

**CITY OF BOULDER
CITY COUNCIL JOINT MEETING
WITH PLANNING BOARD
MUNICIPAL BUILDING, 1777 BROADWAY
Boulder, Colorado 80302
Tuesday, February 2, 2016
6 p.m.**

AGENDA

- 1. CALL TO ORDER AND ROLL CALL**
- 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 accept December 8, 2015 Study Session Summary on the Hill Reinvestment Strategy**
 - B. Second reading** and consideration of a motion to **adopt proposed Ordinance No. 8101 amending** Section 8-3-7, “**Regulation of Horses and Livestock,**” and adding a new section 7-6-31, “**Horse Trailer Parking,**” and setting forth related details*
* This ordinance number has been renumbered; formerly out of sequence
 - C. Second reading** and consideration of a motion to **adopt Ordinance No. 8103 approving supplemental appropriations** to the **2016 Budget** for costs incurred to implement the **new short term rental program and tax**
- 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.

ORDER OF BUSINESS

- 5. PUBLIC HEARINGS**
Note: Any items removed from the Consent Agenda will be considered after any City scheduled Public Hearings

Update and direction on the following items related to the **2015 Major Update** to the **Boulder Valley Comprehensive Plan (BVCP):**
 - I. Initial Screening of Public Requests for Map Changes in Area II and Area III, Policy and Text Changes,** and

II. Project Update including BVCP Survey Results and Phase 3 Areas of Focus

Supplement to Agenda Item 5A:

County action on the initial screening of public requests for map changes in Area II and Area III as part of the 2015 Major Update to the Boulder Valley Comprehensive Plan (BVCP)

6. MATTERS FROM THE CITY MANAGER

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups

B. Request for a “Nod of Five” for authorization of staff to compile statistics regarding prosecution and incarceration of individuals for violation of § 5-6-10, “Camping or Lodging on Property without Consent,” B.R.C. 1981

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



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 2, 2016

AGENDA TITLE: Consideration of a motion to accept December 8, 2015 Study Session Summary on the Hill Reinvestment Strategy.

PRESENTERS

David Driskell, Executive Director, Department of Planning, Housing & Sustainability
Sarah Wiebenson, Hill Community Development Coordinator, Department of
Community Vitality
Bob Eichen, Chief Financial Officer

EXECUTIVE SUMMARY

This agenda item provides a summary of the December 8, 2015 study session on the Hill Reinvestment Strategy.

The purpose of the study session was to request council feedback on the following:

1. Key issues and city objectives that staff should represent moving forward when collaborating with the University of Colorado, Boulder (CU) on the proposed conference center/hotel project; and
2. Public financing options to facilitate the construction of public improvements on University Hill.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to accept the December 8, 2015 study session summary on the Hill Reinvestment Strategy.

City Council, December 8, 2015 Study Session Summary University Hill Reinvestment Strategy Update

PRESENT

City Council: Mayor Suzanne Jones, Mayor Pro Mary Young, Council Members Jan Burton, Lisa Morzel, Andrew Shoemaker, Sam Weaver and Bob Yates.

Staff members: City Manager Brautigam, City Attorney Tom Carr, Chief Financial Officer Bob Eichen, Planning, Housing and Sustainability Executive Director David Driskell, Community Vitality Director Molly Winter, Boulder Police Commander Thomas Trujillo, Boulder Police Code Enforcement Supervisor Jennifer Riley, Public Works Project Coordinator Joanna Crean, Special Assistant to Finance/CMO Joel Wagner, and Hill Community Development Coordinator Sarah Wiebenson.

STUDY SESSION SUMMARY

CU Conference Center/Hotel

Driskell provided an overview of the collaboration with the University of Colorado thus far on identifying a potential university affiliated hotel/ conference center in Boulder. A comparative analysis of two potential sites was jointly funded by the university and the city: the Folsom and Arapahoe site and the Grandview site at the NE corner of University and Broadway across from the University Hill Business district. Results of the analysis were shared with City Council October 6, 2015. CU indicated that it was ready to move forward with the Grandview site subject to additional analysis, and they have engaged consultants to prepare the next level of financial analysis of a conference center and hotel in this location. There are some constraints on the site, but key advantages as well, particularly its proximity to the main campus, the Hill business district and Downtown. From the city's perspective, the potential contribution to the revitalization of the Hill is also key.

Staff is seeking council feedback on what success would look like moving forward with the university. Staff outlined draft high level goals and objectives in hopes of gaining clarity from council on desired outcomes. From the city's perspective, this has been a successful collaboration with the university and staff is appreciative of the university for being open to this collaboration. Driskell summarized the goals and objectives outlined in the staff memo.

Key issues to be considered in the process include: building design and height, connections, facility size, parking, access and possibility of community use and whether the city should explore financial investments in the area.

There are two issues related to historic preservation that staff would like input from council. There is a mission style church on the site that is currently being used for offices and there are also some historic buildings that are not part of the project, but are adjacent to the site along Broadway. The city engaged a firm to look at the church and its potential for reuse as part of the hotel and conference center development. There is the potential to preserve it on site or relocate it and use it for restaurant or meeting space; however there is a delta in terms of the cost. Staff

would like to know how important it is to work with the university to preserve this particular building and whether to explore city financial participation to make this a viable alternative to the university, and whether to address the adjacent historic structures, understanding that this is a university owned building and site.

Staff is also seeking feedback on what, if any, city investment should be considered and whether participation in the conference facility is desired to ensure community use of the facility is an option. There is also the potential for shared parking facilities across the street at the UHGID lot that could be managed in conjunction with conference center use or at least there could be a shared analysis of how much parking is appropriate or needed in the area. Staff has indicated an openness to coordinate on public process, understanding that this is a university project on university-owned land, so the university is not subject to city requirements. The city intends to have a project website to make all materials available to the public, including studies that have been done thus far and the city's goals and objectives as discussed tonight. New information will be added as the project progresses, including opportunities for public input.

Driskell summarized the next steps with the university. If the university moves forward on the Grandview site, there will be a request for proposal process and the opportunity for the city to provide input.

Questions for Staff

Staff was asked what council feedback is needed regarding preservation of the church and what the university has said about exploring the incorporation of the mission style church.

Driskell responded that the guidance that staff is seeking may come down to whether the city wants to put money into saving the church. It also may be that preserving it can be done in a cost competitive manner as part of the development. There could be different ways to approach incorporation of the church and staff's question is whether we should spend time exploring those options.

Regarding the university's response to the study commissioned by the city to look at options for rehabilitating or moving the church and incorporating it into the development, staff has heard varying responses about whether this might be a deal breaker for the university, but we have not yet looked at how incorporating the church into the development compares to the cost of building the same square footage as new construction. It was a great design exercise that brought to light some key design considerations and opportunities, but more analysis needs to be done.

Staff was asked about whether there was an assessment of traffic impacts on the Grandview site as compared to the Folsom site.

Driskell responded that a fair amount of work was done in the second round to analyze the traffic impacts on both sites. The traffic impact would be worse at the Folsom & Arapahoe site than at the University and Broadway site given it is designed for a high level of movement currently. The Folsom site would require a new connection for turning movements and would add a lot of congestion to an already congested area.

Staff was asked if there is anything that the university needs from the city on the west side of Broadway.

Driskell responded that this would include parking and adjacent hotel rooms to support a conference facility.

Feedback for Staff

Council generally agreed with the goals and objectives. Members thanked the University for its collaboration on the work thus far and for a recent CU/ City luncheon. This is a very exciting project and the Grandview site is a good location for this use.

Regarding historic resources, council agreed that further work should be done on the potential costs and that it should be preserved if a solution can be found that is cost competitive and works for the University. A council member said the NARF (Native American Rights Fund) building and other buildings nearby on Broadway are more important; also this is a larger issue, that the city is losing historic resources on the Hill due to neglect, so Hill revitalization can do more for overall historic resources. Some members said the church could be used as an anchor or theme for the new development and should be preserved.

There was support for seeing how the conference center could serve both the community and CU. There was some concern about how Macky Auditorium is currently shared, so if a shared conference facility is desired, then there should be a clear understanding of expectations, possibly in the form of an MOU.

A council member noted that CU has a theme to its buildings and height isn't a concern here.

Improving the connection down 13th street is important. Currently, it is quite sketchy walking in that area.

A council member had heard concern from CU about using land that was supposed to be for academic space. The city should work with CU to help them meet those needs, maybe at the Folsom site.

Public Financing for Public Improvements

Wiebenson reviewed the Hill Reinvestment Strategy goals; in particular the desire to bring more balance and diversity to the Hill Commercial Area (HCA). The outcome of the recent HCA moratorium was reviewed, including a recommendation to prohibit new market rate residential uses, and the finding that a greater variety of uses would likely not occur without the construction of additional parking. The City Council voted in March 2015 to adopt the recommended zoning change and staff was encouraged to explore options for public financing for public improvements, including parking.

Since March 2015, staff's preliminary explorations of public financing options for public improvements on University Hill found that the existing University Hill General Improvement

District (UHGID) funding mechanism is too small to finance on its own a public improvement as costly as an underground public parking garage. UHGID needs a financing partner.

Eichem reviewed the challenge of balancing risk and reward in pursuing public-private partnerships. Options for front-funding public improvements were presented, as well as options for repayment of the financing. Wiebenson provided basic information on an active proposal from a private development team for a joint venture on the Pleasant Street UHGID-owned surface parking lot. The project would contain a variety of commercial uses; however, the development team expressed concern that the market for such uses is still unproven; therefore the project contains an element of risk that makes it difficult for the private partner to front-fund the public parking garage.

Questions for Staff

Staff was asked to clarify the role of the Pleasant Street UHGID-owned lot in the proposed joint venture. Wiebenson responded that the existing UHGID surface parking lot with 65 spaces is adjacent to the parcels that have been assembled by the development team for the purpose of constructing a mixed use hotel project. If the UHGID-owned lot was included, the assembled site could accommodate 250 parking spaces that would be owned and operated by UHGID.

Staff was asked if pursuing the dedicated project revenues repayment option would require voter approval. Eichem responded that it would depend on what mechanism front-funded the public improvement.

Staff was asked why the city would lower sales taxes if employing a Public Improvement Fee (PIF). Eichem responded that lowering the tax was an option to off-set the additional fee.

Eichem commented that achieving the financing to construct public improvements on the Hill will likely take some combination of the tools presented.

Feedback for Staff

Mayor Jones asked Council members to weigh in on whether they support the city partnering with UHGID to finance a public parking garage on University Hill. Members responded unanimously that they support the idea in concept, but they look forward to seeing more specific information on the project. The parking garage would have a great public benefit. Beautification improvements can have a positive impact, but the proposed joint venture has the potential to provide a sustained, long-term positive impact. With an active proposal for a joint venture from the same team as the Crawford Hotel at Union Station, the city has an 'A-team' to work with, and it is important to 'strike while the iron is hot.' The city should be prudent, but flexible (especially with this first major project on the Hill), and think outside the box. It doesn't mean that the next project has to be approached in the same manner. If the hotel project is a success, UHGID will be in a better position to fund future public improvement projects on its own.

The Council would like a better understanding of the magnitude of the financing needed. Eiche responded that too early to tell, but in public-private partnerships, both parties will take risks and both should benefit.

The Council supports putting new parking underground.

Staff was directed to return with options for financing public improvements on University Hill.

Proposed 2016 Hill Reinvestment Strategy Work Plan/Hill Reinvestment Working Group

Wiebenson pointed to the proposed work plan and the update on the Hill Reinvestment Working Group (HRWG) in the study session packet. Staff intends to return in Q2 with a proposal for phase two of the Hill Reinvestment Strategy as well.

Feedback for Staff

Mayor Jones thanked staff for all the information in the packet, as well as the tour of the HCA earlier in the week. Council expressed appreciation for the tour and for how much progress has been made on the HRS in two years.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 2, 2016

AGENDA TITLE:

Second reading and consideration of a motion to adopt proposed Ordinance No. 8101 amending Section 8-3-7, "Regulation of Horses and Livestock," and adding a new section 7-6-31, "Horse Trailer Parking," and setting forth related details.

PRESENTER/S

Jane S. Brautigam, City Manager
Tracy Winfree, Director, Open Space and Mountain Parks
Janet T. Michels, Sr. Assistant City Attorney
Joe Reale, Ranger Supervisor, Open Space and Mountain Parks

EXECUTIVE SUMMARY

This memorandum presents two changes to Boulder Revised Code 1981 (B.R.C.). The first modifies 8-3-7 "Regulation of Horses and Livestock" in order to enact portions of the West Trail Study Area (TSA) Plan. The second creates a new ordinance 7-6-31 "Horse Trailer Parking" to allow for official designation and enforcement of horse trailer parking at Open Space and Mountain Parks trailheads. (Attachment A)

On Jan. 19, the Council Agenda Committee renumbered the ordinance from 9002 to 8101. The ordinance approved by council at First Reading on Jan. 5 as 9002 is renumbered to Ordinance 8101.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt proposed Ordinance No. 8101 amending Section 8-3-7, "Regulation of Horses and Livestock," and adding a new section 7-6-31, "Horse Trailer Parking," of the Boulder Revised Code 1981 and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – No economic impacts are anticipated.
- Environmental – Regulating areas where horse activities are allowed on Open Space and Mountain Parks was identified in the West TSA Plan and the Visitor Master Plan as a way to mitigate adverse effects on agricultural and ecological resources.
- Social – The proposed regulatory changes are intended to help sustain a high-quality visitor experience by reducing conflict, providing appropriate areas for desired visitor use, and providing dedicated parking resources to enhance horseback riding activities.

OTHER IMPACTS

- Fiscal – Minimal one-time financial expenditures for signs and infrastructure.
- Staff time – No additional staff time is required for these changes.

BOARD AND COMMISSION FEEDBACK

The Open Space Board of Trustees (OSBT) was advised of these regulation updates on Aug. 12, 2015. The West TSA Plan was approved by council in November of 2011 and the Visitor Master Plan was approved in April of 2005.

Board discussion included questions related to how the parking ordinance would allow rangers to enforce horse trailer parking. The board was generally appreciative of staff's work to implement the intent of the West TSA.

The first reading of the proposed ordinance was approved at the Jan. 5, 2016 City Council meeting.

BACKGROUND

Horseback Riding

The Open Space and Mountain Parks (OSMP) Charter, Section 176 states, "Open space land shall be acquired, maintained, preserved, retained, and used only for the following purposes: ... (c) Preservation of land for passive recreational use, such as hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing;..." Bicycling and fishing on OSMP lands are currently regulated consistently with this clause, while horseback riding has not had a specific ordinance to address this requirement.

The West TSA (2011) (p43) called for specifically designating where horseback riding would be allowed. Both the Marshall Mesa-Southern Grasslands TSA (2005) and the Eldorado Mountain/Doudy Draw TSA (2006) contain specific on-trail area requirements for horses and prohibits them from Habitat Conservation Areas. In order to provide a consistent management framework and to meet the charter requirements, 8-3-7, B.R.C. 1981, Regulation of Horses and Livestock will be amended to include a new section (d) which will prohibit horseback riding in any area of the previously approved TSAs unless the area has been specifically designated for that use. When this ordinance is adopted, the

horseback riding areas called for in the West TSA will be implemented. No changes to current horseback riding opportunities will occur anywhere else in the system.

Horse Trailer Parking

The three completed TSAs have all included improvements to trailheads to include the addition or improvement of horse trailer parking. However, despite signs specifically designating areas of the trailheads as “Horse Trailer Parking Only,” these spots are consistently occupied by other vehicles. This is a source of great frustration to equestrian users who often travel long distances to trailheads only to find that there is no parking available. At this time there is not a clear ordinance which would prohibit this from happening. In order to provide a consistent means of enforcing this parking designation, a new ordinance, 7-6-31, B.R.C. 1981, Horse Trailer Parking, will be adopted.

ANALYSIS

Following the West TSA approval process in late 2011, staff has been gradually following implementation steps including rerouting of trails, restoration of undesignated trails, modification of regulations, habitat improvement and other changes. The September 2013 flood impacted the implementation pace of a number of work program items, including the West TSA. Among the work program requirements identified in the West TSA is changing ordinances to document designated equestrian access.

Staff has had the benefit of recent dialogue with equestrian representatives about implementation of equestrian access and enforcement of designated horse trailer parking in the West TSA. As noted previously, the Open Space Charter, approved by the voters, states that certain passive recreation activities, such as bicycling, horseback riding and fishing, need to be specifically designated. Both the Marshall Mesa-Southern Grasslands TSA and the Eldorado Mountain/Doudy Draw TSA included areas in which horseback riding was prohibited and the West TSA included trail by trail horse regulations as well as broad area designations (Attachment B). In order to implement the West TSA requirements and to provide a single consistent regulation to meet Charter requirements, OSMP and City Attorney’s Office staff worked collaboratively to develop language amending sections of B.R.C. 8-3-7, “Regulation of Horses and Livestock.”

The aforementioned plans also call for improving trailhead access for equestrian users. The OSMP department has made significant investments in infrastructure changes to accommodate horse trailers at multiple trailheads. However, the designated horse trailer parking is regularly filled with passenger vehicles preventing equestrian access to adjacent trails. Currently, there is not an applicable parking regulation to address this issue. In order to address this need, OSMP and City Attorney’s Office staff created an additional section in 7-6-31, “Horse Trailer Parking.”

OSMP staff worked with equestrian community members and received feedback to better clarify the implementation ordinances including the designated trail access and the enforceable horse trailer parking.

The OSBT reviewed, asked questions and provided input to staff relative to these ordinances at its August 2015 board meeting.

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

Motion to adopt proposed Ordinance No. 8101 amending Section of 8-3-7, "Regulation of Horses and Livestock," and adding a new section 7-6-31 "Horse Trailer Parking," of the B.R.C. 1981, and setting forth related details.

ATTACHMENTS

- A. Proposed Ordinance No. 8101 adding section 7-6-31 "Horse Trailer Parking," and amending section 8-3-7 "Regulation of Horses and Livestock," B.R.C. 1981 and setting forth related details.
- B. OSMP Horse Regulations

ORDINANCE NO. 8101

AN ORDINANCE ADDING SECTIONS 7-6-31, "HORSE TRAILER PARKING," AND AMENDING SECTION 8-3-7, "REGULATION OF HORSES AND LIVESTOCK," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

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

Section 1. A new Section 7-6-31 is added as follows:

7-6-31. – Horse Trailer Parking.

- (a) No vehicle shall be parked in a space designated for horse trailer parking by any sign or pavement marking reasonably indicating designation for horse trailer parking, except a horse trailer and a motor vehicle that is attached to the horse trailer.
- (b) This section applies to all spaces designated for horse trailer parking on open space land.
- (c) When a traffic control sign is in place giving notice thereof, no vehicle shall remain in a space designated for horse trailer parking for longer than the time designated thereon.
- (d) As used in this section, horse trailer shall mean any trailer designed for transporting horses, mules, llamas, burros or other equine animals that is pulled behind another vehicle, and shall include equine haulers and equine motorcoaches.
- (e) No vehicle shall be parked in any parking area on open space land where the vehicle is used in the staging of a commercial use event as defined in section 8-8-9, B.R.C. 1981, unless such parking is specifically authorized in the commercial use permit issued for the event.

Section 2. Section 8-3-7, B.R.C. 1981, is amended to read:

8-3-7. - Regulation of Horses and Livestock.

- (a) No owner, agent, employee, operator, or concessionaire of any commercial horse stable, riding school, or livery shall use any park, parkway, recreation area, or open space for grazing or pasture of livestock without first obtaining a permit from the city manager.
- (b) Except pursuant to a lease with the city, no owner, agent, employee, operator, or concessionaire of any commercial horse stable, riding school, or livery shall use any park, parkway, recreation area, or open space for training, riding, or trail riding activities of customers without first obtaining a permit from the city manager, completing an application that includes the amount of use, times and dates of use, trails, or areas to be used, and other details of the use, and paying the fee prescribed by Section 4-20-40, "Horse Concession Park Use Fee," B.R.C. 1981.

- (c) No person shall ride or lead horses on any landscaped park or recreation area except upon a public equestrian trail so designated by the city manager.
- (d) No person shall take or ride any horse, mule, llama, burro, or other equine animal upon any open space land within the boundaries shown in Appendix A, except where designated for that use by the city manager.

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

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

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

Mayor

Attest:

City Clerk

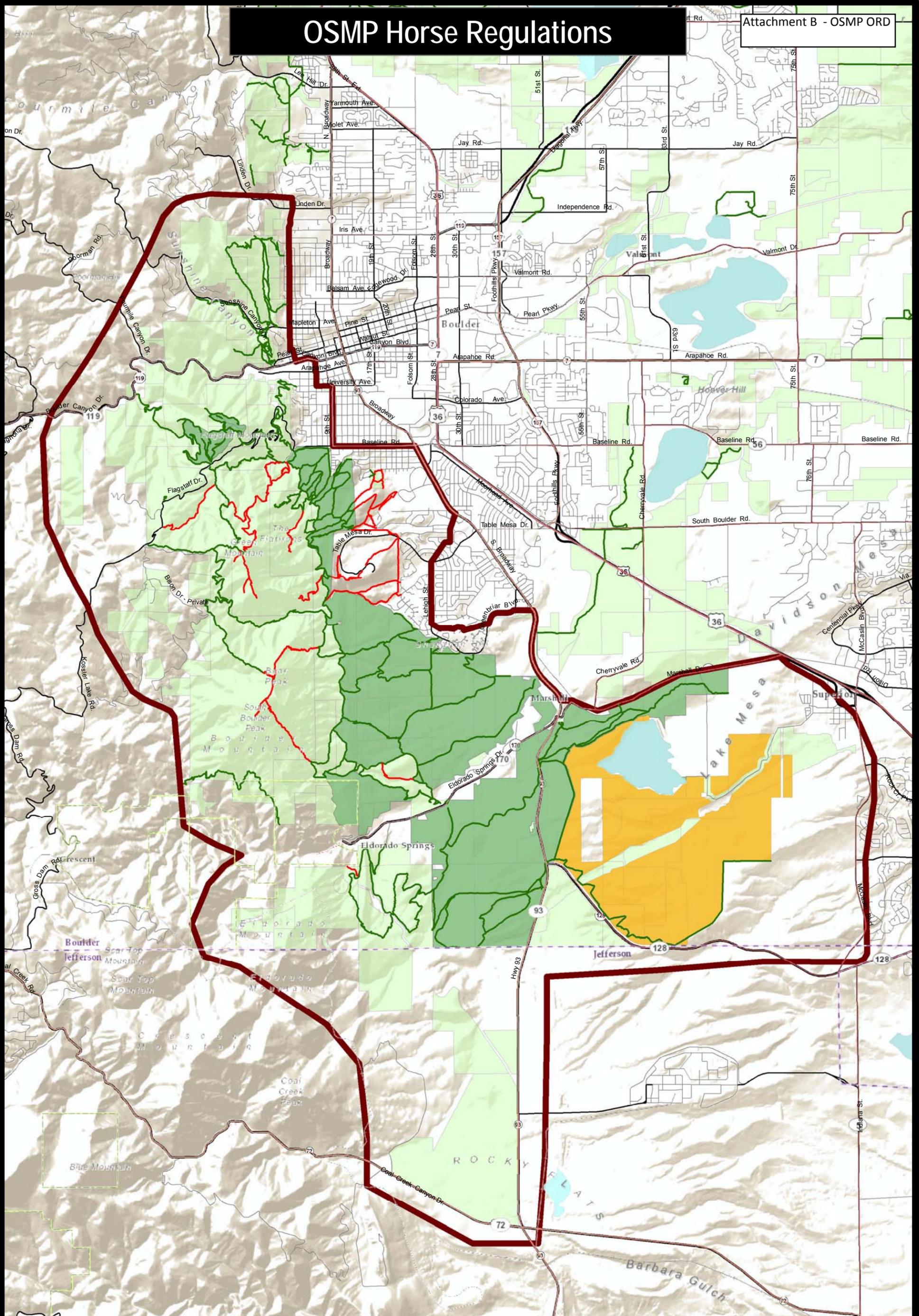
READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED
BY TITLE ONLY this 2nd day of February, 2016.

Mayor

Attest:

City Clerk

OSMP Horse Regulations



- Horses Allowed on Trail
- Horses Not Allowed on Trail
- Regulation Boundary
- Horses Allowed Off Trail
- Horses Allowed Off Trail with HCA Permit
- OSMP Fee Property

0 0.5 1 2 Miles



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 2, 2016

AGENDA TITLE: Second reading and consideration of a motion to adopt Ordinance No. 8103 approving supplemental appropriations to the 2016 Budget for costs incurred to implement the new short term rental program and tax.

PRESENTERS:

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Bob Eichen, Chief Financial Officer
Cheryl Pattelli, Director of Finance
Peggy Bunzli, Executive Budget Officer
Elena Lazarevska, Senior Financial Analyst

EXECUTIVE SUMMARY

This proposed supplemental appropriation ordinance (**Attachment A**) allocates funding for expenditures to implement the regulatory and administrative aspects of implementing the new Short Term Rental (STR) program and the taxation of such transactions. The first reading of this ordinance was held on Jan. 19, 2016 and additional information, including the detailed requests by department can be found in item [3C of the Jan. 19 agenda packet](#).

On Nov. 3, 2015, voters approved a new tax on STR. This is a new program and new revenue source for the city. Therefore, there are new accompanying costs to implement the program. The normal practice of the city is that cost appropriations will not be brought forward to be added to the city budget until after the voters have approved a ballot item. This has worked well in the past, such as when the city implemented programs for the regulation and taxation of medical marijuana, and then recreational marijuana. The amount estimated for the first year of new revenue for the STR program included in the ballot item was \$350,000. Starting up a new program with significant administrative effort and software changes means there will be a learning curve for both

those collecting and remitting the tax, and the staff involved in both the regulatory and administrative aspects of implementing the new program. It is expected there will be a large number of applications and not all processing will be completed by January 4, 2016 (effective date of the ordinance). Therefore, staff will work with the applicants and those remitting the tax during the first few months to educate and help with the compliance issues.

A communications plan was developed and has been implemented to apprise the community and owners of STR about the new requirements. A summary of the communications program was sent to council on December 11 in the Heads Up for that day. It can be found at: <https://bouldercolorado.gov/city-manager/heads-up-dec-11-2015>.

It is expected that compliance work by city staff will be more labor intensive than any other tax the city currently administers. This is based on discussions with other cities that have implemented such a tax. In addition, it is unknown at this time if revenue projections will be met. Based on these reasons, it was proposed by staff and indicated by council there will be no sharing of the tax being collected until all costs are known and covered by the new revenue. If this were not done, the city could find itself in a position where revenues were shared and the amount left after that did not cover all of the new costs of the STR program. As an example, two years after implementation of recreational marijuana, we are still learning the full expenditure impacts of implementation. A part of this supplemental appropriation is proposed to come from recreational marijuana revenue. This is due to finally knowing the impact that recreational marijuana is having on the Municipal Court and City Attorney operating budgets.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt Ordinance No. 8103 approving supplemental appropriations to the 2016 Budget to implement the short term rental program and tax.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** The new tax on STR will create an incremental economic impact that will be equal to the amount of the actual tax collected.
- **Environmental:** The payment and the collection of the tax will not have a direct impact on the environment. The remittance of the tax will soon be able to be done online so paper forms will not be required. What impacts the regulation of STR will have on the environmental aspects of the city is unknown at this time.
- **Social:** The payment or collection of the tax will not have a direct impact on the

social aspects of the city. What impacts the regulation of STR will have on the social aspects of the city is unknown at this time.

OTHER IMPACTS

- **Fiscal:** The proposed supplementary appropriation of \$350,000 is the amount projected to be needed to implement the regulatory and tax aspects of the program approved by the voters in November of 2015. No funds are currently appropriated in 2016 to implement this new program.
- **Staff time:** The implementation of the new STR program will create significant new workloads for some departments in the city. A detailed accounting of the increase in workload is detailed in the analysis and background section of this agenda memo.

ANALYSIS AND BACKGROUND

The implementation of the STR program was tied to the passage of the ballot item on the taxation of such transactions. That is, there would be a new source of revenue to pay for the additional costs of implementing the new program. This has been structured to maintain the city's financial policy of matching ongoing revenues to ongoing expenditures. This financial policy has been one of the primary drivers in moving the city from having a large structural fiscal imbalance, highlighted in the Blue Ribbon Commission I report, to the position today where the city has a fully structurally balanced budget (meaning ongoing expenses are matched to ongoing revenues and one-time revenues are used only to cover one-time expenses). If new costs are added without new revenues being authorized, or without a corresponding reduction in current programs and services, there is a mismatch between revenues and ongoing expenditures. Such situations are called structural deficits and jeopardize the sound financial standing of the city and its strong bond ratings.

It is projected that the new tax will generate \$350,000 in new revenue during the first year. Staff will monitor collections closely throughout the year to determine if the revenue and expenditure targets remain reasonable. If adjustments need to be made they will occur during the 2017 budget process when more relevant data is available.

One topic that arose during the discussion of implementing this new program is the unwillingness of the large players in this business segment to collect the tax or, if they do, their unwillingness to provide the location and how much each place was rented for and for how many nights. Without this type of information it is impossible for staff to determine if a location is licensed, by whom it is being rented (the owner or someone else), or if the tax or appropriate tax is being collected. This means it would be impossible to audit or find out if they are in compliance. Every other business in the city, including those who collect the accommodations tax must keep such records and make them available if requested.

Based on the numerous e-mails received by the council and staff when the ballot item for this program was being developed, there will also be many questions from various people

or organizations in the community that will want to know if a certain location is licensed and paying tax. The process implemented by the city was specifically designed to address this concern. The tax code as written makes the owner responsible for licensing and the collection of the tax in a format that can provide the needed information. Therefore, at this time the city does not have an agreement with any of the major players in this business segment since their methods and processes do not meet city requirements. Staff will continue to work with the companies to find common ground that will work for them and the city. Until that time, the owner continues to be responsible for conforming to the city's requirements for the collection and remittance of the tax.

The compliance issues listed in the prior paragraph are a major reason for the requests in the supplemental appropriation. As has been stated in previous meetings, this is a compliance issue not a revenue issue. That means, it is expected that gaining compliance will be time consuming and require extensive education, and follow up.

The implementation of the program impacts several departments. Detailed information related to the requests by department can be found in the [STR first reading memo](#).

The total amount of the supplemental appropriation is \$415,500 with the \$65,500 from marijuana revenue and \$350,000 from the STR revenue. Of the total \$348,624 is proposed as ongoing expenditures and \$66,876 for one-time expenditures. This leaves a proposed contingency of \$45,676. Though this is a small contingency staff feels it will be adequate for 2016.

PUBLIC AND COUNCIL FEEDBACK

There were no questions or comments from the public on first reading.

Council asked for clarification related to the inability to have a short-term and a long-term rental license for the same property, and whether it was possible to have separate licenses for a property and an accessory dwelling unit to that property.

Staff Response

A short term and a long term rental license cannot be issued concurrently for the same single dwelling unit property as the two license types are inherently different. Standard rentals are properties rented long-term or full time, whereas short term rentals are meant to be properties that are at an owner's principal residence. If both licenses were allowed at the same time, it would be difficult for the community to know when a property is being rented short-term and paying taxes, and it would be difficult for city enforcement staff to ensure compliance with the principal residence provision of the short-term rental ordinance.

Short-term rentals are only allowed at the owner's principal place of residence. This means where the person is registered to vote, has his or her car registered or has other indications that this is the place where the person lives. The intent of this provision was to limit the impact of short-term rentals on the long-term rental stock, and to limit adverse economical, environmental, and social impacts to the community by short-term rentals.

An alternate option that was considered was eliminating the principal residence provision. At the public hearing on Aug. 27, 2015, council considered one suggestion for limiting the impact of short-term rentals on the long-term rental stock by imposing a limit on the number of short-term rental licenses that could be issued rather than limiting such rentals to owner-occupied dwelling units. The issue with a numeric limitation is deciding to whom the licenses will be issued. It would seem that the fairest means to allocate licenses would be on a first come, first served basis. Staff recommended that if council limited the number of licenses, that the number be sufficiently large so as not to encourage disregard for the law. The imposition of a limit on the number of licenses would create a significant increase in the administrative burden associated with this program. The proposed ordinance was drafted to fit into the business process used currently for rental licensing. If the number of short-term licenses was limited then staff would have to create a separate class of license for short-term rentals and keep track of the number. An amendment was proposed that would limit the number of short-term rental licenses to 1000 and eliminate the requirement that the unit be owner occupied, but the proposed amendment was not approved by council.

On January 19, 2016, council also asked whether it is possible to have separate licenses for a property and an accessory dwelling unit to that property. During the June 2, 2015 council discussion of the short-term rental first reading, the city attorney expressed his opinion that the ordinance as drafted would only allow the short-term rental of one dwelling unit on a property. This is because an owner can only have one principal place of residence. Additionally, the code requirement for accessory units prohibits rooms in the owner's unit to be rented out.

The approved ordinance does not allow a lessee to engage in short-term rentals; it is not possible for a person occupying an accessory unit as a renter to rent that unit or a part of the unit as a short-term rental. Accessory units are treated the same as principal units, that is, they could be rented short term as long as they were owner-occupied. Therefore, the rental can be of an accessory unit on the same parcel, but the owner may only have a short-term license for either the principal residence or the accessory unit, but not both, and the accessory unit must be legal to be rented.

Further, an accessory unit is considered the same dwelling unit as the main unit, and does not increase the allowed occupancy for the property, so only one type of license, short-term or long-term, may be issued at a time for the entire parcel or property.

ATTACHMENTS

- A. Proposed ordinance for supplemental appropriations to the 2016 Budget

ORDINANCE NO. 8103

AN ORDINANCE RELATING TO THE FINANCIAL AFFAIRS OF THE CITY OF BOULDER, COLORADO, MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016 SETTING FORTH DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, Section 102 of the Charter of the City of Boulder provides that: "At any time after the passage of the annual appropriation ordinance and after at least one week's public notice, the council may transfer unused balances appropriated for one purpose to another purpose, and may by ordinance appropriate available revenues not included in the annual budget;" and

WHEREAS, the City Council now desires to make certain supplemental appropriations for purposes not provided for in the 2016 annual budget; and,

WHEREAS, required public notice has been given;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, that the following amounts are appropriated from additional projected revenues to the listed funds:

Section 1. General Fund

Appropriation from Additional Revenue	\$350,000
---------------------------------------	-----------

Section 2. The City Council finds that this ordinance is necessary to protect the public health, safety, and welfare of the residents of the City and covers matters of local concern.

Section 3. If any part or parts hereof are for any reason held to be invalid, such shall not affect the remaining portion of this ordinance.

Section 4. The Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the Office of the City Clerk for public inspection and acquisition.

INTRODUCED, READ, ON FIRST READING, AND ORDERED PUBLISHED

BY TITLE ONLY this 19th day of January, 2016.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED

PUBLISHED BY TITLE ONLY this 2nd day of February, 2016.

Mayor

Attest:

City Clerk



**JOINT MEETING OF BOARD OF COUNTY COMMISSIONERS and
PLANNING COMMISSION
ON JANUARY 26, 2016**

**Followed By:
JOINT MEETING OF CITY COUNCIL and PLANNING BOARD
ON FEBRUARY 2, 2016**

AGENDA TITLE

Update and direction on the following items related to the 2015 Major Update to the Boulder Valley Comprehensive Plan (BVCP):

- I. Initial Screening of Public Requests for Map Changes in Area II and Area III, Policy and Text Changes, and
- II. Project Update including BVCP Survey Results and Phase 3 Areas of Focus

PRESENTERS

Susan Richstone, Deputy Director, City of Boulder Planning, Housing & Sustainability (PH&S)
Lesli Ellis, Comprehensive Planning Manager, PH&S
Courtland Hyser, Senior Planner, PH&S
Jean Gatza, Sustainability Planner, PH&S
Jeff Hirt, Planner II, PH&S
Caitlin Zacharias, Associate Planner, PH&S
Dale Case, Land Use Director, Boulder County Land Use
Abby Shannon, Senior Planner, Boulder County Land Use
Pete Fogg, Senior Planner, Boulder County Land Use
Steven Giang, Planner I, Boulder County Land Use

EXECUTIVE SUMMARY

Versions of this memo are being provided to both the city and the county as part of four-body review for the initial screening of BVCP change requests for Area II and Area III. The purpose of the joint meeting of the Board of County Commissioners (BOCC) and county Planning Commission on Jan. 26, and the subsequent joint meeting of City Council and city Planning Board on Feb. 2, is to hold public hearings and cover the following items related to the Boulder Valley Comprehensive Plan (BVCP):

- I. **Part I** – staff recommendations on the initial screening of requests from the public for changes to the land use map, designation of parcels in Area II and Area III, and policy or text changes in the plan (further explained below).
- II. **Part II** – BVCP project update and feedback from Board of County Commissioners and

Planning Commission on BVCP survey results and focus areas for the plan update as the process enters Phase 3. (City Council and Planning Board previously covered this material at their Dec. 15, 2015 joint meeting.)

The purpose of the initial screening is to determine which BVCP change requests submitted by the public will receive additional study and analysis as part of the five year major update to the plan. At the initial screening phase, requests are evaluated against criteria to determine which should move forward in the process, but detailed analysis of each request does not occur until the next phase.

The city has already held hearings for the initial screening of requests in Area I, Area II enclaves, and for policy and text changes (requests #1 through 23). The memo for the Dec. 15, 2015 joint Planning Board/City Council public hearing is available [here](#). The memo for the Jan. 5, 2016 City Council meeting is available [here](#).

Following the joint public hearing on Jan. 26, the Planning Commission will deliberate and vote that day on the requests. On Jan. 27, the BOCC will decide. The timing between the county and city hearings is such that decisions made by the Planning Commission and Board of County Commissioners will not be known until after the normal memo deadline for the public hearing at the city. Therefore, on Jan. 28 the results of the county actions will be conveyed to City Council and Planning Board in the form of a supplement to this memo. Suggested motion language will be revised as necessary based on the results of the county votes. On Feb. 2, 2016, the Planning Board and City Council will hold a joint public hearing for Area II and Area III map change requests with Planning Board deliberation and vote that same night, and City Council deliberation and vote on Feb. 29.

The Feb. 29, 2016 vote of City Council will conclude the initial screening process, and requests that received approval for further study by the four review bodies will move forward and be analyzed in the spring and summer of 2016. Properties in Area I that were previously approved for further study by the City Council and Planning Board will move forward in the process. Properties in Area II or Area III that receive approval for further study by all four governing bodies will also move forward in the process. Policy changes require both city and county action if the policy does not make explicit reference to the city only and or the county only.

A link to the “Virtual Tour” map of requests can be found here: [link to map](#).

STAFF RECOMMENDATION

After initial city and county staff review, staff recommends further analysis for select policy and map change requests in Area II and Area III that have been found to meet the evaluation criteria as noted below. The suggested motion language below applies to the vote that will be taken first by the county Planning Commission on Jan. 26, 2016. If Planning Commission decides in its motion to add or remove requests, the suggested motion language would be revised accordingly for BOCC’s deliberation and vote on Jan. 27. Similarly, if BOCC decides in its motion to make revisions, the suggested motion language would be revised accordingly for the city hearing on Feb. 2.

Suggested Motion Language

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

Motion to further consider and analyze the following land use map changes for Area II and Area III properties:

- **3261 3rd St.** – *Minor Adjustment to Service Area Boundary (Area III to II) (Request 25)*
- **3000 N. 63RD St. & 6650 Valmont Rd. (“Valmont Butte” #1)** – *OSO to PUB (Request 26)*
- **2801 Jay Rd. #1** - *PUB to MR or MXR (Request 29)*
- **5399 Kewanee Dr. & 5697 South Boulder Rd. (Hogan Pancost)** – *Service Area Contraction (Area II to III) (Request 32)*
- **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #2** - *LR & PUB to MXR (Request 35)*
- **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #3** – *LR & PUB to OS (w/Natural Ecosystems or Environmental Preservation designation) (Request 36)*

In addition, conduct further analysis of the following policy and text requests made by the public and approved for further analysis by the City Council and Planning Board:

- **Enhance public benefit** (Chapter 2- Built Environment) (*Request 16*)
- **Clarification regarding ditches** (Chapter 2- Built Environment, Chapter 9- Agriculture and Food, VI- Urban Service Criteria and Standards) (*Request 17*)
- **Reflect public interest in renewable energy and reduction of carbon footprint** (Chapter 4- Energy and Climate) (*Request 18*)

PART I: CHANGE REQUESTS FOR AREA II AND AREA III

Brief Overview of the Public Request Process

While numerous engagement opportunities exist to offer input on changes to the BVCP, the purpose of the public request process is to include an opportunity for landowners and the general public to submit requests for specific changes to the plan. Any type of change to the plan may be considered during a five-year plan update, including changes to the Land Use Map, Area I, II, III Map, and policies and text within the plan.

The city's Department of Planning, Housing, and Sustainability prepares a recommendation in consultation with the county's Land Use Department on each proposed change. All approval bodies, both city and county, provide direction on which proposals warrant further consideration. If any one governing body does not recommend a given request for further study, that request will not move forward in the process. Requests regarding properties in Area I that are approved for further study by the city move forward in the process and are not considered by the county. The city heard requests 1-23 affecting Area I, Area II enclaves, and policies/text in December and made final decisions in January. The memo for the Dec. 15, 2015 joint Planning Board/City Council public hearing is available [here](#). The memo for the Jan. 5, 2016 City Council meeting is available [here](#).

AREA II AND AREA III: (15 requests)

These requests will first be heard by the county on Jan. 26 before the city hearing on Feb. 2:

- 24) **2975 3rd St.** – *Minor Adjustment to Service Area Boundary (Area III to II)*
- 25) **3261 3rd St.** – *Minor Adjustment to Service Area Boundary (Area III to II)*
- 26) **3000 N. 63RD St. & 6650 Valmont Rd.* (“Valmont Butte”)** #1 (**staff-initiated; portion of property*) – *OS-O to PUB*
- 27) **3000 N. 63RD St. & 6650 Valmont Rd. (“Valmont Butte”)** #2 – *Minor Adjustment to Service Area Boundary (Area III to II); land use designation change appropriate for arts campus*
- 28) **1468 Cherryvale Rd.** – *VLR to LR*
- 29) **2801 Jay Rd. #1** – *PUB to MR or MXR*
- 30) **2801 Jay Rd. #2** – *Service Area Contraction (Area II to Area III- Planning Reserve)*
- 31) **7097 Jay Rd.** – *OS-O to LR*
- 32) **5399 Kewanee Dr. & 5697 South Boulder Rd. (Hogan Pancost)** - *Service Area Contraction (Area II to III)*
- 33) **4525 Palo Pkwy.** - *MR to LR*
- 34) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #1** – *maintain LR*
- 35) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #2** – *LR & PUB to MXR*
- 36) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #3** – *LR & PUB to OS (w/Natural Ecosystems or Environmental Preservation designation)*
- 37) **6655 Twin Lakes Rd. #4** – *Service Area Contraction (Area II to III)*
- 38) **0, 2300, & 2321 Yarmouth Ave., 4756 28th St. & 4815 N. 26th St. (Planning Reserve)** – *Service Area Expansion (Area III Planning Reserve to Area II)*

A map, list of all requests, and worksheet that includes a description of each request and staff recommendation for Area II and III properties can be found in **Attachment A, Part 1**. The complete staff evaluation for the initial screening of each request for Area II and III properties can be found in **Attachment A, Part 3**.

Criteria for Review of Public Requests

The Boulder Valley’s existing and future land use pattern did not occur by accident and is the result of many efforts over the years that have shaped the community. The intent of the major update is to consider requests that reflect changes in circumstances and community desires. In considering potential changes to the Land Use Map, it is important to factor in prioritizing the use of staff resources, and the significant community conversations and concerns over growth and development issues that have occurred over the past year. In review of all the requests, staff has taken a strategic approach to the requests received and instead of asking “why *not* study further?” has asked “is there a changed circumstance or community need that suggests that the request should be studied further?” In other words, a change in circumstance or other factor was necessary to suggest that the request warrants further study. In the consideration of whether to recommend a request for further study, staff considered the BVCP criteria and other factors such as area plans or neighboring intensities and context were also taken into account.

Staff evaluation of the requests also included the following criteria and considerations, adopted largely from the BVCP (See **Attachment A, Part 2**):

- Consistency with the purpose of the BVCP update (change request regarding land use designation or other map amendment, policies, or text);
- Consistency with BVCP policies and relevant subcommunity or area plans;
- Compatibility with adjacent land uses and neighborhood context;
- Whether the request was considered as part of a recent update to the BVCP or another planning process;
- Changes in circumstances, community needs, and any other new information; and
- Availability of resources, including city and county staffing and budget priorities.

Board of County Commissioners and Planning Commission Initial Screening of Area II Enclave and Policy/Text Requests Approved for Further Study by City Council and Planning Board

Of the property requests approved for further study by City Council and Planning Board, none are in Area II enclaves and therefore do not require approval by Planning Commission and the Board of County Commissioners. Three policy/text requests were advanced by City Council and Planning Board, and these do require action by the Board of County Commissioners and Planning Commission, as noted below.

Recommended For Further Analysis

Based on the review criteria, staff recommends six requests in Area II or Area III for further analysis, as well as three policy requests that have been advanced for further study by Planning Board and City Council. Summaries of requests recommended for further analysis are provided below. More detailed information can be found in **Attachment A**.

The following Area II and III map change requests are recommended for further analysis as part of the update:

- Request 25) **3261 3rd St. – Minor Adjustment to Service Area Boundary (Area III to II)**
Request to adjust the service area boundary from Area III to Area II for a property that has both an existing residential use and a BVCP land use designation of Low Density Residential. Further study is needed to determine if the request meets the criteria for a minor adjustment to the service area boundary and transportation access, utilities, and adjacent city open space implications. The property is currently not eligible for annexation and was recently approved for a county subdivision exemption provided they pursue annexation to the city, which represents a changed condition.
- Request 26) **3000 N. 63RD St. & 6650 Valmont Rd.* (“Valmont Butte”) #1 (*staff-initiated; portion of property) – OS-O to PUB**
Request for a land use change from Open Space- Other (OS-O) to Public (PUB) at Valmont Butte. This request was submitted by the City’s Facilities and Asset Management staff with the intent to annex the property into the city, undertake historic landmark designation for the mill buildings, expand open space areas to include 12 acres of undisturbed historic areas, and to allow for the remainder of the site to be used for existing radio communications use as well as future material/equipment storage and renewable energy uses. The requested land use

designation change should be considered further to support city operations and meet other climate-related goals.

- Request 29) **2801 Jay Rd. #1 – PUB to MR or MXR**
Request for a land use change from Public (PUB) to either Medium (MR) or Mixed Density (MXR) Residential, for the purposes of creating a mixed density affordable housing project, with the applicant expressing flexibility to determine the appropriate use of the site. On October 1, 2015, Planning Board indicated that a residential use could potentially be supportable on this site and that the BVCP process may be the appropriate venue to evaluate the request. The request is part of an active land use case.
- Request 32) **5399 Kewanee Dr. & 5697 South Boulder Rd. (Hogan Pancost) – Service Area Contraction (Area II to III)**
Request from the Southeast Boulder Neighborhood Association to change the designation from Area II to Area III. Staff also received a rebuttal from the property owner requesting that the designation remain Area II. Planning Board’s 2013 denial of a development proposal for the site points to the need for further study in order to determine if a reclassification to Area III might be appropriate, and whether the proposal would meet the BVCP’s criteria for a service area contraction (BVCP Amendment Procedures section 3.b.2).
- Request 35) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #2 – LR & PUB to MXR**
Two requests made by the property owners for a land use change from Low Density Residential (LR) and Public (PUB) to Mixed Density Residential (MXR). Demand for a school at this location has not materialized, which makes the PUB land use designation inconsistent with BVSD’s interest in the property. The proposal to create affordable housing on the site appears to be consistent with a variety of BVCP policies. Further study is needed on the proposed land use change alongside any alternatives that also advance that have been proposed by other parties (see requests 34, 36, and 37).
- Request 36) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #3 – LR & PUB to OS (w/Natural Ecosystems or Environmental Preservation designation)**
Eleven requests, which include requests from individuals as well as the Twin Lakes Action Group (TLAG), to change the land use designation of 6655 Twin Lakes Road from Low Density Residential (LR) to Open Space, and 6500 Twin Lakes Drive and 0 Kalua Drive from Public (PUB) to Open Space (OS). The stated intent for the land use change varies somewhat from one request to the next, but generally includes preserving wildlife habitat, maintaining existing neighborhood character, and meeting the open space needs of the surrounding neighborhood. Further study is needed on the proposed land use change alongside any alternatives that also advance that have been proposed by other parties (see requests 34, 35, and 37). Both Open Space and Mountain Parks (city) and Parks and Open Space (county) have indicated that the site does not meet their criteria for acquisition for community or regional open space. However, an OS land use designation could be appropriate if the site were to be privately acquired for that purpose.

Policy and Text Changes Recommended for Further Analysis by City Bodies

The following policy and text changes are recommended for further analysis as part of this update and were advanced for further study by Planning Board on Dec. 15, 2015 and by City Council on Jan. 5, 2016:

- Request 16) **Enhance public benefit (Chapter 2- Built Environment)**
Request to enhance public benefit in the subsections throughout Chapter 2- Built Environment. The request offers several more specific suggestions, including: the effective balancing of housing and commercial development with projects offering community benefit; providing value to property owners and businesses; and using tools like landmarking or land use and zoning changes where appropriate. For the purposes of the BVCP update, enhancements to public benefit in the subsections throughout Chapter 2 will be considered for further analysis.
- Request 17) **Clarification regarding ditches (Chapter 2- Built Environment, Chapter 9- Agriculture and Food, VI- Urban Service Criteria and Standards)**
Request to clarify language regarding ditches in the plan. The request notes that not all ditches are necessarily part of the public realm and offers further contextual details on the relationship between private ditches, prescriptive easements, and potential development projects. The request offers more specific suggestions to amend the following policies: 2.20, 2.37 (b), and 9.01. Additional suggestions are to remove the mentioning of ditches or clarify to which ditches the plan is referring in Paragraph 5 of Built Environment (Chapter 2) and amend the mentioning of “ditch company” to “ditch owner” in Section 3 of Urban Service Criteria and Standards (VI).
- Request 18) **Reflect public interest in renewable energy and reduction of carbon footprint (Chapter 4- Energy and Climate)**
Request to expand this chapter “to reflect current public interest in renewable energy and reduction of [the] carbon footprint.” The request further suggests specific efforts the city should undertake, including: the identification of appropriate sites and establishment of funding mechanism for renewable energy projects on existing properties. For the purposes of the BVCP update, the expansion of Chapter 4 to reflect current public interest in renewable energy and reduction of the carbon footprint will be considered for further analysis.

Not Recommended For Further Analysis

Staff recommends that nine requests in Area II or Area III do not receive further analysis. Summaries are provided below, and more detailed information can be found in **Attachment A**.

The following map change requests are not recommended for further consideration because they do not meet the criteria listed above:

- Request 24) **2975 3rd St. – Minor Adjustment to Service Area Boundary (Area III to II)**
Request to adjust the service area boundary from Area III to Area II for a property that is divided approximately in half between these two designations. The portion of the property within Area III is also located above the blue line. Staff does not recommend studying this request further because the change would not create a more logical service area boundary (per the BVCP criteria for

Minor Adjustments to the Service Area Boundary) and the property is already eligible for annexation.

- Request 27) **3000 N. 63RD St. & 6650 Valmont Rd. (“Valmont Butte”) #2 – Minor Adjustment to Service Area Boundary (Area III to II); land use designation change appropriate for arts campus**
Request for 1) a minor change of the Service Area Boundary Map for a 10-acre portion of the Valmont Butte properties; 2) a change of the Land Use Map to a land use category that would allow for the construction of a campus for the studio arts; and 3) removal of the site from the Natural Ecosystem Overlay Map. The site does not receive the full range of services that would be needed to support an arts campus. The Valmont Butte properties are owned by the city, and the request is inconsistent with the city’s intent to annex the properties as Area III - Annexed and use a portion of them for low-impact municipal uses. The request also does not meet the criteria for a minor adjustment to the service area boundary. Furthermore, the properties have areas of residual contamination that create barriers to additional development.
- Request 28) **1468 Cherryvale Rd. – VLR to LR**
Request for a land use change from Very Low Density Residential (VLR) to Low Density Residential (LR) for an existing single family property. The request could potentially result in subdivision of the property to create additional residential lots. Staff recommends not studying this request further due to its potential to increase density in a neighborhood with established very low density residential character in the absence of a larger plan calling for such change.
- Request 30) **2801 Jay Rd. #2 – Service Area Contraction (Area II to Area III- Planning Reserve)**
Four requests were received to change the service area designation for 2801 Jay Rd. from Area II to Area III-Planning Reserve for a variety of reasons cited, including concerns related to consistency of redevelopment with neighborhood character, incremental development, traffic, and safety, among others. The property has been developed and used as a place of worship since 1990. The purpose of the Planning Reserve is to maintain the option of future service area expansion and is an interim classification until it is decided whether the property should be placed in Area III-Rural or in the Service Area (Area II). With existing urban development, Area II and Public land use designations, and contiguity with the city’s existing service area the Area II designation is more appropriate.
- Request 31) **7097 Jay Rd. – OS-O to LR**
Request to have entire 14+ acre property designated as Low Density Residential (LR). This property does not meet the requirements for annexation, which would be necessary to permit a low density residential land use designation on this property. In addition, the split Area II/Area III designations at 7097 Jay have been in place since 1978, and there are no changed conditions in the community or articulated in the request that would warrant the proposal be considered as part of this update. In addition, the request is not consistent with the rural character of

the neighborhood to the west and south. The Boulder Feeder Canal to the north and east provides a logical buffer and boundary to the residential neighborhood to the north and east.

- Request 33) **4525 Palo Pkwy. - MR to LR**
Request for a land use change from Medium Density Residential (MR) to Low Density Residential (LR). The property has been through several recent planning processes, including the 2002/2003 BVCP Annual Review, wherein the land use designation was changed from Public (PUB) to the current Medium Density Residential (MR) to facilitate affordable housing development. In 2003 there was a neighborhood planning process that included this property and several other nearby properties that led to the current designation, and conditions have not changed since then to an extent that would warrant further study in the BVCP process. On Jan. 5, 2016, City Council approved the annexation request and initial zoning of Residential Mixed-2 (RMX-2).
- Request 34) **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #1 – maintain LR**
Three requests to maintain the existing BVCP Low Density Residential (LR) land use and Rural Residential zoning. Staff is recommending no further study on the grounds that a request to maintain the status quo does not constitute a change request. However, maintaining a lower intensity residential land use can be considered in the analysis for Request #35. All three also request an Open Space or Environmental Preservation designation as an option for maintaining the status quo, which will be considered in the analysis for Request #36.
- Request 37) **6655 Twin Lakes Rd. #4 – Service Area Contraction (Area II to III)**
Two requests for a service area contraction from Area II to Area III, in conjunction with a land use change from Low Density Residential (LR) to Open Space (OS). Staff recommends that this request not be studied further because no changed circumstance has been established to indicate that the service area should be contracted. Both Open Space and Mountain Parks (city) and Parks and Open Space (county) have indicated that the site does not meet their criteria for acquisition for community or regional open space. Therefore, although the site may have a potential future as private open space, this in and of itself is not a justification for reclassifying the site to Area III and removing all potential for future services. It should be noted that the portion of the request regarding a land use change to OS is replicated by request 36, which is recommended by staff to be considered further within the context of private acquisition of the site.
- Request 38) **0, 2300, & 2321 Yarmouth Ave., 4756 28th St. & 4815 N. 26th St. (Planning Reserve) – Service Area Expansion (Area III Planning Reserve to Area II)**
Request to expand the service area by changing the designation from Area III-Planning Reserve to Area II for the purpose of addressing the community's unmet need for permanently affordable housing. Staff recommends that this request not be considered further based on the City Council vote on August 6, 2015, which directed staff to not begin a Service Area Expansion Assessment, and therefore not process requests for service area expansions in the Planning Reserve as part of the BVCP five year major update.

PART II – PLAN UPDATE

Summary of Content in Part II

As Phase 2 of the plan update concludes, staff would like to share new and updated information with the Board of County Commissioners and Planning Commission, including the results from 937 respondents to the BVCP random sample survey, resulting in a 16.8 percent net response rate. The 95 percent confidence interval (or margin of error) is approximately +/- 3.2 percentage points. Part II also includes a summary from six focus groups, community engagement summary, and information about technical work that has been completed. Staff is seeking feedback on the approach to addressing remaining phases of the BVCP update, including proposed topic tracks and focused areas for options and analysis.

The BVCP survey and focus group results about topics of quality of life, plan core values, growth management, mixed use and heights, neighborhoods, and other ideas are summarized in this memo, with the full report and summary available for download [here](#).

A summary of proposed Phase 3 tracks and work plan is further described in a later section of the memo. Areas of Focus are proposed to be:

Track 1:

1. Renew core values;
2. Add climate, energy, and resilience;
3. Address future jobs:housing balance;
4. Address middle income housing;
5. Refine the Built Environment section of the plan (e.g., design, mixed use, height, etc.);
6. Add “planning areas” (i.e., subcommunity) sections with policies reflecting local goals;
7. Plan for Boulder Community Hospital site; and
8. Plan and process for CU South land use designation change.

Track 2 will include other policy integration (e.g., transportation, parks, and arts and culture).

Track 3 will entail plan clean up – straightforward plan edits and format improvements.

Background

The plan update has progressed through 2015 aiming for changes to the plan to ensure it remains useful and relevant. So far, the process has entailed extensive community dialogue and engagement as described in the Community Engagement Plan and summaries of events and feedback. The BVCP update has four main phases, each with community dialogue and engagement. The project work plan and process illustration is available [here](#).

Phase 1—Foundations/Community Engagement Plan (complete). The foundations (technical) work that was completed in the first phase has been used extensively in community outreach and is available on the project webpage: www.bouldervalleycompplan.net.

Phase 2—Issues Identification (nearing completion). Phase 2 has been focused on collaboration with the community to refine and solidify priority issues to be addressed in the update through 2016. This phase included the survey, a series of check-ins with boards and commissions, and six local listening sessions in the community.

Phase 3—Plan Analysis and Updated Policies and Maps (now beginning). As with the first two phases, Phase 3 will entail multiple opportunities for community engagement. The planning team will develop choices and analysis, do the “housekeeping” updates, and write policy refinements and additions to better align the plan with other master plans and adopted city and county policies. Additionally, during this phase, the planning team will advance the 3D modeling and visualization tools to help convey options, scenarios, and tradeoffs and do further research and analysis to support a community conversation. Gaps in metrics to measure plan outcomes will be identified, and the full set of measurements further refined. Finally, the Land Use Plan and Area maps will be updated, reflecting input and analysis from the public request process as well as the scenario analysis.

Phase 4—Draft Plan and IGA (Summer-Fall 2016). Phase 4 will synthesize all the previous phase deliverables into a draft plan for consideration/adoption, again with opportunities for public review and engagement. Additionally, the “Comprehensive Development Plan Intergovernmental Agreement” (IGA) between the city and county (valid through Dec. 31, 2017) will need to be updated.

Implementation steps, such as changes to code and zoning map updates, would be completed following plan adoption.

COMMUNITY ENGAGEMENT

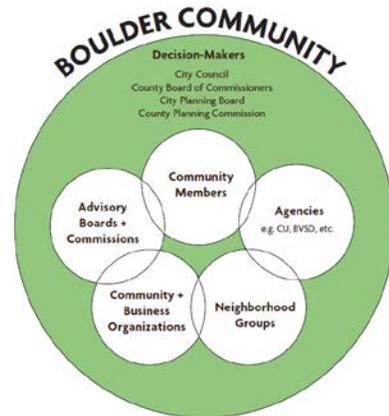
Community engagement in the first phases aimed at getting the word out about the update, informing people about the plan and its legacy, sharing foundations information, and inviting people to participate and share ideas on areas of focus, issues and topics for the update.

Working with the BVCP Process Subcommittee, staff finalized the [Community Engagement Plan](#) for Phases 1 and 2. An initial plan for Phases 3 and 4 engagement is being developed and reviewed with the Process Subcommittee in January.

Measures of Community Engagement in Phases 1 and 2

To learn from the experiences of all engagement activities and ensure the goals of the engagement plan are being met, the process subcommittee advised measuring engagement quantitatively and qualitatively. Measures of engagement include but are not limited to the following:

- Postcard sent to 50,000 households in the planning area;
- 5,000 email contacts who receive news and updates about the plan through the Planning, Housing and Sustainability’s weekly newsletter;
- 937 random sample survey responses, and 459 complete responses to the open link survey; and
- One kickoff event and six listening sessions with hundreds of participants.



BVCP SURVEY AND FOCUS GROUP RESULTS

The random sample survey was a major focus of Phase 2. 937 people responded, resulting in a 16.8 percent net response rate. The 95 percent confidence interval (or margin of error) is approximately +/- 3.2 percentage points. The consultant also held six focus groups from Nov. 6 through Nov. 13 to address subjects in the survey in greater depth. The complete Survey Summary report is available for download [here](#). The report includes survey results, summaries of the focus group discussions, summaries for the open-ended responses and the full text of all responses.

BVCP Survey and Focus Group Takeaways

The survey results and six focus groups addressed a variety of topics that will inform the BVCP update, including quality of life, familiarity with the plan, core values, growth management, mixed use and locations, height, and neighborhoods. The focus groups provided more detailed feedback on issues covered in the survey (i.e., building height, jobs growth, housing growth, and mixed use), as well as issues not specifically addressed in the survey (e.g., transportation, the University, resident diversity, and inclusiveness). The report in all its detail with cross tabulations and demographic information has only recently been available, so staff will continue to read comments and analyze results as Phase 3 work begins. High level takeaways include:

- **Quality of Life:** Ninety-four percent of respondents think quality of life is very good (49 percent) or good (45 percent).
- **Familiarity:** Most survey respondents (59 percent) have no or slight awareness of the plan. Eleven percent know quite a bit about it or are very familiar. However, responses generally validate policy directions of the plan and thoughtful deliberative community planning, as further noted below.
- **Core Values:** Sixty-six percent of respondents did not identify any core values in need of clarification or modification when asked that question. Respondents prioritized and added ideas related to plan core values – what needs increased attention (i.e., diversity of housing types and price ranges, all-mode transportation system, places with unique identities/neighborhoods), and added new ideas as part of their open-ended comments (e.g., diversity, governance, limit growth, safety, housing).
- **Growth Management (Jobs and Housing):** Respondents said Boulder should maintain the current potential for additional jobs (57 percent) and increase (43 percent) or maintain (39 percent) the current potential for additional housing. Open-ended comments showed nuanced thinking about the future mix of housing and jobs and tradeoffs. Context of place, quality, and design for family-friendliness were also themes.
- **Rate:** Respondents on the questions about rate of growth of housing and commercial growth favored continuing maintaining a city system of limiting rate of housing growth (43 percent) but think the city does not need to manage the rate of commercial growth (48 percent).
- **Diversity of Housing and Price:** Results of the survey showed that a greater diversity of housing types and price ranges is the highest priority. 42 percent selected it as their first core value (second was all-mode transportation system, at just 13 percent), 56 percent selected it as one of their top two, and 63 percent selected it as one of their top three values.
- **Community Benefits:** Respondents selected permanently affordable housing as the top requirement for new development (25 percent), along with limiting height and protecting views (22 percent). A wealth of open-ended comments will assist in further analysis of community benefits.
- **Neighborhoods:** Respondents described quality of life in neighborhoods as very good (47 percent) or good (44 percent), and generally noted more characteristics they liked

(i.e., trails, open space, safety, walkability, quiet, etc.) than factors they disliked (i.e., affordability, access/distance to services, noise and traffic). They would also like better information from the city about services, programs, and events (43 percent); support to improve neighborhood livability (e.g., services, amenities, infrastructure) (41 percent), and support for neighborhood events (37 percent). Thirty-four percent indicated support for land use planning at the local level.

Other Outreach Efforts during Phases 1 and 2

Other outreach events included the following:

- **Listening Sessions.** In November and December, the city and county hosted a series of local community listening sessions in six locations around the community to hear ideas related to the BVCP and other services and programs.
- **Kick off Events** – In August, the city and county held a kickoff event at Chautauqua. Initial input was also gathered through an online poll and other events that asked people “what do you love about Boulder” (e.g., open space, natural areas, trails, creative culture) and for input on the potential focus areas. The summaries are on the project webpage.
- **Pop-Up Meetings** – The project team held 13 “pop-up” meetings (including three with bilingual staff) at recreation centers, the farmers market, grocery stores, Eben G. Fine Park and other events to share information and get feedback.
- **Culturally Sensitive Engagement** – Staff and decision-makers have been seeking a meaningful engagement process with Boulder’s immigrant communities via culturally sensitive venues and processes, including: one-on-one conversations with community leaders and spokespeople, building on their knowledge and trust within the community; working with bilingual partners at events or “pop-up” meetings using comment forms in Spanish and English; and partnering with Intercambio to get input from immigrant students in English classes.
- **Boards and Commissions** – From October to December, the planning team attending meetings of city boards and commissions and requesting feedback on the foundations works products, community engagement activities, and topics of focus for the update.
- **Outreach with Civic, Business, and Community Groups** – Staff was invited to and attended several meetings to update civic, nonprofit, and community groups on the plan process and to hear their input. The list includes but is not limited to the PLAN Boulder Board, Boulder Chamber Community Affairs Group, Urban Land Institute, Boulder Housing Partners, and Boulder Area Realtors Association.
- **Youth Engagement** – Some of the pop-up meetings and other events have been geared for younger people in the community – children, youth, and university students. YOAB and Growing Up Boulder also are partnering with the planning team to do outreach. A description will be provided on the project website.
- **BVCP Videos** – The city hired Boulder-based Balcony Nine Media to produce the first few videos in the planned series describing planning history in Boulder. Draft videos were shown at the August event. Using feedback received about their tone and content, the consultant finalized the videos which will be available for the Dec. 15 meeting.

TECHNICAL WORK (COMPLETION OF PHASE 1)

Staff completed drafts of BVCP technical work in late summer and presented them at the August kickoff meeting. Since that time, staff has invited input and feedback at public meetings, check-ins with boards and commissions, and other outreach activities. Additionally, staff held two public data sessions in September for the purpose of answering questions and collecting feedback on the technical work products. Collectively, these outreach efforts and subsequent analysis have

resulted in adjustments and refinements to the foundations work. One of the more substantive refinements to the BVCP technical work has been to apply the employment estimate methodology (new for 2015) to historical jobs data. Links to current versions of technical work products are below, as are notes about substantive changes since August.

- **Trends Report** - The Trends Report has been updated to reflect edits received from Planning Board and Planning Commission at their joint meeting on Sep. 17. Employment trends have been updated to reflect data revised back to 2001 (the earliest year for which the city was able to obtain data). Staff also updated the Executive Summary to include a list and description of the top ten trends in the community. [Link here for the latest Trends Report.](#)
- **Community Profile** - The Community Profile will be updated in early 2016 to incorporate 2015 employment data, the new employment trends data back to 2002, and refined data for nonresidential square footage. [Link here for latest Profile.](#)
- **2040 Projections** - No substantive edits have been made to the 2040 projections since the August draft. [Link here for current projections and methodology.](#)
- **Subcommunity and Regional Fact Sheets** - The 10 fact sheets have been largely completed since September and now include inserts featuring the future land use map and category descriptions from the adopted (2010) BVCP. [Link here for current Fact Sheets.](#)
- **Interactive Mapping and 3D Modeling.** The planning team has been working with ESRI to develop online, interactive story board maps for the subcommunities and Area III. The story boards present existing conditions, 3D maps, topography, and a collection of other map data using an online interactive interface. [Link here for story board maps.](#)

Staff also is working with ESRI to use CityEngine software to prepare a 3D model of Boulder’s future development capacity. Current zoning regulations are the basis for “rules”. CityEngine’s rules also recognize height limits and development constraints (e.g., wetlands and high hazard floodplain) applies all rules to individual parcels, creating a three-dimensional representation of the regulatory envelope within which future development may occur. This work in progress will be refined for analysis of the future land use mix and questions about activity centers and height.

BVCP PHASE 3 – APPROACH AND TRACKS

BVCP Phase 3 – Approach and Tracks

Now that the foundations work is mostly complete, survey results are available, and the community has weighed in at initial events and polling, the third phase (options and analysis) is about to begin. Staff has updated the scope of work for Phase 3 based on input and feedback from the approval bodies and community thus far, and would like to confirm the topics and approach with the four approval bodies. Forthcoming tracks for Phases 3 and 4 will include the following:

Track 1: Areas of Focus

Track 2: Plan Policy Integration

Track 3: Plan Clean up

Track 4: Public Map, Policy, and Text Request Analysis (addressed in Part I of the memo)

The updated work plan for 2016, available [here](#), includes additional details about the entire process.

Track 1: Areas of Focus

Staff will move forward on the following work areas in early 2016 and seeks feedback from the four approval bodies to further refine the areas of focus. The topics in Track 1 are listed below.

1. **Renew core values.** As noted in the brief survey summary above and report, most people did not suggest changes to the core values. However, respondents who did provide a number of suggestions to update core values to reflect current community ideas, such as themes of safety, resilience, climate, and diversity, among others.
2. **Add climate, energy, and resilience.** The community's work to achieve deep reductions in local greenhouse gas emissions, transform its energy system, and increase community resilience and response to emergencies such as floods have far-reaching implications for city policy and action that should be reflected in the plan. Work on this topic will assess and then propose potential plan changes related to resilience (e.g., updating the sustainability framework to incorporate resilience concepts and reflect our climate commitment goals).
3. **Address future jobs:housing balance.** Survey responses, as noted above, show that greater diversity of housing types and price range is the highest priority issue. Staff proposes to prepare options (or scenarios) to improve the balance of housing and jobs in the future. Such scenarios could lead to adjustments to the land use plan and policies related to housing. Based on survey feedback, staff does not anticipate refining other growth management policies or tools (e.g., limiting rates of growth for jobs or housing) unless requested by the approval bodies.
4. **Address housing the “middle”.** Based on the *Housing Boulder Action Plan for 2015/2016*, survey results, and community input, and *The Middle Income Housing Study*, staff proposes to develop land use and policy options to identify and promote middle income housing types for different parts of Boulder.
5. **Refine Built Environment section and mixed use/height policies.** The survey results generally showed support for the mixed use concepts and locations in the plan. However, many comments addressed design, quality, height, and other issues about place-based appropriate locations and protection of neighborhoods. Using 3D modeling and visualization tools, staff proposes to provide illustrations and clearer descriptions for the Built Environment section of the plan to refine the plan's map and description of activity centers, mixed use, heights, and character areas. Feedback from the ongoing and future listening sessions will help to further refine illustrations, maps, and policy regarding community benefits achieved from development.
6. **Add “planning areas” sections to address local issues.** Staff proposes to include subcommunity plan sections and policies to address local issues and character. Use feedback from ongoing listening sessions and the survey to help define unique characteristics and needs. Subcommunity sections of the plan can address land use and other topics such as neighborhood character (e.g., areas of stability), unique assets, land use compatibility, and address other service and infrastructure needs.

Timeline for Track 1 topics above:

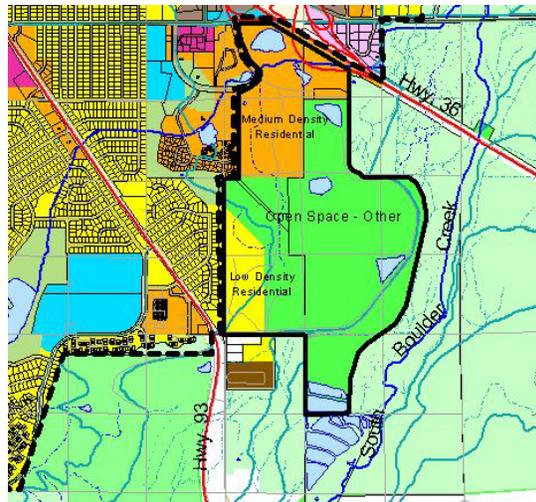
- Possible check in at City Council retreat in January, or February on refined topics.
- Initial options and public input (Feb./Mar.) Four bodies review and input (April).
- Options and Analysis – Public Input (April/May); four bodies – preferred directions (June).
- Final directions – fall 2016.

Site Specific Analysis as part of Track 1

In addition to the above focused topics, the planning team will be working on several site specific planning processes with distinct community engagement, technical work, and analysis. They include the former Boulder Community Health site on Broadway and processing a land use change request for CU South.

7. Boulder Community Hospital Site Planning Process. The City of Boulder completes purchase of the Boulder Community Hospital (BCH) site on Dec. 4, 2015. It is anticipated that focused planning for the redevelopment of the site will occur in 2016 and beyond. The planning work will leverage work completed during the Civic Area project and inventory and analysis completed during the purchase. Planning will be coordinated with the BVCP update. Staff is preparing process options for the overall BCH planning approach to have ready for discussion with City Council in January. Generally, early steps in 2016 relevant to the BVCP are anticipated to include: (a) developing an Urban Design Framework that puts BCH in context with its Central Boulder surroundings, (b) developing guiding principles for the BCH site to help guide programming and further planning, and (c) possible land use change suggestions and support for area planning. Some of the public engagement for BCH planning may be coordinated with the BVCP events, especially Central Area meetings. However, separate and focused collaboration and partnering with specific groups and localized area also will be necessary.

8. CU South Land Use Designation Analysis Process. As part of the 2015 plan update, the city will be working with the University of Colorado (CU) and the community to analyze possible changes to the BVCP land use designations for the CU South site (see map on the right). This work would be in advance of any land use changes, annexation, or zoning. The land use process will parallel other aspects of the BVCP request processes through spring of 2016. The first step will be a two-part site suitability study, first addressing developable and undevelopable parts of the site (e.g., natural features, wetlands, sensitive species, and habitat) through spring. The second part will address land use and urban services beginning in mid-2016. It is also likely that prior to annexation, the city and CU would need to develop an agreement describing conditions for annexation. Site engineering for the South Boulder flood mitigation berm would happen on a separate but parallel track. At their joint meeting on Dec. 15, Planning Board and City Council supported further study of CU South and emphasized that it is a high priority for the update.



Track 2: Plan Policy Integration

The interdepartmental city/county planning team will work with other city departments to ensure the updated BVCP reflects all the recent adopted master plans or other policies, such as the Community Cultural Plan, Transportation Master Plan, and Parks and Recreation Master Plan. This could lead to changes to the Introduction and Implementation chapter, where master plans are summarized, and other specific sections as noted in the table below.

Plan Integration Topics	Relevant Chapter, Sec.
Add information about regional policy alignment	<i>Introduction, History</i>
Core values will need more substantive work as noted above.	<i>Sec. 1: Core Values</i>
Coordinate with the Design Excellence Initiative including outcomes from the pilot Form-Based Code, the updated Downtown Urban Design Guidelines, as well as other more substantive changes (e.g., activity centers), as noted above.	<i>Sec. 2: Built Environment</i>
Add current policies related to biodiversity (e.g., wildlife; water, wetlands, ditches; Green Infrastructure; pollinator protection). Add current policies from county's open space element. Coordinate with the OSMP master plan process (mid-2016).	<i>Sec. 3: Natural Environment</i>
Add new Climate Commitment goal. More substantive work will be necessary as the climate commitment strategy and community engagement progresses as noted in Track 1 above.	<i>Sec. 4: Energy and Climate</i>
Add relevant Community Cultural Plan (2015) policies to the Economy section and others (2, 4, 6, and 8). Add current goals from 2013 Economic Sustainability Strategy and Primary Employer study.	<i>Sec. 5: Economy</i>
Add current Transportation Master Plan (2014) policies or descriptions, including reference to Renewed Vision for Transit, and any approved directions from the Access and Parking Management Strategy.	<i>Sec. 6: Transportation</i>
More substantive housing policy topics are noted above.	<i>Sec. 7: Housing</i>
Various plans may necessitate changes to the Community Well-being section including: <ul style="list-style-type: none"> ▪ Parks and Recreation Master Plan (2013) ▪ Policies related to an aging population and aging in place ▪ Homelessness strategy (ongoing) ▪ Human Services Master planning (ongoing) ▪ Library Master Plan ▪ Fire Master Plan ▪ Police Master Plan 	<i>Sec. 8: Community Well-Being</i>
Add any changes to local food programs or policies since 2010 when this chapter was added to the plan.	<i>Sec. 9: Agriculture and Food</i>
Coordinate with the city's interdepartmental ecology team on specific changes including: updates to natural ecosystems map, the	<i>Other Chapters: Amendment Procedures,</i>

environmental protection overlay, the trails map, and the open space other land use category.

Land Use Map Descriptions, Implementation, Referral Process and other maps

Timeline for Track 2:

- Policies (non-substantive changes), completed and accepted by Jun. 2016.
- Other emerging policies, as relevant, proposed and accepted with draft plan by fall 2016.

Track 3: Plan Organization and Clean Up

A less exciting but important task will be the non-substantive edits to improve legibility and usability. The planning team proposes to complete such basic clean up, including:

- **Amendment Procedures.** Some clarification was proposed as part of the 2010 update, but because the substantive questions regarding four-body review took time and never reached agreement, the non-substantive clarification also did not occur. Staff proposes to bring back the clarification pieces (not proposals for changes to the review process).
- **Land Use Map Descriptions.** Planning Board reviewed and provided feedback on an early draft of the chapter with table formatting, proposed pictures, intro text, and other enhancements.

Following initial clean up, staff will do the organizational and format improvements (e.g., better contents, headings/footings, headers, etc.), to be completed by spring 2016. Substantive enhancements such as graphics and metrics will be added for the draft plan in Phase 4.

Timeline for Track 3:

- Edits and formatting completed by Apr. 2016; final by fall, 2016.

City Council and Planning Board Feedback on BVCP Phase 3 – Approach and Tracks

City Council and Planning Board reviewed the staff’s proposal for Phase 3 Approach and Tracks at their joint meeting on Dec. 15, 2015. Planning Board provided additional feedback on this topic at their Dec. 17 meeting.

- Overall, the focused topics are on track with what is needed and desired for the five year major update.
- Addressing housing issues should be a top priority for this update. The survey results reinforce the importance of this.
- Addressing CU South is another top priority.
- The proposal to include new sections in the BVCP specific to small areas (subcommunities) is viewed as positive and needed. However, staff may need to reconsider the utility of using subcommunities for this purpose. The boundaries may need to be revised, or a different scale of analysis may need to be used.
- The built environment topic should incorporate lessons learned from the form based code project. Also recognize that solutions for “housing the middle”, in part, can be identified through the built environment topic.
- Many of the issues are related to growth. In addition to addressing which areas are appropriate for change, rate of change is another important consideration in that conversation.
- Carbon sequestration in soil should be addressed as part of the climate, energy, and resilience topic.

NEXT STEPS

- Jan. 27 BOCC deliberation/vote on initial screenings for Area I, II, and III and policy and text requests from the public
- Feb. 2 City Council and Planning Board joint public hearing on initial screenings for Area II and III followed by Planning Board deliberation/vote.
- Feb. 29 City Council deliberation/vote on initial screenings for Area II and III
- Mar. (TBD) Joint meeting of Planning Board and Planning Commission
- Apr. 12 City Council Study Session

ATTACHMENTS

- A. Staff Analysis for the Initial Screening of Change Requests for Area II and Area III Map Change Requests and Policy/Text Requests



MEMORANDUM

To: Members of City Council

From: Susan Richstone, Deputy Director of PH&S
Lesli Ellis, Comprehensive Planning Manager, PH&S
Courtland Hyser, Senior Planner, PH&S
Jean Gatzka, Sustainability Planner II, PH&S
Jeff Hirt, Planner II, PH&S
Caitlin Zacharias, Associate Planner, PH&S
Dale Case, Land Use Director, Boulder County Land Use
Abby Shannon, Senior Planner, Boulder County Land Use
Pete Fogg, Senior Planner, Boulder County Land Use
Steven Giang, Planner I, Boulder County Land Use

Date: February 2, 2016

Subject: Supplement to Agenda Item 5A: County action on the initial screening of public requests for map changes in Area II and Area III as part of the 2015 Major Update to the Boulder Valley Comprehensive Plan (BVCP)

The purpose of this memo is to provide supplemental information on the action taken by the Boulder County Planning Commission and Board of County Commissioners (BOCC) regarding the initial screening of public requests for map changes for properties in Area II and Area III as well as changes to policies and text as part of the 2015 Major Update to the Boulder Valley Comprehensive Plan (BVCP).

The BOCC and Planning Commission held a joint public hearing on Jan. 26, 2016 at which staff presented information regarding the requests for map changes and three requests for policy changes recommended by City Council and Planning Board. Following the public hearing, the Planning Commission deliberated and took action, and on Jan. 27, the BOCC discussed and voted on the requests. The action of the BOCC is carried forward in the revised suggested motion language and summarized in the attached work sheet (**Attachment A**). Actions taken by the Planning Commission are also summarized in this memo.

REVISED RECOMMENDATION BASED ON BOCC ACTION

Suggested Motion (Modified to Reflect BOCC's Action on Jan. 27)

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

Motion to further consider and analyze the following land use map changes for Area II and Area III properties:

- **3261 3rd St.** – *Minor Adjustment to Service Area Boundary (Area III to II) (Request 25)*
- **3000 N. 63RD St. & 6650 Valmont Rd. (“Valmont Butte” #1)** – *OSO to PUB (Request 26)*
- **2801 Jay Rd. #1** - *PUB to MR or MXR (Request 29)*
- **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #2** - *LR & PUB to MXR (Request 35)*
- **6655 & 6500 Twin Lakes Rd., 0 Kalua Rd. #3** – *LR & PUB to OS (w/Natural Ecosystems or Environmental Preservation designation) (Request 36)*

Planning Commission Action (Jan. 26, 2016)

The Planning Commission supported further consideration of five of the six requests recommended by staff and made two changes to the original motion. Specifically they recommended:

1. For Request 30, continuing analysis of the request for a Service Area Contraction for 2801 Jay Road, stating that while staff is analyzing appropriate uses for the property as part of Request 29 it could be helpful to study the possibility of moving it to the Planning Reserve, and
2. For Request 32, not continuing analysis of the request for a Service Area Contraction - Area II to Area III for Hogan Pancost. Several of the members commented that further study in the context of the BVCP would not be able to resolve technical issues such as hydrology and that those types of issues should be addressed during development review.

The Planning Commission also voted to move forward the three policy requests recommended by Planning Board and City Council (Requests 16-18).

BOCC Action (Jan. 27, 2016)

The BOCC voted to support the revised recommended motion as indicated on the page above. They discussed 2801 Jay Road (Requests 29 and 30) and decided to move forward with the request to study compatible uses, affordable housing, and address the concerns of neighbors through the process (Request 29). However, they voted to remove the request for a Service Area Contraction (Request 30) as added by Planning Commission because they do not think it meets BVCP criteria for a move to Area III. They cited its current and historic use and longstanding Area II classification.

The BOCC also voted to move forward the three policy requests (Requests 16-18), making the point that enhancing public benefit, clarifying ditches, and addressing renewable energy and carbon footprint reduction are all important issues, especially the topic of public benefit as it relates to development and growth.

ATTACHMENTS

- A. Work Sheet with Planning Board and Board of County Commissioner's Recommendation

BVCP-15-0001: PC and BOCC votes – Jan. 26 and 27, 2016

Note: Items not voted-on by Planning Commission or Board of County Commissions will not move forward for further study.

Request #	Policies	Staff Recommendation	Planning Commission Decision/Vote	BOCC Decision/Vote
16	Enhance public benefit	<i>Further consider and analyze</i>	<u>Yes to further study</u> Vote 6-0	<u>Yes to further study</u> Vote 3-0
17	Clarification regarding ditches	<i>Further consider and analyze</i>	<u>Yes to further study</u> Vote 6-0	<u>Yes to further study</u> Vote 3-0
18	Renewable energy and reduction of carbon footprint	<i>Further consider and analyze</i>	<u>Yes to further study</u> Vote 6-0	<u>Yes to further study</u> Vote 3-0
Request #	Map change requests	Staff Recommendation	Planning Commission Decision/Vote	BOCC Decision/Vote
24	2975 3 rd Street – Area III to II	<i>Not recommended for further study</i>	No to further study	
25	3261 3 rd Street – Area III to II	<i>Further consider and analyze</i>	<u>Yes to further study</u> Vote 6-0	<u>Yes to further study</u> Vote 3-0
26	3000 N. 63 rd Street & 6650 Valmont Road – OS-O to PUB	<i>Further consider and analyze</i>	<u>Yes to further study</u> Vote 6-0	<u>Yes to further study</u> Vote 3-0
27	3000 N. 63 rd Street & 6650 Valmont Road – Area III to II and land use change for arts campus	<i>Not recommended for further study</i>	No to further study	

28	1468 Cherryvale Road – VLR to LR	<i>Not recommended for further study</i>	No to further study	
29	2801 Jay Road #1 – PUB to MR or MXR	<i>Further consider and analyze</i>	<u>Yes to further study</u> Vote 6-0	<u>Yes to further study</u> Vote 3-0
30	2801 Jay Road #2 – Area II to Area III Planning Reserve	<i>Not recommended for further study</i>	<u>Yes to further study</u> Vote 6-0	No to further study Vote 3-0
31	7097 Jay Road – OS-O to LR	<i>Not recommended for further study</i>	No to further study	
32	5399 Kewanee Drive & 5697 South Boulder Road (Hogan Pancost) – Area II to III	<i>Further consider and analyze</i>	No to further study Vote 4-2	
33	4525 Palo Parkway – MR to LR	<i>Not recommended for further study</i>	No to further study	
34	6655 and 6500 Twin Lakes Road 0 Kalua Road #1 – maintain LR	<i>Not recommended for further study</i>	No to further study	
35	6655 and 6500 Twin Lakes Road 0 Kalua Road #2 – LR & PUB to MXR	<i>Further consider and analyze</i>	<u>Yes to further study</u> Vote 4-2	<u>Yes to further study</u> Vote 3-0
36	6655 and 6500 Twin Lakes Road 0 Kalua Road #3 – LR & PUB to OS-NE or OS-EP	<i>Further consider and analyze</i>	<u>Yes to further study</u> Vote 6-0	<u>Yes to further study</u> Vote 3-0
37	6655 and 6500 Twin Lakes Road 0 Kalua Road #4 – Area II to III	<i>Not recommended for further study</i>	No to further study Vote 4-2	
38	0 2300 2321 Yarmouth Avenue 4756 28th Street 4815 N. 26th Street – Area III Planning Reserve to Area II	<i>Not recommended for further study</i>	No to further study	



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 2, 2016

AGENDA TITLE: Request for a “Nod of Five” for authorization of staff to compile statistics regarding prosecution and incarceration of individuals for violation of § 5-6-10, “Camping or Lodging on Property Without Consent” B.R.C. 1981

PRESENTERS

Jane Brautigam, City Manager
Linda Cooke, Municipal Court Judge
Tom Carr, City Attorney
James Cho, Municipal Court Administrator

EXECUTIVE SUMMARY

At the council retreat, council members considered a request by the Human Relations Commission to stop enforcement of the city’s camping ban. Several members of the community have argued that the camping ordinance wastes resources by incarcerating homeless violators. Council agreed that Council Members Sam Weaver and Andrew Shoemaker would draft a data request to staff to provide background information for council’s potential exploration of the camping ban. Because this request requires substantial staff work, under the council’s procedures, a “Nod of Five” is required. Council Procedures § X.A.

BACKGROUND & ANALYSIS

The Boulder Revised Code prohibits camping without consent as follows:

- (a) No person shall camp within any park, parkway, recreation area, open space, or other city property.
- (b) No person shall camp within any public property other than city property or any private property without first having obtained:

(1) Permission of the authorized officer of such public property; or

(2) Permission of the owner of private property.

(c) This section does not apply to any dwelling in the city, as defined by Section 5-1-1, "Definitions," B.R.C. 1981.

(d) For purposes of this section, camp means to reside or dwell temporarily in a place, with shelter, and conduct activities of daily living, such as eating or sleeping, in such place. But the term does not include napping during the day or picnicking. The term shelter includes, without limitation, any cover or protection from the elements other than clothing. The phrase during the day means from one hour after sunrise until sunset, as those terms are defined in Chapter 7-1, "Definitions," B.R.C. 1981. Camp does not include temporary residence associated with the performance of a governmental service by emergency responders or relief workers during a Disaster Emergency as defined in Section 2-2.5-2, "Definitions," B.R.C. 1981.

(e) Testimony by an agent of the persons specified in Subsection (b) of this section that such agent is the person who grants permission to camp or lodge upon such property, or that in the course of such agent's duties such agent would be aware of permission and that no such permission was given, is prima facie evidence of that fact.

§ 5-6-10, "Camping or Lodging on Property Without Consent" B.R.C. 1981.

At the council annual retreat council members considered a request by the Human Relations Commission that the city stop enforcement of the city's camping ordinance. On Monday, January 25, 2016, Council Member Sam Weaver posted a request for data on the council "hotline" email message system. The Municipal Court can assemble most of the data. The data request and the estimated staff time are as follows:

Data Requests	
Data Request	Staff Response
1) The number of tickets issued for violation of the camping ban, for which the camping ban violation is the only citation issued for that contact.	This will take less than an hour.

2) The number of tickets issued for violation of the camping ban, for which the camping ban violation is one of multiple citations issued for that contact.	This will take less than an hour.
3) How many of the contacts in #1 and #2 above resulted in subsequent failure to appear (FTA) warrants issued, broken down by the criteria of #1 and #2 above?	This will take approximately 3 hours.
4) How many of any FTA warrants issued as a result of camping ban citations (broken down by the criteria of #1 and #2 above) resulted in any jail time for the cited party?	This will take approximately 3 hours.
5) How many individuals experienced jail time as a result of a citation issued for a camping ban in which that is the only citation issued for that contact (no other warrants for that individual leading to the jail time)?	This is the most difficult request, because it will require staff to review individual case files. The amount of work will depend on the number of cases. Staff estimates that this will take between 10 and 20 hours.
6) How many separate individuals have received citations for violating the camping ban?	This will take approximately 30 minutes.
Legal and Procedural Questions	
1) Can a person who receives a citation solely for violating the city's camping ban ordinance be sentenced to jail time based on the current letter of the law?	The time to answer this question is negligible.
2) What is the practice of our municipal court regarding sentencing for a single violation of the camping ban in which that is the only citation in a contact?	The time to answer this question is negligible.
3) What is the practice of our municipal court regarding sentencing of an individual who has violated the camping ban ordinance multiple times, but who otherwise has no other charges filed?	The time to answer this question is negligible.

In summary, staff believes that it will take between 10 and 30 hours to provide the requested data.

Council Working Agreements

Council Process:

- The council will work on general discipline in being prepared to ask questions and make comments.
- The council asks the mayor to intervene if discussion on agenda items extends beyond a reasonable time frame.
- The council will engage in the practice of colloquy to fully explore the different sides of a specific point.
- The mayor will ask the city clerk to set the timer lights for council members if discussions begin to exceed efficient debate. Members should respect the lights as a time reminder, but will not be bound by them as absolute limits.
- Rather than restating a point, council members should simply say "I agree."
- The council agenda committee may, with advance notice, adjust each public speaker's time to two rather than three minutes during public hearings for items on which many speakers want to address the council.
- Council members will grant each other permission to mentor and support each other on how each person contributes to the goal of being accountable for demonstrating community leadership.
- In order to hear each other respectfully and honor the public, council will avoid body language that could convey disrespect, side conversations, talking to staff, whispering to neighboring council members, passing notes, and leaving the council chambers.
- Regarding not revisiting past discussions, the council should check-in with fellow members periodically to ensure that this is not an issue.
- During a council meeting, any form of electronic messages, including emails and texts, that relate to matters being considered and which arrived at any time during that meeting shall not be read by council members, nor shall any messages on matters under consideration be sent by council members.

Council Communication:

- Council members agree to keep quasi-judicial roles scrupulously separate between members of boards and members of council, avoid expressing ideas to board members on things coming before the board, and carefully disclose or recuse themselves when there is involvement with board members on a topic.
- Council agrees to e-mail the city manager about issues that they run into that staff or boards may be working on so that the manager can be actively involved in managing issues and keeping the full council informed well in advance of items coming before council for action.
- Members will keep the full council informed on issues from committees, public groups or other agencies that they are following, through hot line e-mails, brief verbal reports at the end of council meetings or other means.
- The council will find ways to support majority council decisions and adequately inform the public, through responsive letters that explain how divergent points of view were heard and honored in decisions, via standard e-mail responses for hot issues, by occasional council Letters to the Editor to clarify the facts, or by seeking out reporters after meetings to explain controversial decisions.

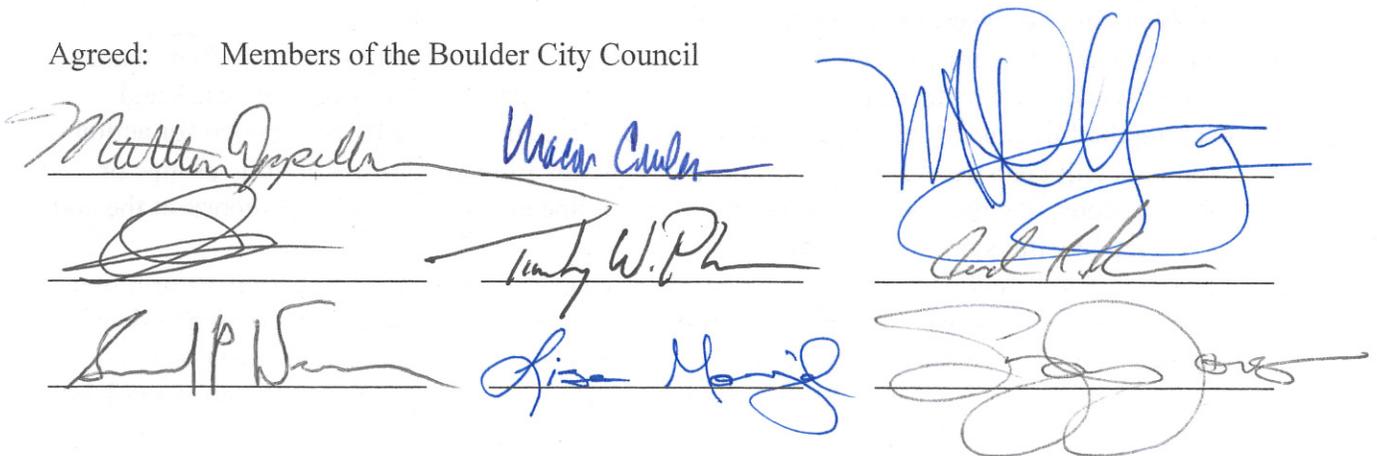
Council Committees:

- Council committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each committee meeting will be noticed once per month in the Daily Camera.
- The council agenda will include time for reports from committees under Matters from Members of Council, noting that written communications from the committees are appropriate as well.

Selection of Mayor and Mayor Pro Tem:

- Council members will make a good faith effort to select the mayor and mayor pro tem in an open and transparent process.
- After the council election, members seeking election as mayor or mayor pro tem should:
 - make their interest in the positions known to their fellow members as soon as possible;
 - focus their communication with other council members on the positive attributes the member brings to the positions; and
 - refrain from any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals' presentations may include, but need not be limited to the following:
 - the skills and attributes the member would bring to the mayoral position;
 - the member's ability to efficiently run council meetings, respect the views of the minority while allowing the majority to rule, and perform other mayoral duties;
 - how the member would represent the city and city council and mayor position at gatherings outside of city council meetings
 - how the member would serve on and appoint other council members to regional and national boards and commissions; and
 - how the member would promote trust of the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

Agreed: Members of the Boulder City Council



Handwritten signatures of council members in blue ink, arranged in three rows and three columns. Each signature is written over a horizontal line. The signatures are: Row 1: Matthew Appella, Warren Cullen, [unclear]; Row 2: [unclear], Andy W. Ph..., [unclear]; Row 3: [unclear], Lisa M..., [unclear].

City of Boulder 2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1 st Quarter	2 nd Quarter	3 rd Quarter	4 th 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
		Staff Activities	Budget update	Budget update	Budget update	Budget update
	Climate Commitment	Council	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan
			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		
	Resilience	Council	Develop East Arapahoe action plan			
			SS	Direction or IP	Direction or IP	Direction or IP
	Boulder Valley Comprehensive Plan	Council	Develop scoping plan	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
			SS	Direction or IP	Direction or IP	Direction or IP
Transportation	Transportation Master Plan Implementation	Council	Issues identification	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
		Staff Activities	Update and coordinate with BVCP		Update and coordinate with BVCP	
	Regional Travel	Council		Briefing		Briefing
			Staff Activities	Staff and elected official activities ongoing		
	Access Management and Parking Strategy (AMPS)	Council		SS : Review options & Update; including recommendations for TDM tool kit for new development	Council action on TDM Tool Kit for new development	Recommendations including planning code changes
						SS: Review options and update
		Staff Activities	Ongoing work plan in 7 focus areas	Ongoing work plan	Ongoing work plan	Ongoing work plan
			Alternatives analysis and specific option development		Specific option development/refinements	
	Joint Board workshop & public engagement		Joint Board workshop & public engagement			

City of Boulder 2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1 st Quarter	2 nd Quarter	3 rd Quarter	4 th 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 14 th 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	
			14 th Street Lot public/private partnership redevelopment options re: work force affordable housing	14 th Street Lot public/private partnership redevelopment options re: work force affordable housing	Research options for sustainable governance & funding	Develop options for sustainable governance & funding	
		Stakeholder engagement	Stakeholder engagement	Stakeholder engagement	Stakeholder engagement		
	Homeless Action Plan	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			1 st Quarter	2 nd Quarter	3 rd Quarter	4 th 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 – 2 nd 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/9 th 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
Llaza, 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
02/09/16		Neighborhood Parking Permit Review and Update	6-7:30 PM	Chambers	Molly Winter/Ruth Weiss	01/28/16
		Resilience Strategy Update and Exercise	7:30-9PM	Chambers	Greg Guibert/Julie Raymond	01/28/16
02/23/16		Briefing: Boulder Energy Future- includes speaker	5:30-6 PM	Chambers	Heather Bailey/Heidi Joyce	02/11/16
		Hillard Heintze report - from the City Manager	6-7:30 PM	Chambers	Tammye Burnette	
		Middle Income Housing Strategy	7:30-9 PM	Chambers	Jay Sugnet/Edy Urken	
03/03/16		Boards and Commissions Interviews (Thursday)	6-9 PM	1777 West	Heidi Leatherwood	
03/08/16		Boards and Commissions Interviews	6-9 PM	1777 West	Heidi Leatherwood	02/25/16
03/10/16		Boards and Commissions Interviews (Thursday)	6-9 PM	1777 West	Heidi Leatherwood	
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 Clerks	
		Civic Area Long Term Planning Update	7-9 PM	Chambers	Sam Assefa/Lauren Reader	3/17/2016
4/12/2016		Board and Commissions Reception	5-6 PM	?	City Clerks	
		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	
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	

February 2, 2016			
Start Time: 6:00 PM Business Meeting			
Location: Council Chambers, 1777 Broadway			
Agenda Section		Time	Minutes
SPECIAL PRESENTATIONS		5	Minutes
OPEN COMMENT		45	Minutes
CONSENT		15	Minutes
	Study Session Summary for Hill Reinvestment Strategy		
	2nd reading alternative ordinance to implement West TSA plan re: equine use		
	2nd reading for the short term rental supplemental appropriation		
PUBLIC HEARINGS			Minutes
	<p>Joint Session with Planning Board and City Council - a public hearing for initial screening of public requests for Areas II and III properties</p> <ul style="list-style-type: none"> • Presentation for Area II and III property requests and county recommendations for same • Public hearing for Area II and III property requests • Council feedback and motion for Area II and Area III properties continues in Council Chambers • Planning Board deliberation and motion for Area II and Area III properties continues in Municipal Building, room 1777 (downstairs) 	180	Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL	nod of 5 for camping		
CALL-UPS			
		Total Estimated Meeting Time (Hours:Minutes)	4:05

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 ordinance -Downtown Urban Guidelines Update- Lifting the height restriction is dependent on the adoption of the update	15	Minutes
	1st Reading to Approve an ordinance Amending Boulder's Cable Code		
	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		
PUBLIC HEARINGS	Expanding the City's Living Wage Resolution 926	60	Minutes
	West Fourmile Canyon Creek Area Study update and direction Ponderosa MHP	90	Minutes
	Motion to revise the COB 2016 State and Federal Legislative Agenda	60	Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL	Discussion of "Science Tuesday"		
CALL-UPS	340 15th Street Utility Easement Vacation		
	Total Estimated Meeting Time (Hours:Minutes)	4:40	

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 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	45	Minutes
	1st Reading or Emergency Ord for Modification of Occupancy Changes	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	15	Minutes
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
		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		
	1st Reading Ord Form Based Code Boulder Junction Phase 1		
	Introduction first reading ordinance amending section 2-3-8, "Library Commission"		
PUBLIC HEARINGS	Strategic Development Plan for 6400 Arapahoe	20	Minutes
	2nd 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	90	Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL	B & C Appointments	60	Minutes
CALL-UPS			
Total Estimated Meeting Time (Hours:Minutes)		3:50	

CU Spring Break Mar 21-25

April 5, 2016
Start Time: 6:00 PM Business Meeting
Location: Council Chambers, 1777 Broadway

Agenda Section	Item Name	Time	Minutes
SPECIAL PRESENTATIONS	Quarterly Municipal Court Update	15	
OPEN COMMENT		45	Minutes
CONSENT	2nd Rdg for Amendments to Title 13	15	Minutes
PUBLIC HEARINGS	2nd Rdg Ord for Form Based Code for Boulder Junction Phase I	150	Minutes
			Minutes
			Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
Total Estimated Meeting Time (Hours:Minutes)		3:45	

April 19, 2016
Start Time: 6:00 PM Business Meeting
Location: Council Chambers, 1777 Broadway

Agenda Section	Item Name	Time	Minutes
SPECIAL PRESENTATIONS			
OPEN COMMENT		45	Minutes
CONSENT	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 2, 2016
SUBJECT: Information Packet

1. CALL UPS

None

2. INFORMATION ITEMS

None

3. BOARDS & COMMISSIONS

A. Open Space Board of Trustees – January 13, 2016

4. DECLARATIONS

None



CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees			
DATE OF MEETING: January 13, 2016			
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Leah Case x2025			
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT: MEMBERS: Shelley Dunbar, Frances Hartogh, Molly Davis, Kevin Bracy Knight, Tom Isaacson STAFF: Tracy Winfree, Jim Reeder, John Potter, Steve Armstead, Mark Gershman, Deryn Wagner, Juliet Bonnell, Cecil Fenio, Annie Mcfarland, Gabe Wilson, Lynn Riedel, Mo Valenta, Emily Garding, Heather Swanson, Phil Yates, Leah Case, Alycia Alexander GUESTS: Tom Carr, City Attorney, City of Boulder			
TYPE OF MEETING:	<u>REGULAR</u>	CONTINUATION	SPECIAL
SUMMATION: AGENDA ITEM 1 - Approval of the Minutes Kevin Bracy Knight moved the Open Space Board of Trustees to approve the minutes from Dec. 9, 2015 as amended. Frances Hartogh seconded. This motion passed unanimously. AGENDA ITEM 2 - Public Participation Several members from the public spoke in regard to the North Trail Study Area (TSA). AGENDA ITEM 3 - Matters from Staff Deryn Wagner, Environmental Planner, gave the Board an update on the lease between Chautauqua and the City of Boulder. AGENDA ITEM 4 - Matters from the Board None. AGENDA ITEM 5 – Consideration of a Motion Recommending to the City Council a proposed ordinance clarifying the roles of the Open Space Board of Trustees and City Council in requiring that any transfer of open space land to another department comply with the disposal requirements of Charter section 177. Tom Carr, City Attorney, gave an update to the Board on the ordinance regarding a transfer of Open Space land.			

This item spurred one motion:

Frances Hartogh moved that the Open Space Board of Trustees recommend that City Council adopt an ordinance clarifying that a transfer of Open Space lands between the Open Space department and another city department shall be considered a disposal under Charter Section 177, and clarifying other provisions as set forth in attachment A as amended. Tom Isaacson seconded. This motion passed unanimously.

ADJOURNMENT: The meeting adjourned at 6:33 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:

None.

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

The next OSBT meeting will be Wed. Feb. 10 at 6 p.m. at 1777 Broadway in the Council Chambers