variance is not included within the scope of this review. However, staff has found the proposed lighting plan and report preliminarily consistent with the lighting variance criteria, and the recommended conditions of approval for the project include a condition which would require the applicant to submit an administrative lighting variance request prior to building permit issuance. Based on the materials provided by the applicant, staff is supportive of the request for a lighting variance.

The lighting plan submitted with the application shows historic, existing and proposed lighting levels, and demonstrates that the proposed lighting reduces the average outdoor court lighting levels by 34% compared to historic levels (from 7.3 average footcandles historically to 4.8 average footcandles under the current proposal), and reduces the overall lighting impact on surrounding properties by 44% while providing the minimum IESNA industry standard lighting levels for outdoor tennis courts. The proposed photometric plan shows no new impacts on the surrounding property lines from the increased light levels at the platform tennis courts.

N/A (x) The project incorporates the natural environment into the design and avoids, minimizes, or mitigates impacts to natural systems;

Not applicable, as the site is already fully developed in an urban context and this does not contain any significant natural systems.

✓ (xi) Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality.

The applicant will be required to meet current energy code requirements for commercial buildings, which include the 2012 International Energy Conservation Code (IECC) standard as well as the 2010 American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) 90.1 standards, with additional local amendments requiring a 30 percent increase in performance requirements.

✓ (xii) Exteriors of buildings present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing;

The proposed building materials are in keeping with the existing character of the tennis club as well as the surrounding neighborhood. The proposed materials include cement board lap siding on the south and west elevations of the tennis court enclosure and on the north elevation of the clubhouse, split-face block with accent banding around the base of the buildings and standing seam metal roofs. These materials are consistent with the existing structures located on the site, and are in keeping with the character of the development as set forth in the original PUD approval.

✓ (xiii) Cut and fill are minimized on the site, the design of buildings conforms to the natural contours of the land, and the site design minimizes erosion, slope instability, landslide, mudflow or subsidence, and minimizes the potential threat to property caused by geological hazards;

As the site is largely built-out, there will be little if any cut or fill needed for the proposed improvements. The existing grade will be largely maintained, with existing drainage patterns to be preserved and enhanced.

N/A (xiv) In the urbanizing areas along the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the building and site design provide for a well-defined urban edge; and

Not applicable.

N/A (xv) In the urbanizing areas located on the major streets shown on the map in Appendix A of this title near the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the buildings and site design establish a sense of entry and arrival to the City by creating a defined urban edge and a transition between rural and urban areas.

Not applicable.

N/A (G) Solar Siting and Construction: For the purpose of ensuring the maximum potential for utilization of solar energy in the City, all applicants for residential site reviews shall place streets, lots, open spaces, and buildings so as to maximize the potential for the use of solar energy in accordance with the following solar siting criteria:

Not applicable. There are no residential units in the existing development and no new residential units are proposed.

N/A (H) *Additional Criteria for Poles Above the Permitted Height*

N/A (I) *Land Use Intensity Modifications*

N/A (J) *Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1 District*

✓ (K) *Additional Criteria for Parking Reductions:* The off-street parking requirements of section 9-9-6,, "Parking Standards," B.R.C. 1981, may be modified as follows:

Criteria: Upon submission of documentation by the applicant of how the project meets the following criteria, the approving agency may approve proposed modifications to the parking requirements of Section 9-9-6, "Parking Standards," B.R.C. 1981 (see tables 9-1, 9-2, 9-3 and 9-4), if it finds that:

a. For residential uses, the probable number of motor vehicles to be owned by occupants of and visitors to dwellings in the project will be adequately accommodated;

Not applicable, as the proposed project does not include any residential units.

b. The parking needs of any nonresidential uses will be adequately accommodated through on-street parking or off-street parking;

Standard met. The site has 92 parking spaces available on the site. The applicant has provided a Parking Study indicating that 92 on-site parking spaces are sufficient to accommodate the parking demand for a typical day with either the existing peak demand from 15 courts or a proposed demand of 19 courts (refer to ***Attachment A****). The study also indicates that for special events, the estimated parking demand increases to about 130 vehicles based on feedback from the applicant. As recommended by the Parking Study, the applicant has entered into an agreement with the nearby Friends' School (located at the corner of 55th and Pennsylvania, approximately ¼ mile from the Racquet Ln. entrance to the project site) for use of 54 off-street parking spaces during special events. This will provide a total of 146 parking spaces for use during special events, which will be sufficient to meet the club's parking needs.*

c. A mix of residential with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking;

Not applicable, as the proposed plan is for the expansion of an existing nonresidential use and does not include any new residential units.

d. If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs; and

Standard met. As discussed above, the applicant has entered into a shared parking agreement with the nearby Friends' School which will allow the club to use 54 off-street parking spaces during special events. The special events (i.e., swim meets and tennis tournaments) are held on Saturdays, so the school will not be in session during those times.

e. If the number of off-street parking spaces is reduced because of the nature of the occupancy, the applicant provides assurances that the nature of the occupancy will not change.

Standard met. Staff's support of the proposed parking reduction is partially based on the nature of the occupancy, as the applicant has provided a Parking Study based on the existing operating characteristics of the tennis club and has indicated that the proposed expansion of the club house and enclosure of the tennis courts will not increase the number of club memberships. Because the use is subject to an existing PUD and Special Review and is currently prohibited under RL-2 zoning standards, it would not be possible for the use to change to another type of occupancy without a Site Review Amendment and

Use Review, in which case the parking requirements would be re-triggered and the new project would need to demonstrate compliance with city parking standards.

N/A (L) *Additional Criteria for Off-Site Parking*

USE REVIEW CRITERIA

Criteria for Review: No use review application will be approved unless the approving agency finds all of the following:

✓ (1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2(c), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

*The subject property is located within the RL-2 zone district, which is defined in section 9-5-2(c)(1)(B), B.R.C. 1981, as "*Medium density residential areas primarily used for small-lot residential development, including without limitation, duplexes, triplexes, or townhouses, where each unit generally has direct access at ground level.*" The existing indoor athletic facility/ non-profit membership club use is prohibited under current RL-2 zoning district standards; however, the use was approved through a PUD and Special Review in 1976 as part of the initial annexation and development of the surrounding neighborhood and is therefore able to be expanded through the Use Review process of section 9-2-15, B.R.C. 1981.*

It should be noted that the use is not considered to be nonconforming per the definition of nonconforming uses found in section 9-16-1, B.R.C. 1981, which reads:

"Nonconforming use means any use of a building or use of a lot that is not permitted by Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, but excludes a conforming use in a nonstandard building or on a nonstandard lot; a legal existing use that has not been approved as a conditional use or a use review use, or a use approved pursuant to a valid special review or use review approval."

_____ (2) Rationale: The use either:

✓ (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

The existing Meadows Tennis Club has been in its current location for over 40 years. The tennis club was in fact the first existing use of the area that is now the Meadow Glen PUD. The stated intent of the Meadow Glen PUD was to "provide 125 mixed housing units…which will be situated around an existing recreational facility at the east edge of the Boulder City limits…The development will surround a substantial interior landscaped area which will work in conjunction with the existing recreational facilities." As such, the existing Meadow Glen neighborhood

surrounding the tennis club was developed with the intent of using the existing club as an amenity for residents. The club has served this purpose since the surrounding residences were constructed, and continues to serve this purpose today. While not all residents of the meadow Glen PUD are members of the club, the applicant has indicated that roughly 1/3 of current members are located within .75 miles of the site. Following the proposed expansion and modifications to the site, the club will continue to provide recreational and athletic facilities to the surrounding neighborhood and broader community.

_N/A__(B) Provides a compatible transition between higher intensity and lower intensity uses;

_N/A__(C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or

_N/A__(D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (e) of this section;

__✓__ (3) Compatibility: The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

As mentioned previously, the existing tennis club has been in its current location for over 40 years, and was a central consideration in the development of the surrounding Meadow Glen PUD. The original PUD approval included provisions for the phased expansion of the tennis club, and anticipated the total floor area of the development after the planned build-out (5,650 sq. ft. for the clubhouse, 40,000 sq. ft. for indoor courts and 2,000 sq. ft. for racquetball courts). The original approval also set the maximum allowable number of memberships for the club (three hundred fifty family memberships, fifty single memberships and fifty junior memberships). The current proposal completes the anticipated build-out of the club (with the exception of the racquetball courts, which are no longer anticipated to be built) and expands the clubhouse by 3,398 square feet to reach a total floor area of 8,434 square feet including the existing locker rooms. While the expanded clubhouse will extend beyond the approved building envelope, the area of expansion is still situated between the two previously approved tennis court enclosures and will therefore not have any visual impact on surrounding properties. In addition, the applicant has stated that there will be no increase in memberships following the proposed expansion (there are currently 400 active memberships, below the approved maximum of 450), and no changes to the existing hours of operation. In response to staff and neighborhood concerns regarding the potential for increased light and noise impacts associated with relocating the existing platform tennis courts and adding two new platform tennis courts, the applicant has provided a revised Photometric Plan as well as an updated Noise Study showing that the proposed changes will result in a net reduction in lighting

levels across the site and that the club will continue to meet city noise standards following the proposed modifications. In addition, in response to neighborhood concerns regarding parking for special events, the applicant has entered into an agreement with the nearby Friends' School for the use of 54 additional off-site parking spaces during special events. Given that the use has been a part of the existing neighborhood since it's construction over 40 years ago as well as the array of supporting documentation that the applicant has provided demonstrating that the proposed changes to the use will not increase any off-site impacts, staff finds that the location, size, design, and operating characteristics of the proposed change to the existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties.

__✓__ (4) Infrastructure: As compared to development permitted under Section 9-6-1, "Schedule of Permitted Uses of Land," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a non-conforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

All of the infrastructure required to serve the proposed development is already existing. The proposed project will improve storm drainage on site by increasing the capacity of the existing detention facility and improving infiltration.

__✓__ (5) Character of Area: The use will not change the predominant character of the surrounding area or the character established by adopted design guidelines or plans for the area; and

The existing tennis club use has been in its current location for over 40 years, and preceded the existing residential development surrounding it. The character of the area is the result of the original PUD and Special Review approval, which intended for the tennis club to act as a central recreational feature around which the residential development would be situated. Given that the tennis club was a planned integral part of the surrounding development, the request to complete the build-out of the club as anticipated by the original PUD and expand the clubhouse while maintaining the existing operating characteristics will not change the predominant character of the surrounding area.

__N/A__ (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in Subsection 9-5-2(c)(1)(a), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Not applicable. There are no residential units in the existing development.

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
October 15, 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 Gerstle
Leonard May
Liz Payton
Crystal Gray

PLANNING BOARD MEMBERS ABSENT:
John Putnam

STAFF PRESENT:
Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Assistant III
David Thompson, Civil Engineer II, Transportation
Chandler Van Schaack, Planner I
Jessica Stevens, Civil Engineer II

1. CALL TO ORDER

Chair, **A. Brockett**, declared a quorum at 6:05 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **C. Gray** and seconded by **A. Brockett** the Planning Board voted 5-0 **(J. Putnam** absent; **J. Gerstle** did not vote due to being absent from the October 1, 2015 meeting) to approve the October 1, 2015 minutes as amended,

3. PUBLIC PARTICIPATION

No one spoke.

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

A. Call Up Item: Floodplain Development Permit (LUR2015-00090), 505 27th Way

B. Call Up Item: Floodplain Development Permit (LUR2015-00086), South Boulder Creek Pedestrian Bridge – 3 South Cherryvale

C. Call Up Item: Pearl Place Subdivision (TEC2015-00004) located at 2920 and 2930 Pearl; 2085, 2111 and 2121 30th Street. Final Plat to replat the existing site into two lots: one on the south side of the site (2.92 acres) and the other on the north side of the site (1.40 acres). The call up period expires on Oct. 23, 2015.

None of the items were called up.

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

A. Information Item: Second Review of the Draft Community Cultural Plan

B. Information Item: Zero Waste Strategic Plan

On a motion by **A. Brockett,** seconded by **C. Gray**, the Planning Board voted 6-0 (**J. Putnam** absent) to continue Matters 5A and 5B to the October 22, 2015 Planning Board meeting.

6. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Concept Plan (case no. LUR2015-00053) for redevelopment of a 1.85-acre site located at 2751 and 2875 30th Street within the BT-1 zoning district. Referred to as "The Boulder Junction Rowhouses" the proposed residential development is located in Phase 2 of Boulder Junction and would consist of 32 attached residential units split between four, 4-story, 37' tall rowhouse buildings totalling roughly 66,000 sq. ft. The proposal also includes a large, central open space feature constructed over a structured parking area containing 70 parking spaces.

Applicant: Jason Lewiston
Property Owner: Greenius Boulder LLC as to 2751 30th St.; McNeill Family Trust as to 2875 30th St.

Staff Presentation:
C. Ferro introduced the item.
C. Van Schaack presented the item to the board.

Board Questions:
C. Van Schaack and **D. Thompson** answered questions from the board.

Applicant Presentation:
Jason Lewiston, with **Greenius Boulder LLC, 782 Cherry Street, Denver**, the applicant, presented the item to the board.

Board Questions:
J. Lewiston, the applicant, answered questions from the board.

Public Hearing:
No one spoke.

Board Comments:
Key Issue #1: Are the preliminary plans consistent with the Transit Village Area Plan (TVAP)?

- **L. Payton** stated that the project complies with the TVAP guidelines and is consistent. Parking is underground and would eliminate the curb cut on 30th Street. While this project is not a mixed-use project, **L. Payton** stated that currently there is already a large amount of commercial development in other parts of TVAP and that there is not enough family oriented development. She expressed concern that the proposed units will be on the high income level end and that not enough affordable units would be provided.

- **J. Gerstle** generally agreed with **L. Payton**. However, he stated that it is important to have the mixed-use aspect preserved. The project should be an interesting place to walk along and the project would be enhanced with a mixed-use function.

- **A. Brockett** agreed that the project is meeting most of the goals and criteria set by TVAP. 30th Street is looking to be a main business corridor and the project needs to comply with the eventual vision of the 30th Street corridor which is to become a walkable main street. Therefore, in order to fully meet the TVAP criteria, it is necessary for the project to have a mixed-use component.

- **B. Bowen** stated that the project does not comply with TVAP guidelines due to the lack of mixed uses. The plan calls for 30th Street to be a "business main street" (i.e. retail, office and commercial spaces). This street section in TVAP is proposing zero setbacks and a different cross section than what is shown in this project's designs. Therefore this project is not TVAP compliant.

- **L. May** agreed with previous comments. The TVAP vision plan needs to be maintained. Generally this project does not comply with TVAP at this time.

- **C. Gray** stated that the project complies with the TVAP land use plan. Likes yard spaces in the design. She agrees with L. Payton that the city needs to have more projects that are family friendly. TVAP's goal is to have a mix of housing from small flats to larger family housing. According to the "commuter" survey previously looked at by the Board, participants stated they would want single family house, townhomes or duplexes. This project will meet those needs. Lots of positive things exist within this project and suggested opportunities for creative affordable units rather than the disconnected park space to the south. However, mixed-use would be beneficial as well to include.

- **A. Brockett** likes the townhome aspect and the family friendly housing and open spaces are positive. He suggested that it might be sufficient to add a mixed-use component to just a portion of the 30th Street frontage.

- **L. Payton** stated that in regards to the setbacks, which will be landscaped, that they would be pleasant to walk past.

Key Issue #2: Access

- **J. Gerstle** stated the site layout seems reasonable. He stated he would like to see two elements. He would like to see public access to the courtyard if possible. Paths from the north through the middle seem reasonable. The other element would be maintaining the permeability to the public through the site.

- **A. Brockett** stated that it seems unfair to state that the access from 30th Street can't be developed until Phase II of TVAP. In order for developers to move forward, access off 30th Street is the only answer as long as it conforms to the overall TVAP Plan. While he likes the open space concept that would be shared by all units, he is concerned about the future of the site, after Bluff Street is developed. It would leave underutilized space. Should be designed for the final layout of the site. He suggested taking the garage access to the west side, so the south side could be made into a functional pocket park.

- **B. Bowen** stated relocating the parking garage access to the alley would be an improvement. In regards to the site layout, he would want to see more detail for the future alley as a public right-of-way. He suggested to perhaps flip the parking stalls from the fence line to the building side to anticipate the future though alley. He agrees with **J. Gerstle** in that the center courtyard needs to be permeable and open to the public. In terms of site layout, if there was a strip of retail the same width as the units facing the street that would allow for two-story townhomes over the first floor of retail that could open out onto the central open space. This would also provide more diversity of housing types.

- **L. May** asked if this particular plan is in compliance with city requirements in terms of distance off 30th Street and to have access into the proposed site.

    - **D. Thompson** stated no they are not. He stated staff's preference would be to have the curb cut to the north of the site. The access would be supported by the location of the light and traffic study.

- **L. May** stated the access to the site is awkward as currently proposed. He suggested exploring access from north end of Bluff Street. This could potentially enable the addition of another unit at the south end of the block.

- **A. Brockett** said that in light of **D. Thompson's** statement that a street light will be added at Bluff Street in 2017, access would need to be taken from the north side of the project.

- **C. Gray** stated that the applicant and the city staff will need to work out a reasonable access into the parking garage. She stated that she likes the proposed plan. In regards to the alley, more landscaping along the alley and along the north pedestrian access would be beneficial. She stated that she hopes reasonable access to the site can be accomplished.

- **L. Payton** echoed **J. Gerstle's** comments regarding having permeability through the site and being open to public (east/west). She agreed that it would be awkward with the large pavement left over at the access. Perhaps removing that or to put something else in its place.

Key Issue #3: Mixed Use

- **L. May** stated that a mixed-use would give more continuity to the site. The project needs to provide diversity of housing and as many of the elements from TVAP as possible.

- **C. Gray** stated that this is the type of project that is missing from TVAP.

- **L. Payton** agrees with **C. Gray's** comments and suggested that perhaps one way to address the diversity issue would be to take one or two units and split them as affordable units, but not that they are obvious they are affordable units. She stated that more commercial units are not needed in at that site. More residential is needed.

- **B. Bowen** stated that 7 units of affordable housing would be required.

- **J. Gerstle** agreed with **L. Payton** that her suggestion would make the project better.

- **B. Bowen** stated, in terms of mixed-use, that townhouses to the backside of the park over the mixed use would give the diversity needed. For example, he suggested more commercial below on the streetscape and above that opening up to the elevated open space.

- **C. Gray** stated the proposed park gives an opportunity for mixed use.

Key Issue #4: Parking

- **L. May** encouraged reduction in parking for this project. The city does need to achieve the mode shifts of transportation and this project presents an opportunity to do that.

- **A. Brockett** agreed with **L. May's** comments. He suggested a way to accomplish this would be to bundle or have shared parking spots.

- **B. Bowen** agreed with the previous comments and added that unbundling parking would be more effective if it was a mixed use project.

- **L. Payton** supports shared parking. The current plan has excessive parking.

- **J. Gerstle** stated the parking should be unbundled.

- **C. Gray** stated she would like to learn more about their transportation management plan when they return to Planning Board as it could be applicable.

Key Issue #5: Design, Architecture, Materials

- **C. Gray** stated the applicant has responded to BDAB's advice. She likes how the buildings have been broken up. She stated some concerns about raising the door stoop and the patterns of the windows have been resolved. Items have been addressed from the FBC aspect as well.

- **L. May** stated this is a big improvement to remove the CMU and simplify the façade. He stated he is concerned with over scale of bricks and would be very resistant to condone their use.

- **B. Bowen** stated the project has come a long way from the presentation in BDAB. He also has concerns with the proposed masonry. The style of bricks proposed will not meet city's energy code without and insulated cavity wall on the interior side. He suggested to the applicant to pay attention to the proportions of masonry to glass which also appear in the FBC. In addition, the differential layers of fenestration are outlined in the FBC as well. He suggested grouping the windows over the door into a pair.

- **A. Brockett** echoed that the project has come a long way with BDAB's advice. He stated that he has no problem with the proposed masonry.

- **J. Gerstle** had nothing to add.

- **L. Payton** shared **L. May's** concerns with size of the masonry. She appreciates the applicant's effort to make the building feel like it belongs in Boulder. She approved of the building's proportions and fenestration. She had a concern with the top of the building because there does not appear to be a real cap except for a railing.

- **L. May** agrees with all of the previous comments.

Key Issue #6: Re-Zoning:

- **B. Bowen** stated that it would make sense to rezone and to have land use match the adopted TVAP plan.

- **A. Brockett** stated it would be reasonable to rezone. It is important that TVAP establishes a broad character for 30th Street and it is defined as a business main street. He stated that he would support a rezoning to BMS to make that definition more doable. He stated that in his opinion, Bluff Street would need to be built to achieve that.

- **J. Gerstle** stated he would be in support with rezoning.

- **L. Payton** stated she likes the plan as currently proposed. She stated she is not in favor of increasing the development potential and adding more units and having less open space. In regards to TVAP, it does not need to be followed to the letter for each project. She does not support the rezoning.

- **C. Gray** agrees with **L. Payton**. She believes the project is on the right track and a project like this has not been seen before. She stated that the applicant has the choice to rezone, but that she is comfortable with the project moving ahead as is.

- **A. Brockett** stated that BMS zoning does require commercial on the first level. Therefore this exact project could not be done, but it could be similar. He stated that the family friendly aspect is important to him as well.

- **B. Bowen** and **J. Gerstle** both agree that if it were rezoned, it would not preclude a family friendly project.

- **L. May** reiterated that rezoning is the applicant's prerogative.

    - **C. Ferro** stated that an adopted implementation plan for TVAP does exist. In regards to rezoning for Phase II, there is some specific language. He quoted, "*Properties in Phase II that wish to redevelop sooner could do so under current zoning or could request BVCP Land Use designation and zoning changes consistent with the adopted area plan if can be demonstrated that adequate public facilities will be in place concurrent with redevelopment including construction of transportation improvements shown on the connections plan that are necessary to serve the property and connected to the arterial street network , an early action item for plan implementation will be development of a concurrency ordinance that would require adequate public facilities and services to be in place concurrent with redevelopment . Planning Board and City Council may also consider the market absorption of properties with similar uses in Phase I when considering BVCP Land Use and zoning changes for Phase II properties.*"
      C. Ferro stated that this intentional language is designed to emphasize the build out of Phase I in advance of Phase II.

- **L. May** stated that the quote reads as though the rezoning cannot be done in a timely manner and that infrastructure needs to be in place before the Planning Board can consider rezoning changes.

- **C. Gray** stated that by advocating for rezoning, it appears that we are asking property owners to aggregate properties. She stated that this could eliminate the smaller projects that contribute to the area. In her opinion, TVAP could benefit from smaller projects as it could break up the massing.

- **B. Bowen** stated that a mixed-use zone should occur in this area and that is what is desired in this area.

- **A. Brockett** agreed with **C. Gray** in her comments regarding smaller projects, but the BMS zoning would not necessarily be a more intense project.

Summary of Concept Plan:
No action is required on behalf of the Planning Board. **A. Brockett** gave a summary of the Board's comments to the applicant. One fundamental point is that several Board members feel this project needs a mixed-use component to be compliant with the main street character vision for 30th Street. In addition however, several other Board members feel the proposed project with the family friendly component is acceptable. There is openness to rezoning to BMS however there may be some resistance from staff and existing language in the Plan. It is the applicant's decision whether or not to apply for a rezoning. In terms of access and layout, issues with regard to the southern access exist, in particular with Bluff Street. The Board has suggested new site layouts to deal with those issues. And some issues were raised in regards to permeability and parking reduction.

B. AGENDA TITLE: Public hearing and consideration of Site and Use Review applications for expansion of the Meadows Tennis Club located at 5555 Racquet Lane within the RL-2 zone district. The proposal includes the renovation and expansion of the existing clubhouse including enclosure of two existing tennis courts adjacent to the clubhouse; relocation of two existing platform tennis courts and the addition of two new platform tennis courts and two new tennis courts. The applicant is requesting a 39% parking reduction to allow for 92 parking spaces where 151 are required following the proposed expansion. The project is reviewed under two separate cases, LUR2014-00095 and LUR2015-00018.

Applicant: Jim Bray for the Meadows Club
Property Owner: Meadows Club Inc.

Board Comment:
C. Gray recused herself from this discussion.

Staff Presentation:
C. Ferro introduced the item.
C. Van Schaack presented the item to the board.

Board Questions:
C. Van Schaack and **H. Pannewig** answered questions from the board.

Applicant Presentation:
Jim Goldfarb, Meadows Club, Inc., 5555 Racquet Lane, a member of the Board of Directors of The Meadows Tennis Club, and **Jim Bray, Bray Architecture, 1300 Yellow Pine Ave.,** the architect, presented the item to the board.

Board Questions:
J. Bray, the architect, and **Don Ash,** with **Scott, Cox & Associates, 6490 Pennsylvania Ave,** the civil drainage engineer and neighbor, answered questions from the board.

Public Hearing:

1. **Tom Murphy (pooling time with Ron Berger, Myrl Miller, Don Saunders, Betsey Saunders), 5543 Stonewall Place,** spoke in opposition to the project.
2. **Sally Schneider (pooling time with Tamara Eric), 5547 Stonewall Place,** spoke in opposition to the project.
3. **Jeff Pastore, 5606 Pennsylvania Ave.,** spoke in opposition to the project.
4. **Amir Caspi, 5610 Pennsylvania Ave.,** spoke in opposition to the project.
5. **Andrew Roppel, 880 Racquet Lane,** spoke in opposition to the project.
6. **Mike Fettig, 5525 Friends Place,** spoke in opposition to the project.
7. **Brock Borman, 3150 Iris Ave., #101,** spoke in support to the project.
8. **Jim Doyle, 876 Racquet Lane,** spoke in support to the project.
9. **Janice Branam, 5521 Friends Place,** spoke in opposition to the project.

Board Comments:
Key Issues:

- **Is the proposed Site Review Amendment consistent with the criteria for Amendments to Approved Site Plans as set forth in section 9-2-14(m), B.R.C. 1981?**
- **Is the request for an expansion of the existing indoor athletic facility/ non-profit membership club use consistent with the Use Review Criteria set forth in section 9-2-15(e), B.R.C. 1981?**
- **Is the requested parking reduction consistent with the criteria for parking reductions set forth in section 9-2-14(h)(2)(K), B.R.C. 1981?**

- **L. May, B. Bowen** and **J. Gerstle** felt that in general the project is compliant and grandfathered in by the original PUD. In his opinion, the Planning Board does not have much latitude. They stated that perhaps there are some management plan issues that can be addressed.

- **A. Brockett** stated that the neighbors' concerns seem to center around changes that are allowed by-right. There have been additional concerns regarding the size of the club house, which the Planning Board can review. He agreed that the management plan can be mitigated in regards to impact on the neighbors.

- **J. Gerstle** confirmed that these elements are grandfathered in and still valid and the Planning Board has limited capabilities to deal with those grandfathered issues in regards to the proposed new tennis courts and the old tennis courts.

    - **H. Pannewig** stated that what was approved under the old PUD (approval) still remains valid.

- **L. Payton** stated her main concern was with the potential for property damage from drainage and flooding. She stated she agrees with the other Board members, if drainage issues are resolved and if the structures are out of the Planning Board's purview, then it is about the management plan.

Additional Key Issue: Changes to management plan:

- **A. Brockett** stated that the overnight events should be addressed in the management plan.

- **L. Payton** was under the assumption an overnight event only happens once a year. She stated that the issue of light leakage should be addressed in the management plan and proposed operable shades.

- **J. Gerstle** stated it would be appropriate to stipulate that the Boulder lighting code, when it becomes effective in 2017, that the older lighting which will not be in accordance with the new code should be brought up to date.

    - **C. Ferro** informed the Board that currently the applicant is not in compliant with current regulations. In this particular case, the applicant would be seeking a variance where some of the light levels would exceed what is in the code today. If the variance is granted, it would not require them to come to full compliance in 2017.
    - **H. Pannewig** could be a condition of approval.

- **A. Brockett** suggested that during swim meets, starting guns not be used and to state this in the management plan.

- **L. May** stated that most of these issues are currently addressed in the management plan. Regarding a non- renewal of the parking agreement with the school, then they would be out of compliance. In his opinion, generally the management plan has addressed most concerns from neighborhood.

Motion:

On a motion by **B. Bowen,** seconded by **J. Gerstle,** the Planning Board voted 5-0 (**J. Putnam** absent, **C. Gray** recused herself) to approve the Site Review application LUR2014-00095 and Use Review application LUR2015-00018, adopting the staff memorandum as findings of fact and subject to the recommended conditions of approval found in the staff memorandum.

Friendly amendment by **L. Payton** to add a condition requiring that the Applicant install operable shades on the eastern portion of the enclosed tennis courts. Friendly amendment was accepted by **B. Bowen** and **J. Gerstle**.

Friendly amendment **A. Brockett** to add a condition requiring the Applicant to ensure that no starting guns be used at any event on the property. Friendly amendment was accepted by **B. Bowen** and **J. Gerstle**.

C. AGENDA TITLE: Staff briefing and board input regarding the Access Management and Parking Strategy (AMPS).

Motion:
On a motion by **A. Brockett,** seconded by **C. Gray**, the Planning Board voted 6-0 (**J. Putnam** absent) to continue the Public Hearing Item 5C to the October 22, 2015 Planning Board meeting.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:17 p.m.

APPROVED BY

Board Chair

10/29/15

DATE

City of Boulder
BOARDS AND COMMISSIONS MEETING SUMMARY FORM

NAME OF BOARD/COMMISSION: Human Relations Commission

DATE OF MEETING: Oct. 19, 2015

NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Robin Pennington 303-441-1912

NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:
Commissioners – Amy Zuckerman, Shirly White, Nikhil Mankekar, Emilia Pollauf, José Beteta
Staff – Carmen Atilano, Robin Pennington
Commissioners absent – None

WHAT TYPE OF MEETING (CIRCLE ONE) [REGULAR] [SPECIAL] [QUASI-JUDICIAL]

AGENDA ITEM 1 – CALL TO ORDER – The Oct. 19, 2015 HRC meeting was called to order at 6:02 p.m. by **A. Zuckerman.**

AGENDA ITEM 2 – AGENDA ADJUSTMENTS – Move Discussion/Informational Item 6.A. Boulder Valley Comprehensive Plan to follow Community Participation; move Action Item 5.B. 2016 Community Event Fund Applications to Discussion/Informational Item 6.A.

AGENDA ITEM 3 – APPROVAL OF MINUTES
A. **S. White moved** to approve the Sept. 21, 2015 minutes with one edit. **E. Pollauf seconded. Motion carries 4-0. A. Zuckerman** abstained.

AGENDA ITEM 4 – COMMUNITY PARTICIPATION (non-agenda action items) – None

AGENDA ITEM 5 – ACTION ITEMS
A. 2015 Community Event Fund Reports

1. BarrioE - Postponed to the November meeting.
2. BMoCA – Jordan Robbins and Nicole Dial-Kay reported on the April 25 2015 Día del Niño event. **S. White moved** to approve. **J. Beteta seconded. Motion carries 5-0.**
3. Boulder Asian Pacific Alliance – Brenda Pearson and Jasmine Santillan reported on BAPA's 2015 Boulder Asian Festival held Aug. 8 and 9. **N. Mankekar moved** to approve pending receipt of the final budget. **E. Pollauf seconded. Motion carries 5-0**.
4. Boulder Jewish Festival– Cheryl Fellows reported on the Boulder Jewish Festival held on June 7, 2015. **N. Mankekar moved** to approve**. J. Beteta seconded. Motion carries 5-0.**
5. Intercambio Uniting Communities - Lee Shanis of Intercambio and Alison Rhodes from Boulder Parks and Recreation reported on Building Community and Health Through African Dance, five events held in 2015. Acceptance of the report was tabled until receipt of the final budget.
6. Veterans Helping Veterans Now **–** Jennifer Slater and two other representatives of Veterans Helping Veterans Now reported on the 2015 Veterans Awareness Series. **N. Mankekar moved** to approve**. J. Beteta seconded. Motion carries 5-0.**

AGENDA ITEM 6 – DISCUSSION/INFORMATIONAL ITEMS
A. 2016 Community Event Fund Applications

1. Boulder Asian Pacific Alliance - Brenda Pearson and Jasmine Santillan presented on BAPA's 2016 Boulder Asian Festival to be held in August.
2. Boulder Jewish Festival - Cheryl Fellows reviewed the proposal for the 2016 Boulder Jewish Festival to be held in June.
3. Intercambio Uniting Communities - Lee Shanis of Intercambio and Alison Rhodes from Boulder Parks and Recreation reviewed the proposal for the 2016 Building Community and Health through World Dance series.
4. Veterans Helping Veterans Now – Representatives reviewed the 2016 proposal for the Veterans Awareness Series.

B. Boulder Valley Comprehensive Plan – Courtland Hyser and Lesli Ellis from the Boulder Valley Comprehensive Plan presented an update on the plan to the commission.

C. Inclusive and Welcoming Community Work Plan – **S. White** and **E. Pollauf** participated on the committee for the Community Perception Assessment consultant selection and **A. Zuckerman** and **S. White** met with consultant Hillard Heintze who is looking at policing in Boulder.

D. Living Wage Update – C. Atilano gave an update on work of the city staff committee on Living Wage, which will go to the City Manager in late October.

E. Event Reports – **S. White** and **N. Mankekar** attended the League of Women Voters Fair Wages Breakfast on Oct. 14 where the Living Wage issue was discussed.

AGENDA ITEM 7 – IMMEDIATE ACTION ITEMS – None.

AGENDA ITEM 8 – Adjournment – **N. Mankekar moved** to adjourn the Oct. 19, 2015 meeting. **E. Pollauf seconded**. **Motion carries 5-0.** The meeting was adjourned at 8:14 p.m.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS: The next regular meeting of the HRC will be Nov. 16, 2015 at the West Senior Center, 909 Arapahoe Ave.

CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees
DATE OF MEETING: October 14, 2015
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Leah Case x2025
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT: MEMBERS: Shelley Dunbar, Frances Hartogh, Molly Davis, Kevin Bracy Knight, Tom Isaacson STAFF: Jim Reeder, Steve Armstead, Mark Gershman, Bethany Collins, Deryn Wagner, Brian Anacker, Don D'Amico, Marianne Giolitto, Kelly Wasserbach, Cecil Fenio, Leah Case, Alycia Alexander
TYPE OF MEETING: **REGULAR** CONTINUATION SPECIAL

SUMMATION:

AGENDA ITEM 1**- Approval of the Minutes**
Tom Isaacson moved the Open Space Board of Trustees to approve the minutes from Sept. 9, 2015 as amended. Kevin Bracy Knight seconded. This motion passed four to one; Molly Davis was absent at the time of the motion.

AGENDA ITEM 2**- Public Participation**
Eileen Monyok, Boulder, spoke in regard to the North Trail Study Area (TSA) process and scenarios.

AGENDA ITEM 3**- Matters from Staff**
Marianne Giolitto, Wetlands and Riparian Ecologist, gave an update on the Boulder Creek Master Plan.

Brian Anacker, Science Officer, gave an update on his role within OSMP.

Steve Armstead, Environmental Planner, gave an update on the North TSA.

Jim Reeder, Trails and Facilities Division Manager, gave an update on ongoing staff projects.

AGENDA ITEM 4**- Matters from the Board**
None.

AGENDA ITEM 5 **– Request for a recommendation to approve the purchase of approximately 24.59 acres of land with one house, associated outbuildings and appurtenant water and mineral rights at 4290 Eldorado Springs Dr. from the Brett D. Trigg Heritage Trust for $1,600,000 for Open Space and**

Mountain Parks purposes. An additional expenditure of up to $100,000 is being requested for immediate needs.
Bethany Collins, Property Agent, gave a presentation on a possible acquisition.

This item spurred one motion:
Frances Hartogh moved the Open Space Board of Trustees recommend that the Boulder City Council approve the purchase of approximately 24.59 acres of land with one house, associated outbuildings and appurtenant water and mineral rights at 4290 Eldorado Springs Dr. from the Brett D. Trigg Heritage Trust for $1,600,000 for Open Space and Mountain Parks purposes, as well as an additional expenditure of up to $100,000 for immediate needs. Molly Davis seconded. This motion passed unanimously.

ADJOURNMENT: The meeting adjourned at 8:16 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:
Two members from the public spoke in regard to the Trigg Property.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:
The next OSBT meeting will be Wed. Nov. 16 at 6 p.m. at 1777 Broadway in the Council Chambers

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 7th 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. **C. Ferro** stated that the concept plan for 3303 Broadway and the concept plan for 2801 Jay Road will be heard separately. He clarified that there would be two public hearings.
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 7th St.,** the applicant, and **J. V. DeSousa,** with **J.V. DeSousa, LLC, 2510 47th 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 23rd St.** spoke in support to the project.
5. **Greg Smith, 1501 Upland Ave.** spoke in support to the project.
6. **Joe Gibbs, 2010 18th St.,** spoke in support to the project.
7. **Bob Crifasi, 3257 Hawthorn Hallow,** spoke in opposition to the project.
8. **Mark Bloomfield, 1720 15th 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 3rd 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. Because the elementary school attendance area is so large, 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 that an RH-3 zoning would fit in that area. In her opinion, she did not think it was a good spot for Commercial because the site is not located at one of the commercial nodes along Broadway; it should be strictly residential. She is sympathetic to those that are in need of affordable housing and remarked that they are competing for housing with highly paid workers from many of the new high-tech firms.

Finally, in her opinion, this location may no longer be good for public use since the city purchased the hospital site and may concentrate public uses there.

- **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 should be used where walking opportunities are limited. Walk-ability 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 a product that would meet the needs, as identified by in-commuters, for families (i.e. a single-family residence, townhome or duplex). This plan should have unites attractive to families since the proximity is close to a school. In regards to affordable units in the community, ideally inclusionary housing requirements should be met on-site by all projects. However, the code does not allow for the Planning Board to know what the developers' plan is to meeting the inclusionary housing requirements are until the permit is picked up. In regards to the open space issue brought up by a member of the public, 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 popularity of the University of Colorado that has a lack of housing for the students. 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 7th St.,** the applicant, and **J.V. DeSousa,** of **J.V. DeSousa, LLC, 2510 47th 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. There are no services in the immediate vicinity of the location. Therefore the proposed density should be reduced.

- **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 28th 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

10/15/15

DATE