CITY OF BOULDER
CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Boulder, Colorado 80302
Tuesday, February 16, 2016
6 p.m.

1. **CALL TO ORDER AND ROLL CALL**
   A. One Action 2016 Declaration - Council Member Young

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 December 1, 2015 City Council Regular Meeting

   B. Consideration of a motion to approve the minutes for the December 15, 2015 City Council Regular Meeting

   C. Consideration of a motion to approve the minutes for the January 26, 2016 Special Meeting

   D. Consideration of a motion to accept the January 12, 2016 Pre-Retreat Study Session Summary

   E. Second reading and consideration of a motion to adopt Ordinance No. 8080 annexing approximately 0.35 acres of land generally located at 236 Pearl St. and the northwest portion of 250 Pearl St. with an initial zoning designation of Residential - Mixed 1 (RMX-1) and Business-Transitional 2 (BT-2) respectively

   F. Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8105 rezoning a 1.94 acre parcel of land located at 3000 Pearl Street A/K/A 3000 Pearl Parkway and 2170 30th Street from Business-Regional 1 (BR-1) to Mixed Use – 4 (MU-4) zoning district and a 1.08 acre parcel of land located at 2100 30th Street and 2120 32nd Street from Industrial – General (IG) to Business-Regional 1 (BR-1) zoning district

G. Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8106 amending Title 11-6, the Boulder Cable Code

H. Introduction, first reading and consideration of a motion to adopt Emergency Ordinance No. 8104 adopting Supplement No. 126, which codifies previously adopted Ordinance Nos. 8055, 8056, 8065, 8072, 8081, 8084, 8088, and 8091, and other miscellaneous corrections and amendments, as an amendment to the Boulder Revised Code, 1981

4. POTENTIAL CALL-UP CHECK IN

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

8A. Potential Call-Ups

1. Vacation of a 1,383 square-foot utility easement along the south portion of the property located at 340 15th Street (ADR2015-00285)

2. Site Review application for the Rêve, a mixed use development to include office, retail, restaurant, and multi-family residential units (case no. LUR2015-0004)

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 adopt the staff recommendation related to Options to Expand the City of Boulder's Living-Wage Resolution 926

B. Consideration of a motion to approve the 2016 Revision of the Downtown Urban Design Guidelines

C. Consideration of a motion to revise the City of Boulder's 2016 State and Federal Legislative Agenda

D. Consideration of a motion to adopt Resolution No. 1180 Supporting the 2016 Renewal of the Science and Cultural Facilities District

6. MATTERS FROM THE CITY MANAGER

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups

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2. Site Review application for the Rêve, a mixed use development to include office, retail, restaurant, and multi-family residential units (LUR2015-0004)

B. Discussion of "Science Tuesday"
C. Appoint Town Hall Subcommittee

9. PUBLIC COMMENT ON MATTERS
Public comment on any motions made under Matters-15 min

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 303-441-4222, 8 a.m. – 5 p.m. Monday through Friday. The Council Chambers is equipped with a T-Coil assisted listening loop and portable assisted listening devices. Individuals with hearing or speech loss may contact us using Relay Colorado 711 (711) or 1-(800)-659-3656. 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 received by staff no later than 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.

Celebrating One Action 2016: Arts + Immigration

WHEREAS, the arts can play a vital role in encouraging community conversation on critical issues that strengthen our town; and

WHEREAS, the power of art can build alliances across diverse segments of our community; and

WHEREAS, the One Action 2016: Arts + Immigration Project is a yearlong, arts-based, countywide project that invites cultural, arts, immigrant and educational organizations to create programs that foster conversations on both historic and contemporary issues of immigration; and

WHEREAS, immigration is one of the largest single factors in our nation's social, cultural, and economic development; and

WHEREAS, immigrants have enriched the United States beyond measure, bringing many contributions to our society, along with the unique customs and traditions of their ancestral homelands; and

WHEREAS, this project has the potential to elevate Boulder as a model for how communities can become more inclusive by presenting a highly innovative example of cross-cultural collaboration for other communities to emulate

NOW THEREFORE, BE IT RESOLVED by City Council of the City of Boulder, Colorado, that 2016 will be the year of

One Action on Arts + Immigration

and urge all Boulder residents to participate, collaborate and engage in events, performances and discussion about the current and historical impacts of immigration in our community, and how we can move towards a more equitable and inclusive community.

Suzanne Jones, Mayor

CITY OF BOULDER
COUNCIL PROCEEDINGS
Council Chambers, 1777 Broadway
Boulder, Colorado 80302
Tuesday, December 1, 2015

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 6:04 p.m.

Mayor Jones, Council members Yates, Young, Weaver, Shoemaker, Morzel, Burton and Brockett were present. Council Member Appelbaum was absent.

Council Member Weaver moved to adjourn as the Boulder City Council and to convene as the General Canvassing and Election Board. The motion was seconded by Council Member Young. The motion carried 4-0 with Council Members Shoemaker, Weaver, Young and Karakehian in favor.

A. CERTIFICATION OF ELECTION RESULTS

Alisa Lewis, serving as Secretary of the Board, introduced this item to Council.

Secretary Lewis administered the oath of office to Council Members Weaver, Shoemaker, Young and Karakehian sitting as the General Canvassing and Election Board.

Board Member Shoemaker nominated Board Member Karakehian to chair the meeting. There being no other nominations, Board Member Karakehian was appointed chair by acclamation.

Secretary Lewis certified the following documents to the Board:

a. Certificate of the official November 3, 2015 ballot;

b. Certificate of the official public notice of the November 3, 2015 election; and

c. The certificate of the election returns, as follows:

i. Candidates elected to the five open seats on City Council were:

- Bob Yates, receiving 12,242 votes
- Suzanne Jones, receiving 11,294
- Lisa Morzel, receiving 10,810 votes
- Aaron Brockett, receiving 10,213 votes, and
- Jan Burton, receiving 8,986 votes

ii. Ballot Measure results were:

- **2N** – Short-Term Rental Tax – For the measure 16,132 votes, against 12,131 votes
- **2O** – Utility Occupation Tax Extension – For the measure 19,153, against 7,671
- **2P** - Climate Action Plan Tax Extension– For the measure 21,636, against 6,399
- **2Q** - Charter Provisions Regarding Library Commission - For the measure 23,159, against 2,269
- **2R** – Council Compensation – For the measure 12,336, against 14,955
- **300** - Neighborhood Right to Vote on Land Use Regulation Changes – For the measure 10,938, against 17,956
- **301** – New Development Shall Pay Its Own Way – For the measure 11,077, against 17,741

There was a total of 62,895 Active voters with 29,552 voting in the election for a 46.9% voter turnout, slightly higher than 2013 when there was a 46.7% voter turnout.

The public hearing was opened:

- Rob Smoke noted that approximately 11,000 voters were in favor or ballot initiatives 300 and 301 and asked if council or city staff were actively supporting state legislation that would require a 50 + one majority vote to change state law and whether this should be expected at a local level as well.

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

Board Member Weaver moved to approve the official abstract and result sheets from the 2015 General Municipal Coordinated Election. The motion was seconded by Board Member Young. The motion carried 4:0.

Board Member Shoemaker moved, seconded by Board Member Weaver, to adjourn from the General Canvassing and Election Board and reconvene as the Boulder City Council. The motion carried unanimously at 6:14 p.m.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE

- Carolyn Bninski, with the Rocky Mountain Peace and Justice Center, supported the resolution of inclusivity for the refugees and other disenfranchised populations. She opposed the TPP. She will send Council this information.

- Rob Smoke, resident, was concerned about the legislature and super majority votes. He pointed out homelessness and mistreatment of homeless persons in Boulder.

- Martha McPherson, resident, spoke to the TPP and felt that it is not wise to hand over local issues to corporations. She requested a forum with Jared Polis.

- Sue Anderson, resident, showed a presentation and spoke about the need to reduce the underage use of marijuana in the community.

- Jim Martin, resident, asked if the inclusivity ordinance as written is doing what it is supposed to do.

- James Duncan, resident, addressed the issue of CEOs not being held accountable today. He added that most CEOs are paid 350 times the wage of the lowest paid worker. He encouraged Council to reject the TPP.

- Karl Anuta, resident, spoke regarding the seating of the band shell to the Landmarks Board. He asked Council to clarify the action being asked of the Landmarks Board.

- Gail Gray, resident, supported the band shell preservation.

- Abby Daniels, Director of Historic Boulder, welcomed the Council Members and thanked the City of Boulder and Parks and Recreation Department for the "Snow Much Fun" event and the lights in the Civic Area. She supported the preservation of the band shell.

- Kathryn Barth, resident, supported the preservation of the band shell and believed the seating is central to the overall experience.

- Dan Corson, resident, supported the band shell. He wanted the seating to remain and reported that Boulder Creek Festival and the bands that played at the band shell would lose seating capacity. He was on the Landmarks Board and part of the band shell is the seating.

- Greg Wilkerson, resident, spoke to the election items 300 and 301. He remarked that there are a lot of people that disagree with the rate and style of development in Boulder.

- Mark Collins, resident, addressed the Boulder Police not having evidence and targeting homeless people in Boulder.

- Dan Winters, resident, spoke to the refugee issue. He said it was a long and arduous process, and Boulder should remember to help them get through this time.

- John Guthrie, resident, welcomed the refugees. He also reminded the community to use the churches as a resource. He requested a definition of what "cooperative housing" meant and information about the creation of policy for proper development.

- Sara Toole, resident, had a presentation and spoke against the rezoning of 4525 Palo Parkway.

- Judy Langberg, resident, finished the presentation. She said this rezoning would change the market rate values of homes in the area, there would be an increase to traffic, and the noise/trash conditions would increase.

- Jo Morgan, resident, wanted the mobile home park to stay. Mapleton Mobile Home Park needs the city's help to get through this. She urged the city to intervene.

- Paul Keaton, a resident of the mobile home park, remarked that the Management Plan for the park is too big and is not working. The MHA board openly defines state law. He asked that the City to intervene and follow up with the leadership.

- Gary Berg, urged Council to work together to resolve issues and call-up the item.

- Lynn Segal, resident, asked to call up the new academy, which is high-end senior housing. She doesn't want her property taxes going up because of the new change. She encouraged comprehensive housing strategy and was in favor of a building moratorium.

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

Council asked the City Attorney about the status of the band shell.

Council asked the City Attorney about the history of the mobile home park. The City Attorney added that some legal assistance is available and that he would send an update via Hotline.

The City Manager spoke to the legislative agenda and Amendment 37 protecting citizen changes. Council asked the City Attorney if passage of the state law would affect the Charter. The City Attorney indicated that it would not.

Council asked if snow sledding and skiing was allowed in the area. Council asked if staff had looked into segregation. If it's possible, Council would like to see an alternate option and asked that it come back before them.

3. CONSENT AGENDA

A. CONSIDERATION OF A MOTION TO APPROVE THE MINUTES FOR THE SEPTEMBER 29, 2015 CITY COUNCIL SPECIAL MEETING

B. CONSIDERATION OF A MOTION TO ACCEPT THE OCT. 27, 2015 STUDY SESSION SUMMARY: HUMAN SERVICES STRATEGY UPDATE

C. CONSIDERATION OF A MOTION TO ACCEPT THE OCT. 27, 2015 STUDY SESSION SUMMARY: HOMELESSNESS STRATEGY UPDATE

D. CONSIDERATION OF A MOTION TO APPROVE THE CITY'S 2016 STATE AND FEDERAL LEGISLATIVE AGENDA

E. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT 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

F. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8092 APPROVING NOVEMBER/DECEMBER SUPPLEMENTAL APPROPRIATIONS FOR THE 2015 BUDGET

G. CONSIDERATION OF A MOTION TO ADJOURN FROM THE BOULDER CITY COUNCIL AND CONVENE AS THE CITY OF BOULDER FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS

H. CONSIDERATION OF A MOTION TO ADOPT RESOLUTION NO. 52 APPROVING A SUPPLEMENTAL APPROPRIATION TO THE 2015 FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT FUND BUDGET

I. CONSIDERATION OF A MOTION TO ADJOURN FROM THE CITY OF BOULDER FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS AND CONVENE AS THE BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – TRAVEL DEMAND MANAGEMENT BOARD OF DIRECTORS

J. CONSIDERATION OF A MOTION TO ADOPT RESOLUTION NO. 17 APPROVING A SUPPLEMENTAL APPROPRIATION TO THE 2015 BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – TRAVEL DEMAND MANAGEMENT FUND BUDGET

K. CONSIDERATION OF A MOTION TO ADJOURN FROM THE BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – TRAVEL DEMAND MANAGEMENT BOARD OF DIRECTORS AND RECONVENE AS THE CITY COUNCIL

L. INTRODUCTION AND CONSIDERATION OF A MOTION TO ADOPT EMERGENCY ORDINANCE NO. 8097 ADOPTING SUPPLEMENT NO. 125, WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCE NOS. 8043, 8050, 8066, 8071, 8089, AND OTHER MISCELLANEOUS CORRECTIONS AND AMENDMENTS, AS AN AMENDMENT TO THE BOULDER REVISED CODE, 1981

M. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8098 AMENDING SECTIONS 8-3-7, “REGULATION OF HORSES AND LIVESTOCK,” AND 8-3- 11, “SLEDDING AND SKIING IN OPEN SPACE AND MOUNTAIN PARKS PROHIBITED,” AND ADDING A NEW SECTION 7-6-31, “HORSE TRAILER PARKING”

N. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8099 APPROVING THE ADDITION OF THE SCHNELL HOMESTEAD PROPERTY TO THE WESTERN MOUNTAIN PARK HABITAT CONSERVATION AREA

O. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO THE ANNEXATION OF THE PROPERTY AT 4525 PALO PARKWAY

1. RESOLUTION NO. 1177 FINDING THE ANNEXATION PETITION IN COMPLIANCE WITH STATE STATUTES AND ESTABLISHING JAN. 5, 2016, AS THE DATE FOR A PUBLIC HEARING

2. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 9000 RELATED TO THE ANNEXATION OF A 3.2-ACRE PROPERTY WITH AN INITIAL ZONING DESIGNATION OF RESIDENTIAL - MIXED 2 (RMX-2).

APPLICANT/PROPERTY OWNER: BOULDER HOUSING PARTNERS

Council Member Young moved to approve the Consent Agenda Items 3A-3L and Item 3J corrections as needed. The motion was seconded by Council Member Weaver. The Motion carried 8-0 with Council Member Appelbaum absent at 7:23 p.m. Council Members Brockett, Burton and Yates abstained from 3A, 3B and 3C.

4. POTENTIAL CALL-UP CHECK IN

1. Concept Plan Review 311 Mapleton Ave.
2. Concept Plan Review 4525 Palo Pkwy.

Council was interested in considering these items up. Discussion will take place under item 8A.

ORDER OF BUSINESS

5. PUBLIC HEARINGS

A. CONSIDERATION OF THE FOLLOWING ITEMS:

1. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8093 REZONING A 0.8 ACRE PORTION OF PROPERTY LOCATED AT 385 BROADWAY, FROM RESIDENTIAL - LOW 1 TO BUSINESS - TRANSITIONAL 2, CONSISTENT WITH THE BOULDER VALLEY COMPREHENSIVE PLAN LAND USE DESIGNATION OF TRANSITIONAL BUSINESS.

2. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8094 AMENDING SECTIONS 9-2-14, "SITE REVIEW," AND 9-9-2, "GENERAL PROVISIONS," B.R.C. 1981, TO ENSURE REASONABLE COMPATIBILITY OF THE DEVELOPMENT OF LOTS AND PARCELS LOCATED IN MORE THAN ONE ZONING DISTRICT ONE OF WHICH IS A LOW DENSITY RESIDENTIAL DISTRICT WITH NEIGHBORING LAND USES

Elaine McLaughlin and Susan Richstone introduced this item to Council. Council wanted to know what was allowed now and what would be allowed with new change.

Adrian Sopher, the applicant, gave his presentation and presented his information before Council.

Council was asked to disclose any ex parte communications. There were none.

The Public Hearing was opened and all speakers were sworn in by the City Clerk.

- Mho Salim, resident since 1981, showed a presentation to Council and was opposed to the rezoning. He was concerned about the safety of the children in the neighborhood.

- Beth Fleming, resident, lives across from the site, showed presentation that examined the residential and low density view. She opposed the rezoning project. She was concerned about traffic patterns and access.

- Chuck Palmer, resident, spoke about the Business Transitional Zoning. He opposed the rezoning.

- Julianna Bellipanni, resident of the property next to the property in question. She sees approximately 20 cars per day in her neighborhood. She was concerned about access and it will disrupt the neighborhood. She opposed the rezoning and the flex plan.

- Dan Olson, resident on Bluebell, was concerned about the code requiring access to be granted to Broadway and how that would affect the neighborhood.
- Michael Dominick, resident, discouraged the rezoning because NIST could revoke use of the easement.

- Shirley Keller, resident, gave a brief personal history of the building and said her husband had worked there as a dentist. She discouraged the rezoning.

- Paul Cheng, resident, lived in the area and opposed the rezoning.

- Patty Angerer, resident, spoke in opposition to the rezoning and asked that Council consider the neighborhood and what is at stake.

- Eve Zhou, resident, disagreed with the rezoning and was against the economic factor that she believes was only for financial reasons.

- Mike Ellis, resident, spoke in opposition to the rezoning of the neighborhood and challenged Council to prove the process of "city protecting neighborhood rights" holds true.

- Madeline Meacham, resident, handed out a map of the area and opposed the rezoning.

- Mike Marsh, resident, spoke about the quietness of the community and did not want to have it changed. He opposed the rezoning.

- Rachel Homer, resident, opposed the rezoning.

- Matt John, resident, supported the rezoning, wants to remodel and continue to live here. Segregation is present all the time as it concerns property. He addressed the concerns and parking concerns located along a busy section of Broadway.

- Eric Nylen, resident, opposed the easement going through Bluebell Street.

- Mark Gershfeld spoke about potential costs resulting from this rezoning. He suggested researching all the variables and outcomes.

- Alexandria Johnke, resident, spoke against the rezoning.

- Amanda Lins wanted to keep the neighborhood the way it was and did not want negative impacts to hamper the neighborhood. She opposed the rezoning,

- Lynn Segal, resident, opposed the rezoning. She felt that the site can only support a few more houses and Council should not consider the larger rezoning. She encouraged Council to agree with the Planning Board's unanimous vote against the proposal.

- Miriam Eckert, resident, lived on 22nd Street. She would be affected by the increased traffic and the neighborhood environment. She opposed the rezoning and does not want to leave future decisions in the hands of the applicant.

- Adrian Sopher, resident and applicant wanted to address the impacts and work with NIST and the neighbors. He reiterated the non-need for access on Bluebell because of the easement that currently exists.

There being no further speakers, the public hearing was closed at 9:41 p.m.

Council member Yates moved to continue the item until more information could be assessed. The motion was seconded by Council Member Shoemaker.

Council members were concerned about access, land use, and encouraged additional conversations about the land use and future neighborhood development. Council agreed with the Planning Board's decision to preserve the neighborhood.

The motion was withdrawn.

Council Member Morzel moved to deny the rezoning. The motion was seconded by Council Member Young. The motion carried 7-0 at 10:04 p.m.

B. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8095 AMENDING SUBSECTION 9-12-2(B), "PROHIBITION OF SALE BEFORE PLAN APPROVAL," B.R.C. 1981 TO ALLOW THE OWNER OF THE PROPERTY AT 2180 VIOLET AVE. TO SELL A PORTION OF THE UNPLATTED PARCEL TO HABITAT FOR HUMANITY OF BOULDER VALLEY, INC. FOR THE PURPOSES OF DEVELOPING AFFORDABLE HOUSING.
APPLICANT: HABITAT FOR HUMANITY OF BOULDER VALLEY, INC.
OWNER: 2145 UPLAND LLC

Sloan Walbert and Charles Ferro introduced this item to Council.
The applicant, Susan Lithgo, represented Habitat for Humanity of Boulder Valley, Inc. and also presented before Council.

The public hearing was opened and the following persons spoke:

- Jan Morzel, resident, supported the project and hoped that other entities would be considered for other affordable housing projects.

- Nathan Knaht, resident, supported the purchase by Habitat for Humanity.

- Robert Naumann, resident, supported the scenario as a win-win with more affordable housing in Boulder.

- John Guthrie, resident, supported the project and need for affordable housing.

With no further public comment the public hearing was closed at 10:33 p.m.

Council Member Morzel moved to adopt Ordinance No. 8095 on second reading amending subsection 9-12-2(b), "Prohibition of Sale Before Plan Approval," B.R.C.1981 to allow the owner of the property at 2180 Violet Ave. to sell a portion of the unplatted parcel to Habitat for Humanity of Boulder Valley, Inc. for the purposes of developing affordable housing. The motion was seconded by Council Member Yates. The motion carried 8:0 at 10:43 p.m. with Council Member Appelbaum absent.

C. CONSIDERATION OF A MOTION TO ACCEPT THE GREGORY CANYON CREEK FLOOD MITIGATION PLAN

Katie Knapp, Engineering Project Management, introduced this item with a presentation.

Annie Noble, Greenways Program Coordinator, was present to answer questions.

Council went on a tour to see the Flood Mitigation Plan earlier in the day.

Council asked about the sediment traps and the nature of the sediment traps. These are dual benefit systems and mostly created to use as a water quality system.

Mayor Jones moved to suspend the rules and continue the meeting. The motion was seconded by Council Member Morzel. The motion carried 8-0 at 11:01 p.m. with Council Member Appelbaum absent.

The public hearing was opened and the following persons spoke:

- Keith Pearen, resident, wanted to have an amendment made to the plan. He suggested the sediment trap be moved out of his front yard.

- Holly Pearen, resident, agreed with Keith.

- Leszlo Nemeth, resident, opposed the implementation of the plan, but not the plan itself.

- Stewart Machle, resident, owns property in the high hazard flood zone. He questioned what could be done with the intersection of Anderson Ditch and Gregory Creek. Asked Council to consider the elementary school there along with the sediment trap. He was in favor of the mitigation plan but not the sediment trap location. He suggested Council should reconsider and not bring more children into a high hazard zone.

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

Council wanted to know why this was so important to have a sediment trap at these locations.

Staff replied that these sediment traps were functional and necessary but could look at other areas if needed.

Council Member Brockett moved to amend the recommended motion by removing the sediment trap from 7th Street, direct staff to look for opportunities for future sediment traps on properties as they are acquired, and condition future private-property sediment traps on obtaining property owner approval. The motion was seconded by Council Member Morzel. The motion carried 8:0 at 11:37 p.m. with Council Member Appelbaum absent.

6. MATTERS FROM THE CITY MANAGER

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MEMBERS OF COUNCIL

A. POTENTIAL CALL-UPS

1. Concept Plan Review 311 Mapleton Avenue

Council Member Weaver moved to call up the Concept Plan Review for 311 Mapleton Avenue. The motion was seconded by Council Member Young. The motion failed 2:6 at 12:03 a.m. with Council Members, Shoemaker, Brockett, Young, Jones, Yates, and Burton opposed and Council Member Appelbaum absent.

2. Concept Plan Review 4525 Palo Pkwy.

Council Member Weaver moved to call up the Concept Plan Review for 4525 Palo Parkway up. The motion was seconded by Council Member Yates. The motion carried 6:2 at 12:03 a.m. with Council Members Brockett and Young opposed and Council Member Appelbaum absent.

B. "NOD OF FIVE" FOR STAFF TO PREPARE A DECLARATION REGARDING INCLUSIVITY FOR THE REFUGEES AND OTHER DISENFRANCHISED POPULATIONS

Council gave "Nod of Five" at 12:01 p.m. with Council Member Appelbaum absent.

9. PUBLIC COMMENT ON MATTERS

The public hearing was opened. There being no speakers, the public hearing was closed.

10. FINAL DECISIONS ON MATTERS

11. DEBRIEF
12. ADJOURNMENT

There being no further business to come before Council at this time, by motion regularly adopted, the meeting was adjourned on December 2, 2015 at 12:04 a.m.

Approved this 16th day of February, 2016.

APPROVED BY:

_____
Suzanne Jones, Mayor

ATTEST:

_____
Lynnette Beck, City Clerk

CITY OF BOULDER
CITY COUNCIL JOINT MEETING
WITH PLANNING BOARD PROCEEDINGS
Municipal Building, 1777 Broadway
Boulder, Colorado 80302
Tuesday, December 15, 2015

1. **CALL TO ORDER AND ROLL CALL**
   Mayor Jones called the meeting to order at 5:35 p.m.
   Those present were: Mayor Jones, Council Members Yates, Young, Brockett, Burton, Weaver, Shoemaker, Appelbaum and Morzel.

   Council Member Yates moved, seconded by Council Member Young, to amend the agenda by adding Items 8C and 8D. The motion carried 9-0 at 5:42 p.m.

   A. Declaration for Mary Louise Chavers and presentation by Rocky Mountain Peace and Justice Center
      Council Member Morzel read the declaration. Betty Brown spoke briefly and received the declaration.

2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE (limited to 45 min.)**
   1. Sue Anderson showed a presentation and addressed the marijuana issue and under age usage.

   2. Christina Gosnell, resident, mentioned that a long ago Council passed a co-op ordinance that is not effective. She urged Council to look into proposals for co-op housing. This proposal was sent to Council.

   3. Steven Winter, resident, spoke to affordable housing and people having to cut back on their heat to pay the rent. He supported the co-op style of living so that he can afford to live in Boulder. The shared expenses and closeness are great for the community and they willingly limit the number of cars and trash.

   4. Bruce Thompson, resident, submitted a petition for over 200 signatures to ask for a berm to be built to help with flood mitigation in the Fraiser Meadows area.

   5. Darren O'Connor, resident, spoke regarding the camping ban and showed a data presentation. He spoke to housing homeless persons versus the cost of ticketing them.

   6. Rob Smoke, resident, spoke regarding passing an amendment and legislative information.

   7. Sam Schramski, resident, reemphasized the need for the co-op housing and equity or non-equity housing. He wanted it to be done quickly and he does not want pilot programs because he feels there have been plenty in the past.

8. Dan Winters, resident, did not want to accept the Neighborhood Parking Permit zones. He asked Council to have "across the street parking."

9. Elizabeth Black, resident, spoke regarding soil sequestering in order to store more carbon in the soil. She said this "new black stuff in the soil" holds good microbes.

10. Manuela Sifuentes, from the Board of Directors for Boulder Valley Healthcare, supported the resolution.

11. Ken Beitel, resident, spoke to the wildlife preserve for the Great Horned Owl. He discussed the alternatives to keep the preserve and hunting grounds for the owls. See Boulderowlpreserve.com.

12. Jo Morgan, a resident of Mapleton Mobile Home Park, spoke about the fear of the Board of Directors forcing them to be homeless. She would like the City to help.

13. Paul Kenton, a resident of the Mapleton Mobile Home Park, offered that the Better Business Bureau complained against the Board. Money is needed for infrastructure in the park.

14. Shirely White, resident, spoke in favor of Resolution 1178 and being inclusive and it is in the best interests of the city and residents being connected.

15. Charissa Poteet, resident, lived in the Ponderosa Mobile Home Park and told some of her life's story. She will come back to tell the rest at a later date.

16. Amy Zuckerman, Chair of the Human Relations Commission, was in support of Resolution 1178. She felt it was consistent with what is going on in the community.

17. Nikhil Mankeker, a member of the Human Relations Commission, was in favor of resolution 1178. He would like all to feel safe and welcome in the City.

18. James Duncan, resident and spoke about the TTP and voting no.

19. Allen Delenma spoke regarding the carbon footprint of development in the Front Range and the BVCP and would like the City to take action. He felt there was a need to change the rules to reduce the carbon footprint along with specific research that needs to be conducted.

20. Carl Bowe, resident, addressed the preservation of owls and owl habitat. He was excited about the conservation efforts of the city. He was concerned about the nature and balance of wildlife and rodent control that was being managed naturally by the owls.

There being no further speakers, Open Comment was closed.

3. CONSENT AGENDA

None.

4. **POTENTIAL CALL-UP CHECK IN**
   None.

5. **PUBLIC HEARING**
   A. Update and direction on the following items related to the **2015 Major Update to the Boulder Valley Comprehensive Plan (BVCP):**
      1. Project Update including **BVCP Survey Results and Phase 3 Areas of Focus**
      2. **Initial Screening of Public Requests for Map Changes in Area I and Area II Enclaves and Requests from the Public for Policy and Text Changes-** (Public Hearing)

City Manager Brautigam introduced this item. She discussed the work plan and the impact of the entire plan. Council will not be making any decisions tonight. Deliberations will be at a later time.

Lesli Ellis began the presentation of explaining the BVCP. She showed 2 promotional videos available on the website. The Plan covers both city and county and includes the sustainability issue. She discussed the difference between land use and zoning and reminded the audience that land use sets the policy guidelines. She showed the work plan.

Dave Berlin from RRC Associates, the research firm that helped conduct the survey, also presented to Council. His firm was hired to administer and report the results for the survey. The report included over 600 pages of results and appendices. He discussed the survey methodology as a random sample survey of 6000 names of households, in which there were 2000 hard copies and 4000 postcards mailed out with instructions to complete the survey online. They received 937 responses. The results were weighted to match the demographic US census survey congruent with age, housing tenure and other.

Observations showed that 90% of the residents surveyed thought there was a "good quality of life" here. Housing affordability is a top concern. The need for an all-mode transportation system is important. Details of development in the city do matter. Residents liked open space, safety, walking and other things to do. Residents included strong opinions and the depth of the survey allowed room for future and further evaluation.

Council and Planning Board:
Council asked about integrating the results and how to prioritize the survey findings to let the City know that the leadership cared. Middle income housing and strategy had a study session planned in February 2016. Can community benefit be added as criteria in the options for the site review process? Would there be an opportunity to discuss the housing designations and determining trade off that are livable?

The survey should be looked on as a high level survey and that most people are generally agreeable with how Boulder is operating. People generally feel safe and love the landscape.

Planning Board and Council agreed that the focus should be about housing and the quality of housing, not just quantity. It is not a numerical answer, middle income housing is important and the process will be tough. They discussed the screening process and if it was an adequate process. Requests received from the public are reviewed if all 4 bodies agree otherwise the request is not considered. CU South is not handled as an outside applicant.

Council discussed the idea of a follow-up survey possibly this spring and if so what and what kind? Will it be an integration of policies, promoting the options for housing and looking at the erosion of housing? Affordability begins in the environment with form based code efforts and the design for downtown. Both parties agreed that the topics are good but the necessary umbrella was community engagement.

CU South should move up toward the top of the list. Many discussions need to be made with CU regarding the planning and impacts to the community. There was a need to talk about subcommunities and the effects of borders and size. There is a great deal of community fatigue and overlap and there are many entities doing things.

Courtland Hyser introduced Part 2, The Change Request, which is the time for applicants and owners to request changes to the Plan, Land Use map, or the policies and text of the plan. Caitlin Zacharias introduced the properties that have requested changes.

Planning Board asked staff about the process for appeals and requests that fall outside of the subcommunity plan.

The Public Hearing was opened and speakers were given 3 minutes each.
The following were applicants and owners of the property in question.

1. 350 Broadway; John Walker asked for signage. He had applied to rezone and all they wanted to do is put up professional business signs for their practices.

2. 385 Broadway; Chuck Palmer requested land use be changed back to low residential. He asked for a translational guide to understand what is allowed on the property.

3. Adrian Sopher from Sopher Architects spoke and understood that this rezoning was denied. The townhomes added would not significantly affect the neighborhood and it was possible that the medical offices would generate enough traffic to remove the access from the NIST site. He was in favor of the rezoning of the site.

4. 3303 Broadway; Ali Gafar, member of the design team for the property, asked to consider the land use change for this property. He thought changes needed to be more residential to minimize traffic. He felt that climate change is better with micro-units and mixed use and the means of mass transportation.

5. 4295 Broadway; Ed Bryne spoke regarding the property and the requirement of the building and that it was approved without the new adoptions of art programs, etc. This permit was pulled for residential. Mark Evans spoke about the property.

6. 4545 Broadway; Ed Bryne spoke regarding the change of rezoning. This plot was not intended for human occupancy and only for storage. He offered that it was a non-conforming use, and it would have to be rebuilt within a year. He added that dealing with FEMA was difficult.

7. 4705 Broadway; Arn Rasker spoke that the property sits near the armory and backs up to residential use and is mostly surrounded by residential. He wanted it to be a business use such as a restaurant and retail or office use. He believed the use is compatible.

8. 3550 Frontier; Ben Wolfe mentioned he had sent an email to Council. He wanted the land use step change and requested the change because the TVAP vision.

9. Speaker not present.

10. Speaker not present.

11. 4395 Snowberry; Jessie Kuman wanted to build an art studio and add another bathroom. He stated that the last 25 years of problems were created by staff errors. He asked Council to look into this issue.

12. 693 Broadway Table Mesa Shopping Center; Jeff Winger sent an email and supported staff's decision.

13. 3485 Stanford Court; Hunter McCloud Balfour requested a zoning change from low to high density in accordance to work for 90 apartment homes.

14. 2775 Valmont Rd.; Hank Grant represented the food court and was willing to work with the neighbors and willing to make impact as minimal as possible. He thanked staff for the help and everyone that supported the use of the food courts.

15. Other policy requests; Ed Jabari spoke about losing benefits and the potential sites. He was concerned about the availability of arts to the public. This was a conditional use property to allow for outdoor entertainment and bring the public and art together. He felt that evaluation criteria for new development and funding mechanisms for projects was necessary.

Public Comment: 2 minutes each
The following were members of the public commenting on the properties that were numbered according the map handed out.

Map #2 - 350 Broadway; Chuck Palmer was concerned about the signage problem regarding this property.

Map #3 - 385 Broadway; Patty Angerer spoke regarding the land use change. She recommended returning the land use to residential. Mr. Sopher has asked what changed since 2008 and what has changed is the neighborhood must come from the lowest easement if the NIST access is changed.

Michael Dominick supported the non-rezoning of the property and suggested that it change back to low density residential because it is a subcommunity of Chautauqua. He thanked the Planning Board for denying the request.

Map #4 - 303 Broadway; Bob Crifasi was concerned about the change from public to MR high and will it be too much for the neighborhood and a school. He believed there are too many units proposed for that area. It should remain a low density use for that area and it would create too much traffic for that neighborhood.

Map #5 - 4295 Broadway; David Dadone thanked the City for Boulder Museum of Contemporary Arts.

Cam Fraiser spoke about the negative impact of the construction and how no one lived there. It was a nonconforming use and this commercial use is just to conform for their event uses. He opposed the rezoning.

Dale Whyte commented on the community survey and his love to live in Boulder. The residents of the building did not live there and it was evident that it was not a residence. It was built as a home occupation and does not feel like an appropriate use. He supported the designation.

Charissa Poteet spoke about low income housing and was concerned about the environment and the wildlife.

Matt Cullen spoke to the idea of the arts but do not change the zoning. Increased density is out of character with the community. The change will increase the noise. It is a clear case of spot zoning and it was built as a residential dwelling.

Elizabeth Black supported the staff recommendation and that it is in conflict with the North Boulder Subcommunity Plan.

Stephen Perry, owner, spoke that he designed this as a residence and home occupation. He built this and only one neighbor complained. The application was based largely on relief and trying to conduct arbitration with the neighbor.
Map #7 - 4705 Broadway; Ed Jabari spoke regarding his mixed use and a neighbor that complained about every event that went on. He supported the arts.

Map #14 - 2473 Sumac Ave. Peter Mazula supported the staff recommendation and maintained the land use and did not support the North Boulder Subcommunity Plan.

Mick Shepritz discussed the properties and lived directly east of them. Please read the letter and support the staff recommendation.

Map #11 - 4395 Snowberry; Ed Byrne asked for support of consideration to mixed use residential.

Policy and Text Requests:

Angelique Espinosa, Public Affairs Director for the Boulder Chamber of Commerce, spoke broadly on the Comprehensive Plan and decisions about the future of Boulder. She supported the openness for solutions for the redevelopment and implementation of affordable housing.

There being no further speakers, the Public Hearing was closed at 10:32 PM.

6. MATTERS FROM THE CITY MANAGER
None.

7. MATTERS FROM THE CITY ATTORNEY
None.

8. MATTERS FROM MEMBERS OF COUNCIL

A. Potential Call-Ups

B. CONSIDERATION OF A MOTION TO ADOPT RESOLUTION NO. 1178 REGARDING THE INCLUSIVITY OF BOULDER

Mayor Jones thanked the audience for participating in the meeting. She addressed the reasons why she supported this resolution. She offered an amendment to add "citizenship status" that should have made it to final version.

Council appreciated the development of the resolution to focus on the local needs of the community.

Mayor Jones moved, seconded by Council Member Young, to adopt Resolution No. 1178 regarding the inclusivity of Boulder, as amended. The motion carried 9-0 at 11:12 p.m.

C. CONSIDERATION OF A MOTION TO REVERSE THE CALL UP DECISION FOR THE NEIGHBORHOOD PARKING PERMIT PROGRAM EXPANSION OF THREE ZONES AND CREATION OF A NEW ZONE

Molly Winter, Director of Community Vitality, gave a brief history of this item to Council.

With this item as a call-up all implementation of the zones has been halted. Withdraw of the call-up would allow the residents to have some relief and then take a look at policy change in the future.

Council Member Young moved, seconded by Council Member Shoemaker, to withdraw the call-up of the NPP. The motion carried 7-0 with Council Members Burton and Yates opposed at 11:12 p.m.

D. Selection of two Council Members to help with planning the agenda for the Portland trip

City Manager Brautigam introduced this item to Council regarding the Portland trip. The DBI is working with someone in Portland and would like some Council input and to know if they wanted to possibly stay an extra day? She needed members of

Council to work with the City Manager and staff to figure out the agenda for the trip.

Mayor Jones moved, seconded by Council Member Brockett, to appoint Council Members Burton and Appelbaum to the planning committee for the Portland trip. The motion carried 9-0 at 11:05 p.m.

E. Planning Board Members asked Council to consider a new temporary member. Council asked how hard it would be to reschedule the meetings. David Gehr concluded that the rescheduling of Planning Board meetings is difficult. Hotline was suggested as a medium to handle questions asked by members. The conclusion was that we do not have a good set of rules for committee member substitutions. No action was taken on this matter.

9. PUBLIC COMMENT ON MATTERS

The public hearing was opened at 11:11p.m.
There being no speakers, the Public Hearing was closed at 11:11p.m.

10. FINAL DECISIONS ON MATTERS

11. DEBRIEF

12. ADJOURNMENT at 11:13 PM.

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOUNED on December 15, 2015 at 11:13 p.m.

Approved this 16th day of **February**, **2016**.

APPROVED BY:

_____
Suzanne Jones, Mayor

ATTEST:

_____
Lynnette Beck, City Clerk

CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
SPECIAL MEETING
Tuesday, January 26, 2016

1. **CALL TO ORDER AND ROLL CALL**
   Mayor Jones called the January 26, 2016 Special Meeting to order at 7:25 p.m. in the Council Chambers.

   Mayor Jones, Council Members Yates, Young, Weaver, Morzel, Appelbaum, Burton, Brockett and Shoemaker were present.

2. **MATTERS FROM CITY ATTORNEY**
   A. Consideration of a motion to go into Executive Session for Legal Advice and Discussion Regarding Municipalization Strategy and negotiation strategy

   Council Member Yates moved to go into Executive Session for Legal Advice and Discussion Regarding Municipalization Strategy and negotiation strategy. Council Member Weaver seconded the motion which carried 9:0 at 7:25 p.m.

   The Boulder City Council adjourned into executive session to the first floor Conference Room 401 in the New Britain Building at 7:42 p.m.

   At 10:55 p.m. Council reconvened in the Council Chambers.

   City Attorney Carr stated that the council was responsible for disclosing any conversation during an executive session if it was outside the scope of discussion allowed by the Charter amendment approved by the voters on November 4, 2014. He asked if there were any such disclosures to be made. There were none.

3. **ADJOURNMENT**
   There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on January 26, 2016 at 11:04 p.m.

   Approved this 16th day of February, 2016.

APPROVED BY:

_____
Suzanne Jones,
Mayor

ATTEST:

_____
Lynnette Beck, City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: February 16, 2016

AGENDA TITLE
Consideration of a motion to accept the summary of the January 12, 2016 Pre-Retreat Study Session.

PRESENTER/S
Jane Brautigam, City Manager
Tom Carr, City Attorney
David Driskell, Executive Director of Planning, Housing and Sustainability
Karen Rahn, Director Human Services

EXECUTIVE SUMMARY
This agenda item provides a summary of the January 12, 2016 Pre-Retreat Study Session. The primary purpose of the study session was to prepare for the January 22-23, 2016 Council Retreat and included:

- Review of major projects and work plans for the Department of Planning, Housing and Sustainability and the Department of Human Services.
- Discussion of recommendations from the Boards and Commissions.
- Selection of 2016 Committee assignments.

STAFF RECOMMENDATION
Staff requests Council consideration of this matter and action in the form of the following motion:

Consideration of a motion to accept the summary from January 12, 2016 Pre-Retreat study session.

Attachment A – Summary of the January 12, 2016 Pre-Retreat Study Session Summary

City Council Study Session Summary
Pre-Retreat Study Session
January 12, 2016

PRESENT:
City Council: Mayor Jones and Council Members Appelbaum, Brockett, Burton, Morzel, Shoemaker, Yates, and Young.

Staff Presenters: Executive Director of Planning, Housing and Sustainability David Driskell and Director of Human Services Karen Rahn. The meeting was facilitated by Heather Bergman of Peak Facilitation Group.

PURPOSE
The purpose of the January 12 Study Session was to prepare for the January 22 – 23, 2016 Council Retreat.

OVERVIEW OF THE STUDY SESSION
Mayor Jones called the meeting to order and explained that the purpose of the meeting was to prepare for the upcoming Retreat, review major projects and work plans for the Departments of Planning, Housing and Sustainability and Human Services, hear recommendations from the Boards and Commissions, and select committee appointments. David Driskell, Executive Director of Planning, Housing, and Sustainability, and Karen Rahn, Director of Human Services, both presented current and potential work plan items. Ms. Bergman facilitated the discussion throughout the meeting.

DEPARTMENT OF PLANNING, HOUSING AND SUSTAINABILITY UPDATES
Approximately 20 percent of staff time goes towards special projects while the remaining 80 percent is used to provide core services. The projects listed below are all considered special projects. Mr. Driskell summarized the 2016 and 2017 key work plan items in a slide presentation and an 11x17 matrix providing an overview of all the components in the 2016/2017 Action Plan for Housing Boulder.

2016 and 2017 Key Work Plan Items
Mr. Driskell highlighted key action items in five areas of work:

- Boulder Valley Comprehensive Plan Update
- Housing Boulder
- Redevelopment Activities
- Design Excellence
- Climate + Energy

Within each category, key work plan items were briefly summarized, as follows:

Boulder Valley Comprehensive Plan and Development Fees Study
The comprehensive plan update represents a major commitment of staff time and resources for 2016. Substantial work has already been completed, and the public process is underway, with major meetings of City Council and Planning Board planned throughout the year.

Key topics for the update include:
- Climate / Resilience
- Jobs/Housing Balance
- Affordable Housing / Middle Income Housing
- Built Environment / Community Design
- Neighborhood and Subcommunity Issues
- CU South Suitability Analysis
- Boulder Community Health Coordination

In addition, the process is already underway for the consideration of public requests for land use changes.

Work to update the city's development-related fees and excise taxes is also underway, with a technical advisory group being formed and consultant analyses in process. This will also be a major commitment of staff time in the coming months.

Housing Boulder
Mr. Driskell presented the 11x17 matrix overview of the Housing Boulder 2016/2017 Action Plan that emerged from the work completed in 2015 and was approved by Council. As presented in the document, substantial work is underway related to housing policies and land use issues in the Comprehensive Plan Update, and steps toward development of a Middle Income Housing Strategy, including a February 23 study session on the topic. There are also work efforts underway as follow-up to a study session on Mobile Home Parks, and analysis related to the recently established "affordable housing linkage fee" for nonresidential development.

Mr. Driskell requested that council prioritize other housing-related items at the retreat to inform the allocation of staff resources and work effort following completion of the items currently in motion.

Redevelopment Activities
Staff from multiple departments are engaged in several high priority redevelopment activities that will require significant time and attention in 2016 and into 2017. These include:

Civic Area. This year staff is working on implementation of Phase 1 park improvements; programming; and additional analysis and planning related to development of the 'bookends,' including more detailed flood analyses; Canyon Complete Street design options; Arapahoe Underpass design; a working group to define options for a Boulder Market Hall as well as to

analyze if this area is the right fit for this type of project; and development of a management agreement and design plan for the Civic Use Pad. Options related to the design of the park area east of Broadway and improvements or relocation of the band shell (including the seating area) will be brought forward later this year once the additional flood analyses, market hall options and Canyon Boulevard design options are completed.

Boulder Community Health Site. Staff has been scoping process options for planning related to the recently purchased Boulder Community Health (BCH) site on Broadway. At present, the recommendation is to begin with a broader look at the central downtown area, from Uni Hill to the BCH site, to better articulate the relationship between the nodes of Uni Hill/Grandview (especially in light of CU's potential development of a hotel/conference facility there); Civic Area; Downtown/Pearl Street; and BCH/Community Plaza area. This broader look could be completed as part of the Comprehensive Plan update, with subsequent analysis and planning specific to the BCH site (and any potential area plan) happening later in 2016 and into 2017.

30th and Pearl. Staff is developing a scope of work to engage a consultant to analyze options related to potential development and/or sale of the city-owned property at 30th and Pearl currently leased to Pollard Friendly Motors. The property was originally purchased with a combination of affordable housing funds and transportation funds to achieve a number of community objectives related to implementation of transit-oriented development, affordable housing and regional transit. The work to analyze options will be shared with Council at a study session late second quarter for direction on next steps. The property is encumbered by a lease until late 2016.

University Hill Projects. The City staff will continue to collaborate with CU on its potential development of a conference/hotel facility at the Grandview site (Broadway and University), and with private developers on other potential catalyst sites in the Uni Hill commercial district.

Design Excellence

Staff is completing work initiated in 2015 as part of the Design Excellence initiative, including completion of the Downtown Urban Design Guidelines (scope included clean-up of the document to provide clarity and improve graphic presentation) and a pilot "form-based code" in the Boulder Junction area. Both items are scheduled for Council consideration in Q1 or early Q2 of 2016. Subsequent to completing those items, the focus of work will shift to updating the city's Site Review criteria and incorporating definitions of 'community benefit' into the code.

Climate and Energy

Substantial work is underway to implement the Building Performance Ordinance and the Universal Zero Waste Ordinance, both of which were approved by Council last year, in addition to continued work on programs and services such as EnergySmart, the Boulder Energy Challenge, and SmartRegs compliance. Also, the interdepartmental team working on code updates has released a Request for Proposals (RFP) to support the planned update of the city's energy codes, including better defining the city's path to "net zero codes." Staff has also begun a

community engagement process regarding the climate commitment goals and is working to engage city employees regarding climate action and adaptation in city operations. Staff expects to bring the final Climate Commitment goals and targets to Council for formal adoption in Q3.

Questions/Answers

What is the expected overlap between preserving existing affordable housing and developing a middle-income housing strategy?

There is overlap between the two categories. Some projects might fall under both, but there will also be many that will only be directly impacted by one or the other.

What type of action is being pursued at the Pollard Site?

There is a study session scheduled for this project in Q2. There are a few options regarding how it can be developed or sold, in whole or in part. An action plan will be created based on the feedback from this study session. Analysis to inform the study session discussions is currently being scoped and will be led by a consultant.

What is the status of the parking lot at the intersection of Spruce Street and Broadway?

This is not currently included in the 2016/2017 Action Plan, as there have been no recent developments in communicating with the necessary parties.

Other than the projects listed as "in progress/ongoing," what actions should City Council pursue in 2016?

The projects listed in green are already in progress and should be completed. Some of them do not require much effort to advance while others may be more complex. City Council is going to be the driving factor behind these discussions for projects that are already underway, many of which will have a large impact. The Neighborhood Infill Pilot is significant, but could be challenging to accomplish early in the year without sacrificing something else. In the end, it comes down to prioritization and deciding what City Council would like to achieve.

Which of these work plan projects are dependent on other tasks? This would be valuable information to know going into the retreat.

It would be a concern if anything occurred to dilute the efforts of the Comprehensive Plan, including direction on potential land use and zoning changes as well as key policies related to housing.

From a workflow perspective, everything categorized as "in progress/ongoing" can happen over the next year and a half. Could the projects indicated as "ready to go" be added on top of the existing workload? When would this start detracting from other efforts?

This depends on the retreat discussions and outcomes. Currently, all the green items are the priority, and the yellow and gray projects are secondary. It is easy to come up with a plan and schedule on paper, but this is not always applicable in dealing with the public, other agencies, and entities. If staff knows that City Council is interested in some secondary projects, they can switch their focus when extra capacity becomes available. Most of the secondary projects can be

accomplished in a two-year time frame but to do them in the next six to nine months would detract from the existing prioritized projects.

What is going on with Cooperative Housing?
There is a study session on this topic scheduled for Q1. Right now, the staff team is looking to use the process model that was used to adopt changes to regulations addressing short-term rentals. It may be more efficient to use the legislative process. If, after the study session, City Council decides to do a more extensive public engagement process, it may take longer.

Is there an available estimate of the hours required to complete the "ready to go" and "needs scoping" projects?
Staff may be able to prepare a general range of hours by the retreat, but it all depends on how each task is defined. Public processes take more work and more staff hours to complete. Using the legislative process typically requires more than two meetings.

Has there been any more thought into the programming of the Civic Area regarding how it will be operated?
There is a whole team looking into this. In Q2, City Council will be examining civic use management and will be asking for Council's direction regarding management, operation, and financing, both during the construction period and in the long term.

The City Council hours reflected in the staff estimates do not seem accurate for the BCH project. Is this something in which you envision City Council playing a large role?
The numbers offered as estimates may not be accurate as there is not a concrete schedule for this program yet. It is more important to know the magnitude of projects. BCH is a large project and conducting an area plan, rather than a site plan, could make the process much larger.

Linking these areas together is very provocative. As the process progresses, will staff check in with City Council?
Staff will certainly check in with City Council. This project is trying to create a vision for the entire area to better achieve community goals. Some of the associated decisions and actions will be straightforward while others may be more variable.

Will staff be checking in with potential partners when developing plans for the BCH site to ensure that the plan is feasible?
Staff has already been having these discussions and will continue them. A community vision will be created, and then partners will be invited to join the discussion to ensure feasibility. Staff has been working with an active group of neighbors, the Urban Land Institute (ULI), and EcoDistricts. These and similar efforts will continue to ensure that outside experts are involved in the process in the future.

DEPARTMENT OF HUMAN SERVICES UPDATES

The Department of Human Services spends 84 percent of staff time providing basic, ongoing services, with the remaining 16 percent dedicated to special projects. The Department of Human Services cannot implement any additional new or expanded projects with current resources. The department special projects work plan has been expanding over the last five years and these projects have been absorbed by current staffing. As opportunities have presented, re-organization and re-allocation of existing resources and staffing to work plan priorities has been implemented. New resources will be needed to accomplish new or expanded projects and to keep to accomplish current goals and timelines on existing projects. Ms. Rahn summarized the key projects and strategy for 2016.

Human Service Strategy

Staff is currently working with consultants to update the Human Services Strategy and implement a community engagement plan. Current strategy efforts are focused on community engagement, developing options for community funding priorities and direct services. Based on Council's past feedback, the strategy will reflect a stronger partnership with Boulder County related to direct services. Currently underway also are identifying community planning priorities, capital and budget needs, and a community funding and services metrics and an evaluation plan. The Human Services Department will be presenting recommendations on this phase of the Strategy for City Council in Q3.

Homelessness Strategy and Action Plan

The Homeless Strategy development and action plan implementation has been progressing for the past four years. As the issue of homelessness is not isolated to the City of Boulder, the Department has been actively pursuing regional partnerships to create realistic and effective solutions. One of these programs, the 25 Cities Housing Project, is a pilot program involving seven counties to create a coordinated assessment and intake process to prioritize permanent housing for the chronically homeless. The Department is working closely with emergency service providers to better integrate services and create more useful data that can better inform long term planning and service priorities. Partner agencies are expanding day services locate at the shelter through a one-year pilot program. The outcomes of this pilot program will be evaluated after one year to ensure it is accomplishing the intended goals. To decrease multiple court interactions with the same individual, the High Utilizer Project has been implemented in partnership with the Municipal Court and homeless service providers. The intent is to reduce the recidivism rate of defendants and get them into services that will improve their stability and reduce public costs. The Homeless Strategy and Action Plan will be coming to council in Q3 for final adoption.

Living Wage

Since Resolution 926 was expanded in 2003, the City of Boulder has been paying all standard, full time employees 120 percent above the federal poverty rate, which is increased every year with the release of the annual federal poverty guidelines (FPG). The rate is currently $13.99/hour and is expected to rise to $14.25/hour on February 1, 2016. The Human Relations

Commission (HRC) recently held a public hearing and has recommended that the rate be raised to $17.97/hour, a number based on the self-sufficiency scale developed by the Colorado Center on Law and Policy. An inter-department staff team has been working to identify options, impacts and potential costs to the city related to expanding Living Wage Resolution 926. City Council will consider this issue on Feb. 16. City Council will be provided various options of expanding the current Living Wage to include seasonal employees, landscaping and janitorial contractors, other contractors, assess impacts on services such as emergency response, and other policy options to achieve similar goals.

Safe and Welcoming Community
Staff are currently working in three areas related to a Safe and Welcoming Community work plan: 1) Hillard–Heinz consultant report related to the Police Department data and Professional Standards Review Panel will be coming to council Feb. 23. This report will inform next steps for potential changes the city may make; 2) A Community Perceptions Assessment is expected to be conducted in the Q2 related to gathering information from the public about their experiences and perceptions of Boulder as a safe and welcoming community. This assessment would include a statistically valid survey and focus groups with under-represented populations; 3) Based on the Community Perceptions Assessment outcomes, staff and the Human Relations Commission will make recommendations related to a work plan to improve the conditions which are of concern to the community.

Recreational Marijuana (RMJ) and Substance Abuse Public Education Program
City Council approved the Department's plan to release an RFP focused on funding the RMJ and Substance Abuse Public Education Program, mainly focused on children and youth. This program is aimed at presenting information and messaging related to the harms of substance use by children and youth. Department will bring funding recommendations to City Council in Q2 and then prepare for implementation.

Questions/Answers
Is flood planning within the scope of special projects or core services?
It is included as a part of core services.

To whom may City Council members direct questions regarding the in-depth work plans in preparation for the retreat?
Please direct all questions to City Manager Jane Brautigam. She will forward them along to the correct person.

LETTERS FROM BOARDS AND COMMISSIONS

Council members shared recommendations and key themes from their respective boards and commissions, focusing on input relating to the work plan.

Arts Commission

The Arts Commission is working to:

- Re-appropriate funding for 2017 to ensure the Community Cultural Plan is sustainable.
- Address zoning issues, rules, and regulations, especially to define the boundaries of the NoBo Arts District.
- Ensure affordable costs for artists.

Beverages Licensing Authority

The Beverages Licensing Authority is working to:

- Explore the possibility of the University of Colorado handling all their liquor licensing to increase efficiency.
- Set up a system with the Planning Department so the Board can give input regarding the grandfathering of liquor licenses.
- Encourage City Council and the Planning Department to consider land use regulations so they are more sensitive to zoning and 2 AM closings.

Board of Zoning Adjustment

This Board did not provide suggestions for the work plan.

Boulder Design Advisory Board

The Boulder Design Advisory Board expressed support for the Draft Downtown Design Guidelines and development of a Downtown Master Plan. The Board recommended specific City Council actions in the following three areas:

- Urban Design
- Land Use
- Design Review Process

Boulder Junction Access District – Parking Commission
Boulder Junction Access District – Travel

These two Boards are working to:

- Solicit feedback from residents regarding transportation.
- Evaluate RTD services in the Boulder Junction.

In 2016, these two Boards would like City Council to:

- Consider a separate shuttle program from downtown to the Boulder Junction.
- Work with the Boards in the evaluation of the Pollard site.

Boulder Urban Renewal Authority
The Authority did not have any updates and indicated that they would like to meet more often. With the appropriate staff support (possibly the Economic Vitality Coordinator, a position that is currently vacant), they would like to have bi-annual meetings.

Colorado Chautauqua Association Board of Directors
The Board of Directors is focused on the following efforts:

- Integrating the newly hired director into the organization.
- Meeting regularly with the City's design team to continue to successfully design and complete projects.
- Pursuing a joint project to address parking.
- Working with the newly hired curriculum consultant to refine curriculum for Fourth Grade field trips.
- Exploring the possibility of turning the Primrose Cottage into a museum, if appropriate.
- Pursuing energy initiatives.

Downtown Management Commission
The Commission has the following recommendations for the City Council's 2016 work plan:

- Create more parking.
- Do not remove parking without a plan, preferably through a study on access and parking with actionable recommendations.
- Assess other transportation methods in the study mentioned above.

Environmental Advisory Board
The Advisory Board suggested the following actions for City Council:

- Indicate more urgency around climate goals.
- Do a better job communicating with the public, especially regarding how citizens can be involved in climate goals.
- Rethink communication on municipalization.
- Be more integrated and quantitative on climate issues.
- Continue action to attract clean energy companies.
- Continue reducing neonicotinoids.

Housing Authority
Housing Authority had the following recommendations for the City Council work plan:

- Do as much as possible to address the affordable housing crisis.
- Pursue public policy initiatives, such as affordable housing benefit ordinances and affordable housing overlay zones.
- Assess the preservation of existing sites, perhaps through a development tax.
- Find ways to encourage people to take housing choice vouchers.

Human Relations Commission

The Human Relations Commission received a large volume of public input from underrepresented residents at recent hearings regarding their treatment and experiences in the City. They are working hard to meet City Council's recommendations. The Commission recommended actions to make Boulder a safer, welcoming, and inclusive community. They identified the following priorities:

- Continue work on the Living Wage Policy.
- Better understand the protections afforded to undocumented immigrants with the expiration of Deferred Action for Childhood Arrivals (DACA).
- Vote for a permanent resolution establishing Indigenous People's Day.
- Focus community engagement resources on reaching disenfranchised communities.
- Increase budget resources to better address income disparity and welfare needs.
- Consider a 2016 ballot initiative allowing non-elector residents to be seated on City Council.

Landmarks Board

The Landmarks Board encouraged City Council to focus on the following issues:

- Concentrate on preserving smaller homes, as recommended by the Board.
- Develop guidelines to preserve buildings while also addressing energy efficiency.
- Preserve the bandshell and the Civic Area.
- Consider restricting banking businesses in the Downtown corridor.
- Ensure that Colorado Chautauqua Association (CCA) complies with City goals, such as the Dark Sky Initiative.
- Involve the Board in the University Hill Revitalization.
- Address the Harbeck House.
- Do better outreach for landmarking values.
- Address the issue of giving landmark certificates.
- Interact more with Boards and Commissions and encourage cross-circulation.

Library Commission

The Library Commission has had a remarkable 2015, full of many achievements. Building upon their successes, they have identified the following priorities for 2016:

- Continue with the multi-year Master Plan Update Process.
- Continue marketing and outreach efforts.
- Continue to enhance Library's role as a community platform and forum.
- Improve the Library's collections to meet patron demands.
- Continue to participate in Civic Area Planning while advocating for the Library's role as a "bookend."
- Encourage the City Council's 2016 work plan to include an analysis and discussion of business models for programming and event planning in the Civic Area.

Open Space Board of Trustees
The Open Space Board of Trustees has been generally happy with actions that have occurred this past year. They are busy with the North Trail Study Area Plan and the Agriculture Plan. The work plan for 2016 is mainly focused on the Open Space Master Plan.

Parks and Recreation Advisory Board
The Parks and Recreation Advisory Board (PRAB) worked with Parks and Recreation staff to develop the following recommendations for City Council:

- Develop guidelines for commercial partnerships.
- Grant PRAB the authority to develop an urban forest masterplan.
- Include PRAB in joint study sessions and study sessions involving the Civic Area.
- Clearly interpret the conflict of interest policy.

Planning Board
The Planning Board encouraged City Council to focus on the following issues:

- Do not overcommit City Council resources.
- Focus on middle-class housing and encourage on-site affordable housing.
- Increase affordable housing.
- Consider rezoning certain areas to become mixed use.
- Implement more granular planning areas.
- Focus on the Pollard site.
- Plan Broadway in a holistic manner.
- Promote bike parking.
- Promote community resiliency.
- Tie all City planning into an 80 percent reduction in greenhouse gasses.

Transportation Advisory Board
The Transportation Advisory Board (TAB) is planning on working on the following priorities in the upcoming year:

- Align and integrate the Transportation Plan into the Comprehensive Plan.
- Evaluate policy and TVM.
- Assess Colorado and 30th in east Boulder.
- Collaborate more effectively with regional partners on transportation.

TAB asked for assistance from City Council in the following ways:

- Continue working on regional transit.
- Support protected bike lanes.
- Encourage more collaboration between TAB and the Planning Board.
- Encourage more direct contact with City Council.

University Hill Commercial Management Commission
University Hill Commercial Management Commission is working on pursuing the following efforts in 2016:

- Help pursue retention of diverse businesses on University Hill.
- Promote diversity in the residential area to keep balance.
- Work with University of Colorado to promote residential diversity on University Hill.
- Support the proposed parking garage on Pleasant Street.
- Examine the new conference center and its integration into the community.
- Spend more time working with City Council and encourage them to consider streamlining the event policy for events on University Hill.

Water Resources Advisory Board
The Water Resources Advisory Board has asked for more interaction on a significant level with City Council and other boards and commissions, and is focused on the following issues in 2016:

- Address resilience and the associated comprehensive plan.
- Make recommendations to City Council on updates to the Wastewater Collection System Master Plan and Stormwater Collection Master Plan.
- Provide City Council with recommendations on capital improvement projects for water, wastewater, and stormwater and flood management utilities.
- Examine how utility costs are apportioned across customers.

COMMITTEE ASSIGNMENTS

Intergovernmental Organizations

Beyond the Fences Coalition	Morzel (Castillo – staff alternate)
Boulder County Consortium of Cities	Young, Burton (alternate)
Colorado Municipal League (CML) – Policy Committee	Jones, Appelbaum (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Brockett, Appelbaum (alternate)
Housing Authority (Boulder Housing Partners)	Shoemaker
Metro Mayors Caucus	Jones
National League of Cities (NLC)	Appelbaum
Resource Conservation Advisory Board (RCAB)	Morzel
Rocky Flats Stewardship Council	Morzel (Castillo – staff alternate)
University of Colorado (CU)/City Oversight Committee	Weaver, Yates, Burton
US 36 Mayors/Commissioners Coalition (MCC)	Jones
US 36 Commuting Solutions	Burton, Morzel (alternate)
Urban Drainage and Flood Control District	Young

Local Organizations

Boulder Museum of Contemporary Art (BMoCA)	Shoemaker
Boulder Convention and Visitors Bureau	Yates, Burton

Colorado Chautauqua Board of Directors	Morzel
Dairy Center for the Arts	Brockett
Downtown Business Improvement District Board	Young, Yates

Internal City Committees

Audit Committee	Shoemaker, Yates, Weaver
Boards and Commissions Committee	Appelbaum, Burton
Boulder Urban Renewal Authority (BURA)	Yates
Boulder Valley Comprehensive Plan (BVCP) Process Sub-Committee	Brockett, Weaver
Charter Committee	Morzel, Weaver, Young
Civic Use Pad/9th and Canyon	Morzel, Young
Council Retreat Committee	Morzel, Yates
Council Employee Evaluation Committee	Morzel, Shoemaker
Housing Strategy Process Sub-Committee	Morzel, Young, Burton
Legislative Committee	Jones, Weaver, Appelbaum
School Issues Committee	Morzel, Shoemaker, Young

Sister City Representatives

Jalapa, Nicaragua	TBD
Kisumu, Kenya	Morzel
Llasa, Tibet	Shoemaker
Dushanbe, Tajikistan	TBD
Yamagata, Japan	Burton
Mante, Mexico	Young
Yateras, Cuba	TBD
Sister City Sub-Committee	Morzel, Burton, Young

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: February 16, 2016

AGENDA TITLE

Second reading and consideration of a motion to adopt Ordinance No. 8080 annexing approximately 0.35 acres of land generally located at 236 Pearl St. and the northwest portion of 250 Pearl St. with an initial zoning designation of Residential - Mixed 1 (RMX-1) and Business-Transitional 2 (BT-2) respectively.

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

EXECUTIVE SUMMARY
The City Council is asked to annex an area within a county enclave as described in the title into the City using the unilateral annexation procedures in the Municipal Annexation Act of 1965 (Section 31-12-101 *et seq.*, C.R.S.). The property will have initial zoning designations of RMX-1 and BT-2, which is consistent with the Boulder Valley Comprehensive Plan (BVCP) land use designation of Mixed Density Residential and Transitional Business respectively. Staff finds that the requested zoning of RMX-1 and BT-2 for the subject properties is consistent with city policies and is consistent with the zoning of neighboring city lots.

The property owners for the subject property have filed petitions to annex the parcels consistent with the Colorado Revised Statutes, CRS 31-12-101, on Jan. 26, 2015 and June 10, 2015. On Jan. 5, 2016, council adopted an annexation resolution finding the property to be an enclave, finding compliance with statutory requirements applicable to the annexation, and establishing Feb. 16, 2016 as the date for council action on the annexation ordinance which is provided in **Attachment A**. Also, on Jan 5, 2016, council introduced and read the ordinance to annex and zone the properties on first reading. A total of approximately 0.35 acres is proposed to be annexed through one ordinance annexing the two areas each of which complies with the one-sixth contiguity requirement within the state statute.

Key Issue Identification

1. Annexation: Is the proposal consistent with Colorado State Statutes on Annexation, as well as city Annexation and other Boulder Valley Comprehensive Plan (BVCP) policies?

2. Initial Zoning of Residential - Mixed 1 and Business – Transitional 2: Are RMX-1 and BT-2 zoning designations, pursuant to land use code subsections 9-5-2(c)(1)(D) and 9-5-2-(c)(2)(E) B.R.C. 1981, appropriate as the initial zoning for the subject property?

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

Suggested Motion Language:

Motion to adopt Ordinance No. 8080 to annex approximately 0.35 acres of land generally located at 236 Pearl St. and the northwest portion of 250 Pearl St. with an initial zoning designation of Residential - Mixed 1 (RMX-1) and Business - Transitional 2 (BT-2) respectively.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: It is in the interest of the city to annex properties in the county to avoid the economic burden that could arise should independent septic systems fail and impact city assets, such as creek systems or drainage ditches.

- Environmental: There are environmental benefits of having properties connected to city water and sewer, specifically, the avoidance of the potential environmental and health impacts of independent septic system failure. For existing substantially developed areas offered for annexation that have current failed septic, it is noted under BVCP policy 1.24 that, "*the city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area of the city.*"

- Social: The subject annexation includes two parcels totaling 0.35 acres in a developed area of the community where all city services are available. No impacts on the community are expected from the subject annexation.

OTHER IMPACTS

- Fiscal: City services are existing and available to this site. Property taxes will be paid on the annexed property and all development will be subject to city development fees including payment of Storm Water and Flood Management, Utility Plant Investment Fees (PIFs).

- Staff time: The annexation application has been processed through the provisions of a standard annexation process and is within normal staff work plans.

BOARD AND COMMISSION FEEDBACK

Annexations are subject to county referral and city Planning Board recommendation prior to City Council action. The Planning Board hearing was held on Aug. 27, 2015; there was no public comment. Planning Board found the annexation consistent with state statutes and city policies. On a motion by **A. Brockett**, seconded by **J. Putnam**, the Planning Board voted unanimously to recommend that the City Council approve the Annexation with an initial zoning of RMX-1 and BT-2, incorporating the staff memorandum as findings of fact. The staff memorandum to Planning Board and the audio of the proceedings related to the Planning Board's review are available on the city website at the following web link:

https://documents.bouldercolorado.gov/WebLink8/0/fol/130461/Row1.aspx

PUBLIC FEEDBACK

All notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. Compliance with these requirements included public notice in the form of written notification mailed to all property owners within 600 feet of the subject property, and a sign posted on the property for at least 10 days prior to the public hearing as required.

While staff did not receive any opposition to the proposed annexation and no one spoke in opposition of the proposal at the Planning Board hearing, staff received a number of emails during the Annexation Feasibility Study that articulated concern about the flooding of Sunshine Canyon Creek. In the letters, attached herein as **Attachment D**, neighbors indicated that the creek flooded significantly during the September 2013 floods. While no single property owner has the ability to control regional flooding on their property, upon redevelopment of the property the owners will need to demonstrate that historic flows generated on site will not be changed to cause a greater impact on adjacent properties and that their development meets city engineering regulations that include stormwater management. Further, as a part of the annexation, the applicants will be required to dedicate flood control easements over that portion of the two properties encompassed within the conveyance zone, which will allow the city to work within the drainage way in the future to provide flood mitigation and/or flood repairs.

ANALYSIS

The site of the proposed annexation is an enclave located in west Boulder, roughly mid-block between 2nd and 3rd streets fronting on Pearl Street and consists of two separate properties and property ownership groups. The majority of the property located at 250 Pearl Street was annexed during the pre-World War II era, with the exception of a small triangular portion at the northwestern corner of the property shown in Figure 1. The request for annexation of the property at 236 Pearl adjacent to the triangular portion of 250 Pearl prompted the discussion to also annex the small portion to avoid an unusual enclave condition.

The area contained within the triangular portion of 250 Pearl Street is virtually entirely encompassed by Sunshine Creek and the High Hazard Flood Zone which is the area of the floodplain with the fastest, deepest flows shown in purple shading Figure 2. A portion of 236 Pearl Street also has this condition on the southeast corner of the property. Per section 9-3-5 B.R.C. 1981, no new human occupied structures and no new parking areas for motor vehicles

can be located in the high hazard zone. There are also regulatory wetlands coincident with the purple shaded area in Figure 2. These wetlands are classified as low functioning and have a 25' buffer regulatory area (purple line) surrounding them. New structures are prohibited in the wetlands but are allowed within the buffer area if the proper wetlands permits are obtained per section 9-3-9 B.R.C. 1981. The Floodplain and Wetland Map is presented in Figure 2.

Figure 1: Location of Subject Enclave Properties

Figure 2: Floodplain and Wetland Map

As the applicant noted in their written statement, the site is located on the far west end of Pearl Street in a location that is fairly quiet with low traffic volumes. It's located in close proximity to Settler's Park (at the terminus of Pearl Street and the Boulder Creek Bike Path) and there is an existing RTD bus stop located adjacent to the site. The 236 Pearl site is occupied by a one story structure and the current owner operates a realty business with eight free-standing sheds that house items associated with the realty business. Two of the buildings were constructed in 1963 and have been altered over time and because of that the buildings were not found to hold historic significance. There are no structures within the triangular portion of 250 Pearl Street. The owner of 236 Pearl Street intends to remove the existing structures, subdivide the property into two lots and construct a duplex straddling the property. The property owners will live in one side of the duplex, and their caregivers will reside in the other side of the duplex.

Two of the existing structures on the 236 Pearl St. site: small frame sheds, upon annexation, would be considered nonstandard as they do not meet minimum setback requirements for the rear yard setback pursuant to Section 9-7, "*Form and Bulk Standards*," B.R.C. 1981; one is approximately 10 feet from the rear property line and the other is approximately 12 feet; where a 25 foot rear yard setback is required. Refer to Figure 3, which illustrates an Improvement Survey of the property illustrating the existing buildings on the site. Demolition of the non-standard structures would be required upon annexation and prior to building permit application for the new structures and final plat for the subdivision.

Annexation of Enclaves. Colorado State Statutes and the Boulder Valley Comprehensive Plan Policy 1.24 (b) provide policies for annexation of enclaves. Key Issue 1, found later in the document, provides an analysis of the proposed annexation with the state and local policies. As stated in BVCP policy 1.24(b):

> *"The city will actively pursue annexation of county enclaves, Area II properties along the western boundary, and other fully developed Area II properties. County enclave means an unincorporated area of land entirely contained within the outer boundary of the city."*

In addition, the Guidelines for Annexation Agreements were endorsed by City Council and Planning Board in 2002 and provide policy guidelines for specific development parameters and community benefit practices that are applicable to properties requesting annexation. Refer to **Attachment E**.

Land Use and Zoning. The existing BVCP Land Use Designation for the 236 Pearl Street property is Mixed Density Residential; and for the 250 Pearl triangular portion is Transitional Business. The BVCP Land Use Map is presented in Figure 3. The proposed initial zoning would be consistent with the land use map of Residential - Mixed 1 (RMX-1) and Business - Transitional 2 (BT-2) respectively. The existing zoning map is presented in Figure 4. Refer to Key Issue 3, found later in the document, for consistency of the proposed initial zoning with the BVCP Land Uses.

Figure 3: BVCP Land Use

Figure 4: Existing Surrounding Zoning

The properties became enclaves over time as the majority of the property at 250 Pearl Street was annexed pre-World War II and the properties to the west and south of 236 Pearl were annexed in the 1970s. The property directly west was redeveloped as a Planned Unit Development (PUD). The properties to the north were annexed during the 1980s and were also redeveloped through a PUD process. Figure 5 illustrates the annexations over time surrounding the property.

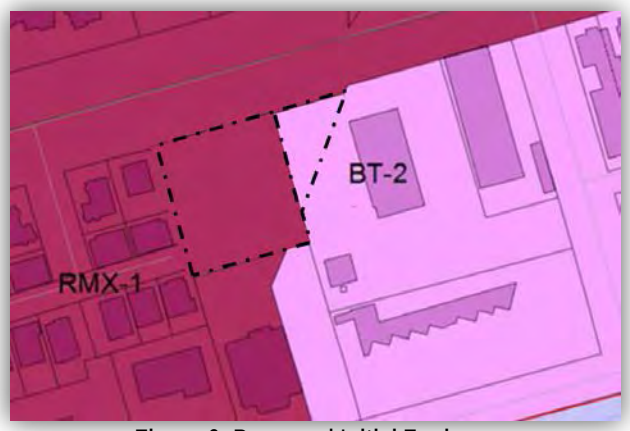


Figure 6: Proposed Initial Zoning

Figure 5: Surrounding Annexations over Time

ANNEXATION REQUEST

The applicant is requesting annexation into the City of Boulder with an initial zoning of RMX-1 for 236 Pearl and BT-2 for 250 Pearl Street as shown in Figure 6, Proposed Zoning. There are no plans to redevelop the small triangular parcel on 250 Pearl Street as that portion of the property is encompassed by Sunshine Creek and high hazard flood boundaries. As a part of the Annexation Agreement, staff is requiring a Flood Control Easement over the entire Flood Boundary. On 236 Pearl Street, upon annexation and initial zoning approval, the applicant intends to subdivide the 13,849 square foot property into two lots and construct a duplex that would straddle the property line as shown in Figure 7 on the following page. The property owners anticipate living within one side of the duplex, with their caregivers residing in the other side of the duplex.

Because the size of the property is not eligible for Site Review, through annexation the applicant is requesting a 2.5 foot front yard setback reduction from 15 feet to 12.5 feet and a zero lot line interior side yard setback to construct the duplex and create a separate lot area for each side of the duplex. The applicant has illustrated their proposed subdivision (under separate review) with requests to modify certain setbacks as shown in Figure 7 on the following page.

Note that the only modifications to the land use code are the zero lot line and the 12.5 foot setback for the front yard, shown with the numbered call outs highlighted in orange. The applicant is also requesting a five foot side yard setback on the eastern side yard of the eastern lot and a 10 foot side yard setback on the western side yard of the western lot with a zero setback on the interior lot line. The code requires a minimum combined side yard setback of 15 feet. The code does not allow for the proposed combined side yard setbacks; however, would the applicant choose to not subdivide the parcel and build the same two attached units on the parcel, the proposed side yard setbacks would meet code requirements for side yard setbacks.

The RMX-1 zoning permits duplexes by-right but does not permit a zero lot line for the interior side yard setback. The desire to have a duplex with a separate yard and on its own lot for each unit requires the request for a modification to the side yard setback. The applicant has also requested front yard setback averaging to reduce the front yard setback from 15 feet to 12.5 feet as is consistent with the other residential units on Pearl Street to the west of the site, established through Site Review. This is illustrated in Figure 8 on the following page. The minimum side

yard setback in the RMX-1 zoning is five feet as the applicant is proposing. Refer to the analysis of these requests under Key Issue 2, found later in the document.

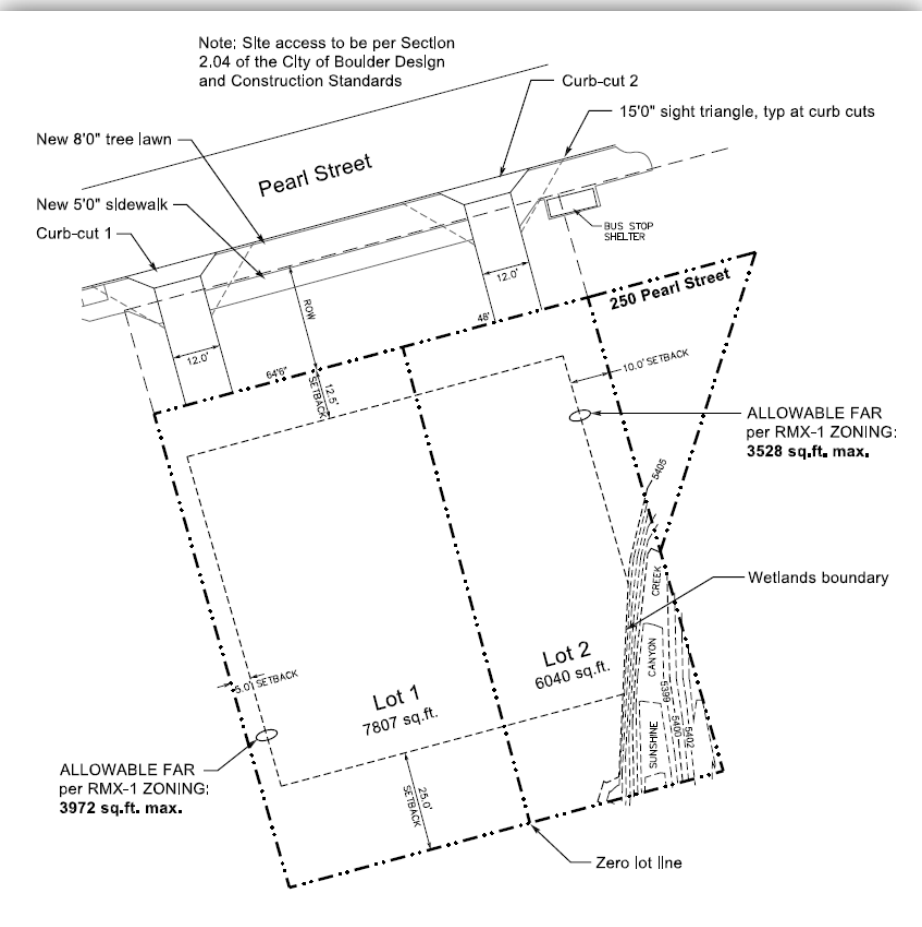


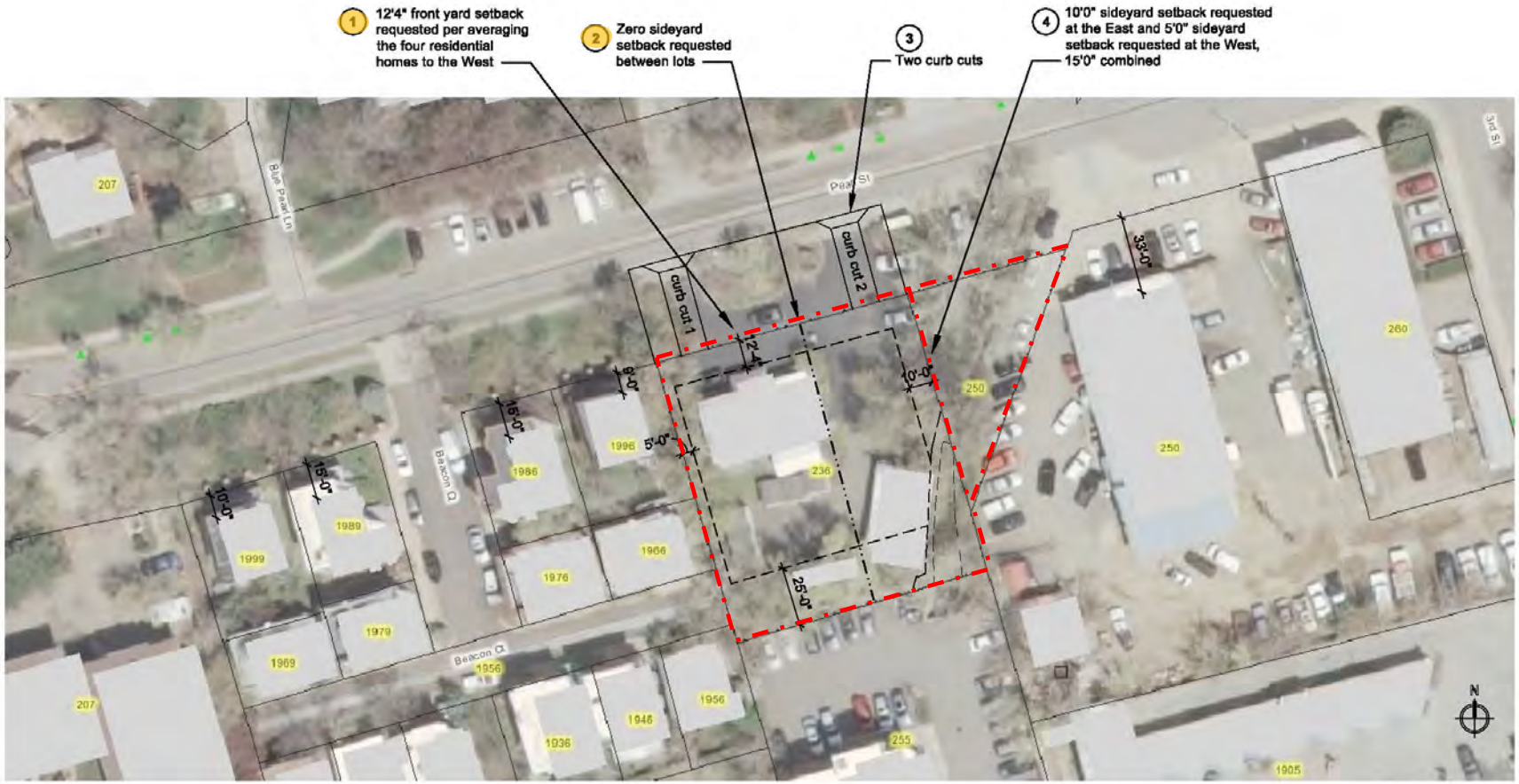
Figure 7: Proposed Subdivision and Setbacks

Questions on Annexation from First Reading of Ordinance. Regarding the annexation request, at the first reading of the ordinance, there were two questions posed by council: first, can a single curb cut be used, rather than two; and is staff comfortable with the flood mitigation measures that have been implemented for these properties. Responding to the first question about the curb cut, staff notes that the intent of the two curb cuts is the result of the subdivision of the property to have separate ownership for each side of the planned duplex. The two curb cuts meet the city's minimum spacing requirement and access management standards and the distance between the two curb cuts of approximately 65 feet is consistent with other residential properties in the area that are not served by an alley.

In response to the second question regarding flood mitigation, the provision of a flood control easement as a part of annexation will permit the city to have access to the creek in that location for any repair or mitigation necessary. Also as a condition of annexation, the applicant will be required to convey drainage in an historic manner, and which does not adversely affect neighboring properties.

236 Pearl Street | Annexation Phase | 236 Pearl Street, Boulder CO 80302

REQUESTED VARIATIONS FROM LAND USE REGULATIONS TO BE INCLUDED IN ANNEXATION



Contextual Site Image

Not to Scale

June 9, 2015

SOPHERSPARN ARCHITECTS LLC

1731 15th Street | Suite 250 | Boulder, CO 80302 | 303.442.4422 | www.sophersparn.com

Figure 8: Requested Setback Modifications in Context

At the first reading of the ordinance, the city council had several questions to clarify elements of the requested setback modifications.

1. Is the proposed annexation consistent with State statutes and City of Boulder policy pertaining to the annexation of a property into the City of Boulder?

The proposed annexation complies with applicable state annexation requirements regarding the annexation of an enclave. The Municipal Annexation Act provides that a municipality may annex an enclave if the area has been entirely contained within the outer boundaries of the municipality for a period of three or more years per §31-12-106(1), C.R.S. This area became an enclave when the city annexed the residential areas west and south of the site in the 1970s and the area north in the 1980s and the area east in the pre-World War II era, see Figure 5 above. No part of the municipal boundary surrounding the enclave consists of public rights-of-ways that has no municipal territory immediately adjacent to the right-of-way opposite to the enclave. All municipal territory surrounding the enclave that was annexed since December 19, 1990, was annexed in compliance with section 30 of article II Colorado constitution. Therefore, this area meets the statutory requirements and is eligible for annexation as an enclave.

The agreements signed under this approach to the annexation constitute a "memorandum of agreement or escrow arrangements voluntarily made by and between the municipality and owner or more land owners." under Section 31-12-112(2), C.R.S. These agreements allow the city and signing property owners to be assured of the contractual arrangements associated with the annexation without constituting additional "terms and conditions," which would otherwise require an annexation election. This type of agreement is authorized for unilateral annexations by Section 31-12-106(4), C.R.S.

State Statutes for Annexation

Following is an analysis of the requirements for annexation with State Annexation Law (31-12-101 et seq., C.R.S.).

(1) Minimum Required Contiguity: At least one-sixth of the perimeter of the area to be annexed shall be contiguous to the city limits.

The properties are considered an enclave, surrounded by the city jurisdiction.

(2) Annexation by Petition: A petition must be presented by more than half of the landowners owning more than fifty percent of the area to be annexed. For enclaves and municipally owned property, the City may take the initiative without petition.

Petitions were submitted by the applicant.

(3) Annexation by Election: Under certain conditions, an election may be held by the property owners and registered electors within the area to be annexed.

Not applicable.

An analysis of the proposed annexation under the requirements for unilateral annexation under State Annexation Law (31-12-106.1, C.R.S.) is as follows:

1) **Annexation of enclaves. When any unincorporated area is entirely contained within the boundaries of a municipality, the governing body may by ordinance annex such territory to the municipality in accordance with section 30 (1) (c) of article II of the state constitution, but without complying with section 31-12-104, 31-12-105, 31-12-108, or 31-12-109, if said area has been so surrounded for a period of not less than three years; except that notice of the proposed annexation ordinance shall be given by publication as provided by section 31-12-108 (2) for notices of annexation petitions, and resolutions initiating annexation proceedings, but no public hearing on the proposed annexation ordinance shall be required, and the first publication of notice shall be at least thirty days prior to the adoption of the ordinance.**

The unincorporated properties of 236 and a portion of 250 Pearl are fully contained within the boundaries of the City of Boulder and have been so surrounded for a period of not less than three years. The site became an enclave with the annexation of the properties to the north in the 1980s. Refer to Figure 5 above.

(1.1) Exception to annexation of enclaves.

(a) No enclave may be annexed pursuant to subsection (1) of this section if:

(I) Any part of the municipal boundary or territory surrounding such enclave consists at the time of the annexation of the enclave of public rights-of-way, including streets and alleys, that are not immediately adjacent to the municipality on the side of the right-of-way opposite to the enclave; or

Not applicable; the site is immediate adjacent to the municipality

(II) Any part of the territory surrounding the enclave was annexed to the municipality since December 19, 1980, without compliance with section 30 of article II of the state constitution.

Not applicable.

(b) In the case of an enclave the population of which exceeds one hundred persons according to the most recent United States census and that contains more than fifty acres, the enclave shall not be annexed pursuant to subsection (1) of this section unless the governing body of the annexing municipality has:

(I) Created an annexation transition committee composed of nine members, five of whom shall reside, operate a business, or own real property within the enclave, two of whom shall represent the annexing municipality, and two of whom shall represent one or more counties in which the enclave is situated; and

Not applicable.

(II) Published notice of the creation and existence of the committee, together with its regular mail, electronic mail, or telephonic contact information, in the same manner as provided by section 31-12-108 (2) for notices of annexation petitions and resolutions initiating annexation proceedings.

Not applicable.

(c) The duties of the annexation transition committee required by paragraph (b) of this subsection (1.1) shall be to:

(I) Serve as a means of communication between or among the annexing municipality, one or more counties within which the enclave is situated, and the persons who reside, operate a business, or own real property within the enclave regarding any public meetings on the proposed annexation; and

Not applicable.

(II) Provide a mechanism by which persons who reside, operate a business, or own real property within the enclave may communicate, whether by electronic mail, telephonic communication, regular mail, or public meetings, with the annexing municipality or any counties within which the enclave is situated regarding the proposed annexation.

Not applicable.

(2) (Deleted by amendment, L. 97, p. 995, § 2, effective May 27, 1997.)

(3) Annexation of unincorporated municipally owned land. When the municipality is the sole owner of the area that it desires to annex, which area is eligible for annexation in accordance with section 30 (1) (c) of article II of the state constitution and sections 31-12-104 (1) (a) and 31-12-105, the governing body may by ordinance annex said area to the municipality without notice and hearing as provided in sections 31-12-108 and 31-12-109. The annexing ordinance shall state that the area proposed to be annexed is owned by the annexing municipality and is not solely a public street or right-of-way.

Not applicable.

(4) Additional terms and conditions on the annexation. Additional terms or conditions may be imposed by the governing body in accordance with section 31-12-112.

Terms of annexation are enumerated in the Draft Annexation Agreements, found in Attachment D, which constitutes memorandum of agreement voluntarily made between the City and the applicants consistent with section 31-12-112, C.R.S.

City of Boulder Annexation Policy

The Annexation of land must be consistent with the BVCP Policy 1.24 shown in ***bold italic***, with consistency of the proposed annexation following:

a) Annexation will be required before adequate facilities and services are furnished.

The property is currently served with a domestic water service. As a condition of annexation, any existing structures requiring the use of a waste disposal system shall be connected to the city's wastewater system in accordance with section 11-2-8, B.R.C. 1981 within 180 days of the second reading of the annexation ordinance or the existing structures must be demolished.

b) The city will actively pursue annexation of county enclaves, Area II properties along the western boundary, and other fully developed Area II properties. County enclave means an unincorporated area of land entirely contained within the outer boundary of the city. Terms of annexation will be based on the amount of development potential as described in (c), (d), and (e) of this policy. Applications made to the county for development of enclaves and Area II lands in lieu of annexation will be referred to the city for review and comment. The county will attach great weight to the city's response and may require that the landowner conform to one or more of the city's development standards so that any future annexation into the city will be consistent and compatible with the city's requirements.

The properties are considered to be an enclave (unincorporated area of land entirely contained within the outer boundary of the city) and have been an enclave for over three years. As such, annexation of the properties at 236 and 250 Pearl will follow the proceedings under state statute §31-12-106.1

c) Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that respect existing lifestyles and densities. The city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area or of the city. The city, in developing annexation plans of reasonable cost, may phase new facilities and services. The county, which now has jurisdiction over these areas, will be a supportive partner with the city in annexation efforts to the extent the county supports the terms and conditions being proposed.

The property at 236 Pearl Street is substantially developed and allows for some additional residential units. The small triangular portion of the property located at 250 Pearl Street that is not yet annexed has no additional development potential. It is encumbered by Sunshine Canyon Creek and flood zones that prohibit any development on that triangular parcel.

d) In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city. For annexation considerations, emphasis will be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special

opportunity or benefit: receiving sites for transferable development rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city's land use regulations, environmental preservation, or other amenities determined by the city to be a special opportunity or benefit. Parcels that are proposed for annexation that are already developed and which are seeking no greater density or building size would not be required to assume and provide that same level of community benefit as vacant parcels unless and until such time as an application for greater development is submitted.

Not applicable, the site doesn't have significant development or redevelopment potential. The existing county zoning is Transitional that permits up to nine dwelling units per acre. Development on the property at 236 Pearl Street under existing county zoning would equate to two units; and under annexation and initial zoning of RMX-1, a minimum lot area of 6,000 square feet per dwelling unit equates to a maximum of two units on the property. Therefore, the site is not considered to have significant development potential

e) Annexation of substantially developed properties that allows for some additional residential units or commercial square footage will be required to demonstrate community benefit commensurate with their impacts. Further, annexations that resolve an issue of public health without creating additional development impacts should be encouraged.

Annexation of substantially developed properties with some additional residential units, as is the case with the annexation of 236 Pearl St., need to demonstrate community benefit consistent with Boulder Valley Comprehensive Plan (BVCP) policies to offset the negative impacts of additional development in the Boulder Valley.

For proposed residential development, emphasis is given to the provision of permanently affordable housing. The policy for western edge properties with limited development potential is that each new dwelling unit contribute two times the cash-in-lieu required by the city's Inclusionary Housing Ordinance. Based on 2015 cash-in-lieu amounts, if the two units are attached each unit would be required to contribute an estimated $37,323 (2 x $18,661) based on 2015 cash-in-lieu amounts at the time of building permit issuance. Cash-in-lieu amounts in place when the building permit is issued will apply.

f) There will be no annexation of areas outside the boundaries of the Boulder Valley Planning Area, with the possible exception of annexation of acquired open space.

n/a: site is an enclave and within the boundaries of the Boulder Valley Planning Area.

g) Publicly owned property located in Area III and intended to remain in Area III may be annexed to the city if the property requires less than a full range of urban services or requires inclusion under city jurisdiction for health, welfare and safety reasons.

Not applicable, site is within Planning Area II defined as: are now under county jurisdiction, where annexation to the city can be considered consistent with policies 1.16; 1.18 & 1.24.

h) The Gunbarrel Subcommunity is unique because the majority of residents live in the unincorporated area and because of the shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel Public Improvement District and other special districts. Although interest in voluntary annexation has been limited, the city and county continue to support the eventual annexation of Gunbarrel. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.

Not applicable, site is not within Gunbarrel Subcommunity.

3. Is the proposed initial zoning of Residential - Mixed 1 (RMX-1) and Business - Transitional 2 (BT-2) appropriate as initial zoning for the Property?

The request for an initial zoning of RMX-1 intended for *"a variety of single-family, duplexes and multi-family units*" per the Land Use Code section 9-5-2(c)(1)(D), B.R.C. 1981 is considered consistent with the BVCP Land Use designation of Mixed Density Residential defined on page 66 of the BVCP as follows,

> *Additionally, in older downtown neighborhoods that were developed with single family homes but for a time were zoned for higher densities, a variety of housing types and densities are found within a single block. The city's goal is to preserve current neighborhood character and mix of housing types, and not exacerbate traffic and parking problems. Some new housing units may be added. The average density in the downtown neighborhoods designated mixed density is in the medium density range (six to 14 units per acre)."*

The proposed duplex unit on the 236 Pearl St. site is in keeping with the definition of the Mixed Density Residential of the BVCP. The proposed duplex is well under the permitted maximum density of six to 14 units per acre and equates to just under two dwelling units per acre.

The initial BT-2 zoning intended for the small triangular (and unannexed) portion of the adjacent property at 250 Pearl Street is also consistent with the Transitional Business land use defined in the BVCP on page 67 as, *"These are areas usually zoned for less intensive business uses than in the General Business areas, and often provide a transition to residential areas."*

While this small portion of the adjacent property can't be utilized for development, the zoning of the site as BT-2 would be consistent with the rest of the property that is already annexed and zoned BT-2. That property has been operating as a business since 1953.

As can be understood from Figure 9 on the following page, the block in which the subject site is located has a varied built character owing to the Residential - Mixed 1 (RMX-1) zoning that surrounds the site. As can be seen, there are a variety of residential units including single family, duplex, and multi-family developments that have been constructed as larger site Planned Unit Developments in years past, along with office buildings that occur along both Pearl Street and Canyon Boulevard in proximity to the site. Adding to the diversity of the built character is the adjacent Business - Transitional 2 (BT-2) zoning to the east of 236 Pearl that include an auto

repair business, a heating and cooling service, and a self service car wash. Given the varied context and the intent to construct a duplex on the 236 Pearl site staff finds the proposed initial zoning would be consistent with the zoning and built context.

4. **Are the requests for a reduced setback on the front and interior side lots proposed for 236 Pearl consistent with the BVCP Land Use and surrounding context?**

Regarding the request for setback modifications through annexation, staff finds the proposed modifications to be consistent with the context as well. As can be seen in Figures 10 and 11, there is an existing anomaly with the very broad roadway right-of-way on Pearl Street in front of the site. The right of way is 100 feet, and while there's no clear understanding of why it developed with this broad width in this location and not further to the east, in comparison to other areas of town that are also zoned RMX-1 the typical roadway width with similar development character is 50 feet. The request to modify the front yard setback from 15 feet to 12.5 feet, based on the applicant's assessment of the average setback along this broad right of way is a logical request consistent with the BVCP policies. Not only has the existing broad right of way of 100 feet inherently set back development well behind the curb and walkway along this section of Pearl Street, a number of the surrounding residential developments have reduced setbacks through Site Review or PUD processes, as can be seen in Figure 12, found later in the document. Therefore, the reduced front yard setback would not be an anomaly or be out of character for the specific context.

With regard to the request for a zero interior lot line, the request to do so is based upon the applicant's desire to construct a duplex on the 236 Pearl Street site with each unit sitting on its own lot. This too is not atypical for the mixed residential context and is in keeping with the RMX-1 zoning intent for a "variety of single family, duplex and multi-family units.

236
250

Figures 10 (above) and 11 (below):
Comparison of 100 foot Right of Way in front of Site versus typical 50 foot right of way of the RMX-1 zoning district relative to a request for a reduced setback

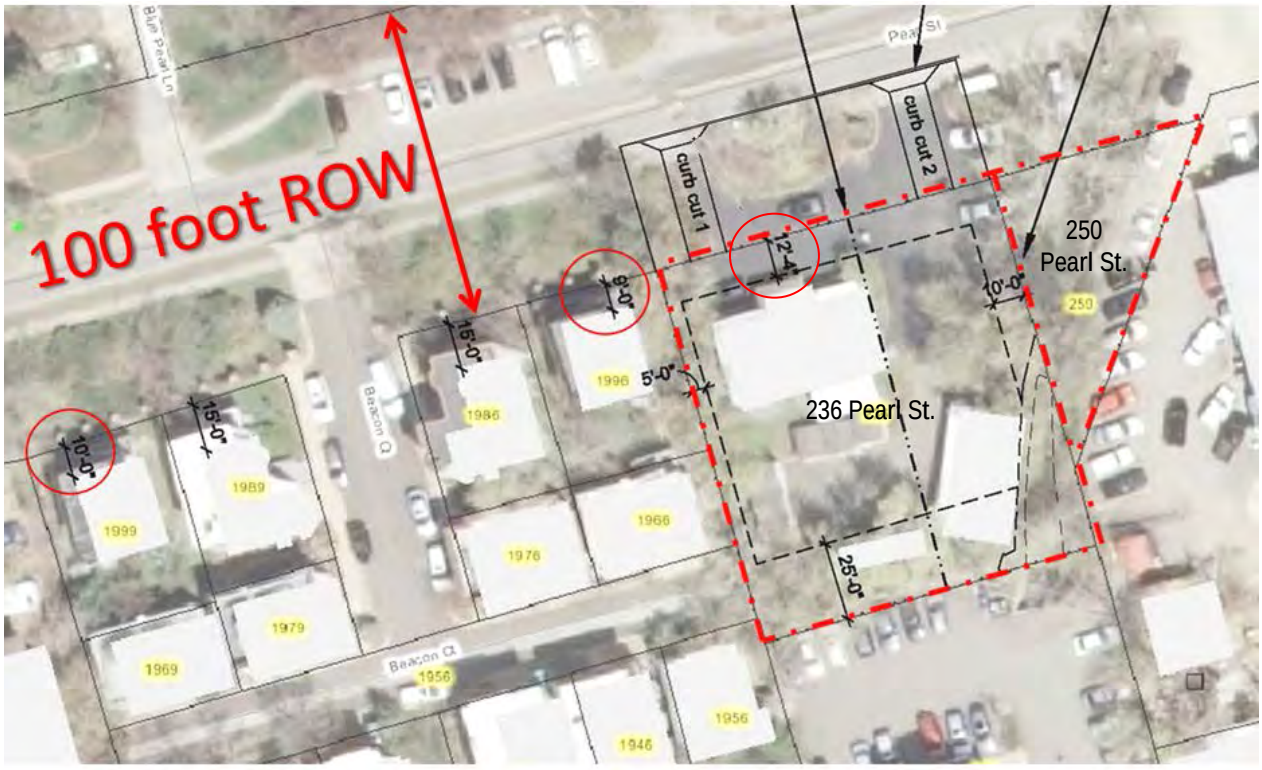


Figure 12: Requested Setback Modifications in Context

ATTACHMENTS:

Attachment A: Ordinance No. 8080
Attachment B: Annexation Map
Attachment C: Annexation Agreements
Attachment D: Correspondence Received During Annexation Feasibility Application Review
Attachment E: City of Boulder Guidelines for Annexation Agreements

ORDINANCE NO. 8080

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 0.35 ACRES OF LAND GENERALLY LOCATED AT 236 PEARL STREET AND THE NORTHWEST PORTION OF 250 PEARL STREET, WITH AN INITIAL ZONING DESIGNATION OF RESIDENTIAL - MIXED 1 (RMX-1) AND BUSINESS - TRANSITIONAL 2 (BT-2), RESPECTIVELY, AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE SAID PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT; AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS:

A. The City Council passed a resolution initiating annexation of the enclave described in Exhibit A attached hereto and incorporated herein by this reference (the "Property") on January 6, 2016. The Property consists of the following two parcels: the parcel generally known as 236 Pearl Street and more particularly described on Exhibit B attached hereto and incorporated herein by reference (“236 Pearl Street Parcel”); and the parcel generally known as the northwest portion of 250 Pearl Street and more particularly described on Exhibit C attached hereto and incorporated herein by reference (“Northwest Portion of 250 Pearl Street Parcel”).

B. Evidence has been presented to the City Council that the Property has been entirely contained within the boundaries of the City of Boulder and has been so surrounded for at least three years.

C. After of public hearing before the Planning Board of the City of Boulder, the Planning Board recommended annexation of the Property.

D. William L. and Carole F. Cassio (the "Owners of 236 Pearl Street Parcel") and GKN Family LLP (the “Owner of the Northwest Portion of 250 Pearl Street Parcel”) are the owners of the Property. The Owners of the 236 Pearl Street Parcel and the Owner of a Northwest Portion of 250 Pearl Street Parcel are hereafter collectively referred to as “Owners.”

E. The Owners have requested that the City of Boulder unilaterally annex the Property.

F. The Property is unincorporated area and is an enclave, subject to annexation pursuant to Section 31-12-106, C.R.S., as that term is defined in Section 31-12-103, C.R.S. in that this unincorporated area has been entirely contained within the outer boundaries of the City of Boulder since at least 1984 and no portion of said outer city boundaries consist at this time solely of public rights-of-way.

G. The requirements of the Colorado Constitution and the Colorado Revised Statutes regarding annexation have been satisfied.

H. The Property is located within Area II with a land use designation in the Boulder Valley Comprehensive Plan of Mixed Density Residential for the 236 Pearl Street Parcel and Transitional Business for the Northwest Portion of 250 Pearl Street Parcel.

I. The Planning Board duly proposed that the Property be annexed to the City of Boulder and that the Zoning District Map adopted by the City Council be amended to zone and include the 236 Pearl Street Parcel in the Residential - Mixed 1 (RMX-1) zoning district and the Northwest Portion of 250 Pearl Street Parcel in the Business - Transitional 2 (BT-2) zoning district, as provided in Chapter 9-5, "Modular Zone System," B. R. C, 1981.

J. The initial zoning of the 236 Pearl Street Parcel in the Residential - Mixed 1 (RMX-1) zoning district and the Northwest Portion of 250 Pearl Street Parcel in the Business - Transitional 2 (BT-2) zoning district is consistent with the Boulder Valley Comprehensive Plan, and bears a substantial relation to and will enhance the general welfare of the Property and of the residents of the City of Boulder.

K. The City Council has jurisdiction and the legal authority to annex and zone the Property.

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

Section 1. The territory more particularly described in Exhibit "A" be, and the same hereby is, annexed to and included within the corporate boundaries of the City of Boulder.

Section 2. Chapter 9-5, "Modular Zone System," B.R.C. 1981, and the Zoning District Map forming a part thereof, be, and the same hereby are, amended to include the 236 Pearl Street Parcel in the Residential - Mixed 1 (RMX-1) zoning district and the Northwest Portion of 250 Pearl Street Parcel in the Business - Transitional 2 (BT-2) zoning district.

Section 3. The City Council approves any variations or modifications to the Boulder Revised Code or other City ordinances that are in the agreements associated with this annexation.

Section 4. The annexation and zoning of the Property is necessary for the protection of the public health, safety, and welfare.

Section 5. The City Council deems it appropriate that this ordinance be published by title only and directs the city clerk to make available the text of the within ordinance for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 5th day of January, 2016.

.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 16th day of February, 2016.

.

_____
Mayor

Attest:

_____
City Clerk

EXHIBIT A

(Legal Description for 236 Pearl Street and Northwest Portion of 250 Pearl Street)

Portions of Tracts of Land located in the Southeast ¼ of the Southwest ¼ of Section 25, Township 1 North, Range 71 West of the 6th P.M., comprised of a portion of a parcel as described in Reception No. 1254651, dated January 6, 1993, and a portion of that parcel described in Reception No. 1976518, dated August 30, 1999, County of Boulder, State of Colorado, being more particularly described as follow:

Beginning at the Northeast corner of Lot 4, Beacon Square, Recorded in Boulder County at Reception No. 324339, dated February 23, 1979; Thence N75°00'00"E, along the south Right of Way line of Pearl Street, said point also being the south line of Ordinance No. 4808, dated February 17, 1984, a distance of 156.02 feet to the centerline of Sunshine Canyon Creek; Thence S17°42'35"W, along said centerline, a distance of 78.28 feet to a point on the easterly line of said Reception No. 1254651; Thence S16°00'00"E, along said easterly line, a distance of 57.12 feet to the Southeast corner thereof; Thence S75°00'00"W, along the southerly line of said Reception No. 1254651, a distance of 112.50 feet to the Southwest corner thereof and a point on the east line of Beacon Square; Thence N16°00'00"W, along the easterly line of said Beacon Square, a distance of 123.10 feet, more or less, to the Point of Beginning.

Said Parcel containing 15,282 Sq. Ft. or 0.35 Acres, more or less.

EXHIBIT B

Legal Description
(236 Pearl Street)

A tract of land located in the Southeast ¼ of the Southwest ¼ of Section 25, Township 1 North, Range 71 West of the 6th P.M., County of Boulder, State of Colorado, described as follows:

Beginning at a point North 15º West, 20.00 feet and South 75º West, 278.00 feet from the Northwest corner of Lot 6 in Block 58 in West Boulder, now a part of the City of Boulder; thence South 75º West 112.5 feet; thence South 16º East 150.00 feet; thence North 75º East 112.5 feet; thence North 16º West 150.00 feet to the POINT OF BEGINNING.

EXHIBIT C

Legal Description (Tract 237 – Northwest Portion of 250 Pearl)

Beginning at the northwest corner of said parcel recorded as Reception No. 1976518; thence S. 16º East, a distance of 65.85 feet; thence North 17º 42'35" East, 78.28 feet; thence South 74º 57'30" West, 43.43 feet to the point of beginning,

County of Boulder,
State of Colorado

ANNEXATION MAP

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

TOTAL AREA = 15,282 SQ FT, OR 0.35 ACRES, MORE OR LESS

Parcel Description

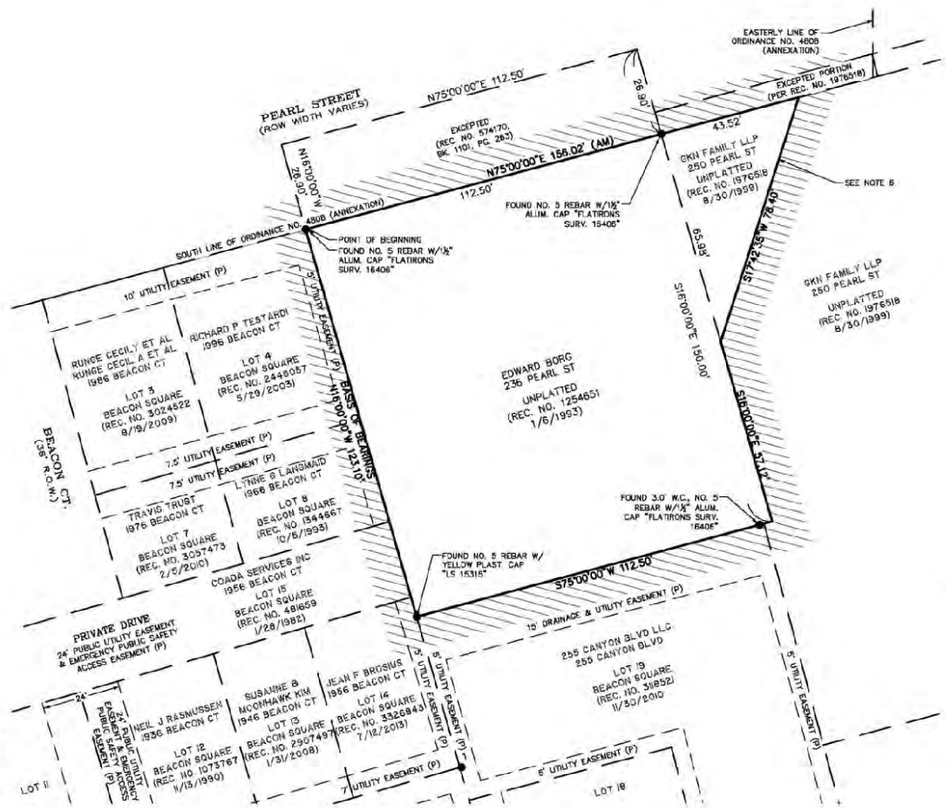
(PREPARED BY FLATIRONS, INC. FOR THE PURPOSE OF THIS ANNEXATION)

PORTIONS OF TRACTS OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., COMPRISED OF A PORTION OF A PARCEL AS DESCRIBED IN RECEPTION NO. 1254651, DATED JANUARY 6, 1993, AND A PORTION OF THAT PARCEL DESCRIBED IN RECEPTION NO. 1976518, DATED AUGUST 30, 1999, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4, BEACON SQUARE, RECORDED IN BOULDER COUNTY AT RECEPTION NO. 324339, DATED FEBRUARY 23, 1979; THENCE N75°00'00"E, ALONG THE SOUTH RIGHT OF WAY LINE OF PEARL STREET, SAID POINT ALSO BEING THE SOUTH LINE OF ORDINANCE NO. 4808 DATED FEBRUARY 17, 1984, A DISTANCE OF 156.02 FEET TO THE CENTERLINE OF SUNSHINE CANYON CREEK; THENCE S17°42'35"W, ALONG SAID CENTERLINE, A DISTANCE OF 75.28 FEET TO A POINT ON THE EASTERLY LINE OF SAID RECEPTION NO. 1254651; THENCE S16°00'00"E, ALONG SAID EASTERLY LINE, A DISTANCE OF 57.12 TO THE SOUTHEAST CORNER THEREOF; THENCE S75°00'00"W, ALONG THE SOUTHERLY LINE OF SAID RECEPTION NO. 1254651, A DISTANCE OF 112.50 FEET TO THE SOUTHWEST CORNER THEREOF AND A POINT ON THE EAST LINE OF BEACON SQUARE; THENCE N16°00'00"W, ALONG THE EASTERLY LINE OF SAID BEACON SQUARE, A DISTANCE OF 123.10 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 15,282 SQ.FT. OR 0.35 ACRES, MORE OR LESS.

Vicinity Map
SCALE: 1" = 300'



Legend

- CURRENT LIMITS OF THE CITY OF BOULDER
- (P) PER BEACON SQUARE SUBDIVISION

GRAPHIC SCALE
30 0 15 30 60
(IN FEET)
1 inch = 20 ft.

Notes

1. HERITAGE TITLE COMPANY COMMITMENT NO. 451-H0420331-043-DF2, DATED DECEMBER 18, 2014 WAS RELIED UPON FOR RECORDING INFORMATION REGARDING DESCRIPTION OF SUBJECT PARCEL.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508.
5. THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.
6. THE CONTIGUOUS LIMITS TO THE CITY OF BOULDER ARE BASED ON THE RECORDED DESCRIPTION AND THE FIELD LOCATED CENTERLINE OF SUNSHINE CANYON CREEK. THE CENTERLINE OF SUNSHINE CANYON CREEK APPEARS TO BE THE INTENDED LIMITS OF ADJOINING ANNEXATION BASED ON HISTORICAL RECORD.

Contiguity

TOTAL PERIMETER.....527.14'
1/6TH PERIMETER.....87.86'
CONTIGUOUS TO CITY LIMITS.....527.14'

Surveyor's Certificate

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON APRIL 30, 2015 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

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

REVISION	DATE
1 REVISED PER CLIENT REQUEST	4/27/15 EJ
2	
3	
4	
5	
6	
7	
8	
9	

ANNEXATION MAP
PREPARED FOR
CITY OF BOULDER

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Flatirons, Inc.
Surveying, Engineering & Geomatics
www.Flatironsinc.com
555 FOURTH AVE. LONGMONT, CO 80501 PH: (303) 772-4515 FAX: (303) 776-4355
3825 IRIS AVE. STE. 395 BOULDER, CO 80301 PH: (303) 443-7001 FAX: (303) 443-9830
3650 DOWNING ST UNIT 1 DENVER, CO 80205 PH: (303) 936-6997

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR JOHN B. GUYTON 16406 5/11/15

JOB NUMBER: 15-64,927
DATE: 3-11-2015
DRAWN BY: E. DAVIS
CHECKED BY: ETB/JZG/SB/JK
SHEET 1 OF 1

For Administrative Use Only
Development Name: 236 Pearl
Owner: William and Carole Cassio
Case No.: LUR2015-00029

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement"), made this _____ day of _____, 2015, by and between the City of Boulder, a Colorado home rule city, hereinafter referred to as "City," and William L. Cassio and Carole F. Cassio hereinafter referred to as "Applicant." The City and the Applicant are referred to as the "Parties."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicant is the owner of the real property generally described as 236 Pearl and more particularly described on Exhibit A, which real property shall hereinafter be referred to as the "Property."

B. The Applicant is interested in obtaining approval from the City of the annexation of the Property in order to provide adequate urban services to the Property.

C. The Parties anticipate that annexation with an initial zoning designation of "Residential Mixed - 1 (RMX-1)" is consistent with the Boulder Valley Comprehensive Plan.

D. The City is interested in ensuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth and other good and valuable consideration herein receipted for, the parties agree as follows:

1. Requirements Prior to First Reading of the Annexation Ordinance. Prior to first reading of the annexation ordinance before City Council, the Applicant shall do the following:

   a. Annexation Agreement. The Applicant will sign this Agreement.

   b. Title Work. The Applicant will provide the City with title work current to within 30 days of signing this agreement.

c. Written Descriptions. The Applicants shall provide a written description of any nonconforming uses and/or nonstandard buildings existing on the Property, if any.

d. Payment of Fees. Pay the following fees:

Storm Water and Flood Management PIF	$15,515.00
Housing Excise Tax	$ 632.40
Total	$16,147.40

e. Northern Colorado Water Conservancy District ("NCWCD"). Sign and file an application, and pay the applicable fees, for inclusion in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District.

f. Easement Dedication. To the extent the Property is located within 20 feet from the centerline of Sunshine Canyon Creek, the Applicants shall dedicate to the City, at no cost, a flood control easement from 20 feet on either side of the centerline of Sunshine Canyon Creek in the form generally as shown on the attached Exhibit B.

2. Sewer Connection Requirement. Within 180 days of the effective date of the annexation ordinance, any existing structure on the Property that requires the use of a waste disposal system shall be demolished or connected with the wastewater utility of the City. The City Manager may, in her discretion, approve a different time for demolition of said structures or connection to the wastewater utility provided the Applicant demonstrates reasonable diligence to comply with the 180-day deadline and good cause for the extension. Prior to connection to the City's wastewater utility, the Applicant shall perform the following:

a. Submit an application that meets the requirements of Chapter 11-2, "Wastewater Utility" B.R.C. 1981 and obtain City approval to connect to the City's wastewater utility main.

b. Pay applicable fees and charges associated with a service line connection to the wastewater utility main, including fees associated with right of way and wastewater permits, inspection fees, installation fees, tap fees, and the wastewater plant investment fees associated with the Property.

c. Construct the individual service line and connect any existing structures requiring a waste disposal system to the City's wastewater utility main.

Upon connection to the City's wastewater utility or demolition of existing structures requiring a waste disposal system, the Applicant shall abandon the existing septic system in accordance with Boulder County Health Department and State of Colorado regulations.

Any new structures requiring a waste disposal system and any dwelling units constructed on the Property shall be connected to the City's waste water utility.

3. Requirements Prior to Building Permit:

a. Prior to an application for any building permit, other than a demolition permit, the Applicant shall do the following if the Property is all one parcel:

i. Remove the multiple curb-cuts serving the Property and construct a new single (shared) curb-cut meeting the access design, spacing and driveway requirements found in Section 2.04 of the City of Boulder Design and Construction Standards and subject to approval by the City Manager.

ii. Remove the existing curb-and-gutter and attached sidewalk along Pearl Street and construct new curb-and-gutter and a 5- foot wide detached sidewalk with an 8-foot wide landscape strip along Pearl Street.

b. Prior to an application for any building permit, other than a demolition permit, the Applicant shall do the following if the Property has been subdivided into two lots:

i. Remove the multiple curb-cuts serving the Property and construct a new curb-cut for each lot meeting the access design, spacing and driveway requirements found in Section 2.04 of the City of Boulder Design and Construction Standards and subject to approval by the City Manager.

ii. Remove the existing curb-and-gutter and detached sidewalk along Pearl Street and construct new curb-and-gutter and a 5- foot wide detached sidewalk with an 8-foot wide landscape strip along Pearl Street.

4. Existing Nonstandard Buildings and/or Nonconforming Uses. Existing, nonstandard buildings and/or nonconforming uses will be allowed to continue to be occupied and operated in the City of Boulder. Only those nonstandard buildings and/or nonconforming uses for which the Applicants have provided a written description that is received by the City in accordance with Paragraph 1.C above will be considered legal. The Applicants and the City agree that this section shall not be construed to permit the Property to constitute a nuisance or to cause a hazard under the City's life safety codes.

5. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicant agrees not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.

6. New Construction. All new construction commenced on the Property after annexation will comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.

7. Setback Modifications. If the Applicant subdivides the Property into two lots, then the Parties agree, subject to the terms of the Subdivision Agreement, to allow development of the Property consistent with the following standards:

   a. Construction of two attached dwelling units across the shared lot line of the two lots on the Property, each unit being located on its own lot with a zero side yard setback to the interior lot line that is shared with the lot of the adjoining unit provided that each unit is separated from the adjoining unit by a wall extending from the foundation through the roof which is structurally independent of the corresponding wall of the adjoining unit. This Agreement does not waive any requirements of Title 10, Structures, B.R.C. 1981;

   b. A minimum five-foot side yard setback from the western lot line of the most-western of the two lots;

   c. A minimum ten-foot side yard setback from the eastern lot line of the most-eastern of the two lot; and

   d. A minmum 12.5-foot front yard landscaped setback.

8. Historic Drainage. The Applicant agrees to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.

9. Waiver of Vested Rights. The Applicant waives any statutory vested rights that may have accrued under County jurisdiction. The Applicant acknowledges that nothing contained in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.

10. Zoning. The Property shall be annexed to the City with an initial zoning classification of Residential Mixed - 1 (RMX-1), and, except as set forth herein, shall be subject to all of the rights and restrictions associated with that zoning.

11. Cash-in-lieu of Providing Permanently Affordable Housing. At the time of annexation, no dwelling unit exists on the Property. For each dwelling unit developed on the Property that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, B.R.C., 1981, an amount equal to twice the applicable cash-in-lieu amount per Chapter 9-13, B.R.C., 1981 shall be paid to the City. This amount is payable prior to application for a building permit for the new dwelling unit.

12. Breach of Agreement. In the event that the Applicant breaches or fails to perform any required action or fails to pay any fee specified under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to, the filing of an action for specific performance of the obligations herein described. In the event the Applicant fails to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fails to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the Applicant and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing the collection of this specific debt or acknowledges that the adopting of the annexation ordinance is such enabling ordinance.

13. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed to the City with the initial zoning of Residential Mixed -1 (RMX-1).

14. Future Interests. The Agreement and covenants as set forth herein shall run with the land and be binding upon the Applicant, the Applicant's heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.

EXECUTED on the day and year first above written.

Applicant:

By: _____
William L. Cassio

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 14th day of September 2015, by William L. Cassio.

Witness my hand and official seal.
My commission expires: 3-30-18

[SEAL]

VIDA SLAYTON NOTARY PUBLIC STATE OF COLORADO

Vida J Clayton
Notary Public

By: Carole F. Cassio
Carole F. Cassio

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 14th day of September, 2015, by Carole F. Cassio.

Witness my hand and official seal.
My commission expires: 3-30-18

[SEAL]

VIDA J CLIFTON NOTARY PUBLIC STATE OF COLORADO

Vida J Clifton
Notary Public

CITY OF BOULDER, COLORADO

By:_____
Jane S. Brautigam, City Manager

ATTEST:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

Date: 9-1-2015

EXHIBITS

Exhibit A	Legal Description
Exhibit B	Flood Control Easement

EXHIBIT A
TO ANNEXATION AGREEMENT

Legal Description

A tract of land located in the Southeast ¼ of the Southwest ¼ of Section 25, Township 1 North, Range 71 West of the 6th P.M., County of Boulder, State of Colorado, described as follows:

Beginning at a point North 15° West, 20.00 feet and South 75° West, 278.00 feet from the Northwest corner of Lot 6 in Block 58 in West Boulder, now a part of the City of Boulder; thence South 75° West 112.5 feet; thence South 16° East 150.00 feet; thence North 75° East 112.5 feet; thence North 16° West 150.00 feet to the POINT OF BEGINNING.

EXHIBIT B
TO ANNEXATION AGREEMENT

For Administrative Purposes Only
Property Address: 236 Pearl Street
Grantors: William & Carole Cassio
Grantee: City of Boulder, Colorado
Case#: LUR2015-00029

GRANT OF FLOOD CONTROL EASEMENT

WILLIAM L. CASSIO AND CAROLE F. CASSIO ("Grantors"), whose address is 236 Pearl Street, Boulder, CO, for $1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the "City"), whose address is 1777 Broadway, Boulder, Colorado 80302, a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance as determined by the Grantee, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantors, for themselves and for their heirs, successors, agents, lessees, and assigns, do hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by themselves or their heirs, successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantors warrant their ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantors, their heirs, agents, lessees and assigns, and all other successors to them in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantors have caused this instrument to be duly executed as of this ___ day of _____, 2015.

GRANTORS:

By:_____
William L. Cassio

[*NOTARY BLOCK FOLLOWS*]

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by William L. Cassio.

Witness my hand and official seal.
My commission expires: _____

[SEAL]

_____
Notary Public

By:_____
Carole F. Cassio

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Carole F. Cassio.

Witness my hand and official seal.
My commission expires: _____

[SEAL]

_____
Notary Public

EXHIBIT A TO FLOOD CONTROL EASEMENT

EXHIBIT "A"

A PORTION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

AN EASEMENT FOR FLOOD CONTROL PURPOSES OVER AND ACROSS A PORTION OF LAND, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF AN EXCEPTED PORTION OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 574170 ON MAY 3, 1956 TO BEAR N75°00'00"E, A DISTANCE OF 112.50 FEET BETWEEN FOUND NO. 5 REBARS WITH 1 1/2" ALUMINUM CAPS, MARKED "FLATIRONS SURV, 16406", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHEAST CORNER OF SAID EXCEPTED PORTION, SAID POINT ALSO BEING ON THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 1254651 ON JANUARY 6, 1993; THENCE S16°00'00"E, ALONG SAID EASTERLY LINE, A DISTANCE OF 31.26 FEET TO THE POINT OF BEGINNING; THENCE S16°00'00"E, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 91.84 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE S75°00'00"W, ALONG THE SOUTHERLY LINE OF SAID PARCEL, A DISTANCE OF 37.86 FEET; THENCE N04°08'48"W, A DISTANCE OF 15.76 FEET; THENCE N03°59'44"E, A DISTANCE OF 18.10 FEET; THENCE N19°09'55"E, A DISTANCE OF 33.62 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 2,172 SQ.FT. OR 0.05 ACRES, MORE OR LESS.

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

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR JOHN B. GUYTON 16406 7/6/15

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

FSI JOB NO. 15-65,959

JOB NUMBER: 15-65,959
DRAWN BY: E. DAVIS
DATE: JULY 2, 2015

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

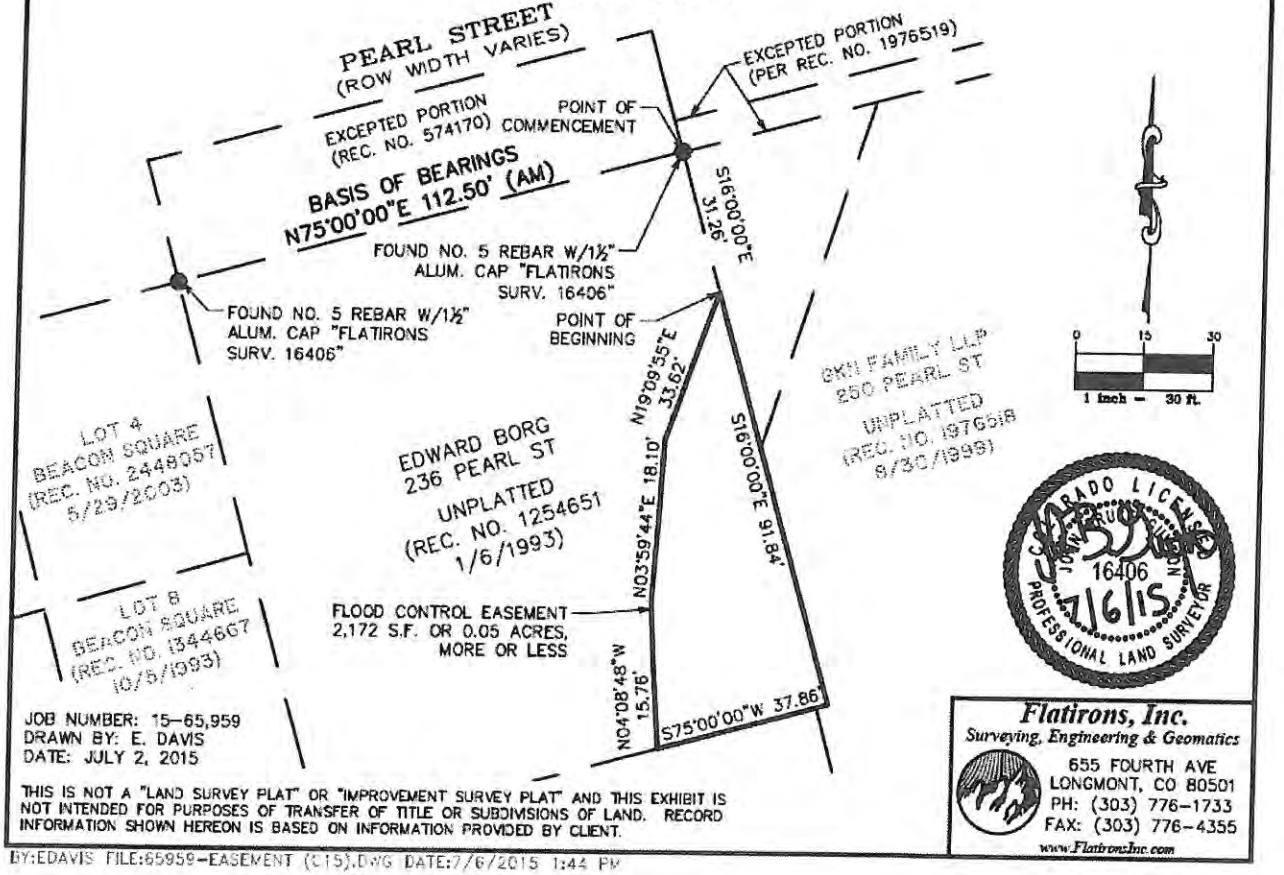
Flatirons, Inc.
Surveying, Engineering & Geomatics
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:EDAVIS FILE:65959-EASEMENT (C15).DWG DATE:7/6/2015 1:44 PM

EXHIBIT "A"

A PORTION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



JOB NUMBER: 15-65,959
DRAWN BY: E. DAVIS
DATE: JULY 2, 2015

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

BY:EDAVIS FILE:65959-EASEMENT (C15).DWG DATE:7/6/2015 1:44 PM

For Administrative Purposes Only
Property Address: 236 Pearl Street
Grantors: William & Carole Cassio
Grantee: City of Boulder, Colorado
Case#: LUR2015-00029

GRANT OF FLOOD CONTROL EASEMENT

WILLIAM L. CASSIO AND CAROLE F. CASSIO ("Grantors"), whose address is 236 Pearl Street, Boulder, CO, for $1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the "City"), whose address is 1777 Broadway, Boulder, Colorado 80302, a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance as determined by the Grantee, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantors, for themselves and for their heirs, successors, agents, lessees, and assigns, do hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by themselves or their heirs, successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantors warrant their ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantors, their heirs, agents, lessees and assigns, and all other successors to them in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantors have caused this instrument to be duly executed as of this 5 day of February, 2016.

GRANTORS:

By: _____
William L. Cassio

[*NOTARY BLOCK FOLLOWS*]

STATE OF HAWAII)
)ss.
COUNTY OF HAWAII)

The foregoing instrument was acknowledged before me this 5th day of February, 2016, by William L. Cassio.

Witness my hand and official seal.
My commission expires: 07-07-2018

[SEAL]

JAMIE L. MALDONADO NOTARY PUBLIC No. 02-324 STATE OF HAWAII

Jamie L Maldonado
Notary Public Jamie L Maldonado

Doc. Description: Grant of Flood Control Easement
Doc. Date: 2/5/2016 No. Pages: 4
Jamie L Maldonado Third
Notary Printed Name Jud. Circuit

JAMIE L. MALDONADO NOTARY PUBLIC No. 02-324 STATE OF HAWAII

By:_____
Carole F. Cassio

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Carole F. Cassio.

Witness my hand and official seal.
My commission expires: _____

[SEAL]

_____
Notary Public

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by William L. Cassio.

Witness my hand and official seal.
My commission expires: _____

[SEAL]

_____
Notary Public

By: Carole F. Cassio
Carole F. Cassio

STATE OF Colorado)
)ss.
COUNTY OF Boulder)

The foregoing instrument was acknowledged before me this 8th day of February, 2016, by Carole F. Cassio.

Witness my hand and official seal.
My commission expires: June 10, 2019

[SEAL]

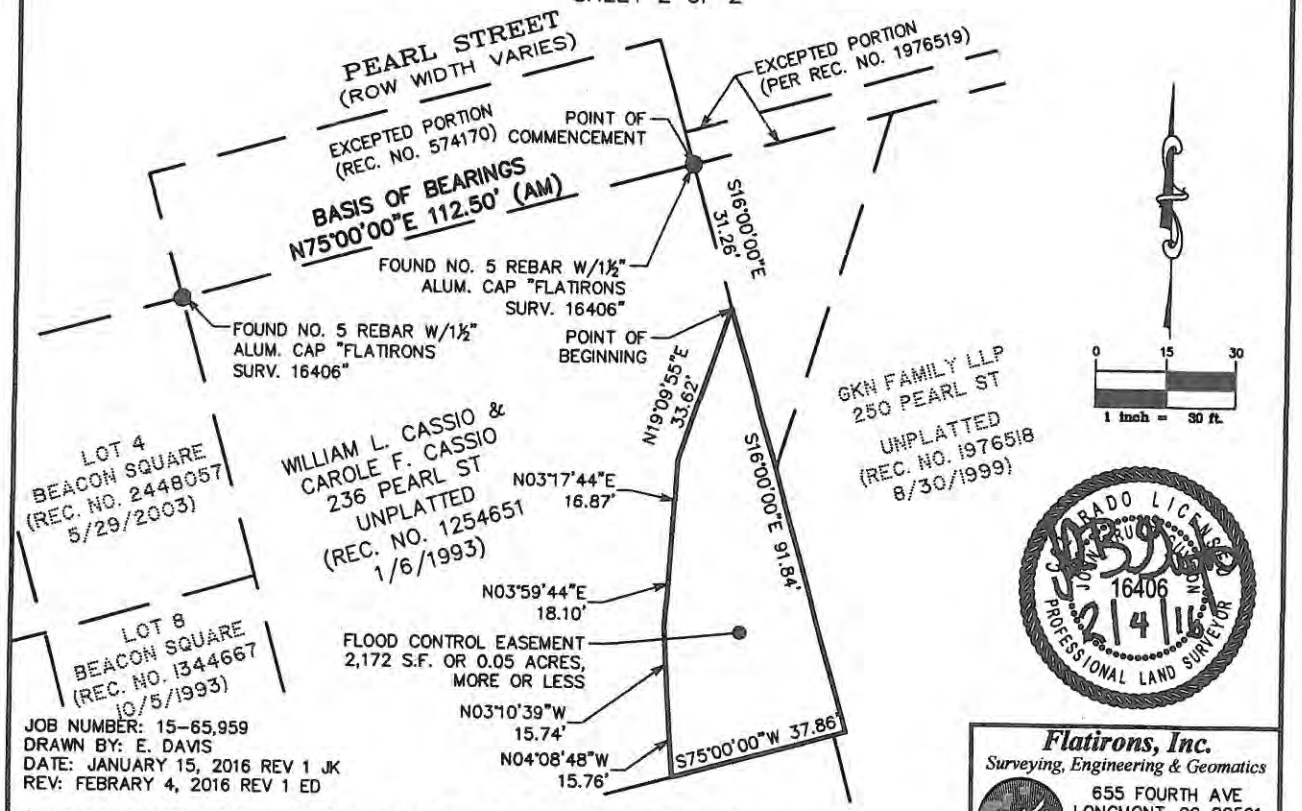
ROSE O'MALLEY
Notary Public
State of Colorado
Notary ID 20114035661
My Commission Expires Jun 10, 2019

Notary Public

EXHIBIT "A"

A PORTION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



JOB NUMBER: 15-65,959
DRAWN BY: E. DAVIS
DATE: JANUARY 15, 2016 REV 1 JK
REV: FEBRARY 4, 2016 REV 1 ED

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

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655 FOURTH AVE
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PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:EDAVIS FILE:65959-EASEMENT (C15) REVISED 2016-01-15.DWG DATE:2/4/2016 3:33 PM

EXHIBIT "A"

A PORTION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

AN EASEMENT FOR FLOOD CONTROL PURPOSES OVER AND ACROSS A PORTION OF LAND, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF AN EXCEPTED PORTION OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 574170 ON MAY 3, 1956 TO BEAR N75°00'00"E, A DISTANCE OF 112.50 FEET BETWEEN FOUND NO. 5 REBARS WITH 1 1/2" ALUMINUM CAPS, MARKED "FLATIRONS SURV, 16406", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHEAST CORNER OF SAID EXCEPTED PORTION, SAID POINT ALSO BEING ON THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 1254651 ON JANUARY 6, 1993; THENCE S16°00'00"E, ALONG SAID EASTERLY LINE, A DISTANCE OF 31.26 FEET TO THE POINT OF BEGINNING; THENCE S16°00'00"E, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 91.84 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE S75°00'00"W, ALONG THE SOUTHERLY LINE OF SAID PARCEL, A DISTANCE OF 37.86 FEET; THENCE N04°08'48"W, A DISTANCE OF 15.76 FEET; THENCE N03°10'39"W, A DISTANCE OF 15.74 FEET; THENCE N03°59'44"E, A DISTANCE OF 18.10 FEET; THENCE N03°17'44"E, A DISTANCE OF 16.87 FEET; THENCE N19°09'55"E, A DISTANCE OF 33.62 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 2,172 SQ.FT. OR 0.05 ACRES, MORE OR LESS.

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

COLORADO LICENSED
JOHN B. GUYTON
16406
2/4/16
PROFESSIONAL LAND SURVEYOR

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

FSI JOB NO. 15-65,959

JOB NUMBER: 15-65,959
DRAWN BY: E. DAVIS
DATE: JANUARY 15, 2016 REV 1 JK

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

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FAX: (303) 776-4355
www.FlatironsInc.com

BY:EDAVIS FILE:65959-EASEMENT (C15) REVISED 2016-01-15.DWG DATE:2/4/2016 3:33 PM

For Administrative Use Only
Development Name: 250 Pearl
Owners: GKN Family Partnership LLP
Case No.: LUR2015-00029

ANNEXATION AGREEMENT

This Agreement, made this _____ day of _____, 2015, by and between the City of Boulder, a Colorado home rule city, hereinafter referred to as "City," and GKN Family Partnership LLP, a Colorado limited liability partnership, a/k/a GKN Family LLP, a Colorado limited liability partnership, hereinafter referred to as "Applicant." The City and the Applicant are referred to as the "Parties."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicant is the owner of the real property generally described as 250 Pearl Street and more particularly described on Exhibit A, which real property shall hereinafter be referred to as the "Property."

B. The Applicant is interested in obtaining approval from the City of a request for the annexation of the Property in order to provide adequate urban services, particularly City water and sewer.

C. The parties anticipate that annexation with an initial zoning designation of "Business - Transitional 2" is consistent with the Boulder Valley Comprehensive Plan.

D. The City is interested in ensuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth and other good and valuable consideration herein receipted for, the parties agree as follows:

1. Requirements. Prior to first reading of the annexation ordinance before City Council, the Applicant shall:

   a. Annexation Agreement. The Applicant will sign this Agreement.

   b. Title Work. The Applicant will provide the City with title work current to within 30 days of signing this agreement.

   c. Northern Colorado Water Conservancy District ("NCWCD"). The Applicant will sign and file an application for inclusion in the Boulder Municipal Subdistrict of

the Northern Colorado Water Conservancy District for the Property described on Exhibit B.

d. Easement Dedication. The Applicant shall dedicate to the City, at no cost, a flood control easement over the Property in the form generally as shown on the attached Exhibit C.

2. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicant agrees not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.

3. Historic Drainage. The Applicant agrees to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.

4. Waiver of Vested Rights. The Applicant waives any statutory vested rights that may have accrued under County jurisdiction. The Applicant acknowledges that nothing contained in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.

5. Zoning. The Property shall be annexed to the City with an initial zoning classification of Business - Transitional 2 (BT-2), and, except as set forth herein, shall be subject to all of the rights and restrictions associated with that zoning.

6. Breach of Agreement. In the event that the Applicant breaches or fails to perform any required action or fails to pay any fee specified under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to, the filing of an action for specific performance of the obligations herein described. In the event the Applicant fails to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fails to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the Applicant and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing the collection of this specific debt or acknowledges that the adopting of the annexation ordinance is such enabling ordinance.

7. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed to the City with the initial zoning of Business – Transitional 2 (BT-2).

8. Future Interests. The Agreement and covenants as set forth herein shall run with the land and be binding upon the Applicant, the Applicant's heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property, or any part

thereof. If it shall be determined that this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.

EXECUTED on the day and year first above written.

Owner/Applicant:
GKN Family Partnership LLP,
a Colorado limited liability partnership
a/k/a GKN Family LLP,
a Colorado limited liability partnership,

By: Nancy L. Vinson, Partner
Nancy L. Vinson, Partner

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 9th day of September, 2015, Nancy L. Vinson, Partner of GKN Family Partnership LLP a/k/a GKN Family LLP.

Witness my hand and official seal.
My commission expires: Oct 19, 2016

[SEAL]

HUGO MANRIQUEZ
Notary Public
State of Colorado
Notary ID 20124068023
My Commission Expires Oct 19, 2016

Notary Public

By: Karen S. Klenzendorf
Karen S. Klenzendorf, Partner

STATE OF Texas)
) ss.
COUNTY OF Harris)

The foregoing instrument was acknowledged before me this 3rd day of September, 2015, Karen S. Klenzendorf, Partner of GKN Family Partnership LLP a/k/a GKN Family LLP.

Witness my hand and official seal.
My commission expires: August 6, 2019

[SEAL]

NOTARY PUBLIC STATE OF TEXAS
SAMUEL MICAH VALERIO
My Commission Expires
August 6, 2019

Notary Public

CITY OF BOULDER, COLORADO

By: _____
Jane S. Brautigam, City Manager

ATTEST:

_____
City Clerk

Approved as to form:

Hella Pannewig
City Attorney's Office

Date: 9-1-2015

EXHIBITS

Exhibit A	Legal Description of Property to be annexed
Exhibit B	Legal Description of entire property known as 250 Pearl
Exhibit C	Flood Control Easement

EXHIBIT A TO ANNEXATION AGREEMENT

Legal Description (Tract 237 – Northwest Portion of 250 Pearl)

Beginning at the northwest corner of said parcel recorded as Reception No. 1976518; thence S. 16° East, a distance of 65.85 feet; thence North 17° 42'35" East, 78.28 feet; thence South 74° 57'30" West, 43.43 feet to the point of beginning,

County of Boulder,
State of Colorado

EXHIBIT B TO ANNEXATION AGREEMENT

Legal Description (250 Pearl)

Beginning at the Northwest corner of Lot six (6), Block fifty-eight (58) West Boulder, now a part of the City of Boulder, according to the recorded plat thereof; thence South 75° West a distance of 117.05 feet to the True Point of Beginning; thence South 75° West a distance of 160.95 feet; thence South 15° East a distance of 200 feet; thence North 75° East a distance of 228 feet; thence North 15° West a distance of 50 feet; thence South 75° West a distance of 67.05 feet; thence North 15° West a distance of 150 feet to the True Point of Beginning; EXCEPT the following described tract; Beginning at a point from which the Northwest corner of Block fifty-eight (58) of West Boulder, an addition to the City of Boulder, according to the recorded plat thereof, bears North 74°57'30" East a distance of 278.0 feet; thence South 15°02'30" East a distance of 7.0 feet; thence North 74°57'30" East a distance of 69.0 feet; thence North 15°02'30" West a distance of 7.0 feet; thence South 74°57'30" East a distance of 69.0 feet, more or less, to the point of beginning, County of Boulder, State of Colorado,

EXHIBIT C TO ANNEXATION AGREEMENT

For Administrative Purposes Only
Property Address: 250 Pearl Street
Grantor: GKN Family Partnership LLP
Grantee: City of Boulder, Colorado
Case#: LRU2015-00029

GRANT OF FLOOD CONTROL EASEMENT

GKN FAMILY PARTNERSHIP LLP, a Colorado limited liability partnership, a/k/a GKN FAMILY LLP, a Colorado limite liability partnership ("Grantor"), whose address is 1305 Drexel St, Boulder, CO, for $1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the "City"), whose address is 1777 Broadway, Boulder, Colorado 80302, a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance as determined by the Grantee, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantor, for itself and for its successors, agents, lessees, and assigns, does hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by itself or its successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantor warrants its ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor, its agents, lessees and assigns, and all other successors to it in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this 9th day of September, 2015.

GRANTOR:
GKN FAMILY PARTNERSHIP LLP, a Colorado limited liability partnership,
a/k/a GKN FAMILY LLP, a Colorado limited liability partnership

By: Nancy L. Vinson, Partner
Nancy L. Vinson, Partner

[*NOTARY BLOCK FOLLOWS*]

EXHIBIT C TO ANNEXATION AGREEMENT

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 9th day of September, 2015, by Nancy L. Vinson, Partner, GKN Family Partnership LLP.

Witness my hand and official seal.
My commission expires: Oct 19, 2016

HUGO MANRIQUEZ
Notary Public
State of Colorado
Notary ID 20124068023
My Commission Expires Oct 19, 2016

Notary Public

By: Karen S. Klenzendorf
Karen S. Klenzendof, Partner

STATE OF Texas)
)ss.
COUNTY OF Harris)

The foregoing instrument was acknowledged before me this 3rd day of September, 2015, by Karen S. Klenzendorf, Partner, GKN Family Partnership LLP.

Witness my hand and official seal.
My commission expires: 08/06/2019

NOTARY PUBLIC STATE OF TEXAS
SAMUEL MICAH VALERIO
My Commission Expires
August 6, 2019

Notary Public

EXHIBIT A TO FLOOD CONTROL EASEMENT

EXHIBIT "A"

A PORTION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

AN EASEMENT FOR FLOOD CONTROL PURPOSES OVER AND ACROSS A PORTION OF LAND, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF AN EXCEPTED PORTION OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 574170 ON MAY 3, 1956 TO BEAR N75°00'00"E, A DISTANCE OF 112.50 FEET BETWEEN FOUND NO. 5 REBARS WITH 1 1/2" ALUMINUM CAPS, MARKED "FLATIRONS SURV, 16406", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHWEST CORNER OF AN EXCEPTED PORTION OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 1976519 ON AUGUST 30, 1999; THENCE N75°00'00"E, ALONG SOUTH LINE OF SAID RECEPTION NO. 1976519, A DISTANCE OF 43.45 FEET, MORE OR LESS TO THE CENTERLINE OF SUNSHINE CANYON CREEK; THENCE S17°42'35"W, ALONG SAID CENTERLINE, A DISTANCE OF 78.28 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 1254651 ON JANUARY 6, 1993; THENCE N16°00'00"W, ALONG SAID EASTERLY LINE, A DISTANCE OF 65.88 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 1,431 SQ.FT. OR 0.03 ACRES, MORE OR LESS.

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

COLORADO LICENSED
JOHN B. GUYTON
16406
7/6/15
PROFESSIONAL LAND SURVEYOR

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

SI JOB NO. 15-65,960

JOB NUMBER: 15-65,960
DRAWN BY: E. DAVIS
DATE: JULY 2, 2015

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

Flatirons, Inc.
Surveying, Engineering & Geomatics
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:EDAVIS FILE:65960-EASEMENT (C15).DWG DATE:7/6/2015 1:51 PM

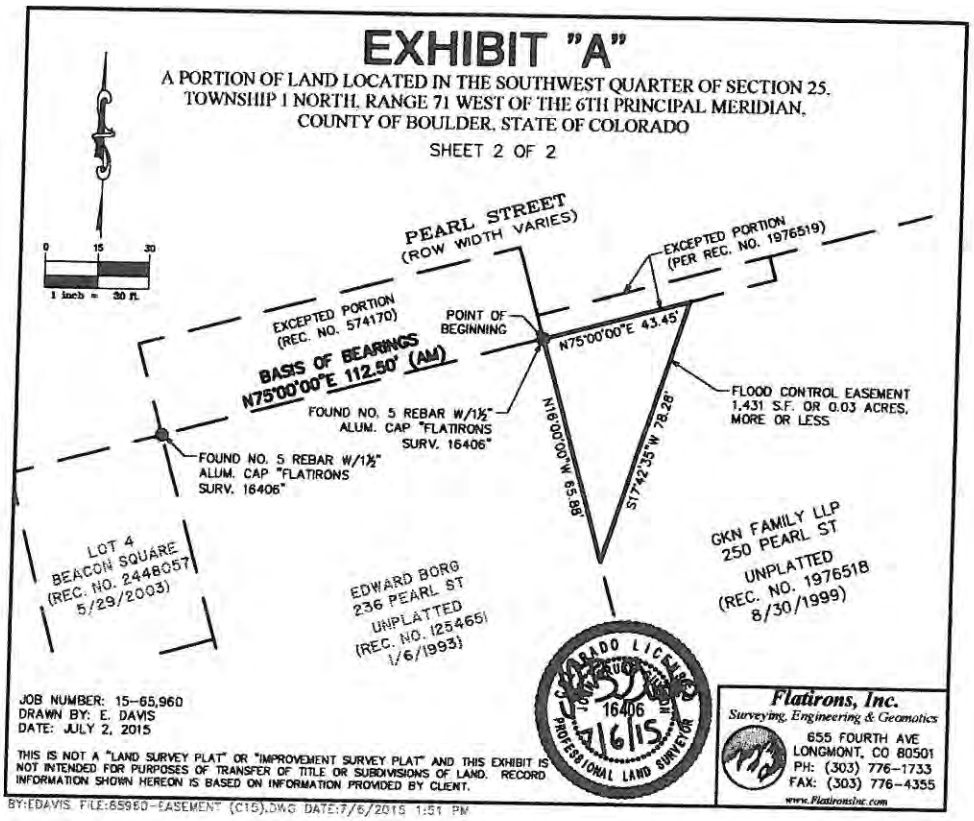
EXHIBIT "A"
A PORTION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO
SHEET 2 OF 2
0 15 30
1 inch = 30 ft.
PEARL STREET
(ROW WIDTH VARIES)
EXCEPTED PORTION
(PER REC. NO. 1976519)
EXCEPTED PORTION
(REC. NO. 574170)
POINT OF BEGINNING
N75°00'00"E 43.45'
BASIS OF BEARINGS
N75°00'00"E 112.50' (AM)
FOUND NO. 5 REBAR W/1½" ALUM. CAP "FLATIRONS SURV. 16406"
FLOOD CONTROL EASEMENT
1,431 S.F. OR 0.03 ACRES, MORE OR LESS
N18°00'00"W 65.88'
S17°42'35"W 78.28'
FOUND NO. 5 REBAR W/1½" ALUM. CAP "FLATIRONS SURV. 16406"
LOT 4
BEACON SQUARE
(REC. NO. 2448057)
5/29/2003)
EDWARD BORG
236 PEARL ST
UNPLATTED
(REC. NO. 125465)
1/6/1993)
GKN FAMILY LLP
250 PEARL ST
UNPLATTED
(REC. NO. 1976518)
8/30/1999)
COLORADO LICENSED
16406
7/6/15
PROFESSIONAL LAND SURVEYOR
JOB NUMBER: 15-65,960
DRAWN BY: E. DAVIS
DATE: JULY 2, 2015
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BY:EDAVIS FILE:65960-EASEMENT (C15).DWG DATE:7/6/2015 1:51 PM

For Administrative Purposes Only
Property Address: 250 Pearl Street
Grantor: GKN Family Partnership LLP
Grantee: City of Boulder, Colorado
Case#: LRU2015-00029

GRANT OF FLOOD CONTROL EASEMENT

GKN FAMILY PARTNERSHIP LLP, a Colorado limited liability partnership, a/k/a GKN FAMILY LLP, a Colorado limited liability partnership ("Grantor"), whose address is 1305 Drexel St, Boulder, CO, for $1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the "City"), whose address is 1777 Broadway, Boulder, Colorado 80302, a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance as determined by the Grantee, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

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a/k/a GKN FAMILY LLP, a Colorado limited liability partnership

By: Nancy L. Vinson, Partner
Nancy L. Vinson, Partner

[*NOTARY BLOCK FOLLOWS*]

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 9th day of September, 2015, by Nancy L. Vinson, Partner, GKN Family Partnership LLP.

Witness my hand and official seal.
My commission expires: Oct 19, 2016

HUGO MANRIQUEZ
Notary Public
State of Colorado
Notary ID 20124068023
My Commission Expires Oct 19, 2016

Notary Public

By: Karen S. Klenzendorf
Karen S. Klenzendof, Partner

STATE OF Texas)
)ss.
COUNTY OF Harris)

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Witness my hand and official seal.
My commission expires: 08/06/2019

NOTARY PUBLIC STATE OF TEXAS
SAMUEL MICAH VALERIO
My Commission Expires
August 6, 2019

Notary Public

EXHIBIT A TO FLOOD CONTROL EASEMENT

EXHIBIT "A"

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SHEET 1 OF 2

AN EASEMENT FOR FLOOD CONTROL PURPOSES OVER AND ACROSS A PORTION OF LAND, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COLORADO LICENSED JOHN B. GUYTON 16406 7/6/15 PROFESSIONAL LAND SURVEYOR

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

FI JOB NO. 15-65,960

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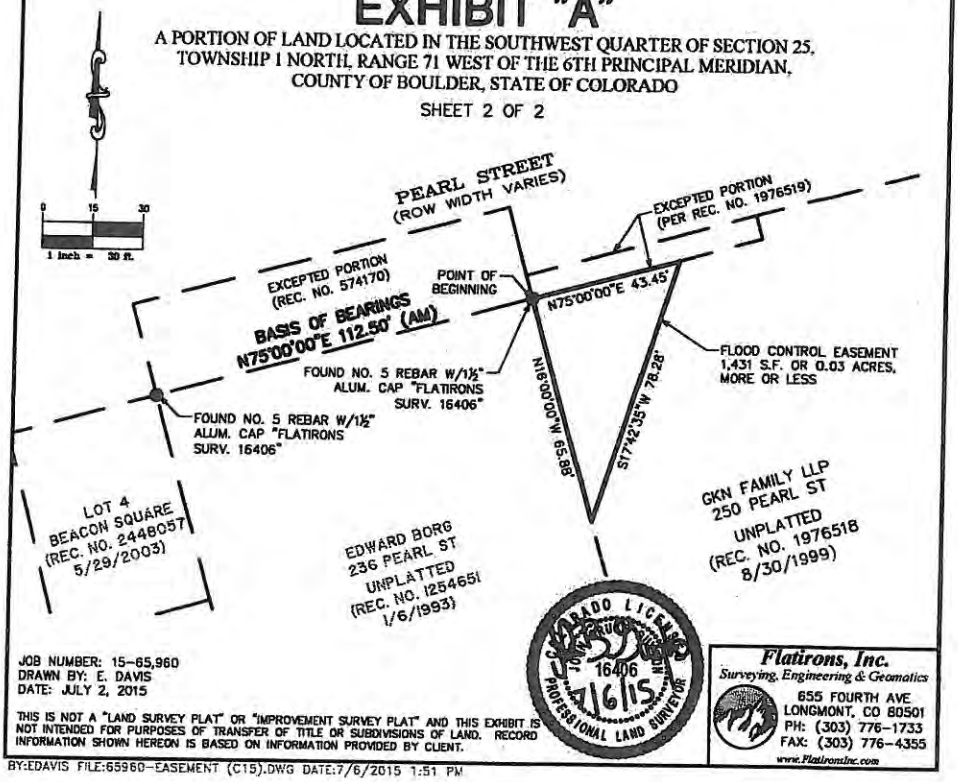
SHEET 2 OF 2



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BY:EDAVIS FILE:65960-EASEMENT (C15).DWG DATE:7/6/2015 1:51 PM

From: [redacted]
Sent: Tuesday, March 10, 2015 5:10 AM
To: McLaughlin, Elaine
Subject: Redevelopment of 236 Pearl

Hi Elaine,

I hope you are well. I know that Neil Rassmussen, who is the HOA president at Beacon Square, recently discussed with you his concerns regarding water management and flood issues arising from the drainiage ditch that borders the east side of the proposed redevelopment site at 236 Pearl. I am the owner of 1999 Beacon Court, and I want to also weigh in that I am concerned about this issue, as are others in our community.

I have personally experienced elsewhere how new development can alter storm water flows to the severe detriment of those in adjacent properties. I would like to not only be assured that the developer's plan for 236 Pearl would not exacerbate an already tenuous situation with respect to the storm water management there, but would appreciate it if their storm water management plan might also include some mitigation efforts to alleviate an troublesome issue that already exists.

Simply stated, storm water should not be permitted to pass across their property onto ours. Thanks for your attention to this concern.

Regards,
Dave

Dave Terzian
1999 Beacon Ct
301-325-8777

From: [redacted]]
Sent: Monday, March 09, 2015 9:12 PM
To: McLaughlin, Elaine
Subject: Re: 236 Pearl St. and the flood...

(somehow the first line of the e-mail seems to have been made blank initially, sorry, here it is again.)

Neil Rasmussen suggested I contact you with another perspective on the property at 236 Pearl St and the flood, and how many houses on Beacon Ct narrowly escaped significant damage from runoff. Hopefully with the new development plans we can do something to mitigate the possibility of something like this happening in the future.

Basically, the ditch to the east of 236 Pearl St (shown in green, see image below) ***breached the culvert under Pearl St*** (red/blue star) and ***came over the road instead***. This brought much of the water on Pearl St itself, ***west of the ditch***, directly into the parking lot of 236 Pearl St (red/blue arrows). From there it ***continued west*** in the parking lot, over the property line of Beacon Square, and ***entered into the east end of Beacon Ct itself***, where it quickly overwhelmed our small storm drain (green/blue circle), and within an hour, brought Beacon Ct to a depth of 2 feet of runoff, and still rising, just at the entrances to most garages and lower levels.

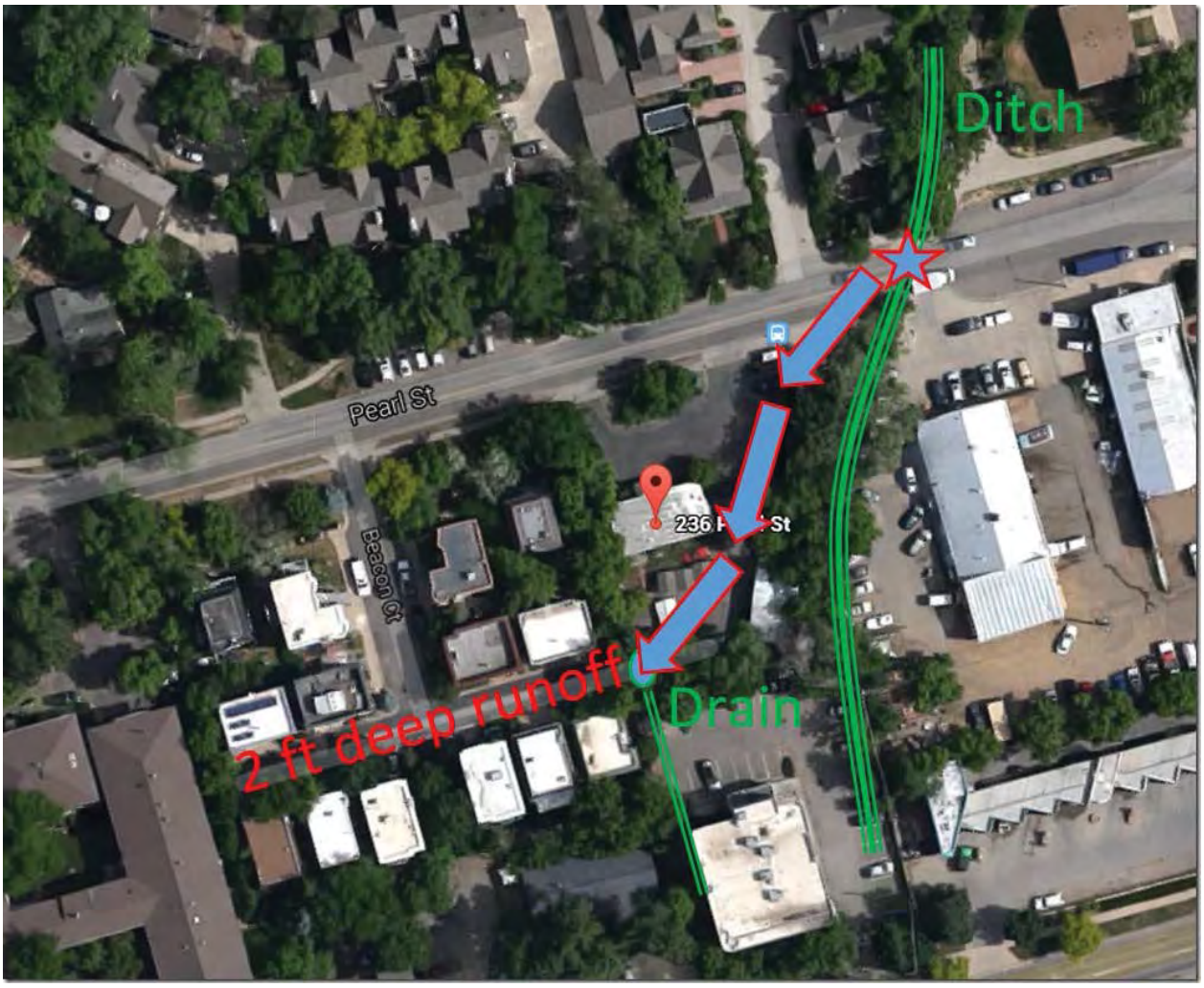
Note that before the runoff from 236 Pearl St began to enter Beacon Ct, our small storm drain was doing just fine keeping up with water coming down the “T” of Beacon Ct, and falling on the property itself.

As Beacon Ct succumbed to the runoff, a number of folks were able to quickly divert the water ***back into the ditch*** from the northern part of the parking lot of 236 Pearl St, and then the 2 feet of water in Beacon Ct immediately started receding. Had folks not been so quick, I expect many of the houses in Beacon Ct would have experienced significant damage.

Given the nature of the small storm drain in Beacon Ct, it seems prudent to have either a retaining wall between 236 Pearl St and Beacon Ct, or some kind of retaining wall to catch water that comes over the road when the culvert under Pearl St is breached (though as the red/blue arrows show, this was significantly west of the ditch, due to the slope of Pearl St in the area, so this water might be hard to catch). In addition, it would be ideal if the city could keep the culvert under Pearl St free from overgrowth and clear of debris, to aid in routing water under the road, rather than above it.

Thank you.

Rich Testardi
1996 Beacon Ct



From: [redacted]
Sent: Monday, March 09, 2015 6:44 PM
To: McLaughlin, Elaine; Bruce Schwartz
Subject: Annexation and Redevelopment of 236 Pearl

Hi Elaine, I'd like to echo my neighbor Neil's concerns. I have a house at 1939 Beacon Court next door to Neil. Water from that ditch did come into my garage.

b

From Neil Rasmussen on March 9th 2015.

Hi Elaine,

thanks for the brief chat this morning about the Annexation Feasibility Study re 236 Pearl St

as we discussed, that property is adjacent and due east of a group of 14 homes on Beacon Court that includes my home and those of my neighbors

i'd like to put forth some comments related to the potential redevelopment of that property in the context of the flood event we had here back in Sept 2013

there's a drainage ditch just to the east of 236 Pearl that overflowed badly onto that property, and the lay of the land there is such that it slopes downward to the west and spilled massive amounts of water onto Beacon Ct

in addition to the water falling from the sky, and the water that flowed down our street from Pearl St itself, the additional massive flow of water from that drainage ditch (that is adjacent to and maybe part of 236 Pearl) totally overwhelmed our single drain on Beacon Ct, such that our street was inundated with almost two feet of water

in my case, and some of my neighbors, the water crept up my driveway and into my garage, and fortunately stopped about a foot short of the entry door into my house (at the back of the garage) - very lucky !

in the event of a recurrence of that type of rainfall, doubtful as it may seem, i'd like to ask if some steps toward mitigation might be undertaken by the developers of 236 Pearl, specifically either 1) building a 3 foot high cement retaining wall on the west and south boundaries of 236 Pearl so that water would not flow into our street and overwhelm the capacity of our drainage sewer, or 2) building a retaining wall on the west side of the drainage ditch, which would be on the east side of 236 Pearl, thus preventing water from the ditch from flowing onto 236 Pearl, and subsequently into Beacon Ct

i look forward to discussing this in more detail and even "walking" the property with you to better explain the situation here

thank you,
Neil Rasmussen
1936 Beacon Ct
303-440-4248

From: [redacted]
Sent: Monday, March 09, 2015 5:43 PM
To: McLaughlin, Elaine
Subject: Flood mitigation for Annexation Feasibility Study re 236 Pearl St

Ms. McLaughlin,
I would like to second the request that Neil Rasmussen described for the 236 Pearl Street property. Some sort of flood control re-grading would probably be required for the proposed structures anyway, but that work should be designed to also fix the overflow to the Beacon Court properties.

Thanks for your consideration.

Ernest Mark
1949 Beacon ct.

--
Ernest Mark

From : [redacted] Mon, Mar 02, 2015 07:23 AM
Subject : 236 Pearl
To : Elaine McLaughlin <mclaughlin@bouldercolorado.gov>

Elaine McLaughlin,

My wife, Karen Cassidy and I live at 293 Pearl Street where the Eastern property line is the Sunshine Creek.

Is the Eastern property line of Project Name 236 Pearl as shown on the "City of Boulder Vicinity Map", been verified by a survey to create a property line associated with Sunshine Creek as it is today (2014/15)?

Our concern is that the owner of the property protects Sunshine Creek by not encroaching into the creek with new construction.

Some thoughts relative to the creek:

There was major flood damage to 4 homes in the Blue Pearl Lane across from 236 Pearl Street.

We are aware, at times the water gate is opened to Sunshine Creek to allow a small flow of water in the creek. Maybe the water gate was opened during the "Boulder Flood". Water flowed over the culvert which goes under Pearl Street. The culvert, in the past has been used as a "living place" by the "street people". They left items in the culvert that blocked the flow of water. The flood deposited "earth" into the culvert similar to the earth deposited in the Knollwood tennis courts.

The City of Boulder encourages citizens call 911 to report anything that may cause a major restriction to the flow of water. The city responded immediately to remove a mattress just North of the culvert.

Also, we do have an interest in the height of the buildings which will be address later.

Gerald A. Gayer
Karen J. Cassidy
293 Pearl Street
[redacted]
gagayer@comcast.net
303-247-9177

Guidelines for Annexation Agreements

-Individual Annexations of Mostly Developed Residential Properties in Area II-

June 25, 2002

I. Background:

The purpose of these guidelines is to provide general direction for negotiating annexation agreements with individual landowners of mostly developed residential properties in Area II. They are intended to clarify city expectations in individual annexations. These guidelines have been endorsed by Planning Board and City Council and are a reference for city staff, landowners, Planning Board and City Council in future individual annexation negotiations.

The Boulder Valley Comprehensive Plan provides a framework for annexation and urban service provision. With the 2001 update to the BVCP, Annexation Policy 1.25 was amended to provide more clarity about annexations. The amendments to the policy included the following:

- Direction for the city to actively pursue annexation of county enclaves, Area II properties along the western boundary, and other mostly developed Area II properties;
- Direction to the county to attach great weight to the city's input on development in enclaves and developed Area II lands and to place emphasis on conforming to the city's standards in these areas; and
- A policy that developed parcels proposed for annexation that are seeking no greater density or building size should not be required to provide the same level of community benefit as vacant parcels until more development of the parcel is applied for.

In order to reduce the negative impacts of new development in the Boulder Valley, the BVCP states that the city shall annex Area II land with significant development or redevelopment potential only on a very limited basis. Such annexations will be supported only if the annexation provides a special opportunity to the city or community benefit.

These guidelines apply primarily to mostly developed residential properties in Area II. In most of these cases, the city would not request a community benefit with the annexation. However, a few of the properties that are currently developed in the county may have further development potential once annexed into the city. These guidelines further refine the BVCP Policy 1.25 by specifically outlining which properties will be asked to provide community benefit upon annexation and what form of community benefit may be requested by the city.

II. General Principles of Individual Annexations of Mostly Developed Residential Properties:

A. In terms of the city's interests, the benefits of annexing mostly developed residential properties in Area II outweigh the costs.

B. The city has a strong desire to annex many of the residential properties in Area II because of the potential environmental and health issues associated with well and septic systems.

C. The basic fees associated with annexation (plant investment and impact fees) should not be reduced for individual property owners seeking annexation (although financing and payback may be negotiated).

D. The city has a legal obligation under state law to annex enclaves at the request of the property owner without terms and conditions beyond those required through existing ordinances.

E. The city may apply additional terms and conditions to enclaves only through negotiation with the property owner. (Use caution when applying community benefit).

III. Principles of Applying City Community Benefit Policy:

A. Community benefit should only be applied to properties with additional development potential.

B. For the purposes of these guidelines, additional development potential includes the ability to subdivide the property and/or build at least one additional unit on the property. Additional development potential **does not** include the ability to add on to an existing house or to replace an old house with a new one (scrape-offs).

C. Although emphasis is placed on affordable housing, community benefit is not restricted to housing. An affordable housing benefit should be balanced with other benefits such as land or property dedications (landmarking, flood and open space easements) or other restrictions that help meet BVCP goals.

D. The city should strive for consistency in applying the affordable housing requirement to properties with additional development potential. In areas where new affordable units are appropriate (Crestview East), restrictions should be placed on the affordability of the new units. In areas where new affordable units are not appropriate or feasible, (Gould Subdivision, 55th St. enclaves), the applicant should be requested to pay two times the cash contribution in-lieu of providing on-site affordable housing.

IV. Framework for Basic Annexation Conditions for All Properties:

A. Inclusion in the Boulder Municipal Subdistrict and the Northern Colorado Water Conservancy District.

B. Assessment for waterline and sanitary sewer along street frontage (either existing or to be constructed).
C. Development Excise Tax (DET).
D. Storm Water and Flood Management Utility Plant Investment fees.
E. Water and Wastewater Utility Plant Investment Fee.
F. Dedication to the city of right-of-way for streets, alleys, water mains, and/or fire hydrants.
G. Agreement to participate in their pro rata share of any future right-of-way improvements (paving, roadbase, curb, gutter, landscaping, sidewalks, bicycle and pedestrian path connections).
H. Properties with Silver Lake Ditch rights: The city would ask the property owner to sell all interests in the ditch company to the city.
I. Properties with other ditch rights: The city would ask for the "first Right of Refusal" for any ditch rights associated with the property.

V. Application of Community Benefit

A. Guidelines for properties within the flood conveyance zone or with an open space or natural ecosystem land use designations.

1. The city would request dedication of an open space conservation easement for any portion of the site with a BVCP Open Space or Natural Ecosystem land use designation.
2. The city would request dedication to the city of a stormwater and floodplain easement for any portion of the site located within the flood conveyance zone.

B. Guidelines for properties with additional development potential.

The guidelines below are based on the definition of development potential as the potential for a property to be subdivided or for additional units to be built on the property. Although the terms of the community benefit requirement may be negotiated on a case-by-case basis, the following are the general guidelines for requesting community benefit:

1. A community benefit requirement in the form of two times the cash-in-lieu contribution as set forth in the city's inclusionary zoning ordinance to the Housing Trust Fund would be negotiated with property owners in ER and RR zones.
2. For properties in LR and MR zones, a condition would be negotiated that a certain percentage of any new dwelling units be made permanently affordable to various income groups (see specific guidelines for each property group below).

3. For enclaves, the affordable housing request should be consistent with similar annexations in the area (see specific guidelines for each property group below).
4. For edge properties, the cash-in-lieu requested would be two times that required under the inclusionary zoning ordinance.

C. Guidelines for specific property areas.

1. Enclave – Crestview East

a. All properties:
- Request that the applicant demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment or other applicable developed zoning district standards.

b. Properties along Fourmile Canyon Creek:
- Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan and the Stormwater and Flood Management Utility.

c. Properties with subdivision potential – split MR/LR zoning:
- 50% of any newly constructed units should be permanently affordable to low and middle income households.

d. Properties with subdivision potential – split LR/ER zones:
- 25% of any newly constructed units should be permanently affordable to middle income households; and
- Market rate units permitted on site should pay twice the applicable cash-in-lieu amount required by inclusionary zoning provisions.

e. Properties with subdivision potential – ER zones:
- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit (prior to building permit).

2. Enclave – Githens Acres and other miscellaneous North Boulder enclave properties.

a. All properties:
- Request that the applicant demonstrates compliance with the North Boulder Subcommunity Plan Design Guidelines upon

redevelopment or other applicable developed zoning district standards.

b. Properties along Fourmile Canyon Creek:
- Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan.

3. Enclave – Pennsylvania Ave.

a. Three properties along the Wellman Canal (5255, 5303, and 5101):
- Attempt to secure through negotiation, dedication of a trail easement to the city to meet the objectives of the city's Transportation Master Plan.

b. For all properties:
- Request payment for share of sidewalk improvements along Pennsylvania Ave.

4. Enclave – 55th St.

a. Property with an MR land use designation (1415 55th St.):
If zoned LR-D,
- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit. (at the time of building permit) or;
- Any newly constructed units must be permanently affordable to middle income households.

If zoned MR-D,
- 50% of any newly constructed units must be permanently affordable to low and middle income households.

b. Properties with an LR land use designation and further development potential (994, 836, 830 55th St. and 5495 Baseline Rd.):
- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit (at the time of building permit).

5. Gould Subdivision

a. Three properties with additional development potential (2840 Jay Rd., 2818 Jay Rd., 4040 28th St.):

- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit.

6. Western Edge

a. Two properties with a VLR land use designation and development potential (0 Linden Dr., and 3650 4th St.):

- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit. (at the time of subdivision).

b. Properties at 3365 4th St., 3047 3rd St., 2975 3rd St., and 2835 3rd St.:

- An open space conservation easement, for the portion of the property that is west of the "Blue Line," should be dedicated to the city.

7. Old Tale Rd./Cherryvale Rd.

a. Properties along South Boulder Creek:

- Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan and the Stormwater and Flood Management Utility.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: February 16, 2016

AGENDA TITLE

Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8105 rezoning a 1.94 acre area of land located at 3000 Pearl Street a/k/a 3000 Pearl Parkway and 2170 30th Street from Business - Regional 1 (BR-1) to Mixed Use 4 (MU-4) zoning district and a 1.08 acre parcel of land located at 2120 32nd Street and including a portion of 2100 30th Street from Industrial – General (IG) to Business-Regional 1 (BR-1) zoning district.

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

EXECUTIVE SUMMARY
The City Council is asked to consider a proposed ordinance **(Attachment A)** to rezone two areas of land that are both part of the Reve Site Review. One rezoning request is comprised of 1.94 acres for the properties addressed as 3000 Pearl Street a/k/a 3000 Pearl Parkway and 2170 30th Street, with an existing zoning of Business - Regional 1 (BR-1) proposed for Mixed Use 4 (MU-4). The second request is for a portion of the property at 2100 30th Street and all of the property at 2120 32nd Street with a request to rezone the land from Industrial – General (IG) to Business - Regional 1 (BR-1). Both requests are consistent with the Boulder Valley Comprehensive Plan (BVCP) land use designations of Mixed Use Business and General Business, respectively.

Planning Board Consideration of Rezoning. On Jan. 28, 2016, the Planning Board found the rezoning requests to be consistent with the BVCP Land Use Map, and approved the related Site Review for the project referred to as Reve, the consideration of a call-up of that decision is under a separate Information Packet memo, along with a request to change a connection within the Transit Village Area Plan, Connections Plan. In recommending approval, the Planning Board found that the requests are consistent with Land Use Code section 9-2-18(e), B.R.C. 1981. A link to the staff memo of the Planning Board hearing is found at the following link: Jan. 28, 2016 Planning Board memo . The draft ordinance to rezone is found in **Attachment A.** There is a brief written statement in **Attachment B** along with a link to the entire applicant submittal for Site Review and Rezoning.

Key Issue Identification

1) Is the request to rezone a 1.94 acre area of land located within the Transit Village Area Plan and at 3000 Pearl Street and 2170 30th Street, from Business - Regional 1 to Mixed Use 4, consistent with the Boulder Valley Comprehensive Plan land use designation of Mixed Use Business and the criteria for rezoning in Land Use Code section 9-2-18, B.R.C. 1981?

2) Is the request to rezone a 1.08 acre area of land including at a portion of the property at 2100 30th Street and the property at 2120 32nd Street, from Industrial General to Business - Regional 1 consistent with the Boulder Valley Comprehensive Plan land use designation of General Business and the criteria for rezoning in Land Use Code section 9-2-18, B.R.C. 1981?

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

Introduction, first reading and consideration of a motion to order published by title only, Ordinance No. 8105 rezoning a 1.94 acre area of land located at 3000 Pearl Street a/k/a 3000 Pearl Parkway and 2170 30th Street from Business - Regional 1 (BR-1) to the Mixed Use 4 (MU-4) zoning district and a 1.08 acre area of land located at 2120 32nd Street and including a portion of 2100 30th Street and from Industrial – General (IG) to Business - Regional 1 (BR-1) zoning district.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: Economic - Implementation of the BVCP Land Use Map will permit a mix of land uses that were anticipated within the Transit Village Area Plan and Boulder Valley Regional Plan respectively.
- Environmental: Consistent with the BVCP, the rezoning will allow for a mix of uses in a transit rich and services rich area where greater pedestrian and bike ridership can occur.
- Social: The rezoning will permit a range of residential uses from Efficiency Living Units to Live – Work and Townhome units that will allow for a range of affordability.

OTHER IMPACTS

- Fiscal: City services are existing and available to this site.
- Staff time: The applicant has submitted the required rezoning application fee to cover staff review time of this application for a rezoning.

BOARD AND COMMISSION FEEDBACK

The Planning Board hearing was held on Jan. 28, 2016 and concluded with a motion by **B. Bowen** that was seconded by **J. Putnam** to recommend to City Council to approve (5-1, **C. Gray** opposed) the request for the two zoning changes under case no. LUR2015-00043.

PUBLIC FEEDBACK

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. The applicant also met with tenants and property owners in an open house on Jan. 13, 2016. There were approximately 10 attendees, all of whom articulated support and enthusiasm for the proposed project. All notice requirements of section 9-4-3, B.R.C. 1981 have been met. At the Planning Board hearing there were eight members of the public who addressed the Planning Board about the applications and all of them except one person, who articulated concern about traffic and parking, indicated support for the proposed project.

BACKGROUND

Figure 1 below illustrates the BVCP land use map and Figure 2 illustrates the existing zoning. As can be seen in a comparison of the land use map and the zoning, the two maps currently are inconsistent within the northern portion of the Reve site (shown outlined in white) and the eastern "wing" of the site.

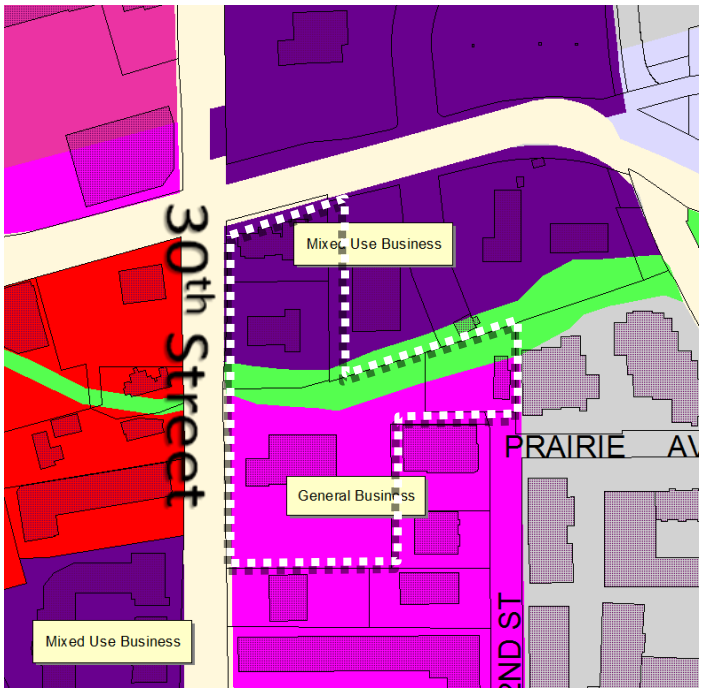


Figure 1: BVCP Land Use Designations

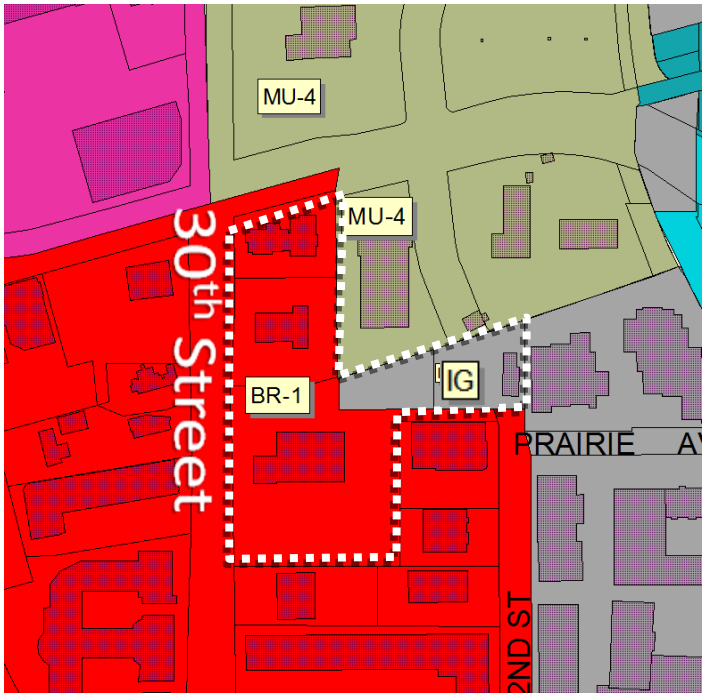


Figure 2: Zoning

KEY ISSUES ANALYSIS

Key Issue 1: Is the proposed Rezoning of the area of the site within TVAP to MU-4 consistent the BVCP and the criteria for rezonings in the Land Use Code section 9-2-18, B.R.C. 1981?

The proposed rezoning of the 84,543 square foot or 1.94 acre area currently addressed as 3000 Pearl Street and 2170 Pearl Street (refer to Figures 3a and 3b below and the Surveys in **Attachment A**) north of the ditch to Mixed Use 4 (MU-4) is consistent with the BVCP land use designation of Mixed Use Business (MUB), and with the TVAP land use designation of MU2. Under Mixed Use Business land use designation, there is an option for business or residential character; and the definition specifically recommends "housing and public uses supporting housing will be encouraged and may be required."

Figures 3a(left): Existing Zoning and Figure 3b(right) Proposed Zoning at 3000 Pearl St. and 2107 30th Street

The Land Use Code, section 9-2-18, B.R.C. 1981 establishes a high threshold for a rezoning, and in this case, the only clear applicable criteria is subsections (e) and (e)(1) with analysis following for each respective criterion noted as follows:

> ***"(e) Criteria: The city's zoning is the result of a detailed and comprehensive appraisal of the city's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the city, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the city council shall grant a rezoning application only if the proposed rezoning is consistent with the policies and goals of the Boulder Valley Comprehensive Plan…"***
>
> The proposed rezoning is consistent with the city's core values and sustainability framework that are as follows in an excerpt from the BVCP page 9:

Core Values

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

- **Sustainability** as a unifying framework to meet environmental, economic and social goals
- A welcoming and **inclusive** community
- Culture of creativity and **innovation**
- Strong **city and county** cooperation
- Our unique community **identity and sense of place**
- **Compact, contiguous** development and infill that supports evolution to a more **sustainable urban form**
- **Open space** preservation
- Great **neighborhoods** and **public spaces**
- **Environmental** stewardship and **climate** action
- A vibrant **economy** based on Boulder's quality of life and economic strengths
- A diversity of **housing** types and price ranges
- An all-mode **transportation** system to make getting around without a car easy and accessible to everyone
- Physical health and well-being

Further, the proposed rezoning is consistent with the following BVCP policies:

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

And, for an application not incidental to a general revision of the zoning map, meets one of the following criteria:

(1) The applicant demonstrates by clear and convincing evidence that the proposed rezoning is necessary to come into compliance with the Boulder Valley Comprehensive Plan map;

The applicant has demonstrated that the proposed rezoning is necessary to come into compliance with the BVCP *map designation of Mixed Use Business that is equivalent to the TVAP Mixed Use 2 Land Use in intent.* BVCP Land Use designations within the site: the northern portion of the property that is located within Boulder Junction is designated as Mixed Use Business under the BVCP and the area in the site south of the ditch is defined as General Business. The ditch itself is designated under the BVCP as "Open Space – Other" and Mixed Use Business is defined in the BVCP as follows,

> *"Mixed Use-Business development may be deemed appropriate and will be encouraged in some business areas. These areas may be designated Mixed Use-*

Business where business or residential character will predominate. Housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses."

The MU-4 zoning district is defined as follows:

"residential areas generally intended for residential uses with neighborhood-serving retail and office uses; and where complementary uses may be allowed. It is anticipated that development will occur in a pedestrian-oriented pattern, with buildings built up to the street."

The proposed mixed use building planned for MU-4 zoning is proposed to be built up to the street with pedestrian oriented fenestration and entryways. Retail and restaurants are proposed along the ground floor of the building that will enhance the pedestrian experience. The upper stories are proposed as various sizes of residential apartments.

(2) The existing zoning of the land was the result of a clerical error;

Not applicable

(3) The existing zoning of the land was based on a mistake of fact;
Not applicable

(4) The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;

Not applicable

(5) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area;

Not applicable

or

(6) The proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Boulder Valley Comprehensive Plan.

Not applicable

Note that there are additional criteria applicable to the MU-4 zoning district in section 9-2-18 of the Land Use Code, B.R.C. 1981. As follows:

(f) Additional criteria for the MU-4, RH-3, RH-6 and RH-7 zoning districts zoning districts for an application not incidental to a general revision of the zoning map, the city council shall also find that the rezoning meets the following criteria, in addition to subsection (e) above:

(1) Transportation. The land proposed for rezoning is:

(A) Subject to a right of way plan for the immediate area;

The land proposed for rezoning and the immediate area are subject to the TVAP Connections Plan.

(B) The ROW plan is capable of being implemented to the extent necessary to serve the property and to connect to the arterial street network through collector and local streets, alleys, multi-use paths and sidewalk concurrent with redevelopment;

The proposed connections plan is capable of being implemented to serve the property and connect to both 30th Street and Pearl Parkway concurrent with redevelopment through development exactions.

and

(C) The public infrastructure can be paid for by way of redevelopment under the provisions of section 9-9-8, "Reservations, Dedication and Improvement of Rights-of-Way", B.R.C 1981, without contribution of funds by the city, or that there is a plan for financing and construction that has been approved by city council through the capital improvement program and the city council anticipates appropriating such funds within two years of the rezoning.

The public infrastructure will be paid for by the applicant of the redevelopment to serve the site.

(2) Water, Wastewater and Stormwater Management and Flood Control. The city council shall determine whether there are adequate public facilities available for the rezoning area. The city council shall determine whether there are adequate water, wastewater and stormwater management and flood control facilities by considering the following:

(A)Whether the infrastructure meets the requirements of the City of Boulder Design and Construction Standards, adopted City master plans, the Boulder Valley Comprehensive Plan, subcommunity plans and area plans.

A *Preliminary Utility Report – REVE 30th and Pearl* was prepared by JVA Consulting Engineers on July 15, 2015 in order to assess the impacts and service demands of the project on the city's water and wastewater systems. It was determined in the report that, in accordance with the City of Boulder Design and Construction Standards, the existing city infrastructure is adequate to serve the proposed project.

A *Preliminary Drainage Report for REVE The 30th and Pearl Project* was prepared by JVA Consulting Engineers (revised on) September 30, 2015. The report assessed the impacts and public improvements needs of the project for stormwater management and flood control facilities. It was determined in the report that, in accordance with the City of Boulder Design and Construction Standards, the existing city infrastructure is adequate to serve the proposed project.

(B)Whether the land proposed to be rezoned has adequate water, wastewater and stormwater management and flood control public facilities that are:

(i)In place at the time of the rezoning request;

(ii)Under construction and will be available at the time that the impacts of the proposed development will occur; or

(iii)Guaranteed by an enforceable development agreement ensuring that the public facilities will be in place at the time that the impacts of the proposed development will occur.

It was determined in the utility report and drainage report listed above that, in accordance with the City of Boulder Design and Construction Standards, the existing city infrastructure is adequate to serve the proposed project and is in place at the time of the rezoning request.

(3) Travel Demand Management Services. In the MU-4, RH-6 and RH-7 zoning districts, the property subject to the rezoning is located within an area that has parking and transportation related service provided by a general improvement district or an equivalent organization or otherwise meets the trip generation requirements of section 9-9-22, B.R.C. 1981), Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts," B.R.C. 1981.

The applicant has to either join a general improvement district or similar organization or meet the requirements of section 9-9-22, B.R.C. 1981.

The applicant intends to join the entire site into the TDM district for Boulder Junction and in doing so, the applicant provided a TDM. As noted in the TDM, the proximity to Boulder Junction provides an opportunity for this site to be integrated within the planning area's Transportation Demand Management (TDM) district to allow residents and employees to efficiently utilize these tools. The TDM strategies improve the mobility, encourage multimodal travel, reduce parking needs, and decrease roadway

congestion and TDM works best with a variety of land uses and adequate access for all modes as proposed by the project.

The Boulder Junction TDM District has a goal that of 55 percent of all trips must be made without use of the SOV. The district has implemented a Parking Access plan to manage the parking and provide shared structured parking. All of the residents and employees within the district will be provided RTD Eco Passes, free carshare memberships, and discounted annual Boulder B-Cycle Reve – Transportation Demand Management Plan memberships. The district will also have on-street pay stations and pay-by-phone technology, similar to the system in downtown Boulder.

The employees and residents of the Reve will receive Eco Pass and memberships for carshare and B-Cycle. The applicant is constructing an enhanced bus shelter on 30th Street for local connectivity and the location of the bus facility across Pearl Parkway provides regional connectivity.

Bicycle Parking. On site there will be bike parking that exceeds the City requirements. Pursuant to section 9-9-6 (8)(g)(1), B.R.C. 1981, bicycle parking is require as follows:

- Restaurant/Brew Pub: 1 per 750 square feet
- Residential: 2 per unit
- Office/Retail Flex: 1 per 750 square feet

The B.R.C. requires 434 long-term bike parking spaces and 161 short-term bike parking spaces, a total of 595 spaces. The Reve project proposes to exceed this requirement by providing a total of 598 bicycle parking spaces (434 long-term and 164 short-term, entry-level spaces). The long-term parking will be located within the secured, covered parking structures. The spaces will be distributed between the north and south sections of the Reve site. In the northern portion there will be 198 long-term bike spaces and 72 short-term bike spaces. In the southern portion there will be 236 long-term bike spaces and 92 short-term bike spaces.

Motor Vehicle Parking Strategies. Reve will also implement parking management strategies to reduce the non-auto trips, improve multimodal connectivity, and decrease traffic impacts internally and externally to the site. Parking will be clustered and provided by below-grade structured parking that will help the site design to maximize the site area for buildings and pedestrian access. Reve will have a more walkable design with the parking within two structures – one serving the north site and one serving the south side, bisected by the Boulder Slough. The project will provide unbundled parking and charge for parking throughout the development.

Land Use. Residential and office are complementary land uses that can easily share parking spaces because when the residents leave the site, employees arrive and park for the day. In the evening, the employees leave and residents return home. The shared spaces reduces the total demand for parking.

Key Issue 2: Is the proposed Rezoning of the area on the east end of the site from Industrial-General to Business - Regional 1 consistent with the BVCP and the criteria for rezonings in the Land Use Code section 9-2-18, B.R.C. 1981?

The proposed rezoning of the area of the eastern end of the site to Business - Regional 1, and currently addressed as 2120 32nd Street and a portion of 2100 30th Street (refer to Figures 5a and 5b on the following page and the Surveys in **Attachment B**), is consistent with the BVCP land use designation of General Business. General Business land use is designated the comprehensive plan identifies these areas as *"where intensive commercial uses exist and proposes that these areas continue to be used without expanding the strip character already established."* Residential uses are permitted by right in the BR-1 zoning district, as is proposed within the Site Plan. This area as currently zoned Industrial General (IG) but designated as General Business land use, is not consistent with the BVCP Land Use map.

As defined in section 9-5-2, B.R.C. 1981, the IG zoning district is defined as,

> *"General industrial areas where a wide range of light industrial uses, including research and manufacturing operations and service industrial uses are located. Residential uses and other complementary uses may be allowed in appropriate locations."*

BR-1 zoning district is defined as,

> "*Business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development; and where the goals of the Boulder Urban Renewal plan are implemented."*

The BR-1 zoning district is intended for regional or general business, and given the maximum possible FAR of 4.0 this is a zoning district where the city would anticipate large commercial buildings. Within the BR-1 zoning district, attached residential uses are permitted by-right. For residential uses, the density is based on a calculation of one dwelling unit per 1,600 square feet of lot area or up to 27.2 dwelling units per acre.

Figures 5a (left): Existing Zoning and Figure 5b (right) Proposed Zoning to BR-1 at 2120 32nd Street and 2100 30th Street

The Land Use Code, section 9-2-18, B.R.C. 1981 establishes a high threshold for a rezoning, and in this case, the only clear applicable criteria is subsections (e) and (e)(1) with analysis following for each respective criterion noted as follows:

(e) Criteria: The city's zoning is the result of a detailed and comprehensive appraisal of the city's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the city, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the city council shall grant a rezoning application only if the proposed rezoning is consistent with the policies and goals of the Boulder Valley Comprehensive Plan,

The proposed rezoning is consistent with the city's core values and sustainability framework that are as follows in an excerpt from the BVCP page 9:

Core Values

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

- **Sustainability** as a unifying framework to meet environmental, economic and social goals
- A welcoming and **inclusive** community
- Culture of creativity and **innovation**
- Strong **city and county** cooperation
- Our unique community **identity and sense of place**
- **Compact, contiguous** development and infill that supports evolution to a more **sustainable urban form**
- **Open space** preservation
- Great **neighborhoods** and **public spaces**
- **Environmental** stewardship and **climate** action
- A vibrant **economy** based on Boulder's quality of life and economic strengths
- A diversity of **housing** types and price ranges
- An all-mode **transportation** system to make getting around without a car easy and accessible to everyone
- Physical health and well-being

Further, the proposed rezoning is consistent with the following BVCP policies:

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

And, for an application not incidental to a general revision of the zoning map, meets one of the following criteria:

(1) The applicant demonstrates by clear and convincing evidence that the proposed rezoning is necessary to come into compliance with the Boulder Valley Comprehensive Plan map;

The applicant has demonstrated that the proposed rezoning from Industrial – General to Business-Regional 1 (BR-1) is necessary to come into compliance with the BVCP map designation of General Business. The area currently designated as Industrial – General zoning, but with a General Business land use designation is planned primarily for higher density residential uses, with some ground floor "amenity" space such as a fitness center. In the BR-1 zoning district, attached residential is permitted by-right.

(2) The existing zoning of the land was the result of a clerical error;

Not Applicable

(3) The existing zoning of the land was based on a mistake of fact;

Not Applicable

(4) The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;

Not Applicable

(5) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area;

Not Applicable

Or

(6) The proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Boulder Valley Comprehensive Plan.

Not Applicable

Conclusion. The proposed MU-4 zoning on the properties located at 3000 Pearl Street and 2170 30th Street will permit a mix of uses as anticipated in the Boulder Valley Comprehensive Plan and the Transit Village Area Plan. Similarly, the proposed BR-1 zoning district where Industrial – General zoning exists today on a portion of property located at 2100 30th Street and 2120 32nd Street will permit a range of uses anticipated in the Boulder Valley Comprehensive Plan.

Approved By:

_____

Jane S. Brautigam
City Manager

ATTACHMENTS:

A: Proposed Rezoning Ordinance No. 8105
B: Applicant's Written Statement

ORDINANCE NO. 8105

AN ORDINANCE REZONING A 1.94 ACRE AREA OF LAND LOCATED AT 3000 PEARL STREET A/K/A 3000 PEARL PARKWAY AND 2170 30TH STREET FROM BUSINESS – REGIONAL 1 (BR-1) TO MIXED USE 4 (MU-4) ZONING DISTRICT AND A 1.08 ACRE AREA OF LAND LOCATED AT 2100 30th STREET AND 2120 32nd STREET FROM INDUSTRIAL – GENERAL (IG) TO BUSINESS – REGIONAL 1 (BR-1) ZONING DISTRICT AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS:

A. A public hearing before the Planning Board of the City of Boulder was duly held on January 28, 2016, in consideration of rezoning approximately a 1.94 acre portion of land generally located at 3000 Pearl Street a/k/a 3000 Pearl Parkway and 2170 30th Street and more particularly described on Exhibit A attached to this ordinance ("3000 Pearl and 2170 30th Property") from the Business – Regional 1 (BR-1) to the Mixed Use 4 (MU-4) zoning district and a 1.08 acre portion of land generally known as a portion of 2100 30th Street and 2170 32nd Street and more particularly described on Exhibit B attached to this ordinance ("2100 30th and 2170 32nd Property") from the Industrial – General (IG) to the Business – Regional 1 (BR-1) zoning district. The properties more particularly described on Exhibits A and B attached to this ordinance are hereafter collectively referred to as the "Properties."

B. The Planning Board found that the rezoning of the 3000 Pearl and 2170 30th Property from the Business – Regional 1 (BR-1) to the Mixed Use 4 (MU-4) zoning district and the 2100 30th and 2120 32nd Property from the Industrial – General (IG) to Business – Regional 1 (BR-1) zoning district is consistent with the policies and goals of

the Boulder Valley Comprehensive Plan and meets the criteria for rezoning as provided in Chapter 9-2, "Review Processes," B.R.C. 1981.

C. The Planning Board recommended that the City Council amend the zoning district map to include the 3000 Pearl and 2170 30th Property in the Mixed Use 4 (MU-4) zoning district and the 2100 30th and 2120 32nd Property in the Business – Regional 1 (BR-1) zoning district as provided in Chapter 9-5, "Modular Zone System," B.R.C. 1981.

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

Section 1. Chapter 9-5, "Modular Zone System," B.R.C. 1981, and the zoning district map forming a part thereof are amended to include the 3000 Pearl and 2170 30th Property within the Mixed Use 4 (MU-4) zoning district and the 2100 30th and 2120 32nd Property within the Business – Regional 1 (BR-1) zoning district.

Section 2. The City Council finds that the rezoning of the 3000 Pearl and 2170 30th Property within the Mixed Use 4 (MU-4) zoning district is consistent with the policies and goals of the Boulder Valley Comprehensive Plan ("BVCP"), meets the criteria of Subsection 9-2-18(e)(1), B.R.C. 1981, by bringing the zoning into compliance with the BVCP map designation of Mixed Use Business and meets all of the criteria of Subsection 9-2-18(f), "Additional Criteria for the MU-4, RH-3, RH-6 and RH7 zoning districts," B.R.C. 1981.

Section 3. The City Council finds that the rezoning of the 2100 30th and 2120 32nd Property within the Business – Regional 1 (BR-1) zoning district is consistent with the policies and goals of the Boulder Valley Comprehensive Plan and meets the criteria

of Subsection 9-2-18(e)(1), B.R.C. 1981, by bringing the zoning into compliance with the BVCP map designation of General Business.

Section 4. The City Council adopts the recitals as a part of this ordinance.

Section 5. The City Council has jurisdiction and legal authority to rezone the Properties.

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. The rezoning of the Properties bear a substantial relation to, and will enhance the general welfare of, the Properties and of the residents of the City of Boulder.

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.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 16th day of February, 2016.

_____
Mayor

Attest:

_____
City Clerk

K:\pldr\o-1st reading-rezoning 3000 pearl.doc

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____, 20_____.

_____
Mayor

Attest:

_____
City Clerk

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE LINE BETWEEN BOULDER JUNCTION CONTROL POINT NO. CP 1050 BEING A FOUND 1/2" REBAR WITH COLLAR, ±62' NORTH OF THE WEST HEADWALL OF GOOSE CREEK AND ± 42' WEST OF THE R.R. TRACKS AND BOULDER JUNCTION CONTROL POINT NO. CP 1060 A FOUND 5/8" REBAR WITH 2.5" ALLOY CAP IN THE CONCRETE IN THE MEDIAN OF PEARL PARKWAY TO BEAR SOUTH 09°33'16" EAST, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

COMMENCING AT BOULDER JUNCTION CONTROL POINT 1060; THENCE SOUTH 84°56'12" WEST, A DISTANCE OF 718.23 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF PEARL STREET/PEARL PARKWAY, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 00°14'46" EAST, A DISTANCE OF 394.79 FEET ALONG THE WESTERLY LINE AND WESTERLY LINE EXTENDED OF LOT 1, 3100-3102 PEARL SUBDIVISION, AS RECORDED IN THE RECORDS OF BOULDER COUNTY ON JANUARY 25, 2012 AT RECEPTION NO. 03198390 TO THE SOUTHEAST CORNER OF LOT 1, HOLLISTER SUBDIVISION, AS RECORDED IN THE RECORDS OF BOULDER COUNTY, RECORDED ON AUGUST 11, 1999 AT RECEPTION NO. 1970467; THENCE ALONG THE SOUTH LINE OF SAID LOT 1 THE FOLLOWING TWO COURSES AND DISTANCES:

1) SOUTH 73°32'05" WEST, A DISTANCE OF 61.83 FEET;
2) THENCE SOUTH 89°46'23" WEST, A DISTANCE OF 169.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF 30TH STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES AND DISTANCES:

1) NORTH 02°59'57" EAST, A DISTANCE OF 150.22 FEET;
2) THENCE NORTH 00°14'43" WEST, A DISTANCE OF 203.20 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF PEARL STREET/PEARL PARKWAY; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 74°49'34" EAST, A DISTANCE OF 228.33 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 84,543 SQ.FT. OR 1.94 ACRES, MORE OR LESS.

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

JOHN B. GUYTON
COLORADO P.L.S. #16406 JOB NO. 14-64,626
CHAIRMAN/CEO, FLATIRONS, INC.

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.
JOB NUMBER: 14-64,626 DRAWN BY: M. VOYLES NOVEMBER 20, 2015 (EXHIBIT A)

Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com

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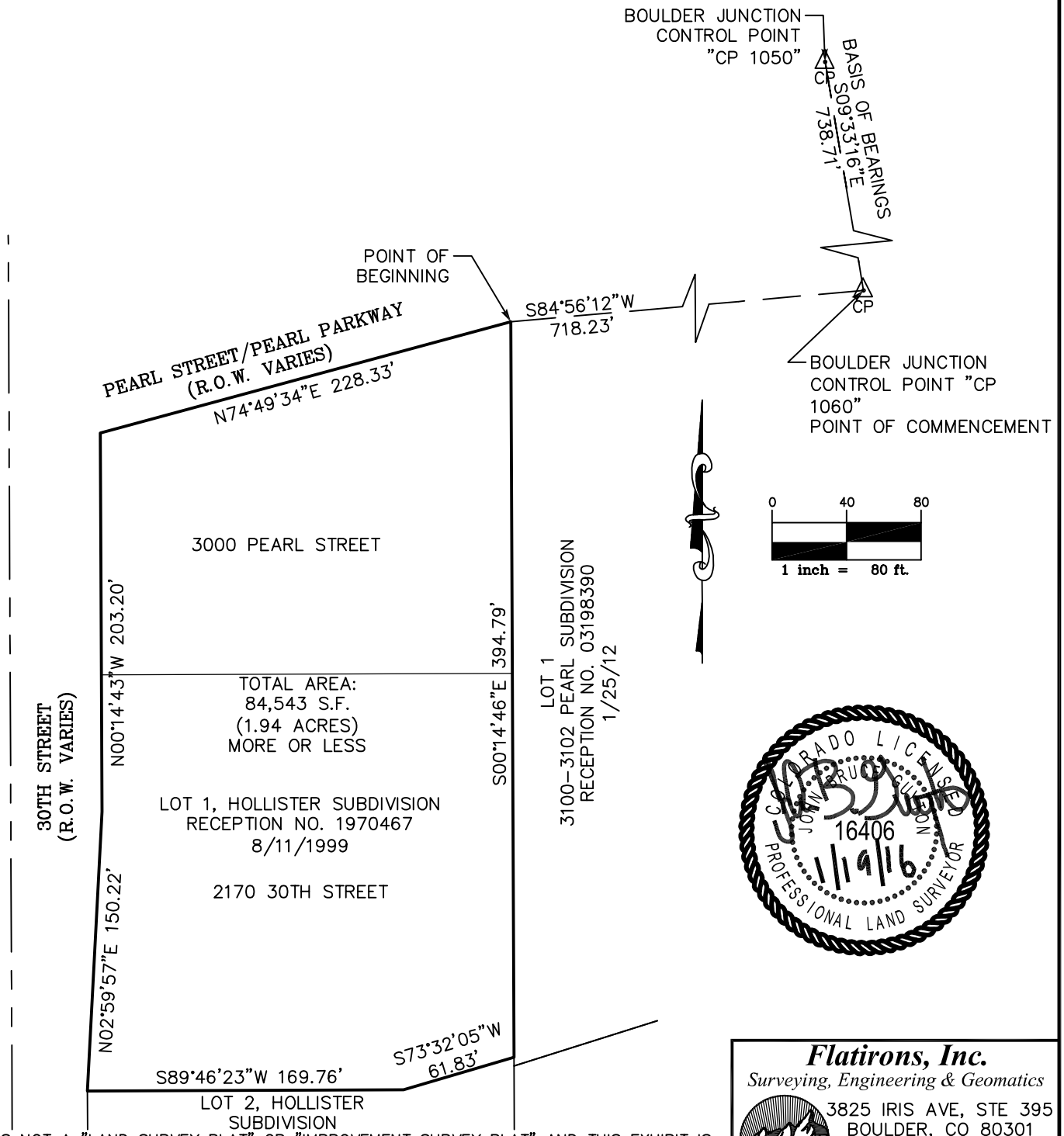
SHEET 2 OF 2

LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO



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JOB NUMBER: 14-64,626 DRAWN BY: M. VOYLES DATE: NOVEMBER 20, 2015

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EXHIBIT "B"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE LINE BETWEEN BOULDER JUNCTION CONTROL POINT NO. CP 1050 BEING A FOUND 1/2" REBAR WITH COLLAR, ±62' NORTH OF THE WEST HEADWALL OF GOOSE CREEK AND ± 42' WEST OF THE R.R. TRACKS AND BOULDER JUNCTION CONTROL POINT NO. CP 1060 A FOUND 5/8" REBAR WITH 2.5" ALLOY CAP IN THE CONCRETE IN THE MEDIAN OF PEARL PARKWAY TO BEAR SOUTH 09°33'16" EAST, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

COMMENCING AT BOULDER JUNCTION CONTROL POINT 1060; THENCE SOUTH 43°07'29" WEST, A DISTANCE OF 470.42 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON NOVEMBER 01, 1994 AT RECEPTION NO. 01475717, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL SOUTH 00°11'08" EAST, A DISTANCE OF 177.71 FEET TO THE NORTHEAST CORNER OF 32ND STREET RIGHT-OF-WAY LINE; THENCE ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY LINE AND RIGHT-OF-WAY LINE EXTENDED SOUTH 89°44'30" WEST, A DISTANCE OF 392.56 FEET; THENCE NORTH 00°09'08" WEST, A DISTANCE OF 59.95 FEET TO THE SOUTHWEST CORNER OF LOT 1, 3100-3012 PEARL SUBDIVISION, AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON JANUARY 25, 2012 AT RECEPTION NO. 03198390; THENCE ALONG THE SOUTH LINE OF SAID LOT 1 THE FOLLOWING TWO COURSES AND DISTANCES;

1) NORTH 72°32'26" EAST, A DISTANCE OF 205.86 FEET;
2) THENCE NORTH 73°33'37" EAST, A DISTANCE OF 204.11 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 47,018 SQ.FT. OR 1.08 ACRES, MORE OR LESS.

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

COLORADO LICENSED
JOHN BRUCE GUYTON
16406
1/26/16
PROFESSIONAL LAND SURVEYOR

JOHN B. GUYTON
COLORADO P.L.S. #16406 JOB NO. 14-64,626
CHAIRMAN/CEO, FLATIRONS, INC.

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JOB NUMBER: 14-64,626 DRAWN BY: M. VOYLES NOVEMBER 20, 2015 (EXHIBIT B)

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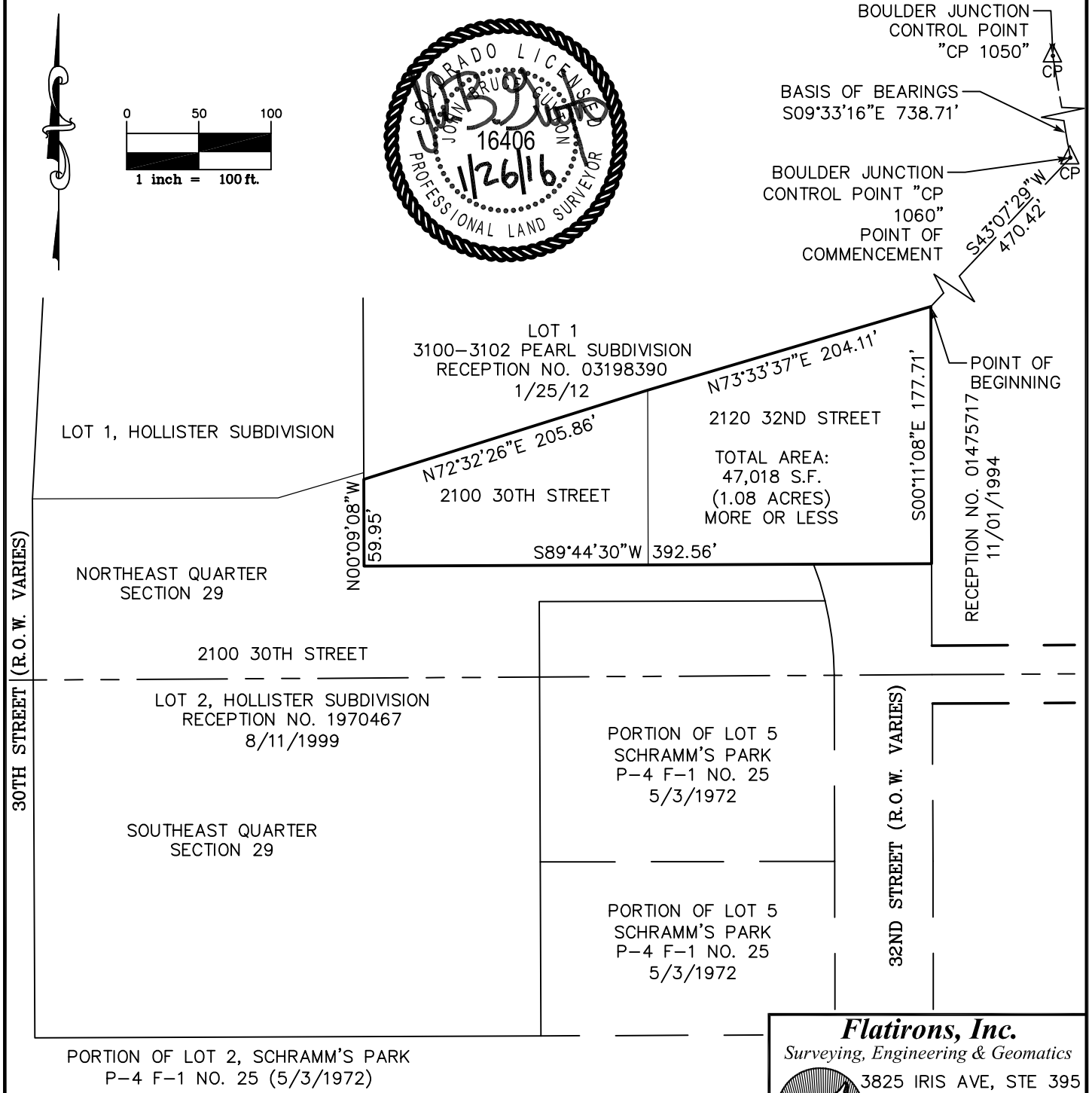
SHEET 2 OF 2

LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO



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BY:MVOYLES FILE:64626_ZONING DESCRIPTIONS(REVISION).DWG DATE:1/26/2016 10:20 AM

Following is a summary of the applicant written statement pertaining to rezoning. Additional information is found in the complete applicant Written Statement for the Site Review and Rezoning and can be found as a separate hyperlink on the City Council Website listed as Attachment E Part 1 (Agenda Items 3F and 8A2).

Site Context & Zoning

The **Rêve** site is comprised of four existing parcels that consist of 6.01 acres and occupies a prominent corner at 30th Street and Pearl Parkway in the heart of Boulder Junction. It maintains a large amount of frontage extending along both streets, and extends east to 32nd Street. Central to the site is the Boulder &Left Hand Ditch (Slough) which bisects the property west to east creating a northern and southern parcel. Existing uses include a multi-tenant office, an automobile dealership, and an automobile repair shop. The site is approximately 90% impervious with paving and existing building coverage, and the majority of the remaining 10% is directly attributed to the Boulder Slough. Currently, there are three separate owners for the property which Southern Land Company has contracted with for the purchase of these parcels. The current ownership information can be found within the application and all owners have been well informed throughout the design and Concept Plan process. The entire site is located in the northeast corner of the Boulder Valley Regional Center(BVRC) which has been identified in the Boulder Valley Comprehensive Plan (BVCP) as one of three primary activity centers within Boulder. The BVRC is predominantly commercial, but has recently experienced new development and growth, which has expanded the mix of uses serving the area. Just recently, the Pearl Place development was approved and is located directly across 30th Street from our site. This is a development with more than 300,000 square feet of office for Google and we feel there will be significant synergy between the office uses associated with Pearl Place and the diverse housing options that would be available at **Rêve**. In addition, the proposed retail and restaurants will provide walkable choices in this activity center. This corner of the BVRC will soon be a hub of activity and energy that can positively contribute to the changes that have been underway over the last decade.

Building upon the BVRC activity, the Boulder Junction area is developing out of the Transit Village Area Plan (TVAP) and overlaps these two boundaries. Specific to our site, the land that lies north of the Boulder & Left Hand Ditch is also within the TVAP boundary. Recent development here includes both the Solana Apartments, which are immediately adjacent to our north parcel, and across Pearl Parkway, the recently completed Depot Square development which includes a hotel and residential units. We have fully embraced the transit-oriented goals of the TVAP and our proposal at the corner of 30th & Pearl will begin to help define a gateway into this urban environment.

The site is currently made up of two separate zoning classifications. The two parcels north of the Boulder Slough are currently within the BR-1 zoning district, while the two parcels south of the Boulder Slough are divided between the BR-1 and IG zoning districts. This proposal requests a rezoning based on Criteria 1 for rezoning in the BVCP: *The applicant demonstrates by clear and convincing evidence that the proposed rezoning is necessary to come into compliance with the Boulder Valley Comprehensive Plan map.* The request is for the IG classification to be rezoned to BR-1 which is consistent with the BVCP Land Use Plan with this area designated as General Business. Likewise, we are proposing to rezone the two parcels north of the Boulder Slough from the BR-1 classification to the MU-4 zoning district. Again, this is consistent with the BVCP Land Use Plan which has this area designated as Mixed-Use Business, as well as being consistent with the vision for the TVAP and Boulder Junction in this immediate area which were rezoned under the city's guidance to MU-4.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: February 16, 2016

AGENDA TITLE

Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8106 amending Title 11-6, the Boulder Cable Code

PRESENTERS
Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Debra Kalish, Senior Assistant City Attorney
Carl Castillo, Policy Advisor

EXECUTIVE SUMMARY

On April 7, 2015, City Council approved a 10-year cable television franchise agreement between the city and Comcast of Colorado IV, LLC ("Comcast"). During the negotiations for this agreement (the "Comcast Franchise") it became apparent that the city would need to revise certain provisions of Boulder's Cable Code (Chapter 11-6 of the Boulder Revised Code 1981) and the Customer Service Standards found in Appendix A to Boulder Cable Code. These revisions are necessary to ensure conformance with federal law (Title 47, Part 5 of the U.S. Code), the Comcast Franchise Agreement and the evolving industry standards for customer service that are reflected in this agreement. The revisions to the city's code are considered minor and technical in nature. This agenda item is an opportunity for council to consider adopting such revisions as reflected in the proposed ordinance (**Attachment A**).

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to introduce and order published by title only Ordinance No. 8106, included as **Attachment A**, amending Title 11-6, Amending the Boulder Cable Code

BACKGROUND

The city enters into cable franchise agreements to permit private providers to use city right-of-way (ROW) to run their cable lines to provide multi-channel program service. In return, the city collects cable franchise fees. Multi-channel program service providers that do not require use of city ROW (i.e., satellite service providers) are not required to enter into a cable franchise agreement with the city. The franchises that are granted are not exclusive, meaning that they do not prevent other entrants from using city ROW to provide competing services.

The city has been a signatory to three cable franchise agreements, all with Comcast or its predecessor companies: first in 1982; then in 2004, and; finally in 2015. This most recent agreement is set to expire at the end of 2025.

In 1998, during a time when the city anticipated many new entrants seeking cable franchise agreements, the city adopted the Boulder Cable Code, § 11-6-1 *et seq.*, B.R.C. It included in an appendix customer service standards that were appropriate for the time. Since then, the Colorado Communications and Utilities Alliance (CCUA), a coalition of Colorado local governments that support each other in all aspects of cable franchising, has developed new customer service standards that reflect not only the latest technologies and industry customer service standards, but are the product of a significant negotiations with, and compromise by, the largest cable providers in Colorado. With a few minor exceptions, these standards were all incorporated into the city's 2015 Comcast Franchise Agreement. The customer service standards in that agreement recognized changes in the industry that have taken place since the Cable Code was adopted, including centralized and upgraded service centers, expanded hours of operation and improved customer complaint handling. They include minimum requirements for providing courtesy, accessibility, and responsiveness and establish a complaint procedure for receiving, acting upon and resolving customer complaints to Comcast, or to the city as the franchising authority, and the right of the city to impose financial assessments to remedy violations. The agreement also includes stronger data privacy protections from the Cable Code that are important to Boulder customers.

ANALYSIS

The proposed ordinance would accomplish the following:

- Repeal the section of the Boulder Cable Code that refers to the customer service standards, and Appendix A, where the customer service standards are codified. The standards are central to ensuring good cable service in the city. However, including in the Boulder Cable Code customer service standards that are constantly evolving as technology advances is not recommended. It is for this reason that nearly every (or perhaps all) other Colorado municipalities, have chosen not to codify their customer service standards and instead chosen to use each expiring franchise as an opportunity to negotiate completely new standards that take into account the latest industry standards, evolving technology as well as the benefits of coalition/CCUA-leveraged negotiations to arrive at the highest level of customer service available to the community at the time such franchise is renewed.

- Repeal the section of the Boulder Cable Code on rate regulation. Only communities without competition for cable television service may regulate rates. Once the Federal Communications Commission determined in 2008 that Comcast has competition on the Front Range from direct broadcast satellite providers, this code provision became unenforceable.

- Amend the section of the Boulder Cable Code on the cost of audits. Based on our experience and in consultation with the Finance Department, the city agreed to these changes in the Comcast Franchise Agreement. This amendment ensures that the Boulder Cable Code is not inconsistent with that agreement.

ATTACHMENT

Attachment A – Proposed ordinance amending Title 11-6, the Boulder Cable Code

ORDINANCE NO. 8106

AN ORDINANCE AMENDING CHAPTER 11-6, "BOULDER CABLE CODE," B.R.C. 1981, SPECIFICALLY SECTIONS 11-6-8, 11-6-9, AND 11-6-10 (H) AND APPENDIX A THERETO, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 11-6-8, "Consumer Protection Provisions," BRC 1981, and Appendix A, "Customer Service Standards," referenced therein, are repealed.

Section 2. Section 11-6-9, "Rate Regulation," BRC 1981, is repealed.

Section 3. Section 11-6-10, "Franchise Fee," B.R.C. 1981, is amended to read:

11-6-10. - Franchise Fee.

….

(h) City's Right to Audit Books and Records: The city may, from time to time, and upon reasonable notice, inspect and audit any and all books and records relevant to the determination of gross revenues and the computation of franchise fees due, and may recompute any amounts determined to be payable. If, as a result of the audit, the city determines that the franchisee has underpaid the franchise fees owed in an amount exceeding five percent of the franchise fees actually paid ~~or $10,000.00, whichever is less~~, the reasonable cost of the audit, up to $10,000.00, shall be borne by the person responsible to pay the fee. The audit shall be performed in the city, and it shall be the responsibility of the person subject to the fee to have all books and records necessary to satisfactorily perform the audit readily available to the auditors.

….

Section 4. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 5. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 16th day of February, 2016.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____, 20__.

_____
Mayor

Attest:

_____
City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: February 16, 2016

AGENDA TITLE

Introduction, first reading and consideration of a motion to adopt Emergency Ordinance No. 8104 adopting Supplement No. 126, which codifies previously adopted Ordinance Nos. 8055, 8056, 8065, 8072, 8081, 8084, 8088, and 8091, and other miscellaneous corrections and amendments, as an amendment to the Boulder Revised Code, 1981.

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

EXECUTIVE SUMMARY:

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

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

The text of Supplement No. 126 has been previously adopted by the following ordinances:

8055	AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE REGULAR MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, THE QUESTION OF AMENDING THE CITY CHARTER REGARDING THE LIBRARY COMMISSION; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER RELATED DETAILS.
8056	AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE REGULAR MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, THE QUESTION OF WHETHER TO EXTEND THE UTILITY OCCUPATION TAX ON PUBLIC UTILITY COMPANIES THAT DELIVER ENERGY TO CUSTOMERS IN THE FORM OF ELECTRICITY AND GAS THAT WAS PASSED BY THE VOTERS PURSUANT TO ORDINANCE NO. 7751 (AS AMENDED BY ORDINANCE NO. 7808) AT THE RATE $4.1 MILLION DOLLARS, BEGINNING JANUARY 1, 2011 BE EXTENDED FROM DECEMBER 31, 2017 TO DECEMBER 31, 2022; SETTING FORTH THE BALLOT TITLE; MAKING CONFORMING CHANGES TO THE BOULDER REVISED CODE; AND SETTING FORTH RELATED DETAILS.

8065	AN EMERGENCY ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, THE QUESTION OF WHETHER THE CITY OF BOULDER TAXES BE INCREASED BY UP TO FOUR HUNDRED THOUSAND DOLLARS ($400,000.00) ANNUALLY (IN THE FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS AS MAY BE COLLECTED ANNUALLY THEREAFTER BY THE IMPOSITION OF A TAX ON SHORT-TERM RENTALS NOT ALREADY TAXED AS HOTEL, MOTEL OR OTHER PUBLIC ACCOMMODATIONS, TO FUND ADMINISTRATION, ENFORCEMENT AND THE CREATION OF ADDITIONAL AFFORDABLE HOUSING AND GIVING APPROVAL FOR THE COLLECTION, RETENTION AND EXPENDITURE OF THE FULL TAX PROCEEDS AND ANY EARNINGS RELATING TO THIS TAX NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION; AND SETTING FORTH RELATED DETAILS.
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 PROHIBITION 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.
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.
8084	AN ORDINANCE AMENDING SECTION 4-2-4, "STATE LAW PROCEDURES APPLY," B.R.C. 1981, ELIMINATING THE PRINCIPAL CAMPUS OF NAROPA UNIVERSITY FROM THE APPLICATION OF THE 500 FOOT DISTANCE RESTRICTION IMPOSED BY THE COLORADO LIQUOR CODE FOR BEER AND WINE LICENSES ONLY, AND SETTING FORTH RELATED DETAILS.
8088	AN ORDINANCE AMENDING SECTION 3-8-3 AND CHAPTER 4-20, B.R.C. 1981, CHANGING CERTAIN FEES AND SETTING FORTH RELATED DETAILS.
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.

FISCAL IMPACTS:

Budgetary: None

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

Economic: None

COUNCIL FILTER IMPACTS:

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

STAFF RECOMMENDATION:

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

Motion to adopt Emergency Ordinance No. 8104 regarding Supplement No. 126.

FORMAT NOTES:

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

DISCUSSION:

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

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

AMENDMENTS:

1. Subsection 10-3-19(b), "Short-Term Rentals," B.R.C. 1981.

10-3-19. - Short-Term Rentals.

….

(b) Short-term rentals~~, other than short-term rentals of,~~ shall not be subject to the inspection requirements of Section 10-3-3(a), "License," B.R.C. 1981 except:

(1) Accessory units, permitted under Section 9-6-3(a), "Accessory Units," B.R.C. 1981 if such accessory unit is in an accessory structures, as that term is defined in Section 9-16-1, "General Definitions," B.R.C. 1981~~ ("General Definitions")~~.

….

Reason for change: Ordinance 8050 amended Section 10-3-19 on Sept. 29, 2015. The clause removed above is extraneous and should have been removed at that time. Additionally, reference to Section 9-16-1 is corrected to reflect proper BRC citation format.

ATTACHMENT:

A - Proposed Emergency Ordinance No. 8104

ORDINANCE NO. 8104

AN EMERGENCY ORDINANCE ADOPTING SUPPLEMENT NO. 126, WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCE NOS. 8055, 8056, 8065, 8072, 8081, 8084, 8088, AND 8091, AND OTHER MISCELLANEOUS CORRECTIONS AND AMENDMENTS, AS AN AMENDMENT TO THE BOULDER REVISED CODE, 1981, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Legislative Findings.

A. Supplement No. 126 amending the Boulder Revised Code 1981 ("B.R.C.") has been printed.

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

C. Supplement No. 126 to the B.R.C. is a part of this ordinance and contains all of the amendments to the B.R.C. enacted by the City Council in Ordinance Nos. 8055, 8056, 8065, 8072, 8081, 8084, 8088, and 8091, and other miscellaneous corrections and amendments. The City Council intends to adopt this supplement as an amendment to the B.R.C.

D. The ordinances contained in Supplement No. 126 are available in printed copy to each member of the City Council of the City of Boulder, Colorado, and the published text of the supplement, along with the text of those ordinances, is available for public inspection and acquisition in the office of the city clerk of the City of Boulder, in the Municipal Building, 1777 Broadway, Boulder, Colorado.

Section 2. The City Council adopts Supplement No. 126 by this reference.

Section 3. The City Council orders that a copy of Supplement No. 126 as proposed for adoption by reference herein be on file in the office of the city clerk of the City of Boulder, Colorado, Municipal Building, 1777 Broadway, City of Boulder, Boulder County, Colorado, and may be inspected by any person at any time during regular business hours pending of the adoption of this ordinance.

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

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

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

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

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

Section 8. Subsection 10-3-19(b), "Short-Term Rentals," B.R.C. 1981 is amended as follows:

10-3-19. - Short-Term Rentals.

….

(b) Short-term rentals~~, other than short-term rentals of,~~ shall not be subject to the inspection requirements of Section 10-3-3(a), "License," B.R.C. 1981 except:

(1) Accessory units, permitted under Section 9-6-3(a), "Accessory Units," B.R.C. 1981 if such accessory unit is in an accessory structures, as that term is defined in Section 9-16-1, "General Definitions," B.R.C. 1981~~ ("General Definitions")~~.

….

Section 9. 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 10. The printed supplements cannot be distributed until the adopting ordinance is effective. The laws of the city should be current and available to the residents of the City of Boulder as soon as possible. On that basis, this ordinance is declared to be an emergency measure and shall be in full force and effect upon its final passage.

READ ON FIRST READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this 16th day of February 2016.

_____
Mayor

Attest:

_____
City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: February 16, 2016

AGENDA TITLE
Options to Expand City of Boulder Living-Wage Resolution 926

PRESENTER/S
Karen Rahn, Human Services Director
Bob Eichem, Chief Financial Officer
Joyce Lira, Human Resources Director
Cheryl Pattelli, Finance Director
Peggy Bunzli, Executive Budget Officer
Carmen Atilano, Community Relations Manager
Joe Castro, Facilities and Fleet Manager
Janet Michels, Assistant City Attorney
Dave Bannon, Purchasing Manager
Roy Wallace, Compensation Manager

EXECUTIVE SUMMARY

As part of an ongoing effort to encourage fair wages in the City of Boulder, in January 2015, City Manager Jane Brautigam convened a working group of city staff to prepare an update to the current Boulder living-wage resolution for council consideration. Living Wage was last considered by council in 2001-03, at which time it adopted Resolution 926 (**Attachment A**: Proposed Amended Resolution 926 - current resolution redlined with proposed changes) committing the city to pay all standard full-time City of Boulder employees no less than 120 percent of the Federal Poverty Guidelines for a family of four.

In 2003, that wage was calculated to be $10.62/hour. As recommended in the resolution, it has been adjusted each year to remain at 120 percent of the Federal Poverty Guidelines for a family of four. In recent years the wage has increased to $13.59/hour (2013), $13.76/hour (2014) and $13.99/hour (2015). The rate for 2016 is $14.02.

The staff working group brought five options and recommendations to the city manager for consideration, including:

1. Extend Resolution 926 to all standard part-time and temporary City of Boulder employees;

2. Implement a policy requiring janitorial and landscaping service contractors with the city to meet wage rates identified in Resolution 926, effective 2016;
3. Conduct a detailed analysis, as part of consideration of the 2017 budget development, of extending Resolution 926 to include the city's seasonal workers to more fully determine costs and impacts;
4. Conduct a detailed analysis, as part of consideration of the 2017 budget development, of implementing a policy requiring service contractors with the city, in addition to janitorial and landscaping contractors, to meet wage rates identified in Resolution 926 to determine costs and impacts; and
5. Participate in statewide efforts to repeal Colorado Revised Statute (CRS) section 8-6-101, the State of Colorado law that prohibits municipalities from establishing minimum-wage laws higher than the state minimum wage.

With regard to option 1 above, the city manager has, by executive action, extended Resolution 926 to all standard part-time and temporary City of Boulder employees. The executive action took effect on Feb. 1, 2016 to coincide with the publication of the 2016 Federal Poverty Guidelines. For council consideration are the four remaining options.

STAFF RECOMMENDATIONS

Following the Dec. 17, 2015 Human Relations Commission public hearing on the matter. Staff have revised recommendations to the following:

1. Implement a policy requiring janitorial and landscaping service contractors with the city to meet wage rates identified in Resolution 926, effective 2016.
2. Conduct a detailed analysis to more fully determine costs and impacts of implementing Resolution 926 and the Colorado Self-Sufficiency Standard (SSS) rates for a family of four with two working adults ($17.97/hour), to include the city's seasonal workers, for the 2017 budget development.
3. Conduct a detailed analysis to more fully determine costs and impacts of implementing a policy requiring service contractors, in addition to janitorial and landscaping contractors, of implementing Resolution 926 and the SSS for a family of four with two adults ($17.97 for one adult), for the 2017 budget development.
4. Conduct a detailed analysis of implementing the SSS wage rate of 17.97 to standard part-time and temporary employees, for the 2017 budget development.
5. Participate in statewide efforts to repeal Colorado Revised Statute (CRS) section 8-6-101, the State of Colorado law that prohibits municipalities from establishing minimum-wage laws higher than the state minimum wage.
6. Conduct an analysis of additional social policies that would support self sufficiency among people who live and work in Boulder. Policies evaluated could include developing or expanding existing housing, child care, and transportation subsidies and food tax rebates, which directly impact the budgets of residents. Goals would be twofold: 1) Enlarge the pool of Boulder employees or residents affected by the city's efforts to support self sufficiency; and 2) Position the Boulder community and economy to benefit from its living-wage policy.

STAFF RECOMMENDATION

Suggested Motion Language:
Staff requests City Council's consideration of this matter and action in the form of the following motion:
Motion that City Council adopt staff recommendations related to options to extend living-wage Resolution 926.

BOARD AND COMMISSION FEEDBACK

On Dec. 17, 2015, the Human Relations Commission (HRC) held a public hearing and discussed the living-wage working group recommendations. After the public hearing and discussion, the HRC voted to amend staff recommendations and replace 120 percent of Federal Poverty Guidelines (FPG) as the living wage with the 2015 Colorado Center on Law and Policy's Colorado Self-Sufficiency Standard (SSS) for Boulder County (based on two working adults in a family of four), which is 17.97, per adult. The HRC recommendations are:

1. Replace 120 percent of the FPG with Colorado SSS for a Boulder County family of four with two working parents in the City of Boulder living-wage resolution. In the most recent update to the SSS, that rate is $17.97.
2. Implement a policy requiring janitorial and landscaping service contractors with the city to meet wage rates identified in current Resolution 926 (120 percent of FPG), effective 2016, and conduct a detailed analysis, as part of consideration of the 2017 budget development, of the feasibility of meeting the SSS for a Boulder County family of four with two working parents.
3. Conduct a detailed analysis, as part of consideration of the 2017 budget development, of the feasibility of meeting the SSS for a Boulder County family of four with two working parents for the city's seasonal workers.
4. Conduct a detailed analysis, as part of consideration of the 2017 budget development, of the feasibility of implementing a policy requiring service contractors with the city, in addition to janitorial and landscaping contractors, to meet the SSS for a Boulder County family of four with two working parents.
5. Participate in statewide efforts to repeal Colorado Revised Statute (CRS) section 8-6-101, the State of Colorado law that prohibits municipalities from establishing minimum-wage laws higher than the state minimum wage.

PUBLIC FEEDBACK

A public hearing was held at the Dec. 17, 2015 HRC meeting. Twelve community members addressed the commissioners regarding living wage, all of whom expressed support for the HRC's recommendations to expand the analysis to include the SSS wage of $17.97 (for a Boulder County family of four with two working parents). In addition, the following written feedback was received via email:

- Support for raising wages for temporary and part-time workers immediately.
- Support for the recommendation that landscaping and janitorial contractors be required to raise wages to the City of Boulder living wage.
- Support for the recommendation of studying what more can be done to enhance the incomes of seasonal workers and other contract workers.
- Support to increase the wages of those who provide benefits to our community.

In addition to feedback received at the Dec. 17, 2015 HRC meeting, the Boulder Self-Sufficiency 2016 Coalition (BSSC) proposed on January 18, 2016 an update to Resolution 926 to establish the living wage at $15.67 (**Attachment B:** Proposed Resolution of the Boulder Self-Sufficiency 2016 Coalition). This coalition is newly formed of organizations and individuals conducting a living-wage campaign in the city of Boulder which plans to extend to other municipalities in Boulder County over time. Organizational supporters of the coalition include the League of Women Voters of Boulder County, Latino Task Force of Boulder County, Immigrant Legal Center of Boulder County, Boulder Coalition and Alliance on Race, El Centro Amistad, Rocky Mountain Peace and Justice Center, Council and Board of Missions and Social Action of First Congregational Church of Boulder and Denver/Boulder Democratic Socialists of America.

The BSSC selected $15.67 as a living wage based on the average identified in the 2015 SSS for Boulder County between:

- The $28,209 ($13.36 hourly) annual living costs for a single adult in Boulder; and
- The annual living costs for a family in Boulder with two working adults, one preschooler and one school-age child $75,906 ($17.97 hourly for each adult).

BACKGROUND

Definitions

For clarity, the following are some definitions of wage terminology:

Wage fairness - Debate regarding just compensation for work is prominent in the national dialogue. Fairness perceptions can be relative and are impacted by a number of factors including workplace demands, internal and external peer pay, opportunity for pay increases, benefits, criteria used to determine wage rate, and employer/employee relationship, among others.

Minimum wage is largely, but not exclusively, a legal term. Legally, it is the minimum amount of money per hour that workers can be paid. However, it can also apply to a special agreement, such as with a labor union, as opposed to a law. Minimum wages are typically established by contract or legislation. The federal government establishes a national minimum wage as part of the Fair Labor Standards Act (FLSA). The federal minimum wage had been $7.25/hour since 2009 when it was raised from $5.15.

Additionally, states can enact a state minimum wage. The Colorado 2016 minimum wage, established by Colorado Revised Statute (CRS) section 8-6-10, is $8.31/hour. When both the federal government and a state have minimum-wage laws, the higher rate applies.

Living wage has various definitions that range from general to specific. Generally, it is a wage that enables the earner to cover the basic needs such as shelter, food and health care for their family in their geographic area. Furthermore, those definitions specify that basic needs be met without outside (such as government) assistance. A definition developed by the Massachusetts Institute of Technology includes housing, food, child care, health care, transportation, some incidentals and taxes in its calculation of a living wage. Other definitions specify that no more than 30 percent of a living wage should be spent on housing. One point of agreement is that living wage is considerably higher than the current federal minimum wage.

Rationale for Living Wage

The municipal and county living wage movement began in the early 1990s, passing the first ordinance in 1994 in Baltimore. Since then many city and county governments across the country have adopted some form of a living-wage ordinance (LWO) or policy. Those ordinances and policies vary widely in their range of coverage. Some apply to all workers employed within a geographic area, others only to city or county government employees. Some cover employees of entities that provide contract services to the city or county government. Still others cover some combination of the latter two (**Attachment C**: Benchmarking of Peer and Colorado Cities).

LWOs and policies also vary widely in the timing with which they take effect. Some require all employers to meet the newly passed living wage upon passage of the ordinance or policy. Others require that the wage be met incrementally over a period of years. Most are tied in some way to cost-of-living indices that help gauge inflation or deflation and estimate numbers of people living in poverty, such as the Federal Poverty Guidelines or the Consumer Price Index.

However, on an increasing basis, the long-established cost-of-living indices are challenged by social policy analysts as outdated instruments in the effort to gauge a family's cost of living and peg a wage that would realistically cover it. The criticism of traditional indices includes: they are often based on the cost of food and do not consider other basic need costs or the different types and needs of households; that low-income people may bear disproportional tax burdens; the cost of housing and other basic needs can vary widely in different geographic locations of the country which traditional indices do not account for.

Over the past 20 years, an alternative approach to calculating the cost of living has been developed by Dr. Diana Pearce of the University of Washington School Of Social Work. Called the Self-Sufficiency Standard (SSS), it factors a broad range of basic needs into its calculation, including local housing, child care, health care, transportation and taxes. Additionally, it varies expenses for children based on their age to accommodate differing child care, health care and nutrition costs at different ages. It considers housing cost variance not only by state but also by county, reflecting for example, the considerable difference between renting or buying in New York City versus in a rural area in the same state.

In 2002, the National Center for Women's Welfare was founded specifically to support the continued development and refinement of the SSS. As part of that effort, the center has established a network of 37 state-based organizational partners, one of which is in Colorado. The Colorado Center on Law and Policy prepares data-driven publications, policy proposals and advocacy initiatives addressing issues important to low-income Coloradans. Authored by Dr. Pearce, the SSS states:

> *The Self-Sufficiency Standard for Colorado describes how much families of various sizes and compositions need to make ends meet without public or private assistance in each county of Colorado. For most workers throughout Colorado, the Self-Sufficiency Standard shows that earnings well above the official Federal Poverty Level are nevertheless far below what is needed to meet families' basic needs.*

Chart 1 below shows the 2015 SSS for select family types in Boulder County.

Chart 1: The Self-Sufficiency Standard for Select Family Types*

MONTHLY COSTS	ONE ADULT		ONE ADULT, ONE PRESCHOOLER		ONE ADULT, ONE PRESCHOOLER, ONE SCHOOL-AGE		TWO ADULTS, ONE PRESCHOOLER, ONE SCHOOL-AGE	
	Costs	%	Costs	%	Costs	%	Costs	%
Housing	$996	42	$1,232	26	$1,232	22	$1,232	19
Child Care	$0	0	$1,129	24	$1,654	29	$1,654	26
Food	$295	13	$448	9	$675	12	$926	15
Transportation	$279	12	$287	6	$287	5	$544	9
Health Care	$146	6	$413	9	$434	8	$485	8
Miscellaneous	$172	7	$351	7	$428	8	$484	8
Taxes	$464	20	$1,001	21	$1,209	21	$1,267	20
Earned Income Tax Credit (-)	$0	0	$0	0	$0	0	$0	0
Child Care Tax Credit (-)	$0	0	($50)	-1	($100)	-2	($100)	-2
Child Tax Credit (-)	$0	0	($83)	-2	($167)	-3	($167)	-3
TOTAL PERCENT		100		100		100		100
SELF-SUFFIENCY WAGE								
HOURLY**	$13.36		$26.86		$32.12		$17.97	per adult***
MONTHLY	$2,351		$4,727		$5,653		$6,325	combined***
ANNUAL	$28,209		$56,718		$67,837		$75,906	combined***
EMERGENCY SAVINGS FUND	$31		$97		$149		$53	

* The Standard is calculated by adding expenses and taxes and subtracting tax credits. The "Taxes" row includes federal and state income taxes and payroll taxes.

** The hourly wage is calculated by dividing the monthly wage by 176 hours (8 hours per day times 22 days per month).

*** The hourly wage for families with two adults represents the hourly wage that each adult would need to earn, while the monthly and annual wages represent both parents' wages combined.

Note: Totals may not add exactly due to rounding.

Nationally, there is widespread belief among social researchers that real wages have been stagnant or dropping since the 1970s (although there are widely divergent opinions about the reasons for the drop). According to Drew DeSilver of the nonpartisan Pew Research Center, in real buying power, "the average wage peaked more than 40 years ago: The $4.03-an-hour rate recorded in January 1973 has the same purchasing power as $22.41 would today."

According to DeSilver, since 2000, "weekly wages have fallen 3.7 percent (in real terms) among workers in the lowest tenth of the earnings distribution, and 3 percent among the lowest quarter. But among people near the top of the distribution, real wages have risen 9.7 percent."

Although long-term, nationwide wage erosion is not a social condition that can be quickly reversed by a municipal ordinance or resolution, the federal government has left the living-wage issue largely up to states, counties and cities and according to the University of California at Berkeley Labor Center, "Across the country, cities and counties have become laboratories of policy innovation on labor standards."

Boulder LWO History

Boulder is among hundreds of U.S. cities deliberating the issue of wage fairness. The community-based Boulder Living Wage Campaign first brought the issue to City Council in the summer of 2001. Currently, Colorado state law prohibits the establishment of a citywide minimum wage (**Attachment D:** C.R.S. Section 8-6-101). CRS section 8-6-101 declares that no Colorado "unit of local government" is permitted to set "jurisdiction-wide" wages for any persons other than its own employees. In short, establishing a minimum wage for all employees within the city limits of Boulder would be a violation of state law. Specific language in the law, last updated in 2014, reads:

> *The welfare of the state of Colorado demands that workers be protected from conditions of labor that have a pernicious effect on their health and morals, and it is therefore declared, in the exercise of the police and sovereign power of the state of Colorado, that inadequate wages and unsanitary conditions of labor exert such pernicious effect.*
>
> *The general assembly hereby finds and determines that issues related to the wages of workers in Colorado have important statewide ramifications for the labor force in this state. The general assembly, therefore, declares that the minimum wages of workers in this state are a matter of statewide concern.*
>
> *No unit of local government, whether by acting through its governing body or an initiative, a referendum, or any other process, shall enact any jurisdiction-wide laws with respect to minimum wages; except that a unit of local government may set minimum wages paid to its own employees.*

Minus the option of a citywide minimum wage law, council opted in 2003 to adopt Resolution 926 that directed the city manager to recommend annual budget appropriations necessary to pay its standard, full-time employees no less than 120 percent of the FPG. Currently, the City of Boulder has 1,199 standard full-time employees, many of whom are paid considerably above the rates identified in Resolution 926.

At the December 17, 2015 HRC meeting where this issue was addressed, commission members and members of the public commented that Boulder's living wage policy should be adopted as an Ordinance rather than a Resolution. As a City Council policy action directed to the city manager, Resolution 926 carries the same weight as an Ordinance. The city manager is compelled to follow either a Resolution or an Ordinance. This policy action could be framed as a non-codified Ordinance. Should council direct staff to do so, this matter can be brought back as an Ordinance.

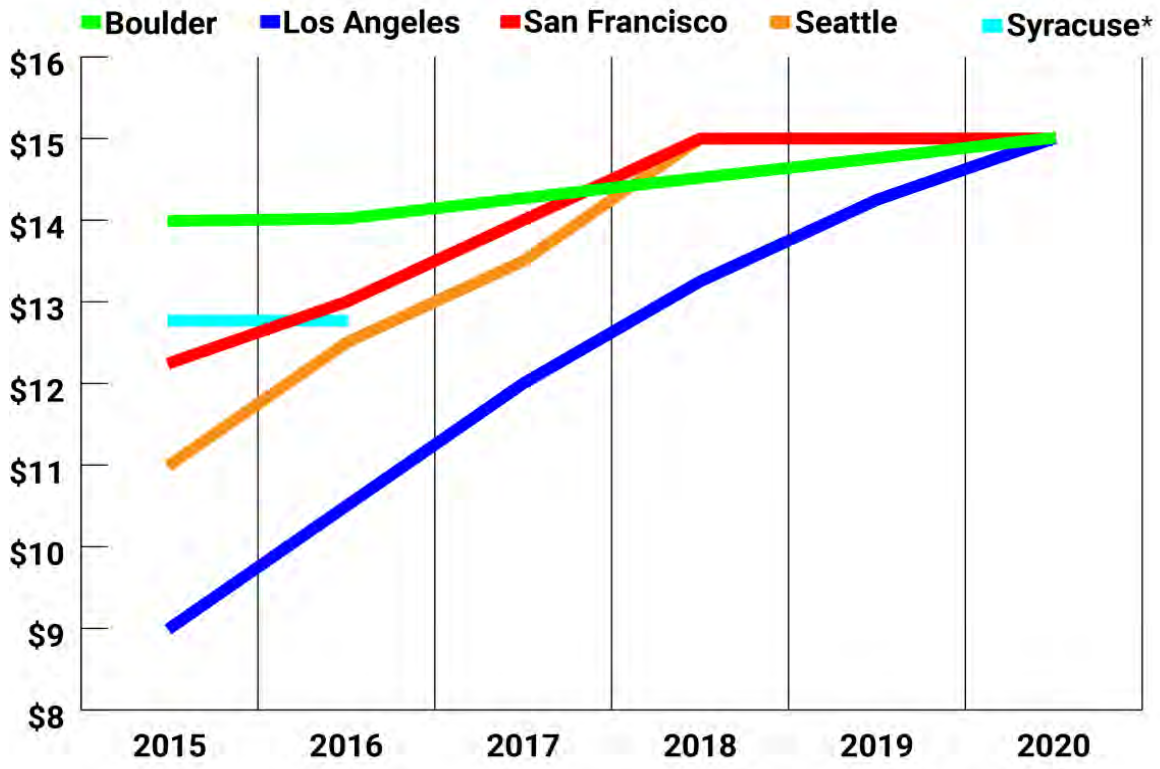
ANALYSIS

Status of Resolution 926

The current $14.02/hour living wage exceeds the SSS for a single person. It also compares very favorably with rates implemented around the country. The $15/hour minimum wage laws passed in Seattle, San Francisco and Los Angeles, for example, call for incremental increases toward $15 over several years. At this time, minimum wages in those cities range between $10.50 and $12.25/hour. (On Oct. 21, 2015, the mayor of Syracuse, NY, increased the minimum wage for

the city's full-time employees without benefits to $15.08/hour, and $12.77 with benefits, effective immediately.)

Chart 2: Living and Minimum Wage Ordinances by City, 2015-2020



*Syracuse figure applies to full-time city employees with medical benefits.

However the $14.02 living wage rate for City of Boulder employees falls short of the rates identified in the SSS for a family of two, three or more. The long-term erosion of real wages might provide insight into how a wage can simultaneously be competitive with some of the most generous minimum-wage legislation in the country and yet fall below subsistence pay for a family. Because the city cannot adjust wages based on employees' family size, trying to match wages to SSS figures for families of various compositions is not an option. The SSS is valuable more as a measure of income adequacy rather than as a wage index. More specifically, the SSS is primarily used to:

- Recommend the child care cost schedule;
- Determine relative affordability and lack of affordability of housing costs in a given county over time;
- Help guide people's career choices based on needed wage level;
- Help gauge progress of clients toward self sufficiency;
- Guide personal budget development;
- Advocate for raised income eligibility ceiling for various form of governmental assistance (e.g. eligibility for court appointed counsel); and
- Increase public understanding of why so many people cannot make ends meet.

A discussion about a living wage is also a discussion about poverty, homelessness, educational attainment, diversity, the justice system, transportation, quality of life and many other issues. Depending on family size, Resolution 926 has effectively moved some City of Boulder employees toward greater self sufficiency.

Executive Action to Expand Resolution 926

City employees provide a broad range of services to the Boulder community and providing employees with an equitable, livable wage is a priority in the city's consideration of the living-wage issue. Therefore, the city manager, by executive action, determined that Resolution 926 be extended to include all standard part-time and temporary City of Boulder employees. The executive action took effect on Feb. 1, 2016 to coincide with the publication of the 2016 Federal Poverty Guidelines (**Attachment A**: Proposed Amended Resolution 926).

Neither standard part-time, nor temporary City of Boulder employees were previously included in Resolution 926 coverage. According to the Human Resources Department, 27 of the 127 standard part-time employees were paid less than $14.02 while 53 of those same workers earned less than $17.97. The annualized cost to the city of bringing those 27 staff members to $14.02 is approximately $40,800. The annualized cost of bringing the 53 workers who earn less than $17.97 is approximately $247,100.

Similarly, of the 122 temporary employees who were previously not covered by Resolution 926, 39 were paid less than $14.02 and 56 earned less than $17.97. The annualized cost of raising these wages to $14.02 is approximately $131,000 and of raising the wages to $17.97 is approximately $396,200.

The chart below summarizes the estimated cost of the Executive Action, bringing all part-time and temporary City of Boulder employees up to $14.02 per hour, and the potential impact of increase for all part-time and temporary City of Boulder employees to the $17.97 per hour level. The estimated ongoing cost of the Executive Action is a total of $171,800. The potential impact of increasing the wages to $17.97 per hour is an ongoing cost of at least $643,300.

Chart 3: Annualized Costs Related to Temporary and Part-time Employees

Employee Group	Bring to $14.02*		Bring to $17.97	
	ee's	Annualized Cost	ee's	Annualized Cost
Standard Part-time	27	$40,800	53	$247,100
Temporary	39	$131,000	56	$396,200
Standard & Temporary	**68**	**$171,800**	**109**	**$643,300**

*Executive Action effective Feb. 1, 2016

Note: (**Attachment E**: List of Standard Part Time and Temporary Positions through November 2015), includes:

- Salary data from December snap shot of employees paid through November 2015; and
- Annualized cost for employees based on annualized Full-time Equivalent (FTE) including salary-based benefits.

Options for Expanding Living Wage

Colorado state law, C.R.S. Section 8-6-101, prohibits the City of Boulder from passing citywide laws or policies requiring employers to pay wages higher than the state minimum wage of $8.31. Therefore, options presented for council consideration are efforts to: 1) extend Resolution 926 coverage to as many employees as is legally and economically feasible; and 2) support the repeal of C.R.S. Section 8-6-101. With this background and analysis in mind, the following are options to consider:

Option 1: Implement a policy requiring the city's janitorial and landscaping service contractors to meet wage rates identified in Resolution 926.

CRS section 8-6-101 prohibits local governments from enacting any jurisdiction-wide laws with respect to minimum wages. However, according to the City Attorney's Office:

> *The state statute does not restrict local governments from establishing policies that address the wages a government contractor pays its employees. The city is a marketplace participant. The city contracts with providers to purchase labor, time and materials to support the city's operations and advance the interests of the city. To those ends, the city has a right to establish and implement policies for purchased services contracts. CRS section 8-6-101 does not prohibit the city from expanding the scope of Resolution 926 to include the wages paid to employees of contractors with contracts to perform work for or provide services to the city.*

The City of Boulder's Purchasing Office prepared the following detailed analysis of the impact of requiring entities to meet wage thresholds identified in Resolution 926 for janitorial and landscape contract work amounting to $10,000 or more a year. About 50 contract employees would be affected in this scenario, impacting approximately 15 separate contracts.

Background

The Purchasing staff reviewed contracts, related purchasing activity, and estimated the impact of implementing a living wage of $14.02 per hour for projects funded through the City of Boulder. In discussion with staff, review of existing contracts, and discussion with members of the vendor community, it appears the primary areas of impact would be in the contracting of janitorial and landscaping services.

Staff also contacted vendors that supply painting, concrete and construction services. Staff learned these contractors already pay their employees a wage above the proposed $14.02 minimum wage and they indicated there would be no significant effect on existing city contracts for these services or to proposals received through the bid/proposal process.

Purchasing staff contacted janitorial and landscape vendors regarding the potential implementation of a $14.02 minimum wage and learned the following:

- Janitorial contracts with the city are generally set at a $9.00 per hour labor rate for workers. The hourly rate for janitorial labor would increase approximately 55.74 percent.
- Janitorial vendors typically target labor at approximately 50 percent of the contract value.

- Landscape contractors generally pay a wage of $12 per hour, depending on job and skill set. The hourly rate for landscape labor would increase approximately 16.8 percent.
- A typical contract for general landscape work has a labor content of approximately 33 percent.

Projected Annual Expenditures – Janitorial and Landscape Services
Purchasing staff reviewed 2015 invoice activity and estimates the city's annual expenditures for janitorial and landscape services as follows:

- Janitorial service - $639,132
- Landscape service - $653,706

Based on the research completed, the following is the estimated annual impact of implementing a $14.02 living wage provision:

- Janitorial services: $178,318 annual projected increase (estimated 29.9 percent increase).
- Landscape services: $35,954 annual projected increase (estimated 5.5 percent increase). Total projected annual increase in janitorial and landscape contracts: $214,272.

<u>Implementation</u>
If a living wage provision is adopted for all or some contractors, the following are steps may be required for implementation, from the Purchasing Office perspective:

- Working with departments and Central Records, a review of current vendor contracts (estimated at 125 – 175) would need to be completed to determine if the living wage provision would apply. Vendors would be contacted to inform them of the living wage rate and request the vendor to complete an analysis of the cost impact (if any) to the existing contract.
- Existing affected contracts would need to be either updated via a contract amendment to incorporate a living wage provision and corresponding rate increase, or allowed to continue with the current contract terms until the current contract expires and a new contract is negotiated. Input from the City Attorney's Office would be needed to develop the contract amendment.
- A living wage provision would need to be developed and incorporated into the city's bidding and contracting templates for all future competitive solicitations. Input from the City Attorney's Office would be needed to develop this provision.
- Determination of whether to include the living wage provision into the city's ordinances, documents, and websites would need to be determined and updated as appropriate.
- Department budgets would need to be reviewed and appropriate allocations made to account for the projected impact.
- The appropriate monitoring activity needs to be implemented based on the number and complexity of the contract pool.

Compliance

Compliance activities would be patterned off of basic procedures already in place for compliance with Davis-Bacon Act[1]on federally funded projects:

- Vendors (and subcontractors) would be required to submit to city-designated project managers a certified payroll that lists the employee, position, pay rate, hours worked and total pay. At this time, project managers are responsible for receiving and reviewing certified payrolls to confirm compliance with the Davis-Bacon Act. While the audit activity is not expected to be extensive, as part of the analysis, department managers should be consulted to verify the impact to their individual workgroups.
- Via contract updates, the city would retain the right to audit the certified payrolls received for a specific project. The city would need to determine an audit routine based on the contracts in force, but quarterly audit cycle appears reasonable.
- Depending on the number of vendors subject to audit, the audit frequency and format, additional resources may be needed to support compliance.

Notes and Assumptions

- The analysis was based on information received from our known vendors in these respective areas and is an estimate based on contracting activity known to the Purchasing department. Purchasing surveyed departments in an attempt to capture all contracting activity and has included all responses in this analysis.
- Since the city does not have access to subcontracts issued by primary contractors, Purchasing is unable to capture the effect of all subcontracted activity.
- There may be vendors who currently pay more than the $14.02 living wage that attempt to initiate labor rate increases, and use this initiative as the catalyst for this change. The city would need to challenge and scrutinize these attempts on a case by case basis.
- Further legal research might be needed to determine if compliance could be complaint driven only.

Option 2: Conduct a detailed analysis, as part of consideration of the 2017 budget development, of expanding Resolution 926 to include seasonal workers.

Seasonal employees (including youth, work-study and intern employees), pose a different set of issues regarding wages. The majority of seasonal jobs are summer jobs that may not be positions of livelihood for an individual or family. They include Junior Rangers, lifeguards, sports instructors and officials, cashiers, etc. Other positions such as internships and work study positions further blur the line between employment, for which people are normally paid, and education, for which people often pay. There are more than 100 seasonal job classifications filled by over 700+ seasonal employees during the summer, although only a percentage would be working at any particular time. (**Attachment F**: List of Seasonal Positions). Of the 582 seasonal employees working in July 2015 for the city, 501 were paid less than $14.02 and 580 earned less

[1] The Davis-Bacon Act of 1931 is a federal law that applies to contractors and subcontractors performing on federally funded contracts for the construction of public buildings or public works. The Act requires laborers and mechanics employed under the contract to be paid no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

than $17.97. The estimated ongoing cost to increase the minimum rate of pay of all City of Boulder seasonal employees to the $14.02 per hour rate is $814,400. The estimated annual cost to raise hourly rates to $17.97 is $1,748,100.

Chart 4: Annualized Cost of Including Seasonal Workers

Employee Group	Bring to $14.02		Bring to $17.97	
	ee's	Annualized Cost	ee's	Annualized Cost
Seasonal Employees	501	$814,400	580	$1,748,100

Staff recommendation to conduct a detailed analysis related to this group of employees includes the need to more fully understand not only the direct financial impact, but also potential indirect financial and local economic impacts. Among the questions that would need to be addressed in consideration of this option are:

- Who are the stakeholders who should be engaged in the discussion?
- Should there be a youth exception? At what age would the exception apply?
- Should there be an on-the-job education exception?
- Exceptions considered, what would the total ongoing cost to the city be?
- Could the increased costs result in the unintended consequence of reduction of number of seasonal employees hired, or reduction in services, due to budgetary constraints?
- As a new program, and in line with city financial policy, could new revenues be considered to cover additional costs?

Option 3: Conduct a detailed analysis, as part of consideration of the 2017 budget development, of implementing a policy requiring service contractors with the city, in addition to janitorial and landscaping contractors, to meet wage rates identified in Resolution 926. An initial analysis of the proposed $14.02 living wage indicated impact only to the janitorial and landscape contracts. Adoption of a living wage provision significantly greater than $14.02 may result in a budgetary impact to contracts for roofing, fencing, painting, pest control, concrete, restoration services, and segments of construction, electrical and equipment repair contracts. This analysis is anticipated to be completed prior to July 1, 2016.

The City of Boulder contracts with a range of businesses, nonprofit organizations, governmental agencies, the local school district, and other entities for a variety of services. They include construction contracts, service agreements and contracts with nonprofit organizations that provide services to community members, among others. An analysis of extending a living wage to employees of contractors would need to start with a definition of what would and what would not constitute a contractor, and what classifications of contracts might be covered. In addition to contracts the city directly manages with vendors, the city might need to determine if the living wage provision applies to subcontractors that perform work for vendors that have a direct contractual relationship with the city. Currently, the city does not have a mechanism to accurately identify the work performed by subcontractors. If the living wage provision applies to subcontractors, city staff would need to work with our directly contracted vendors to identify their affected subcontractors and determine the budgetary impact. Purchasing considers the

impact of subcontracted activity to be a significant unknown when assessing the impact of a living wage provision on the vendor community.

Another question is whether the living wage would apply to nonprofit organizations that contract with the city. On one hand, if a living wage is deemed a "right" of employed people to help them approach self sufficiency, nonprofit employees should have the same right as private, for-profit employees. On the other hand, the city contracts with nonprofits in order to subsidize their work providing needed services to the community. Wages in the nonprofit sector are sometimes lower. Inclusion of nonprofit contractors in a living wage policy could result in either an increase in the city funding or a decrease in the level of service to the community.

Other important questions related to the analysis of Option 3 are identified below:

1. Financial impact - In a 2003 memo addressing living wage options (**Attachment G**: 2003 Living Wage Options Memo), the City Attorney's Office wrote:

   One cautionary note is needed in evaluating these options. If council should request an estimate of the fiscal impact on the city, it will be very difficult to give one. The potential impact would be dependent on many factors, including the types of vendors covered by the ordinance, the contractors' wage structures and the competitive environment for the specific goods or services in question.

   Some city government departments would be more heavily affected financially than others.

2. Jurisdiction over employees of contractors - Ready to Work, for example, is a program administered by the nonprofit Bridge House, with which the city contracts to offer homeless individuals a stepping stone to mainstream employment. Other city contractual partners include the private sector, nonprofit sector, other governments and the school district. Additionally, some sectors of contracted labor might fall within the jurisdiction of any of the three city unions (BMEA, Fire and Police).

3. Compliance - There is potential for evasion of the living wage and some cities have developed mechanisms for monitoring compliance. Unless the city were to decide against any monitoring, there would likely be related administrative costs for oversight. The city would need to decide on consequences for inaccurate reporting of wage rates by contractors. Feasibility of complaint driven compliance needs consideration. Managing compliance to a living wage provision may be a significant ongoing expense that would be commensurate with the number of vendors/contracts that require monitoring. While some responsibility for compliance monitoring could be assumed by project managers, an initial estimate of 0.5 to 1.0 FTE would be needed to ensure ongoing compliance, should council consider this option.

   Identifying existing contracts to bring into compliance may be a challenging endeavor in our decentralized environment where individual departments have managed some of their own vendor contracts. Contract records from individual departments would need to be

obtained and combined with contract records from our Central Records department in an effort to identify all affected contracts.

The city could choose to immediately update all identified contracts, resulting in significant and immediate effort by the City Attorney's Office, Purchasing, and individual departments. An alternative approach would be to implement the living wage provision at the time of contract inception or contract renewal. Since most city contracts are for a one year term or less, a high rate of compliance would be obtained within 12 months.

4. Social Policy – If self-sufficiency for people who live and/or work in Boulder is an ideal the city embraces, other social policies in addition to living wage, could address the issue. High housing costs in the Boulder area are a considerable factor in the gap between current pay rates and self-sufficiency rates cited in the SSS. Many contract employees live outside Boulder city limits. As a result, increased wages would not necessarily accrue to the Boulder community without effective accompanying social policies. Among policies that could contribute to self sufficiency among people who live and/or work in Boulder are child care, transportation and housing subsidies and food tax rebates. An analysis assessing the extent to which the positive impact of increased wages in certain categories would accrue in Boulder, along with other potential actions which would meet similar goals would inform decision making.

Among other questions to be addressed in consideration of this option are:

- Who are the stakeholders who should be engaged in the discussion?
- At what contract dollar amount would the living wage criteria apply?
- What are the impacts on small businesses and proprietors? Should there be exceptions defined by the number of individuals employed and/or contract amount?
- Is there risk that contractors will choose not to bid on city work?
- Would the preference or qualification-based criteria apply to all employees of a contractor or only those who work on contracts with the city?

Option 4: Participate in statewide efforts to repeal CRS section 8-6-101, the State of Colorado law that prohibits municipalities from establishing minimum wage laws higher than the state minimum wage.

While Boulder undoubtedly has similarities to other Colorado cities, it also has characteristics that make it very distinct. If self sufficiency for all people who work in Boulder is an ideal the city embraces, it needs the flexibility to establish policies and laws that address the unique characteristics of the population and economy. The one-size-fits-all approach of CRS section 8-6-101 limits Boulder's ability to develop wage laws that are tailored to meet its needs.

During the 17th Colorado General Assembly in the spring of 2015, House Bill 15-1300 was introduced that would have permitted a unit of local government to enact laws with respect to the minimum wage within its jurisdiction. In a roll call vote, the bill failed in the senate. According to State Representative Dominic Moreno (House District 32), one of three sponsors of the bill, the next effort to repeal CRS Section 8-6-101 might be a 2016 ballot initiative.

MATRIX OF OPTIONS

Option 1: Janitorial and Landscaping Service Contractors

Staff Recommendation:

Implement a policy requiring janitorial and landscaping service contractors to meet wage rates identified in Resolution 926.

Impacts:

- Extend living wage to approximately 50 existing janitorial and landscaping employees of service contractors and making living wage a condition of future such contracts.
- Need to address the issues of monitoring and compliance.
- Annual projected increase cost of $126,517 to the city.

HRC Recommendation:

Implement a policy requiring janitorial and landscaping service contractors with the city to meet wage rates identified in current Resolution 926, effective 2016, and conduct a detailed analysis, as part of consideration of the 2017 budget development, of the feasibility of meeting the SSS (for a Boulder County family of four with two working parents) pay rate of $17.97 per hour.

Option 2: City Seasonal Workers

Staff Recommendation:

Conduct a detailed analysis, as part of consideration of the 2017 budget development, of expanding Resolution 926 to include seasonal workers

Impacts:

- Extend Resolution 926 coverage to as many employees as is legally and economically feasible to advance self sufficiency of city employees.
- Potential reduction of number of seasonal employees hired and reduction of services.

HRC Recommendation:

Conduct a detailed analysis, as part of consideration of the 2017 budget development, of the feasibility of meeting the SSS (for a Boulder County family of four with two working parents) pay rate of $17.97 per hour for the city's seasonal workers.

Option 3: Service contractors with the city, in addition to janitorial and landscaping contractors

Staff Recommendation:

Conduct a detailed analysis, as part of consideration of the 2017 budget development, of implementing a policy requiring service contractors, in addition to janitorial and landscaping, to meet wage rates identified in Resolution 926. Include in the analysis whether social policy innovations could contribute to self sufficiency among people who work and live in Boulder.

Impacts:

- Extend living wage to all employees who work directly or indirectly for the city.
- Higher wages would be paid by Boulder taxpayers, but the proceeds could primarily benefit communities outside the City of Boulder.

HRC Recommendation:

Conduct a detailed analysis, as part of consideration of the 2017 budget development, of the feasibility of implementing a policy requiring service contractors with the city, in addition to

janitorial and landscaping contractors, to meet the SSS (for a Boulder County family of four with two working parents) pay rate of $17.97 per hour.

The following chart presents details that are known at this time.

Chart 5: Summary of Potential Annual Ongoing Financial Impact

Employee Group	Bring to $14.02		Bring to $17.97	
	ee's	Annualized Cost	ee's	Annualized Cost
Standard Part-time	27	$40,800	53	$247,100
Temporary	39	$131,000	56	$396,200
Standard & Temporary*	66	$171,800	109	$643,300
Seasonal Employees	501	$814,400	580	$1,748,100
Total, All Employees	567	$986,200	689	$2,391,400

Contract Type	Bring to $14.02		Bring to $17.97	
	-	-	-	-
Janitorial	Approx.	$178,318	Approx.	$425,496
Landscape	50	$35,954	50	$214,272
Other		unknown at this time		unknown at this time
compliance	0.5 to 1.0	$40,000-$80,000		same as for $14.02 rate
Total, All Contracts		more than $300,000		unknown at this time

Total, All Contracts and Employees		more than $1,286,000		more than $3,100,000

Option 4: Legislative Action

Staff and HRC Recommendation:

Participate in statewide efforts to repeal CRS Section 8-6-101, the State of Colorado law that prohibits municipalities from establishing minimum wage laws higher than the state minimum wage.

Impacts:

- Eliminates mandate of CRS Section 8-6-101 that limits Boulder's ability to develop wage laws that are tailored to meet its needs.

SUMMARY OF STAFF RECOMMENDATIONS

1. Implement a policy requiring janitorial and landscaping service contractors with the city to meet wage rates identified in Resolution 926, effective 2016.
2. Conduct a detailed analysis to more fully determine costs and impacts of implementing Resolution 926 and the SSS for a family of four with two working adults ($17.97 for one adult), to include the city's seasonal workers, for the 2017 budget development.
3. Conduct a detailed analysis to more fully determine costs and impacts of implementing a policy requiring service contractors, in addition to janitorial and landscaping contractors, of implementing Resolution 926 and the SSS for a family of four with two adults ($17.97 for one adult), for the 2017 budget development.
4. Conduct a detailed analysis of implementing the SSS wage rate of 17.97 to standard part-time and temporary employees, for the 2017 budget development.
5. Participate in statewide efforts to repeal Colorado Revised Statute (CRS) section 8-6-101, the State of Colorado law that prohibits municipalities from establishing minimum-wage laws higher than the state minimum wage.
6. Conduct an analysis of additional social policies that would support self sufficiency among people who live and work in Boulder. Policies evaluated could include developing or expanding existing housing, child-care, and transportation subsidies and food tax rebates, which directly impact the budgets of residents. Goals would be twofold: 1) enlarge the pool of Boulder employees or residents affected by the city's efforts to support self sufficiency; and 2) position the Boulder community and economy to benefit from its living-wage policy.

Because of constraints on staff capacity, a consultant will need to be retained to assist with this analysis for completion by July 2016 in time for 2017 budget considerations. This would also provide time for finance staff to determine the specific impact on the 2017 budget, as well as ongoing budget impacts, and what, if any, tradeoffs would be needed to implement the change. A placeholder can be included in the 2017 budget for living wage.

Chart 6 below summarizes the options for council consideration and the recommendations from the following: city staff, Human Relations Commission (HRC), and the Boulder Self-Sufficiency 2016 Coalition.

Chart 6: Summary of Living Wage Options

Options	Categories						
	Part-Time and Temporary Employees	Seasonal Employees	Contractors-Janatorial and Landscape	Other Contractors-For Profits, Nonprofits, Governments, BVSD	Bring Janatorial and Seasonal Contractors In-House	Bring EMS In-House	Other Options
Analysis of Living Wage at $14.02	Complete: Implemented 2/1/16	A	B	C	D	E	
Analysis of Living Wage at $15.67	F	G	H	I	J	K	
Analysis of Living Wage at $17.97	L	M	N	O	P	Q	
Other Social Policy Options							R Subsidies: Food, Transportation, Child Care, Housing, or other
Legislative Agenda: Repeal CRS 8-6-101							S

Recommended by:	Staff	BSSC	Staff + HRC	Staff + HRC + BSSC	Additional Analysis for Consideration

Sources:

The most recent version of the Colorado SSS can be found here:
www.selfsufficiencystandard.org/docs/Colorado2015.pdf
A self-sufficiency wage calculator for counties throughout the state can be found here:
http://www.coloradoselfsufficiencystandardcalculator.org/
http://www.pewresearch.org/fact-tank/2014/10/09/
http://www.cbpp.org/research/misconceptions-and-realities-about-who-pays-taxes
www.pewresearch.org/fact-tank/2015/03/24high-income-americans-pay-most-income-taxes-but-enough-to-be-fair/
http://www.wfco.org/document.doc?id=56
http://www.wfco.org/document.doc?id=60
http://www.wfco.org/document.doc?id=520
http://time.com/3969977/minimum-wage/
http://www.denverpost.com/ci_23871961/cliff-effect

ATTACHMENTS

Attachment A: Proposed Amended Resolution 926
Attachment B: Proposed Resolution of the Boulder Self-Sufficiency 2016 Coalition
Attachment C: Benchmarking of Peer Cities and Colorado
Attachment D: C.R.S. Section 8-6-101
Attachment E: List of Standard Part Time and Temporary Positions through November
Attachment F: List of Seasonal Positions
Attachment G: 2003 Living Wage Options Memo

RESOLUTION NO. 926

A RESOLUTION COMMITTING THE CITY OF BOULDER TO PAY A "LIVING WAGE" TO ITS STANDARD FULL-TIME, PART-TIME AND TEMPORARY EMPLOYEES.

WHEREAS, ~~the City Council of the City of Boulder considered a Living Wage Proposal~~ on July 15, 2003, the City Council of the City of Boulder adopted Resolution 926, a Resolution Committing the City of Boulder to Pay a "Living Wage" to its standard full-time employees, defined as 120% of the current Federal Poverty Guidelines for a Family of Four as adopted by the United States Department of Health and Human Services~~ and determined that it was unable to enact such a proposal this year because the status of the City's budget~~; and

WHEREAS, since the adoption of Resolution 926, the wage paid to all standard full-time employees of the City has been adjusted to remain at no less than 120% of the Federal Poverty Guidelines, which in 2016 is $14.02 per hour~~the City Council requested that staff produce a resolution relating to City of Boulder's own standard full-time employees, after hearing that only one such employee is not currently paid a living wage of $10.62 per hour. Such amount which shall be increased from year to year based upon changes in the index, constitutes 120% of the Poverty Guidelines adopted by the United States Department of Health and Human Services, as of February of this year~~; and

WHEREAS, after hearing that in 2015, 30 of the City's 127 standard part-time employees and 29 of the City's 122 temporary employees are paid less than $14.02 per hour the City Manager has determined that the scope of Resolution 926 be expanded to include all standard part-time and temporary City of Boulder Employees and adjusted from year to year thereafter based upon changes to the Federal Poverty Guidelines for a Family of Four; and

WHEREAS, the City Council, ~~is~~being committed to pay at least the "living wage" as above-~~defined~~ described to all standard full-time, part-time and temporary employees of the City in order provide a wage adequate to care for a family of four, ~~to all persons who serve the City of Boulder as standard full-time employees~~supports the City Manager's action~~; and~~.

~~WHEREAS, the City of Boulder is unable to extend the same consideration to temporary, part-time and seasonal employees, who are typically paid at a lower rate.~~

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

That the City Council supports the City Manager expansion of Resolution 926 to include all standard part-time and temporary City Employees. The City Manager shall report annually to the City Council at the time of the adoption of the annual budget whether there is any standard full-time, part-time or temporary employee of the City of Boulder who is being paid less than the

living wage, based on 120% of the updated Federal Poverty Guidelines as set forth above, ~~and~~ shall recommend whatever additional appropriations are necessary to assure that all standard full-time, part-time and temporary ~~standard~~ employees of the City of Boulder are paid such "living wage."

APPROVED this ____ day of _____, 2016

CITY OF BOULDER, COLORADO

_____
Mayor

ATTEST:

_____
City Clerk

The Self-Sufficiency 2016 Coalition's Proposed Update to Resolution No. 926 <1/18/16 update>

A RESOLUTION COMMITTING THE CITY OF BOULDER TO PAY A "LIVING WAGE" TO ALL CITY EMPLOYEES AND EMPLOYEES OF FOR-PROFIT CITY CONTRACTORS WORKING ON CITY PROJECTS.

WHEREAS, the City Council of the City of Boulder considered a Living Wage proposal in 2003 but determined that it was unable to enact such a proposal for budgetary reasons; and

WHEREAS, the City Council nevertheless adopted "Resolution No. 926" on July 15, 2003, relating to some city employees and setting a Living Wage for those employees at 120% of the federal poverty level for a family of four, which was $10.62 per hour in 2003 and $13.99 per hour in 2015; and

WHEREAS, the City Manager took executive action to extend Resolution No. 926 to temporary and part-time employees beginning February, 2016; and

WHEREAS, the Colorado Self-Sufficiency Standard is widely acknowledged as a more accurate measure of a Living Wage for the City of Boulder; and

WHEREAS, the City of Boulder is no longer in the precarious budget condition referenced in Resolution No. 926; and

WHEREAS, the City Council of the City of Boulder finds that all city employees and the employees of city contractors should be paid a Living Wage and be provided adequate benefits and labor protections for services provided for or on behalf of the City of Boulder;

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

1. City Council reaffirms the interim measure by the City Manager to raise the wages of certain city employees beginning February, 2016.
2. It is the policy of the City of Boulder to pay all city employees and all employees of city contractors working on city projects a Living Wage.
3. All employees of for-profit contractors of the City of Boulder shall be paid a Living Wage for all hours they work on City of Boulder projects.
4. The Living Wage is established at $15.67 per hour, based on the Self-Sufficiency Standard* for Boulder County.
5. The Living Wage paid to City of Boulder employees or employees of for-profit contractors shall be higher for those who are not provided benefits.
6. City Staff is directed to create an ordinance or other governing regulation consistent with this declaration, which shall relate to wages, benefits and working conditions.
7. The City shall work to overturn the state-wide ban on local minimum wages.

** The Colorado Self-Sufficiency Standard, which includes Boulder County, is published annually by the Colorado Center on Law and Policy.*

Attachment C: Benchmarking of Peer Cities and Colorado

Jurisdiction	Population	Public	Public	City-Wide	Date	Current Wage Rate	Wage Determination	Source
Ann Arbor, MI	117,759	N	Y	N	2001	$12.70/$14.18	Chapter 23 – Living Wage Requirements in City Contracts and Grants: Subsequent annual adjustments shall be based upon the percentage increase, if any, in the United States Department of Health and Human Services poverty guidelines when comparing the prior calendar year's poverty guidelines to the present calendar year's guidelines.	https://www.municode.com/library/mi/ann_arbor/codes/code_of_ordinances?nodeId=TITIAD_CH23LIWARECOGR
Berkeley, CA	118,851	N	Y	N	Jun. 2000	$14.04/$16.37	BMC Chapter 13.27 - Live Wage Ordinance: Wages are adjusted annually according to the Consumer Price Indez for all urban consumers in the San Francisco-Oakland-San Jose area. Adjusted wages are effective June 30th of each year.	http://www.ci.berkeley.ca.us/Finance/Home/Vendors__Living_Wage_Ordinance.aspx
Davis, CA	66,733	N	Y	N	2008	$12.71/$14.47	Article 15.20.060(d) Compensation. The initial rates set forth in subsection (a) above shall increase annually, effective July 1st, in accordance to reflect increase during the preceding year in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose (CPI-U), as published by the U.S. Department of Labor, Bureau of Labor Statistics. (Ord. 2327 § 1, 2008; Ord. 2390 § 36, 2012).	City Clerk's Office (530.757.5648)
Eugene, OR	160,552	N	N	N	N/A	N/A	N/A	
Madison, WI	245,674	N	Y	N	Apr. 1999	$12.83 (Jan 2016)	§ Sec. 4.20: The wage rate is equal to 110% of the federal poverty level for a family of four.	http://www.cityofmadison.com/finance/wage/factsheet.cfm
Norman, OK	118,046	N	N	N	N/A	N/A	N/A	
Palo Alto, CA	66,968	Y	Y + Public works SB 854	Y	2015	$11.00 (will increase Jan 2016)	The minimum wage shall be an hourly rate of $11.00. To prevention inflation from eroding its value, beginning on January 1, 2016, and each year thereafter, th eminimum wage shall increase by an amount corresponding to the prior year's increase, if any, in the cost of living. Prior year cost of living measured through Consumer Price Index (Urban Wage Earners and Clerical Workers, U.S. City Average for All Items) or its successor index as published by the U.S. Dept. of Labor.	Email from City Clerk's office. Document is in same folder in S drive.
Provo, UT	114,807	N	N	N	N/A	N/A	N/A	
Santa Barbara, CA	91,208	N	Y	N	2006	$16.70/$14.32	§ 9.128.010(B) - Mandatory Minimum Local Wage. A wage payment at an hourly rate of Fourteen Dollars ($14.00) per hour, which wage amount shall be adjusted upward annually each July 1st, beginning in 2006, by an amount corresponding to the previous year's change (January to January) in the Consumer Price Index for Urban Wage Earners and Clerical Workers 1967=100 for Los Angeles-Riverside-Orange County, California, provided that no such annual adjustment may exceed the amount of six percent (6%).	
Santa Cruz, CA	61,245	N	Y	N	Oct. 2000	$15.39/$16.78	§ 5.10.040(4) Prescription of Minimum Living Wage. At a minimum, the prescribed living wages shall be upwardly indexed each year by an amount which corresponds to the cost of living increase as measured by the San Francisco-Oakland-San Jose area Consumer Price Index for urban wage earners and clerical workers. The annual adjustment shall be with reference to the CPI for the twelve-month period ending on October thirty-first.	http://www.cityofsantacruz.com/departments/finance/purchasing-division/living-wage http://www.codepublishing.com/CA/SantaCruz/?SantaCruz05/SantaCruz0510.html
Tempe, AZ	172,836	N	N	N	N/A	N/A	N/A	
Denver	663,862	N	Y	N	Feb. 2006	$11.66	Section 20-80.c.2 The "living wage" shall equal the amount set forth as the federal poverty guideline for the 48 contiguous states and the District of Columbia for a family unit of four, divided by the number 2080.	https://www.denvergov.org/Portals/741/documents/PW_General/Living_Wage_Ordinance.pdf
Longmont	90,189	N	N	N	N/A	N/A		

C.R.S. 8-6-101

COLORADO REVISED STATUTES

* This document reflects changes current through all laws passed at the
Second Regular Session of the Sixty-Ninth General Assembly
of the State of Colorado (2014)
and changes approved by the electorate at the November 2014 election *

TITLE 8. LABOR AND INDUSTRY
LABOR I - DEPARTMENT OF LABOR AND EMPLOYMENT
ARTICLE 6. MINIMUM WAGES OF WORKERS

C.R.S. **8-6-101** (2014)

8-6-101. Legislative declaration - minimum wage of workers - matter of statewide concern - prohibition on local minimum wage enactments

(1) The welfare of the state of Colorado demands that workers be protected from conditions of labor that have a pernicious effect on their health and morals, and it is therefore declared, in the exercise of the police and sovereign power of the state of Colorado, that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

(2) The general assembly hereby finds and determines that issues related to the wages of workers in Colorado have important statewide ramifications for the labor force in this state. The general assembly, therefore, declares that the minimum wages of workers in this state are a matter of statewide concern.

(3) (a) No unit of local government, whether by acting through its governing body or an initiative, a referendum, or any other process, shall enact any jurisdiction-wide laws with respect to minimum wages; except that a unit of local government may set minimum wages paid to its own employees.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (3), any local government regulation or law pertaining to minimum wages in effect as of January 1, 1999, shall remain in full force and effect until such law is repealed by the local government entity that enacted the law.

(c) If it is determined by the officer or agency responsible for distributing federal moneys to a local government that compliance with this subsection (3) may cause denial of federal moneys that would otherwise be available or would otherwise be inconsistent with requirements of

federal law, this section shall be suspended, but only to the extent necessary to prevent denial of the moneys or to eliminate the inconsistency with federal requirements.

HISTORY: Source: L. 17: p. 380, § 1.C.L. § 4262.CSA: C. 97, § 236.CRS 53: § 80-9-1. C.R.S. 1963: § 80-7-1.L. 77: Entire section amended, p. 428, § 2, effective July 1.L. 99: Entire section amended, p. 289, § 2, effective April 14.

Law reviews: For article, "An Overview of Federal and State Wage-Hour Laws -- Part I", which discusses the federal wage-hour laws, see 14 Colo. Law. 384 (1985).

ANNOTATION

Law reviews. For note, "Colorado Wage and Hour Law: Analysis and Some Suggestions", see 36 U. Colo. L. Rev. 223 (1964). For article, "The Migrant Farm Worker in Colorado -- The Life and the Law", see 40 U. Colo. L. Rev. 45 (1967).

This article, as a prerequisite to its operation, contemplates the relationship of employer and employee, and where that relationship does not exist, a minimum wage order is null and void. Indus. Comm'n v. Am. Beauty Coll., Inc., 167 Colo. 269, 447 P.2d 531 (1968).

Attachment E: List of Standard Part time and Temporary Positions through September 2015

Standard, Part-time

Pos Title	Department	Pay Grade	Last Pay Date	FTE	Actual Hrly		
Lot Attendant	CP&S/DUHMD/Parking Srvs	BMEAA	27-Sep-2015	0.50	$11.91	$2.08	$2,159.46
Lot Attendant	CP&S/DUHMD/Parking Srvs	BMEAA	27-Sep-2015	0.50	$12.00	$1.99	$2,069.60
Lot Attendant	CP&S/DUHMD/Parking Srvs	BMEAA	27-Sep-2015	0.50	$12.00	$1.99	$2,069.60
Lot Attendant	CP&S/DUHMD/Parking Srvs	BMEAA	27-Sep-2015	0.73	$12.00	$1.99	$3,000.92
Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.25	$12.07	$1.92	$997.31
Lot Attendant	CP&S/DUHMD/Parking Srvs	BMEAA	27-Sep-2015	0.50	$12.48	$1.51	$1,570.40
Lot Attendant	CP&S/DUHMD/Parking Srvs	BMEAA	27-Sep-2015	0.50	$12.88	$1.12	$1,159.60
Library Materials Handler	Library/Reynolds Library	BMEAA	27-Sep-2015	0.25	$12.90	$1.09	$566.80
Library Materials Handler	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	$12.90	$1.09	$1,133.60
Library Materials Handler	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	$12.90	$1.09	$1,133.60
Library Materials Handler (Main)	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	$12.90	$1.09	$1,133.60
Library Materials Handler I	Library/Reynolds Library	BMEAA	27-Sep-2015	0.50	$12.90	$1.09	$1,133.60
Library Materials Handler	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	$12.90	$1.09	$1,133.60
Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	$13.00	$0.99	$1,029.60
Customer Service Team Member II	Parks&Rec/Rec/Athletics	BMEAB	27-Sep-2015	0.50	$13.09	$0.90	$936.00
Customer Service Team Member II	Parks&Rec/Rec/Athletics	BMEAB	27-Sep-2015	0.50	$13.10	$0.89	$928.93
Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	$13.10	$0.89	$925.60
Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	$13.10	$0.89	$925.60
Customer Service Team Member II	Parks&Rec/Rec/NBRC & Programs	BMEAB	27-Sep-2015	0.50	$13.10	$0.89	$925.60
Customer Service Team Member II	Parks&Rec/Rec/SBRC & Programs	BMEAB	27-Sep-2015	0.50	$13.29	$0.70	$724.57
Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	$13.33	$0.66	$688.38
Lot Attendant	CP&S/DUHMD/Parking Srvs	BMEAA	27-Sep-2015	0.63	$13.39	$0.60	$773.76
Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	$13.56	$0.43	$450.22
Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	$13.56	$0.43	$450.22
Customer Service Team Member II	Parks&Rec/Rec/EBCC & Programs	BMEAB	27-Sep-2015	0.50	$13.64	$0.35	$360.57
Lot Attendant	CP&S/DUHMD/Parking Srvs	BMEAA	27-Sep-2015	0.63	$13.67	$0.32	$414.18
Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	$13.67	$0.32	$328.64
Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.75	$13.68	$0.31	$482.98
Library Shelving Aide I	Library/Boulder Public Library	BMEAA	27-Sep-2015	0.50	$13.78	$0.21	$218.40
						Pay Difference x FTE=	$29,824.91

Temporary

Library Shelving Aide I Substitute	Library/Boulder Public Library	TEMP01	13-Sep-2015	0.38	9.8400	$4.15	$3,237.00
Temporary Bus Driver	HHS/Senior Services	TEMP02	13-Sep-2015	0.50	10.1500	$3.84	$3,993.60
Library Youth Services Specialist	Library/Boulder Public Library	TEMPE	13-Sep-2015	0.48	12.5400	$1.45	$1,432.60
Temporary Information Services Substitute	Library/Carnegie Library	TEMP03	13-Sep-2015	0.25	13.0800	$0.91	$473.20
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	13-Sep-2015	0.00	13.0800	$0.91	$0.00
Temporary Library Shelving Aide I	Library/Boulder Public Library	TEMP01	27-Sep-2015	0.50	8.2300	$5.76	$5,990.40
Library Shelving Aide I Substitute	Library/Boulder Public Library	TEMP01	27-Sep-2015	0.75	8.2300	$5.76	$8,985.60
Learning & Organizational Development In	Human Resources	TEMP04	27-Sep-2015	0.48	8.2300	$5.76	$5,690.88
Temporary Watershed Crew Leader	PWks/Util/Water Resources	TEMP01	27-Sep-2015	1.00	8.5000	$5.49	$11,419.20
Temporary G I S Technician	PWks/Util/Engineering	TEMP01	27-Sep-2015	0.50	9.0000	$4.99	$5,189.60
Temporary Library Shelver	Library/Boulder Public Library	TEMP01	27-Sep-2015	0.25	9.0045	$4.99	$2,592.46
Library Materials Handler Substitute	Library/Boulder Public Library	TEMP01	27-Sep-2015	0.48	9.0200	$4.97	$4,910.36
Information Services Substitute	Library/Boulder Public Library	TEMP01	27-Sep-2015	1.00	10.9000	$3.09	$6,427.20
Information Services Substitute	Library/Boulder Public Library	TEMP01	27-Sep-2015	1.00	10.9000	$3.09	$6,427.20
Temporary Facility Operations Rep	HHS/Senior Services	TEMP03	27-Sep-2015	1.00	11.0000	$2.99	$6,219.20
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.50	11.9000	$2.09	$2,173.60
Economic Vitality Intern	CP&S/Office of the Executive Director	TEMP02	27-Sep-2015	0.50	12.0000	$1.99	$2,069.60
Water Resource Intern	PWks/Util/Water Quality	TEMP02	27-Sep-2015	0.25	12.0000	$1.99	$1,034.80
Technical Support Analyst - Intern	Information Technology	TEMP04	27-Sep-2015	0.50	12.0000	$1.99	$2,069.60
Web Manager Intern	Information Technology	TEMP04	27-Sep-2015	0.50	12.0000	$1.99	$2,069.60
Temporary Bus Driver	HHS/Senior Services	TEMP02	27-Sep-2015	0.50	12.1500	$1.84	$1,913.60
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.50	12.7500	$1.24	$1,289.60
Temporary Greenways Habitat Maintenanc	PWks/Transp/Strts & Bikeways Maint.	TEMP04	27-Sep-2015	1.00	13.0000	$0.99	$2,059.20
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.25	13.0800	$0.91	$473.20
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.75	13.0800	$0.91	$1,419.60
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.75	13.0800	$0.91	$1,419.60
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.50	13.2600	$0.73	$759.20
Temporary Information Services Substitute	Library/Boulder Public Library	TEMP03	27-Sep-2015	0.50	13.2600	$0.73	$759.20
Temporary Greenways Habitat Maintenanc	PWks/Transp/Strts & Bikeways Maint.	TEMP04	27-Sep-2015	1.00	13.5000	$0.49	$1,019.20
						Pay difference x FTE=	$93,518.10

Grade	Position Title	Actual Hourly Rate	# of Employees
SEASONAL	Adult Kickball Official	15.00	7
		17.00	1
SEASONAL	Aquatics Fitness Instructor	16.00	2
SEASONAL	Aquatics Manager	11.50	2
SEASONAL	Art Instructor	16.00	1
		20.00	2
SEASONAL	Assistant Camp Director	11.00	1
SEASONAL	Assistant Program Leader	9.50	1
SEASONAL	Assistant Swim Team Coach	10.75	1
SEASONAL	Athletic Field Maintenance Person	11.00	2
		12.00	3
		14.00	2
SEASONAL	Basketball Official	18.00	1
SEASONAL	Boat Inspector	9.00	1
		9.25	1
		9.50	1
		9.50	1
		10.00	1
SEASONAL	Camp Counselor	12.00	1
SEASONAL	Camp Director	13.00	1
SEASONAL	Camp Director (Outdoor Adventure EXPAND)	13.00	1
SEASONAL	Camp Instructor - Reservoir	8.25	2
		8.50	1
		9.50	1
SEASONAL	Camp Instructor (Sports)	10.00	1
SEASONAL	Camp Leader (Leisure Links)	11.00	1
SEASONAL	Camp Leader (Outdoor Adventure EXPAND)	10.00	1
		11.00	5
SEASONAL	Cashier	8.25	1
		8.50	1
		9.00	25
		9.25	1
		9.50	1
		10.00	1
		18.00	1
		18.10	1
SEASONAL	Child Care Attendant	9.00	1
		9.50	14
		11.00	1
SEASONAL	Civic Area Ambassador	12.00	1
SEASONAL	Dog Regulation Education Coordinator	18.00	2
		20.00	1
SEASONAL	Ecological Restoration Crew Leader	18.00	1
SEASONAL	Ecological Restoration Technician	14.00	2

Grade	Position Title	Actual Hourly Rate	# of Employees
		15.00	1
SEASONAL	Education & Outreach Coordinator	28.11	1
SEASONAL	Education & Outreach Specialist	14.00	1
		15.00	1
		16.00	9
SEASONAL	Education and Outreach Coordinator	13.00	1
		16.00	1
SEASONAL	Environmental Education Specialist	16.00	1
SEASONAL	Expand Camp Leader	10.00	1
SEASONAL	Field Supervisor	10.00	1
SEASONAL	Fitness Instructor	17.00	1
		20.00	2
		21.00	1
		21.56	1
		22.50	1
		25.00	1
		26.00	2
		26.63	1
		27.00	2
SEASONAL	Fitness Instructor - Senior Services	18.00	3
		19.00	1
		20.00	4
		22.00	1
SEASONAL	Fitness Instructor and/or Personal Trainer	20.00	3
		25.00	1
SEASONAL	Fitness Instructor-Senior Services/Silver Sneakers	21.00	1
SEASONAL	Forest Restoration Crew Leader	18.00	1
		19.00	2
SEASONAL	Forest Restoration Crew Member	14.00	2
		15.00	2
		15.50	3
		16.00	1
		18.00	2
SEASONAL	GIS Seasonal	15.00	3
SEASONAL	Golf Course Laborer	9.50	4
		9.75	1
		10.00	1
		11.00	1
		11.50	1
SEASONAL	Golf Course Maintenance	9.25	1
		10.00	1
		10.25	1
		11.00	2

Grade	Position Title	Actual Hourly Rate	# of Employees
SEASONAL	Golf Pro Shop Attendant	9.00	1
		9.50	6
		10.00	1
		12.00	3
		14.00	1
SEASONAL	Gymnastics Instructor	10.00	33
		11.00	5
		12.00	7
		14.00	6
		15.50	1
		16.00	2
		18.00	3
SEASONAL	Gymnastics Specialist	10.00	1
		14.00	1
		15.00	1
		16.00	1
SEASONAL	Horticulture Maintenance	14.00	1
SEASONAL	Integrated Pest Management and Conservation Technician	13.50	1
SEASONAL	IPM and Conservation Technician	13.50	1
		14.00	2
SEASONAL	IPM Crew II	13.85	3
		14.25	2
		14.50	1
SEASONAL	IPM Crew Leader	15.75	1
		18.00	1
SEASONAL	Irrigation Technician	12.50	1
SEASONAL	Lead Seasonal	16.50	1
SEASONAL	Lifeguard	9.00	9
		9.25	28
		9.50	15
		9.75	11
		10.00	2
		10.50	1
		11.50	1
		15.00	1
SEASONAL	Lifeguard-Reservoir	8.23	1
		8.35	1
		8.50	2
		8.75	1
SEASONAL	Master Instructor	25.00	3
		26.00	1
SEASONAL	Natural Lands - Invasive Plant Species Management Leader	15.75	1
SEASONAL	Natural Resource Specialist	17.50	1

Grade	Position Title	Actual Hourly Rate	# of Employees
SEASONAL	NIA Instructor	21.00	6
		23.00	1
		23.10	1
		25.00	1
		30.00	1
SEASONAL	Outdoor Adventure Camp Leader	11.00	1
SEASONAL	Park Host	10.00	1
		11.00	1
		11.50	1
SEASONAL	Personal Trainer	20.00	1
		25.00	1
SEASONAL	Physical Therapist	35.00	2
SEASONAL	Pilates Instructor	23.00	1
		23.25	4
		24.00	3
		25.00	1
SEASONAL	Plant Ecology Technician (Wetland)	15.00	1
SEASONAL	Pool Lifeguard	9.25	1
SEASONAL	Pool Manager	9.50	1
		9.75	2
		10.50	2
SEASONAL	Pools Lifeguard	9.00	3
		9.25	33
		9.50	7
		9.75	3
		10.00	3
		10.50	1
SEASONAL	Program Instructor	20.00	1
SEASONAL	Recreation Cashier	8.50	1
		9.00	17
		9.50	3
		10.00	2
		15.00	1
SEASONAL	Recreation Leader	10.00	1
SEASONAL	Recreation Specialist	20.00	1
SEASONAL	Reservoir Cashier	9.00	1
		9.25	1
SEASONAL	Reservoir Lake Patrol	9.00	3
		9.25	1
		11.00	2
		12.00	1
SEASONAL	Reservoir Lifeguard	8.23	1
		8.50	2
		11.00	1

Grade	Position Title	Actual Hourly Rate	# of Employees
SEASONAL	Reservoir Maintenance	8.50	1
		9.00	1
SEASONAL	Reservoir Operations Crew	9.00	2
		9.50	1
		10.00	5
		11.00	2
SEASONAL	Reservoir Park Host	9.00	1
		9.25	1
		9.50	1
		10.00	1
SEASONAL	Reservoir Sailing Instructor	11.00	1
SEASONAL	Reservoir Watersports Camp Instructor	9.00	1
SEASONAL	Resource Specialist (Wildlife Technician I)	14.50	2
		15.00	2
SEASONAL	Scorekeeper	10.00	1
SEASONAL	Seasonal Education and Outreach Coordinator	14.50	1
SEASONAL	Seasonal Education and Outreach Specialist	16.00	1
TEMP03	Seasonal Education Outreach Coordinator	15.00	1
		16.00	2
SEASONAL	Seasonal Nia Instructor	21.00	1
SEASONAL	Seasonal Sign Technician	15.50	1
TEMPN	Senior Engineering Technician	57.00	1
SEASONAL	Senior Services Fitness Instructor	19.00	1
		20.00	1
SEASONAL	Soccer Facility Supervisor	10.00	8
SEASONAL	Softball Facility Supervisor	11.50	1
SEASONAL	Softball Field Supervisor	11.00	1
		12.00	1
SEASONAL	Softball Official	18.00	1
SEASONAL	Sports Official	15.00	3
		20.00	1
SEASONAL	Sports Official - Adult Volleyball	15.00	1
SEASONAL	Sports Seasonal	10.00	2
SEASONAL	Substitute Camp Staff	10.00	1
SEASONAL	Summer Camp Counselor	9.50	1
		10.00	2
SEASONAL	Summer Camp Program Aide	8.50	1
		9.00	3
		9.25	1
		9.50	7
		10.00	5
SEASONAL	Summer Camp Program Leader	10.00	6
		10.50	1
		11.00	1

Grade	Position Title	Actual Hourly Rate	# of Employees
		13.00	1
SEASONAL	Swim Instructor	9.25	3
		9.50	1
		9.75	3
		10.00	4
		10.25	3
		10.50	2
		11.00	1
		15.00	1
SEASONAL	Swiss Ball Instructor	23.25	1
		25.00	1
SEASONAL	Tai Chi Ch'uan Instructor	24.00	1
SEASONAL	Tennis Camp Program Leader	10.00	2
SEASONAL	Tennis Instructor	10.00	1
SEASONAL	Therapeutic Instructor	11.00	1
		16.00	1
SEASONAL	Therapeutic Leader	10.00	1
SEASONAL	Therapeutic Program Coordinator	13.00	1
SEASONAL	Therapeutic Recreation Program Coordinator	10.00	1
SEASONAL	Therapeutic Recreation Program Leader	9.50	1
		10.00	10
		11.00	4
		23.00	1
SEASONAL	Trailhead Crew Member	14.25	1
SEASONAL	Trailhead Maintenance Crew Member	14.00	1
		15.00	1
SEASONAL	Trails Crew Lead	17.00	2
		17.50	2
		17.75	2
SEASONAL	Trails Crew Leader	17.75	1
		18.00	1
SEASONAL	Trails Crew Member	13.00	2
		13.25	2
		13.50	2
		13.75	2
		14.00	1
		14.25	4
		14.50	2
		14.75	1
		15.00	1
		15.25	1
		15.75	1
		16.00	1
SEASONAL	Trails Specialist	19.00	1

Grade	Position Title	Actual Hourly Rate	# of Employees
SEASONAL	Urban Forestry Tech I	12.00	2
SEASONAL	Urban Forestry Technician II	18.00	3
SEASONAL	Urban Parks Laborer	10.75	1
		11.00	1
		11.50	3
		11.75	1
		12.00	7
		12.50	3
		13.50	1
		14.00	5
SEASONAL	Urban Parks Laborer - Valmont Park Crew	11.50	4
SEASONAL	Urban Parks Laborer (South Zone)	13.00	1
SEASONAL	Volleyball Instructor	10.00	1
SEASONAL	Volunteer Services Crew Leader	14.25	1
SEASONAL	Water Fitness Instructor	18.00	1
SEASONAL	Watersafety Team	8.75	1
		9.00	1
		9.25	1
		9.50	2
		10.00	5
		11.00	1
SEASONAL	Watersports Camp Instructor	8.25	1
SEASONAL	Weight Room Maintenance	16.50	1
		18.00	1
SEASONAL	Wildlife Technician II	17.50	1
SEASONAL	Yoga Instructor	20.00	1
		21.00	5
		22.00	2
		23.25	1
		23.63	7
		24.57	2
		25.00	1
		28.57	1
		30.00	7
SEASONAL	Youth Recreation Program Assistant	9.50	1
SEASONAL	Youth Recreation Program Leader	10.00	1
SEASONAL	Youth Services Intern	9.50	1
SEASONAL	Youth Volleyball Instructor	10.00	4
SEASONAL	YSI Program Assistant	9.00	2
		9.50	3
	TOTAL NUMBER OF SEASONAL POSITIONS		**713**

CITY OF BOULDER, COLORADO

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MEMORANDUM

TO: Whom it may concern

FROM: Joseph N. de Raismes, III, City Attorney

SUBJECT: Living Wage Options

DATE: June 17, 2003

At the outset, it needs to be understood that setting minimum wages has been declared to be a matter of exclusive statewide concern by Section 8-6-101, C.R.S.: **No Colorado "unit of local government" is permitted to set "jurisdiction-wide" wages for any persons other than its own employees**, pursuant to Paragraph 8-6-101(3)(a), C.R.S., except as required by federal law, such as the Davis-Bacon Act, 40 U.S.C. § 276(a) (which sets "prevailing wages" for federally funded projects). It seems that the Colorado preemption should be read to reach contractually set wages – otherwise, the exception for Davis-Bacon wages is meaningless. And since the Colorado Supreme Court decision in *Town of Telluride v. Lot 34 Venture*, 3 P.3d 30 (2000), the constitutionality of such a statutory preemption, while still subject to challenge, seems at great risk of being sustained as a species of "economic regulation," which, under the principles announced in *Telluride*, is the preemptive prerogative of the Colorado General Assembly. Id., 3 P.3d at 39.

Nonetheless, Denver enacted a limited contractual living wage commitment to every worker, mechanic, clerical support worker, or other laborer employed by any contractor or subcontractor pursuant to a direct service contract with the city, or any janitorial worker for any public building two years ago and continues to enforce it on the grounds that such a limited contractual regulation of minimum wages should not be considered to be "jurisdiction-wide," even though it goes beyond the wages of Denver's own employees. Based on personal recollection, though without a written record, and without checking the tapes in the state archives, the Colorado Municipal League agrees with Denver's limiting construction of the statute. Thus, while some risk remains, the preemptive reach at the state statute appears to be very limited at this point. And in any event, not withstanding the legal risk, the Boulder living wage advocacy group, led by Laurie Herndon, successfully advocated that the Human Relations Commission support development of a living wage ordinance for Boulder. Staff met in 2002-2003 with the advocacy group in order to determine its position on the various elements of the draft being presented. City staff then redrafted a living wage ordinance, with options, in order to reflect the questions that will have to be decided

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if such an ordinance is to be considered by the Boulder City Council. This memorandum goes through those issues.

Staff used the ordinances of Boulder's peer cities with living wage ordinances as models: Madison, Ann Arbor, Berkeley and Santa Cruz. The draft living wage ordinance is attached as Exhibit A. The peer city analysis done by Steve Felten of the Finance Department is attached as Exhibit B. Although fundamentally modeling their proposal on Santa Cruz, the proponents had used the proposed (but not ultimately adopted) Bridgeport, Connecticut ordinance as an additional model. Thus, staff consulted it as well. This memorandum will go through the draft ordinance in order, discussing each policy issue in the context in which it appears. Each option is discussed on its merits.

One cautionary note is needed in evaluating these options. If Council should request an estimate of the fiscal impact on the City, it will be very difficult to give one. The potential impact would be dependent on many factors, including the types of vendors covered by the ordinance, the contractors' wage structures and the competitive environment for the specific goods or services in question. A study published by the University of California Institute of Labor and Employment takes a look at cost impacts and may provide some guidance as to possible price increases to the City, but Council and the public need to understand the enormous difficulties in determining a potential cost impact.

SHOULD BOULDER CONSIDER A LIVING WAGE? WITH A SEPARATE RATE WITH BENEFITS? HOW MUCH? WHAT BENEFITS?

Prior to dealing with the intricacies of a living wage ordinance, the City Council has three essential decisions to make, which dictate all the rest of the work. (1) **DECISION TO CONSIDER A LIVING WAGE.** First, of course, Council must decide **whether or not it wishes to consider a living wage at all**; what the objectives and drawbacks of such a policy decision are; and what the financial ramifications for the City budget may be. (2) **NECESSITY OF SETTING WAGE AMOUNT.** These decisions are so intimately entwined with the choice of a living wage amount that the decisions cannot be separated. Thus, simultaneously with any decision to adopt a living wage, Council needs to **set the amount**. (3) **AVOID SETTING BENEFITS, IF POSSIBLE.** Most cities have set an amount without benefits and then specified a benefit package and a lower amount when that package is offered. But at least one peer city, Madison, set only a single wage amount and left the benefit question up to individual employer decision. That is a reasonable compromise that Council should consider, if entities other than the City are ultimately covered by the ordinance, especially since benefit packages vary greatly among collective bargaining groups and among private employers. Indeed, the proponents' proposed leave structure conflicts with that of the City. Setting a benefit standard requires and assumes a degree of uniformity that does not exist and perhaps should not exist. (4) **METHODOLOGY.** Ultimately of course, the big question is how the wage rate should be determined. If Council resolves to go forward, staff recommends that the City use **120% of the federal poverty guidelines for a family of four** as a standard. But do the standards for a family of four properly apply to a single person, especially an eighteen-year old? A minimum age could help to deal with this issue, but the issue of family size will remain, since the need is so different for a person with no dependents.

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The Colorado Fiscal Policy Institute estimates a wage of $23.68 an hour will bring an adult, infant and preschooler to "self-sufficiency" in Boulder (family of 3). Self-sufficiency is defined as needing no government subsidy. This is the only such study that City staff has been able to locate on this issue. (The Boulder County Civic League has done a study which determined a wage of $10.69 per hour would constitute a comfortable middle class status for a single adult.)

APPLY TO CITY EMPLOYEES? NONPROFITS? MANAGEMENT ONLY? FULL-TIME ONLY? HALF-TIME?

Staff recommends against considering a living wage ordinance at this time. The many costs of enforcement, the additional out-of-pocket costs to the City in a time of cut-backs and lay-offs, the rigidity inherent in the regulation of City contractors and grantees, especially nonprofits, the inevitable interference with collective bargaining, especially if benefit standards are to be set, and the dilemma inherent in decreasing City services even further by pricing them higher collectively outweigh any gain in living standards. And the current economic climate in the City makes the proposal untimely, at the very least.

A particularly difficult question is posed by the proponents' attempt to apply the living wage to nonprofit organizations that contract with the City. On the one hand, if a living wage is deemed a "right" of employed people to help them approach self-sufficiency, surely those who work in nonprofit agencies should enjoy the same rights as those who work for the private, for-profit sector. On the other hand, the City's contracts with nonprofits are made in order to subsidize their work in providing needed human services in the community. This subsidy is necessary for many agencies to survive, even though wages are typically lower in this sector. If nonprofits were forced to pay higher wages, either staffing levels would need to be reduced (thus reducing services) or a greater subsidy would be required from the City to allow the agency to continue to operate at the same level of service. Clearly, given the current economic climate, additional subsidies are highly improbable, and will need to be reserved for needed increases in services, not for higher wages. City employees' wages are being frozen for the same reason. The GSI is being eliminated in the City Manager's recommendation for management and fire beginning in 2004, but the City Manager is recommending that merit increases be maintained. Obviously, Council has to make the final decision regarding city wages. And the fire union would have to agree to such a change for 2004 and BMEA and Police would have to for 2005. Thus, extension of the living wage to the nonprofit sector is likely to result in a reduction of services to the most needy, and that creates an agonizing policy dilemma.

If the decision is made to enact a living wage, Council may freely do so for City employees, as state law does not preempt Council's power to set the wages of City employees, and could not under the Colorado Constitution. *See City and County of Denver v. State*, 788 P.2d 764, 767, (Colo. 1990). The critical subsidiary question is whether the ordinance should include any employees other than full-time, standard employees. It seems hypocritical and untenable for the City to adopt a living wage ordinance and then not apply it to the City. On the other hand, most City employees are unionized (unlike most City contractors), and collective bargaining agreements would have to be exempted from the ordinance to avoid unconstitutional impairment of contracts, and a significant interference with future collective bargaining. Possibly for that reason, most living wage ordinances, including those of the peer cities, do not apply to municipal employees.

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Nonunionized ("management") City employees are almost always compensated above the living wage, but there would otherwise be no objection to including them in the ordinance, should Council decide to pursue it. If so, and if benefits are covered as well as wages, staff suggests that either full-time or half-time be chosen as the threshold, but nothing in-between. Seasonal and temporary employees (including youth, work study and intern employees) whose jobs are so short that they do not qualify for union protections are yet another dilemma for which an exemption to the ordinance should be considered. The vast majority of seasonal jobs are summer jobs that are not positions of livelihood requiring wages above federal poverty guidelines for a family of four. By their very nature, temporary jobs are also not long-term positions of livelihood. Rather, wages for these jobs are tied to the competitive worth of the related job responsibilities in the local labor market. To pay a mandated living wage would mean paying an artificially inflated and fiscally irresponsible wage that places an unnecessary and unaffordable financial burden upon the City.

If the ordinance were to apply only to standard City management employees, there would be no financial impact to either full-time or part-time employees at the staff proposed $10.62 per hour rate. Using the $12.50 per hour rate suggested by the proponents, one part-time management employee would require a salary adjustment. While the financial impact of choosing to apply the living wage to City management employees is minimal, it becomes much greater if seasonal and temporary employees are covered, particularly since those jobs tend to be lower paid. An initial estimate indicated that including seasonal and temporary employees (including youth, work study and intern employees) could cost the City an additional $1,160,000 annually using the proponents' $12.50 per hour rate. Using the $10.62 per hour rate, the annualized cost could be an additional $370,000. **Unless Council decides to mandate higher wages for seasonal and temporary City employees, there is no need for an ordinance. Thus, staff recommends against considering an ordinance.**

APPLY TO SERVICE CONTRACTORS?

Another difficult question is whether or not to apply the living wage to "service contractors" of the City, however that may be defined. The following analysis addresses that question in more detail. But prior to getting to any further analysis, **Council must decide whether it wishes to impose its preferences with regard to wage levels on its contractors.** This could have a very substantial administrative cost, as well as a cost in the relationship between the City and its vendors and suppliers, and that cost must be weighed against the potential benefit. Differential wage rates between contractors' employees, only some of whom are covered by the ordinance, is another cost that is hard to administer and hard to quantify. Moreover, these costs need to be weighed not just in terms of full-time equivalents, but also in terms of enforcement actions and repercussions on the City's other transactions with its vendors and suppliers.

The potential for evasion of the living wage is great. Thus far, it appears that among Boulder's peer cities, only Santa Cruz has done any substantial monitoring of contractor compliance, at a cost of about $75,000 per year.

And finally, it needs to be emphasized that Section 8-6-101, C.R.S. potentially preempts extension of the living wage beyond City employees. Contractual relationships were not recognized by the Supreme Court as an exception to the rent control prohibition at issue in the *Telluride* case, and the City may have

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to mount a home-rule challenge to extend the living wage to service contractors, especially if it wishes to go beyond the limited classes covered by the Denver ordinance.

1. **GENERAL DEFINITION OF "SERVICE CONTRACT"** 12-4-1, "Definitions", "Service Contract," Options A:

Initially, City staff responded to the living wage initiative by analyzing City employment practices and urging that any living wage be limited to the City's own employees. This response was based on the statute, the difficulties of administration inherent in making the ordinance applicable to third parties and the financial impact on the City of distorting competitive bidding and potentially paying higher prices for the services that it purchases. But the most difficult question was that of definition. The original "definition" submitted by the proponents (similar to the Ann Arbor ordinance), stated that contracts "primarily for services" would be covered, but gave no further definition of the term. It became clear in staff's discussion with the proponents that the term "primarily" is inappropriate and confusing. Similarly, the corresponding term "incidental" (proposed in Bridgeport) is entirely vague and ultimately meaningless. Berkeley and Madison do not have a test but simply refer to "service contracts," as though that term were clear enough without definition. Berkeley does not define service contract; Madison does, but without any specificity. On some level, all purchases include a service component. Thus, a new solution was necessary.

More specificity can be obtained by setting a high threshold amount. If all service contracts are to be covered, this becomes a critical variable. From an administrative standpoint, using $10,000.00 as a cutoff defines a large pool of vendors to be researched to determine which are considered service contractors. Based on 2001 expenditures, the City has approximately 600 for-profit vendors with expenditures of $10,000.00 or more.

Using the cutoff of $25,000.00 (the amount that Berkeley uses), would reduce the number of vendors to be researched to approximately 300. Using the competitive bidding threshold of $50,000.00 would reduce the number of vendors to approximately 185. Due to the City's decentralized administration of contracts, this would be a hard ordinance to administer, no matter how structured. Limiting the ordinance's coverage to specific provider types would minimize that burden, but if a general definition of service contracts were to be used, staff would like to see a higher cutoff. And if any annual cutoff is used, a calendar year number would be much easier to administer than a twelve-month number. This concern occurs throughout the proponents' materials.

Thus, the first option would be to adopt a percentage threshold, so that the goods and services in each contract could be divided, and all contracts with a set percentage of services over a set contract amount threshold would be included in the living wage. Although somewhat mechanical, these tests both have the advantage of being straightforward. However, they also create an incentive to bundle services and goods in a way that creates a result, one way or the other. This problem is ever more pronounced in a twelve-month than in a calendar-year measure, which virtually requires retroactive wage adjustments. Thus, the test inherently lacks specificity. **Staff does not recommend any of these options.**

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The proponents then dropped their original proposal and submitted a response to the staff listing of services subject to the living wage, discussed under Section 2 below. The proponents' new draft is closer to staff's recommended draft, but with twenty-five categories instead of eighteen. At a minimum, this proposal adds back all of the nonprofit categories of the Santa Cruz ordinance deleted by staff to avoid the application of the ordinance to nonprofit functions (housing, health services, human care services, recreation services, recycling services, as well as resident and day shelter services). It also adds construction, consistent with the proponents opposition to staff's proposed exemption of construction services.

2. **SPECIFIC DEFINITION OF "SERVICE CONTRACT"** 12-4-1, "Definitions," "Service Contract," Option B:

Option B, the staff alternative, is drawn from the Santa Cruz ordinance, which gives specific categories of services which are subject to the living wage. The Santa Cruz ordinance gave a set of examples of a general and unbounded category of service contracts, preceded by the typical "including but not limited to." This is, in effect, a variant of Option A, in that the definition is unlimited, and, the term is thus, ultimately, undefined.

The alternative that staff drafted and recommends considering is based on the Santa Cruz language but uses the examples to define "service contracts." This is also **consistent with the Denver approach**, although the Denver ordinance is more limited. Staff has added copying and printing services and courier services to round out the list of common for-profit services used by the City. This approach would take care of the major administrative problems by indicating the specific areas to be covered, recognizing that other areas could be covered over time by Council action if additional living wage coverage were deemed appropriate. The proponents' draft adds back services that are provided in the nonprofit sector. Staff recommends excluding them (as Santa Cruz did not), in order to avoid the issue of a nonprofit exemption. It is staff's position that rather than including these areas which will then necessarily be subject to exemption proceedings, the better course would be not to include them in the first place. Health, housing and human services are struggling as it is and should not be further burdened in these troubled economic times.

Summarizing, the Option B list includes most routinely out-sourced City services, with the exception of health and welfare services typically contracted to nonprofits, and consultant services, for which the living wage is unneeded and inappropriate. Staff needs to add that it continues to question the need for a service contract clause in the living wage ordinance, and is also concerned that the City Council budget and fund for necessary administrative personnel to enforce the ordinance, and adequate program funds to implement it, before Council decides to approve it.

If Council ultimately opts to add service contracts to a living wage ordinance, staff urges that an inclusive definition, along the lines of Option B, would be a far better solution. It would allow Council to determine exactly which service contracts it wishes to subject to the Boulder living wage ordinance, to price compliance, and to budget necessary funds – rather than discovering a deficiency later. Staff is divided on whether a threshold is still needed if a specific test is adopted. The City Attorney's Office suggests that given the specificity of the services covered under Option B, a higher threshold is not appropriate, but a minimal threshold of $1,000.00 could be helpful to exclude very small transactions.

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Under Option A, the proponents would retain the items that staff deleted from the Santa Cruz ordinance and require that nonprofits go through an exemption process. They would, however, apply a rolling threshold of $10,000 in twelve months, with no written contract requirement, and thus would require retroactive wage adjustments once the threshold was reached. See paragraphs 17 and 18, below.

Thus, the staff position is that the City Council should first examine whether it should take on service contracts, based upon the advocacy of the living wage proponents and the business and nonprofit communities. Staff remains skeptical that the benefits are worth the cost. If Council determines otherwise, staff recommends Option B in preference to a vaguer or more complex definition, because it will clarify and limit the administrative and compliance costs and allow Council to budget for both. The only disagreement between Option A and Option B concerns the treatment of nonprofit services and construction services and the threshold formula.

3. **LOOPHOLE-CLOSER: EXCHANGE OF LEASE FOR SERVICES** 12-4-1, "Definitions," "Service Contract," Option C:

Option C is a loophole-closer, intended to avoid leases of real property in exchange for services, which could otherwise be used to avoid the $10,000.00 threshold of Option A. It will probably never be used, but it is otherwise unobjectionable as a loophole-closer. Staff recommends against it as it clutters the ordinance unnecessarily and is totally unneeded if Option B is used for the definition. The proponents do not agree.

4. **CONSTRUCTION CONTRACT EXCLUSION,** 12-4-1, "Definitions," "Service Contract," Option D:

Boulder's peer cities of Madison, Ann Arbor, and Santa Cruz all include this exemption, which is important to making a general definition of "service contract" more manageable. Typically, the City receives very few bids on many construction contracts, and including them in the living wage could create substantial difficulties for the City. But the proponents oppose a construction contract exemption. **Staff recommends using Option B. This makes Option D unnecessary**. If Council chooses instead to use Option A, Option D would be appropriate as an addition to limit the scope of the living wage ordinance. Corresponding edits would be required to Option A.

5. **GOODS AND PERSONAL PROPERTY CONTRACTS EXCLUSION** 12-4-1, "Definitions," "Service Contract," Option E:

Option E is language suggested by staff that appears in several ordinances, including that proposed in Bridgeport, which gives a safe harbor, indicating that a lease or purchase of goods, products, equipment, supplies or other personal property is not a service contract. Staff discussed this with the proponents, who were willing to add it.

6. **SERVICE CONTRACTOR SIZE AND EXEMPTION FOR COLLECTIVE BARGAINING** 12-4-1, "Definitions," "Service Contractor," Option F 1-2:

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The definition is the place to exempt very small businesses. Business size is defined by how many individuals are employed. Berkeley uses six employees, Santa Cruz uses five, and Bridgeport proposed fifty, for nonprofits. This is an issue for Council. The proponents did not propose a threshold. Staff prefers to exempt small businesses, for whom compliance and reporting could be burdensome and views **six** as **a reasonable threshold.** In any event, staff suggests including an **exemption for collective bargaining agreements** which would appropriately preempt the ordinance. The proponents took a contrary position on this issue. See paragraph 7, Option G, below.

7. **SERVICE CONTRACTOR DEFINITION TO EXCLUDE CONSIDERATION OF SIZE AND COLLECTIVE BARGAINING** 12-4-1, "Definitions," "Service Contractor," Option G:

The proponents' proposed definition is unneeded. If Council wishes not to adopt Option F, under paragraph 6, above, that is its prerogative. But Option G just says the opposite and adds nothing. The $10,000 threshold is already contained in Option A and is a quality of the contract, not the contractor.

8. **BENEFICIARIES OF CITY ASSISTANCE OR SERVICES, DEFINITION** 12-4-1, "Definitions," "Beneficiary of City Assistance," Options A and B:

The beneficiaries definition fits logically in the discussion of service contracts, because it represents an extension of the living wage beyond City employees to a new category: **entities that receive City monetary assistance or in-kind services**. Here, the distinctions become more difficult, since the assistance is not specific to certain employees or contracts of the recipient of City assistance or services. Thus, **there is no neat way to parcel out the living wage responsibility according to actual funds received from the City.**

The related text proposed by the proponents is at proposed Section 12-4-4, annotated at paragraph12, below.

The major defect of this approach is that the living wage obligations might well be in excess of the actual monetary benefit to the recipient of City assistance or services. This is a genuine dilemma, and there is no easy way to resolve it. This leads to the conclusion that perhaps it is inappropriate to extend the living wage in this way, and that surely will be an issue for debate. Why, in fact, should the City have to give more money in order to accomplish its purposes in helping to support struggling outside groups performing an essential municipal purpose, which often function with semi-volunteer labor? This would include all capital and operating assistance and urban renewal projects. All would require additional financing over and above what is currently required in order to make any deal come together. Unless exempted, raising the problems discussed above, it would also include help to nonprofits, including the Dairy Center for the Arts and the Boulder Museum of Contemporary Art, and the text would indicate that through bond financing, housing agencies and other nonprofits might be subjected to the living wage as an additional cost of low-cost financing.

The peer cities are split. Ann Arbor uses the $10,000.00 threshold for such grant assistance. On the other hand, Berkeley and Madison use a higher threshold for this element – $100,000.00 – and Santa

Cruz omits grants entirely. Ann Arbor provides for a nonprofit hardship exemption. Santa Cruz accepts exemption requests. Council will have to choose whether or not it wishes to pursue this additional living wage category. Staff argues that even if for-profits are included, nonprofits should not be. This could be handled by a general nonprofit exemption. See paragraph 17, below. But if so, not much remains, since nonprofits are the principal beneficiaries of City assistance and services.

In summary, the grant issue presents a separate question for Council determination, independent of other service contracts. On one hand, the argument would be that if the City is going to support an entity, that entity should comply with minimal standards of community responsibility, including paying the living wage. On the other hand, since such wages are not now paid, especially in the nonprofit sector, one must question whether the living wage is appropriate as additional economic burden on an activity which the City has already found it necessary to subsidize with public money. Will this not simply make it more difficult if not impossible for the enterprise to succeed? **Staff recommends strongly that the City Council, like Santa Cruz, reject this extension of the living wage.** It is not at all necessary to the concept of a living wage, it is almost impossible to define its reach, since it could apply to all employees and contractors of the beneficiary, and it creates a serious policy dilemma in that nonprofits are its principal target.

9. **DEFINITION OF CITY,** 12-4-1, "Definitions," "city," Options A and B:

The code has an expansive definition of "city" at Section 1-2-1, B.R.C. 1981. This addition is unneeded.

10. **CITY EMPLOYEES: WAGES, PART-TIME, INFLATION** 12-4-2, "Living Wage for City Employees," Option A, Option B, Option C, Option D 1-2, Option E 1-2, Option F:

This section of the ordinance is the guts of the living wage mandate. Staff continues to question the wage amounts proposed. Berkeley is still using its 2002 living wage is $9.75 - $11.37. However, staff expects to bring before council new 2003 rates sometime in July, at which time the proposed rates will be $10.50 - $13.30. Madison chose 110% of the federal poverty level or $9.73 in 2003; Santa Cruz uses $11.50 - $12.55, which was adopted in July 2002; Ann Arbor uses $8.98 - $10.52, which was adopted in 2002. To date, staff has been unable to verify Ann Arbor's 2003 rates.

Thus, the City Council will need to have a vigorous debate over the wage - setting methodology and amount. As staff has previously stated, **$10.62 is the most defensible number - - 120% of the federal poverty level for a family of four in Boulder.** The living wage campaign disputes the federal methodology and supports a methodology that would result in a minimum wage in excess of $20.00. But the staff recommendation of $10.62 is far above many Boulder wages. The proponents' proposal of $12.50 has no justification other than raising the hourly wage closer to the $23.68 estimated as required to raise a family of four above state and federal assistance guidelines (per the Colorado Fiscal Policy Institute). Staff also continues to debate the appropriateness of extending the mandate to seasonal, temporary and part-time employees and thus recommends a cutoff of full-time or half-time employment.

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Option A is the proponents' proposal, and would include all City employees, including contract, temporary and seasonal, in the living wage. This is much broader than Staff's Option D and harder to administer. The cost impact of including seasonal and temporary employees (an additional $1,160,000 annually) has been discussed earlier. Options B and C are the proponents' minimum benefit and leave specifications for City employees. The total mix of time-off benefits in these two options is less than what management employees currently receive, but the division is different and conflicts with the City's choice and philosophy used in developing its total benefits package. Since the proposed time-off benefits do not match current City benefits, staff opposes this arbitrary change in City compensation.

Option D is the staff-recommended alternative covering only full-time, standard employees, and Option E is the staff-recommended backup, covering standard employees working at least half-time. Current City policy is that employees who work less than half-time are not entitled to health insurance (health insurance carriers will not extend coverage to less than half-time employees). Employees who work less than one-quarter time are not entitled to any benefits. If these employees are included in the living wage, these realities should be reflected in the ordinance. Thus, if option A is adopted, staff proposes codifying the half-time restriction in the living wage ordinance. This is Option F. Alternatively, it would be necessary to cost out the cost of granting benefits to persons who work less than half-time and figuring out what their proportionate contribution would need to be. Options G, H, and I deal with inflation and are covered in paragraph 11, below.

11. **SERVICE CONTRACTORS: WAGES, PART-TIME, INFLATION** 12-4-3, "Living Wage for Employees of Service Contractors," Options A through F:

This section of the ordinance deals with the mandate for service contractors to pay the living wage to their employees and to independent contractors. Again, staff questions the wage amounts. And again, staff cautions against the administrative and implementation cost of extending the living wage to this category. Although the amount cannot be estimated, it would be likely to cause increases in the cost of services to the City, which Boulder can ill-afford in this time of budgetary constraint.

However, assuming that Council decides that it wishes to go forward, there are a number of options to be considered, Options A, D, and E are the proponent- and staff- proposed living wage amounts, with and without benefits respectively. **Staff recommends, as an alternative, the expedient of setting the wage rate at $10.62/hour and leaving benefits out of the ordinance, as Madison did.** Under Option F, workers working less than twenty or forty hours per week (or 35 – the proponents' definition of full-time) should be excluded. Per paragraph 10, the best argument is for coverage of only full-time employees. However, the peer cities apply the living wage to all service contractor employees.

Options G, H, and I describe alternative approaches to determine inflationary increases applicable to the wage set as the Boulder living wage. This discussion also would apply to Section 12-4-2, concerning the living wage for City employees. Essentially, the options are to mandate Council consideration as part of the City budget, which is Option G, or to use a classical CPI inflation approach, which is Option H, or to use the HHS federal poverty guidelines, which is Option I. Of the three, staff prefers Option G, because it maintains the ability of the City Council to take legislative action not to implement a cost of living increase if the effect would be negative for the community as whole. Alternatively, Option G or H would be easy

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to implement, and could be automated so as to require no legislative action at all. **If Council desires to use an index, staff recommends use of the federal poverty guidelines, since that is the basis for staff's recommended living wage amount.** Of the peer cities, Santa Cruz mandates annual city council consideration, Berkeley uses the C.P.I., and Madison and Ann Arbor use the federal poverty guidelines. The proponents would opt for the C.P.I. (paragraph 10, Option H). They presumably would opt for paragraph 11, Option H as well, but have not said so to this point.

Options K and L are the proposal and staff redraft of the proponents' proposal to bind successors and assignees. Paragraph 11, Option K and paragraph 12, Option F follow this same pattern. The difference is that the City's language at paragraph 11, Option L places the duty on that service contractor – recognizing that the City is not in privity of contract with the subcontractor or assignee. Since City contracts are not subject to transfer or assignment, the language is surplus in any event. For a discussion of paragraph 11, Option J, the no-reduction clause, see paragraph 20, below.

12. **BENEFICIARIES OF CITY ASSISTANCE OR SERVICES: SUBSTANTIVE PROTECTION** 12-4-3, "Living Wage for Employees of Service Contracts," Options A through K:

Option A is the proponent-recommended extension of the living wage to beneficiaries of City monetary assistance or in-kind services, which staff opposes. Option B is the staff proposal, which is better accomplished by simply deleting the section altogether. See paragraph 8, above. However, assuming that Council may wish to go forward with this aspect of the proponents' proposal, **staff has suggested an applicability criterion of employees working at least ten hours a week at a site or on a project affected by the assistance or services**, Option J, so that employees unaffected by the assistance or services would not be covered. This is the Berkeley standard. Option K is the proponents' proposal that all beneficiaries of City assistance or services require their subcontractors on City service contracts to abide by the living wage. Staff opposes this restriction as it is even less justifiable than the original extension of the living wage to direct beneficiaries. It once again disproportionately affects nonprofits, beyond their receipt of City subsidies and beyond their ability to pay.

13. **BENEFITS VS. MANAGEMENT PACKAGE** 12-4-4, "Qualifying Benefit Package," Options A, B and C:

Option A, the proponents' proposal, covers only health insurance. In fact, a broader proposal is concealed in the ordinance, at paragraphs 10 and 11, Options B and C, and paragraph 12, Options C and D. Option B under this paragraph 13 is a staff redraft, intended to unite the benefit provisions of the ordinance. A definition, as proposed by the proponents, is an inappropriate place for such a substantive regulation.

The proponents' package as a whole is inconsistent with current City benefits. Accordingly, Option C is offered, setting one-half of the management package as a floor. The uncompensated days in Option B are a particular problem, since the City does not allow for such family leave now. And even a half of the standard management package may be in excess of the standard benefits granted by other entities. Further, any requirement that benefit packages be valued will increase administrative cost and potential conflict in enforcing the ordinance. Accordingly, if Council adopts a living wage, **staff recommends not setting**

benefit rates for third parties and considering, like Madison, a single living wage, with or without benefits. See paragraph 10, above. Alternatively, staff recommends Option B.

14. **BENEFITS, INFLATION** 12-4-5, "Qualifying Benefit Package," Options D and E:

These options deal with the same issue of inflation dealt with above, except for the proponents' reference to a "Health Care CPI." Such an index, which does exist, is a poor substitute for a health insurance index – which does not exist. The same considerations apply, but in addition, the cost of health care insurance has risen by double-digit percentages over the last decade, and health care takes up an increasing share of gross domestic product. Option D, requiring City Council action, may be the only reasonable option. But omission of the whole benefit issue seems the best option, from the perspective of staff that may be charged with implementation of the ordinance and City Council, which would have to deal with the inflation issue annually

15. **TRAINING EXEMPTIONS** 12-4-6, "Exemptions," Option A:

The first option under exemptions is for training programs, internships, work study and youth employment. This appears to be a fair exception, agreed to by the proponents, which should be added no matter what the scope of the ordinance. Staff has added certificated or other limited wage programs for disabled workers, to avoid creating a disincentive for such programs. The proponents have accepted this exemption as drafted.

16. **YOUTH EXEMPTION** 12-4-6, "Exemptions," Option B 1-4:

A youth exception is needed, which could be at sixteen (the proponents' suggestion), seventeen (as in Santa Cruz) or eighteen (as in Berkeley and Madison), or higher, up to twenty-one or twenty-five. Thus, this needs to be looked at empirically in order to determine the appropriate age. Staff recommends at least eighteen, following the peer cities. But **staff questions whether the federal poverty level for a family of four is really applicable to a person under twenty-five.** Thus, staff recommends setting the exemption at twenty-five.

17. **GENERAL NONPROFIT EXEMPTION** 12-4-6, "Exemptions," Option C:

Option C is a general nonprofit exception which is automatic and does not require an individualized determination. If Council rejects Option B, described in paragraph 2, and adopts a definition which potentially includes nonprofit activities, staff urges that this general exception be used. And the exemption should be included anyway if Council extends the ordinance to service contractors and beneficiaries of City assistance or services.

18. **SPECIFIC NONPROFIT EXEMPTION** 12-4-6, "Exemptions," Options D and E:

This proponent-recommended alternative makes the exemption discretionary with a body, which could be the City Council, the City Manager, or the "Living Wage Advisory Board" advocated by the proponents. Notably, the proponents' draft fails to specify the decision maker and sets very narrow criteria for an exemption. If Council likes the exemption approach, staff recommends Option E instead. The

criteria that have been developed are a loosening of those proposed by the proponents, and they could be further elaborated or amended if Council decides to go this route. The proponent-required promise of ultimate compliance has been deleted. Ann Arbor requires such a promise. The other peer cities do not. **Staff opposes such a cumbersome discretionary exemption, which would be a source of great controversy, and especially opposes creation of a new board and bureaucracy for this purpose, or cluttering up Council agendas, to do it.**

19. **GOVERNMENT EXEMPTION** 12-4-6, "Exemptions," Option F:

Option E is an exception for other governments, which should be enacted in any case, in order to reflect the limits of the City's jurisdiction. This is consistent with the peer cities and is not opposed by the proponents.

20. **NO REDUCTION CLAUSE** 12-4-6, "No Reduction in Benefits" has been deleted as a separate section. But see paragraph 11, Option J and paragraph 12, Option I, which are similar:

This proponent-recommended paragraph is **almost impossible to enforce.** Further, while it is understandable the living wage proponents do not wish to see one person's wages reduced to help another to earn the living wage, or to countenance reduction of benefits to raise wages, inclusion of the no-reduction language seems calculated to force a decision to implement layoffs. As with other aspects of existing living wage ordinances, this language reflects the era of economic expansion in which the living wage ordinances were originally proposed. It does not reflect contemporary realities. The peer cities follow this model, but staff opposes it.

21. **NOTIFICATION AND REPORTS** 12-4-7, "Notification and Reports:

This contains basic staff options (Options B and D) and more elaborate proponent options (Options A, C and E). Council can choose as it wishes among these options, but staff recommends Options B and D solely to save on administrative costs, for which the City will ultimately pay, and to avoid unnecessary formality – as with Option A, which requires a contract to parrot the ordinance. Staff is particularly troubled by Option E, which purports to make payroll records public records. This probably violates the Open Records Act, Section 24-32-204, C.R.S., which protects such privileged private employment records.

22. **ENFORCEMENT** 12-4-8, "Enforcement:"

Staff has outlined all of the enforcement options for Council's review. **Option D is enforcement by complaint system, focused on City Manager review. It is the classical way of enforcing such an ordinance. Staff definitely recommends against creating a new bureaucracy and appointed board for this purpose. A hearing officer is a better choice.** Staff also recommends against a separate civil action, Option H, since that would take the City out of the service contract monitoring process, at great peril to that process.

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This section is proposed to be "beefed up" by the proponents' proposal, which requires real monitoring by City employees, including periodic report examination, review of company records, examination of work sites, interviews of employees and surveillance of work subject to the ordinance. It is not conceivable to make such resources available, considering the budget reductions contemplated in the 2004 budget. Options E through G simply compound the incongruity, enacting such detailed remedies that the City is sure to fail. This seems like a set-up.

23. **RETALIATION AND DISCRIMINATION** 12-4-9, "Retaliation and Discrimination Barred:"

This is an enforcement tool in reverse, a device to attempt to protect "whistle blowers" who report living wage violations. It is a real issue and in a broad form could be considered for all complaints under the Code. But it would have a cost. But such protection does not exist now and would require a new financial commitment that staff questions in the current budgetary environment.

24. **SEVERABILITY** 12-4-10, "Severability:"

The proponents propose a separate severability clause. This is already handled by the general severability clause of the code, Section 1-1-4, B.R.C. 1981.

25. **EFFECT OF UNIVERSAL INSURANCE** 12-4-11, "Effect of Universal Health Insurance:"

The proponents' new proposal ends the regulation of health insurance when (and if) universal health insurance is provided. It is utterly benign. However, since staff does not suggest regulation of benefits, it likewise does not suggest this qualification of the regulation of health insurance.

26. **EFFECTIVE DATE** 12-4-12, "Effective Date:"

The proponents' proposal, Option B, purports to apply the ordinance to existing contracts. Staff's alternative, Option A, vests all existing contracts and renewals. Any interference with an existing contract runs a significant legal risk of invalidation and an even greater risk of litigation. There is no principled reason to require renegotiation of existing contracts, and a living wage will be much better accepted by the City's contractors if the City can avoid such a provocation.

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: FEBRUARY 16, 2016

AGENDA TITLE
Consideration of a motion to adopt updated Downtown Urban Design Guidelines (acceptance of the guidelines will result in inclusion of the DT-4 and DT-5 downtown zone districts in the identified areas where height modifications may be considered through the city's Site Review process, per the height modifications ordinance approved by Council on March 31, 2015).

PRESENTER/S
Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing, + Sustainability (PH+S)
Susan Richstone, Deputy Director of PH+S
Sam Assefa, Senior Urban Designer, PH+S
Kalani Pahoa, Urban Designer, PH+S

EXECUTIVE SUMMARY

The *Downtown Urban Design Guidelines* (*Guidelines*) are used by the city to help review proposed preservation, renovation and new construction projects in downtown Boulder, including the Downtown Historic District. As part of the Design Excellence Initiative project, City Council (Council) in late 2014 directed staff to develop tools and process changes that would lead to improvements in design outcomes. In January of 2015, Victor Dover of Dover Kohl & Partners, the consultant hired to facilitate the Design Excellence Initiative, provided recommendations to Council for short and long-term actions the city can take to address design outcomes. Among other things, Dover's recommendations included: removing (for a set period of time) the provision for height modifications through the Site Review process, piloting a Form-Based Code, and updating outdated design guidelines such as the 2002 Downtown Urban Design Guidelines. In March of 2015, Council adopted Ordinance No. 8028 amending the building height regulations, with a provision to exempt the Downtown area north of Canyon Blvd. upon completion and adoption an update to the Guidelines.

In response to Council direction in March of 2015, staff facilitated a process to update the Guidelines. The process included a working group comprised of representatives from the Planning Board (PB), Landmarks Board (LB), Design Advisory Board (DAB), and the Downtown Management Commission (DMC) charged with authoring and editing the revisions to the Guidelines.

The update to the Guidelines was prepared during seven working group sessions facilitated by staff from August through November 2015. In addition, staff facilitated a joint board meeting and a public open house in December 2015 to present the draft recommendations from the working group and collect feedback. The scope of the update has focused on improvements to the usability and efficacy of the Guidelines and does not change the overall vision established for Downtown by the Downtown Urban Design Plan adopted by Council in 1987. The proposed changes included in the draft document are based on consensus by the working group.

On January 27, 2016, DAB made recommendations for council adoption of the updated 2016 Guidelines. LB adopted *Section 1: The Historic District* of the Guidelines on February 3, and the PB adopted the remaining sections of the Guidelines on February 4, 2016.

The purpose of this agenda item is to present Council the 2016 update to the Guidelines (**Attachment A**) and consider council adoption.

STAFF RECOMMENDATION

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

I move the City Council adopt the updated 2016 Downtown Urban Design Guidelines as attached to the staff memo dated February 16, 2016.

BOARD AND COMMISSION FEEDBACK

1. A Joint Board session was held on December 10, 2015 with twelve (12) board members representing the Design Advisory Board, Downtown Management Commission (DMC), Landmarks Board, and the Planning Board. The discussion included review of the *Introduction*, *Section 1: The Historic District* and the beginning of *Section 2: The Non-Historic & Interface Areas.* Following the discussions, staff asked board members for any additional follow up comments and feedback. Staff received additional comments from **E. Payton**, **J. Bailey**, **M. Lee**, and **D.Yin**. The discussions from the Joint Board meeting and subsequent feedback received from the individual board members are included in **Attachment B**.

2. The DAB reviewed the Guidelines on January 27, 2016 and made a recommendation for adoption by Council (**Attachment C**). Discussion included a review of comments submitted by individual DAB members since the Joint Board meeting and focused on appropriateness of particular images in the document, minor adjustments to the *Section 2* map, and adjustments to image captions. The board took a vote recommending adoption of the updated 2016 Guidelines by Council as follows:

> On a motion by **J. Dawson** and seconded by **M. Lee**, the board voted 6-0 to recommend to City Council the approval of the updated Guidelines with instructions to staff to gather comments between now and the City Council

meeting of February 16, 2016, with the ability to make revisions to minor edits, but to collect the substantive comments for future revisions.

Jamison Brown, DAB Chairperson, will be present at the Council meeting.

3. The LB reviewed the Guidelines and adopted *Section 1: The Historic District* on February 3, 2016. Discussion of the Guidelines included restructuring the order of the guideline for better emphasis on the historic properties, the suitability of particular images, adjusting the language of individual guidelines, and identifying items for future discussion and revision to S*ection 1* by the full board. The board generated a list of both minor and substantial revisions (**Attachment D**). Minor revisions proposed by the board for which there was a consensus have been incorporated in the updated document, and proposed revisions deemed to be substantial, changes, or where there was no consensus by the board have been noted for future discussions and/or revision by the LB. The board took a vote to adopt the updated 2016 Guidelines as follows:

   On a motion by **B. Butler**, and seconded by **G. Clements**, the Landmarks Board voted (5-0) to adopt the proposed revisions to Section 1, "*The Historic District: of the Downtown Urban Design Guidelines*" pursuant to the rule making procedures set forth in Chapter 1-4, B.R.C 1981 and adopted the staff memorandum dated February 3, 2016, including the following as the findings of the Board **(Attachment D).**

   Kate Remley, LB Chairperson, will be present at the Council meeting.

4. The PB reviewed the Guidelines and adopted the *Introduction, Section 2: The Non-Historic & Interface Areas, and Section 3: The Public Realm* on February 4, 2016. Discussion of the Guidelines included review of pertinent sections of the document, minor corrections to technical information, clarification and/or the addition of individual guidelines, and the suitability of particular images. The board generated a list of both minor and substantial revisions (**Attachment E**). The minor revisions requested by the PB have been completed by staff and the substantial revisions, or revisions representing disagreement among the board, have been noted for the record. A discussion of reinstituting original language from the 2002 Guidelines regarding "views" and "sun and shade" generated the following motion:

   L. May, seconded by **L. Payton**, moved that the Planning Board amend the main motion to reinstate the original language from the 2002 Guidelines from page 9 with regards to views and sun and shade to be included in the sidebar on page 3 of the 2016 revised DUDG. The board voted 3-3 (**B. Bowen, J. Putnam, J. Gerstle** opposed). The motion failed.

   The PB adopted the updated 2016 Guidelines as follows:

   On a motion by **B. Bowen**, seconded by **C. Gray**, the Planning Board voted 6-0 to approve the 2016 Update to the Downtown Urban Design Guidelines with the staff proposed change to paragraph 5 on page 3 to add the word "independently"

for the second sentence to read "The Landmarks Board independently approves the guidelines for the Downtown Historic District."

The PB discussed whether the update to the Guidelines, the expiration of the height ordinance (Ordinance No. 8028), and how the guidelines would impact potential development. The discussion generated the following motion:

L. Payton, given that the 2016 revised Guidelines do not provide substantially different guidance to the design of the downtown, moved that Planning Board recommend to City Council that those areas north of Canyon Blvd and within the DT-4 and the DT-5 zoning districts not be added to the map designated as "Appendix J" areas where height modifications may be considered under *Ordinance 8028*. **J. Putnam, B.Bowen** and **J. Gerstle** objected stating that the proposed motion would be outside the scope of what was noticed to the public and that public notification should be done prior to making this type of a motion. **L. Payton** withdrew the motion for lack of a second.

Bryan Bowen, PB Chairperson, will be present at the Council meeting.

PUBLIC FEEDBACK

Staff conducted public outreach with an informational open house on December 8, 2015. Members of the public were presented the proposed changes to the Guidelines.

In addition, staff provided an informational session at the request of the Downtown Boulder, Inc. (DBI). DBI expressed concerns that the update to the Guidelines did not address parking requirements, lack of available parking in downtown, and possible hardship to the development community generated by any additional requirements in the updated Guidelines. Staff provided clarification that the Guidelines do not regulate parking requirements or alter parking requirements, but rather focus on the design attributes of parking structures and surface lots.

BACKGROUND

The Guidelines have their roots in planning initiatives started in the 1980s and were last updated in 2002. Rationale behind the update included the age of the document, lack of congruency to current standards, specific guidelines that were deemed to have led to bad design outcomes, and problematic sections in need of clarification. Over the last few years, the DAB in its annual letters to Council has articulated the need for updating the Guidelines. In late 2014 and early 2015, DAB discussed specific areas and items in the Guidelines that it believed needed to be updated and provided staff with its suggested revisions in a form of a redlined copy of the current Guidelines.

The need to update the Guidelines became a priority due to current concerns about design outcomes, and as part of the Design Excellence Initiative work that began in 2014. In January, 2015, Victor Dover of Dover Kohl & Partners (the firm hired by the city to provide consulting services for the Design Excellence Initiative) provided recommendations for short and long term actions the city should undertake to address design concerns. Recommendations included updating outdated guidelines, such as the Downtown Urban Design Guidelines, and putting a hold on height modifications in all areas except those that have established community vision or until a clear guidance is confirmed through policy revisions.

On March 17, 2015, City Council unanimously approved the third reading of the height modification ordinance with a sunset provision that would allow the areas of downtown north of Canyon that are zoned Downtown 4 and 5 (i.e., DT-4 and DT-5) to become automatically eligible for height modifications through the Site Review process upon adoption of the revised Guidelines by the City Council.

The height ordinance (Ordinance No. 8028) includes the following authority in Section 4:

> *"Section 4. The council orders the city manager to add those areas north of Canyon Boulevard and within the DT-4 and DT-5 zoning districts, to the map designated as Appendix J, "Areas Where Height Modifications May be Considered," B.R.C. 1981 after the final completion and adoption by the City Council of amendments that are presently under review for the 2002 Downtown Urban Design Guidelines."*

In March 2015, the Council directed staff to update the Guidelines within a six-month time period. In the second quarter of 2015, staff initiated a process (**Attachment F**) for updating the Guidelines and also recommended the formation of a working group. In August of 2015, a working group was formed and tasked with serving in an advisory and authoring capacity for updating the Guidelines. The working group included the following board and/or commission members:

1. Crystal Gray, PB
2. Bryan Bowen, PB
3. Kate Remley, LB
4. Deborah Yin, LB
5. Jamison Brown, DAB
6. David McInerney, DAB
7. Jerry Shapins, DMC

Upon completion of the working group sessions, staff presented the recommendations and draft Guidelines to a joint board meeting on December 10, 2015. The joint board meeting included members from Planning Board, Landmarks Board, Design Advisory Board, and the Downtown Management Commission. Staff facilitated review of the draft document and collected feedback during the open house and joint board meeting. Following the working group and joint board review, staff revised the final draft of the Guidelines.

ADMINISTRATION AND APPROVAL

The guidelines are part of a Downtown Area Plan and are adopted by PB and Council with recommendation from DAB. The LB independently adopts *Section 1: The Downtown Historic District*.

The three review bodies primarily responsible for administering these guidelines are the LB, DAB, and the DMC. Specifically, the LB reviews and applies the Guidelines to all projects located in the Downtown Historic District, and individually landmarked properties located outside of the historic district but within the downtown boundaries. DAB reviews and applies the guidelines on all projects with a construction value over $25,000 in the Non-Historic and Interface Areas, and the DMC applies the Guidelines in

review of projects located on the Downtown Boulder Mall. The PB applies these guidelines as part of the site review process.

The guidelines are utilized in a mandatory review and voluntary context; however, in the review of Landmark Alteration Certificates (LB) and Site Review applications (PB), the guidelines may be applied with mandatory effect in the analysis of specific review criteria.

WORKING GROUP PROCESS

City staff facilitated seven sessions with the working group from August 28, 2015 through November 16, 2016. The work sessions included a chapter by chapter review and discussion of the existing Guidelines, as well as review and consideration of the initial suggested revisions by the DAB.

Prior to each working group session, a pdf input form was prepared for the assigned section of the document and circulated to the working group. Areas of the document requiring attention, based on the DAB's recommendations and staff assessment, were flagged for the working group's review and evaluation. In addition, individual working group members reviewed the flagged areas, recommended revisions, and indicated whether the topic warranted further discussion during the working group session. If a recommended revision was not indicated by any of the working group members it was agreed the topic was an agreed upon change with group consensus. If any topic or item was identified by a working group member it was then added to the agenda and discussed during the session. Discuss of items also included working group member generated topics within the guidelines regardless of previous DAB recommendations, such items included topics of an urban design plan and the need to address zoning and land use disparities in the downtown area. Items identified as needing attention were thoroughly reviewed by the group for content, context, appropriateness, and language. All changes were confirmed through a group consensus, and then incorporated by staff into the review draft after each meeting. The review draft was then forwarded to the group members prior to the next meeting as a record of the meeting and confirmation of direction to staff (**Attachment G**). If there was no consensus in regards to a specific topic or if the topic was deemed to be a substantial change to the intent and purpose of the original Guidelines and not consistent with the overarching policy for the area, the item was not revised. Thus, some topics within the updated document remain relatively intact and are carried forward from the 2002 Guidelines. These topics included items associated with height, mass, scale, and setbacks for upper floors.

The update included streamlining the document for usability, removal of redundant items, resolving contradictory guidelines, clarifying language and design directives, improving graphics and maps, removing of lengthy code references that are not relevant for inclusion in the Guidelines, and providing better access to technical information and current regulatory requirements. Several sections were reorganized and/or merged to create a more coherent and consistent document to provide ease of use for applicants and administration by the appropriate governing boards. This effort was aimed at bringing the 2002 document into alignment with plans, policies and regulations created since the last update, and help improve design review process and result in better design outcomes by providing a more clear and usable and document.

SUMMARY OF UPDATE TO THE GUIDELINES

The following is a summary of the revisions to the Guidelines as part of the update process:

Introduction Section

Review of the *Introduction* occurred during working group sessions 1 and 2. The working group recommended making general corrections bringing acknowledgments current and reorganizing the section for clarity. The key revisions included:

- Refocusing the document on urban design;
- Creating a new downtown map;
- Updating the introductory questions to include information on how the Guidelines are administered;
- Summarizing the ten downtown strategies with a vision statement and improved images;
- Clarifying and condensing the design review process with a diagram and information linking to the most current application review types;
- Replacing detailed land use and other geographic maps with notation links to the City's databases; and Condensing the history subsection to focus on the development history of the area.

Section 1: The Downtown Historic District

Review of the *Section 1* occurred during working group sessions 2 through 4. The section contained a significant amount of redundancies and lacked sufficient guidance in regards to alterations or additions to historic properties. The working group recommended reorganizing the subsections and consolidating common guidelines. The revisions included:

- Relocating and updating the recommended materials list to the beginning of the chapter;
- Consolidating all of the Guidelines referencing existing historic properties into a comprehensive subsection of architectural elements with specifics regarding preservation;
- Creating a new subsection of guidelines for contemporary alterations and additions to historic properties which follow the Secretary of the Interior standards and best practices; and
- Revising the subsection on compatible new construction in historic districts to reinforce the character defining features of the overall historic district.

In addition to the restructuring, the working group and staff recommended revising the maps, images, and diagrams to be more accurate and reflective of the historic properties. The group review of photographs and visuals was agreed to be differed for later working group sessions as to allow for the development of the working group revisions to the Guidelines and provide staff with time to gather or generate the associated visuals. During this period staff produced new diagrams depicting historic architectural features and two updated historic district maps.

The first map (See page 10 in Attachment A) is an overview map with the Downtown Historic District boundary and the adjacent historic districts, and the second map (See page 13 in Attachment A) is an enlarged area of the Historic District which identifies the newly consolidated historic property types.

Section 2: The Non-Historic and Section 3: The Interface Areas

Review of the *Sections 2 and 3* occurred during working group sessions 4 and 5. Staff and the working group identified areas of concern regarding the general lack of structure in the sections, the copy and paste of the inappropriate historic district guidelines into the non-historic section, redundant or unspecific guidelines geared towards historic properties rather than contemporary and compatible design, and the poor instructional quality of the images. Upon review of the sections, it was determined individual guidelines in *Section 2: The Non-Historic Area* and *Section 3: The Interface Area* primarily addressed non-historic areas of Downtown and would be best served as a single section.

At the close of session 4 the working group directed staff to make revisions and restructuring of the merger due to the significant amount of problematic areas and the extensive changes required. The group's recommendations included:

- Consolidating the two sections and creating subsections addressing commercial and residential construction in the Non-Historic and Interface areas downtown;
- Revise the verbatim text copied from the historic district guidelines to address design objectives of the non-historic and interface areas;
- Providing new and multiple imagery options to better illustrate the intent of the newly consolidated section; and
- Updating the Non-Historic and Interface Area map.

Section 4: Parking Facilities, Section 5: Commercial Signs, and Section 6: Streetscape Improvements

Review of *Sections 4-6* occurred during working group session 6. The working group identified disjointed content, lack of specific relevant design guidelines in respect to parking structures and lots, landscaping, streetscape, and a significant amount of redundancy with the reiteration of sections of the Boulder Revised Code (BRC) or the Design and Construction Standards (DCS). The working group recommended:

- Merging Section 4: Parking Facilities into the design requirements of Sections 1 and 2;
- Merging Sections 5 and 6 into a new "*Public Realm*" chapter to bundle anything within the public right-of-way, including signage, landscaping, and streetscape, into a cohesive chapter to provide better guidance;
- Revisions to the new "*Public Realm*" section provide urban design requirements which go above and beyond the BRC and DCS baseline requirements without creating conflicts in regards to infrastructure and public works requirements;

- Removing all extensive code language in lieu of dynamic hyperlinks to the most current BRC and DCS standards;
- Removing extensive landscaping lists covered in the BRC and DCS and revising the landscape requirements to be more specific to the area;
- Editing the section diagrams to better illustrate the design requirements which are individual to Downtown; and
- Revising the streetscape map and an editing of the section imagery.

Appendix A & B
The appendix was deleted from the document. The working group and staff did not find enough cause to continue to keep a redundant list of the guideline subsection titles or outdated zoning district information. The subsection titles are listed in the Table of Contents. The zoning district information is now available via a hyperlink to the City of Boulder zoning map.

Image Selection Process
During the working group process, photographs, maps, and other images were identified as a primary concern and were in need of an update. The process for reviewing and updating the photos, maps, and diagrams included:

- Working group and staff provision of images to include in the Guidelines as examples;
- Staff revised maps and diagrams; and
- Review of the graphics and images by the working group as well as a joint board.

In the review process for photographs of building examples to be included in the Guidelines, diverse opinions were expressed by members of the working group and the joint board. The divergent opinions focused primarily on whether any given building example satisfied all the design criteria. Considering the varied range of preferences, and after multiple reviews of image content in the document, staff compiled the images and maps based on a general sense of the direction and the feedback from the group.

To accommodate the range of opinions regarding the imagery, the group and staff recommended the following items to be included in the Guideline document:

- Address the pertinent information regarding an image within the caption;
- Include a note stipulating the photographs are neither intended to represent the only option nor does replicating the design in the images guarantee approval of a project.

Specific Examples of Revisions
The following is a summary of the specific examples of revisions to the Guidelines which are intended to make the document up-to-date, easy to use, give better guidance, and design outcomes:

General revisions include:

- Removing all references encouraging “visual interest” from the entire document, as it is attributed to over-articulated building form and facades, or “ransom note” architecture;

- Parking structures were identified as a potential visual blight or a threat to the character of downtown. Additional design requirements were added to address the appropriate screening, building wrap, and location parking structures on a parcel.

Section 1: The Historic District revisions include:

- Expanding the "appropriate" materials list to include durable materials and individual details like full-dimension brick or stone and traditional finish carpentry elements;
- Expanding the "inappropriate" list of materials to include faux materials, EIFS stucco systems, and thin veneer products;
- Expanding the preservation of the façade elements to be inclusive of the whole building;
- Adding best practice or Secretary of the Interior technical references. These provide a more conservative approach to the treatment of historic properties and promote a preservation focus;
- Creating subsections to address the fundamental categories of historic properties in downtown: preservation of existing historic properties, renovations or additions to historic properties, and new construction in a historic district. The guidelines were revised to be nuanced and address the treatment of the differing categories;
- Revising contradictory guidelines, for example recommending new construction to maintain the relationship of the historic building to the street and then recommending a variety of options to alter the historic building setback (see 1.2.3 of the 2002 Guidelines). The working group revision instructs applicants to maintain the historic building line, or relationship, to the street as it a defining characteristic of the historic district.

Section 2: The Non-Historic &The Interface Areas revisions included:

- Revising the 2002 guidelines for the non-historic area to reflect the discouragement of the replication-style architecture. The intent of the non-historic area is to be compatible to the downtown, but representative of its time. The design elements of guidelines for the Non-Historic were copy of the Historic District guidelines and did not encourage contemporary architecture;
- Consolidating the two sections and creating subsections addressing commercial and residential construction in the Non-Historic and Interface Areas. Residential construction recommendations were limited to single-family housing product typically associated with the Interface Areas without much reference to the more urban housing conditions.

Section 3: The Public Realm revisions included:

- Revising the tree species list to be specific to the downtown area, with input from the City of Boulder Landscape Architect;
- Delineating the overall zones of the pedestrian right-of-way including general directions for the placement of street furniture, patio extensions, and material options.

ADDITIONAL REVISIONS MADE SINCE FRBRUARY 4, 2016 PB ADOPTION
Prior to taking action to adopt the Guidelines, the PB during its February 4 deliberation, came to a consensus on the following items and requested staff to incorporate the changes into the draft Guidelines for council:

- Page 2, Sidebar Note: Add "West Pearl" to the neighborhood list;
- Page 3, Sidebar Note: Amend the following note, "The design guidelines include photographs and diagrams to illustrate acceptable or unacceptable approaches. These photographs and diagrams are provided as examples and are not intended to indicate the only options." to include language which stipulates adherence to the photographs and diagrams does <u>not</u> guarantee appropriateness or approval;
- Page 3: Under "How the Guidelines are Revised?", amend the statement to "The Landmarks Board <u>independently</u> approves guidelines for the Downtown Historic District.";
- Page 7, Fig. 2: Correct the diagram reference of the Landmark Design Review ~~Commission~~ <u>Committee;</u>
- Page 26, 2.1.C.4: Amend the alley material return. Provide clear guidance on the desired design outcome of the material return. Possible solutions could be requiring a minimum distance, or requiring the return to be representative of the structural bay, and/or an illustrative photo;
- Page 3z, Fig. 18: Replace the image with another building that has a commercial use in a residential zone. Add the zoning district to the caption (E.g. DT-1);
- Page 33, 2.3.B: Regarding construction of residential entries to be above grade, modify the language for an exception to at grade porches which includes evaluation of the residential character of the block and matching the porch conditions of the adjacent properties;
- Page 35, Fig. 23: Replace image with a different contemporary single family residential image;
- Pages 40 & 41, Fig. 27: Change "paseos" to "walkways"; and
- Page 42, 3.2.C.3: Add a bullet point for accommodating bicycle circulation with a clear travel way free of obstructions in the curb zone. .

Following a recommendation provided at the March 8 Council Agenda Committee meeting, revision to the Guidelines include:

- Page 25: The introduction to *Section 2: The Non-Historic & Interface Area* has been revised to include description of the area, and boundary as suggested at the February 8 CAC meeting.

Staff has made all the changes referenced in this section to the PB adopted Guidelines. Upon Council adoption of the Guidelines, staff will be presenting the Guidelines, as revised above, to the Planning Board for adoption of the final version.

ADDITIONAL WORKING GROUP RECOMMENDATIONS THAT WERE BEYOND THE SCOPE OF THE CURRENT UPDATE

The working group concluded that while the current revisions and recommendations to the Guidelines would improve the usability and general guidance of the document, there is a need for a more substantial focus on developing a visionary urban design plan and improving the development review process.

In addition to updating the current guidelines, the working group has proposed future recommendations to the City Council focused on the following issues identified in the current guidelines:

1. **Urban Design**
   - Develop a downtown urban design plan;
   - Engage multiple stakeholders in developing a vision for downtown, as it is the heart of the city;
   - Consider a Form-Based Code for the downtown area; and,
   - Define the desirable downtown building forms and character.
2. **Land Use**
   - Update the land use code and the DCS (Design and Construction Standards) to reflect the Guidelines and any newly identified urban design outcomes;
   - Define the streetscape requirements;
   - With the assistance of a consultant, complete a comprehensive update of the sign code and include signage in historic districts;
   - Update the fencing and wall code;
   - Revise the land use code use tables to consider compatibility between the use and the street activation; and,
   - Revise the zoning districts to resolve issues of split block zoning and cross street compatibility.
3. **Design Review Process**
   - Improve and foster cross-board communication and collaboration;
   - Include DAB earlier in the development review process; and,
   - Use 3D modeling in the design review process and encourage 3D massing models at the concept level of review.

NEXT STEPS

- PB adoption of the final version of the Guidelines
- Upon adoption by council and the Planning Board , the City Manager will add those areas north of Canyon Boulevard and within the DT-4 and DT-5 zoning

districts and amend the map, Appendix J "Areas Where Height Modification May be Considered"

- LB discussion and revision to S*ection 1* by the full board
- Depending on Council direction and priority, address recommendations by the working group as future work items

ANALYSIS

Considering the proposed revisions to the Guidelines, staff finds the updated 2016 Downtown Urban Design Guidelines appropriate and sufficient to address the content, clarity, and technical issues identified by the DAB, DMC, LB, and the PB. Staff recommends Council adopt the updated 2016 Downtown Urban Design Guidelines. Currently, options for council are to review the proposed changes and consider adoption of the 2016 Guidelines. At this time there are no alternative design guideline options for Council to consider.

ATTACHMENTS

Attachment A – 2016 Downtown Urban Design Guidelines
Attachment B – Joint Board Meeting Input and Individual Board Member Input
Attachment C – Design Advisory Board January 27, 2016 Draft Minutes
Attachment D – Landmarks Board February 3, 2016 Draft Minutes
Attachment E – Planning Board February 4, 2016 Meeting Notes
Attachment F – 2015-2016 Downtown Urban Design Guidelines Process Timeline
Attachment G – 2015 DUDG Working Group Review and Record
Attachment H – Appendix J Map "Areas Where Height Modification May be Considered"
Attachment I – 2016 Downtown Urban Design Guidelines Legal Blackline Copy

Due to file size, Attachment A will be uploaded to the City Council website separately.

Downtown Urban Design Guidelines
Joint Board Meeting
December 10, 2015
5:00 to 8:00 pm

Joint Board (JB) Attendance

Design Advisory Board:
Jamison Brown, Chairperson
Jeff Dawson
Michelle Lee
David McInerney

Downtown Management Commission:
Jerry Shapins

Landmarks Board:
Kate Remley, Chairperson
Deborah Yin

Planning Board:
Bryan Bowen, Chairperson
John Gerstle
Leonard May
John Putnam
Elizabeth Payton

Staff:
Sam Assefa, Senior Urban Designer
Leslie Ellis, Comprehensive Planning Manager
James Hewat, Senior Historic Preservation Planner
Lauren Holm, Administrative Specialist
Kalani Pahoa, Urban Designer
Cindy Spence, Administrative Specialist
Molly Winter, Executive Director of the Downtown & University Hill Management Division and Parking Services

Introduction – JB Comments

The visions statement could do better at capturing our (Boulder) setting
This feels generic – any downtown anywhere
    Views
    Mountains

- Creeks
- Civic Area
- "Historic core"

Look at it like an executive summary

Tailored to Boulder – What is special about Boulder?

Photograph from downtown to foothills

- *maybe use photo from PowerPoint
- Important to have a creative/excellent photo for the front page
- Inspiring & exciting
- Collage with thumbnails
- Imagery that captures the vision

Concern that there is no reference to the civic area plan

- Maybe label on map

The bike/pad paths are lost on the map

- Pg 38. Layer in bike paths off street

Make the main map more experiential?

- Guide people to the section they need to look at
- Legend on page 5 – points to sections of the document
- That map – open w/ table of contents
- Key the colors to the sections
- Section header up to the top of the pages – and/or tabs
- Graphic components are busy – too many sizes and typefaces
  - "Continue to think less"

Flowchart – doesn't capture the circular process – see the applicant several times

- Set expectations
- Draw an arrow vertically as well
- Lead the applicant to the section they need
- Color code to match the sections
- Perhaps planning board section removed – where does site review fit?
- Rename the chart – the review process

History section –

- Livery to auto dealerships
- Change the sentence about why the landmarks program got started – this feels sanitized
- History past the 1970s
- Describe the character in historic terms – rich texture and patterns
- Critical spines point toward the Canyon

Section 1 – JB Comments

- Add section numbers that correspond with the building types
- Zoom into historic map -maybe another graphic is needed
- ***north side of the Library on historic map

The word “generally” leaves too much wiggle room
Really need to look at material guidelines
Carpentry – specifically wood
Inappropriate – composite wood
Façade diagram
Missing bullet – keep the original size, shape, and form of original storefront
May have lost too much detail by simplifying to a bulleted list
Missing the appropriate vs. inappropriate imagery (i.e. pg 37 of original doc)
Do this/don’t do this goes a long way
Go through paragraphs of building elements and make sure the details are still captured
Most of the time this doc is viewed online - make it a paired image
1.2.4 Now only talks residential – say 1st floor flush at grade with commercial
Primary entrance needs to be at grade
“Subtly distinguishable” vs. Sec of the Interior guidelines
Visual examples – appropriate vs. inappropriate
1.2.3D – look at the scale & roof patterning of the block as it relates to additions to historic
Add an E?
Clarity on D about vertical additions vs. lateral additions
Page 20 needs to say refer to list on page…
Instead of “consider” use a term like “integrate” or “incorporate”
What are the qualities that we want?
Richness or complexity
Maybe add a photograph
When a building has an alley corner – wrap the building (25’?)
Add note to all alley references
Pg 22 – “consider” and “in general”
Height and mass of buildings
Future recommendation – corner buildings separate from the rest of the block guidelines
– Future urban design plan
Relationship between height and footprint

Figure 9 may not be a good photo – it’s not in the historic district
Pg 25 – subheading without context – maybe add images
Handicap section – are we above and beyond ADA
When added to a historic building – shouldn’t detract
Don’t use the word “sensitive” – say what we actually mean – provide actual guidance

Section 2 – JB Comments

Need a little more information
“New construction …..” example of text from Liz

Individual Board Member Input

Substantial Change	Amended	Comments

Jim Bailey – Design Advisory Board (submitted January 25, 2016 at 7:26:21 PM MST)

	✓	**1. I didn't see any mention of precast concrete, an increasingly popular material for window and door surrounds and other trim. Is it encouraged or not?** Pre-cast concrete is listed as appropriate in respect to concrete lintels. There is room for interpretation in the guidelines to expand on this and to provide input on a project-by-project basis, as the guidelines have the following caveat on page 3: "When this document use terms such as "encouragement" and "generally", it acknowledges that these guidelines are utilized in a mandatory review and voluntary context; however, in the review of Landmark Alteration Certificates and Site Review applications, the guidelines may be applied with mandatory effect in the analysis of specific review criteria."
	✓	**2. Some recently added photos miss the mark. Specifically, figure 14 shows fake rock tacked onto the first floor elevation, no display window bulkheads, and a busy divided lights mullions pattern for all upper story windows. Figure 17 shows widespread use of rustic materials, and square upper floor windows with vastly oversized awnings. Figure 20 is an ugly alley scene. These are the good examples?!** Input and direction on the photos vary significantly due to the strong opinions among members. The figures are provided as good examples. Photographic examples were culled and reviewed by multiple times in an attempt to try and represent the guidelines. Staff recognizes the no one single image will satisfy all the requirements listed in the guidelines and the varying opinions on design aesthetics. Consequently, images are chosen based on individual elements which represent the intent of the guidelines with captions that provide more information. The following are the general principals regarding the image selection: • Historic building images within the historic district should display a preservation focus and represent federally recognized best practice. • Additions to historic properties need to follow a differentiated, yet compatible focus. This includes displaying a harmony between the façade composition, building rhythm, materials/details, height/mass, and the relationship to the street. • New construction outside of the Historic District should be encouraged to be contemporary, or of its time, yet within the overall context of the wider district. This includes a wider representation of variety. It was also determined this would allow more flexibility in design while continuing to offer context related guidance. • The working group and staff have foreseen the possibility of applicants applying a literal interpretation to the diagrams/photograph. With this in mind, the following has been added to page 3 of the Guidelines: "The design guidelines include photographs and diagrams to illustrate acceptable or unacceptable approaches. These photographs are provided as examples and are not intended to indicate the only options." Staff has made further edits to the captions to help identify elements within the images that are desirable. Staff recognizes a thorough visual preference study would help to facilitate the image selection process, unfortunately do to the timeframe

Individual Board Member Input

Substantial Change	Amended	Comments
✓		3. **At least two key downtown concepts are missing. The mall only works because there is a traffic loop around it – this should be added to figure 27, the street type map. And on figure 28 and related text, it should be noted that the mall paving includes a brick soldier course delineating where café extensions can be considered.** As the working group approached "Section 3: The Public Realm", the overall lack of consistent streetscape and ROW elements/design standards became apparent. This coupled with some areas of conflict in the Design & Construction Standards (DCS), project specific differentiation, and the need to improve portions of the ROW as projects commenced, staff and the working group determined a comprehensive Public Realm study and plan would be needed to clarify and define the standards. The scope of work for such an endeavor requires a significant investment in time and resources not currently within the council directive. A comprehensive urban design plan was recommended to council by the working group.
✓		4. **Two stated policies I'd have to question. DAB p. 47 (2.2) says all buildings in the interface area are limited to three floors or less – really?** The working group process was a consensus driven process. During the beginning stages it became apparent there were several issues in the guidelines which proved to be points of disagreement. These particular "sticking points" were then resolved to be left "as-is" from the 2002 Guidelines because it was considered a substantive change, or because no consensus could be achieved. The unresolved guideline topics included: • Height, Mass, and Scale – which includes the 2.2(B)5 regarding the interface area. Current zoning and Land Use Code Form and Bulk Standards (Table 7-1) allow the DT-1, 2, 3, and 5 is two stories. DT-5 on a corner lot is three stories. • DT-4 is two stories. • Building setback requirements – In particular, upper floor setbacks beyond what the Land Use Code requires in any particular DT-zone and the ground floor setbacks to create outdoor space, • Solar Access – All DT zones are within the Solar Access III which does not provide a blanket requirement on the solar fence or solar access for properties within the DT zones due to intended nature of the area, but allows for a property owner to apply for solar access. No such permits have been granted to date.

Individual Board Member Input

Substantial Change	Amended	Comments
	✓	5. **And on DAB P. 66, newspaper vending (boxes?) is encouraged at bus stops and intersections – an idea wisely rejected for years.** 3.4(C) asks for street furnishing to be located "adjacent" to high traffic areas, not within bus stop zones. This coupled with clear zones as established in 3.2(C)2 as unobstructed pedestrian throughways provides general guidance as to placement of street furniture. As is mentioned in Question #3, the public realm and streetscape standards would benefit from a comprehensive analysis and plan delineating the details, developing specific street standards for all street types in the area, and dimensioned street sections.
	✓	6. **And I'm sorry Liz Peyton's comments regarding views and sun and shade did not make it into the draft. I'd like to see her text used verbatim.** Text regarding views and solar access were relocated into design specific criteria. Currently, requirements for considering the views and solar access are listed on the following pages: - Page 4 – the second bullet point cites "views" and the last bullet point cites "solar access" as design priorities. - Page 20 – 1.4(D)2 specifically lists "consider the building height on shading and views". This particular section is in reference to new construction in the historic district. - Page 29 – 2.2(B)3 specifically lists "consider the building height on shading and views". This particular section is in reference to new construction in the non-historic areas.

Michelle Lee – Design Advisory Board (submitted Thursday, December 17, 2015 5:01:43 PM)

✓		7. **Section 1.4.4 A and section 2.1.3 A "For new structures that are significantly taller than adjacent buildings, upper floors should be set-back a minimum of 15' from the front facade to reduce the perceived height". This is one of the few places in our guidelines that gives a specific dimension (15') and I'm not sure why. It's a blanket prescription that doesn't make sense. Every building's height, mass, scale and setbacks should be considered individually in their specific context. I highly recommend removing the 15' callout.** Currently, this requirement is listed in the LUC Form and Bulk Standards Table 7-1, under minimum front yard setback from a street for all principal buildings and uses for third story and above. If a proposed project is in the Site Review process this requirement "may" be negotiated. This is affected by the current polarity of opinion as mentioned in Question #4 regarding Height, Mass and Scale, and how the height at the street line is perceived. Due to strong disagreements among members on the nature of these guidelines, the working group determined to leave the items "as-is".
	✓	8. **the word "handicapped" should be replaced with "accessible" or "universal design" throughout** Corrected.

Individual Board Member Input

Substantial Change	Amended	Comments
	✓	**9. the map on page 26 at the front of Section 2 should highlight the non-historic and interface area rather than the downtown. It's hard to tell a difference from this map and the map at the front of Section 1.** Corrected.
	✓	**10. on page 31, the right image is hard to see - too dark. Is there a better image that could illustrate the point more clearly?** Corrected.
✓		**11. on page 39, it might be helpful to show section cut through the 3 major streets (A, B, C) it illustrate the buffering, scale, and volume. this is a quick easy tool to cut section: http://streetmix.net/** As the working group approached "Section 3: The Public Realm", the overall lack of consistent streetscape and ROW elements/design standards became apparent. This coupled with some areas of conflict in the Design & Construction Standards (DCS), project specific differentiation, and the need to upgrade portions of the ROW as projects commenced staff and the working group determined a comprehensive Public Realm study and plan would be needed to clarify and define the standards. The scope of work for such an endeavor required a significant investment in time and resources not currently within the Council directive. A comprehensive urban design plan was recommended to the Council by the working group.

Deborah Yin – Landmarks Board (submitted Friday, December 11, 2015 11:32:48 AM)

✓		**12. I'd like to reiterate what I said at the meeting, that we may have pulled too much out from the perspective of the board reviewer, many of whom have no tools or skills to judge good design, on the other side of the table many design professionals & developers aren't well equipped either as we can see. So I agree with Liz's comments about looking again at the original verbiage describing architectural components** The working group spent a considerable amount of time reviewing the guidelines with a focus on removing redundant information and justification text. In addition, the overall revisions that were made provide much more clarity and better overall direction to the document, in comparison to the existing document. Item 1.1.1 from the 2002 Guidelines was determined to have a limited focus on preserving the façade of a historic building and should be expanded to include the overall building, which includes the elements 1.1.5 through 1.1.9. The 2016 revised Guidelines have consolidated these items for emphasis at the beginning of the Section to include storefront display and upper story windows, window assembly elements including sills, lintels and hood, bulkheads, entries, fenestration patterns and other building elements not covered in the 2002 Guidelines. The 2016 Guidelines item 1.2 and Figure 4 encompass not only the façade, but also to "Preserve Original Character, Façade and Materials." This is coupled with a directive for "restore

Individual Board Member Input

Substantial Change	Amended	Comments
		and repair, rather than replacement" consistent with the Secretary of the Interior Standards providing comprehensive preservation guidance. Specific language to provide protection of the individual building elements has been expanded to the following: "Preservation of the exteriors and storefronts of these buildings will continue their contribution to the unique historic character of the Downtown. Any building renovation or alteration, no matter the planned use, must retain the overall design integrity of the historic building by protecting the original features and materials, and respecting the original design elements." In addition, the original individual items listed in 1.1.5-1.1.9 have redundant justification language in reference to the importance of the individual elements and preservation rather than providing salient restoration or preservation directions. The individual items make reference to the process for photo evidence in restoration, appropriate renovation materials, and retaining original materials all of which are covered in the beginning of the 2016 Section 1: The Historic District. For example: • 1.1.7 directs applicants to "Preserve the original kickplate whenever possible. For buildings with historic significance (local landmarks, individually contributing and contributing restorable buildings), restore the original kickplate from documentary evidence. If the original information is not available develop a new simplified design that retains the original character and dimensions of a kickplate that would most likely have been on the building. For renovations where there is no documentary evidence, appropriate kickplate materials are: brick, painted wood panels, stone and glazed tile or painted metals in muted tones. Align the kickplate with those of the other historic buildings on the block." Staff and the working group determined the justification for preservation, the integrity of the historic properties and the significance of the historic district were recognized with the establishment of the Boulder Downtown Historic District by the National Park Service and consolidating this information at the beginning of Section 1: The Historic District (page 11) provides a strong emphasis on the importance of preservation. With this in mind, the 2016 revision includes hyperlinks to relevant information regarding the historic preservation and the individual building elements including: • Page 12 – a hyperlink the City of Boulder Historic Preservation Website which includes access to the Boulder Inventory of Historic Places, the architectural inventory of individual building and specific architectural details. • Page 14 – a hyperlink to <u>The Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Properties</u> • Page 14 – an informational note reference regarding the need for photographic evidence if any period of significance reconstruction is to take place. • Page 15 – A hyperlink to the National Park Service Technical Briefs which provide detailed preservation information on building elements, e.g. historic wood windows and construction/restoration methodology • Page 14 – A revised list of encouraged and discouraged materials appropriate for the historic district.

Individual Board Member Input

Substantial Change	Amended	Comments
	✓	**13. Also from the perspective of the reviewer but a slightly different angle, if the guidelines sound too optional then it becomes difficult to tell an applicant, yes you do have to do these things, as the historic preservation program has the ability to do.** Regarding the "soft terms" the following legal direction was added by the City Attorney's Office as to how the guidelines might be applied prescriptively (page 3): "When this document use terms such as "encouragement" and "generally", it acknowledges that these guidelines are utilized in a mandatory review and voluntary context; however, in the review of Landmark Alteration Certificates and Site Review applications, the guidelines may be applied with mandatory effect in the analysis of specific review criteria."
	✓	**14. Appropriate lists of materials, can we add "durable" or "long lived" in the narrative part?** Added.
	✓	**15. 1.3.1 Second paragraph, last sentence: is it necessary to include mechanized awnings", isn't it enough to just say "awnings"?** Corrected.
	✓	**16. Figure 12 – I don't think this project is the best example of what we want to see more of.** Figure was removed with the most recent revision and the requested inclusion of more "Boulder" specific images.
	✓	**17. 2.1 It appears transparency @ ground floor has been removed. While not a guarantee of a good design it is a characteristic that is generally desirable. (This should be repeated in historic section additions & new buildings in districts section. Maybe there should be a reference to repeating existing patterns of transparency in the district.)** Transparency was addressed in the Joint Board draft in 2.1.6 (C), and in the most recent revision and clean up of the formatting in 2.2(C)3: "Maintain the distinction between ground and upper floors. Develop the first floor facade as primarily transparent. Consider using windows and other architectural features to create a pattern that will reinforce the traditional facade rhythm found on commercial buildings in the Downtown area. Lower floors are generally differentiated by a higher percentage of glazing and transparency than upper floors."

Individual Board Member Input

Substantial Change	Amended	Comments
✓		**18. 2.1.3.C. What does it mean to maintain established breaks such as alleyways? Isn't building across an alley already not permitted?** This is affected by the current polarity of opinion as mentioned in Question #4 regarding Height, Mass and Scale guidelines. Due to strong disagreements among members on these guidelines, the working group determined to leave the items "as-is". This is a questionable item. In this particular reference to retaining alleyways, etc. it may be in reference to the possibility of land assembly and any future development on a block, or in reference to pedestrian throughways not delineated by parcel boundaries.
	✓	**19. I disagree that ground floors should not be encouraged to be taller than upper floors. It's worked very well in historic buildings & gives a building a feeling of generosity (not exactly the right word) along the street. Consider the new building at the NE corner of Pearl & 9th. Its ground floor is low & it conveys oppressiveness. The low ground floor contributes to that projects appearance of being a fortress rather than what we would want to see along Pearl especially, open & inviting.** It is unclear as to where the guidelines encourage shorter ground floor floor-to-ceiling heights. Currently, the guidelines for new construction encourage applicants to consider "storefront" building typology which is typically represented in a taller floor-to-ceiling height at the ground floor versus the upper floors and for buildings to appear similar in height, mass and scale to other buildings in the area. This would include building proportions.
✓		**20. Add "urban" in front of "residential". Boulder is particularly prolific at producing suburban looking multifamily buildings, it appears many of our developers/designers have a difficult time making the leap from suburban to urban, it's important to differentiate.** The residential context of downtown includes a range of residential densities from low density areas of the interface blocks to higher density residential. Some parcels in the interface blocks are appropriate for "urban" residential while others are adjacent to single family residential areas. Appropriate residential development would be defined by the context and needs to be determined on a case-by-case basis. In the case of the guidelines allowing a broader context to address this variety was required.
	✓	**21. Reminder, commercial buildings should have ground floors at grade.** Added at 2.2(D).

Individual Board Member Input

Substantial Change	Amended	Comments
✓		**22. 3.1.3.D Why limit how much area letters can occupy on a sign panel? Seems unnecessarily limiting? Some graphics that bleed to the edge of a page or panel work very well & are more interesting because they're less common?** There was unanimous agreement amoung working group members some of the sign and streetscape guidelines were overly restrictive, not directly applicable or contradictory, or not particularly helpful in guiding further development of the area. Historic preservation staff indicated the guidelines regarding signage are utilized in the review process. The working group agreed to leave the guidelines relatively untouched until further examination of the particulars could be achieved. When the working group was reviewing the sections on Signs and the Streetscape from the 2002 Guidelines, it was determined there were many questionable areas and a revision to the sign code to include specifics for historic districts would be part of the future recommendations to Council. This is an "as-is" carry over from the original guidelines (page 39).
	✓	**23. Last sentence, can we use "timeless" instead of "classic"? i.e., not too trendy & not a trend that is no longer in** Corrected.
	✓	**24. Can we restore the statements about brick being the predominant paving material downtown. This is beneficial for the reviewer in addition to the applicant. The Landmarks Board just recently dealt with an issue of sidewalk repairs made in a historic district where the concrete has a curing compound that made the concrete even more starkly bright. Strangely, the City's own public works department was doing the work & they were unaware that they needed to have the material/color approved by LB. So there should be a paragraph added about paving in the historic district. New brick to match existing brick, concrete to be treated in a way so as not to look brand new & sharply contrasting with existing old concrete. Flagstone must match existing flagstone in color, size including thickness.** Brick has not been removed as the predominant material and is noted in the guidelines as such, along with sandstone, on page 40 in Joint Board draft of the 2016 Guidelines (also page 40 in the most recent draft) citing brick and sandstone in 3.2 (B) 1-2 and the following note: "Note: In general, the predominate material in the Downtown is brick. The use of brick to highlight and define the streetscape zones is especially appropriate in the blocks adjacent to the mall. Other appropriate materials include sandstone, or the use of art work which is stenciled or sandblasted into the concrete surface." 3.5 Historic Features was amended with recommendation from historic preservation to include the following addition to address right-of-way improvements in the historic district: "3.5 Historic Features A. Preserve historic features of the streetscape. Whenever possible, preserve, restore, and reuse historic fixtures of the streetscape, such as flagstone sidewalks, globe light fixtures, or any other existing historic features located in the public

Individual Board Member Input

Substantial Change	Amended	Comments
		right-of-way. **B. Repair or replacement to paving in the Historic District should be consistent with the character of the overall district and requires review by the Historic Preservation Program, in addition to any approvals needed by the DMC.** C. Historic signs, such as those painted on side walls, should be preserved. D. Extensions into the right-of-way involving historic resources should be compatible and not substantially alter the property." It is important to note the working group identified the streetscape and "Public Realm" as an area of the guidelines in need of substantial revision and study, and would benefit from a cohesive urban design plan. It was determined this type of study and revision is not possible with the current revision, and the working group along with staff made revisions with the intent of minimizing conflicts with the DCS and to limiting guidelines to design requirements over and above minimum standards of current regulations. The working group has recommended a comprehensive urban design plan for the downtown to Council which takes these issues into consideration.
	✓	**25. 3.3.1 Tree species should be selected for longevity. Many landscaping trees are selected for fast growth which often correlates to short lives & weakness?** The trees species list in the 2002 Guidelines referenced the general approved tree species identified in the LUC. Upon review and recommendation from the City Landscape Architect, the tree species were edited and selected for longevity, but the lifespan is directly affected by the available soil volume and site specific conditions in and around downtown. In an effort to address the lack of soil volume the following recommendation was included in the guidelines: "3.3 (7) Consider alternative methods to increase tree soil volume, e.g. modular, pre-engineered suspended pavement and structural cell systems."
✓		**26. Figure 25 & 26 Can the letter keys match the letter/number system in the text preceding?** Currently, we do not have an image or diagram that is inclusive of both the sidewalk section and the intersection. Unfortunately we are not able to do this with the graphic layout and structure of the document at this time. Ideally we would have street sections and dimensioned diagrams to better illustrate these requirements, and such diagrams could integrate with the alphanumeric lists. This would be something which would be covered in comprehensive urban design plan.

Individual Board Member Input

Substantial Change	Amended	Comments
✓		**For the Future List** **27.** The City should seriously think about the down sides of creating below grade plazas. I have not seen one that works, they are usually not used except by indigents. See this article about one in San Francisco. http://www.sfchronicle.com/bayarea/place/article/Sunken-Hallidie-Plaza-was-a-deeply- wrong-design-6626025.php **28.** 3.3.3 (& generally)The City should dictate what types of trees are appropriate along Canyon & any other street where there is a particular effect or is a major cross town route such as Broadway, Arapahoe,… so that there is uniformity or a pattern other than each building having its own type of tree in front. **29.** 3.4 Doesn't the City & RTD control locations of bus stops? And have standard designs? **30.** 3.6 The city should have a program where building owners who want to incorporate public art can receive matching funds from the city or something so that the city has a say in what is installed & where. **31.** The City should have separate streetscape (public realm standards) for its own public works within historic districts. These areas should not receive the same treatment as non historic areas. Questions 28-32 will be part of the record for recommendations regarding future Downtown urban design plan.

Elizabeth Payton – Planning Board (submitted during the Joint Board Meeting on Thursday, December 10, 2015)

	✓	**32. What is the point of this exercise? What iscurrently being allowed that will be prevented by the revised guidelines, and what iscurrently prevented that will be allowed by the revised guidelines?** The purpose of the Joint Board Meeting was to present the recommendations generated by the working group during the four month review of the 2002 Guideline document. Currently the guidelines provide additional design oversight for the downtown area beyond what is covered in the Land Use Code and DCS. The guidelines are "utilized in a mandatory review and voluntary context; however, in the review of Landmark Alteration Certificates and Site Review applications, the guidelines may be applied with mandatory effect in the analysis of specific review criteria."(Page3)
	✓	**33. There are occasional instances of "should" and one or two "must"s but overall,there are way too many instances of "generally," as in"x isgenerally inappropriate," and "consider" as in"consider the height and mass." Suggest doing a search on each ofthose and evaluate removing"generally" and firming up "consider" to something more regulatory sounding.** The guidelines have been reviewed by the City Attorney's Office regarding the direction of "soft" terms, e.g. generally, consider, etc. The following direction was added to the guidelines to delineate when the guidelines may be mandatory: "When this document use terms such as "encouragement" and "generally", it acknowledges that these guidelines are utilized in a mandatory review and voluntary context; however, in the review of Landmark Alteration Certificates and Site Review applications, the guidelines may be applied with mandatory effect in the analysis of specific review criteria."

Individual Board Member Input

Substantial Change	Amended	Comments
	✓	**34. Somewhere, need to restore the basic urban design considerations from the original document.** **Views: Downtown Boulder is blessed with exceptional mountain views and projects should be designed to take advantage of this extraordinary asset. The south and west edges of downtown offer the most spectacular views.** **Sun and Shade: In Boulder's climate, sun and shade are important factors. Concern for providing natural light in buildings, sunny sidewalks in the winter, and shady areas in the summer is an important consideration in project design** Text regarding views and solar access were relocated into design specific criteria in the individual chapter items. Currently, requirements for considering the views and solar access are listed on the following pages: - Page 4 – the second bullet point cites "views" and the last bullet point cites "solar access" as design priorities. - Page 20 – 1.4(D)2 specifically lists "consider the building height on shading and views". This particular section is in reference to new construction in the historic district. - Page 29 – 2.2(B)3 specifically lists "consider the building height on shading and views". This particular section is in reference to new construction in the non-historic areas.
	✓	**35. p. 6, insert "individually" in front of landmarked properties.** Added.
	✓	**36. History section, p. 8, needs to refer to the liveries and their evolution into automobiles. Also, reword the last sentences of the Introduction. By 1977, Boulder had begun a period of infill, restoration, and demolition which continues to the present. Loss of significant historic buildings provoked a movement to establish the city's Historic Preservation ordinance in xxx. The Pearl Street Mall was created in xxx and added to the National Register of Historic Places in 1980.** Historic preservation staff has revised the history section in the Introduction section. Liveries have been added to the list of businesses. In addition, hyperlinks to the Carnegie Branch Library of Local History, Boulder History Museum, and the "Downtown Boulder Historic District" nomination for more in depth historical information.
✓		**37. Not a fan of concrete lintels. Get rid of "generally" and just say "inappropriate" p.14-15 or maybe have a section of inappropriate in all cases.** There are competing opinions regarding appropriate materials. Pre-cast concrete is mentioned as appropriate in respect to concrete lintels. There is room for interpretation in the guidelines to expand on this interpretation and to provide input on a project-by-project basis, as the guidelines indicate mandatory compliance on a case-by-case basis in LAC or Site Review process.

Individual Board Member Input

Substantial Change	Amended	Comments
✓		**38. Don't understand why specifics from 1.1.5 to 1.1.9 are gone.** The working group spent a considerable amount of time reviewing the guidelines with a focus on removing redundant information and justification text. In addition, the overall revisions that were made provide much more clarity and better overall direction to the document, in comparison to the existing document. Item 1.1.1 from the 2002 Guidelines was determined to have a limited focus on preserving the façade of a historic building and should be expanded to include the whole building, which includes the elements 1.1.5 through 1.1.9. The 2016 revised Guidelines have consolidated these items for emphasis at the beginning of the Section to include storefront display and upper story windows, window assembly elements including sills, lintels and hood, bulkheads, entries, fenestration patterns and other building elements not covered in the 2002 Guidelines. The 2016 Guidelines item 1.2 and Figure 4 encompass not only the façade, but also to "Preserve Original Character, Façade and Materials." This is coupled with a directive for "restore and repair, rather than replacement" consistent with the Secretary of the Interior Standards providing comprehensive preservation guidance. Specific language to provide protection of the individual building elements has been expanded to the following: "Preservation of the exteriors and storefronts of these buildings will continue their contribution to the unique historic character of the Downtown. Any building renovation or alteration, no matter the planned use, must retain the overall design integrity of the historic building by protecting the original features and materials, and respecting the original design elements." In addition, the original individual items listed in 1.1.5-1.1.9 have redundant justification language in reference to the importance of the individual elements and preservation rather than providing salient restoration or preservation directions. The individual items make reference to the process for photo evidence in restoration, appropriate renovation materials, and retaining original materials all of which are covered in the beginning of the 2016 Section 1: The Historic District. For example: • 1.1.7 directs applicants to "Preserve the original kickplate whenever possible. For buildings with historic significance (local landmarks, individually contributing and contributing restorable buildings), restore the original kickplate from documentary evidence. If the original information is not available develop a new simplified design that retains the original character and dimensions of a kickplate that would most likely have been on the building. For renovations where there is no documentary evidence, appropriate kickplate materials are: brick, painted wood panels, stone and glazed tile or painted metals in muted tones. Align the kickplate with those of the other historic buildings on the block." Staff and the working group determined the justification for preservation, the integrity of the historic properties and the significance of the historic district were recognized with the establishment of the Boulder Downtown Historic District by the National Park Service and consolidating this information at the beginning of Section 1: The Historic District (page 11) provides a strong emphasis on the importance of preservation. With this in mind, the 2016 revision includes hyperlinks to relevant information regarding the historic preservation and the individual building elements including:

Individual Board Member Input

Substantial Change	Amended	Comments
		Page 12 – a hyperlink the City of Boulder Historic Preservation Website which includes access to the Boulder Inventory of Historic Places, the architectural inventory of individual building and specific architectural details. Page 14 – a hyperlink to The Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Properties Page 14 – an informational note reference regarding the need for photographic evidence if any period of significance reconstruction is to take place. Page 15 – A hyperlink to the National Park Service Technical Briefs which provide detailed preservation information on building elements, e.g. historic wood windows and construction/restoration methodology Page 14 – A revised list of encouraged and discouraged materials appropriate for the historic district.
	✓	**39. 1.3.2d Setback of new upper floors on historic buildings. Is this redundant with 1.4.4?** 1.3.2d is in regards to additions to historic properties. 1.4.4 is in regards to new construction in the historic district. Mass, bulk and scale, which included setback of upper floors, was a point of disagreement. Since the working group process was a consensus driven process irresolvable "sticking points" were then resolved to be left "as-is" and/or to err on the side of more restrictive, or conservative.
	✓	**40. 1.4.4 "Consider"? the height and mass of buildings? See p. 22, in which the other headings under that item are all direct imperative action verbs.** The Joint Board draft has been updated for further readability and clarity based on input during the meeting. The revisions includes adjusting alphanumeric numbering, titling and minor adjustments to the placement of the context within the section.
✓		**41. Address corner building height and mass separately from interior block buildings.** Corner building conditions are currently covered under the land use code regarding DT-5 zones and corner conditions allowing for taller buildings to anchor the corner. The working group recommended a comprehensive urban design plan which would address corner conditions and identify key corners for public realm activation. As mentioned, the current scope of work for this update does not account for a comprehensive update.

Individual Board Member Input

Substantial Change	Amended	Comments
✓		**42. non historic.Design elements text is really awkward, lists don't agree grammatically Urban design objectives are meaningless. Suggest more emphasis on block level context. New construction should enhance rather than interrupt neighborhood cohesion. New construction should, through its design, support neighborhood identity, way finding and rational edges. 'Wayfinding' isin reference to the phenomenon that a large new building can confuse people about where they are, whether they're in the same neighborhood, what might be found beyond the new building, etc.)** Based on the working group review, the urban design directives for Section 3: The Non-Historic and Interface Areas were culled directly from the 2002 Guidelines and the Downtown Alliance study into the interface and non-historic areas important consideration. A character analysis of the various blocks within downtown was identified by the working group as an element of the comprehensive urban design plan. This recommendation was forwarded to Council.
	✓	**43. What does this mean: 2.2 A. Maintain the diverse architectural character of the residential buildings in the interface area?** The residential character of the interface blocks includes a range of residential densities from low density areas of the interface blocks to higher density residential. Some parcels in the interface blocks are appropriate for “urban” residential while others are adjacent to single family residential areas. In some instances there are commercial uses occupying residential buildings. Appropriate residential development would consider this variation of context.
✓		**44. 2.6 : include windows on alleys to increase safety and therefore activity** The working group had several discussions regarding appropriate alley elevations. The discussion included opposing opinions regarding whether or not secondary alley entrances would detract from pedestrian activation of the primary street and the interference of service related uses commonly associated with alleys.
✓		**45. BDAB comments on p.115-6 of packet were useful and wonder whether they will be incorporated or not. Public realm discussion of Canyon should include reference to traffic calming measures Public realm should include features that offer opportunities to lean, not just sit.** Staff and the working group agree the DAB suggestions regarding revisions to the streetscape and public realm would benefit from a comprehensive analysis and urban design plan. The plan would cover more detailed streetscape design requirements. Cursory evaluation of the streetscape by staff revealed the variation and inconsistency in the streetscape. In addition, staff evaluated the current conditions and noted contradictions between the DCS, land use code and the Guidelines. Due to the limited scope of the update, it was determined during the working group process to limit any further contradictions and provide generalized design guidance until further study could be undertaken and the inherent conflicts resolved.

CITY OF BOULDER
DESIGN ADVISORY BOARD MINUTES
January 27, 2016
1777 Broadway, 1777 West Conference Room

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

DAB MEMBERS PRESENT:
Jamison Brown, Chair
Michelle Lee
David McInerney
Jeff Dawson
Jim Baily
Bryan Bowen, Planning Board Ex-Officio Member

DAB MEMBERS ABSENT:

STAFF PRESENT:
Sam Assefa, Senior Urban Designer
Kalani Pahoa, Urban Designer

BOARD DISCUSSION:

1. **Approval of Minutes**
   The board approved the October 14, 2015 DAB Retreat and the December 9, 2015 DAB minutes.

2. **Downtown Urban Design Guidelines (DUDG): Board Review and Recommendation**
   K. Pahoa provided a brief summary of the 2016draft update the DUDG, including the working group's review process. She also explained that additional comments and feedback were provided by individual board members since the conclusion of the working group process and the Joint Boards meeting.

   BOARD COMMENTS:
   - **B. Bowen** requested that all comments from DAB, Landmarks Board and Planning Board members be included for Planning Board to review at the February 4, 2016 meeting.

   - **J. Brown** suggested that the map which highlights the "Interface Zone" should shade out the downtown section more so that the interface zone stands out more. (*Attachment A, Page 24, Figure 13*)

   - The board discussed photos of buildings included in the document as examples asking whether some aspects of the buidings design or materials may be contradictory to the guidelines. There was also concern by some board members whether the images would be taken by applicants as acceptable but may be in fact in contradiction. **K. Pahoa** explained that it was difficult to find buildings that meet all the guidelines, but the intent of the photos included is to highlight certain aspects of the buildings' design or material, and not the entire building. The board agreed that the inclusion of photos was an improvement from having diagrams. **K. Pahoa** informed the board that

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the inclusion of the photos would need to be finalized before February 16, 2016 when the DUDG is presented to City Council.

- **B. Bowen** speculated the Planning Board may have additional comments or suggestions prior to the DUDG going to council, or just accept the work done by the working group. He questioned how additional concerns or questions would be addressed if there were any, and suggested perhaps they could be included as an addendum to the council memo.

- **S. Assefa** suggested packaging the responses from the working group, which comprised of the three boards, and providing the addendum to the Planning Board before they make their recommendation.

- The board agreed that update of the DUDG was a great improvement over the previous document and they want to see it move forward. In addition, it was agreed that placing all the responses and comments into the City Council packet would create a good record of what was discussed and reviewed.

- **B. Bowen** suggested that a motion be made that DAB recommends to City Council the approval of the updated DUDG with instructions to staff to gather comments between now and the City Council meeting of February 16, 2016, with the ability to make minor edits between now and then and to collect the substantive comments for future revisions.

MOTION:
On a motion by **J. Dawson** and seconded by **M. Lee,** the Design Advisory Board voted 6-0 to recommend to City Council the approval of the updated DUDG with instructions to staff to gather comments between now and the City Council meeting of February 16, 2016, with the ability to make revisions to minor edits but to collect the substantive comments for future revisions.

3. Board Matters

- **S. Assefa** updated the board regarding the status of the Form-Base Code Pilot (FBC) and that it is tentatively scheduled for review by Planning Board on February 25, 2016. He suggested presenting a draft FBC for DAB's review and comment at the February meeting.

- **J. Brown** informed the board that he would be attending the next Planning Board meeting on January 28, 2016 to represent DAB for the Reve Project. He asked the board members to review the DAB minutes in which the Reve Project was reviewed and if they have any questions or comments to let **J. Brown** know.

- **S. Assefa** discussed the matter of taking minutes during the review of projects. A summary will be prepared by the Chair of the discussion for the applicant and Planning Board. It would be helpful if the review focuses on the guidelines to assist staff and the overall feel if DAB approved of the project.

APPROVED BY:

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_____
Board Chair

_____
DATE

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CITY OF BOULDER
LANDMARKS BOARD
February 3, 2016
1777 Broadway, Council Chambers Room
6:00 p.m.

The following are the action minutes of the February 3, 2016 City of Boulder Landmarks Board meeting. A digital recording and a permanent set of these minutes (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). You may also listen to the recording on-line at: www.boulderplandevelop.net.

BOARD MEMBERS:
Kate Remley, Chair
George Clements, Vice Chair
Briana Butler
Fran Sheets
Deborah Yin
*John Gerstle, *Planning Board representative without a vote

STAFF MEMBERS:
Debra Kalish, Senior Assistant City Attorney
James Hewat, Senior Historic Preservation Planner
Marcy Cameron, Historic Preservation Planner
Lesli Ellis, Comprehensive Planning Manager
Holly Opansky, Landmarks Board Secretary
William Barnum, Historic Preservation Intern

1. **CALL TO ORDER**
   The roll having been called, Chair K. Remley declared a quorum at 6:01 p.m. and the following business was conducted.

2. **APPROVAL OF MINUTES**
   On a motion by **K. Remley**, seconded by **B. Butler**, the Landmarks Board approved (5-0) the minutes as amended of the January 6, 2016 board meeting.

3. **PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA**
   There were no public speakers for items not on the agenda.

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

5. **PUBLIC HEARINGS**
   A. : Public Hearing and consideration of a Landmark Alteration Certificate application for changes to the south face of Mt. St. Gertrude's Academy, 970 Aurora Ave., an individual landmark, including the installation of balconies and modifying windows to door

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openings, per Section 9-11-18 of the Boulder Revised Code 1981 (HIS2015-00313). Owner / Applicant: Academy Equities, LLC / Jonas DiCaprio

This application was withdrawn prior to the public hearing.

B. Public hearing and consideration of a Landmark Alteration Certificate application to make improvements at the north end of Chautauqua Park, 900 Baseline Rd., including construction of a sidewalk, retaining wall and drainage swale along Baseline Road (improving accessibility at King's Gate) and installation of new lighting from Baseline Road to the Auditorium, per Section 9-11-18 of the Boulder Revised Code 1981 (HIS2015-00355). Owner / Applicant: City of Boulder / City of Boulder, Public Works

Ex-parte contacts

K. Remley, **F. Sheets**, **D. Yin**, **G. Clements**, and **B. Butler** made site visits.
J. Gerstle, even though he is not a voting member, he mentioned that on advice of council rescued himself from the conversation because a possible conflict and will wait outside during this discussion.

Staff Presentation

J. Hewat, presented the case to the Board, with the staff recommendation that the Landmarks Board conditionally approved the request. He mentioned that the Board is asked to comment upon the items not within the historic district and to vote upon the items within the historic district.

Applicant's Presentation

Melanie Sloan, City of Boulder, Transportation Planner, , spoke in support of Landmark Alteration Certificate application and answered questions from the board and the public.
Brian Wiltshire, City of Boulder, Engineering Project Manager, answered questions about the when the lights would be on and about the retaining walls, the Queen's gate social trail the other application for the Ranger swale, the crusher fine sidewalk, City code for the width of the sidewalk, the anticipation of bike traffic, and separation of the sidewalk from the road.
David Roederer, Clanton & Associates, Inc., 4699 nautilus Court South, Suite 102, , answered questions regarding the King's Gate lighting, the style of acorn fixtures, and the height of the fixtures.

Public Hearing

Abby Daniels, Historic Boulder, Inc., 1200 Pearl Street, suggested regardless of the board's vote, the application come back to the Landmarks Board meeting and not to the Landmark Design Review Committee so that the process is more widely available to the public.

For items within the historic district the Board offered these suggested modifications:

1. Swale
   B. Butler – supports matching the field stones

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2. Queens Gate social path
   B. Butler, G. Clements, K. Remley and D. Yin – support
   F. Sheets - does not support social path without more research

3. Lighting
   a. General
      D.Yin does not support the acorn style lighting just because it matches the donated 80's light fixtures. She noted that since it is a park and camp and that you should be able to look up and see the stars (sighting the Dark Skies Initiative).
      K. Remley mentioned that there's no data stating lighting is needed; lighting degrades the rural quality of Chautauqua; She supports no additional lighting except at the King's gate.
   b. Acorn lighting
      D.Yin – requested that the fixtures have a simple design.
   c. King's Gate / trolley

      Butler, G. Clements, and **D. Yin –** support the lighting as long as it marks the spot, instead of generally illuminating the area.
   d. Arbor
      G. Clements – supports
      B. Butler, K. Remley, **F. Sheets,** and **D. Yin** – do not support
   e. Majority and supported summary
      Keep the light fixtures at the King's Gate, on Sumac, at the Tennis court and only one in the parking lot, and remove the lights along the path.

4. Kinnikinic Road sidewalk
   B. Butler, G. Clements, D. Yin and **F. Sheets** - supports the 5' width. They support the idea of a separation between the road and the sidewalk, as well as a transition from the concrete sidewalk on Baseline to a crusher fine sidewalk on the east side of the entrance, matching the narrower crusher fine sidewalk to the west side entrance sidewalk.
   K. Remley - does not support the 5' width, but likes the idea of crusher fine

5. Diagonal Parking
   B. Butler and **G. Clements** - supports this for general safety and safety of bikers
   D. Yin, **K. Remley** and **F. Sheets** - do not support

Since the Board indicated that the majority would not support approval of the application, the applicants chose to withdraw their application, integrate the suggested modifications then re-submit.

C. Public hearing and consideration of a demolition permit for the house and accessory building located at 717 17th St., non-landmarked buildings over 50 years old, pursuant to Section 9-11-23 of the Boulder Revised Code (HIS2015-00337). Owner / Applicant: Lazzarino Living Trust / Stephen Brown

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Ex-parte contacts
B. Butler, G. Clements, K. Remley, and D. Yin made site visits.
F. Sheets did not have ex-parte contacts.

Staff Presentation
M. Cameron, presented the case to the Board, with the staff recommendation that the Landmarks Board place a stay of demolition for 180 days. She highlighted that the 1939 home was an example of Art Modern / International style, a rare find for the area. M. Cameron noted alternations made in the 1960s to the windows, garage roof, and entrance. She shared the reports detailing the extent of the deterioration of the structure.

Applicant's Presentation
Stephen Brown, 145 South Ivy St., Denver, expressed his interest in demolition and rebuilding, because it has been altered and the cost to buy the property, remodel and refurbish the exiting building would be economically unfeasible to purchase the property.

Public Hearing
Abby Daniels, Historic Boulder, Inc., 1200 Pearl St., expressed her support for staff's recommendation for a stay of demolition, because the building's unique qualities to the area.

Motion
On a motion by **G. Clements,** seconded by **K. Remley,** the Landmarks Board issued (5-0) a stay of demolition for the buildings located at 717 17th St., for a period not to exceed 180 days from the day the permit application was accepted by the city manager, adopting the staff memorandum with the findings listed below, in order to further analyze information on the condition of the buildings.

D. Public hearing and consideration of revisions to the Downtown Urban Design Guidelines, Section 1, The Downtown Historic District.

Staff Presentation
Sam Assefa, City of Boulder, Senior Urban Designer, introduced the project to the board. **Kalani Pahoa**, City of Boulder, Urban Designer, presented an overview of the revision process to the Downtown Urban Design Guidelines.

Public Hearing
There were no public speakers for item.

Motion
On a motion by **B. Butler**, and seconded by **G. Clements**, the Landmarks Board voted (5-0) to adopt the proposed revisions to Section 1, "*The Historic District: of the Downtown Urban Design Guidelines*" pursuant to the rule making procedures set forth in Chapter 1-4, B.R.C 1981 and adopted the staff memorandum dated February 3, 2016, including the following as the findings of the Board:

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Suggested Revisions:

Section 1 *The Historic District*

1. Kate Remley suggested changing the order of the sub-sections in Section 1 *The Historic District* , to place the general guidelines for the district first, and the minor guidelines (i.e. awnings and building colors) to the last part of the section;
2. Kate Remley suggested changing the wording on page 4, from "Human-scaled space" back to "human-scaled buildings;"
3. Kate Remley suggested changing the wording on page 17, from "differentiated yet compatible" back to "subtlety distinguishable;"
4. Edits to the entire document to increase the sidebar notes column contrast between the background and the white font for improved legibility.
5. Page 17 – 1.3.A changes the bullets to an alphanumeric list and merge with the preceding "A".
6. Page 19 – Figs 7-8 – Fix the figure ordering in the captions.
7. Fig 9 – Add historic district note to the caption.

Items to be recorded for consideration in a future revision to Section 1 *The Historic District* :

1. Reorganize Section 1: The Historic District subsection order. Move 1.1 general building requirements for all areas of the historic district to end of the section and move 1.2, 1.3 and 1.4 forward in the order. The working group reorganized to move common building elements in front; however, the first few subsections are now the less-important building features (building colors, awnings, mechanical equipment). 1.1 is important, but not the heart of the guidelines (1.2 – 1.4 are the heart). LB consensus to reorganize the subsections.
2. Page 17 – Landmarks Board discussed the revising language regarding "differentiated but compatible" vs. "subtly distinguishable". K. Remley expressed concern that this was a significant . Majority of the board did not want to change the guidelines back to "subtly distinguishable". D. Yin noted "differentiated, yet compatible" fits Secretary of the Interior Standards. Page 17 – Fig. 5 – Figure shows a rather large addition that does not seem subordinate. Comments from the Landmarks Board include the size of the addition, confusion in the differentiation of the new versus original buildings. Landmarks boards expressed a consensus to revise this image or provide a different image. D. Yin suggested possibly showing two images.
3. Page 21 - Fig. 9 - K. Remley commented that in her opinion the figure does not follow any of the guidelines for historic building elements. D. Yin commented that she considers the figure to comply with the guidelines for new construction, and the list of historic building elements is not a checklist for new construction.
4. K. Remley inquired as to why the examples of the Neo-traditional building examples she submitted to the working group were not incorporated. K. Remley requested that it would be helpful to show range of acceptable styles.

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5. Pages 19-23 – Figures – D. Yin noted the images are too big and have too much prominence. Consider ~~the~~ resizing the images to four images per page. K. Remley noted this may address concerns regarding Figure 9.
6. The Board agreed that it, if appropriate the Board could make some or all of the changes above to Section 1 of the *Guidelines* through the Rulemaking process after the entire document has been reviewed and adopted by the City Council.
7. Page 4 – K. Remley prefers "human scale buildings" to "human scale space". The Board agreed that this was not an item it could change as it is not in Section 1 of the *Guidelines* and not subject to its change through the rulemaking process[i].

Per 9-11-24, B.R.C., *Landmarks Board and City Manager Authorized to Adopt Rules.*, the landmarks board and the city manager are authorized to adopt rules and regulations under chapter 1-4, "Rulemaking," B.R.C. 1981, that the landmarks board or the city manager determine are reasonably necessary to implement the requirements of this chapter. Ordinance No. 7225 (2002)

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

A. Update Memo
B. Subcommittee Update
   1) Design Guidelines and Code Revisions
   2) Outreach and Engagement
   3) Potential Resources

DEBRIEF MEETING/CALENDAR CHECK

ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Approved on _____, 2016

Respectfully submitted,

_____ , Chairperson

_____

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Planning Board February 4, 2016 Meeting Notes

Planning Board minor revisions dated Feb 4, 2016 to be incorporated into the Draft.

1. Pg. 2 – Sidebar Note – Add "West Pearl" to the neighborhood list
2. Pg. 3 – Sidebar Note – Amend the following note "The design guidelines include photographs and diagrams to illustrate acceptable or unacceptable approaches. These photographs and diagrams are provided as examples and are not intended to indicate the only options." to include language which stipulates adherence to the photographs and diagrams does <u>not</u> guarantee appropriateness or approval.
3. PB Motion with staff suggestion to specific language - Pg. 3 – Under "How the guidelines are revised?" amend the statement to "The Landmarks Board <u>independently</u> approves guidelines for the Downtown Historic District."
4. Pg. 7 – Fig. 2 – Correct the diagram reference of the Landmark Design Review ~~Commission~~ <u>Committee</u>
5. 2.1.C.4 Amend the alley material return. Provide clear guidance on the desired design outcome of the material return. Possible solutions could be requiring a minimum distance, or requiring the return to be representative of the structural bay, and/or an illustrative photo.
6. Pg. 31 – Fig. 18 – Replace the image with another building that has a commercial use in a residential zone. Add the zoning district to the caption, ex. DT-1.
7. Pg. 33 – 2.3.B – In respect to the construction of residential entries to be above grade modify the language for an exception to at grade porches which includes evaluation of the residential character of the block and matching the porch conditions of the adjacent properties.
8. Pg. 35 – Fig. 23 – Replace image with a different contemporary single family residential image.
9. Pg. 40 & Pg. 41 – Fig. 27 – Change "paseos" to "walkways"
10. Pg. 42 – 3.2.C.3 – Add a bullet point for accommodating bicycle circulation with a clear zone, or transparent, travel way in the curb zone. An area free of obstructions.

Planning Board suggestions <u>not</u> incorporated into the Draft dated Feb 3, 2016.

1. Pg. 14 – (*Section 1: The Historic Section*) 1.1.A (2) Amend bullet "EIFS systems or EIFS decorative elements" to include elastomeric stucco, or stucco with plasticizers, or synthetic stucco topcoats. Currently, the materials list resides *in Section 1: The Historic Section* under the purview of the Landmarks Board. Staff will forward the comment to the Landmarks Board for the *Section 1* revision scheduled to take place later this year. Planning board opinions on the addition of this item was varied. E.Payton stated it may not be necessary to list all the possibilities of "discouraged materials", B.Bowen mentioned the list may not need this addition but including synthetic stucco topcoats as a discouraged material may be a solution, and L.May pointed out that while specific stucco finishes generated by application technique are discouraged there is no mention of synthetic stucco as inappropriate material and discouraging EIFS only may not be sufficient.
2. Friendly amendment by L. May, seconded by L. Payton, in which the Planning Board voted 3-3 (B. Bowen, J. Putnam, J. Gerstle opposed) to reinstate the original language from the 2002 DUDG from page 9 with regards to views and, sun and shade to be included in the sidebar on page 3 of the 2016 revised DUDG. The motion failed.

DOWNTOWN URBAN DESIGN GUIDELINES UPDATE SCHEDULE

AUG 2015

WEEK 1

DMC LB PB

I.D. BOARD REPRESENTATIVE

I.D. BOARD REPRESENTATIVE

DAB

I.D. BOARD REPRESENTATIVE

I.D. BOARD REPRESENTATIVE

WEEK 2

WEEK 3

WEEK 4

WORKING GROUP MEETING #1
FRI., AUG 28, 11-1PM
-Group Introductions and Working Group Purpose
-Discuss the scope and process
-Review: Introduction Chapter of DG

KICKOFF

SEPT 2015

LB PB

STAFF REVIEW

WORKING GROUP MEETING #2
FRI., SEPT. 11, 3-5PM
-Review: Section 1

DAB

DMC

SITE TOUR
SEPT 16
10:30-1:30 PM

WORKING GROUP MEETING #3
MON., SEPT. 21, 11-1PM
-Review: Section 1

RESEARCH/INPUT

OCT 2015

DMC LB PB

WORKING GROUP MEETING #4
MON., OCT. 12, 11-1 PM
-Review: Section 2

DAB

WORKING GROUP MEETING #5
WED., OCT 28, 11-1PM
-Review: Section 2 & 3

NOV 2015

DMC LB PB

Staff to incorporate recommendations identified by the working group, develop maps and graphics and finalize draft for Joint Board Meeting

WORKING GROUP MEETING #6
TUES., NOV 10, 9-11AM
-Review: Sections 4-6

DAB

WORKING GROUP MEETING #7
MON., NOV 16 11-1PM
-Review Future Recommendations

Thanksgiving

PUBLIC OUTREACH

DOWNTOWN URBAN DESIGN GUIDELINES UPDATE SCHEDULE

	DEC 2015	JAN 2016	FEB 2016	MAR 2016
WEEK 1	DMC, LB, PB	DMC, LB, PB	**LB** WED., FEB 3 -ADOPT SECTION 1; **PB** THURS., FEB 4 -RECOMMEND SECTIONS 2-3	
WEEK 2	**OPEN HOUSE** DEC 8, 5-7 PM; DAB; **JOINT BOARD MEETING** PB, LB, BDAB, DMC DEC 10, 5-8PM			
WEEK 3	Staff to finalize the Downtown Urban Design Guidelines Update for Adoption		**CC** TUES., FEB 16 ADOPTION	
WEEK 4	*Holiday Season*	**DAB** WED., JAN 27 -REVIEW & RECOMMEND		
	FINAL DOCUMENT	ADOPTION/IMPLEMENTATION		

PLACEHOLDER

COVER TBD

Working Group Session 1 Began Here:
Working Group Comments:
-Make general corrections to references to bring the acknowledgements current, i.e. change second to third edition, etc.
-Update the content to be more precise.
-Revise content to legitimize the document, include a brief acknowledgement to the historical beginnings of the document (The Downtown Alliance), and how the current draft was produced.

ACKNOWLEDGEMENTS

The Downtown Alliance

This second [third] edition of the Downtown Urban Design Guidelines is the direct result of work conducted by the Downtown Alliance, a group of city boards and commissions, non-profit organizations and neighborhood groups including the city of Boulder Planning Board; the Landmarks Board; the Boulder Design Advisory Board; the Downtown Management Commission; Downtown Boulder, Inc.; Historic Boulder; and [representatives from the Whittier, Mapleton Hill, Goss Grove, and Flatirons neighborhoods.]

Formed in the fall of 1996, the Downtown Alliance was charged with developing a scenario that would help the city to:

- guide future development in a manner that maintains the downtown's livability and is consistent with the overall "feel" of the downtown,
- protect downtown's historic character that is so closely associated with its image and quality of life, and
- maintain [and enhance] the quality of life of surrounding neighborhoods and their relationship to the downtown.

While this edition of the Downtown Urban Design Guidelines replaces the 1986 Downtown Boulder Urban Design Plan [2002 Urban Design Guidlines], it draws much of its content from that document. The city wishes to acknowledge the individuals and organizations who produced that initial work and who implemented the downtown design review process. [The city also wishes to acknowledge the work undertaken to implement the "interface blocks" which also contributed greatly to this document.]

[Other studies that contributed to this document include the 1976 Downtown Boulder Private Development Guidelines for Architecture and Signs, the 1992 Downtown Illustrative Plan, and the 1995 draft Downtown Boulder Pedestrian Streetscape Plan: Design and Standards.]

**BDAB comments to add "enhance" to bullet point 3.

Staff Notes: The use of the brackets [ ] indicates areas of content or language that may need to be addressed. Staff has marked these areas with the intent to review with the working groups. The sidenotes, misc. contact info, etc in the main body text have been relocated to the notes column as to not clutter the main content paragraphs.

Overall the Acknowlegments section and background will need to be updated to reflect the current conditions of the 3rd Draft.

ABBREVIATIONS

BDAB - Boulder Design Advisory Board

BRC - Boulder Revised Code

BOZA - Board of Zoning Adjustment

DMC - Downtown Management Commission

LAC - Landmarks Alteration Certificate

LB - Landmarks Board

LDRC - Landmarks Design Review Committee

PB - Planning Board

Working Group Session 1 Comments
-Remove this page

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Working Group Session 1 Comments
-Group agreed to revising the map for clarity.
-New revision to be a general map of the downtown area with the following layers:
1. historic district
2. non-historic areas
3. interface areas
4. overall downtown boundary
5. CAGID

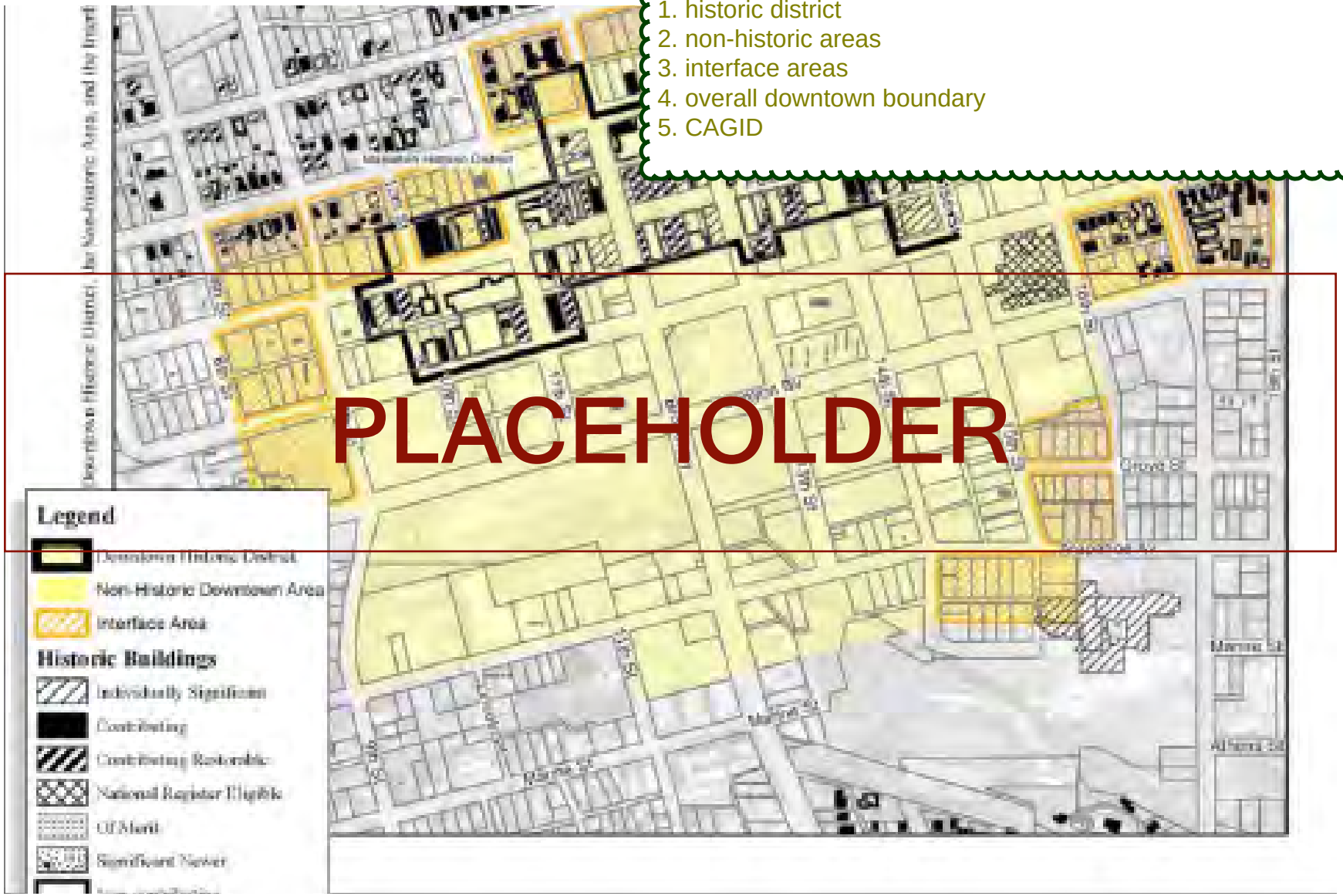


Fig. 1-1 [General Downtown Map]

INTRODUCTION

~~[Note: Appendix B offers a checklist of the review criteria utilized in the Design Review Process.]~~

Staff Notes:
Consider moving the note regarding appendix B to Question #2 answer paragraph.
Review Appendix B Check List for usefulness and criteria suitability.

Working Group Session 1 Comments
-Move the description of how the guidelines are administered to this section and add the question "How are the guidelines administered?"
-revise the highlighted text to reference the "land use code, as influenced by the Downtown Alliance,"
-Appendices will be addressed and amended in a later working group session.

What is the purpose of the guidelines?

The purpose of this ~~second~~ [third] edition of the Downtown Urban Design Guidelines is to provides a basis for understanding, discussing, and assessing the design quality of proposed preservation, renovation and new construction projects located within the boundaries of the Downtown Historic District, the Non-Historic Area, and the Interface Area.

Through the use of these guidelines it is anticipated both private and public projects will endeavor to preserve and enhance the form, scale, and visual character that make downtown unique within the city and region.

How are the guidelines organized?

The guidelines are organized into [six] sections. The first three sections address specific geographic areas of the downtown: The Downtown Historic District, the Non-Historic Area, and the Neighborhood Interface Area. The last three sections address specific design topics: Parking Facilities, Downtown Signs, and the Streetscape.

Most sections are organized around several principle guidelines and a number of "follow-up" guidelines. Within the margins are excerpts marked ["Note:" and]"Code:" reserved for more in depth references to the subject matter.

[The supplemental material in the appendix reference here]

How are the guidelines revised?

The guidelines are part of the ~~Downtown Area Plan~~, and similar to all other area plans revisions are adopted by Planning Board and City Council with advice from the Boulder Design Advisory Board. The Landmarks Board adopts guidelines for the Downtown Historic District, which are included in Section 1 of the guidelines.

Staff Notes:
Put a general downtown map to the left. Map to have satellite image background, overall area boundaries and landmarks to orient.
Staff has consolidated the intro to include all the question and answer directions which were previously scattered around the first chapter, including the section of questions located just after the BASIC URBAN DESIGN CONSIDERATIONS section.

BDAB Summary:
The overall purpose of the design guidelines is to provide coherent aesthetic guidance for future projects, and by doing so it will minimize complaints of poor design quality of the future development(s).
Recommends reducing the elaborate nature of the existing document, it makes it harder to use and decipher.
In general, encourages cross board participation and roundtable review of projects.

Working Group Session 1 Comments
-Remove the itemized reference to the Downtown Strategies.
-Change the direction of this area to be clear vision statement, or "Immersive Statement", of the values or vision for the district.
-Develop a visual representation of the vision statement, possibilities to be explored include a diagram, photograph, and/or simplified text list.
-Univeral Edit to remove all references to the 1992 Downtown Illustrative Plan, as the plan does not exist.

Downtown Strategies

Staff Notes:
The 1992 Illustrative Plan does not exist. Remove all references.

Summary BDAB remarks:
Strategy 2 - 1/4m radius is walkability standard (or 5 min)
Strategy 8 - Policy question of limiting density in downtown which affects the ability to encourage residential development.
The imagery in general, and Fig 3, does not adequately or accurately reflect the conditions, design intentions, requirements, etc.

These guidelines are designed to support the ten strategies outlined in the ~~[1992 Downtown Illustrative Plan]~~:

1. Assure the long term economic vitality of the downtown

Downtown Boulder is the heart of the city and the traditional hub of city life. Its future economic vitality is of great importance to the future health of the city. These guidelines will help the city to balance the need for economic vitality with the need to maintain and enhance downtown's unique "sense of place".

2. Establish a pedestrian district

Downtown Boulder is a walkable district. The ability to walk from one end of downtown to the other in less than [10 minutes], and the pedestrian scale of its sidewalks, buildings, and storefronts, are key factors in what makes the downtown area different.

3. Provide improved links between the Downtown Boulder Mall and the Civic Park

The Downtown Boulder Mall is one of America's premiere public places, and the Civic Park area is one of the City's most important public gathering places. By visually and functionally linking these two significant open spaces, downtown's north/south pedestrian system will be strengthened and its urban form clarified. Major north/south pedestrian corridors include 9th, 10th, 11th, Broadway, 13th and 14th Streets.

4. Locate and build additional public places in the downtown

Open space is prized as one of Boulder's most valued assets. In addition to the expansive open spaces that ring the city, numerous creek, park, and trail systems weave through the city. Small plazas, parks and open areas where people gather, rest, and recreate are important elements in making central places like downtown livable. They provide access to views, create open areas in higher intensity developments, and add enjoyment for people.

5. Design and construct streetscape improvements throughout the downtown.

The public image created by the visual quality of downtown's streets, sidewalks, and landscaping is important. People like attractive and well cared for environments within which to live, work and shop. The care and maintenance of this realm adds value to the downtown and improves public safety.

6. Maintain the historic character of the downtown area

Downtown's historic quality is of paramount importance to its public image and economic vitality. It is an asset to preserve and bank upon. It builds value and creates opportunities for innovative marketing and advertising strategies. Most importantly, downtown's historic quality keeps Boulder in touch with its past and defines its unique character.

7. Expand the role of the arts (and public events) downtown

Successful downtowns depend not only on how they look, but on what people can do there. Social and cultural events that attract people are fundamental to a successful downtown. The role of the arts and related public events are closely linked to how people think of downtown, it's attractiveness, safety, and social well.

8. Encourage residential uses adjacent to (and in) the downtown

Creating livable central places is a hallmark of many successful cities nationwide. Places where people live, as well as work, can create an attractive mix of uses that can improve public safety, increase the use of alternative modes of transportation, and build strong community ties. The City's land use regulations encourage housing not only adjacent to downtown, but within the downtown as well designed mixed-use projects.

9. Provide better access to the downtown for alternative transportation modes

A key to downtown success is the ability to move people comfortably to and from the area. No one mode of transportation provides all the answers. Rather, a strategy that relies on a balance of alternative modes, including walking, biking, public transportation, and automobile is needed.

10. Parking

[The 1992 Downtown Illustrative Plan identified parking as a needed strategy, and]in 1996, the Downtown Alliance noted in A Proposal for the Downtown Central Business District that the relationship between alternative mode use, development, and parking needs should be monitored and incorporated as part of the downtown's planning process.

Staff Notes:
Once the reference to the 1992 Plan is removed the parking strategies is a fragment. Needs to be addressed.

Staff Notes:
Does the imagery adequately represent both "downtown character" and "walkability"?

Remove all imagery in this section. Imagery is better placed in direct relationship to specific design requirements. These images tend to be weaker examples of the caption.

Fig. 1-2 Good example of downtown historic character

Working Group Session 1 Comments
-Working draft section imagery are placeholders.
-Group agreed to wait on evaluating imagery until text revisions were complete.

Fig. 1-3 Pedestrian intersection on Pearl and Broadway that utilizes brick material to enhance walkability across the busy street

Working Group Session 1 Comments
-Group began a future recommendations list of items to be included in the annual memo to city council. The first recommendation was to develop a round table committee of board representatives for the review of applications.
-Remove extraneous contact info and city department references.
-Move the first two paragraphs to the Introduction question "How are the guidelines administered?"

The Design Review Process

Note: Scheduling a design review early is important.

[Note: Many architects, developers, and owners find it useful to use the design review process as a sounding board to test ideas. For example, applicants may voluntarily return to discuss changes before making formal application for a building permit or development review to the city.]

For more information on how to proceed please contact the following:

- For the PB call (303) 441-4664, or visit https://bouldercolorado.gov/boards-commissions/planning-board
- For the BDAB call (303) 441-3215, or visit https://bouldercolorado.gov/boards-commissions/bdab
- For the DMC call (303) 413-7318, or visit https://bouldercolorado.gov/boards-commissions/downtown-management-commission
- For LB call (303) 441-1881, or visit https://bouldercolorado.gov/boards-commissions/landmarks-board

Note: For exterior work in the Downtown Historic District or to landmarked properties in the Non-historic Area and the Neighborhood Interface areas, please contact the City's Historic Preservation Planner at (303) 441-1880.

Applications for landmark alteration certificate review are available online at https://www-static.bouldercolorado.gov/docs/PDS/forms/403_HIS_LAC_app.pdf, or by call (303) 441-1880.

Three review bodies are primarily responsible for administering these guidelines: the Landmarks Board, the Boulder Design Advisory Board (BDAB), and the Downtown Management Commission (DMC).

Specifically, Landmarks Board reviews all projects located in the Downtown Historic District and landmarked properties located outside the District; BDAB reviews all projects with a construction value over $25,000 in the Non-historic Area. In addition, DMC reviews projects located on the Downtown Boulder mall.

Scheduling a design review with the appropriate review body is the responsibility of the property owner, developer or their representative such as an architect. In general a meeting should be scheduled before formal application is made to the city for a building permit or development review. Early project review often results in the resolution of design issues which can save valuable time once the project is submitted to the city.

The Landmark Alteration Certificate (LAC) Review Process

- [The City's historic preservation program is responsible for reviewing all exterior and site feature changes in the Downtown Historic District through the Landmark Alteration Certificate review process.
- Project review and compliance with Landmarks Board decisions are mandatory for projects in the Downtown Historic District.
- In addition, the City's historic preservation program is responsible for reviewing exterior and site feature changes to landmarked buildings in the Non-Historic Area and the Neighborhood Interface.
- The Landmarks Board reviews all demolition requests for buildings over fifty years of age.
- It is possible to schedule a "conceptual review" with the Landmarks Design Review Committee (LDRC) to discuss preliminary design concepts before complete plans are reviewed.

Ldrc meets weekly

Landmark alteration certificate requests are reviewed by the Ldrc, which consists of two members of the five member Board, and one Planning Department staff member. The Ldrc typically meets weekly at the Planning Department offices. The review is relatively informal in its proceedings.

However, the applicant may choose to revise the application according to the LDRC's suggestions, or withdraw the application. The applicant may also appeal any decision of the LDRC to the full Landmarks Board for review in a public hearing.

When projects require Site Review, or other development review administered through the Planning Department, the LDRC reviews the proposal and then provides a recommendation to the Planning Department which is

Staff Notes:
The sidenotes, misc. contact info, etc in the main body text have been relocated to the notes column as to not clutter the main content paragraphs.
From the recent BDAB poll participants in general found the process belaboring and not as useful as mentioned above, considering the project flow from staff to BDAB and LB/PB approval. Consider removing the note.

Working Group Session 1 Comments
-Group proposed to merge "The Design Review Process" and "Application Submission Requirements" sections.
-Edit the content for the LB, DMC and BDAB to be concise instructions with references to website, application and general contact phone number line. Include a reference in the LB process for demolitions. Include CAGID reference with DMC.
-Add an application flowchart to include application "triggers".

Code:
Section [9-11-14] of the BRC, 1981, establishes the time limit for processing a LAC (within fourteen days after a complete application is filed). Other than routine maintenance and minor repairs which can be reviewed and approved by planning staff, an LAC cannot be granted unless:
1) an aplication is considered complete with all of the necessary sketches, drawings, photographs or other relevant information.
2) the application is reviewed and officially approved by the LDRC. An LAC is granted on the affirmative vote of all three members of the LDRC.

Note: Landmarks Board or LDRC may invite a member of BDAB to act in an advisory capacity when addressing new construction and remodeling of non-contributing buildings in the Downtown Historic District. In such cases, the BDAB representative participates as a non-voting, ex-officio member.

Note:
The Landmarks Board may act in an advisory capacity to BDAB on issues related to projects that are of historic significance, but are not officially landmarked

the City Council. Following approval by the planning staff or the Planning Board, an LAC must be received prior to the issuance of a building permit.

The Landmarks Board meets monthly

As described above, a split vote of the Ldrc requires review by the Landmarks Board at a public hearing unless the applicant chooses to revise the application or withdraw it for later resubmission. The applicant may also appeal any decision of the Ldrc to the full Landmarks Board for review.

All applications for demolition and free-standing new construction of more that 340 sq. ft. must be reviewed by the Landmarks Board in a public hearing. All Landmarks Board decisions are subject to call up by the City Council. The full Landmarks Board typically meets the first Wednesday of every month after 6:00 p.m. in City Council Chambers. The Board consists of five volunteer city residents, including design professionals, who are appointed by City Council.]

The Boulder Design Advisory Board (BDAB) Process

The BDAB is a City Council appointed board consisting of five Boulder citizens, several of whom have professional experience in the areas of architecture, landscape architecture, urban design and community development.

[The purpose of BDAB is to encourage thoughtful, well-designed development projects sensitive to the existing character of an area, or the character established by adopted design guidelines or area plans.]

The BDAB is responsible for reviewing downtown projects in the Non-Historic Areas and the Interface Area under the following conditions:

- Visible from the public realm and adjacent properties, or
- Projects in the Site Review Process, or
- With a value of $25,000 or more, or
- Upon the request of the City Manager, City Council, or Planning Board

Project review is mandatory while compliance with the resulting design recommendations is voluntary. [The only exception to the BDAB review of projects in the Non-Historic or Interface Areas is for properties that are locally designated landmarks. These are reviewed by the Landmarks Board or the LDRC.]

Upon completion of the BDAB review, staff notifies the Building Department that the applicant has fulfilled the mandatory design review. In the case of projects requiring a site review process, BDAB submits recommendations to the Planning Department to be included in the staff memorandum for consideration by the Planning Board, or City Council.

Staff Notes: Does this encompass the objectives of the board?
The brackets in the BDAB intro were previously in the BDAB section in a different order. The paragraph has been reorganized for better readability.

The Downtown Management Commission (DMC) Process

[Summary paragraph similar to BDAB's intro summary]

The DMC reviews the design of projects which extend into the public right-of-way on the Downtown Boulder Mall. Typical projects reviewed by the DMC include outdoor eating areas, signs, awnings, and other elements.

Note: In addition to the Landmarks Board, BDAB, and the DMC, the following city boards, commissions, and city departments may need to be contacted, or may provide helpful information about a project.

City of Boulder Planning and Development Services Department

City planning staff is responsible for receiving recommendations and findings from the Landmarks Board, BDAB, or DMC design review and incorporating them into the appropriate staff or Planning Board memos that are part of the city's development review process. A "pre-application meeting" to discuss development goals, uses, site design, or other relevant issues should be made with the Planning Department prior to entering into the site review process. It is intended to identify any problems or concerns that Planning staff may have prior to the applicant making a formal application.

Note:
Pre-Application Meetings may be scheduled by calling the Planning and Development Services Department at (303) 441-1880.

The pre-application meeting with the Planning Department is not a substitute for the design review required by LB, BDAB, or DMC. Since it may help an applicant to identify issues that may need be addressed at the design review meeting, it may be preferable to schedule the pre-application meeting first.

Planning Board (PB)

The Planning Board is responsible for decisions related to the city's land use regulations and reviews projects that are subject to the City's site review process. Such projects are forwarded to the PB, either by staff or through a call-up procedure. In either case, the PB will review projects for their design quality as well as their conformance to the city code and other relevant regulations. As such, recommendations and findings based on these guidelines play a key role in the board deliberations.

Staff Notes: Is the PB paragraph accurate or an adequate synopsis of the role of the board and instruction for applicants?

Public Works Department: Revocable Right-of-Way Permit

In addition to review by the DMC, any element or improvement in the public right-of-way, such as a sidewalk cafe, potted plant, bench, awning or sign, must first be reviewed by the City of Boulder to determine if a "**revocable right-of-way permit**" is required. For information call (303) 441-1880.

Board of Zoning Adjustment (BOZA)

Reviews specific requests for zoning variances and building appeals. For information call (303) 441-4464.

City Forester

Information on specific details for street tree planting, plant materials, and maintenance can be obtained from the

[Note: The city has a fund for specific alley improvements. While certain conditions such as sharing trash storage or utility hook ups may apply to private property owners, the funds can be used for making property improvements. For information on the alley fund call the city of Boulder Transportation Department (303) 441-3266.]

Staff Notes: Public Works-Transportation Maintenance is verifying the alley fund program.

It may be useful to consider the Green Building requirements and link the resource considering they impact both historic and non-historic projects. The requirements have changed significantly since 2002.

city Forester at (303) 441- 4406.

Boulder Transportation Division: Transportation Planning

Information on transit related issues such as transit rider activity and bus shelter design should be directed to the Transportation Planning Department at (303) 441-3266.

Public Service Company: Vehicular Street Lighting

Light poles are provided by the Public Service Company and maintained by the City of Boulder. Contact the city's Transportation Division for further assistance with the selection and provision of street lighting at (303) 441-3266.

Arts Commission

The Arts Commission consists of five members appointed by City Council, each to a five-year term. The Commission promotes and encourages programs in the performing, visual and literary arts. For information call (303) 441-4113.

[Green Building/Environmental]

Working Group Session 1 Comments
-Remove this section, but add reference to the application, board website, and contact info into the design process

Application Submission Requirements

Application requirements will vary depending upon the complexity and scale of the project to be reviewed, and the specific requirements of the reviewing body. In general, the applicant should provide the appropriate architectural drawings, sketches, and photographs of existing buildings and their sites to allow the reviewing body to fully understand the nature and scope of the exterior changes and any significant design issues.

Staff Notes: Remove redundant contact references.

Landmark Alteration Certificate Review Submission Requirements

An applicant is required to fill out a Landmark Alteration Certificate Application and provide the information identified on the application form including an initial scaled sketch plan and elevation, as well as photos of the existing building that will be kept on file. For the Ldrc's review, complete application must be received by a project specialist at Planning and Development Services by 4 p.m. the Friday before the next Wednesday meeting. Application deadlines also apply for LAC reviews by the full Landmarks Board. [Please visit www.boulderhistoricpreservation.net, or call (303) 411-1881 for more information about the landmark alteration certificate review process.]

BDAB Submission Requirements

For BDAB, eleven (11) copies of all relevant information listed below must be submitted to the Planning Department no later than close of business on the last Wednesday of the month. Applications should be well organized and contain sufficient information to allow reviewers to fully understand the proposed building design or alteration, including relevant urban design information such as how the project fits within its surrounding context, and how it relates to adjacent buildings and properties.

At a minimum, BDAB applications should include the following information:

- A map illustrating the location of the project within the context of the downtown as well as photographs of the project site and the surrounding area.
- A site plan in a clear graphic style should be presented in the context of the city blocks surrounding the project. Site boundaries and dimensions should be clearly marked and special issues such as flood plain, shadows, land restrictions and the existing site conditions need to be highlighted.
- All relevant floor plans, building sections, and exterior elevations should be illustrated at a scale sufficient to fully understand the proposed design.
- Provide exterior wall elevations in color showing material and color selections.

The following additional information may be required if the proposal modifies the permitted "by-right" building height, or if the project is of significant complexity that the two dimensional drawings described above do not fully illustrate the design issues:

- A simple mass model if the project is of significant size and complexity, showing the surrounding context.
- Color perspective sketches illustrating the proposed project and its surroundings, from street level, to present the project from the pedestrian's viewpoint.
- An analysis of the shadow impact of the proposed project is important, especially for projects on the south side of downtown streets.

DMC Submission Requirements

For the DMC, seven (7) copies of the following items are required for review:

- To-scale elevation drawings illustrating the requested improvement with exact dimensions along with existing signs, planters, windows, doors, stairs, patios, and awnings on the building and adjacent buildings.
- To-scale drawings of the proposed enhancement which identifies specific design elements such as colors, materials, and lettering.

Working Group Session 1 Ended Here.

Working Group Session #2 Began Here.

Downtown Land Use Regulations

Is this section necessary considering the following:
1. The Main Intro Map will cover the District Boundaries Historic District, Non-Historic District, Interface Area and CAGID; along with streets and parcels.
2. We can provide more specialized maps for Historic properties in the Historic Section if needed.
3. The City has a robust GIS map online. This GIS mapping is the most current and accurate when looking for information of this kind. We can include a reference to see the GIS website for flood, zoning, etc.

Working Group Comments:
Remove the associated Land Use Maps on the following pages and replace with links or references to the City's GIS mapping site.

[When proposing a preservation, rehabilitation, or new construction project for the downtown there are a number of working assumptions to consider:

As a result, zoning districts exist within the boundaries of Downtown Urban Design Guidelines and each comprises a unique set of conditions.]

ZONING:

[The downtown area is comprised of (x) zoning districts, with the historic core primarily composed of DT-4 zoning surrounded by DT-3, DT-2, and DT-5. The northern area of downtown includes residential mixed use (refine this intro and description).]

[The following map identifies the location of the various zoning districts. For example, the DT-5 zone is the area likely to undergo the most significant change while the DT-4 zone, which includes most of the Downtown Historic District, is likely to undergo the least change.]

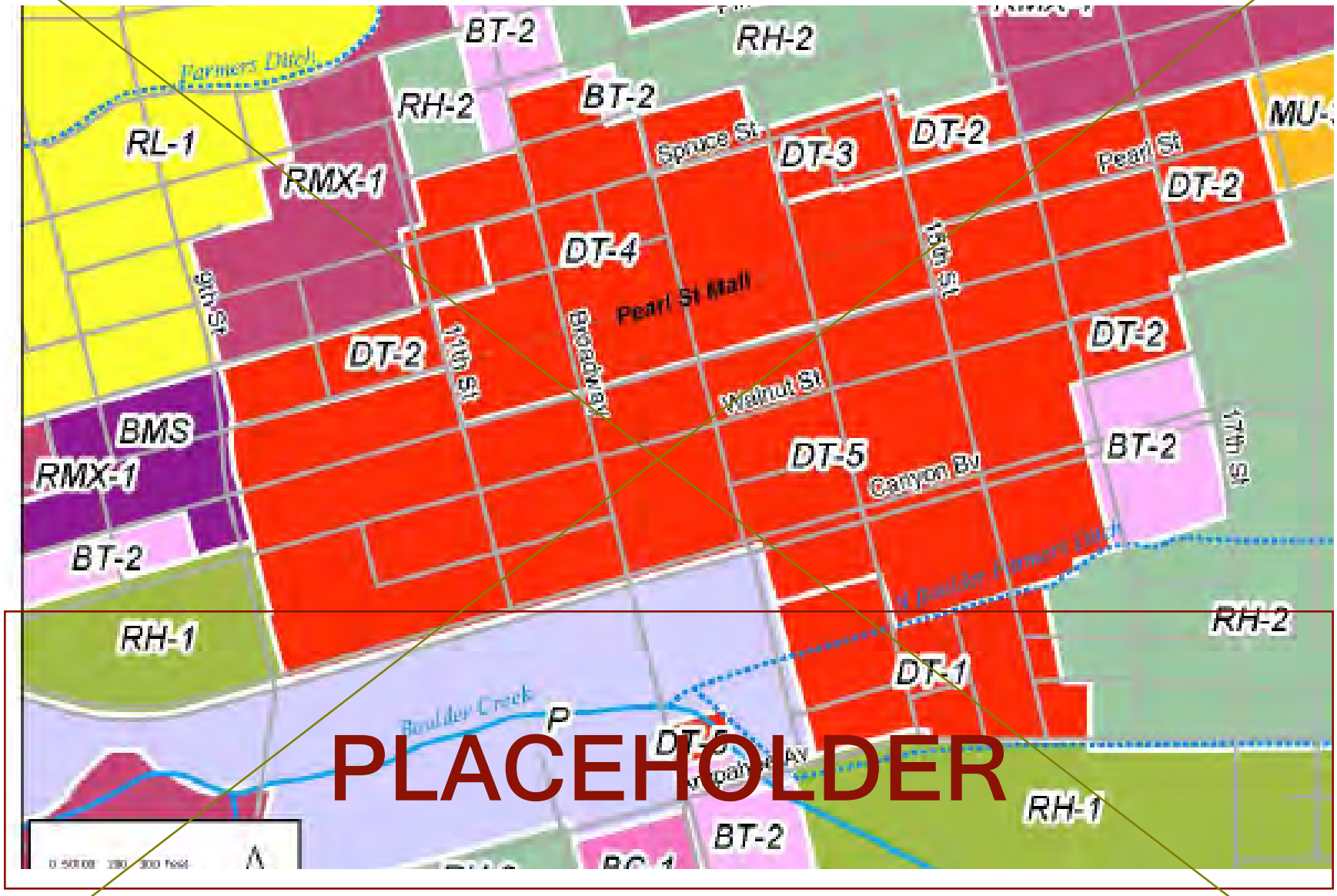
As a result, several zoning districts exist within the boundaries and purview of the Downtown Urban Design Guidelines and each comprises a unique set of conditions.

Staff Notes:

First consideration is whether having a zoning map in the design guidelines is useful, or whether a reference to the zoning code is a better solution. As a stand alone resource it lacks the detailed information that guides design. In this case the critical information is referenced at the end of the document in the appendix. If we keep this zoning section consider bringing the zoning district synopsis to this area and adding a summary intro - as indicated in the brackets. It's more user friendly.

If the zoning section is pertinent, then the map needs to be reworked. It is very difficult to accurately locate properties on this map. Parcels lines, color coding to zone, and adding a key instead of the DT and R Labels.

The first and second paragraph at the top is an odd pairing - they are fragments of thoughts. Remove the second paragraph, or rework it into the Zoning section.



Downtown Zoning Map

Can we remove this map?

Group

HISTORIC:

[Summary and Description]

Staff Notes:

An overall historic district map and landmarks would be helpful. The map to the right tries to have all the information on one page making it very difficult to read and use. Are all the categories essential for the map? Which ones are specific to the guidelines? Can we trim it down in an effort to make it more useful?

If we need more detailed map(s) they can be added to Section 1 - Historic.

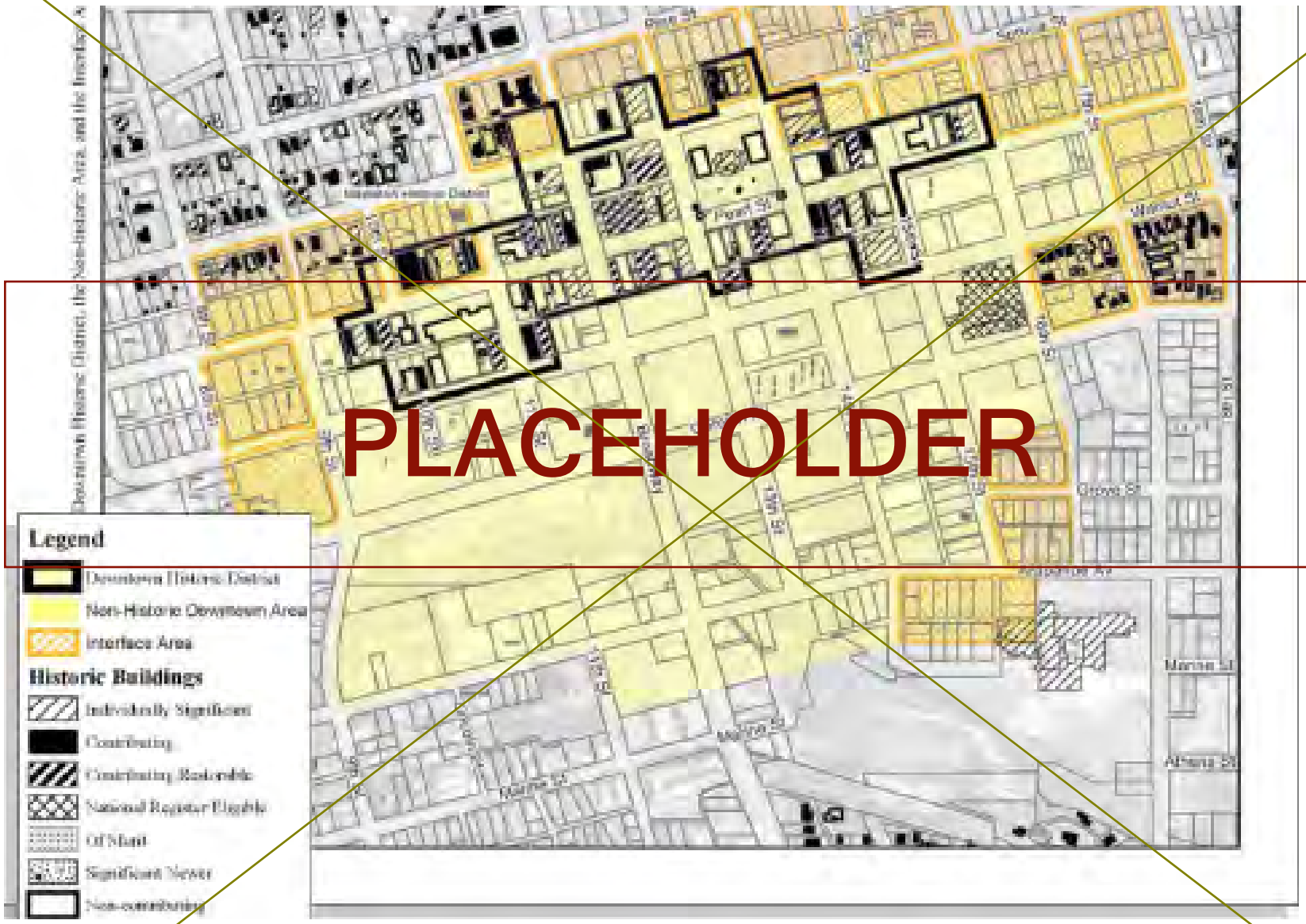


Fig. 1-5 Historic District Map

Can we remove this map?

Group

DOWNTOWN URBAN DESIGN GUIDELINES

~~***CAGID:***~~
~~The Central Area General Improvement District encompasses all of the area covered by these guidelines. While there are no parking requirements for commercial properties in CAGID, there are parking requirements for residential uses.~~

~~***BID:***~~
~~The Downtown Boulder Improvement District provides services, facilities and improvements for the owners of real and personal property in a thirty-four block area including CAGID plus contiguous blocks to the east and west; Spruce to Arapahoe and 8th to 21st.~~

- ✓ Yes
- No
- Discuss in Working Group

Can we remove this?
The CAGID boundary will be included on the main district map. The description of CAGID can be included included in the DMC process. The BID doesn't have a direct reference to the design.

Staff Notes:

Update the map and boundaries for clarity.

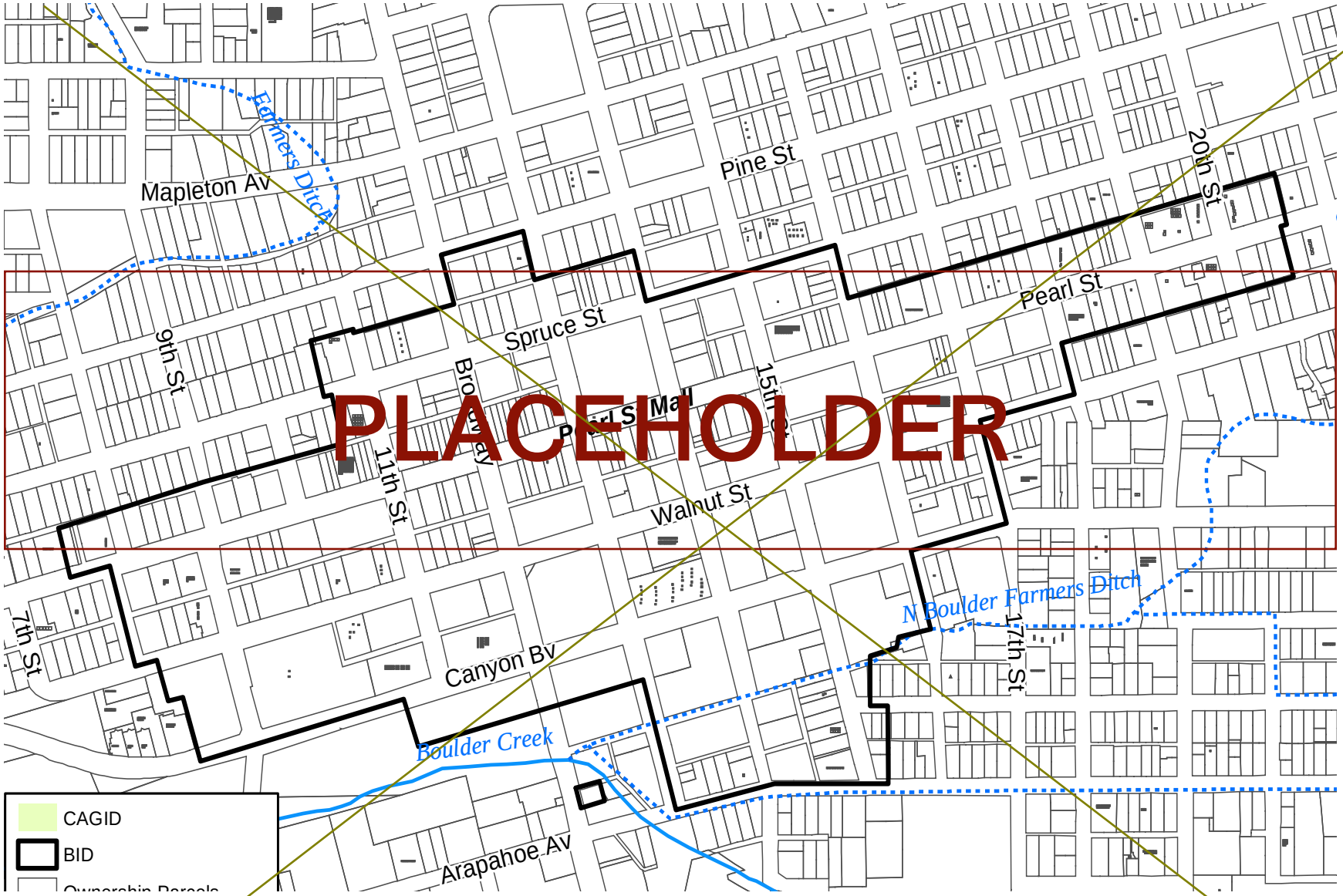


Fig. 1-6 CAGID/BID Map

Flood Zones:

Much of the downtown is affected by the Boulder Creek flood zones. Restrictions of various types apply and will limit what development that can occur.

Staff Notes:

Update the map for clarity

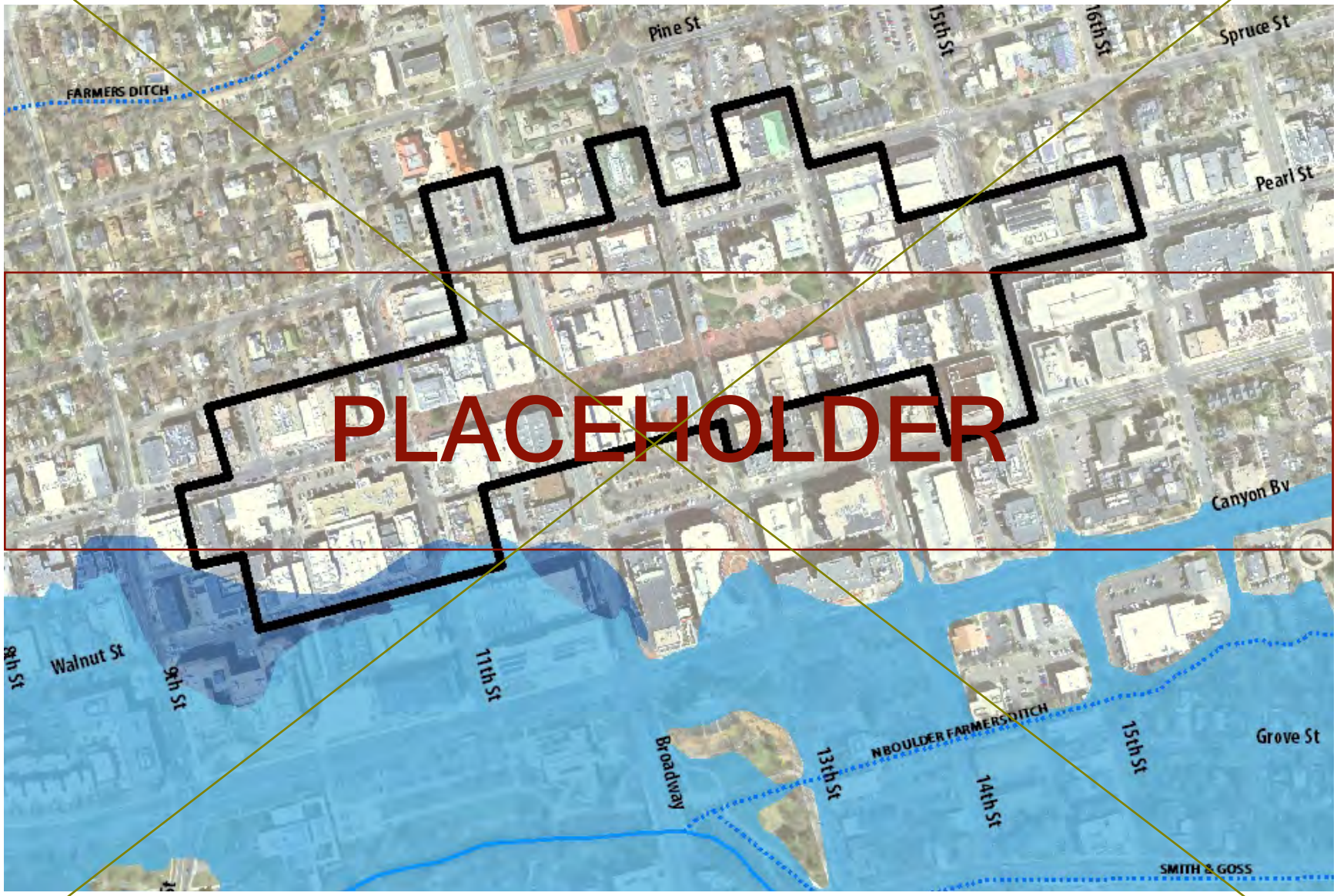


Fig. 1-7 Flood Zone Map

Yes
No
Discuss in Working Group

Can we remove this map?

REFERE

Basic Urban Design Considerations

Are these elements best moved to other sections, like Section 1 & 2 - Non-Historic? Historic? Or do we want an overarching set of Design Principles?

[When proposing a preservation, rehabilitation, or new construction project for the downtown there are a number of working assumptions to consider:]

Views:
Downtown Boulder is blessed with exceptional mountain views and projects should be designed to take advantage of this extraordinary asset. The south and west edges of downtown offer the most spectacular views.

Sun and Shade:
In Boulder's climate, sun and shade are important factors. Concern for providing natural light in buildings, sunny sidewalks in the winter, and shady areas in the summer is an important consideration in project design.

Connections to other areas of town:
Boulder's central area includes three major activity centers: Downtown Boulder, the Boulder Valley Regional Center (BVRC), and the University Hill Area. Connecting these areas through a variety of alternative modes and urban design improvements are important factors in their future success.

Working Group Comments:
1. Merge the design considerations list to the right into the Immersive Statement or Values Area at the beginning of the document.
2. Staff will begin a vision statement draft sentence and the working group representatives will provide input and revisions to the finalized statement.
3. An iconic photograph will be an appropriate solution paired with the Immersive Statement.

Staff Notes:
The bracketed first paragraph is a repeat from the regulatory section.
Are these elements best moved to other sections, like Section 2 - Non-Historic?
The CAGID/BID sections were relocated to the regulatory area. They are not Urban Design Considerations.

BDAB summary:
In Downtown views may not be applicable or accessible. There is some question of what's important and applicable for Downtown; which may be very different than what is important for other areas of the city. These can be, in part, very specific to the area. Urban density? Preservation? Character Defining Elements?
The board recommends accurately identifying the character defining elements of Downtown.

Working Group Comments:
1. Summarize the history and add language about the history/evolution of the built form in replacement of the extraneous historical info.
2. Group would like to see helpful information on how the urban fabric developed.
3. Possible inclusion of a Sanborn Map and historic aerial photo.
4. Group would like to leave the historic background in the Intro, editing to have the overarching development history apply to more than downtown historical context and change the "history" title.

HISTORY

Staff Notes:
Would this section be better suited to the historic section (Section 1)?

BDAB Summary: the history section is lacking in information regarding city development and historical context past 1960s-1970s. Lack of modern context. This historic context may not fully represent the conditions of the city founding, and the current conditions.

Should this be revised?

Discuss in Working Group

Move to Historic Section?

No

Discuss in Working Group

The Boulder Valley was first the home of Indians, primarily the Southern Arapaho tribe who maintained a village near Haystack Mountain. Ute, Cheyenne, Comanche, and Sioux were occasional visitors to the area. Gold seekers established the first non-native settlement in Boulder County on October 17, 1858 at Red Rocks near the entrance to Boulder Canyon. Less than a year later, on February 10, 1859, the Boulder city Town Company was organized by A.A. Brookfield, the first president, and 56 shareholders.

Boulder city developed as a supply base for miners going into the mountains in search of gold and silver. Boulder city residents provided these miners with equipment, agricultural products, housing and transport services, and gambling and drinking establishments. The downtown section of Boulder was the nucleus of the fledgling community, and its main thoroughfare, Pearl Street, led into Boulder Canyon and the mining camps. The business generated from the mining camps, together with Boulder's selection as the county seat in 1861 and the site for the state university in 1876, provided the foundation for steady growth and the erection of substantial business blocks in the commercial center of the town. Businesses were established along Pearl and adjoining streets to supply every need of the urban community, local farmers, and mining camps. The downtown experienced steady growth after the 1860s. By 1883, the commercial area included enterprises such as restaurants, groceries, saloons and liquor stores, lumber yards, drug stores, dry goods stores, hardware stores, feed and flour stores, barbers, paint shops, and tailors, in addition to fraternal lodges and the county courthouse.

At the close of the nineteenth century, the establishment of Chautauqua and the creation of the Boulder Sanitarium diversified the local economy and led to further downtown development. In 1900, a multitude of businesses flourished in downtown Boulder. Streetcar service enabled residents in new areas of the city to conveniently shop and conduct business downtown. In addition, the Denver & Interurban Railroad (an intercity connection with Denver) ran along Pearl Street from 1908-1917. During the 1920s, several new commercial buildings were erected, updating the appearance of the downtown with 20th Century influences. Although the economy slowed during the Great Depression, a few new buildings were added to the district, the most significant of which was the new Boulder County Courthouse, having replaced the original courthouse building that burned down in 1932.

Planning for the improvement of Boulder began as early as 1903, when the Boulder city Improvement Association was organized to pursue the "improvement of Boulder in health, growth, cleanliness, prosperity and attractiveness." The Association retained nationally renowned landscape architect Frederick Law Olmsted, Jr. to prepare a master plan in 1910 which has since guided Boulder's development. Saco DeBoer, who served as Denver's Landscape Architect, was hired to prepare a zoning proposal for Boulder. His 1928 plan created Boulder's first height restrictions, which limited downtown buildings to 75 feet and neighborhood shopping districts

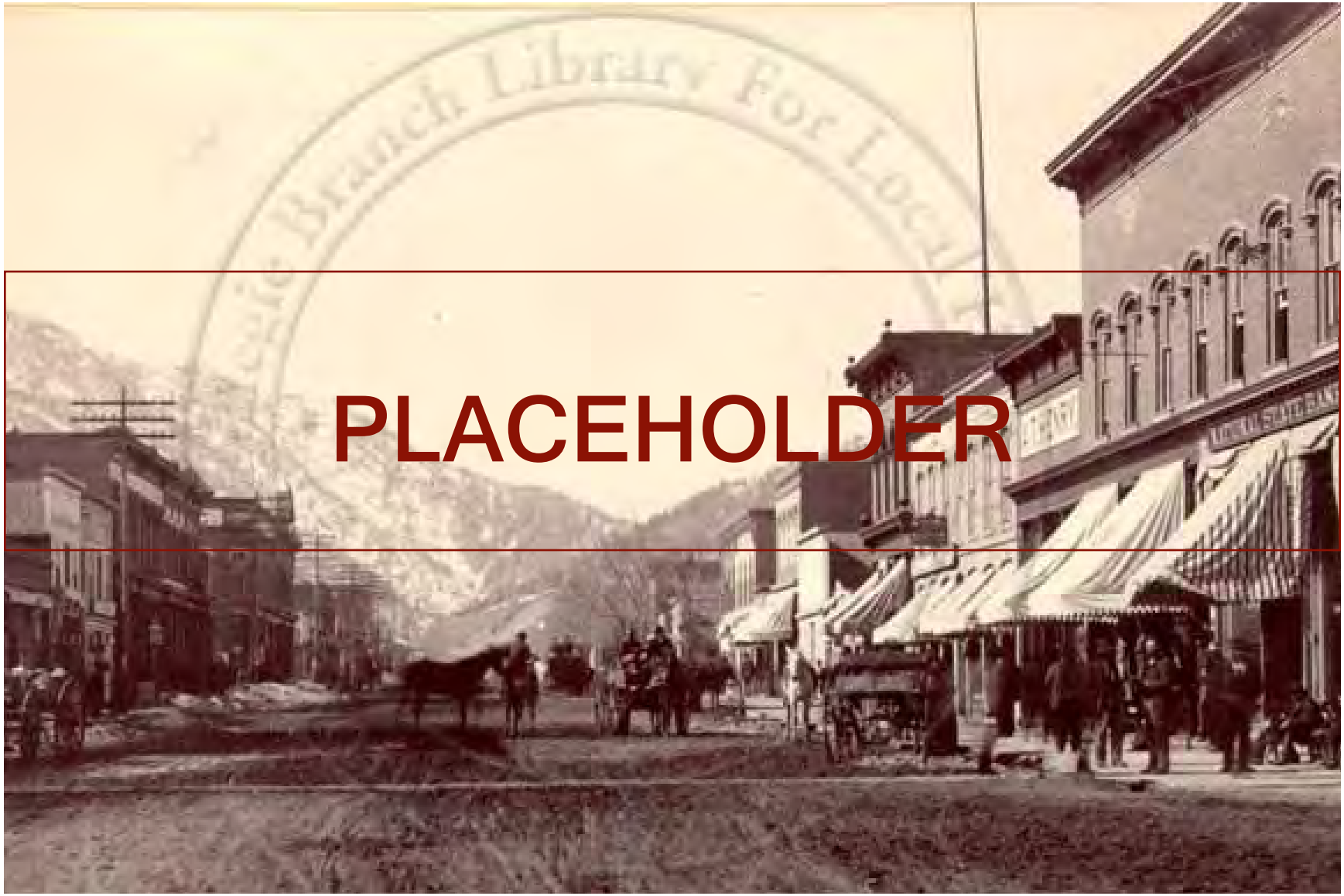


Fig. 1-8 [1880s Image Caption]

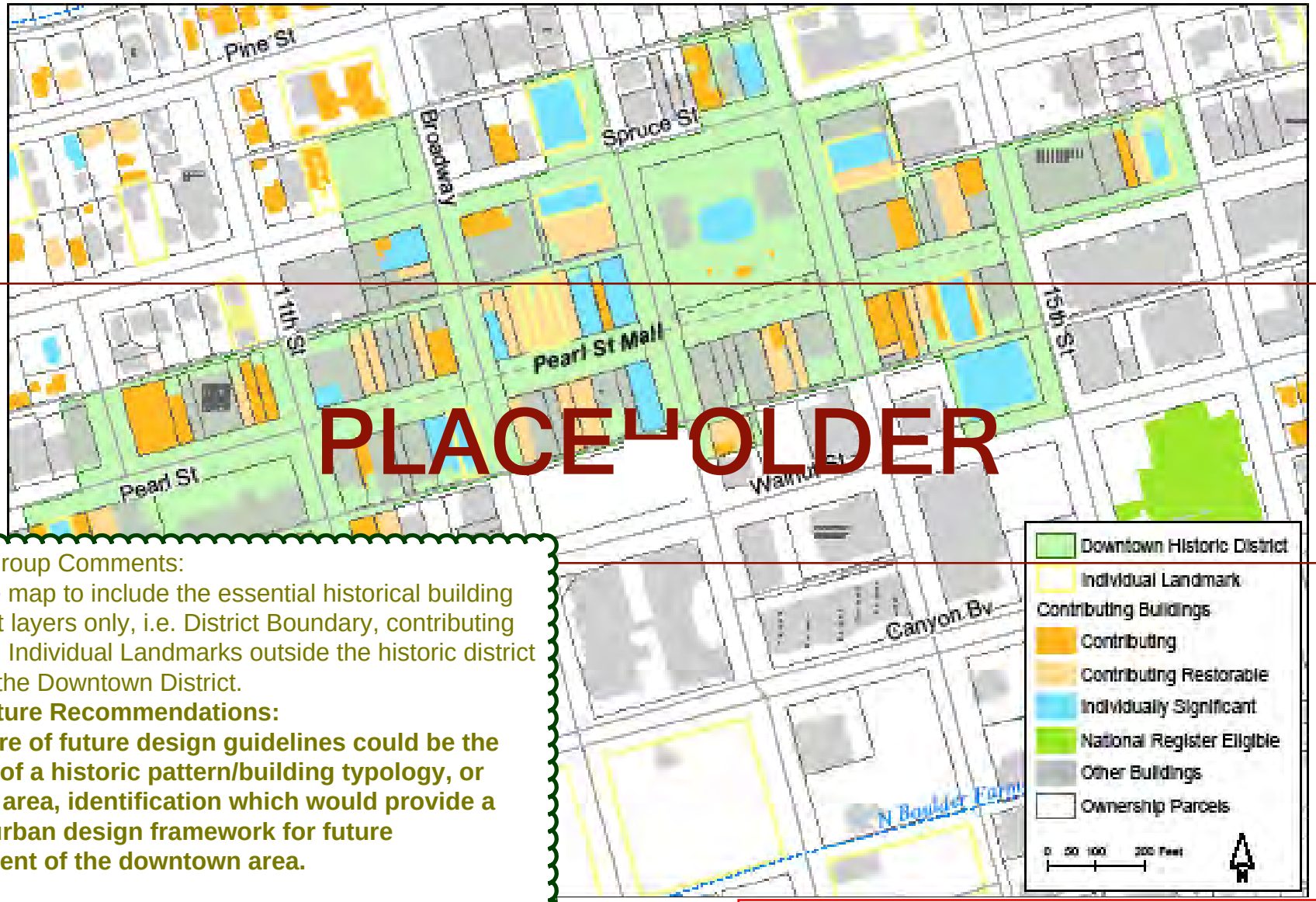
Fig. 1-9 [1930s Image Caption]

to 35 feet, as well as recommended seven zoning districts.

Following World War II, the increased population of the automobile led to the creation of new shopping areas further from the city center, including North Broadway, Arapahoe Village, and Basemar shopping centers in the 1950s. This competition led to the modernization of historic storefronts downtown, including the application of metal panels and precast screens to exterior facades. In 1963, Crossroads Shopping Center, a major commercial competitor with downtown was completed. However, with the purchase of thousands of acres of open space beginning in 1967, the adoption of the Boulder Valley Comprehensive Plan in 1970, passage of the building height restriction ordinance in 1972, and the residential growth management ordinance in 1977, Boulder began a period of infill and re-use of its past architectural development which continues to present. Redevelopment plans for the downtown were formulated by property owners and merchants to insure the area's continued viability. During the 1970s, buildings were restored, remodeled and adapted to new uses. The Pearl Street Mall was created from 1976-1977, prompting the return of many businesses and the restoration of historic buildings to the downtown.

Boulder's Historic Preservation Code was passed in September, 1974. The ordinance is instrumental in preserving significant portions of our past while encouraging the rehabilitation of historic buildings. Although the Downtown Boulder Historic District was listed in the National Register of Historic Places in 1980, it was not designated as a local historic district until 1999. Today's Downtown Historic District lies within the Boulder Original Townsite established by the Boulder city Town Company on February 10, 1859. Both the federal and local historic designations provide owners of contributing historic buildings the opportunity to apply for federal and state tax incentives for rehabilitation, as well as waivers from certain provisions of the Universal Building Code.

DOWNTOWN URBAN DESIGN GUIDELINES



PLACE OLDER

Working Group Comments:
Revise the map to include the essential historical building and district layers only, i.e. District Boundary, contributing properties, Individual Landmarks outside the historic district but within the Downtown District.

Group Future Recommendations:
One feature of future design guidelines could be the inclusion of a historic pattern/building typology, or character area, identification which would provide a building/urban design framework for future development of the downtown area.

Fig. 1-1 HIstoric Ma

✔ Yes
No
Discuss

Staff Comments:
Revise to Historic Boundary, Individual Landmark, Individually Significant, Contributing, Non-Contributing, and [Contributing restorable] to match the categories of Historic Building in the district.
Can we merge Contributing Restorable as it is contributing?

SECTION 1: THE DOWNTOWN HISTORIC DISTRICT

add the period of significance for the district

BDAB Summary Comments:
The guidelines are very elaborate and difficult to apply. There are inconsistencies that need to be addressed.

General Staff Comments:
Though the section is divided between historic and non-historic buildings the design requirements are very similar. There are instances where individual design requirements contradict or are redundant. Staff recommends clarifying the section to provide concise instructions that capture the design guidelines for the historic properties accurately.

The boundaries of the Downtown Historic District, designated in 1999, generally conform to the boundaries of the Downtown Boulder National Register Historic District which was listed on the National Register of Historic Places in 1980. The district contains the city's greatest concentration of historic commercial buildings, especially along Pearl Street which forms its central spine . These buildings not only serve as a link with our cultural heritage, they also establish a model for design quality. Such buildings are resources for education, recreation and human enjoyment. They provide downtown with a rich character and a human scale that are unique assets for both residents and visitors to Boulder.

Development in the Downtown Historic District must be especially sensitive to issues of compatibility. Indeed, the economic success of the downtown is in many ways dependent on maintaining the historic character and quality that sets the downtown apart from other shopping areas. For this reason, the preservation, restoration, and appropriate rehabilitation of older buildings in this district is of great importance.

The city's historic preservation program is responsible for reviewing all exterior changes and site features in preservation, restoration, remodel and new construction projects located in the Downtown Historic District. Any changes to a building or site require a Landmark Alteration Certificate prior to commencement.

The urban design objectives for the Downtown Historic District are to:

- Preserve and restore historic buildings.
- Preserve the integrity of the historic architectural features of individual buildings.
- Ensure that alterations and new construction strengthen and maintain the historic integrity of individual buildings and of the Historic Area at large.
- Encourage new development that will respect and enhance the visual character.
- ~~[Enhance the retail focus of the area.]~~
- Preserve the central area as a place for intense pedestrian activity.

Can we remove this bullet as it doesn't apply to the design specifics, but will be noted in the vision statement priority?

Yes
No
Discuss

All buildings in the district have been evaluated for historic significance and are subject to Landmarks Board review when exterior work is involved.

Working Group Comments:
Add a blurb that these guidelines apply to individually landmarked historic properties within the interface and non-historic areas of downtown.

Working Group Comments:
1.Add the City GIS or Hist. Pres. link to the notes column to provide access to the full range of historic property information and maps.
2. Merge the contributing categories.
3. Remove the Individually Significant Category as properties are subject to these guidelines when within the district as contributing buildings. Individually Significant (over 50 years old, eligible, not listed) properties outside of the historic district are not subject to these guidelines with the exception of demolition review. Building age and eligibility information is available on the GIS map.

of each building in the downtown area more than 50 years in age. The official Inventory/Survey forms on file indicate the level of significance of each building within the Downtown Historic District. For more information please visit www.boulderhistoricpreservation.net, or call (303) 441-1800.

Local Landmark Buildings

These buildings are officially designated as city of Boulder local landmarks. They have a special character, historic, architectural, or aesthetic interest or value in Boulder's local history. The greatest care must be given to preserving, restoring, and designing additions to these buildings.

~~*Individually Significant Buildings*~~

~~Individually significant buildings are those buildings that are considered individually eligible for the National Register of Historic Places or for local landmark designation. These buildings are typically fifty years of age or older, unless of a more recent architectural style or period. Care also must be taken in preserving and restoring them, as well as designing additions to these buildings.~~

Can we merge and streamline these categories under Contributing, as it's a measure of condition within the same class?

- ✓ Yes
- No
- Discuss

Contributing Buildings

Contributing buildings are those built during the district's period of significance (1858 through 1946), that exist in comparatively "original" condition, or that have been appropriately restored, and that clearly contribute to the historic significance or quality of the area. Such buildings may have additions that are compatible with the historic character of the original building. Rehabilitations and additions should be sensitive and appropriate to the historic building and historic district as a whole.

Contributing Restorable Buildings

Contributing restorable buildings are those built during the district's period of significance that have original material now covered, or buildings that have experienced some alteration, but still convey some sense of history. Restoration of these buildings would ensure their contribution to the historic quality of the area even though earlier additions may not be compatible. Restoration, rehabilitations, and additions should be sensitive and work to accurately recreate the appearance of the building based upon historic documentation.

~~*Non-Contributing Buildings*~~

~~There are two types of non-contributing buildings in the historic area: 1) buildings built during the district's period of significance that have been altered to such an extent that historic information is not interpretable and restoration is not possible. Such buildings should be evaluated on a case by case basis to determine if saving and restoring them is feasible or desirable; and, 2) buildings erected after 1946 which are not individually significant. For alterations to these buildings, the guidelines for new construction and remodel of non-contributing buildings apply, See Section 1.2.~~

Move to intro paragraph, due to importance?

Yes
No
Discuss

Working Group Comments:
Revise the 1.1. Title to reflect category revisions.

Universal Edit: kickplates to bulkheads, clerestory to transom

Note:
The city's historic preservation program reviews all exterior changes and site features, not building interiors.

1.1 ~~Guidelines for the preservation and rehabilitation of local landmarks, individually, significant, contributing and contributing restorable buildings.~~

While it is acknowledged that changes to structures in the Local Downtown Historic District will occur over time, it is also a concern that these changes do not damage the historic building fabric and character of downtown. Preservation of the exteriors and storefronts of these buildings will continue their contribution to the unique historic character of the downtown. Any building renovation or alteration, no matter the planned use, must retain the overall design integrity of the historic building by protecting the original features and materials and respecting the traditional design elements. Clarify. See Note 1 on following page.

Note:
It is not the intention of this guideline to recreate the past if the original building facade does not exist. However, if the original facade does not exist, but documentary evidence such as photographs of the original does exist, then one recommended alternative is to restore the facade. ~~Where exact reconstruction is not practical, new simplified contemporary interpretations of the original details are possible as long as the scale and character of the original detail is retained.~~

The following are the guidelines for the preservation and rehabilitation of local landmarks, individually significant, contributing, and contributing restorable buildings:

1.1.1 Preserve Original Façades

Preserva~~tion of~~ traditional facade elements ~~found on existing buildings creates patterns along the face of the block that contribute to the overall historic character of the area~~. These elements include:

A. Window [bulkheads]
B. Display windows
C. Entry door(s) and detailing
D. Storefront transom
E. Sign bands
F. Parapet walls with caps or cornices
G. Vertical window patterns, shapes, window sills on 2nd floor
H. Pilasters and decorative brick or stone

Revise the list. The items are not keyed to diagram 1-2 correctly.

Yes
No
Discuss

Yes
No
Discuss

Revise to upper story windows, fenestrations and details?

This is an example of some of the contradiction in the section. The intent is stated here as to not recreate, but the later guidelines for the non-historic are very similar to the historic requirements which elicit mimicry. This is a little loose on the application of the Sec. of Interior Treatment Standards.

Working Group Comments:
Revise the strikethrough text as indicated

Yes
No
Discuss

Delete? This can be covered with a refinement of the note above to reference to the Sec. of Interior standards, ie reconstruction.

The facade elements define a building's visual qualities and character. Respect the original design and materials of the building. Even when a building use has changed, it is still important to retain and/or interpret traditional facade elements. Incorporate into the 1.1 editing?

Yes
No
Discuss

~~Do not apply theme designs that alter the original character such as coach lanterns, mansa designs, wood shakes, non-operable shutters, and small-pane windows if they cannot be documented historically.~~

~~Preservation or restoration of ornamental cornices is particularly encouraged. Other important facade~~

Move the facade elements listed in 1.1.1 and 1.1.3, but not on the A-H list, to the itemized list, i.e. belt course, pilasters/piers, etc. Delete the remaining paragraph as it repeats how important these elements are and the necessity to preserve. There is no need to continue to make the case for preservation because the district is locally and federally recognized thus protected by existing regulations. This is repeatedly expressed and loses emphasis. The importance is covered in 1.1. Can we revise these 1.1.X items be very directive and instructive?

Yes
No
Discuss

Comments Page

The 1.1 Section tends to repeat preservation measures, body element preservation directives, and material/element references in the 1.1.x items where these can be concise. There isn't a clear distinction of guidelines between preservation requirements and alteration requirements for historic properties. Staff recommends making the historic requirements directive, concise and defining the distinction between preservation standards elements and the requirements for potential alterations for historic properties. May we refine the itemized guidelines to do this?

Yes ✓
No
Discuss

Working Group Comments:
1. Revisions to the structure of the section may include bringing the materials list 1.2.9 into the 1. intro section as to cover both 1.1. and 1.2. subsections.
2. Edit 1.1.1 preservation list to be comprehensive of the exterior building elements, and remove the redundant preservation items listed in 1.1.5-1.1.9
3. Make a distinction in the 1.1 Section between the preservation items and alteration items numerical structure.

Working Group Comments:
1. Revise 1-2 to correctly reference the itemized description form 1.1.1
2. Remove figure as it doesn't provide adequate direction.
3. Revise Fig. 1-4 to fit item 1.1.3 revision on character defining building alignments, i.e. vertical bays and horizontal storefront typology division.

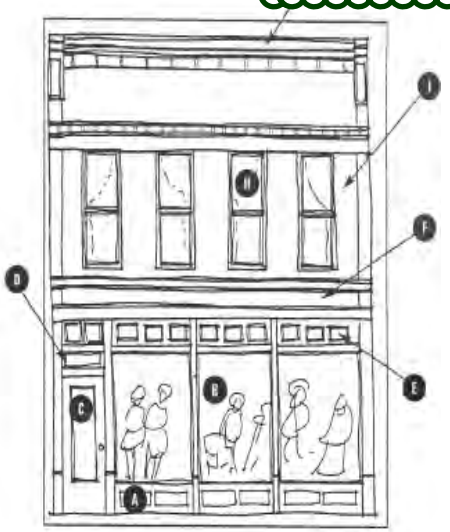


Fig. 1-2 Architectural Feature Alignment Diagram

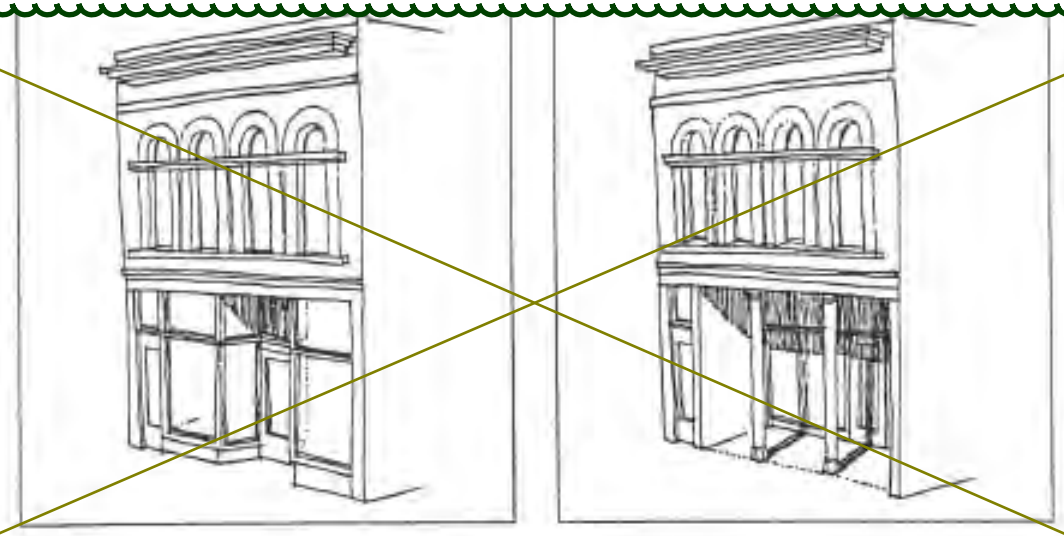


Fig. 1-3 Architectural Feature Alignment Diagram

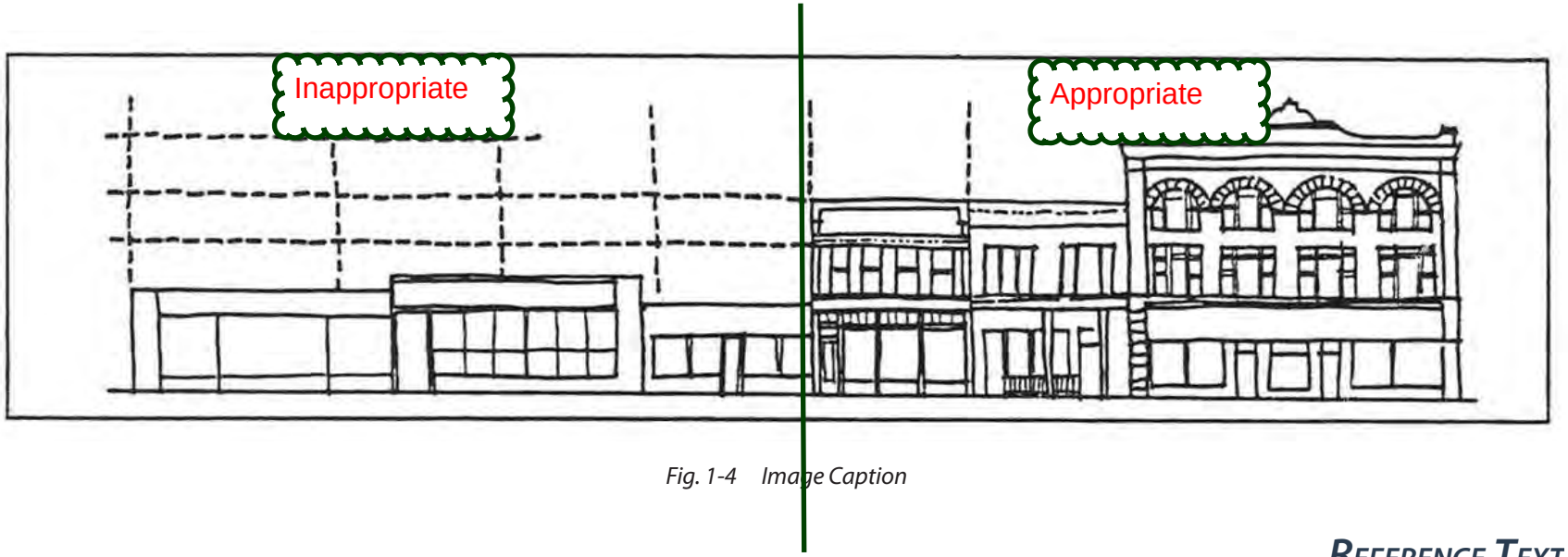


Fig. 1-4 Image Caption

Working Group Comments:
1. Revise 1.1.2 to add reference to the Sec. of Interior Standards for Treatment of Historic Properties.
2. Add simulated materials to the inappropriate/discouraged building materials list.
3. Revise the fragment sentences.
4. Move the individual building elements in 1.1.3 to 1.1.1, and revise 1.1.3 to focus on the character defining alignment features.

~~elaborate ornamentation than was originally found on the building facade is inappropriate. Preserve facade materials~~

Clarify this paragraph. This may best addressed simply, with a statement of preservation of original materials and a reference to the technical guides on rehabilitation and treatment of materials. http://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm

1.1.2 Retain original materials

Wherever possible through repair and restoration. Avoid concealing original facade materials. If the original material has been covered, uncover it if feasible. If portions of the original material must be replaced, use a material similar to the original. Brick was the predominant building material used in the downtown. Avoid the use of materials that are not visually compatible with the original facade, such as shiny metals, mirror glass, plastic panels, and vinyl windows or doors.

Retitle and revise to capture the importance of the traditional character defining alignment features, ie 25' bay widths/parcel lines and the Storefront commercial building typology with the ground floor store front and upper floors.
Buildings have quite a bit of individual identity at the finer grain, cornice alignment/style, ceiling heights of the storefronts vs. the upper floors. The other finer grain design elements vary building by building and are addressed in 1.1.1
-
Refine Figure 1.1.3 for this item.

1.1.3 Align architectural features and establish patterns with neighboring buildings

Restore or recreate the historic alignment of architectural features with other buildings on the block. These lines unify the street visually. The alignment of architectural features, from one building to the next, creates visual continuity and establishes a coherent visual context throughout the downtown. On commercial buildings they create patterns along the face of the block that contribute to the overall character of the area. Some facade elements that typically align with adjoining buildings include:

- Display window kickplates
- The top and bottom height of first floor display windows
- Transom over the entranceway
- Clerestory portion of display windows
- Horizontal and vertical proportions of the building
- Storefront and restaurant front windows
- Patio railings
- Window openings and styles, especially upper story windows
- Sign band above the street level
- Parapet and cornice line
- Window sills on upper floors
- Roof lines and proportions

Yes ✓
No
Discuss

1.1.4 Maintain the original historic line of the building setback

Preserve storefront display windows at the sidewalk edge. Maintain historic recesses and entryways where they exist. Occasionally, the line at the sidewalk is retained by the use of other elements such as planters, columns or railings, and the storefront is recessed.

Working Group Comments:
1.The discussion of alleys was tabled to the next session due to this content being located in two areas of this section (See page 53). Item to be addressed at Session 3.

This is contradictory to the preservation emphasis. Remove?

Yes
No
Discuss

Where buildings are built to the alley edge, consider alley display windows and secondary customer entries if original materials and features are not damaged. For projections into the sidewalk such as outdoor dining areas, follow the guidelines for encroachments into the right-of-way, Section 6.5.

~~*1.1.5 Maintain the original size, shape and proportion of storefront facades and openings to retain the historic scale and character*~~

~~For most historic buildings, large panes of glass at the display window level with solid kickplates below are appropriate. Multi-pane designs that divide the storefront window into small components should only be used if they restore proven historic elements and original openings.~~

~~*1.1.6 Maintain traditional recessed entries where they exist*~~

~~The rhythm of recessed entrances on the street contributes to visual continuity and historic character. Recessed entries identify the entrance and provide shelter, while corner entries on buildings located on the intersections of key streets draw pedestrians in. Use doors with a large area of glass above a solid panel at the base surrounded by a painted frame. Avoid unfinished anodized metal, bright aluminum, or stainless steel frames. Finished frames may be metal with black anodized or painted finish, however, painted or varnished wood is preferable. Residential type doors are not acceptable. If documentation of the entries is available, the recommended alternative is to restore the entry.~~

Items 1.1.5 through 1.1.9 are relistings of items in 1.1.1. Merge, refine and/or delete redunancies?

Yes
No
Discuss

Working Group Comments:
1. Delete items 1.1.5 to 1.1.9. Merge content to 1.1.1.

~~*1.1.7 Maintain the kick plate below the display window element*~~

~~Preserve the original kickplate whenever possible. For buildings with historic significance (local landmarks, individually significant, contributing, and contributing restorable buildings), restore the original kickplate from documentary evidence. If original information is not available, develop a new simplified design that retains the original character and dimensions of a kickplate that would most likely have been on the building.~~

~~For renovations where there is no documentary evidence, appropriate kickplate materials are: brick, painted wood panels, stone, and glazed tile or painted metal in muted tones. Align the kickplate with those of other historic buildings in the block.~~

~~*1.1.8 Preserve the transom and sign board features*~~

~~The use of a clear glass transom over doors, or clerestory feature within the upper part of the display window area, is most historic. This area has been used for a sign or decorative element. Retain the original materials and proportions of~~

~~the opening. If the framing that defines the transom has been removed, re-establish it in a new~~

REFERENCE TEXT

Working Group Comments:
1. Edit the awning requirements to be more general. Remove the language requiring referencing adjacent buildings, alignment, mounting edges, etc. as it creates situations where an awning would not be appropriate for the individual historic building characteristics (sign bands, window headers, transoms, etc).
3. Retain awning minimum height and general material requirements.
2. Make the numerical adjustment to reflect the distinction between preservation items and alteration items of historic properties within the historic district. Edit to begin at 1.1.10

~~design.~~

~~If the interior ceiling is lower than the transom or clerestory line due to later renovation, raise the dropped ceiling up from the window to maintain its historical dimensions. Align transom or clerestory window and framing with other adjacent buildings to maintain a clear line along the block face. Retain the original character and materials of the transom and the clerestory.~~

~~*1.1.9 Preserve the shape, materials and spacing of upper windows*~~

~~Re-open/reveal upper story windows if they are presently blocked. If lowered ceilings are necessary, pull the dropped ceiling back from the window. If re-opening the window is not feasible, recreate the original windows from historical documents. If original to the building, shutters may be considered to define the original window proportions.~~

~~Maintain the original spacing patterns of the windows. Preserve the window frame, sash, and surrounds. Repair rather than replace original windows; if repair is not feasible, replace with windows that match the existing windows as closely as possible. Size, frame and trim material, method of operation, size of sash members, window frame elements, and the pattern of divided lights are important features to replicate. A historic material such as wood is most appropriate. If molded plastic, vinyl or aluminum replacements must be used they should replicate original materials, finishes, and dimensions. Anodized, shiny, unfinished metals and altered dimensions are inappropriate.~~

1.1.10 through 1.1.13 address new alterations to historic buildings.

1.1.10 Awnings may be used to provide visual depth and shade

Awnings should be designed to fit the storefront opening to emphasize the building's proportions. Awnings should not obscure or damage important architectural details. An eight foot clearance from the sidewalk to the awning is required. ~~Align awnings with others on the block. This applies particularly to the bottom line of the awning. Mount the top edge to align with the top of the transom or with the framing that separates the clerestory section from the main display window.~~ The valance may be used for a sign.

Clarify the awning item with the emphasis on a careful consideration of the material, relationship to the building, etc.

Operable fabric awnings are encouraged. Metal awnings or canopies that are similar in form to fabric awnings may be appropriate when designed as an integral part of the building facade, not appearing as tacked-on additions. Awning color should be coordinated with the color scheme of the entire building front. Mechanized awnings and awnings on the upper stories are discouraged.

Yes
No
Discuss

Additions to historic buildings should be subtly distinguishable from the original while maintaining visual continuity through the use of design elements such as proportion and scale, siting, facade set-back, and materials that are of a similar color and texture.

Merge with 1.1.11 content

Yes
No
Discuss

REFERENCE TEXT

Working Group Comments:
Clarify the 1.1.11.B text to stipulate a higher percentage of opaque wall material to transparent glazing and the utilization of historically appropriate vertically oriented window proportions on upper floors storefront buildings.

Refine the wording and requirements.

Yes
No
Discuss

1.1.11 *Distinguish additions to historic buildings*

When design elements contrast too strongly with the original structure, the addition will appear visually incompatible. Conversely, when the original design is replicated, the addition is indistinguishable and the historical evolution of the building becomes unrecognizable.

A. For additions to the side of a historic building, retain the original proportions, scale, and character of the main facade. Position the addition so it is set back from the main facade, and express the difference between the original facade and the addition with a subtle change in color, texture or materials.

B. Maintain the proportions and the established pattern of upper story windows. In additions, upper floors should incorporate traditional vertically proportioned window openings within a more solid facade treatment than the lower floors. Use windows similar in size and shape to those used historically to maintain the facade pattern of the block.

C. Maintain the rhythm established by the repetition of the traditional 25 foot facade widths. In additions, maintain the rhythm of facade widths, especially for projects that extend over several lots, by changing materials, patterns, reveals, building setbacks, facade portions, or by using design elements such as columns or pilasters.

D. Set back additions to roofs of historic buildings, in order to maintain the height of the primary facade. New floors should be substantially set back from the primary facade so that the original building height and facade are clearly distinguishable from the new upper floor as seen from the street.

1.1.12 *Select building colors appropriate to the area's historic character*

In general, select a color scheme that will visually link the building to its past as well as to others in the area. Consider colors that are compatible with the building's predominant materials such as red brick or stone, or do an analysis of colors pre-existing on the building and use one of the colors found.

A. Develop a comprehensive color scheme. Consider the building as a whole as well as details that need emphasis. Softer muted colors establish a uniform background. In general, use one color on similar elements such as window frames to show that they are all part of the same facade. Reserve brighter colors for small special accents to emphasize entryways and to highlight special structural ornamentation.

B. It is not appropriate to paint unpainted brick. If the brick is already painted, paint removal is preferred. Avoid paint removal procedures that damage the original brick finish such as sand

REFERENCE TEXT

Consider referencing this to NPS tech doc recommendations.

Yes
No
Discuss

blasting or caustic chemicals. Before removing paint conduct a test to determine detrimental effects. If the existing paint on the brick is in poor condition and paint removal will damage the underlying brick, the brick should be repainted.

1.1.13 Minimize the visibility of HVAC units and other mechanical, structural, or electrical appurtenances

Use low-profile mechanical units and elevator shafts on rooftops that are not visible from the street. If this is not possible, setback or screen rooftop equipment from view. Also be sensitive to views from the upper floors of neighboring buildings. Skylights or solar panels should have low profiles and not be visible from public right-of-ways. These features should be installed in a manner which minimizes damage to historic materials.

Working Group Session #2 Ended Here.

1. Landmarks Board Members requested completed draft changes approximately one week prior to their monthly meeting in October to bring to their board for review and discussion. Staff is checking on the possibility of this turn around time line.
2. Agreement was made that a quick code reference in lieu of the detailed code notes throughout Section 1 would be appropriate.

Working Group Session 3 Began Here

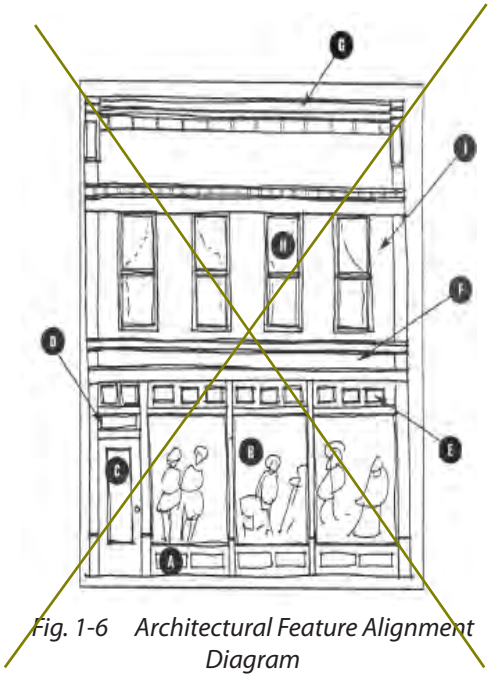


Fig. 1-6 Architectural Feature Alignment Diagram

Fig. 1-5 Image Caption

Working Group Session 3 Began Here

1.2 Guidelines for new construction and remodeling non-contributing buildings in the downtown historic district

Staff Comments:
In 1.2 defining the overarching character defining features will help to drive the design requirements for new construction without repeating 1.1.1 list for 1.2.1.
BDAB Comments: contradictions making application of the guideline difficult.

~~LB is responsible for reviewing all exterior changes and site features within the Downtown Historic District, not including building interic~~ Delete. Repeat from Section Intro.

The purpose of this section is to provide guidance for the design of new construction and the renovation of non-contributing buildings in the district, in order to retain the historic ~~context~~ character of the area ~~while providing new opportunities.~~ Delete?

Yes
No
Discuss

While new building design is expected to reflect the character of its own time, thereby making the downtown a living district, it is important that it also respect the traditional qualities that makes the downtown unique such as massing, scale, uses of storefront detailing and choice of materials. Guidelines from Section 1.1 concerning awnings, paint color, lighting, and appurtances to buildings are also applicable to these buildings. Furthermore, architectural styles that directly copy historic buildings, and theme designs such as "wild west" are not appropriate.

WG Comments:
1. Revise 1.2.1 A-I items to be inclusive of elements listed 1.2.2, 1.2.3, and 1.2.7. Historic elements are scattered around and can be consolidated into one area. In addition, review the list for accuracy.
2. Replace Figure 1-6 with photographic example of the integration of historic elements into new construction. Image options to reviewed and approved by the working group.
3. Add a note indicating the items listed in 1.2.1.A through "X" are not a checklist.

Discuss

1.2.1 ~~Incorporate~~ traditional design elements in new design

WG Comment:
Replace "Incorporate" with "Consider"

Repetition of traditional facade features creates patterns and visual alignments that contribute to the overall character of the district. While these features may be interpreted in new and contemporary ways, they generally include the following:

A. Kick plate as a base to the store front, height aligned with others in the block
B. First floor display window should be aligned with height of others in the block when possible
C. Incorporate a clerestory form in the display window
D. Transom, align with others when others are appropriately placed
E. Sign band
F. Parapet cap or cornices
G. Vertical window patterns and shapes, window sills on 2nd floor
H. Angled entrances on corners
I. Recessed central entrances

Revise 1.2.1 to list the character defining features.
ie materials, proportions, etc.?

~~1.2.2 Align architectural features with the established patterns of neighboring buildings~~

~~The alignment of architectural features and elements, from one building to the next, creates visual~~

WG Comment:
See comment on the next page regarding 1.2.2

WG Comment:
Replace detailed code language for brief references

WG Comment:
Strict horizontal alignment of elements is found to be problematic and not individualized for historic or new architectural elements, i.e. window sill, awnings. Delete this requirement, and merge any unlisted historic elements from the bullets into 1.2.1 .

~~must contain a building or buildings should not be less than 70% in the 1X DT-1, DT-2, DT-3, DT-4, and DT-5 zones.~~
~~CODE: Maximum front yard landscaped setback is 15 feet for buildings in the DT-1, DT-2, DT-3, and DT-5 zones. (BDH note: DT-4 now reflects a "NA" for a maximum setback)~~
~~CODE: Primary building entrance locations should face the street.~~

Is this more appropriate as a reference to the Code for details?

Yes
No
Discuss

~~continuity and establishes a coherent visual context throughout the downtown. On commercial buildings, they create patterns along the face of the block that contribute to the overall character of the area. Building facades should be designed to reinforce these patterns and support the area's established visual character. Some facade elements that typically align with adjoining buildings include:~~

- ~~Building kickplates~~
- ~~The top and bottom heights of first-floor display windows~~
- ~~Transoms above entrance doors, and clerestory elements in display windows~~
- ~~Horizontal and vertical proportions of the building~~
- ~~Storefront windows, even for restaurant venues~~
- ~~Patio railings~~
- ~~Upper story window openings and styles~~
- ~~Sign band above the street level~~
- ~~Parapet and cornice line~~
- ~~Window sills on upper floors~~
- ~~Roof lines and proportions~~

~~*1.2.3 Maintain the line of storefronts at sidewalk edge and orient main entrances to open toward the street*~~

~~For commercial style buildings, if a portion of the building wall is proposed to be set back from the sidewalk, careful consideration should be given to maintaining the front line of the building at the sidewalk edge through the use of planters, railings, columns or similar features up to an overhanging second floor.~~

~~Maintain the original setback of historic buildings. In many cases, the building's placement on the site is an important defining characteristic. For instance, the County Courthouse and the Post Office have an open area between the building and the sidewalk, which is important to retain. For historic buildings not located at the zero setback line, place the addition behind the original setback.~~

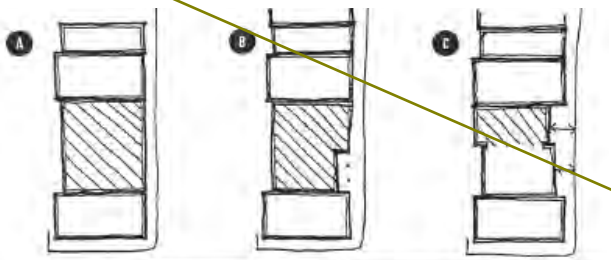
Refine 1.2.3. The first instruction is to maintain the original setback, then the paragraph goes on to diagram setback option for new buildings. This could be more concise. Revise?
Diagram needs to be revised.
Can this be revised to a simple build to line?

Yes
No
Discuss

~~A. Plan view of a new building aligned with existing buildings~~

~~B. A portion of a new building setback with the building line of the block maintained with a row of column to an upper floor.~~

~~C. A new building, on the same lot of an historic building set back to reveal the historic building~~



WG Comment:
The language and imagery for 1.2.3 is confusing or poorly worded. Revise the language for simplicity and add to 1.2.1 as historic element.
"Maintain the historic building line, unless there is a compelling reason."
-Planters and railings to disguise overhanging second floors is not an adequate design solution

WG Comment:
Replace detailed code language for brief references

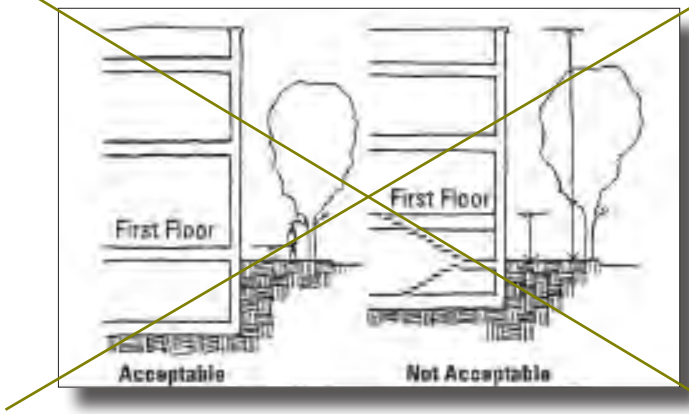
DOWNTOWN URBAN DESIGN GUIDELINES

~~CODE: First floor levels should be no lower than grade level and no higher than 2 feet above grade. (Consideration of flood mitigation design should be taken into account for buildings located in flood plain areas).~~

BDAB Comments:
The split level is an ideal setup for residential town home units in an urban area.

Yes
No
Discuss

1.2.4 Do not construct half-level or split-level first floors that extend both above and below grade



WG Comment:
-Verify code requirements and check for residential and commercial zoning within the historic district including above grade max.
-Remove the "split-level" language in the title as it is misleading and revise title to accurately reflect the entry and grade conditions.
-If both residential and commercial zoning exists/ is allowed in the historic district modify 1.2.4 to recommend the following:
1. commercial first floors to be constructed at grade
2. residential units to include entry stoops and/or porches 18" to 30" above grade.

Group Future Recommendations:
1. Make code changes for Downtown Corners.
2. Define the Character Areas of Downtown in a Downtown Area Plan or Urban Design Plan.
3. Consider adding a community benefits requirement to the guidelines.
4. Consider utilizing form-based code for the Downtown. Explore the possibilities, options and outcomes with a form-based code application of the height requirements and exceptions, building performance requirements and providing requirements to solve the urban "flat-top" effect.
5. Modify the Land Use Tables to address use issues which impact design and public space, ie Bank occupancy, By-Right Storefront etc.

WG Comment:
Replace detailed code language for brief references

Comments Page

Working Group Session 4 - Readdress 1.2.5 regarding height - continue to keep the height requirements intact per redlines below.

BAN DESIGN GUIDELINES

~~CODE: The allowable "by-right" height is up to 35 feet, with a maximum height of 55 feet through Site Review.~~
~~CODE: The maximum "by-right" number of stories is two stories, except in DT-5 on corner lots, 3 stories are permitted.~~
~~CODE: In the DT-5 zone, principal building height for a building located on a corner lot that faces two public streets may be increased up to 10 feet in height and up to 3 stories if: the building contains no more than 3 stories above the finished grade; the horizontal dimensions of the third story are no greater than 50 feet along the front yard street frontage by 70 feet along the side yard street frontage; the vertical planes of the third story are located directly above the vertical planes of the stories below; the zoning districts on the other three corners of the intersection where the property is located are within the DT-5 or P zoning districts; and the building is not within a historic district created under the provisions of chapter 9-11, "Historic Preservation," B.R.C. 1981.~~

Is this code reference applicable considering this is a historic district? Delete.
Put in a general reference directing applicants to the code for building heights?

Yes
No
Discuss

1.2.5 *Consider the height and mass of buildings*

In general, buildings should appear similar in height, mass, and scale to other buildings in the historic area to maintain the area's visual integrity and unique character. At the same time, it is important to maintain a variety of heights ~~to create visual interest~~. While the actual heights of buildings are of concern, the perceived heights of buildings are equally important. One, two and three story buildings make up the primary architectural fabric of the downtown, with taller buildings located at key intersections.

~~A. Strive for visual interest in building forms. With new construction, create architectural variety by stepping back upper floors and varying building massing, especially on larger sites.~~

B. Relate the height of buildings to neighboring structures at the sidewalk edge. For new structures that are significantly taller than adjacent buildings, upper floors should be set-back a minimum of 15 feet from the front facade to reduce the perceived height. ~~However, slender forms such as towers and dormers that extend forward to the front facade may add visual variety and interest to the set-back area~~

C. Consider the effect of building height on shading and views. ~~Building height can shade sidewalks during winter months leading to icy sidewalks and unappealing pedestrian areas. Wherever possible, new buildings should not shade the northern sidewalk area of east-west running streets at noon on December 21st, and should maintain view corridors~~.

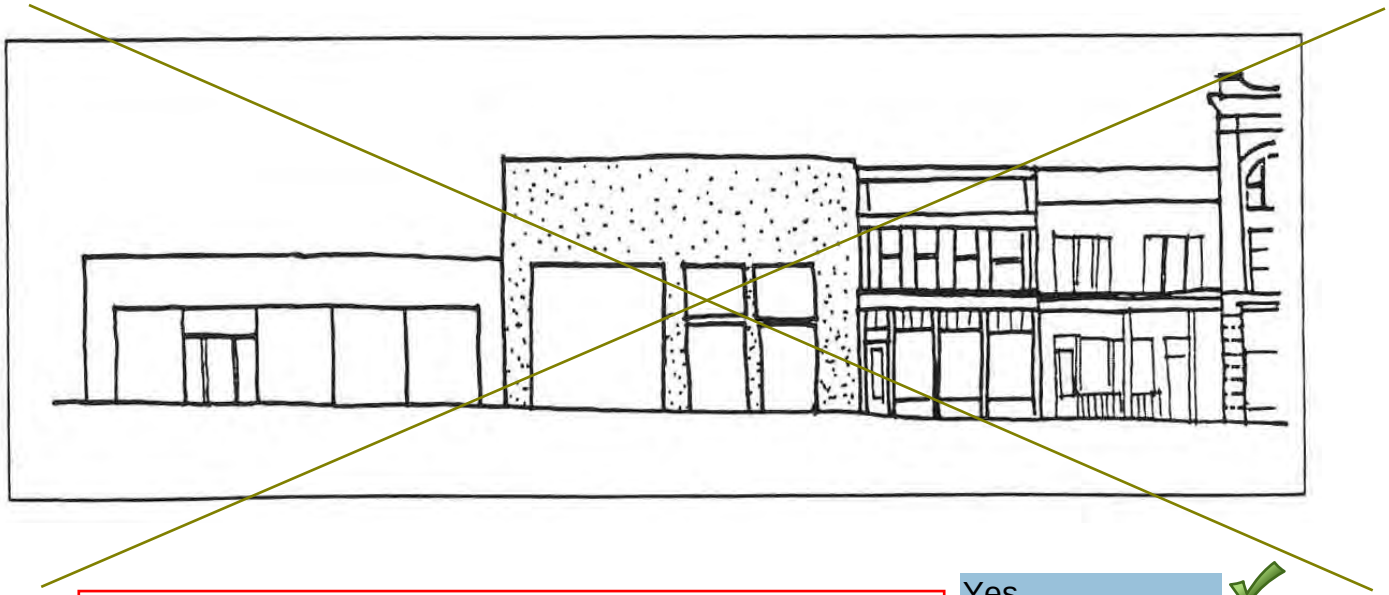
Yes
No
Discuss

BDAB Comment is "visual interest" has lead to chaotic forms and public dissatisfaction in design outcomes. Remove or Clarify.

WG Comment:
- Remove height and setback language as they are addressed specifically in the code. Focus 1.2.5 on mass and scale and with special consideration of the context and compatibility with the surrounding neighborhood.
- Relocate highlighted text from item B to the 1.2.5 main paragraph.
- Delete item A and C. Item A perpetuates the "chaotic" form. Item C will be addressed in the Introduction section and is repetitive.

1.2.6 *Maintain a human ~~building~~ scale rather than a monolithic or monumental scale*

Smaller scale buildings and the use of traditionally-sized building components help to establish human scale and maintain the character of downtown. Standard size brick, uniform building components, and standard window sizes are most appropriate.



This image isn't representative of human scale. Remove?

Yes
No
Discuss

WG Comment:
Replace detailed code language for brief references

Staff Comment - 1.2.7 is actually about the requirements if the building is a storefront type. If it's a storefront type new construction it must have x, y and z, i.e. display windows, vertically oriented windows on the upper floors, etc. Can we revise this?

Green Building requirements may conflict. Reference building code instead?

Yes
No
Discuss

~~CODE: For buildings located in the 1X DT-1, DT-2, DT-3, DT-4, and DT-5 zones, a minimum of 60% of a ground floor facade facing a public street shall be made of transparent materials, meaning glass or other similar materials that possess a minimum sixty percent transmittance factor and a reflectance factor of not greater than 0.25, or otherwise designed to allow pedestrians to view activities inside the buildings. This standard shall not apply to residential uses that may occur along the ground floor facade.~~
~~pg 35~~
~~CODE: Primary building entrance locations should face the street.~~
~~CODE: Minimum percentage of lot frontage that must contain a building or buildings should not be less than 70% in the DT-1, DT-2, DT-3, DT-4, and DT-5 zones. CODE: Maximum front yard landscaped setback is 15 feet for buildings in the DT-1, DT-2, DT-3, and DT-5~~
~~CODE: The allowable "by-right" height is up to 35 or 38 feet, with a maximum height of 55 feet through Site Review.~~
~~CODE: The maximum "by-right" number of stories is two stories.~~
~~NO LONGER A CODE REQUIREMENT~~
~~CODE: In the DT-5 zone, principal building height for a building located on a corner lot that faces two public streets may be increased up to 10 feet in height and up to 3 stories if: the building contains no more than 3 stories above the finished grade; the horizontal dimensions of the third story are no greater than 50 feet along the front yard street frontage by 70 feet along the side yard street frontage; the vertical planes of the third story are located directly above the vertical planes of the stories below; the zoning districts on the other three corners of the intersection where the property is~~

remove?

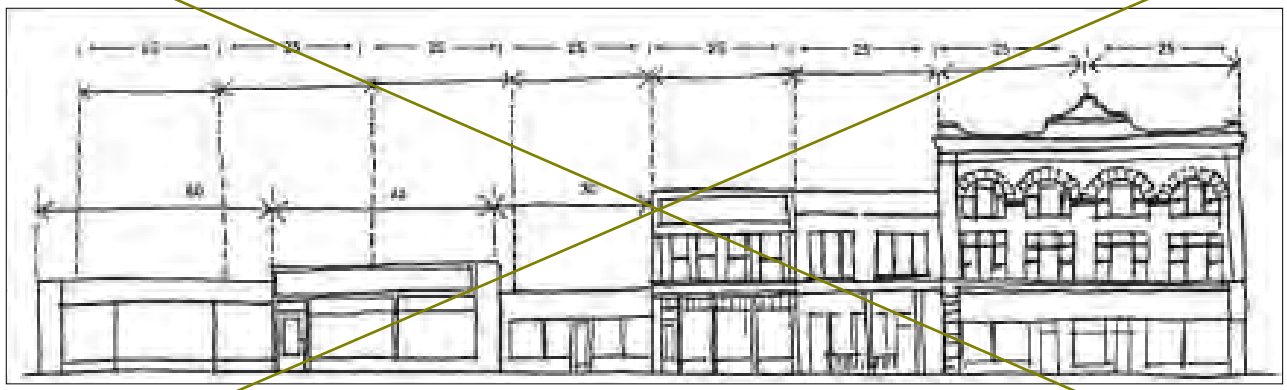
1.2.7 Maintain the proportions of storefront windows and doors and established pattern of upper story windows

Discuss

The first floor of downtown commercial buildings should be primarily transparent, with a pedestrian orientation and storefront appearance. Upper floors should incorporate traditional vertically proportioned window openings within a more solid facade treatment, awnings are not typically found on upper story windows. Use windows similar in size and shape to those used historically to maintain the facade pattern of the block. This is especially important for projects facing key pedestrian streets such as Pearl, 13th and 14th Streets.

1.2.8 Maintain the Rhythm Established by the Repetition of the Traditional 25 Foot Facade Widths

Maintain the rhythm of facade widths, especially for projects that extend over several lots, by changing materials, patterns, reveals, building setbacks, facade portions, or by using design elements such as columns or pilasters.



This diagram needs to be revised to indicated what is encouraged.

WG Comment:
1.2.7 - Merge the historic window proportions and fenestrations pattern to 1.2.1
Revise 1.2.7 to Respect the predominant adjacent building and neighborhood building types.
1.2.8 - Replace the diagram with a photo of downtown buildings within the 25' division overlay.

WG Comment:
Possibly bring this to the front of the section as to apply to both 1.1 Historic and 1.2 Historic District New Construction. Group agreed to this revision in Session 2, with approval pending review of the material changes.

Working Group Session 3 Ended Here. Group to review the appropriate/ inappropriate list independently for input at the next meeting.

Working Group Session 4 Began Here

Revise: wood exterior finish carpentry, stone lintels or sills

WG Comment:
Agreement to move all the material recommendations to the front of section.
-Add clause imitation or simulated materials is not recommended for the Historic District
-Add recommendation for full dimensional brick/stone in lieu of thin veneer products
-continue discussing regarding exterior tile as an appropriate material

Add EIFS
Add Simulated Materials

9 *Use building materials that have a texture, pattern and scale similar to those in the district*

The use of brick as the primary building material is encouraged to reflect historic building patterns in the commercial downtown. Choose accent materials similar in texture and scale to others in the district. These include:

- Brick and stone masonry
- Wood details such as around windows
- Finished lumber to achieve traditional patterns e.g.: horizontal siding rather than diagonal
- Finished painted metal and sheet metal
- Clear or lightly tinted glass
- Ceramic tiles
- Brick, clay and ceramic pavers
- Slate, finished metal, glazed ceramic and tile roofs
- Concrete and stone as lintels and wood or concrete columns
- Embossed metal or corrugated metal

The following materials are generally inappropriate:

- Coarsely finished, "rustic" materials, such as wood shakes, shingles, barn board or stained fir plywood.
- Poorly crafted or "rustic" woodworking and finishing techniques
- Indoor-outdoor carpeting or astro-turf
- Corrugated metal and fiberglass (unless used sparingly)
- Moss rock
- "Antique" or old brick with partial paint, mottled light variegated brick, oversized brick and white brick mortar
- Ornate wrought-iron, "New Orleans" style grille and rail work
- Stucco surfaces that are highly textured such as those sometimes associated with a "hacienda" or "Mediterranean" style
- Expanded metal
- Silver or clear anodized aluminum sheets
- Silver or clear aluminum extrusions for windows and doorways
- Residential type sliding glass doors
- Imitation wood siding or stone
- Flat or molded plastic sheeting in quantities exceeding five square feet when used as primary facade materials
- Imitation metal "rock work"
- Plastic molded imitations of any conventional building material

REFERENCE TEXT

WG Comment:
Alleys are important to the overall district circulation, but remove the "alley display windows" as they compete with the primary elevation.

- Mirror or metalized reflective glass
- Glass block

1.1.10 Improve rear or side alley elevations to enhance public access from parking lots and alleys.

Where buildings are built to the alley edge, consider opportunities for ~~alley display windows and~~ secondary customer or employee entries, if original walls are not damaged.

Screening for service equipment, trash, or any other rear-of-building element that can be visually improved, should be designed as an integral part of the overall design. Where intact, historic alley facades should be preserved along with original features and materials. Alterations should be sensitive to and compatible with the historic scale and character of the building and area.

BDAB Comment:
Emphasizing alley detract from the primary mall area. Remove this item.

Yes
No
Discuss

This Page is Intentionally Left Blank

Staff Comment:
Revise Map to reflect the Non-Historic Area. Improve clarity, remove detailed historic building layers, etc.

Yes
Discuss

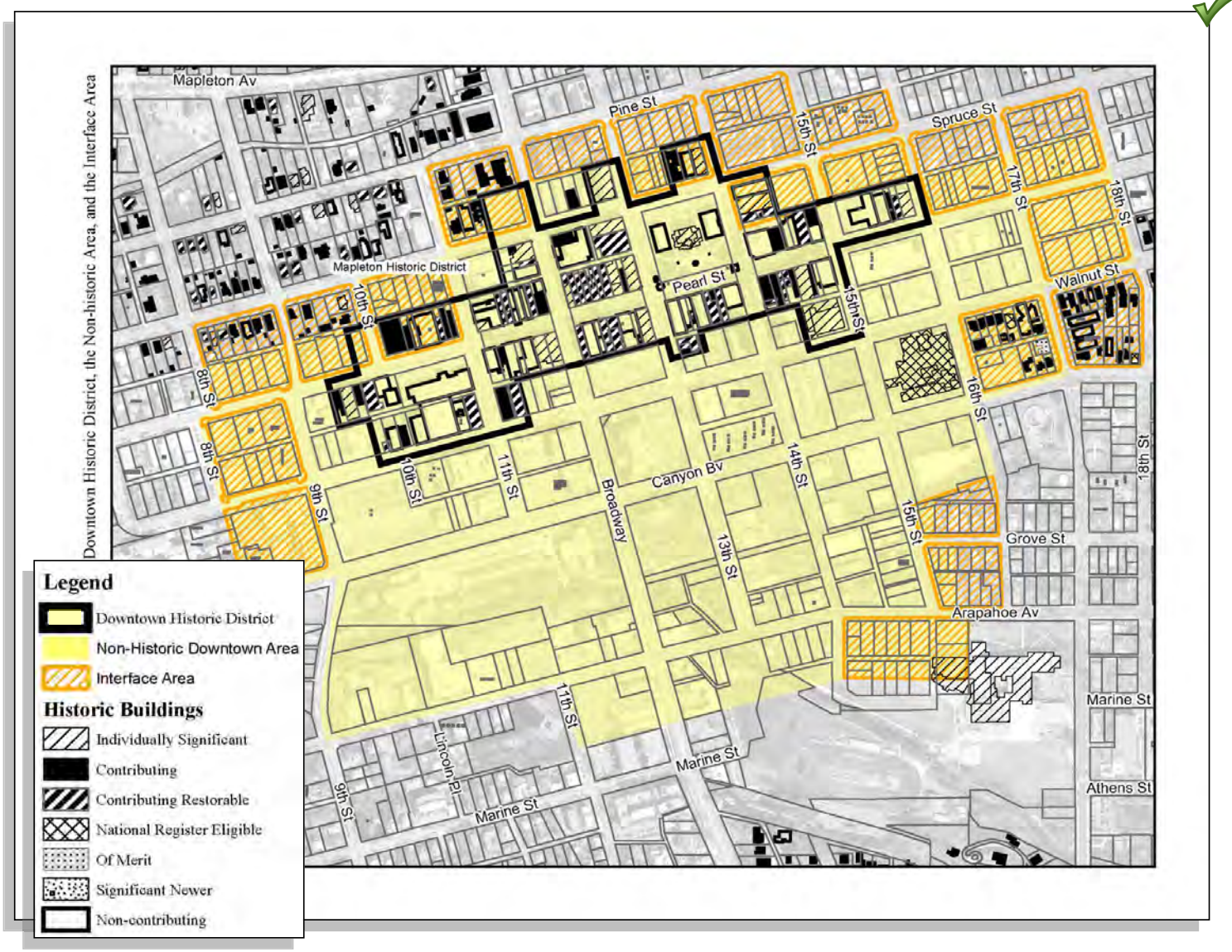


Fig. 17 Map of the Downtown District, Non-HIstoric and the Interface Area

BDAB Comments:
There is significant vague language which isn't helpful in providing direction. The most problematic areas are in beginning of the chapter. Vague directions include "creation of variety in building forms", "inhospitable pedestrian designs". BDAB recommends precision language when making requests of applicants.

Section 2: The Non-Historic Area

BDAB Comment: This a generalized statement. Delete?

~~The Non-Historic Area offers unique opportunities for design options and creation of variety in building forms. A focus on pedestrian activity and attention to massing, scale and alignment of building features are important design considerations~~.

~~Other~~ important design elements are 1) the Non-historic Area's relationship to its surroundings, including the Historic Area, the Civic Park area, and the neighborhood interface areas, 2) the pedestrian quality of the area including the downtown Boulder mall, east and west Pearl Street, Spruce and Walnut streets, Canyon Blvd. and the north-south streets that connect Civic Park to the mall area, and 3) that new building design can reflect the character of its own time while respecting the integrity, scale, and massing of historic buildings in the area.

The highlighted text is a repeat condition from the Historic District. Delete or Modify?

While creative interpretations of traditional design elements~~, and designs that reflect the character of their time,~~ are encouraged, they should be compatible ~~with but distinguishable from their historic neighbors~~. ~~Architectural styles that directly copy historic buildings and~~ theme designs, such as "wild west" or "neo-chalet" are inappropriate to the character of downtown Boulder. These guidelines also discourage projects that create inhospitable pedestrian design, and buildings that are inappropriate in scale and massing to their surroundings.

compatible with the character of downtown.

BDAB is responsible for reviewing all projects in the Non-historic Area and the Interface area which are:

- Visible from the public realm and adjacent properties, or
- In the Site Review process, or
- With a value of $25,000 or more.

Staff Comments:
The individual design elements on the following pages are copied over from the historic district guidelines. The items match almost word for word. Is the intent for the Non-Historic Area to have the same requirements as the Historic Area?
If so, then it may be most effective to merge these two sections instead of repeating ourselves. Or incorporate similar revisions to from 1.2 section in the 2.1 section.
From review it appears this The Non-Historic Area is intended to have a bit more design flexibility while the historic district is more restrictive. Revise the following requirements to better articulate the conditions.

The urban design objectives for the Non-Historic Area are to:

- Reinforce the character of downtown as a pedestrian place by encouraging architectural solutions that are visually ~~interesting~~, stylistically appropriate to their context, and compatible in scale and character with their street. pleasing
- ~~Strengthen the identity of downtown as a place where people feel welcome and comfortable through the careful selection of building materials and human scale design.~~
- ~~Encourage development that complements pedestrian activity~~.

Eliminate the last two bullet points, merge the first objective into a strong purpose statement and move to the beginning of this page.

Discuss
No

These bullets are repeated throughout this document in various generalized ways. They will be covered in the Introduction Section and the Public Realm Section. Delete?

No

BDAB Comments: Continue to recommend the non-historic area to incorporate and reference context appropriate designs compatible with downtown.

DOWNTOWN URBAN DESIGN GUIDELINES

Staff Comments:
Modify the 2.1 to reference major character defining elements of the district instead of singularly referencing storefront facades.
Ex. Materiality (Brick?), 25' Building Modules, Consistent building rhythm, Establish the first floor as primary in the floor to floor height ratios (Commercial), Limit Material Pallettes, discern between residential requirements vs. commercial, etc.

No

WG Comment:
Merge 2.1 and 2.2 into a single title sentence "Consider incorporating traditional facade elements and architectural features elements into new construction"
Paragraph under to reference 1.1 section for list of historic elements and diagram.

2.1 Consider incorporating traditional facade elements in new designs

~~Repetition and use of traditional facade elements creates patterns and visual alignments that contribute to the overall character of the historic commercial area. While these features may be interpreted in new and contemporary ways, they include:~~

~~A. Kick plate as a base to the store front or restaurant front. Align the height with others when possible.~~

~~B. First floor display window. Align with height of others in the block when others are appropriately placed.~~

~~C. Transom. Align with others when others are appropriately placed.~~

~~D. Sign band.~~

~~E. Parapet cap or cornices.~~

~~F. Vertical window patterns and shapes, window sills.~~

~~G. Angled corner entrance.~~

~~H. Recessed central entrances~~

~~2.2 Consider the alignment of architectural features and established patterns with neighboring buildings~~

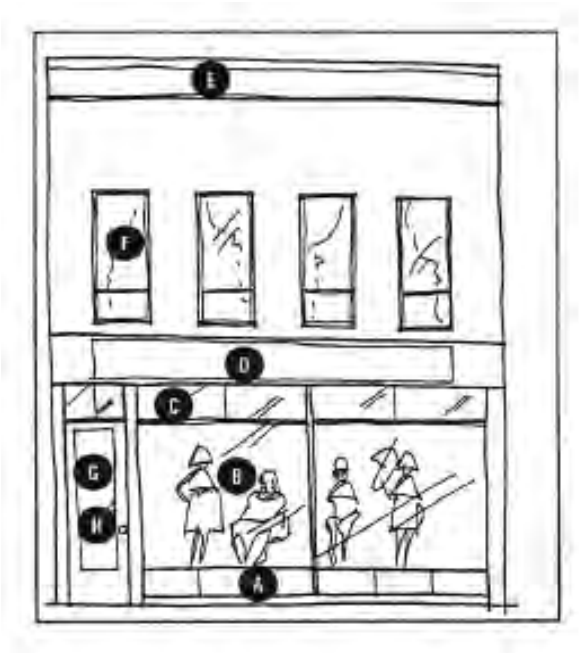
~~The alignment of architectural features, from one building to the next, creates visual continuity and establishes a coherent visual context throughout the downtown. While new building forms are expected, building facades should be designed to reinforce these patterns and support downtown's established visual character. Some horizontal elements that typically align with adjoining buildings include:~~

- ~~Building kickplate~~
- ~~The top and bottom height of first floor display windows~~
- ~~Transom over the entranceway~~
- ~~Horizontal and vertical proportions of the building~~
- ~~Storefront windows~~
- ~~Patio railings~~
- ~~Window openings and styles, especially upper story windows~~
- ~~Sign band above the street level~~
- ~~Parapet and cornice line~~
- ~~Window sills on upper floors~~
- ~~Roof line and proportion~~

Universal Edit: Strict horizontal alignment is inappropriate for individual buildings regardless of historic or new construction status.
Merge individual bullets into 2.1 if historic references are important to non-historic area guidelines.

BDAB Comments:
The drawings and analysis which translates into the design requirements is inaccurate. Heights vary, horizontal alignment, floor plate heights vary building to building, materials vary, etc. The drawings and analysis need to be correct.

WG Comment:
These diagrams to be referenced in the Historic District section.



These are repeat images, not very instructive, and keyed incorrectly. Delete?

Fig. 18 Typical Facade Elements

Fig. 19 Illustration of Architectural Alignment on the Block Face

BDAB Comments: There is a variation of heights in the district. Within the maximum buildable height, the human eye doesn't perceive the differences as much as we'd like to believe. Thus having a 25' building next to a 45' building next to a 55' building, etc presents and can feel cohesive in scale when utilizing other consistent architectural references. Recessing the upper floors doesn't reduce the perceived height. It's the stylistic elements of the buildings, the nods to the context, and architecture detailing which provide the human scale references.

Replace with content which explains any setbacks from the predominant building line must be justified.

WG Comment: 2.3 Build to the setback line. Remove the paragraphs below.

2.3 Maintain the line of building facades and storefronts at sidewalk edge in blocks

~~Buildings or other design features that are built up to the sidewalk maintain a line of visual continuity and provide visual interest for pedestrians. If a portion of the building facade is set back from the sidewalk, the sidewalk edge should be visually maintained through the use of a line of columns supporting upper floors or other features, such as a change in surface texture, a line of planters, portals, or railings.~~

~~or buildings should~~ No

Paragraph 2 is a repeat of Section 1 Historic District requirements. Delete?

Yes

Discuss

No

~~Maintain the original setback of historic buildings. In many cases, the building's placement on the site is an important defining characteristic. For instance, the County Courthouse and the Post Office have an open area between the building and the sidewalk which is important to retain. For historic buildings that are not located at the zero setback line, place the addition behind the original setback.~~

Working Group Session 4 Ended Here

2.4 Consider the ~~height~~, mass, and scale of buildings

Buildings that appear similar in mass and scale to other buildings in the area help to maintain the coherent visual ~~image~~ of the downtown character. At the same time, it is important to maintain a variety of heights ~~to create visual interest.~~ While the actual heights of buildings are of concern, the perceived heights of buildings are equally important. One, two and three story buildings make up the primary architectural fabric of the downtown, with taller buildings located at key intersections.

A. ~~Maintain visual interest in building forms. Create architectural variety by stepping back upper floors and varying building massing, especially on larger sites.~~

B. ~~Relate the height of buildings to neighboring structures at the sidewalk edge. For new structures that are significantly taller than adjacent buildings, upper floors should be set-back a minimum of 15 feet from the front facade to reduce the perceived height. However, slender forms such as towers and dormers that extend forward to the front facade may add visual variety and interest to the set-back area.~~

C. ~~Maintain a standard floor to floor height. Generally, for commercial and residential buildings DT-2, DT-3, DT-4, DT-5 the ground level floor to floor heights should be approximately 13 to 15 feet and up to 12 to 14 feet for the second floor. This is particularly important in the DT-5 zone along Walnut Street. It is also important guideline for commercial buildings, but not necessarily for residential buildings in the RB- 3X and RB-3E zones.~~

D. ~~Consider the effect of building height on shading and views. Building height can shade sidewalks during winter months leading to icy sidewalks which can discourage pedestrian activity. Wherever possible, new buildings should maintain view corridors and should not shade the northern sidewalk of east-west running streets at noon on December 21.~~

Staff Comments:
2.4.A Remove visual interest verbage. Again this is ambiguous and has not resulted in better architecture.
2.4.B Delete the upper floor setback requirement as it's redundant and covered in the code. The variety of building heights is within a cohesive range and the max. height limits protect from directly out of proportion heights. Requiring additional setbacks below the height required by the code has not resulted in better buildings or buildings which feel smaller. Delete "the slender forms, towers and dormers to add visual variety and interest.". This is chaotic and misleading to promote these to applicants as a "variety" catch-all category.
2.4.C Allow the building program to define the first floor (primary) height, and the upper (subordinate) floor to floor height pattern.
2.4.D Remove the shading requirement. DT zone districts are SAIII and not regulated for solar access. Adequate shading results from the existing height limits, upper floor setback requirements and site review process.

Yes

Discuss

No

2.5 Maintain a human ~~building~~ scale, rather than monolithic or monumental scale

Avoid large featureless facade surfaces. Facade elements that are familiar to the pedestrian help establish

Working Group Session 4 Future Recommendations:
-Consider a Downtown Master Plan
-Reformulate the Design Guidelines
-BDAB Early Participation
-Define a vision for the city
-What about the height limit?
-First floor uses need to be addressed.
-Materiality and construction techniques need to be discussed and defined.

Images are redundant or do not communicate the idea well. Delete images?

Fig. 20 A New Building with Visual Interest, Standard Floor to Floor Height and Traditional Facade Elements

Fig. 21 Illustration of Architectural Feature Alignment on the Block Face

Display Windows are not standard size. They are intentionally oversized windows.
Remove?

Working Group Session #4 Began Here.

AN DESIGN GUIDELINES

the ground plane"

~~**CODE:** For buildings located in the 1X DT-1, DT-2, DT-3, DT-4, and DT-5 zones, a minimum of 60% of a ground floor facade facing a public street shall be made of transparent materials, meaning glass or other similar materials that possess a minimum sixty percent transmittance factor and a reflectance factor of not greater than 0.25, or otherwise designed to allow pedestrians to view activities inside the buildings. This standard shall not apply to residential uses that may occur along the ground floor facade.v~~

~~**CODE:** For buildings located in the DT-1, DT-2, DT-3, DT-4, and DT-5 zones, a minimum of 60% of a ground floor facade facing a public street shall be made of transparent materials, meaning glass or other similar materials that possess a minimum sixty percent transmittance factor and a reflectance factor of not greater than 0.25, or otherwise designed to allow pedestrians to view activities inside the buildings. This standard shall not apply to residential uses that may occur along the ground floor facade.~~

~~**NOTE:** First floor levels should be no lower than grade level and no higher than 2 feet above grade. (Consideration of flood mitigation design should~~

a sense of scale and create visual patterns that link buildings within a block, while allowing individual identity of each building. ~~Smaller scale buildings and~~ the use of traditionally-sized building components help to establish human scale and maintain the character of downtown. Standard size brick, uniform building components, and standard window sizes are most appropriate.

2.6 Create pedestrian interest at the street level

A. Develop the first level of buildings to provide visual interest to pedestrians. For a non-residential building, the first floor street walls should contain architectural elements that create visual interest and a pedestrian street environment such as display windows facing the sidewalk, outdoor dining areas, display cases, public art integrated with the building design, and architectural elements and details that create visual interest.

B. Consider how the Texture and Pattern of Building Materials Will Be Perceived. Use building materials that are familiar in their dimensions and that can be repeated. To help establish a sense of human scale use familiar building components in traditional sizes. For example, standard size brick, uniform building components, and typical window sizes, help to establish human scale. Combining building materials that can be visually contrasted also helps to achieve a sense of human scale.

C. Maintain The Design Distinction Between Upper And Lower Floors. ~~Develop the first floor facade as primarily transparent, making it inviting to the public.~~ Consider using windows and other architectural features to create a pattern that will reinforce the traditional facade rhythm found on commercial buildings in the downtown area. Upper floors generally are differentiated through the use of more solid areas than voids and with smaller, vertically oriented windows in a regular pattern.

2.7 Avoid half-level, or partial-level basements that extend more than 2 feet above grade

Rework this similar to the stoop/porch item in Section 1.2.4 with commercial at grade and residential above grade.

No

Merge 2.5 and 2.6 as both items are essentially discussing human scale design and requirements. Remove the redundant requirements already covered in the code, ie. ground floor transparency.
Merge?

No

Universal Edit: The code notes are repeat, verbatim code text from Section 1. Replace Code text with a short reference to the code.

BDAB Comment:
Transparency can be found in other undesirable building types and in general isn't a guarantee for providing pedestrian interest. It's a combination of design elements which provide pedestrian interest.
Use basic building material logic (Heavy material below lighter material, etc) to promote pedestrian or human scale design. See the Basic Design Requirements on the next page.

BDAB Comments on Design Rule Recommendations Below:
Basic Design Rules:
1. Use heavier materials below lighter (e.g. stone below stucco, below wood, below metal...
2. Use heavier materials on the primary mass, and similar or lighter materials on accessory elements (e.g. Brick buildings have brick or wood bay windows, porches, pergolas. Wood buildings do not have brick bay windows, porches, pergolas.) Lighter materials are subsidiary to heavier, to organize the massing logic coherently.)
3. Use materials logically. Use more durable materials to resist heavier use and greater impacts.
4. Material changes should generally occur horizontally, not vertically. (see #1)
5. One or two wall materials are traditionally enough, with a third material for windows and trim. More than three wall materials and the building becomes capricious and chaotic (ransom note like)
6. Door and wIndow openings shall be square or vertically proportioned to respect the familiar patterns, rhythms, and human scale of the historic districts.
7. Facades along pubic streets where pedestrians are expected or desired shall generally be sheer and not stepped back, to define the "walls" of the "outdoor rooms" that urban streets need to provide a sense of enclosure and comfort for pedestrians. Sheer facades also express gravity, as the load paths of the wall materials bear on the wall below, so the strength of the wall resisting gravity is expressed in it's massing. That strength is comforting to people, as an expression of civic and structural durability.
8. In Downtown Boulder, architectural interpretation should respect these fundamental material properties and architectural logic. Defying this logic defies the primary ingredients that make Downtown Boulder unique. If you need to cantilever concrete above paper, because you can, and you need to use random and chaotic materials organized in no particular way, do that somewhere else.
9. Special exceptions are permitted for special buildings like art museums, by review.

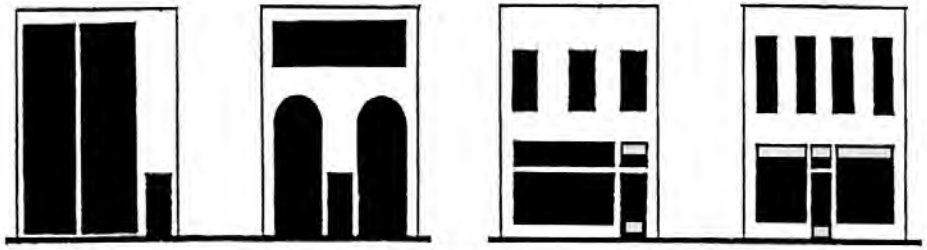
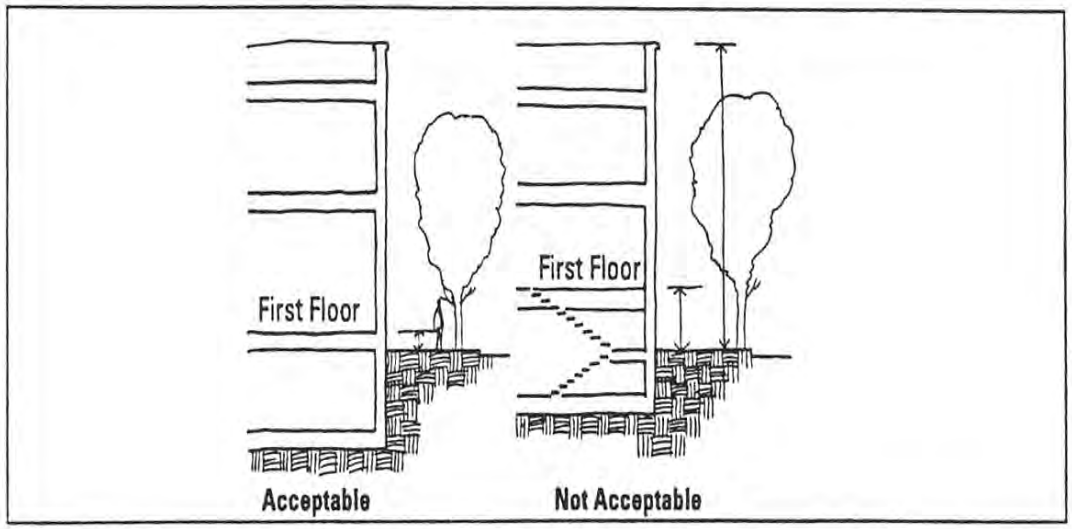


Fig. 22 (Right) Unacceptable does not distinguish between upper and lower floors; (Left) Acceptable distinguishes between upper and lower floors



Remove Fig. 23 Not applicable.

Fig. 23 Image Caption

Yes
Discuss
No

Visibility into storefront windows is covered in window transparency code reqs. Delete.
Merge awnings and/or other ground floor human scale design aspects which provide shade or shelter into item 2.5.

~~Note: See Section 6: Encroachments into the public right-of-way discussion on revocable lease and allowable dimension~~

Merge 2.9 into 2.1?

Yes
Discuss
No

~~2.8 Shade storefront glass by appropriate means~~

~~To permit good visibility into storefront windows, and to create pedestrian interest, use awnings or, for buildings with recessed first floors, consider arcades.~~

Merge 2.10 into 2.5 to create a single item about human scale.

Yes
Discuss
No

2.9 Maintain the rhythm established by the repetition of the traditional 25 foot facade widths

Maintain the rhythm of facade widths, especially for projects that extend over several lots, by changing materials, patterns, reveals, building setbacks, facade portions, or by using design elements such as columns or pilasters.

A single facade should not exceed a maximum of 75 linear feet (equivalent to three traditional lots). Traditional, established breaks between buildings, such as alley ways, should be maintained.

The block pattern has depths ranging from 100 to 140' with primary facades ranging from 25' to +100'. Is the 75' max length for a single facade appropriate in the Non-Historic area?

Yes
Discuss
No

2.10 Consider the scale, texture, and pattern of building materials

Use building materials that are familiar in their dimensions and that can be repeated. To help establish a sense of human scale, use familiar building components in traditional sizes. For example, standard size brick, uniform building components, and typical window sizes, help to establish human scale. Combining building materials that can be visually contrasted also helps to achieve a sense of human scale.

2.11 Consider the quality of open space incorporated in new and renovated buildings

Do we want to consider moving all open space requirements for site design into Section 6?

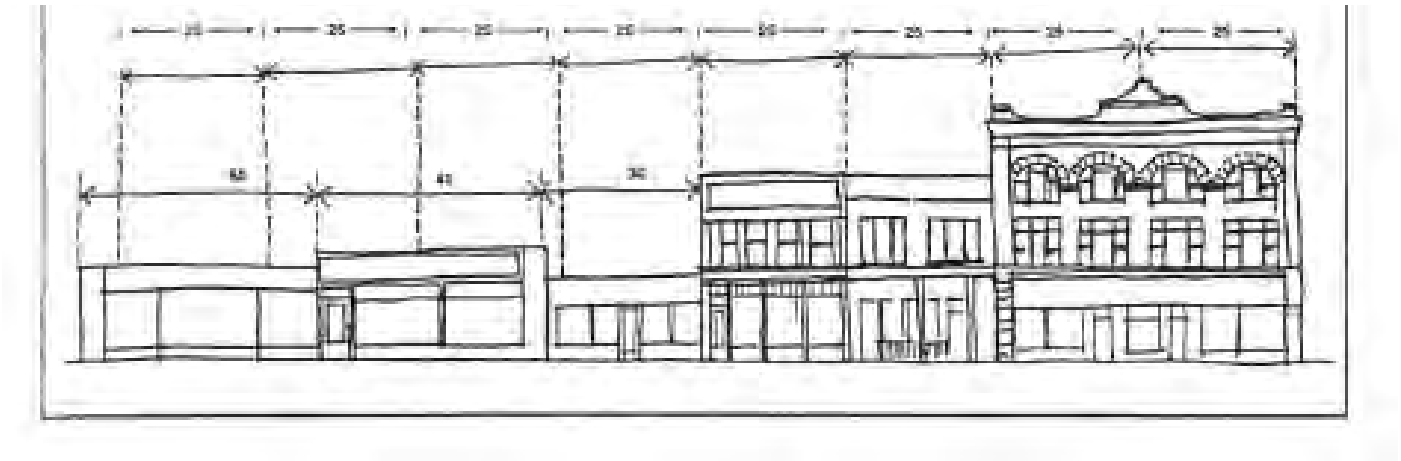
Yes
Discuss
No

A. **Create comfortable, safe, accessible, and appropriately located open spaces to provide pedestrian interest and convenience.** Orient open spaces to the sun and views. Create a sense of enclosure while maintaining safety, so that open spaces feel like outdoor rooms. Provide seating that is usable year-round. Plazas, courtyards, pocket parks, and terraces should be designed to be easily accessible and comfortable for a substantial part of the year. See Section 6.7.

B. Connect open spaces to other activity areas where people gather to sit, eat, or watch other people. Locate sidewalk restaurants or outdoor dining areas on or adjacent to open spaces and pedestrian routes such as sidewalks and green areas. Connect shops or office entrances directly to places where people gather or walk. Where appropriate and allowable, the use of well designed and shielded rooftop decks for restaurants and access to views is encouraged.

Fig. 24 First floor awnings provide shade and visual interest

Fig. 26 Attractive Open Spaces Encourage People to gather Downtown



Replace all images on this page.

Fig. 25 Illustration of the 25 foot wide pattern of downtown facades

BDAB Comments:
Canyon Boulevard is lacking in many ways and doesn't live up the standard of some of the other streets as far as design requirements, pedestrian atmosphere, etc.
1. Canyon should be fostered and merged into the larger downtown vision instead of the fringe.
2. The civic or park space south of Canyon is limited to a few blocks, so don't promote this as the standard or the context for the whole street.
3. Do not encourage roof decks in this zone. They removes people from the street.
4. In general, Canyon isn't hospitable for pedestrian, ground floor activation.
5. Encourage a consistent building setback line which is closer to the sidewalk. The area is affected by undesirable uses and poor design.

This is not a design guideline these are land use and civil engineering concerns addressed, referenced and accessed in other areas of the code, GIS, etc. Delete?

Yes
Discuss
No

Working Group comment: Since the adoption of the current version Canyon has undergone the redevelopment focused on the items listed. Remove any Canyon Blvd specific design constraints and incorporate the area into the Non-historic/Interface Chapter. Current recommendations are to consider any remaining areas of Canyon Blvd in any pertinent plans, eg the Civic Area, or in the future recommendations of discrete sub-area character studies, connection plans, etc., and a more robust downtown master plan, regulating plan, or design guidelines.

up at the same set-back line and feature a deeper setback from Canyon Blvd. Features such as outdoor restaurants, pocket parks, pedestrian seating areas, and roof terraces and balconies on upper floors are encouraged along the south facing facade.

C. ~~Ensure that new development or renovation is in compliance with the city's, and if required, national flood control standards. The architecture and use of buildings in the area south of Canyon Boulevard differ from the urban character of buildings along Pearl and Walnut streets. This area is directly affected by the Boulder Creek floodway which can affect the location, siting, and building design of construction projects.~~

D. ~~Building forms compatible with the scale and character of the area are strongly encouraged. variety of building heights and forms is encouraged with primary entrances to shops and offices facing the main street.~~

2.12.D is redundant as compatibility is stated at the beginning of Section 2. Delete?

Yes
Discuss
No

E. Parking should be located to minimize visibility from the street, preferably at the rear of buildings not to the building side or front. In this special area, focused on pedestrian ways, parks, and a unique mix of uses, keeping a downtown image of buildings facing onto the ~~street~~ is important. sidewalk

Pedestrian and bicycle connections through the area that integrate park, creek, and sidewalk systems are strongly encouraged. Bike and pedestrian pathways that connect the area internally and to surrounding areas, and that take advantage of the park and creek system that runs through the area, are desirable in maintaining the area's unique character. When feasible, encourage right-of-way access routes through properties that can link bike and pedestrian pathways.

These items apply to the whole downtown area in general. They are broad based design requirements best suited to the Intro Section or overarching design requirements. Move them to a higher priority?

Discuss
No

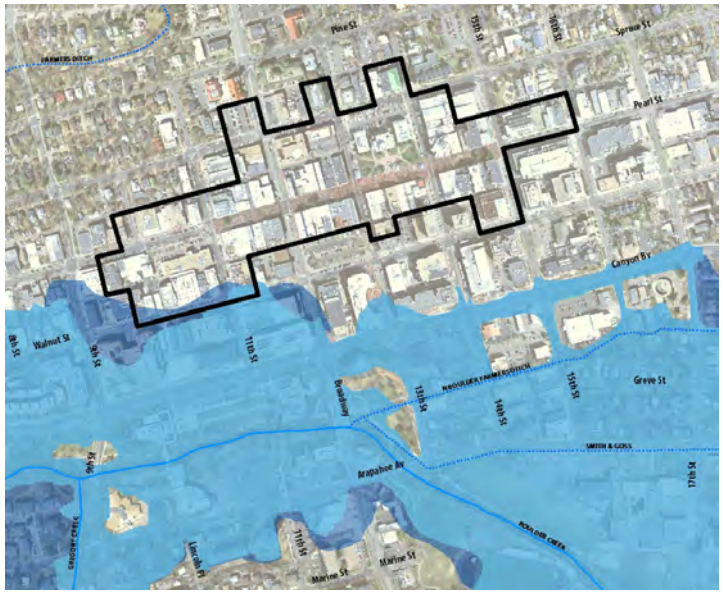
G. ~~When adapting residential structures to commercial use, respect the residential character of the building front. Avoid altering facade elements such as porches, original windows, building forms, and materials on the facade when adapting residential structures to commercial uses. New additions should be set back from the primary facade or placed to the rear or the side of the property.~~

Integrate into the Section 1 regarding Historic District and Individual Historic Properties in the larger Downtown. Rework the final sentence to emphasize alterations, additions etc shall be subordinate to the historic construction. Restricting redevelopment of non-historic residential structures in this manner isn't appropriate for an urban setting, and this is more of a land use issue/control.

Yes
Discuss
No

Staff Comments: Is promoting Canyon as a special street, or separate area of downtown, resulting in positive design outcomes and a better quality street life? Is having these separate distinctions appropriate? Can we merge Canyon's design requirements into the whole of section 2? Canyon appears to be the "wall" between the park/civic area and the rest of downtown. The question may be how to provide better integration across the park/civic area, Canyon and into Downtown. What types of urban design strategies, building to street edge and finer grain building design elements could augment this integration? This may be part of future recommendations.

Yes
Discuss
No



Remove Fig. 27

Fig. 27 100 and 500 year flood plain

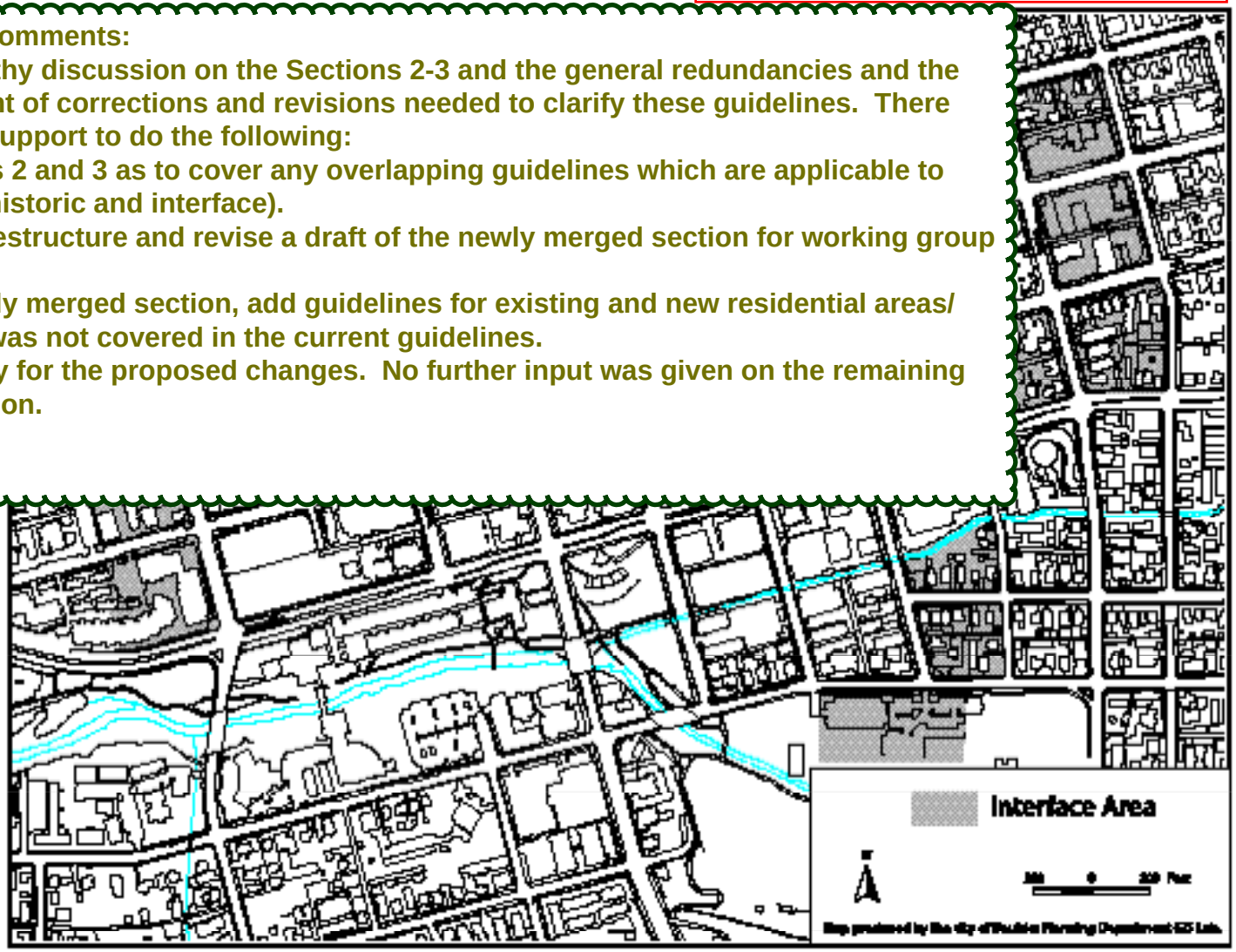
Fig. 28 Strong pedestrian connection across Broadway

Working Group Session #4 continued into Section #3 Interface Areas

DOWNTOWN URBAN DESIGN GUIDELINES

Staff Comments:
Update Map

Working Group Comments:
There was a lengthy discussion on the Sections 2-3 and the general redundancies and the significant amount of corrections and revisions needed to clarify these guidelines. There was unanimous support to do the following:
1. Merge Sections 2 and 3 as to cover any overlapping guidelines which are applicable to both areas (non-historic and interface).
2. Allow staff to restructure and revise a draft of the newly merged section for working group review.
3. Within the newly merged section, add guidelines for existing and new residential areas/ buildings which was not covered in the current guidelines.
See the draft copy for the proposed changes. No further input was given on the remaining items in this section.



SECTION 3: THE INTERFACE AREA

NOTE: DDAB is responsible for reviewing commercial projects within that portion of the Interface Area located in the Non-historic area. LPAB is responsible for that portion of the Interface Area that falls within the Historic Area.

The Interface Area is composed of the blocks that link the core of the downtown to the surrounding residential neighbor- hoods. This area requires special design sensitivities that must be addressed when commercial buildings are located adjacent to residential areas.

From the neighborhood perspective, as well as for the health and appearance of the downtown commercial area, it is important that the residential blocks adjacent to the commercial area remain stable, quiet, secure, and orderly. For the most part, it is the impacts of the commercial area which can be most detrimental to the residential neighbor- hood, not the reverse. These impacts can be minimized through careful design that emphasizes the transition between commercial and residential areas, and respects the scale and quality of adjacent residential uses. It is expected that through the use of these guidelines, ~~as well as appropriate land use and zoning restrictions,~~ general neighborhood "livability" will be supported and enhanced.

~~Good Neighbor Policy~~

Staff Comments: The Good Neighbor Policy is not part of the design guidelines. Remove?

Yes
No
Discuss

~~A good neighborhood policy has been implemented by downtown property and business owners and residents living in adjacent residential neighbor- hoods as a positive way to communicate about issues of "livability" in the interface area. Its pur- pose is to establish a standard of cooperation and a code of conduct not generally addressed by existing law. While compliance is voluntary, the policy asks that a "Good Neighbor Agreement" between commercial property or business owners and surround- ing neighborhood residents be agreed to and signed. The policy asks owners to take action on a number of issues including: trash; litter; graffiti removal; the use of alternate transportation modes by employees; employee parking; noise, animal, pest, and weed control; deliveries; and employee/tenant education. For information on how businesses in the interface area can participate in the Good Neighbor Policy call the DMC at (303) 441-4000.~~

The urban design objectives for the Neighborhood Interface Areas are to:

- Encourage sensitive design along the edge where the down- town commercial area abuts residential neighborhoods.
- Encourage sensitive site, building, and streetscape design that emphasizes a clear distinction between both commercial and residential areas.
- Maintain the diversity in building type and size and respect the adjoining residential character that is important to the area.
- Discourage adverse impacts from noise, night lighting, poor building design, and commercial service areas on adjacent residential neighborhoods.

DOWNTOWN URBAN DESIGN GUIDELINES

CODE: requires a 15 foot sight triangle where alleys intersect with streets.

BDAB Comments:
1. Allow for residential of a variety of types, ie apartments, brownstones, mixed use, etc
2. Don't use suburban landscaping treatments in an urban area.
3. A variation of height is not intrusive when the architectural details well developed, ie vertically oriented windows, brick, etc.
4. The abrupt distinction between commercial and residential is disruptive.

Staff Comments:
Merge 3.2 and 3.3 into one item of alley treatments. Merge?

Yes
No
Discuss

3.1 Maintain the Diverse Residential Architectural Character of the Interface Area

A. Maintain historic residential buildings.

Although the rehabilitation of residential buildings for office use is possible to maintain the neighborhood's character and scale, conversion of historic residential buildings to commercial or mixed uses is appropriate only when the residential use is no longer feasible. Careful consideration must be given to the visual impacts a non-residential conversion may have on the surrounding residential area.

B. In general, construct buildings of three stories or less.

Create a height transition by locating taller portions of buildings toward the downtown, or Pearl Street, and lower portions located toward surrounding residential areas.

C. Commercial construction on a primarily residential block should be designed to reflect a residential character.

For example, a front yard setback for a commercial building in a residential block may be desirable. Careful consideration must be given to adjacent properties, the overall urban design quality of the block and the character of the surrounding area

3.2 Create Attractive Rear Alley Facades on Buildings Facing Toward Residential Areas

The design quality of the rear facades of commercial and mixed use buildings that face residential zones is of great concern to the residential property owners.

Consideration must be given to creating a pleasant building design at the rear of the building. Include such features well designed building entrances, windows, balconies, the use of high quality materials, plaza areas and planting areas.

3.3 Design alleys to serve as attractive alternative routes for pedestrians, as well as efficient service access for vehicles.

Consider what residents of adjacent residential neighborhoods will look at from their rear yards and porches. Well designed rear building entrances, windows, balconies plaza areas and planting areas are encouraged.

A. Elements such as trash collection areas should be screened, designed as an integral part of the overall building design, and present an attractive feature when viewed from adjacent residential areas.

B. Provide adequate lighting for pedestrians in all interface area alley ways for security and convenience.

C. Shield security lighting from adjacent residential uses so that it does not shine in adjacent residential

Fig. 26 The residential character of this historic home is maintained even though used commercially

Staff Comment: Remove or relabel as "what not to do".

Remove
Relabel

Fig. 25 These trash cans are screened

windows. (Refer to the city Light Code).

D. Where parking in alleys places cars next to a public side- walk, provide a minimum eight foot landscaped strip between the parking area and the sidewalk.

E. Corner buildings located at the corner of alleyways and public streets may provide a visual buffer to hide alley parking and trash storage from pedestrian view.

Staff Comments: 3.4 Reiterates 3.1 in the importance of consideration of adjacent residential zoning. The 3.4 wording is a bit convoluted and can be simplified when added to 3.1. Merge?

Yes
No
Discuss

3.4 Where The Zoning Line Runs Along a Street or Lot Line, Commercial Development Should Respect The Existing Building Scale And Character of The Adjacent Residential Area.

Commercial construction on a primarily residential block should be designed to reflect a residential character. A front yard setback for commercial uses at some interface locations is desirable. Create a height transition by locating taller portions toward the downtown and lower portions toward residential areas.

3.5 Design Streets in The Neighborhood Interface Area to Reflect Adjacent Residential Land Uses.

Consider the scale and character of the public right-of-way between residential areas and commercial areas.

A. Create a strong residential quality in the design of street improvements at the interface of commercial and residential areas. Traffic circles, landscaped medians, neck-downs and pocket parks are appropriate right-of-way treatments.

B. Maintain the traditional curb zone between the curb and the sidewalk of no less than four feet. Street trees, planted at 20 to 30 feet apart, average 25 foot on center, are recommended. (See Section 6, Streetscape Improvements). Plant flowers, grass or other live ground cover in the curb zone for the half block that extends between residential areas and the commercial alley ways. Rocks, gravel, or other rock-like material are not allowed in the curb zone area.

Working Group Session #4 ended here.
-Staff to draft a merger of Section 2 and 3.
-Staff to present options for building design images.
-Staff to continue to rework maps and to incorporate into the document for reference.
Working Group General comments:
-The future recommendations to include a more thorough analysis on the future residential potential.
-While the current recommendations and revisions improve the usability and general guidance, overall the downtown area is in need of a very robust design discussion, planning effort, future visioning and guideline revision not possible in the scope of this revision.

Fig. 27 A traditional curb zone with street trees and grass

Fig. 10 Design with traditional commercial features, this parking facility has retail/commercials spaces along the street

Working Group Future Recommendations:
A comprehensive downtown master plan with street types, circulation (all types), public art and a landscaping plan. Include a specialized section for pearl street mall.
-an updated, comprehensive sign code with sign code and design consultants.
-update the fencing code.

Working Group Session 6 Began Here.
Summary Parking Comments:
1. Merge Sections 4 thru 6 into a Public Realm section.
2. Remove details of design guidelines that are already stated in the construction standards or BRC. Focus the guidelines on items which are over and above the standard.
3. Move any structured parking, lighting and other building specific items into the appropriate building sections and to be subject to the design criteria of that section.
4. Add a note for accessibility in the intro.

BDAB Comments
-landscaping standards are suburban
-parking structure 1 floor commercial or residential wrap would be sufficient with proper screening on exposed levels.

The most critical element
streets,building massing,
downtown, its security,lar

The urban design objectives for the design of parking facilities are to:

- Produce attractive parking facilities that are compatible additions to downtown which add to, rather than detract from, the area's historic character and function.
- Enhance pedestrian activity at the sidewalk level through the use of retail wrap on structured parking and landscape areas around surface parking.
- Ensure that the design of the facility is of the highest quality.

or residential

Yes
No
Discuss

4.1 Locate Surface Parking on Appropriate Sites

A. Locate parking facilities on blocks and streets in which they best serve their function without jeopardizing the pedestrian quality of the downtown. Locations such as the area around Canyon Boulevard or adjacent to the "mall loop" are preferred. ~~These will promote continuity of the pedestrian environment and a compact retail core.~~ The mall loop is defined by 11th St, Walnut St, 15th St and Spruce .

B. Locate surface parking lots at the interior of the block not at corner locations. ~~In a downtown setting corner locations are important as building sites for prominent buildings. Parking lots on corners in the downtown area give the suburban appearance of cars parked in front of buildings.~~

C. Surface parking lots that share a site with a building and that are to be located unde at grade should be placed at the building rear. Parking lots under buildings should not extend to the street front. ~~Rather, they should be shielded from the street by the front of the building. In this way the architectural continuity of the street can be preserved.~~ Parking behind a building accessed from an alley is preferred in order to minimize the number of curb cuts, reduce turns, and minimize pedestrian conflicts.

D. Access from alleys

Yes
No
Discuss

Staff comments
-strikethroughs are to remove any justification text. Items to be clear. There is no need to justify the rationale behind the item. The justification is done in the intro.

Yes
No
Discuss

4.2 Reduce Visual Impact of Surface Parking Lots

A. Subdivide surface parking lots into smaller areas though the use of landscaping or other visual elements. Planting islands for flowers, ground cover, or shrubs should be used at entrances, exits, internal turns, and to separate double rows of cars. Planting islands should be large enough to sustain proposed plant materials. Such islands should be designed to break up the expanse of pavement and help establish the desired direction of

remove detailed code text and replace with reference to landscape and parking standards.

Yes
No
Discuss

IGN GUIDELINES

In relationship to parking structures, it may be needed to encourage below grade structures in lieu of surface parking and above grade (wrapped) structured parking. This would be dependent on flood plain and other structural issues, but it is unoccupied space.

~~The city code requires landscaping on the interior and the perimeter of parking lots. Section 9-3.3-4 describes standards for screening parking lots from the street, screening parking lots at property edges, and interior parking lot landscaping. For example, lots with fewer than 15 spaces (300 gross square feet per space) require no interior landscaping. Lots with 16 to 160 spaces require that at least five percent of the interior parking lot contain landscaping. Lots with more than 160 spaces and more than one double loaded row of parking require that at least ten percent of the interior parking lot contain landscaping.~~

~~CODE:~~
~~The city code requires landscaping on the interior and the perimeter of parking lots. Section 9-3.3-4 describes standards for screening parking lots from the street, screening parking lots at property edges, and interior parking lot landscaping.~~
~~For example, with regard to the issue minimum height and opacity: Parking lot screening may include landscape features such as planter boxes, walls, or hedges in combination with trees and plantings, but must provide a screen a minimum of 42 inches in height along the full length of the parking lot adjacent to the street. Planted materials must provide a significant screen when fully grown that is at least 42 inches in height as measured from the base of the sidewalk adjacent to the street, unless the parking lot is higher than the sidewalk, in which case it should be measured from the base of the parking lot adjacent to the street. Fences shall be no taller than 48 inches in height. In the RB1-E, RB2-E, RB3-E, RB1-X, RB2-X, RB3-X, BMS-X, IMS-X, and MU-X zones, the parking lot screening requirement can be met by any one of the following:~~
~~• A planting area with a minimum of a six foot width between the sidewalk and the parking lot, planted~~

circulation. Planting should be attractive, low maintenance, and hardy — able to survive soot and gas fumes. Landscaped areas should be protected with appropriate curbs, edging, bollards, railings, low walls, or similar elements. Trees are the most essential form of greenery since they screen cars, provide shade, and frame views. Avoid trees with low-growing branches or that excrete resin or moisture. Use parking lot signs compatible with those in general use in the downtown area.

Yes
No
Discuss

B. Where the parking lot abuts a public sidewalk, provide a visual screen or landscaped buffer between the sidewalk and the parking lot. There are several ways in which this may be accomplished:

• The buffer may be a landscaped berm and/or planting strip, a minimum of 6 feet in width between the sidewalk and the parking lot, or the width equal to the setback of an adjacent building if wider than 6 feet.

• The buffer area may be designed in conjunction with a low wall of a material similar to adjacent buildings. Ideal materials for downtown fences and walls include brick, stone, or metal. Do not use unfinished wood fences. The buffer area should be planted with appropriate ground covers and small trees. Decorative plantings and bermed areas are encouraged to highlight entrance ways. Care should be given to protecting sight lines for both pedestrians and vehicles. Materials and architectural detailing selected for buffers should be complementary to the character and materials of adjacent buildings. Low walls should be no larger than 48".

4.3 Reduce The Visual Impact of Structured Parking

commercial and residential wrap, or screened,

A. ~~Design parking structures so that they create a visually attractive and active pedestrian environment through the use of a retail/commercial wrap.~~ All above grade parking structures, in which parking is the principle use, should be wrapped with a two story retail/commercial use to shield the facility from the street and to make the entire building visually pleasing.

Yes
No
Discuss

B. For a parking garage created as a principal use on a lot that is over 20,000 square feet in an RB-2E, RB-1X, RB-2X, or RB-3X zone, the following criteria apply:

C. The garage wrap should be compatible with surrounding buildings. In general, the retail/commercial wrap should conform to the guidelines in Section 2: Non-Historic Area. Facade design should be considerate of both vertical and horizontal architectural proportions, window patterns, and architectural elements of buildings in the area.

4.4 Security And Pedestrian Circulation Should Be Priorities

Pedestrian routes in structures and lots should be easily identifiable and accessed. Clear visual connections between a garage, or surface parking lot, and adjacent sidewalks and buildings are desirable. Interior and exterior lighting should be designed for safety as well as night-time appearance

Merge B&C. Expand B&C to cover any zoning with stipulation that the wrap or screening is compatible to the surrounding area and subject to the Section 1 or 2 guidelines dependent on location.

Yes
No
Discuss

ENCE TEXT

~~with shrubs having a mature height no lower than 42 inches;~~

~~• Afence, hedge, or wall meeting the requirements of Section 9-3.3-6, "Fences, Hedges, and Wall s , "B.R.C. 1981, and of a height no lower than 42 inches and fences and wall shall be no taller than 48 inches as measured from the base of the parking lot adjacent to the street.~~

~~• Another method, if approved by the city manager, that forms a significant screen between 42 and 48 inches for the length of the parking lot adjacent to the street.~~

Add a note in the Intro Section: The design guidelines include many photographs and diagrams to illustrate acceptable or unacceptable approaches. The illustrations are provided as examples and are not intended to indicate the only options. If there appears to be a conflict between the text of the guidelines and a related illustration, the text shall prevail.

Fig. 12 Planting islands help direct pedestrian traffic.

Are these images good representations of surface parking and structure parking?

- Yes
- ✓ No
- Discuss

Fig. 11 These plantings help to hide a surface parking lot

Fig. 13 Design with traditional commercial features, this parking facility has retail/commercials spaces along the street

REFERENCE TEXT

~~CODE:~~
~~The building shall be set back fifteen feet from any property line adjacent to a public street, but not an alley, for any portions of the building between 35 feet and 45 feet in height. The facade of the building shall be set back 35 feet from any property line adjacent to a public street, but not an alley, for any portions of the building between 45 feet and 55 feet in height. All portions of a building above the permitted height shall also be required to meet the requirements set forth in Section 9-4-11, "Site Review."~~
~~CODE : The requirements for the maximum number of stories set forth in Section 9-3.2-1, "Schedule of Bulk Requirements," B.R.C., 1981, shall not be applied to parking areas within auto parking garages.~~
~~CODE : A first floor retail wrap is required (floor area that is used for non-parking purposes). The depth of the wrap is a minimum of 25 feet and a maximum of 35 feet; The wrap faces on all streets, except alleys, for the entire length of the building except for those places necessary to provide ingress and egress into the parking areas. And, the space is used for retail, restaurant and other pedestrian oriented uses otherwise permitted or approved in the zoning district.~~
~~CODE : As second floor wrap is required. The depth of the second floor wrap is a minimum of 15 feet and a maximum of 35 feet. The second floor wrap shall face on all streets, except alleys, for the entire length of the building. And, the space is for any use permitted or approved for the zoning district.~~
~~CODE: The maximum floor area ratio for non-parking uses shall be 0.7:1. Uninhabitable space shall not be included in the floor area ratio calculation for non-parking uses. The floor area ratios set forth in Sections 9-3.2-1, "Schedule of Bulk Requirements", and 9-3.2-18, "Floor Area Ratios for RB-1E, RB-2E, RB-3E, RB-1X, RB-2X, and RB-3X Districts," B.R.C. 1981, shall not be applied to a parking garage.~~

Add a note in the Intro chapter in regards to all projects subject to BRC

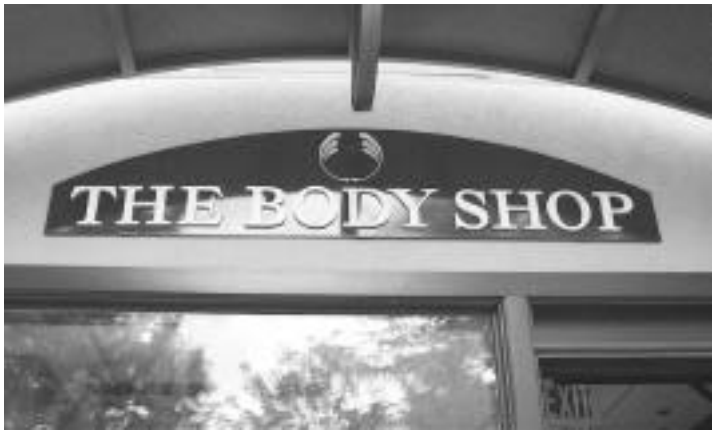


Fig. 14 Wall Sign positioned above storefront

Replace with better quality signage photographs for awning, building and projecting signs.

Fig. 15 A projecting sign with an original shape

Fig. 16 A projecting sign with an original shape

Working Group Comments:
-The sign code needs to be updated.
-Maintain minimal edits the sign code items as it is used over and above the existing code.

Section 6: Commercial Signs

NOTE:
The following is meant as a supplement to the city's Sign Code. Sign permits, obtained through the Planning Department, are required. Signs that extend into the downtown Boulder mall public-right-of-way, will require review by the Downtown Management Commission. For further information call the DMC (303) 441-4000 and the Planning Department (303) 441-3270.

Signs on historic buildings or in historic districts must also comply with "Historic Preservation" provisions, Chapter 10-13 of the Boulder Revised Code. Call the Planning Dept.(303) 441- 3270.

Add note to projecting signs may be subject to revocable permit.

Commercial signs should function to identify and locate businesses, promote merchandise or service within, attract customers, provide direction and information, and in some cases create visual delight and architectural interest.

The urban design objectives of the Commercial Sign Guidelines are to:

- Encourage design and sign placement that promotes downtown businesses while complementing downtown's character and scale.
- Promote signs that are designed as an integral yet noticeable part of a building's overall design.
- Promote the design of signs that are good neighbors within their block.
- Create an overall image in which a building and its signs relate to each other in helping to draw customers.

5.1 Signs Should be Designed as an Integral Part of The Overall Building Design

In general, signs should not obscure important architectural details. They should align with others signs on the block to maintain the existing pattern of horizontal and vertical facade features. They should be positioned to emphasize special shapes or details of the facade, to draw attention to the shop entrance, or to emphasize a display window. When several businesses share a building, signs should be aligned or organized in a directory.

Following are principle sign types that are applicable in the downtown:

A. Wall Signs:

Wall signs are limited in size and defined as projecting less than 15 inches from the building. Wall signs should be positioned within architectural features such as the panels above storefronts, on the transom, or flanking doorways. Wall mounted signs should align with others on a block to maintain established patterns.

B. Projecting Signs:

Projecting sign means a sign attached to a building and extending in whole or in part 15 inches or more horizontally beyond the surface of the building to which it is attached. Projecting signs should be positioned along the first floor level of the facade. Projecting signs may take on their own special shape, or create their own symbol within the overall facade design.

C. Awning Signs:

Yes
No
Discuss

Remove detailed sign code text and replace with reference to the sign code

~~CODE :~~
~~The total area of all wall signs on a face of a building may not exceed fifteen percent of the area of that portion of the building face between ground level and the roof line or a line twenty-five feet above grade level, whichever is less.~~
~~CODE: The total area of all wall signs on an architecturally distinct wall, where two or more such walls form a face of a building, shall not exceed twenty-five percent of such wall.~~

~~CODE :~~
~~No part of a wall sign may be located more than t w e n t y - five feet above grade level.~~

~~CODE :~~
~~No wall sign may be attached to or displayed against any parapet wall that does not extend around the entire perimeter of the roof enclosed by the parapet. No sign on such a parapet wall may extend more than 24 inches above the roof elevation immediately behind the sign, unless approved in site review.~~

~~CODE: No wall sign may extend above the roof line of a building except as permitted on a parapet wall. No wall sign may be displayed on the wall of a mechanical room or penthouse or other such enclosed space which is not habitable to the occupants of the building.~~

~~CODE: The length of a wall sign shall not exceed seventy percent of the length of the wall or the width of the leased space of the wall on which it is located, whichever is less.~~

~~CODE: The sign height for wall signs located within the BMS-X, MU-X, RB1-E, RB2-E, RB3-E, RB1-X, RB2-X, RB3-X, and TB-E zoning districts shall not exceed 24 inches for single lines of copy and a total of 32 inches for multiple lines of copy, and any graphic symbol may not exceed 30 inches .~~

~~Awnings should be used to add visual interest to a building, provide shade, and add variety to the streetscape.~~ They should be positioned to emphasize special shapes or details of the facade, to draw attention to the shop entrances or to emphasize a display window. Awning signs may be illustrated with letters or symbols.

5.2 Use Simple Signs to Clearly Convey a Message. Symbols Are Easily Read And Enhance Pedestrian Quality.

A. Sign Materials:

Sign materials should be durable and easy to maintain. Appropriate sign materials include painted or carved wood; carved wooden letters; epoxy letters; galvanized sheet metal; slate, marble, or sandstone; gold leaf; gilt, painted, stained, or sandblasted glass; clear and colored acrylic; neon; or stained glass.

B. Illumination:

Lighting external to the sign surface with illumination directed toward the sign is preferred. External lighting may also highlight architectural features. Internally lit signs are generally discouraged because they can form masses of light which, when viewed in groups, can be unpleasant. By coordinating the lighting intensity, color, sign placement and display window design, the entire storefront can become an effective sign. The light level should not overpower the facade or other signs on the street. The light source should be shielded from pedestrian view. The lighting of symbol signs is encouraged. Internal lighting may be appropriate where only letters are illuminated or neon is used. Neon is acceptable, though restricted in size, if it does not obscure architectural detail or overly illuminate display windows.

C. Sign Shapes:

Signs should be designed in simple, straight-forward, shapes that convey their message clearly. Symbols are easily read and enhance the pedestrian quality of the downtown.

D. Graphics:

Lettering styles should be proportioned, simple, and easy to read. In most instances, a simple typeface is preferred over a faddish or overly ornate type style. The number of type styles should be limited to two per sign. As a general rule, the letter forms should occupy not more than 75% of the total sign panel.

Add note illuminated signs are subject to city lighting ordinance

NOTE:
In most cases, only one awning sign is allowed per building. Awning signs positioned along the first floor level of the facade shall be no less than 8 feet from the sidewalk to the sign. Awning signs in the downtown can be attached to flexible material awnings or fixed marquees or canopies that project from the building. Consult the city Sign Code.

~~CODE: Signs projecting over public property may not project more than thirty-six inches from a wall of a building; the maximum permissible total area for such a sign is the lesser of : • 1 square foot of sign area for each linear foot of frontage of the building upon which such sign is displayed; or • 18 square feet per sign, with no face of the sign exceeding 9 square feet.~~
~~C~~
~~CODE: Projecting signs must have a minimum clearance above the sidewalk of eight feet and may not extend twelve feet or more above the sidewalk nor above the roof line.~~

~~CODE : No more than one projecting sign may be maintained per tenant space frontage at the ground level of a building. The minimum horizontal distance between projecting signs on a building shall be 25 feet .~~

SECTION 6: STREETSCAPE IMPROVEMENTS

BDAB Comments:
-Streetscape guidelines are "overly fussy"
-There is need to develop standard street type with relationship to the hierarchy
-Revisit the heirarchy and update
-Pare down the detailing requirements of the row materials because they are overly complicated. Simple is better.

The term "streetscape" refers to the entire system of streets, sidewalks, landscaping, and open spaces, by which people circulate through and experience the downtown. Our image of downtown Boulder, and the ease and safety with which we move through it, is determined by the quality of the streetscape.

The urban design objectives of the Streetscape Improvement Guideline are to:

- Unify the visual image of downtown by creating a series of public sitting areas, completing the rhythm of street trees and street lighting, and providing landscaping with seasonal color or other qualities of visual interest.
- Create a pedestrian oriented environment that is safe, accessible, visually pleasing, and comfortable.
- Strengthen downtown's visual connections. Visually and functionally connect the downtown Boulder mall and Civic Park, or east and west Pearl Street to the mall.
- Maintain the visual unity and historic character of the downtown Boulder mall through the use of traditional materials.
- Encourage and accommodate the use of alternative modes of transportation to get to and from the downtown.
- Maintain and preserve historic features of the streetscape such as flagstone and brick.
- Respect and preserve adjacent residential neighborhoods through the use of sensitive streetscape design.

Staff Comments:
In general this section is the most detailed in design requirements. In agreement with BDAB the section is overly detailed and could use a some well developed revisions. This section may need to be a focus in a future recommendation.

Working Group Comments:
Add importance of community events in the downtown to the design objectives for the Public Realm reorganization.

Working Group Comments:
Add street types for alleys, paseos, etc to the street typologies and create a key map to indicate location.
-rework the descriptions.
Future recommendation:
-Dimensioned street sections for all of these types.

6.1 Use The Existing Street Hierarchy as a Basis For Designing The Streetscape

The concept of a street hierarchy is based on understanding how various downtown streets function. For example, Canyon Boulevard and Broadway are major vehicular streets, thus street improvements should provide for large volumes of traffic while buffering pedestrians from traffic impacts.

Four types of streets have been identified:

A. The downtown Boulder mall (a vehicle-free pedestrian street):

The downtown Boulder mall, which encompasses Pearl Street from 11th to 15th Streets, is the most intensely used pedestrian zone in the downtown. As a shopping, festival, and public gathering place it will remain a vehicle free area with a unified brick paving design throughout. Intense landscape treatments, including seasonally-varied plantings and coordinated street furniture, add to the pedestrian ambiance.

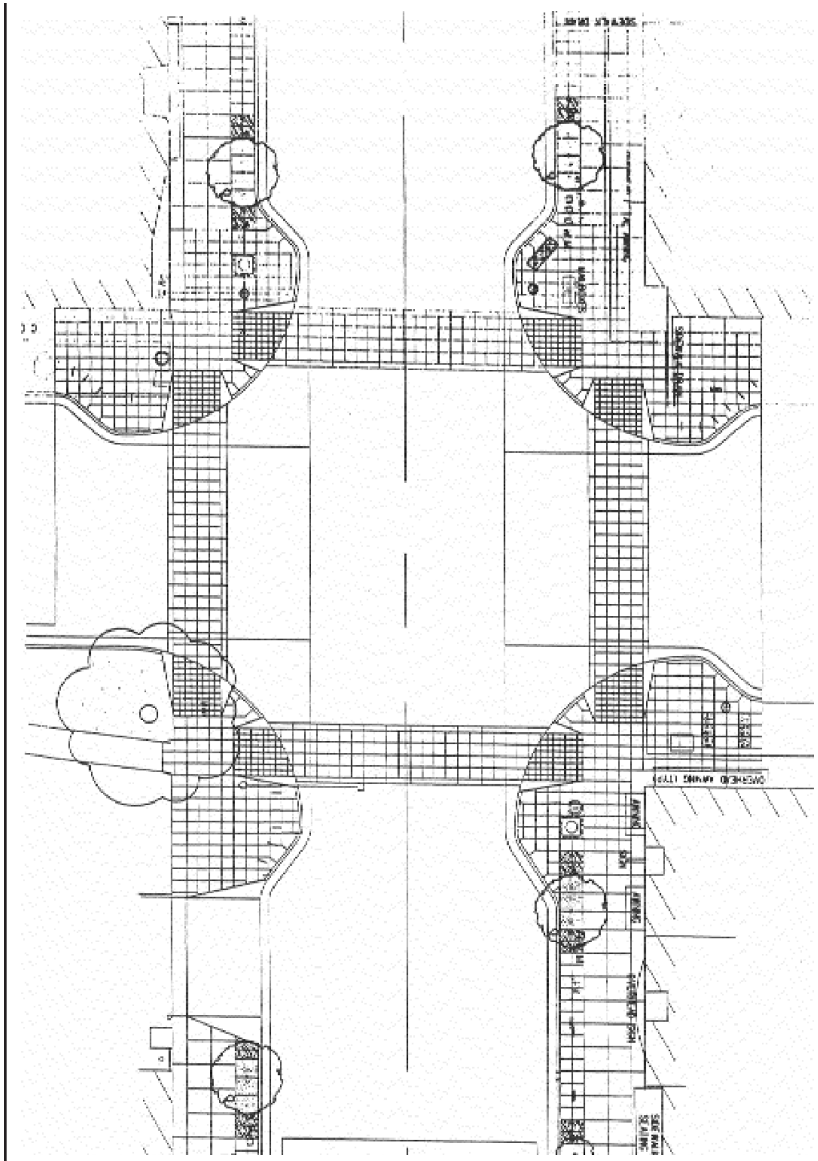
B. Canyon Boulevard and Broadway (major vehicular through streets):

Canyon Boulevard and Broadway accommodate large volumes of traffic moving through the downtown. Streetscape features should be designed to buffer pedestrians from traffic impacts, provide greater building setbacks and detached sidewalks with planting strips between the sidewalk and curb. The exception is the section of Broadway between Canyon Boulevard and Spruce Street in which attached sidewalks are needed to accommodate more intense pedestrian use. In areas with detached sidewalks, well designed landscaping and street trees should be provided. On Canyon Boulevard, the use of landscaped median strips and pedestrian safe zones should be designed to minimize pedestrian/vehicular conflicts.

C. 9th, 10th, 11th, 13th, and 14th Streets (north/south pedestrian connectors). These five north/south streets provide the main pedestrian connections between the downtown Boulder mall and the Civic Park. Where these streets cross Canyon Boulevard, which is very wide, crosswalk designs that visually link the north and south sides of the boulevard are important. The use of similar materials, ~~intersection gateway features~~, landscaping, and street furniture will help to visually weave the areas together and promote pedestrian access between these two important downtown public gathering places.

D. All other streets in the downtown (general pedestrian oriented streets). In order to create a unified downtown image, all streets should share common features. At minimum, these should include similar sidewalk scoring patterns, similar paving materials, similar street trees and tree grates, coordinated street furniture, the inclusion of sidewalk neck downs and pedestrian safe zones, removal of pedestrian obstructions, consolidation of streetscape elements such as newspaper vending boxes, similar traffic and other directional signage, and pedestrian scale street lighting.

Working Group Comments: Remove this drawing and replace with a photo with labeling illustrating the requirements.



This diagram needs labeling

Fig. 17 Basic sidewalk design illustrating the curb zone, the pedestrian zone and the corner zone. Note also the basic intersection design showing the crosswalks and the intersection paving squares

Yes
No
Discuss

The guidelines should not repeat DOT requirements. They should illustrate what is required above and beyond those requirements. Some of those things might be alternative surfacing materials, street lighting, landscape features, etc.

Working Group Comments:
Translate 6.2-6.3 items onto a photo diagram for residential and commercial.
Add one general note for variation and remove all redundant variation notes.

6.2 Use a Basic Sidewalk Design to Unify The Visual Image of Downtown

In most locations throughout the downtown, sidewalks average 15 feet wide from curb to property line. At minimum, every street in the downtown should incorporate the following basic sidewalk elements:

A. Curb zone

The curb zone should consist of a 4 foot wide area measured perpendicular from the inside of the curb that may include the following:

• Brushed natural color gray concrete tooled in a 2' x 2'square pattern parallel to the street (not diagonal), possibly with brick accents • Street trees in appropriately sized tree grates (see Section 6.8)

• Street elements which do not interfere with people accessing cars parked at the curb, mail boxes, trash receptacles, bus stops, bollards, and news racks. Basic sidewalk design illustrating the curb zone, the pedestrianzone, and the corner zone. Note also the basic intersection design showing the crosswalks and the intersection paving squares

• On the Neighborhood Interface blocks that create a transition between commercial and residential areas, use landscape materials in the curb zone rather than hard surface concrete. Materials such as flowers, grasses, or live ground cover will highlight the transition quality of the half block between the downtown and the interface areas. Rocks, gravel or other rocklike materials are not allowed in the curb zone.

Variations

In general, the predominate material in the downtown is brick. The use of brick to highlight the curb zone is especially appropriate in the blocks adjacent to the mall. Other appropriate materials may be used to highlight the curb zone include sandstone, or the use of art work which is stenciled or sandblasted into the concrete surface. However, colored concrete scored to imitate brick is inappropriate .

B. Pedestrian zone

The sidewalk pedestrian zone is the area that must be kept clear for pedestrian movement, and free of all obstacles. The pedestrian zone should comprise the following:

• An unobstructed pedestrian area of no less than 7 feet is allowed between vertical elements such as trees or poles and buildings along streets located outside the downtown Boulder mall. An unobstructed pedestrian area of no less than 8 feet to 9 foot 6 inches is required on the downtown Boulder mall (See section 6.4).

• Brushed natural color gray concrete tooled in a maximum 4'x 4'square pattern parallel to the street with brick accents. The location of tree grates or other elements may regulate the exact dimensions of the scoring pattern.

NOTE:
Variations from the basic materials and patterns must be based on a streetscape plan that illustrates how the variation adds to the visual unity of the downtown streetscape, adjacent properties, and the overall image of the block.

Variations

In general, the predominate material in the downtown is brick. The use of brick to highlight the curb zone is especially appropriate in the blocks adjacent to the mall. Other appropriate materials may be used to highlight the curb zone include sandstone, or the use of art work which is stenciled or sandblasted into the concrete surface. However, colored concrete scored to imitate brick is inappropriate .

C. Corner Zone

At minimum, the basic corner zone should include the following elements:

• A pedestrian area or clear zone that is free of obstacles and lined up with the sidewalk pedestrian

zone. This area should be made of brushed natural gray concrete scored in a 2'x 2'square pattern parallel to the street (not diagonal). The smaller scoring pattern is meant to distinguish the corner zone from the rest of the sidewalk. Only essential "regulatory" elements such as signal posts are allowed, all other elements such as benches, bike racks, newspaper racks, are prohibited.

• Corner "amenity areas" are located at either side of the clear pedestrian. The amenity areas may incorporate benches, bike racks, news racks, and similar elements. Their shape and size may vary depending upon the use of a corner neck-down. Elements such as benches and bike racks should be carefully arranged in an attractive and accessible design. Benches should be arranged to facilitate social interaction. The amenity areas should be made of brushed natural gray concrete scored in a 4'x 4'square pattern parallel to the street (not diagonal), and may have brick detailing.

Variations

Shift the orientation of the concrete scoring pattern to a 45 degree angle to the street in a 2'x 2'pattern. Other variations may include edging the corner amenity and clear zones with brick paver bands using a dark, terra cotta red to compliment the color and quality of the mall brick. In certain areas, special materials such as brick or sandstone may be incorporated to clearly define an area. Depending on the location, amenity areas may also be used for public art features.

NOTE: Variations from the basic materials and patterns must be based on a streetscape plan that illustrates how the variation adds to the visual unity of the downtown streetscape, adjacent properties, and the overall image of the block.

6.3 Use a Basic Intersection Design to Unify The Visual Image of Downtown

Street intersections in the downtown should incorporate two basic elements:

A. Crosswalks

Pedestrian crosswalks should be a minimum of 10 feet wide, constructed of brushed natural gray concrete scored in a 2 foot x 2 foot square pattern parallel to the street. 12 inch wide concrete strips occur at either side of the 10 foot wide walkway scored in a 12 inch square pattern. ADA ramps should connect the pedestrian crosswalk to the corner.

B. Intersection squares

In general, the center area of intersections should made of the same material as the surrounding street surfaces. Variations Special paving may be used in intersection designs to highlight an important street or pedestrian connection. For example, crosswalks and intersection squares located between Civic Park and the downtown Boulder mall may incorporate special materials such as brick. Public art may be incorporated in the surface design. Special emphasis should be placed on the intersections along Canyon Boulevard from 9th to 14th Streets.

Other ideas that add to the visual interest include the following:

- The use of brick or interlocking concrete pavers within the 10' wide crosswalk
- A special border on either side of the 10' crosswalk consistent with adjacent sidewalk features.
- A concrete center area scored in a square grid pattern.
- A unique paving pattern or design within the center area to highlight an intersection.

Fig. 18 Brick paving used to highlight entrances

NOTE: When an extension onto a street, sidewalk, alley or other public property is desired, an application for a revocable permit should be made. A revocable permit is an agreement for the use of public land. Depending on the nature and permanency of the improvement, a lease and lease payment may be required. There are two general categories of right-of-way extensions: Extensions allowed on the downtown Boulder mall, and extensions allowed outside of the mall. For information call Public Works Department at (303) 441-3200.

6.4 Design Extensions Into The Public Right-of-Way That Are Visually And Functionally Appropriate to Their Street

Extensions into the public right-of-way, such as a sidewalk restaurant, public sitting area, or awnings over store windows, can add visual interest and encourage public activities that enhance the quality of life in downtown. They promote outdoor leisure use, provide opportunities for "people watching", and create a varied streetscape setting. Such extensions are appropriate on the first story if the visual quality of the street is not weakened and if building facades of historic significance are not substantially altered or obscured by the extension. Upper story extensions are generally not appropriate except when restoring a missing historic feature or when incorporating a traditional design element into a new building. The best extensions are characterized by design that is sensitive to the buildings, and that employ quality materials.

NOTE: When an extension onto a street, sidewalk, alley or other public property is desired, an application for a revocable permit should be made. A revocable permit is an agreement for the use of public land. Depending on the nature and permanency of the improvement, a lease and lease payment may be required. There are two general categories of right-of-way extensions: Extensions allowed on the downtown Boulder mall, and extensions allowed outside of the mall. For information call Public Works Department at (303) 441-3200.

A. Downtown Boulder mall right-of-way extensions only The boundaries of the downtown Boulder mall conform to the pedestrian area of Pearl Street which extends from 11th to 15th Streets. Permanent modifications such as building additions which include bay windows and similar enclosures that extend into the mall right-of-way are strongly discouraged.

The following criteria apply to extensions allowed on the mall:

• Extensions allowed along the mall are limited on each block so that the expanse of buildings is not visually altered. No more than 125 feet per block face may be used for this purpose.

• Maximum is a 10 foot extension, measured at ground level perpendicular to the building.

• The most critical dimension in measuring the width of an extension is the area for pedestrians. A range of between 8 feet and 9 feet - 6 inches is allowed between the edge of an extension and any other vertical obstruction such as trees or poles.

•A semi-permanent railing no less than 30 inches tall is required to define the edge of the extension. (See section 6.5)

• The front and sides of extensions shall be permanently unenclosed.

• No kitchen equipment shall be installed within the extension,

although a service station may be, for example, joined to an outdoor restaurant.

• All tables and chairs must be movable.

• Second Floor Extensions into the mall are inappropriate, especially attached to historic or historically significant buildings except where historic evidence documents its accuracy.

• New basement level extensions are not permitted.

• Greenhouse enclosures are prohibited on the public right-of-way.

• The eating area should be no more than the width of the cafe in front of which it is located.

• Display windows that extend into the right-of-way are strongly discouraged.

B. Right-of-way extensions allowed along streets in areas outside of the downtown Boulder mall:

In general, extensions off the mall are more limited in area than those on the mall due to sidewalk width and the need for an unobstructed pedestrian area.

The following is a list of criteria for off-mall extensions:

• Extensions into the public right-of-way can be up to 6 feet, measured perpendicular to the building or property line, as long as it is defined by a semi-permanent railing no less than 30" tall (See section 6.5).

• The most critical dimension in measuring the width of an extension is the area for pedestrians. No less than 7 feet is allowed between the edge of the extension and any other vertical obstruction such as trees or poles. If necessary, the extension should be reduced to fit the 7 foot pedestrian requirement.

• Greenhouse enclosures are prohibited on the public right-of-way.

• The front and sides of extensions into the public right-of-way shall be permanently unenclosed.

• No kitchen equipment shall be installed within the extension, although a service station may be, for example, joined to an outdoor restaurant.

• All tables and chairs must be movable.

• The eating area should be no more than the width of the cafe in front of which it is located.

• Display windows that extend into the right-of-way are strongly discouraged.

Working Group Comments:
-Amend 6.5 to encourage seating outside the liquor services areas.
-Any railing simple and compatible.

C. Extensions into the public right-of-way related to historic buildings.

When designing extensions for historically significant buildings, the extension should be distinguishable as new. It should not suggest that it is an original historic element. It should, however, be visually compatible with the original building and not damage the original structure. Accurate reconstruction of historic extensions into the right-of-way are appropriate options where documented.

6.5 Use Innovative Railing Designs to Define Outdoor Spaces, Such as Cafes, From Pedestrian Movement Areas

A. Railings define the boundary between public and private a reas and create safety barriers for pedestrians. Semi-permanent railings that can be fixed to the sidewalk are preferred. Site specific designs are encouraged that reflect Boulder's history, the environment, or public art. No signage, advertising, goods or merchandise should be placed on the railing. Railing designs should reflect an open, transparent feeling. Visually closed-in railings that "box-in" the extension are not appropriate.

B. Materials such as metal rails and posts, stone or brick piers, and wood may be used when properly finished. Decorative elements incorporated into the railing design are encouraged. In general, metal surfaces should have a black enamel finish although colors that are incorporated as part of a coordinated color plan for the building, or that are considered in the context of a work of public art, may be considered. Light weight or movable handrails that may be hazardous during times of intense pedestrian crowding should be avoided. Chains, ropes and unsupported railings are unacceptable materials.

6.6 Create Comfortable and Attractive Sitting Areas, And Plazas,and Small Open Spaces

Seating areas, plazas, and small open spaces should be located throughout the downtown. They should be easily accessible and comfortable for as much of the year as possible. The use of ground level plant materials and trees to provide shade and pedestrian scale is strongly encouraged. All elements including walls, trees, paving, seating, pedestrian scale lighting, and water features should be designed as an integral part of the overall site design concept.

A. Orient seating to take advantage of views, sunshine in the winter, and shade in the summer. Arrange benches and other street furniture in a coherent design that, in effect, creates small outdoor rooms. For example, at bus stops and sidewalk seating areas arrange benches, art work, landscaping, and other elements into pleasant and comfortable pedestrian environments.

B. Locate sitting areas, plazas, and small open spaces where they will get the most use. Locate areas where downtown shoppers and workers congregate — adjacent to a building lobby, heavily traveled sidewalks, or an

Fig. 19 The downtown mall contains several different railing designs.

Yes
No
Discuss

If this section adheres to the C.S. then we may best served defining the higher standard.

NOTE:
In general, these guidelines adhere the city's Design Construction Standards, but wherever a discrepancy may arise, the higher standard shall be used.

Remove the detail scientific list of street trees and plants and replace with a reference to the city list, construction standards and landscape standards.

Working Group Comments:
-Remove scientific and technical guidelines regarding planting and add a reference to the code.

outdoor restaurant. When located on private property, but serving as public amenities, plazas and courtyards should be directly connected to and accessible from the public sidewalk. If needed, security gates should be either an integral part of the design or completely hidden from view when not in use.

6.7 Select Street Trees That Are Appropriate to Their Intended Location And Function

A. Approved tree list for commercial sites —

For trees in grates and planting pits. All of the trees in the following chart should do well in a downtown environment. Unless stated otherwise, they will tolerate full sun, drought, varying soil pH and will have a relatively compact crown. Keep in mind that the conditions of various planting sites in the downtown will vary and may need to meet individual landscape objectives. The purpose of this list is to help in choosing a tree according to the size of the planting site. However, each site should be looked at individually by a professional.

The tree list is designed for commercial sites where trees are to be placed in paved areas using tree grates and planting pits. Due to hardscape limitations (i.e. parking meters), spacing design may be modified based upon review by the appropriate design review board.

NOTE: In general, these guidelines adhere the city's Design Construction Standards, but wherever a discrepancy may arise, the higher standard shall be used.

B. Descriptions of Approved Trees for Commercial Sites

• Small trees (Under 25'Mature height) Cherry, Flowering - example, 'Mayday' Tree; 20'-25'height, 20'-30'spread; moderately pyramidal shape; full sun or partial shade; adaptable water requirements.

Crabapple - example, 'Spring snow'; 20'-25' height, 20' spread; minimally fruiting; moderately Oval shape; tolerates drought; full sun; adapts to growing conditions.

Goldenrain* - 20'-25'height, 15'-20'spread; broadly globe shape; grows well in a wide range of soil types; tolerates drought; adaptable to alkaline soil and salt conditions; full sun or partial shade.

Hawthorn - example, 'Ohio Pioneer', Thornless 'Cockspur'; 15'-25'height, 15'-20'spread; broadly globe shape; tolerates drought; tolerates high pH and salt; does best in full sun

Serviceberry - 25'height, 10'-20'spread; moderately ovate shape; tolerates drought; tolerates pH up to 7.0; sun or shade

• Medium trees (30'- 45'Mature Height)

Fig. 20 Example of downtown seating area

Hackberry* - example, 'Prairie Pride'; 45'height, 30'-40' spread; moderately pyramidal shape; tolerates wide range of soil conditions; tolerates drought.

Honeylocust* - example, 'Skyline'; 45'height, 30'-35'spread; moderately globe shape; tolerates wide range of soil types; tolerates high pH and salt; transplants easily.

Hornbeam, European Pyramidal, - example, 'European Pyramidal'; 30'-45'height, 10'-15'spread; narrowly pyramidal; tolerates drought once established; grows in clay soils; sensitive to salt; adaptable to wide soil pH

Pear - example, 'Chanticleer'; 30'-40'height, 25'-35'spread; moderately columnar shape; tolerates drought and salt; adaptable to wide soil pH; hardiest of all the pears.

Linden, Littleleaf - example, 'Greenspire', 'Glenleven'; 45' height, 25'-35'spread; broadly to moderately pyramidal shape; has poor salt tolerance; adaptable to wide soil pH; withstands compaction.

Turkish Filbert; 45'height, 25'-30'spread; moderately pyramidal shape; drought tolerant; adaptable to varying soil pH; full sun.

• Large trees (Over 45'Mature Height) Ash, Green* - example, 'Marshall seedless', 'Newport', 'Patmore'; 50'-60'height, 35'-45'spread; Moderately to broadly ovate shape; highly adaptable to urban conditions; tolerant of salt and high pH; tolerates drought; full sun.

Coffeetree, Kentucky* - 70'height, 40'-50'spread; moderately globe shape; tolerates alkaline soil; tolerates drought; pest-free; full sun.

Hackberry, Common - 50'-60'height, 40'-50'spread; moderately globe shape; useful in difficult planting sites; prefers full sun; drought tolerant; adapted to alkaline soil; salt sensitive.

Honeylocust* - example, 'Shademaster', 'Majestic'; 50'-60' height, 30'-40'spread; moderately globe shape; adaptable watering requirements once established; prefers full sun; tolerates alkaline soils; tolerates drought.
Linden, American - example, 'Redmond', 'Legend'; 50'-60' height, 30'-40'spread; moderately pyramidal shape; adaptable watering requirements once established; full sun or partial shade.

Maple, Red - example, 'Northwood'; 45'-55'height, 25'-35' spread; moderately globe shape; salt sensitive; adaptable water requirements once established; can become chlorotic in alkaline soils, prefers full sun.

Oak, Bur*, English, Shumard, Red, Swamp White* - 50'-80' height, 50'-80' spread; broadly ovate to broadly globe shape; adaptable watering requirements once established; prefers full sun; adaptable to soil conditions, however some species can become chlorotic in alkaline soils; tolerates drought.

C. Unsuitable Street Trees:

Tree species that are not to be placed in public rights-of-way include: Box Elder, Cottonwood, Chinese and Siberian Elm, Poplar, Russian Olive, Silver Maple, Tree of Heaven, Willow, evergreens that create sight obstructions, and clump forms or multi-stem trees.

D. Appropriate tree locations and Tree Grates

Tree species should be selected for their suitability to the specific street where they are to be planted.

The following guidelines should be followed:

• Large trees should be located along Canyon Boulevard, wide right-of-way streets, and principal access streets such as Pearl and Walnut Streets. Large trees should also be used to highlight corners, to provide cover for large plazas, or as accents against the skyline.

• Medium or large scale trees may be located on all other downtown streets.

• Medium trees, with narrow spread canopies, should be located in narrow streets, to fill in mid-block areas, provide visual relief and scale definition to large walls, provide shade and canopies for sidewalks and plaza areas, and establish large areas of color above eye level.

• Small trees should be used to provide seasonal color and a visual focal point for special locations such as a building entrance, corner area, sitting area, bus stop, or other significant area or view corridor.

• Trees in rights-of-way should be maintained with a minimum head height of 8' over sidewalks and 14'over the vehicular streets.

• Low maintenance trees are desirable which have low water requirements and can adapt to the downtown environment.

• Install street trees in tree grates except at locations where they occur in special raised planters in the curb zone, in large planted areas that are integrated with a sidewalk area, and in locations where existing trees located in the curb zones have a root system that has pushed up above grade where the use of a grate will injure the tree.

• Maintain at least a 10 foot distance between tree trunk and building line. This refers to the distance between a tree and building, not the distance necessary to maintain an unobstructed pedestrian area between a tree, as a vertical element, and a railing that encloses a sidewalk restaurant

• Tree grates should be aligned with paving pattern score lines and be placed with careful consideration of sidewalk use, such as a sidewalk cafe or curb cuts.

• Do not locate trees that will obstruct building entrances, corner visibility, or within any sidewalk pedestrian zones that must remain unobstructed.

Chart of approved tree list for commercial sites —

Small Maturing Trees (Under 25'Mature Height) **Planting Pit Size** 60 Cu. Ft. Minimum 3' Minimum Depth (4x5x3) **Tree Grate Area** 20 Sq.Ft. Minimum 4'Minimum Width **Spacing Between Trees** 10'Minimum, 15' Recommended **Caliper Size** 11/2" measured 6" above grade	**Medium Maturing Trees** (30'–45'Mature Height) **Planting Pit Size** 96 Cu. Ft. Minimum 3' Minimum Depth (4x8x3) **Tree Grate Area** 32 Sq.Ft. Minimum 4'Minimum Width **Spacing Between Trees** 15'Minimum, 20' Recommended **Caliper Size** 2" measured 6" above grade	**Large Maturing Trees** (Over 45'Mature Height) **Planting Pit Size** 120 Cu. Ft. Minimum 3' Minimum Depth (4x10x3) **Tree Grate Area** 40 Sq.Ft. Minimum 4' Minimum Width **Spacing Between Trees** 20'Minimum, 25' Recommended **Caliper Size** 2" measured 6" above grade
Cherry, Flowering-*Prunus padus* ('Mayday')	Hackberry*-*Celtus occidentalis* ('Prairie Pride')	Ash, Green*-*Fraxinus pennsyl - vanica* ('Marshall's seedless,' 'Newport,' 'Patmore,')
Crabapple-*Malus spp.* (Fireblight resistant varieties and upright forms, 'Spring Snow').	Honeylocust*-*Gleditsia trican - thos inermis* ('Skyline')	Coffeetree, Kentucky*-*Gymnocladus dioicus*
Goldenrain*-*Koelreuteria panic - ulata*	Hornbean, European Pyramidal - *Carpinus betulus* fastigiata	Hackberry, Common*-*Celtis occidentalis*
Hawthorn-*Crataegus spp.* Crusgalli inermis (thornless, 'Ohio Pioneer', 'Cockspur')	Pear-*Pyrus calleryana spp.* ('Chanticleer'), pyrus ussuriensis, avoid 'Bradford'variety	Honeylocust*-*Gleditsia triacan - thos inermis* ('Shademaster,' 'Majestic')
Serviceberry-*Amelanchier spp.*	Linden, Littleleaf - *Tilia cordata* ('Greenspire', 'Glenleen')	Linden, American-*Tilia ameri - cana* ('Redmond', 'Legend')
	Turkish Filbert-*Corylus colurna*	Maple, Red - *Acer rubrum* ('Northwood')
		Oak, Bur*, English, Shumard, Red, Swamp White* - Quercus: macrocarpa, robur, shumardii, rubra, bicolor

* Indicates drought-tolerant species

NOTE: Tree clustering for well designed planting In general, trees on a particular street should be of the same species to create as much visual continuity as possible while, at the same time, providing different trees on other streets to avoid a monoculture within the downtown.

NOTE: Authorization by the city Forester is needed before planting, pruning, spraying or removing any trees in the public right-of-way. This process enables the Forestry Division to keep an up-to-date tree inventory, and ensures proper tree selection, placement, and care of new and existing trees. Reference "Protection of Trees and Plants", Chapter 6-6, B.R.C. 1981.

NOTE: Planters located in the public right-of-way must receive a revocable permit. A maintenance clause may be included to ensure maintenance responsibility.

However, specific locations, such as plaza fronts and significant building entrance ways may use a different species to distinguish them from the standard street tree located in the curb zone.

E. Tree and landscape maintenance For commercially zoned properties, the maintenance of trees, tree grates, and surrounding hard and soft landscaping located in the public right-of-way should be the responsibility of the private property owner. This includes all maintenance and repair of landscaping and trees including watering, spraying, fertilizing, replacing plant materials/tree grates.

The city provides the following maintenance services:

Pruning and removal of street trees in the public right-of-way, and safety inspections and consultation on street trees that may impose a health or safety concern.

6.8 Select Ground Level Plants That Suit Their Location And Function

Use landscaping, shrubs and ground cover to accent areas. Below eye-level plant materials add seasonal color to the downtown. They can block views to unsightly areas and fill empty areas with visual interest. However, do not use such plant material in corner locations and other areas that block the visibility, or block access to storefront windows or streetscape elements such as newspaper stands, parking meters, or mail boxes. Do not use gravel or rough stone in the curb zone in place of ground cover. The following are plant materials and details:

• Flowers and natural grasses Whenever feasible, flowers and ornamental grasses should be used in combination to accent gateway locations and special sites. Maintenance must be considered in the placement and design of these features. Plantings are preferred in natural at-grade planting beds rather than planter pots or other containers.

• Plant containers and potted plants Although plant containers and potted plants can add color and plant variety to the streetscape, consider their use judiciously since they are fragile, difficult to maintain, and appear temporary. Planters may be located preferably adjacent to building entrances or as part of patio extensions.

Typical planter materials are finished wood, precast concrete, and terra cotta. A maintenance-free finish is preferred as are stability, sturdiness, and sufficient weight to avoid tipping over. Planters must be temporary and moveable, not attached to the sidewalk.

Much of the basic planting requirements are covered by the BRC. It may be helpful to consider a landscape plan for the downtown when considering future recommendations.

Yes
No
Discuss

Fig. 21 Typical ground covers in downtown

CODE: Canyon Boulevard, through the downtown, is a "major arterial street of 4 lanes" which requires that buildings be set-back 78 feet from the centerline of the highway or 25 feet from the lot line adjoining the right-of-way, whichever is greater.

As discussed during the review of Section 2 - The guidelines were written prior to the redevelopment of Canyon. Is it possible to rework 6.9, since it will be covered in the overall section guidelines?

Working Group Comments:
-Add this to the street key map

6.9 Maintain The Boulevard Character of Canyon a Single Row of Street Trees on Either Side of The Street, The Building Setback Line And The Center Planting Strip

Canyon Boulevard is one of the city's most prominent avenues with its center planting strip and deep building set backs. It is one of the downtown's major access routes as well as a link between the Civic Park area and the downtown Boulder mall. The tree rows and center planting strip emphasize the park like character of a "boulevard" and create a unique sense of entry to the downtown. Consider the following plant materials, details:

• Tree Rows Trees along Canyon do not need to be planted with tree grates, although areas that accent building entrance ways or other features such as pedestrian sitting areas may incorporate tree grates in the overall design. In general, trees and other plant material should be arranged in an urban linear pattern that parallels the street rather than a less formal random arrangement.

To create visual interest, incorporate grass areas, paved areas or ground covers within the overall design of tree rows.

• Ground cover

Use annual and perennial flower arrangements, or arrangements mixed with natural grasses, especially at street corners, for visual accent and color. Maintain view requirements to avoid blocking sight lines.

The Canyon median should be planted to enhance the "boulevard" quality of the corridor. Shrubs should not exceed 24" in height to avoid creating barriers to site lines especially at intersections.

This is very ambiguous.

NOTE: Light poles are provided by Public Services Company and maintained by the city of Boulder. Coordination with Public Service is an absolute requirement.

~~6.10 Create Gateway Elements at Important Downtown Entrance Ways~~

~~Gateway elements can create the appearance of symbolic entrance ways. Gateway treatments are of particular importance at key intersections such as the 9th, 10th, and 11th Street, Broadway, and the 13th, and 14th Street intersections along Canyon. They may also provide entrance ways to the downtown located along east and west Pearl Street, and at either end of the downtown section of Broadway. Such gateways may be created by a change in the scale of nearby buildings; a sense of enclosure due to building setbacks, street trees and landscaping; a monument, streetlight, or the acknowledgment of a special vista or topographic feature.~~

~~In general, gateways should be visually creative and include an element of sufficient height and mass so as to be visible by motorists, lighted so as to be visible at night, and constructed of high quality materials such as brick, marble, granite, terrazzo, concrete, stainless or painted steel, copper, brass or glass.~~

~~Gateways associated with a particular sub-area of Boulder should be of consistent design. For example, gateways to downtown may be unique to that area while gateways at Crossroads should reflect features of that mall.~~

6.11 Establish Pedestrian Scale Street Lights Along Street Frontages When Feasible

If the lighting in the curb zone is provided by the city and per regulation, then possibly 6.11 needs to revised as a external building lighting guideline in Section 1 & 2.

No
Discuss

Pedestrian street lighting should illuminate the sidewalk at a level that is consistent with pedestrian activities rather than vehicular activity. Spacing should be standard but may vary to accommodate existing vehicular street lights or street trees.

For pedestrian scale lighting located in the curb zone, fixtures should be the same 12'high as those used in other areas of the downtown. When arranged in a linear pattern they should be spaced approximately 50 to 75 foot apart. On major streets such as Broadway and Canyon, larger 15 foot high fixtures may be used. A custom streetlight fixture that combines both pedestrian and vehicular lighting could be considered on such major streets.

Pedestrian scale lighting may also be accomplished with fixtures that are mounted on buildings or located to accent architectural or landscape features. Such fixtures should be designed to enhance the overall architecture of the building, provide lighting for pedestrians and not damage historic materials.

6.12 Handicapped Access Should Be Appropriately Designed, Clearly Visible From The Main Entranceway And, In General, Use The Same Access Routes As Those Used by Non-Handi capped Users Where Possible

This is redundant. ADA compliance isn't a choice.

Yes
No
Discuss

A goal of the city is to make the downtown as accessible as possible. All sidewalks, public-use buildings, and public open spaces should be in compliance with American Disabilities Act (ADA) standards. All accessible design elements must conform to all applicable Federal, State and Local laws and codes.

This is important but it belongs in building design in Section 1 & 2

Yes
No
Discuss

NOTE:
The Downtown Management Commission's travel demand management program provides for bicycle parking in the public right-of-way and uses the Downtown Bike Parking Plan as the guide for placement. To contact the DMC, call (303) 413-7300.

Ramps and related elements should be modest in their design and be visually integrated with the overall building design and site plan. They should not appear as an unintegrated add-on to a building facade.

In most cases the principal public entrance to a building should also be the principal entrance for handicapped accessibility. In existing buildings, where only one route is determined to be accessible, other than the principal public entrance, a rear or side service entrance route may be considered.

6.13 Street Furnishings Create a Unified Visual Appearance in Downtown

For efficiency this section should be consolidated into three areas:
Landscaping
Street Furniture/Public Art
Streets/Alleys
All the items that go with the particular area need to be reorganized.
Currently, they are scattered around the section without rhyme or reason.

A unified streetscape image adds to the overall visual quality of the downtown. Traditionally, black metal and wood have been the materials used for street furnishing in the downtown mall. In general, install standard benches, trash receptacles, and bike stands will unify the visual quality of the downtown through the use of a common colors, materials, and patterns. However on occasion, based upon a design review by the appropriate group, street furniture might be designed to create a unique street feature, a visual statement, or even a public work of art. The following standard street elements should be considered for the downtown:

- Benches

The standard downtown bench is made of black metal with woven horizontal and vertical strapping. Variations may include benches with or without backs and with single or multiple seats. Contact the Downtown Management Commission at (303) 441- 4000. Varnished wood benched are characteristic mall features as well.

- Trash receptacles

Three standard trash receptacles are available for use in the downtown: a large capacity black metal slat design, a small slat design that are attached to a utility pole, and a free standing ash tray and disposal can. All receptacles are made of black finished metal.

Locate receptacles at street corners in high pedestrian activity areas. One trash receptacle should be provided for each 1,000 square feet of sidewalk space with a minimum capacity of one cubic foot. High use areas such as eating spots should double the capacity. The use of a multiple receptacle system promotes recycling of glass, paper, or metal products.

- Bicycle stand

The city of Boulder standard bike rack for low volume areas is a black metal pipe, inverted "U" design. For high volume areas the Cora, or coat-hanger design in black metal, is preferred. Bike racks should be grouped together and arranged in a regular pattern, rather than be dispersed randomly. Locate bike parking in high demand locations especially inside the mall Loop, at bus stops, or along bike lanes. Use the 1995 Downtown Bike Plan as a guide for locating likely parking areas.

Working Group Comments:
-rework into a public realm section
-reorganize public realm into the appropriate categories.

• Bollards

Simple black metal, sandstone and concrete bollards have been the standard which may be used in a variety of ways. They can separate pedestrian and vehicular traffic, define property lines, protect a work of public art, or identify different use areas.

In pedestrian areas bollards should be 24-30 inches high, in vehicular areas 36 to 42 inches high. Bollards should be between 8 and 16 inches wide. When feasible, lighting can be incorporated in the bollard to highlight special features or for pedestrian safety.

• Newspaper boxes

As a general guideline, encourage the use of newspaper boxes that are metal black enamel finish with white graphics. Boxes should grouped together in a pedestal design, stacked a maximum of two high with a maximum length of 8 foot. Locate boxes at nodes of pedestrian activity such as bus stops and street corners. Boxes should not reduce pedestrian or automobile sight lines. In general, provide 5 foot clearance to gain access to the boxes, and no less than 2 feet between the boxes and the curb.

• Banners and flags

Banners and flags should be located in a manner that enhances the visual quality of downtown streets. While dimensions may vary, they can be attached to existing streetscape elements such as utility poles. Pedestrian and vehicular clearance issues must be taken into consideration. Sign code issues may need to be addressed. Before constructing any banner or flag contact the Planning Dept. for sign code issues at 303- 441-1880 and the DMC, at 303-413-7300, for banner and flag approval.

• Kiosks, Information Directors, and “Way Finding” Signs.

The users of public places such as downtown Boulder need appropriate, correct and timely information to help them find their way and direct them to their destinations. Locate information elements at key intersections to convey public information; it may display a variety of different types of information such as leaflets, posters, and brochures. In general, they should be designed as an integrated part of the overall streetscape but should not interfere with pedestrian traffic flow. They should be permanently fixed in place and made of sturdy materials that are resistant to vandalism andl wear and tear.

NOTE: A revocable right-or-way permit is required to any permanent installation in the public right-of-way from the Public Works Department, contact (303) 441-3200.

DOWNTOWN URBAN DESIGN GUIDELINES

REFERENCE TEXT

NOTE:
A revocable right-or-way permit is required to any permanent installation in the public right-of-way from the Public Works Department, contact (303) 441-3200.

NOTE:
The Boulder Transportation Division, Transportation Planning should be contacted regarding the design and location of bus stops.

6.14 Create Attractive, Safe And Comfortable Bus Stops

Street side bus stops should be designed as mini-centers that include all of the necessary furniture, amenities, and shelter to make bus use pleasant. Bus shelters may incorporate transit maps, benches, news racks, bike storage, surface paving, trees, landscaping, and other amenities. Bus shelter design should be consistent throughout the downtown to create a transit identity and visual unity. Bus shelters should be visible to pedestrians, incorporate clear signage, and be well lighted. They should be made of finished, durable materials with unbreakable transparent side walls.

6.15 When Feasible, Create Through-Block Pedestrian Corridors Between Buildings, Especially in a North-South Direction

Through-block connections, such as the Portal Building and Daily Camera walkway should be encouraged in large projects to promote pedestrian circulation throughout the downtown. Design such connections to be interesting places, not merely hallways to parking lots or alley service loading areas. They should be handicap accessible, well lighted, appropriately landscaped, and paved in materials compatible with their locations and surrounding context. Opportunities for artwork or other visual innovations are encouraged.

6.17 is repeatedly addressed.

Working Group Comments:
-bring all the alley requirements into the public realm section.

6.16 Preserve Historic Features of The Streetscape

move this to the beginning as a blanket guideline

Whenever possible, preserve, restore, and reuse historic fixtures of the streetscape, such as a flagstone sidewalk, globe light fixture, or any other existing historic feature located in the public right-of-way. Such elements offer a sense of historic continuity with Boulder's past. Repairs to these historic streetscape elements should ensure that construction materials and details are consistent with their historic character.

Yes
No
Discuss

6.17 Upgrade Downtown Alleys as Pedestrian Access Routes And Efficient Commercial Service Access

Downtown alleys can create secondary pedestrian systems to navigate the downtown and may also provide an alternate means of access to shops, restaurants and other commercial uses. Care must be given to not impede the alley's primary service function. Further, any improvement using lighting should be designed to not cast glare onto adjacent residential properties, especially in the Interface Area.

In order to make alleys visually interesting, safe, and accessible to pedestrians:

- Use decorative paving to identify alleyway building entrances by creating a 1 foot wide brick edging as a decorative element to define the width of alleys and the importance of certain alley pedestrian routes, and connect alleys to sidewalks.

- Incorporate pedestrian scale street lighting and accent lighting to highlight building and alleyway entrances.

Fig. 23 Examples of public art in the downtown.

Are there any particularly good examples of public art and alleys from downtown you think we should use?
These images don't convey the message of do this or don't do that example.

Fig. 22 Improved alleyways which include brick paving, landscaping, and seating

Working Group Comments:
-Talk to public art representative Matt Chansansky.
-Less commercially driven public art.

- Use covered entrance ways and decorative signs to define alley entrances.

- Incorporate bollards, planters, or similar elements to identify pedestrian areas from service or vehicle areas; consolidate service areas to hide unsightly trash and recycling bins in attractive containment designs.

- Place utilities underground.

6.18 Enrich The Downtown With Public Art

Public art can enrich the downtown experience, enhance its public image, and add beauty. But, while public art can beautify, it can also inspire intense public interest. Public art may be representational or abstract. It may be uni- or multi-dimensional, humorous or sad, understandable or pose questions. It may be actively engaging or a passive backdrop to public events. Choosing, purchasing, installing, maintaining, and removing public art when necessary, requires careful deliberation and planning. Streetscape design incorporates public art to create visually interesting and informative environments. As long as the artistic intention is understood, public art may be many things.

The Arts Commission, the Downtown Management Commission, the DDAB, and the LPAB are among the groups involved in making public art decisions in the downtown. Decisions may address the following, among others:

- The relationship of public art to its proposed site and its visual impact.

- The ability of public art to enhance the downtown experience such as bringing people together, inviting public interaction, creating moments of visual or intellectual interest, and enhancing the area's beauty.

- The durability of materials, maintenance and upkeep in public settings.

- The placement of public art to terminate a vista or serve as the focal point.

- The human or monumental scale of artwork located along public streets.

- The context and character of the area surrounding the art site

- The artwork's symbolic and aesthetic qualities.

- Criteria for deaccessioning or removing artwork. Review of artwork in the Downtown Historic District, with

regard to the LPAB would consider the following criteria:

- When related to a specific landmark building, the artwork should be subordinate to the overall building.

- The artwork should not obscure building elements or details. For example, a mural should not cover windows.

- The artwork should not physically damage the building or site, such as paint on unpainted masonry.
- The artwork should be relevant to the location and not confuse the public with artwork that represents a false sense of history that can overshadow or detract from the period of significance of the building or district. For example, a mural of a New Orleans Street scene on a Victorian building.
- Historic signs, such as those painted on side walls, should be preserved, not eliminated.

Delete the Appendices. Zoning district summaries are available online.
The summary set of guidelines is redundant.

Yes
o
iscuss

APPENDIX A: ZONING DISTRICTS

Zoning districts are classified according to the predominant character of development and current or intended use in the area. Zones designated with an (X), such as RB-1X, mean a redeveloping area where there are buildings and uses likely to be rehabilitated, restored, or replaced. Zones designated with an (E), such as RB-1E, mean an established area where development is stable and few changes are anticipated or encouraged. Following are the ten zoning districts located within the Downtown Urban Design Guidelines Boundary:

RB-1X: The regional business redeveloping area within the downtown core that is in the process of changing to a higher intensity use where a wide range of office, retail and public uses are permitted. This area has the greatest potential for new development and redevelopment within the downtown core.

RB-2X: Business areas providing a mid-level transition area between the higher intensity downtown commercial area and surrounding neighborhood commercial streets and lower intensity residential areas. Retail uses are typically found on the ground floor level with residential or office uses located above the ground floor level.

RB-3X: Business areas providing a transition area between a higher intensity regional business area and a lower intensity residential area. Retail uses are typically found on the ground floor level with residential or office uses located above the ground floor.

RB-1E: The regional business area of the Boulder Valley known as the Central Business District, when a wide range of retail, office, residential, and public uses are permitted and in which many structures may be renovated or rehabilitated. A balance of new development with the maintenance and renovation of existing buildings is anticipated, and

where development and redevelopment consistent with the established historic and urban design character is encouraged.

RB-2E: A higher-intensity transition area between the downtown and the surrounding residential areas where a wide range of retail, office, residential, and public uses are permitted. A balance of new development with the maintenance and renovation of existing buildings is anticipated, and where development and redevelopment consistent with the established historic and urban design character is encouraged.

RB-3E: A lower-intensity transition area between the downtown and the surrounding residential areas where a wide range of retail, office, residential, and public uses are permitted. A balance of new development with the maintenance and renovation of existing buildings is anticipated, and where development and redevelopment consistent with the established historic and urban design character is encouraged.

BMS-X: Business areas generally anchored around a main street that are intended to serve the surrounding residential neighborhoods. It is anticipated that development will occur in a pedestrian-oriented pattern, with buildings built up to the street; retail uses on the first floor; residential and office uses above the first floor; and where complementary uses may be allowed.

HR-X: High density residential redeveloping areas in the process of changing from a historically predominantly single-family character and redeveloping to a primary use of attached apartment-type development and where complementary uses may be allowed.

MXR-E: Mixed density residential areas with a variety of single-family, detached, duplexes and multi-family units that will be maintained; existing structures may be renovated or rehabilitated.

TB-E: Transitional Business areas primarily used for commercial and complementary residential uses, including, without limitation, temporary lodging and office uses.

Appendix B: Design Review Checklist

Section 1: The Downtown Historic District

Section 1.1 Guidelines For The Preservation And Renovation of Local Landmarks, Individually Significant, Contributing, And Contributing Restorable Buildings

1.1.1. preserve original facades

1.1.2 preserve facade materials

1.1.3 align architectural features and establish patterns with neighboring buildings

1.1.4 maintain the original historic line of the building setback

1.1.5 maintain the original size, shape and proportion of storefront facades and openings to retain the historic scale and character

1.1.6 maintain traditional recessed entries where they exist

1.1.7 maintain the kick plate below display windows

1.1.8 preserve the transom and clerestory if it exists

1.1.9 preserve the shape, materials and spacing of upper story windows

1.1.10 awnings may be used to provide visual depth to the facade and shade

1.1.11 distinguish additions to historic buildings

1.1.12 select building colors appropriate to the historic character of the building and area

1.1.13. Minimize the visibility of HVAC units and other mechanical, structural, or electrical appurtenances

Section 1.2 Guidelines For New Construction And Remodeling Non-contributing Buildings in The Local Downtown Historic District

1.2.1 incorporate traditional design elements in new designs

1.2.2 align architectural features and established with the patterns of neighboring buildings

1.2.3 maintain the line of storefronts at the sidewalk

edge and orient main entrances to open toward the street

1.2.4 do not construct half-level or split-level first floors that extend both above and below grade

1.2.5 consider the height, mass, and scale of buildings

1.2.6 maintain a human building scale rather than a monolithic or monumental scale

1.2.7 maintain the proportions of storefront windows, doors and the established pattern of upper story windows.

1.2.8 maintain the rhythm established by the repetition of the traditional 25 foot facade widths.

1.2.9 use building materials that have a texture, pattern and scale similar to those in the district

1.2.10 improve rear or side alley elevations to enhance public access from parking lots and alleys

Section 2: The Non-Historic Area

2.1 consider incorporating traditional facade elements in new designs

2.2 consider the alignment of architectural features and established patterns with neighboring buildings

2.3 maintain the line of building facades and storefronts at the sidewalk edge

2.4 consider the height, mass and scale of buildings

2.5 maintain a human building scale, rather than a monolithic or monumental scale

2.6 create pedestrian interest at the street level

2.7 avoid half level, or partial level basements that extend more than 2 feet above grade

2.8 shade storefront glass by apropriate means

2.9 maintain the rhythm established by the repetition of the traditional 25 foot facade widths.

2.10 consider the quality of open space incorporated in new and renovated buildings

2.11 consider the special character of the area south of canyon boulevard

Section 3: The Interface Area

3.1 maintain the diverse residential architectural character of the interface area

3.2 create attractive rear alley facades on buildings facing toward residential areas

3.3 design alleys to serve as attractive routes for pedestrians, as well as efficeint service access for vehicles

3.4 where the zoning line runs along a street or along a lot line, commercial development should respect the existing building scale and character of the adjacent residential area.

3.5 design streets in the neighborhood interface area to reflect adjacent residential land uses.

Section 4: Parking Facilities

4.1 locate surface parking on appropriate sites

4.2 reduce the visual impact of surface parking lots

4.3 reduce the visual impact of structured parking facilities

4.4 security and pedestrian circulation should be priorities

Section 5: Commercial Signs

5.1 signs should be designed as an integral part of the overall building design

5.2 use simple signs to clearly convey a message. Symbols as signs are easily read and enhance pedestrian quality

Section 6: Streetscape Improvements

6.1 use the existing street hierarchy as a basis for designing the streetscape

6.2 use a basic sidewalk design to unify the visual image of downtown

6.3 use a basic intersection design to unify the visual image of downtown

6.4 design extensions into the public right-ofway that are visually and functionally appropriate to their street

6.5 use innovative railing designs to define outdoor spaces, such as cafes, from pedestrian movement areas

6.6 create comfortable and attractive sitting

areas, plazas and small open spaces with a focus on views and sunshine

6.7 select street trees that are appropriate to their location and function

6.8 select ground level plants that suit their location and function

6.9 maintain the "boulevard" character of Canyon Boulevard — a single row of street trees on either side of the street, the building set-back line, and the center planting strip which defines the boulevard character

6.10 create gateway elements at important downtown entrance ways

6.11 establish pedestrian scale street lights along street frontages when feasible

6.12 handicapped access should be appropriately designed, visible from the main entranceway, and in general, use the same access routes as those used by non-handicapped users where possible

6.13 install street furnishings that create a unified visual appearance in downtown

6.14 create attractive, safe and comfortable bus stops

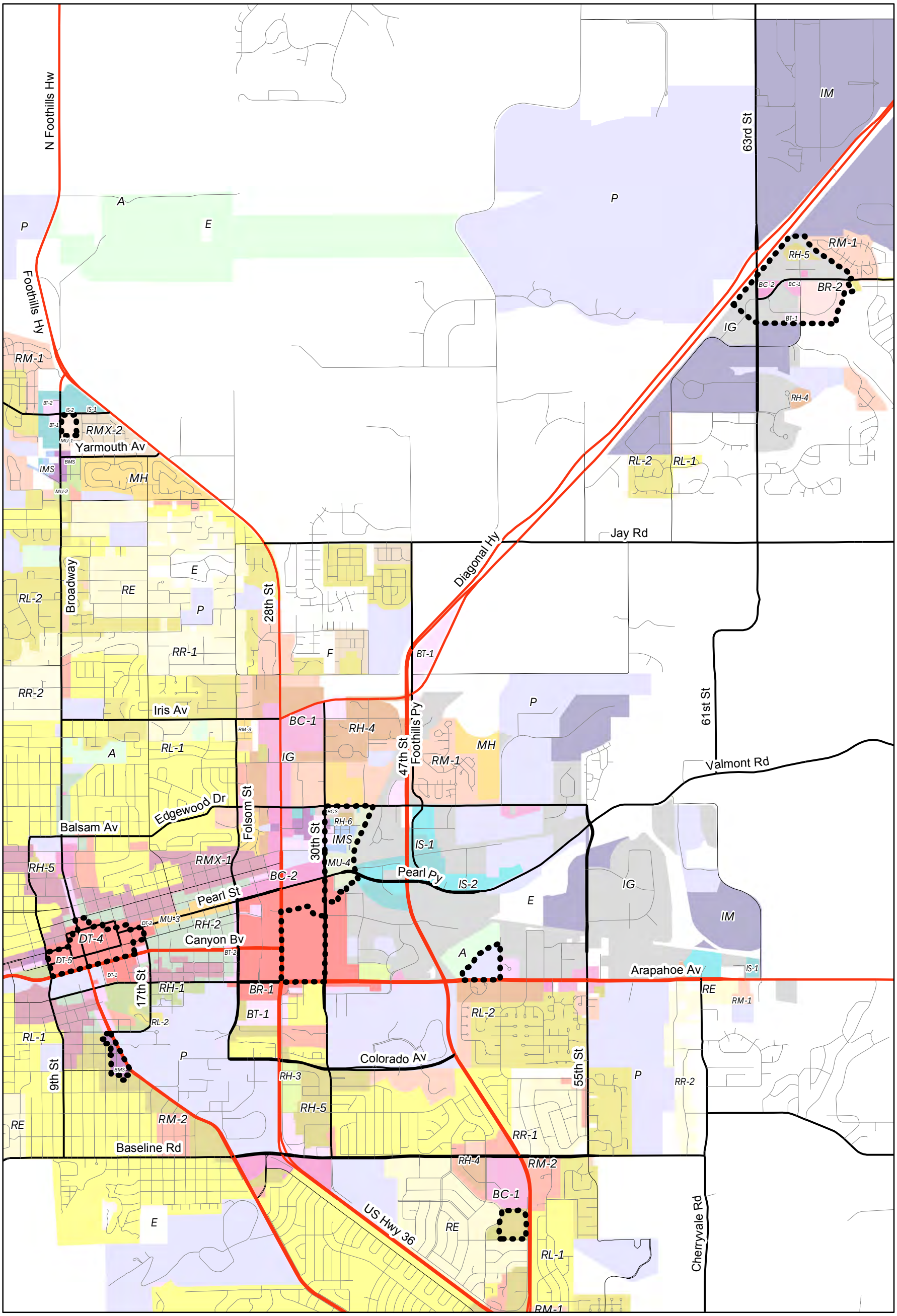
6.15 when feasible, create through-block pedestrian corridors between buildings, especially in a north-south direction

6.16 preserve historic features of the streetscape

6.17 upgrade downtown alleys as pedestrian access routes and efficient commercial service access

6.18 enrich the downtown with public art

Appendix J to Title 9 – Areas Where Height Modifications May be Considered



Areas Where Height Modifications May be Considered

Downtown Urban Design Guidelines

City of Boulder, Colorado ~~2002~~2016

Acknowledgements:
~~The Downtown Alliance~~

This ~~second~~third edition of the Downtown Urban Design Guidelines is the ~~direct~~ result of recommendations from a 2015 joint-board working group consisting of representatives from the Landmarks Board, Boulder Design Advisory Board, Downtown Management Commission, the Planning Board and City staff.

Much of the basis of this document may be attributed to earlier work ~~conducted~~ by the Downtown Alliance, a group of city boards and commissions, non-profit organizations and neighborhood groups including the city of Boulder Planning Board; the Landmarks ~~Preservation Advisory~~ Board; the ~~Downtown~~ Design Advisory Board; the Downtown Management Commission; Downtown Boulder, Inc.; Historic Boulder; and representatives from the Whittier, West Pearl, Mapleton Hill, Goss Grove, and Flatirons neighborhoods.

~~Formed in the fall of 1996, the Downtown Alliance was charged with developing a scenario that would help the city to:~~

~~guide future development in a manner that maintains the downtown's livability and is consistent with the overall "feel" of the downtown,~~

~~protect downtown's historic character that is so closely associated with its image and quality of life, and~~

~~maintain the quality of life of surrounding neighborhoods and their relationship to the downtown.~~

~~While this edition of the Downtown Urban Design Guidelines replaces the 1986 Downtown Boulder Urban Design Plan, it draws much of its content from that document. The city wishes to acknowledge the individuals and organizations who produced that initial work and who implemented the downtown design review process. The city also wishes to acknowledge the work undertaken to implement the "interface blocks" which also contributed greatly to this document.~~

~~Other studies that contributed to this document include the 1976 Downtown Boulder Private Development Guidelines for Architecture and Signs, the 1992 Downtown Illustrative Plan, and the 1995 draft Downtown Boulder Pedestrian Streetscape Plan: Design and Standards.~~

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Introduction

The purpose of this ~~second~~third edition of the Downtown Urban Design Guidelines is to provide a basis for understanding, discussing, and assessing the design quality of proposed preservation, renovation and new construction projects located within the boundaries of the Downtown Historic District, the Non-Historic Area, and the Interface Area.

Through the use of these guidelines it is anticipated ~~that~~ both private and public projects will endeavor to preserve and enhance the unique form, scale, and visual character of Downtown while strengthening the identity of the area through encouraging new, compatible development. ~~that make downtown unique within the city and the region.~~

~~These guidelines are designed to support the ten strategies outlined in the 1992 Downtown Illustrative Plan:~~

~~Assure the long term economic vitality of the downtown~~

~~Downtown Boulder is the heart of the city, the traditional hub of city life. Its future economic vitality is of great importance to the future health of the city. These guidelines will help the city to balance the need for economic vitality with the need to maintain and enhance downtown's unique "sense of place".~~

~~Establish a pedestrian district~~

~~Downtown Boulder is a walkable place. The ability to walk from one end of downtown to the other in less than 10 minutes, and the pedestrian scale of its sidewalks, buildings, and storefronts, are key factors in what makes the downtown area different.~~

~~Provide improved links between the Downtown Boulder mall and the Civic Park The Downtown Boulder mall is one of~~

~~America's premiere public places, and the Civic Park area is one of this city's most important public gathering places. By visually and functionally linking these two significant open spaces, downtown's north/south pedestrian system will be strengthened and its urban form clarified. Major north/south pedestrian corridors include 9th, 10th, and 11th Streets; Broadway, and 13th and 14th St.~~

~~Locate and build additional public places in the downtown~~

~~Open space is prized as one of Boulder's most valued assets. In addition to the expansive open spaces that ring the city, numerous creek, park, and trail systems weave through the city. Small plazas, parks, and open areas where people gather, rest and recreate are important elements in making central places like downtown livable. They provide access to views, create open areas in higher intensity developments, and add enjoyment for people working or shopping downtown.~~

~~Design and construct streetscape improvements throughout the downtown~~

~~The public image created by the visual quality of downtown's streets, sidewalks, and landscaping is important. People like attractive and well cared for environments within which to work and shop. The care and maintenance of this public realm, adds value to the downtown and improves public safety.~~

~~Maintain the historic character of the downtown area~~

~~Downtown's historic quality is of paramount importance to its public image and economic vitality. It is an asset to preserve and bank upon.~~

~~It builds value and creates opportunities for innovative marketing and advertising strategies. Most importantly, downtown's historic quality keeps Boulder in touch with its past and defines its unique character.~~

~~Expand the role of the arts [and public events] downtown~~

~~Successful downtowns depend not only on how they look but on what people can do there. Social and cultural events that attract people are fundamental to downtown's success. The role of the arts and related public events are closely linked to how people think of downtown, its attractiveness, safety, and social well-being.~~

~~Encourage residential uses adjacent to [and in] the downtown~~

~~Creating livable central places is a hallmark of many successful cities nationwide. Places where people live as well as work can create an attractive mix of uses that can improve public safety, increase the use of alternative modes of transportation, and build strong community ties. The city's land use regulations encourage housing not only adjacent to downtown but within the downtown itself in well-designed mixed-use projects.~~

~~Provide better access to the downtown for alternative transportation modes~~

~~A key to downtown success is the ability to move people comfortably to and from the area. No one mode of transportation provides all the answers. Rather, a strategy that relies on a balance of alternative modes, including walking, biking, transit, and auto is needed. Good urban design and appropriate land use planning can facilitate alternative transit mode in the downtown.~~

~~Parking~~

~~The 1992 Downtown Illustrative Plan identified parking as a needed strategy, and in 1996, the Downtown Alliance noted in A Proposal for the Downtown Central Business District that the relationship between alternative mode use, development, and parking needs should be monitored and incorporated as part of the downtown's planning process.~~

~~Downtown Land Use Regulations~~

~~When proposing a preservation, renovation, or new construction project for the downtown there are a number of working assumptions to consider:~~

~~As a result, zoning districts exist within the boundaries of Downtown Urban Design Guidelines and each comprises a unique set of conditions.~~

~~The following map identifies the location of the various zoning districts. For example, the RB-1X zone is the area likely to undergo the most significant change while the RB-1E zone, which includes most of the Historic Area, is likely to undergo the least change.~~

~~(See Appendix A: Zoning District Definitions which gives a definition of each zone).~~

~~Basic Urban Design Considerations~~
~~When proposing a preservation, renovation, or new construction project for the downtown there are a number of working assumptions to consider:~~

~~CAGID: The Central Area General Improvement District encompasses all of the area covered by these guidelines. While there are no parking requirements for commercial properties in CAGID, there are parking requirements for residential uses.~~

~~BID: The Downtown Boulder Improvement District provides services, facilities and improvements for owners of real and personal property in a 34 block area including CAGID plus contiguous blocks to the east and west; Spruce to Arapahoe and 8th to 21st~~

~~Flood zones: Much of the downtown is affected by the Boulder Creek flood zones. Restrictions of various types apply and will limit what development that can occur.~~

~~Views: Downtown Boulder is blessed with exceptional mountain views and projects should be designed to take advantage of this extraordinary asset. The south and west edges of downtown offer the most spectacular views.~~

~~Sun and Shade: In Boulder's climate, sun and shade are important factors. Concern for providing natural light in buildings, sunny sidewalks in the winter, and shady areas in the summer is an important consideration in project design.~~

~~Connections to other areas of town: Boulder's central area includes three major activity centers: Downtown Boulder, the Boulder Valley Regional Center (BVRC), and the University Hill Area. Connecting these areas through a variety of alternative modes and urban design improvements are important factors in their future success.~~

How are the guidelines ~~are~~ organized?
The guidelines are organized into ~~six~~three sections. The first ~~three~~two sections address specific geographic areas of the Downtown: the Downtown Historic District~~,~~ and the Non-Historic ~~Area, and the~~ & Neighborhood Interface Areas. The last ~~three sections address specific design topics: Parking Facilities, Downtown Signs, and The Streetscape~~section addresses the Public Realm.

~~Most~~The sections are organized around several ~~principle~~principal guidelines and a number of "follow-up" guidelines. ~~(Appendix B offers a "check list" of the principle guidelines that can be used during a design review process).~~

~~The term CODE in bold letters introduces excerpts from the city's land use code to provide additional regulatory insight that is directly related to these design guidelines.~~
Within the margins are excerpts marked "Note:" and "Code:" reserved for more in depth references to the subject matter.

How are the guidelines revised?

The guidelines are part of a Downtown Area Plan and are adopted by Planning Board and City Council with recommendation from the Design Advisory Board. The Landmarks Board independently adopts guidelines for the Downtown Historic District.

How are the guidelines administered?
Three review bodies are primarily responsible for administering these guidelines: the ~~Landmarks Preservation Advisory Board (LPAB~~LB), the ~~Downtown Design Advisory Board (D~~DAB), and the ~~Downtown Management Commission (~~DMC).

Specifically, ~~LPAB~~the LB reviews and applies the Guidelines to all projects located in the Downtown Historic District and individually landmarked ~~structures~~properties located outside ~~the District;~~ of the historic district but within the downtown boundaries. ~~D~~DAB reviews and applies the guidelines on all projects with a construction value over $~~10~~25,000 in the Non-Historic and Interface Areas, ~~. In addition,~~ and the DMC applies the Guidelines in review of ~~reviews~~ projects located on the Downtown Boulder Mall. The PB applies these guidelines as part of the site review process.

When this document uses terms such as "encouragement" and "generally", it acknowledges that these guidelines are utilized in a mandatory review and voluntary context; however, in the review of Landmark Alteration Certificates and Site Review applications, the guidelines may be applied with mandatory effect in the analysis of specific review criteria.

Note:
The design guidelines include photographs and diagrams to illustrate acceptable or unacceptable approaches. These photographs and diagrams are provided as examples and are not intended to indicate the only options. Adherence to the diagrams and photographs does not guarantee appropriateness of a proposed project, nor does it imply the proposed project meets all the criteria required for an approval.

Note:
In general, these guidelines adhere to Local, State and Federal regulations, but wherever a discrepancy may arise, the higher standard shall be applied.

DOWNTOWN VISION
Downtown Boulder is characterized by the eclectic, fine grained and compact urban character of the Downtown Historic District nestled in against the natural backdrop of the Rocky Mountains. These qualities are reflected in the traditional buildings associated with the original settlement of the area, the street grid and bustling economy, and civic life of downtown. This is also where the historic fabric is the setting for contemporary, vibrant and active urban life where people are living, working, shopping and recreating in the shadow of a visible history.

The urban design quality becomes a vital part of what makes Downtown Boulder a memorable place. These guidelines are intended to encourage the preservation and enhancement of Downtown's built environment through recognition of design attributes that are intrinsic to its existing character or essential to its ongoing appeal:

- Design innovation and excellence in form and visual character that respect and reference historic architectural context;
- Careful consideration of the urban and natural interface including views, green spaces, and

waterways;
- Human-scaled space that results from the designed interplay of enclosing mass, void, and light;
- Street-level design oriented toward the pedestrian in motion; and
- Sustainable design practice with respect to solar access, water, energy and materials.

The ~~Design~~ Review Process

The Landmark Alteration Certificate (LAC) Review Process
Landmark Alteration Certificate (LAC) review through the Historic Preservation Program is required for exterior changes to landmarked properties and all properties located within the Downtown Historic District boundaries.

The majority of applications are reviewed by the Landmarks Design Review committee (LDRC), that meets each week. Routine changes, such as patios and signage, are reviewed by staff. More complex projects, including demolition or new construction, are reviewed by the Landmarks Board. To find out more or for an application, visit the City of Boulder Historic Preservation, or call (303) 441-1880.

~~The Landmarks Preservation Advisory Board (LPAB) Process~~
~~LPAB is responsible for reviewing all exterior and site feature changes for preservation, restoration and new construction projects located in the Downtown Historic District.~~
~~Project review and compliance with final LPAB decisions are mandatory for projects in the District.~~
~~In addition, LPAB is responsible for reviewing exterior and site feature changes to landmarked buildings in the Non-historic Area and the Neighborhood Interface.~~
~~LPAB reviews all demolition requests for buildings over 50 years of age.~~

~~LPAB Design Review Committee meets weekly~~
~~Projects are reviewed by the LPAB Design Review Committee, which consists of two members of the full five member Board, and one Planning Department staff member. The Committee typically meets weekly at the Planning Department offices. The review is relatively informal in its proceedings. An appointment for LPAB review can be made by calling (303) 441-4293.~~
~~All exterior changes, alterations, removal or demolition of a building or site features in the Downtown Historic District require a Landmark Alteration Certificate prior to the issuance of a demolition permit or a building permit. Routine maintenance and minor repair does not require a Landmark Alteration Certificate. It is possible to schedule a "conceptual review" with the Committee to discuss preliminary design concepts before complete plans are reviewed.~~

~~NOTE: Section 10-13-14 of the Boulder Revised Code (B.R.C.), 1981, establishes the time limit for processing a Landmark Alteration Certificate (within fourteen days after a complete application is filed). A Landmark Alteration Certificate cannot be granted unless 1) an application is considered complete with all of the necessary sketches, drawings, photographs or other relevant information and 2) the application is reviewed and officially approved by the Landmarks Design Review Committee. A Landmark Alteration Certificate is granted on the affirmative vote of all three members of the Committee.~~

~~If the Landmarks Design Review Committee vote is split or if the project involved new construction or demolition, the application automatically goes forward for review by the full five member LPAB at a public hearing unless the applicant chooses to revise the application or withdraw it for later resubmission. The applicant may also appeal any decision of the Landmarks Design Review Committee~~

~~to the full LPAB for review.~~
~~In the case of projects requiring a Site Review, or other development review, which is administered through the Planning Department, the Landmarks Design Review Committee reviews the proposal and then provides a recommendation to the Planning Department which is incorporated in a Planning staff memorandum. The final decision is made by the Planning staff, Planning Board, or city Council.~~
~~Following approval by the Planning staff or Planning Board, a Landmark Alteration Certificate must be received prior to the issuance of a building permit.~~

~~The full LPAB meets monthly~~
~~As described above, a split vote of the Landmarks Design Review Committee automatically goes forward for review by the full five-member LPAB at a public hearing unless the applicant chooses to revise the application or withdraw it for later resubmission. The applicant may also appeal any decision of the Landmarks Design Review Committee to the full LPAB for review.~~
~~In addition, all demolition and new construction applications must be reviewed by the full LPAB at a public hearing. The decision of the full LPAB is subject to call up by city Council. The full LPAB meets the first Wednesday of every month after 6:00 p.m. in city Council Chambers. The Board consists of five volunteer city residents, including design professionals, who are appointed by city Council.~~

~~NOTE: On certain occasions, LPAB or the Design Review Committee may invite member of the Downtown Design Advisory Board (DDAB) to act in an advisory capacity when addressing new construction or remodeling of non-contributing buildings in the Downtown Historic District. In such cases DDAB participates as non-voting, ex-officio members.~~

The Design Advisory Board (DAB) Process
The Design Advisory Board (DAB) reviews projects valued over $25,000 located in the Non-Historic Area and Interface Area which involve the construction of a new building or exterior work on an existing building. The board provides comments to persons responsible for the design and development, and assures compliance with the most recent Downtown Urban Design Guidelines.DAB also reviews projects that require a discretionary review. To find out more, visit the DAB, or call (303)441-1880.

~~The Downtown Design Advisory Board (DDAB) Process~~
~~DDAB is a city Council appointed board consisting of five Boulder citizens, several of whom have professional experience in the areas of architecture, landscape architecture, urban design and community development. DDAB is responsible for reviewing all exterior projects and site features with a construction value of $10,000 or more in the Non-historic Area and the Neighborhood Interface Area. Project review is mandatory while compliance with design recommendations that result from the DDAB review is voluntary.~~

~~DDAB design review is a one-time review process. However, an applicant may return voluntarily for design critiques as often as necessary. DDAB reviews are generally scheduled for 4 pm, the second Wednesday of every month. Applications must be received no later than the first Wednesday of every month. A design review may be scheduled by the DDAB secretary by calling the Planning Department at (303) 441-3212.~~
~~The purpose of the DDAB review is to identify design issues and provide recommendations and advice to the applicant on their design proposal relative to the Downtown Urban Design Guidelines.~~

~~NOTE: The only exception to DDAB review of projects in the non-historic or interface areas is for structures that are "locally designated landmarked buildings". These buildings are reviewed by the LPAB.~~

~~In addition, the LPAB may act in an advisory capacity to DDAB on issues related to projects that are of historic significance but are not officially landmarked.~~

~~Upon completion of a DDAB review, staff notifies the Building Department that the applicant has fulfilled the mandatory design review. In the case of projects requiring a site review process, DDAB submits recommendations to the Planning~~
~~Department that are incorporated in a staff memorandum for further decision and approval or denial by the Planning staff, Planning Board, or city Council depending upon the nature of the application.~~

The Downtown Management Commission (DMC) Process
The DMC manages, controls and supervises the business affairs of the Central Area General Improvement District (CAGID) which includes review of projects which extend into the public right-of-way in the Downtown Boulder Pedestrian Mall. Typical projects reviewed by the DMC include outdoor eating areas, signs, awnings, and other elements. To find out more, visit the DMC, or call (303) 413-7300.

~~The Downtown Management Commission Process~~
~~The DMC reviews the design of projects that extend into the public right-of-way on the downtown Boulder mall such as outdoor eating areas, signs, awnings and other elements.~~
~~The DMC should be contacted regarding construction projects that are on or extend into the downtown Boulder mall right-of-way, such as patio extensions, A.D.A. entrances, awnings, and signs. For information on the downtown Boulder mall call the DMC at (303) 413-7300.~~
~~Other Boards, Commissions, and City Departments~~
~~In addition to the LPAB, DDAB, and DMC, the following city boards, commissions, and city departments may need to be contacted, or may provide helpful information about a project.~~

~~Planning and Development Services.~~
~~City Planning staff is responsible for receiving recommendations and findings from the appropriate LPAB, DDAB, or DMC design review and incorporating them into the appropriate staff or Planning Board memos that are part of the city's development review process. A "pre-application meeting" to discuss development goals, uses, site design, or other relevant issues should be made with the Planning Department prior to entering into the site review process. It is intended to identify any problems or concerns that Planning staff may have prior to the applicant making a formal application.~~

~~The pre-application meeting with the Planning Department is not a substitute for the design review required by LPAB, DDAB, or DMC. Since it may help an applicant to identify issues that may need be addressed at the design review meeting, it may be preferable to schedule the pre-application meeting first. Pre-application meetings may be scheduled by calling the Planning Department at (303) 441-1880.~~

~~Planning Board~~
~~The Planning Board is responsible for decisions related to the city's land use regulations and reviews projects that are subject to the city's site review process. Such projects are forwarded to the Planning Board, either by staff or through a call-up procedure. In either case, Planning Board will review projects for their design quality as well as their conformance to the city code and other relevant regulations. As such, recommendations and findings based on these guidelines play a key role in Planning Board deliberations.~~

~~Public Works Department: Revocable Right-of-Way Permit~~

~~In addition to review by the DMC, any element or improvement in the public right-of-way, such as a sidewalk cafe, potted plant, handicapped ramp, or bike rack, must first be reviewed by the city of Boulder to determine if a "revocable right-of-way permit" is required from the Public Works Department. For information call 441-3200.~~
~~Board of Zoning Adjustment and Building Appeals (BOZABA)~~
~~Reviews specific requests for zoning variences and adjustments.~~

~~City Forester~~
~~Information on specific details for street tree planting, plant materials, and maintenance can be obtained from the city Forester at 441- 3406.~~
~~Boulder Transportation Division: Transportation Planning Information on transit related issues such transit rider activity and bus shelter design should be directed to the Transportation Planning Department at 441-3266.~~

~~NOTE: The city has a fund for specific alley improvements. While certain conditions such as sharing trash storage or utility hook ups may apply to private property owners, the funds can be used for making property improvements. For information on the alley fund call the city of Boulder Transportation Department 441-3266.~~
~~Public Service Company: Vehicular Street Lighting Light poles are provided by the Public Service Company and maintained by the city of Boulder. Contact the city's~~
~~Transportation Division for further assistance with the selection and provision of street lighting.~~

~~Arts Commission~~
~~The Arts Commission consists of five members appointed by city Council, each to a five-year term. The Commission pro motes and encourages programs in the performing, visual and literary arts. For information call (303) 441-4113.~~

~~Application Submission Requirements~~
~~Application requirements for will vary depending upon the complexity and scale of the project to be reviewed, and the specific requirements of the reviewing body. In general, the applicant should provide the appropriate architectural drawings, sketches, and photographs of existing buildings and their sites to allow the reviewing body to fully understand the nature and scope of the exterior changes and any significant design issues.~~

~~LPAB Submission Requirements~~
~~For LPAB Design Review Committee, an applicant is required to fill out a Landmark Alteration Certificate Application and provide the information identified on the application form including an initial scaled sketch plan and elevation, as well as photos of the existing building that will be kept on file.~~

~~Call the Planning Department Preservation office at (303) 441- 4293 regarding an application. Appointments are necessary for the weekly design review session. Application materials should be submitted in advance of any scheduled meeting.~~

~~DDAB Submission Requirements~~
~~For DDAB, ten (10) copies of all relevant information listed below must be submitted to the Planning Department no later than close of business on the first Wednesday of the month, one week prior to the DDAB meeting. Applications should be well organized and contain sufficient information to allow reviewers to fully understand the proposed building design or alteration, including relevant urban design~~

~~information such as how the project fits within its surrounding context, and how it relates to adjacent buildings and properties.~~

~~At a minimum, DDAB applications should include the following information:~~
~~A map illustrating the location of the project within the context of the downtown as well as photographs of the project site and the surrounding area.~~
~~A site plan in a clear graphic style should be presented in the context of the city blocks surrounding the project. Site boundaries and dimensions should be clearly marked and special issues such as flood plain, shadows, land restrictions and the existing site conditions need to be highlighted.~~
~~All relevant floor plans, building sections, and exterior elevations should be illustrated at a scale sufficient to fully understand the proposed design.~~
~~Provide exterior wall elevations in color showing material and color selections.~~

~~Additional information that may be required for DDAB:~~
~~The following additional information may be required if the proposal modifies the permitted "by-right" building height, or if the project is of significant complexity that the two dimensional drawings described above do not fully illustrate the design issues:~~
~~A simple mass model if the project is of significant size and complexity, showing the surrounding context.~~
~~Color perspective sketches illustrating the proposed project and its surroundings, from street level, to present the project from the pedestrian's viewpoint.~~
~~An analysis of the shadow impact of the proposed project is important, especially for projects on the south side of downtown streets.~~

~~DMC Submission Requirements~~
~~For the DMC, seven (7) copies of the following items are required for review:~~
~~To-scale elevation drawings illustrating the requested improvement with exact dimensions along with existing signs, planters, windows, doors, stairs, patios, and awnings on the building and adjacent buildings. To-scale drawings of the proposed enhancement which identifies specific design elements such as colors, materials, and lettering.~~

Note:
Scheduling a design review early is important~~:~~. In addition, scheduling a design review with the appropriate review body is the responsibility of the property owner, developer or their representative~~such as an architect.~~. In general, a meeting should be scheduled before a formal application is made to the city for a building permit or development review. For more information regarding the design review and application procedure please contact (303) 441-1880. ~~Early project review often results in the resolution of design issues which can save valuable time once the project is submitted to the city.~~
~~NOTE: Many architects, developers, and owners find it useful to use the design review process as a sounding board to test ideas. For example, applicants may voluntarily return to discuss changes before making formal application for a building permit or development review to the city. For more information on how to proceed please call the following numbers.~~
~~For DDAB or LPAB call (303) 441-1880. For the DMC call (303) 413-7100.~~

Note:
When requested LB or DAB may act in an advisory capacity to the other board.

Note:

For further map data please see the City of Boulder eMapLink.

Downtown History

Section 1: The ~~Downtown~~ Historic District

The boundaries of the Downtown Historic District, designated in 1999 with a period of significance from 1858-1946, generally conform to the boundaries of the Downtown Boulder National Register Historic District ~~which was listed on the National Register of Historic Places in 1980.~~

The district contains the city's greatest concentration of historic commercial buildings, especially along Pearl Street which forms its central spine~~.~~. These buildings not only serve as a link with our cultural heritage~~,~~; they also establish a model for design quality. Such buildings are resources for education, recreation and human enjoyment. They provide Downtown with a rich character and a human scale that are unique assets for both residents and visitors ~~to Boulder~~.

Development in the Downtown Historic District must be especially sensitive to issues of compatibility. ~~Indeed, the~~The economic success of the Downtown is in many ways dependent on maintaining the historic character and quality that sets the Downtown apart from other shopping areas. For this reason, the preservation ~~and~~, restoration, and appropriate rehabilitation of older buildings in this district is of great importance.

~~The Landmarks Preservation Advisory Board, LPAB, is responsible for reviewing all exterior changes and site features in preservation, restoration, remodel and new construction projects located in the Downtown Historic District. Any changes to a building or site require a Landmark Alteration Certificate prior to commencement.~~

The urban design objectives for the Downtown Historic District are to:

- Preserve and restore historic buildings.
- Preserve the integrity of the historic architectural features of individual buildings.
- Ensure that alterations and new construction strengthen and maintain the historic integrity of individual buildings and of the ~~Historic Area~~district at large.
- Encourage new development that will respect and enhance the visual character. ~~Enhance the retail focus of the area.~~
- Preserve the central area as a place for intense pedestrian activity.

Note:
All buildings in the district have been evaluated for historic significance and are subject to ~~LPAB~~Landmarks Board review ~~of~~when exterior ~~alterations~~work is involved. Any changes to a building, or ~~remodel~~site, require a Landmark Alteration prior to commencement.

~~There~~Historic properties are ~~five~~organized into three categories ~~of buildings~~:

Local Landmark Buildings
These buildings are officially designated as city of Boulder local landmarks. They have a special character, historic~~al~~, architectural, or aesthetic interest or value in Boulder's local history. Landmarked buildings may include contributing properties to the Downtown Historic District. The greatest care must be given to preserving, restoring, and designing additions to these buildings.

~~Individually Significant Buildings~~
~~Individually significant buildings are those buildings that are considered individually eligible for the~~

~~National Register of Historic Places or for local landmark designation. These buildings are typically fifty years of age or older, unless the building is an exceptional example of a more recent architectural style or period. Care also must be taken in preserving and restoring them, as well as designing additions to these buildings.~~

Contributing Buildings
Contributing buildings are those ~~buildings,~~ built during the district's period of significance (1858 through 1946), that exist in comparatively "original" condition, or that have been appropriately restored, and that clearly contribute to the historic significance ~~or quality~~and integrity of the area. Such buildings may have additions that are compatible with the historic character of the original building~~. Renovations~~, have original material now covered, or have experienced some alteration yet continue to convey some sense of history. Rehabilitations and additions should be sensitive and appropriate to the ~~original structures.~~historic building and district.

~~Contributing Restorable Buildings~~
~~Contributing restorable buildings are those built during the district's period of significance that have original material now covered, or buildings that have experienced some alteration, but still convey some sense of history. Restoration of these buildings would ensure their contribution to the historic quality of the area even though earlier additions may have not been particularly compatible with the original buildings. Renovations and additions should be sensitive and work to recreate the original structures.~~

Non-Contributing Buildings
There are two types of non-contributing buildings in the historic area. ~~: 1)~~First buildings built during the district's period of significance that have been altered to such an extent that historic information is not interpretable and restoration is not possible. Such buildings should be evaluated on a case by case basis to determine if saving and restoring them is feasible or desirable. ~~; and, 2)~~Second, buildings erected after 1946 which are not individually significant. For ~~renovating~~alterations to these buildings, the guidelines for new construction and/or remodel of non-contributing buildings in this section apply~~, See Section 1.2~~.

Note:
The ~~Planning Department~~city's planning department maintains a file of each building in the ~~downtown which is~~ Downtown area more than 50 years ~~old~~in age. The official Inventory/Survey forms on file indicate the level of significance of each ~~structure~~building within the ~~Local~~ Downtown Historic District. For more information ~~call~~please visit the ~~Planning Department at~~City of Boulder Historic Preservation website or call (303) 441-~~3270~~1800.

1.1 General guidelines for the Historic District
~~Section 1.1: Guidelines for the Preservation and Renovation of Local Landmarks, Individually Significant, Contributing, and Contributing Restorable Buildings~~
~~LPAB reviews all exterior changes and site features, not building interiors.~~

The following guidelines apply to all areas of the Downtown Boulder Historic District.
A. The use of traditional, durable materials as the primary building material is encouraged to reflect the historic building construction and development pattern within the district. Choose accent materials similar in texture and scale to others in the district.
1. These following materials are generally appropriate:
- Full dimension brick and stone masonry

- Finish carpentry details, e.g. cornice molding, door and window casing
- Finished lumber to achieve traditional patterns, e.g. horizontal siding rather than diagonal Finished, embossed or painted metal and sheet metal
- Clear or lightly tinted glass Ceramic tiles
- Brick, clay and ceramic pavers
- Slate, finished metal, glazed ceramic and tile roofs Brick, concrete or stone lintels
- brick, wood or stone columns

The following materials are generally inappropriate:

- Thin veneer products
- Vinyl Replacement Windows
- EIFS systems or EIFS decorative elements
- Faux or simulated materials, including composite wood
- Coarsely finished, "rustic" materials, such as wood shakes, shingles, barn board or stained fir plywood
- Poorly crafted or "rustic" woodworking and finishing techniques Indoor-outdoor carpeting or astro-turf
- Corrugated metal and fiberglass (unless used sparingly)
- Moss rock
- "Antique" or old brick with partial paint, mottled light variegated brick, oversized brick and white brick mortar
- Ornate wrought-iron, "New Orleans" style grille and rail work
- Stucco surfaces that are highly textured such as those sometimes associated with a "hacienda" or "Mediterranean" style
- Expanded metal
- Silver or clear anodized aluminum sheets
- Silver or clear aluminum extrusions for windows and doorways Residential type sliding glass doors
- Imitation wood siding or stone
- Flat or molded plastic sheeting in quantities exceeding five square feet when used as primary facade materials
- Imitation metal "rock work"
- Plastic molded imitations of any conventional building material Mirror or metalized reflective glass
- Glass block

B. Awnings may be used to provide visual depth and shade

1. Awnings should be designed to fit the storefront opening to emphasize the building's proportions and have at least an eight foot clearance from the sidewalk. Awnings should not obscure or damage important architectural details

2. Operable fabric awnings are encouraged. Metal awnings or canopies that are similar in form to fabric awnings may be appropriate when designed as an integral part of the building facade, and do not appear as tacked-on additions. Awning color should be coordinated with the color scheme of the entire building front. Mechanized awnings and awnings on the upper stories are discouraged.

C. Select building colors appropriate to the area's historic character

1. Select a color scheme that will visually link the building to its past as well as to others in the area. Consider colors that are compatible with the building's predominant materials, or do an analysis of colors pre-existing on the building and use one of the colors found.

2. Develop a comprehensive color scheme. Consider the building as a whole as well as the details that need emphasis. Softer muted colors establish a uniform background. Establish a hierarchy for the color palette with one color on similar elements such as window frames. Reserve brighter colors for small special accents to emphasize entry ways and to highlight special structural ornamentation.
3. It is not appropriate to paint unpainted brick. If the brick is already painted, paint removal is preferred. Avoid paint removal procedures that damage the original brick finish such as sand blasting or caustic chemicals. Before removing paint conduct a test to determine detrimental effects. If the existing paint on the brick is in poor condition and paint removal will damage the underlying brick, the brick should be repainted.

D. Minimize the visibility of mechanical, structural, or electrical appurtenances
1. Use low-profile mechanical units and elevator shafts that are not visible from the street. If this is not possible, setback or screen rooftop equipment from view. Be sensitive to views from the upper floors of neighboring buildings. Skylights or solar panels should have low profiles and not be visible from the public right-of-way. These features should be installed in a manner which minimizes damage to historic materials.

E. mprove rear or side alley elevations to enhance public access from parking lots and alleys.
1. Where buildings are built to the alley edge, consider opportunities for alley display windows and secondary customer or employee entries.
2. Screening for service equipment, trash, or any other rear-of-building elements should be designed as an integral part of the overall design. Where intact, historic alley facades should be preserved along with original features and materials. Alterations should be compatible with the historic scale and character of the building and block.

F. Exterior building lighting should be designed to enhance the overall architecture of the building. Security lighting should be designed for safety, as well as night-time appearance.

G. Reduce the visual impact of structured and surface parking.
1. Parking structures should be compatible to the historic district and adjacent buildings. All parking structures should be architecturally screened and/or wrapped with an occupiable use.
2. Locate any surface parking to the rear of the property. All surface parking must be screened.
3. Pedestrian routes in structures and parking lots should be easily identifiable and accessed, with clear visual connections to the sidewalks and buildings.

H. The law requires that universal access be located with the principal public entrance.
1. In existing buildings, where the only route is not accessible from the principal public entrance, a rear or side service entrance route may be considered.
2. Ramps and related accessibility modifications to a historic property should be compatible with the character of the building.

Note:
It is neither the intention of this guideline to recreate the past, nor to encourage theme design in the historic district, if the original building facade or original building materials do not exist. However, if documentary evidence exists, such as photographs, then an acceptable alternative is to reconstruct the facade.

Note:

For further information on recommended treatments for historic properties please see The Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating Restoring and Reconstructing Historic.

Note:
For detailed information on historic buildings and preservation information on individual building elements see the NPS Technical Briefs.

Code:
See the B.R.C. Section 9-9-16, “Outdoor Lighting” for lighting requirements.

Code:
See the B.R.C. Section 9-9-14, "Parking Lot Landscaping Standards" for parking lot screening requirements.

1.2 Guidelines for the preservation and restoration of local landmarks and contributing buildings

While it is acknowledged that changes to structures in the Local Downtown Historic District will occur over time, it is also a concern that these changes do not damage the historic building fabric and character of Downtown. Preservation of the exteriors and storefronts of these buildings will continue their contribution to the unique historic character of the Downtown. Any building renovation or alteration, no matter the planned use, must retain the overall design integrity of the historic building by protecting the original features and materials and respecting the traditional design elements. The following are the guidelines for the preservation and restoration of local landmarks and contributing buildings:

~~PRESERVE ORIGINAL FACADES Preservation of traditional facade elements found on existing buildings creates patterns along the face of the block that contribute to the overall historic character of the area. These elements include:~~
~~Kick plates as base to building fronts~~
~~First floor display windows~~
~~Recessed central entrance areas or angled entrances corners~~
~~Transoms above entrance doors~~
~~Clerestory portions of display windows~~
~~Sign bands~~
~~Parapet walls with caps or cornices~~
~~Vertical window patterns, shapes, window sills on 2nd floor~~
~~Pilasters and decorative brick or stone~~

~~The facade elements define a building’s visual and character. Respect the original design and material of the building. Even when a buildings use has change it is still important to retain and/or interpret traditional facade elements~~

~~Do not apply theme designs that alter the original character such as coach lanterns, mansard designs, wood shades, no non-operable shutters, and small-pane windows if they cannot be documented historically.~~

~~NOTE: It is not the intention of this guideline to recreate the past if the original building facade does not~~

~~exist. However, if the original facade does not exist, but documentary evidence such as photographs of the original does exist, then one recommended alternative is to restore the facade. Where exact reconstruction is not practical, new simplified contemporary interpretations of the original details are possible as long as the scale and character of the original detail is retained.~~

~~Preservation or restoration of ornamental cornices is particularly encouraged. Other important facade elements to be respected include belt courses, pilasters, window arches and frames.~~
~~Adding more elaborate ornamentation than was originally found on the building facade is inappropriate.~~

A. Preserve Original Character, Façades and Materials.
Wherever possible retain these elements through restoration and repair, rather than replacement
~~1.1.2 Preserve Facade Materials. Retain original materials wherever possible through repair and restoration. Avoid concealing original facade materials. If the original material has been covered, uncover it if feasible~~. If portions of the original material must be replaced, use a material similar to the original. ~~Brick was the predominant building material used in the downtown. Avoid the use of materials that are not visually compatible with the original facade, such as shiny metals, mirror glass, plastic panels, and vinyl windows or doors.~~The following elements are part of the traditional storefront building typology indicative to the development of Downtown Boulder. These elements include:

Full-dimension bricks, or stone
Display window bulkheads
~~1.1.3 Align Architectural Features and Establish Patterns With Neighboring Buildings~~
~~Restore or recreate the historic alignment of architectural features with other buildings on the block. These lines unify the street visually. The alignment of architectural features, from one building to the next, creates visual continuity and establishes a coherent visual context throughout the downtown. On commercial buildings they create patterns along the face of the block that contribute to the overall character of the area. Some facade elements that typically align with adjoining buildings include:~~
~~building kickplate~~
~~the top and bottom height of first floor~~
Large storefront display windows
Recessed and corner entrances
Secondary entrances and detailing
Storefront transom ~~over the entranceway~~
~~clerestory portion of display windows~~
~~horizontal and vertical proportions of the building~~
Sign bands and storefront cornice ~~and restaurant front windows~~
~~window openings and styles, especially upper story windows~~
~~sign band above the street level~~
~~parapet and cornice line~~
Parapet walls, caps, and/or roof cornices
Upper story vertically proportioned windows and/or fenestrations
Columns, pilasters, and piers
Decorative window sills, lintels, window hoods, and other window assembly elements ~~on upper floors~~
~~roof lines and proportions~~

~~1.14. Maintain The Original Historic Line of The Building Setback~~
~~Preserve storefront display windows at the sidewalk edge. Maintain historic recesses and entryways~~

~~where they exist. Occasionally, the line at the sidewalk is retained by the use of other elements such as planters, columns or railings, and the storefront is recessed.~~

B. Avoid concealing or removing original materials. If the original material has been covered, uncover it if feasible.

C. Maintain the historic building setback line Preserve the historic relationship of the building to the street or property line. Where buildings are built to the alley edge, consider ~~alley display windows and~~ secondary customer entries if original materials and features are not damaged.

Note:
For detailed information the preservation, rehabilitation and restoration of historic buildings and specific building elements see the NPS Technical Briefs.

~~For projections into the sidewalk such as outdoor dining areas, follow the guidelines for extensions into the right-of-way, Section 6.5.~~

~~1.1.5 Maintain The Original Size, Shape And Proportion of Storefront Facades And Openings to Retain The Historic Scale And Character~~
~~For most historic buildings, large panes of glass at the display window level with solid kick plates below are appropriate. Multipane designs that divide the storefront window into small components should only be used if they restore proven historic elements and original openings.~~

~~1.1.6 Maintain Traditional Recessed Entries Where They Exist~~
~~The rhythm of recessed entrances on the street contributes to visual continuity and historic character. Recessed entries identify the entrance and provide shelter, while corner entries on buildings located on the intersections of key streets draw pedestrians in. Use doors with a large area of glass above a solid panel at the base surrounded by a painted frame. Avoid unfinished anodized metal, bright aluminum, or stainless steel frames. Finished frames may be metal with black anodized or painted finish, however, painted or varnished wood is prefer able. Residential type doors are not acceptable. If documentation of the entries is available, the recommended alternative is to restore the entry.~~

~~1.1.7 Maintain The Kick Plate Below The Display Window Element~~
~~Preserve the original kickplate whenever possible. For buildings with historic significance (local landmarks, individually significant, contributing, and contributing restorable buildings), restore the original kickplate from documentary evidence. If original information is not available, develop a new simplified design that retains the original character and dimensions of a kickplate that would most likely have been on the building. For renovations where there is no documentary evidence, appropriate kickplate materials are: brick, painted wood panels, stone, and glazed tile or painted metal in muted tones. Align the kickplate with those of other historic buildings in the block.~~

~~1.1.8 Preserve The Transom And Sign Board Features~~
~~The use of a clear glass transom over doors, or clerestory feature within the upper part of the display window area, is most historic. This area has been used for a sign or decorative element. Retain the original materials and proportions of the opening. If the framing that defines the transom has been removed, re-establish it in a new design.~~
~~If the interior ceiling is lower than the transom or clerestory line due to later renovation, raise the dropped ceiling up from the window to maintain its historical dimensions. Align transom or clerestory~~

~~window and framing with other adjacent buildings to maintain a clear line along the block face. Retain the original character and materials of the transom and clerestory.~~

~~1.1.9 Preserve The Shape, Materials And Spacing of Upper Windows~~
~~Re-open/reveal upper story windows if they are presently blocked. If lowered ceilings are necessary, pull the dropped ceiling back from the window. If re-opening the window is not feasible, recreate the original windows from historical documents. If original to the building, shutters may be considered to define the original window proportions.~~
~~Maintain the original spacing patterns of the windows.~~
~~Preserve the window frame, sash, and surrounds. Repair rather than replace original windows; if repair is not feasible, replace with windows that match the existing windows as closely as possible. Size, frame and trim material, method of operation, size of sash members, window frame elements, and the pattern of divided lights are important features to replicate. A historic material such as wood is most appropriate. If molded plastic, vinyl or aluminum replacements must be used they should replicate original materials, finishes, and dimensions. Anodized, shiny, unfinished metals and altered dimensions are inappropriate.~~

~~1.1.10 Awnings May Be Used to Provide Visual Depth And Shade~~
~~**Awnings should be designed to fit the storefront opening to emphasize the building's proportions. Awnings should not obscure or damage important architectural details. An eight foot clearance from the sidewalk to the awning is required.** Align awnings with others on the block. This applies particularly to the bottom line of the awning. Mount the top edge to align with the top of the transom or with the framing that separates the clerestory section from the main display window. The valance may be used for a sign.~~
~~**Operable fabric awnings are encouraged.** Metal awnings or canopies that are similar in form to fabric awnings may be appropriate when designed as an integral part of the building facade, not appearing as tacked-on additions. **Awning color should be coordinated with the color scheme of the entire building front. Mechanized awnings and awnings on the upper stories are discouraged.**~~

~~1.1.11~~
1.3 Guidelines for contemporary alterations and additions to local landmarks and contributing buildings
The purpose of this section is to provide guidance for the design of additions or alterations to contributing buildings in order to retain the historic character of the overall district. While renovations and building design is expected to reflect the character of its own time acknowledging the Downtown as a living district, it is important that it also respect the traditional qualities that makes the Downtown unique such as massing, scale, use of storefront detailing, and choice of materials.

A. Distinguish additions to historic buildings. Additions to historic buildings should be ~~subtly distinguishable~~differentiated, yet compatible, from the original while maintaining visual continuity through the use of design elements such as proportion and scale, siting, facade set-back, and materials that are of a similar color and texture. When design elements contrast too strongly with the original structure, the addition will appear visually incompatible. Conversely, when the original design is replicated, the addition is indistinguishable and the historical evolution of the building becomes unrecognizable. New additions should be subordinate to the original building form.

B. ~~A.~~ For additions to ~~the side of~~ a historic building, retain the original proportions, scale, and character of the main facade. Position the addition so it is ~~set back from the main facade, and~~

~~express~~subordinate to the original building. Express the difference between the original facade and the addition with a subtle change in color, texture or materials.

~~B. Set back additions to roofs of historic buildings, in order to maintain the height of the primary facade. New floors should be substantially set back from the primary facade so that the original building height and facade are clearly distinguishable from the new upper floor as seen from the street.~~

C. ____ Maintain the proportions and the established pattern of upper story windows. In addition~~s~~, upper floors should incorporate traditional vertically proportioned window openings ~~within a more solid facade treatment~~with less window glazing and transparency than the lower floors. Use windows similar in size and shape to those used historically to maintain the facade pattern of the block.

D. _____ Maintain the rhythm established by the repetition of the traditional ~~25 foot~~~25' facade widths~~. In additions, maintain the rhythm of facade widths, especially~~ for projects that extend over several lots~~,~~ by changing the materials, patterns, reveals, and building setbacks~~, facade portions,~~ in uniform intervals or by using design elements such as columns or pilasters.

E. Set back vertical additions to historic buildings maintaining the height of the primary, historic facade. Lateral additions should be subordinate to the primary historic building and respond to the historic building height, mass, and scale.

Code:
See the B.R.C. Section 9-7-1, "Schedule of Form and Bulk Standards" for additional information on height and setback requirements.

~~1.1.12 Select Building Colors Appropriate to The Area's Historic Character~~
~~In general, select a color scheme that will visually link the building to its past as well as to others in the area. Consider colors that are compatible with the building's predominant materials such as red brick or stone, or do an analysis of colors pre-existing on the building and use one of the colors found.~~

~~Develop a comprehensive color scheme.~~
~~Consider the building as a whole as well as details that need emphasis. Softer muted colors establish a uniform background. In general, use one color on similar elements such as window frames to show that they are all part of the same facade. Reserve brighter colors for small special accents to emphasize entryways and to highlight special structural ornamentation.~~

~~It is not appropriate to paint unpainted brick.~~
~~**If the brick is already painted, paint removal is preferred.** Avoid paint removal procedures that damage the original brick finish such as sand blasting or caustic chemicals. Before removing paint conduct a test to determine detrimental effects. If the existing paint on the brick is in poor condition and paint removal will damage the underlying brick, the brick should be repainted.~~

~~1.1.13 Minimize the visibility of HVAC units and other mechanical, structural, or electrical appurtenances~~

~~Use low-profile mechanical units and elevator shafts on rooftops that are not visible from the street.~~

~~**If this is not possible, setback or screen rooftop equipment from view.** Also be sensitive to views from~~

~~the upper floors of neighboring buildings. Skylights or solar panels should have low profiles and not be visible from public right-of-ways. These features should be installed in a manner which minimizes damage to historic materials.~~

1.4 Guidelines for new construction and remodeling non-contributing buildings in the Downtown historic district

~~Section 1.2: Guidelines for New Construction and Remodeling Non- Contributing Buildings in the Downtown Historic District~~

~~LPAB is responsible for reviewing all exterior changes and site features within the Downtown Historic District, not including building interiors.~~

The purpose of this section is to provide guidance for the design of new construction and the renovation of non-contributing buildings in order to retain the historic character of the overall district. While new building design is expected to reflect the character of its own time acknowledging the Downtown as a living district, it is important that it also respect the traditional qualities that makes the Downtown unique such as massing, scale, use of storefront detailing, and choice of materials. ~~the district, in order to retain the historic context of the area while providing new opportunities.~~

~~While new building design is expected to reflect the character of its own time, thereby making the downtown a living district, it is important that it also respect the traditional qualities that makes the downtown unique such as massing, scale, uses of storefront detailing and choice of materials. Guidelines from Section 1.1 concerning awnings, paint color, lighting, and appearances to buildings are also applicable to these buildings. Furthermore, architectural styles that directly copy historic buildings, and theme designs, such as "wild west" are not appropriate.~~

~~1.2.1~~

A. Incorporate traditional design building elements in new designs and construction. ~~Repetition~~ Careful integration of traditional facade features ~~creates~~reinforces patterns and visual alignments that contribute to the overall character of the district. ~~While these~~These features may be interpreted in new and contemporary ways. Please see Section 1.2 for a list of historic building elements. ~~, they generally include the following:~~

~~Kick plate as a base to the store front. Align the height with others in the block.~~
~~First floor display window. Align with height of others in the block when others are appropriately placed.~~
~~Incorporate a clerestory form in the display window.~~
~~Transom, align with others when others are appropriately placed.~~
~~Sign band.~~
~~Parapet cap or cornices.~~
~~Vertical window patterns and shapes, window sills on 2nd floor.~~
~~Angled entrances on corners.~~
~~Recessed central entrances~~

~~1.2.2 Align Architectural Features With The Established Patterns of Neighboring Buildings~~

~~The alignment of architectural features and elements, from one building to the next, creates visual continuity and establishes a coherent visual context throughout the downtown. On commercial buildings they create patterns along the face of the block that contribute to the overall character of the area.~~

~~**CODE:** Minimum percentage of lot frontage that must contain a building or buildings should not be less than 70% in the RB-1E, RB-2E, RB-1X, RB-2X, and RB-3X. Such standard is not applicable in RB-3E.~~
~~**CODE:** Maximum front yard landscaped setback is 0 feet for buildings in the RB-1E, RB-2E, RB-1X and up to 15 feet in the RB-3E, RB-2X, and RB-3X zones. **CODE:** Primary building entrance locations should face the street.~~

~~Building facades should be designed to reinforce these patterns and support the area's established visual character. Some facade elements that typically align with adjoining buildings include:~~
~~building kickplates~~
~~the top and bottom heights of first floor display windows~~
~~transoms above entrance doors, and clerestory elements in display windows~~
~~horizontal and vertical proportions of the building~~
~~storefront windows, even for restaurant venues~~
~~upper story window openings and styles~~
~~sign band above the street level~~
~~parapet and cornice line~~
~~window sills on upper floors~~
~~roof lines and proportions~~

~~1.2.3 Maintain The Line of Storefronts at Sidewalk Edge And Orient Main Entrances to Open Toward The Street~~
~~For commercial style buildings, if a portion of the building wall is proposed to be set back from the sidewalk, careful consideration should be given to maintaining the front line of the building at the sidewalk edge through the use of planters, railings, columns or similar features up to an overhanging second floor .~~

~~Maintain the original setback of historic buildings. In many cases, the building's placement on the site is an important defining characteristic. For instance, the County Courthouse and the Post Office have an open area between the building and the sidewalk, which is important to retain. For historic buildings that are not located at the zero setback line, place the addition behind the original setback.~~

~~1.2.4 Do Not Construct Half-level or Split-level First Floors That Extend Both Above And Below Grade~~

~~**CODE:** First floor levels should be no lower than grade level and no higher than 2 feet above grade. (Consideration of flood mitigation design should be taken into account for buildings located in flood plain areas).~~

B. Construct new buildings to maintain the continuity of the historic building relationship to the street, adjacent properties, and/or the block.

C. Maintain a Human Building Scale Rather Than a Monolithic or Monumental Scale. Smaller scale buildings and the use of traditionally-sized building components help to establish human scale and maintain the character of Downtown. Standard size brick, uniform building components, and standard window sizes are most appropriate.

~~1.2.5 Consider The Height And Mass of Buildings~~
D. Consider the proportioning of the height and mass to the building footprint. In general, buildings should appear similar in height, mass, and scale to other buildings in the historic area to maintain the ~~area's~~historic district's visual integrity and unique character. At the same time, it is important to maintain a variety of heights ~~to create visual interest.~~. While the actual heights of buildings are of concern, the perceived heights of buildings are equally important. One, two and three story buildings make up the primary architectural fabric of the Downtown, with taller buildings located at key intersections.

~~Strive for visual interest in building forms.~~
~~With new construction, create architectural variety by stepping back upper floors and varying building massing, especially on larger sites.~~

1. Relate the height of buildings to neighboring structures at the sidewalk edge. For new structures that are significantly taller than adjacent buildings, upper floors should be set-back a minimum of ~~15 feet~~15' from the front facade to reduce the perceived height~~.~~ ~~However, slender forms such as towers and dormers that extend forward to the front facade may add visual variety and interest to the set-back area~~.

2. Consider the effect of building height on shading and views. Building height can shade sidewalks during winter months leading to icy sidewalks and unappealing pedestrian areas.
~~Wherever possible, new buildings should not shade the northern sidewalk area of east-west running streets at noon on December 21st, and should maintain view corridors.~~

E. Provide a variation of roof heights and types.

F. Buildings are expected to be designed on all exposed elevations. Primary facade materials are to extend to secondary elevations, or wrap building corners, a proportionally relevant distance as to portray a sense of depth.

G. Construct residential units to include entry stoops and/or porches. Residential entry porches are encouraged to extend 18" to 30" above grade. Construct commercial buildings at grade.

~~CODE: The allowable "by- right" height is up to 35 feet, with a maximum height of 55 feet through height review.~~
~~CODE: The maximum "by- right" number of stories allowed in 35 feet is two stories.~~
~~CODE: Generally, for commercial and residential buildings in RB-1X, RB-2X, RB-1E, and RB-2E, the floor to floor heights should be up to 14 feet for the ground level, and up to 12 feet for the second floor.~~
~~CODE: In the RB1-X and RB1-E zones, principal building heights for a building located on a corner lot that faces two public streets may be increased up to 10 feet in height and up to 3 stories if: the building contains no more than 3 stories above the finished grade; the horizontal dimensions of the third story are no greater than 50 feet along the front yard street frontage by 70 feet along the side yard street frontage, and the vertical planes of the third story are located directly above the vertical planes of the stories below.~~

Code:
Objects or building elements extending into the public right-of-way require a revocable right-of-way permit and/or lease agreement, see the B.R.C Section 8-6-6, "Requirements for Revocable Permits, Short-Term Leases and Long- Term Leases" for more information.

~~**1.2.6 Maintain a Human Building Scale Rather Than a Monolithic or Monumental Scale**~~
~~**Smaller scale buildings and the use of traditionally-sized building components help to establish human-scale and maintain the character of downtown. Standard size brick, uniform building components, and standard window sizes are most appropriate.**~~

~~1.2.7 Maintain the Proportions of Storefront Windows And Doors and Established Pattern of Upper Story Windows~~
~~The first floor of downtown commercial buildings should be primarily transparent, with a pedestrian orientation and storefront appearance. Upper floors should incorporate tradition al vertically proportioned window openings within a more solid facade treatment, awnings are not typically found on upper story windows. Use windows similar in size and shape to those used historically to maintain the facade pattern of the block. This is especially important for projects facing key pedestrian streets such as Pearl, 13th and 14th Streets.~~

~~1.2.8 Maintain the Rhythm Established by The Repetition of The Traditional 25 Foot Facade Widths.~~

~~Maintain the rhythm of facade widths, especially for projects that extend over several lots, by changing materials, patterns, reveals, building setbacks, facade portions, or by using design elements such as columns or pilasters.~~

~~1.2.9 Use Building Materials That Have a Texture, Pattern And Scale Similar to Those in The District~~

~~The use of brick as the primary building material is encouraged to reflect historic building patterns in the commercial downtown. Choose accent materials similar in texture and scale to others in the district. These include:~~
~~Brick and stone masonry~~
~~Wood details such as windows~~
~~Finished lumber, applied to achieve traditional patterns e.g.: horizontal siding rather than diagonal~~
~~Finished painted metal and sheet metal~~
~~Clear or lightly tinted glass~~
~~Ceramic tiles~~
~~Brick, clay and ceramic pavers~~
~~Slate, finished metal, glazed ceramic and tile roofs~~
~~Concrete and stone as lintels and wood or concrete columns~~
~~Embossed metal or corrugated metal~~
~~The following materials are generally inappropriate:~~
~~Coarsely finished, "rustic" materials, such as wood shakes, shingles, barn board or stained fi r plywood. Poorly crafted or "rustic" woodworking and finishing techniques~~
~~Indoor-outdoor carpeting or astro-turf~~
~~Corrugated metal and fiberglass. (unless used sparingly)~~

~~**CODE:** For buildings located in the RB-1E, RB-2E, RB-3E, RB-1X, RB-2X, and RB-3X zones, a minimum of 60% of a ground floor facade facing a public street shall be made of transparent materials, or otherwise designed to allow pedestrians to view activities inside the buildings. This standard shall not apply to residential uses that may occur along the ground floor facade.~~

~~Moss rock~~
~~"Antique" or old brick with partial paint, mottled light variegated brick, oversized brick and white brick mortar~~
~~Ornate wrought-iron, "New Orleans" style grille and rail work~~
~~Stucco surfaces that are highly textured such as those sometimes associated with a "hacienda" or "Mediterranean" style~~
~~Expanded metal~~
~~Silver or clear anodized aluminum sheets~~
~~Silver or clear aluminum extrusions for windows and doorways~~
~~Residential type sliding glass doors~~
~~Imitation wood siding or stone~~
~~Flat or molded plastic sheeting in quantities exceeding five square feet when used as primary facade materials~~
~~Imitation metal "rock work"~~
~~Plastic molded imitations of any conventional building material~~
~~Mirror or metalized reflective glass~~
~~Glass block~~

~~1.2.10 Improve Rear or Side Alley Elevations To Enhance Public Access From Parking Lots And Alleys~~
~~Where buildings are built to the alley edge, consider opportunities for alley display windows and~~

~~secondary customer or employee entries, if original walls are not damaged.~~

~~Screening for service equipment, trash, or any other rear-of-building element that can be visually improved, should be designed as an integral part of the overall design.~~ ~~**Where intact, historic alley facades should be preserved along with original features and materials.**~~ ~~Alterations should be sensitive to and compatible with the historic scale and character of the building and area.~~

Section 2: The Non-Historic Area & Interface Areas

~~The Non-Historic Area offers unique opportunities for design options and creation of variety in building forms. A focus on pedestrian activity and attention to massing, scale and alignment of building features are important design considerations.~~
The boundaries of the Non-Historic & Interface Areas generally conform to the perimeter of Downtown and surround the historic core. The Non-Historic Area is primarily located south of Pearl Street extending to Arapahoe Avenue. This area is an urban setting with a heavier concentration of commercial properties and higher-density development. Conversely, the southernmost portion is marked by civic buildings, a large park, and Boulder Creek. The Interface Area is located on the northern, western and eastern borders of Downtown. The Interface Areas includes a wide variety of residential buildings. The area is composed of the blocks that link the core of the Downtown to the surrounding residential neighborhoods. This area requires special design sensitivities that must be addressed when commercial buildings are located adjacent to residential areas.

~~Other~~ Important design elements are 1) the Non-historic Area's relationship to its surroundings, including the Historic Area, the Civic Park area, and the ~~neighborhood interface area~~residential quality of the Interface Area, 2) the pedestrian quality of the area including the Downtown Boulder Mall, East and West Pearl Street, Spruce and Walnut streets, Canyon ~~Blvd~~Boulevard. and the north-south streets that connect Civic Park to the Downtown Boulder Pedestrian Mall area, and 3) ~~that~~ new building design can reflect the character of its own time and meaningful juxtapositions, while respecting the integrity, scale, and massing of historic buildings in the area. and 4) minimizing impacts to the surrounding residential through careful design which respects the scale and quality of adjacent residential uses and thoughtfully transitions the commercial and residential areas.

~~While~~ Creative interpretations of traditional design elements, and designs that reflect the character of their time, are encouraged.~~, they~~ The designs should be compatible with the surrounding historic context, but distinguishable. ~~from their historic neighbors. Architectural styles that directly copy historic buildings and theme designs, such as "wild west" or "neo-chalet" are inappropriate to the character of downtown Boulder.~~ These guidelines also discourage projects that create inhospitable pedestrian design, and buildings that are inappropriate in scale and massing to their surroundings.
~~DDAB is responsible for reviewing all projects with a construction value of $10,000 or more in the Non-historic Area and the Interface area.~~

The Interface Area is composed of the blocks that link the core of the downtown to the surrounding residential neighborhoods. This area requires special design sensitivities that must be addressed when commercial buildings are located adjacent to residential areas Impacts to the surrounding residential areas can be minimized through careful design which respects the scale and quality of adjacent residential uses and thoughtfully transitions the commercial and residential areas.

The urban design objectives for the Non-Historic and Interface Areas are to:

- Reinforce the character of Downtown as a pedestrian place by encouraging architectural solutions that are visually ~~interesting,~~pleasing, reflective of contemporary times yet stylistically appropriate to ~~their~~the context, and compatible in scale and character with their street.
- Encourage sensitive design along the edge where the Downtown commercial area abuts residential neighborhoods
- ~~Strengthen the identity of downtown as a place where people feel welcome and comfortable through the careful selection of building materials and human scale design.~~

- ~~Encourage development that complements pedestrian activity.~~
- Emphasizes a clear distinction between the commercial and residential interface areas
- Maintain the diversity in building type and size, and respect the adjoining residential character
- Discourage adverse impacts from noise, night lighting, poor building design, and commercial service areas on adjacent residential neighborhoods.

Code:
See the B.R.C. Section 9-2-4,"Good Neighbor Meetings and Management Plans" or contact the DMC at (303)441-4000.

2.1 General guidelines for the Non-Historic & Interface Areas

A. Maintain the historic or predominant building setback line.

1. Maintain the relationship and continuity of the building wall to the street or property line.

2. For commercial uses in residential buildings, maintain the predominant residential setback of the block, including any porches.

B. Minimize the visibility of mechanical, structural, or electrical appurtenances

1. Use low-profile mechanical units and elevator shafts that are not visible from the street. If this is not possible, setback or screen rooftop equipment from view. Be sensitive to views from the upper floors of neighboring buildings. Skylights or solar panels should have low profiles and not be visible from the public right-of-way.

C. Design all sides of the building including alley elevations.

1. Well designed rear building entrances, windows, balconies, and planting areas are encouraged.

2. Improve rear or side alley elevations to enhance public access from parking lots and alleys.

3. Where buildings are built to the alley edge, consider opportunities for alley display windows and secondary customer or employee entries.

4. Materials utilized on the primary elevation are to extend, or wrap, around building corners onto the secondary elevations extending back at least the width of a structural bay.

5. Screening for service equipment, trash, or any other rear-of-building elements should be designed as an integral part of the overall design. Where intact, historic alley facades should be preserved along with original features and materials.

D. Exterior building lighting should be designed to enhance the overall architecture of the building. Security lighting should be designed for safety, as well as night-time appearance.

E. Reduce the visual impact of structured and surface parking.

1. Parking structures should be compatible to the historic district and adjacent buildings. All parking structures should be architecturally screened and/or wrapped with an occupiable use.

2. Locate any surface parking to the rear of the property. All surface parking must be screened.

3. Pedestrian routes in structures and parking lots should be easily identifiable and accessed, with clear visual connections to the sidewalks and buildings.

F. The law requires that universal access be located with the principal public entrance.

G. Consider the quality of open space incorporated into new and renovated buildings. When appropriate to the context, integrate the surrounding open spaces into the building design. Well programmed plazas, courtyards, outdoor seating and dining areas on or adjacent to open spaces and

pedestrian routes are encouraged.

Note:
See Section 3 for encroachments into the public right-of-way discussion on revocable lease and allowable dimensions.

Code:
See the B.R.C. Section 9-9-14, "Parking Lot Landscaping Standards" for parking lot screening requirements.

Code:
See the B.R.C. Section 9-9-16, “Outdoor for lighting requirements.

Note:
A goal of the city is to make the Downtown as accessible as possible. All accessible design elements must conform to all applicable Federal, State and Local laws and codes. Wherever a discrepancy may arise, the higher standard shall be applied.

2.2 Commercial buildings in the Non-Historic and Interface Areas

~~2.1~~

A. Consider incorporating traditional facade elements in new and contemporary ways. See Section 1: The Downtown Historic District for specific building elements. ~~in New Designs. Repetition and use of traditional facade elements creates patterns and visual alignments that contribute to the overall character of the historic commercial area. While these features may be interpreted in new and contemporary ways, they include:~~

~~Kick plate as a base to the store front or restaurant front. Align the height with others when possible.~~
~~First floor display window . Align with height of others in the block when others are appropriately placed.~~
~~Transom. Align with others when others are appropriately placed.~~
~~Sign band.~~
~~Parapet cap or cornices.~~
~~Vertical indow patterns and shapes, window sills.~~
~~Angled corner entrance.~~
~~Recessed central entrances~~
~~Typical façade elements~~

~~2.2 Consider the Alignment of Architectural Features and Established Patterns With Neighboring Buildings~~

~~The alignment of architectural features, from one building to the next, creates visual continuity and establishes a coherent visual context throughout the downtown. While new building forms are expected, building facades should be designed to reinforce these patterns and support downtown’s established visual character. Some horizontal elements that typically align with adjoining buildings include:~~

~~building kickplate~~
~~the top and bottom height of first floor display windows~~

~~CODE: Primary building entrance locations should face the street.~~
~~CODE: Minimum percentage of lot frontage that must contain a building or buildings should not be less than 70% in the RB-1E, RB-2E, RB-1X, RB-2X, and RB-3X. Such standard is not applicable in RB-3E.~~
~~CODE: With the exception of properties fronting onto Canyon Boulevard, all other properties have a maximum front yard landscaped setback that is 0 feet for buildings in the RB-1E, RB-2E, RB1-X and up to 15 feet in the RB-3E, RB-2X, and RB-3X zones. As a major arterial street of four lanes, Canyon Boulevard has a setback of 78 feet from the centerline of the highway or 25 feet from the lot line adjoining the right-of-way, whichever is greater.~~

~~transom over the entranceway~~
~~horizontal and vertical proportions of the building~~
~~storefront windows~~
~~window openings and styles, especially upper story windows~~
~~sign band above the street level~~
~~parapet and cornice line~~
~~window sills on upper floors~~
~~roof line and proportion~~

~~2.3 Maintain the Line of Building Facades And Storefronts at Sidewalk Edge in Blocks~~
~~Buildings or other design features that are built up to the sidewalk maintain a line of visual continuity and provide visual interest for pedestrians. If a portion of the building facade is set back from the sidewalk, the sidewalk edge should be visually maintained through the use of a line of columns supporting upper~~
~~floors or other features, such as a change in surface texture, a line of planters, portals, or railings.~~

~~Maintain the original setback of historic buildings. In many cases, the building's placement on the site is an important defining characteristic. For instance, the County Courthouse and the Post Office have an open area between the building and the sidewalk which is important to retain. For historic buildings that are not located at the zero setback line, place the addition behind the original setback.~~

~~2.4.~~
B. Consider the height, mass, and scale of buildings

1. In general, buildings should ~~that~~ appear similar in height, mass, and scale to other buildings in the area ~~help to maintain the coherent visual image of the downtown character~~. At the same time, it is important to maintain a variety of heights. ~~to create visual interest.~~ While the actual heights of buildings are of concern, the perceived heights of buildings are equally important. One, two and three story buildings make up the primary architectural fabric of the Downtown, with taller buildings located at key intersections.

~~Maintain visual interest in building forms.~~
~~Create architectural variety by stepping back upper floors and varying building massing, especially on larger sites.~~

2. Consider ~~Relate~~ the height and proportion of buildings to neighboring structures. ~~at the sidewalk edge.~~ For new structures that are significantly taller than adjacent buildings, upper floors should be set-back a minimum of 15 feet from the front facade to reduce the perceived height.
~~However, slender forms such as towers and dormers that extend forward to the front facade may add visual variety and interest to the setback area.~~
~~Maintain a standard floor-to-floor height. Generally, for commercial and residential buildings RB-1X, RB-2X, RB-1E, and RB-2E, the ground level floor to floor heights should be approximately 13 to 15 feet and up to 12 to 14 feet for the second floor . This is particularly important in the RB-1X zone along Walnut Street. It is also important guideline for commercial buildings, but not necessarily for residential buildings in the RB3X and RB-3E zones.~~

~~**CODE:** Generally, for commercial and residential buildings in RB-1X, RB-2X, RB-1E, and RB-2E, the floor-to-floor heights should be up to 14 feet for the ground level, and up to 12 feet for the second floor .~~

3. Consider the effect of building height on shading and views.
Building height can shade sidewalks during winter months leading to icy sidewalks ~~which can discourage~~and unappealing pedestrian areas. ~~activity. Wherever possible, new buildings should maintain view corridors and should not shade the northern sidewalk of east-west running streets at noon on December 21.~~
4. Maintain the traditional, established breaks between buildings, such as existing paseos.
5. For projects located in the Interface Area, construct buildings three floors or less and consider the adjacent residential height, mass, and scale.
6. Commercial construction on a primarily residential block should be designed to reflect a residential character, e.g. residential setback on a primarily residential street.

~~2.5~~
C. Maintain a human building scale, rather than monolithic or monumental scale
1. Avoid large featureless facade surfaces. Include architectural elements and patterns that divide the facade into familiar intervals. A single facade should not exceed a maximum of 75 linear feet. ~~Facade elements that are familiar to the pedestrian help establish a sense of scale and create visual patterns that link buildings within a block, while allowing individual identity of each building. Smaller scale buildings and the use of traditionally-sized building components help to establish human scale and maintain the character of downtown. Standard size brick, uniform building components, and standard window sizes are most appropriate.~~

~~2.6 Create Pedestrian Interest at the Street Level~~
~~Develop the first level of buildings to provide visual interest to pedestrians.~~
~~For a non-residential building, the first floor street walls should contain architectural elements that create visual interest and a pedestrian street environment such as display windows facing the sidewalk, outdoor dining areas, display cases, public art integrated with the building design, and architectural elements and details that create visual interest.~~

2. Consider how the texture and pattern of building materials will be perceived.
~~Use building materials that are familiar in their dimensions and that can be repeated. To help~~ Use traditionally sized building components in a way that incorporates details, textures, and patterns to establish a sense of human scale ~~use familiar building components in traditional sizes. For example, standard size brick, uniform building components, and typical window sizes, help to establish human scale. Combining building materials that can be visually contrasted also helps to achieve a sense of human scale.~~

3. Maintain the design distinction between upper and lower floors.
Develop the first floor facade as primarily transparent~~, making it inviting to the public~~. Consider using windows and other architectural features to create a pattern that will reinforce the traditional façade rhythm found on commercial buildings in the Downtown area. ~~Upper~~Lower floors are generally ~~are~~ differentiated ~~through the use~~by a higher percentage of ~~more solid areas~~glazing and transparency than upper floors. ~~voids and with smaller, vertically oriented windows in a regular pattern.~~

~~2.7 Avoid Half Level, or Partial Level Basements That Extend More Than 2 Feet Above Grade~~

~~**CODE:** For buildings located in the RB-1E, RB-2E, RB-3E, RB-1X, RB-2X, and RB-3X zones, a minimum of 60% of a ground floor facade facing a public street shall be made of transparent materials, or otherwise designed to allow pedestrians to view activities inside the buildings. This standard shall not apply to residential uses that occur along the ground-floor facade.~~

~~**CODE:** First floor levels should be no lower than grade level and no higher than 2 feet above grade. (Note: except in flood zones.)~~

~~2.8 Shade Storefront Glass by Appropriate Means~~
~~To permit good visibility into storefront windows, and to create pedestrian interest, use awnings or, for buildings with recessed first floors, consider arcades. Note: See Section 6: Extensions into the public right-of-way discussion on revocable lease and allowable dimensions.~~

~~2.9~~
D. Construct primary entrances at grade.

Code:
See the B.R.C. Section 9-7-1, "Schedule of Form and Bulk Standards" for specific height and setback requirements.

2.3 Residential buildings in the Non-Historic and Interface Areas
A. Maintain the diverse ~~Residential~~ architectural character of the residential buildings in the Interface Area

~~Maintain The Rhythm Established by The Repetition of The Traditional 25-Foot Facade Widths~~
~~Maintain the rhythm of facade widths, especially for projects that extend over several lots, by changing materials, patterns, reveals, building setbacks, facade portions, or by using design elements such as columns or pilasters.~~

~~A single facade should not exceed a maximum of 75 linear feet (equivalent to three traditional lots). Traditional, established breaks between buildings, such as alley ways, should be maintained.~~

~~2.10 Consider the Scale, Texture, and Pattern of Building Materials~~
~~Use building materials that are familiar in their dimensions and that can be repeated. To help establish a sense of human scale, use familiar building components in traditional sizes. For example, standard size brick, uniform building components, and typical window sizes, help to establish human scale. Combining building materials that can be visually contrasted also helps to achieve a sense of human scale.~~

B. Construct residential units to include entry stoops and/or porches. Residential entry porches are encouraged to extend 18” to 30” above grade, except when the context or character of the block demonstrates at grade entries.

C. When feasible, maintain residential uses in historic residential buildings.

~~2.11 Consider The Quality of Open Space Incorporated in New And Renovated Buildings~~

~~Create comfortable, safe, accessible, and appropriately located open spaces to provide pedestrian interest and convenience.~~
~~Orient open spaces to the sun and views. Create a sense of enclosure while maintaining safety, so that open spaces feel like outdoor rooms.~~

~~CODE: Allowable “by-right” height is up to 35 feet, with a maximum of 55 feet through height review.~~
~~CODE: The maximum “by-right” number of stories allowed in 35 feet is two stories.~~
~~CODE: Generally, for commercial and residential buildings in RB-1X, RB-2X, RB-1E, and RB-2E, the floor to floor heights should be up to 14 feet for the ground level, and up to 12 feet for the second floor .~~
~~CODE: In the RB1-X and RB1-E zones, principal buildings height for a building located on a corner lot that faces two public streets may be increased up to 10 feet in height and up to 3 stories if: the building contains no more than 3 stories above the finished grade; the horizontal dimensions of the third story are no greater than 50 feet along the front yard street frontage by 70 feet along the side yard street frontage; and, the vertical planes of the third story are located directly above the vertical planes of the stories below.~~

~~Provide seating that is useable year round. Plazas, courtyards, pocket parks, and terraces should be designed to be easily accessible and comfortable for a substantial part of the year. See Section 6.7.~~

~~Connect open spaces to other activity areas where people gather to sit, eat, or watch other people. Locate sidewalk restaurants or outdoor dining areas on or~~

Section 3: The Public Realm
~~Section 5: Commercial Signs~~

The term "public realm" refers to the entire system of open space, landscaping, signage, streets and sidewalks, by which people circulate through and experience the Downtown. Our image of Downtown Boulder, and the ease and safety with which we move through it, is determined by the quality of the streetscape.

The urban design objectives of the Public Realm Guideline are to:

- Unify the visual image of Downtown by creating a series of public sitting areas, completing the rhythm of street trees and street lighting, and providing landscaping with seasonal color or other qualities of visual interest.
- Create a pedestrian oriented environment that is safe, accessible, visually pleasing, and comfortable. Strengthen Downtown's visual connections. Visually and functionally connect the Downtown Boulder mall and Civic Park, or east and west Pearl Street to the mall.
- Maintain the visual unity and historic character of the Downtown Boulder pedestrian mall through the use of traditional materials.
- Respect and preserve adjacent residential neighborhoods through the use of residentially appropriate streetscape design.
- Encourage design and sign placement that promotes downtown businesses while complementing ~~downtown's~~ the character and scale of the building.
- Promote signs that are designed as an integral yet noticeable part of a building's overall design. Promote the design and placement of signs that are both effective individually and are harmonious with the overall signage of the block.
- Encourage comfortable spaces by integrating appropriate landscaping and street trees into the public realm.
- Create an overall image in which a building signage, and site design relate to each other.

3.1 Signs

A. Commercial signs should function to identify and locate businesses, promote ~~merchandise or service within~~commercial activity, attract customers, provide direction and information, and in some cases create visual delight and architectural interest.

~~The urban design objectives of the Commercial Sign Guidelines are~~

~~**CODE:** The building shall be set back fifteen feet from any property line adjacent to a public street, but not an alley, for any portions of the building between 35 feet and 45 feet in height. The facade of the building shall be set back 35 feet from any property line adjacent to a public street, but not an alley, for any portions of the building between 45 feet and 55 feet in height. All portions of a building above the permitted height shall also be required to meet the requirements set forth in Section 9-4-11, "Site Review." **CODE:** The requirements for the maximum number of stories set forth in Section 9-3.2-1, "Schedule of Bulk Requirements," B.R.C., 1981, shall not be applied to parking areas within auto parking garages.~~

~~**CODE:** A first floor retail wrap is required (floor area that is used for non-parking purposes). The depth of the wrap is a minimum of 25 feet and a maximum of 35 feet; The wrap faces on all streets, except alleys, for the entire length of the building except for those places necessary to provide ingress and egress into the parking areas. And, the space is used for retail, restaurant and other pedestrian oriented uses otherwise permitted or approved in the zoning district.~~

~~**CODE:** A second floor wrap is required. The depth of the second floor wrap is a minimum of 15 feet and a maximum of 35 feet. The second floor wrap shall face on all streets, except alleys, for the entire length of the building. And, the space is for any use permitted or approved for the zoning district.~~

~~**CODE:** The maximum floor area ratio for non-parking uses shall be 0.7:1. Uninhabitable space shall not be included in the floor area ratio calculation for non-parking uses. The floor area ratios set forth in Sections 9-3.2-1, "Schedule of Bulk Requirements", and 9-3.2-18, "Floor Area Ratios for RB-1E, RB-2E, RB-3E, RB-1X, RB-2X, and RB-3X Districts, " B.R.C. 1981, shall not be applied to a parking garage.~~

~~to:~~

~~Encourage design and sign placement that promotes downtown businesses while complementing downtown's character and scale.~~

~~Promote signs that are designed as an integral yet noticeable part of a building's overall design.~~

~~Promote the design of signs that are good neighbors within their block.~~

~~Create an overall image in which a building and its signs relate to each other in helping to draw customers.~~

~~NOTE: The following is meant as a supplement to the city's Sign Code. Sign permits, obtained through the Planning Department, are required. Signs that extend into the downtown Boulder mall public right-of-way, will require review by the Downtown Management Commission. For further information call the DMC (303) 441-4000 and the Planning Department (303) 441-3270.~~

~~Signs on historic buildings or in historic districts must also comply with "Historic Preservation" provisions, Chapter 10-13 of the Boulder Revised Code. Call the Planning Dept.(303) 441-3270.~~

~~5.1 Signs Should be Designed as an Integral Part of The Overall Building Design~~
~~In general, signs should not obscure important architectural details. They should align with others signs on the block to maintain the existing pattern of horizontal and vertical facade features. They should be positioned to emphasize special shapes or details of the facade, to draw attention to the shop entrance, or to emphasize a display window. When several businesses share a building, signs should be aligned or organized in a directory.~~

B. Following are principle sign types that are applicable in the Downtown:

1. Wall Signs:
Wall signs are limited in size and defined as projecting less than 15 inches from the building. Wall signs should be positioned within architectural features such as the panels above storefronts, sign bands, on the transom windows, or flanking doorways. Wall mounted signs should align with others on a block to maintain established patterns.

2. Projecting Signs:
~~Projecting sign means a sign attached to a building and extending in whole or in part 15 inches or more horizontally beyond the surface of the building to which it is attached.~~ Projecting signs should be positioned along the first floor level of the facade. Projecting signs may take on their own special shape, or create their own symbol within the overall facade design.

3. Awning Signs:
~~Awnings should be used to add visual interest to a building, provide shade, and add variety to the streetscape. They~~Awnings should be positioned to emphasize special shapes or details of the facade, to draw attention to the shop entrances or to emphasize a display window. Awning signs may be illustrated with letters or symbols.

~~**CODE:** The total area of all wall signs on a face of a building may not exceed fifteen percent of the area of that portion of the building face between ground level and the roof line or a line twenty-five feet above grade level, whichever is less.~~
~~**CODE:** The total area of all wall signs on an architecturally distinct wall, where two or more such walls form a face of a building, shall not exceed twenty-five percent of such wall.~~ ~~**CODE:** No part of a wall sign may be located more than twenty-five feet above grade level.~~
~~**CODE:** No wall sign may be attached to or displayed against any parapet wall that does not extend around the entire perimeter of the roof enclosed by the parapet. No~~

~~**CODE:** Signs projecting over public property may not project more than thirty-six inches from a wall of a building; the maximum permissible total area for such a sign is the lesser of:~~
~~• 1 square foot of sign area for each linear foot of frontage of the building upon which such sign is displayed; or~~
~~• 18 square feet per sign, with no face of the sign exceeding 9 square feet.~~
~~**CODE:** Projecting signs must have a minimum clearance above the sidewalk of eight feet and may not extend twelve feet or more above the sidewalk nor above the roof line.~~
~~**CODE:** No more than one projecting sign may be maintained per tenant space frontage at the ground level of a building. The minimum horizontal distance between projecting signs on a building shall be 25 feet.~~

~~In most cases, only one awning sign is allowed per building. Awning signs positioned along the first floor level of the facade shall be no less than 8 feet from the sidewalk to the sign. Awning signs in the downtown can be attached to flexible material awnings or fixed marquees or canopies that project from the building. Consult the city Sign Code.~~

~~5.2 Use Simple Signs to Clearly Convey a Message. Symbols Are Easily Read And Enhance Pedestrian Quality.~~
~~Sign Materials:~~

C. Signage should be designed as an integral part of the overall building design. In general, signs should not obscure important architectural details. When several businesses share a building, signs should be aligned or organized in a directory.

D. Use simple signs to clearly convey a message
1. Sign materials should be durable and easy to maintain. Appropriate sign materials include painted or carved wood~~;~~, carved wooden letters~~;~~, epoxy letters~~;~~, galvanized sheet metal~~; slate, marble,~~, stone, specialty or ~~sandstone; gold leaf; gilt, painted, stained, or sandblasted~~decorative glass~~;~~, clear and colored acrylic~~;~~, or neon~~; or stained glass~~.

~~Illumination:~~
2. Lighting external to the sign surface with illumination directed toward the sign is preferred. External lighting may also highlight architectural features. Internally lit signs are generally discouraged.~~ because they can form masses of light which, when viewed in groups, can be unpleasant.~~

~~By coordinating the lighting intensity, color, sign placement and display window design, the entire storefront can become an effective sign.~~ The light level should not overpower the facade or other signs on the street. The light source should be shielded from pedestrian view. The lighting of symbol signs is encouraged. Internal lighting may be appropriate where only letters are illuminated or neon is used. Neon is acceptable, though restricted in size, if it does not obscure architectural detail or overly illuminate display windows.

~~Sign Shapes:~~
3. Signs should be designed in simple, straight-forward~~,~~ shapes that convey their message clearly. Symbols are easily read and enhance the pedestrian quality of the Downtown.

~~Graphics:~~
4. Lettering styles should be proportioned, simple, and easy to read. In most instances, a simple typeface is preferred over a faddish or overly ornate type style. The number of type styles should be limited to two per sign. As a general rule, the letter forms should occupy not more than 75% of the total sign panel.

Code:
Awnings, signage, patio extensions, and other associated structures or objects extending into the public right-of-way require a revocable right-of-way permit and/or lease agreement, see the B.R.C Section 8-6-6, "Requirements for Revocable Permits, Short-Term Leases and Long-Term" for more information.

Note:

The following is meant as a supplement to the city's Sign Code. Sign permits, obtained through the Planning Department, are required. Signs that extend into the Downtown Boulder pedestrian mall will require review by the Downtown Management Commission. For further information call the DMC at (303) 413-7300 and the Planning at (303) 441-1880.

Code:
Signs on historic buildings or in historic districts must comply with the B.R.C. Chapter 9-11 "Historic and Section -9-21, provisions.

~~Section 6: Streetscape Improvements~~

~~The term "streetscape" refers to the entire system of streets, sidewalks, landscaping, and open spaces, by which people circulate through and experience the downtown. Our image of downtown Boulder, and the ease and safety with which we move through it, is determined by the quality of the streetscape.~~

~~The urban design objectives of the Streetscape Improvement Guideline are to:~~

~~Unify the visual image of downtown by creating a series of public sitting areas, completing the rhythm of street trees and street lighting, and providing landscaping with seasonal color or other qualities of visual interest.~~
~~Create a pedestrian oriented environment that is safe, accessible, visually pleasing, and comfortable.~~
~~Strengthen downtown's visual connections. Visually and functionally connect the downtown Boulder mall and Civic Park, or east and west Pearl Street to the mall.~~
~~Maintain the visual unity and historic character of the downtown Boulder mall through the use of traditional materials.~~
~~Encourage and accommodate the use of alternative modes of transportation to get to and from the downtown.~~
~~Maintain and preserve historic features of the streetscape such as flagstone and brick.~~
~~Respect and preserve adjacent residential neighborhoods through the use of sensitive streetscape design.~~

3.2 The Streetscape
~~6.1 Use~~
A. The existing street hierarchy as a basis for designing the streetscape. The concept of a street hierarchy is based on understanding how various Downtown streets function. For example, Canyon Boulevard and Broadway are major vehicular streets, thus street improvements should provide for large volumes of traffic while buffering pedestrians from traffic impacts. Four types of streets have been identified:

1. The Downtown Boulder pedestrian mall (a vehicle-free pedestrian street):
The Downtown Boulder mall, which encompasses Pearl Street from 11th to 15th Streets, is the most intensely used pedestrian zone in the Downtown. As a shopping, festival, and public gathering place it will remain a vehicle free area with a unified brick paving design. ~~throughout. Intense~~ Elaborate landscape treatments, including seasonally-varied plantings and coordinated street furniture, add to the pedestrian ambiance.

2. Canyon Boulevard and Broadway (major vehicular through streets):
Canyon Boulevard and Broadway accommodate large volumes of traffic moving through the Downtown.

Streetscape features should be designed to buffer pedestrians from traffic impacts, provide greater building setbacks and detached sidewalks with planting strips between the sidewalk and curb. The exception is the section of Broadway between Canyon Boulevard and Spruce Street in which attached sidewalks are needed to accommodate more intense pedestrian use. In areas with detached sidewalks, well designed landscaping and street trees ~~should~~shall be provided. On Canyon Boulevard, the use of landscaped median strips and pedestrian safe zones should be designed to minimize pedestrian/vehicular conflicts.

3. 9th, 10th, 11th, 13th, and 14th Streets (north/south pedestrian connectors):
These five north/south streets provide the main pedestrian connections between the Downtown Boulder pedestrian mall and the Civic Park. Where these streets cross Canyon Boulevard, which is very wide, crosswalk designs that visually link the north and south sides of the boulevard are important. The use of similar materials, intersection gateway features, landscaping, and street furniture will help to visually weave the areas together and promote pedestrian access between these two important Downtown public gathering places.

4. All other streets in the Downtown (general pedestrian oriented streets):
In order to create a unified Downtown image, all streets should share common features. At minimum, these should include similar sidewalk scoring patterns, similar paving materials, similar street trees and tree grates, coordinated street furniture, the inclusion of sidewalk neck downs and pedestrian safe zones, removal of pedestrian obstructions, and consolidation of streetscape elements such as newspaper vending boxes, ~~similar~~other traffic and ~~other~~ directional signage, and pedestrian scale street lighting.

5. Alleyways (minor service oriented streets):
Alleys serve as secondary circulation and alternative routes for both pedestrians and vehicles to navigate Downtown. Downtown alleys can provide an alternate means of access to shops, restaurants and other commercial uses.Care must be taken in balancing the service function of the alley and making alley's safe and functional for pedestrians.

6. Walkways/Multiuse paths (vehicles free pathways):
Walkways provide mid-block pedestrian only access. Multiuse paths traverse the civic and park areas. Both should be encouraged in large projects to promote pedestrian circulation throughout the downtown area. Design such connections to be interesting places with thoughtful integration into the overall circulation. They should be handicap accessible, illuminated, appropriately landscaped, and paved in materials compatible with their locations and surrounding context.

~~6.2 Use a Basic Sidewalk Design to Unify The Visual Image of Downtown~~

B. Use materials that reinforce the continuity and integrity of the overall Downtown district. Any variations from the standard materials and patterns required by the Design and Construction Standards should be based on a streetscape plan that illustrates how the variation adds to the visual unity and improves the downtown streetscape, adjacent properties, and the overall image of the block. The design and materials should be durable, classic, and elegant including:

- Brick
- Sandstone
- Scored grey concrete
- Black enamel street furniture and utility elements, e.g. right-of-way lighting, benches, trash receptacles, bollards, etc.

- Outdoor seating

C. Use a basic sidewalk design to unify the visual image of Downtown. In most locations throughout the ~~downtown~~area, sidewalks average 15 feet wide from curb to property line. ~~At minimum, every street in the downtown~~ Streets should incorporate the following basic sidewalk elements:

1. Frontage zone

The frontage zone width may vary by street and allows for extensions into the right-of-way which create comfortable and attractive sitting areas. Included within this zone are projecting signs, awnings, cafe seating, and gated patio encroachments.

- Design public right-of-way extensions that are visually appropriate to the street character.
- Seating areas for dining are limited to the width of the building frontage. All tables and chairs are to be removable.
- Railing designs should reflect an open, transparent feeling.
- Visually closed-in railings that "box-in" the extension area are not appropriate.
- Consider building programs and spatial layouts which provide alternative solutions to the need for gated, exterior dining areas. There must be a minimum 7' clearance between the edge of the railing or seating area and any vertical obstruction.
- Create comfortable and attractive sitting areas, plazas, and small open spaces. Tables and chairs must be movable.
- Orient seating to take advantage of views, sunshine in the winter, and shade in the summer.

2. Pedestrian zone

The sidewalk pedestrian-through zone is the travel area designated for pedestrians and must be kept clear of all obstacles.

- Pedestrian zones walkway surfaces should be delineated from the curb zone or buffer areas.

3. Curb zone

The curb zone should consist of a ~~4 foot~~4' wide area measured perpendicular from the inside of the curb. ~~that may include the following:~~

- Street elements and landscaping should be organized to allow for pedestrian access to adjacent street parking.
- On residential transition streets in the Neighborhood Interface blocks use landscaping in the curb zone rather than hard surface concrete.
- Include a travel lane, or clear zone unobstructed by street furniture or landscaping, for bicyclists.

4. Corner Zone

At a minimum, the standard corner zone should include the following elements:

- A pedestrian area with only essential "regulatory" elements; such as, signal posts are allowed. All other amenities including benches, bike racks, newspaper racks, are prohibited.
- Corner "amenity areas" are located at either side of the pedestrian area. Elements such as benches and bike racks should be carefully arranged in an attractive and accessible fashion. Benches should be arranged to facilitate social interaction.

~~Brushed natural color gray concrete tooled in a 2' x 2'square pattern parallel to the street (not diagonal), possibly with brick accents~~

~~Street trees in appropriately sized tree grates (see Section 6.8)~~

~~Street elements which do not interfere with people accessing cars parked at the curb, mail boxes, trash receptacles, bus stops, bollards, and news racks.~~

~~Basic sidewalk design illustrating the curb zone, the pedestrian zone, and the corner zone. Note also the basic intersection design showing the crosswalks and the intersection paving squares~~

5. Intersections

Important streets may require additional material detailing to match adjacent streetscape design and overall block character.

- Materials include utilizing brick and scored concrete patterning, similar to adjacent pedestrian and curb zones, in the crosswalks and ~~the intersection~~special paving within intersection squares. Important intersections are the areas between the Civic Park and Downtown Boulder.

~~Variations~~

Note:

In general, the predominate material in the ~~downtown~~Downtown is brick. The use of brick to highlight and define the ~~curb zone~~streetscape zones is especially appropriate in the blocks adjacent to the mall. Other appropriate materials ~~may be used to highlight the curb zone~~ include sandstone, or the use of art work which is stenciled or sandblasted into the concrete surface. ~~However, colored concrete scored to imitate brick is inappropriate.~~

Note:

Colored concrete scored or formed to imitate brick or stone is inappropriate.

Code:

See the Design and Construction Standards" Chapter 11 Technical Drawings" and the B.R.C. "Section 9-9-13, “Streetscape Design for additional requirements.

Note:

Permanent kitchen equipment, new basement level extensions, second floor extensions and greenhouses are generally not permitted within the right-of-way.

Note:

Light weight or movable handrails, chains, ropes and unsupported railings are inappropriate railing materials.

Note:

Improvements in the right-of-way shall match the existing materials. Any proposals to differentiate the materials may require approval. For more information visit the City of Boulder Planning or contact, (303) 441-1880.

Note:

For more information on patio extensions and cafe seating contact the DMC at (303) 413-7300

~~On the Neighborhood Interface blocks that create a transition between commercial and residential areas, use landscape materials in the curb zone rather than hard surface concrete.~~
~~Materials such as flowers, grasses, or live ground cover will highlight the transition quality of the half block between the downtown and the interface areas. Rocks, gravel or other rocklike materials are not allowed in the curb zone.~~

~~Basic sidewalk design illustrating the curb zone, the pedestrian zone and the corner zone. Note also the basic intersection design showing the crosswalks and the intersection paving squares.~~

~~Pedestrian zone~~
~~The sidewalk pedestrian zone is the area that must be kept clear for pedestrian movement, and free of all obstacles. The pedestrian zone should comprise the following:~~
~~An unobstructed pedestrian area of no less than 7 feet is allowed between vertical elements such as trees or poles and buildings along streets located outside the downtown Boulder mall. An unobstructed pedestrian area of no less than 8 feet to 9 foot 6 inches is required on the downtown Boulder mall (See section 6.4).~~
~~Brushed natural color gray concrete tooled in a maximum 4'x 4'square pattern parallel to the street with brick accents. The location of tree grates or other elements may regulate the exact dimensions of the scoring pattern.~~

~~Variations~~
~~In certain cases, a different concrete scoring pattern or surface material such as brick may be used to run perpendicular to the sidewalk pedestrian zone or extend out vertically from the building or property line. Such variations would highlight the location of a special architectural feature such as an outdoor eating area, plaza, or recessed building entranceway.~~
~~Brick may also be used to highlight special use areas. Colored concrete scored to imitate brick is inappropriate. Brick paving used to highlight entrances.~~

~~Corner Zone~~
~~At minimum, the basic corner zone should include the following elements:~~
~~A pedestrian area or clear zone that is free of obstacles and lined up with the sidewalk pedestrian zone. This area should be made of brushed natural gray concrete scored in a 2'x 2'square pattern parallel to the street (not diagonal). The smaller scoring pattern is meant to distinguish the corner zone from the rest of the sidewalk. Only essential "regulatory" elements such as signal posts are allowed, all other elements such as benches, bike racks, newspaper racks, are prohibited.~~
~~Corner "amenity areas" are located at either side of the clear pedestrian. The amenity areas may incorporate benches, bike racks, news racks, and similar elements. Their shape and size may vary depending upon the use of a corner neck-down. Elements such as benches and bike racks should be carefully arranged in an attractive and accessible design. Benches should be arranged to facilitate social interaction. The amenity areas should be made of brushed natural gray concrete scored in a 4'x 4'square pattern parallel to the street (not diagonal), and may have brick detailing.~~

~~Variations~~
~~Shift the orientation of the concrete scoring pattern to a 45 degree angle to the street in a 2'x 2'pattern. Other variations may include edging the corner amenity and clear zones with brick paver bands using a dark, terra cotta red to compliment the color and quality of the mall brick. In certain areas, special materials such as brick or sandstone may be incorporated to clearly define an area. Depending on the location, amenity areas may also be used for public art features.~~

~~NOTE: Variations from the basic materials and patterns must be based on a streetscape plan that illustrates how the variation adds to the visual unity of the downtown streetscape, adjacent properties, and the overall image of the block.~~

~~6.3 Use a Basic Intersection Design to Unify The Visual Image of Downtown~~
~~Street intersections in the downtown should incorporate two basic elements:~~

~~Crosswalks~~

~~Pedestrian crosswalks should be a minimum of 10 feet wide, constructed of brushed natural gray concrete scored in a 2 foot x 2 foot square pattern parallel to the street. 12 inch wide concrete strips occur at either side of the 10 foot wide walkway scored in a 12 inch square pattern. ADA ramps should connect the pedestrian crosswalk to the corner.~~

~~Intersection squares~~
~~In general, the center area of intersections should made of the same material as the surrounding street surfaces.~~

~~Variations~~
~~Special paving may be used in intersection designs to highlight an important street or pedestrian connection. For example, crosswalks and intersection squares located between Civic Park and the downtown Boulder mall may incorporate special materials such as brick. Public art may be incorporated in the surface design. Special emphasis should be placed on the intersections along Canyon Boulevard from 9th to 14th Streets.~~

~~Other ideas that add to the visual interest include the following:~~
~~The use of brick or interlocking concrete pavers within the 10' wide crosswalk~~
~~A special border on either side of the 10' crosswalk consistent with adjacent sidewalk features.~~
~~A concrete center area scored in a square grid pattern.~~
~~A unique paving pattern or design within the center area to highlight an intersection.~~

~~6.4 Design Extensions Into The Public Right-of-Way That Are Visually And Functionally Appropriate to Their Street~~
~~Extensions into the public right-of-way, such as a sidewalk restaurant, public sitting area, or awnings over store windows, can add visual interest and encourage public activities that enhance the quality of life in downtown. They promote outdoor leisure use, provide opportunities for "people watching", and create a varied streetscape setting. Suce are not substantially altered or obscured by the extension. Upper story extensions are generally not appropriate except when restoring a missing historic feature or when incorporating a traditional design element into a new building. The best extensions are characterized by design that is sensitive to the buildings, and that employ quality materials.~~

~~NOTE: When an extension onto a street, sidewalk, alley or other public property is desired, an application for a revocable permit should be made. A revocable permit is an agreement for the use of public land. Depending on the nature and permanency of the improvement, a lease and lease payment may be required. There are two general categories of right-of-way extensions: Extensions allowed on the downtown Boulder mall, and extensions allowed outside of the mall. For information call Public Works Department at (303) 441-3200.~~

~~Downtown Boulder mall right-of-way extensions only The boundaries of the downtown Boulder mall conform to the pedestrian area of Pearl Street which extends from 11th to 15th Streets. Permanent modifications such as building additions which include bay windows and similar enclosures that extend into the mall right-of-way are strongly discouraged.~~

~~The following criteria apply to extensions allowed on the mall:~~
~~Extensions allowed along the mall are limited on each block so that the expanse of buildings is not visually altered. No more than 125 feet per block face may be used for this purpose.~~
~~Maximum is a 10 foot extension, measured at ground level perpendicular to the building.~~

~~The most critical dimension in measuring the width of an extension is the area for pedestrians. A range of between 8 feet andes.~~
~~•A semi-permanent railing no less than 30 inches tall is required to define the edge of the extension. (See section 6.5)~~
~~The front and sides of extensions shall be permanently unenclosed.~~
~~No kitchen equipment shall be installed within the extension, although a service station may be, for example, joined to an outdoor restaurant.~~
~~All tables and chairs must be movable.~~
~~Second Floor Extensions into the mall are inappropriate, especially attached to historic or historically significant buildings except where historic evidence documents its accuracy.~~
~~New basement level extensions are not permitted.~~
~~Greenhouse enclosures are prohibited on the public right-of-way.~~
~~The eating area should be no more than the width of the cafe in front of which it is located.~~
~~Display windows that extend into the right-of-way are strongly discouraged.~~

~~Right-of-way extensions allowed along streets in areas outside of the downtown Boulder mall:~~
~~In general, extensions off the mall are more limited in area than those on the mall due to sidewalk width and the need for an unobstructed pedestrian area.~~

~~The following is a list of criteria for off-mall extensions:~~
~~Extensions into the public right-of-way can be up to 6 feet, measured perpendicular to the building or property line, as long as it is defined by a semi-permanent railing no less than 30" tall (See section 6.5).~~

~~The most critical dimension in measuring the width of an extension is the area for pedestrians. No less than 7 feet is allowed between the edge of the extension and any other vertical obstruction such as trees or poles. If necessary, the extension should be reduced to fit the 7 foot pedestrian requirement.~~
~~Greenhouse enclosures are prohibited on the public right-of-way.~~
~~The front and sides of extensions into the public right-of-way shall be permanently unenclosed.~~
~~No kitchen equipment shall be installed within the extension, although a service station may be, for example, joined to an outdoor restaurant.~~
~~All tables and chairs must be movable.~~
~~The eating area should be no more than the width of the cafe in front of which it is located.~~
~~Display windows that extend into the right-of-way are strongly discouraged.~~

~~Extensions into the public right-of-way related to historic buildings~~
~~When designing extensions for historically significant buildings, the extension should be distinguishable as new. It should not suggest that it is an original historic element. It should, however, be visually compatible with the original building and not damage the original structure. Accurate reconstruction of historic extensions into the right-of-way are appropriate options where documented.~~

~~6.5 Use Innovative Railing Designs to Define Outdoor Spaces, Such as Cafes, From Pedestrian Movement Areas~~
~~Railings define the boundary between public and private areas and create safety barriers for pedestrians.~~
~~Semi-permanent railings that can be fixed to the sidewalk are preferred. Site specific designs are encouraged that reflect Boulder's history, the environment, or public art. No signage, advertising, goods or merchandise should be placed on the railing.~~ ~~**Railing designs should reflect an open, transparent feeling.**~~ ~~Visually closed-in railings that "box-in" the extension are not appropriate.~~

~~Materials such as metal rails and posts, stone or brick piers, and wood may be used when properly finished.~~
~~Decorative elements incorporated into the railing design are encouraged. In general, metal surfaces should have a black enamel finish although colors that are incorporated as part of a coordinated color plan for the building, or that are considered in the context of a work of public art, may be considered.~~

~~Light weight or movable handrails that may be hazardous during times of intense pedestrian crowding should be avoided. Chains, ropes and unsupported railings are unacceptable materials.~~

~~6.6 Create Comfortable and Attractive Sitting Areas, Plazas, and Small Open Spaces~~
~~Seating areas, plazas, and small open spaces should be located throughout the downtown. They should be easily accessible and comfortable for as much of the year as possible. The use of ground level plant materials and trees to provide shade and pedestrian scale is strongly encouraged. All elements including walls, trees, paving, seating, pedestrian scale lighting, and water features should be designed as an integral part of the overall site design concept.~~
~~Orient seating to take advantage of views, sunshine in the winter, and shade in the summer.~~
~~Arrange benches and other street furniture in a coherent design that, in effect, creates small outdoor rooms. For example, at bus stops and sidewalk seating areas arrange benches, art work, landscaping, and other elements into pleasant and comfortable pedestrian environments.~~

~~Locate sitting areas, plazas, and small open spaces where they will get the most use.~~
~~Locate areas where downtown shoppers and workers congregate~~
~~— adjacent to a building lobby, heavily traveled sidewalks, or an outdoor restaurant. When located on private property, but serving as public amenities, plazas and courtyards should be directly connected to and accessible from the public sidewalk. If needed, security gates should be either an integral part of the design or completely hidden from view when not in use.~~

3.3 Landscaping
Select street trees that are appropriate to their intended location and function.
~~6.7 Select Street Trees That Are Appropriate to Their Intended Location And Function~~
~~Approved tree list for commercial sites — For trees in grates and planting pits.~~
~~All of the trees in the following chart should do well in a downtown environment. Unless stated otherwise, they~~ Plant trees that will tolerate full sun, drought, varying soil pH. ~~and will have a relatively compact crown.~~ Keep in mind that the conditions of various planting sites in the Downtown will vary and ~~may need to meet~~should be evaluated for individual landscape objectives~~. The purpose of this list is to help in choosing a tree according to the size of the planting site. However, each site should be looked at individually by a professional.~~

~~Chart of approved tree list for commercial sites — For trees in grates and planting pits~~
~~Small Maturing Trees Medium Maturing Trees Large Maturing Trees~~
~~(Under 25'Mature Height) (30'–45'Mature Height)(Over 45'Mature Height)~~
~~Planting Pit Size Planting Pit Size Planting Pit Size~~
~~60 Cu. Ft. Minimum 3' 96 Cu. Ft. Minimum 3' 120 Cu. Ft. Minimum 3'~~
~~Minimum Depth Minimum Depth Minimum~~
~~(4x5x3) (4x8x3) Depth (4x10x3)~~
~~Tree Grate AreaTree Grate AreaTree Grate Area~~
~~20 Sq. Ft. Minimum 4'Minimum 32 Sq. Ft. Minimum 4'Minimum 40 Sq. Ft. Minimum 4' Minimum Width~~

~~Width Width~~
~~Spacing Between Trees Spacing Between Trees Spacing Between Trees 10'Minimum, 15'~~
~~15'Minimum, 20' 20'Minimum, 25' Recommended Recommended Recommended~~
~~Caliper Size Caliper Size Caliper Size~~
~~11/2" measured 6" above grade 2" measured 6" above grade 2" measured 6" above grade~~
~~Cherry, Flowering-Prunus padus Hackberry*-Celtus occidentalis Ash, Green*-Fraxinus pennsyl -~~
~~('Mayday') ('Prairie Pride') vanica ('Marshall's seedless,' 'Newport,''Patmore,')~~
~~Crabapple-Malus spp. Honeylocust*-Gleditsia trican - Coffeetree, Kentucky*- (Fireblight resistant~~
~~varieties and thos inermis ('Skyline') Gymnocladus dioicus upright forms, 'Spring Snow').~~
~~Goldenrain* Koelreuteria panic Hornbean, European Pyramidal Hackberry, Common* Celtis~~
~~ulata Carpinus betulus fastigiata occidentalis~~
~~Hawthorn-Crataegus spp. Pear-Pyrus calleryana spp. Honeylocust*-Gleditsia triacan -~~
~~Crusgalli inermis (thornless, ('Chanticleer'), pyrus ussurien- thos inermis ('Shademaster,' 'Ohio~~
~~Pioneer', 'Cockspur') sis, avoid 'Bradford'variety 'Majestic')~~
~~Serviceberry-Amelanchier spp. Linden, Littleleaf - Tilia cordata Linden, American-Tilia ameri -~~
~~('Greenspire', 'Glenleen') cana ('Redmond', 'Legend')~~
~~Turkish Filbert-Corylus colurna Maple, Red - Acer rubrum~~
~~('Northwood')~~
~~Oak, Bur*, English, Shumard, Red, Swamp White* - Quercus: macrocarpa, robur, shumardii, rubra, bicolor~~
~~* Indicates drought-tolerant species.~~

~~The tree list is designed for commercial sites where trees are to be placed in paved areas using tree grates and planting pits. Due to hardscape limitations (i.e. parking meters), spacing design may be modified based upon review by the appropriate design review board.~~

~~NOTE: In general, these guidelines adhere the city's Design Construction Standards, but wherever a discrepancy may arise, the higher standard shall be used.~~

~~Descriptions of Approved Trees for Commercial Sites~~
~~Small trees (Under 25'Mature height)~~

~~Cherry, Flowering - example, 'Mayday' Tree; 20'-25'height, 20'-30'spread; moderately pyramidal shape; full sun or partial shade; adaptable water requirements.~~

~~Crabapple - example, 'Spring snow'; 20'-25' height, 20' spread; minimally fruiting; moderately Oval shape; tolerates drought; full sun; adapts to growing conditions.~~

~~Goldenrain* - 20'-25'height, 15'-20'spread; broadly globe shape; grows well in a wide range of soil types; tolerates drought; adaptable to alkaline soil and salt conditions; full sun or partial shade.~~

~~Hawthorn - example, 'Ohio Pioneer', Thornless 'Cockspur'; 15'-25'height, 15'-20'spread; broadly globe shape; tolerates drought; tolerates high pH and salt; does best in full sun~~

~~Serviceberry - 25'height, 10'-20'spread; moderately ovate shape; tolerates drought; tolerates pH up to 7.0; sun or shade~~

~~Medium trees (30'- 45'Mature Height)~~

~~Hackberry* - example, 'Prairie Pride'; 45'height, 30'-40' spread; moderately pyramidal shape; tolerates wide range of soil conditions; tolerates drought.~~

~~Honeylocust* - example, 'Skyline'; 45'height, 30'-35'spread; moderately globe shape; tolerates wide range of soil types; tolerates high pH and salt; transplants easily.~~

~~Hornbeam, European Pyramidal, - example, 'European Pyramidal'; 30'-45'height, 10'-15'spread; narrowly pyramidal; tolerates drought once established; grows in clay soils; sensitive to salt; adaptable to wide soil pH~~

~~Pear - example, 'Chanticleer'; 30'-40'height, 25'-35'spread; moderately columnar shape; tolerates drought and salt; adaptable to wide soil pH; hardiest of all the pears.~~

~~Linden, Littleleaf - example, 'Greenspire', 'Glenleven'; 45' height, 25'-35'spread; broadly to moderately pyramidal shape; has poor salt tolerance; adaptable to wide soil pH; withstands compaction.~~

~~Turkish Filbert; 45'height, 25'-30'spread; moderately pyramidal shape; drought tolerant; adaptable to varying soil pH; full sun.~~

~~Large trees (Over 45'Mature Height)~~

~~Ash, Green* - example, 'Marshall seedless', 'Newport', 'Patmore'; 50'-60'height, 35'-45'spread; Moderately to broadly ovate shape; highly adaptable to urban conditions; tolerant of salt and high pH; tolerates drought; full sun.~~

~~Coffeetree, Kentucky* - 70'height, 40'-50'spread; moderately globe shape; tolerates alkaline soil; tolerates drought; pest-free; full sun.~~

~~Hackberry, Common - 50'-60'height, 40'-50'spread; moderately globe shape; useful in difficult planting sites; prefers full sun; drought tolerant; adapted to alkaline soil; salt sensitive.~~

~~Honeylocust* - example, 'Shademaster', 'Majestic'; 50'-60' height, 30'-40'spread; moderately globe shape; adaptable watering requirements once established; prefers full sun; tolerates alkaline soils; tolerates drought.~~

~~Linden, American - example, 'Redmond', 'Legend'; 50'-60' height, 30'-40'spread; moderately pyramidal shape; adaptable watering requirements once established; full sun or partial shade.~~

~~Maple, Red - example, 'Northwood'; 45'-55'height, 25'-35' spread; moderately globe shape; salt sensitive; adaptable water requirements once established; can become chlorotic in alkaline soils, prefers full sun.~~

~~Oak, Bur*, English, Shumard, Red, Swamp White* - 50'-80' height, 50'-80' spread; broadly ovate to broadly globe shape; adaptable watering requirements once established; prefers full sun; adaptable to soil conditions, however some species can become chlorotic in alkaline soils; tolerates drought.~~

~~Unsuitable Street Trees:~~

~~Tree species that are not to be placed in public rights-of-way include: Box Elder, Cottonwood, Chinese and Siberian Elm, Poplar, Russian Olive, Silver Maple, Tree of Heaven, Willow, evergreens that create sight obstructions, and clump forms or multi-stem trees.~~

~~Appropriate tree locations and Tree Grates~~
~~Tree species should be selected for their~~ and suitability to the specific street ~~where~~ on which they are to be planted. The following guidelines should be followed:
1. Large trees should be located along Canyon Boulevard, wide right-of-way streets, and principal access streets such as Pearl and Walnut Streets. Large trees should also be used to highlight corners, to provide cover for large plazas, or as accents against the skyline.
2. Large maturing ~~Medium or large scale~~ trees may be located on all ~~other~~ downtown streets. ~~Medium trees, with narrow spread canopies, should be located in narrow streets, to fill in mid-block areas, provide visual relief and scale definition to large walls, provide shade and canopies for sidewalks and plaza areas, and establish large areas of color above eye level.~~
3. Small trees should be used to provide seasonal color and a visual focal point for special locations such as a building entrance, corner area, sitting area, bus stop, or other significant area or view corridor. ~~Trees in rights-of-way should be maintained with a minimum head height of 8' over sidewalks and 14'over the vehicular streets.~~
~~Low maintenance trees are desirable which have low water requirements and can adapt to the downtown environment.~~
4. Install street trees in tree grates at areas of adjacent parking and high pedestrian traffic, except at locations where they occur in special raised planters in the curb zone, in large planted areas that are integrated with a sidewalk area, and in locations where existing trees located in the curb zones have a root system that has pushed up above grade where the use of a grate will injure the tree.
5. Maintain at least a 10 foot distance between tree trunk and building line. This refers to the distance between a tree and building, not the distance necessary to maintain an unobstructed pedestrian area between a tree, as a vertical element, and a railing that encloses a sidewalk restaurant
6. Where tree grates are used they should be aligned with paving pattern score lines and be placed with careful consideration of sidewalk use, such as a sidewalk cafe or curb cuts.
7. Consider alterative methods to increase tree soil volume, e.g. Modular, pre-engineered suspended pavement and structural cell systems.
~~Do not locate trees that will obstruct building entrances, corner visibility, or within any sidewalk pedestrian zones that must remain unobstructed.~~

B. Select Ground Level Plants That Suit Their Location and Function
1. Use landscaping, shrubs and ground cover to accent areas.
2. Limit the use of annuals and high maintenance plants to the planting beds in the pedestrian mall. Use drought tolerant, climate appropriate landscaping, including shrubs, flowering perennials, ground cover, and ornamental grasses in planter beds.
3. Do not use gravel or rough stone in place of ground cover in the curb zone.
4. Whenever feasible, flowers and ornamental grasses should be used in combination to accent gateway locations and special sites.
5. Plantings are preferred in natural, at-grade planting beds rather than planter pots or other containers.
6. Consider maintenance requirements in the placement and design of these features.

C. Maintain the character of Canyon Boulevard
1. Continue the large tree rows on either side of the street and center landscape median.

2. In general, trees and other plant material should be arranged in an urban linear pattern that parallels the street rather than a less formal random arrangement.
3. The primary trees along Canyon do not need to be planted with tree grates.
4. The median should be planted to enhance the "boulevard" quality of the corridor.
5. Incorporate grasses, paved areas or ground covers within the overall design of tree rows.

~~NOTE: Tree clustering for well-designed planting~~
~~In general, trees on a particular street should be of the same species to create as much visual continuity as possible while, at the same time, providing different trees on other streets to avoid a monoculture within the downtown. However, specific locations, such as plaza fronts and significant building entrance ways may use a different species to distinguish them from the standard street tree located in the curb zone.~~

Code:
For more information on landscaping requirements see the City of Boulder "Design and Construction Standards" and the B.R.C. Section 9-9-12, "Landscaping and Screening Standards".

Note:
Unsuitable streets trees not to be placed in the public right-of-way include Cottonwood, Chinese and Siberian Elm, Poplar, Russian Olive, Silver Maple, Tree of Heaven, Willow, evergreens that create sight obstructions, and clump forms or multi-stem trees.

Note:
Tree and landscape maintenance ~~For~~ or commercially zoned properties, the maintenance of trees, tree grates, and surrounding hard and soft landscaping located in the public right-of-way ~~should be~~is the responsibility of the private property owner. This includes all maintenance and repair of landscaping ~~and~~, trees ~~including watering~~, irrigation, spraying, fertilizing, and replacing plant materials~~/~~ and tree grates.

Note:
The city provides ~~the following maintenance services: Pruning and~~pruning, removal of street trees in the public right-of-way, ~~and~~ safety inspections, and consultation on street trees that may ~~impose~~pose a health or safety concern.

Note:
Contact the Downtown Management Commission for additional information regarding street furniture, trash receptacles, bicycle stands, and bollard variations for the Pedestrian Mall.

~~NOTE: Authorization by the city Forester is needed before planting, pruning, spraying or removing any trees in the public right-of-way. This process enables the Forestry Division to keep an up-to-date tree inventory, and ensures proper tree selection, placement, and care of new and existing trees. Reference "Protection of Trees and Plants", Chapter 6-6, B.R.C. 1981.~~

~~6.8 Select Ground Level Plants That Suit Their Location And Function~~

~~Use landscaping, shrubs and ground cover to accent areas. Below eye-level plant materials add seasonal color to the downtown. They can block views to unsightly areas and fill empty areas with visual interest. However, do not use~~

~~**NOTE:** Planters located in the public right-of-way must receive a *revocable permit*. A maintenance clause may be included to ensure maintenance responsibility.~~

~~such plant material in corner locations and other areas that block the visibility, or block access to storefront windows or streetscape elements such as newspaper stands, parking meters, or mail boxes. Do not use gravel or rough stone in the curb zone in place of ground cover. The following are plant materials and details:~~

~~Flowers and natural grasses~~

~~**Whenever feasible, flowers and ornamental grasses should be used in combination to accent gateway locations and special sites.** Maintenance must be considered in the placement and design of these features. Plantings are preferred in natural at-grade planting beds rather than planter pots or other containers.~~

~~Plant containers and potted plants~~

~~Although plant containers and potted plants can add color and plant variety to the streetscape, consider their use judiciously since they are fragile, difficult to maintain, and appear temporary.~~

~~Planters may be located preferably adjacent to building entrances or as part of patio extensions. Typical planter materials are finished wood, precast concrete, and terra cotta. A maintenance-free finish is preferred as are stability, sturdiness, and sufficient weight to avoid tipping over. Planters must be temporary and moveable, not attached to the sidewalk.~~

~~6.9 Maintain The 'Boulevard' Character of Canyon — a Single Row of Street Trees on Either Side of The Street, The Building Set-back Line, And The Center Planting Strip.~~

~~Canyon Boulevard is one of the city's most prominent avenues with its center planting strip and deep building setbacks. It is one of the downtown's major access routes as well as a link between the Civic Park area and the downtown Boulder mall. The tree rows and center planting strip emphasize the park-like character of a "boulevard" and create a unique sense of entry to the downtown. Consider the following plant materials, details:~~

~~**CODE:** Canyon Boulevard, through the downtown, is a "major arterial street of 4 lanes" which requires that buildings be set back 78 feet from the centerline of the highway or 25 feet from the lot line adjoining the right-of-way, whichever is greater.~~

~~Tree Rows~~

~~Trees along Canyon do not need to be planted with tree grates, although areas that accent building entrance ways or other features such as pedestrian sitting areas may incorporate tree grates in the overall design. **In general, trees and other plant material should be arranged in an urban linear pattern that parallels the street rather than a less formal random arrangement.** To create visual interest, incorporate grass areas, paved areas or ground covers within the overall design of tree rows.~~

~~Ground cover~~

~~Use annual and perennial flower arrangements, or arrangements mixed with natural grasses, especially at street corners, for visual accent and color. Maintain view requirements to avoid blocking sight lines.~~

~~The Canyon median should be planted to enhance the "boulevard" quality of the corridor. Shrubs should not exceed 24" in height to avoid creating barriers to site lines especially at intersections.~~

~~6.10 Create Gateway Elements at Important Downtown Entrance Ways~~

~~Gateway elements can create the appearance of symbolic entrance ways. Gateway treatments are of particular importance at key intersections such as the 9th, 10th, and 11th Street, Broadway, and the 13th, and 14th Street intersections along Canyon. They may also provide entrance ways to the~~

~~downtown located along east and west Pearl Street, and at either end of the downtown section of Broadway. Such gateways may be created by a change in the scale of nearby buildings; a sense of enclosure due to building setbacks, street trees and landscaping; a monument, streetlight, or the acknowledgment of a special vista or topographic feature.~~
~~In general, gateways should be visually creative and include an element of sufficient height and mass so as to be visible by motorists, lighted so as to be visible at night, and constructed of high quality materials such as brick, marble, granite, terrazzo, concrete, stainless or painted steel, copper, brass or glass.~~

~~Gateways associated with a particular sub-area of Boulder should be of consistent design. For example, gateways to downtown may be unique to that area while gateways at Crossroads should reflect features of that mall.~~

~~6.11 Establish Pedestrian Scale Street Lights Along Street Frontages When Feasible~~
~~Pedestrian street lighting should illuminate the sidewalk at a level that is consistent with pedestrian activities rather than vehicular activity. Spacing should be standard but may vary to accommodate existing vehicular street lights or street trees.~~

~~For pedestrian scale lighting located in the curb zone, fixtures should be the same 12'high as those used in other areas of the downtown. When arranged in a linear pattern they should be spaced approximately 50 to 75 foot apart. On major streets such as Broadway and Canyon, larger 15 foot high fixtures may be used. A custom streetlight fixture that combines both pedestrian and vehicular lighting could be considered on such major streets.~~

~~Pedestrian scale lighting may also be accomplished with fixtures that are mounted on buildings or located to accent architectural or landscape features. Such fixtures should be designed to enhance the overall architecture of the building, provide lighting for pedestrians and not damage historic materials.~~

~~NOTE: Light poles are provided by Public Services Company and maintained by the city of Boulder. Coordination with Public Service is an absolute requirement.~~

~~6.12 Handicapped Access Should Be Appropriately Designed, Clearly Visible From The Main Entranceway And, In General, Use The Same Access Routes As Those Used by Non-Handicapped Users Where Possible~~
~~A goal of the city is to make the downtown as accessible as possible. All sidewalks, public-use buildings, and public open spaces should be in compliance with American Disabilities Act (ADA) standards. All accessible design elements must conform to all applicable Federal, State and Local laws and codes.~~

~~Ramps and related elements should be modest in their design and be visually integrated with the overall building design and site plan. They should not appear as an unintegrated add-on to a building facade.~~

~~In most cases the principal public entrance to a building should also be the principal entrance for handicapped accessibility. In existing buildings, where only one route is determined to be accessible, other than the principal public entrance, a rear or side service entrance route may be considered.~~

~~6.13 Street Furnishings Create a Unified Visual Appearance in Downtown~~
~~A unified streetscape image adds to the overall visual quality of the downtown. Traditionally, black metal and wood have been the materials used for street furnishing in the downtown mall. In general, install standard benches, trash receptacles, and bike stands will unify the visual quality of the downtown~~

~~through the use of a common colors, materials, and patterns. However on occasion, based upon a design review by the appropriate group, street furniture might be designed to create a unique street feature, a visual statement, or even a public work of art. The following standard street elements should be considered for the downtown:~~

~~Benches~~
~~The standard downtown bench is made of black metal with woven horizontal and vertical strapping. Variations may include benches with or without backs and with single or multiple seats. Contact the Downtown Management Commission at (303) 441- 4000. Varnished wood benched are characteristic mall features as well.~~

~~Trash receptacles~~
~~Three standard trash receptacles are available for use in the downtown: a large capacity black metal slat design, a small slat design that are attached to a utility pole, and a free standing ashtray and disposal can. All receptacles are made of black finished metal.~~

~~Locate receptacles at street corners in high pedestrian activity areas. One trash receptacle should be provided for each 1,000 square feet of sidewalk space with a minimum capacity of one cubic foot. High use areas such as eating spots should double the capacity. The use of a multiple receptacle system promotes recycling of glass, paper, or metal products.~~

~~Bicycle stand~~
~~The city of Boulder standard bike rack for low volume areas is a black metal pipe, inverted "U" design. For high volume areas the Cora, or coat-hanger design in black metal, is preferred.~~
~~Bike racks should be grouped together and arranged in a regular pattern, rather than be dispersed randomly. Locate bike parking in high demand locations especially inside the mall Loop, at bus stops, or along bike lanes. Use the 1995 Downtown Bike Plan as a guide for locating likely parking areas.~~
~~The Downtown Management Commission's travel demand management program provides for bicycle parking in the public right-of-way and uses the Downtown Bike Parking Plan as the guide for placement. To contact the DMC, call (303) 413-7300.~~

~~Bollards~~
~~Simple black metal, sandstone and concrete bollards have been the standard which may be used in a variety of ways. They can separate pedestrian and vehicular traffic, define property lines, protect a work of public art, or identify different use areas.~~
~~In pedestrian areas bollards should be 24-30 inches high, in vehicular areas 36 to 42 inches high. Bollards should be between 8 and 16 inches wide. When feasible, lighting can be incorporated in the bollard to highlight special features or for pedestrian safety.~~

~~Newspaper boxes~~
~~As a general guideline, encourage the use of newspaper boxes that are metal black enamel finish with white graphics. Boxes should grouped together in a pedestal design, stacked a maximum of two high with a maximum length of 8 foot.~~
~~Locate boxes at nodes of pedestrian activity such as bus stops and street corners. Boxes should not reduce pedestrian or automobile sight lines. In general, provide 5 foot clearance to gain access to the boxes, and no less than 2 feet between the boxes and the curb.~~

~~Banners and flags~~

~~Banners and flags should be located in a manner that enhances the visual quality of downtown streets. While dimensions may vary, they can be attached to existing streetscape elements such as utility poles. Pedestrian and vehicular clearance issues must be taken into consideration. Sign code issues may need to be addressed. Before constructing any banner or flag contact the Planning Dept. for sign code issues at 303-441-1880 and the DMC, at 303-413-7300, for banner and flag approval.~~

~~Kiosks, Information Directors, and "Way Finding" Signs.~~
~~The users of public places such as downtown Boulder need appropriate, correct and timely information to help them find their way and direct them to their destinations. Locate information elements at key intersections to convey public information; it may display a variety of different types of information such as leaflets, posters, and brochures. In general, they should be designed as an integrated part of the overall streetscape but should not interfere with pedestrian traffic flow. They should be permanently fixed in place and made of sturdy materials that are resistant to vandalism and wear and tear.~~

~~NOTE: A revocable right-or-way permit is required to any permanent installation in the public right-of-way from the Public Works Department, contact (303) 441-3200.~~

~~6.14 Create Attractive, Safe And Comfortable Bus Stops~~
~~Street side bus stops should be designed as mini-centers that include all of the necessary furniture, amenities, and shelter to make bus use pleasant. Bus shelters may incorporate transit maps, benches, news racks, bike storage, surface paving, trees, landscaping, and other amenities. Bus shelter design should be consistent throughout the downtown to create a transit identity and visual unity. Bus shelters should be visible to pedestrians, incorporate clear signage, and be well lighted. They should be made of finished, durable materials with unbreakable transparent side walls.~~

~~NOTE: The Boulder Transportation Division, Transportation Planning should be contacted regarding the design and location of bus stops.~~

~~6.15 When Feasible, Create Through-Block Pedestrian Corridors Between Buildings, Especially in a North-South Direction~~
~~Through-block connections, such as the Portal Building and Daily Camera walkway should be encouraged in large projects to promote pedestrian circulation throughout the downtown. Design such connections to be interesting places, not merely hallways to parking lots or alley service loading areas. They should be handicap accessible, well lighted, appropriately landscaped, and paved in materials compatible with their locations and surrounding context. Opportunities for artwork or other visual innovations are encouraged.~~

3.4 Street Furnishings
A. Use street furnishings to create a unified visual appearance in Downtown.
B. In general, install standard benches, trash receptacles, appropriately sized bollards, pedestrian-scale street lighting, and bike stands in durable black metal to unify the visual quality of the Downtown.
C. Strategically locate newspaper stands, kiosks and other furniture adjacent high-traffic areas, e.g. bus stops, intersections, etc.
D. Create attractive, safe and comfortable bus stops crafted in durable and elegant materials.

3.5 Historic Features
~~6.16~~
A. Preserve historic features of the streetscape. Whenever possible, preserve, restore, and reuse

historic fixtures of the streetscape, such as a flagstone sidewalks, globe light fixtures, or any other existing historic features located in the public right-of-way. ~~Such elements offer a sense of historic continuity with Boulder's past. Repairs to these historic streetscape elements should ensure that construction materials and details are consistent with their historic character.~~

B. Repair or replacement of paving in the Historic District should be consistent with the character of the overall district and requires review by the Historic Preservation Program, in addition to any approvals needed by the DMC.

C. Historic signs, such as those painted on side walls, should be preserved.

D. Extensions into the right-of-way involving historic resources should be compatible and not substantially alter the property.

~~6.17 Upgrade Downtown Alleys as Pedestrian Access Routes And Efficient Commercial Service Access~~
~~Downtown alleys can create secondary pedestrian systems to navigate the downtown and may also provide an alternate means of access to shops, restaurants and other commercial uses. Care must be given to not impede the alley's primary service function. Further, any improvement using lighting should be designed to not cast glare onto adjacent residential properties, especially in the Interface Area.~~

~~In order to make alleys visually interesting, safe, and accessible to pedestrians:~~
~~Use decorative paving to identify alleyway building entrances by creating a 1 foot wide brick edging as a decorative element to define the width of alleys and the importance of certain alley pedestrian routes, and connect alleys to sidewalks.~~

~~Incorporate pedestrian scale street lighting and accent lighting to highlight building and alleyway entrances.~~
~~Use covered entrance ways and decorative signs to define alley entrances.~~
~~Incorporate bollards, planters, or similar elements to identify pedestrian areas from service or vehicle areas; consolidate service areas to hide unsightly trash and recycling bins in attractive containment designs.~~
~~Place utilities underground.~~

~~6.18 Enrich The Downtown With~~
3.6 Public Art

~~Public art can enrich the downtown experience, enhance its public image, and add beauty. But, while public art can beautify, it can also inspire intense public interest.~~

~~Public art may be representational or abstract. It may be unior multi-dimensional, humorous or sad, understandable or pose questions. It may be actively engaging or a passive backdrop to public events. Choosing, purchasing, installing, maintaining, and removing public art when necessary, requires careful deliberation and planning. Streetscape design incorporates public art to create visually interesting and informative environments. As long as the artistic intention is understood, public art may be many things.~~

A. Enrich the downtown with public art and carefully site art within appropriate areas of the public realm. Consider the context, materials, purpose of the artwork at the proposed site.

B. Freestanding artwork should not obscure building elements. Thoughtfully integrated artwork may be incorporated into the surface or facade design.

C. Artwork may be utilized as gateway features within discrete areas of Downtown.

D. Public art should be complementary and subordinate to associated historic properties and complement the period of significance of the building or district.

Note:
The Arts Commission, the Downtown Management Commission, the ~~D~~DAB, and the ~~LPAB~~LB are among the groups involved in making public art decisions in the Downtown.
~~Decisions may address the following, among others:~~

~~The relationship of public art to its proposed site and its visual impact.~~
~~The ability of public art to enhance the downtown experience such as bringing people together, inviting public interaction, creating moments of visual or intellectual interest, and enhancing the area's beauty.~~
~~The durability of materials, maintenance and upkeep in public settings.~~

~~The placement of public art to terminate a vista or serve as the focal point.~~
~~The human or monumental scale of artwork located along public streets.~~
~~The context and character of the area surrounding the art site~~
~~The artwork's symbolic and aesthetic qualities.~~
~~Criteria for deaccessioning or removing artwork.~~

~~Review of artwork in the Downtown Historic District, with regard to the LPAB would consider the following criteria:~~
~~When related to a specific landmark building, the artwork should be subordinate to the overall building.~~
~~The artwork should not obscure building elements or details. For example, a mural should not cover windows.~~
~~The artwork should not physically damage the building or site, such as paint on unpainted masonry.~~
~~The artwork should be relevant to the location and not confuse the public with artwork that represents a false sense of history that can overshadow or detract from the period of significance of the building or district. For example, a mural of a New Orleans Street scene on a Victorian building.~~
~~Historic signs, such as those painted on side walls, should be preserved, not eliminated.~~

~~Appendix A: Zoning District Definitions~~
~~Zoning districts are classified according to the pre dominant character of development and current or intended use in the area. Zones designated with an (X), such as RB-1X, mean a redeveloping area where there are buildings and uses likely to be rehabilitated, restored, or replaced. Zones designated with an (E), such as RB-1E, mean an established area where development is stable and few changes are anticipated or encouraged. Following are the ten zoning districts located within the Downtown Urban Design Guidelines Boundary:~~

~~RB-1X: The regional business redeveloping area within the downtown core that is in the process of changing to a higher intensity use where a wide range of office, retail and public uses are permitted. This area has the greatest potential for new development and redevelopment within the downtown core.~~

~~RB-2X: Business areas providing a mid-level transition area between the higher intensity downtown commercial area and surrounding neighborhood commercial streets and lower intensity residential areas. Retail uses are typically found on the ground floor level with residential or office uses located above the ground floor level.~~

~~RB-3X: Business areas providing a transition area between a higher intensity regional business area and~~

~~a lower intensity residential area. Retail uses are typically found on the ground floor level with residential or office uses located above the ground floor.~~

~~RB-1E: The regional business area of the Boulder Valley known as the Central Business District, when a wide range of retail, office, residential, and public uses are permitted and in which many structures may be renovated or rehabilitated. A balance of new development with the maintenance and renovation of existing buildings is anticipated, and where development and redevelopment consistent with the established historic and urban design character is encouraged.~~

~~RB-2E: A higher-intensity transition area between the downtown and the surrounding residential areas where a wide range of retail, office, residential, and public uses are permitted. A balance of new development with the maintenance and renovation of existing buildings is anticipated, and where development and redevelopment consistent with the established historic and urban design character is encouraged.~~

~~RB-3E: A lower-intensity transition area between the downtown and the surrounding residential areas where a wide range of retail, office, residential, and public uses are permitted. A balance of new development with the maintenance and renovation of existing buildings is anticipated, and where development and redevelopment consistent with the established historic and urban design character is encouraged.~~

~~BMS-X: Business areas generally anchored around a main street that are intended to serve the surrounding residential neighborhoods. It is anticipated that development will occur in a pedestrian-oriented pattern, with buildings built up to the street; retail uses on the first floor; residential and office uses above the first floor; and where complementary uses may be allowed.~~

~~HR-X: High density residential redeveloping areas in the process of changing from a historically predominantly single-family character and redeveloping to a primary use of attached apartment-type development and where complementary uses may be allowed.~~

~~MXR-E: Mixed density residential areas with a variety of single-family, detached, duplexes and multi-family units that will be maintained; existing structures may be renovated or rehabilitated.~~

~~TB-E: Transitional Business areas primarily used for commercial and complementary residential uses, including, without limitation, temporary lodging and office uses.~~

~~Appendix B: Design Review Check List~~
~~Section 1: The Downtown Historic District~~
~~Section 1.1 Guidelines For The Preservation And Renovation of Local Landmarks, Individually Significant, Contributing, And Contributing Restorable Buildings~~

~~1.1.1. preserve original facades~~
~~preserve facade materials~~
~~align architectural features and establish patterns with neighboring buildings~~
~~maintain the original historic line of the building setback~~
~~maintain the original size, shape and proportion of storefront facades and openings to retain the historic scale and character~~
~~maintain traditional recessed entries where they exist~~

~~maintain the kick-plate below display windows~~
~~preserve the transom and clerestory if it exists~~
~~preserve the shape, materials and spacing of upper story windows~~
~~awnings may be used to provide visual depth to the facade and shade~~
~~distinguish additions to historic buildings~~
~~select building colors appropriate to the historic character of the building and area~~
~~1.1.13. Minimize the visibility of HVAC units and other mechanical, structural, or electrical appurtenances~~

~~Section 1.2 Guidelines For New Construction And Remodeling Non-contributing Buildings in The Local Downtown Historic District~~

~~incorporate traditional design elements in new designs~~
~~align architectural features and established with the patterns of neighboring buildings~~
~~maintain the line of storefronts at the sidewalk edge and orient main entrances to open toward the street~~
~~do not construct half-level or split-level first floors that extend both above and below grade~~
~~consider the height, mass, and scale of buildings~~
~~maintain a human building scale rather than a monolithic or monumental scale~~
~~maintain the proportions of storefront windows, doors and the established pattern of upper story windows.~~
~~maintain the rhythm established by the repetition of the traditional 25 foot facade widths.~~
~~use building materials that have a texture, pattern and scale similar to those in the district~~
~~improve rear or side alley elevations to enhance public access from parking lots and alleys~~

~~Section 2: The Non-Historic Area~~

~~consider incorporating traditional facade elements in new designs~~
~~consider the alignment of architectural features and established patterns with neighboring buildings~~
~~maintain the line of building facades and storefronts at the sidewalk edge~~
~~consider the height, mass and scale of buildings~~
~~maintain a human building scale, rather than a monolithic or monumental scale~~
~~create pedestrian interest at the street level~~
~~avoid half level, or partial level basements that extend more than 2 feet above grade~~
~~shade storefront glass by appropriate means~~
~~maintain the rhythm established by the repetition of the traditional 25 foot facade widths.~~
~~consider the quality of open space incorporated in new and renovated buildings~~
~~consider the special character of the area south of canyon boulevard~~

~~Section 3: The Interface Area~~
~~maintain the diverse residential architectural character of the interface area~~
~~create attractive rear alley facades on buildings facing toward residential areas~~
~~design alleys to serve as attractive routes for pedestrians, as well as efficient service access for vehicles~~
~~where the zoning line runs along a street or along a lot line, commercial development should respect the existing building scale and character of the adjacent residential area.~~
~~design streets in the neighborhood interface area to reflect adjacent residential land uses.~~
~~Section 4: Parking Facilities~~

~~locate surface parking on appropriate sites~~
~~reduce the visual impact of surface parking lots~~
~~reduce the visual impact of structured parking facilities~~
~~security and pedestrian circulation should be priorities~~

~~Section 5: Commercial Signs~~

~~signs should be designed as an integral part of the overall building design~~
~~use simple signs to clearly convey a message. Symbols as signs are easily read and enhance pedestrian quality~~

~~Section 6: Streetscape Improvements~~

~~use the existing street hierarchy as a basis for designing the streetscape~~
~~use a basic sidewalk design to unify the visual image of downtown~~
~~use a basic intersection design to unify the visual image of downtown design extensions into the public right-of-way that are visually and functionally appropriate to their street~~
~~use innovative railing designs to define outdoor spaces, such as cafes, from pedestrian movement areas~~
~~create comfortable and attractive sitting areas, plazas and small open spaces with a focus on views and sunshine~~
~~select street trees that are appropriate to their location and function~~
~~select ground level plants that suit their location and function~~
~~maintain the "boulevard" character of Canyon Boulevard — a single row of street trees on either side of the street, the building set-back line, and the center planting strip which defines the boulevard character~~
~~create gateway elements at important downtown entrance ways~~
~~establish pedestrian scale street lights along street frontages when feasible~~
~~handicapped access should be appropriately designed, visible from the main entranceway, and in general, use the same access routes as those used by non-handicapped users where possible~~
~~install street furnishings that create a unified visual appearance in downtown~~
~~create attractive, safe and comfortable bus stops~~
~~when feasible, create through-block pedestrian corridors between buildings, especially in a north-south direction~~
~~preserve historic features of the streetscape~~
~~upgrade downtown alleys as pedestrian access routes and efficient commercial service access~~
~~enrich the downtown with public art~~

~~List of Illustrations and Photographs~~

~~Introduction~~
~~Map of the Downtown Historic District, the Non-historic Area, and the Neighborhood Interface~~
~~Photo of historic buildings~~
~~Map of downtown land-use, zoning Map of CAGID and BID boundary~~
~~Photos of views and settings in downtown~~
~~Map of Downtown Historic District with five building designations identified~~

~~Section 1: The Downtown Historic District~~
~~1.1 illustration of typical historic facade with elements highlighted such as kick-plate, etc...~~
~~1.1.1 photo of historic storefront facade with original size, shape, proportions highlighted~~

~~photo of the context of a historic block~~
~~illustrations or of historic buildings on the sidewalk and set-back from the sidewalk~~
~~photos of recessed entries in mid-block and at a corner~~
~~photos of historic kick-plates, transoms and clerestories~~
~~1.1.9 photos of traditional upper story windows and awnings~~
~~1.1.11 photos of additions to side of a historic building, and to the roof~~
~~illustration of typical historic facade elements highlighted~~
~~photo of the context of a block, alignment of architectural features~~
~~illustration of how to maintain the storefront line with the use of columns, etc.~~
~~illustration of not building first floor more than 2 feet above grade~~
~~photos of setbacks on upper floors to reduce perceived height, mass, and scale~~
~~photos of buildings that demonstrate human scale with important elements highlighted~~
~~illustration of buildings that are monolithic looking with elements highlighted~~
~~photo: maintain proportions of upper and lower story windows with important elements~~
~~illustration of 25 foot wide pattern of downtown facades~~

~~Section 2: The Non-Historic Area~~
~~Map of the Downtown Historic District, the Non-historic Area, and the Interface Area~~
~~illustration of typical facade elements highlighted, for new construction~~
~~illustration showing alignment of features within the context of a block~~
~~illustration of how to maintain storefronts at sidewalk edge~~
~~photo of contemporary buildings in Non-historic Area demonstrating perceived height, mass, scale, via setback of upper floor~~
~~photo of maintaining a standard floor to floor height in a new bldg.~~
~~photos of buildings that demonstrate human scaled elements~~
~~photo of visual interest features on a building at the street level~~
~~illustration of the differences between lower and upper floor windows, features~~
~~illustration of a people plaza~~
~~photos of the character areas below and around Canyon Blvd.~~

~~Section 3: The Interface Area~~

~~Map of the Downtown Historic District, the Non-historic Area, and the Neighborhood Interface~~
~~photos of historic residential buildings next to commercial buildings in the Neighborhood Interface~~
~~photo of alley with an attractive garbage storage near a neighborhood~~
~~3.4 photo of curb zone grass in the half block adjacent to the Neighborhood Interface~~

~~Section 4: Parking Facilities~~
~~photo of typical surface parking lot landscape elements~~
~~photo of retail wrap on public parking facility~~

~~Section 5: Commercial Signs~~
~~5.1 photos of typical wall sign and typical projecting sign~~
~~photos of typical awning sign; typical sign materials, illumination, shapes, graphics~~
~~photos of mall and surroundings~~

~~Section 6: Streetscape~~
~~6.2 illustration of basic sidewalk elements including curb zone, pedestrian zone, corner zone, and of a~~

~~basic intersection design~~
~~6.2 photo of a Neighborhood Interface block showing landscape material in the curb zone~~
~~photos of innovative, attractive railing design~~
~~photo of plaza and seating area in the downtown~~
~~table of appropriate trees~~
~~photos of approved tree grates and of how tree clusters may highlight an entranceway~~
~~photos of appropriate ground covers in downtown~~
~~photos of typical Canyon Boulevard images~~
~~6.13 photos of standard benches, trash receptacles, bicycle racks, bollards, newspaper boxes, banners and lights in the downtown~~
~~6.15 photo of through-block connector and a typical sidewalk~~
~~photo of improved alleyway~~
~~photos of public art in the downtown~~

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: February 16, 2016

AGENDA TITLE
Consideration of a Motion to Revise the City of Boulder's 2016 State and Federal Legislative Agenda

PRESENTERS
Jane S. Brautigam, City Manager
Carl Castillo, Policy Advisor

EXECUTIVE SUMMARY
This agenda item is an opportunity for council to receive a verbal update on matters before the 2016 Colorado General Assembly and to discuss the same. Since the status of legislation is changing quickly at this time, council is asked to click here to review an up-to-date summary of bills that the city is actively supporting and opposing.

This agenda item is also an opportunity for council to revise the city's 2016 State and Federal Legislative Agenda (the "Legislative Agenda"). Proposed revisions are described in **Attachment A,** with changes since council's Dec. 1 approval reflected through strike-through and double-underline formatting. The proposed changes are also summarized in the analysis section below.

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

Consideration of a motion to approve revisions to the City of Boulder's 2016 State and Federal Legislative Agenda as reflected in **Attachment A**.

PUBLIC FEEDBACK
Members of the Boulder community, through public comment and emails sent to council, have recently expressed opposition to the city's long held position in support of General Assembly action to submit to the Colorado electorate a referred measure to reform the current process for citizen-initiated constitutional and statutory amendments. Council has not asked for any changes to this position. However, it is important to note that, while no relevant legislation has been proposed or is anticipated to be proposed, *Building a Better Colorado*, a nonpartisan coalition that has been engaging citizens across the state about possible changes to Colorado's constitution, has identified reform to the initiative process as one of their areas of focus. It is therefore possible that, through a citizen-initiated process, a measure is referred to the voters this November that aims to accomplish something similar to what the city has been advocating for.

COUNCIL LEGISLATIVE COMMITTEE FEEDBACK
Council's Legislative Committee, composed of Mayor Jones and Council Members Appelbaum and Weaver, met to review and support these revisions on Wednesday, February 10. In addition, the committee received an in depth update, and engaged in a robust conversation, on legislation the city is actively lobbying or has chosen not to engage on.

ANALYSIS
The following is a summary and justification of the proposed revisions to the 2016 State and Federal Legislative Agenda:

- <u>Climate Changes & Community Resilience/Facilitate Access to Renewable Energy</u>
    - Delete position urging reinstatement of the **federal production tax credit for wind energy**. Congress addressed this through the omnibus appropriate bill that it passed in December of last year. That law extended the wind tax credit until 2020.
    - Delete position urging extension of the **federal investment tax credit for solar energy**. That law extended the solar tax credit until 2022.
- <u>Economic Vitality</u>
    - Add new position in support of legislation to place the **Science and Cultural Facilities District** proposal as adopted by the SCFD board of directors before the district voters in 2016. This is pursuant to a recommendation of the Boulder Arts Commission.

- Human Services & Human Rights/Civil Rights

    - Replaced support for the **Employment Non-Discrimination Act (ENDA)**, with support the **Equality Act.** This latter legislation is considered more comprehensive and has thus received the support of national LBBTQ groups that had supported ENDA up until 2014.

- Natural Resources, Wildlife and Parks/Acquisition & Protection

    - Delete position urging restoration of funding for the **Land and Water Conservation Fund (LWCF)**. Congress addressed this through the omnibus appropriate bill that it passed in December of last year. That law reauthorized the LWCF through September 20, 2018.

- Public Health & Safety/Photo Enforcement for Traffic Safety
    - Updates statistics on expenses and fines associated with city's **photo enforcement** program and eliminated outdated reference to 2014 legislation.

The following issues had previously been raised by City Council during Dec. 1, 2015 discussion, but have not been reflected in the revisions for the reasons stated:

- Colorado Retirement Security Task Force – Mayor Pro Tem Young asked staff to look into follow-up advocacy that may be needed with respect to HB15-1235, concerning the creation of a Colorado Retirement Security Task Force. This bill was killed in the Senate Committee on State, Veterans & Military Affairs on April 29th and thus has no implementing action to follow-up on.

Attachment A – Proposed Revisions to the City of Boulder's 2016 State and Federal Legislative Agenda

2016

State and Federal Legislative Agenda

Junction Place Bridge at Goose Creek
(looking west with accent lighting)

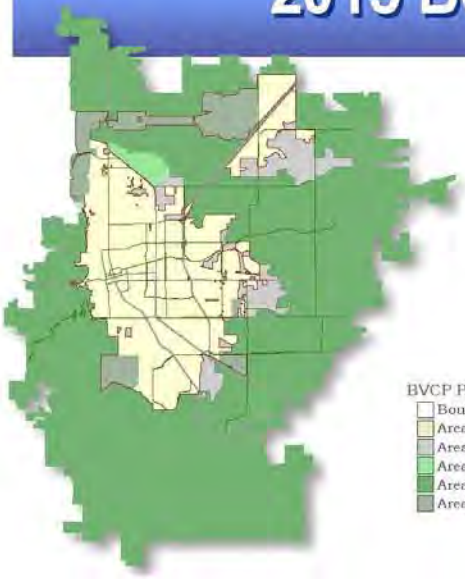
Proposed Revisions,

February 16, 2016

~~Approved~~

~~Dec. 1, 2015~~

2015 Boulder Community Profile

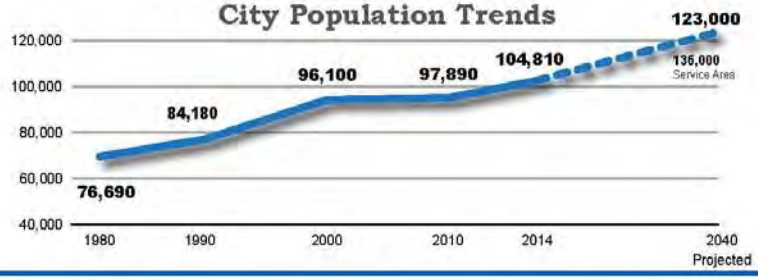


25.8
City Square Miles

71
City Open Space Square Miles[1]

104,810
City Population[2]
116,840 Service Area Population

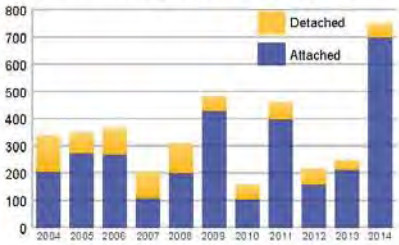
City Population Trends



44,725
Housing Units[2]
50,430 Service Area Housing Units

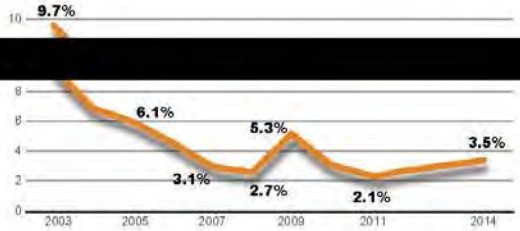
Total City Housing Units[4]

New Housing Units Completed[4]



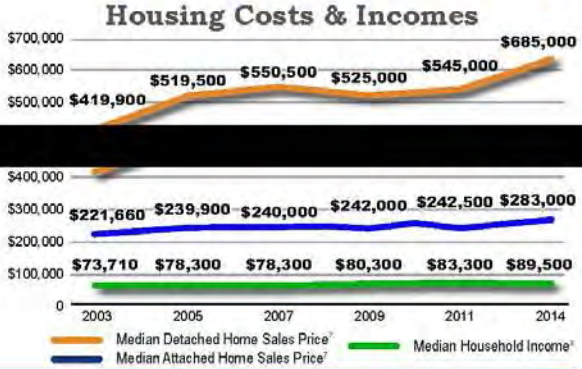
Rental vs Owner Occupied Housing Units[5]

Residential Rental Vacancy Rates[6]



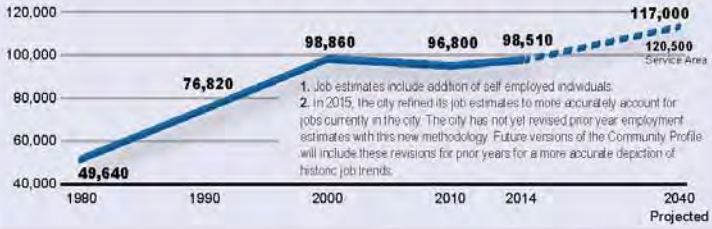
2014 vacancy rate affected by newly constructed housing units.

Housing Costs & Incomes



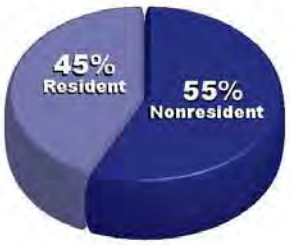
98,510
Jobs[2]
101,430 Service Area

City Job Trends



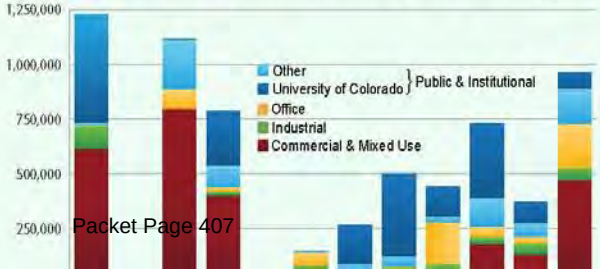
1. Job estimates include addition of self employed individuals.
2. In 2015, the city refined its job estimates to more accurately account for jobs currently in the city. The city has not yet revised prior year employment estimates with this new methodology. Future versions of the Community Profile will include these revisions for prior years for a more accurate depiction of historic job trends.

Boulder Employee Commuting Patterns[2]
(of the 98,510 jobs in Boulder)

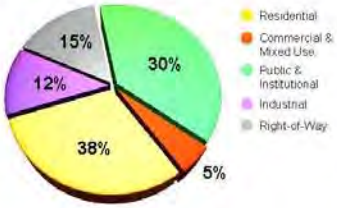


2003-2014 Non-Residential Square Footage Trends

Gross New Non-Residential Square Footage[2]



Land Area by Zoning[2]



Vacancy Rate[9]

Retail	4.4%
Office	6.9%
Warehouse	3.9%
R&D/Flex	5.3%

Top 10 Employers (2014)
(listed in alphabetical order)

- Ball Aerospace
- Boulder Community Hospital
- Boulder County
- Boulder Valley School District
- City of Boulder
- Covidien
- IBM
- NOAA
- Rocky Mountain Lab
- University of Colorado Boulder

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- Federal and state support for building community resilience 16

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- Support for an amendment to the U.S. Constitution abolishing corporate personhood 17
- Support General Assembly action to submit to the Colorado electorate a referred measure to reform the current process for citizen-initiated constitutional and statutory amendments by altering the signature collection requirements and requiring a supermajority voter approval for constitutional amendments, except for those measures that look to amend previous voter-approved constitutional amendments; and requiring for a time a supermajority approval by the General Assembly to change citizen-initiated statutory amendments 17

ECONOMIC VITALITY 18

- Protect core provisions of the Colorado Urban Renewal law, which provide effective redevelopment tools for municipalities such as tax increment financing and eminent domain 18
- Support continued funding and support for the federally funded labs located in Boulder 18
- Support facilitating the ability of municipalities to enter into revenue sharing agreements 19
- Support legislation to place the Science and Cultural Facilities District proposal as adopted by the SCFD board of directors before the district voters in 2016 20

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- Oppose federal efforts to reduce appropriations for HUD Public Housing and Section 8 programs which provide rental assistance to low-income households 21
- Oppose federal reductions to Community Development Block Grant program and HOME Investment Partnerships 21
- Support for state housing trust fund 21
- Support legislation that helps address the power imbalance between owners of mobile homes and owners of mobile home parks 22

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- Support comprehensive federal immigration reform 22
- Protect unaccompanied children immigrating into the United States 23
- Support the necessary funding for state offices to provide drivers licenses under the "Colorado Road and Community Safety Act" 23
- Further the rights of all people regardless of their actual or perceived sexual orientation or gender variance status 24
- Increase the minimum wage 24
- Oppose further cuts to state funded health and human service programs, especially those that are preventive in nature 25

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- Protect workers' compensation system 25
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- Oppose changes that could unnecessarily result in increased contributions or force a reduction in benefits for members of the Public Employees Retirement Association (PERA) 26

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- Protect the ability of local governments and the land trust community to acquire and protect parks and open space 28
- Support state legislation furthering implementation of the city's Urban Wildlife Management Plan 29
- Support to address the city's emerald ash borer infestation 29
- Support restoration of local government authority to regulate certain pesticide uses and for additional protections for pollinators, human health and water quality 30
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- Support for safe use and commercial regulation of recreational marijuana 32
- Support removal of barriers that prevent legitimate marijuana businesses to access banking services 32
- Promote health and safety concerns associated with alcohol abuse in the greater community 33
- Close the federal gun show loophole 33
- Oppose expanding the application of the "make my day" law beyond personal residences 33
- Oppose legislation limiting the state's ability to regulate concealed weapons or local government's ability to restrict possession of weapons in public facilities 34
- Oppose mandates for local government enforcement of federal immigration laws 34
- Oppose infringements on employment and personnel decisions made by municipal police and fire departments 34
- Oppose imposition of onerous information gathering and reporting requirements on public safety, especially when those requirements come with substantial costs that are not supported by adequate funding 35
- Increase the financial threshold of property damage that triggers a police investigation of non-injury traffic accidents 35
- Oppose limitations on municipal authority to operate red light or photo radar cameras to enforce traffic safety 35

ROCKY FLATS **36**

- Support funding for the Department of Energy for the Office of Legacy Management and U.S. Fish and Wildlife Service in order to manage Rocky Flats as a national wildlife refuge with the appropriate systems in place for long term stewardship 36

TAX POLICY **36**

- Support the Market Fairness Act and other action to preserve and expand the authority of local governments to collect taxes 36

TELECOMMUNICATIONS **37**

- Reestablish the right of municipalities to provide telecommunication services such as large and complex city-wide fiber and premise networks 37

TRANSPORTATION **37**

- Increase transportation funding and prioritize its expenditure on projects that maintain existing infrastructure, are multimodal in design and that otherwise promote smart growth 37
- Realign the Colorado Transportation Commission to include population, not just geography, to ensure fair representation of the metropolitan area 39
- Promote "Complete Streets," accommodating all modes of travel 39
- Oppose limitations on the city's ability to regulate vehicle use on sidewalks, multi-use pathways, and bike lanes, or that requires the city to alter its current code in order to maintain current policy on allowed uses of those facilities 39
- Oppose transfering the maintenance responsibilities for regional highways from the Colorado Department of Transportation to local governments 40
- Support flexible solutions and new funding opportunities to address impacts of train horn noise and support creation of quiet zones 40

UNIVERSITY OF COLORADO **40**

- Support a renewed commitment by the state and federal governments to fund the University of Colorado and its capital programs 40

WATER **41**

- Support legislation that promotes the efficient utilization and conservation of water . 41
- Oppose significant threats to the city's water rights 41

PURPOSE OF THE LEGISLATIVE AGENDA

The purpose of the city's 2016 State and Federal Legislative Agenda (the "Legislative Agenda") is to formalize city positions on legislation expected to be considered by the Colorado General Assembly and the U.S. Congress. The city offers the Legislative Agenda as a guideline to legislators for reference when considering legislation impacting the City of Boulder. Strategic, targeted, and/or abbreviated versions of the information contained in this agenda will also be created throughout the year for use in further legislative communications.

The Legislative Agenda was developed in advance of the convening of the 2016 Colorado General Assembly and the Second Session of the 114th U.S. Congress. Consequently, it does not address legislation by bill number. Instead, it describes the underlying interest the city has on specific issues. With the coordination of the city's Policy Advisor, it will be used by individual council members and city staff to inform city positions taken on specific bills once these legislative sessions begin. At that point, council may also consider amendments to the Legislative Agenda and address specific bills that have been proposed.

The city often attempts to influence state and federal policies through other avenues, beyond the legislative agenda, such as by submitting comments on administrative rulemakings or "sunset" reviews of expiring legislation, or by making direct appeals to federal and state administrative officials. While the Legislative Agenda is not designed to direct such action, it can be looked toward as a resource to inform such city efforts.

Council may revisit the Legislative Agenda at any point. It may do so as a body, or through its Legislative Committee. Council created this committee for the purpose of convening on an ad hoc basis with the Policy Advisor and other city staff as necessary when one or more of the following circumstances exist:

1. There is an immediate need for council members to participate with staff in developing a legislative strategy to advance or defeat a bill which is clearly addressed by the city's legislative agenda or other council-approved policy documents, or;

2. There is action expected on pending legislation that affects a matter which council has previously provided general direction on and that could significantly impact the city, but which council did not provide sufficient specific direction on (either through its legislative agenda or other approved policy documents) and with timing that will not allow for council direction to be obtained. In these limited situations, the Policy Advisor may turn to the committee for direction on such legislation so that the city can advocate accordingly. Council is to be informed whenever such committee direction has been provided, and may choose to subsequently revisit such direction.

Council's Legislative Committee is also turned to during non-legislative periods to provide suggestions on revisions to the legislative agenda and to plan agendas for meetings with legislators.

As has been done in years past, council is again adopting a goal that modifications to this legislative agenda require consistency, when applicable, with the six criteria described below:

1. Uniformity with current city council goals;
2. Expected relevance in the upcoming or present state and federal legislative sessions;
3. Uniqueness of issue or impact to the City of Boulder;
4. Viability, or likelihood of achieving goal;
5. Opportunity for providing funding for City of Boulder; and,
6. High probability of metrics of success in order to allow the position to be deleted from future agendas if achieved.

Departures from these criteria are made in unique circumstances as determined by council, such as when adoption of a city position is important to support its regional partners, even while the legislation is otherwise of limited consequence to the city.

The city welcomes the opportunity to discuss the city's Legislative Agenda. Please direct any questions to City Council members or to the city's Policy Advisor at 303-441-3009.

2016 STATE LEGISLATIVE PRIORITIES AT A GLANCE

The city expects to adopt and communicate positions on dozens of state bills during the 2016 state legislative session. The six positions listed below, however, address the bills that the city expects to focus the bulk of its limited resources and political capital on. These priorities are selected not only due to their importance to the city but because related legislation is expected to be introduced in 2016 and involvement of the city and its legislative delegation could be determinative to their outcome. The priorities take into account the expected political realities of the upcoming session and accordingly are first and foremost pragmatic. Nevertheless, they are considered important in their own right and are also considered incremental steps that will create support in future years for some of the city's more ambitious legislative goals.

1. Oppose state legislation aimed at undermining the implementation of **EPA's Clean Power Plan Rule**, including those that would create a requirement for General Assembly approval of the state's plan. More on this position can be found at page 11.

2. Modify the existing **state tax credit for electric vehicles** by allowing them to be transferable, thereby creating new financing opportunities (e.g., leases, performance contracting, etc) and/or allowing public sector agencies to take advantage of the credits (i.e., 100% refundable in the absence of tax liability). More on this position can be found at page 12.

3. Support legislation allowing US 36 BRT vehicles to use **"Bus on Shoulder"** for local service.

4. Support state legislation that results increasing the **minimum wage** to $10.10 an hour and/or allows municipalities the authority to adopt minimum wage requirements higher than the federal and state standards. The city's reasoning for this position is described on page 24.

5. Preserve the authority of local governments to use **red light cameras or photo radar enforcement**. Page 35 describes how these tools are used by the city and their importance to the public's safety.

6. Protect against significant **threats to the city's water rights**, especially those allowing for out-of-priority, un-augmented well use in the South Platte basin. Page 41 describes the negative impact to the city of permitting such use.

7. Support efforts to provide budget flexibility under the TABOR revenue cap by changing the hospital provider fee from a cash fund to an enterprise, thereby minimizing proposed funding cuts to K-12 and higher education.

2016 FEDERAL LEGISLATIVE PRIORITIES AT A GLANCE

1. Seek federal support for Boulder's federally funded labs and the University of Colorado Boulder. As described further on pages 18 and 40, these institutions are foundational to the economic and cultural well being of the city.

2. Support legislation necessary to seek federal assistance for flood disaster recovery needs and expenses described further on page 31.

3. Continue to brief federal officials on the city's municipalization efforts and seek support as necessary, while positioning Boulder as a national pilot for building a resilient electricity system, adopting distributed generation and implementing aggressive demand-side initiatives, as explained further on page 9 of the agenda.

CLIMATE CHANGE AND COMMUNITY RESILIENCE

- ## PRESERVE AND SUPPORT THE ABILITY OF LOCAL GOVERNMENTS TO ENGAGE IN CLIMATE ACTION EFFORTS

Preserve and support the ability of local governments to develop and implement effective energy strategies that reduce environmental impacts by:

- Forming their own energy utilities;
- Enhancing the right of local governments to condemn electric assets at fair market value while opposing utility efforts to seek lost revenues
- Securing access to information from regulated utilities of designated undergrounding funds and communitywide energy information relevant to climate action programs;
- Facilitating local government purchases of street lighting; and,
- Funding local government energy efficiency and renewable energy programs.

- ## FACILITATE ACCESS TO RENEWABLE ENERGY

Facilitate access to renewable energy by:

- Allowing for aggregation of residential or commercial electric customers in municipal purchase of renewable energy on behalf of these groups of customers (a.k.a. community choice aggregation);
- ~~Reinstating the federal production tax credit for wind energy which was allowed to expire at the end of 2014;~~
- ~~Extending the 30 percent federal investment tax credit for solar energy for residential projects and maintaining the 30 percent tax credit for commercially-owned projects (including projects owned by commercial developers but installed on residential rooftops);~~
- Allowing mobile home owners to receive the same rebates and incentives for installation of solar panels as are available to other homeowners;
- Establishing a small state level carbon tax with proceeds used to fund renewable energy projects as well as transmission and distribution system improvements that enable additional deployment of renewables and energy efficiency measures;
- Supporting federal policies that establish a price on carbon emissions domestically as well as internationally;
- Removing the 120 percent cap on net metered generation; and,
- Allowing customer access to diverse solar options through a variety of well-designed and equitable policies (including net metering, feed-in tariffs, “value of solar” tariffs, or minimum bills) that fully recognize the value of local solar.

- ## EXPAND THE DEVELOPMENT OF CLIMATE CHANGE ADAPTATION STRATEGIES

The city understands that the early impacts of climate change have already appeared and that scientists believe further impacts are inevitable, regardless of decreases to future global greenhouse gas emissions. In addition, the city recognizes that decisions we make today about land use, infrastructure, health, water management, agriculture, biodiversity and housing will have lasting consequences. It is therefore important to begin planning now for the impacts of climate change in the future. Consequently, the city supports legislation that expands the development of climate change adaptation strategies such as those that initiate, foster, and enhance existing efforts to improve economic and social well-being, public safety and security, public health, environmental justice, species and habitat protection, and ecological function.

- ## ENHANCE CUSTOMER ENERGY CHOICE

Enhance the energy choices available to customers by:

- Making any necessary changes to the community solar gardens law (HB10-1342) to allow for its successful implementation, especially with regard to facilitating formation of smaller (500 kW and under) solar gardens, and enabling local ownership of wind and solar gardens above and beyond ERP requirements and without incentives, if a community chooses;
- Enacting time-of-day electricity price signals that would, among other things, promote charging of vehicles at night;
- Requiring statewide lighting, appliance and other equipment efficiency standards and/or incentives, as appropriate, for efficient technologies;
- Facilitating peer-to-peer customer sharing of electricity generation through strategies like enhanced virtual net metering or microgrid development;
- Allowing local governments to develop regional energy networks that implement energy efficiency programs with direct funding from utilities; and,
- Precluding utilities from imposing excessive charges onto their customers for net metering of distributed renewable energy generation, customer-sited combined heat and power systems, or on-site energy recapture systems.

- ## INCREASE PUBLIC ACCESS TO ENERGY DATA

Increase the public's access to energy data by:

- Standardizing regulated utility filings to increase transparency at the PUC and requiring all PUC discovery to be publicly available and filed in machine-readable formats;
- Promoting best practices related to energy data, such as adoption of the Green Button Program by regulated utilities;

- Facilitating the development of a third-party demand-side management program implementer;
- Facilitating the development of an energy data center or energy statistics branch within a state energy agency to produce data sets related to research and policymaking;
- Enabling regulated utilities to provide aggregated whole-building data to building owners and property managers for use in building benchmarking and energy efficiency improvements; and,
- Creating an exception to the Colorado Open Records Act that confirms the ability of local governments to protect customers' energy data when they participate in local energy efficiency programs.

• SUPPORT ENERGY UTILITY AND REGULATORY ENHANCEMENTS

Support energy utility and regulatory enhancements by:

- Requiring utilities to file grid modernization plans with commitments to distribution grid upgrades and targets that facilitate energy efficiency, renewable energy, and grid-connected energy storage;
- Changing the Public Utilities Commission regulations to encourage investments in conservation by replacing the current focus on minimization of energy rates to one focusing on minimization of the consumer's total energy bill;
- Unbundling rates to clearly differentiate fixed and variable energy costs;
- Facilitating the use of investor–owned transmission lines at fair and reasonable prices to convey renewable energy from multiple sources (a.k.a. retail wheeling).
- Encouraging the Public Utilities Commission to consider comprehensive performance-based regulation for utilities, which would compensate them based on providing customer choice and satisfaction, reliability and resilience, and reduced carbon emissions, as opposed to applying traditional cost of service concepts.

The city also supports legislation similar to HB12-1234 that would clarify that, for purposes of the rules governing intervention in administrative hearings before the Colorado Public Utilities Commission (PUC), customers of a business regulated by the PUC qualify as persons who "will be interested in or affected by" the PUC's order.

In 2015, the U.S. Environmental Protection Agency (EPA) finalized rules designed to reduce carbon emissions from coal-fired power plants across the country. Known collectively as the Clean Power Plan, they require each state to develop a plan to meet new source performance standards and emission guidelines for both new and existing electric generating units and to submit those plans to the EPA by the summer of 2016. The city supports Governor Hickenlooper's intentions to implement this plan through the Colorado Department of Public Health and Environment. The city will oppose any state legislation aimed at undermining this implementation, including laws that would create a requirement for General Assembly approval of the state's plan.

- ## INCREASE ENERGY EFFICIENCY

  - Increase energy efficiency by establishing high performance residential and commercial building codes. At the state level, encourage the adoption of at least the 2012 version of the International Energy Conservation Code (IECC).
  - Allow local governments to develop regional energy networks that implement energy efficiency programs
  - Facilitate development of a third-party demand-side management program implementer
  - Facilitate the development of outcome-based and net zero energy codes.
  - Reinstate the energy-efficient commercial and residential buildings federal tax deductions that expired at the end of 2013.

- ## ENCOURAGE MORE WIDESPREAD ADOPTION OF ELECTRIC AND EFFICIENT MOTORIZED VEHICLES

Metropolitan Denver and the northern Front Range were classified as a "marginal" ozone nonattainment area by the U.S. Environmental Protection Agency effective July 20, 2012. The city supports legislation that would decrease the amount of air pollutants, including greenhouse gas emissions, resulting from the use of motorized vehicles. While the primary approach will always be to encourage alternative modes of transportation that reduce vehicle miles travelled, the city will also support legislative change that reduce energy use and emissions of air pollutants from vehicles, specifically legislation that:

- Modifies existing state tax credit for electric vehicles making them transferable in order to create new financing opportunities (e.g., leases, performance contracting, etc) and/or to allow public sector agencies to take advantage of those credits (i.e., 100% refundable in the absence of tax liability);
- Uses existing “Alternative Fuels Colorado Program” state funding to ensure the development of a network of strategically located public fast-charging stations along the state’s major corridors, irrespective of whether they are co-located with compressed natural gas stations;
- Modifies current “HOV Exemption Program,” which provides owners of 2,000 low-emission and energy efficient vehicles free access to high-occupancy-toll lanes, to limit the exemption to three years per vehicles and to allocate the new permits to only the owners of the most energy efficient vehicles, which should be updated periodically.
- Requires the state’s vehicle registration database to be structured to allow local governments to have access to fuel efficiency information of the vehicles registered in their jurisdiction;
- Provides Colorado counties the option to implement a revenue-neutral system that imposes higher vehicle registration fees on the purchase of less efficient vehicles and rebates on the purchase of more efficient vehicles (assuming social equity concerns can be concerned);

- Supports the adoption of the next phase (post-2025) of federal vehicle efficiency standards for light duty vehicles and of the next phase (post 2016) of federal efficiency standards for medium and heavy duty vehicles;
- Requires a percentage of vehicles sold in Colorado to meet "zero emission vehicle standards," as enacted in California (requires 15% of vehicles sales to be ZEV by 2025) and subsequently adopted by nine other states;
- Increases state biofuel infrastructure and develop a statewide biofuels strategy, and;
- Encourages the proliferation of public charging stations for electric vehicles by requiring new parking lots and parking structures to provide a minimum number of public charging stations.

• SUPPORT REFORM OF PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCE STATUTES TO ALLOW FOR RESUMPTION OF BOULDER COUNTY'S CLIMATESMART LOAN PROGRAM (CSLP)

The city has been an active supporter of Boulder County's PACE finance program, the CSLP. Many city residents have taken advantage of the CSLP to secure low-interest loans to make energy efficiency and renewable energy upgrades to their homes. However, actions taken in 2010 by Fannie Mae, Freddie Mac, and the Federal Housing Finance Agency have forced local governments across the country, including Boulder County, to suspend their PACE financing programs. The city supports reversal or resolution of these federal actions, either through legislation or regulation, to allow PACE programs to again move forward. If such federal action is taken, the city would also urge the Colorado General Assembly to quickly take any action necessary to conform Colorado's PACE enabling statutes with the new federal requirements.

• PROMOTE WASTE REDUCTION AND DIVERSION EFFORTS

In Colorado, there are currently no statewide minimum waste diversion goals. In addition, there exist artificially inexpensive landfill tip fees and no minimum recycled content standards. This often makes the most environmentally responsible management practices like source reduction and recycling and composting cost prohibitive. The city supports statewide legislation that would:

- Encourage product stewardship and take-back programs (a.k.a. "extended producer responsibility");
- Ban specific materials;
- Require post-consumer minimum content standards for product manufacture;
- Implement statewide or regional landfill tip fee surcharges to be used for waste reduction;
- Create tax credits to encourage source reduction, recycling and composting, and markets for recycled materials, and;

- Establish a statewide waste diversion goal structured to include incentives and assistance programs to spur waste diversion state-wide, and encourage additional resource recovery.

While the city opposes "waste to energy" technologies involving trash incineration or incentivizing landfilling for the sake of energy creation, the city supports energy capture from anaerobic digestive technologies at composting and wastewater treatment plants. The city also supports energy production from the organic matter portions of the waste stream that would otherwise end up in a landfill if not used to make energy or energy products. Examples of this type of beneficial use include woody construction and demolition waste and yard or food waste that is not able to be otherwise diverted from landfilling and can be used to produce electricity or liquid fuel components. The city, however, views all energy production uses as last in priority to other beneficial uses such as composting, recycling, and re-purposing.

The city also has specific concerns about the environmental hazards posed by electronic waste in landfills. Therefore, the city supports legislation that requires extended producer responsibility that is regulated to be environmentally and socially acceptable. Finally, the city would support repeal of the prohibition contained in state law (C.R.S. Section 25-17-104) on local government bans on “use or sale of specific types of plastic materials or products” or restrictions on “containers . . . for any consumer products.”

- **SUPPORT IMPROVEMENTS TO THE COLORADO OIL AND GAS CONSERVATION COMMISSION’S OVERSIGHT OF OIL AND GAS DRILLING AND PRESERVATION OF LOCAL CONTROL TO ADOPT REGULATIONS, MORATORIUMS OR OTHER LIMITS AS NECESSARY**

Oil and gas drilling is an industrial activity that is increasing in Colorado and within the northern Front Range, and which poses significant risks and potential adverse impacts, These include damage to air and water quality, scenic values, property values, public infrastructure, and public health and that can significantly affect both local quality of life and economic prosperity.

There is growing public concern about the proximity of oil and gas development to communities and other sensitive resources and about industry techniques, such as hydraulic fracturing (or “fracking”), used to access oil and gas resources. Fracking is a process whereby fluids are injected at high pressure into underground rock formations to blast them open and enable new or increased exploitation of fossil fuel resources. Chemicals typically used in the fracking process include diesel fuel, benzene, industrial solvents, and other carcinogens and endocrine disrupters. According to the Colorado Oil and Gas Conservation Commission (COGCC), nearly all of the more than 51,000 oil and gas wells operating in Colorado are fracked.

There is increasing evidence and growing concern that oil and gas operations emit toxic air pollutants, volatile organic compounds that cause ground-level ozone, and potentially large amounts of methane, one of the most potent greenhouse gasses. Further, according to the COGCC, since 2010, there have been more than 1,500 spills in Colorado – an average of 500 each year – and more than 20% of these spills have contaminated water supplies. Accordingly, the city believes that fracking should not be an exempted activity under the Clean Water Act or Safe Drinking Water Act or other federal environmental laws.

In July of 1993 the City of Boulder adopted its own regulations to govern oil and gas operations and production on city open space lands. These regulations require an application to the city manager, and hearings conducted by the Open Space Board of Trustees and City Council. Since the adoption of these regulations in 1993, no one has applied to conduct new drilling operations on Open Space lands. These regulations, however, do not address the issue of fracking or other emerging concerns about oil and gas impacts, nor do they address any potential drilling that might be proposed within city limits on non-open space lands.

Boulder County and many of the communities surrounding Boulder are facing increased oil and gas drilling activity and are in various stages of adopting moratoria or crafting new rules to address potential risks and adverse impacts from fracking and other drilling activities. The State of Colorado argues that state authority preempts local rules. In addition, the oil and gas industry sued Longmont challenging a ban on fracking within city limits that was adopted by Longmont citizens by a 60% vote. A decision in favor of industry is currently being appealed by Longmont. Furthermore, several multi-year studies are underway—including one by the University of Colorado at Boulder—to analyze air, water and public health impacts of fracking, the results of which will not be out for several years. In response, the Boulder City Council adopted a year-long moratorium in June 2013 on processing any new permits for oil and gas exploration or development within the city limits or on our city open space. The council subsequently placed an initiative on the November ballot to extend this moratorium until June 2018, while waiting for the results of these pending studies and lawsuits; voters passed this ballot initiative (2H) by over 78%.

The City of Boulder believes that local governments have both the right and responsibility to take action to protect the public health and well being of its residents as well as the environment. The city supports the state setting minimum standards and best management practices for the oil and gas industry (such as those suggested by the International Energy Agency on this subject, entitled "Golden Rules for a Golden Age of Gas"), but also believes that local jurisdictions must be allowed to adopt strong rules as needed to address local concerns and conditions. To that end, the city supports legislation that clarifies and strengthens the authority of local governments to use their existing land use authorities to manage and tailor oil and gas activities within their borders to ensure public health, safety and welfare, and to protect the environment. The city also opposes legislation that would preempt local authority to establish bans, temporary moratoriums, or to establish and enforce regulations over such fracking operations.

In addition, the city supports legislation that would address specific oil and gas drilling impacts, including legislation to:

- Better protect homes and communities by increasing the minimum distance between wells and occupied buildings from the current 350' setback to 1000', 1,500' for schools, giving local governments an effective role in controlling the pace and footprint of development in their jurisdictions;
- Lift the current prohibition on local governments passing along the cost of inspections to industry.
- Adopt statewide protections for water including: requiring setbacks from all streams and lakes; requiring baseline and periodic water monitoring at all drilling sites; raising casing and cementing standards to ensure wellbore integrity; and requiring operators to formulate a water management plan and recycle wastewater before acquiring new supplies.
- Better protect air quality at and near oil and gas operations and decrease greenhouse gas emissions by requiring strict controls on fugitive emissions from oil and gas facilities, including adopting the latest technology in leak detection and repair.
- Address the dual mandate and composition of the COGCC to make its primary role the regulation of the oil and gas industry to protect the public health, safety and the environment.
- Support further study of air, water and public health impacts oil and gas operations and ways to mitigate or avoid impacts.

- **FEDERAL AND STATE SUPPORT FOR BUILDING COMMUNITY RESILIENCE**

In December 2013, Boulder was selected as one of 32 inaugural cities to participate in 100 Resilient Cities, an exciting new initiative pioneered by the Rockefeller Foundation that is committed to building resilience in diverse communities worldwide. Resilience and adaptation are real challenges Boulder is wrestling with as the community recovers from historic flooding that created severe and lasting impacts. This follows just three years after experiencing (then) Colorado's most financially destructive wildfire in state history. These experiences and a long history of climate mitigation initiatives have taught the city that resilience strategies involve more than managing or recovering from disruptive events. Resilience as the ability to "bounce back" is insufficient. To mobilize the resources and community support necessary to significantly increase our social, economic and ecological resilience, we must formulate a compelling vision of the future towards which our efforts allow us to "bounce forward".

Over the next two years, we will be working to develop a resilience strategy that will build on past successes and look to new integrated planning to ensure a thriving future for our community. With Rockefeller Foundation support, the city has hired its first Chief Resilience Officer to lead the coordination and development of broad reaching resilience strategy.

In order for Boulder and other communities around the nation to implement these strategies, they will require coordination and financial and technical support from the state and federal governments. The city will support legislation that furthers such goals.

DEMOCRACY AND GOVERNANCE

- **SUPPORT FOR AN AMENDMENT TO THE U.S. CONSTITUTION ABOLISHING CORPORATE PERSONHOOD**

On November 1, 2011, the residents of Boulder voted, by a 73 percent majority, to approve Ballot Question No. 2H which called for "reclaiming democracy from the corrupting effects of corporate influence by amending the United States Constitution to establish that: 1) Only human beings, not corporations, are entitled to constitutional rights; and 2) Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech."

The City of Boulder will support state and federal legislation similar to SJR12-1034, or action by other intergovernmental partners, that furthers efforts to amend the U.S. Constitution with language that captures the sentiment, if not the exact language, expressed by Ballot Question No. 2H. This includes support for the joint resolution that was introduced in the U.S. Senate on December 8, 2011 by Senator Bernie Sanders to amend the Constitution to exclude corporations from First Amendment rights to spend money on Political Campaigns (a.k.a. the Saving American Democracy Amendment).

- **SUPPORT GENERAL ASSEMBLY ACTION TO SUBMIT TO THE COLORADO ELECTORATE A REFERRED MEASURE TO REFORM THE CURRENT PROCESS FOR CITIZEN-INITIATED CONSTITUTIONAL AND STATUTORY AMENDMENTS BY ALTERING THE SIGNATURE COLLECTION REQUIREMENTS AND REQUIRING A SUPERMAJORITY VOTER APPROVAL FOR CONSTITUTIONAL AMENDMENTS, EXCEPT FOR THOSE MEASURES THAT LOOK TO AMEND PREVIOUS VOTER-APPROVED CONSTITUTIONAL AMENDMENTS; AND REQUIRING FOR A TIME A SUPERMAJORITY APPROVAL BY THE GENERAL ASSEMBLY TO CHANGE CITIZEN-INITIATED STATUTORY AMENDMENTS**

Over the past 25 years, as a result of its low threshold requirements, Colorado has experienced a surge in citizen-initiated ballot measures. In the last 18 years alone, the constitution has been amended 35 times, adding detailed and sometimes conflicting provisions with far-reaching consequences. The city supports state legislation similar to HCR12-1003 that would reform the citizen initiative process to make it more difficult to amend the state constitution while providing assurance to Colorado citizens that statutory amendments will be respected by state elected officials.

ECONOMIC VITALITY

- **PROTECT CORE PROVISIONS OF THE COLORADO URBAN RENEWAL LAW, WHICH PROVIDE EFFECTIVE REDEVELOPMENT TOOLS FOR MUNICIPALITIES SUCH AS TAX INCREMENT FINANCING AND EMINENT DOMAIN**

Unlike many communities that contain vast areas of undeveloped land planned for future commercial and residential use, Boulder's future economic sustainability will depend on effective and ongoing re-use of existing developed property. The majority of future redevelopment in Boulder will be completed by private entities and through private investment. However, in rare circumstances, and based on the requirements of the urban renewal law, projects that demonstrate a compelling community need may only be achievable through a public/private urban renewal partnership. Municipalities should retain the capacity to facilitate revitalization of their urbanized areas.

In 2015, HB15-1348 was enacted into law to promote an equitable financial contribution among affected public bodies in connection with urban redevelopment project. In 2016, legislation is expected to be introduced that is consistent with the intent of HB15-1348 but that addresses perceived technical, implementation or interpretation issues with how the bill was drafted. Specifically, the 2016 effort will aim to distinguish between urban renewal projects that are materially affected by a substantial modification and those that are unaffected. The city anticipates no impacts from such bill and, accordingly, to merely monitor that legislative effort.

- **SUPPORT CONTINUED FUNDING AND SUPPORT FOR THE FEDERALLY FUNDED LABS LOCATED IN BOULDER**

The city's economic vitality policy strongly supports the federally funded laboratories that are located in the city, specifically:

- Cooperative Institute for Research in Environmental Sciences (CIRES)
- Joint Institute for Laboratory Astrophysics (JILA)
- Laboratory for Atmospheric and Space Physics (LASP)
- National Center for Atmospheric Research (NCAR)
- National Ecological Observatory Network (NEON)
- National Institute of Standards and Technology (NIST)
- National Oceanic and Atmospheric Administration (NOAA)
    - Earth System Research Laboratory (ESRL)
    - National Geophysical Data Center (DGDC)
    - Office of Oceanic and Atmospheric Research (OAR)
    - National Weather Service (NWS)
    - National Environmental Satellite, Data and Information Service (NESDIS)
    - Space Weather Prediction Center (SWPC)

- National Telecommunications and Information Administration (NTIA)
- University Corporation for Atmospheric Research (UCAR)
- UNAVCO
- United States Geological Survey (USGS)

The labs, the research they conduct, and the researchers and staff they employ are vitally important to the City of Boulder, Boulder County, the Denver metropolitan region, the state, and the nation as a whole. The research funding they receive is redistributed throughout Colorado and beyond in the form of discretionary employee income, purchases of goods and services from suppliers, and contractual agreements with universities and private industry. Technologies they've created have led to technology transfer and spin-off companies.

In the Boulder metro area alone, federal research labs employed over 3,539 people in 2012. The NOAA, NIST and NTIA labs accounted for over one-third of this employment. These are high-skilled, highly educated employees whose average annual compensation in 2012 was $107,900. In August 2013, CU's Leeds School of Business released a study entitled, "CO-LABS Economic Impact Study: Economic and Fiscal Impacts of Federally Funded Research Facilities". According to the report, the net economic benefit to Boulder County of the federal labs, combined with other federally funded research laboratories in Colorado, totaled $743.2 million in FY 2012.

Boulder highly values the scientific contributions the labs and their employees have made to the entire nation, as well as the economic impact they have on our community. These institutions work closely with scientific researchers from the University of Colorado in Boulder and Colorado State University in nearby Ft. Collins. This synergy of scientific knowledge is found nowhere else in the United States.

Just as the labs generate direct benefits (employment, local spending) and associated indirect activity through an economic multiplier effect, the opposite holds true for funding reductions. According to CU's Leeds School of Business, for every job lost at these federal laboratories, an additional 1.17 jobs will be lost in Colorado. For every $1 million in funding cuts to the labs, an additional $1.13 million in economic impact will be lost. Perhaps even more troubling, our national capacity for research and innovation will be damaged by lay-offs of scientists and researchers, jeopardizing new advanced technologies, future businesses formed to commercialize developing technologies, and our global competitiveness.

- **SUPPORT FACILITATING THE ABILITY OF MUNICIPALITIES TO ENTER INTO REVENUE SHARING AGREEMENTS**

The city believes that there are a number of shortcomings associated with the current reliance municipalities have on sales tax generation. These include revenue-driven development detached from community land use goals, the use of incentives to capture development at the expense of municipal budgets, and sales tax revenue volatility resulting from counterproductive competition of regional retail outlets. In order to address these and other limitations, the City of Boulder, in conjunction with the Boulder County Consortium of

Cities, is exploring the possibility of a revenue sharing agreement with one or more of its municipal neighbors. The significant challenge of such an undertaking would be diminished if the state were to provide mechanisms to encourage such agreements. One possibility would be for the state to establish a task force to evaluate the possibility of exploring revenue sharing as it may relate to the creation of a service tax or the removal of barriers to collecting Internet sales tax.

- **SUPPORT LEGISLATION TO PLACE THE SCIENCE AND CULTURAL FACILITIES DISTRICT PROPOSAL AS ADOPTED BY THE SCFD BOARD OF DIRECTORS BEFORE THE DISTRICT VOTERS IN 2016**

The Scientific and Cultural Facilities District ("SCFD") is a nationally acclaimed, regional model for funding cultural organizations. Colorado Chautauqua, eTown, and the Colorado Music Festival and Center for Musical Arts are respected and thriving SCFD-funded Tier II organizations in Boulder County, each of which contribute to the unique cultural richness and quality of life for the people of this community and throughout our region. Our city is also home to 44 outstanding Tier III organizations, each of which works diligently to engage, inspire, and enrich the lives of local talent and local audiences alike. $1.86 million flowed to Boulder County in SCFD funding in 2015.

The SCFD has been approved by the Colorado Legislature and endorsed by voters in three region-wide elections in 1988, 1994 and 2004, and will be up for renewal in 2016. The source of SCFD's funding is a one-tenth of one penny sales tax, which equates to one penny on a $10 purchase. Voters in our seven-county metropolitan region would be asked in 2016 to extend, not increase, this tax for an additional 12 years.

The SCFD Board conducted a public process during 2013 to 2015, during which it adopted significant funding and programming enhancements to improve SCFD effectiveness. The SCFD Board's reauthorization recommendations shift substantial funding away from Tier I to Tiers II and III. Throughout the 12-year SCFD term that would span 2018 through 2030, the comparative distribution of funding between the three tiers would be made more equitable: when compared to the existing funding formula, Tier II groups would receive $22 million more and Tier III groups would receive $15.3 million more, while Tier I would receive $37.3 million less. In consideration of inflation and the structure of the distribution, this reallocation represents a leveling off of Tier I, and a modest increase to Tiers II and III. Bouler strongly supports this proposal and urges the Colorado General Assembly to place it before metro region voters in 2016.

HOUSING

- **OPPOSE FEDERAL EFFORTS TO REDUCE APPROPRIATIONS FOR HUD PUBLIC HOUSING AND SECTION 8 PROGRAMS WHICH PROVIDE RENTAL ASSISTANCE TO LOW-INCOME HOUSEHOLDS**

In the continuum of housing options for Boulder citizens, public housing and Section 8 vouchers provide a unique source of safe and affordable homes for approximately 1,000 families. Public housing and voucher assistance serve the most low income families in Boulder, 95 percent of whom have incomes below $14,000 annually and pay an average of less than $300 per month in rent. There are very few, if any, market options for these families who depend entirely on the availability of federal assistance in order to live with dignity and assurance of shelter.

- **OPPOSE FEDERAL REDUCTIONS TO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIPS**

Boulder has participated in the CDBG program since 1975, and funds have been used in the past for a variety of projects ranging from assistance to nonprofit agencies that provide services to the city's low and moderate income residents, to construction of the Pearl Street Mall, and renovation of the Chautauqua Auditorium. Boulder has also participated in the HOME program since 1992 and program funds have supported the production and preservation of affordable housing. For the past nine years Boulder has been the lead agency for a regional HOME Consortium including all of Boulder and Broomfield Counties. Half of the HOME funds received by Boulder are used in Boulder and half in the other Consortium communities. In 2015, the city received $704,991 in CDBG funding, a 31% decrease over 5 years, and $866,115 in HOME funding, a 36% decrease in five years, from the U.S. Department of Housing and Urban Development. The CDBG and HOME programs allow the city to strengthen public infrastructure, increase supply of affordable housing, and improve the quality of life for the city's low and moderate income residents.

- **SUPPORT FOR STATE HOUSING TRUST FUND**

The city is supportive of legislative efforts that would lead to creation and financing of a state affordable housing trust fund. One example is the mechanism that was put in place through HB14-1017, which created a state low income housing tax credit operated through the Colorado Housing and Finance Authority (CHFA). The program is to sunset and requires legislative action in 2016 to continue. In the last two years, nearly 2,000 affordable housing units were developed in various municipalities throughout the state using state tax credits. This program is another tool for the state to develop affordable housing in communities.

- **SUPPORT LEGISLATION THAT HELPS ADDRESS THE POWER IMBALANCE BETWEEN OWNERS OF MOBILE HOMES AND OWNERS OF MOBILE HOME PARKS**

It is the policy of the city to encourage affordable housing ownership, including manufactured housing.
The following are examples of the changes that the city may support to mobile home owners:

1. Create an enhanced enforcement mechanism for the provisions of the Colorado Mobile Park Act and associated funding source;
2. Require a minimum one-year lease;
3. Prohibit changes in park rules during term of lease;
4. Create an opportunity to purchase a mobile home park by residents or non-profit organizations;
5. Expanded (i.e., 6 month) notification requirement if mobile home park is to be closed.

HUMAN SERVICES/HUMAN RIGHTS

- **SUPPORT COMPREHENSIVE FEDERAL IMMIGRATION REFORM**

The City of Boulder has been, and remains, committed to the protection of civil and human rights for all people. It believes in the dignity of all Boulder residents, regardless of immigration status, and recognizes the importance of their many contributions to the social, religious, cultural and economic life of the city.

The failures of the U.S. immigration system have had profound impacts within the Boulder community. These include very young students losing motivation to excel in their learning because of knowledge that they lack affordable higher educational opportunities and the existence of an underclass, climate of fear, informal economy and work force inequities.

Accordingly, the city welcomes and encourages cooperation at all levels of government to work together to support swift and responsible legislative action to produce equitable, humane, effective and comprehensive federal immigration reform that provides for:

1. Enforceable immigration laws;
2. A rational and humane approach to the undocumented population;
3. A simplified visa system which allows for family unification of those who have been separated by the legal immigration backlog process and which provides for legal status for the existing immigrant workforce;
4. A rate and system of controlled immigration that matches the needs of our economy;
5. Social integration for our existing immigrant workforce and their families;

6. Recognizing employers as key allies in implementing immigration policy and enhancing enforcement of labor laws to remove the market advantage that leads to exploiting immigration status to pay lower wages, avoid taxes and violate labor laws;
7. A system which ultimately aids in border control, and;
8. Bilateral partnerships with other countries to promote economic development that will reduce the flow of immigrants.

The city also supports federal legislation, such as the often introduced Development, Relief, and Education for Alien Minors Act (The "DREAM Act"), that would qualify students for immigration relief if they have resided in the United States for several consecutive years, arrived in the U.S. as young children and demonstrated good moral character; put such students on a pathway to citizenship if they graduate from high school or obtain a GED and complete at least 2 years towards a 4-year degree or serve in the U.S. military for at least two years, and; eliminate a federal provision that discourages states from providing in-state tuition to their undocumented immigrant student residents, thus restoring full authority to the states to determine state college and university fees. Similarly, the city supports legislation, like HB14-1124, which would allow instate tuition for American Indian Tribe members with ties to Colorado.

Finally, the city supports legislation like the Uniting American Families Act, which would ensure that all Americans, regardless of sexual orientation, receive equal treatment under immigration laws. The bill specifically would have allowed partners and children of U.S. citizens and lawful permanent residents to obtain lawful permanent resident status the same way heterosexual spouses can. It would also allow for family-based immigration for gay and lesbian Americans and the reunification of families, which strengthens our communities.

- **PROTECT UNACCOMPANIED CHILDREN IMMIGRATING INTO THE UNITED STATES**

In 2014, an unprecedented number of unaccompanied minors fled their home countries in Central America to seek refuge in the United States, creating a humanitarian crisis and requiring immediate action by the Administration and Congress of the United States. Many of the U.S. laws and procedures regarding unaccompanied minors are focused on the welfare of the child, rather than detention, and the United States Department of Health and Human Services (HHS) must place the children in the "least restrictive setting" possible. Boulder City Council urges the President and Congress of the United States to adopt immigration policies that ensure that unaccompanied minors receive appropriate child welfare services, legal support and expeditious reunification with their families already in the United States.

- **SUPPORT THE NECESSARY FUNDING FOR STATE OFFICES TO PROVIDE DRIVERS LICENSES UNDER THE "COLORADO ROAD AND COMMUNITY SAFETY ACT"**

In 2013, Colorado enacted SB 13-251, the "Colorado Road and Community Safety Act," which allowed an estimated 150,000 undocumented Colorado residents, who cannot provide proof of legal presence in the United States, to apply for driver's licenses and ID cards. When the program went into effect the state became the 10th in the country to license undocumented immigrants. Demand has been strong, but has been met with long waits and limited D.M.V. appointments. The city believes that licensing immigrants makes the roads safer by educating drivers and making them likelier to carry insurance and supports efforts to provide the necessary funding to allow state offices to meet demand.

- **FURTHER THE RIGHTS OF ALL PEOPLE REGARDLESS OF THEIR ACTUAL OR PERCEIVED SEXUAL ORIENTATION OR GENDER VARIANCE STATUS**

On May 18, 2004, Boulder's City Council adopted Resolution No. 947. This resolution affirms the city's commitment to the protection of civil rights for all people as outlined in the city's human rights ordinance. Furthermore, the resolution recognized the many contributions that the city's gay, lesbian, bisexual and transgender residents have provided that have enhanced the lives of all in the community. ~~Finally, the resolution declared support for repealing or legislatively challenging the Colorado state law prohibiting the issuance of same sex marriage licenses.~~

Consistent with the city's long history of support for the equal rights of all people regardless of their actual or perceived sexual orientation or gender variance status, the city supports the Equality Act, introduced in Congress last July in the Senate (S. 1858). This legislation would amend the Civil Rights Act of 1964 to include protections that ban discrimination on the basis of sexual orientation, gender identity, and sexual orientation in the areas of employment, housing, public accommodations, public education, federal funding, credit and the jury system. President Obama announced his support for this measure on Nov. 10, 2015. ~~Employment Non-Discrimination Act (ENDA), legislation that has been proposed in every Congress since 1994 which would prohibit employment discrimination on the basis of sexual orientation or gender identity. With no clear federal law prohibiting workplace discrimination on the basis of sexual orientation or gender identity, many lesbian, gay, bisexual, and transgender workers live with uncertainty and fear about whether they'll be able to keep a job and care for their families. Without a comprehensive federal law like ENDA, these workers lack antidiscrimination protections in a majority of states.~~

- **INCREASE THE MINIMUM WAGE**

In his 2014 State of the Union address, President Obama called on Congress to raise the federal minimum wage from $7.25 to $10.10 an hour. Colorado's minimum wage is currently $8 per hour. The Economic Policy Institute estimates that raising the federal minimum wage to $10.10 by 2016 would:

- Increase wages for 269,000 working Coloradans who currently make the minimum wage;
- Raise wages for another 141,000 Coloradans who would see their salaries adjusted upward to reflect a new pay scale;
- Elevate all affected Coloradans' total earnings by $578.1 million each year, contributing to workers' spending power;
- Support 217,000 children in Colorado; and,
- Increase Colorado's GDP by $366 million and create 1,500 full-time jobs over three years.

Raising the minimum wage also would reduce Coloradans' reliance on safety nets like Medicaid, the Children's Health Insurance Program and the Supplemental Nutrition Assistance Program (SNAP). In Colorado, raising the minimum wage would decrease SNAP enrollment by more than 42,300 people and save Colorado $40.7 million. Two-thirds of minimum wage workers are women. Women, minorities, and families with children would be among those to benefit most from a higher minimum wage. Nearly 17,000 Colorado veterans would also see higher wages.

For these reasons, the city supports change at either the state or federal level that would increase the state's minimum wage to $10.10.

The city would also support efforts to amend Colorado law as necessary so as to allow municipalities to establish their own minimum wage laws higher than the state or federal minimum wage.

- **OPPOSE FURTHER CUTS TO STATE FUNDED HEALTH AND HUMAN SERVICE PROGRAMS, ESPECIALLY THOSE THAT ARE PREVENTIVE IN NATURE**

In recent years the state made drastic cuts to services that help provide a safety net to thousands of city residents. This includes services to very low income residents, children and families, mentally ill, disabled and people without health insurance. The city urges the General Assembly to avoid making further cuts to those essential services that serve the city's most vulnerable, especially intervention and prevention services that keep people out of crisis.

INTERNAL ADMINISTRATIVE MATTERS

- **PROTECT WORKERS' COMPENSATION SYSTEM**

The city's self-insurance program is a cost efficient method to provide workers' compensation. The workers' compensation system serves a dual purpose, providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Consequently,

the city will support legislation that improves the administrative efficiency of the State of Colorado's Division of Workers' Compensation.

State intervention or taxation can negatively impact the city. Consequently, the city will oppose legislation that increases insurance premium costs to employers, adds administrative burdens or taxes to self-insurance programs, promotes litigation, or removes existing off-sets to workers' compensation benefits.

The city also opposes efforts to expand "presumptive disease" claims associated with workers' compensation insurance. Presumptive disease claims are a change in the philosophy guiding workers' compensation insurance. They presume an existing or previous employee obtained the disease from work associated with that person's employer unless the employer can prove otherwise. The 2007 legislative session enacted legislation that requires that, under the Workers' Compensation Act of Colorado, if a firefighter contracts cancer of the brain, skin, digestive system, hematological system or genitourinary system, the condition be deemed to have occurred within the scope of employment unless the employer can prove that the covered cancer did not occur within the scope of employment. This is a particularly difficult proposition for employers as many diseases have a genetic component and cannot be definitively detected in baseline (time of hiring or imposition of new law) testing. The result of this legislation was a 15 percent increase in premiums associated with fire employees. The city opposes any effort to further shift the burden of proof for workers' compensation claims.

- **PROTECT GOVERNMENTAL IMMUNITY**

The complexity and diversity of city operations and services required to meet the needs of the residents of Boulder may expose the city and its officers and employees to liability for damage and injury. City officers and employees must be confident that they have the city's support in the lawful and proper performance of their assigned duties and responsibilities.

Consequently, the city will support legislation that provides immunity to municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities and that discourages baseless and frivolous claims against the same. Conversely, the city will oppose legislation that expands or increases municipal liability or further limits municipal immunity beyond current law.

- **OPPOSE CHANGES THAT COULD UNNECESSARILY RESULT IN INCREASED CONTRIBUTIONS OR FORCE A REDUCTION IN BENEFITS FOR MEMBERS OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA)**

Two significant pieces of legislation were enacted in recent years aimed at putting PERA back on track to being fully funded. The first, SB06-235, passed in 2006, made several changes, including: (1) temporary increases in the amount that employers from each division must contribute to PERA, with increases staying in effect until accounts in those divisions

are found to be 100% funded; (2) the addition of an eight percent cap per year on the Highest Average Salary (HAS) for new hires; (3) a change of the Rule of 80 to a Rule of 85 with a minimum retirement age of 55 for new hires; (4) a prescribed amortization period reduced from 40 years to 30 years; (5) a requirement for independent actuarial studies to be conducted before future benefit increases could occur; and, (6) a new requirement to purchase service at full actuarial cost.

Then in 2010, SB10-001 was enacted to require, among other things: (1) additional increases in the temporary employer contributions beyond previous requirements, with exemptions for the local government division where further increases were deemed unnecessary; (2) reductions in the cost of living adjustments (COLA); (3) application of the 3-year HAS with a base year and an eight percent spike cap applicable to current members not eligible to retire on January 1, 2011; (4) extension of the Rule of 85 to existing members with less than five years of service credit as of January 1, 2011, creation of a Rule of 88 for new hires and a Rule of 90 for hires after 2017, and; (5) a new requirement for contributions from retirees who return to work.

Despite this legislation, a result of comprehensive and collaborative efforts by PERA, legislators and representatives of employer groups, and despite a 2012 independent auditor finding that PERA's assumed 8% rate of return is "within a reasonable range of possible scenarios," a variety of legislation has since been and is expected to continue to be introduced in the Colorado General Assembly to further change the PERA system. The city recognizes that further reforms may indeed be required and consequently supports legislation deemed necessary to stabilize PERA's funds, but only when informed by a comprehensive evaluation of the impacts of those changes so as to protect against unnecessary increases to employer or employee contributions or reductions in employee benefits. One reform the city would support without further analysis is changes to the composition of the 16-member PERA Board of Trustees to provide more balanced representation from non-PERA covered members. However, as one of the largest of the 24 member governments in PERA's Local Government Division, Boulder will oppose piecemeal state legislation that has unknown financial impacts.

LOCAL CONTROL

- **OPPOSE THREATS TO LOCAL CONTROL AND HOME RULE AUTHORITY**

Several bills are introduced each session that threaten to erode local powers. As a general matter, the city believes that local problems need local solutions and that the current authority and powers of municipal governments in areas such as land use, zoning, personnel matters and sales tax, should not be further eroded. Legislation threatening local control, that does not otherwise further interests specified in this legislative agenda or otherwise recognized by City Council, will be opposed by the city.

NATURAL RESOURCES, WILDLIFE AND PARKS

- **PROTECT THE ABILITY OF LOCAL GOVERNMENTS AND THE LAND TRUST COMMUNITY TO ACQUIRE AND PROTECT PARKS AND OPEN SPACE**

Colorado Lottery proceeds have been one of the few sources of state funding for conservation of natural resources, wildlife and parks, providing $2.3 billion statewide over the past 28 years. Profits from the sale of lottery products are allocated according to the following formula: up to 50 percent to the Great Outdoors Colorado (GOCO) Trust Fund, 40 percent to the Conservation Trust Fund (CTF), and 10 percent to the Colorado Division of Parks and Outdoor Recreation. GOCO provides competitive grants to projects that preserve, protect and enhance Colorado's wildlife, parks, rivers, trails and open space. The fund is capped (approximately $54 million in 2011) and any spillover is directed to the BEST rural school capital construction assistance fund. The CTF funds are used by local communities across the state for outdoor projects including trail construction, ball fields, playgrounds, and adding new parks or enhancing existing parks.

CTF and GOCO funds have for years been a critical part of the city's capital budget. Important acquisitions have been added to Boulder's inventory of parks and open space that have helped shape our community, preserve ecological systems and create opportunities for active and passive recreation for people of all ages. Among the projects accomplished with GOCO funding include Valmont Bike Park, winner of the 2011 Colorado Parks and Recreation Association award for recreation facility design and host of the 2014 USA Cyclo-Cross National Championships.

The city supports preservation of the current lottery distribution formula and will oppose legislation that would change that allocation or create new lottery scratch tickets for other purposes that would decrease demand for the existing lottery tickets.

~~The city also encourages congress to restore funding for the Land and Water Conservation Fund (LWCF) which was allowed to expire this past September. The LWCF was, until very recently, a Federal program established to provide funds and matching grants to federal, state and local governments for the acquisition of land and water, and easements on land and water, for the benefit of all Americans. The main emphasis of the funds are for recreation and the protection of natural treasures in the forms of parks and protected forest and wildlife areas.~~

~~The primary source of income to the fund was fees paid to the Bureau of Ocean Energy Management, Regulation and Enforcement by companies drilling offshore for oil and gas and, to a lesser extent, the sale of surplus federal real estate and taxes on motorboat fuel.~~

- **SUPPORT STATE LEGISLATION FURTHERING IMPLEMENTATION OF THE CITY'S URBAN WILDLIFE MANAGEMENT PLAN**

The Urban Wildlife Management Plan (UWMP) was developed to provide guidance on how Boulder's urban areas will provide diverse, self-sustaining, native wildlife populations in a manner compatible with basic human needs, social and economic values and long-term ecological sustainability. The plan also seeks to reduce conflicts between humans and wildlife in the urban core. Management of the city's lands outside of the urban core such as Open Space and Mountain Parks lands and utilities lands (Silver Lake Watershed, Boulder Reservoir) are covered by the plans of the appropriate managing department.

Because of the network of nearby natural lands, its geographic setting at the intersection of the mountains and plains, Boulder's urban areas are visited or inhabited by a wide range of wildlife species. Some species keep a low profile, present little or no conflict and go unnoticed by most urban residents. Other species are highly valued by the community, but most of these present little or no conflict with urban services or land uses. There are, however species that are valued by the community that do come into conflict with people. These include prairie dogs, black bear, mountain lions, Canada geese and mule deer. The city is often attempting to simultaneously conserve these species on open space lands, while managing conflict in the urban area.

There are often opportunities on a species-specific level to support legislation at a state or federal level to complement our conservation and conflict management efforts. Examples include support of funding for mosquito management to address state or federal public health issues/mandates; modifications of laws to allow prairie dog relocation to other counties without commissioner approval; and, modifications to in-stream flow legislation that would allow the city to retain the value of its water rights while simultaneously conserving native and sport fisheries.

- **SUPPORT TO ADDRESS THE CITY'S EMERALD ASH BORER INFESTATION**

In late September of 2013, the emerald ash borer (EAB), an invasive pest of ash trees, was identified within the city limits of Boulder. The EAB is very difficult to detect in early stages and kills even healthy ash trees within 2-4 years of initial attack. Although the EAB flies, infestation normally results from movement of infested ash trees and wood (e.g., firewood, chips, packing and industrial materials). All attempts to eradicate this pest across the Midwest have failed due to the difficulty in detection and ease of movement; by the time the pest is found in an area it has already established and spread to other areas.

The EAB poses a significant threat to all ash trees within the city. There are approximately 50,000 city park and public street rights-of-way trees under the jurisdiction of the Boulder Parks and Recreation Urban Forestry Division: approximately 6,000 are ash trees (12 percent of the public tree population). That number within the city rises to 70,000 when you include private ash trees and 1.45 million when you take into account all the ash trees in the Denver metro area. Consequently, local governments may require significant support from

the state to contain the threat, enforce a quarantine, remove dead trees and to educate the public.

The city will support necessary state legislation, including requests for supplemental funding for the CDA or the creation of an account to support emergency response to pests when no specific agricultural or horticultural industry is primarily impacted, to allow the state to partner with the city in addressing the challenges presented by the EAB.

- **SUPPORT RESTORATION OF LOCAL GOVERNMENT AUTHORITY TO REGULATE CERTAIN PESTICIDE USES AND FOR ADDITIONAL PROTECTIONS FOR POLLINATORS, HUMAN HEALTH AND WATER QUALITY**

The Colorado Pesticide Applicators' Act applies to pesticide applicators with the focus primarily on licensing of commercial pesticide applicators. The act is administered and enforced by the Colorado Department of Agriculture which also administers EPA rules and federal pesticide law in Colorado. Until 2006, when industry-backed legislation was enacted, the Act allowed local governments in Colorado wide discretion to enact pesticide regulations. Since 2006, however, local control to regulate almost all aspects of pesticide use has been preempted by state law. The 2006 legislation expanded state preemption for all pesticide users. The only exception is for the posting of notification of pesticide applications for non-commercial pesticide applicators.

Given the city's vested concerns in regaining some of its former authority to protect human health and the environment from the potential adverse effects of pesticides, the city will advocate for legislation that provides a more balanced perspective on pesticide use that takes into account recent studies concerning the human health and environmental impacts of pesticides. Specifically, it will support state protections concerning pesticide exposure that affects children, pollinators and water quality and restoration of the ability in specific situations for local governments to regain some authority to restrict pesticide use when immediate risk to human health or the environment cannot be addressed by the federal or state governments to adequately safeguard the public interest in a timely manner. The city will also support funding for increased education or research on alternatives to pesticides and programs that provide increased pesticide-free habitat, sustainable agriculture and preservation of biodiversity.

Rapid decline of honeybees and other pollinators threatens the U.S. agricultural system and the functioning of general ecosystem services. Urgent regulatory action is needed at all levels of government. State restoration of local control would allow municipalities to address pollinator-specific concerns. The city also supports measures for pollinator protections at all levels of government, including federal legislation such as the Saving America's Pollinators Act.

- **SUPPORT EFFORTS THAT PROTECT THE BOULDER COMMUNITY FROM WILDFIRE AND PROMOTE ECOLOGICAL FOREST HEALTH**

The city owns and manages 10,000 acres of forested open space and mountain parks land, almost all outside the boundaries of the city but immediately adjacent to residential areas. The health of these forests is critical to preventing catastrophic fires and to supporting biodiversity and creating resiliency. Historic fire suppression has led to overly dense forest conditions around Boulder that can have a direct impact on wildfire intensity and frequency, habitat function, water quality, and recreational values. The city is dedicated to protecting these natural resource values by implementing vegetation management activities that improve the overall ecological health of our forests, decrease the risk of high intensity wildfires, maintain and improve habitat for fish, wildlife, and plants, and protect public and private resources. Accordingly, the city will support federal and state legislation that promotes wildfire mitigation and forest restoration efforts in the wildland/urban interface.

PUBLIC HEALTH AND SAFETY

- **STATE AND FEDERAL ASSISTANCE FOR FLOOD DISASTER RECOVERY NEEDS AND EXPENSES**

September 2013 brought unprecedented rainfall to the region causing significant flooding and extensive damage to many Colorado communities. In Boulder, total damage to city infrastructure and public lands is estimated at $27.6 million, and private-property damage is estimated at $200 million. The city was declared a national disaster which created the opportunity for possible reimbursement through the Federal Emergency Management Agency (FEMA), Federal Highway Administration (FHWA) and the State of Colorado. As of September, 2015, the city had spent approximately $20.1 million on flood recovery. Estimated reimbursements from FEMA, the State of Colorado and the Federal Highway Administration (FHWA) are currently anticipated to be $17.6 million. To date, the city has received over $4.1 million in non-FEMA grant funding from federal and state agencies for recovery and resilience projects. City staff is actively pursuing additional grant opportunities as they become available. The city continues to expend significant resources to ensure that FEMA projects and expenses remain eligible for reimbursement. The city wants to ensure that the State of Colorado and FEMA region VIII possess the appropriate capacity to provide the technical assistance necessary to ensure an efficient flood recovery process. The city will support efforts to ensure that the state and FEMA receive appropriate resources to support local governments' efforts to rebuild as more resilient communities.

The city still has one FEMA project from the 2013 floods which is under appeal. As of the time of this writing, it is anticipated that the city's first appeal, which is based upon differing interpretations of FEMA policies, will be denied. The city intends to pursue its right to a second appeal, which will result in review by the Assistant Administrator for the Mitigation Directorate in Washington D.C. The city will support efforts to ensure that FEMA policies adequately support the unique aspects of flood recovery in mountain states.

The city, in collaboration with the other jurisdictions in Boulder County, have been working together to obtain Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funds. This program is administered through the State of Colorado, and similar to the FEMA Public Assistance program, the city wants to ensure the state possesses the appropriate resources, and continues to coordinate with local jurisdictions on where the remaining needs are. For example, the State of Colorado's 1st Substantial Amendment to the Action Plan which directs the funding to various programs identified a nearly equal need between housing and infrastructure needs. A local unmet needs analysis performed by the communities in Boulder County demonstrated that 78% of the remaining need is within the infrastructure category. The city appreciates HUD's approval of the sub allocation approach to allocating CDBG-DR funding in Boulder County to allow projects to be sufficiently funded and the local unmet needs analysis to direct all future funding decisions.

- **SUPPORT FOR SAFE USE AND COMMERCIAL REGULATION OF RECREATIONAL MARIJUANA**

The city will support or oppose legislation, as necessary, in furtherance of the following principles:

1. Maintaining or creating new mechanisms to ensure marijuana is appropriately labeled and regulated so that only adults intentionally choosing to use marijuana are exposed to it, that such users receive a safe product with complete information about the impacts of what they are choosing to ingest, and that these substances are kept away from children.
2. Maintaining a dual licensing system to allow both the state and local governments to issue and enforce licensing of commercial marijuana facilities.
3. Allowing local governments to recover the full costs of any commercial licenses they choose to allow.
4. Maintaining as a matter of state interest and responsibility the creation of overall safety requirements related to recreational marijuana while reserving to local governments specific abilities, but not mandate, to adopt additional requirements and monitor and enforce those rules.

- **SUPPORT REMOVAL OF BARRIERS THAT PREVENT LEGITIMATE MARIJUANA BUSINESSES TO ACCESS BANKING SERVICES**

Legitimate marijuana businesses in Boulder are forced to operate on a cash-only basis because the substance's federal status currently bars banks from doing business with them. This inequity creates a vulnerability to several of the enforcement priorities outlined in the Deputy Attorney General's letter dated August 29, 2013. More importantly it creates a serious local public safety problem. Statutory solutions are at the federal level and there are efforts underway to try and address this, most recently by Rep. Ed Perlmutter. The city will

support these efforts to remove legal and administrative barriers that prevent these businesses from accessing banking services.

- **PROMOTE HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ALCOHOL ABUSE IN THE GREATER COMMUNITY**

Boulder's City Council adopted Resolution 960 on October 19, 2004, concerning alcohol abuse within the community. This resolution affirmed the city's commitment to finding solutions to address the critical issues of health, safety and well being stemming from alcohol abuse within the city.

Since this time, Council has expressly stated its support for appropriate legislation that would:

1. Require the sale of kegs containing alcohol to have a tag attached that would permit tracing of the purchaser, and;
2. Require mandatory server training.
3. Repeal the provision contained in C.R.S. Section 27-81-117 preventing municipalities from adopting public drunkenness ordinances; and
4. Permit municipalities to regulate licensees' hours of alcohol service.

The city will support appropriate legislation that furthers these goals. Conversely, the city will oppose any legislation that undermines these goals, including efforts similar to SB12-118 which would eliminate the 25 percent food requirement for Hotel and Restaurant liquor licenses.

- **CLOSE THE FEDERAL GUN SHOW LOOPHOLE**

While criminal background checks are currently required for purchases of guns at gun shows in Colorado, there are states that do not have such laws. In order to ensure that guns are not placed in the hands of criminals, a federal law eliminating the gun show loophole is necessary.

- **OPPOSE EXPANDING THE APPLICATION OF THE "MAKE MY DAY" LAW BEYOND PERSONAL RESIDENCES**

- **OPPOSE LEGISLATION LIMITING THE STATE'S ABILITY TO REGULATE CONCEALED WEAPONS OR LOCAL GOVERNMENT'S ABILITY TO RESTRICT POSSESSION OF WEAPONS IN PUBLIC FACILITIES**

The city will oppose federal legislation that would require Colorado to honor concealed carry permits granted by other states, even when those permit holders could not meet the standards required by Colorado law.
Boulder also has concerns with regard to the open carrying of guns. While cities are prevented from restricting permitted holders of concealed weapons, Boulder wants to make sure it maintains the ability to prevent the open carrying of guns in its public facilities. The open carrying of weapons is alarming to many people and can create logistical issues for the police department.

- **OPPOSE MANDATES FOR LOCAL GOVERNMENT ENFORCEMENT OF FEDERAL IMMIGRATION LAWS**

The city supports preserving the option for its police officers to enforce federal laws, including federal immigration laws. However, it will vigorously oppose any state or federal legislation that mandates that its police enforce federal immigration laws, especially if they are unfunded mandates or are likely to result in enforcement officers engaging in racial profiling or discrimination based on race, ethnicity or national origin.

- **OPPOSE INFRINGEMENTS ON EMPLOYMENT AND PERSONNEL DECISIONS MADE BY MUNICIPAL POLICE AND FIRE DEPARTMENTS**

Employees of the city's fire and police departments are part of collective bargaining units. As part of those units, they have the right to negotiate the terms of their employment. The city opposes any state or federal law that would mandate municipalities to collectively bargain with public safety employee labor unions over wages, benefits, or working conditions, under one-size-fits-all rules.

- **OPPOSE IMPOSITION OF ONEROUS INFORMATION GATHERING AND REPORTING REQUIREMENTS ON PUBLIC SAFETY, ESPECIALLY WHEN THOSE REQUIREMENTS COME WITH SUBSTANTIAL COSTS THAT ARE NOT SUPPORTED BY ADEQUATE FUNDING**

An example of a reporting requirement that has been imposed on local law enforcement agencies in the past is the state law requiring the arrest of undocumented immigrants to be reported to Immigration and Customs Enforcement.

- **INCREASE THE FINANCIAL THRESHOLD OF PROPERTY DAMAGE THAT TRIGGERS A POLICE INVESTIGATION OF NON-INJURY TRAFFIC ACCIDENTS**

It takes very little damage to a vehicle to reach the current threshold of $1,000. While the city's police department currently responds to most accidents, increasing the damage threshold will provide greater flexibility and more local control over the use of police resources.

- **OPPOSE LIMITATIONS ON MUNICIPAL AUTHORITY TO OPERATE RED LIGHT OR PHOTO RADAR CAMERAS TO ENFORCE TRAFFIC SAFETY**

Boulder is one of nine cities in Colorado that use photo enforcement to enhance the safety of its streets. The red light locations in Boulder were carefully selected due to a historic rate of higher accidents over other locations. Use of photo enforcement at these red light locations has yielded significant safety benefits and reduced red light running accidents by 68 percent. Moreover, fewer and fewer red light tickets are issued at these locations each year due to increased compliance. Removal of these cameras could result in accident rates and non-compliance returning to pre-enforcement levels.

Quantifying photo speed enforcement success is somewhat more difficult. It is implemented per strict state statute requirements that limit where it can be placed. It enables the city to enforce speed limits in neighborhood locations that do not have a high enough volume of traffic to justify deployment of officers. It is particularly effective in school zones. One conclusion that can be made is that photo speed enforcement has enhanced the safety of neighborhood streets and school zones by reducing speeding.

Between 1999, when Boulder first introduced photo enforcement, and 2015~~3~~, fines associated with violations of the city's photo enforcement program and red light violations generated $19,814,109~~3,695,940~~ in revenue at a direct cost to the city of $18,299,626~~3,118,972~~. ~~-~~When soft costs of overseeing the program are factored in, the costs of running the program essentially run even to the revenue it generates.

The true cost associated with motorists running red lights and speeding through neighborhoods is not captured in the financial information provided above. It is best quantified in the cost to our community associated with the personal injury and property damage from motorists speeding and running red lights. Recent studies have shown that the average red light camera location in the U.S. results in $38,000 a year in reduced societal costs, not to mention the number of lives and grief saved from fewer right-angle crashes. For Boulder, with our eight (8) red light running cameras, this results in $304,000 in societal cost saved annually.

For these reasons, the city will oppose any legislation ~~similar to SB14-181~~ that would prohibit or unreasonably~~otherwise~~ further restrict the rights of local governments to use red light cameras or photo radar enforcement.

ROCKY FLATS

- **SUPPORT FUNDING FOR THE DEPARTMENT OF ENERGY FOR THE OFFICE OF LEGACY MANAGEMENT AND U.S. FISH AND WILDLIFE SERVICE IN ORDER TO MANAGE ROCKY FLATS AS A NATIONAL WILDLIFE REFUGE WITH THE APPROPRIATE SYSTEMS IN PLACE FOR LONG TERM STEWARDSHIP**

In February of 2006, the Rocky Flats Stewardship Council (RFSC) was formed to focus on the post-closure management of Rocky Flats, the former nuclear weapons plant southwest of Boulder. As a member of RFSC, the city is very supportive of the 2001 federal legislation (Rocky Flats National Wildlife Refuge Act of 2001) that designates Rocky Flats as a future national wildlife refuge site as well as the requirement that long-term liability, ownership and management of the site remain with the federal government. The city supports legislation authorizing, funding, or otherwise providing assistance for the Rocky Flats Legacy Stakeholders Organization, or alternative organization, to work on coordinating regional open space and conservation efforts as they relate to Rocky Flats

TAX POLICY

- **SUPPORT THE MARKET FAIRNESS ACT AND OTHER ACTION TO PRESERVE AND EXPAND THE AUTHORITY OF LOCAL GOVERNMENTS TO COLLECT TAXES**

According to research undertaken by Forrester Research for Internet Retailer, national online retail spending climbed to nearly $200 billion in 2011, up from $30 billion in 2000, and will grow approximately 10 percent per year to reach $280 billion and comprise more than seven percent of overall national retail spending by 2015. At the state level, the National Conference of State Legislatures estimates that Colorado will lose $352 million in 2012 from uncollected sales taxes. The growth in internet retail activity presents a clear challenge to

the operating budgets of Colorado's local governments, many of which rely on sales taxes to fund critical municipal services, as well as the state budget. Consequently, the city supports legislation, such as the Marketplace Fairness Act, that provides authority for states and Colorado local governments to collect sales taxes on purchases made over the internet, regardless of whether the vendor has a physical nexus with the state. Appropriate limitations on this authority might include exemptions for small businesses, centralized collection of taxes on non-nexus sales and adoption of a common tax base for non-nexus sales. However, the city will not support changes which would allow the state to collect and remit tax revenues on non-nexus sales based on anything other than each municipality's individual sales tax rate (e.g., the city opposes use of a blended tax rate) or which would dictate the tax base or assume authority to collect revenues on local nexus sales which the city already has the authority to tax and collect.

TELECOMMUNICATIONS

- **REESTABLISH THE RIGHT OF MUNICIPALITIES TO PROVIDE TELECOMMUNICATION SERVICES SUCH AS LARGE AND COMPLEX CITY-WIDE FIBER AND PREMISE NETWORKS**

The provision of telecommunication access to ensure effective and appropriate access to educational and city resources are seen as a must in today's society. Utilizing current infrastructure and public-private partnerships can create necessary competition to retain low-cost, high-speed access to our residents, regardless of economic status. Senate Bill 05-152 preempted home rule municipalities from providing telecommunication services (with certain limited exceptions) without a vote of the people, even if infrastructure had already been built. Boulder believes that this legislation is overly restrictive in its private sector "non-compete" provisions. Given the very "low and slow" market evolution in providing low-cost and easily accessible internet and other telecommunication services, the city is completely hamstrung in seeking ways of legitimately investing public dollars in infrastructure and services to resolve the digital divide and general access issues in our communities.

TRANSPORTATION

- **INCREASE TRANSPORTATION FUNDING AND PRIORITIZE ITS EXPENDITURE ON PROJECTS THAT MAINTAIN EXISTING INFRASTRUCTURE, ARE MULTIMODAL IN DESIGN AND THAT OTHERWISE PROMOTE SMART GROWTH**

The city and the entire Denver metropolitan area are in need of new funding to maintain existing infrastructure and transit services, for multi-modal transportation improvements related to roadway, bicycle, pedestrian, carpool/vanpool and for travel demand management activities that would increase the efficiency of the existing system. There is a critical need for federal and state funds to ensure completion of the US 36 BRT project, including funding to

acquire the best vehicles and BRT amenities possible and first and final mile connections to that corridor. Funding is also necessary for implementation of the recommendations of the Northwest Area Mobility Study (NAMS); specifically North I25 bi-directional HOV/Transit lanes and development of an arterial BRT system along SH119, US287, 120th Ave, South Boulder Road, Arapahoe/SH7, and SH 42.

The city supports turning to funding sources that are tied to transportation use, including vehicle registration, car rentals, gasoline consumption, or vehicle miles traveled, provided that a significant portion of the funding generated is directed toward specific, identified projects, including US Highway 36 and arterial BRT, or to programs that fund alternative modes of transportation. One proposal that could be considered by the statehouse in 2016 would refer a measure to the ballot aimed at extending a soon to be paid-off transportation bond and using the $3.5 billion to address the state's top transportation and transit priorities. The city may be in a position to support such "TRANS Bonds" measure if the infrastructure improvements were consistent with priorities outlined here. Accordingly, it will seek to ensure that such priorities are reflected in any project list that may be developed in relationship to this effort.

This city also supports the recent trend of turning to managed lanes as a practical solution for improving mobility by providing viable travel options in congested corridors. In fact, the city believes that any significant new lane capacity built with state funds be required to be managed. Managed lanes should result in regulation of demand to ensure choices for the traveler beyond the single occupancy vehicle by providing for the option of travel by bus and free or discounted access to high occupancy vehicles ("HOVs"), as well as allowing pricing to help manage corridor performance, such as dynamic, variable-priced tolls linked to congestion. Public-private partnerships (PPPs) are often essential to identifying funding to construct managed lanes. The challenge, however, is that the partnerships can sometimes focus too much on revenue generation and insufficiently on transportation performance. Moreover, decisions can be made by the state that do not receive sufficient vetting and/or oversight from the affected local governments. In order to ensure that only appropriate toll projects are built, the city would support legislation to require all PPPs for managed lanes to undergo a transparent approval process and to demonstrate maximization in the transportation of people (not just vehicles); reinvestment of at least a portion of toll operating revenues into the corridor for continued improvements; and prioritization of travel choices with a portion of toll revenues supporting transit and/or travel demand management, in order to maximize the value of the transportation investment and to ensure that lower-income residents benefit from the public investment in a toll road. The city also support legislation mandating a determination by the appropriate Metropolitan Planning Organizations (MPOs) that all toll projects, including those which do not use state or federal funding, be analyzed for consistency with the development policies of the MPO's plan, and that the MPOs assess implications of such projects on the region's fiscal health, air and water quality, energy, climate change and long-term sustainability. Finally, the city would support legislation similar to HB12-1171 that would prohibit the use of so called "non compete" clauses which are sometimes included in PPPs to preclude maintenance of, or improvements to, existing roads (e.g., Highway 93) in order to increase travel demand on new tolled lanes.

The city believes that new or existing funding should be used for regional priorities as determined by the area MPO, or, where no MPO exists, by the local Transportation Planning Region (TPR) where the improvements are supported by the affected local governments. The city also believes that state legislation should require MPOs and TPRs to model projects for their expected contribution to greenhouse gases and vehicle miles traveled and to prioritize those projects that reduce both.

- **REALIGN THE COLORADO TRANSPORTATION COMMISSION TO INCLUDE POPULATION, NOT JUST GEOGRAPHY, TO ENSURE FAIR REPRESENTATION OF THE METROPOLITAN AREA**

- **PROMOTE "COMPLETE STREETS," ACCOMMODATING ALL MODES OF TRAVEL**

The city supports legislation that furthers the concept of "Complete Streets" where modes are interconnected and a complete set of options are made available to improve efficiency and mobility for all. The city also supports legislation that promotes sustainable transportation solutions recognizing energy sources, impacts of vehicle miles traveled, connections to land use, urban design, and increased accessibility for all.

- **OPPOSE LIMITATIONS ON THE CITY'S ABILITY TO REGULATE VEHICLE USE ON SIDEWALKS, MULTI-USE PATHWAYS, AND BIKE LANES, OR THAT REQUIRES THE CITY TO ALTER ITS CURRENT CODE IN ORDER TO MAINTAIN CURRENT POLICY ON ALLOWED USES OF THOSE FACILITIES**

The city's current ordinances prohibit the use of Segways or motorized "toy vehicles" such as scooters, electric skateboards or mini bikes on sidewalks, multi-use paths or bike lanes. City-initiated changes to such policies would best be informed by a public process where input from the various sidewalk, multi-use path, and trail users could be solicited and evaluated. The city opposes changes to state law that would require the city to change its policy or force an unnecessary and potentially controversial re-evaluation of its policy.

- **OPPOSE TRANSFERING THE MAINTENANCE RESPONSIBILITIES FOR REGIONAL HIGHWAYS FROM THE COLORADO DEPARTMENT OF TRANSPORTATION TO LOCAL GOVERNMENTS**

In past years, the Colorado General Assembly has been asked to consider legislation that would lead to the unilateral transfer to local governments of state highways. Boulder has several state highways that would be subject to such "devolution," including U.S. 36 and Highways 93, 7 and 119. The city believes that these types of regional highways, which service multiple communities and counties, need to remain the responsibility of the state government.

- **SUPPORT FLEXIBLE SOLUTIONS AND NEW FUNDING OPPORTUNITIES TO ADDRESS IMPACTS OF TRAIN HORN NOISE AND SUPPORT CREATION OF QUIET ZONES**

The city intends to participate in the upcoming Federal Railroad Administration (FRA) rule making process anticipated to open in 2016 to modify the train horn rules and requirements to create quiet zones. Whether through that process or through legislative means, the city will support more flexible and affordable options that work within the context of the local communities and support the safety goals of the FRA as well as the sustainability goals of EPA, HUD, DOT (FTA & FHWA). Addressing train horn noise and quiet zones is important to achieve local, regional, and national goals for multimodal transportation options, safety, housing, jobs, and the environment. Opportunities to amend the FRA train horn rules and quiet zone requirements, as well as identify funding sources for implementation, will address existing community concerns caused by train horn noise and support transportation options and mixed use, transit oriented development areas within the core areas of the city and other communities located along the Burlington Northern Santa Fe railroad corridor.

UNIVERSITY OF COLORADO

- **SUPPORT A RENEWED COMMITMENT BY THE STATE AND FEDERAL GOVERNMENTS TO FUND THE UNIVERSITY OF COLORADO AND ITS CAPITAL PROGRAMS**

The City of Boulder has been the proud home to the flagship campus of the University of Colorado (CU) since 1876. CU's Boulder campus (CU-Boulder) brings to the city the Colorado Shakespeare Festival, the Conference on World Affairs, the CU Concerts and Artist Series, access to libraries, athletic events, noncredit courses, and numerous other social and cultural offerings, all of which significantly contribute to the city's vibrancy. Furthermore, it directly employed 14,803 people in fiscal year (FY) 2011, 8,105 which were non-students (including temporary workers) earning average salaries of $57,216, accounting for 5.2 percent of total employment in Boulder County. Through research, teaching, operations, construction, student spending, and visitation, CU is an economic driver in Boulder County, contributing

more than $1.5 billion in economic activity locally driven off $809 million in direct expenditures in the county in FY2011. This funding is by and large non-local, thus leveraging outside investment for the local economy. The presence of CU's research facilities and the highly skilled labor force that CU produces, have attracted major federal facilities, satellite institutions, and major private firms to the city. Yet, as reflected in the above graph, state funding for CU-Boulder has seen a dramatic decline over the last decade, a decline that is anticipated to continue over at least the next two years. In light of the extraordinary importance of CU to the city, the city will support state and federal legislation that provides a renewed attention to funding CU, its capital programs (currently facing a deferred maintenance backlog of approximately $500 million), and particularly legislation that helps preserve the flagship status of the CU-Boulder campus.

WATER

- ### SUPPORT LEGISLATION THAT PROMOTES THE EFFICIENT UTILIZATION AND CONSERVATION OF WATER

Boulder is on the forefront of support for water conservation and efficient utilization of water. Boulder uses a water budget rate structure to reward the efficient use of water and penalize wasteful practices. Boulder has adopted water conservation goals for build-out that will help meet the city's adopted reliability criteria for water supplies without significant new water acquisitions when fully using water sources already owned by the city. Water conservation can be an important public outreach and educational tool and can help to maximize reservoir storage levels and water use reductions needed during drought periods. Although the first priority for conserved water is drought protection and the extent to which the city can direct conserved water to any particular use is limited, when reservoirs are full, some conserved water can be provided for non-permanent uses such as annual agricultural leasing or instream flow enhancement. Accordingly, Boulder will support legislation that promotes water conservation, instream flow enhancement and the efficient utilization of water when such legislation is structured to also be protective of the city's water rights. By way of example, the city would support legislation that would phase in a requirement that new indoor water fixtures (including toilets, urinals, showers and faucets) sold in Colorado meet reduced flush volume requirements consistent with the US Environmental Protection Agencies WaterSense guidelines, provided that the legislation would not mandate retrofitting nor require local governments to assure compliance.

- ### OPPOSE SIGNIFICANT THREATS TO THE CITY'S WATER RIGHTS

In prior years, Boulder has lost thousands of acre-feet of the city's water because of the lack of proper well augmentation on the South Platte River. Loss of this reservoir water increases Boulder's risk of severe water shortage during drought years. In non-drought years, the city supports Boulder Creek basin farmers through annual leases of any water in excess of the city's short-term and long-term needs for approximately $30 per acre foot. Offsetting un-

augmented well use in the South Platte basin would represent a $120,000 loss to the city in a year that 4,000 acre-feet of water is given up and would also decrease water for Boulder Creek farmers by reducing the city's leasable supplies. If other water users with junior water rights were to operate without proper augmentation and cause Boulder to need to permanently replace the water rights for 4,000 acre-feet of municipal water to protect the city against drought and any negative effects of climate change that might occur, it would cost $48,000,000 or more.

Recent Colorado Supreme Court decisions have found that the State Engineer was not properly administering some water rights, such as for agricultural irrigation wells that were operating under junior water rights without providing senior water rights owners with sufficient augmentation water. New state legislation passed in the years from 2003 to 2009 clarifies that many well owners must file in water court for well augmentation plans and address the amount of augmentation water to be provided. To protect the yield of its existing water rights, Boulder has coordinated with other water users owning senior surface water rights, including many farmers, to participate in water court cases and monitor legislative actions regarding water rights. Many of the underlying disputes have now been addressed. Nevertheless, some issues remain that may result in the General Assembly again becoming the arena for water bills that attempt to incrementally adjust, or in many cases by-pass, the state constitution's Prior Appropriation Doctrine.

Bills that may be introduced might include attempts to limit the amount of augmentation water that junior diverters are required to return to the river to less than their impact on more senior water rights or to replace the jurisdiction of water courts with state engineer authority such that decisions on the adequacy of augmentation plans would be less transparent and subject to political influence. The city is committed to the legal principle of maximum utilization of both surface water and groundwater and believes this can best be achieved through water court-approved augmentation plans rather than the political process. To the extent that future bills significantly threaten the city's water rights, such as by shifting responsibility for well augmentation from well users to senior water rights owners, or increasing reliability for junior water rights by decreasing reliability for senior water rights, they will be vigorously opposed.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: February 16, 2016

AGENDA TITLE Consideration of a Motion to Adopt a Resolution Supporting the 2016 Renewal of the Science and Cultural Facilities District

PRESENTERS
Jane S. Brautigam, City Manager
Mary Ann Weideman, Assistant City Manager
David Farnan, Library & Arts Department Director
Matt Chasansky, Office of Arts + Culture Manager

EXECUTIVE SUMMARY

On Dec. 16, 2015, the Boulder Arts Commission (BAC) approved a letter to the City Council (**Attachment A**) asking the city to support the reauthorization of the Scientific and Cultural Facilities District (SCFD) and to adopt a resolution (**Attachment B**) indicating such support. The reauthorization of this regional taxing district requires the Colorado General Assembly to approve legislation this session that places a measure on this November's ballot.

The members of the BAC have unanimously approved sending this letter to Council due to an ongoing disagreement among the region's cultural leadership about the precise calculations that govern the distribution of SCFD funds. SCFD's board has offered draft language to the legislature, while a group in the cultural community has been advocating changes to that language. In addition to the detail provided in the letter, it may be helpful for Council to note that, among Boulder's cultural non-profits, several institutions have decided to support the SCFD board including The Colorado Chautauqua Association, The Boulder Museum of Contemporary Art, and The Dairy Arts Center. On the other hand, there are as many as 10 organizations that have registered support for the alternative proposal, which has until recently been spearheaded by a group calling themselves "FACE2016." As of the writing of this memo, it is clear that there continues to be an

interest for changes to the SCFD board's recommendations, however it is not certain that FACE2016 will continue to spearhead the alternative proposal.

Also important to keep in mind are the recent actions of our colleagues in adjacent communities: the Lafayette City Council has approved a resolution in support of FACE2016. In support of the SCFD Board recommended legislation are the Commissioners of Adams, Arapahoe, and Boulder Counties, Mayors of Bowmar, Centennial, Denver, Greenwood Village, Lakewood, Littleton, and Lone Tree, and City/Town Councils of Broomfield, Lakewood, Lone Tree, Longmont, Lyons, Nederland, and Parker.

STAFF RECOMMENDATION

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

Motion to adopt a Resolution Supporting the 2016 Renewal of the Science and Cultural Facilities District

BOARD AND COMMISSION FEEDBACK

The Boulder Arts Commission discussed the action over the course of two meetings, and refined language in the letter to city council. In their December meeting, the members of the Commission voted unanimously to endorse the letter including the draft resolution document.

ATTACHMENTS

Attachment A – Proposed Resolution
Attachment B – Letter to Council from the Boulder Arts Commission dated 12/16/15

Boulder City Council

RESOLUTION NO.1180

A RESOLUTION SUPPORTING THE 2016 RENEWAL OF THE SCIENTIFIC AND CULTURAL FACILITES DISTRICT.

FINDINGS

1. The Scientific and Cultural Facilities District ("SCFD") is a nationally acclaimed, regional model for funding cultural organizations. It has pioneered what is proven to be a successful post-Great Recession approach where cities and metropolitan regions make their urban and suburban spaces as livable, quality, affordable, sustainable communities through co-invention and co-production; and

2. The SCFD has been approved by the Colorado Legislature and endorsed by voters in three region-wide elections in 1988, 1994 and 2004, and will be up for renewal in 2016. SCFD-funded cultural organizations welcome approximately 14.6 million visitors annually. Last year, SCFD funding provided 5.2 million people with free admission to regional cultural institutions and allowed another 4.2 million people to visit at reduced cost; and

3. The source of SCFD's funding is a one-tenth of one penny sales tax, which equates to one penny on a $10 purchase. Voters in our seven-county metropolitan region will be asked in 2016 to extend, not increase, this tax for an additional 12 years; and

4. The SCFD provides vital funding to nearly 300 cultural and science organizations throughout our seven-county metropolitan region, and does so with minimal regulation and overhead. It helps these organizations preserve and protect priceless collections of animals, art, plants, natural history, and historical sites for citizens to learn from and enjoy for generations to come; and

5. The most recent economic activity study of the arts in our metropolitan region reveals that cultural organizations and facilities generate more than $1.85 billion a year in economic activity, more than 10,000 jobs, and over $410 million in cultural tourism; and

6. In 2015, $1.86 million will flow to Boulder County in SCFD funding. SCFD-funded organizations serve 106 schools throughout Boulder County, providing in 2014 100 days of free programs and exhibits, and thousands of tours and cultural experiences for Boulder County school children. The Colorado state demographer estimates that, in 2014, Boulder County's population was 313,624, and yet SCFD's 2015 Audited Certification Reports reveal that in that same year, there were 303,557 visits to Tier I organizations by Boulder County residents; and

7. Colorado Chautauqua, eTown, and the Colorado Music Festival and Center for Musical Arts are respected and thriving SCFD-funded Tier II organizations in Boulder County, each of which contribute to the unique cultural richness and quality of life for the people of this community and throughout our region. Our city is also home to 44 outstanding Tier III organizations, each of which works diligently to engage, inspire, and enrich the lives of local talent and local audiences alike; and

8. The SCFD Board conducted a public process during 2013 to 2015, during which it adopted significant funding and programming enhancements to improve SCFD effectiveness. The process appears to have been exhaustive, inclusive, and fair. All participants had multiple opportunities to make their case for additional funding. Working diligently for more than three years to balance fairly the needs of each Tier, the SCFD Reauthorization Recommendations Taskforce composition included a) Tier III – six representatives; b) Tier II – four representatives; c) Tier I – three representatives; and d) two former and two current SCFD Board members, none of whom sit on the board of a Tier I organization; and

9. The SCFD Board's reauthorization recommendations shift substantial funding away from Tier I to Tiers II and III; and

10. Throughout the 12-year SCFD term that will span 2018 through 2030, when compared to the existing funding formula, Tier II groups will receive $22 million more and Tier III groups will receive $15.3 million more, while Tier I will receive $37.3 million less when compared to the existing formula; and

11. In 2018 alone, Tier II and Tier III funding will increase $2.5 million over the prior year — a 13% increase — while Tier I will receive almost $1 million less; and

12. Over the proposed 12-year SCFD term, Tier I revenue will increase at just over the historical rate of inflation, while Tier II and Tier III revenues will increase by over twice the historical rate of inflation. This provides significant additional dollars to Tiers II and III, which will allow them to grow substantially faster; and

13. The SCFD is a metropolitan-regional cultural gem that has historically been a favorite among voters – progressive, moderate, and conservative – because of the undeniable benefit it provides, the organizations that SCFD funds, and the regional support that SCFD has enjoyed for nearly 30 years.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED that the City of Boulder hereby supports the renewal of the Scientific and Cultural Facilities District with the provisions adopted by the SCFD board of directors and urges legislative and voter support for the renewal of the District and the continued benefits the SCFD provides.

RESOLVED, this [*date*]

_____

Suzanne Jones, Mayor

Attest

_____

City Clerk

City of Boulder, Colorado
Boulder Arts Commission
1001 Arapahoe Avenue
Boulder, Colorado 80302
www.boulderarts.org

December 16, 2015

Boulder City Council
1777 Broadway
Boulder, CO 80302

Dear Members of the Boulder City Council,

The Boulder Arts Commission ("BAC") supports the 2016 reauthorization of the Scientific and Cultural Facilities District ("SCFD"). We request that the Boulder City Council pass a resolution endorsing the reauthorization in order to secure important state legislative support and voter approval. (Attached is a suggested draft of such a resolution.)

The SCFD is a nationally acclaimed, regional model for funding cultural organizations. It has pioneered what is proven to be a successful post-Great Recession approach where cities and metropolitan regions make their urban and suburban spaces as livable, quality, affordable, sustainable communities through co-invention and co-production.

The SCFD has been approved by the Colorado Legislature and endorsed by voters in three region-wide elections in 1988, 1994 and 2004, and will be up for renewal in 2016. SCFD-funded cultural organizations welcome approximately 14.6 million visitors annually. Last year, SCFD funding provided 5.2 million people with free admission to regional cultural institutions and allowed another 4.2 million people to visit at reduced cost.

The source of SCFD's funding is a one-tenth of one penny sales tax, which equates to one penny on a $10 purchase. Voters in our seven-county metropolitan region will be asked in 2016 to extend, not increase, this tax for an additional 12 years.

The SCFD provides vital funding to nearly 300 cultural and science organizations throughout our seven-county metropolitan region, and does so with minimal regulation and overhead. It helps these organizations preserve and protect priceless collections of animals, art, plants, natural history, and historical sites for citizens to learn from and enjoy for generations to come.

The most recent economic activity study of the arts in our metropolitan region reveals that cultural organizations and facilities generate more than $1.85 billion a year in economic activity, more than 10,000 jobs, and over $410 million in cultural tourism.

In 2015, $1.86 million will flow to Boulder County in SCFD funding. SCFD-funded organizations serve 106 schools throughout Boulder County, providing in 2014 100 days of free programs and exhibits, and thousands of tours and cultural experiences for Boulder County school children. The Colorado state demographer estimates that, in 2014, Boulder County's population was 313,624, and yet SCFD's 2015 Audited Certification Reports reveal that in that same year, there were 303,557 visits to Tier I organizations by Boulder County residents.

Colorado Chautauqua, eTown, and the Colorado Music Festival and Center for Musical Arts are respected and thriving SCFD-funded Tier II organizations in Boulder County, each of which contribute to the unique cultural richness and quality of life for the people of this community and throughout our region. Our city is also home to 44 outstanding Tier III organizations, each of which works diligently to engage, inspire, and enrich the lives of local talent and local audiences alike.

The SCFD Board conducted a public process during 2013 to 2015, during which it adopted significant funding and programming enhancements to improve SCFD effectiveness. The process appears to have been exhaustive, inclusive, and fair. All participants had multiple opportunities to make their case for additional funding. Working diligently for more than three years to balance fairly the needs of each Tier, the SCFD Reauthorization Recommendations Taskforce composition included a) Tier III – six representatives; b) Tier II – four representatives; c) Tier I – three representatives; and d) two former and two current SCFD Board members, none of whom sit on the board of a Tier I organization.

The SCFD Board's reauthorization recommendations shift substantial funding away from Tier I to Tiers II and III.

Throughout the 12-year SCFD term that will span 2018 through 2030, when compared to the existing funding formula, Tier II groups will receive $22 million more and Tier III groups will receive $15.3 million more, while Tier I will receive $37.3 million less when compared to the existing formula.

In 2018 alone, Tier II and Tier III funding will increase $2.5 million over the prior year — a 13% increase — while Tier I will receive almost $1 million less.

Over the proposed 12-year SCFD term, Tier I revenue will increase at just over the historical rate of inflation, while Tier II and Tier III revenues will increase by over twice the historical rate of inflation. This provides significant additional dollars to Tiers II and III, which will allow them to grow substantially faster.

The BAC understands the desire of many individuals and groups for more "equitable" funding among Tier I, II, and III organizations. However we consider reauthorization to be the top priority and want to act in unity toward that end. We are concerned that dogmatic positions and uncompromising statements on any of our parts may undermine public perception of and support of SCFD funding.

The SCFD is a metropolitan-regional cultural gem that has historically been a favorite among voters – progressive, moderate, and conservative – because of the undeniable benefit it provides, the organizations that SCFD funds, and the regional support that SCFD has enjoyed for nearly 30 years.

The BAC endorses the 2016 reauthorization of SCFD. We ask that the Boulder City Council resolve to do so as well.

Thank you…

A. Richard Turbiak
Boulder Arts Commission, Chair
(720) 626-9928
the-art-studio@earthlink.net

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

Approved by Council: January 21, 2014

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

Suzanne Jones	Mayor
Mary Young	Mayor Pro Tem
Matthew Appelbaum	Council Member
Aaron Brockett	Council Member
Jan Burton	Council Member
Lisa Morzel	Council Member
Andrew Shoemaker	Council Member
Sam Weaver	Council Member
Bob Yates	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
Lynnette Beck	City Clerk
Patrick von Keyserling	Communications Director
David Driskell	Executive Director for the Department of Planning, Housing 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
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

2016 City Council Committee Assignments

INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel (Castillo – staff alternate)
Boulder County Consortium of Cities	Young, Burton (alternate)
Colorado Municipal League (CML) – Policy Committee	Jones, Appelbaum (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Brockett, Appelbaum (alternate)
Housing Authority (Boulder Housing Partners)	Shoemaker
Metro Mayors Caucus	Jones
National League of Cities (NLC)	Appelbaum
Resource Conservation Advisory Board (RCAB)	Morzel
Rocky Flats Stewardship Council	Morzel, Weaver (alternate) (Castillo – 2nd staff alternate)
University of Colorado (CU)/City Oversight Committee	Weaver, Yates, Burton
US 36 Mayors/Commissioners Coalition (MCC)	Jones
US 36 Commuting Solutions	Burton, Morzel (alternate)
Urban Drainage and Flood Control District	Young

LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Shoemaker
Boulder Convention and Visitors Bureau	Burton, Yates (alternate)
Colorado Chautauqua Board of Directors	Morzel
Dairy Center for the Arts	Brockett
Downtown Business Improvement District Board	Weaver, Yates

INTERNAL CITY COMMITTEES

Audit Committee	Shoemaker, Yates, Weaver
Boards and Commissions Committee	Appelbaum, Burton
Boulder Urban Renewal Authority (BURA)	Yates
Boulder Valley Comprehensive Plan (BVCP) Process Sub-Committee	Brockett, Weaver
Charter Committee	Morzel, Weaver, Young
Civic Use Pad/9th and Canyon	Morzel, Young
Council Retreat Committee	Morzel, Yates
Council Employee Evaluation Committee	Morzel, Shoemaker
Housing Strategy Process Sub-Committee	Morzel, Young, Burton
Legislative Committee	Jones, Weaver, Appelbaum
School Issues Committee	Morzel, Shoemaker, Young

SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Brockett
Kisumu, Kenya	Morzel
Llasa, Tibet	Shoemaker
Dushanbe, Tajikistan	Yates
Yamagata, Japan	Burton
Mante, Mexico	Young
Yateras, Cuba	Weaver
Sister City Sub-Committee	Morzel, Burton, Young

DRAFT
2016 Study Session Calendar

Date	Status	Topic	Time	Location	Contacts	Materials Due
02/23/16	apprvd	**Briefing**: Boulder Energy Future- includes speaker	5:30-6 PM	Chambers	Heather Bailey/Heidi Joyce	N/A
	apprvd	Hillard Heintze report - from the City Manager	6-7:30 PM	Chambers	Tammye Burnette	02/18/16
	apprvd	Middle Income Housing Strategy	7:30-9 PM	Chambers	Jay Sugnet/Edy Urken	02/11/16
03/03/16	apprvd	Boards and Commissions Interviews (Thursday)	6-9 PM	1777 West	Heidi Leatherwood	02/24/16
03/08/16	apprvd	Boards and Commissions Interviews	6-9 PM	1777 West	Heidi Leatherwood	02/24/16
03/10/16	apprvd	Boards and Commissions Interviews (Thursday)	6-9 PM	1777 West	Heidi Leatherwood	02/24/16
3/22/2016		No Study Session-**CU Spring Break Mar 21-25**				
3/29/2016		Sister City Annual Dinner	5:30-7 PM	Lobby	City Clerk's Office	
		Civic Area Long Term Planning Update	7-9 PM	Chambers	Sam Assefa/Lauren Reader	03/17/16
4/12/2016		Board and Commissions Reception	5-6 PM	TBD	City Clerk's Office	N/A
		Boulder Valley Comp Plan Update- 3rd Phase	6:00-7:30	Chambers	Lesli Ellis/Lauren Reader	03/31/16
		Dev Related Impacts Fees and Excise Taxes	7:30-9:00	Chambers	Chris Meschuk/Lauren Reader	03/31/16
04/26/16		No Study Session-**Council travel to Portland, OR**				
05/10/16		Potential Ballot Items and Budget and Long Range Financial Planning Update	6-8 PM	Chambers	Peggy Bunzli/Elena Lazarevska	04/28/16
		Boulder Energy Future Update	7:30-9:00	Chambers	Heather Bailey/Heidi Joyce	04/28/16
05/24/16		**Briefing**	5:30-6:00	Chambers		N/A
		Human Services Strategy Update on Comm Engagement, Direct Services Assessment, and Comm Funding Options	6:00-8 PM	Chambers	Todd Jorgensen, Linda Gelhaar	05/12/16
		Residential and Commercial Energy Codes: Long Term Strategy	8-9:00	Chambers	Kendra Tupper/Lauren Reader	05/12/16

DRAFT
2016 Study Session Calendar

5/31/2016		Canyon Complete Streets Study - Update on the Design Options	6:00-7:30	Chambers	Noreen Walsh/Meredith Schleske	05/19/16
		Broadband Feasibility Study Results	7:30-9:00	Chambers	Don Ingle/?	05/19/16
06/14/16			6:00-7:30	Chambers		06/02/16
		Mid Year Check in for Council Workplan	1.5 hours	Chambers	?	06/02/16
		Session on the Development Related Impacts Fees and Excise Taxes	7:30-9:00	Chambers	Chris Meschuk/Lauren Reader	06/02/16
	Council Recess June 15-July 10					
07/12/16		TMP Implementation Update- provide a 6 mo check in	6:00-7:30	Chambers	Randall Rutsch, Rene Lopez	06/30/16
			7:30-9:00	Chambers		06/30/16
07/26/16		**Briefing: Boulder Energy Future**	5:30-6:00	Chambers	Heather Bailey/Heidi Joyce	N/A
		Homelessness Strategy Draft and Homeless Action Plan Update	6:00:08 PM	Chambers	Wendy Schwartz/Linda Gelhaar	07/14/16
			7:30-9:00	Chambers		07/14/16
08/09/16		Draft 2017 to 2021 Capital Improvement Program	6:00-7:30	Chambers	Peggy Bunzli/Devin Billingsly	07/28/16
			7:30-9:00	Chambers		
08/23/16		**Briefing**	5:30-6:00	Chambers		08/11/16
		Human Services Strategy Draft	6:00-8 PM	Chambers	Tofd Jorgensen/Linda Gelhaar	
			7:30-9:00	Chambers		
8/30/2016			6:00-7:30	Chambers		08/18/16
			7:30-9:00	Chambers		
09/13/16		2017 COB Recommended Budget	6:00-8 PM	Chambers	Peggy Bunzli/Devin Billingsly	09/01/16
		TMP Implementation Update- provide 6 mo update	8-9:00 PM	Chambers	Randall Rutsch/Rene Lopez	09/01/16
9/27/2016		**Briefing**	5:30-6:00	Chambers		
		2017 Recommended Budget 2nd Study Session if needed	6:00-7:30	Chambers	Randall	09/15/16
		Renewed Vison for Transit Update- detailed info on activities	7:30-9:00	Chambers	Randall Rutsch, Rene Lopez	09/15/16
			6:00-7:30			09/29/16

DRAFT
2016 Study Session Calendar

10/11/16			7:30-9:00			09/29/16
10/25/15		**Briefing**: Boulder Energy Future	5:30-6:00	Chambers	Heather Bailey/Heidi Joyce	N/A
			6:00-7:30	chambers		10/13/16
			7:30-9:00	Chambers		10/13/16
11/08/15			6:00-7:30	Chambers		10/27/16
			7:30-9:00	Chambers		10/27/16
11/22/15	Thanksgiving Holiday Week - No Meeting					
11/29/15		**Briefing**	5:30-6 PM			N/A
			6- 7:30 PM			11/17/16
			7:30-9 PM			11/17/16
12/13/16			6-7:30 PM	Chambers		12/01/16
			7:30-9 PM	Chambers		12/01/16
12/22/15	Christmas Holiday Week - No Meeting					
12/29/15	New Years Holiday Week - No Meeting					

February 16, 2016 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway			
Agenda Section	**Item Name**	**Time**	
SPECIAL PRESENTATIONS	One Action 2016 Declaration-- Council Member Young	10	Minutes
OPEN COMMENT		45	Minutes
CONSENT			
	1st Reading to Approve an ordinance Amending Boulder's Cable Code		
	Jan 12 Pre Retreat Study Session Summary		
	2nd rdg Annexation Ord for 236 and 250 Pearl		
	1st Reading Ord to rezone 1.94 acre parcel at 3000 Pearl St and 2170 30th St from B usiness Regional 1 to Mixed Use 4 and 1.08 acre parcel at 2100 30th St and 2120 32nd St from Industrial General to Regional 1		
	Emergency Single Reading BRC supplement 126 allowing ordinances adopted last quarter of 2015 to be updated in hard copy	15	
PUBLIC HEARINGS	Expanding the City's Living Wage Resolution 926	90	MInutes
	Motion to accept-Downtown Urban Guidelines Update- Lifting the height restriction is dependent on the adoption of the update (moved from consent)	90	Minutes
	Motion to revise the COB 2016 State and Federal Legislative Agenda	60	Minutes
	Motion to adpot Res No 1180 supporting the SCFD	10	Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL	Town Meeting Sub Committee	10	
	Discussion of "Science Tuesday"	30	Minutes
CALL-UPS	340 15th Street Utility Easement Vacation		
	Total Estimated Meeting Time (Hours:Minutes)	**6:00**	

February 29th----moved from March 1st 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
	Study Session Summary for Neighborhood Parking Permit Review and Update		
	1st Reading of Emergency Ord amending rental dwelling unit posting and advertising requirements		
	1st Rdg Ord for 2014 2A Ballot approved capital projects- supplemental appropriation		
	Boulder Creek Restoration Master Plan		
PUBLIC HEARINGS			
	Deliberations for Areas II and III Initial Screening of Property Requests -no new testimony will be taken	90	Minutes
MATTERS FROM CITY MANAGER	Council Retreat Follow-up Work Plan	90	Minutes
	Bear Protection Ord Implementation Update	20	Minutes
	Report summarizing the City Wide events in 2015 and authorize renewal agreement w the World Triathlon Corp	60	Minutes
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS	2449 Pine Street LUR 2015-00105 Use Review		
	Total Estimated Meeting Time (Hours:Minutes)	**5:20**	

March 15, 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	2/23 Study Session Summary regarding the Middle Income Housing Strategy	15	Minutes
	Second reading for supplemental appropriations for the 2014 2A Ballot approved capital projects.		
	Amendments to Title 13- Elections		
	Consideration of a motion to approve a change to the Transit Village Area Plan (TVAP) Connections Plan within the Reve redevelopment area		
	Introduction first reading ordinance amending section 2-3-8, "Library Commission"		
PUBLIC HEARINGS	West Fourmile Canyon Creek Area Study update and direction Ponderosa MHP -Two Spanish-language interpreters have been scheduled for this meeting- if needed	60	Minutes
	2nd Reading Ord to rezone 1.94 acre parcel at 3000 Pearl St and 2170 30th St from Business Regional 1 to Mixed Use 4 and 1.08 acre parcel at 2100 30th St and 2120 32nd St from Industrial General to Regional 1	90	Minutes
MATTERS FROM CITY MANAGER	Strategic Development Plan for 6400 Arapahoe	30	Minutes
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL	B & C Appointments	60	Minutes
CALL-UPS			
	Total Estimated Meeting Time (Hours:Minutes)	**5:00**	

CU Spring Break Mar 21-25

April 5, 2016 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway			
Agenda Section		**Time**	**Minutes**
SPECIAL PRESENTATIONS	Quarterly Municipal Court Update	15	
OPEN COMMENT		45	Minutes
CONSENT		15	Minutes
	2nd Rdg for Amendments to Title 13		
PUBLIC HEARINGS			Minutes
			Minutes
			Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
	Total Estimated Meeting Time (Hours:Minutes)	**1:15**	

April 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	1st Reading Ord of Annual Budget Carryover and First Adjustment to Base 2016	15	Minutes
	Notice of Sale Resolution - 2016 Water and Sewer Bonds- Resolution		
	Study Session Summary for Area Long Term Planning Update		
PUBLIC HEARINGS			Minutes
			Minutes
MATTERS FROM CITY MANAGER	University Hill Public Improvements Financing Options	60	Minutes
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
	Total Estimated Meeting Time (Hours:Minutes)	**2:00**	

TO: Mayor and Members of City Council

FROM: Jordan Matthews, City Clerk's Office

DATE: February 16, 2016

SUBJECT: Information Packet

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1. CALL UPS

A. Vacation of a 1,383 square-foot utility easement along the south portion of the property located at 340 15th Street. (ADR2015-00285).

B. Site Review application (case no. LUR2015-00042) for a mixed use development to include office, retail, restaurant, and multi-family residential units. The proposal includes a request for amendments to the Transit Village Area Plan Connections Plan under a separate agenda item, along with rezoning for two areas with first reading of the ordinances also under a separate agenda item.

2. INFORMATION ITEMS

A. Report on Business Incentive Programs - Flexible Rebate and Microloan Programs.

3. BOARDS & COMMISSIONS

A. Boulder Design Advisory Board – September 23, 2015
B. Boulder Design Advisory Board – October 7, 2015
C. Planning Board – January 21, 2016

4. DECLARATIONS

A. Children of the Patriots of the American Revolution – March 6-12, 2016
B. Kids to Parks Day – May 21, 2016
C. Nepal Day – April 17, 2016
D. Celebrating One Action 2016: Arts + Immigration – Year of 2016

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing & Sustainability
Susan Richstone, Deputy Director of Planning, Housing & Sustainability
Charles Ferro, Development Review Manager
Caeli Hill, Associate Planner

Date: February 16, 2016

Subject: Call-Up Item: Vacation of a 1,383 square-foot utility easement along the south portion of the property located at 340 15th Street. (ADR2015-00285).

EXECUTIVE SUMMARY:

The applicant requests vacation of a 1,383 square foot utility easement at 340 15th Street (refer to **Attachment D** for exact location) in order to develop the property consistent with the zoning and recent subdivision. The easement was originally dedicated as an alley on the plat for the Interurban Park Addition on December 31, 1908. The alley was later vacated by Ordinance No. 1384 on August 5, 1941 with a reservation for a utility easement. This easement has never been used, there are no utilities located within it and there are no indications that it will be needed in the future creating no further public need for the easement. The proposed vacation was approved by staff on January 29, 2016. There are two scheduled City Council meetings within the 30-day call-up period on February 16, 2016 and February 29, 2016.

CODE REQUIREMENTS:

Pursuant to the procedures for easement vacations set forth in subsection 8-6-10(b), B.R.C. 1981, the city manager has approved the vacation of a 1,383 square foot reserved utility easement. The date of staff approval of the easement vacation was January 29, 2016 (refer to **Attachment E**, *Notice of Disposition*). This vacation does not require approval through ordinance based on the following criteria:

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

The vacation will be effective 30 days later on February 29, 2016 unless the approval is called up by City Council.

FISCAL IMPACTS:
None identified.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:
None identified.

BACKGROUND:

The subject property is approximately 7,230 square feet in area located in the East Chautauqua neighborhood (refer to Attachment A, *Vicinity Map)*. The site is located in a Residential-Low 1 (RL-1) zone district. In April of 2015 the subject property, originally addressed as 1500 Bluebell Ave, went through a minor subdivision process (LUR2015-00008) that created the lot which is now 340 15th Street. The newly formed lot is encumbered by a 1,383 square foot utility easement along the south portion of the property that was established on the original plat for the development. This easement inhibits the full development of the site for low density, single-family dwelling unit.

The easement was originally established as an alley on the final plat of the Interurban Park Addition recorded on Dec. 31, 1908, but was vacated by Ordinance No. 1384 on Aug. 5, 1941. This ordinance, while vacating the alley, reserved the land as a utility easement. There have never been any utilities located in this easement and there are no plans to locate utilities in this easement in the future. Additionally, approval of the easement vacation has been received from electric/gas, telephone and cable company representatives. There is no further public need for this easement.

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

ANALYSIS:
Staff finds the proposed vacation of a utility easement consistent with the standards set forth in subsection (b) of section 8-6-10, "*Vacation of Public Easements*", B.R.C. 1981. Specifically, staff has determined that no public need exists for the easement to be vacated because new easements will be dedicated to replace the function of the current easement.

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

✓ 1. Change is not contrary to the public interest.

✓ 2. All agencies having a conceivable interest have indicated that no need exists, either in the present or conceivable future, for its original purpose or other public purpose.

✓ 3. Consistent with the Comprehensive Plan and Land Use Regulations.

✓ a. Failure to vacate the easement would cause a substantial hardship to the use of the property consistent with the Comprehensive Plan and Land Use Regulations; or

This property is designated as Low Density Residential in the Boulder Valley Comprehensive Plan (BVCP) and is being developed consistent with this land use designation. The current easement has never, and there are no indications that it will ever, house utilities and therefore is no longer

needed. If this easement is not vacated the property's development potential would be hindered.

N/A b. Would provide a greater public benefit than retaining the property in its present status.

PUBLIC COMMENT AND PROCESS:

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

NEXT STEPS:

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

ATTACHMENTS:

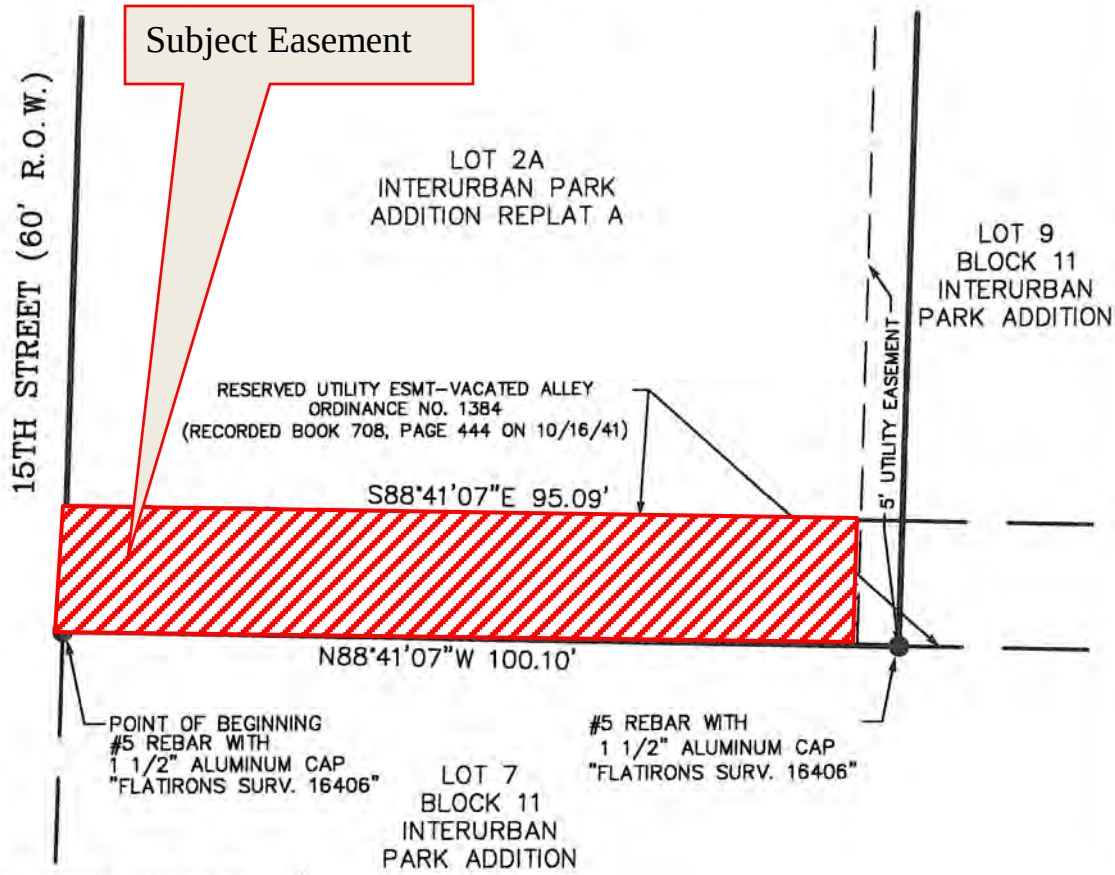
Attachment A: Vicinity Map
Attachment B: Site Plan
Attachment C: Deed of Vacation
Attachment D: Exhibit A
Attachment E: Notice of Disposition

Bluebell Av
340 15TH ST
15th St

EXHIBIT "A"

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

SHEET 2 OF 2



GRAPHIC SCALE

20 0 10 20

(IN FEET)
1 inch = 20 ft.

JOB NUMBER: 15-66,879
DRAWN BY: B. HAAS
DATE: 11/17/2015

COLORADO LICENSED
JOHN PRUDE CALLON
16406
11/18/15
PROFESSIONAL LAND SURVEYOR

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

Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com

For Administrative Purposes Only
Address: 340 15th Street
Case No. : ADR2015-00285

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owner of the subservient land, in a manner prescribed by Subsection 8-6-10(b), B.R.C. 1981, a utility easement reserved by Ordinance No. 1384 recorded in Book 708, Page 444 on October 16, 1941 which also vacated the alley of Block 11 of Interurban Park Addition to the City of Boulder, County of Boulder, State of Colorado, located at 340 15th 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 340 15th 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.

CITY OF BOULDER, COLORADO

By:_____
Jane S. Brautigam, City Manager

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

1-11-2016
Date

EXHIBIT "A"

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

SHEET 1 OF 2

A PORTION OF AN EXISTING EASEMENT RESERVED FOR UTILITIES IN VACATION ALLEY ORDINANCE NO. 1384, RECORDED IN BOOK 708, PAGE 444 ON 10/16/41, TO BE VACATED, LOCATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF LOT 2A, INTERURBAN PARK ADDITION REPLAT A, RECEPTION NUMBER 03445557, DATED 05/14/2015, TO BEAR NORTH 88°41'07"WEST, A DISTANCE OF 100.10 FEET BETWEEN A #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV. 16406" AND A #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV. 16406", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2A, THENCE NORTH 01°18'53" EAST, A DISTANCE OF 15.00 FEET, ALONG THE WEST LINE OF SAID LOT 2A; THENCE DEPARTING SAID WEST LINE, SOUTH 88°41'07" EAST, A DISTANCE OF 92.09 FEET TO A POINT 5 FEET WEST OF THE EAST LINE OF SAID LOT 2A; THENCE PARALLEL WITH SAID EAST LINE, SOUTH 01°17'29" WEST, A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2A; THENCE NORTH 88°41'07" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 92.10 FEET TO THE POINT OF BEGINNING.

SAID VACATED PORTION CONTAINING 1383 SQ.FT. OR 0.03 ACRES, MORE OR LESS.

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

COLORADO LICENSED
JOHN BRUCE GUYTON
16406
11/18/15
PROFESSIONAL LAND SURVEYOR

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

FSI JOB NO. 15-66,879

JOB NUMBER: 15-66,879
DRAWN BY: B. HAAS
DATE: 11/17/2015

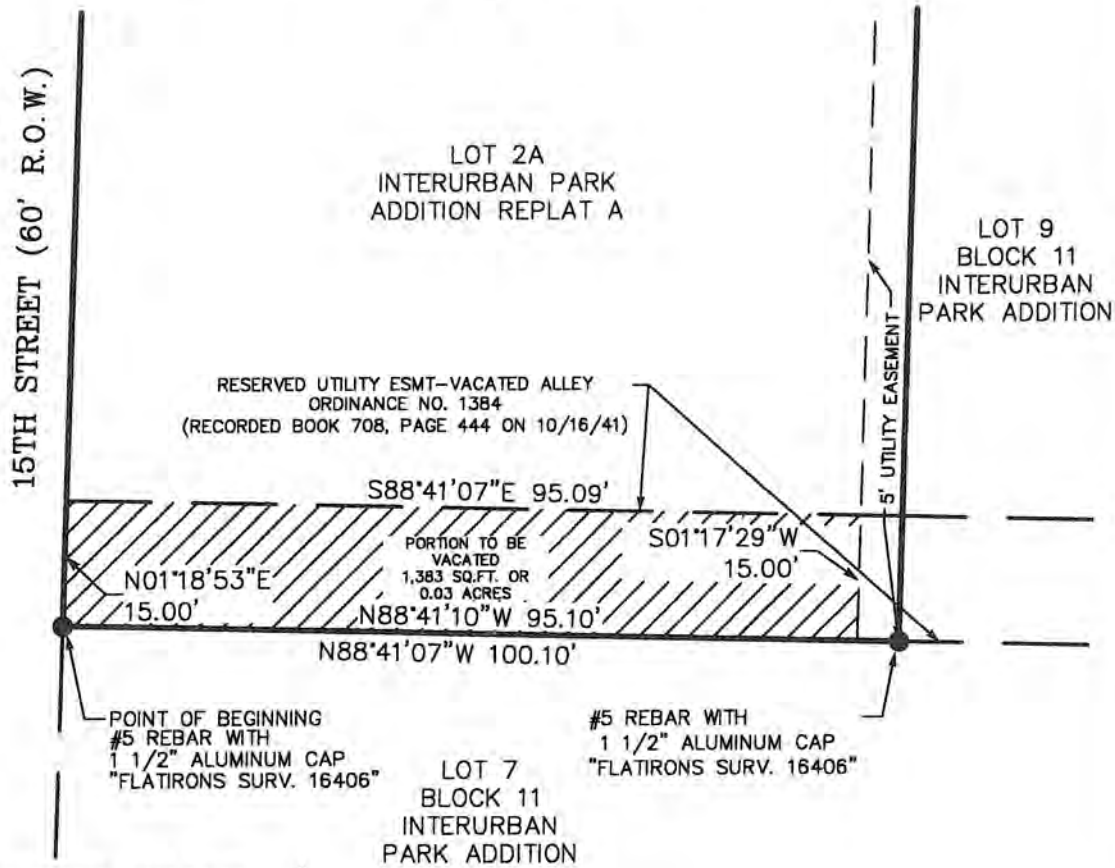
THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com

EXHIBIT "A"

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

SHEET 2 OF 2



GRAPHIC SCALE

20 0 10 20

(IN FEET)
1 inch = 20 ft.

JOB NUMBER: 15-66,879
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COLORADO LICENSED
JOHN PRUDE CLUSON
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CITY OF BOULDER
Planning and Development Services
1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • email plandevelop@bouldercolorado.gov
www.boulderplandevelop.net

ADMINISTRATIVE REVIEW
NOTICE OF DISPOSITION

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

DECISION:	Approved
DATE:	January 29, 2016
REQUEST TYPE:	Vacation/Easement
ADDRESS:	340 15TH ST
APPLICANT:	LYNNE SANDITEN
CASE #:	ADR2015-00285
LEGAL DESCRIPTION:	Lot 2A Interurban Park Addition Replat A, City of Boulder, County of Boulder, Colorado
DESCRIPTION:	Administrative review for vacation of the western 95-feet of an existing utility easement along the southern property line.

FINAL DECISION STANDARDS:
Approved as submitted. This application is approved per the criteria for Vacation of Public Easements as set forth in section 8-6-10, B.R.C. 1981. This approval does not constitute building permit approval.
This approval is limited to the vacation of a 1,383 square-foot reserved utiility easement, previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Reception Number 90070113 as an alley on the final plat of Interurban Park Addition on December 31, 1908. The alley was then vacated by ordinance, with a reseved utility easement by Ordinance No. 1384 on August 5, 1941.

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

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

By: Caeli El Hill
Caeli Hill, Planning Department

INFORMATION PACKET
MEMORANDUM

TO: Mayor and Members of City Council

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

DATE: February 16, 2016

SUBJECT: **CALL-UP ITEM** Site Review application (case no. LUR2015-00042) for a mixed use development to include office, retail, restaurant, and multi-family residential units. The proposal includes a request for amendments to the Transit Village Area Plan Connections Plan under a separate agenda item, along with rezoning for two areas with first reading of the ordinances also under a separate agenda item.

EXECUTIVE SUMMARY:

On Jan. 28, 2016, the Planning Board approved (5-1) the above-referenced application with conditions as provided in the attached Notice of Disposition (**Attachment A),** finding the project consistent with the Site Review criteria of Land Use Code section 9-2-14(h), B.R.C. 1981; along with the Boulder Valley Comprehensive Plan policies; the Transit Village Area Plan and Guidelines; and the Boulder Valley Regional Center Design Guidelines. Refer to **Attachment B** for the Draft Planning Board minutes. Approval of the application would permit redevelopment of the site referred to as "Reve." The board also recommended approval to rezone the site and approved a change to the Transit Village Area Plan Connections Plan. First reading of the rezoning ordinance is provided under a separate agenda item. Second reading of the rezoning ordinance and approval of the change to the TVAP connection are scheduled for the March 15, 2016 City Council meeting.

The proposed new mixed use neighborhood of Reve is planned with four buildings over an approximately six acre site. The buildings align both 30th and Pearl streets as well as the proposed linear open space park planned around the existing Boulder Slough. The project plans illustrate extension of a bridge across the slough as the extension of Junction Place, effectively establishing a connection from Walnut Street to Pearl Street. A newly configured alley is planned between the site and the property to the east and vehicular access into the site is

proposed to move below grade upon entering the site to two different below grade parking structures with two levels each. A total of 244 residential units and approximately 138,000 square feet of commercial use, in a mix of office, retail, and restaurant use is proposed. New pedestrian connections are also planned to cross the slough creating site connectivity from north to south.

A web link to the entire Planning Board packet for the Jan. 28, 2016 public hearing can be found at the following: Jan. 28, 2016 Planning Board.

BACKGROUND

This proposed project was reviewed a total of three times as a Concept Plan: twice by Planning Board and once by City Council. The Planning Board initially reviewed a Concept Plan on June 5, 2014. At that hearing, Planning Board recommended that the applicant return with a second Concept Plan review which was reviewed and discussed by the Planning Board on Oct. 30, 2014. Subsequently, the City Council called-up the concept plan for discussion on Jan. 15, 2015. Refer to **Attachment C** for links to the various Concept Plan Review Minutes. The Boulder Design Advisory Board also reviewed the project plans during the Site Review application twice, first on June 10, 2015 and subsequently on Sept. 23, 2015. Refer to **Attachment D** for DAB Minutes.

In April 2015, City Council approved ordinance no. 8028 to limit the eligibility of buildings that could exceed the by-right height limits through the existing Site Review process to specific areas and situations. The approved ordinance allows the consideration of height modifications through site review only in those areas with a clearly defined, approved vision for future development, including Boulder Junction and the rest of the Reve site. The intent in including these properties was to reinforce the community's vision of an urban form with higher intensity and taller buildings only in select, transit-rich areas, which had been vetted and approved through a planning process such as the Transit Village Area Plan.

SUMMARY OF PROPOSED PROJECT

Figure 1 presents the site plan keyed to renderings of some of the buildings proposed. In the plan, there are small Efficiency Living Units of a maximum 475 square feet proposed along with studio apartments and one bedroom apartments. Larger units include two- and three-bedroom apartments along with townhomes, penthouse units and live/work units with ground floor businesses and residential units for the business owners above.

The proposed project includes a broad central linear parkway that aligns both sides of the North Boulder Farmer's Ditch/Boulder Slough. It also includes below grade parking, three new transportation connections per the TVAP connections plan, reuse of the existing Quonset hut, and the applicant is pursuing Vested Rights per section 9-2-19, B.R.C. 1981. The project plans in their entirety are available for review in the City Council office of the City Manager's Office.

Figure 1:
Proposed Reve Project Site Plan Keyed to Images Representing the Proposed Buildings within the Site.

PLANNING BOARD HEARING

The Planning Board reviewed the application and discussed the following key issues related to the Site Review application:

1. Does the proposed project, including the requested modifications to height, number of stories, and setbacks meet the Site Review criteria of Land Use Code section 9-2-14(h), B.R.C. 1981?

2. Is the proposed project consistent with the vision for building height, mass, scale, and architectural intent established in the Transit Village Area Plan (TVAP) and the Boulder Valley Regional Center Plan ?

3. Is the proposed change to the Transit Village Area Plan Connections Plan for connection no. 29 consistent with the requirements of such changes under TVAP?

SUMMARY OF ANALYSIS

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

1. The project was found to be consistent with the Site Review Criteria of section 9-2-14(h), B.R.C. 1981 in that the proposed project will provide a new mixed use neighborhood with pedestrian amenities and buildings of high caliber design and materials. The proposed neighborhood also establishes new connections; new gathering spaces and opportunities for new residential and commercial uses.

   The project must also be found to be consistent with the Boulder Valley Comprehensive Plan and the proposal was found to be consistent with a significant number of BVCP policies as listed below. The full text of each policy within the BVCP can be found **here**. As noted in the BVCP,

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

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

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

2. The urban design and planning for the northern half of the proposed project is consistent with the Transit Village Area Plan (TVAP) intent and design guidelines in that the city anticipated high density residential and mixed use commercial buildings through TVAP. Shown below in Figure 2 is an excerpt from page 17 of TVAP for the Mixed Use 2 land use area where the buildings on the northern half of the site are located compared to a perspective sketch of Building 1. Within TVAP, the northern portion of the site is within the MU2 land use designation with the intent as described on page 17 of TVAP as,

   "*Three- to four-story mixed use buildings. Predominant use may be business or residential. Mostly structured or first-floor parking; may have some surface parking.*"

Figure 2:
Comparison of the Form/Bulk and Use Anticipated in TVAP MU2 Land Use (left) with Proposed Mixed Use Building 1 (right)

   The MU-4 zoning was developed to implement the MU2 land use in TVAP and the BVCP land use designation for these areas was changed to Mixed Use Business to be consistent with TVAP.

3. The area on the south side of the proposed project within the BR-1 zoning district is proposed to be consistent with the Boulder Valley Regional Center Design Guidelines. In particular, the guidelines recommend a pedestrian orientation to the buildings, with buildings built up to the street, that useable open space be an integral part of an urban design by mingling indoor and outdoor spaces. With over 42 percent of the site planned as open space amenities designed around a central linear open space, the 1.67 FAR is well within the by-right standard of 2.0 FAR and the maximum 4.0 FAR of the BR-1 zoning district.

4. The proposed changes to the Transit Village Area Plan Connections Plan for Connection no. 29 was found to be consistent with the intent of TVAP in that the proposed change meets the intent of the connection which is as: "*back door access needed for parking and deliveries for redevelopment along 30th Street*."

5. The Planning Board added several conditions of approval to provide Electric Vehicle plug-in parking; to allow for a 20 percent parking reduction; and to pre-wire the buildings for on-site energy generation systems for rooftop photovoltaics.

The Planning Board draft minutes are provided in **Attachment B**. A link to the entire Planning Board packet for the Jan. 28, 2016 public hearing is provided in **Attachment D.** Because of the size and number of pages of the applicant's submittal materials, reference is made in **Attachment E** to a complete set of plans that will be provided in the City Council office of the City Managers Offices.

PUBLIC NOTIFICATION

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. The applicant also met with tenants and property owners in an open house on Jan. 13, 2016. There were approximately 20 attendees, all of whom articulated support and enthusiasm for the proposed project. All notice requirements of section 9-4-3, B.R.C. 1981 have been met. There were eight comment letters received regarding the applications all of which indicated support and interest in the proposed project. The applicant also indicated to staff that the applicant team met at various times prior to Site Review application with nearby property owners to review project plans.

At the Planning Board hearing there were eight members of the public who addressed the Planning Board about the applications and all of them except one person, who articulated concern about traffic and parking, indicated support for the proposed project.

CONCLUSION

Planning Board approved (5-1, C. Gray opposed; L. May recused) the application with conditions with C. Gray stating that the project does not meet the site review criteria due to lack of height variance and the TVAP criteria for three and four story buildings is not met. Consistent with the land use code section 9-4-4(c), B.R.C. 1981, City Council may call up the application within a 30-day call up period which expires on Feb. 29, 2016. There are two public hearings within the 30 day call up period: **Feb. 16, 2016** and **Feb. 29, 2016**.

ATTACHMENTS:

A. Planning Board Notice of Disposition dated Jan. 28, 2016
B. Planning Board – Draft Minutes for Jan. 28. 2016
C. Web links to Concept Plan Review Minutes
D. Web links to Design Advisory Board Minutes
E. Project Plans and Written Statement

CITY OF BOULDER
Planning and Development Services
1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
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 January 28, 2016 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: **REVE MIXED USE DEVELOPMENT**
DESCRIPTION: **SITE REVIEW for a mixed-use development in four buildings with 244 residential units; office and retail/restaurants in a total of approximately 424,097 square feet. The residential component includes efficiency living units, studios, one, two, and three bedroom units, penthouse, townhome and live/work unit types. The project also includes active ground floor uses, a central public plaza and promenade along the slough, expansive open space, new transportation connections, and below grade parking.**
LOCATION: **3000 Pearl Street a/k/a Pkwy; 2170 30th Street; 2100 30th Street; and 2120 32nd Street**
COOR: **N04W03**
LEGAL DESCRIPTION: **Refer to Exhibit A**
APPLICANT: **MICHAEL MCNALLY**
OWNER: **Hollister Properties LLLP; Bridge Commercial Partners Fund IV, LLC; and Alvin E. Baker and Virginia Ann Baker**
APPLICATION: **Site Review, LUR2015-00042**
ZONING: **BR-1 and MU-4. The project includes a request and is conditioned upon approval of rezoning of the properties at 3000 Pearl Street and 2170 30th Street to MU-4 and at 2120 32nd Street and a portion of 2100 30th Street to BR-1.**
CASE MANAGER: **Elaine McLaughlin**
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**
MODIFICATIONS OF THE LAND USE CODE: **Maximum Building Height – up to 55 feet**
Maximum Size of Principal Building: over 15,000 square feet
Maximum Number of Stories for a Building: over 3 stories
Setbacks: Side yard adjacent to a street; interior side yard
Parking Reduction: 20 percent

This decision may be called up before the City Council on or before **February 29, 2016**. If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision.

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

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

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

At its public hearing on January 28, 2016 the Planning Board APPROVED the request with the following motion:

Motion:
On a motion by **B. Bowen** seconded by **J. Putnam** the Planning Board voted 5-1 (**C. Gray** opposed, **L. May** recused) to approve Site Review Application no. LUR2015-00042 along with the proposed amendments to the TVAP Connections Plan and that the Planning Board recommend to City Council approval of Rezoning Application no. LUR2015-00043, incorporating this staff memorandum and the attached Site Review and Rezoning Criteria Checklists as findings of fact, subject to the following recommended conditions of approval as listed in the packet with addition of the following conditions:

- The Planning Board approves and requires a 15 percent reduction of motor vehicle parking spaces and that the Applicant provide a TDM plan, subject to approval by staff,
- Each building shall be pre-wired for future photovoltaic systems, from the roof-top to the primary electrical panel and switch gear building,
- As part of the TEC document review, the Applicant shall submit a revised site plan that shows some amount of Electric Vehicle (EV) plug-in parking.

L. Payton offered a friendly amendment to change the parking reduction to 20% from 15%. **B. Bowen** and **J. Putnam** accepted the friendly amendment.

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on January 8, 2016 ("Plans") on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.

2. Prior to submittal of a Technical Document review application, the Applicant must **obtain City Council approval of the proposed amendments to Transit Village Area Plan ("TVAP") Connections Plan** connection number 29.

3. Prior to submittal of a Technical Document Review application, the Applicant must **obtain City Council approval of the proposed rezoning** of the land generally located at 2170 30th Street and 3000 Pearl Street from the Business-Regional 1 zoning district to the Mixed-Use 4 zoning district and of the land generally located at 2120 32nd Street and a portion of 2100 30th Street from the Industrial-General zoning district to the Business-Regional 1 zoning district.

4. Prior to a building permit application, the Applicant shall submit, and obtain City Manager approval of, a Technical Document Review application for the following items:

   a. **Final architectural plans**, including material samples and colors, to insure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent, elevations, plans and details shown on the Plans is acceptable. The City Manager will review plans to assure that the architectural intent is performed. .

   b. A **final site plan** which includes detailed floor plans and section drawings and shall be revised to show the number of parking spaces reduced by 20% and some amount of Electric Vehicle (EV) plug-in parking.

   c. A **final utility plan** meeting the City of Boulder Design and Construction Standards.

   d. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.

   e. **Final transportation plans** meeting the City of Boulder Design and Construction Standards for all transportation improvements. These plans must include, but are not limited to: street/alley plan and profile drawings; multi-use path plan and profile drawings; street/alley and multi-use path cross sections at fifty-foot intervals or where required by staff; typical sections for the street/alley and path; signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, street lighting, barrier island, driveway ramp, transportation and transit stop detail drawings, geotechnical soils and pavement analysis.

   f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Landscape plans shall provide significant amounts of plant material sized in excess of the landscaping requirements of Sections 9-9-12, "Landscaping and Screening Standards," and 9-9-13, "Streetscape Design Standards," B.R.C. 1981. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.

   g. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981.

   h. A **detailed shadow analysis** to insure compliance with the City's solar access requirements of section 9-9-17, B.R.C.

5. Prior to a building permit application, the Applicant shall submit an application for a revised **Preliminary Plat** and a Technical Document Review application for a **Final Plat**, subject to the review and approval of the City Manager and execute a subdivision agreement meeting the requirements of chapter 9-12, "Subdivision," B.R.C. 1981 and which provides, without limitation and at no cost to the City, for the following, unless otherwise approved by the City Manager:

   a. The dedication, to the City, of all right-of-way and easements necessary to serve the development

   b. The vacation of all easements where vacation is necessary for construction of the development.

   c. The construction of all public improvements necessary to serve the development, including the north/south street located south of Pearl Parkway with approximately half of the street running on and along the northeast property line and half of the street running on and along the northwest property line of the neighboring property,

Lot 1 of 3100-3102 Pearl Subdivision, City of Boulder, County of Boulder, State of Colorado ("Pearl Parkway Access Street").

d. The Applicant shall be responsible for and shall ensure, in a form acceptable to the City Manager, the continued and perpetual maintenance, and the repair, reconstruction, or replacement, of the proposed non-standard RTD transit shelter along 30th Street, by property owners in the development. These improvements and their decorative elements shall be kept in good repair, clean, and in a safe and unobstructed condition. This maintenance obligation shall include snow removal from the entire width of said improvements.

e. A financial guarantee, in a form acceptable to the Director of Public Works, in an amount equal to the cost of constructing all public improvements necessary to serve the development.

f. The Applicant's pro rata share of the costs of the bridge that crosses over the North Boulder Farmers Ditch near the northeastern portion of the Property. The Applicant's pro rata share is estimated at the time of this approval as thirty-seven (37) percent.

6. Prior to a building permit application, the Applicant shall provide to the City **written documentation, in a form acceptable to the City, from any private easement holders** that may need to be extinguished for the development, including any off-site private easements necessary for the construction of Pearl Parkway Access Street and related improvements. The extinguishment of the private easements shall be recorded in the records of the Boulder County Clerk and Recorder prior to a building permit application.

7. Prior to issuance of a building permit, the **Applicant shall join the Boulder Junction Transportation Demand Management (TDM) District** as proposed in the Applicant's TDM Plan, unless otherwise approved by the City Manager.

8. Prior to issuance of a building permit, the Applicant shall ensure that the owner of Lot 1 of 3100-3102 Pearl Subdivision, City of Boulder, County of Boulder, State of Colorado do the following, unless otherwise approved by the City Manager:

   a) dedicate to the City, at no cost to the City and as part of a Technical Document Review application, **a public access easement** for the construction of the Pearl Parkway Access Street; and

   b) submit to the City, at no cost to the City, and **obtain approval of all development review applications necessary** to modify the Junction Place Village Site Review LUR2010-00030 to include the applicable portion of the Pearl Parkway Access Street as shown on the Plans.

9. Prior to issuance of any certificate of occupancy, the Applicant shall **construct or cause the construction of the Pearl Parkway Access Street** in its full width as shown on the Plans.

10. The Applicant shall ensure that **each building shall be pre-wired for future photovoltaic systems,** from the roof-top to the primary electrical panel and switch gear building,

By: _____
David Driskell, Secretary of the Planning Board

Address: 3000 Pearl Street a/k/a Pkwy; 2170 30th Street; 2100 30th Street; and 2120 32nd Street

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
January 28, 2016
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:
Bryan Bowen, Chair
John Putnam
John Gerstle
Liz Payton
Crystal Gray
Tim Plass, appointed as alternate board member

PLANNING BOARD MEMBERS ABSENT:
Leonard May, recused from project for public hearing (*Agenda Item 5A*)

STAFF PRESENT:
Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Elaine McLaughlin, Senior Planner
David Thompson, Civil Engineer II – Transportation
Sam Assefa, Senior Urban Designer
Edward Stafford, Development Review Manager for Public Works
Kalani Pahoa, Urban Designer
Michelle Allen, Senior Housing Planner

1. **CALL TO ORDER**
   Chair, **B. Bowen**, declared a quorum at 7:03 p.m. and the following business was conducted.

2. **APPROVAL OF MINUTES**
   None to approve

3. **PUBLIC PARTICIPATION**
   No one spoke.

4. **DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS**
   No items were discussed.

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5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: SITE REVIEW AND REZONING: Applications under case no.'s LUR2015-00042 and LUR2015-00043, with a proposal to rezone properties located at 2170 30th Street and 3000 Pearl Street from Business- Regional 1 (BR-1) to Mixed Use 4 (MU-4) consistent with the Boulder Valley Comprehensive Plan, and rezoning of northeastern portion of property at 2120 32nd Street from Industrial-General (IG) to Business-Regional 1 (BR-1) consistent with the Boulder Valley Comprehensive Plan; and Site Review for a mixed use development of these properties and 2100 30th Street to include a mix of uses with office, retail, restaurant, and multi-family residential apartments. The proposal includes a request for amendments to the Transit Village Area Plan Connections Plan.

Applicant: Shane White
Property Owners:

- Hollister Properties LLLP, a Colorado Limited liability limited partnership
- Bridge Commercial Partners Fund IV, LLC, a Delaware limited liability company
- Alvin E. Baker and Virginia Ann Baker

Staff Presentation:
C. Ferro introduced the item.
E. McLaughlin presented the item to the board.

Board Questions:
E. McLaughlin answered questions from the board.

Applicant Presentation:
Tim Downey and **Shane White** with Southern Land Company and **Danica Powell** with Trestle Strategy Group, the applicants and owners' representatives, presented the item to the Board.

Board Questions:
D. Powell, S. White, **Kelly Davis** with OZ Architecture, **Ben Crenshaw** with Southern Land Company, and **Steven Tuttle** with Fox Tuttle Hernandez Transportation Group, the applicants and owners' representatives, answered questions from the Board.

Design Advisory Board (DAB) Comments:
Jamison Brown, Chair of Design Advisory Board, addressed the Planning Board and stated that the project was reviewed by DAB twice and the project improved dramatically through the process. The DAB approved of the project.

Public Hearing:

1. **Jeremy Durham**, representing Boulder Housing Partners (BHP), discussed the options for meeting the affordable housing requirements of the project. He informed the Planning Board that the developer has reached out to BHP to discuss a potential partnership in lieu of a cash-in-lieu approach. BHP has been actively working on a partnership and expects it to evolve over the next several months. He discussed some

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of the benefits to having a partnership as opposed to on-site affordable housing. He proposed a possible 48-60 units.

2. **Clif Harald**, representing the Boulder Economic Council, stated that he is in support of the project. The requirements are consistent with TVAP, site criteria and land use code. This project will provide significant community benefits and will meet growing demands.

3. **Eric Budd**, representing the Better Boulder Steering Committee, asked the Planning Board to approve this project. He indicated that it will be a good mix of diverse housing units and the density is appropriate for the transit village center. The project promotes street life. They would like to see an improvement in the number of car spaces on site and how the transportation management program can be used to reduce this number. They have no position regarding on-site affordable housing vs. off-site.

4. **Doyle Albee**, a resident of Solana Apartments, stated that his personal carbon footprint is lower since he moved there. He is in support of the project.

5. **Karen Klerman** wanted to provide a positive reference for Southern Land Company. They do high quality projects and they are very professional. The proposed project is demonstrates that the developer has listened to the community and the guidance from the planning department. She is in support of the project.

6. **Jaime Roth** is in support of Reve Project. The project will provide walkability and the density makes sense.

7. **Ben Binder** stated his main concern is traffic. With density, traffic issues won't disappear. The proposed area will be the most congested area in the city. He suggested reducing the density of the project and placing permanent affordable housing on site.

8. **Sean Kelly**, a Solana Apartments resident, is excited by the project but concerned that he does not see many "green" spaces, as in plantings. In addition, he would like to see more connections to the bike and hiking paths north of Pearl Street and to the Boulder Creek Trail.

Board Comments:

- The board agreed to discuss the key issues collectively, rather than individually.

- All board members overall agreed that they were in support of the project and that the project embraces the ditch, the public realm and will be a good compliment for Boulder Junction.

- Most board members felt that the TVAP and BVRC guidelines are being met. **C. Gray** had concern with the proposed variety of heights of the buildings, in particular three and four story buildings.

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- The board was in support of the change in re-zoning and felt it was appropriate.

- **L. Payton** expressed concern with the balance of employee base vs. the number of residential units available. She stated that it would have been nice to see Building 2 reallocate some of its space to residential.

- **J. Putnam** stated that he may request the addition of a few conditions regarding the addition of wiring to support for future photovoltaic systems, reduced parking and to add EV charging stations but leave details open for staff.

- The board was in agreement with **J. Putnam's** suggested conditions.

- Several board members had concerns with the affordable housing issue and agreed that they would like to see on-site affordable housing. The overall concern was that if the developer did a cash-in-lieu project, then an affordable housing project would end up on the fringe of the city and it would be challenging to find a location and obtain neighborhood acceptance. On-site affordable housing could make the project better. The board stated that there may be some creative solutions with BHP for on-site affordable housing.

- **C. Gray** suggested that the Planning Board recommendthat before the City Manager approves a cash-in-lieu option for the entire 20 percent Inclusionary Housing requirement, that the City Manager inform the City Council of the decision before it is finalized; because the first 10 percent the developer can buy out and the second 10 percent and the City Manager has to approve. All board members were in agreement to her suggestion. **H. Pannewig** clarified however that the on-site requirement referenced by C. Gray only applies to development of "for sale" units and not "for rental" units.

- The board was in agreement to recommend to City Council to review the on-site affordable housing issue since Planning Board does not have the necessary tools to compel the developer to include it and find some creative solutions.

- **J. Gerstle,** with respect to the TVAP connections plan, expressed concern with regards to the proposed traffic flowing through the plaza. He suggested reviewing the projected traffic flow to the uses proposed for the plaza and possibly improve the situation.

- In addition, **J. Gerstle** questioned the dog park location on the southern and eastern border of the project, whether it would be accessible or not to the public. He suggested that it should be kept open for a future connection to 32nd Street because it will become a desirable connection, therefore it could perhaps be expanded or the use of the land changed.

<u>Design Issues:</u>

- The board discussed design elements separately.

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- **C. Gray** expressed her concern in varying the heights of the buildings, especially the ones proposed on 30th Street. She suggested dropping the height in order to create a building that would not appear to be monolithic and to break up the façade along Pearl Street and 30th Street.

- Several other board members did not agree with **C. Gray** stating that the buildings do not appear to be monolithic and that the architecture would be hitting the desired three to four stories and suggested keeping the proposal as is.

- **T. Plass** mentioned that he is not concerned with the height but with the pedestrian experience along Building 2 and would like to see more details or activities on 30th Street for that building.

- **B. Bowen** informed the Planning Board that DAB had reviewed this project extensively and thought the pedestian experience and the heights were adequately done.

Motion:
On a motion by **B. Bowen,** seconded by **J. Putnam,** the Planning Board voted 5-1 (**C. Gray** opposed, **L. May** recused) to approve Site Review Application no. LUR2015-00042 along with the proposed amendments to the TVAP Connections Plan, and that the Planning Board recommend to City Council approval of Rezoning Application no. LUR2015-00043, incorporating the staff memorandum and the attached Site Review and Rezoning Criteria Checklists as findings of fact, subject to the recommended conditions of approval as listed in the packet with addition of the following conditions:

- The Planning Board approves and requires a 15% reduction of motor vehicle parking spaces and that the Applicant provide a TDM plan, subject to approval by staff,
- Each building shall be pre-wired for future photovoltaic systems, from the roof-top to the primary electrical panel and switch gear building,
- As part of the TEC doc review, the Applicant shall submit a revised site plan that shows some amount of EV parking.

C. Gray opposed, stating that the project does not meet the site review criteria due to lack of height variance and the TVAP criteria for three and four story buildings is not met.

J. Putnam encouraged the applicant to consider the pedestrian experience along 30th Street as well as on-site affordable housing.

L. Payton made a friendly amendment to change the parking reduction to 20% from 15%.
B. Bowen and **J. Putnam** accepted the friendly amendment.

On a motion by **C. Gray** seconded by **L. Payton**, the Planning Board voted 5-1 (**J. Putnam** opposed by abstention) to further recommend that City Council examine changes to the Inclusionary Housing Ordinance to allow the city to require on-site affordable housing and consider changes to the site review criteria to be able to require on-site affordable housing.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. APA Conference, April 2016, Phoenix, AZ – Attendance of Planning Board Members

- **J. Gerstle** expressed interest in attending.

B. Possible Joint Meeting with Planning Commission in March 2016

- **Most board members stated that they would not have a conflict.**
- **C. Spence** informed the board that **L. May** (absent) stated he would be out of the country at that time.
- **C. Spence** will confirm the meeting date, time and location and inform the board.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 11:26 p.m.

APPROVED BY

_____
Board Chair

_____
DATE

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Concept Plan Review Planning Board June 5, 2014 Minutes

Concept Plan Review Planning Board Oct. 30, 2014 Minutes

Concept Plan Review City
Council Jan. 15, 2015 Minutes

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BDAB minutes_final-signed.pdf

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Note: Due to the size and number of pages of the plan set, Attachment E is too large to include in the memo. Therefore, a complete set of plans is available in the City Council office of the City Manager's Office as well as on the City Council website.

INFORMATION PACKET
MEMORANDUM

To: Mayor and Members of City Council

From: Jane S. Brautigam, City Manager
Mary Ann Weideman, Assistant City Manager
Molly Winter, Director of Community Vitality
Bob Eichem, Chief Financial Officer
Liz Hanson, Economic Vitality Coordinator
Jennifer Pinsonneault, Business Liaison
Holden Lewis, Economic Vitality Intern

Date: February 16, 2016

Subject: Information Item: Report on Business Incentive Programs - Flexible Rebate and Microloan Programs

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EXECUTIVE SUMMARY

This memorandum provides a report on the City of Boulder's business incentive programs. It includes a return on investment (ROI) analysis for the Flexible Rebate Program and update on the Boulder Microloan Program.

The **Flexible Rebate Program** is an important business retention tool for encouraging primary employers to remain and grow in Boulder rather moving to other communities. The program authorizes the city manager to approve a rebate of eligible fees and taxes for primary employers that meet certain sustainability guidelines. For the most recently completed program year, rebates were approved for ten companies with a combined total of $470,000. Companies approved to receive rebates represented a variety of industries and range of sizes. A ROI analysis completed by the Boulder Economic Council (BEC) estimates a net return of $3.8 million to the city over the three-year period covered by the program, or $8.72 for every $1.00 approved for rebate.

The **Boulder Microloan Program** is a public-private partnership between the City of Boulder, local banks and the Colorado Enterprise Fund (CEF). Loans through the program provide working capital to local small businesses and non-profit organizations unable to obtain financing through traditional sources. Last year, sixteen small businesses, including nine women-owned

businesses and nine low-income wage earners, received loans totaling $674,318 through the microloan program. Loans ranged from $2,505 to $76,570 (loans larger than $50,000 were funded using supplemental CEF funds per program requirements). Businesses that received loans through the program in 2015 were able to create or retain a total of 142 jobs.

FISCAL IMPACT

Flexible Rebate Program

Over the past two years, there has been a higher level of interest in the flexible rebate incentive program and increased number of applications than in previous years. In 2014 (the most recently completed program year), the city manager approved a total of $470,000 in rebates, funded by $350,000 budgeted for the year and $120,000 in unused rebate funds from previous years carried over for reinvestment in the program.

For the 2015 program year, a total of $463,400 is available for rebates including a budgeted amount of $350,000 and $113,400 in unused rebate funds from previous years. The nine applications received at the end of 2015 are currently being reviewed. The approved budget for the 2016 program is $350,000 which will be supplemented with any available carryover funds.

Boulder Microloan Program

In 2015, the City of Boulder contributed $50,000 in the Boulder microloan fund for a total investment of $300,000 in the program since it was launched in 2009. The city's 2016 budget includes $50,000 for an additional contribution to the fund.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Economic: Business incentives offered through the Flexible Rebate Program and Boulder Microloan Program encourage the retention and, in some cases, relocation of businesses that support the local economy by paying local taxes, providing jobs, purchasing goods and services from other local businesses and investing in facilities and equipment. These businesses produce city revenues directly through sales, use, and property taxes, permit fees associated with remodeling and construction projects and indirectly through employee and visitor spending.

Environmental: Businesses that remain and expand in Boulder rather than move to other cities have the opportunity to use the alternative transportation, waste reduction, water conservation, and energy efficiency resources available to Boulder businesses. Flexible Rebate Program recipients are required to meet environmental sustainability guidelines and businesses applying for an incentive through the program often learn about commute trip reduction and other sustainability programs and resources.

Social: Boulder's social services are funded through tax revenues and supported by a healthy and diverse economy. Business incentives encourage businesses to invest in Boulder and support a strong local economy. To be eligible for the city's Flexible Rebate Program, companies are required to meet social sustainability guidelines such as paying above average wages, offering health insurance and wellness benefits, and supporting workforce diversity and local non-profits. Businesses that receive funding through the Boulder Microloan Program often represent women- or minority-owned businesses or low income wage earners.

BACKGROUND

The city's business incentive programs were developed to support the city's economic vitality efforts which are focused on the creation, retention and expansion of businesses in Boulder. Both the Flexible Rebate Program and Boulder Microloan Program are managed by the Economic Vitality (EV) Program, part of the city's new Department of Community Vitality.

Flexible Rebate Program

The Flexible Rebate Program has been an effective business retention tool which has helped encourage businesses to expand in Boulder rather than move to other communities. Being approved for a rebate has been an important consideration in the decision to remain in Boulder for several companies. The program authorizes the city manager to approve a rebate of certain permit fees and sales and use taxes paid to the city by eligible businesses provided certain sustainability guidelines are met. Once approved, companies must document the payment of eligible taxes and fees to the city before receiving a rebate.

Rebate recipients represent a wide range of business types and sizes, reflecting Boulder's diverse economy. To be eligible for the program, businesses must be primary employers* located in the City of Boulder that meet eligibility requirements and sustainability guidelines. Since the program was launched in 2007, 64 rebates of eligible fees and taxes paid to the city have been approved totaling $2.95 million.

Each year since the program was introduced, the city has hired the Boulder Economic Council (BEC) to conduct an independent evaluation of the flexible rebate program including a return on investment (ROI) analysis. Evaluations are based on the previous year's program due to the schedule for receiving and reviewing applications. Most applications are submitted near the December deadline; the review and approval process typically takes place the following year.

See **Attachment A** for *Return on Investment Analysis on the 2014 Flexible Rebate Program*.

Boulder Microloan Program

The Boulder Microloan Program serves small businesses unable to obtain financing through traditional sources through a public-private partnership of the City of Boulder, local banks and Colorado Enterprise Fund (CEF), a non-profit lender.

The program was established in 2009 with initial funding of $325,000 from the City of Boulder, local banks and CEF, and has grown to over $1.3 million. As loans are repaid, money is returned to the fund for future borrowers. In addition, CEF leverages the microloan fund with grants and other funding sources to increase the funds available to borrowers. Businesses in a range of industries have received loans through the program, enabling them to support the local economy and community by providing important services and generating sales taxes. From 2009 to 2015,

** Primary employers are defined by ordinance as a business with any number of employees that generates more than 50% of its revenues from outside Boulder County, excluding hotels, motels, restaurants and retailers.*

78 loans totaling more than $3 million were made through the program including over $1.4 million from other CEF sources. The program's loan portfolio has performed exceptionally well.

Under an agreement with the city, CEF manages the Boulder Microloan Program and provides technical assistance to borrowers. Potential clients are referred by the Boulder Small Business Center (SBDC) and local banks. An advisory board, which includes representatives from CEF, City of Boulder, local banks and Boulder SBDC, meets periodically to review the program and identify areas for improvement and opportunities to expand the program's reach.

In addition to providing funding for loans through the microloan program, the city's Division of Housing provides CDBG (Community Development Block Grant) funding to help cover costs for outreach to raise awareness of business assistance available through CEF. See **Attachment B** for CEF report, *Boulder Microloan Fund 2015 Program Year in Review.*

ANALYSIS

Flexible Rebate Program

Rebates for ten primary employers were approved by the city manager through the 2014 Flexible Rebate Program. Approved rebate amounts ranged from $10,000 to $80,000 for a total of $470,000. Companies receiving rebate approvals ranged in size from fewer than 30 to more than 350 employees and represented a variety of industries including IT, manufacturing, natural & organic products, outdoor recreation, professional services and renewable energy. The diversity of companies approved for rebates reflect the city's goals of supporting a diverse economy and encouraging both small and large companies to remain and expand in Boulder.

The companies approved for an incentive through the 2014 program indicated rebates would help offset the costs of expanding in Boulder and make their operations more sustainable. Five of the companies (BI Incorporated, IMM, SendGrid, Spectra Logic, Spyder Active Sports) were considering locations in other communities and indicated receiving a rebate was an important factor in their decision to remain or expand in Boulder.

For each dollar approved in rebates, the estimated return on investment ranged from $2.44 to $39.71 for an overall ROI of $8.72 for the 2014 program year.

2014 Recipient	Industry	Net return each $1 invested in program**	Approved Rebate
BI Incorporated*	IT – GPS monitoring devices	$12.98	$35,000
Boulder Brands	Natural & Organic foods	$12.24	$20,000
Flatirons Solutions	IT – Consulting, software	$7.34	$60,000
IMM*	Creative services - Advertising	$2.44	$80,000
juwi Solar	Cleantech	$11.01	$10,000
LogRhythm	IT – Security software	$16.02	$75,000
Sea to Summit	Outdoor products – distribution	$3.45	$40,000
SendGrid*	IT – Cloud-based email services	$3.61	$60,000
Spectra Logic*	IT – Data storage	$39.71	$15,000
Spyder Active Sports*	Outdoor products – active wear	$6.77	$75,000
Total		$8.72	$470,000

**Considered locations outside Boulder; **Net return per $1 approved for rebate as calculated by BEC*

Businesses approved for a 2014 flexible rebate incentive are highlighted below. Detailed information about each can be found in Attachment A.

- **BI Incorporated** was started in Boulder in 1978 and is the nation's leading provider of offender monitoring products and services used by local, state and federal agencies to monitor parolees, probationers and pretrial defendants living in communities across the country. After considering a number of locations, the company decided to remain in Boulder and invested approximately $4.8 million to renovate a building in Gunbarrel. The company was approved for a $35,000 rebate to help offset the costs of building improvements.

- **Boulder Brands** is one of the largest natural consumer packaged food companies in the U.S. Company brands include Earth Balance, EVOL Foods, Glutino, Smart Balance and Udi's Gluten Free. The city approved a rebate of $60,000 through the 2013 program to help offset the cost of relocating its headquarters to Boulder. The company was approved for an additional rebate of $20,000 through the 2014 program to help offset the costs of expanding its headquarters including the addition of an innovation kitchen. Boulder Brands was acquired by New Jersey-based Pinnacle Foods in January 2016. When the acquisition was announced, Pinnacle indicated plans to retain Boulder Brand's headquarters in downtown Boulder.

- **Flatirons Solutions** was started in Boulder by four former IBM employees and has grown to over 450 employees in offices throughout the world, including more than 140 in Boulder. The company provides consulting, technology and engineering services to clients in aerospace, automotive, electronics, financial services, government, healthcare and publishing. Flatirons Solutions was approved for a $60,000 rebate to help offset the cost of renovating a building in east Boulder.

- **IMM** is a fast-growing digital advertising agency founded in Boulder in 2006. The company outgrew its office in downtown Boulder and looked for space in a number of communities before deciding to keep its headquarters in Boulder. A rebate of $80,000 was approved for the company to help offset the cost of renovating a warehouse in Flatiron Park to create a "cool tech space" that will accommodate IMM's growing team in Boulder.

> *"We are thrilled to expand our presence in Boulder, a city that is a great fit for our company and our culture. – IMM*

- **juwi solar** specializes in the development, construction and operation of solar energy systems. The company established its North American headquarters in Boulder in 2008 and recently moved into a new office at Twenty Ninth Street. The $10,000 rebate approved for the company helped offset relocation and tenant improvement costs.

- **LogRhythm** specializes in data security and security analytics. The company began in 2003 with only two employees and expects to have more than 600 employees in Boulder by the end of 2016. After outgrowing its current building, the company decided to lease the building next door and invested over $1 million on leasehold improvements and furniture. A rebate of $75,000 was approved for LogRhythm to help offset the costs of expanding its offices in Boulder.

> *"The City of Boulder's flexible rebate incentive program has helped make it possible for us to expand our business and remain in the beautiful city of Boulder, which has been our home for almost 10 years." – LogRhythm*

- **Sea to Summit** is a wholesale distributor of wilderness and outdoor gear. The company moved to Boulder in 2005 where it has grown from two founders to more than 30 employees. Sea to Summit recently transformed a vacant industrial building in Flatiron Park into an upscale office and modern warehouse and distribution facility with energy-saving features. A $40,000 rebate was approved to help offset relocation and expansion costs.

> *"For an outdoor company, Boulder is the ideal home. We are so pleased that the city of Boulder values retaining companies like ours through the flexible rebate program." – Sea to Summit*

- **SendGrid** is a cloud-based service that provides email delivery for more than 30,000 customers. Founded in 2009 by three TechStars graduates, the company has grown to 275 employees. SendGrid was approved for a $60,000 rebate to help offset the cost of relocating its headquarters in downtown Boulder in an older building which was creatively retrofitted to accommodate a rapidly growing technology firm.

- **Spectra Logic** designs and manufactures proprietary data storage hardware. The company has deep roots in Boulder, tracing back to 1979 when its founder started a business from his University of Colorado dorm room. Today, Spectra Logic is one of the area's largest employers with more than 400 employees. The company was approved for a $15,000 rebate to help offset the costs of expanding its Boulder offices.

- **Spyder Active Sports** manufactures and distributes high-performance apparel. Founded in 1977 in Boulder as a small mail order business selling race sweaters for skiers, the company has grown to one of the largest ski-specialty brands in the world. A $75,000 rebate was approved to help offset the costs of moving the company's showroom from Denver to Boulder.

Financial Return – To provide an independent evaluation of the Flexible Rebate Program, the City of Boulder hired the Boulder Economic Council (BEC) to perform a ROI analysis of the previous year's program. The BEC's analysis is a conservative estimate based on updated projections by rebate recipients of the following information:

- Number of employees (total and number living in Boulder)
- Capital expenditures and facility improvements
- Indirect employment based on industry-specific job multipliers
- Employee (direct and indirect) spending in Boulder

- Number of overnight visits to Boulder by company clients and prospects
- Taxable local sales

The BEC's analysis shows an overall estimated net return of $3,809,869 (net present value) to the city with **a return on investment of $8.72 for every $1.00 approved for rebates** through the 2014 program. The net return for the five companies that considered expanding in other communities is estimated at $2,084,163 or $7.43 for every $1.00 approved for rebates (see **Attachment A** for detailed findings.)

Sustainability Impact – Businesses approved for a rebate under the 2014 program actively participate in programs that support the city's sustainability goals including increased energy efficiency and use of alternative transportation, reduced waste, and support for local businesses and non-profits organizations. Program applicants were required to comply with a minimum number of social sustainability (3 points of 10 points possible) and community and environmental sustainability guidelines (8 points of 33 points possible). Providing choices helps provide options to reflect a wide range of applicant situations and business needs.

The BEC report (**Attachment A**) provides detailed information on the sustainability guidelines met by 2014 Flexible Rebate Program recipients, which included:

- Requesting energy assessments and participating in energy efficiency programs
- Implementing recycling or zero waste programs
- Participating in the EcoPass Program and Commute Trip Reduction programs
- Providing significant support for Boulder County non-profit organizations
- Adopting business practices that support sustainability
- Providing health insurance benefits for employees and paying above average wages

Several of the 2014 rebate recipients met more than the required number of minimum sustainability guidelines. Examples include:

- Sea to Summit is committed to environmentally sound practices including recycling and offsets the impact of its electricity use by purchasing 100% wind power. The company encourages employees to reduce vehicle trips by providing showers, changing facilities and indoor bike storage, and reimburses employees for bicycle repairs, maintenance and safety gear. Sea to Summit reused and repurposed as many building materials as possible and incorporated energy-saving features in its new facility.

- BI pays higher than average wages, provides comprehensive health benefits, encourages workplace diversity and supports local nonprofit organizations. The company is also committed to environmentally sound practices including special directives developed to minimize the impact of electronic waste and reducing levels of certain elements in new electronic equipment.

- Flatiron Solutions purchases at least 25% of total goods and services from local businesses including all of its catering, hotel stays for visitors and the majority of its office supplies. The company encourages employees to bike to work and is committed to environmentally sound practices. It pays higher than average wages, encourages employee wellness and provides extensive support to local non-profits.

Program Update – Between 2007 and 2014, the city manager approved 64 rebates totaling $2.9 million. According to the BEC analysis, the total net return to the city is estimated to be $26.8 million or $9.94 for every $1 approved for rebate during that time (see Attachment A for more details, including total rebates approved and estimated ROI by program year.) In 2015, the city received ten Flexible Rebate Program applications in November and December. Those applications are currently under review.

Boulder Microloan Program

The Boulder microloan program was established in 2009 with initial funding of $325,000 including investments from local banks, the Colorado Enterprise Fund (CEF) and a $50,000 grant from the City of Boulder. Since then, the microloan fund has grown to $1,375,000 including grants totaling $300,000 from the city and investments totaling $650,000 from local banks and $425,000 from CEF.

Boulder Microloan Program Funding 2009 - 2015		
Colorado Enterprise Fund	$425,000	Loans
City of Boulder	$300,000	Grants
First National Bank CDC	$200,000	Loan
First National Bank	$125,000	Loan
Wells Fargo Bank	$100,000	Loan (renewed)
Citywide Banks	$100,000	Loan
FirstBank	$75,000	Loan
First National Bank of Colorado	$50,000	Loan (retired)
First Citizens Bank & Trust	$25,000	Loan
US Bank	$25,000	Grant

Over the years, more than $3 million has been loaned to small businesses through the program, providing a greater impact than the investment made by the program's funding partners. Funds invested in the program have been leveraged by reinvesting the principal of repaid loans back into the fund and using more than $1.4 million from other CEF funding sources.

In 2015, sixteen small businesses received loans totaling $674,318 through the Boulder Microloan Program. The loans ranged from $2,505 to $76,570 (loans larger than $50,000 were made using microloan program funds combined with other CEF funding sources per program requirements). The loans had repayments terms ranging from 2.5 to 8 years and interest rates of 9% to 11.75%. These businesses were able to create or retain a total of 142 jobs. Businesses that received loans through the program in 2015 are listed below. Two had previously received loans through the program (Lotus Blossom Learning Center and University Parent).

- **Accuer, Inc.** – Software as a Service developer
- **Brewjacket, Inc.** – Craft brewing supply
- **Fortuna Single Estate Chocolate** – High end, sustainable chocolates
- **Green Machines of Boulder, LLC** – ATM program for non-profit organizations
- **Integrated Learning Academy, LLC** – Assessment and tutoring services
- **JP Egbert and Associates, LLC** – Real estate services
- **Lotus Blossom Learning Center, Inc.** – Childcare provider
- **Mock Painting, LLC** – Painting contractor
- **Moon Song Midwifery, LLC** – Pregnancy, pre/post natal services
- **Open Door Brewing Company, LLC** – Craft brewery - beer

- **ReMarkable Foods, LLC** – Healthy snack foods
- **Rowdy Mermaid Kombucha, LLC** – Craft brewery - kombucha
- **Streamlined Web Design, LLC** – Web services
- **The Way of the Happy Woman, LLC** – Women's health and wellness services
- **Thrive** – Restaurant featuring organic and vegan foods
- **University Parent** – Publications for parents of university students

A total of 78 loans totaling $3,053,372 ($1,584,006 in funds from the microloan fund and $1,469,366 from other CEF funding sources) have been made to Boulder area small businesses through the Boulder Microloan Program since 2009.

An advisory board of microloan fund partners meets periodically to review the program and identify opportunities for improvement. The group met in December 2015 to discuss program results and opportunities for growing the fund to serve more small businesses. Small businesses are referred to the program through the city and CEF websites, business outreach efforts, local banks, and the Boulder Small Business Development Center (SBDC) and other business support organizations. CEF receives a steady flow of solid loan referrals and the program's loan portfolio has continued to perform well with very few partial or complete charge-offs.

The Boulder Microloan Program serves small businesses unable to obtain financing through traditional sources that are capable of sustaining a business and repaying debt. Borrowers who received loans through the program in 2015 represent a diverse mix of businesses. These businesses contribute to the local community by providing important services and amenities, generating sales taxes, and supporting the economy. Of the 16 borrowers served by the program in 2015, more than half were women-owned or low-income wage earners (nine or 56%).

NEXT STEPS

Report findings and feedback from businesses indicate the Flexible Rebate Program is a useful, cost effective business retention tool and the Boulder Microloan Program has helped to increase the amount of working capital available to small businesses in the Boulder area.

In 2016, the EV staff will continue to use the Flexible Rebate Program primarily as a business retention tool, identifying potential applicants through business outreach meetings, business assistance requests and ongoing communication with property owners, commercial real estate brokers and economic vitality partners.

Plans for the Boulder Microloan Program in 2016 include continuing to work with the Small Business Development Center and CEF to promote the program to small businesses that may find it to be a good fit for their situation. Staff will also work with CEF to explore options for increasing program funding through greater participation from banks and opportunities to leverage funds through grants and other programs.

ATTACHMENTS

Attachment A: Return on Investment Analysis on the 2014 Flexible Rebate Program (Report to the City of Boulder by the Boulder Economic Council)

Attachment B: Boulder Microloan Program 2015 Program Year in Review (Report to the City of Boulder by the Colorado Enterprise Fund)

ROI Analysis

City of Boulder Flexible Rebate Program

December 2015

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Executive Summary

The City of Boulder's Flexible Rebate Program continues to be a useful and cost-effective tool for retaining businesses, based on a return on investment (ROI) analysis conducted by the Boulder Economic Council (BEC).

In 2014, rebates were approved for ten Boulder primary employers that contribute to the economic, environmental, and social sustainability of the community and agreed to stay in Boulder for at least three years. The companies planned to use the funds to help offset costs associated with their growth and expansion and make their operations more sustainable.

The rebates approved by City Manager Jane Brautigam in 2014 ranged from $10,000 to $80,000 for a total of $470,000. Based on an analysis of projected employment and wages provided by rebate recipients for the three year period (2014-2016) covered by the rebate, the city will receive an estimated net return of $3.81 million or $8.72 for every $1 invested, through:

- Sales taxes paid on retail sales in Boulder;
- Taxes on business capital expenditures and facility improvements in Boulder;
- Building permit fees paid to the city; and
- Sales taxes paid on purchases by direct and indirect employees and visitors.

In addition, the rebate recipients will create new jobs and are committed to supporting the Boulder community through programs that align with the city's goals for environmental and social sustainability including paying higher than average wages, supporting local charities and non-profit organizations, and participating in programs to reduce their energy consumption, waste and employee commuter trips.

Program participants included companies in a range of industries including organic food production, cleantech, wholesale trade in outdoor products, advertising / public relations and various IT services. Five of the companies were considering locations outside the City for expansion or relocation and the rebates they received influenced their decisions to remain, expand or consolidate in Boulder. When the companies submitted their applications in 2014, they ranged in size from 27 to 358 employees for a total of 1,312 employees. By 2016 they expect to employ a total of 2,099 employees for an increase of 60%.

2014 Flexible Rebate Recipient	Industry	2014 Employees	2016 Employees	Rebate Awarded	Net Return on $1
BI Inc.*	IT - GPS Monitoring Devices	208	217	$35,000	$12.98
Boulder Brands	Organic Food Production	80	150	$20,000	$12.24
Flatirons Solutions	IT - Custom computer services	125	182	$60,000	$7.34
IMM*	Advertising / Public Relations	98	127	$80,000	$2.44
juwi Solar	Cleantech	50	50	$10,000	$11.01
LogRhythm	IT - Security software	206	640	$75,000	$16.02
Sea to Summit	Wholesale Trade - Outdoor Products	27	37	$40,000	$3.45
SendGrid*	IT - Cloud-based email services	65	120	$60,000	$3.61
Spectra Logic*	IT – Data Storage	358	446	$15,000	$39.71
Spyder Active Sports*	Wholesale Trade - Outdoor Products	95	130	$75,000	$6.77
Total		**1,312**	**2,099**	**$470,000**	**$8.72**

** Companies considering expanding or relocating outside the City of Boulder.*

Detailed Summary of Results

Background

Since 2007, the City of Boulder has offered business incentives through its Flexible Rebate Program to help eligible businesses expand in Boulder. The program is part of the City's ongoing effort to support the economic vitality of the city through outreach, assistance, and recognition of local businesses.

To be eligible for the program, businesses are required to be primary employers, defined as generating more than half of company revenue from sales outside Boulder County. They are also required to reflect the values and goals of Boulder, demonstrated by commitment to environmental and social sustainability of the community, and to agree to remain in Boulder for at least three years. Funds are reimbursed only as companies submit receipts to show that qualifying taxes and fees have been paid to the City of Boulder.

The Boulder Economic Council (BEC) has been commissioned by the City of Boulder to provide a third-party evaluation of the effectiveness of the Flexible Rebate Program, including a return on investment (ROI) analysis.

(See Appendix C for more information including program history.)

Methodology

At the time each company applied for a rebate, the City of Boulder Finance Department performed an analysis to ensure that the sales tax on local sales in Boulder, any sales and use taxes paid to the City on capital expenditures and facility improvements in Boulder and building permit fees combined would cover the cost of the incentive. They also considered the sales taxes generated by anticipated spending by local employees and used a flat jobs multiplier of 1.5.

The BEC analysis builds on the city's analysis and includes the broader economic impacts that businesses have on the community. Key refinements to the analysis include consideration of:

- Industry specific 2013 IMPLAN job multipliers for each rebate recipient
- 2013 Bureau of Labor Statistics consumer spending data by employee wage group
- Spending for non-resident employees, conservatively estimated at $25/week
- Spending for overnight business visitors based on the most recent data available (2014) from the Boulder Convention and Visitor's Bureau

(See Appendix B for more information on data sources, assumptions, and methodology.)

2014 Program Highlights

The City of Boulder approved $470,000 in tax/fee rebates for ten primary employers in 2014. All of the companies were at transition points in their operations and planned to use funds from the Flexible Rebate Program to help offset costs associated with growth and expansion and make their operations more sustainable. The availability of an incentive through the rebate program was a factor for five of the companies who considered relocating or expanding in other locations outside the City but decided to remain, expand or consolidate in Boulder.

The companies that were approved for an incentive through the City of Boulder Flexible Rebate Program in 2014 included different industries and sizes of businesses, reflecting the City's goal of assisting a variety of businesses with the program. Comments made by rebate recipients indicate the program is helping the city build goodwill in the Boulder business community and helping to demonstrate its support of business growth and expansion in Boulder.

The following companies were approved for a Flexible Rebate Program incentive in 2014 *(See Appendix A for a detailed overview of recipients):*

BI Inc. is the nation's leading provider of offender monitoring products and services, providing intensive supervision technologies and programs to federal, state and local agencies. Established in 1978 in Gunbarrel, the company designs, manufactures and services its GPS tracking, alcohol monitoring, and electronic monitoring products. After considering a number of locations, BI decided to remain in Boulder and renovate a 78,500 square foot building at 6265 Gunbarrel Avenue. BI Inc. received approval for a $35,000 rebate to help assist with the costs of this relocation. The new office space will offer more amenities for employees and favorably accommodate customer events.

> *BI has enjoyed a long history in Boulder and we appreciate the City's flexible rebate program. Our past and future commitment to meet sustainability guidelines helps ensure a healthy and safe environment for all of our employees.*

Boulder Brands, Inc. (formerly Smart Balance, Inc.) is one of the largest natural consumer packaged food companies in the U.S. It has recently (January 2016) been acquired by Pinnacle Foods, headquartered in Parsippany, New Jersey. The company's five brands (Earth Balance, EVOL Foods, Glutino, Smart Balance, and Udi's Gluten Free) represent more than 300 products and generate more than $500 million in annual revenue. The rapidly growing company relocated to Colorado in 2013 and is currently headquartered in downtown Boulder. The company recently added office and meeting space and used a portion of the rebate to offset its new innovation kitchen that will provide training and develop new products. Boulder Brands received approval for a $20,000 rebate to help

offset the costs of expanding its corporate headquarters to the first and basement levels of 1600 Pearl St., adding 25,000 square feet.

We are excited to expand our headquarters in downtown Boulder – in the heart of the natural foods industry. The Boulder community has been a supportive and engaging home for our business, and we look forward to many more productive years to come.

Flatirons Solutions was established in 2001 in Boulder by four former IBM employees in the basement of a founder's home. The company was acquired in 2013 by California-based InfoTrust Group, Inc., which subsequently took the Flatirons Solutions name. Flatirons Solutions has grown to more than 450 employees in offices in North America, Europe, and Asia, including more than 140 in Boulder. The company provides consulting, technology, and engineering services to aerospace, automotive, electronics, financial services, government, healthcare and publishing companies. To accommodate its acquisition, the company invested more than $1.4 million to upgrade a building in East Boulder. Flatirons Solutions received approval for a $60,000 rebate to help offset some of the costs related to the company's expansion.

A large part of Flatirons' success stems from our corporate culture that is reflected in the environmental, social, and corporate values unique to the Boulder community. We identify strongly with the Boulder area and are committed to a long-term presence here.

IMM is a full-service digital advertising agency founded in Boulder. The success of the company's innovative business model has led to rapid growth, attracting national clients such as General Motors, Chili's Grill & Bar, Big 5 Sporting Goods, Famous Footwear, and Roku. Since the company was founded in 2006, it has grown to more than 100 employees. To accommodate company growth, IMM looked for space in several communities before deciding to renovate a 33,000-square-foot industrial space in Flatirons Park. IMM received approval for an $80,000 rebate to reduce the cost of construction, which will enable the company to expand and accommodate more clients.

We are thrilled to expand our presence in Boulder, a city that is a great fit for our company and our culture. Boulder has been home to us since we founded our company nearly a decade ago, and we're excited to see a growing startup community take shape here.

juwi Solar is a developer and contractor of solar powered plants throughout North America. Focusing on large-scale energy projects, juwi Solar develops, builds, and operates solar, wind, and biomass energy projects across the country. The company's solar group has been involved in more than 1,500 photovoltaic projects worldwide, totaling more than 1GW of operating capacity. Based in Boulder since 2008, juwi Solar recently renovated its office at the Twenty Ninth Street Shopping District. juwi Solar received approval for a $10,000 rebate to help offset the costs of moving to a larger office space on the 29th Street Mall.

LogRhythm is a Boulder-based security software company that empowers its customers to detect, respond to and neutralize damaging cyber threats. Since 2003, the company has grown from a startup to one of the world's leading security intelligence and analytics companies. LogRhythm has been growing rapidly and is expanding its office space in Boulder to accommodate additional employees. LogRhythm received approval for a $75,000 rebate to reduce the cost of this expansion. The expansion will allow LogRhythm to hire an additional 125 employees.

LogRhythm is pleased to be a long-standing member of the Boulder business community. The City of Boulder's flexible rebate incentive program has helped make it possible for us to expand our business and remain in the beautiful city of Boulder, which has been our home for almost 10 years.

Sea to Summit is a Boulder-based wholesale distributor of camping, backpacking, travel, and paddle sports gear to specialty retailers throughout North America. The outdoor company's customers range from national retail chains including REI, LL Bean and Cabela's to smaller independent retailers like Boulder's own Neptune Mountaineering and Changes in Latitude. Since moving to Boulder in 2005, Sea to Summit has grown to nearly 30 employees. The company recently purchased a building in Flatirons Park that had been vacant in recent years after serving as a vehicle maintenance depot. Sea to Summit hired local architects, Arch 11, to help transform the building, which now features contemporary office space, high efficiency warehouse space and a number of energy-saving elements. Sea to Summit received approval for a $40,000 rebate to help offset the costs of renovating the new building and the 4+ acres surrounding it.

It took a bit of courage and a lot of imagination to envision what this building could become. We're really pleased with the outcome and grateful for the city's support through the rebates they've granted us.

SendGrid is the leading email delivery platform for email that matters. SendGrid's proven, cloud-based email platform successfully delivers over 20 billion customer engagement emails each month for Internet and mobile-based customers like Airbnb, Pandora, Hubspot, Spotify, Uber and FourSquare as well as more traditional enterprises like Intuit and Costco. Founded in Boulder in 2009 by three graduates of the TechStars program, the company has grown to 275 employees serving over 30,000 customers. The company recently moved its headquarters into a newly remodeled 20,000 sq. ft. space at 1401 Walnut Street. SendGrid received approval for a $60,000 rebate to free up resources for the organization to support additional community events in their space as well as to help offset moving expenses.

We're excited about our new office space in Boulder which we opened in May. Boulder has a diverse talent pool and we look forward to adding more employees and our continued growth.

Spectra Logic Corporation was founded in 1979 in Boulder, Colorado. The company develops deep storage solutions that solve the problem of long term storage for business and technology professionals dealing with exponential data growth. With over 30 years of experience and expertise in data backup storage, Spectra Logic's products help with customers' network and database backup and archiving functions. Due to forecasted increases in demand for its products and services, Spectra Logic expects to add approximately 150 additional positions and is currently analyzing its future business growth. The company was approved for a $15,000 rebate that will be used for lowering the overall operating costs of residing in Boulder, including improved facilities and sustainability measures.

As a long-term resident of the Boulder community, Spectra Logic is proud to be included in the City of Boulder's flexible rebate program. Spectra plans to utilize the program funds granted to us to improve our facilities for associates and increase our energy efficiency and sustainability efforts.

Spyder Active Sports Inc. manufactures and distributes skiwear and mountain-based apparel. The company was founded in 1977 and is headquartered in Boulder. It offers jackets, pants, layering products, accessories, and other articles for men, women, boys and girls. The company provides its products for race, big mountain, all mountain, park and pipe, and active series disciplines. Spyder delivers its products through a network of retailers, dealers, and distributors worldwide. With the rebate, Spyder was able to relocate their showroom from Denver to its facility in Boulder.

Rebate Recipients – Industry Sector, Employment and Size

2014 rebate recipients included companies in various industries, including organic food production, cleantech, wholesale trade in outdoor products, advertising / public relations and various IT services.

2014 Flexible Rebate Recipient	Industry Sector
BI Inc.	IT - GPS Monitoring Devices
Boulder Brands	Organic Food Production
Flatirons Solutions	IT - Custom computer services
IMM	Advertising / Public Relations
juwi Solar	Cleantech
LogRhythm	IT - Security software
Sea to Summit	Wholesale Trade - Outdoor Products
SendGrid	IT - Cloud-based email services
Spectra Logic	IT – Data Storage
Spyder Active Sports	Wholesale Trade - Outdoor Products

Recipients ranged in size from 27 to 358 employees in 2014 for an overall total of 1,312 employees. The companies that received a rebate anticipated adding a total of 787 additional employees over the three years covered by the program (2014 to 2016) with projected employment growth ranging from 0% to 211% or overall growth of 60%.

2014 Recipient	Employees 2014	Employees 2015	Employees 2016	Employees added 2014-16	% Growth
BI Inc.	208	205	217	9	4%
Boulder Brands	80	130	150	70	88%
Flatirons Solutions	125	153	182	57	46%
IMM	98	110	127	29	30%
juwi Solar	50	50	50	0	0%
LogRhythm	206	508	640	434	211%
Sea to Summit	27	32	37	10	37%
SendGrid	65	93	120	55	85%
Spectra Logic	358	416	446	88	25%
Spyder Active Sports	95	117	130	35	37%
Total	**1,312**	**1,814**	**2,099**	**787**	**60%**

Thirty-three percent of the individuals employed by rebate recipients in 2014 resided in Boulder.

2014 Recipient	Total Employees 2014	Resident Employees 2014	% of Employees living in Boulder
BI Inc.	208	22	11%
Boulder Brands	80	20	25%
Flatirons Solutions	125	69	55%
IMM	98	40	41%
juwi Solar	50	20	40%
LogRhythm	206	47	23%

Sea to Summit	27	18	67%
SendGrid	65	34	52%
Spectra Logic	358	74	21%
Spyder Active Sports	95	85	89%
Total	**1,312**	**429**	**33%**

Based on employment multipliers for different industries, rebate recipients will also generate an estimated 1,628 indirect jobs between 2014 and 2016.

2014 Recipient	Indirect Jobs 2014	Indirect Jobs 2015	Indirect Jobs 2016	Total Indirect Jobs Created
BI Inc.	16	16	18	50
Boulder Brands	19	24	28	71
Flatirons Solutions	59	68	77	204
IMM	29	42	45	116
juwi Solar	16	16	16	48
LogRhythm	43	108	174	325
Sea to Summit	16	18	20	54
SendGrid	28	46	61	135
Spectra Logic	159	187	202	548
Spyder Active Sports	24	25	28	77
Total	**409**	**550**	**669**	**1,628**

The ROI Analysis of the 2014 City of Boulder Flexible Rebate Program uses a model specifically developed to provide a reasonable and conservative estimate of the value of the investment to the local economy. Inputs include total employment, number of workers who reside in Boulder, wages, and local expenditures. The model utilizes 2013 job multipliers created by Minnesota IMPLAN Group for the City of Boulder. See Appendix B for further explanation on the use of a multiplier to estimate indirect jobs.

Financial Return on Investment

Financial Return on Investment – All 2014 Rebate Recipients

An analysis by the Boulder Economic Council indicates that for every dollar invested in rebate incentives for 2014 Flexible Rebate Program recipients, the city is expected to gain $8.72 in revenue. Based on the information provided by the companies that received rebates and assumptions made in the financial analysis, it is estimated that the City of Boulder will recoup an estimated net return of $3,809,869 (net present value) over the three-year period the companies agreed to remain in Boulder.

The following table summarizes the rebates approved and financial return on investment for 2014 Flexible Rebate Program participants. The net return on each $1 authorized for rebates is estimated to range from $2.44 to $39.71 for an overall net return of $8.72.

Return on Investment – 2014 Flexible Rebate Recipients (2014 – 2016)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
BI Inc.	$35,000	$33,107	$462,741	$429,634	**$12.98**
Boulder Brands	$20,000	$19,048	$252,234	$233,187	**$12.24**
Flatirons Solutions	$60,000	$55,804	$465,342	$409,538	**$7.34**
IMM	$80,000	$74,852	$257,216	$182,365	**$2.44**
juwi Solar	$10,000	$9,342	$112,202	$102,589	**$11.01**
LogRhythm	$75,000	$68,707	$1,169,298	$1,100,591	**$16.02**
Sea to Summit	$40,000	$36,756	$163,674	$126,918	**$3.45**
SendGrid	$60,000	$55,804	$257,491	$201,687	**$3.61**
Spectra Logic	$15,000	$13,946	$567,729	$553,783	**$39.71**
Spyder Active Sports	$75,000	$69,409	$538,986	$469,577	**$6.26**
Total	**$470,000**	**$436,775**	**$4,246,913**	**$3,809,869**	**$8.72**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

Financial Return on Investment – 2014 Retained Businesses

Of the ten companies that were approved in 2014 to receive incentives through the Flexible Rebate Program, five were considering expanding or moving their business to a location outside the city. These companies indicated the rebate played a role in their decisions to remain, expand or consolidate operations in Boulder. A return on investment analysis of businesses attracted or retained through the program indicates the City will recoup an estimated net return of $1,837,046 (net present value) over the three-year period the companies agreed to remain in Boulder or $7.43 on each $1 authorized for rebates.

Return on Investment – 2014 Flexible Rebate Recipients (2014 – 2016): New and Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
BI Incorporated	$35,000	$33,107	$462,741	$429,634	**$12.98**
IMM	$80,000	$74,852	$257,216	$182,365	**$2.44**
SendGrid	$60,000	$55,804	$257,491	$201,687	**$3.61**
Spectra Logic	$15,000	$13,946	$567,729	$553,783	**$39.71**
Spyder Active Sports	$75,000	$69,409	$538,986	$469,577	**$9.07**
Total	**$265,000**	**$247,118**	**$2,084,163**	**$1,837,046**	**$7.43**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

Financial Return on Investment – All Rebate Recipients: 2007 – 2014

Since the program was introduced in 2007, a total of 64 companies have been approved for rebates totaling $2,953,480. The total net return to the city is projected to be $26,836,081 or $9.94 for every $1 invested. The ROI has varied from year to year depending on the mix of companies participating in the program and economic conditions.

Flexible Rebate Funding and Returns: All Rebate Recipients 2007 - 2014						
Program Year	Program Funding	Total Approved Rebates	Total Recipients	Approve Rebate PV	Net Return PV	Net Return on $1
2007	$500,000	$500,000	7	$454,661	$6,096,276	$14.41
2008	$350,000	$322,135	8	$284,752	$2,498,800	$8.78
2009	$350,000	$209,979	7	$193,216	$5,582,354	$28.89
2010	$350,000	$320,366	7	$291,147	$3,437,388	$11.81
2011	$350,000	$281,000	6	$246,410	$728,746	$2.96
2012	$395,000*	$395,000	9	$363,782	$1,312,377	$3.61
2013	$350,000	$455,000**	10	$428,821	$3,370,271	$7.86
2014	$350,000	$470,000***	10	$436,775	$3,809,869	$8.72
Total	**$2,995,000**	**$2,953,480**	**64**	**$2,699,564**	**$26,836,081**	**$9.94**

**includes $350,000 budgeted amount and $45,000 in carryover funds from previous unused funds*
***includes $350,000 program funding for 2013 and an additional $105,000 awarded in carryover funds from previous unused funds*
****includes $350,000 program funding for 2014 and an additional $120,000 awarded in carryover funds from previous unused funds*

Financial Return on Investment – All New and Retained Recipients: 2007 – 2014

During that same time, a total of 37 companies were retained in (including expansion and consolidation of operations) or attracted to Boulder as a result of the program. Those companies were approved for rebates totaling $1,811,385. The net return to the city is estimated to be $9,575,761 or $5.80 for every $1 invested.

Flexible Rebate Funding and Returns: New and Retained Businesses 2007 - 2014					
Program Year	Total Approved Rebates	Total Recipients	Approve Rebate PV	Net Return PV	Net Return on $1
2007	$250,422	4	$228,018	$2,119,331	$18.11
2008	$150,000	3	$130,040	$418,709	$2.22
2009	$119,963	3	$111,077	$488,819	$4.40
2010	$150,000	3	$136,053	$613,162	$4.51
2011	$281,000	6	$246,410	$728,746	$2.96
2012	$290,000	6	$267,488	$938,012	$3.51
2013	$305,000	7	$285,964	$2,431,936	$8.50
2014	$265,000	5	$247,118	$1,837,046	$7.43
Total	**$1,811,385**	**37**	**$1,652,168**	**$9,575,761**	**$5.80**

Actual Rebates Paid: 2007 – 2014

ROI figures were calculated based on the amount of approved rebates rather than the rebates that had been issued to companies. Not all companies have submitted receipts to collect the full amount of their approved rebate, as shown in the table below. As a result, net returns may actually be higher than the analysis shows.

Flexible Rebate Funding and Actual Rebates Paid: Rebate Recipients 2007 - 2014					
Program Year	Program Funding	Rebates Approved	Total Recipients	Rebates issued as of 12/31/15	Unclaimed rebates
2007	$500,000	$500,000	7	$458,998	$41,002
2008	$350,000	$322,135	8	$245,017	$77,118
2009	$350,000	$209,979	7	$195,588	$14,391
2010	$350,000	$320,366	7	$245,240	$75,126
2011	$350,000	$281,000	6	$220,961	$60,039
2012	$395,000	$395,000	9	$287,157	$107,843
2013	$350,000	$455,000	10	$400,718	$54,282
2014	$350,000	$470,000	10	$403,872	$66,128
Total	**$2,995,000**	**$2,953,480**	**64**	**$2,457,551**	**$495,929**

Note: 2013 and 2014 rebate recipients are still submitting receipts

Social, Environmental and Community Sustainability

While the City of Boulder's Flexible Rebate Program is based on the belief that growing, retaining, and attracting businesses to Boulder is vital to the city's economic sustainability, the program also reflects the City's commitment to environmental and social sustainability. The companies that were awarded incentives in 2013 are actively participating in programs that help meet City of Boulder goals of reducing waste and energy consumption, increasing the use of alternative transportation by workers and supporting the social well-being of the community.

BI Inc. is a member of Partners for a Clean Environment (PACE), has developed a commute trip reduction program for its employees, and encourages employee volunteering in the community. Not only do they pay a portion of their employees' health insurance coverage, but they also pay for a portion of spousal and children coverage for their employees. BI Inc. participates in the Waste Electrical and Electronic Equipment Directive (WEEE) and the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) directives in order to control the production, disposal, and recycling of hazardous electronics materials, such as batteries and electrical switchboards. Wherever possible, the company replaces regular light bulbs with fluorescent light bulbs that contain low-energy ballasts.

Boulder Brands has shown leadership in sustainable business practices. In addition to programs that increase energy efficiency, reduce waste, and encourage employees to use various transportation options, the company is committed to improving packaging and operations to be more environmentally friendly. The company has made a commitment to dedicate its resources to support local non-profits that specifically focus on improving access to healthy food through availability, education and sustainability. Boulder Brands offers up to $100,000 in relocation assistance for employees moving to the Boulder area.

Flatirons Solutions provides housing assistance to employees, participates in energy efficiency programs, collaborates with GO Boulder to reduce employee commuting trip emissions, and provides extensive support to Boulder-based non-profit organizations. Every year since its inception, the company has set aside a "Community Service" day for all its employees to work on a project for a local non-profit group. Flatirons Solutions provides over 500 square feet of office space specifically dedicated to exercise and aerobic activity, and the company also holds "bike to work" contests that provide incentives for employees that bike the most times in a month.

IMM pays its well-educated workforce an average annual wage that is nearly double the Boulder County average. IMM has committed to becoming a member of the Partners for a Clean Environment (PACE) program and to minimize the impact of their new office through recycling and composting efforts; using energy and water efficient fixtures; using reclaimed materials and other measures; and encouraging employees to use various transportation options. The company also contributes to numerous local non-profits, including Flatirons Habitat for Humanity, Emergency

Family Assistance Association of Boulder, and Rocky Mountain Pet Rescue, and is committed to purchasing goods and services from local providers, whenever possible.

juwi Solar has made a long-term commitment to Boulder, as it actively supports a number of local non-profits, purchases a minimum of 25% of its total goods and services from Boulder businesses, and actively embraces the spirit of the community. The company has implemented a detailed zero waste program at their location, has received educational trainings from City of Boulder EnergySmart, and makes purchasing decisions that favor environmentally preferable products.

LogRhythm pays higher than average wages, supports local non-profit organizations, encourages employees to reduce vehicle trips and emissions by providing showers, changing facilities, and secure bicycle parking, allows telecommuting, encourages van and carpooling, and fosters participation in Bike to Work Day and Tube to Work Day each year. Wellness and health are important to LogRhythm, as their facility boasts a fitness center, they offer Yoga and Meditation classes, and they encourage employees to stay active through their semiannual "Biggest Logger" event.

Sea to Summit pays 100% of the health insurance premiums for its employees, utilizes a bicycle commuting reimbursement program that assists employees in paying for bicycle maintenance, and has offered financial and volunteer support to help restore the trails, waterways and parks damaged by the 2013 floods. Sea to Summit holds environmental conservation as a high priority. The company purchases 100 percent wind power to offset the environmental impact of its electricity use, and for the last nine years they have strictly used "re-used" cardboard boxes to ship their products. Sea to Summit's "buy local" policy for their company purchases allows them to support Boulder's economy.

SendGrid offers a wellness and health program for employees, supports the local economy by buying from numerous companies in Boulder, and participates in the Partners for a Clean Environment (PACE) program. The company provides significant support for local non-profit organizations and local businesses, and every full-time employee receives a "Give Back" day, during which they can spend the day volunteering in the community.

Spectra Logic is committed to environmentally sound practices including, but not limited to, office and materials recycling, product design and recyclability, and compliance with all applicable environmental regulations. As part of its objective of increasing its energy efficiency, the company will

request a low cost detailed energy assessment for its facility and it intends to become a member of Partners for a Clean Environment. Spectra Logic also participates in Energy Outreach Colorado, which is the only independent, non-profit organization in the state that raises money to help income-limited Coloradans afford home energy.

Spyder is committed to environmentally sound practices including, but not limited to, office and materials recycling, product design and recyclability, and compliance with all applicable environmental regulations. The company's employees take advantage of multiple company provided opportunities to recycle paper, containers, materials, and more. Spyder encourages several trip reduction strategies including bike-work and ride-share programs.

Attachment A: Return on Investment Analysis on the 2014 Flexible Rebate Program

The following table provides an overview of 2014 recipients' current or planned participation in programs that support social, energy and community sustainability. It is important to note the following:

- The table below is based on information provided on Flexible Rebate applications and may not reflect the full range of companies' participation in activities or programs that support sustainability
- Some companies may have included items that earned "points" on the application, while others provided additional program information.
- Only those programs or activities that earned "points" are listed in the table, and companies may have included other programs and activities on their Flexible Rebate applications

2014 Flexible Rebate Recipients: Social, Energy and Community Sustainability	BI Inc.	Boulder Brands	Flatirons Solutions, Inc.	IMM	juwi Solar	LogRhythm	Sea to Summit	SendGrid	Spectra Logic	Spyder Active Sports
Above average wages										
Provides health insurance benefits										
Workplace diversity program										
Supports non-profits										
Dependent care										
Housing assistance										
Wellness and health										
Requested energy assessment										
10 for Change Challenge participant										
EnergySmart Participation										
Purchased renewable energy credits										
On-site renewable energy										
Commercial building energy rating/reporting										
Single stream recycling program										
Environmental Purchasing Policy										
Zero Waste program										
PACE certified facility										
LEED certified facility										
Commute Trip Reduction program										
Alternative work schedules; telecommuting										
Showers and changing facilities										
Secure and covered bicycle parking										
Preferential parking for carpools/vanpools										
Increased costs for drive alone commuters										
CTR Financial Incentives										
Eco-Pass Program participant										
Business practices support sustainability										
Buys from Boulder businesses										

Conclusion

The City of Boulder's Flexible Rebate Program has continued to provide the Boulder City Manager with an important and effective tool to help retain, grow, and attract businesses that align with Boulder's values and goals and generate a positive return on investment.

In addition to providing a positive return on the dollars invested in incentives, the program provides:

- Strong demonstration of the City's interest in and support of the local business community and an opportunity to make companies feel appreciated.
- Opportunity for City staff members to strengthen relationships with individual businesses.
- Ability to help mitigate some of the extra costs associated with remaining or expanding in Boulder that were incurred by program participants.
- Careful selection process, including a preliminary ROI calculation, wage and employment projections, and projected expenditures in the community.
- Publicity for growing companies through press releases announcing program awards.

Appendix A

Overview of 2014 Flexible Rebate Recipients

The following summaries highlight information provided by each of the companies that were awarded business incentives through the City of Boulder's 2014 Flexible Rebate program.

- BI Inc.
- Boulder Brands
- Flatirons Solutions
- IMM
- juwi Solar
- LogRhythm
- Sea to Summit
- SendGrid
- Spectra Logic
- Spyder Active Sports

BI Inc.

BI Inc. is the nation's leading provider of offender monitoring products and services, providing intensive supervision technologies and programs to federal, state and local agencies. Established in 1978 in Gunbarrel, the company designs, manufactures and services its GPS tracking, alcohol monitoring, and electronic monitoring products. BI also provides 24/7 monitoring and case management services and expert technical support, web-based software applications and also supports agencies with community-based electronic monitoring offices and offender-pay programs. The company partners with innovative technology companies including Sprint, Verizon, Microsoft, and Google to continuously advance product capabilities.

After considering a number of locations, BI decided to remain in Boulder and renovate a 78,500 square foot building at 6265 Gunbarrel Avenue. The new office space will boast a more 'modern' layout. For instance, offices will be placed in the interior of the building with cubicles placed around the exterior, allowing more of the workforce to enjoy more natural light through the windows. Also, by adding showers, lockers, and a game room, the company seeks to design an office that will be more competitive from a hiring standpoint with other Boulder employers. In general, the new office space will offer more amenities for employees and favorably accommodate customer events.

BI Inc.'s business practices support the livability, health and vitality of Boulder. BI Inc. is a member of Partners for a Clean Environment (PACE), has developed a commute trip reduction program for its employees, and encourages employee volunteering in the community. Not only do they pay a portion of their employees' health insurance coverage, but they also pay for a portion of spousal and children coverage for their employees. BI Inc. participates in the Waste Electrical and Electronic Equipment Directive (WEEE) and the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) directives in order to control the production, disposal, and recycling of hazardous electronics materials, such as batteries and electrical switchboards. Wherever possible, the company replaces regular light bulbs with fluorescent light bulbs that contain low-energy ballasts.

BI has enjoyed a long history in Boulder and we appreciate the City's flexible rebate program. Our past and future commitment to meet sustainability guidelines helps ensure a healthy and safe environment for all of our employees.

BI Inc. has a strong sense of community having been in Boulder and Gunbarrel for 36 years. The products and services delivered by the company helps the community maintain public safety and in many cases strengthen families by allowing people to be in their homes when they might otherwise be incarcerated. BI Inc. strives to maintain an efficient and effective profile in the Boulder and Gunbarrel communities.

BI Inc.	
Industry Sector	IT – GPS Monitoring Devices
Rebate approved	$35,000

Employment	2014	2015	2016
Total Employees: Full/Part Time	208	205	217
Resident Employees – Full & Part Time	22	22	24
Multiplier Effect - Jobs Created	16	16	18

Attachment A: Return on Investment Analysis on the 2014 Flexible Rebate Program

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on $1 invested	Net Return on $1 invested
$35,000	$33,107	$462,741	$429,634	$13.98	**$12.98**

Social, Community and Environmental Sustainability Support	
Social Sustainability	• Health insurance benefits to employees and dependents • Encourages employee volunteering within the community
Community Sustainability	• Develops products that maintains public safety and strengthens families
Environmental Sustainability	• Is a member of Partners for a Clean Environment • Has developed a commute trip reduction program for its employees • Participates in the Waste Electrical and Electronic Equipment Directive (WEEE) and the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) directives • Replaces regular light bulbs with fluorescent lights bulbs

Boulder Brands

Boulder Brands (formerly Smart Balance, Inc.) is one of the largest natural consumer packaged food companies in the U.S. It has recently (January 2016) been acquired by Pinnacle Foods, headquartered in Parsippany, New Jersey. The company's five brands (Earth Balance, EVOL Foods, Glutino, Smart Balance, and Udi's Gluten Free) represent more than 300 products and generate more than $500 million in annual revenue. Boulder Brands is committed to meeting the needs of people who are searching for new ways to maintain and improve their personal health. Due to its reach and distribution, the company is able to search for meaningful food trends and look for ways to transform them into long-term solutions that can improve the lives of millions of consumers. The rapidly growing company relocated to Colorado in 2013 and is currently headquartered in downtown Boulder.

The company recently added office and meeting space and an innovation kitchen to provide training and develop new products. This expansion will allow Boulder Brands to expand in the coming years and host educational trainings in its new innovation kitchen.

We are excited to expand our headquarters in downtown Boulder – in the heart of the natural foods industry. The Boulder community has been a supportive and engaging home for our business, and we look forward to many more productive years to come.

Boulder Brands has shown leadership in sustainable business practices. In addition to programs that increase energy efficiency, reduce waste, and encourage employees to use various transportation options, the company is committed to improving packaging and operations to be more environmentally friendly. The company has made a commitment to dedicate its resources to support local non-profits that specifically focus on improving access to healthy food through availability, education and sustainability issues. Boulder Brands offers up to $100,000 in relocation assistance for employees moving to the Boulder area.

Boulder Brands continues to enhance Boulder's economy. The company has opened their office to local organizations for meeting space needs, including Naturally Boulder, Growing Gardens and the Community Foundation serving Boulder County, among others. As it hires more employees, the company will continue to buy coffee and meals downtown, as well as catering for office events. For instance, the company holds three Board of Director Meetings and approximately ten sales meetings in Boulder each year. Costs associated with these meetings include hotel rooms at the Marriott and St Julien Hotels, dinners and lunches at local restaurants, as well as transportation and entertainment expenses. These expenses total over $500,000 each year, leading the company to estimate that direct employee spending in the city of Boulder is over $500,000.

Boulder Brands	
Industry Sector	Organic Food Production
Rebate approved	$20,000

Employment	2014	2015	2016
Total Employees: Full/Part Time	80	130	150
Resident Employees – Full & Part Time	20	25	30
Multiplier Effect - Jobs Created	19	24	28

Attachment A: Return on Investment Analysis on the 2014 Flexible Rebate Program

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on $1 invested	Net Return on $1 invested
$20,000	$19,048	$252,234	$233,187	$13.24	**$12.24**

Social, Community and Environmental Sustainability Support	
Social Sustainability	• Offers up to $100,000 in relocation assistance for employees moving to the Boulder area • Supports local non-profits that specifically focus on improving access to healthy food through availability, education and sustainability issues*
Community Sustainability	• Yearly direct employee spending in Boulder is over $500,000 • Utilizes local businesses to cater office events
Environmental Sustainability	• Utilizes programs that increase energy efficiency, reduce waste, and encourage employees to use various transportation options • Committed to improving packaging and operations to be more environmentally friendly

Flatirons Solutions

Flatirons Solutions was established in 2001 in Boulder by four former IBM employees in the basement of a founder's home. The company was acquired in 2013 by California-based InfoTrust Group, Inc., which subsequently took the Flatirons Solutions name. Flatirons Solutions has grown to more than 450 employees in offices in North America, Europe, and Asia, including more than 140 in Boulder. The company provides consulting, technology, and engineering services to aerospace, automotive, electronics, financial services, government, healthcare and publishing companies. For more than 13 years, it has served global Fortune 1000 customers in aerospace, automotive, electronics, financial services, government, healthcare, and publishing. Flatirons Solutions consultants are trusted advisors to some of the most successful organizations in the world. By understanding their customers' businesses, the company helps them achieve critical business goals by leveraging the full value of content throughout its lifecycle.

As it has continued to grow, Flatirons Solutions joined forces with another company based in Superior in 2013. To accommodate its acquisition, the company invested more than $1.4 million to upgrade a building in East Boulder in order to bring the two organizations under one roof, which occurred on September 29, 2014.

A large part of Flatirons' success stems from our corporate culture that is reflected in the environmental, social, and corporate values unique to the Boulder community. We identify strongly with the Boulder area and are committed to a long-term presence here.

The company contributes to social and community sustainability in several ways as it provides housing assistance to employees, participates in energy efficiency programs, collaborates with GO Boulder to reduce employee commuting trip emissions, and provides extensive support to Boulder-based non-profit organizations. Flatirons boasts a special indoor bike "parking lot" in their new building to support those who routinely bike to work, and it provides over 500 square feet of office space specifically dedicated to exercise and aerobic activity.

Since its inception in 2001, Flatirons Solutions has sought avenues to give back to the Boulder community. Every year they set aside a "Community Service" day where all of the employees complete a project for a non-profit organization in Boulder. Over the years the company has done community service or provided donations to the Boulder Shelter for the Homeless, Boulder County Aids Project, Boulder Carriage House, Safehouse and the Parenting Place. When not performing community service, the company commits to buying a minimum of 25% of its goods and services from businesses located in the city of Boulder. Flatirons Solutions seeks to follow the most current trends in Software Technology by refreshing approximately 30%-40% of their technological base every 3 years. This allows the company to be a sustainable business, and it provides their employees economic sustainability.

Flatirons Solutions	
Industry Sector	IT – Custom computer services
Rebate approved	$60,000

Employment	2014	2015	2016
Total Employees: Full/Part Time	125	153	182
Resident Employees – Full & Part Time	69	81	93
Multiplier Effect - Jobs Created	59	68	77

Attachment A: Return on Investment Analysis on the 2014 Flexible Rebate Program

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on $1 invested	Net Return on $1 invested
$60,000	$55,804	$465,302	$409,538	$8.34	**$7.34**

Social, Community and Environmental Sustainability Support	

Social Sustainability	• Provides housing assistance to employees
	• Provides over 500 feet of office space specifically dedicated to exercise and aerobic activity
	• Provides extensive support to Boulder-based non-profits
	  ○ Has provided donations to the Boulder Shelter for the Homeless, Boulder County Aids Project, Boulder Carriage House, Safehouse and the Parenting Place
	  ○ Sets aside a "Community Service" day for its employees

Community Sustainability	• Purchases a minimum of 25% of its goods and services from local Boulder businesses • Refreshes 30-40% of their technological base every 3-4 years
Environmental Sustainability	• Participates in energy efficiency programs • Boasts a special indoor bicycle "parking lot" • Collaborates with GO Boulder to reduce employee commuting trip emissions

IMM

IMM is a full-service digital advertising agency founded in Boulder in 2006. The purpose of the agency was to disrupt the marketplace with a new spin on how to price advertising services. Due to the company's desire to build lasting client relationships, their award-winning creative team, and their expertise in software and application development, IMM distinguished itself from other agencies. The success of the company's innovative business model has led to rapid growth, attracting national clients such as General Motors, Chili's Grill & Bar, Big 5 Sporting Goods, Famous Footwear, and Roku. Since the company was founded, it has grown to more than 100 employees.

To accommodate rapid company growth, IMM looked for space in several communities before deciding to renovate a 33,000-square-foot industrial space in Flatirons Park. The new space serves as a "cool tech space" that will accommodate more employees. The space itself is sustainable, as it evaluated the use of reclaimed products during its construction, and it was installed with new, high efficiency heating and cooling systems. The new space also offers partially and fully subsidized meals for IMM's employees, and it offers exercise classes taught by local instructors.

IMM pays its well-educated workforce an average annual wage that is nearly double the Boulder County average. IMM has committed to becoming a member of the Partners for a Clean Environment (PACE) program and to minimize the impact of their new office through recycling and composting efforts; using energy and water efficient fixtures; and using reclaimed materials and other measures. In the new space, the company is committed to working with GO Boulder to develop, implement and monitor an employee trip reduction program in order to minimize their impact on the environment and the city of Boulder.

> *We are thrilled to expand our presence in Boulder, a city that is a great fit for our company and our culture. Boulder has been home to us since we founded our company nearly a decade ago, and we're excited to see a growing startup community take shape here.*

The company gives back to the local Boulder Community as it contributes to numerous local non-profits including Flatirons Habitat for Humanity, Rocky Mountain Pet Rescue, Emergency Family Assistance Association of Boulder, and Foothills United Way. As they continue to grow, the company anticipates that their spending in Boulder will increase exponentially. With the new office space, IMM will be inviting more clients and vendors. IMM also anticipates that the new space will allow for faster expansion and larger recruiting efforts, attracting employees who want to work in Boulder.

Intermundo Media LLC	
Industry Sector	Advertising / Public Relations
Rebate approved	$80,000

Employment	2014	2015	2016
Total Employees: Full/Part Time	98	110	127
Resident Employees – Full & Part Time	40	56	62
Multiplier Effect - Jobs Created	29	42	45

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on $1 invested	Net Return on $1 invested
$80,000	$74,852	$257,216	$182,365	$3.44	**$2.44**

Social, Community and Environmental Sustainability Support	
Social Sustainability	• Pays an average annual wage that is nearly double the Boulder County average • Contributes to numerous local non-profits including Flatirons Habitat for Humanity, Rocky Mountain Pet Rescue, and Emergency Family Assistance Association of Boulder
Community Sustainability	• As they continue to grow, anticipates that their spending in Boulder will increase exponentially
Environmental Sustainability	• Has committed to becoming a member of the Partners for a Clean Environment Program • Utilizes recycling and composting programs • Uses energy and water efficient fixtures • Working with GO Boulder to develop an employee commute trip reduction program

juwi Solar

juwi Solar is a developer and contractor of solar powered plants throughout North America. Focusing on large-scale energy projects, juwi Solar develops, builds, and operates solar, wind, and biomass energy projects across the country. juwi offers a wealth of experience and expertise as a global market leader in the utility-scale solar industry and provides realistic and cost-effective solutions for solar power projects. The company's solar group has been involved in more than 1,500 photovoltaic projects worldwide, totaling more than 1GW of operating capacity. Some of the company's current projects include the San Isabel Solar Project, which will serve 44 member electric cooperatives and public power districts in southern Colorado, and the "Victory Solar" project, which will provide solar energy to the Intermountain Rural Electric Association.

juwi Solar recently moved to a new office at the Twenty Ninth Street Shopping District. The new office presents additional square footage, permitting the company to continue to grow and further develop its business pipeline. This new space allows the company to provide more jobs and offer more office space to the Boulder community. juwi strives to craft an excellent work space for their employees, which the company believes will have a positive impact on the Boulder community.

juwi Solar exemplifies sustainable business practices. The company pays its skilled workforce annual wages that exceed Boulder County's average annual wage, and it offers 60/40 split on health insurance premiums for full time employees in addition to paying 100% of life insurance premiums. The company has also implemented a detailed zero waste program at their location and has received educational trainings from City of Boulder EnergySmart. juwi is unique in that they make purchasing decisions that favor environmentally preferable products, and strive to purchase items that are manufactured with renewable energy, products that are produced or distributed locally, products that reduce air and water pollution, and more.

Based in Boulder since 2008, juwi seeks to enhance Boulder and eagerly embraces the spirit of the community. It actively supports a number of local non-profits, and it purchases a minimum of 25% of its total goods and services from Boulder businesses. Many of the company's employees are graduates of the University of Colorado at Boulder, and the upper management team resides within the city of Boulder. juwi strives to be a leading renewable energy business here in Colorado, as well as all over the world.

juwi Solar	
Industry Sector	Cleantech
Rebate approved	$10,000

Employment	2014	2015	2016
Total Employees: Full/Part Time	50	50	50
Resident Employees – Full & Part Time	20	20	20
Multiplier Effect - Jobs Created	16	16	16

Attachment A: Return on Investment Analysis on the 2014 Flexible Rebate Program

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on $1 invested	Net Return on $1 invested
$10,000	$9,342	$112,202	$102,589	$12.01	**$11.01**

Social, Community and Environmental Sustainability Support	
Social Sustainability	• Pays above average wages • Offers a 60/40 split on health insurance premiums for full time employees in addition to paying 100% of life insurance premiums • Supports various local non-profits
Community Sustainability	• Purchases a minimum of 25% of its total goods and services from local businesses • Consistently employs graduates of the University of Colorado at Boulder
Environmental Sustainability	• Has implemented a detailed zero-waste program • Has received educational trainings from City of Boulder EnergySmart • Makes purchasing decisions that favor environmentally preferable products

LogRhythm

LogRhythm is a Boulder-based security software company that empowers its customers to detect, respond to and neutralize damaging cyber threats. The company began in 2003 with only two employees, whose goal was to address the need for a comprehensive log and event management solution. After spending two years perfecting their product, the co-founders landed their first sale in 2005. Today, LogRhythm employs over 300 employees and is the largest and fastest growing independent security intelligence company in the world. Products the company offers include their Security Intelligence Platform which empowers organizations to detect and respond to cyber threats, and their Elasticsearch tool which allows users to efficiently analyze large sets of data.

LogRhythm is pleased to be a long-standing member of the Boulder business community. The City of Boulder's flexible rebate incentive program has helped make it possible for us to expand our business and remain in the beautiful city of Boulder, which has been our home for almost 10 years.

LogRhythm has been growing rapidly and is expanding its office space in Boulder to accommodate additional employees. The company estimates that the new building will enable them to hire an additional 125 employees in the Boulder community, with about 30 of them permanently residing in Boulder. This will not only advance LogRhythm, but will also increase local business sales.

LogRhythm pays higher than average wages, pays 100% of the cost of a mid-level health insurance plan for full-time employees, and actively encourages employees to volunteer within the community. The company has developed a detailed commute trip reduction program, as it encourages employees to reduce vehicle trips and emissions by providing showers, changing facilities, and secure bicycle parking, allows telecommuting, encourages van and carpooling, and fosters participation in Bike to Work Day and Tube to Work Day each year. Wellness and health are important to LogRhythm, as their facility boasts a fitness center, Yoga and Meditation classes, and their semiannual "Biggest Logger" event.

The company will continue to have a significant impact on the local economy as it purchases a minimum of 25% of its total goods and services from businesses located in the City of Boulder. For example, LogRhythm books approximately 500 hotel room nights for customer and employee trainings throughout the year. The company also caters numerous events and has lunch catered (by a Boulder company) for all of its onsite employees. LogRhythm has also established a committee of employees that will allocate funds to different non-profit organizations in the city of Boulder.

LogRhythm	
Industry Sector	IT – Security software
Rebate approved	$75,000

Employment	2014	2015	2016
Total Employees: Full/Part Time	206	508	640
Resident Employees – Full & Part Time	47	119	191
Multiplier Effect - Jobs Created	43	108	174

Attachment A: Return on Investment Analysis on the 2014 Flexible Rebate Program

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on $1 invested	Net Return on $1 invested
$75,000	$68,707	$1,169,298	$1,100,591	$17.02	**$16.02**

Social, Community and Environmental Sustainability Support	

Social Sustainability	• Pays above average wages
	• Pays 100% of the cost of a mid-level health plan for full-time employees
	• Emphasizes employee wellness and health
	  ○ Utilizes their fitness center, Yoga and Meditation classes, and their annual "Biggest Logger" event
	• Encourages employees to volunteer within the community
	  ○ Has established a committee of employees that allocates funds to various non-profits in Boulder.

Community Sustainability	• Purchases a minimum of 25% of its total goods and services from local businesses

Environmental Sustainability	• Utilizes a detailed commute trip reduction program
	  ○ Provides showers, changing facilities, and secured bicycle parking
	  ○ Allows telecommuting
	  ○ Fosters participation in Bike to Work Day and Tube to Work Day

Sea to Summit

Sea to Summit is a Boulder-based wholesale distributor of camping, backpacking, travel, and paddle sports gear to specialty retailers throughout North America. The outdoor company's customers range from national retail chains including REI, LL Bean and Cabela's to smaller independent retailers like Boulder's own Neptune Mountaineering and Changes in Latitude. Andrew and Shelley Dunbar, who founded the company over 16 years ago, first moved their operations to Boulder in 2005. Since then, the staff has increased from just two founders to over thirty employees.

It took a bit of courage and a lot of imagination to envision what this building could become. We're really pleased with the outcome and grateful for the city's support through the rebates they've granted us.

The company recently purchased a building in Flatirons Park that had been vacant in recent years after serving as a vehicle maintenance depot. Sea to Summit hired local architects, Arch 11, to help transform the building, which now features contemporary office space and high efficiency warehouse space. Plans are in the works for a park-like open space that Sea to Summit's employees and the nearby businesses can enjoy. Sea to Summit's new office embodies a green workspace. The new space features operable windows and large ceiling fans, which will allow the company to reduce their reliance on air-conditioning and to create natural airflow throughout the workspace. Also, the company strived to construct the new office space by reusing or repurposing building materials from the old building, installing the most energy efficient lighting available and purchasing locally whenever possible.

Sea to Summit pays 100% of the health insurance premium for its employees, pays an average annual wage that exceeds the Boulder County average annual wage, and utilizes a bicycle commuting reimbursement program that assists employees in paying for bicycle maintenance. As evident from the construction of their new office space, Sea to Summit holds environmental conservation as a high priority. The company purchases 100 percent wind power to offset the environmental impact of its electricity use, and for the last nine years they have strictly used "re-used" cardboard boxes to ship their products. For the employees who commute from outside of the city by car, Sea to Summit plans to purchase a fleet of "commuter" bikes so that the company's employees who drive into Boulder will be able to commute around town on their lunch breaks without having to use their cars.

Sea to Summit devotes itself to positively impacting Boulder's community. The company has donated to local non-profits and has offered financial and volunteer support to help restore the trails, waterways and parks damaged by the 2013 floods. Sea to Summit's "buy local" policy for their company purchases allows them to support Boulder's economy. All of the company's events, such as sales meetings or hosting international business partners, are held at local restaurants or catered by local companies, and Sea to Summit estimates that total monthly employee spending within the city of Boulder is approximately $25K/month.

Sea to Summit	
Industry Sector	Wholesale Trade – Outdoor products
Rebate approved	$40,000

Employment	2014	2015	2016
Total Employees: Full/Part Time	27	32	37
Resident Employees – Full & Part Time	18	20	23
Multiplier Effect - Jobs Created	16	18	20

Attachment A: Return on Investment Analysis on the 2014 Flexible Rebate Program

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on $1 invested	Net Return on $1 invested
$40,000	$36,756	$163,674	$126,918	$4.45	**$3.45**

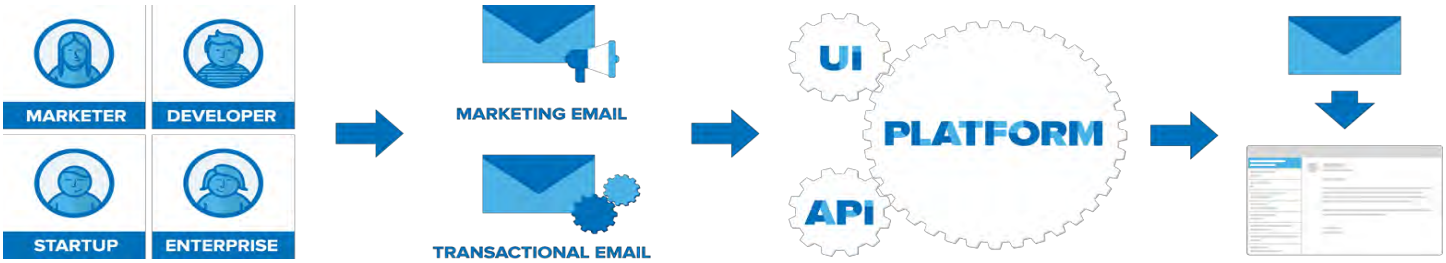
Social, Community and Environmental Sustainability Support	
Social Sustainability	• Pays 100% of the health insurance premium for its employees • Pays above average wage • Donates to local non-profits ○ Has offered financial and volunteer support to help fix the damage from the 2013 floods
Environmental Sustainability	• Utilizes a bicycle commuting reimbursement program ○ Plans to purchase a fleet of "commuter" bikes for its employees • Purchases 100% wind power • Strictly re-use cardboard boxes
Community Sustainability	• Estimates that total monthly employee spending within the city of Boulder is $25,000 • All of the companies are held at local restaurants and companies

SendGrid

SendGrid is the leading email delivery platform for email that matters. SendGrid's proven, cloud-based email platform successfully delivers over 20 billion customer engagement emails each month for Internet and mobile-based customers like Airbnb, Pandora, Hubspot, Spotify, Uber and FourSquare as well as more traditional enterprises like Intuit and Costco. Founded in Boulder in 2009 by three graduates of the TechStars program, the company has grown to 275 employees serving over 30,000 customers.

We're excited about our new office space in Boulder which we opened in May. Boulder has a diverse talent pool and we look forward to adding more employees and our continued growth.

SendGrid outgrew its space in downtown Boulder in 2012. Due to a lack of space in Boulder at the time, SendGrid branched into downtown Denver to expand its recruiting radius. However, the company desired to remain in Boulder, in part, to remind other new businesses of what can become of a small seed started in Boulder. Eventually, space in downtown Boulder became available, and the company recently moved its headquarters into a newly remodeled 20,000 sq. ft. space at 1401 Walnut Street. SendGrid received approval for a $60,000 rebate to free up resources for the organization to support additional community events in their space as well as to help offset some of the incremental cost burden generated as a result of keeping the business and its employees in downtown Boulder.



SendGrid exceeded the requirements in both social sustainability and community and environmental sustainability areas. In particular, the company offers a wellness and health program for employees, pays an average annual wage that exceeds the Boulder County average, and participates in the Partners for a Clean Environment (PACE) program. The company is currently working toward developing a zero waste program.

In Boulder, SendGrid provides significant support for local non-profit organizations and local businesses. Every full-time employee receives a "Give Back" day, during which they can spend the day volunteering in the community. The company supports the local economy by buying from numerous businesses in Boulder, and it estimates that its employees spent approximately $500,000 in Boulder in 2015. SendGrid is privileged to be a Boulder-born company, and believes fully in giving back to and nurturing the community that supported its growth.

SendGrid	
Industry Sector	IT – Cloud-based email services
Rebate approved	$60,000

Employment	2014	2015	2016
Total Employees: Full/Part Time	65	93	120
Resident Employees – Full & Part Time	34	56	73
Multiplier Effect - Jobs Created	28	46	61

Attachment A: Return on Investment Analysis on the 2014 Flexible Rebate Program

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on $1 invested	Net Return on $1 invested
$60,000	$55,804	$257,491	$201,687	$4.61	**$3.61**

Social, Community and Environmental Sustainability Support	
Social Sustainability	• Offers a wellness and health program for employees • Pays above average wage • Provides support for local non-profits ○ Every full-time employee receives a "Give Back" day
Community Sustainability	• Spends an estimated $500,000 locally for goods and services
Environmental Sustainability	• Participates in the Partners for a Clean Environment program • Is currently working toward developing a zero waste program

Spectra Logic Corporation

Spectra Logic Corporation was founded in 1979 in Boulder, Colorado. The company develops deep storage solutions that solve the problem of long term storage for business and technology professionals dealing with exponential data growth. With over 30 years of experience and expertise in data backup storage, Spectra Logic's products help with customers' network and database backup and archiving functions. Spectra enables affordable, multi-decade data storage and access by creating new methods of managing information in all forms of deep storage—including archive, backup, cold storage, cloud and private cloud.

Due to forecasted increases in demand for its products and services, Spectra Logic expects to add approximately 150 additional positions, and they are currently analyzing various locations for its future business growth. The company was approved for a rebate that will be used for lowering the overall operating costs of residing in Boulder.

Spectra Logic is committed to environmentally sound practices including, but not limited to, office and materials recycling, product design and recyclability, and compliance with all applicable environmental regulations. As part of its objective of increasing its energy efficiency, the company will request a low cost detailed energy assessment for its facility and it intends to become a member of Partners for a Clean Environment. Spectra Logic also participates in Energy Outreach Colorado, which is the only independent, non-profit organization in the state that raises money to help income-limited Coloradans afford home energy.

As a long term business resident of Boulder, Spectra Logic has a vested interest and history of implementing business practices which contribute to the city's image and sustainability. The company makes every effort to purchase goods and services within the city and county. Each year, Spectra Logic spends approximately $4.5 million locally for goods and services, which accounts for approximately 7.1% of all the company's expenditures. On top of this, the company provides full benefits, including health benefits, to its full time employees and, as a part of that, covers at least 50% of the premium costs.

Spectra Logic participates in various community volunteer programs including Safehouse Alliance for Non-violence, Bonfils Blood Center, Bike to Work Day, and Habitat for Humanity. The company is currently providing office space for Cal-Wood Education Center while its flood-damaged campus is restored. Spectra Logic sponsors Room to Read, a non-profit organization that aims to break the cycle of poverty through the education of young children. The company also participates in Community Food Share, an organization that exists to distribute food to those in need in Broomfield and Boulder.

Spectra Logic Corporation	
Industry Sector	IT – Data Storage
Rebate approved	$15,000

Employment	2014	2015	2016
Total Employees: Full/Part Time	358	416	446
Resident Employees – Full & Part Time	74	87	94
Multiplier Effect - Jobs Created	159	187	202

Attachment A: Return on Investment Analysis on the 2014 Flexible Rebate Program

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on $1 invested	Net Return on $1 invested
$15,000	$13,946	$567,729	$553,783	$40.71	**$39.71**

Social, Community and Environmental Sustainability Support	
Social Sustainability	• Provides full benefits to its full-time employees and covers 50% of premium costs • Participates in various community volunteer programs including Safehouse Alliance for Non-Violence, Bonfils Blood Center, Bike to Work Day, and Habitat for Humanity
Environmental Sustainability	• Participates in office and materials recycling programs • Plans to request a low-cost detailed energy assessment • Intends to become a member of Partners for a Clean Environment • Participates in Energy Outreach Colorado
Community Sustainability	• Spends approximately $4.5 million locally for goods and services

Spyder Active Sports

Spyder Active Sports Inc. manufactures and distributes skiwear and mountain-based apparel. The company was founded in 1977 and is headquartered in Boulder. It offers jackets, pants, layering products, accessories, and other articles for men, women, boys and girls. The company provides its products for race, big mountain, all mountain, park and pipe, and active series disciplines. Spyder delivers its products through a network of retailers, dealers, and distributors worldwide.

Historically, Spyder has maintained its showroom in Denver in order to host a significant number of out-of-town visitors during various annual conventions and ski events. However, the company relocated its showroom to Boulder, where the company's headquarters and administrative operations are located. Moving the showroom to Boulder will result in more visitors requiring local hotel accommodations, thus contributing to Boulder's economy. Relocating the showroom will require renovating Spyder's existing office space to accommodate the showroom and marketing functions, as well as relocating the headquarters and administrative operations to a new space within the city. The company was approved for a rebate by the city of Boulder that will directly reduce the projected costs associated with the facility move from Denver, along with relocating the existing operations to accommodate that facility move.

Spyder is committed to environmentally sound practices including, but not limited to, office and materials recycling, product design and recyclability, and compliance with all applicable environmental regulations. The company's employees take advantage of multiple company provided opportunities to recycle paper, containers, materials, and more. Spyder encourages several trip reduction strategies including bike-work and ride-share programs.

Being an existing and growing business in Boulder, Spyder prides itself on being sensitive to its operational impact on the local environment and economy. The company makes every effort to purchase goods and services within the city and county. Each year, Spyder spends approximately $120,000 locally for goods and services which accounts for at least 25% of total purchases. Volunteerism and community involvement are core values at Spyder. Spyder's president is on the board of The Children of Fallen Patriots Foundation, an organization that strives to provide college scholarships and educational counseling to military children who have lost a parent in the line of duty. Spyder also sponsors approximately 30 children annually from the Denver Children's Home.

Spyder Active Sports	
Industry Sector	Wholesale Trade – Outdoor Products
Rebate approved	$75,000

Employment	2014	2015	2016
Total Employees: Full/Part Time	95	104	116
Resident Employees – Full & Part Time	26	29	33
Multiplier Effect - Jobs Created	24	25	28

Attachment A: Return on Investment Analysis on the 2014 Flexible Rebate Program

Return on Investment					
Rebate Approved	Rebate Present Value (outflow)	Taxes Present Value (inflow)	Net Present Value	Gross Return on $1 invested	Net Return on $1 invested
$75,000	$69,409	$538,986	$469,577	$7.26	**$6.26**

Social, Community and Environmental Sustainability Support	
Social Sustainability	• Supports local non-profits including The Children of Fallen Patriots Foundation and the Denver Children's Home
Environmental Sustainability	• Complies with all environmental regulations • Implements several commute trip reduction strategies including bike-work and ride-share programs • Recycles office materials
Community Sustainability	• Purchases over 25% of their goods and services from businesses located in Boulder

Appendix B

Financial Analysis Assumptions and Data Sources; Objective and Methodology

The following summary outlines the format, assumptions and data sources used to analyze each company which received a rebate incentive from the City of Boulder in 2014.

The ROI Analysis of the 2014 City of Boulder Flexible Rebate Program uses a model specifically developed to provide a reasonable and conservative estimate of the value of the investment to the local economy. Inputs include total employment, number of workers who reside in Boulder, wages, and local expenditures. The model utilizes 2013 job multipliers created by Minnesota IMPLAN Group for the City of Boulder. Utilizing the job multiplier specific to the industry of each recipient, we can more reliably demonstrate the impact each company has on inducing additional job creation in the local area.

Multiplier factors are developed by economists by industry. For instance, the multiplier factor for aerospace is higher than one for professional services. This is based upon data which shows differences in supplier/services utilization and other factors by industry. For example, if a company is in Food Product (NAICS 311), the job multiplier is 2.464 (1.00 direct job and 1.464 indirect induced jobs). If a company in this category has 20 direct employees, research shows that those jobs will induce 29.28 (1.464 * 20) indirect jobs (consultants, suppliers, retail, etc.) in the community. This analysis applied the IMPLAN job multiplier only to the number of employees who are also Boulder residents.

The analysis also estimates the benefit (sales tax) generated by expenditures of employees who live in Boulder. Those consumer expenditures were derived from the Bureau of Labor Statistics, 2013 Consumer Expenditures Survey for the U.S. population. Only those expenditures that would be subject to city sales tax and most likely to occur locally are included. The data is based upon income levels before tax, so a person earning over $70,000 a year is shown to spend more than someone earning between $20,000 and $29,900 per year. Non-resident employees were assumed to spend an average of $25/week within the City of Boulder for 50 weeks per year.

The analysis covers 2014-2016, the three-year period of the agreement each recipient has with the city. The discounted cash flows provide the current value of future income and expenses. The benefits shown by the analysis are derived *solely from city taxes and fees* paid directly by:

- The companies when spending on construction projects and capital goods (furniture and equipment),
- The companies on any local sales of products and services subject to local tax,
- Visitors to the company spending in Boulder,
- Their direct employees when purchasing in Boulder, and,
- The indirect employees, those jobs induced at other companies by the company being here, when purchasing in Boulder

The costs reflect the payout of the rebate incentive to the company at the time it is anticipated the company will provide proof of taxes/fees paid and will actually receive the reimbursement.

To provide as accurate an analysis as possible, the BEC provided each Flexible Rebate recipient with a draft of the analysis for their company and a summary of the information used in the analysis from the company's application including number of employees, number of resident employees, average salaries, and expenditures in the city. The companies were asked to provide updates and additional information. Those changes were reflected in the final analysis and report.

Other notes about the 2013 analysis:

- The model discounts the future cash flow into current dollars using a rate of 5%, the historical cost of capital identified by the City of Boulder's Finance Department.
- 2014-2016 data was used in the analysis to remain consistent with the city's original timing and the requirement that the companies agree to remain in Boulder for three years.
- Data provided by the companies in their original applications was updated based on subsequent information provided by companies on actual or updated projections of employee and salary figures, final construction costs, etc.
- The 2014 ROI analysis used the same model as previous years and included the impact of company expenditures and estimated spending by direct and indirect employees for a more comprehensive look at the impact on the community.
- Part time employees were included if applicable.
    - Employee spending estimates were based on Bureau of Labor Statistics Consumer Expenditures Survey from 2013, the most recent data available. To estimate employee spending, average US consumer expenditure data was used. Data for wage levels that matched each company's average salary was used to estimate spending for direct employees and the average wage for City of Boulder residents was used to estimate indirect employee spending. Based on the demographic characteristics and spending habits of Boulder residents, the use of spending data based on national averages is likely to provide a conservative estimate. Spending categories (Table 1202 National figures by income) included:
        - Food, Apparel and services, Vehicle maintenance and repairs
        - Housing – maintenance, repairs, insurance, other (50%), Housekeeping supplies, Household furnishings and equipment
        - Entertainment
- To estimate the multiplier effect of jobs supporting additional jobs, Minnesota IMPLAN Group, Inc. 2013 employment multiplier data by NAICS (North American Industry Classification System) code for Boulder was used. Multipliers are generally available at the two-digit or three-digit NAICS code level which is at a broad-grouping level of industry segments. Type SAM multipliers for the following NAICS codes were used in the analysis:
    - 541511 Custom computer programming services: SendGrid, LogRhythm, Flatirons Solutions (1.909732)
    - 423910 Wholesale trade: Sea to Summit (1.940275)
    - 424320 Wholesale trade: Spyder Active Sports (1.940275)
    - 424410 Wholesale trade: Boulder Brands (1.940275)
    - 541511 Advertising, public relations, and related: IMM (1.748048)
    - 541990 Marketing research and all other misc: BI, Inc. (1.744888)
    - 541330 Architectural, engineering and related services: juwi Solar (1.797038)

  These were the NAICS codes the companies were using or are represented by in national databases.
- The average compensation used for indirect or induced jobs is $60,043, the average wages for the City of Boulder (*Bureau of Labor Statistics, 2013*). Induced jobs include software programmers, engineers, construction, retail, personal service and many others.
- For non-residential employees, spending was estimated at an average of $25.00 per week in the City of Boulder for 50 weeks. This is well below the average spending for daytime visitors to Boulder of $85 per day based on 2013 data from the Boulder Convention and Visitors Bureau.

Appendix C

Return on Investment– All Rebate Recipients: 2007 – 2014

Since the program was introduced in 2007, a total of 64 companies have been approved for rebates totaling $2,953,480. The total net return to the City of Boulder is projected to be $26,836,081 in taxes and fees associated with capital expenditures and facility improvements, local sales, overnight visitors and direct and indirect employee spending or $9.94 for every $1 approved for rebate through the program. The ROI has varied from year to year depending on the mix of companies participating in the program and economic conditions.

Flexible Rebate Funding and Returns: All Rebate Recipients 2007 - 2014						
Program Year	Program Funding	Total Approved Rebates	Total Recipients	Approved Rebate PV	Net Return PV	Net Return on $1
2007	$500,000	$500,000	7	$454,661	$6,096,276	$14.41
2008	$350,000	$322,135	8	$284,752	$2,498,800	$8.78
2009	$350,000	$209,979	7	$193,216	$5,582,354	$28.89
2010	$350,000	$320,366	7	$291,147	$3,437,388	$11.81
2011	$350,000	$281,000	6	$246,410	$728,746	$2.96
2012	$395,000	$395,000*	9	$363,782	$1,312,377	$3.61
2013	$350,000	$455,000**	10	$428,821	$3,370,271	$7.86
2014	$350,000	$470,000***	10	$436,775	$3,809,869	$8.72
Total	**$2,995,000**	**$2,953,480**	**64**	**$2,699,564**	**$26,836,081**	**$9.94**

**includes $350,000 budgeted amount and $45,000 in carryover funds from previous unused funds*
***includes $350,000 program funding for 2013 and an additional $105,000 awarded in carryover funds from previous unused funds*
****includes $350,000 program funding for 2014 and an additional $120,000 awarded in carryover funds from previous unused funds*

2007 Return on Investment – All Recipients

Conclusion from 2007 analysis report: The companies all provide broad benefits to the community, not only economically, but socially and environmentally as well. The full benefits analysis provides a conservative assessment of their economic impact at a $6.1 million return over three years on the investment made by the city in the form of incentives. However, even when taking a very limited incremental view of the benefits derived from the rebates by only including projects we might not have won and businesses that might otherwise have moved out of Boulder, the city management can feel confident that a strong, net return of $1.9 million is still being earned on this investment.

Return on Investment – 2007 Flexible Rebate Recipients (2007 – 2009)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
Ball Aerospace	$100,000	$90,703	$2,219,704	$2,219,001	$24.47
Crispin Porter + Bogusky	$100,000	$90,971	$1,109,089	$1,018,117	$12.19
IBM*	$100,000	$90,703	$2,511,545	$2,420,842	$27.69
LeftHand Networks	$80,698	$74,073	$144,840	$70,769	$1.96
Mountain Sports Media	$44,917	$40,741	$224,678	$183,937	$5.51
OZ Architecture	$49,578	$44,969	$234,202	$189,234	$5.21
Solekai Systems	$24,807	$22,501	$106.876	$84,376	$4.75
2007 Total	**$500,000**	**$454,661**	**$6,550,935**	**$6,096,276**	**$14.41**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).
**Only includes taxes and fees generated by the new data center that the incentive helped win for Boulder*

2008 Return on Investment – All Recipients

Conclusion from 2008 analysis report: The companies all provide broad benefits to the community, not only economically, but socially and environmentally as well. The full benefits analysis provides a conservative assessment of their economic impact at a $4.5 Million return over three years on the investment made by the city in the form of incentives. However, even when taking a very limited incremental view of the benefits derived from the rebates by only including projects we might not have won and businesses that might otherwise have moved out of Boulder, the city management can feel confident that positive net return of $288,699 is still being earned on this investment.

Return on Investment – 2008 Flexible Rebate Recipients (2008 – 2010)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
Advanced Thin Films	$50,000	$47,619	$152,748	$105,129	$2.21
Chocolove	$24,535	$21,849	$53,089	$31,240	$1.43
Eco-Products	$29,000	$26,304	$389,311	$363,007	$13.80
Namaste Solar	$29,086	$26,382	$697,129	$670,747	$25.42
Rally Software	$50,000	$44,833	$232,406	$187,573	$4.18
Seth Ellis Chocolatier	$39,514	$34,826	$61,893	$27,067	$0.78
Siemens Wind Power	$50,000	$37,588	$33,555	($4,033)	($0.11)
Wall Street on Demand	$50,000	$45,351	$1,163,070	$1,118,070	$24.65
2008 Total	**$322,135**	**$284,752**	**$2,783,552**	**$2,498,800**	**$8.78**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2009 Return on Investment – All Recipients

Conclusion from 2009 analysis report: The companies greatly benefit the community, both economically and socially, and are important to Boulder's image. The conservative estimate of a $5.6 million net return on investment suggests the program is still a very strong investment for the city. Even when looking at only the incremental returns, the $488,819 net return on investment (which does not include Celestial Seasonings, another incremental gain) represents positive economic gains that are clearly advantageous.

Return on Investment – 2009 Flexible Rebate Recipients (2009 – 2011)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
Celestial Seasonings	$56,441	$51,194	$973,871	$922,677	$18.02
eTown	$50,000	$47,619	$205,253	$157,634	$3.31
IBM	$35,000	$31,746	$4,293,702	$4,261,956	$134.25
Sea to Summit	$10,820	$10,305	$67,164	$56,859	$5.52
Stratom, Inc.	$12,525	$11,361	$22,361	$11,000	$0.97
Tundra Specialties	$34,963	$31,712	$181,789	$150,077	$4.73
Visionlink	$10,230	$9,279	$31,430	$22,151	$2.39
2009 Total	**$209,979**	**$193,216**	**$5,775,570**	**$5,582,354**	$28.89

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2010 Return on Investment – All Recipients

Conclusion from 2010 analysis report: The companies benefit the community, both economically and socially, and are important to Boulder's image. The estimate of a $11.81 net return on each $1 invested indicates the program is still a solid investment for the city, particularly since it assists different sizes and types of companies.

Return on Investment – 2010 Flexible Rebate Recipients (2010 – 2012)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
Rally Software	$50,000	$45,351	$385,152	$339,801	$7.49
Microsoft	$50,000	$45,351	$151,209	$105,858	$2.33
Mountainside Medical	$50,000	$45,351	$462,656	$417,305	$9.20
Covidien	$75,000	$68,027	$1,018,741	$950,714	$13.98
Precision Wind	$25,000	$23,243	$138,015	$114,773	$4.94
Spectra Logic	$65,000	$58,957	$1,447,940	$1,388,983	$23.56
Trada	$5,366	$4,867	$124,821	$119,954	$24.65
2010 Total	**$320,366**	**$312,536**	**$3,728,534**	**$3,437,388**	**$11.81**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2011 Return on Investment – All Recipients

Conclusion from 2011 analysis report: The City of Boulder's Flexible Rebate Incentive Program continues to generate a positive return on investment, while providing the City Manager with an important and effective tool to help retain, grow, and attract businesses that align with the city's values and goals.

Return on Investment – 2011 Flexible Rebate Recipients (2011 – 2013)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
Tendril Networks	$85,000	$77,098	$315,320	$238,223	$3.09
LogRhythm	$85,000	$73,426	$471,564	$398,138	$5.42
Biodesix	$60,000	$51,830	$61,652	$9,822	$.19
juwi Wind	$15,000	$12,958	$44,644	$31,687	$2.45
Eetrex	$26,000	$22,460	$49,790	$27,330	$1.22
Salewa	$10,000	$8,638	$32,185	$23,546	$2.73
2011 Total	**$281,000**	**$246,410**	**$975,155**	**$728,746**	**$2.96**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2012 Return on Investment – All Recipients

Conclusion from 2012 analysis report: The City of Boulder's Flexible Rebate Program has continued to provide the Boulder City Manager with an important and effective tool to help retain, grow, and attract businesses that align with Boulder's values and goals and generate a positive return on investment.

Return on Investment – 2012 Flexible Rebate Recipients (2012 – 2014)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
American Rec Products	$25,000	$23,140	$152,929	$129,789	**$5.61**
Gnip	$45,000	$41,518	$216,290	$174,771	**$4.21**
HEAD USA	$50,000	$46,280	$39,976	($6,304)	**($.14)**
MBio Diagnostics	$30,000	$27,902	$183,254	$155,352	**$5.57**
RealD	$80,000	$73,513	$219,362	$145,849	**$1.98**
Tensentric	$40,000	$36,757	$140,355	$103,598	**$2.82**
Twisted Pine	$45,000	$40,758	$155,784	$115,026	**$2.82**
Upslope	$50,000	$46,280	$436,589	$390,309	**$8.43**
Zia Consulting	$30,000	$27,634	$131,621	$103,987	**$3.76**
Total	**$395,000**	**$363,782**	**$1,676,160**	**$1,312,377**	**$3.61**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2013 Return on Investment – All Recipients

Conclusion from 2013 analysis report: The City of Boulder's Flexible Rebate Program has continued to provide the Boulder City Manager with an important and effective tool to help retain, grow, and attract businesses that align with Boulder's values and goals and generate a positive return on investment.

Return on Investment – 2012 Flexible Rebate Recipients (2012 – 2014)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
Active Interest Media	$25,000	$23,810	$264,665	$240,855	**$10.12**
Anthem Branding	$60,000	$57,143	$381,400	$324,258	**$5.67**
Avery Brewing Company	$90,000	$82,540	$1,047,499	$964,959	**$11.69**
Boulder Brands, Inc.	$60,000	$57,143	$539,347	$482,204	**$8.44**
Boulder Homemade, Inc.	$25,000	$23,810	$71,967	$48,153	**$2.02**
Cocona, Inc.	$10,000	$9,524	$47,455	$37,931	**$3.98**
Orbotix, Inc.	$30,000	$28,571	$149,714	$121,142	**$4.24**
Rudi's Organic Bakery	$50,000	$47,619	$356,688	$309,069	**$6.49**
SolidFire, Inc.	$50,000	$47,619	$415,839	$368,220	**$7.73**
Sterling-Rice Group	$55,000	$51,042	$513,791	$462,749	**$9.07**
Total	**$455,000**	**$428,821**	**$3,799,096**	**$3,370,271**	**$7.86**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2014 Return on Investment – All Recipients

Conclusion from 2014 analysis report: The City of Boulder's Flexible Rebate Program has continued to provide the Boulder City Manager with an important and effective tool to help retain, grow, and attract businesses that align with Boulder's values and goals and generate a positive return on investment.

Return on Investment – 2014 Flexible Rebate Recipients (2014 – 2016)					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
BI Inc.	$35,000	$33,107	$462,741	$429,634	**$12.98**
Boulder Brands	$20,000	$19,048	$252,234	$233,187	**$12.24**
Flatirons Solutions	$60,000	$55,804	$465,342	$409,538	**$7.34**
IMM	$80,000	$74,852	$257,216	$182,365	**$2.44**
juwi Solar	$10,000	$9,342	$112,202	$102,589	**$11.01**
LogRhythm	$75,000	$68,707	$1,169,298	$1,100,591	**$16.02**
Sea to Summit	$40,000	$36,756	$163,674	$126,918	**$3.45**
SendGrid	$60,000	$55,804	$257,491	$201,687	**$3.61**
Spectra Logic	$15,000	$13,946	$567,729	$553,783	**$39.71**
Spyder Active Sports	$75,000	$69,409	$538,986	$469,577	**$6.26**
Total	**$470,000**	**$436,775**	**$4,246,913**	**$3,809,869**	**$8.72**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

Return on Investment– New and Retained Business Recipients: 2007 – 2013

From 2007 and 2014, a total of 37 companies were retained in (including expansion and consolidation of operations) or attracted to Boulder as a result of the Flexible Rebate Program and approved for rebates totaling $1,811,385. The overall net return to the city is estimated to be $9,575,761 or $5.80 for every $1 invested.

Flexible Rebate Funding and Returns: New and Retained Businesses 2007 - 2014					
Program Year	Total Approved Rebates	Total Recipients	Approve Rebate PV	Net Return PV	Net Return on $1
2007	$250,422	4	$228,018	$2,119,331	$18.11
2008	$150,000	3	$130,040	$418,709	$2.22
2009	$119,963	3	$111,077	$488,819	$4.40
2010	$150,000	3	$136,053	$613,162	$4.51
2011	$281,000	6	$246,410	$728,746	$2.96
2012	$290,000	6	$267,488	$938,012	$3.51
2013	$305,000	7	$285,964	$2,431,936	$8.50
2014	$265,000	5	$247,118	$1,837,046	$7.43
Total	**$1,811,385**	**37**	**$1,652,168**	**$9,575,761**	**$5.80**

2007 Return on Investment – New or Retained Businesses

In 2007, the Flexible Rebate Program provided incentives that influenced IBM's decision to locate its green data center in Boulder and the decisions of LeftHand Networks, Mountain Sports Media and Solekai Systems to remain and expand in Boulder.

Return on Investment – 2007 Flexible Rebate Recipients (2007 – 2009) – New or Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
IBM*	$100,000	$90,703	$2,511,545	$2,420,842	$27.69
LeftHand Networks	$80,698	$74,073	$144,840	$70,769	$1.96
Mountain Sports Media	$44,917	$40,741	$224,678	$183,937	$5.51
Solekai Systems	$24,807	$22,501	$106.876	$84,376	$4.75
Total	**$250,422**	**$228,018**	**$2,119,331**	**$1,891,313**	**$9.29**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).
**Only includes taxes and fees generated by the new data center that the incentive helped win for Boulder*

2008 Return on Investment – New or Retained Businesses

In 2008, incentives provided through the Flexible Rebate Program influenced the decisions of Advanced Thin Films and Siemens to move to Boulder and Rally's decision to remain and expand in Boulder.

Return on Investment – 2008 Flexible Rebate Recipients (2008 – 2010) – New or Retained Businesses					
Retained Businesses	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
Advanced Thin Films	$50,000	$47,619	$152,748	$105,129	$2.21
Rally Software	$50,000	$44,833	$232,406	$187,573	$4.18
Siemens Wind Power	$50,000	$37,588	$33,555	($4,033)	($0.11)
2008 Total	**$150,000**	**$130,040**	**$418,709**	**$288,669**	**$2.22**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2009 Return on Investment – New or Retained Businesses

In 2009, the Flexible Rebate Program provided incentives that influenced the decisions of eTown, IBM and Tundra Specialties decision to expand in Boulder.

Return on Investment – 2009 Flexible Rebate Recipients (2009 – 2011) – New or Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
eTown	$50,000	$47,619	$205,253	$157,634	$3.31
IBM*	$35,000	$31,746	$4,293,702	$4,261,956	$134.25
Tundra Specialties	$34,963	$31,712	$181,789	$150,077	$4.73
2009 Total	**$119,963**	**$111,077**	**$599,896**	**$488,819**	**$4.40**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).
**Includes only those taxes and fees generated by IBM's new division*

2010 Return on Investment – New or Retained Businesses

In 2010, incentives provided through the Flexible Rebate Program influenced the decisions of Rally Software, Microsoft and Mountainside Medical to remain and expand in Boulder.

Return on Investment – 2010 Flexible Rebate Recipients (2010 – 2012) – New or Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
Rally Software	$50,000	$45,351	$385,152	$339,801	$7.49
Microsoft	$50,000	$45,351	$151,209	$105,858	$2.33
Mountainside Medical	$50,000	$45,351	$462,656	$417,305	$9.20
2010 Total	**$150,000**	**$136,053**	**$749,215**	**$613,162**	**$4.51**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2011 Return on Investment – New or Retained Businesses

In 2011, the Flexible Rebate Program provided incentives that influenced Biodesix's decision to move to Boulder and the decisions of Tendril Networks, LogRhythm, juwi Wind, Eetrex and Salewa to remain and expand in Boulder.

Return on Investment – 2011 Flexible Rebate Recipients (2011 – 2013) – New or Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
Tendril Networks	$85,000	$77,098	$315,320	$238,223	$3.09
LogRhythm	$85,000	$73,426	$471,564	$398,138	$5.42
Biodesix	$60,000	$51,830	$61,652	$9,822	$.19
juwi Wind	$15,000	$12,958	$44,644	$31,687	$2.45
Eetrex	$26,000	$22,460	$49,790	$27,330	$1.22
Salewa	$10,000	$8,638	$32,185	$23,546	$2.73
2011 Total	**$281,000**	**$246,410**	**$975,155**	**$728,746**	**$2.96**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2012 Return on Investment – New or Retained Businesses

In 2012, incentives provided through the Flexible Rebate Program influenced the decision of HEAD USA to relocate to Boulder and the decisions of American Rec, Gnip, RealD, Tensentric and Upslope to remain and expand in Boulder.

Return on Investment – 2012 Flexible Rebate Recipients (2012 – 2014) – New and Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
American Rec Products	$25,000	$23,140	$152,929	$129,789	$5.61
Gnip	$45,000	$41,518	$216,290	$174,771	$4.21
HEAD USA	$50,000	$46,280	$39,976	($6,304)	($.14)
RealD	$80,000	$73,513	$219,362	$145,849	$1.98
Tensentric	$40,000	$36,757	$140,355	$103,598	$2.82
Upslope	$50,000	$46,280	$436,589	$390,309	$8.43
Total	**$290,000**	**$267,488**	**$1,205,501**	**$938,012**	**$3.51**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2013 Return on Investment – New or Retained Businesses

In 2013, incentives provided through the Flexible Rebate Program influenced the decision of Active Interest Media, Avery Brewing Company, Boulder Ice Cream, Cocona, Inc., Rudi's Organic Bakery, SolidFire, Inc., and Sterling-Rice Group to remain and expand in Boulder.

Return on Investment – 2013 Flexible Rebate Recipients (2013 – 2015): New and Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
Active Interest Media	$25,000	$23,810	$264,665	$240,855	**$10.12**
Avery Brewing Company	$90,000	$82,540	$1,047,499	$964,959	**$11.69**
Boulder Homemade, Inc.	$25,000	$23,810	$71,967	$48,153	**$2.02**
Cocona, Inc.	$10,000	$9,524	$47,455	$37,931	**$3.98**
Rudi's Organic Bakery	$50,000	$47,619	$356,688	$309,069	**$6.49**
SolidFire, Inc.	$50,000	$47,619	$415,839	$368,220	**$7.73**
Sterling-Rice Group	$55,000	$51,042	$513,791	$462,749	**$9.07**
Total	**$305,000**	**$285,964**	**$2,717,904**	**$2,431,936**	**$8.50**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

2014 Return on Investment – New or Retained Businesses

Of the ten companies that were approved in 2014 to receive incentives through the Flexible Rebate Program, five were considering expanding or moving their business to a location outside the city. These companies indicated the rebate played a role in their decisions to remain, expand or consolidate operations in Boulder. A return on investment analysis of businesses attracted or retained through the program indicates the City will

recoup an estimated net return of $1,837,046 (net present value) over the three-year period the companies agreed to remain in Boulder or $7.43 on each $1 authorized for rebates.

Return on Investment – 2014 Flexible Rebate Recipients (2014 – 2016): New and Retained Businesses					
	Rebate Approved	Rebate PV	Tax Revenue PV	Net Return PV	Net Return on $1 invested
BI Incorporated	$35,000	$33,107	$462,741	$429,634	**$12.98**
IMM	$80,000	$74,852	$257,216	$182,365	**$2.44**
SendGrid	$60,000	$55,804	$257,491	$201,687	**$3.61**
Spectra Logic	$15,000	$13,946	$567,729	$553,783	**$39.71**
Spyder Active Sports	$75,000	$69,409	$538,986	$469,577	**$9.07**
Total	**$265,000**	**$247,118**	**$2,084,163**	**$1,837,046**	**$7.43**

PV = Present Value; Net return represents the current value of income to the City of Boulder (estimated tax revenue) over the three years of the program less the current value of the expenditures (approved rebate).

History of Boulder's Economic Vitality and Flexible Rebate Programs: 2002-2014

Since 2002, the city of Boulder has proactively worked to establish and support an economic vitality program that provides consistent outreach, assistance and recognition of business in the community. As part of an overall economic vitality plan, a pilot Business Incentive Program was developed and implemented in 2007, including a pilot Flexible Rebate Program with funding of $500,000 from the city targeted at retaining and expanding primary employers in Boulder.

Primary employers are defined as those that "export" the majority of their goods and services outside the community, infusing external funds into the local economy and producing a substantial impact on local output, employment and wages. From the time of implementation of the pilot through 2008, the city defined primary employers as businesses (excluding hotel, retail and food services) that generate at least 75% of their revenues from outside Boulder County. This is a higher threshold than many communities use and the definition was lowered to "exceeds 50%" in 2009.

The 2007 Flexible Rebate Program pilot was judged to be a success and has been continued by the city each year since then as a formal program. The city has commissioned the Boulder Economic Council (BEC) to provide an objective evaluation of the effectiveness of the program each year based on its value in retaining or attracting businesses and providing a return on the city's investment.

Some program criteria have changed to ensure that grant recipients support the city's goals for social and environmental sustainability. The maximum rebates granted, as well as the funding provided in each year's city budget, has also changed to address funding constraints in the city's budget. Changes made to the program since 2007 include:

- Expanded options for demonstrating commitment to environmental sustainability including energy and waste reduction, energy certifications, encouraging alternative transportation, general sustainable business practices and buying locally
- Primary Employer was redefined as one consisting of any number of employees
- The amount of revenue required to be derived from the sale of goods and/or services outside of Boulder county was lowered from 75% to 50% to be consistent with the common definition of a primary employer within the state
- The application form was adjusted so that it could be filled in online and arrangement of the information and requirements on the city's website were improved to facilitate ease of use based upon feedback from users.

City of Boulder Economic Vitality and Flexible Rebate program highlights:

2002

- As part of the 2003 budget (in 2002), city EV efforts were funded by using a portion of the resources currently available from $2.9 million Boulder Urban Renewal Authority (BURA) bond reserve fund that came back to the city when the BURA bonds were paid off.
- A base budget of $250,000 per year for five years was set for the EV account (with carryover of unused funds each year) beginning in 2003 and *continuing through 2007.* The urban redevelopment portion of the account began in 2004 and *continued through 2008*.
- Prior to 2003, the City Council economic goal group had a series of discussions about economic initiatives and concluded that a more focused effort to formulate an economic policy was required.

2003

- City Manager Frank Bruno convened the Economic Vitality Action Group (EVAG) in February, 2003—his first few weeks on the job. The charge to the EVAG was to prepare appropriate options, tools and other strategies that will assist the city's efforts to enhance business opportunities and sales tax revenues. EVAG formulated a draft EV policy in August 2003.
- City Council adopted the EV policy in October 2003 (see policy in Attachment H).

- Initial EV staffing took place in late 2003 to mid-2004. Brad Power, who served as Executive Director of BURA since 1997 was hired as the fixed-term redevelopment director in December 2003.

2004

- Michael Stumpf served as the city's first EV coordinator from summer 2004 to spring 2005.
- The Economic Vitality Advisory Board (EVAB) was named by Frank Bruno in August 2004 as advisory to the city manager.

2005

- EVAB has provided advice and input to the city manager, individually and in periodic meetings since 2005.
- In April 2005, an EV work plan was adopted.
- After Stumpf's departure, Boulder Economic Council (BEC) Executive Director Sean Maher served as interim economic development coordinator from May 2005 to September 2006.
- An independent assessment of Boulder businesses' views of doing business in Boulder was conducted by business consultant, Ray Wilson in fall 2005.

2006

- Liz Hanson, a 20-year veteran of the Planning Department, was hired as the city's business liaison in January 2006 for a two-year fixed term.
- An updated EV work plan was reviewed by City Council at a study session in March 2006.
- A 2007 Business Incentives Pilot Program was adopted by City Council in September 2006.
- Frances Draper was hired as the new executive director of the BEC in September 2006.

2007

- The city and BEC enter into a 2007 agreement for specific services related to implementation of the pilot incentive program, business outreach, and business retention.
- EV staff implements the approved 2007 Business Incentives Pilot Program: Developing application and administrative review processes; creating and implementing a communication plan, including direct marketing and public presentations; and obtaining owner-occupied loan pool commitments and agreements.
- As of August 1, eight flexible rebate and two employee training applications are received from Boulder primary employers.
- The City Council authorized the Business Incentive Rebate Program for 2008.

2008

- The Boulder Economic Council contracts with the city to complete an analysis of the 2007 Pilot Business Incentive Rebate Program.
- The City Manager grants Business Incentive Rebates to eight companies.
- The analysis is completed and presented to City Council on April 22, 2008 showing a return of $14.41 on every $1.00 invested in incentive rebates.

2009

- City Council reauthorizes the City Manager to approve Business Incentive Rebates with some additional sustainability guidelines for companies to meet, to continue each year if funding is made available each year in the city's budget.
- A 2009 budget of $350,000 is approved for the Flexible Rebate Incentive Program and $50,000 for the city's contribution to a MicroLoan Fund.
- The City Manager grants Business Incentive Rebates to seven companies.
- The Boulder Economic Council provided an analysis of the 2008 program showing a return of $8.78 on every $1.00 invested in incentive rebates.

2010

- A 2010 budget of $350,000 is provided for the Flexible Rebate Incentive Program and $100,000 for the MicroLoan Fund.
- On September 30, the Ash Center for Democratic Governance and Innovation at the John F. Kennedy School of Government, Harvard University, announced that the City's Flexible Rebate Program was one of 173 government programs selected for its newly-created Bright Ideas program. In its inaugural year, the Bright Ideas honor is designed to recognize and share creative government initiatives around the country with interested public sector, non-profit, and academic communities.
- Seven companies are granted Business Incentive Rebates totaling $345,366.
- The Boulder Economic Council provided an analysis of the 2009 program showing a return of $28.89 on every $1.00 invested in incentive rebates.

2011

- A budget of $350,000 was provided for the 2011 Flexible Rebate Incentive Program, all of which was incorporated into the city budget rather than relying on one-time funding.
- Six companies are granted Business Incentive Rebates totaling $281,000.
- The Boulder Economic Council provided an analysis of the 2011 program showing a return of $2.96 on every $1.00 invested in incentive rebates.

2012

- A budget of $350,000 was provided for the 2012 Flexible Rebate Incentive Program.
- Nine companies are granted Business Incentive Rebates totaling $395,000 (funded in part with unused rebate funds carried over from previous years).
- The Boulder Economic Council provided an analysis of the 2012 program showing a return of $3.61 on every $1.00 invested in incentive rebates.

2013

- A budget of $350,000 was provided for the 2013 Flexible Rebate Incentive Program and $50,000 for the MicroLoan Fund.
- Ten companies are granted Business Incentive Rebates totaling $455,000 (funded in part with unused rebate funds carried over from previous years).
- The Boulder Economic Council provided an analysis of the 2013 program showing a return of $7.86 on every $1.00 invested in incentive rebates.

2014

- A budget of $350,000 was provided for the 2014 Flexible Rebate Incentive Program and $50,000 for the Microloan Fund.
- Ten companies are granted Business Incentive Rebates totaling $470,000 (funded in part with unused rebate funds carried over from previous years).
- The Boulder Economic Council provided an analysis of the 2014 program showing a return of $8.72 on every $1.00 invested in incentive rebates.

Boulder Microloan Fund
2015 Program Year In Review

Program History

During the creation of the City of Boulder's Economic Vitality Program it was proposed that a specialized loan pool to attract and retain small businesses would make them more likely to remain in Boulder over the long term. With the economic downturn that began in late 2008, the Boulder Economic Council joined with the City of Boulder, Colorado Enterprise Fund and several banks to create a Microloan Fund. The mission of this Fund is to provide access to capital for Boulder businesses that cannot obtain financing through traditional sources, but who are capable of sustaining a business and repaying debt. The Boulder Microloan Fund (BMF) was launched in 2009, with $325,000 in loan capital, funded by the City, three banks, and Colorado Enterprise Fund.

Market Need:

Through research from the Boulder Small Business Development Center and other input, the group determined that there was a demand for working capital and other loans that was not currently being met in the community for a variety of reasons. In the economic environment of 2009 and with banks being capital-constrained, this was particularly true. Small businesses form the majority of the city's economic base and the group felt an effort to provide a modest lending program for those who cannot access bank debt, but can repay a loan, would have positive effects on the city's economy for some time to come.

The program also addresses the needs of the participating banks to reach smaller businesses more effectively. This program meets that need by ensuring at least 60% of the lending is to businesses with $1 million or less in annual revenue. This allows the banks to count their loan or contribution to the program for their Community Reinvestment Act requirements.

Operational Details:

1) Business Eligibility Criteria
    a. Location: At least 80% of businesses must have their primary office/headquarters or operations in the City of Boulder, CO. All must be within Boulder County. Note: the participating banks serve the broader Boulder market and wanted to ensure at least a few of the applicants from outside the city boundary could be considered.
    b. Size and Income:
        i. Businesses: Businesses may not exceed $2 Million per year in gross revenue for the year immediately preceding the date of the loan and 60% or more of the Fund's loan must be made to businesses with less than $1 Million per year in gross revenue
        ii. Non- Profits: Non-profit organizations must show that at least 51% of the individuals served fall at or below 80% of the US Department of Housing and Urban Development's median income levels.
2) Loan Purposes:

    Loans may be used for most business purposes including, but not limited to the following:
    a. Inventory purchase
    b. Start-up expenses
    c. Equipment purchase
    d. Operations

e. Tenant finish and property improvements
f. Purchase of a business

3) Loan Size:
Loans may range up to a maximum of $50,000.00.

4) Loan Term:
Loan terms may range from two to ten years with any re-write of the loans able to extend the original term by up to two years.

5) Underwriting:
Underwriting decisions are made according to Colorado Enterprise Fund's ongoing underwriting standards and guidelines.

6) Technical Assistance:
All borrowers have access to CEF's Business Acceleration Services (BAS). BAS consists of one-on-one business consulting and business owner education. Borrowers are measured for business acumen in 27 distinct areas and training and counseling are provided to address areas of weakness. Consulting covers everything from marketing and sales to financial management and corporate legal advice.

Funding Summary of Microloan Fund Investors (all amounts are loans, unless identified)**:**	
First Round of Funding:	
City of Boulder	*$ 50,000 (grant)*
First National Bank of Colorado	$ 50,000
Wells Fargo Bank	$100,000
US Bank	$ 25,000 (grant)
Colorado Enterprise Fund	$100,000
Total First Round Funding:	$325,000
Second Round of Funding:	
FirstBank	$ 75,000
City of Boulder	*$100,000 (grant)*
Colorado Enterprise Fund	$ 75,000
Total Second Round Funding:	$250,000
2012 Funding :	
First National Bank	$125,000
Colorado Enterprise Fund	$150,000
2013 Funding:	
City of Boulder	*$50,000 (grant)*
First Citizen's Bank & Trust	$25,000
Colorado Enterprise Fund	$100,000
2014 Funding:	
First National Bank CDC	$200,000
First National Bank of CO – retired	-$50,000
Wells Fargo – In renewal	$100,000
City of Boulder	*$50,000 (grant)*

2015 Funding:	
City of Boulder	*$50,000 (grant)*
Citywide Banks	$100,000
Total Fund:	**$1,375,000**

Deployment Summary from 4/1/2009 (inception) to 12/31/15 (the entirety of the Program):

Number of Loans: 78 business loans
Dollar volume of deployment as follows:

BMP Funds deployed:	$ 1,584,006
Additional Colorado Enterprise Funds deployed:	$ 1,469,366
Total capital financed:	$ 3,053,372
BMP Funds loan balances outstanding at 12/31/2015:	$ 630,835
Addl. CEF Funds loan balances outstanding at 12/31/2015:	$ 521,352
Total outstanding at 12/31/2015:	$ 1,152,187
BMP Funds available to lend:	$ 243,987 out of $874,822
Addl. CEF Funds available to lend:	As needed
As a result of relending on repaid loan principal, and the leveraging effect of CEF's other funds, the direct impact on access to loan capital in the Boulder business community has been 340% greater than the investment made by the funding partners.	

Summary of loan activity from Program inception through December 2014 (all activity prior to 2015)

Detailed descriptions of the following borrowers and how they used borrowed funds can be found in previously filed reports.

- Of the following 48 borrowers, 48% are women-owned businesses. 17% of these businesses owners self-identify as ethnic or racial minority. 44% reported being Low Income wage earners at the time of loan application.
- As a result of these loans, places for 41 children were created in child-care facilities.
- 519 jobs were created or maintained in businesses receiving loans.

The 62 loans to these 47 borrowers:

- Represent $2,378,054 in financed capital
- Range between $6,000 and $130,000 in loan size
- Have a repayment term of between 36 and 84 months
- Carry interest rates of 8.75% to 11.99%

6px, Inc.	Cloud optimized image processing technology
Amanda Johnson Consulting*	Strategic planning and development for non-profit orgs
ANCO Engineers*	Specialty manufacturer of earthquake testing equipment

Atomic20	Adaptive marketing strategy & design
Blackbird and the Snow	Jewelry design and sales
Blooming Beets Kitchen	Gluten free restaurant
Boulder Homemade Ice Cream*	Producer and distributor of high quality natural ice cream
Boulder Insurance Solutions	Small to mid-sized business insurance brokerage
Boulder Landscape and Design	Landscape planner/builder of ecologically sensitive environments
Boulder Vision Associates*	Gunbarrel eye care provider
Café Aion, LLC	Full-service, innovative fresh cuisine on "The Hill"
Chiropractic Concept Clinic	Chiropractic and physical therapy clinic
Cool Spirit Nature	Organic hemp clothing and accessories
D.O.G. Enterprises, LLC	Premium doggy day care, overnight camps and in-home care
Dash Cycles, LLC	High-tech composites design and manufacturing
David Lupberger	Design, planning & construction services
Deviant Spirits	Traditional and infused vodkas distiller
Dragonfly Coffee Roasters, LLC	Coffee roasters supplying wholesale and retail markets
Fresh, LLC	Value driven, high quality product cafe
Himalayas Chai	Boulder restaurant doing packaged goods of a fan favorite
Impact Services, Inc.	Tax and accounting services provider
Joycare Infant & Toddler Ctr.	A not-for-profit childcare provider operating out of Gunbarrel
Kettle and Stone	Gunbarrel craft brewer
Living Design Studios, Inc.	Custom metalwork for residential and commercial applications
Lotus Blossom Learning Center	Childcare provider
Makeena, LLC.	Mobile app facilitating healthy/sustainable choices and cost savings at the grocery store
MicroChem	Advanced laboratory services for the food & beverage industry
Move Sport, Inc.	Manufacturer of sporting goods for running and biking
NAP, Inc.	Manufacturer of Boba and Sleepy Wrap brands of baby carriers
Natural Body Shop	Natural remedies
Natural Design Solutions, Inc.	Landscape architecture and land use planning consultant
Paradigm Publishers*	Educational books publisher
Photocrati Media, LLC	Web marketing services
Planting Dreams Home Childcare	Spanish immersion home-based preschool child care
Pure Hair Studio	North boulder beauty salon
Represent Your Water	Contributing to environmental conservation through product sales featuring outdoor recreation themes
Rhymer Retail, Inc.	Operating as a 7-11 Convenience Store in Boulder
RollinGreens	Mobile salad & healthy food catering operation
Simply Dara	Snacks: vegan, gluten free, macrobiotic, raw
SolBites	Healthy snacks manufacturing with a mission to address childhood obesity
The Hitching Post	Equestrian products and themed personal and home décor
The Tasterie	Mobile café & bakery specializing in local, seasonal ingredients
The White List, LLC	A wedding planning services company
Thermal Clean, LLP	A bedbug remediation company
University Parent Magazines*	Parent-targeted campus magazines for universities nationwide
XOAB, LLC	Merino wool socks manufacturing and sales
Yummari, Inc	Chia based snacks

Program loan activity for calendar year 2015

- Of the following 16 borrowers: Nine are women-owned businesses; none of these businesses owners self-identify as an ethnic or racial minority; nine are low income wage earners.
- 142 jobs were created or maintained in businesses receiving loans.
- As of the filing of this report, 4 loans for $ 265,000 dollars are in the pipeline.

The loans to the following 16 borrowers:

- Represent $ 675,318 in financed capital
- Range between $ 7,350 and $ 76,905 in loan size. Loans larger than $50,000 have been participated with other CEF funds per program requirements.
- Have a repayment term of between 30 and 96 months.
- Carry interest rates of 9.0% to 11.75%

Borrower	Closed	Amount	Short Business Description	Use of Funds	Term (yrs)	Rate	Current Balance	Loan Status
Lotus Blossom Learning Center, Inc., etal.*	11/19/15	$25,740	Childcare Provider	Working Capital	8	9.00%	$25,740	Current
Streamlined Web Design, LLC.	10/27/15	$10,505	Web Services	Working Capital	3.5	10.99%	$2,505	Current
Integrated Learning Academy, LLC.	10/13/15	$20,605	Childcare Provider	Working Capital	4	10.50%	$15,105	Current
Accuer, Inc.	10/07/15	$76,570	Software as a Service developer	Working Capital	7	9.25%	$76,570	Current
The Way of the Happy Woman, LLC.	09/23/15	$46,010	Provider of Women's health and wellness services.	Working Capital	6.5	9.99%	$46,010	Current
Green Machines of Boulder, LLC., etal.	09/17/15	$40,850	ATM machines that give back to non-profits	Working Capital	5.5	9.99%	$40,151	Current
Fortuna Single Estate Chocolate	08/20/15	$51,130	High end, sustainable chocolates producer distributor	Working Capital	6	10.50%	$47,130	Current
Rowdy Mermaid Kombucha, LLC., etal.	08/18/15	$7,350	Beverages producer/distributor	Working Capital	2.5	11.75%	$7,350	Current
ReMarkable Foods, LLC.	08/04/15	$76,790	Healthy Snack Foods	Working Capital	7	9.25%	$20,690	Current
Moon Song Midwifery, LLC.	07/29/15	$12,560	Pregnancy, pre/post natal services	Working Capital	5	10.75%	$12,560	Current
Open Door Brewing Company, LLC.	07/10/15	$76,905	Craft Brewery	Working Capital	6.5	9.99%	$51,957	Current
University Parent Magazines, Inc., etal*	06/10/15	$75,890	Parent-targeted campus magazines for universities nationwide	Working Capital	7	9.99%	$36,290	Current
Thrive, Ltd. d/b/a Thrive	06/03/15	$36,063	Restaurant and light retail	Working Capital	6	10.25%	$36,053	Current
JP Egbert and Associates, LLC.	05/05/15	$51,325	Luxury real estate realtor	Working Capital	3	9.99%	$44,322	Current
Mock Painting, LLC., etal.	03/18/15	$15,580	Painting contractor	Working Capital	5	10.50%	$14,578	Current
Brewjacket, Inc.	01/06/15	$51,445	Craft brewing supply	Working	5	9.75%	$46,936	Current

	Capital
Repeat Borrower*	

Program Considerations for 2016 and beyond

CEF concluded the 2015 program year by holding the first investors advisory meeting in several years. We brought several new voices to the table this year, using the opportunity to promote the program's results not only to the existing investors, but also to court interest from new investors. As has been the case in many years, CEF deploys funds rapidly enough each year such that investor funds are depleted before additional funds are sourced. CEF covers the capital need in these situations, without a formal agreement determining how much additional capital CEF will contribute. The City of Boulder continues to be a critical partner, granting to CEF $50,000 annually for use as loan capital in the loan program. The portfolio of loans remains very healthy, with no delinquency in loan repayment to report in recent years, and the only loan charge off in the program history having happened over two years ago.

In 2016, CEF will continue to market heavily in the Boulder area including hosting events, Small Business Development Center visits, banker visits and through additional participation in business and industry associations. We expect lending to continue at average rates seen in recent years: financing 10 to 15 new loans with total disbursements of $ 400,000 to $800,000 annually. As a result of the investor advisory meeting, CEF has bank investors already interested in contributing capital to the program totaling $100,000. CEF will continue to seek additional loan capital support from community partners during 2016 to ensure that the Boulder Microloan Program remains strong, and responds to the considerable demand expressed for this type of capital in the Boulder market.

CITY OF BOULDER
BOULDER DESIGN ADVISORY BOARD MINUTES
September 23, 2015
Boulder Library Arapahoe Conference Room, 1001 Arapahoe

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

BDAB MEMBERS PRESENT:
Jamison Brown, Chair
Michelle Lee
Jim Baily
David McInerney
Jeff Dawson

BDAB MEMBERS ABSENT:

PLANNING BOARD EX-OFFICIO MEMBER PRESENT:
Bryan Bowen

STAFF PRESENT:
Sam Assefa, Senior Urban Designer
Charles Ferro, Development Review Manager
Elaine McLaughlin, Senior Planner
Chandler Van Schaack, Planner I

BOARD DISCUSSION:

1. **Approval of Minutes**
   The board approved the July 15, 2015 and the July 29, 2015 BDAB minutes.

2. **2751 30th Street Project Review**
   C. Van Schaack gave a brief process summary followed by a presentation by the applicant.

   BOARD COMMENTS:
   J. Brown had some concerns with the first floor of the building including a lack of detail in the design. He also wondered how much the front yard would actually be used since there was no separation between the public and private realms.

   J. Baily agreed with the proposal for a canopy or awning, but he was concerned with the arched design in regards to its compatibility with the surrounding area on 30th Street. He thought that more of a straightforward canopy would transition better with the materials around it and would also be more compatible with the surrounding area.

   J. Brown felt it would be an improvement if there was not a door in the center of the façade. He suggested that, if the applicant were to do something more substantial with the door, they look at doing an awning or transom lighting just above the door so it would break the horizontal line that makes the façade look so linear.

J. Baily was concerned about design consequences of fitting what appeared as four floors into 37 feet as proposed, including having a realistic interface with street level.

C. Van Schaack followed up by saying that it was not possible for this building to go up to 37 feet. Anything over 35 feet would require rezoning and an ordinance.

B. Bowen summarized a discussion between the board, staff and the applicant: There would be a design issue if it is going to be apartments or a use issue if it is going to be a mixed use development.

M. Lee recommended that the applicant look at how to transition the first floor material higher like, for example, bringing the CMU up to the second row of windows or putting transoms above some of the doors and windows.

She felt that the yards felt very private and fenced-in and believed that there was a way to make the front dog-friendly but still welcoming to the public at the same.

J. Dawson the windows were too equally spaced within the elevation almost making it read like a warehouse building. He encouraged the applicant to think more strategically about the position of the windows relative to the living spaces on the inside. Reconsider the top of the masonry on the parapet. He felt that the base should be taken up so that it creates a more significant mass at the base of the building. Proportionally the amount of the beige CMU did not fit well with the red material a few stories above it. He thought the eyebrow (awning) was too big.

D. McInerney stated that the staggered floors on the interior of the north and south elevations resulted in windows that did not line up on those elevations.

J. Dawson thought it would be good to see more detail in the windows and the geometry of the frames.

The board agreed that a stoop would be effective in creating a buffer for the entry and improving the streetscape for the townhomes; That some clustering of windows to reflect the individual townhome nature of the plan would be more effective than equal spacing across the entire elevation; Some additional detail on the windows and some use of the beige stone to help identify traditional masonry construction techniques would help humanize and scale the building down. They also recommended raising the first floor up a minimum of 18".

3. **The REVE Project Review**
J. Dawson recused.

E. McLaughlin gave a brief update on the project followed by a presentation by the applicant.

BOARD COMMENTS:

Building 1
J. Brown liked the columns coming all the way down as it created warmth on the streetscape. However the sections where the columns were not brought all the way down seemed a little heavy. He also suggested changing up the storefront panel like perhaps

instead of using the same glazing system use a kick plate or makes it a weightier storefront system.

The board recommended replacing the stucco portions by pulling the metal material across the top.

S. Assefa commented that the bottom three floors were very rich in color, material, form and detailing and had a great presence and weight. Considering the contrast between that and the stucco, it needs something with more substance.

Building 2
J. Brown suggested adding a red/orange hue to the terra cotta material to reference the red brick that is so popular in Boulder.

M. Lee agreed with using the floating terra cotta as a rain screen as it strengthened their concept.

J. Brown suggested focusing on making that paseo something that people would be invited into.

J. Baily felt the passage way needed to be humanized otherwise it would seem like a wind tunnel.

In regards to using art in the paseo area, **S. Assefa** encouraged the applicant to consider installing something in the ceiling that could stick out to animate and light up the ceiling.

Building 3
J. Brown inquired about the decision to go with the two over two in the middle as opposed to the one over three. He was in favor of projecting balconies to break that plane and to help it feel less like a corridor.

S. Assefa stated that, for attached balconies, they must fit into the totality of the space around it and be properly detailed. They need something that shows that it is integral to the building and not just an appendage.

J. Brown liked how they had simplified the design from early renderings, but suggested simplifying the plan for this building a little more.

J. Baily recommended avoiding the "project look." It is more modern to have variety but at some point it becomes too busy. Keep the variety to give each unit an identity, but also create a little more unity. Since this is such an urban development, the more green you can have in the center open space the more it will feel like Boulder.

J. Brown encouraged the applicant to consider warm tones as they are exploring the color palette for this development. The use of warm colors and tactile materials will help those tight pedestrian spaces feel more welcoming.

4. **Board Matters**
   S. Assefa reminded the board that the 2015 BDAB Retreat would be held on October 14th.

   The board had a brief discussion about the Design Guidelines Update meetings.

5. **Boulder Civic Area Information Item**
   The board briefly discussed their initial thoughts of the plan and will individually review this item.

APPROVED BY:

Board Chair

12.9.15

DATE

CITY OF BOULDER
BOULDER DESIGN ADVISORY BOARD MINUTES
October 7, 2015
Park Central 401 Conference Room, 1739 Broadway

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

BDAB MEMBERS PRESENT:
Jamison Brown, Chair
Michelle Lee
Jim Baily
David McInerney
Jeff Dawson

BDAB MEMBERS ABSENT:

PLANNING BOARD EX-OFFICIO MEMBER PRESENT:
Bryan Bowen

STAFF PRESENT:
Sam Assefa, Senior Urban Designer
Kalani Pahoa, Urban Designer
Elaine McLaughlin, Senior Planner

BOARD DISCUSSION:

1. **2333 Arapahoe Project Review**
   E. McLaughlin gave a brief summary of the project followed by a presentation by the applicant.

   BOARD COMMENTS:
   S. Assefa mentioned some of staff's recent comments on the project:
   - They like the simplicity.
   - They have had issues with the exposed parking on the ground floor and suggested working the front of the building so the exposed parking on Arapahoe is minimized.
   - There have been many discussions about the significant amount of stucco and CMU.

   J. Brown, in regards to the Design Guideline of "maximizing the street frontage," inquired as to if there was a way to pull some of the design language from the building façade across to screen the parking with a physical object. On the first floor, he suggested moving the kitchen beside the laundry/mechanical room have the common utilities adjacent to each other. He also suggested moving the dining/study area to the front to have windows on the street and a large multi-use active space as well as expanding the stoop and turning it into a porch to create more of an indoor/outdoor component. This could all help activate the streetscape.

   B. Bowen suggested pulling the kitchen down to where the lobby was that way the back would not be covered with cabinets and would be open to the street. He

also suggested making the lobby more of a living/community space with a fire place. He agreed with **J. Brown's** suggestion in making the stoop larger to become more of a porch.

J. Baily felt that the front stoop read like a side door and it needs to read as a front door per the Design Guidelines. He also thought the extra wide sidewalk in front was limiting the landscaping and screening and is atypical for what occurs along the north side of Arapahoe. The whole front of the building would be enhanced by narrowing the sidewalk and could use some softening.

M. Lee saw an opportunity to bring some of the architectural character of Naropa University into the building design. The building seemed a little bland and might not accurately reflect Naropa's vision and unique identity in Boulder. She also encouraged them to add a little more dimension at the window sills, frames or headers, and different window proportions relative to wall area to help the building not look so flat.

D. McInerney encouraged them to add windows to the west façade in reference to the Design Guideline of avoiding large blank walls. On the eastern façade, he suggested swapping out the corrugated metal with the wood material and going with metal deck railings.

J. Brown agreed and felt that it would add a little more warmth to the building as well and lend to **M. Lee's** comment regarding pulling in the design of Naropa.

J. Baily suggested toning down the contemporary look of the building and modifying the CMU material to reflect Naropa and have a more residential feel.

J. Dawson suggested doing something interesting with the parapet caps to help terminate the top of the building instead of it looking cut off at the top.

S. Assefa pointed out that the flat windows on the stucco portion of the building looked a little cheap without any return or shadow lines.

2. BVCP 2015 Update Information Item

There was no presentation or in-depth discussion of this item. S. Assefa briefly spoke about a new 3D visualization tool called ESRI.

3. S'PARK Project Review

E. McLaughlin explained that the latest Planning Board recommendation was a condition with approval to go back to BDAB to take a look at refinements to S'PARK West. A portion of the Planning Board audio (including comments on the project) was played followed by a presentation by the applicant.

BOARD COMMENTS:

3085 Bluff Street – Market Rate Units

J. Dawson's biggest concern was the detailing in the metal panels and encouraged the applicant to find a creative way to align the bands with the heads in the brick. The sill elevation on the lower window seemed too low.

J. Brown saw a dramatic improvement in the Bluff Street façade from past renditions. It looked like a very relatable and understandable townhome form. He did not think the windows needed a header or sill detail given the scale of the panel of brick. In regards to color, he also thought the taupe metal panel was a lot stronger than the red and suggested going with one color palette on that block.

M. Lee felt that the proportions in terms of the architectural composition and the elegance of the masonry going up higher created a taller, more elegant form.

3155 Bluff Street – Affordable Housing Units
J. Dawson liked the material palette on building. On the Bluff Street elevation he suggested pulling the wood into the balcony openings by taking the vertical cedar and pulling it into the recessed balconies. He would like to see the same material palette on the other townhomes.

B. Bowen suggested removing the brick from the lower part of the middle of the townhomes and replacing it with the lighter wood.

In addition, **J. Dawson** also suggested bringing the metal fin down on the side wall.

J. Dawson suggested using some of this building's color palette on 3085 Bluff Street as it feels a little heavier than this building.

J. Brown provided a summary of the board's comments:

3085 Bluff

- Overall support for the changes as presented
- Eliminate the red with tan color combo
- First floor windows in the projecting townhome bays feel too low

3155 Bluff

- Bring some of the wood into the recessed balconies of the corner flats
- In the townhome section consider the use of the horizontal wood siding in lieu of the tan brick and bring the metal siding down to the ground on the "fins"
- Avoid using too opaque of a metal screen on the railings

APPROVED BY:

J.D.B.

Board Chair

12.9.15

DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
January 21, 2016
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:
Bryan Bowen, Chair
John Gerstle
Leonard May
Liz Payton
Crystal Gray

PLANNING BOARD MEMBERS ABSENT:
John Putnam

STAFF PRESENT:
Susan Richstone, Deputy Director of Planning, Housing & Sustainability
Lesli Ellis, Comprehensive Planning Manager
Jean Gatza, Community Sustainability Coordinator
Courtland Hyser, Senior Planner
Jessica Stevens, Civil Engineer II
Cindy Spence, Administrative Specialist III

1. **CALL TO ORDER**
Chair, **B. Bowen**, declared a quorum at 6:09 p.m. and the following business was conducted.

2. **APPROVAL OF MINUTES**
On a motion by **L. Payton** and seconded by **J. Gerstle** the Planning Board voted 5-0 (**J. Putnam** absent) to approve the December 3, 2015 and December 17, 2015 minutes as amended.

3. **PUBLIC PARTICIPATION**
No one spoke.

4. **DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS**
A. Call Up Item: Wetland Permit (LUR2015-00112), Boulder Creek west of 95th Street

None of the items were called up.

5. **INFORMATION SESSION**

A. Planning Board will hold an informal meeting to discuss the Boulder Valley Comprehensive Plan (BVCP) survey results. The public is invited to listen to Planning Board members and the consultant for the BVCP project, Dave Belin, RRC, and review the results. The public will be able to submit written comments for Planning Board to review.

- Presentation
- Questions/Topics for Discussion
- Public Comments and Questions

Staff Presentation:

J. Gatza introduced the item.

Dave Belin, with **RRC,** the consultant for the BVCP project, presented the item to the board. In particular, he clarified "weighted" vs. "un-weighted" results. Weighting is done to make the overall results representative of the known population characteristics. The variables used for weighting were age, own/rent and whether in Areas I, II or III. The totality and themes taken from the results are what the Board should focus on, not merely the individual percentages.

Board Questions:

J. Gatza and **D. Belin** answered questions from the board.

Board Comments:

- Members of the board observed that the results about the people's support for increasing, maintaining or decreasing future housing could be interpreted in different ways and should be considered as three separate "buckets" of responses.
- The board suggested obtaining clarity regarding the answers to the survey questions with additional outreach and deeper questions with more contexts.
- **C. Gray** suggested that as work moves forward around housing types a past housing survey of in-commuters might be useful to correlate with these results.
- **J. Gerstle** mentioned that the rate of growth and change, as well as the absolute numbers, may have played a role in many of the responses received and that if there are follow-up surveys, that this should be explored in more detail.
- The board suggested an explanation of the term "mixed use" to assist people with their responses.
- The results should not be a monoculture of solutions or opinions. The board suggested that future surveys should get into the questions of nuance, complexity and tradeoffs.
- The board felt that the City Council had good comments at the last joint meeting on December 15, 2015, but raised the issue of the difference in types of density. Future questions should differentiate and cross-tab to various subcommunites and include more options to cross-tab age.

Public Hearing:

1. **Donna George** suggested that the mailed survey postcard should be more vibrant to catch the receiver's attention. She expressed the importance to look at the results as

"weighted" and "un-weighted". She suggested that the Palo Park neighborhood should stand alone rather than combine with North Boulder.

6. DEBRIEF MEETING/CALENDAR CHECK

- **C. Gray** suggested that all board members speak directly in their microphones.
- **C. Spence** informed the board that minutes would not be verbatim, but summary minutes. In addition, "action" minutes will appear on the website the day after the Planning Board meeting.

7. ADJOURNMENT

The Planning Board adjourned the meeting at 7:39 p.m.

APPROVED BY

Board Chair

2.4.16

DATE

HONORING THE PATRIOTS OF THE AMERICAN REVOLUTION

WHEREAS, the National Society Children of the American Revolution, N.S.C.A.R., was founded in 1895 as a patriotic organization to train good citizens, develop leaders, and promote love of the United State and its heritage among young people; and

WHEREAS, nearly two and half centuries ago, our Founding Fathers created a country that to this day stands as a shining example of freedom, equality, humanity and justice for all; and

WHEREAS, as descendants of those who fought and supported their cause for independence, so do the members of the society learn and share the history of our nation and prepare for the challenges of living in a global society; and

WHEREAS, they carry out the objects of the society to love, uphold and extend the principles of American liberty and patriotism and preserve and restore places of historical importance in Colorado; and

WHEREAS, as future leaders, they delve into past and present to prepare for the future and engage in meaningful service projects that enrich the local community; and

WHEREAS, members of the local William Smith Livingston Society of the Colorado Society, N.S.C.A.R., are honored to host the 68th Annual Children of the American Revolution State Conference in Boulder, Colorado, on March 6, 2016.

NOW, THEREFORE, BE IT DECLARED by City Council of the City of Boulder, Colorado, that March 6-12, 2016 is recognized as

Patriots of the American Revolution Appreciation Week

And urge all of our community to give recognition to the American Patriots, men and women, who with unfailing loyalty rendered material aid to the cause of American Independence.

Suzanne Jones, Mayor

Kids to Parks Day: Saturday, May 21, 2016

WHEREAS, May 21, 2016 is the sixth Kids to Parks Day organized and launched by the National Park Trust; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

WHEREAS, it is important to introduce a new generation to our nation's parks because of the decline in Park attendance over the last decades; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and the outdoors

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that May 21 is declared

Kids to Parks Day

And we urge all Boulder residents to make time to take the children in their lives to a neighborhood, state or national park.

Suzanne Jones, Mayor

NEPAL DAY
April 17, 2016

WHEREAS, diversity of peoples and cultures is integral to the development and advancement of a community; and

WHEREAS, local Nepali community members contribute greatly to bringing diversity of life and culture to Boulder; and

WHEREAS, Boulder welcomes more and more Nepali people each year, thereby increasing the local Nepali community and its contributions to Boulder; and

WHEREAS, Nepal and Boulder share similar topography, thereby attracting numerous climbers, hikers and bikers to visit Nepal from Boulder each year; and

WHEREAS, the Boulder community has been very active in providing help in health and education to Nepal and her people; and

WHEREAS, Helping Hands Health Education has brought medical and educational help to Nepal's people since 1988 and has initiated a celebration known as Nepal Day; and

WHEREAS, Nepal Day is designed to celebrate the pride of being a Nepali in the United States of America

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder that April 17, 2016 is designated as:

Nepal Day

And calls upon the people of Boulder to join the celebration on this day to strengthen our community by supporting diversity in our culture.

Suzanne Jones, Mayor

Celebrating One Action 2016: Arts + Immigration

WHEREAS, the arts can play a vital role in encouraging community conversation on critical issues that strengthen our town; and

WHEREAS, the power of art can build alliances across diverse segments of our community; and

WHEREAS, the One Action 2016: Arts + Immigration Project is a yearlong, arts-based, countywide project that invites cultural, arts, immigrant and educational organizations to create programs that foster conversations on both historic and contemporary issues of immigration; and

WHEREAS, immigration is one of the largest single factors in our nation's social, cultural, and economic development; and

WHEREAS, immigrants have enriched the United States beyond measure, bringing many contributions to our society, along with the unique customs and traditions of their ancestral homelands; and

WHEREAS, this project has the potential to elevate Boulder as a model for how communities can become more inclusive by presenting a highly innovative example of cross-cultural collaboration for other communities to emulate

NOW THEREFORE, BE IT RESOLVED by City Council of the City of Boulder, Colorado, that 2016 will be the year of

One Action on Arts + Immigration

and urge all Boulder residents to participate, collaborate and engage in events, performances and discussion about the current and historical impacts of immigration in our community, and how we can move towards a more equitable and inclusive community.

Suzanne Jones, Mayor