

CITY OF BOULDER
CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Boulder, Colorado 80302
Tuesday, September 6, 2016
5:30 p.m.

AGENDA

1. CALL TO ORDER AND ROLL CALL

A. Declaration regarding Boulder Pollinator Appreciation Month

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.

- A.** Consideration of a motion to **approve the July 12, 2016 Special Meeting Minutes**
- B.** Consideration of a motion to **approve the July 13, 2016 Special Meeting Minutes**
- C.** Consideration of a motion to **accept the August 9, 2016 Study Session Summary on the City's Energy Codes: Long-Term Strategy and Proposed Near Term Updates**
- D.** Consideration of a motion to **accept the August 9, 2016 Study Session Summary on the Draft 2017-2022 Capital Improvement Program (CIP)**
- E.** Consideration of a motion to **accept the August 9, 2016 Study Session Summary regarding an Update on Civic Area Phase 1 Construction**
- F.** Consideration of a motion to **adopt Resolution No. 1191 to carry forward the COB 2016 Private Activity Bond Allocation to support the creation or retention of permanently affordable rental housing**
- G.** **Third reading** and consideration of a motion to **adopt** and order published by title only, **Ordinance No. 8122 amending** section 12-2-4, **“Written Disclosures Required,”** B.R.C. 1981, **to update the required disclosure by landlords,** and setting forth related details
- H.** **Third reading** and consideration of motion to **adopt** and order published by title only **Emergency Ordinance No. 8133, setting the ballot title for an amendment to Section 128A, of the Boulder Charter regarding the blue line,** and setting forth related details

- I. **Continued second reading** and consideration of motion to **adopt** and order published by title only, **Ordinance No. 8130** submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 8, 2016, **the question** of authorizing the City Council to **impose an excise tax of two cents per ounce on the distribution of drinks with added sugar**, and sweeteners used to produce such drinks, **and if the measure passes adding** to the Boulder Revised Code a new chapter 3-16, **“Sugar-Sweetened Beverage Product Distribution Tax,”** B.R.C. 1981, and setting forth related details
- J. **Second reading** and consideration of a motion to **adopt Ordinance No. 8137** submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 8, 2016, **the question of amending** Section 4, of the **Boulder Home Rule Charter**, by **adding a new paragraph to limit the terms of council members to no more than three terms in a lifetime** and setting forth related details
- K. **Second reading** and consideration of a motion to **amend** and order published by title only **Ordinance No. 8124**, **amending** Section 9-6-5(d) **“Mobile Food Vehicle Sales,”** and Section 9-16-1(c), **“Definitions,”** B.R.C. 1981 to **redefine “Mobile Food Vehicle,” to include bicycle mobile food vehicles; amending** Section 7-6-28, **“Bicycle Parking,”** B.R.C. 1981; and setting forth related details
- L. **Introduction, first reading** and consideration of a motion to order published by title only **Ordinance No. 8141 designating the building** and a **portion** of the **property at 479 Arapahoe Ave.,** to be known as the **Higman House, as an individual landmark** under the city’s Historic Preservation Ordinance;
Owner/Applicant: Katherine Toan Merlin/Mark Gerwing
- M. **Introduction, first reading** and consideration of a **motion** to order published by title only **Ordinance No. 8142 designating the building and property at 2949 Broadway,** to be known as the **Hulse House, as an individual landmark** under the city’s Historic Preservation Ordinance; Owner/Applicant: ALR Investments, LLC / Michael Bosma
- N. Consideration of a motion **authorizing the City Manager** to enter into a **settlement agreement with Maxwell Brandel and Sosha Adelstein**

4. POTENTIAL CALL-UP CHECK IN

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

8A. Potential Call-Ups

- 1. **1145 7th St.-Vacation of Public Utility Easement**
- 2. **1550 Eisenhower Dr.- Concept Plan**

ORDER OF BUSINESS

5. PUBLIC HEARINGS

6. MATTERS FROM THE CITY MANAGER

- A. Consideration of a motion to **authorize the City Manager** to enter into the **Letter of Intent** to pursue agreements related to the **construction of a public parking garage, hotel,** and related uses and to **pursue the recommended financing approach for the public parking component of the public-private partnership** project on behalf of the City of Boulder and the University Hill General Improvement District for **properties that are located between University Ave. and College Ave., west of Broadway**

- B. Consideration of a motion to **authorize the City Manager to enter into a Memorandum of Understanding with the University of Colorado** related to the siting of a **conference center and related facilities including without limitation hotel and event spaces in the area generally referred to as the Grandview I site** (generally bounded on the north by Andrews Arboretum, on the east by 13th Street, on the south by University Avenue, and on the west by Broadway) and providing **for city revenue sharing of accommodation tax revenues with the university in order to further broader community goals and the financial feasibility of the project**

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

- A. Potential Call-Ups
 - 1. **1145 7th St.-Vacation of Public Utility Easement**
 - 2. **1550 Eisenhower Dr.- Concept Plan**

- B. Consideration of a motion to **approve the order** of City of Boulder **ballot** measures in the **2016 Special Municipal Coordinated Election**

- C. Consideration of a motion to **go into Executive Session** to obtain and discuss legal advice, including negotiation strategy, with respect to **Boulder's electric utility**

9. ADJOURNMENT

This agenda and the meeting can be viewed at www.bouldercolorado.gov /City Council. Meetings are aired live on Municipal Channel 8 and the city's website and are re-cablecast at 6 p.m. Wednesdays and 11 a.m. Fridays in the two weeks following a regular council meeting.

Boulder 8 TV (Comcast channels 8 and 880) is now providing Closed Captioning for all live meetings that are aired on the channels. The closed captioning service operates in the same manner as similar services offered by broadcast channels, allowing viewers to turn the closed captioning on or off with the television remote control. Closed captioning also is available on the live HD stream on BoulderChannel8.com. In order to activate the captioning service for the live stream, the "CC" button (which is located at the bottom of the video player) will be illuminated and available whenever the channel is providing captioning services.

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. Please request special packet preparation no later than 48 hours prior to the meeting.

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.

Send electronic presentations to email address: CityClerkStaff@bouldercolorado.gov no later than 2 p.m. the day of the meeting.

Declaration

Boulder Pollinator Appreciation Month September 2016

WHEREAS, honey bees, bumblebees, other native bees, butterflies, hummingbirds and many other species are essential partners as pollinators in the production of our food supply; and

WHEREAS, pollinators provide essential services and environmental benefits that maintain the health and beauty of our grasslands, forests, meadows and other natural areas and are necessary for the diverse and thriving ecosystems that support life; and

WHEREAS, pollinators are declining, which is placing our food security and natural environment in peril; and

WHEREAS, it is crucial that all people to take action to protect pollinators by planting a variety of native flowers to provide safe forage that is pesticide-free; and

WHEREAS, the City of Boulder has, with Resolution Number 1159, committed to improving pollinator health, and

WHEREAS, our community enjoys the bounty of food and benefits provided by pollinators;

NOW, THEREFORE, BE IT DECLARED by the City Council of the City of Boulder, Colorado that September 2016 is

Pollinator Appreciation Month

and call upon the people of the City of Boulder to join their fellow citizens in recognizing, protecting and celebrating pollinators.

Suzanne Jones, Mayor

CITY COUNCIL PROCEEDINGS
Municipal Building, 1777 Broadway
SPECIAL MEETING prior to the Study Session
Tuesday, July 12, 2016

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 6:08 p.m.

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

2. MATTERS FROM CITY ATTORNEY

A. Consideration of a motion to call a special meeting (on July 13, 2016) to go into executive session to obtain and discuss legal advice, including negotiation strategy, with respect to Boulder's electric utility

Mayor Jones moved to call a special meeting to go into executive session (on July 13, 2016) to obtain and discuss legal advice including negotiation strategy with respect to Boulder's electric utility. Council Member Young seconded the motion. The motion carried 9:0 at 6:09 p.m.

3. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on July 12, 2016 at 6:09 p.m.

Approved this 6th day of SEPTEMBER, 2016.

APPROVED BY:

Suzanne Jones, Mayor

ATTEST:

Lynnette Beck, City Clerk

CITY COUNCIL PROCEEDINGS
Municipal Building, 1777 Broadway
SPECIAL MEETING
Wednesday, July 13, 2016

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 6:01 p.m.

Roll was called and Mayor Jones, Council Members Appelbaum, Burton, Morzel, Shoemaker, Weaver and Young were present. Council Members Brockett and Yates were absent at roll call but arrived shortly thereafter.

2. MATTERS FROM CITY ATTORNEY

A. Consideration of a motion to go into executive session to obtain and discuss legal advice, including negotiation strategy, with respect to Boulder's electric utility

Council Member Weaver moved to go into executive session to obtain and discuss legal advice, including negotiation strategy, with respect to Boulder's electric utility. Council Member Morzel seconded the motion. The motion passed 7:0 with Council Member Brockett and Yates absent at 6:02 p.m.

The Boulder City Council adjourned into executive session to the first floor Conference Room 401 in the New Britain Building.

At 8:20 p.m. Council reconvened in the Council Chambers.

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

3. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on July 13, 2016 at 8:24 p.m.

Approved this 6th day of SEPTEMBER, 2016.

APPROVED BY:

Suzanne Jones, Mayor

ATTEST:

Lynnette Beck, City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE: Consideration of a motion to accept the August 9, 2016 Study Session Summary on the City's Energy Codes: Long-Term Strategy and Proposed Near Term Updates.

PRESENTERS:

Jane S. Brautigam, City Manager
Maureen Rait, Executive Director of Public Works
David Driskell, Executive Director of Planning, Housing and Sustainability
David Thacker, Building Services Manager/Chief Building Official
Kendra Tupper, Energy Services Manager (Presenter)
Elizabeth Vasatka, Sustainability Coordinator

EXECUTIVE SUMMARY

This agenda item provides a summary (**Attachment A**) of the [August 9, 2016 City Council study session on the proposed Energy Codes: Long-Term Strategy and Proposed Near Term Updates](#). The study session purpose was to seek feedback from council on the questions posed following distribution of the [July 19, 2016 Action Information Packet Memo](#).

Attachment A is a summary of the presentation and discussion with City Council on August 9, 2016.

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 August 9, 2016 study session summary on the proposed Energy Codes: Long Term Strategy and Near Term Updates.

NEXT STEPS

City Council's feedback from the August 9, 2016 discussion will be incorporated into the on-going research and recommendations that are being developed for the near term energy code revisions and long term strategy. Staff will continue to research and convene formal and informal meetings with building professionals and consultants to work through specific issues council discussed. Next steps include:

1. Work to clarify the manner in which multi-family and mixed use buildings are regulated by the energy code - Staff will continue to meet internally and with customers to determine the best, most understandable way to regulate this building type since historically it's been regulated with both residential and commercial building/energy codes.
2. Continue researching a more equitable alternative to a carbon offset purchase for houses and buildings that cannot meet energy compliance on-site - As the city moves toward the Net Zero Energy requirements for houses and commercial buildings, a hierarchy of compliance is being examined that initially focuses on efficiency, and on-site solar. If compliance is not achieved, and the purchase of a subscription in a solar garden is not viable, the concept of paying into a carbon off-site fund didn't seem equitable to some council members, because it basically imposes a "tax" with no clear benefit to the "tax payer." Staff will continue to evaluate the pros and cons, alternative solutions and/or options before proposing amendments for adoption.
3. Provide more refinement around the Electric Vehicle (EV) Charging Infrastructure requirements – Staff will revisit the initial recommendations on the number and type of charging stations required for new construction based on cost, and the need to create the charging infrastructure to drive demands for EVs. This additional research will inform the final code amendments that will be brought to council.
4. Continue to focus on the review and enforcement process of the proposed energy/building code compliance – It was requested that staff focus on how to streamline the review and enforcement of energy code compliance. This is part of the energy codes near term work plan, and efforts are underway now and will continue through the middle of 2017 to improve guidance materials, and the process for permit submittal, review and enforcement.

Staff plans to return to council with proposed code amendments for adoption in early 2017.

ATTACHMENTS

Attachment A – August 9, 2016 City Council Study Session Summary on the Proposed Energy Codes: Long Term Strategy and Near Term Updates

Proposed City Energy Codes: Long Term Strategy and Near Term Updates
August 9, 2016

PRESENT

City Council: Matt Appelbaum, Aaron Brocket, Jan Burton, Mayor Suzanne Jones, Sam Weaver, Andrew Shoemaker and Mary Young

Staff members presenting: Maureen Rait, Executive Director of Public Works, David Driskell, Executive Director of Planning, Housing and Sustainability, Kendra Tupper, Energy Services Manager, Dave Thacker, Building Services Manager/Chief Building Official, Elizabeth Vasatka, Sustainability Coordinator

STAFF PRESENTATION ON THE PROPOSED, CITY'S ENERGY CODES: LONG TERM STRATEGY AND NEAR TERM UPDATES

Kendra Tupper, the city's Energy Service Manager presented to council.

Kendra presented background information and proposed recommendations, seeking council's feedback in response to the July 19 Action Information Packet (IP) item. In her presentation, Kendra requested council feedback on: the phasing schedule for when different building types and sizes must meet Net Zero Energy (NZE) Codes, a new prescriptive path for commercial buildings, including requirements for on-site solar and electric vehicle charging; and, amendments to the residential Green Building and Green Points program, including requirements for electrical vehicle charging.

Kendra's presentation covered the following information:

- Discussed the importance of NZE codes in connection with the community's Climate Commitment; beside changing the energy supply, adopting more efficient energy codes are the most impactful action cities can take to reduce greenhouse gas emissions.
- Presented the national suite of "T" codes, indices and metrics; including new terminology; such as, the Energy Rating Index (ERI), which is the non-trademarked name synonymous with HERS (Home Energy Rating System) and zEPI (Zero Energy Performance Index), which is a commercial building index equivalent of the ERI. A score of 100 is a reference building built to the 2006 International Energy Conservation Code (IECC) and zEPI score correlates with the lower the score the more efficient the building is, down to zero.
- Noted the challenges with the current residential and commercial energy codes.
 - The time and resources it takes to explain, understand, implement and inspect the current programs and codes for both staff and the applicant.
 - The residential "Green Point" requirements are triggered by sq. ft. and that can be a moving target when there are many ways to measure floor area and that a project's scope can change during construction.
 - The commercial prescriptive path is custom, confusing and extremely difficult to achieve.
 - Discussed the key components of the long term strategy, which are:
 - Six-year cycle for major code updates, with local evaluation and updates every three years,

- Accelerate Net Zero Energy for homes $\geq 5,000$ sq. ft. and for small, one-story commercial; and,
- Implement an off-site renewable path that meets the intent of energy code compliance when all other measures are exhausted.

COUNCIL DISCUSSION

The summary of the council discussion is organized by major discussion topics regarding the proposed Energy Codes: Long Term Strategy and Near Term Updates.

Residential Progress to Net Zero Energy Requirement

The information in the July 19, 2016 Action IP proposed houses of 5,000 sq. ft. and larger meet NZE starting in 2019; however, based on IP feedback, staff recommended at the study session that this requirement begins in 2017 instead. Council members generally expressed support for this requirement and timeline. Additionally, council generally expressed support for the newly recommended graduated HERS/ERI rating curve trajectory. This curved HERS/ERI requirement would replace the existing sharp sq. ft. thresholds that are more severe and can create issues with applicants when there is a floor area measurement discrepancy. A council member noted that multi-family units' energy code requirements are difficult to administer and understand, so this needs to be cleaned up. Staff commented that this has been identified as a high priority on the work plan for this near term update.

Off-Site Renewables

Council discussed the merits of allowing applicants to fulfill their energy code compliance by paying into a carbon offset fund, when all other efforts are exhausted. Council generally supported a hierarchy of energy code compliance involving efficiency first, then on-site solar photovoltaic (PV), then a subscription to community solar and if subscriptions are full, then potentially paying into an approved carbon offset fund for the remaining energy requirement. However, it was noted that while having to pay into a solar garden was fine due to it being an investment that the homeowner would benefit from with reduced electricity bills, having to possibly purchase carbon offsets to comply did not seem equitable. If a homeowner cannot comply with the energy code with on-site PV or a community solar garden subscription, then purchasing carbon offsets was basically a tax on that homeowner without any commensurate benefit. In response, staff indicated that they will continue to evaluate compliance options that support the intent of the energy code and address concerns about equity.

Residential Green Building and Green Points program revisions

Staff recommended that the "point option" of the program be eliminated and the high priority sustainability measures be made mandatory for new construction and when remodels and additions reach a specific scope. Since solar PV pre-wiring is recommended as a mandatory measure for new builds that are not installing solar, a council member asked if solar thermal pre-plumbing should be a mandatory measure. It was noted that with natural gas prices so low, there wasn't a good payback for the measure and if houses need and/or want to install solar, there is only so much allowable roof capacity for panels and solar PV is a better investment. Council also indicated that staff should ensure that the business processes including those involving enforcement and inspections, are evaluated and streamlined in order to support compliance. Staff indicated that process improvements are a key priority in the near term updates, and that the proposed implementation of the mandatory measures will

ensure better, more sustainable buildings and higher compliance due to the more understandable requirements.

Electric Vehicle (EV) Charging Infrastructure

Staff recommended that EV charging infrastructure be required for all building types, including single and multi-family units as well as commercial buildings with a significant number of full time employees and that have over a certain number of parking spots. Council generally supported requiring this measure and the low cost 120-volt outlet option. Staff indicated that these requirements still need some refinement and staff is working with internal and external experts to understand best practices and how the mix of Level 1 and Level 2 charging will satisfy existing and future needs, recognizing that Level 1 and 2 differ in cost, charging time and equipment. A council member raised the issue of how best to address peoples' need to charge their EVs that only have access to street parking. Staff explained that the workplace EV charging requirements for commercial buildings will begin to address that, but that the city also needs to look at what it would take to allow installation of EV charging in the right of way, especially in light of the inability to deliver electricity across property lines (in this case, from a private property into the public right of way).

New prescriptive path for commercial buildings

Staff recommended the creation of a prescriptive path for commercial building alterations to replace the existing requirements. The current compliance path is difficult to understand and follow, and infeasible to achieve in some case. The goal with this revision is to create a more predictable and understandable path that will result in energy efficiency buildings, but is in line with market available technologies. These changes will help achieve greater customer satisfaction and higher compliance rates. There was general Council support for the prescriptive path.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE

Consideration of a motion to accept the study session summary from August 9, 2016 on the Draft 2017-2022 Capital Improvement Program (CIP).

PRESENTERS:

Jane S. Brautigam, City Manager
Cheryl Pattelli, Director of Finance and Risk Management
Peggy Bunzli, Executive Budget Officer
Jean Gatza, Senior Planner, PH+S
Milford John-Williams, Budget Analyst, Finance

EXECUTIVE SUMMARY

The purpose of the Aug. 9 Study Session was to present the Draft 2017-2022 CIP, present the recommendations made by boards and commissions upon their review of the document, and receive council's feedback on the following items covered in this year's CIP:

- 2017-2022 CIP projects
- Proposed funding for 2017-2022 CIP projects
- Proposed 2017 projects, representing 2017 Recommended Budget capital investment
- Capital issues related to the Utilities Division of Public Works
- Proposed utility rates

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to accept the study session summary of the Aug. 9, 2016 Study Session included in this agenda item as **Attachment A**.

BACKGROUND

The background information for this topic can be found in the [Draft 2017-2022 Capital Improvement Program](#) and the [Draft 2017-2022 CIP Study Session Packet](#).

NEXT STEPS

Based on input received at the study session, staff prepared additional information, which will be included in the Sep. 13, 2016 study session packet on the 2017 Recommended Budget.

ATTACHMENT

A. Summary of the Aug. 9, 2016 City Council Study Session

**Study Session Summary
August 9, 2016
Draft 2017-2022 Capital Improvement Program (CIP)**

PRESENT

Members of City Council: Matt Appelbaum, Aaron Brockett, Jan Burton, Suzanne Jones, Andrew Shoemaker, Sam Weaver, and Mary Young

Staff Members: City Manager Jane S. Brautigam, Executive Budget Officer Peggy Bunzli, Senior Planner Jean Gatza, Director of Public Works for Utilities Jeff Arthur, Acting Principal Engineer for Water, Wastewater and Stormwater Douglas Sullivan, Land and Visitor Services Division Manager Jim Reeder, Principal Transportation Engineer Gerrit Slatter, Acting Principle Engineer for Flood and Greenways Annie Noble, Director of Parks and Recreation Yvette Bowden, Business Services Manager Kady Doelling, Facilities and Fleet Manager Joe Castro

PURPOSE

The purpose of this Study Session was to present the Draft 2017-2022 Capital Improvement Program (CIP) to the City Council. The study session provided council with an opportunity to ask questions and comment on recommended capital projects in the Draft 2017-2022 CIP prior to the City Manager's submission of the 2017 Recommended Budget to the City Council in late August.

PRESENTATION OVERVIEW**Introduction**

City Manager Jane Brautigam opened the meeting by introducing the topic of the study session, thanking staff for their collaborative work on the CIP, and introducing Peggy Bunzli as a presenter, and introducing a video on the 2017-2022 CIP.

Peggy Bunzli gave a brief introduction of the agenda for the presentation. The agenda included the following elements:

- CIP Video
- Financial highlights
- Utilities Rates
- Next Steps
- Council Discussion

A video was played that illustrated highlights of 2017-2022 CIP projects as well as projects completed in 2016. The video can be seen here: [Capital Improvement Program Update 2017-2022](#). Below is a list of some of the highlights of the video.

Flood Mitigation

- Flood and Stormwater improvements that decrease the risks during flood or rain events. Construction of improvements at Wonderland Creek will continue through 2017 and new work will commence along Fourmile Canyon Creek.

Complete Streets

- Improvements to “complete the streets” will advance safety and accessibility goals by making it easier to get around for people in cars and buses, on bikes, and those walking. Improvements like the Baseline underpass and pedestrian and bike connections currently under construction will

provide safe and easy connections between the Basemar shopping center, the University of Colorado Campus and the surrounding neighborhoods.

Community, Culture and Safety Tax

- In November 2014, Boulder voters passed the Community, Culture and Safety Tax. This sales and use tax increase is anticipated to fund an estimated \$27 million dollars of improvements over 3 years. The projects include improvements in the civic area and University Hill that will create new community spaces and connections, improve lighting, and complete other enhancements that will make our public spaces, lively, safe and an attractive to both residents and visitors.

Capital Maintenance and Enhancement Projects

- **Brenton Building:** Major renovation of the newly acquired Brenton Building for city services with goals to achieve a high level of energy reduction. This building is one of the recently acquired properties at the Alpine-Balsam Boulder Community Health campus area.
- **Network and Server Hardware:** in support of the city's key business and customer service functions, replacements and enhancements to the city's network and server hardware are included in the annual CIP. This includes replacement of key business systems, enhancements to server and storage infrastructure, and other hardware and software upgrades.
- **Major Maintenance** of trails, parks, and recreation centers and facilities.

New Facilities and Assets

- **South Boulder Creek Phase I:** Preliminary design for the South Boulder Creek flood detention facility upstream of US36. This project will mitigate flooding in the West Valley from South Boulder Creek.
- **Scott Carpenter Aqua Enhancements:** Expansion of the Scott Carpenter pool, improvement of the bathhouse, and other upgrades to the park.
- The **Carter Lake Pipeline** that will provide reliable and safe water from Carter Lake to the 63rd Street treatment facility.
- **30th Street and Colorado Bike/Pedestrian Underpass:** A new underpass that will provide safe and convenient connections between CU's main and east campuses and the surrounding neighborhoods.

Background on CIP

Peggy Bunzli reviewed the purpose of the CIP, explained how the CIP fits in to the larger strategic planning framework of the city, and discussed the various opportunities for public and board input throughout the process.

The six year CIP is both a planning and a financial guide, prepared in coordination between Planning and Budget each year. It is a collaborative effort with many people from across departments coming together to build this guide to the city's investment into its infrastructure and the community. Priorities and timing are coordinated using the CIP Guiding Principles (p. 2 of the [CIP](#)). Departments work together to determine coordination of projects in order to maximize leveraged funding, find cost savings and reduce impact to the community during the time the work is being done.

The CIP provides detailed descriptions of projects over a six year planning period, and the first year of the CIP, serves as the tool for building the capital portion of the 2017 overall City of Boulder budget.

The CIP is one part of the city's overall planning and financial strategy, designed to meet the goals of the community. Under the umbrella of the Sustainability Framework, the CIP is developed in line with the

Boulder Valley Comprehensive Plan, department strategic and master plans and Priority Based Budgeting. There are a number of opportunities for public input and feedback throughout the process, including outreach through master planning efforts, Board and Commission meetings and public hearings of the budget. Before coming to council, the CIP is reviewed first by Boards and Commissions and then by the Planning Board. The various Board and Commission recommendations to council were included in the CIP memo to council.

Financial Highlights of Draft 2017-2022 CIP

Peggy Bunzli discussed the financial highlights, particularly illustrating the 2017 funding level as well as funding for major projects in the 2018 to 2022 timeframe.

Total funding for the 2017-2022 CIP is proposed at approximately \$454 million, spread out over 171 projects. Total funding for 2017 is proposed at approximately \$61 million, spread out over 107 projects.

Peggy Bunzli provided highlights of several projects. They included the Valmont Road and 29th Street Safety and Multimodal Enhancements Project, the South Boulder Creek Flood Mitigation Project, upgrades to the Boulder Reservoir South Shore, and the restoration of Chapman Drive.

Peggy Bunzli provided an update of the 2011 Capital Improvement Bond. As of the study session date, 6 percent of projects were under construction, and 94 percent were complete. Currently 98 percent of funds have been expended. All funds will be spent by March 2017.

Peggy Bunzli gave a brief overview of the Community, Culture and Safety tax. In November 2014, Boulder voters approved the Community, Culture and Safety tax, a three-year 0.3 percent sales and use tax increase. The ballot language projected that the revenue from this temporary tax increase will yield \$27.6 million for specific projects to improve community spaces, bolster cultural projects and organizations, and enhance safety. Two projects have been completed (University Hill Tree Irrigation Improvements, and Eben G. Fine Park Stream Bank Restoration), two more are under construction, and eight are in the design and planning stage. 27 percent of total funding has been spent as of June 2016.

Peggy Bunzli discussed the efforts regarding citywide asset assessment. Over \$200 million of Parks and Recreation assets and FAM facilities have been evaluated. OSMP and Community Vitality are beginning to evaluate their assets, and an assessment of the city's radio infrastructure is underway. Transportation and Utilities have a robust asset management program that is being improved with more efficient tools and more complete assessments. The goal is to have a complete inventory with estimated backlogs to better understand the conditions of city assets, inform the city's list of unfunded capital needs and backlog levels, and improve maintenance and replacement cycles.

Peggy Bunzli provided information on Development Excise Taxes (DET) and Impact Fees. DET and Impact fees fund capital improvements to offset growth related impacts to city infrastructure. DET and impact fee collections are managed in the city's Capital Development Fund. A 2016 study and update to fees and taxes is currently underway. There is a special highlight section on DET and impact fees in the CIP document, which includes information on the use of these funds in CIP projects. Individual project sheets in the document also identify the amount of funding for projects that is coming from the Capital Development Fund.

Peggy Bunzli discussed Central Boulder Long-Term Planning. In the coming years, the city will be continuing work on a set of distinct but related opportunity areas within Central Boulder, extending from University Hill through the Civic Area and up to the Alpine-Balsam site. Each of these opportunity areas is in a different stage of planning and implementation, with work getting under way on Phase 1 of the Civic Area park improvements, and work just beginning to develop a vision and site plan for the Alpine-

Balsam property and surrounding area. These projects are being coordinated through an integrated staff team, with a high level of community engagement and input. The 2017 CIP has a section that discusses these various projects and the work anticipated in 2017, which will lead to more specific capital project proposals and budgets in future years.

Utilities Rates

Peggy Bunzli discussed the proposed 2017-2022 water, wastewater, and stormwater/flood management rate increases.

An eight percent increase in Stormwater rates is proposed for 2017, a five percent increase in Wastewater rates is proposed for 2017 and an eight percent increase in Water rates is proposed for 2017. These increases, consistent with projections provided last year, will provide the necessary funding for planned capital improvements. The city works to spread rate increases over multiple years, to minimize the impact in an individual year and as part of the long-term capital planning process.

The estimated impact of the three rate increase on the monthly bill for a typical single family residential customer is approximately \$6. Impacts to other customer types vary based on water use and lot characteristics.

Peggy Bunzli provided comparative rate information from other Front Range communities and from other peer cities in the Western United States. Boulder's wastewater and water rates are in the middle of the range of rates for the Front Range and Boulder's stormwater rates are toward the top of the range. Boulder has the highest risk of flood of the Front Range communities.

Conclusion

Peggy Bunzli concluded the presentation by noting the next steps in the budget process, including dates of the 2017 Recommended Budget study session in September and 2017 Budget hearings in October.

DISCUSSION

Following the presentation, City Council discussed the Utilities, and other portions of the 2017-2022 CIP that were addressed by staff.

The following general ideas and themes emerged from council discussion on the overall 2017-2022 CIP:

Utilities

- The Interceptor Sewer Rehabilitation project will go on as planned in 2018, but not with the original plan to rehabilitate the existing pipe. A Community and Environmental Assessment Process (CEAP) is underway to identify a new alignment that would be less vulnerable to flood impacts.
- The South Boulder Creek Phase I project construction is planned for 2018. Specific timing of construction is unknown until the design phase is completed. A consultant was recently hired for the design phase. Phases II and III of the project include detention and piping in the west valley. The Phase I improvements are proposed to be constructed on CU South campus property and within Colorado Department of Transportation Right of Way. The city is working with CU to secure approval to use university property through the Boulder Valley Comprehensive Plan process and a future annexation process update.
- The city's water bill to residents and businesses is currently on the lower end in comparison to peer communities along the Front Range, and Western United States. This may be due to past infrastructure investments that are now nearing the end of their useful life cycles.

General

- Fire Station #3 has continued to be an unfunded project because a site has not been found for the station, which in turn makes it hard to secure funding. One possible source of funding for this capital need could come from a renewal of the Community, Culture and Safety tax.
- A staff working group has been created to review and prioritize unfunded projects. It is expected that staff will provide update information on unfunded capital priorities for council consideration at the January 2017 council retreat.

FAM/Fleet

- Renovation of the Brenton Building has been included in the CIP due to critical needs related to energy efficiency. It is included in the overall Alpine-Balsam site public outreach and planning process and future use will be determined through that process. The process is not expected to be complete for at least five years. In the meantime, the city has the opportunity to make significant energy and configuration improvements. Not having to lease additional space by using this city owned building over the next five years more than covers the costs of renovation. The renovations will be beneficial to future occupants of the building.
- It is a challenge to incorporate Electric Vehicle (EV) charging stations. Most of the electric grid is controlled by Xcel. While Boulder may have a greater number of EV charging stations than other surrounding communities, the need for more, and more useful charging opportunities has been recognized. A 2015 study determined that city charging stations were only being used once every four days. The city has completed a group purchase program, and is upgrading current stations from single head to double head, doubling ports to address an increased market and need.

Transportation

Staff provided the following information related to Transportation projects:

- The total funding overall for the Quiet Zone Implementation Project is \$5 million. The \$1.3 million in the CIP document is a grant from the Denver Regional Council of Governments (DRCOG) for the Northwest Rail project.
- Due to the fact that it is a public safety concern, there is a need to replace deficient street light poles, even on Xcel property.
- The 30th Street and Colorado Bike/Pedestrian underpass project currently has a 10 to 15 percent level design for application to DRCOG. There is still more to study to determine the direction of the underpass to best serve needs in multiple directions.
- There is still concern in the community about multimodal transport and safety. Staff will provide information on projects and investment for transportation safety with the budget Study Session on Sept. 13.

Parks and Recreation

- As part of the Flatiron Golf Course repairs, the previous tenants have moved out of the events center, and the aforementioned center has been demolished due to damage from the flood in 2013.
- Funding for the Valmont City Park is programmed in 2019, in line with needs and priorities identified in the Parks and Recreation asset assessment process. The process solidified the need to address current assets first before working on new infrastructure. The time before 2019 will be used for planning and outreach on the project.
- The Scott Carpenter Aqua Enhancements project is funded from the .25 Cent Sales Tax and development excise taxes. These funds will be used for basic upgrades, including expanding the pool from six to ten lanes. Additional funds are needed for full renovation and enhancements to meet community priorities. For this reason, a portion of the project has been classified as

unfunded. The unfunded portion of the project will address additional amenities and enhancements.

Follow up Information

Additional information regarding the council review of the Draft 2017-2022 CIP will be included as Attachment B in the Sept. 13 Budget Study Session memo to council.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE

Consideration of a motion to accept the study session summary from August 9, 2016 providing council with an update on Civic Area phase 1 construction.

PRESENTERS:

Jane S. Brautigam, City Manager

Yvette Bowden, Director of Parks & Recreation

Jeff Haley, Parks & Recreation Planning, Construction and Community Engagement Manager

James Winchester, Communications Manager

EXECUTIVE SUMMARY

The purpose of the August 9 Study Session was to provide council with an update in anticipation of construction staging associated with the Civic Area Phase 1 “park at the core” project, and receive council’s feedback on the following:

- Construction Equipment Staging and Ensured Public Access to Municipal Campus Buildings
- Tree-related plans (retainer, replanting, removals and new plantings)
- Communications

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to accept the study session summary of the Aug. 9, 2016. Study Session included in this agenda item as **Attachment A**. Slide presentation included in this agenda item as **Attachment B**.

BACKGROUND

The background information for this topic can be found in the Aug. 9, 2016 Study Session Memo (**Attachment A**), the [April 5, 2016 Study Session Memo](#), and [Council Action Summary for April 5, 2016](#) under Matters from the City Manager.

NEXT STEPS

Based on input received at the study session, staff prepared additional information, which was included as a topic during in the Aug. 16, 2016 City Council Meeting.

ATTACHMENT

- A. Summary of the Aug. 9, 2016 City Council Study Session
- B. Presentation slides from Aug. 9, 2016 City Council Study Session

**Study Session Summary
August 9, 2016
Civic Area Phase 1 Construction Launch**

PRESENT

Members of City Council: Matt Appelbaum, Aaron Brockett, Jan Burton, Suzanne Jones, Andrew Shoemaker, Sam Weaver, and Mary Young

Staff Members: City Manager Jane S. Brautigam, Director of Parks & Recreation and member of the Civic Area Executive Team Yvette Bowden

PURPOSE

The purpose of this Study Session supplemental presentation was to provide an update to city council concerning the launch of Civic Area Phase 1 construction and to specifically highlight next steps in construction staging, tree impacts and project-associated public communications.

PRESENTATION OVERVIEW

Introduction

City Manager Jane Brautigam opened the meeting by introducing the topic of the study session, reminding council that this “park at the core” portion of the Civic Area project is funded by the voter-approved 2014 Community, Culture and Safety Tax. City Manager Brautigam introduced Yvette Bowden who serves as the Director of Parks & Recreation and is a Member of the Civic Area Executive Team.

Yvette gave a brief presentation (**Attachment B**) concerning construction staging, tree-related plans and next steps in sharing the latest Civic Area park construction information with the public. Highlights included the following:

- Permanent removal of parking during this phase will be limited to 20 parking stalls in the Municipal Building/North Canyon lot plus one to accommodate the creation of a relocated accessibility spot;
- The project’s earliest staging will temporarily remove 39 (inclusive of the 20 listed above) spots in that same lot;
- Public access to all municipal campus buildings (including the 1777 Broadway and the Library) will be maintained throughout the Phase 1 construction period;
- Maps depicting the current park area tree canopy (355 trees), planned removals (98 trees) and plantings (154 trees) were provided;
- A draft access-related public communication was previewed; and
- In-park signage and enhancements to the website were discussed.

Conclusion

Yvette Bowden concluded the presentation by noting the next steps in the project, which included more analysis and information regarding a potential modification to retain one or more Silver Maple trees just north of the existing bike/pedestrian pathway.

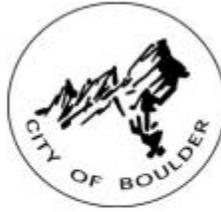
DISCUSSION

The following general ideas and themes emerged from council discussion:

- The Access-related public information should be enhanced to include identification of alternative vehicular parking lots in the area;
- Consideration of the change order to retain one or more the silver maples should be pursued;
- Additional information concerning the mature trees scheduled for removal, minimum caliper inches and species diversification of the scheduled plantings should be provided; and
- Information on the submitted permit package and materials which will aid in visualizing the park's enhancements should be added to the website.

Follow up Information

As suggested, additional information as suggested by council was provided to council during the August 16 City Council meeting including enhanced Civic Area website, a fly-through video, in-park signage installations, updated talking points and further information on the Civic Area's trees and new planting schedules. The information was also published on the city's website.



MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Molly Winter, Executive Director, Community Vitality
Bill Cowern, Transportation Operations Engineer, Transportation Division, Public Works Department
Kathleen Bracke, GO Boulder Manager, Transportation Division, Public Works Department
Jeff Haley, Planning, Design and Community Engagement Manager, Parks and Recreation

DATE: Aug. 9, 2016

RE: Update about Civic Area Parking Changes

Executive Summary

The first phase of construction in the Civic Area will begin next month with the park improvements funded through the 2014 Community, Culture and Safety tax initiative. The first phase of construction marks a significant milestone that city staff plans to use to generate further excitement, positive momentum and community engagement for the project.

Initial construction within the Civic Area is constrained by many factors, including floodplain limits, existing parking areas, multi-use path connectivity and the need to maintain maintaining access to city services for employees and the community. These constraints will result in temporary impacts for people accessing parts of the Civic Area.

Access to all buildings will be maintained, the multi-use paths will remain open with detours and the majority of parking will remain available. Construction staging and access will require the temporary removal of 19 parking spaces during phase one of park construction with plans to reopen early in the first quarter of 2017. After this initial phase, construction will require the temporary removal of 13 spaces in the row of parking along Boulder Creek in the south library parking lot off Arapahoe Avenue. These spaces are expected to be impacted until sometime in spring or summer of 2017. These temporary spaces closures are for construction, and are in addition to the planned removal of 20 spaces to incorporate the new, enhanced park design. The city has plans in place to minimize parking impacts, including utilizing multi-access programs and satellite parking options.

Attachment A: Aug. 9, 2016 City Council Memo – Update on Civic Area (continued)

For further information, please refer to the updates and web links to existing resources listed on the Civic Area webpage at <https://bouldercolorado.gov/civic-area>.

Purpose

This memo from city staff to the City Council outlines the plans for construction staging and access to minimize disruptions where feasible.

The purpose of this memorandum is to:

- I. Provide a brief background on the Civic Area parking changes;
- II. Outline effectiveness of current parking changes;
- III. Outline the temporary construction impacts to parking; and
- IV. Summarize outreach and education efforts about the Civic Area construction impacts.

I. Background on Civic Area Parking Changes

From the inception of the Civic Area Master Plan, planners identified the likely need to remove some parking spaces in the park-at-the core area to meet floodplain regulations and improve visibility and safety for pedestrians and bicyclists while also meeting specific park design goals to create a more enjoyable visitor experience. From the beginning, staff has worked to strike a balance among the design, flood, public hazard and safety needs and the desire to increase access to the Civic Area. The larger vision reflected in the Civic Area Master Plan calls for increased access programs for both visitors and city employees, in conjunction with movement of some park-at-the core parking spots to be later redistributed in the bookend areas of the Civic Area. Therefore, future planning for the development of the east and west bookend areas will include multi-modal access strategies and additional parking access in subsequent project construction phases.

On Nov. 10, 2015, City Council approved the park development plan that could result in the removal of up to 45 parking spaces out of the park-in-the-core area. This plan included a commitment to create a new parking strategy and increased transportation demand management (TDM) programs to support travel options for getting to the park, the library and civic area buildings.

The first step of the parking strategy has occurred (as illustrated in **Attachment A**) with comprehensive management of the parking lots, and the city has implemented access programs that have made it even easier for people to get to this central area without having to park in the current lots. These programs have been informed by initial baseline data and by data collected throughout the first half of the year as changes were made incrementally.

The goal envisioned by the Civic Master Plan is that access to the park will be increased with parking to be redistributed to bookend areas in order to repurpose land for the park-at-the-core enhancements. City staff remains confident that this project is creating a space that is more usable, attractive and inviting, sensitive to flood concerns AND that will remain accessible throughout the process.

Staff announced the Civic Area parking lot changes in early November 2015.

Attachment A: Aug. 9, 2016 City Council Memo – Update on Civic Area (continued)

To briefly review, there are three primary reasons for the parking changes:

1. To support design changes that will make the Civic Area a more vibrant and welcoming gathering spot for the community (as part of the Community, Culture & Safety projects);
2. To improve access to the library and other city services housed in the Civic Area; and
3. To enhance and support the use of multi-modal travel options by city employees.

In April, staff gave an overview of the first quarter data results of the parking management strategies implemented in conjunction with the January parking changes. Staff also notified City Council and various boards and commissions that approximately 20 spaces, located on the east end of the parking lot adjacent to the Municipal Building, north of Boulder Creek, would be removed to be eventually redistributed in the bookends during future construction phases. The repurposed land gained from the removal of the 20 spaces will accommodate the new, enhanced design of the park, which will provide additional benefits for visitors. Those benefits specifically include a realignment of the Boulder Creek Path for the safety of park users, and to reduce conflicts between pedestrians and cyclists, which were frequently noted during the community involvement portion of the design phase.

However, in order to realize the long-term future benefits of the new, enhanced park design, there will be access challenges in the near term, specifically during the first phase of park construction. Due to short-term construction needs, temporary parking reductions beyond the designed 20 removed spaces will be necessary. The number of temporary spaces to be used for construction purposes and the phasing of those removals is outlined in section III of this memo.

The design plan approved by City Council last November gave city staff the flexibility to remove up to 45 spaces, if needed. Based on additional analysis, staff has determined that no further parking reductions beyond the already planned removal of the 20 spaces will be needed in the park-at-the-core. This determination was based both on the contractor's final design plans of the first phase of park improvements and on current utilization data, which will be discussed more in section II of this memo.

II. Effectiveness of Parking Changes

Prior to the announcement of the Civic Area parking changes last November, staff initiated several pilot programs to offer alternatives to city employees who typically park in Civic Area lots. The TDM pilot programs ask the volunteer participants to use an alternative form of transportation to and from work on certain days of the week.

The TDM pilot programs include the following features:

- I. A concierge service for trip planning assistance;
- II. A \$1/day parking cash-out incentive; and
- III. Satellite parking locations

Satellite parking locations include the traditional CDOT and RTD Park-n-Ride lots along state highway corridors (US 36 and SH 119). In addition, new satellite parking locations have opened

Attachment A: Aug. 9, 2016 City Council Memo – Update on Civic Area (continued)

at the Eco Cycle/Resource Yards at 6400 East Arapahoe and at the garage at Alpine and Broadway (formerly the Boulder Community Hospital).

Each city employee pilot program participant has been asked to complete a pre- and post-survey, as well as travel diaries, to track which travel modes he or she uses. Based on the results from these evaluation steps, the TDM programs will be adjusted as needed. For example, if the city employee demand for the new satellite parking lot increases, the city will consider opening up more spaces at these areas to accommodate more downtown city employees.

Data collection from the second quarter of the year has been analyzed in comparison to baseline data and the first quarter 2016 results. It is clear the parking management changes and TDM strategies for city employees have made a significant improvement in operations. This is demonstrated in comparing data from initial findings in November/December of 2015 to the data collected twice in 2016. The latest data shows overall conditions this summer were comparable to last winter despite an anticipated increase in demand during the busy summer. However, there are many variables in the results of the data depending on the time of day, parking locations and corresponding events and programs occurring within the Civic Area, which are explained in the bullet points below. Because of these variable results, staff will continue observing and analyzing the effectiveness of the parking management and TDM programs in order to adapt to any changes.

Some of the key outcomes of the data include:

- Average peak parking utilization in the Civic Area lots increased during the summer to 79 percent, approximately the same as it was in November/December 2015; this likely would have been higher before the parking changes were made.
- Average peak parking utilization at the Library lot spiked to 91 percent. This was at approximately 11 a.m. and was likely due to a specific event or program. Interestingly, parking utilization numbers during the other times of the day remained much lower than before the parking changes were made last year.
- Average peak parking utilization at the Municipal lot remained high, at close to 90% percent.
- The number of city employees parking in the downtown dropped substantially in the summer (a 24 percent drop on average and an 18 percent drop during the peak period). This might be due to parking availability in the surrounding neighborhood that became much more available after students left for the summer.
- Parking in the neighborhood south and west of the Civic Area increased by approximately 5% following the parking management changes earlier this year. Parking utilization in the neighborhood dropped substantially in the summer, but this is most likely due to students leaving.
- Parking in the satellite parking lot at Alpine Balsam increased to an average of 18 city employees per day.

Staff compiled the results from city employee feedback and surveys, and found that while the changes in parking management and the new TDM programs have not resulted in statistically significant differences in how employees commute to work, the measures have resulted in many other positive outcomes. For example, employee feedback shows:

Attachment A: Aug. 9, 2016 City Council Memo – Update on Civic Area (continued)

- Most Civic Area employees find it easier to park as a result of the new parking management and TDM measures;
- Many see the parking cash out program as an important financial benefit; and
- The satellite parking works for some employees.

If warranted, staff could implement additional TDM measures for city employees to further enhance the program. These include expanding the Eco Pass benefit to seasonal and contract employees and increasing the monthly vanpool rebate to \$40. Also, this fall, the city's Employee Transportation Coordinator (ETC) program will focus on increasing vanpooling. This additional benefit will make it more attractive to employees who cannot vanpool full time due to work and personal schedules. In addition, consideration will be given to increasing the daily parking cash out incentive during the peak construction period.

While the TDM programs for City of Boulder employees have demonstrated a shift in parking utilization in the Civic Area, staff will also be considering the multi-modal options for the public and visitors. It is anticipated that the park improvements will attract additional demand to the area, which will require new strategies and programs for visitors. A visitor survey is being conducted this summer, which will produce data on the access needs and desires of the public. This information will be instrumental in designing and implementing public access options to accommodate the increase in visitor demand. City staff recognizes the importance of designing these programs to meet the anticipated increase in park use.

City staff will continue to monitor the feedback and effectiveness of the parking changes and TDM strategies each quarter throughout 2016 and during the construction phase of the park improvements. Staff will continue to update City Council about the results and make recommendations about potential program changes. Additional updates to the boards and commissions will also be presented, as needed.

III. Temporary Construction Impacts to Parking

Phase One Construction and Logistics Plan

September 2016 (approximate): Beginning in September 2016, construction activities will focus primarily north of the creek. One of the initial tasks involves substantial earthwork for the new bridge to be built over Boulder Creek for the 11th Street spine, and contractors need access for equipment and materials to the site. Given these tasks and due to floodplain regulations, construction staging and access will require the temporary removal of 19 parking spaces in addition to the permanent removal of 20 spaces. These parking impacts are illustrated in **Attachment B**. The result is a total reduction of 39 spaces in the north Municipal Lot adjacent to the Municipal Building. During this first phase, some demolition work will occur north and south of the creek near the western pedestrian bridge. This demolition work will be completed by September 23 to allow for safe access across the western bridge in time for the Jaipur Literary Festival which is scheduled from Sept. 24 to Sept. 25.

Phase Two Construction and Logistics Plan

Part 1: October 2016 – late January/early February 2017 (approximate)

The next phase of construction will begin after the Jaipur Literary Festival and result in the closure of a much larger construction footprint in the Civic Area. These construction impacts are illustrated in **Attachment C1**. It is anticipated to last into the early first quarter of 2017 and will continue to require the use of the same 39 spaces in the north Municipal Lot adjacent to the Municipal Building for construction. Once this phase of work is complete in early 2017, 19 spaces will be reopened for use.

Part 2: Late February/early March 2017 (approximate)

The 19 spaces that were temporarily closed for construction will reopen in late January after the installation of parking lot utilities and the delivery of the new 11th St. Spine bridge sections. During this time period, construction will now require the temporary closure of 5 different parking spaces in the Municipal Building lot (now located on the south end of the lot.) The 20 permanently closed spaces continue to be used for construction work, later to be incorporated into part of the permanent redesign, for a total of 25 closed spaces during this time period.

The contractor is also anticipating the need to utilize approximately 13 spaces in the row of parking along Boulder Creek in the south library parking lot off Arapahoe Avenue as construction activities begin south of the creek. The parking spaces in the section south of the creek are needed to place equipment and construction materials on the existing parking area to meet flood regulations for construction activities within a floodplain. These parking impacts are illustrated in **Attachment C2**.

Phase Three Construction and Logistics Plan

April 2017 through August 2017 (approximate)

During this phase, all parking closures remain the same as those closures in place at the end of phase two. However, the construction footprint will be different, with the new, enhanced 11th Street Spine Bridge open while the old bridge on the east end of the park is removed permanently. Additional construction work will be shifted north of a new temporary bike and pedestrian path. Parts of this path will later be used in the final path configuration. It is anticipated that this configuration will be in effect for the remainder of the project. The parking lot configuration for Phase Three of the project is shown in **Attachment D**.

Handicap Parking and ADA Access

In all phases of the construction work, handicapped spaces will be relocated out of the closure zone and moved to the spaces in the Municipal Building Parking lot that remain closest to the Municipal Building. Also, an additional handicapped parking space is being added to the eastside of 11th Street, just north of Canyon Boulevard to allow an additional option close to the Municipal Building.

Additional Measures to Mitigate Access Challenges

In addition to the long-term parking alternatives mentioned previously in the memo, staff is working to implement additional measures to mitigate parking challenges during construction through the following measures:

Attachment A: Aug. 9, 2016 City Council Memo – Update on Civic Area (continued)

- Parking will remain open and accessible in the south library lot, and pedestrians/cyclists can access the Municipal Building by crossing the current bridge over Boulder Creek.
- The work will be taking place in the fall and winter months, which is typically the least busy times of the year for the park, and parking demand is lowest.
- Creating additional accessible parking spaces along 11th Street, north of Canyon and adjacent to the mid-block crossing to the Municipal Building.
- Providing parking lot ambassadors during construction to assist people with finding parking, information, and overall customer service. (More information on the Parking Ambassador Program can be found in section IV.)
- As previously mentioned in section II, provide enhanced incentives for city employees to use satellite parking, parking cash out, and other TDM programs during Phase One of construction, likely through the end of the year.
- Promote positive benefits of covered parking at the Alpine/Balsam parking structure and move city vehicles parking in the structure to the roof top; this will increase covered parking availability for employees.
- Based on the feedback from the user survey, the public's access needs will be analyzed, and strategies and programs will be developed and implemented to meet the challenges caused by the construction work.

IV. Outreach and education efforts

Prior to the CIP study session on Aug. 9, city staff will provide a visual demonstration to City Council members about the phase one parking impacts. During this demonstration, parking cones will be placed in the Municipal Building parking lot to convey the size and scope of the closure area. Staff will be available for questions and discuss the strategies that will help mitigate the temporary impacts.

The following bullet points below list the outreach efforts that have taken place beginning with the Civic Area parking changes that went into effect in January.

- An initial [news release](#) was distributed to media, city employees and council members on Nov. 9, 2015;
- A coordinated public outreach campaign included updates to the city's [Civic Area website](#), e-newsletters for Civic Area, [City Planning](#), and the [Library](#) subscribers; standardized and personal email responses to community members, city employees and boards and commission members with questions about the changes; and the posting of public [poster maps](#) in city buildings and surrounding businesses in the Civic Area;
- Information about the parking changes were shared with surrounding facilities, including discussions with Alfalfa's Market, the Presbyterian Manor senior housing facility, Mustard's Last Stand, and other downtown Boulder businesses and organizations;

Attachment A: Aug. 9, 2016 City Council Memo – Update on Civic Area (continued)

- Internal meetings were held with city staff at work sites throughout the Civic Area campus to explain the parking changes; and
- Message training with front desk staff took place at many of the city facilities in the Civic Area, which included the option for staff to [distribute educational materials and handouts](#) summarizing changes; and
- Boulder 8 aired a [segment](#) about the parking changes during the [Dec.18, 2015 broadcast of Inside Boulder News](#). This update was also distributed on the city's social media platforms.

A number of outreach efforts are in the final development phase and will be rolled out the next few weeks. These efforts include the following items:

- In addition to signage that shows renditions of the enhanced Civic Area park and signs that indicate the project is funded through the Community, Culture & Safety tax, signs will be installed at both Main Library and New Britain Building parking lot along Arapahoe Avenue and at the Municipal Building/North Library lot on Canyon Boulevard. These will inform customers of the new parking options and include illustrated maps showing which parking areas are closed due to construction;
- A special construction edition of the Civic Area Newsletter will be sent out in late August/early September to e-mail subscribers. This will feature maps and information about the parking changes. Similar information will be provided in specific department newsletters that target different audiences;
- Updated information and construction project specific city webpages have been developed and continue to be updated, including the main [Civic Area landing webpage](#), a new [Civic Area Park Construction webpage](#), a [Civic Area Parking webpage](#), the [Parks & Recreation Civic Area Central Park webpage](#), the [Library website](#) and an internal communications website for city employees;
- Boulder 8 will air an updated segment about construction plans, which will include information about the parking changes;
- A robust outreach campaign is planned to promote an upcoming event to celebrate the beginning of park construction. Promotion of the event will also include reminders about parking changes due to construction. More specific information about the event, including invitations to City Council members and Boards and Commission members, will be forthcoming. The event will help build excitement about the Civic Area changes by prominently featuring community kids who have previously submitted design ideas and/or who will directly benefit from many of the new planned park amenities.

Finally, following the positive response to a Parking Ambassador Program that the city created in early 2016 to assist with January parking changes, city staff will again station part-time employees in the Municipal lot, and possibly other Civic Area lots, depending on demand. As previously mentioned in section III, the ambassadors will answer questions from visitors who need assistance or immediate information about the parking configuration changes. The ambassadors will also distribute educational materials to first-time parking customers, suggest alternative Civic Area parking options to visitors during peak parking times, and answer access questions related to construction closures.

Attachment A: Aug. 9, 2016 City Council Memo – Update on Civic Area (continued)

For further information about Civic Area Parking changes, please contact Molly Winter, winterm@bouldercolorado.gov, Bill Cowern, cowernb@bouldercolorado.gov, or Kathleen Bracke, brackek@bouldercolorado.gov.

For further information about the construction of the Civic Area Park improvements, please contact Jeff Haley, haleyj@bouldercolorado.gov, or Jim Winchester, winchesterj@bouldercolorado.gov.

Attachment A: Poster Map

Attachment B: Phase One Parking Impacts

Attachment C: Phase Two Parking Impacts

Attachment A : Poster Map

CIVIC AREA Public Parking Changes Effective January 2016*

To improve access to public parking, the City of Boulder is launching a new parking program in the Civic Area.

- NEW:** Spaces in **RED LOTS**, which include (1) Library (Kingshore Ave.), (2) Municipal Building/North Library (Canyon Blvd) and (3) New Britain will become **SHARED** spaces for both the public and city employees. Shared spaces in **RED LOTS** feature free parking the first 90 minutes with the option to pay for an additional 90 minutes.
- NEW:** Spaces in **PURPLE**, which include (4) Park Central lot and the eastern portion of the (2) Municipal Building/North Library lot remain for public parking only. But will include the same availability as **RED LOTS**: 90-minutes free + 90-minutes paid.
- NEW:** Shared spaces in both **RED** and **PURPLE** lots will require the public to enter your license plate into pay station kiosks located in all lots.
- NEW:** No more than three hours per parking session in a calendar day in **RED** and **PURPLE** lots except for city employees displaying valid daily paid parking permits. Visitors may park in Civic Area lots more than once per day but will only receive up to 90 minutes of free parking on the first visit and time cannot exceed three hours per parking session. Return parking for a new parking session will be charged at a rate of \$1.25/hour for credit card or 25 cents/12 minutes for coin.
- Visitors who need to park for more than three consecutive hours may utilize the public parking garages (in **ORANGE**) located north of the Civic Area. Downtown garage rates apply.
- Managed parking hours will run from 9 a.m. to 7 p.m., Monday to Friday, with Saturday and Sunday free.
- There will be **NO CHANGES** to (5) Senior Center parking lot (in **TURQUOISE**). Parking will remain available to seniors.
- To help customers with these changes, city parking ambassadors will be stationed in one or more parking lots in January 2016 to assist drivers with questions and use of the new pay station kiosks.

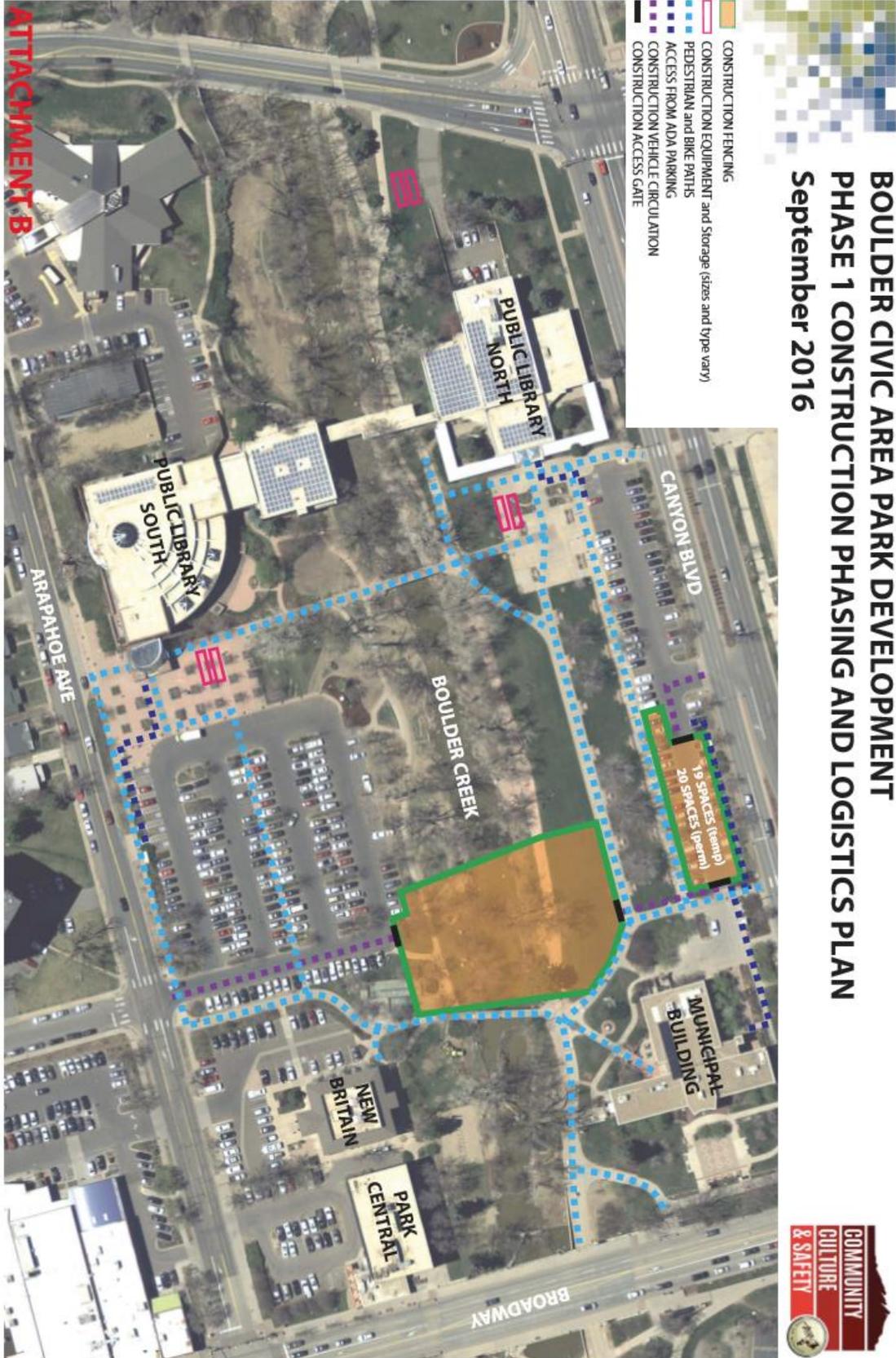
* Up to 45 spaces total will be removed from Lots 1 & 2 starting in Summer 2016 to accommodate Civic Area construction and long-term park changes. Further information about exact timing and schedule of parking spot removal will be forthcoming.

For more information please visit: <https://bouldercolorado.gov/civic-area>

Updated 12-10-2015



Attachment B: Phase One Parking Impacts



Attachment C1: Phase Two Parking Impacts



Attachment C2: Phase Two Parking Impact

ATTACHMENT C2



BOULDER CIVIC AREA PARK DEVELOPMENT PHASE 2 CONSTRUCTION PHASING AND LOGISTICS PLAN February 2017 through March 2017



Attachment D: Phase Three Parking Impact

ATTACHMENT D



BOULDER CIVIC AREA PARK DEVELOPMENT PHASE 3 CONSTRUCTION PHASING AND LOGISTICS PLAN April 2017 through August 2017



Slide 1

| | |
|--|---|
|   | <h2>City Council Briefing Aug. 9, 2016</h2> <p>Purpose Providing an update on the Phase 1 Construction Launch including:</p> <ul style="list-style-type: none">• Staging• Impact• Communications |
|--|---|

Slide 2

| | |
|--|--|
|   | <h2>Agenda</h2> <ol style="list-style-type: none">1. Phase 1 Construction Launch<ul style="list-style-type: none">• Staging• Access• Grading, Utilities and Tree Impacts2. Communications<ul style="list-style-type: none">• In-park signage• Notices, newsletters and news releases• Web and social media• Leaflets |
|--|--|

Slide 3



Slide 4



Attachment B: Aug. 9, 2016 Civic Area Update Slide Presentation (continued)

Slide 5



Slide 6

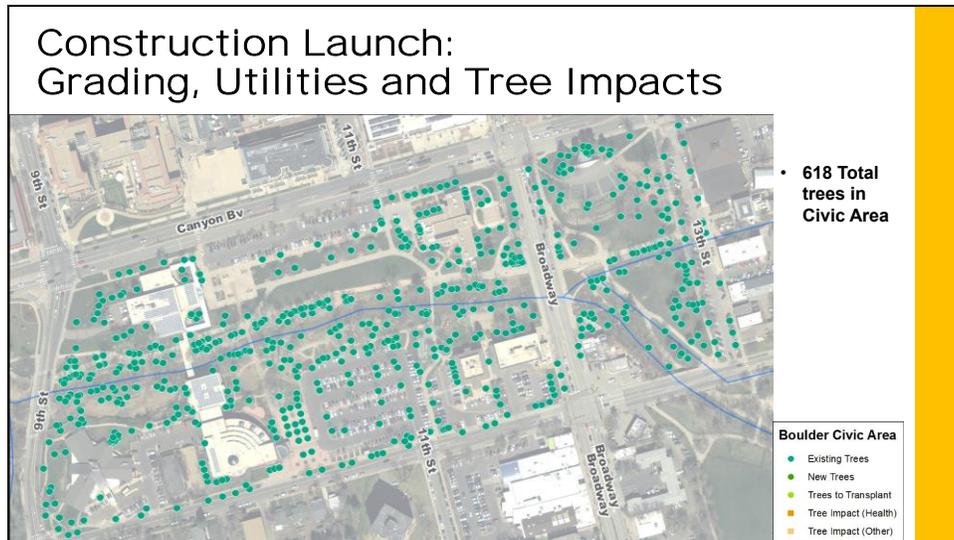


Attachment B: Aug. 9, 2016 Civic Area Update Slide Presentation (continued)

Slide 7

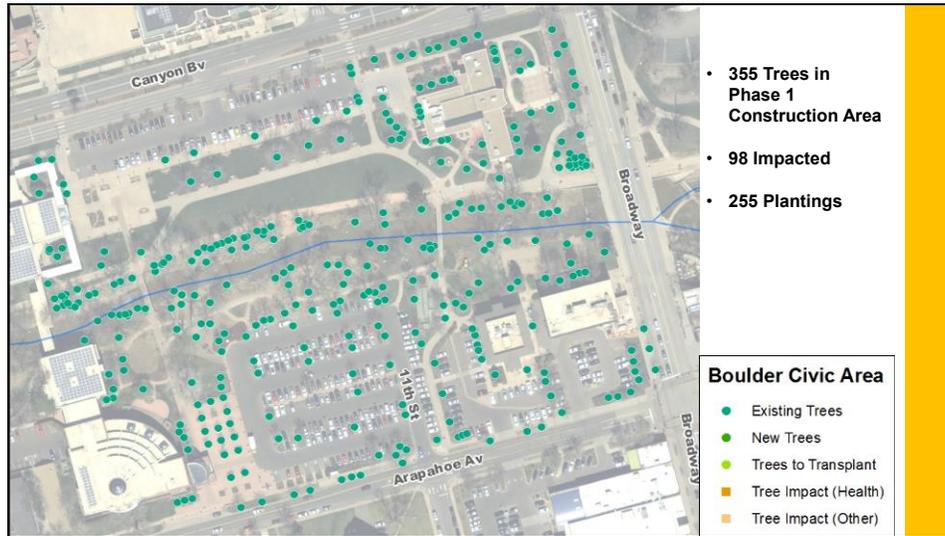


Slide 8

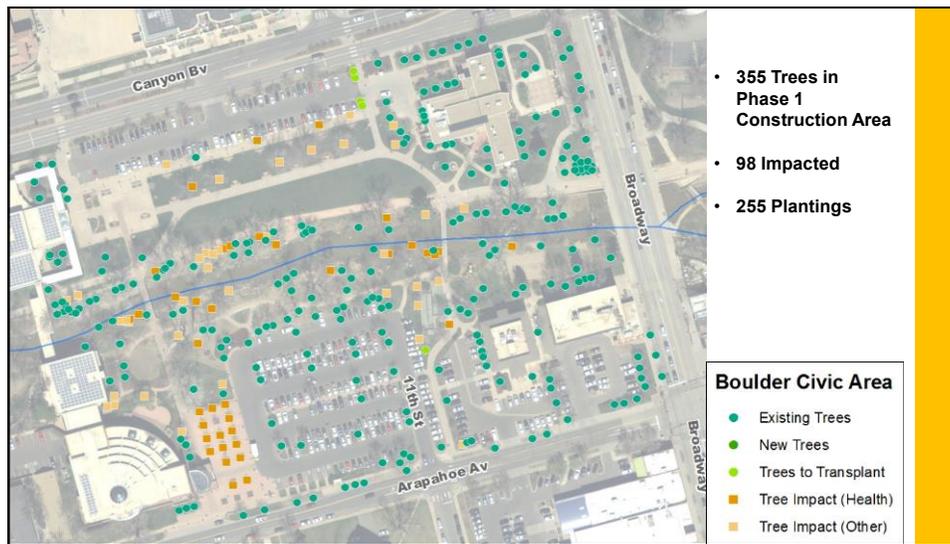


Attachment B: Aug. 9, 2016 Civic Area Update Slide Presentation (continued)

Slide 9

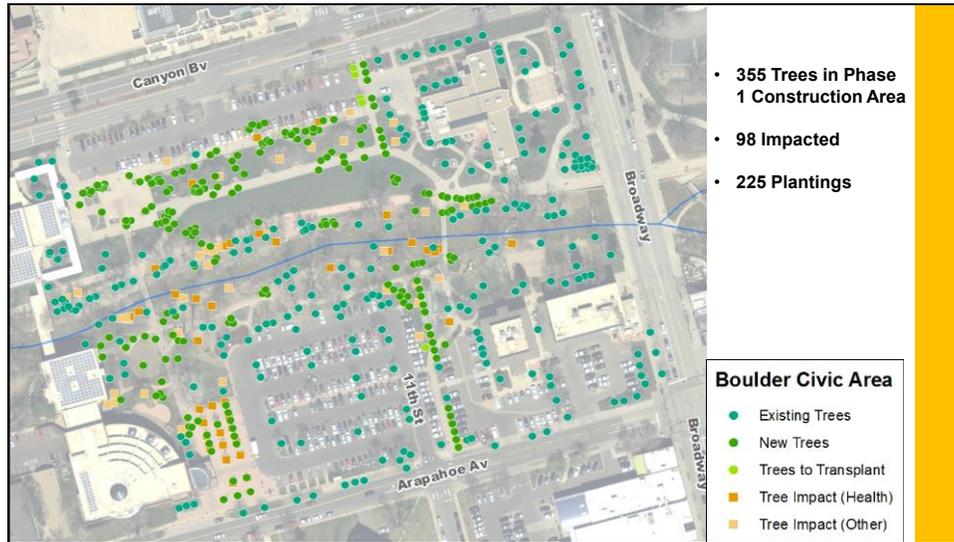


Slide 10



Attachment B: Aug. 9, 2016 Civic Area Update Slide Presentation (continued)

Slide 11



Slide 12



Attachment B: Aug. 9, 2016 Civic Area Update Slide Presentation (continued)

Slide 13



Overall Proposed Planting in the Civic Area

Slide 14

Communications

- **Written Communications**
 - Press Releases (2 this week)
 - Informational Leaflet
 - City Newsletter Article
- **Boulder Channel 8**
- **Website Update and Social Media Posts**
- **Signage “Coming Soon”**
 - Lobbies
 - On-Line
 - In-Park
- **Regular Council and Community Updates**
- **Website and Social Media Posts**

<https://bouldercolorado.gov/civic-area>



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE: Consideration of a motion to approve Resolution No.1191 to carry forward the City of Boulder's 2016 Private Activity Bond Allocation to support the creation or retention of permanently affordable rental housing.

PRESENTER/S:

Jane S. Brautigam, City Manager
David Driskell, Executive Director, Planning, Housing and Sustainability
Kurt Firnhaber, Deputy Director, Division of Housing
Kristin Hyser, Community Investment Program Manager

EXECUTIVE SUMMARY:

The Colorado Private Activity Bonds (PAB) Program provides a financing tool that can be used to fund activities such as affordable housing and economic development projects. Through the state of Colorado PAB Program, municipalities receive an annual PAB Volume Cap Allocation (referred to as PAB capacity or cap). The city of Boulder's 2016 PAB cap is \$5,263,500.

In June 2016 the city issued a Request for Proposals (RFP) for projects eligible to employ the 2016 PAB cap. The city did not receive any responses to the RFP. As a result, to secure the PAB cap for a future affordable housing project in Boulder, staff seeks City Council action to carry forward the 2016 PAB cap. Authorization of the carry forward will provide the city's local housing development community until December 31, 2019 to use the PAB cap to finance an eligible project in Boulder.

STAFF RECOMMENDATION:

Staff recommends City Council approve the carry-forward of the 2016 PAB cap in the amount of \$5,263,500 by approving the attached inducement resolution (**Attachment A**) and certification (**Attachment B**). This resolution preserves the PAB cap for use in a local multifamily rental project until a December 31, 2019 expiration.

Suggested Motion Language:

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

Approval of the resolution to carry forward the City of Boulder's 2016 Private Activity Bond Volume Cap Allocation to support the creation or retention of permanently affordable rental housing in the City of Boulder.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- Economic – PAB provide the opportunity to finance affordable housing rental projects without a direct financial obligation from the municipality. Tax money and municipal revenues are not pledged for their retirement. Projects financed using PAB generate localeconomic activity including new income, jobs and tax revenues. The project sponsor pays the principal and interest on the bonds and there is no recourse to the city in the event of default.
- Environmental – All of the properties supported through the use of PAB will undergo environmental review evaluating any negative environmental impacts on the users of the properties and surrounding properties.
- Social – The use of PAB in development financing reduces borrowing costs allowing the affordable housing developer to provide more and higher-quality affordable rental housing serving low income residents of Boulder.

BACKGROUND:

Private Activity Bonds (PAB) are tax-exempt bonds that can be issued for specific purposes including the financing of residential rental projects. Annually the federal government grants allocations of bonding authority to each state. Through the state of Colorado PAB Program municipalities receive an annual PAB Volume Cap Allocation (referred to as PAB capacity or cap) that can be issued to an eligible project, assigned to another issuer, carried-forward for a future project or relinquished to the statewide balance.

PAB provides the opportunity to finance affordable housing rental projects without a direct financial obligation from the municipality. As well, tax money and municipal revenues are not pledged for the retirement of the bonds. Projects financed using PAB generate local economic activity including new income, jobs and tax revenues. The project sponsor pays the principal and interest on the bonds and there is no recourse to the city in the event of default. Since the interest on the bonds is exempt from federal income taxes, the sponsor benefits from a lower interest rate than other traditional forms of financing. In the event the bonding capacity is unused, it will expire with no cost or consequence to the city.

ANALYSIS:

To determine a use for the city's 2016 PAB cap, staff issued a Request for Proposals to affordable housing partners to identify an eligible and timely project. The city did not receive any responses for projects that were ready to proceed in the time frame required to put the PAB cap in immediate service. Projects eligible for this year's PAB cap must be able to close on the bonds by December 23. While there are several projects, namely rehabilitation of existing units, primed to use the fund in 2017 their timelines do not align with the projects timelines and schedules. To preserve these PAB for use in Boulder, staff recommends carrying forward the 2016 PAB cap to support a future opportunity resulting in the creation or retention of permanently affordable rental housing. Authorization of the carry forward will provide the city's local housing development community until Dec. 31, 2019 to use the PABs to finance an eligible project in Boulder. Similar action was taken by City Council in 2015 with the carry forward of the 2015 PAB cap in the amount of \$5,138,000. If City Council approves the carry forward of the 2016 PAB cap, the combined cap of \$10,401,500 will be eligible for a future project in Boulder.

Following this recommended action, staff will continue to work with affordable housing partners to identify a specific project that ensures the timely and best use of the city's 2015 and 2016 PAB caps. Future use will require further City Council action to issue the PAB to benefit a specific use.

ATTACHMENTS:

Attachment A: Proposed Resolution No.1191 for the 2016 PAB Allocation

Attachment B: Proposed PAB Certificate

RESOLUTION NO. 1191

SERIES 2016

A RESOLUTION DECLARING THE INTENT OF THE CITY OF BOULDER, COLORADO TO ISSUE PRIVATE ACTIVITY BONDS IN CONNECTION WITH FINANCING RESIDENTIAL FACILITIES FOR LOW- AND MODERATE INCOME FAMILIES AND PERSONS

WHEREAS, the County and Municipality Development Revenue Bond Act, article 3 of title 29, Colorado Revised Statutes, as amended (the "Act") authorizes the City of Boulder, Colorado, a home rule municipality (the "City"), to finance or refinance one or more projects (which includes any land, building or other improvement and real and personal properties) to the end that residential facilities for low- and moderate-income families or persons intended for use as the sole place of residence by the owners or intended occupants may be provided in order to promote the public health, welfare, safety, convenience and prosperity; and

WHEREAS, the City is further authorized by the Act to issue revenue bonds for the purpose of defraying the cost of financing and refinancing any project, including the payment of principal and interest on such revenue bonds, the funding of any reserve funds which the governing body of the City may deem advisable to establish in connection with the retirement of such revenue bonds or the maintenance of the project and all incidental expenses incurred in issuing such revenue bonds, and to secure payment of such revenue bonds as provided in the Act; and

WHEREAS, the City wishes to declare its intention to carry forward its 2016 private activity bond allocation; and

WHEREAS, the City wishes to declare its intention to issue its Private Activity Bonds, in one or more series, in connection with financing a multifamily residential rental project for low- and moderate-income families located within the boundaries of the City; and

WHEREAS, such Private Activity Bonds are expected to be issued by the City or on behalf of the City in an amount not to exceed \$5,263,500 which consists of the City's 2016 private activity bond allocation;

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

Section 1. In order to benefit the residents of the City, the City hereby declares its intent to carry forward its 2016 private activity bond allocation and to issue Private Activity Bonds in one or more series (the "Bonds") in an aggregate principal amount not to exceed \$5,263,500 which shall be used in connection with financing a multifamily residential rental project for low- and moderate-income families, which shall be located within the boundaries of the City.

Section 2. The City Council of the City (the "City Council") hereby finds, determines, recites and declares that the Bonds shall not constitute any multiple-fiscal year direct or indirect debt or other financial obligation whatsoever of the City, the State of Colorado (the "State") or any political subdivision of the State within the meaning of any provision or limitation of the State Constitution or statutes, and the Bonds shall not constitute or give rise to a pecuniary liability of the City or a charge against the City's general credit or taxing powers, or ever be deemed to be an obligation or agreement of any council member, officer, director, agent or employee of the City in such person's individual capacity, and none of such persons shall be subject to any personal liability by reason of the issuance of the Bonds.

Section 3. The City Council hereby finds, determines, recites and declares that the carrying forward of its 2016 private activity bond allocation and the issuance of the Bonds, in connection with financing such multifamily residential rental project will promote the public purposes set forth in the Act, including, without limitation, assisting

persons or families of low- and moderate-income in obtaining decent, safe and sanitary housing.

Section 4. The City Council hereby finds, determines, recites and declares the City’s intent that this Resolution constitute an official indication of the present intention of the City that the Bonds be issued as herein provided.

Section 5. In connection with the management and preservation of the City’s private activity bond volume cap allocation, the City is hereby authorized to execute any Internal Revenue Service (“IRS”) forms and to enter into assignment agreements and delegation agreements with other Colorado “issuing authorities” as defined in Section 24-32-1703(12), Colorado Revised Statutes, as amended. The Mayor is hereby authorized and directed to execute any such IRS forms and to execute and deliver any assignment agreements or delegation agreements that are necessary to manage and preserve the City’s private activity bond volume cap allocation. It is the specific intent of the City Council that this Resolution shall also apply to any amounts that are awarded to the City from the statewide balance pursuant to the Allocation Act. The appropriate officers of the City are hereby authorized to apply for an award from the statewide balance pursuant to Article 32, Title 24, Part 17, Colorado Revised Statutes, as amended.

Section 6. All actions not inconsistent with the provisions of this Resolution heretofore taken by the City Council or any officer or employee of the City in furtherance of the issuance of the Bonds are hereby ratified, approved and confirmed.

Section 7. All prior acts, orders or resolutions, or parts thereof, of the City in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive an act, order or resolution, or part thereof, heretofore repealed.

Section 8. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution.

Section 9. This Resolution shall take effect immediately upon its introduction and passage.

APPROVED this ____ day of September, 2016.

By _____
Mayor

ATTEST:

By _____
City Clerk on behalf of the Director
of Finance and Record

**CERTIFICATE REQUIRED BY SECTION 24-32-1709(2)(C)
OF THE COLORADO REVISED STATUTES, AS AMENDED**

As an official of the City of Boulder, Colorado, responsible for the supervision of the issuance of private activity bonds, I DO HEREBY CERTIFY that the City of Boulder, Colorado will proceed with due diligence to insure the issuance of its private activity bonds within the time period commencing September 15, 2016, and ending December 31, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of September, 2016.

By _____
Mayor



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE: Third reading and consideration of a motion to adopt and order published by title only, Ordinance 8122 amending section 12-2-4, “Written Disclosures Required,” B.R.C. 1981 to update the required disclosure by landlords, and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Janet Michels, Senior Assistant City Attorney

EXECUTIVE SUMMARY

Currently, section 12-2-4, “Written Disclosures Required,” B.R.C. 1981 identifies ten specific ordinances that landlords must disclose to their residential tenants in writing, the majority of which deal with quality of life ordinances. The most recent amendments to section 12-2-4 were in 2009. The proposed amendment designates additional ordinances enacted since 2009 that must be included in the tenant disclosures. The proposed amendment also corrects typographical errors and an oversight in providing a specific Boulder Revised Code citation for the section relating to the responsibility of owners, managers or operators to maintain a valid trash hauler contract.

The proposed ordinance for this item (**Attachment A**) makes these changes. In response to feedback received from community members at first reading, staff made proposed two changes to the ordinance following first reading. First, the amendment no longer includes the requirement that the written disclosure include notification of the provisions contained in sections 5-10-2, “Consumption of Marijuana in Public Prohibited.” Second, a new subsection was added clarify that section 12-2-4 does not change the legal rights of any landlord or tenant other than the written disclosure obligation on landlords. These changes are included in

Attachment A, which was passed on second reading without comments or questions from Council or the community.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Third reading and consideration of motion to adopt and order published by title only Ordinance 8122 amending section 12-2-4, "Written Disclosures Required," B.R.C. 1981 to update the required disclosure by landlords, and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENT AND IMPACTS

- **Economic:** The proposed changes are procedural in nature and should not significantly impact the local economy.
- **Environmental:** The required disclosures primarily address quality of life violations, and not traditional environmental issues.
- **Social:** Residential tenants may not be fully aware of certain city regulations, especially some that are unique to the city. By requiring landlords to provide tenants with written disclosures of certain regulations that impact the quality of life of neighborhoods in the city, tenants will have the opportunity to comply with these community expectations.

OTHER IMPACTS

- **Fiscal:** None anticipated, the proposed changes are procedural in nature.
- **Staff time:** Creation of a new model disclosure form that satisfies the requirements of subsection (a) of section 12-2-4 is within existing staff work plans.

BACKGROUND AND ANALYSIS

In the early 2000s, the city manager established a University Hill Action Group (“UHAG”), to recommend specific actions to the city council to improve the quality of life of the University Hill neighborhood. As a part of the involved process of adopting a nuisance abatement ordinance, in 2001, UHAG proposed a new requirement that certain disclosures be made to all tenants in writing by landlords. One of the concerns expressed during UHAG discussions was that some tenants in the University Hill area may not be fully aware of certain applicable city regulations.

In August 2002, city council adopted Ordinance 7158, codified as section 12-2-4, B.R.C. 1981. That ordinance identified ten specific city ordinances that landlords must disclose to residential tenants, in writing. Section 12-2-4(b) charged the city manager with approving a form that, if fully executed, will satisfy the requirements of subsection (a) of section 12-2-4, B.R.C. 1981.

The ordinances that landlords are currently required to disclose, in writing, to residential tenants are:

- 5-3-11, “Nuisance Party Prohibited,”
- 5-6-6, “Fireworks,”
- Chapter 5-9, “Noise,”
- 6-2-3, “Growth or Accumulation of Weeds Prohibited,”
- 7-6-13(a)(1), concerning parking prohibited on sidewalks.
- 8-2-13, “Duty to Keep Sidewalks Clear of Snow,”
- 6-3-3(b), relating to the responsibility to maintain a valid contract with a commercial trash hauler,
- Notification that interest must be paid to tenants upon any security deposit collected pursuant to the provisions of sections 12-2-2, “Definitions,” and 12-2-7, “Interest Rate on Security Deposits,” and
- Notification to tenants of the date and nature of law violations for which the owner, manager or operator has received written notice of violation pursuant to section 10-2.5-6, “Required Procedures Prior to Commencement of Public Nuisance Action.”

The list of ordinances required to be disclosed has not been expanded since the adoption of Ordinance 7685 in September 2009. Several ordinances enacted since that time have been identified by community members and law enforcement personnel as so impactful to the community that requiring written disclosure, alone, could mitigate the negative impacts of noncompliance. Most people want to comply with the law. If they are aware of the law, the expectation is they will comply.

The proposed amendment will add the following ordinances to those that section 12-2-4 already requires be disclosed to residential tenants:

- 5-4-12, “Depositing Trash on Property in Violation of Sign;”
- 5-4-16, “Outdoor Furniture Restrictions;”
- 6-3-12, “Bear-Resistant Containers Required;”

- 5-10-6, “Marijuana Odor Emissions,” and
- Paragraphs 6-14-13(a)(6) and 6-16-13(a)(4), prohibiting possession of more than six marijuana plants without a license.

The proposed amendment will also provide the specific code section, 6-3-3(b), to the ordinance paragraph (a)(1)(C), which currently describes the code section relating to the responsibility to maintain a valid contract with a commercial trash hauler, but which did not provide the specific code section.

The proposed amendment additionally corrects the language in paragraph (a)(1)(c). That paragraph is an incomplete sentence. The amendment clarifies the sentence by providing a subject.

ATTACHMENTS

Attachment A – Proposed Ordinance

ORDINANCE NO. 8122

AN ORDINANCE AMENDING SECTION 12-2-4, "WRITTEN DISCLOSURES REQUIRED," B.R.C. 1981 TO UPDATE THE REQUIRED DISCLOSURES BY LANDLORDS, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 12-2-4, B.R.C. 1981, is amended to read:

12-2-4. - Written Disclosures Required.

(a) No operator shall allow any person to occupy a rental property as a tenant or lessee or otherwise for valuable consideration unless and until that operator has satisfied each of the following conditions:

(1) The operator has executed and provided to the tenant a copy of a written lease, rental agreement, set of site rules or other written instrument containing the following information:

(A) The maximum occupancy levels permitted in the rental unit;

(B) Notice of the provisions contained in sections 5-3-11, "Nuisance Party Prohibited," 5-6-6, "Fireworks," ~~and~~ chapter 5-9, "Noise," 5-4-12, "Depositing Trash on Property in Violation of Sign," and 5-4-16, "Outdoor Furniture Restrictions," B.R.C. 1981;

(C) Notice of the provisions contained in sections 6-2-3, "Growth or Accumulation of Weeds Prohibited," 6-3-3, "Trash Accumulation Prohibited," paragraph 7-6-13(a)(1), concerning parking prohibited on sidewalks, ~~and~~ section 8-2-13, "Duty to Keep Sidewalks Clear of Snow," section 6-3-3(b), B.R.C. 1981, relating to the responsibility of every owner, manager or operator of rental property to maintain a valid contract with a commercial trash hauler providing for the removal of accumulated trash from the property, and section 6-3-12, "Bear-Resistant Containers Required," B.R.C. 1981;

(D) The names of those individuals permitted, pursuant to the tenancy agreement, to occupy the rental unit;

(E) Notification to tenants that violation of the city's noise regulation requirements or residency within the rental unit of persons other than those lawfully

1 occupying the unit pursuant to the tenancy agreement is cause for the termination of the
2 tenancy; and

3 (F) Notification that interest must be paid to tenants upon any security deposit
4 collected pursuant to the provisions of sections 12-2-2, "Definitions," and 12-2-7,
5 "Interest Rate On Security Deposits," B.R.C. 1981;

6 (G) Notification to tenants of the date and nature of any violations of law
7 during the preceding twenty-four months for which the owner, manager or operator has
8 received written notice of violation pursuant to Section 10-2.5-6, "Required Procedures
9 Prior to Commencement of Public Nuisance Action," B.R.C. 1981; and

10 (H) Notification of the provisions contained in sections 5-10-6, "Marijuana
11 Odor Emissions," and paragraphs 6-14-13(a)(6) and 6-16-13(a)(4), B.R.C. 1981,
12 prohibiting possession of more than six marijuana plants without a license.

13 (b) The city manager shall approve a form that, if fully executed, will satisfy the
14 requirements of subsection (a) of this section. Use of the approved form shall not be mandatory
15 and individual operators may utilize other writings in lieu of such form so long as those writings
16 satisfy the requirements of subsection (a) of this section.

17 (c) The No operator shall allow any person to occupy a rental property as a tenant or
18 lessee or otherwise for valuable consideration unless and until that operator has established and
19 maintained an accurate listing of the identities of each of the persons who are authorized to
20 reside in the subject rental unit.

21 (d) The maximum penalty for any violation or violations of this section that are
22 charged as part of a single court proceeding shall be \$500.00.

23 (e) The requirements of this paragraph (a)(1) are not intended to change the legal
24 rights of any operator, tenant or lessee other than the obligation of operators to provide the
25 written disclosure required by this section.

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

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

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 7th day of June, 2016.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Mayor

Attest:

City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
TITLE ONLY this 2nd day of August, 2016.

Mayor

Attest:

City Clerk

READ ON THIRD READING, PASSED, ADOPTED AND ORDERED PUBLISHED
BY TITLE ONLY this 6th day of September, 2016.

Mayor

Attest:

City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE: Third reading and consideration of motion to adopt and order published by title only Emergency Ordinance No. 8133, setting the ballot title for an amendment to Section 128A of the Boulder Charter regarding the blue line, and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Kathy Haddock, Senior Assistant City Attorney
Chris Meschuk, Senior Planner

EXECUTIVE SUMMARY:

The Council accepted the Charter Committee's recommendation to place clarification of the blue line, established in Section 128A of the charter, on the November 8, 2016 ballot.

At second reading council amended the proposed ordinance ballot and charter language to make it abundantly clear that the location of the blue line is being clarified to divide developed property from the open space and mountain backdrop protected by the original adoption of the blue line in 1959.

Because of the second reading amendment, the ordinance is now before council for third reading adoption. Emergency adoption is requested in order to meet the county's ballot deadline for the Nov. 8, 2016 election.

STAFF RECOMMENDATION:

Suggested Motion Language:

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

Motion to adopt on third reading Emergency Ordinance No. 8133, regarding an amendment to Section 128A of the Boulder Home Rule Charter regarding the blue line, setting the ballot title, and related details.

BACKGROUND:

The agenda memo for first reading can be found [here](#) as Item 5A3.

The agenda memo for second reading can be found [here](#).

ATTACHMENTS:

Attachment A – Proposed Emergency Ordinance No. 8133

ORDINANCE NO. 8133

AN EMERGENCY ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 8TH DAY OF NOVEMBER, 2016, THE QUESTION OF AMENDING SECTION 128A OF THE BOULDER CITY CHARTER TO CLARIFY THE LINE DESCRIBED IN THAT SECTION, KNOWN AS THE “BLUE LINE”; SETTING THE BALLOT TITLE; AND SETTING FORTH RELATED DETAILS.

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

Section 1. A special municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 8, 2016.

Section 2. At that election, a question shall be submitted to the electors of the city of Boulder entitled by law to vote, that will allow voters to consider the following amendment to Section 128A of the city Charter pertaining to the boundary established for eligibility for city water service. The material to be added to the Charter is shown by underlining and material to be deleted is shown stricken through with solid lines:

Sec. 128A. - Water not to be supplied to certain described areas; exceptions.

(a) As originally adopted by the people of the City of Boulder on July 21, 1959, and known as the “blue line” ~~¶~~the City of Boulder shall not supply water for domestic, commercial, or industrial uses to land lying on the westward side of the following described line, except as specifically stated herein. This provision is intended to clarify the location of the line and to maintain the purposes of the voters in 1959 to protect the city’s mountain backdrop by creating the “blue line.” This provision shall not deny city water to areas which were a part of the City of Boulder or receiving water service from the City of Boulder on the effective date of this measure, ~~July 21, 1959~~ November 8, 2016 ~~nor to taps being supplied by said city in other areas at said effective date, on July 21, 1959.~~

The remaining paragraphs of Charter Section 128A are repealed. The map and the boundary description in Exhibit A and B of Ordinance No. 8133 are made part of this charter as part of this section.

1 (b) This section is intended to reinforce the protection of the foothill's open space and mountain
2 backdrop and properties designated for open space from new development and expansion of
3 existing development.

4 (c) The line described in this section does not apply to properties that were voter-approved
5 amendments to this section. The following properties may continue to receive water under
6 the conditions contained in the respective ordinance below:

7 (1) Water supplied: (i) to the property known as University Corporation for Atmospheric
8 Research (UCAR), National Center for Atmospheric Research (NCAR) or National
9 Science Foundation, as approved by Ordinance No. 2391, adopted by the electorate on
10 January 31, 1961; (ii) to the property known as the "specified tracts of land lying within
11 the Canon Park Subdivision," as approved by Ordinance No. 4452, adopted by the
12 electorate on November 6, 1979; (iii) to the property known as the Nuzum's Nursery,
13 The Silver Saddle Motel and the Flagstaff Apartment Property, as approved by
14 Ordinance No. 4606, adopted by the electorate on Nov. 3, 1981, or (iv) to the property
15 known as the "Flagstaff House" as approved by Ordinance No. 5402, adopted by the
16 electorate on Nov. 5, 1991; and

17 (2) Water supplied to fire departments or districts, Boulder County, the state of Colorado,
18 or the United States for immediate use for firefighting purposes and for storage in fire
19 trucks and in cisterns for such purposes approved by Ordinance No. 7076, adopted by
20 the electorate on November 8, 2000.

21 (d) The following standards apply to application of the provisions of this section to properties
22 affected by the line for water service from the city:

23 (1) Except as specifically described in this section the prohibition of water service shall not
24 apply to any properties east of State Highway 93 or State Highway 36.

25 (2) The city will provide water service to properties divided by the line described by this
section subject to the following:

(A) The water service shall be to the entire building that is within the existing
footprint and square footage on November 8, 2016.

(B) No additional water service shall be supplied west of the line established by this
section for such property.

(C) No portion of the building with water service west of the line established by this
section shall expanded beyond the existing building foot print or floor area.

Section 3. The official ballot shall contain the following ballot title, which shall also be
the designation and submission clause for the measure:

QUESTION NO. _____

CLARIFICATION AND AMENDMENT OF “BLUE LINE,” WATER NOT TO BE
SUPPLIED TO AREAS WEST OF THE LINE

Shall the boundary described in city Charter § 128A and approved by the voters in 1959 that provides that the City of Boulder shall not supply water for domestic, commercial, or industrial uses to land lying on the westward side of the line be amended to clarify the location of the boundary and to allow the provision of water service to existing developed properties as described in Ordinance No. 8133, and further shall the standards in Charter §128A be amended to clarify the conditions and eligibility for water service as described in Ordinance No. 8133?

For the measure _____ Against the measure _____

Section 4 If a majority of all the votes cast at the election on the measure submitted are for the measure, the measure shall be deemed to have passed and the Charter shall be amended as provided in this ordinance. If this ballot measure is approved by the voters, the Charter shall be so amended, and the City Council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

Section 5. The City Council finds that this ordinance is necessary for the immediate preservation of the public peace, health, or property. The City Council amended the ordinance on second reading. This ordinance includes a ballot measure. Emergency passage is necessary to allow time for this matter to be placed on the November 8, 2016 ballot.

Section 6. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 7. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 2nd day of August, 2016.

3
4 _____
Mayor
5 Attest:
6 _____
City Clerk

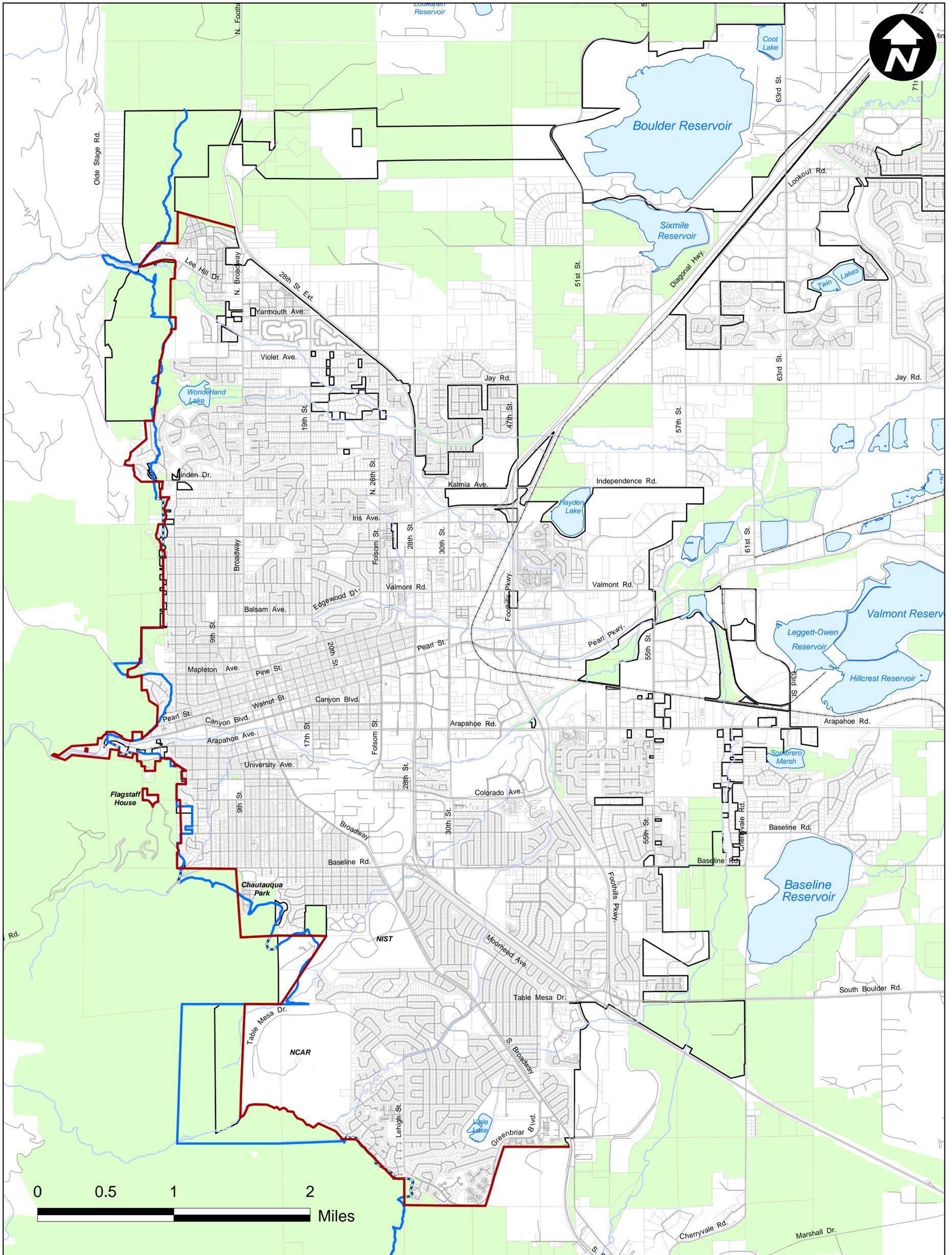
7
8 READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
9 TITLE ONLY this 16th day of August, 2016.

10
11 _____
Mayor
12 Attest:
13
14 _____
City Clerk

15
16 READ ON THIRD READING, PASSED, ADOPTED, AS AN EMERGENCY
17 MEASURE BY TWO-THIRDS OF COUNCIL MEMBERS PRESENT, AND ORDERED
18 PUBLISHED BY TITLE ONLY this 6th day of September, 2016.

19
20 _____
Mayor
21 Attest:
22
23 _____
City Clerk

City of Boulder - Current & Proposed Blue Line



Legend

-  City Open Space Properties
-  City Limits
-  Current Adopted Blue Line
-  Proposed Blue Line



** Additional details can be seen on the map of the Blue Line at <https://gisweb.bouldercolorado.gov/blueline/> Map date August 10, 2016

2016 BLUE LINE BOUNDARY DESCRIPTION

GENERAL SOUTH TO NORTH DESCRIPTION:

THE DESCRIPTION OF THE PROPOSED BLUE LINE BEGINS AT THE SOUTHERN END OF THE CITY OF BOULDER NEAR HWY 93 AND SHANAHAN RIDGE. THEN PROCEEDS NORTHERLY ALONG THE WEST EDGE OF THE CITY TO ITS TERMINUS AT THE NORTH END OF THE CITY NEAR DAKOTA RIDGE AND HWY 36. THE PROPOSED BLUE LINE DESCRIPTION HAS A MATCHING MAP SHOWING THE LOCATION OF SAID PROPOSED BLUE LINE AS IT IS NARRATIVELY DESCRIBED BELOW. ALL INSTRUMENTS DISCUSSED BELOW CAN BE FOUND AT BOULDER COUNTY CLERK AND RECORDER'S OFFICE, UNLESS OTHERWISE NOTED.

SAID BLUE LINE IS LOCATED IN SECTIONS 16, 17, 18, 7, AND 6 OF TOWNSHIP 1 SOUTH, RANGE 70 WEST; SECTIONS 1 AND 12, TOWNSHIP 1 SOUTH, RANGE 71 WEST; AND SECTIONS 36, 35, 25, 24, 13, AND 12, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.

FROM HWY 93 AT THE SHANAHAN RIDGE SUBDIVISION, NORTH TO NCAR

BEGINNING AT THE SOUTHEAST CORNER OF OUTLOT B, SHANAHAN RIDGE TWO, PLAT RECORDED ON FILM 859 AT RECEPTION NO. 109000;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID OUTLOT B TO THE NORTHEAST CORNER OF LOT 9, BLOCK 14, ROLLING HILLS SUBDIVISION FIRST ADDITION REPLAT, RECORDED AT RECEPTION NO. 90872199;
THENCE SOUTHWESTERLY ALONG THE EASTERN LINE OF ROLLING HILLS SUBDIVISION FIRST ADDITION REPLAT TO THE NORTHEAST CORNER OF OUTLOT A-1, SHANAHAN RIDGE FOUR, PLAT RECORDED RECEPTION NO. 144515;
THENCE CONTINUING SOUTHWESTERLY ALONG THE EASTERN LINE OF SAID OUTLOT A-1, SHANAHAN RIDGE FOUR;
THENCE ALONG THE EASTERN LINE OF SHANAHAN RIDGE FIVE, PLAT RECORDED ON FILM 939 AT RECEPTION NO. 193411 TO THE SOUTHEAST CORNER THEREOF;
THENCE WEST ALONG THE SOUTH LINE OF OUTLOT C2, SHANAHAN RIDGE FIVE TO THE SOUTHWEST CORNER THEREOF;
THENCE CONTINUING WEST ALONG THE SOUTH LINE OF OUTLOT D, SHANAHAN RIDGE SIX, PLAT RECORDED ON FILM 969 RECEPTION NO. 232114, TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID OUTLOT D TO THE SOUTHEAST CORNER OF LOT 5, BLOCK 2, DEVILS THUMB SUBDIVISION FILING NO. 1, RECORDED AT RECEPTION NO. 90828823;
THENCE WEST ALONG THE SOUTH LINE OF DEVILS THUMB SUBDIVISION FILING NO. 1, TO THE SOUTHEAST CORNER OF LOT 8, BLOCK 2, DEVILS THUMB SUBDIVISION FILING NO. 1;
THENCE NORTHWESTERLY ALONG THE WESTERN BOUNDARIES OF DEVILS THUMB SUBDIVISION FILING NO. 1, THE DEVILS THUMB SUBDIVISION FILING NO. 2, RECORDED AT RECEPTION NO. 90853061, AND DEVILS THUMB SUBDIVISION FILING NO. 5, RECORDED ON FILM 802 AT RECEPTION NO. 50103, TO THE WESTERNMOST CORNER OF LOT 16, DEVILS THUMB SUBDIVISION FILING NO. 5;
THENCE WESTERLY ALONG THE SOUTH LINE OF DEVILS THUMB SUBDIVISION FILING NO. 6, PLAT RECORDED ON FILM 845 AT RECEPTION NO. 94356, TO THE WESTERNMOST CORNER THEREOF, ALSO BEING A SOUTHERN CORNER OF THAT PROPERTY DESCRIBED IN BOOK 1290 AT PAGE 301 (SEE THAT LAND SURVEY PLAT FILED AS SURVEY NO. LS-93-0036 AT THE BOULDER COUNTY LAND USE DEPARTMENT);

THENCE WESTERLY ALONG THE SOUTHERLY LINES OF SAID PROPERTY DESCRIBED IN BOOK 1290 AT PAGE 301 TO THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED ON FILM 808 AT RECEPTION NO. 55946;

THENCE NORTH ALONG THE EAST LINE OF SAID PROPERTY DESCRIBED ON FILM 808 AT RECEPTION NO. 55946 TO THE NORTHEAST CORNER THEREOF, A POINT ON THE SOUTH LINE OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 71 WEST;

THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 1 TO THE SOUTHEAST CORNER OF SAID SECTION 1, ALSO BEING THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 70 WEST;

NCAR NORTH TO MARINE STREET

THENCE NORTHEASTERLY TO THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED ON FILM 1047 AT RECEPTION NO. 320793;

THENCE WESTERLY ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 70 WEST TO THE WEST QUARTER CORNER OF SAID SECTION 6;

THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 1, 1800 FEET, TOWNSHIP 1 SOUTH, RANGE 71 WEST OF THE 6TH P.M.;

THENCE NORTHERLY TO A POINT ON THE NORTH LINE OF SAID SECTION 1 LOCATED 1800 FEET WESTERLY FROM THE NORTHEAST CORNER OF SECTION 1, THIS LINE BEING WEST OF CHAUTAUQUA;

THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 1 TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 3522626;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 3522626 TO THE NORTHERNMOST CORNER THEREOF;

THENCE EASTERLY TO THE SOUTHWEST CORNER OF LOT 17, FLATIRONS PARK, PLAT RECORDED AT RECEPTION NO. 90500511;

THENCE NORTHERLY ALONG THE WESTERLY LINES OF SAID FLATIRONS PARK TO THE NORTHWEST CORNER OF LOT 14 OF SAID FLATIRONS PARK;

THENCE NORTHERLY TO THE SOUTHWEST CORNER OF LOT 1, FLAGSTAFF SUBDIVISION, PLAT RECORDED AT RECEPTION NO. 90797939;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 1 TO A POINT ON THE SOUTH LINE OF KECOUGHTAN HILLS, PLAT RECORDED AT RECEPTION NO. 90637214;

THENCE WEST ALONG THE SOUTH LINE OF SAID KECOUGHTAN HILLS TO THE SOUTHWEST CORNER THEREOF;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID KECOUGHTAN HILLS, TO THE NORTHWEST CORNER THEREOF;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID KECOUGHTAN HILLS TO A POINT ON THE NORTH LINE OF LOT 9 OF SAID KECOUGHTAN HILLS THAT IS INTERSECTED BY THE SOUTHERLY EXTENSION OF

THE WEST RIGHT-OF-WAY LINE OF MARSHALL STREET; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY EXTENSION TO A POINT ON THE WEST RIGHT-OF-WAY OF MARSHALL STREET THAT IS THE POINT OF

INTERSECTION OF WEST RIGHT-OF-WAY LINE OF MARSHALL STREET AND THE WESTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF PLEASANT STREET; THENCE WEST TO THE WESTERN BOUNDARY OF

BLOCK 8, VERMONT ADDITION PLAT RECORDED AT 90015837; THENCE NORTH ALONG THE WEST BOUNDARY OF SAID BLOCK 8 TO THE SOUTH LINE OF LOT 3, BLOCK 8 OF SAID VERMONT ADDITION;

THENCE WEST 50 FEET; THENCE NORTH TO A POINT 50 FEET WEST OF THE SOUTHWEST CORNER OF LOT 1, BLOCK 8 SAID VERMONT ADDITION; THENCE EAST TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE NORTH ALONG THE WEST LINE OF SAID LOT 1 TO THE NORTHWEST CORNER THEREOF; THENCE EASTERLY ALONG THE NORTH LINE OF SAID BLOCK 8 TO THE NORTHEAST CORNER THEREOF; THENCE

NORTH ALONG THE EAST LINE OF THAT PROPERTY DESCRIBED ON FILM 1402 AT RECEPTION NO. 751339, TO THE NORTHEAST CORNER THEREOF;
THENCE NORTHWESTERLY ALONG THE NORTHERLY LINES OF THAT PROPERTY DESCRIBED ON FILM 1469 AT RECEPTION NO. 842349 TO THE NORTHERNMOST CORNER THEREOF;
THENCE SOUTH ALONG THE EAST LINE OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 2025869, TO THE SOUTHEAST CORNER THEREOF;
THENCE WEST ALONG THE SOUTH LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 2025869 TO THE SOUTHEAST CORNER OF OUTLOT A, HILLSIDE MEADOWS, PLAT RECORDED ON FILM 1643 AT RECEPTION NO. 1063738;
THENCE NORTH ALONG THE EAST LINE OF SAID OUTLOT A TO THE NORTHEAST CORNER THEREOF;
THENCE NORTHWESTERLY ALONG THE NORTHERLY LINES OF SAID OUTLOT A TO THE NORTHWEST CORNER THEREOF;

MARINE STREET NORTH TO PEARL STREET

THENCE WESTERLY ALONG THE SOUTH LINE OF THE ARAPAHOE WEST, PLAT RECORDED AT RECEPTION NO. 102555 TO THE SOUTHWEST CORNER THEREOF;
THENCE WEST ALONG THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN RECEPTION NO. 3459369 TO THE SOUTHWEST CORNER THEREOF;
THENCE WEST ALONG THE SOUTH LINE OF THAT PUBLIC HIGHWAY DESCRIBED ON FILM 593 AT RECEPTION NO. 837907 TO AN EASTERLY CORNER OF THAT PROPERTY DESCRIBED ON FILM 1788 AT RECEPTION NO. 1252849;
THENCE SOUTHERLY ALONG THE EASTERLY LINES OF THAT PROPERTY DESCRIBED ON FILM 1788 AT RECEPTION NO. 1252849 TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 2275655;
THENCE SOUTH 200 FEET ALONG THE EAST LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 2275655;
THENCE WEST TO A POINT ON THE WEST LINE OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 2706015, LOCATED 200 FEET SOUTH OF THE NORTHWEST CORNER THEREOF (SEE THAT LAND SURVEY PLAT FILED AS SURVEY NO. LS-06-0103 AT THE BOULDER COUNTY LAND USE DEPARTMENT);
THENCE NORTHERLY ALONG THE WEST LINE OF THAT PROPERTY DESCRIBED IN RECEPTION NO. 2706015 TO THE NORTHWEST CORNER THEREOF;
THENCE WESTERLY ALONG THE SOUTH LINE OF THAT PROPERTY DESCRIBED ON FILM 1788 AT RECEPTION NO. 1252849 TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID PROPERTY DESCRIBED ON FILM 1788 AT RECEPTION NO. 1252849 TO THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 3411974 (SEE THAT LAND SURVEY PLAT FILED AS SURVEY NO. LS-15-0032 AT THE BOULDER COUNTY LAND USE DEPARTMENT);
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 3411974 TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID PROPERTY DESCRIBED IN RECEPTION NO. 3411974 TO THE NORTHWEST CORNER THEREOF;
THENCE NORTHERLY TO THE SOUTHEAST CORNER OF LOT 1, CANYONSIDE OFFICE PARK SUBDIVISION, PLAT RECORDED ON FILM 2049 AT RECEPTION NO. 1513503;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 1, TO THE SOUTHWEST CORNER THEREOF;
THENCE SOUTH ALONG THE EAST LINE OF LOT 3, CANYONSIDE OFFICE PARK SUBDIVISION TO THE SOUTHEAST CORNER THEREOF;
THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 3 TO THE SOUTHWEST CORNER THEREOF;

THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 3 EXTENDED TO A POINT ON THE WESTERLY LINE (CORNER 3 AND CORNER 4) OF THE AARON ROOD PLACER CLAIM, (SEE BLM RECORDS FOR SURVEY NO. 86);
THENCE NORTHERLY TO CORNER NO. 4 OF SAID AARON ROOD PLACER CLAIM;
THENCE ALONG LINE 4-5 OF SAID AARON ROOD PLACER CLAIM TO CORNER NO. 3 OF T.J. GRAHAM PLACER (MINERAL SURVEY NO. 144) [NOTE: SEE CANON PARK SUBDIVISION (BLOCKS 2, 3, 4 AND 5), PLAT RECORDED AT RECEPTION NO. 90153107];
THENCE WEST ALONG THE SOUTHERLY LINES OF SAID T.J. GRAHAM PLACER TO THE CORNER NO. 7 THEREOF;
THENCE NORTHEASTERLY ALONG THE NORTHERLY LINES OF SAID T.J. GRAHAM PLACER TO CORNER NO. 12 THEREOF;
THENCE EASTERLY ALONG LINE 12-1 OF SAID T.J. GRAHAM PLACER TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 119;
THENCE NORTHERLY AND EASTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 3280966;
THENCE NORTH ALONG THE WEST LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 3280966 TO THE NORTHWEST CORNER THEREOF;
THENCE EAST ALONG THE NORTH LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 3280966 TO THE NORTHEAST CORNER THEREOF;
THENCE SOUTHERLY ALONG THE EAST LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 3280966 TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 3280965;
THENCE SOUTH ALONG THE EAST LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 3280965 TO THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY 119;
THENCE EASTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID HIGHWAY 119 TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF PEARL STREET;
THENCE EASTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID PEARL STREET TO THE SOUTHWEST CORNER OF LOT 1A, BRIERLEY ORCHARD REPLAT A, PLAT RECORDED ON FILM 1399 AT RECEPTION NO. 748177;

PEARL ST TO ALPINE

THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 1A TO THE NORTHWEST CORNER THEREOF;
THENCE NORTHERLY ALONG THE WESTERLY LINES OF KNOLLWOOD SECOND ADDITION, PLAT RECORDED ON FILM 644 AT RECEPTION NO. 888310 TO THE SOUTHEAST CORNER OF OUTLOT C, KNOLLWOOD FIRST ADDITION, PLAT RECORDED AT RECEPTION NO. 90831672;
THENCE NORTHERLY ALONG THE EASTERLY LINES OF SAID OUTLOT C TO A POINT ON THE SOUTH LINE OF THAT PROPERTY DESCRIBED ON FILM 1670 AT RECEPTION NO. 1099939;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID PROPERTY DESCRIBED ON FILM 1670 AT RECEPTION NO. 1099939 TO THE SOUTHWEST CORNER THEREOF, SAID CORNER ALSO BEING A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST;
THENCE NORTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SUNSHINE CANYON DRIVE;
THENCE WESTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF SAID SUNSHINE CANYON DRIVE TO A POINT ON THE WEST LINE OF LOT 25, MOUNT SANITAS HEIGHTS, PLAT RECORDED AT RECEPTION NO. 90591717 EXTENDED SOUTHERLY;
THENCE NORTHERLY TO THE SOUTHWEST CORNER OF SAID LOT 25;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 25 TO THE NORTHWEST CORNER THEREOF;

THENCE NORTHEASTERLY ALONG THE WESTERLY LINES OF SAID MOUNT SANITAS HEIGHTS TO A POINT ON WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25;
THENCE NORTH ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25;
THENCE EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25 TO A POINT ON THE WEST LINE OF BLOCK 49, AMENDED PLAT OF PART OF THE NEWLAND'S ADDITION, RECORDED AT RECEPTION NO. 90093420 EXTENDED SOUTHERLY;
THENCE NORTHERLY TO THE SOUTHWEST CORNER OF SAID BLOCK 49;
THENCE EASTERLY ALONG THE SOUTH LINE OF SAID BLOCK 49 TO A POINT LYING 125 FEET WEST OF THE SOUTHEAST CORNER OF SAID BLOCK 49;

ALPINE TO LOCUST

THENCE NORTHERLY, PARALLEL TO THE EAST LINE OF BLOCKS 49, 50, 51, 52 AND 53 OF SAID AMENDED PLAT OF PART OF THE NEWLAND'S ADDITION TO A POINT ON THE NORTH LINE OF SAID BLOCK 53, LYING 125 FEET WEST OF THE NORTHEAST CORNER THEREOF;
THENCE NORTHEASTERLY TO THE SOUTHWEST CORNER OF LOT 1, DAKOTA RIDGE, PLAT RECORDED ON FILM 894 AT RECEPTION NO. 145880;
THENCE NORTH ALONG THE WESTERLY LINES OF LOTS 1, 2 AND 3 OF SAID DAKOTA RIDGE TO THE NORTHWEST CORNER OF SAID LOT 3;
THENCE WESTERLY ALONG THE SOUTH LINE OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 2343963, TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 2343963 TO THE NORTHWEST CORNER THEREOF;
THENCE EASTERLY ALONG THE NORTH LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 2343963 TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 1813593;
THENCE NORTHWESTERLY ALONG THE WEST LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 1813593 TO THE SOUTHEAST CORNER OF LOT 2, ALVIN NEW SUBDIVISION, PLAT RECORDED AT RECEPTION NO. 90763997;
THENCE NORTHERLY ALONG THE WESTERLY LINES OF SAID LOT 2, TO THE NORTHERNMOST CORNER THEREOF;
THENCE NORTHEASTERLY TO THE NORTHEAST CORNER OF OUTLOT C OF SAID ALVIN NEW SUBDIVISION, SAID CORNER LYING ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 71 WEST;
THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER TO THE WESTERLY LINE OF SILVER LAKE DITCH;
THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID SILVER LAKE DITCH TO AN ANGLE POINT ON THE SOUTHERLY LINE OF THAT PROPERTY DESCRIBED AT RECEPTION NO. 3349903;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 3349903 TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 3349903 TO THE NORTHWEST CORNER THEREOF;
THENCE EASTERLY ALONG THE NORTH LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 3349903 TO THE SOUTHWEST CORNER OF CUNNINGHAM FARM, PLAT RECORDED AT RECEPTION NO. 2738188;
THENCE NORTHERLY ALONG THE WESTERLY LINES OF SAID CUNNINGHAM FARM TO THE NORTHWEST CORNER THEREOF, SAID CORNER ALSO LYING ON THE SOUTHERLY LINE OF SPRING VALLEY ESTATES, PLAT RECORDED AT RECEPTION 90792353;

THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SPRING VALLEY ESTATES TO THE SOUTHEAST CORNER OF LOT 41 THEREOF;
THENCE NORTHERLY ALONG THE WESTERLY LINES OF SAID SPRING VALLEY ESTATES TO THE WESTERLY ANGLE POINT OF LOT 17 THEREOF, SAID POINT LYING ON THE NORTH LINE OF SAID SECTION 24 ACCORDING TO THE RECORDED PLAT OF SPRING VALLEY ESTATES;
THENCE NORTH ALONG THE WESTERLY LINE OF SAID LOT 17, A DISTANCE OF 100 FEET;
THENCE NORTHEASTERLY TO THE NORTHEAST CORNER OF LOT 14 OF SAID SPRING VALLEY ESTATES;
THENCE NORTHERLY TO A POINT ON THE NORTH LINE OF SAID SPRING VALLEY ESTATES, SAID POINT LYING 200 FEET WEST OF THE NORTHEAST CORNER OF LOT 7 THEREOF;
THENCE EAST ALONG THE NORTHERLY LINE OF SAID SPRING VALLEY ESTATES TO THE NORTHEAST CORNER THEREOF;
THENCE NORTHERLY TO THE WESTERNMOST CORNER OF THAT PROPERTY DESCRIBED ON FILM 1363 AT RECEPTION NO. 701676;

LOCUST TO US 36

THENCE NORTHERLY ALONG THE WESTERLY LINES OF SAID PROPERTY DESCRIBED ON FILM 1363 AT RECEPTION NO. 701676 TO THE NORTHWEST CORNER THEREOF;
THENCE EAST ALONG THE NORTH LINE OF SAID PROPERTY DESCRIBED ON FILM 1363 AT RECEPTION NO. 701676 TO A POINT ON THE WEST LINE OF THAT PROPERTY DESCRIBED ON FILM 1296 AT RECEPTION NO. 612855
THENCE NORTH ALONG THE WEST LINE OF SAID PROPERTY DESCRIBED ON FILM 1296 AT RECEPTION NO. 612855 TO A SOUTHERLY CORNER OF OUTLOT D, MARY V. MOORE, PLAT RECORDED ON FILM 1771 AT RECEPTION NO. 1233694, SAID CORNER LYING ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 71 WEST;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID OUTLOT D TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID OUTLOT D TO THE NORTHWEST CORNER THEREOF;
THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID OUTLOT D TO THE SOUTHWEST CORNER OF FOUR MILE RANCH SUBDIVISION, PLAT RECORDED ON FILM 1799 AT RECEPTION 1265787;
THENCE NORTHERLY ALONG THE WESTERLY LINES OF SAID FOUR MILE RANCH SUBDIVISION TO THE NORTHWEST CORNER OF LOT 1 OF SAID FOUR MILE RANCH SUBDIVISION;
THENCE NORTHERLY TO THE SOUTHEAST CORNER OF OUTLOT B, WINEGLASS RANCH SUBDIVISION, PLAT RECORDED AT 2695196;
THENCE WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF LEE HILL DRIVE AS SHOWN ON THE RECORDED PLAT OF WINEGLASS RANCH SUBDIVISION TO THE SOUTHWEST CORNER OF LOT 5, OF SAID WINEGLASS RANCH SUBDIVISION;
THENCE NORTHEASTERLY TO THE NORTHWEST CORNER OF LOT 3 OF SAID WINE GLASS RANCH SUBDIVISION;
THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 3 TO THE NORTHEAST CORNER THEREOF;
THENCE EASTERLY ALONG THE NORTH LINE OF LOT 3 EXTENDED EASTERLY TO A POINT ON THE WEST LINE OF OUTLOT B, DAKOTA RIDGE VILLAGE SUBDIVISION PHASE 1, PLAT RECORDED AT RECEPTION NO. 2114900;
THENCE NORTHERLY ALONG THE WEST LINE OF SAID OUTLOT B TO THE NORTHWEST CORNER THEREOF;
THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF SAID OUTLOT B TO THE WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 36.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE: Continued second reading and consideration of a motion to adopt and order published by title only, Ordinance 8130 submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 8, 2016, the question of authorizing the city council to impose an excise tax of two cents per ounce on the distribution of drinks with added sugar, and sweeteners used to produce such drinks, and if the measure passes adding to the Boulder Revised Code a new chapter 3-16, “Sugar-Sweetened Beverage Product Distribution Tax,” B.R.C. 1981, and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
David Gehr, Deputy City Attorney
Bob Eichem, Chief Financial Officer
Kathy Haddock, Senior Assistant City Attorney

EXECUTIVE SUMMARY

On July 19, 2016 a council committee of the whole accepted the Certificate of Sufficiency produced by the city clerk for an initiative to consider placing a sugar-sweetened beverage tax on the November 8, 2016 ballot. The council committee voted unanimously to proceed with considering an appropriate ordinance. On August 2, 2016, council passed Ordinance 8130 on first reading. This agenda item seeks consideration of Ordinance 8130 on second reading. The effect of adopting this ordinance will be:

- Adopt a ballot title and place before the voters the question whether to adopt a two cent per ounce tax on distributors of sugar-sweetened beverages.

- The proposed ordinance also would add a new chapter 3-16 to the Boulder Revised Code as a council ordinance if the tax ballot measure passes. The proposed ordinance is in Attachment A.

Suggested Motion Language:

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

Continued second reading and consideration of motion to adopt and order published by title only, Ordinance 8130, as set forth in Attachment A submitting to the electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 8, 2016, the question of authorizing the city council to impose an excise tax of two cents per ounce on the distribution of drinks with added sugar, and sweeteners used to produce such drinks, exempting: (1) sweeteners sold separately to the consumer at a grocery store; (2) milk products; (3) baby formula; (4) alcohol; and (5) drinks taken for medical reasons, taxing the first distributor on any chain of distribution; and requiring the city to publish a report detailing revenue collected and the type and amount of expenditures made as a result of the tax; giving approval for the collection, retention and expenditure of the full tax proceeds and any related earnings, notwithstanding any state revenue or expenditure limitation; and setting forth the effective date, ballot title, adding a new chapter 3-16, “Sugar-Sweetened Beverage Product Distribution Tax,” B.R.C. 1981 and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – A new excise tax would create an incremental economic impact equal to the amount of the tax increase approved by the voters. It is expected that the tax would be passed on to consumers. The new revenue collected would provide increased funds for various health related activities.
- Environmental – It is possible that the increased cost could reduce the sales of sugar-sweetened beverages with an associated reduction of cans and bottles into the waste and recycling streams.
- Social – Proponents of the initiative assert that the measure will have significant health and social impacts.

OTHER IMPACTS

- Fiscal – The measure should be revenue neutral to the city. Any administrative expenses are to be covered out of the tax revenue. The tax is dedicated to new programs. No funds can be used for programs not described in the proposed ordinance.
- Staff time – Staff time is limited principally to the city attorney’s office. Work on this matter has not affected other work. If passed, implementation of the tax

measure will add significantly to the work plan for the finance department and the city attorney's office.

PUBLIC FEEDBACK

A council committee of the whole held a public hearing at the July 19, 2016 city council meeting. Several people participated in the public hearings and provided input on the proposed ballot measure. Staff met with two members of the initiative committee, the campaign manager, their attorney and other supporters on Monday, July 25, 2016. Council held a second public hearing on August 2, 2016. Members of the public testified.

BACKGROUND

The petition committee for a new tax on sugar-sweetened beverage products submitted its completed petition on June 27, 2016. On July 7, 2016, the city clerk, after examining 9,417 signatures, determined that there were sufficient valid signatures to meet the 4,650 signature requirement. The city clerk and her staff reviewed all of the petitions. The city clerk found 2,220 signatures not valid.

The city clerk provided the council committee with a Certificate of Sufficiency. Under the Boulder Home Rule Charter, the city clerk was required to transmit the Certificate of Sufficiency to the city council at its next regular meeting. The city council is required to form a council committee to hold a public hearing within 60 days and make a recommendation to the council. A public hearing on this agenda item was noticed and part of the July 19 agenda. At the July 19 meeting, council recessed into a committee of the whole and held the required public hearing. The committee passed the measure for decision by the council.

Under the Charter, when a valid petition to enact an ordinance is presented to the city council, it has two choices. The council may (1) pass the ordinance, or (2) in the event that the council fails to pass the measure, it is directed to put the ordinance on the ballot.

At the July 19, 2016 council meeting, council considered these two options. The council decided to accept the staff recommendation and to conditionally adopt the code amendments that were in the petition circulated by the petitioners. Council also decided to place a "TABOR" ballot measure before the voters. The council's adoption of this new chapter to Title 3, "Revenue and Taxation," B.R.C. 1981 would be effective only upon the passage of the TABOR ballot issue. See § 4 of Ordinance 8130. If council adopts the proposed Ordinance 8130, only the TABOR measure will be placed on the November 8, 2016 ballot.

The second option, not selected at the July 19 meeting, would have placed the measure from the petition itself before the voters for approval as a "people's ordinance."

Thus, the TABOR ballot measure and the implementing code amendments in Ordinance 8130 are legislative acts of the council. The ordinance is not an initiated or "people's"

ordinance because the council chose to adopt the amendments to the revenue and taxation code as a council legislative act.

PROPOSED ORDINANCE

The proposed ordinance in Attachment A seeks voter approval of the proposed tax. Attachment A would add a new Chapter 3-16 to the Boulder Revised Code if the tax passes. Attachment A tracks the city's normal practice for submitting taxes to the voters and is the option selected by council at the August 2 meeting.

PROTEST FILED

A protest was filed on August 8, 2016, against the petitions asserting that the petition committee did not follow the proper procedures for this measure to be on the ballot. The city clerk held a hearing on the protest on August 18, 2016. The clerk issued a decision denying the protest on August 29, 2016. On the same day, the protestor, Mark Gelband filed a Petition in the District Court seeking an order (1) determining the Petition is insufficient because it is confusing and misleading, and (2) determining the city clerk cannot certify the Petition before the deadline for the November election. The Protestor has requested an immediate hearing. The Honorable Norma Sierra has scheduled oral argument on September 6, 2016 at 9:00 a.m. Judge Sierra has stated that she will attempt to issue a decision prior to 6:00 p.m. to allow council to have the benefit of the decision before the September 6, 2016 council meeting.

The Petition does not seek to enjoin or otherwise affect council's decision whether or not to pass the proposed ordinance. The relief requested is as follows:

A. For an order forthwith determining that the Petition is insufficient and the signature invalid because the Petition is confusing and misleading,

B. For an order forthwith determining that the city clerk cannot certify the Petition prior to the deadline for submitting petitions for this coming November election, see Charter, art. IV, § 41,

Even if Judge Sierra grants all of the relief requested, council can proceed with consideration of Ordinance 8130 as passed on first reading. Council passed the ordinance as its own legislative act rather than to put the initiated measure on the ballot. Adopting Ordinance 8130 and putting the TABOR question on the ballot as a council referred measure is not affected by the Petition filed in district court.

If, however, Judge Sierra grants the relief requested, council would be relieved of the obligation to put anything on the ballot. Thus, if the court strikes down the initiative before September 6, 2016, then council would still have the choice of either passing Ordinance 8130 or not passing it. If the court does nothing, council would still be required to respond to the initiative by either adopting it or placing it on the ballot. This would most likely mean passing Ordinance 8130, although council could still revert to the one of the other options considered previously. If the court does not issue a decision

by September 6, council would still be obligated to go forward, because the initiative would not have been invalidated.

Any order of the district court would be subject to review by the Colorado Supreme Court. Council for the initiative committee has stated that if Judge Sierra invalidates the petitions, she will appeal to the Supreme Court.

The protest filed and related documents can be found at:

<https://documents.bouldercolorado.gov/WebLink8/0/doc/136497/Electronic.aspx>

ATTACHMENT

Attachment A – Proposed Ordinance 8130

ORDINANCE NO. 8130

(Sugar Sweetened Beverage Product Distribution Tax)

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO IMPOSE AN EXCISE TAX OF 2 CENTS PER OUNCE ON THE DISTRIBUTION OF DRINKS WITH ADDED SUGAR, AND SWEETENERS USED TO PRODUCE SUCH DRINKS, EXEMPTING: (1) SWEETENERS SOLD SEPARATELY TO THE CONSUMER AT A GROCERY STORE; (2) MILK PRODUCTS; (3) BABY FORMULA; (4) ALCOHOL; AND (5) DRINKS TAKEN FOR MEDICAL REASONS, TAXING THE FIRST DISTRIBUTOR ON ANY CHAIN OF DISTRIBUTION; AND REQUIRING THE CITY TO PUBLISH A REPORT DETAILING REVENUE COLLECTED AND THE TYPE AND AMOUNT OF EXPENDITURES MADE AS A RESULT OF THE TAX; GIVING APPROVAL FOR THE COLLECTION, RETENTION AND EXPENDITURE OF THE FULL TAX PROCEEDS AND ANY RELATED EARNINGS, NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION; AND SETTING FORTH THE EFFECTIVE DATE, BALLOT TITLE, ADDING A NEW CHAPTER 3-16, "SUGAR SWEETENED BEVERAGE PRODUCT DISTRIBUTION TAX," B.R.C. 1981, ALL EFFECTIVE JULY 1, 2017 AND SETTING FORTH RELATED DETAILS.

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

Section 1. A special municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 8, 2016.

Section 2. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote the issue of a sales and use tax increase as described in the ballot issue title in this ordinance.

SHALL THE FULL PROCEEDS OF SUCH TAXES AT SUCH RATES AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT, AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION, RETENTION, OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE CITY OF BOULDER UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

FOR THE ISSUE _____ AGAINST THE ISSUE _____

Section 4. If this ballot issue is approved by the voters, the City Council further amends the Boulder Revised Code, effective on July 1, 2017, to add a new Chapter 3-16 as follows:

Chapter 16 Sugar Sweetened Beverage Product Distribution Tax

Section 3-16-1 Findings and Purpose

- (a) An excise tax on the distribution of sugar-sweetened beverages is intended to protect the health, safety, and well-being of all in the City of Boulder.
- (b) Whereas consuming one sugar-sweetened beverage a day increases the risk for childhood obesity by 55%.
- (c) Whereas consuming one sugar-sweetened beverage a day increases the risk of developing type two diabetes by 25%.
- (d) Whereas consuming one sugar-sweetened beverage a day increases the likelihood of death from cardiovascular disease by 30%.

Section 3-16-2 Imposition and Rate of Tax

- (a) Excise tax. There is levied and shall be paid and collected an excise tax of two cents (\$0.02) per fluid ounce of sugar-sweetened beverage products that are distributed in the city.
- (b) For purposes of calculating the tax imposed under this chapter, the volume, in fluid ounces, of a sugar-sweetened beverage product shall be:
 - (1) For a bottled sugar-sweetened beverage the tax shall be calculated on the volume, in fluid ounces, of sugar-sweetened beverages distributed to any person in the course of business in the city.
 - (2) For a sugar-sweetened beverage made from syrups and powders 'the tax shall be calculated on the largest volume of fluid ounces of sugar-sweetened beverages that

1 could be produced from syrup or powder upon the initial distribution of syrup or
2 powder.

3 **Section 3-16-3 Distributor Liable for Tax**

4 Each distributor of sugar-sweetened beverage products shall pay the tax imposed in subsection 3-
5 16-2 on each non-exempt distribution of a sugar-sweetened beverage product, except that if there
6 is a chain of distribution within the City of Boulder involving more than one distributor, the tax
7 shall be levied on the first distributor subject to the jurisdiction of the city, unless the tax is not
8 paid by the first distributor for any reason, it shall be levied on subsequent distributors, provided
9 that the distribution of sugar-sweetened beverage products may not be taxed more than once in
10 the chain of commerce.

11 **Section 3-16-4 Definitions**

12 For the purposes of this Chapter 16, unless the context otherwise requires:

13 "Beverage for Medical Use" means a beverage suitable for human consumption and
14 manufactured for use as a:

- 15 (1) Source of necessary nutrition due to a medical condition, or
- 16 (2) For use as an oral rehydration electrolyte solution for infants and children
17 formulated to prevent or treat dehydration due to illness.

18 "Beverage for Medical Use" shall not include drinks commonly referred to as "Sports Drinks" or
19 any other common names that are derivations thereof.

20 "Bottled Sugar-Sweetened Beverage" means any sugar-sweetened beverage contained in a bottle
21 that is ready for consumption without further processing, such as, and without limitation, dilution
22 or carbonation.

23 "Caloric Sweetener" means a substance or combination of substances suitable for human
24 consumption that adds calories to and is perceived as sweet to humans when consumed,
25 including, but not limited to sucrose, dextrose, fructose, glucose, other mono and disaccharides;
26 corn syrup or high-fructose corn syrup; or any other caloric sweetener designated by the city
27 manager.

28 "Consumer" means a natural person who purchases a sugar-sweetened beverage product in the
city for a purpose other than resale in the ordinary course of business.

"Distribution" or "Distribute" means the transfer of title or possession:

- (1) From one business entity to another for consideration, or
- (2) Within a single business entity, such as by a wholesale or warehousing unit to a
retail outlet or between two or more employees or contractors.

"Distribution" or "Distribute" shall not mean the retail sale to a consumer.

"Distributor" means any person who distributes sugar-sweetened beverage products in the city.

1 "Milk Products" means natural fluid milk, regardless of animal source or butterfat content,
2 natural milk concentrate, whether or not reconstituted, regardless of animal source or butterfat
3 content, or dehydrated natural milk, whether or not reconstituted and regardless of animal source
4 or butterfat content, and plant-based milk substitutes, that are marketed as milk, such as soy
milk, coconut milk, rice milk and almond milk.

5 "Powder" means any solid mixture, containing one or more caloric sweetener as an ingredient,
6 intended to be used in making, mixing, or compounding a sugar-sweetened beverage by
combining the powder with one or more ingredients.

7 "Retailer of Sugar-Sweetened Beverage Products" means a person, other than a distributor,
8 manufacturer, or wholesaler who receives, stores, mixes, compounds, or manufactures a sugar-
9 sweetened beverage and sells or otherwise dispenses the sugar-sweetened beverage to the
ultimate consumer.

10 "Simple Syrup" means a mixture of water and one or more natural or common sweeteners
without any additional ingredients.

11 "Sugar-Sweetened Beverage" means any non-alcoholic beverage which contains at least 5 grams
12 of caloric sweetener per 12 fluid ounces.

13 (1) "Sugar-Sweetened Beverage" includes all drinks and beverages commonly referred
14 to as "soda," "pop," "cola," "soft drinks," "sports drinks," "energy drinks,"
15 "sweetened ice teas," "sweetened coffees," or any other common names that are
derivations thereof.

16 (2) "Sugar-Sweetened Beverage" does not include any of the following:

- 17 i. Any beverage in which milk is the primary ingredient, i.e., the ingredient
18 constituting a greater volume of the product than any other;
- 19 ii. Any beverage for medical use;
- 20 iii. Any liquid sold for use for weight reduction as a meal replacement;
- 21 iv. Any product commonly referred to as "infant formula" or "baby formula;"
- 22 v. Any alcoholic beverage;
- 23 vi. Any beverage consisting of one hundred (100) percent natural fruit or vegetable
24 juice with no added caloric sweetener for purposes of this paragraph, "natural
fruit juice" and "natural vegetable juice" mean the original liquid resulting from
the pressing of fruits or vegetables; or
- 25 vii. Sweetened medication such as cough syrup, liquid pain relievers, fever
26 reducers, and similar products.

27 "Sugar-Sweetened Beverage Product" means a bottled sugar-sweetened beverage or a sugar-
28 sweetened beverage made from the dilution of syrup or powder.

1 "Syrup" means any liquid mixture, containing one or more caloric sweeteners as an ingredient,
2 intended to be used in making, mixing, or compounding a sugar-sweetened beverage by
3 combining the syrup with one or more other ingredients.

4 **Section 3-16-5 Exemptions**

5 The tax imposed by this chapter shall not apply:

- 6 (a) To any distribution of syrups and powders sold directly to a consumer and intended for
7 personal use by a consumer that are not already pre-mixed into a sugar-sweetened
8 beverage product such as granulated sugar, honey, agave and similar products.
- 9 (b) To any milk product.
- 10 (c) To infant formula.
- 11 (d) To any alcoholic beverage.
- 12 (e) To any beverage for medical use.

13 **Section 3-16-6 Duties, Responsibilities and Authority of the City Manager**

- 14 (a) The city manager is authorized to collect and receive all taxes imposed by this chapter,
15 and to keep an accurate record thereof.
- 16 (b) The city manager shall develop a registration system whereby distributors of sugar-
17 sweetened beverages must register with the city prior to distributing any sugar-sweetened
18 beverages.
- 19 (c) The city manager shall annually verify that the taxes owed under this chapter have been
20 properly applied, exempted, collected, and remitted.
- 21 (d) The city manager is authorized to enforce this chapter and may prescribe, adopt, and
22 enforce rules and regulations relating to the administration and enforcement of this
23 chapter, including provisions for the reexamination and correction of returns and
24 payments, and for reporting. Such rules and regulations shall include, but are not limited
25 to, the following:
 - 26 (1) The determination of the frequency with which a distributor must calculate the tax.
27 This determination shall not constitute an increase of the tax.
 - 28 (2) The determination of the frequency with which a distributor must pay the tax. This
determination shall not constitute an increase of the tax.
 - (3) The determination of the manner in which a distributor must register with the city.
 - (4) The determination of whether and how a distributor who receives, in the city, sugar-
sweetened beverage products from another distributor must report to the city the
name of that distributor.

1 (5) The determination of whether and how a distributor who receives, in the city, sugar-
2 sweetened beverage products from another distributor must report to the city the
3 volume of sugar-sweetened beverage products received from that distributor.

4 (6) The determination of what other documentation is required to be created or
5 maintained by a distributor of sugar-sweetened beverage products.

5 **Section 3-16-7 Collection**

6 (a) The amount of any tax, penalty, and interest imposed under the provisions of this chapter
7 shall be deemed a debt to the city. Any distributor owing money under the provisions of
8 this chapter shall be liable in an action brought in the name of the city for the recovery of
9 such amount.

10 (b) In order to aid in the city's collection of taxes due under this chapter, any retailer of sugar-
11 sweetened beverage products that receives sugar-sweetened beverage products from a
12 distributor, in accordance with rules and regulations promulgated by the city manager
13 pursuant to section 3-16-6, shall provide to the city evidence that the distributor from
14 whom the sugar-sweetened beverage products were received has registered as a distributor
15 with the city and that registration is current.

12 **Section 3-16-8 Refunds**

13 Whenever any tax under this chapter has been paid more than once or has been erroneously or
14 illegally collected or received by the city, it may be refunded only as provided in Chapter 3-2-23
15 of the Boulder Municipal Code.

16 **Section 3-16-9 Enforcement**

17 Except as otherwise provided by this chapter or by rule or regulation promulgated by the city
18 manager, the tax imposed by this Chapter shall be administered in the same manner as taxes
19 imposed pursuant to Chapter 3-2-2 and, without limitation, shall be subject to the same
20 delinquency penal ties, appeals processes and other enforcement provisions set forth in chapter
21 3-2- 22.

21 **Section 3-16-10 Not a Sales and Use Tax**

22 The tax imposed by this Chapter is a tax upon the privilege of conducting business, specifically,
23 distributing sugar-sweetened beverage products within the City of Boulder. It is not a sales, use,
24 or other excise tax on the sale, consumption or use of sugar-sweetened beverage products. The
25 tax imposed herein shall be in addition to any license fee or tax imposed or levied under any
26 other law, statute or ordinance where imposed or levied by the city, state, or other governmental
27 entity or political subdivision.

27 **Section 3-16-11 Dedicated Revenues**

28 The revenues from this excise tax shall be designated for the administrative cost of the tax, and
once that obligation has been fulfilled, used for health promotion, general wellness programs and

1 chronic disease prevention in the City of Boulder that improve health equity, such as access to
2 safe and clean drinking water, healthy foods, nutrition and food education, physical activity, and
3 other health programs especially for residents with low income and those most affected by
4 chronic disease linked to sugary drink consumption. In order to ensure that funds are allocated
5 appropriately as directed in this Chapter, the city shall accurately track and record all revenues
6 collected from the excise tax promulgated in Chapter 3-16-2 and accurately track and record all
7 administrative costs as detailed in Chapter 3-16-6. The city council shall annually publish a
8 public report on the city's website detailing the amount of revenue collected as a result of the tax
9 and the type and amount of expenditures made as a result of the tax levied in Chapter 3-16-2.

7 **Section 3-16-12 Enactment**

8 If a majority of all the votes cast at the election on the issue submitted shall be for the issue, the
9 issue shall be deemed to have passed and shall be effective July 1, 2017.

10 **Section 3-16-13 Severability**

11 The people of the City of Boulder hereby declare that they would have adopted each section,
12 sentence, clause, phrase, word, or portion of this ordinance, irrespective of the fact that any one
13 or more sections, sentences, clauses, phrases, words, or portions of this ordinance, or any
14 application thereof, be declared invalid or unenforceable and, to that end, the provisions of this
15 ordinance are severable. If any section, sentence, clause, phrase, word, or portion of this
16 ordinance, or any application thereof in any circumstance, is for any reason held to be invalid or
17 unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses,
18 phrases, words, or portions of this ordinance, and applications thereof, shall nonetheless remain
19 in full force and effect.

17 **Section 3-16-14 Municipal Affair**

18 The people of the City of Boulder hereby declare that the taxation of the privilege of distributing
19 sugar-sweetened beverage products and that the public health impact of sugar-sweetened
20 beverage products separately and together constitute municipal affairs. The people of the City of
21 Boulder hereby further declare their desire for this measure to coexist with any similar tax
22 adopted at the county or state levels.

23 Section 5. If this ballot issue is approved by the voters, the City Council may adopt
24 amendments to the Boulder Revised Code to further implement this excise tax and such other
25 amendments to the Boulder Revised Code as may be necessary to implement the intent and
26 purpose of this ordinance.
27
28



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: SEPTEMBER 6, 2016

AGENDA TITLE

Second reading and consideration of a motion to adopt Ordinance 8137 submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 8, 2016, the question of amending Section 4 of the Boulder Home Rule Charter, by adding a new paragraph to limit the terms of council members to no more than three terms in a lifetime and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
David Gehr, Deputy City Attorney
Kathy Haddock, Senior Assistant City Attorney
Lynnette Beck, City Clerk

EXECUTIVE SUMMARY

The purpose of this agenda item is to propose a ballot title for the initiated measure to amend the Charter to limit the term of council members to no more than three in the person's lifetime. The measure would apply to anyone elected after November 8, 2016.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Second reading and motion to adopt Ordinance 8137 submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 8, 2016, the question of amending Section 4 of the Boulder Home Rule Charter, by adding a paragraph to restrict eligibility of council members to those who have not been elected to three or more terms and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – None Identified.
- Environmental –None Identified.
- Social – Proponents assert that the measure will create more opportunities for a wider range of individuals to serve on the city council. The benefit will be offset to some extent by the loss of institutional memory on the city council.

OTHER IMPACTS

- Fiscal – The measure should be revenue neutral to the city.
- Staff time – Staff workload impact will be limited to additional time necessary to support training for new council members.

PUBLIC FEEDBACK

A council committee of the whole held a public hearing at the August 2, 2016 city council meeting. No member of the public testified.

BACKGROUND AND ANALYSIS

The petition that to lead the introduction of the attached ordinance proposes an amendment to the Boulder Home Rule Charter related to term limits for city council members. The law that applies to charter amendments includes both state law and the city charter.

The state constitution provides that only the “registered electors” have the right to amend a home rule charter. It further provides that the general assembly has that authority to set the procedures for such elections by statute. Colo. Constitution, art. XX, § 9. The statutory procedures can be found § 31-2-210, C.R.S. The council’s responsibilities in such instances is to ensure that process is followed and to set the ballot title. The language for the charter amendment is set in the petition. To be approved, it must receive a majority vote of the registered electors voting in the election.

A petitioner’s committee circulated a petition and the City Clerk provided a Certificate of Sufficiency to the petition committee and to council. A public hearing was noticed and the council recessed into a committee of the whole to hold the public hearing. The committee recommended to the council to direct staff to draft the ordinance necessary to put the initiative on the ballot.

This matter is the ordinance to place the initiated measure on the ballot. The contents of the petition circulated provided:

In order to broaden the opportunities for public service and to assure that elected officials of governments are responsive to the citizens of those governments, no person shall be eligible to office as Council member if he or she has been elected to office as Council member three or more times in his or her lifetime. This limitation on eligibility shall apply to any Council member serving a term of office on or after November 8, 2016, but shall

not prevent such Council member from completing a term in effect at that time.

The attached ordinances would place the following ballot question on the November 8, 2016, election ballot. The language is to mirror the first paragraph of Section 4 of the charter.

Shall Section 4 of the Boulder Home Rule charter be amended by adding a new paragraph to read: No person shall be eligible to the office of council member if such person has previously been elected to three or more terms of office after November 8, 2016?

A protest was filed on August 8, 2016, against the petitions asserting that the petition committee did not follow the proper procedures for this measure to be on the ballot. The hearing was held August 18 and on August 23, 2016, the Clerk denied the Protest.

The protest filed and related documents can be found at:
<https://documents.bouldercolorado.gov/WebLink8/0/doc/136495/Electronic.aspx>

ATTACHMENTS

Attachment A – Proposed Ordinance 8137

ORDINANCE 8137

AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 8TH DAY OF NOVEMBER, 2016, THE QUESTION OF AMENDING SECTION 4 OF THE BOULDER CITY CHARTER TO ADD A NEW PARAGRAPH TO LIMIT THE QUALIFICATIONS FOR SERVICE OF A COUNCILMEMBER TO THREE TERMS IN A LIFETIME; AND SETTING FORTH RELATED DETAILS.

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

Section 1. A special municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 8, 2016.

Section 2. At that election, a question shall be submitted to the electors of the city of Boulder entitled by law to vote, that will allow voters to consider the following amendment to Section 4 of the city Charter pertaining to the qualifications of councilmembers by adding a new paragraph as follows:

Sec. 4 - Qualifications of council members.

No person shall be eligible to the office of a council member if such person has previously been elected to three or more terms of office.

Section 3. The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

QUESTION NO. _____

QUALIFICATIONS OF COUNCIL MEMBERS

Shall Section 4 of the Boulder Home Rule charter be amended by adding a new paragraph to restrict councilmembers to three terms in the person’s lifetime, which requirement shall apply to any candidate for council after November 8, 2016?

1 For the measure _____ Against the measure _____

2 Section 4. If a majority of all the votes cast at the election on the measure submitted
3 are for the measure, the measure shall be deemed to have passed and the Charter shall be
4 amended as provided in this ordinance. If this ballot measure is approved by the voters, the
5 Charter shall be so amended, and the City Council may adopt any necessary amendments to the
6 Boulder Revised Code to implement this change.

7 Section 5. This ordinance is necessary to protect the public health, safety, and
8 welfare of the residents of the city, and covers matters of local concern.

9 Section 6. The City Council deems it appropriate that this ordinance be published by
10 title only and orders that copies of this ordinance be made available in the office of the city clerk
11 for public inspection and acquisition.
12

13 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
14 TITLE ONLY this 16th day of August, 2016.

15
16 _____
17 Mayor

18 Attest:
19 _____
20 City Clerk
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED

BY TITLE ONLY this 6th day of September, 2016.

Mayor

Attest:

City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE: Second reading and consideration of a motion to amend and order published by title only Ordinance 8124, amending Section 9-6-5(d) “Mobile Food Vehicle Sales,” and Section 9-16-1(c) “Definitions,” B.R.C. 1981 to redefine “Mobile Food Vehicle” to include bicycle mobile food vehicles; amending Section 7-6-28, “Bicycle Parking,” B.R.C. 1981; and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Mary Ann Weideman, Deputy City Manager
Tom Carr, City Attorney
Molly Winter, Executive Director, Community Vitality
David Driskell, Executive Director, Planning Housing and Sustainability
Sandra M. Llanes, Senior Assistant City Attorney
Caeli Hill, Associate Planner, Planning Housing and Sustainability
Lane Landrith, Business and Special Events Coordinator, Community Vitality
Mishawn Cook, License & Collection Administrator, Finance
Teresa Jackson, Events Manager, Parks & Recreation

EXECUTIVE SUMMARY

The purpose of this Council agenda item is to expand the current definition of mobile food vehicles to include bicycle food vehicles. The same set of application requirements related to mobile food vehicles would apply to bicycle food vehicles with two exceptions. Instead of requiring a driver’s license or auto insurance, the requirement for bicycle food vehicles would be a valid state issued picture identification and general liability insurance coverage. Sales would still be limited to the existing defined zones and areas and bicycle food vehicles would not be able to sell in transit (sidewalks, paths, trails, etc.). Lastly, an exception was created to allow for parking of bicycle food vehicles in areas where motorized food vehicles park.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to amend and order published by title only Ordinance 8124, amending Section 9-6-5(d) "Mobile Food Vehicle Sales," and Section 9-16-1(c) "Definitions," B.R.C. 1981 to redefine "Mobile Food Vehicle" to include bicycle mobile food vehicles; amending Section 7-6-28, "Bicycle Parking," B.R.C. 1981; and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The bicycle mobile food vehicle ordinance will enable and support the burgeoning mobile food vending industry by creating relatively affordable opportunities for new, local businesses while enhancing and building on Boulder's very successful food culture.
- Environmental – Providing mobile food vending within industrial areas will lessen vehicle miles traveled (VMT) by reducing the desire for employees to travel to restaurants. Bicycle mobile food vehicles fully support the city of Boulder climate action plan and reduction of carbon emission goals.
- Social – There are no perceived direct impacts on social sustainability. However, bicycle mobile food vehicles will be allowed to participate in special events such as festivals that provide opportunities for social and cultural interaction.

OTHER IMPACTS

- Fiscal - Budgetary impacts to the city organization would not be affected.
- Staff time – Licensing staff will be able to process applications without need for additional support.

BOARD AND COMMISSION FEEDBACK

City of Boulder Planning Board Motion on June 2, 2016:

On a motion by J. Putnam, seconded by H. Zuckerman, the Planning Board voted 6-0 (C. Gray absent) to recommend approval of an ordinance amending Section 9-6-5(d) "Mobile Food Vehicle Sales," amending Section 9-16-1(c) "Definitions," to redefine "Mobile Food Vehicle" to include human powered vehicles, amending Section 7-6-28, B.R.C. 1981, "Bicycle Parking" and setting forth related details. Planning Board further recommends amending the current draft ordinance to include provisions for off-pavement sales in appropriate locations identified by the city in parks and other such places.

In order to maintain equity between motorized and non-motorized food vehicles, the city of Boulder Parks & Recreation Department is not in support of expanding access to the grassy areas of city parks at this time.

On a motion by J. Gerstle, seconded by L. May, the Planning Board voted 4-2 (B. Bowen and H. Zuckerman opposed, C. Gray absent) to recommend that staff consider and develop additional proposals in the future that would address the use of push carts in public areas for vending food.

The City of Boulder Parks & Recreation Department will add the potential use of mobile push carts in city parks to the 2017 work plan for further review and discussion.

BACKGROUND

On April 26, 2011, the Boulder City Council passed an ordinance allowing mobile food vehicles that meet specific criteria, to operate in certain areas of the City of Boulder and subject to a defined set of rules. As of June 1, 2011, in order to legally operate a mobile food vehicle, operators must hold a standard city business license, and apply for and receive a mobile food vehicle license from the City of Boulder Licensing division.

Recently council directed staff to analyze the code to see if it would be possible to allow for bicycle mobile food vehicles. The current code does not allow for this type of mobile food vehicle. However, staff identified that it is possible to allow for this new use by making the following changes: amending the definition of “Mobile Food Vehicle” to include bicycles in section 9-16-1(c), B.R.C. 1981, “General Definitions,” amending Section 9-6-5(d) “Mobile Food Vehicle Sales,” and amending Section 7-6-28, B.R.C. 1981, “Bicycle Parking” to allow for parking of bicycle mobile food vehicles in areas where mobile food vehicles now park.

ANALYSIS

Staff was directed to examine the current code for Mobile Food Vehicles and determine if and how bicycle mobile food vehicle sales could be allowed. After an analysis of Section 9-6-5(d) “Mobile Food Vehicle Sales,” B.R.C. 1981, it was determined that the only regulatory barrier to allowing bicycle vehicles was the definition of “Mobile Food Vehicle” in Section 9-16, B.R.C. 1981. By changing this definition, bicycle mobile food vehicles could be allowed. If a change to the definition were allowed, the only other aspect to allowing bicycle mobile food vehicles is to formulate the licensing requirements for this vehicle type, should they vary from those of motorized mobile food vehicles.

The proposed change to the definition of “Mobile Food Vehicle in Section 9-16-1, B.R.C. 1981, mirrors the current definition for bicycle. In addition, as a result of public comment, we have made an additional change to the definition for second reading in the amended ordinance to include bike carts that also have two wheels up front and one wheel in back. It reads as follows:

Mobile food vehicle means a readily movable, motorized-wheeled vehicle, a towed vehicle, **or a vehicle propelled solely by human power applied**

to pedals upon which any person may ride having two tandem wheels; two parallel wheels and one forward wheel; or two parallel wheels and one rear wheel which are more than fourteen inches in diameter, all designed and equipped to prepare, or serve, and sell food, but which does not include mobile vending carts as defined in Section 4-18-4, “University Hill Mobile Vending Cart Permit,” and Section 4-11-12, “Mobile Vending Cart Permit,” B.R.C. 1981.

To create an equitable process for the acquisition of a mobile food vehicle license for both bicycle and motorized vehicles, the standards for licensing will be modified to incorporate requirements for bicycle mobile food vehicles that are as consistent as possible with the requirements for motorized mobile food vehicles. The proposed changes include the requirement that a bicycle mobile food vehicle operator acquire and maintain a valid, state issued picture identification card and general liability insurance coverage pursuant to the requirements of Section 4-1-8, “Insurance Required,” B.R.C. 1981, rather than requiring a driver’s license and auto insurance.

These requirements found in Section 9-6-5(d)(1)(D)(i) and (ii), B.R.C. 1981, parallel the requirements for motorized food vehicles and are also the least cost restrictive to those who may choose to operate as a bicycle mobile food vehicle sales operator rather than a typical mobile food vehicle due to costs. In addition, these requirements provide the city with the ability to ensure that these vehicles will operate in a way that protects the public’s health, safety and welfare.

Section 9-6-5(d)(1)(A), “Mobile Food Vehicles Sales,” B.R.C. 1981, include details about where mobile food vehicles are allowed. Those same standards would apply to non-motorized bicycle mobile food vehicles. In keeping with the idea of maintaining equity between motorized and non-motorized food vehicles, staff included a restriction to any sales *in transit*. See Section 9-6-5(d)(3)(N), B.R.C. 1981, in **Attachment A**. “*In transit*” is defined as traveling from one destination to another either by roadway, sidewalk, or path and in the case of a bicycle mobile food vehicle shall also include any stops along the way.

In addition, staff included an exception to Section 7-6-28(a)(4), B.R.C. 1981, that allows non-motorized bicycle mobile food vehicles to park (and sell food) where motorized food vehicles can now park.

City of Boulder Licensing will continue to review and issue licenses for both motorized and non-motorized mobile food vehicles that operate within the City of Boulder. It does not appear that any additional city resources are necessary to accommodate this change. Additionally, this proposed change will allow for an increase in food diversity options.

NEXT STEPS

The City of Boulder Parks & Recreation Department will add the potential use of mobile push carts in city parks to the 2017 work plan for further review and discussion.

ATTACHMENTS

Attachment A: Proposed Ordinance 8124

ORDINANCE NO. 8124

AN ORDINANCE AMENDING SECTION 9-6-5(D) "MOBILE FOOD VEHICLE SALES," AND SECTION 9-16-1(C) "DEFINITIONS," B.R.C. 1981 TO REDEFINE "MOBILE FOOD VEHICLE" TO INCLUDE BICYCLE MOBILE FOOD VEHICLES; AMENDING SECTION 7-6-28, "BICYCLE PARKING," B.R.C. 1981; AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 7-6-28 "Bicycle Parking," B.R.C. 1981, is amended to read:

7-6-28. - Bicycle Parking.

- (a) No person shall park a bicycle or electric assisted bicycle in such a way as to:
- (1) Cause an obstruction to or impede the flow of traffic or of pedestrians on public or private sidewalks and paths;
 - (2) Hinder or restrict access to handrails or ramps;
 - (3) Lock the bicycle to a tree, parking meter post, or pay station serving a space designated for handicapped parking, or fire hydrant;
 - (4) Park on a roadway except in an area designated for bicycle parking or unless licensed as a Mobile Food Vehicle pursuant to Section 9-6-5(d), B.R.C. 1981; or
 - (5) Leave the bicycle locked to a pole or post owned or leased by a public authority for more than twelve consecutive hours.
- (b) Persons stopping or parking bicycles or electric assisted bicycles shall obey all the provisions of this chapter regulating those activities on roadways, but are exempt from other provisions of this chapter unless specifically mentioned, notwithstanding their status as vehicles.

1 Section 2. Section 9-6-5 “Temporary Lodging, Dining, Entertainment, and Cultural Uses,”

2 B.R.C. 1981, is amended to read:

3
4 **9-6-5. - Temporary Lodging, Dining, Entertainment, and Cultural Uses.**

5

6 (d) Mobile Food Vehicle Sales. The following criteria apply to any mobile food vehicle sales use:

7 (1) Standards: The city manager will permit mobile food vehicle sales on private property, public property, or in the public right of way if the use is permitted in the applicable zoning district and meets the following standards and conditions:

9 (A) The use shall be located at least:

10 (i) one hundred fifty feet from any residential zone districts, except as provided in Subsection (d)(1)(C) of this section;

11 (ii) one hundred fifty feet from any existing restaurant except as provided in sSubsection (d)(1)(F) below; and

12 (iii) two hundred feet from any other mobile food vehicle with regard to public right of way sales, no more than four mobile food vehicles per private property in the MU-1, MU-2, MU-3, BT-1, BT-2, BMS, BC-1, BC-2, BCS, BR-1, BR-2, DT-1, DT-2, DT-3, DT-4, and DT-5 zone districts, and no limitation on the number of mobile food vehicles per private property with the owner’s permission in the Industrial zone districts.

13 Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant’s mobile food vehicle to the closest point of the designated residential zone or property of the restaurant. For purposes of this section, the term restaurant shall include “eating places” and “retail bakeries” as defined by the Standard Industrial Classification Manual, the edition of which shall be determined by the city manager. With regard to measurement between two or more mobile food vehicles in the public right of way, measurement shall be in the form of standard measuring devices, including and not limited to, a tape measure.

14 (B) No person shall operate a mobile food vehicle in a public zone district unless in connection with an organized event pursuant to Section 4-18-2, “Public Property Use Permits,” B.R.C. 1981, or at the Boulder Municipal Airport (“Airport”) in such areas and manner within the Airport property as approved by the city manager pursuant to Section 11-4-4, “Special Airport Activity Permits,” B.R.C. 1981. For purposes of this section, the Airport property shall be defined as Lot 2, Airport South Subdivision.

- 1 (C) No person shall operate a mobile food vehicle in a residential zone district except
2 with prior approval by the city manager in the parking lot or the public right of way
3 adjacent to North Boulder Park or in any other park as approved by the manager.
- 4 (D) No person shall operate a mobile food vehicle sales use without a permit or in
5 violation of the conditions of a permit. The permit will be valid for twelve
6 consecutive months, or such other time as the city manager may by rule designate.
7 Such application shall meet the following requirements:
- 8 (i) provide proof of, and maintain, a valid driver's license, motor vehicle
9 registration, and current motor vehicle insurance;
- 10 (ii) or in the case of a bicycle mobile food vehicle; provide proof of, and maintain,
11 a valid driver's license or state issued picture identification card and evidence
12 of insurance coverage required by Section 4-1-8, "Insurance Required," B.R.C.
13 1981;
- 14 (iii) provide proof of, and maintain, a Colorado retail food license for a mobile unit;
- 15 (iv) provide proof of, and maintain, a valid sales use tax license;
- 16 (iv) provide payment of the fee prescribed by Section 4-20-66, "Mobile Food
17 Vehicle Sales," B.R.C. 1981.
- 18 (E) As a condition of accepting the permit, the applicant shall sign an agreement, in a
19 form acceptable to the city manager, in which the applicant agrees to meet all
20 requirements under this section and Chapter 4-1, "General Licensing Provisions,"
21 B.R.C. 1981, and assume responsibility for the actions and omissions of its agents
22 and employees in the performance of or failure to perform its obligation under the
23 permit.
- 24 (F) The city manager may, in his or her discretion, waive the requirements of
25 sSubsection (d)(1)(a)(ii) above if the applicant at the time of issuance, and each
renewal of the permit, submits to the city manager signed statements supporting the
issuance of the permit from every restaurant within 150 feet of the proposed food
truck location. The city manager may waive such requirements only for the BC-1
zone district. The city manager may deny a request for waiver for any reason, with
or without good cause.
- (2) Scope:
- (A) In addition to the zoning districts permitted by this section, mobile food vehicle
sales may take place in other public property locations, or in the public right of way,
but only as part of an approved organized event or street closure permit, and granted
pursuant to the authority in Section 4-18-2, "Public Property Use Permits," B.R.C.
1981, or any other relevant code section.

1 (B) The standards set forth in Subparagraphs (d)(1)(A) and (d)(3) shall not apply to
2 mobile food vehicle sales that meet the criteria as indicated in Subparagraph
3 (d)(2)(A) of this section, but shall be subject to any conditions imposed in
4 connection with the event. All other requirements of this subsection shall apply.

5 (C) The city manager may, from time to time, prohibit the issuance of additional
6 licenses in specified areas of the city in the interest of avoiding traffic congestion
7 or preserving the public health, safety, and welfare.

8 (3) Operating Requirements: No person who operates any mobile food vehicle on public
9 property or private property shall:

10 (A) obstruct the pedestrian or bicycle access or the visibility of motorists, nor obstruct
11 parking lot circulation or block access to a public street, alley, path, or sidewalk;

12 (B) locate any vehicle, structure, or device upon a public sidewalk within the extended
13 boundaries of a crosswalk, or within ten feet of the extension of any building
14 entranceway, doorway, or driveway;

15 (C) fail to maintain, and provide proof when requested, of written consent from the
16 private property owner authorizing the property to be used for the proposed use
17 with regard to mobile food vehicle sales on private property;

18 (D) fail to park legally;

19 (E) operate before 7 a.m. or after 9 p.m. and for more than a maximum of four hours at
20 any one approved location;

21 (F) set up any structures, canopies, tables, or chairs;

22 (G) sell anything other than food and nonalcoholic beverages;

23 (H) provide amplified music;

24 (I) place signs/banners in or alongside the public right of way or across roadways.
25 Signs must be permanently affixed to or painted on the mobile food vehicle;

(J) fail to have the vehicle attended at all times;

(K) fail to permanently display to the public in the food handling area of the mobile
food vehicle the permit authorizing such use;

(L) fail to provide at least three separate and clearly marked receptacles for trash,
recycling, and compost and properly separate and dispose of all trash, refuse,
compost, recycling, and garbage that is generated by the use;

(M) cause any liquid wastes used in the operation to be discharged from the mobile food
vehicle;

1 (N) sell in transit. "In transit" as used in this section shall mean traveling from one
2 destination to another either by roadway, sidewalk, or path and in the case of a
3 human powered mobile food vehicle shall also include any stops along the way.

3 (ON) fail to abide by all other ordinances of the city.

4 (4) The general licensing provisions of Chapter 4-1, "Licenses and Permits," B.R.C. 1981,
5 shall apply.

6 Section 3. Section 9-16-1 "General Definitions," B.R.C. 1981, is amended to read:

7 **9-16-1. - General Definitions.**

8

9 (c) The following terms as used in this title have the following meanings unless the context
10 clearly indicates otherwise:

11

11 Mobile food vehicle means a readily movable, motorized-wheeled vehicle, a towed
12 vehicle, or a vehicle propelled solely by human power applied to pedals upon which any person
13 may ride having two tandem wheels; ~~or~~ two parallel wheels and one forward wheel; or two parallel
14 wheels and one rear wheel which are more than fourteen inches in diameter, all designed and
15 equipped to prepare, or serve, and sell food, but which does not include mobile vending carts as
16 defined in Section 4-18-4, "University Hill Mobile Vending Cart Permit," and Section 4-11-12,
17 "Mobile Vending Cart Permit," B.R.C. 1981.

18

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

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

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 19th day of July, 2016.

3
4
5 Attest: Mayor
6
7 City Clerk

8
9 AMENDED ON SECOND READING, AND ORDERED PUBLISHED BY TITLE
10 ONLY this 6th day of September, 2016.

11
12
13 Attest: Mayor
14
15
16 City Clerk

17 READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED
18 BY TITLE ONLY this 4th day of October, 2016.

19
20 Attest: Mayor
21
22
23 City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE:

Introduction, first reading and consideration of a motion to order published by title only an ordinance designating the building and a portion of the property at 479 Arapahoe Ave., to be known as the **Higman House**, as an individual landmark under the city's Historic Preservation Ordinance.

Owner/Applicant: Katherine Toan Merlin/Mark Gerwing

PRESENTERS:

Jane S. Brautigam, City Manager
Susan Richstone, Deputy Director of Planning, Housing and Sustainability
Debra Kalish, Senior Assistant City Attorney
Lesli Ellis, Comprehensive Planning Manager
James Hewat, Senior Historic Preservation Planner
Marcy Cameron, Historic Preservation Planner

EXECUTIVE SUMMARY:

The purpose of this item is for City Council to determine whether the proposed individual landmark designation of the building and portion of the property at 479 Arapahoe Ave. meets the purposes and standards of the Historic Preservation Ordinance (*Sections 9-11-1 and 9-11-2, B.R.C. 1981*). The property owner is in support of the designation.

If approved, this ordinance (see **Attachment A**) would result in the designation of the building and property as an individual landmark. The findings are included in the ordinance. This landmark designation application was submitted by the property owner on April 29, 2016, and was heard by the Landmarks Board on August 3, 2016. The board voted 4-0 (R. Pelusio absent) to recommend the designation to City Council. A second reading for this designation will be a quasi-judicial public hearing.

STAFF RECOMMENDATION:

Suggested Motion Language:

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

Motion to introduce and order published by title only an ordinance designating the building and property at 479 Arapahoe Ave., to be known as the Higman House, as an individual landmark under the City of Boulder’s Historic Preservation Ordinance.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

Economic: Owners of locally designated landmarked properties are eligible for state and local tax credits for approved rehabilitations and repairs, and studies have found that historic preservation adds to economic vitality and tourism. Exterior changes to individually landmarked buildings require a Landmark Alteration Certificate, issued by the Community Planning and Sustainability Department at no charge. The additional review process for landmarked buildings may, however, add time and design expense to a project.

Environmental: The preservation of historic buildings is inherently sustainable. Owners of individually landmarked buildings are encouraged to reuse and repair as much of the original building as possible when making exterior alterations, thereby reducing the amount of building material waste deposited in landfills. City staff can assist architects, contractors and homeowners with design and material selections and sources that are environmentally friendly. Also, the Historic Preservation website provides information on improving the energy efficiency of older buildings.

Social: The Historic Preservation Ordinance was adopted to “...enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city’s living heritage.” Section 9-11-1 (a), B.R.C., 1981. The primary beneficiaries of historic designation are the property owners of a historic landmark and adjacent neighbors, who are ensured that the character of the immediate area will be protected through the design review process. The greater community also benefits from the preservation of the community’s character and history.

OTHER IMPACTS:

Fiscal: The designation of individual historic landmarks is an anticipated and ongoing function of the Historic Preservation Program.

Staff Time: This designation application is within the staff work plan.

LANDMARKS BOARD ACTION:

On August 3, 2016 the Landmarks Board voted 4-0 (R. Pelusio absent) to recommend to City Council that the building and a portion of the site at 479 Arapahoe Ave. be designated as a local historic landmark, finding that it meets the standards for individual landmark designations in sections 9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981.

PROPERTY DESCRIPTION:

The property at 479 Arapahoe Ave. is located on the north side of Arapahoe Avenue, within the boundaries of the identified potential Expanded Highland Lawn Historic District. The 11,238 sq. ft. property is bounded by residential properties on the east and west and slopes down toward Boulder Creek on the north.

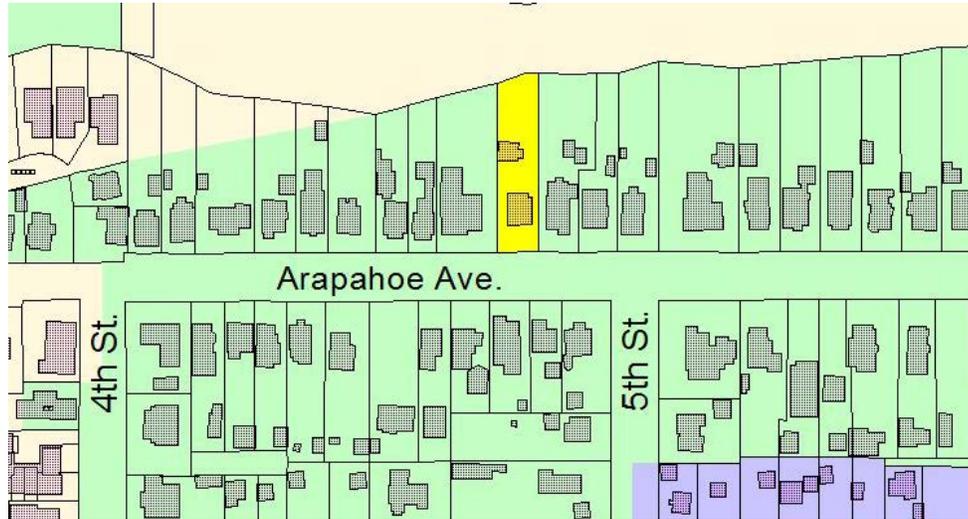


Figure 1. Location Map, 479 Arapahoe Ave.

History

The house was constructed for Joseph and Clara Higman, who resided here with their five children from 1900 until 1908. Joseph Higman was born in Liskeard, England in 1865 and came to the United States at the age of 18. He was initially engaged in mining, and later worked as a carpenter in Boulder. Clara (Jones) Higman was born in 1870 to George T. and Priscilla B. Jones in Blackhawk, Colorado. Clara and Joseph married in 1890 in Caribou and lived in various mining towns before settling in Boulder in 1900.

Clara and Joseph’s stories of Boulder County’s early mining days were often re-told in *Daily Camera* articles, including a 1949 article documenting Clara’s experience as a young girl witnessing the historic September 14, 1879 fire that destroyed most of Caribou, including her house and father’s blacksmith shop. While living in Ward, Clara and Joseph also witnessed the fire in January of 1900 that nearly wiped out the town. Clara’s parents moved to Boulder in 1896, a few years before she and Joseph did. George and Priscilla lived at 440 Arapahoe Ave. from 1896 to 1916, within a block of 479 Arapahoe Ave. The house was designated as a local landmark in 1993 as the Jones-Walton House.

While they lived in Boulder, Clara and Joseph were active members of the Presbyterian church and Joseph was active in the Odd Fellows, serving as the “Noble Grand” of that group in his later years. Clara was also a member of the WCTU and Daughters of Union Veterans. Joseph and Clara had 5 children, Norine, Winifred, S.E. “Sid”, Josephine, and Howard. Their youngest son, Howard, became a well-known Sociology professor at the University of Colorado, where he taught from 1946 until 1985. Howard Higman is most well remembered as the founder of the University of Colorado’s Conference on World Affairs.

Between 1908 and 1937, the property passed through a series of owners including Christopher and Kate Blewitt, a retired couple; Charles Smith, a carpenter, and his wife Ellen; and Paul Scott, a shoe business owner, who resided at the house with his wife, Sadie and their seven children.



Figure 2. Charles and Ellen Smith at 479 Arapahoe Ave., c.1920.
Carnegie Branch Library for Local History

McFay and Olive Lamb owned the property from 1937 until 1958. McFay worked as an auto mechanic at Arnold Motors, a dealership located at 38th and Arapahoe Avenue and later at 9th and Canyon Boulevard. Olive was a member of the Boulder Senior Citizens Club and the First Methodist Church. McFay was born in Chanute, Kansas in 1889 and Olive was born in Iowa in 1890. McFay and Olive were married 1910 in Rocky Ford, Colorado.

The current owner purchased the property in 2014. See the Landmarks Board Memorandum dated August 3, 2016 for additional information on the residents of the house.



Figure 3. North Elevation (façade), 479 Arapahoe Ave., 2016.

Architectural Description

The one-and-a-half story house features decorative wood shingles in an alternating fish-scale pattern and paired double hung windows. The first level of the house is constructed of brick, with segmental arches above the door and window openings, and rounded brick returns at the openings. Gabled dormers with wood shingles are located on the east and west elevations. The west dormer features paired double-hung windows matching those on the façade. The dormer windows have been replaced by a non-historic sliding glass door. A non-historic, flat-roof porch with simple wood supports extends across the façade and east elevation. The front door features a transom window, with a segmental brick arch above. A brick chimney is located in the center and the building rests on a rubble-stone foundation.

Alterations

Historic photographs show that with the exception of a non-historic front and side porch, the house remains largely intact to its original construction. The original porch was removed between 1956 and 1969, and the current porch was added in 1996. The brick was painted between 1949 and 1969.



Figure 4. 479 Arapahoe Ave., c.1949. Carnegie Branch Library for Local History.

LANDMARK ALTERATION CERTIFICATE

On July 6, 2016, the Landmarks Design Review Committee (Ldrc) issued a Landmark Alteration Certificate for the restoration of the main house and the construction of a rear addition (See Figure 9). As part of the project, the Ldrc supported a solar variance for the proposed addition and a setback variance for the restoration of the original porch. These variances were supported based on the compatibility of the proposed addition with the house, restoration of an original feature, and the intention by the property owner to designate the building as a local landmark.

In 2015, prior to the submittal of a landmark designation application, a demolition permit was issued for an accessory building at the rear of the lot.

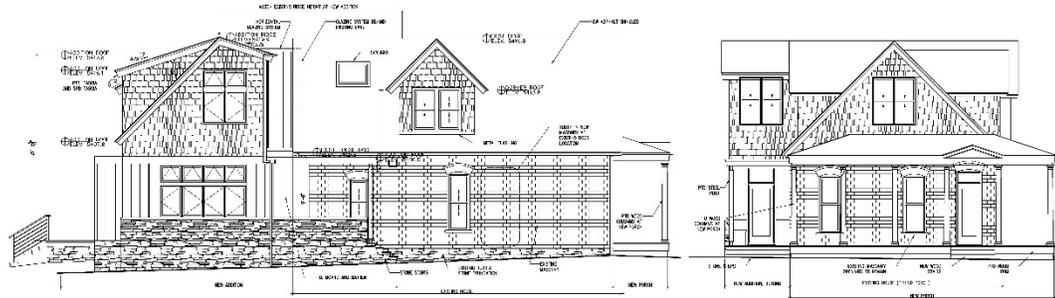


Figure 5. Landmark Alteration Certificate renderings showing the south façade and west elevation of the house and proposed addition.

ANALYSIS:

Criteria for Review

Section 9-11-6(b), B.R.C. 1981, specifies that during the review for an application for local landmark designation, the council must consider “whether the designation meets the purposes and standards in subsection 9-11-1(a) and section 9-11-2, “*City Council May Designate or Amend Landmarks and Historic Districts,*” B.R.C. 1981, in balance with the goals and policies of the Boulder Valley Comprehensive Plan” and provides that the City Council “shall approve by ordinance, modify and approve by ordinance, or disapprove the proposed designation.”

Historic, Architectural, and Environmental Significance

Staff finds that the proposed application to landmark 479 Arapahoe Ave. will protect, enhance, and perpetuate a property important in local history and preserve an important example of Boulder’s historic architecture. Staff considers the application to meet the historic criteria for individual landmark designation as outlined below:

HISTORIC SIGNIFICANCE:

Summary: The house located at 479 Arapahoe Ave. has historic significance under criteria 1, 2, 3 and 4.

1. Date of Construction: c. 1901

Elaboration: The address first appears in city directories in 1901.

2. Association with Persons or Events: The Higman family

Elaboration: Clara and Joseph Higman arrived in Boulder and purchased the property at 479 Arapahoe in 1901 after spending the first ten years of their marriage in various mining towns such as Central City, Gold Hill, and Ward. Clara was born near Caribou to parents that migrated to the area in 1866, a decade before Colorado was established as a state. Clara Higman’s stories from her pioneer life were often recounted in *Daily Camera* articles.

3. **Development of the Community:** The house was constructed in the Highland Lawn Addition to the city, which developed primarily between 1880 and 1920.
4. **Recognition by Authorities:** Historic Building Inventory Form, 1989.
Elaboration: The 1989 Historic Building Inventory Form found the property to be in good condition with moderate alterations. The form notes that “this house, although altered, retains details of early twentieth century construction, including the gable ornament, decorative wood shingles, and segmental window arches.”

ARCHITECTURAL SIGNIFICANCE:

Summary: The house at 479 Arapahoe Ave. meets historic significance criteria 1 and 3.

1. Recognized Period or Style: Queen Anne Vernacular

Elaboration: The house has elements of the Queen Anne style popular in the 1890s and early 1900s as seen in the decorative shingles on the front gable end, the slight return in vergeboards, the gabled dormers, the segmental arches above the windows and the transom over the front door.

2. Architect or Builder of Prominence: It is possible, but unknown, whether carpenter and first resident Joseph Higman constructed the house.

3. Artistic Merit: Architectural detailing

Elaboration: The house embodies skillful integration of design and material which is of excellent visual quality, as can be seen in its Queen Anne detailing.

4. Example of the Uncommon: None observed.

5. Indigenous Qualities: None observed.

B. Does the proposed application develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the City’s living heritage?

Staff finds that the proposed application would maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the City’s living heritage. Staff believes that the application meets the environmental significance criteria for individual landmarks as outlined below:

ENVIRONMENTAL SIGNIFICANCE:

Summary: The house at 479 Arapahoe Ave. has environmental significance under criteria 1, 2, 4 and 5.

1. Site Characteristics: Residential historic character

Elaboration: The house is sited along Arapahoe Avenue between 4th and 5th streets. It is located within the boundaries of the identified potential Expanded Highland Lawn Historic District and the house retains its historic residential character.

2. **Compatibility with Site:** Residential historic character
Elaboration: The building is representative of the typical building patterns in Highland Lawn and contributes to the residential character of the neighborhood. The property retains its historic relationship to its lot and surrounding neighborhood.
3. **Geographic Importance:** None observed.
4. **Environmental Appropriateness:** Residential historic character
Elaboration: The house and surroundings are complementary and carefully integrated.
5. **Area Integrity:** Potential Expanded Highland Lawn Historic District
Elaboration: The 400 block of Arapahoe Avenue is located in the identified Potential Expanded Highland Lawn Historic District, which retains a high degree of historic integrity to the original development of that neighborhood.

Does the proposed application draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives? (See Subsection 9-11-1(b), B.R.C. 1981).

Staff finds this application draws a reasonable balance between private property rights and the public's interest in preserving the city's cultural, historic, and architectural heritage. The property owner supports the designation.

OPTIONS:

City Council may approve, modify or not approve the first reading ordinance.

Approved By:

Jane S. Brautigam,
City Manager

ATTACHMENTS:

- A: Ordinance No.8141
- B: Sections 9-11-1 and 9-11-2, "Purposes and Intent," B.R.C., 1981
- C: Significance Criteria for individual landmarks

ORDINANCE NO. 8141

AN ORDINANCE DESIGNATING THE BUILDING AND THE PROPERTY AT 479 ARAPAHOE AVE., CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE HIGMAN HOUSE, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH DETAILS IN RELATION THERETO.

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

Section 1. The City Council enacts this ordinance pursuant to its authority under Chapter 9-11, "Historic Preservation," B.R.C. 1981, to designate as a landmark a property having a special character or special historic, architectural, or aesthetic interest or value.

Section 2. The City Council finds that: 1) on or about April 29, 2016, property owner Katherine Toan Merlin applied to the City of Boulder to designate the building and property at said property as a landmark; 2) the Landmarks Board held a public hearing on the proposed designation on August 3, 2016; and 3) on August 3, 2016, the Board recommended that the City Council approve the proposed designation.

Section 3. The City Council also finds that upon public notice required by law, the council held a public hearing on the proposed designation on September 20, 2016 and upon the basis of the presentations at that hearing finds that the building and the property at 479 Arapahoe Ave. possesses a special character and special historic, architectural, or aesthetic interest or value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance is relevant to its construction around 1901, for its association with Clara and Joseph Higman, and for its development in the Highland Lawn Addition to the city; and

2) its architectural significance as an example of the Queen Anne Vernacular, and for its skillful integration of design and material which is of excellent visual quality; and 3) its environmental significance for its integration into its residential historic character, and its location within the identified potential Expanded Highland Lawn Historic District.

Section 5. The City Council further finds that the foregoing landmark designation is necessary to promote the public health, safety, and welfare of the residents of the city.

Section 6. There is hereby created as a landmark the building and property located at 479 Arapahoe Ave., also known as the Higman House, whose legal landmark boundary encompasses the south 110' feet of the property, extending from the east to the west property lines of the legal lots upon which it sits:

W 50 FT OF E 100 FT OF LOT 4 BLK A HIGHLAND LAWN

as depicted in the proposed landmark boundary map, attached hereto as Exhibit A.

Section 7. The City Council directs that the department of Community Planning and Sustainability give prompt notice of this designation to the property owner and cause a copy of this ordinance to be recorded as described in Subsection 9-11-6(d), B.R.C. 1981.

Section 8. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the City Clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY THIS 6TH DAY OF SEPTEMBER, 2016.

Mayor

1 Attest:

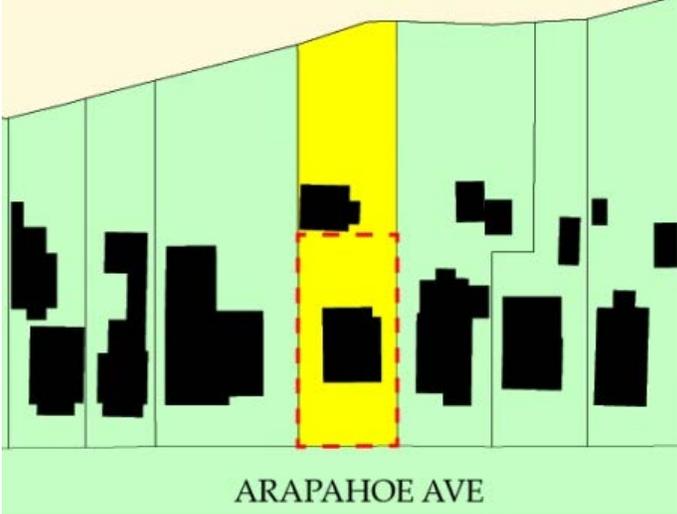
2
3 _____
4 City Clerk

5
6
7 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY
8 TITLE ONLY THIS 20TH DAY OF SEPTEMBER, 2016.
9

10 _____
11 Mayor

12 Attest:

13 _____
14 City Clerk



23 **Exhibit A – Landmark Boundary Map for 479 Arapahoe Ave.**

24 South 110’ feet of the property, extending from the east to west property lines at 479 Arapahoe,
25 whose legal description is:
W 50 FT OF E 100 FT OF LOT 4 BLK A HIGHLAND LAWN

**9-11-1 & 9-11-2 Purposes and Intent
Boulder Revised Code, 1981**

9-11-1: *Purpose and Legislative Intent* states:

- (a) The purpose of this chapter is to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this chapter to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.
- (b) The City Council does not intend by this chapter to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.
- (c) The City Council intends that in reviewing applications for alterations to and new construction on landmarks or structures in a historic district, the Landmarks Board shall follow relevant city policies, including, without limitation, energy-efficient design, access for the disabled and creative approaches to renovation.

9-11-2: *City Council may Designate or Amend Landmarks and Historic Districts* states:

- (a) Pursuant to the procedures in this chapter the City Council may by ordinance:
 - (1) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;
 - (2) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;
 - (3) Designate as a discontinuous historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas, having a special character and historical, architectural, or aesthetic interest or value that are united together by historical, architectural, or aesthetic characteristics; and
 - (4) Amend designations to add features or property to or from the site or district.
- (b) Upon designation, the property included in any such designation is subject to all the requirements of this code and other ordinances of the city.

SIGNIFICANCE CRITERIA
Individual Landmark
September 1975

On September 6, 1975, the City Council adopted Ordinance #4000 providing procedures for the designation of Landmarks and Historic Districts in the City of Boulder. The purpose of the ordinance is the preservation of the City's permitted cultural, historic, and architectural heritage. The Landmarks Board is permitted by the ordinance to adopt rules and regulations as it deems necessary for its own organization and procedures. The following Significance Criteria have been adopted by the board to help evaluate each potential designation in a consistent and equitable manner.

Historic Significance

The place (building, site, area) should show character, interest or value as part of the development, heritage, or cultural characteristics of the community, state or nation; be the site of a historic, or prehistoric event that had an effect upon society; or exemplify the cultural, political, economic, or social heritage of the community.

Date of Construction: This area of consideration places particular importance on the age of the structure.

Association with Historical Persons or Events: This association could be national, state, or local.

Distinction in the Development of the Community of Boulder: This is most applicable to an institution (religious, educational, civic, etc) or business structure, though in some cases residences might qualify. It stresses the importance of preserving those places which demonstrate the growth during different time spans in the history of Boulder, in order to maintain an awareness of our cultural, economic, social or political heritage.

Recognition by Authorities: If it is recognized by Historic Boulder, Inc. the Boulder Historical Society, local historians (Barker, Crossen, Frink, Gladden, Paddock, Schooland, etc), State Historical Society, The Improvement of Boulder, Colorado by F.L. Olmsted, or others in published form as having historic interest and value.

Other, if applicable.

Architectural Significance

The place should embody those distinguishing characteristics of an architectural type specimen, a good example of the common; be the work of an architect or master builder, known nationally, state-wide, or locally, and perhaps whose work has influenced later

development; contain elements of architectural design, detail, materials or craftsmanship which represent a significant innovation; or be a fine example of the uncommon.

Recognized Period/Style: It should exemplify specific elements of an architectural period/style, i.e.: Victorian, Revival styles, such as described by *Historic American Building Survey Criteria*, Gingerbread Age (Maass), 76 Boulder Homes (Barkar), The History of Architectural Style (Marcus/Wiffin), Architecture in San Francisco (Gebhard et al), History of Architecture (Fletcher), Architecture/Colorado, and any other published source of universal or local analysis of a style.

Architect or Builder of Prominence: A good example of the work of an architect or builder who is recognized for expertise in his field nationally, state-wide, or locally.

Artistic Merit: A skillful integration of design, material, and color which is of excellent visual quality and/or demonstrates superior craftsmanship.

Example of the Uncommon: Elements of architectural design, details, or craftsmanship that are representative of a significant innovation.

Indigenous Qualities: A style or material that is particularly associated with the Boulder area.

Other, if applicable.

Environmental Significance

The place should enhance the variety, interest, and sense of identity of the community by the protection of the unique natural and man-made environment.

Site Characteristics: It should be of high quality in terms of planned or natural vegetation.

Compatibility with Site: Consideration will be given to scale, massing placement, or other qualities of design with respect to its site.

Geographic Importance: Due to its unique location or singular physical characteristics, it represents an established and familiar visual feature of the community.

Environmental Appropriateness: The surroundings are complementary and/or it is situated in a manner particularly suited to its function.

Area Integrity: Places which provide historical, architectural, or environmental importance and continuity of an existing condition, although taken singularly or out of context might not qualify under other criteria.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE:

Introduction, first reading and consideration of a motion to order published by title only an ordinance designating the building and property at 2949 Broadway, to be known as the **Hulse House**, as an individual landmark under the city's Historic Preservation Ordinance.

Owner/Applicant: ALR Investments, LLC / Michael Bosma

PRESENTERS:

Jane S. Brautigam, City Manager
Susan Richstone, Deputy Director of Planning, Housing and Sustainability
Debra Kalish, Senior Assistant City Attorney
Lesli Ellis, Comprehensive Planning Manager
James Hewat, Senior Historic Preservation Planner
Marcy Cameron, Historic Preservation Planner

EXECUTIVE SUMMARY:

The purpose of this item is for City Council to determine whether the proposed individual landmark designation of the building and portion of the property at 2949 Broadway meets the purposes and standards of the Historic Preservation Ordinance (*Sections 9-11-1 and 9-11-2, B.R.C. 1981*). The property owner is in support of the designation.

If approved, this ordinance (see **Attachment A**) would result in the designation of the building and property as an individual landmark. The findings are included in the ordinance. This landmark designation application was submitted by the property owner on April 29, 2016, and was heard by the Landmarks Board on August 3, 2016. The board voted 4-0 (R. Pelusio absent) to recommend the designation to City Council. A second reading for this designation will be a quasi-judicial public hearing.

STAFF RECOMMENDATION:

Suggested Motion Language:

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

Motion to introduce and order published by title only an ordinance designating the building and property at 2949 Broadway, to be known as the **Hulse House**, as an individual landmark under the City of Boulder's Historic Preservation Ordinance.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

Economic: Owners of locally designated landmarked properties are eligible for state and local tax credits for approved rehabilitations and repairs, and studies have found that historic preservation adds to economic vitality and tourism. Exterior changes to individually landmarked buildings require a Landmark Alteration Certificate, issued by the Community Planning and Sustainability Department at no charge. The additional review process for landmarked buildings may, however, add time and design expense to a project.

Environmental: The preservation of historic buildings is inherently sustainable. Owners of individually landmarked buildings are encouraged to reuse and repair as much of the original building as possible when making exterior alterations, thereby reducing the amount of building material waste deposited in landfills. City staff can assist architects, contractors and homeowners with design and material selections and sources that are environmentally friendly. Also, the Historic Preservation website provides information on improving the energy efficiency of older buildings.

Social: The Historic Preservation Ordinance was adopted to "...enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage." Section 9-11-1 (a), B.R.C., 1981. The primary beneficiaries of historic designation are the property owners of a historic landmark and adjacent neighbors, who are ensured that the character of the immediate area will be protected through the design review process. The greater community also benefits from the preservation of the community's character and history.

OTHER IMPACTS:

Fiscal: The designation of individual historic landmarks is an anticipated and ongoing function of the Historic Preservation Program.

Staff Time: This designation application is within the staff work plan.

LANDMARKS BOARD ACTION:

On August 3, 2016 the Landmarks Board voted 4-0 (R. Pelusio absent) to recommend to City Council that the building and a portion of the site at 2949 Broadway be designated as a local historic landmark, finding that it meets the standards for individual landmark designations in sections 9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981.

PROPERTY DESCRIPTION:

The property at 2949 Broadway is located on the west side of Broadway, between Dellwood and Cedar avenues. Constructed in 1913 with Edwardian vernacular elements, the property is not located in a designated or identified potential historic district.



Figure 1. Location Map, 2949 Broadway

History

The house was constructed in 1913 for Elisha and Mary Hulse, who lived there until 1946. Elisha worked as a Real Estate dealer and Public Notary in Boulder, having married Mary Anne Knight in Wisconsin in 1873, shortly after Elisha graduated from the University of Wisconsin. While attending the university, he was pitcher on the school’s first baseball team from 1870-1871.¹ As an alumnus, Elisha often participated in school reunions, particularly with the Rocky Mountain Alumni association of the University of Wisconsin.

Around 1908, the Hulses moved to Boulder where Elisha engaged in the real estate business and as an abstractor. While in Boulder, they were also very active in the Presbyterian church and other civic affairs. In 1911, Elisha is listed as working at Hulse & Hopkins Real Estate and Insurance Company located at 1938 13th Street and as President and Manager of the Record Abstract of Title Company. In 1920, Elisha was listed as working at Hulse & Thurston at 2103 12th St.

Elisha and Mary had four daughters, Grace (Clarke), Maude (Barber), Mildred (Payne), and Mrs. E.F. Woods. In 1923, their daughter, Grace, came to live with them at 2949 Broadway.

¹ “Carroll S. Montgomery, ’72, Oldest Living ‘W’ Man,” *The Wisconsin Alumni Magazine*, November, 1927.

In city directories, Grace is listed as the widow of Fred B. Clarke. Elisha died in 1927, and Mary remained at the house with her daughter, Grace. Mary died in 1944, at which point ownership of the house passed to Grace.

In 1947, the house passed from Grace Clarke to her sister, Mildred Payne, who sold it one year later to Ira & Etta Hoskin. Although the Hoskins owned the property from 1948 until 1953, city directories list their residence during this time at 959 University Avenue. Ira worked as a maintenance foreman at the University of Colorado's Vetsville. The Hoskins rented out 2949 Broadway to Jack and Margaret Churchill, who later bought the house from the Hoskins in 1955. Jack Churchill was employed as a meat cutter at Ideal Market.

In 1959, Harold and Anna Stephens purchased the house. During the 1960s, Harold worked at the Arrow Trailer Court. Ownership of 2949 Broadway passed through Harold, Anna, and their daughter until 2013, when ALR Investments LLC purchased the house from Marilyn Stephens.



Figure 2. East Elevation (façade), 2949 Broadway, 2015.

Architectural Description

The one-story hipped-roof house features a projecting gable roof porch over the entrance at the north side of the east façade and features square supports and a stick balustrade that extends the width of the façade. The gable end of the porch features decorative, diamond shaped shingles and an arched decoration with dentils. Three double-hung windows are located at a projecting bay window on the south side of the façade with the middle window featuring an 8-over-1 window flanked by 6-over-1 windows. The building is clad in narrow wooden lap siding (clapboard) with corner boards and has overhanging eaves on all four sides. The building rests on a rusticated, coursed stone foundation.



Figure 3. 2949 Broadway, c.1949. Carnegie Branch Library for Local History.

LANDMARK ALTERATION CERTIFICATE

In 2014 the owners submitted an application for demolition of the house. This request was subsequently withdrawn, and the same year a Site Review application to construct additional units on the property and a request for a parking reduction was submitted. As a condition of that approval, the owners submitted a landmark designation application for the property. The Landmark Alteration Certificate for a construction of an addition was approved by the Landmarks Design Review Committee on April 13, 2016 (HIS2016-00067). The Planning Board approved the Site Review application at its June 6, 2016 meeting (LUR2014-00097).



Figure 4. Landmark Alteration Certificate renderings showing rear addition.

ANALYSIS:

Criteria for Review

Section 9-11-6(b), B.R.C. 1981, specifies that during the review for an application for local landmark designation, the council must consider “whether the designation meets the purposes and standards in subsection 9-11-1(a) and section 9-11-2, “*City Council May Designate or Amend Landmarks and Historic Districts,*” B.R.C. 1981, in balance with the goals and policies of the Boulder Valley Comprehensive Plan” and provides that the City Council “shall approve by ordinance, modify and approve by ordinance, or disapprove the proposed designation.”

Historic, Architectural, and Environmental Significance

Staff finds that the proposed application to landmark 2949 Broadway will protect, enhance, and perpetuate a property important in local history and preserve an important example of Boulder's historic architecture. Staff considers the application to meet the historic criteria for individual landmark designation as outlined below:

HISTORIC SIGNIFICANCE:

Summary: The house at 2949 Broadway meets historic significance criteria 1, 2, 3.

1. Date of Construction: 1911

Elaboration: Boulder City Directory research indicates that Elisha and Mary Hulse were living at the property in 1913. The Tax Assessor Card dates the building to a year later in 1914, but notes that a permit for the property was issued April of 1911.

2. Association with Persons or Events: Elisha W. and Mary K. Hulse

Elaboration: The first residents of the house were Elisha and Mary Hulse. The Hulses were originally from Wisconsin, where Elisha graduated from the University of Wisconsin in 1873. He was fondly remembered as the pitcher on the university's first baseball team in 1870. From about 1880 to 1908, the Hulses were both employed as teachers in the public schools in Arkansas City, Kansas and later in McPherson, Kansas. Elisha is considered a pioneer educator of that state, since he is credited with implementing the first high school courses in the McPherson public school system. Around 1908, Elisha and Mary moved to Boulder, where Elisha was employed as a Real Estate and Insurance Agent, a public notary, and an abstractor. Elisha died in 1927, Mary died in 1944. The house briefly passed ownership through two of their daughters, Grace, and later Mildred.

3. Development of the Community: The house is one of the earlier houses in north Boulder, and is an excellent example of the Edwardian Vernacular style popular in Boulder in the early twentieth century.

4. Recognition by Authorities: Historic Building Inventory Form, 1995.

Elaboration: The 1995 Historic Building Inventory Form found the property to be in fair condition with minor alterations. The form notes that the house is significant as it represents a type, period or method of construction, noting that "this is a well preserved example of Edwardian Vernacular style, as reflected in the asymmetrical massing, clapboard siding, gable face with decorative shingles and arch with dentils, and bay window." See Attachment C: Historic Building Inventory Record.

ARCHITECTURAL SIGNIFICANCE:

Summary: The house at 2949 Broadway meets historic significance criteria 1 and 3.

1. Recognized Period or Style: Edwardian Vernacular

Elaboration: The house is an excellent example of the Edwardian Vernacular style popular in the early twentieth century, as reflected in the asymmetrical massing, clapboard siding, gable face with decorative shingles and arch with dentils, and bay window

2. **Architect or Builder of Prominence:** None Observed
3. **Artistic Merit:** Architectural detailing
Elaboration: The house embodies skillful integration of design and material which is of excellent visual quality.
4. **Example of the Uncommon:** The house is one of the earliest residences in North Boulder.
5. **Indigenous Qualities:** None observed.

B. Does the proposed application develop and maintain an appropriate setting and environment for the historic resource and area to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the City's living heritage?

Staff finds that the proposed designation maintains an appropriate setting for the historic resource at 2949 Broadway and enhances property values, promotes tourist trade and interest, and fosters knowledge of the City's living heritage. Staff considers that the application meets the environmental significance criteria for individual landmark designation as outlined below:

ENVIRONMENTAL SIGNIFICANCE:

Summary: The house at 2949 Broadway has environmental significance under criteria 1, 2 and 3.

1. **Site Characteristics:** Residential historic character
Elaboration: The house is located along Broadway, between Cedar and Dellwood avenues. The house retains its historic residential character.
 2. **Compatibility with Site:** Residential historic character
Elaboration: The building is representative of the typical building patterns along north Broadway and contributes to the residential character of the area. The property retains its historic relationship to its lot and surrounding neighborhood.
 3. **Geographic Importance:** House is a familiar visual feature along Broadway.
 4. **Environmental Appropriateness:** Residential historic character
Elaboration: The house and surroundings are complementary and carefully integrated.
 5. **Area Integrity:** None Observed.
Elaboration: The property is not located in an identified potential historic district.
- C. Does the proposed application draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures*

important to that heritage will be carefully weighed with other alternatives?(See Subsection 9-11-1(b), B.R.C. 1981).

Staff finds this application draws a reasonable balance between private property rights and the public's interest in preserving the city's cultural, historic, and architectural heritage. The property owner supports the designation.

Landmark Name

Staff considers that the landmark should be named the **Hulse House**, given its association with the Hulse family, who were the first owners of the house, residing there from 1913 into the 1940s. This is consistent with the Landmark Board's *Guidelines for Names of Landmarked Structures and Sites (1988)* and the *National Register of Historic Places Guidelines for Designation*. See Attachment H: Guidelines for Names of Landmarked Structures and Sites.

Boundary Analysis

The building sits on a residential lot measuring approximately 6,230 sq. ft. in size. Staff recommends that the boundary be established to follow the property lines of the lot, which is consistent with current and past practices and the National Register Guidelines for establishing landmark boundaries.

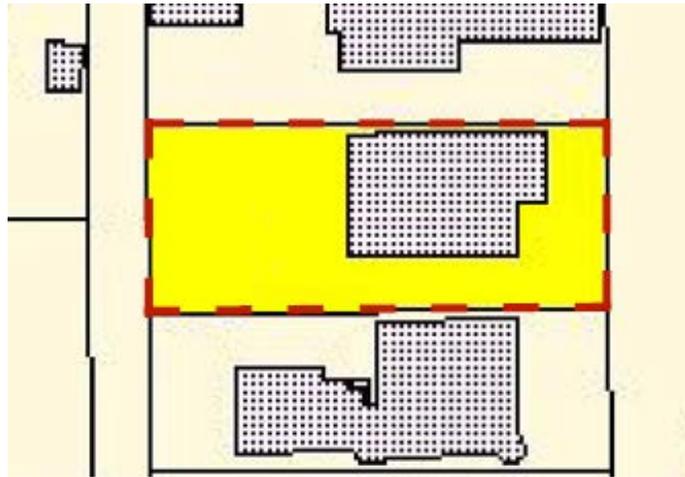


Figure 5. Landmark boundary map for 2949 Broadway.

OPTIONS:

City Council may approve, modify or not approve the first reading ordinance.

Approved By:

Jane S. Brautigam,
City Manager

ATTACHMENTS:

A: Ordinance No.8142

B: Sections 9-11-1 and 9-11-2, "*Purposes and Intent*," B.R.C., 1981

C: Significance Criteria for individual landmarks

ORDINANCE NO. 8142

AN ORDINANCE DESIGNATING THE BUILDING AND THE PROPERTY AT 2949 BROADWAY, CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE HULSE HOUSE, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH DETAILS IN RELATION THERETO.

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

Section 1. The City Council enacts this ordinance pursuant to its authority under Chapter 9-11, "Historic Preservation," B.R.C. 1981, to designate as a landmark a property having a special character or special historic, architectural, or aesthetic interest or value.

Section 2. The City Council finds that: 1) on or about April 22, 2015, property owner Michael Bosma applied to the City of Boulder to designate the building and property at said property as a landmark; 2) the Landmarks Board held a public hearing on the proposed designation on August 3, 2016; and 3) on August 3, 2016, the Board recommended that the City Council approve the proposed designation.

Section 3. The City Council also finds that upon public notice required by law, the council held a public hearing on the proposed designation on September 20, 2016 and upon the basis of the presentations at that hearing finds that the building and the property at 2949 Broadway possesses a special character and special historic, architectural, or aesthetic interest or value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance is relevant to its construction in 1911, for its association with Elisha and Mary Hulse, and for its association with the development of north Boulder; and 2) its

1 architectural significance as an example of the Edwardian Vernacular, and for its skillful
2 integration of design and material which is of excellent visual quality and; 3) its environmental
3 significance for its residential historic character and as a familiar visual feature on the north
4 Broadway streetscape.

5 Section 5. The City Council further finds that the foregoing landmark designation is
6 necessary to promote the public health, safety, and welfare of the residents of the city.

7 Section 6. There is hereby created as a landmark the building and property located at 2949
8 Broadway, also known as the Hulse House, whose legal landmark boundary encompasses the legal
9 lots upon which it sits:

10 LOTS 29-30 BLK 4 NEWLANDS

11 as depicted in the proposed landmark boundary map, attached hereto as Exhibit A.

12 Section 7. The City Council directs that the department of Community Planning and
13 Sustainability give prompt notice of this designation to the property owner and cause a copy of
14 this ordinance to be recorded as described in Subsection 9-11-6(d), B.R.C. 1981.

15 Section 8. The City Council deems it appropriate that this ordinance be published by title
16 only and orders that copies of this ordinance be made available in the office of the City Clerk for
17 public inspection and acquisition.
18

19 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE
20 ONLY THIS 6TH DAY OF SEPTEMBER, 2016.

21
22 _____
23 Mayor
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY
TITLE ONLY THIS 20TH DAY OF SEPTEMBER, 2016.

Mayor

Attest:

City Clerk

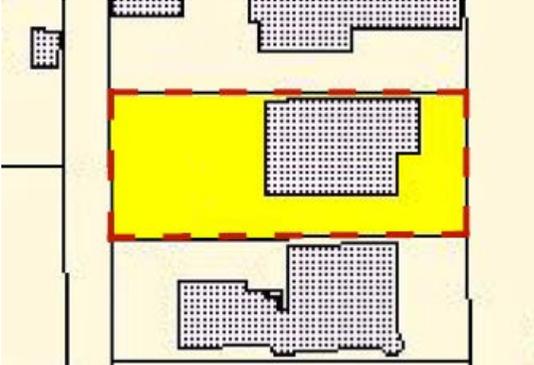


Exhibit A – Landmark Boundary Map for 2949 Broadway

LOTS 29-30 BLK 4 NEWLANDS

**9-11-1 & 9-11-2 Purposes and Intent
Boulder Revised Code, 1981**

9-11-1: *Purpose and Legislative Intent* states:

- (a) The purpose of this chapter is to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this chapter to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.
- (b) The City Council does not intend by this chapter to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.
- (c) The City Council intends that in reviewing applications for alterations to and new construction on landmarks or structures in a historic district, the Landmarks Board shall follow relevant city policies, including, without limitation, energy-efficient design, access for the disabled and creative approaches to renovation.

9-11-2: *City Council may Designate or Amend Landmarks and Historic Districts* states:

- (a) Pursuant to the procedures in this chapter the City Council may by ordinance:
 - (1) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;
 - (2) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;
 - (3) Designate as a discontinuous historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas, having a special character and historical, architectural, or aesthetic interest or value that are united together by historical, architectural, or aesthetic characteristics; and
 - (4) Amend designations to add features or property to or from the site or district.
- (b) Upon designation, the property included in any such designation is subject to all the requirements of this code and other ordinances of the city.

SIGNIFICANCE CRITERIA

Individual Landmark

September 1975

On September 6, 1975, the City Council adopted Ordinance #4000 providing procedures for the designation of Landmarks and Historic Districts in the City of Boulder. The purpose of the ordinance is the preservation of the City's permitted cultural, historic, and architectural heritage. The Landmarks Board is permitted by the ordinance to adopt rules and regulations as it deems necessary for its own organization and procedures. The following Significance Criteria have been adopted by the board to help evaluate each potential designation in a consistent and equitable manner.

Historic Significance

The place (building, site, area) should show character, interest or value as part of the development, heritage, or cultural characteristics of the community, state or nation; be the site of a historic, or prehistoric event that had an effect upon society; or exemplify the cultural, political, economic, or social heritage of the community.

Date of Construction: This area of consideration places particular importance on the age of the structure.

Association with Historical Persons or Events: This association could be national, state, or local.

Distinction in the Development of the Community of Boulder: This is most applicable to an institution (religious, educational, civic, etc) or business structure, though in some cases residences might qualify. It stresses the importance of preserving those places which demonstrate the growth during different time spans in the history of Boulder, in order to maintain an awareness of our cultural, economic, social or political heritage.

Recognition by Authorities: If it is recognized by Historic Boulder, Inc. the Boulder Historical Society, local historians (Barker, Crossen, Frink, Gladden, Paddock, Schooland, etc), State Historical Society, The Improvement of Boulder, Colorado by F.L. Olmsted, or others in published form as having historic interest and value.

Other, if applicable.

Architectural Significance

The place should embody those distinguishing characteristics of an architectural type specimen, a good example of the common; be the work of an architect or master builder, known nationally, state-wide, or locally, and perhaps whose work has influenced later

development; contain elements of architectural design, detail, materials or craftsmanship which represent a significant innovation; or be a fine example of the uncommon.

Recognized Period/Style: It should exemplify specific elements of an architectural period/style, i.e.: Victorian, Revival styles, such as described by *Historic American Building Survey Criteria*, Gingerbread Age (Maass), 76 Boulder Homes (Barkar), The History of Architectural Style (Marcus/Wiffin), Architecture in San Francisco (Gebhard et al), History of Architecture (Fletcher), Architecture/Colorado, and any other published source of universal or local analysis of a style.

Architect or Builder of Prominence: A good example of the work of an architect or builder who is recognized for expertise in his field nationally, state-wide, or locally.

Artistic Merit: A skillful integration of design, material, and color which is of excellent visual quality and/or demonstrates superior craftsmanship.

Example of the Uncommon: Elements of architectural design, details, or craftsmanship that are representative of a significant innovation.

Indigenous Qualities: A style or material that is particularly associated with the Boulder area.

Other, if applicable.

Environmental Significance

The place should enhance the variety, interest, and sense of identity of the community by the protection of the unique natural and man-made environment.

Site Characteristics: It should be of high quality in terms of planned or natural vegetation.

Compatibility with Site: Consideration will be given to scale, massing placement, or other qualities of design with respect to its site.

Geographic Importance: Due to its unique location or singular physical characteristics, it represents an established and familiar visual feature of the community.

Environmental Appropriateness: The surroundings are complementary and/or it is situated in a manner particularly suited to its function.

Area Integrity: Places which provide historical, architectural, or environmental importance and continuity of an existing condition, although taken singularly or out of context might not qualify under other criteria.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE: Consideration of a motion authorizing the city manager to enter into a settlement agreement with Maxwell Brandel and Sosha Adelstein.

PRESENTER/S

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Carey Markel, Senior Assistant City Attorney

EXECUTIVE SUMMARY

This matter arises out of a claim failed against the city by Maxwell Brandel and Sosha Adelstein.

If City Council approves, the parties have agreed to settle all property damage claims for a proposed payment of \$16,293.56. The city manager and city attorney recommend approval of the settlement.

Because the amount of the proposed settlement exceeds \$10,000, City Council approval of the proposed settlement is necessary pursuant to 2-2-14 (c) B.R.C., 1981.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to authorize the city manager to enter into an agreement to settle property damage claims filed by Maxwell Brandel and Sosha Adelstein in the amount of \$16,293.56.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: Not applicable.
- Environmental: Not applicable.
- Social: The resolution of disputes is generally of social benefit and the resolution of this dispute will free up city attorney time to work on other projects.

OTHER IMPACTS

- Fiscal-Budgetary: Payment for the proposed settlement will be made from the city’s Property and Casualty Fund which was established and funded for the purpose of paying claims and settling cases. This settlement is within the city’s anticipated loss planning parameters.
- Staff Time: The city attorney’s office represents the city in this matter.

BOARD AND COMMISSION FEEDBACK:

None

PUBLIC FEEDBACK:

None

BACKGROUND:

In their claim, Maxwell Brandel and Sosha Adelstein seek compensation for damages to their vehicle and personal property arising out of a collision with a city vehicle driven by a city employee.

The settlement is in the amount of \$16,293.56.

ANALYSIS:

It is not possible to predict the outcome of a trial. Given the projected costs of litigation, the city attorney believes that it is unlikely that the city will be in a significantly better economic position by litigating the case as compared to accepting the settlement offer. The city manager supports the proposed settlement.

A copy of the proposed settlement agreement is attached.

OPTIONS:

Council has the option of approving or rejecting the proposed settlement. If the settlement is rejected, the matter will continue to litigation.

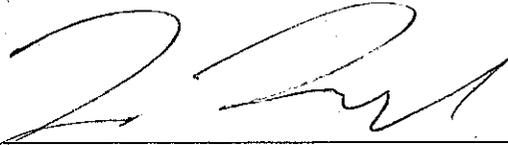
ATTACHMENT:

Draft Settlement Agreement

PROPERTY DAMAGE RELEASE AGREEMENT

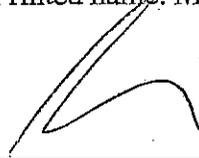
1. This PROPERTY DAMAGE RELEASE AGREEMENT ("Agreement") resolves all property damage claims stemming from or related to: **Auto Accident** which occurred on or about **July 4, 2016 at Arapahoe and Foothills, City of Boulder**, County of Boulder, State of Colorado, ("the incident"). This Release does not resolve any personal injury claims and, in fact, any and all personal injury claims are specifically preserved.
2. For the total consideration of **\$16,667.74 for Property Damage to a 2006 Honda Ridgeline, VIN 05316 for a total of \$16,293.56 and personal property totaling \$374.18**, I release:
 - a. The City of Boulder, and **DeShaun Becerril as driver and CCMSI**
 - b. The City of Boulder's affiliates, corporations, entities, successors, administrators, attorneys, employees, agents, servants, and insurers from all liability for property damage resulting from or related to the incident.
3. The acceptance of the abovementioned sum is in full accord and satisfaction of a disputed property damage claim. Payment of that sum is not an admission of liability on the part of the City of Boulder or of any other persons or parties released by this Agreement.
4. This Agreement releases the City of Boulder and others noted above from all:
 - a. Claims, demands, damages, costs, liabilities, losses of services, economic losses, expenses, compensations, reimbursements, actions, rights, and causes of action for property damage only resulting from or related to the incident;
 - b. Known, unknown, foreseen and unforeseen property damages resulting from or related to the incident;
 - c. Expenses, costs, losses, liabilities, and damages related to damage of property, whether already incurred or incurred in the future resulting from or related to the incident; and
 - d. Property damage claims related to the incident and to the consequences of the incident, whether or not those claims were previously made against the City of Boulder and others released by this Agreement.
5. All of the understandings between the parties are included in this Agreement.
6. My signature on this Agreement shall be binding and no rescission, modification, or release from the terms of this Property Damage Release will be made for any mistakes.
7. I am legally competent to execute this Agreement. I assume the risk of any mistake of fact and law as to any property damages, whether disclosed or undisclosed, that I may have sustained as a result of the abovementioned incident and as a result of all matters related to the incident.
8. I have read this Agreement, I know what it means and I have signed it voluntarily.

Dated: Aug. 29, 2016



Signature

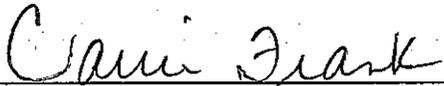
Printed name: Maxwell Brandel



Signature

Printed name: Sosha Adelstein

APPROVED AS TO FORM:



Carrie R. Frank, JD, MSSW
Klein & Frank
2505 Walnut Street
Suite 100
Boulder, CO 80302

Attorney for Sosha Adelstein and Maxwell Brandel

CITY OF BOULDER

City Manager

Date

ATTEST:

City Clerk

APPROVED AS TO FORM BY:

Thomas A. Carr
Carey T. Markel
Boulder City Attorney's Office
1777 Broadway
Boulder, CO 80304

Attorneys for the City of Boulder and DeShaun Becceril



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE:

Consideration of a motion to authorize the city manager to enter into the Letter of Intent to pursue agreements related to the construction of a public parking garage, hotel, and related uses and to pursue the recommended financing approach for the public parking component of the public-private partnership project on behalf of the City of Boulder and the University Hill General Improvement District for properties that are located between University Ave. and College Ave., west of Broadway.

PRESENTERS:

Jane Brautigam, City Manager
Bob Eiche, Chief Financial Advisor
Cheryl Pattelli, Finance Director
Thomas A. Carr, City Attorney
David Gehr, Deputy City Attorney
Molly Winter, Department of Community Vitality Director
Sarah Wiebenson, Hill Community Development Coordinator
Lucas Markley, Assistant City Attorney
Joel Wagner, Special Assistant, Finance Department

EXECUTIVE SUMMARY

Staff is returning to council after an April 19, 2016 discussion of a potential financing mechanism to construct a public parking garage in conjunction with the private development of a hotel and related uses on University Hill with the following:

1. A Letter of Intent that has been agreed upon by the City, UHGID and the Hill Hotel Partnership for council consideration. (Attachment A)
2. Additional information on the proposed public-private partnership as requested by council at the April meeting.

Staff requests that the council authorizes the city manager to execute the Letter of Intent. The Letter of Intent is a non-binding document. Its purpose is to create a road map of the

general terms of the transaction and the steps and agreements that will need to be reached in order to create a transaction that is mutually agreeable to all of the parties.

If the Letter of Intent is approved, staff will request that the city adopt a resolution noting its intent to use certificates of participation (COP) as a funding tool at a subsequent meeting. If approved, staff will also bring forth a reimbursement resolution so the city may recapture any funds paid out prior to the receipt of the COP proceeds. This would allow the city to be reimbursed for costs incurred in advance of the COP financing being completed, thus the project can keep moving forward and not be delayed.

The use of a reimbursement resolution is commonly used since some costs may be incurred prior to receipt of the proceeds of the COPs. The city has used the methodology with other COP and bond issues to provide for effective and efficient use of resources.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to authorize the city manager to execute a Letter of Intent to pursue agreements related to the construction of a public parking garage, hotel, and related uses associated with a development located between University Ave. and College Ave., west of Broadway; to pursue the recommended financing approach for the public parking component of the public-private partnership project; and return to the Council for consideration of the related ordinances and agreements on behalf of the City of Boulder and the University Hill General Improvement District in the form generally shown in Attachment A.

Background

This agenda item is associated with the redevelopment of a number of parcels of land between University Ave. and Pleasant St. on the west side of Broadway. It includes a number of privately held properties and a parcel of land that is owned by the University Hill General Improvement District (UHGD) and used as a surface parking lot.

The city is considering a proposal to enter into a public-private partnership for the purpose of:

- Addressing the need for additional public parking on University Hill and thereby reducing a barrier to achieving the council goal of year-round economic vitality in the Hill Commercial Area;
- Introducing diverse commercial uses to the district to attract more year-round customers to the Hill to support the council goal of year-round economic vitality in the Hill Commercial Area; and

- Catalyzing additional investments in the area, including but not limited to the potential University of Colorado Boulder (CU) conference center/hotel that is under consideration for a site across the street from the proposed project.

Commercial property owners on the Hill petitioned city council in the 1970s to create UHGID for the purpose of taxing themselves to provide public parking to support Hill businesses. UHGID purchased parcels of land at the north and south ends of the district, where two public parking lots now provide a total of 110 off-street public parking spaces. Recent studies and surveys have concluded that a continued lack of public parking is a key barrier to attracting the diversity and year-round economic vitality that is a primary goal of the City Council's Hill Reinvestment Strategy. Multi-modal strategies are being explored to enhance access to the Hill commercial district, including the recently initiated pilot Hill Employee EcoPass program in keeping with Transportation Master Plan goals.

At a study session on [December 8, 2015](#), staff presented a proposal from the Hill Hotel Partnership that would provide UHGID with the opportunity to construct approximately 250 public parking spaces under five adjacent parcels of land located at Broadway and University Avenue, including the UHGID-owned surface parking lot on Pleasant Street. The proposed hotel is located within UHGID and is therefore not required to build parking for its own use. UHGID does not generate enough revenue to finance the construction of a garage, so staff presented to council the question of the city partnering with the UHGID. Council indicated support for the partnership in concept, and requested that staff return with an estimate for the city's contribution to the project and how it would be financed.

At a regular meeting on [April 19, 2016](#), staff presented a preliminary cost estimate of \$18 to \$20 million for the city's contribution to the overall \$83 million project. Staff proposed that the garage be financed using certificates of participation (COPs), which are a lease form of financing. In this case, the city would pledge the completed parking garage as collateral sufficient for the cost of building the garage and required site work for the garage. If additional collateral is needed, staff proposed the use of the New Britain building and/or the Brenton building at Alpine-Balsam. Only the amount of collateral that is needed will be used. The annual payment of the COP leases is proposed to be paid through parking revenues and general fund revenues generated by the project site (e.g. sales and use, accommodations, and property tax). The city's Chief Financial Officer also presented the additional consideration of a funding gap during the period when the project is not yet generating sufficient revenue but the COP lease payments would need to be paid; which would require support from the general fund. Staff provided various scenarios explaining how much and for how long the additional support would be needed.

Council requested that prior to consideration of a Letter of Intent (LOI) to proceed with the proposed public-private partnership, staff return with additional information:

- The city's cumulative investment over the project financing period and how the partnership represents a good investment for the city; and
- How the city's investment would be protected if the partnership encounters difficulties.

Staff has provided responses to the council's requests below.

COMMISSION/PUBLIC FEED BACK

The University Hill Commercial Area Management Commission (UHCAMC) appointed by the city council to advise on policy and budgetary matters related to the University Hill General Improvement District (UHGID) made it a 2016 priority to "support the proposed public parking garage on the Pleasant Street UHGID-owned lot." Stating: "We realize the extremely high cost of underground parking could be what stands between making the hotel development happen or not. The benefits of the proposed development would support most of the Hill reinvestment goals and the expanded parking facilities would reduce the parking concerns in the commercial district." The commission unanimously passed a motion at the May 19, 2016 meeting to "recommend that the city enter into a public-private partnership that uses the Pleasant Street UHGID surface parking lot to create additional parking on the Hill." In the review of 2016-2017 priorities at their annual retreat, UHCAMC unanimously expressed support for the city manager to enter into a Letter of Intent to pursue the project.

Six correspondences of support for the project have been submitted to council to date, as well as one letter questioning potential traffic and parking impacts.

ANALYSIS

At the April 19, 2016 meeting, staff was asked to return with additional information on whether the deal is good for taxpayers and whether there is a clear community benefit to the project. Staff has addressed additional comments and questions from the April 19 meeting in Appendix C: Additional Questions and Answers from April 19 Meeting.

Is it a Good Investment in Relation to Community Benefit?

Hill rejuvenation and revitalization have been long term goals of Council and the University Hill General Improvement District. Additional parking has also long been a challenge for the Hill area. Sustainable success has been elusive. It is felt this project addresses both a project that could jump start long term change on the Hill and address parking needs.

From a purely numerical investment perspective, public parking garages are rarely compelling investments when they are outside of high density commercial business districts. Therefore, governmental entities frequently operate them to maintain and manage public access. The Hill area is not a high density commercial business district so it does not currently have the tax base to build its own public parking garage. Private investors have considered various projects over the years but none of them have been able to generate the return needed to undertake a major catalytic project.

As was covered at the April 19 council meeting, what is proposed is a public-private partnership (P3). Based on research of P3 projects undertaken by others across the country the most successful projects are truly a partnership. The partners have equal

amounts of risk and opportunities for reward. For the private partner it is to make a reasonable profit from the investment. For the public partner it is to provide benefits for the public that would not have occurred without the public partner while at the same time being a good investment of public funds.

In order to answer the question of whether the project provides a clear public community benefit, qualitative considerations need to be analyzed. A major aspect of that type of analysis considers the goals and objectives council has for University Hill.

For years, the city has studied the unique challenges of the area and worked with community stakeholders to develop programs and policies that respond to these challenges. In 2014, the city council named as key priorities improving quality of life on the Hill and pursuing year-round economic vitality in the Hill Commercial Area. Resulting city investments included hiring a full-time Hill Community Development Coordinator and drafting a Hill Reinvestment Strategy Work Plan to integrate numerous interdepartmental efforts to pursue improvements on the Hill. The council framework for the Hill Reinvestment Strategy outlined a multi-pronged effort, including: enhancing code enforcement; promoting safety and cleanliness; improving multi-modal access; engaging community stakeholders; and diversifying the uses and users on the Hill.

Recently, the University Hill Commercial District Moratorium Project Phase 1 Report (Jan. 21, 2015) (the Hill Report Attachment B) specifically identified the following barriers to expanding the diversity of uses and users:

1. Insufficient public parking, particularly for professional office uses and citywide serving retail uses;
2. Lack of a major attraction or anchor that could both change the current perception that the district is just for students and generate sufficient market demand to attract year-round visitors; and
3. The somewhat run-down aesthetic of portions of the Hill.

The Hill Report (page 29) recommended that the city consider public-private redevelopment of the UHGID surface parking lot to add parking and provide catalyst developments to bring new uses to the Hill. The Hill report (page 30) noted that it may be appropriate to use financial incentives to add desired new uses that are otherwise difficult to attract.

The Boulder Valley Comprehensive Plan notes an area plan for University Hill (the 1996 University Hill Sketch Plan), which lists a number of goals and principles for the plan, including:

1. Encourage an attractive urban village image and development character that is active, inviting, and accessible to all modes of travel, and which strengthens connections with the surrounding community.
2. Promote a diverse mix of neighborhood and community uses to provide the opportunity to live/work/shop/play within the area, and to appeal to a wide variety of users.

3. Improve the retail quality and operations within the district to better serve residents, the University, and the surrounding community, and to provide an economically healthy area with opportunities for careful redevelopment.
4. Improve the safety of the public right-of-way that many different users can participate and enjoy the commercial area.

Finally, as described in the background section above, council members stated at the meeting on April 19, 2016 that an objective of this project should be that the city will recoup its investment within a reasonable period of time, and that the overall risk of failure for the city and UHGID is small and managed.

As described in the Letter of Intent, the project has the potential to satisfy all of the objectives listed above to some level. Operated by Sage Hospitality (the same company that operates the Crawford Hotel at Union Station in Denver), the quality of the project would set the standard for future private investment on the Hill and provide easy access to regional transit from the site. The hotel would be an anchor amenity for the area and serve visitors to the University of Colorado, with direct transit service from places like downtown Denver and Denver International Airport.

The new hotel, retail and dining uses would contribute to the diversity of uses on the Hill, and attract a greater diversity of people to visit the Hill. In the event the University decides to develop a conference center on the Hill, there is an opportunity to create a positive, mutually beneficial relationship between the hotel and the conference center.

Council, in a separate agenda item, will also be asked to consider a separate memorandum of understanding between the city and the University of Colorado which outlines the terms of an agreement to explore options for the city to support the construction of a larger conference center as part of CU's development project.

In addition, the project would provide much-needed public parking that is a key means to attract office uses on the Hill toward the goal of year-round economic vitality. The additional parking would also attract a greater number of people to the Hill from outside the neighborhood who otherwise may not consider accessing the district.

Is it a Good Investment of Public Funds?

As was stated earlier, from a purely numerical investment perspective, public parking garages are rarely compelling investments when they are outside of high density commercial business districts. This is the case with this proposed garage.

In the April 19, 2016 city council memorandum, staff presented a financial analysis for the project. Since the original memo, city staff and the developer have refined the development cost estimates. The contingency has been increased to 20 percent (the higher amount is warranted given this is a redevelopment project and a first year of capitalized interest has been added for analytical purposes. These changes meant the anticipated total issuance cost is at the upper end of the amount presented at the April 19 meeting or approximately \$20 million.

Cashflow Analysis Over the Life of the Project

As was discussed at the previous meeting there are two types of financial support that would be needed for this project. Government general funds analysis must work on actual expected annual cashflows to determine budget impacts in coming years. While net present values and internal rates of returns are used in private enterprise to match one capital project against another this does not work well for general fund supported projects. This includes projects such as this parking garage analysis, libraries, fire and police stations, streets, etc. At the same time the analysis of cashflows has to be comprehensive and the timing is important to project so the year of the of the expected budget impact is known. Staff has completed the analysis using a range of variables from best to worst. The middle case is expected to be closer to the actual performance.

The first cashflow issue to consider is the timing gap (which always occurs in these projects) is from the time money is borrowed to construct the project (the parking garage) to the time revenue is generated in the form of new fees and/or taxes that will be collected to make the annual payments on the borrowed money. This startup cost can be offset by borrowing enough to make the first year to eighteen months of payments or using other funds on hand to make the payment. The first year has been included in the analysis using capitalized interest of \$1.1 million in the first year and a cash contribution of \$550,000 for the first half of the second year.

The second cashflow issue to address is due to the difference that is expected to occur between the revenues that will be collected, when the project is completed, and the ongoing annual costs of operations, capital and COP cost for the project. The internal tax increment (internal TIF) financing that was discussed at the April meeting and is proposed to be used for this projects occurs by dedicating all city general fund taxes (accommodations tax, sales and use taxes and property taxes) generated by the developer's entire development plus parking revenues to paying the annual costs. It is expected this amount fall short in some years.

Table 1 below summarizes three different scenarios and what the various cashflow contributions from the city will need to be when both the startup timing difference and the annual cashflow needs. It also shows when the city contributions are projected to stop and enough cashflow will be generated by the project so city contributions would not be needed. Staff feels the gap years in Table 1 can be covered with current city revenues.

Table 1: Cashflow Analysis

| Scenario | Estimated range of annual city investment after timing gap | Estimated highest year after timing gap | Estimated average city investment / year while needed | Year projected positive cash flow will occur |
|-----------------|---|--|--|---|
| Best | \$11K to \$407K | \$407K | \$339K for 5 years | Year 6 |
| Mid | \$25K to \$550K | \$550K | \$266K for 13 years | Year 14 |
| Worst | \$9K to \$680K | \$680K | \$332K for 23 years | Year 24 |

It is also of extreme importance is to analyze the total projected net cashflows of the project over the entire length of the COPs. This includes the timing gap and annual contributions that may be needed from the general fund of the city. Table 2 looks at the entire time line to determine if the cashflows are projected to be positive or negative over the 30 - year life of the COPs. While the average annual cashflow in Table 2 does not take into account the range of the annual contribution needed from the general fund, it is very helpful to understand what amount this will represent on an annual basis over time.

Table 2: Total Projected City Cashflow Return Over Life of COPs

| Scenario | Total | Average over 30 years | Cumulative cash flow breakeven point¹ |
|-----------------|-----------------|------------------------------|---|
| Best | \$14.3 million | \$480,000 | Year 15 |
| Mid | \$ 3.2 million | \$106,000 | Year 27 |
| Worst | (\$6.4) million | (\$213,000) | Year 42 |

¹ Includes early “timing gap”

In order to ensure that the cost of the parking garage is fair and reasonable, the city has engaged an architect (Studio Architecture) to act as an owner’s representative during development negotiations and throughout the development process. The architect has developed a preliminary cost range based upon two recent below-grade garage projects in Boulder and Cherry Creek. Based upon these recent projects and including the necessary environmental remediation work at this site, the architect’s cost estimate is between \$60k for construction per space and \$82k per space. This cost estimate includes all soft costs (engineering, development fees, contingency), environmental remediation costs, entitlement costs, and COP issuance costs (including \$1 million of capitalized interest). This cost range is in line with, if not slightly higher than the developer’s current estimates for the city’s contribution for the garage portion of the project. If council directs staff to proceed with the project Studio Architecture will remain under contract as owner’s representative during the design and development process. Staff has also retained real estate counsel to ensure that the city’s interests are protected during the negotiation of the LOI and subsequent transaction documents.

The Convention and Visitor’s Bureau (CVB) has provided staff with a current hotel inventory and their view of the Boulder market. Between 2013 and 2016, the Boulder hotel market experienced a loss of 205 hotel rooms. Three hotels are expected to open within the next year, adding 527 rooms (for a net gain of 324 rooms). In a review of similar university towns, Boulder is at the high end of both occupancy and rates for its competitive set. The hotel market in general has seen 12-18 months of strong occupancy and revenue growth, leading some to believe that a market correction is due. However, in recent downturns, room rates have tended to remain stable, with occupancy declining slightly.

The CVB believes that this project would benefit from its proximity to the CU convention center’s ability to generate demand through conventions (if approved for Grandview). While staff feels comfortable with the projections used for this memo because a range has been used, it is felt that another look by outside experts based on the potential CU MOU would provide an even greater level of confidence in the projections. Therefore, staff is currently requesting proposals from real estate investment experts to

assist with the preparation of a hotel occupancy and rate analysis for the project. This work will be completed and the results included when the notice of sale for the COPs would occur if this project moves forward. Due to the range of financial possibilities that have been used in the projections by staff it is felt that the third party projections will fall within the projections. The study is more for the benefit of the investors who would buy the COPs if the project moves forward.

In staff's opinion, the city participation in the redevelopment opportunity represents a rare opportunity to achieve multiple objectives for the Hill in one project. The project also provides an opportunity to bundle a number of relatively small parcels of land to develop an underground parking facility of adequate size and scale for the Hill. At the same time, the project would result in the development of a unique, moderate-sized hotel and 30,000 square feet of higher-end retail and restaurant space.

How is the City's Investment Protected if the Partnership Incurs Financial Difficulty?

Development Team Expertise

The first line of defense for potential financial difficulties is to have a strong team working on all agreements. The team working on this project includes all of the staff members listed on this memorandum and staff is using additional services of the following professionals.

M. Lou Raders, Esq. Ms. Raders is with the law firm of Kutak Rock and is special real estate counsel for this project. It is anticipated that she will continue to assist staff in the negotiation, review and completion of many of the real estate documents associated with this property. She has assisted the city on prior complex real estate deals including the extensive negotiations and agreements associated with the purchase and financing of the 30th and Pearl property. More recently, she has assisted the city in the purchase and financing of the Boulder Community Hospital Campus. Ms. Raders brings a great depth of experience in creating public private partnerships, including two recent hotel joint development projects, one involving the City of Aurora and an affiliate of a large hotel development entity and the other involving the City of Greeley and an affiliate of a large construction company.

Elizabeth Temkin. Ms. Temkin is with the law firm of Temkin, Hardt and Longenecker and is special environmental counsel on the project. To date, she has assisted the city in completing some of the preliminary environmental investigation of all of the properties that will be included in the property. She is a nationally recognized environmental attorney and has assisted the city in negotiating the Valmont Butte clean-up settlement and continues to assist the city in the clean-up efforts at the Tea House property and surrounding environs.

Tim Ross. Mr. Ross is a licensed architect and the Senior Project Manager with Studio Architecture in Boulder. He has overseen the design and construction of nearly \$200 million in projects over a career of more than 20 years. He is assisting the project team

with the review of construction approaches and construction costs. He is assisting the city in a similar capacity with the public-private Trinity Church parking garage project.

Jennifer Barrett and Bob Irvin. Ms. Barrett and Mr. Irvin are with the law firm of Kutak Rock and are long time City of Boulder bond counsel. These two attorneys have been directly involved in many bond and certificate of participation issues that have been made completed. They have been involved from the beginning to ensure that a property structure can be created that has strong footing legally and that will be well received in the financial markets.

Dee Wisor. Mr. Wisor is with the law firm of Butler Snow and is widely recognized as an expert in the field of municipal finance in Colorado. He will be disclosure counsel if the city decides to pursue the certificate of participation financing. He has been helping to shape the project such that the project will be well prepared for the assembly of disclosure documents used in the marketing and sale of the certificates of participation.

Jonathan Heroux. Mr. Heroux is Managing Director of Public Finance Investment Banking at Piper Jaffray & Co. He has long advised the city with regard to the issuance of bonds and certificates of participation. Presently, he is assisting the city in structuring its transactions in a manner that will lead to the successful issuance and sale of the certificates of participation for this project.

Financial and Backup Options if the Private Partner Would Not Follow Through

The second line of fiscal defense is that every effort has been to mitigate each financial risk and to ensure that the city does not issue COPs or begin the construction of the project until both partners have cash resources on hand. The LOI requires a simultaneous closing of the COPs and the developer financing. The final Joint Development Agreement and other documents required to be executed pursuant to the LOI will give the city rights and remedies for a failure of the developer to complete the construction financing, including a claim for costs related to a redemption of the COPs resulting from such developer default. Once the financings close, all proceeds are cross-pledged so that the city can have access to the developer financing in order to complete construction of the project as one election of remedies.

The structure is such that there would be a simultaneous financial close on the COPS and the Developer's financing. If that is not possible, the City would have the ability to issue the COPS, escrow the proceeds and be able to redeem the COPS from those proceeds if the Developer does not get to financial close by a certain date.

To take it on to the absolute works case (that has an extremely low probability of occurring) would be to say the city issues the COPs and the partner does not follow through and the escrow and redemption did not work. Options or combinations of options that could be used are:

1. The city could solicit a new partner.
2. The city could redesign the parking garage so it was a standalone garage and the freed up parking spaces not used by the hotel would be available to the public.

- This in turn would maintain the revenue stream expected from the parking garage itself.
3. The COPs are being issued as taxable so there are not issues with the proceeds having to be spent in a certain time period. While it is expected that the proceeds will be spent there are much more stringent restrictions on tax exempt COPs.
 4. As needed the official statements would be amended to meet all legal requirements.

LETTER OF INTENT

At the direction of council, staff proceeded after the April 19, 2016 meeting with drafting a Letter of Intent to pursue the proposed public-private partnership. The letter of Intent is a non-binding preliminary roadmap that describes the project, the parties, the ownership structure of the project, and identifies the major anticipated agreements necessary for completion of the project. The Letter of Intent is intended to provide a framework for the parties to continue to negotiate in good faith and to pursue the next steps for the project, but it is not intended to be the definitive and ultimate binding agreement between the parties.

Some key elements of the Letter of Intent are as follows.

The Project. The project is the development of an underground parking structure with approximately 250 parking spaces and a hotel with approximately 160 rooms. The project will be built on adjacent parcels of land located west of Broadway between University Ave. and Pleasant Street. The parties participating in the project are the Hill Hotel Partners, LLC, the UHGID, and the City of Boulder, as well as three owners of adjacent properties (St. John/Dorell LLC, owner of 1313 Broadway, 1335 Broadway, LLC, owner of 1335 Broadway, and the Ora S. Fowler Trust, owner of 1301 Broadway). The developer also intends to purchase a small parcel on the alley between University Avenue and Pleasant Street to improve the site circulation. The alley parcel will be conveyed to the UHGID as part of the development agreement.

The Property. The parties intend to put the five adjacent parcels together into a “small planned community,” a form of condominium. The parties would participate as joint declarants under a Declaration of Covenants, Conditions and Restrictions to subdivide the property into separate legal “unit” interests such that the underground parking structure units can be transferred to the UHGID in fee ownership for development of the parking structure (Attachment D). The developer will receive ownership of the above-surface units for development of the hotel. The developer will finance and construct the hotel and the city will construct the parking structure on the parking units. The city and the developer will enter into a lease to give the hotel exclusive use of approximately 80 parking spaces, guaranteeing revenue for those spaces to help fund the COP lease payments at a fair-market rate acceptable to the city.

Financing the Parking Garage through Certificates of Participation. The condominium structure is necessary to enable the city and UHGID to issue certificates of participation to finance the parking structure portion of the project. UHGID and the city intend to enter a cooperation arrangement pursuant to which the city intends to finance, construct, and own

(or lease/purchase) the parking structure during at least the term of the financing. The parking units will be pledged together with the Brenton and New Britain buildings as collateral for the COPs, the proceeds of which will be used to fund hard and soft costs related to the parking structure. In connection with the COP financing, UHGID intends to convey its ownership of the planned community Parking Units to the Boulder Municipal Property Authority. BMPA will lease the Parking Units to the city and issue the COPs for use by the city in completing the development and construction of the parking structure. The city will make lease payments to BMPA on an annual appropriation basis and the lease payments will be used to make the principal and interest payments on the COPs.

Financing Obligations. The financing of each party's development and construction costs will be independent of the other party. Each party will be responsible for its own obligations, liabilities, expenses, and costs of any kind or character in connection with its respective financing. The city will not proceed with approvals or otherwise in connection with the project unless and until developer confirms to the reasonable satisfaction of the city that developer has secured financing. Since the majority of the garage construction would precede the hotel construction, some protections for the city include:

- The actual funding by each of the parties will be structured to allow pro rata funding or another equitable funding structure such that not all the city's funds will be utilized for the parking structure before the developer's funds are used for the hotel.
- The city and the developer may consider using a garage construction subcontract under the primary hotel construction contract or other agreed development disbursement arrangement so that the disbursement process allows for more pro rata funding of the parties' costs relative to the timing of the improvements being completed and may allow for the funding of shared costs for common portions of the structure.
- The city does not intend to be at risk for completion of the parking structure without the developer being similarly invested (and at risk for) completion of the hotel. This concern may be addressed by and through a disbursement agreement; through the contracting process; and/or through completion guarantees or other arrangements acceptable to both parties. Each party will have the right to cure a default by the other party under the construction obligations applicable to their respective portions of the project.

General Contractor. The city and developer intend to jointly develop the project and use the same general contractor to construct the parking structure and the hotel. The portion of the improvements related solely to the parking structure will be constructed at the sole cost and expense of the city. There will be a guaranteed maximum price (GMP) contract for the parking structure and related elements which are the city's payment responsibility. In no event would the city be responsible for any project costs in excess of the GMP and its agreed shared costs.

Cost Allocation. The parties acknowledge that a portion of the structural elements of the parking structure are needed for the construction of the hotel and that the developer will

contribute to the costs of these structural components. Those elements that benefit the entire project (as opposed to just the parking structure) will be subject to a cost sharing arrangement pursuant to which certain agreed elements of the project costs will be split based an agreed sharing percentage, the initial allocations for which will be based on the relative hard construction costs plus soft costs relating only to the design and development documents for the parking structure on the one hand and the developer's hotel improvements on the other.

Certain other costs are allocated as follows:

- The city will be responsible for (i) the cost of the parking structure; (ii) payment for the city's architect representative who will participate in the design and approval of the project; (iii) improvements to and within the public right of way (but not on the private property portions of the project) including curb and gutter, sidewalks, access drives, landscaping, etc.; and (iv) the city's percentage of the shared costs.
- The developer will be solely responsible for all other costs related to the cost of the hotel. The developer will also be solely responsible for costs associated with: (i) preparing and obtaining approval of the concept plan, preliminary plans, and the approved site plan (other than the cost of the city's architect representative); (ii) demolishing and removing all of the existing surface improvements on the property, including without limitation all structures and paving materials; and (iii) soil remediation for any contamination that is found while excavating the property and in connection with any contamination control (including water monitoring) during construction.

In terms of unforeseen conditions, the developer has agreed to accept the first \$1,455,000 in the environmental ground costs associated with both on-site and off-site groundwater contamination associated with dry cleaning operations. Thereafter, the city will be responsible for the next \$200,000. Thereafter, the parties will split the costs of unforeseen cost in accordance with a shared cost allocable percentage that will be determined as part of the joint development agreement.

NEXT STEPS

The anticipated next steps for the project would be:

1. Negotiate and approve the related agreements;
2. Approve a reimbursement resolution authorizing COP issuance costs at a subsequent city council meeting;
3. Commence and complete the concept plan, preliminary plans, and site plan; and
4. Complete documents to pursue certificates of participation.

Staff will return to council for consideration of the related agreements.

ATTACHMENTS

- A. Letter of Intent
- B. The Hill Report
- C. Questions and Responses for Questions Asked at the April 19th Council Meeting
Not Addressed in the Agenda Memo
- D. Structure for Small Planned Community

CITY OF BOULDER, COLORADO

Municipal Building
1777 Broadway
Post Office Box 791
Boulder, Colorado 80306
Telephone (303) 441-3020
Facsimile (303) 441-3859



LETTER OF INTENT

City of Boulder,
University Hill General Improvement District, and
The Hill Hotel Partners LLC

_____, 2016

Re: Letter of Intent regarding the responsibilities of the Hill Hotel Partners, LLC, University Hill General Improvement District, and the City of Boulder for the development of a parking structure, hotel, and related uses on a parcel of land located west of Broadway between University Ave. and Pleasant Street in Boulder, Colorado.

BACKGROUND

A. Parties. This nonbinding Letter of Intent between the **City of Boulder** (“**City**”), **University Hill General Improvement District**, a general improvement district formed pursuant to Chapter 8-4, B.R.C. 1981 (“**UHGID**”), and **The Hill Hotel Partners, LLC** (“**Developer**”), for the purpose of exploring the possibility of jointly developing a parking structure, hotel, and complimentary uses (the “**Project**”).

B. Project. The Project will consist of a boutique hotel with approximately 160 rooms and ancillary retail, food and beverage and amenity space (“**Hotel**”) and below-grade parking structure containing approximately 247 parking spaces (with 80 designated for Hotel use) (the “**Parking Structure**”) to be constructed on the UHGID Property and the adjacent properties that are located west of Broadway, south of University Ave and north Pleasant Street in Boulder, Colorado and described below.

C. Joint Development. The Project will involve multiple co-development aspects that will necessarily require joint contracting and cost sharing arrangements and agreements both in the development and operational phases of the Project.

D. Property. The Project consists of approximately 62,981 sq. ft. of land and is generally described in Exhibit A. The properties described below will collectively be referred to as the “Property.” The Developer has represented that it will pursue completion of the assemblage of the parcels of the Project (other than the UHGID Parking Parcel) as soon as possible following the date of this Letter of Intent. The Developer will provide periodic updates

to the City and shall provide final confirmation and documents related to such assemblage as and when completed by the Developer. After such assemblage is completed by the Developer, the Parties intend to contribute the following parcels of land comprising the Property into the Project:

1. UHGID. A parcel of land consisting of approximately 20,633 sq. ft currently used for a surface parking lot and known by the addresses 0 Pleasant Street and 1155 Pleasant Street ("**UHGID Parking Property**").

2. UHGID Added Property to form the UHGID Property. A parcel of land that is approximately 1935 sq. ft. that is the northern portion of Lot 12 and Lot 13, Block 3, Capitol Hill Addition and shown on Exhibit A as "Excepted Portion (R1)" (the "**UHGID Added Property**"). The Developer intends to cause the owner of the UHGID Added Property to transfer the UHGID Added Property to UHGID for consideration of outside parking areas located on other portions of the Project (and any other consideration required as the same is to be paid by the Developer), such that the UHGID Added Property will be owned by UHGID and will become part of the Planned Community as provided herein. If and when the Planned Community is ever terminated, the UHGID Added Property, together with the UHGID Parking Property (collectively, the "**UHGID Property**") will revert back to the ownership of UHGID.

3. St. John/Dorrell: 1313 Broadway. A parcel of land that is approximately 22,712 sq. ft. that is owned by St. John / Dorell LLC, a Colorado limited Liability Company ("**St. John/Dorell**") located at 1313 Broadway.

4. 1335 Broadway. A parcel of land that is approximately 7314 sq. ft. that is owned by 1335 Broadway, LLC, a Colorado limited liability company located at 1335 Broadway ("**1335 Broadway Property**").

5. The Trust: 1301 Broadway. A parcel of land that is approximately 12,922 sq. ft. owned by the Ora S. Fowler Trust, Wells Fargo Bank, N.A., Trustee, (the "Trust") generally located at 1301 Broadway (the "**Trust Property**").

E. City - UHGID Cooperation. The City intends to create a cooperation arrangement with UHGID in order to obtain financing for the Parking Structure. The Parking Structure is anticipated to be managed by the City in a manner consistent with parking structures owned or managed by the City or other Boulder general improvement districts or by a third party on their behalf.

F. City – UHGID – Financial Arrangements. The Parties acknowledge that UHGID does not presently have the financial capability to plan, finance and construct the Parking Structure as anticipated by this agreement. UHGID intends to develop a cooperation arrangement with the City for all or a portion of the UHGID funding and financing needs pursuant to which the City intends to finance, construct, and own (or lease/purchase) the Parking Structure during, at a minimum, the term of the COPs financing as described below.

G. Framework. This Letter of Intent is intended to provide a nonbinding frame work for the Parties to negotiate in good faith those future agreements for the construction, development and operation of the Parking Structure, and the creation of the ownership interests

and associated rights expressly and impliedly contemplated herein. This Letter of Intent is not intended to constitute the definitive and ultimate binding agreement between the Parties as to such construction, development and operation or other subject matter.

NOW, THEREFORE, based in part on the Background described above, the Parties are entering into this nonbinding Letter of Intent for the purpose of determining the feasibility of developing the Project described herein.

INTENT OF THE PARTIES:

1. Ownership structure. The Parties intend to create a Planned Community with the Property under certain limited provisions of the Colorado Common Interest Ownership Act, Colorado Revised Statutes, Sections 38-33.3-101 et. seq. (“CCIOA”) applicable thereto. The Developer, UHGID, St. John/Dorell, 1335 Broadway, and the Trust intend to participate as joint declarants under a Declaration of Covenants, Conditions and Restrictions (the “**Declaration**”) to subdivide the Property and create a “planned community,” as that term is defined in CCIOA. The parties intend to create the planned community by entering into the Declaration and attendant map (the “**Map**”) that will be filed with the Clerk and Recorder of the County of Boulder, Colorado. The Trust Property will enter into (i) a 99 year ground lease in the subsurface with UHGID and (ii) a separate 99 year ground lease with the Developer for the surface rights of the property. The dividing line between the two leases will occur at the top of the Parking Structure as the same will be depicted on the Map. Each of UHGID and the Developer will subject the ground lease interests to the provisions of the Declaration and the Map and the Trust will consent thereto as required under CCIOA. The result of the Declaration and the Map will be to create separate legal “unit” interests in the portions of the Property such that the below grade parking structure units (one for the Trust ground lease area and one for the remainder of the Parking Structure area (collectively, the “**Parking Units**”)) can be transferred to UHGID in fee ownership for development of the Parking Structure as provided herein. The Developer will receive ownership of the above-surface units created under the Declaration for development of the Hotel. The association formed under the Declaration will own the common elements of the Project for the benefit of the unit owners (as the members of the association). The Developer will seek to cause the Trust to agree that if permitted by the Trust’s governing documents, the Trust Property remainder interest in the Parking Structure following the termination of the Trust 99-year ground lease area of the Parking Structure shall be made subject to provisions acceptable to the City pursuant to which the City’s ownership and possessory interest in the Parking Structure unit owned by the Trust shall be transferred to the City or otherwise extended and not terminated.

2. Financing Obligations. The financing of each Party’s development and construction costs will be independent of the other Party’s. Each Party agrees to take any and all reasonable actions to cooperate with the other Party to enable each Party to obtain suitable financing for its share of the costs of the Project. Each Party will be solely responsible for any obligations, liabilities, expenses, and costs of any kind or character assumed by or charged to such Party in connection with its respective financing of its allocable costs of the Project. The Parties agree to confirm to the other the source, timing and terms of the financing applicable to the portion of the Project to be funded by such Party. The Developer will finance and construct

the Hotel with Developer equity and construction financing by a third party financial institution (the "**Lender**"). The City will not proceed with final approvals or otherwise take binding actions in connection with the Project unless and until Developer confirms to the reasonable satisfaction of the City, that Developer has secured Lender financing for all of the costs and expenses to be incurred and paid by Developer in connection with the Project; provided, however, the City understands that the Developer will not proceed with its obligations hereunder unless and until the City has taken the preliminary steps to fund the City's costs for the Project with the use of a COPs financing structure as described below (but which financing structure cannot be completed or closed until all conditions for funding thereof are satisfied). It is anticipated that Developer's financing and the City's COPs financing will close contemporaneously. The actual funding by each of the Parties of the allocable amounts to be funded under their respective financing structures (as opposed to required equity) will be structured to allow for pro rata funding or another equitable funding structure such that not all of the City's COPs funds will be utilized for the Parking Structure before the Developer's funds are used for the Hotel improvements.

3. City and UHGID Cooperation - Certificates of Participation. UHGID does not have the financial capacity to finance the construction of the Parking Structure and will therefore explore cooperation arrangements with the City in order to obtain financing of the Parking Structure under a certificates of participation financing (the "**COPs**"), the proceeds of which will be used for hard and soft costs related to the Parking Structure and related elements, including without limitation, the COPS costs of issuance, any required debt service reserve fund and interest during construction and before Project opening. During the term of the COPs financing, the City intends to lease/purchase the to-be-built Parking Structure which will be operated by the City or one of its general improvement districts. The City intends to use the Parking Units (and any other property deemed necessary by the City) as collateral for the COPs to finance the construction of the Parking Structure. In connection with the COPs financing, UHGID intends to convey its ownership of the planned community Parking Units to the Boulder Municipal Property Authority ("**BMPA**"). BMPA will lease the Parking Units to the City and issue the COPs for use by the City in completing the development and construction of the Parking Structure and related Project elements. Subject to the requirement for annual appropriation and conditioned on the terms of the COPs financing documentation, the City intends to make lease payments to BMPA and such lease payments would then be used to make the principal and interest payments on the COPs. The City may pursue additional or alternative methods of financing at its discretion to complete the financing of the Parking Structure and related Project elements. When this Letter of Intent makes reference to the "City" or "UHGID," it is intended to reflect that these responsibilities will be more fully defined and allocated in the City – UHGID Cooperation Agreement.

4. Zoning Approvals. The Developer will seek and obtain at its sole cost all of the zoning approvals necessary to have the Property entitled and approved for the Hotel and related retail uses of the Project. The City will cooperate with and authorize the Developer in connection with any necessary entitlement and zoning approval filings to be submitted by the Developer for the Project. Solely to the extent required by City planning, the City will seek and obtain at its sole cost any separate zoning approvals necessary to have the subsurface of the Property entitled and approved for the Parking Structure separate from the Hotel. The entitlement and zoning approvals may include without limitation any necessary site reviews, use reviews, public easement vacation dedications or vacations, subdivisions pursuant to Boulder

land use codes, technical document review processes necessary to approve the zoning for the uses contemplated for the Project. The City (as the lessee under the COPs lease) will cooperate with the Developer under the Joint Development Agreement defined below to the extent necessary in the preparation of such zoning approval applications in connection with its ownership interest in the UHGID Property. The parties anticipate that the Project will meet all Boulder zoning standards and that development will not seek or need any modifications from zoning regulations except in accordance with standards and criteria in the Land Use Code of the Boulder Revised Code.

5. Construction Contracts – Contractor; Completion Guaranty. The parties intend to use the same contractor to construct the Parking Structure and the Hotel, Developer will enter into a contract with Contractor for the Hotel (the “**Hotel Contract**”), and the City will enter into a contract with the Contractor for the Parking Structure (the “**Garage Contract**”). If deemed appropriate, the parties may agree to a primary contract with the Garage Contract being a subcontract thereunder. The parties intend to use M. A. Mortenson Company (or other contractor acceptable to the Parties) (the “**Contractor**”) as the general contractor for the Project with some aspects thereof being under a ‘design-build’ format. The City (as the lessee under the COPs lease) will seek any approvals necessary to ensure that the Garage Contract and related elements complies with the purchasing requirements and determine whether it is practical and advantageous to forgo formal competitive bidding for the Garage Contract. The Garage Contract and the Hotel Contract shall allow for a pro rata funding and disbursement of the Parties’ costs relative to the timing of the improvements being completed (i.e., because the Parking Structure improvements are subsurface and the Hotel improvements are on top of such Parking Structure), it being the intent that the City not be at risk for funding the completion of the Parking Structure without the Developer being similarly financially invested (and at risk for) completion of the Hotel Improvements. This concern may be addressed by and through a disbursement agreement, through the contracting process, through the Completion Guaranty or other arrangements acceptable to the Parties. Developer shall provide a completion guaranty (the “**Completion Guaranty**”) of the Hotel Improvements for the benefit of Developer’s Lender, St. John/Dorrell, 1335 Broadway the Trust and the City/UHGID (collectively, the “**Hotel Reliance Parties**”) that will guaranty the lien-free completion of the Hotel. In order to obtain the benefit as a Hotel Reliance Party, and subject in all respects to the terms and conditions of the COPs financing requirements, the City shall (i) cause the proceeds of the COPs financing to be deposited into an account with the COPs financing trustee for use only in funding amounts sufficient to pay for the completion of the Parking Structure plus the additional amounts agreed to be funded by the City pursuant to the Joint Development Agreement, (ii) grant Developer and the Lender the right to access such proceeds in the event that the City is in default (after any applicable notice and cure) in order for Developer and Lender to cure such default, and (iii) cause the COPs financing trustee to consent to such rights.. The Joint Development Agreement and the other material documents setting forth the obligations of the Parties to one another may be pledged for the benefit of the other parties’ financing in order to provide for protection in the event of a default by the other Party. In addition, each of the Parties will have the right to cure a default by the other Party under the construction obligations applicable to their respective portions of the Project under the terms of the Joint Development Agreement.

6. Parking Structure Costs; Shared Costs for Agreed Elements. The City (under its COPs lease and arrangements with UHGID) intends to sign the Garage Contract and pay for

the completion all agreed work necessary to construct the Parking Structure and related elements thereunder by funding periodic payments of the COPs proceeds through a disbursement process in a manner consistent with the funding of the construction by the Developer of the Hotel improvements. The City shall pay all costs related to the design and construction of the Parking Structure; provided, however, in connection therewith, an amount equal to the structural support benefit being supplied to the Hotel for the construction of the Hotel improvements thereon shall be allocated to and paid by the Developer under the terms of the Joint Development Agreement. Further, certain common elements that benefit the entire Project (as opposed to just the Parking Structure) and related elements agreed to by the Parties will be allocated and paid for as shared cost elements as the same are generally outlined on Exhibit B (such costs, the “Shared Costs”) will be described in specific detail and agreed to in the Joint Development Agreement. Such Shared Costs elements of the Project costs will be split based on an agreed sharing percentage based on the relative hard construction costs plus soft costs relating only to the design and development documents for the City’s Parking Structure on the one hand and the Developer’s Hotel improvements on the other (the “Allocable Percentages”). No part of the Shared Costs to be paid with use of the COPs proceeds will be used to fund any portion of the Hotel (or any other privately owned part of the Project) in any manner that would violate the tax requirements applicable to the COPs. The Parties shall use commercially reasonable efforts to identify the specific Shared Costs and the Allocable Percentages therefor as soon as possible following the date of this Letter of Intent with the intent that the Parties will reach written agreement in the Joint Development Agreement on the Allocable Percentages with a not-to-exceed Shared Cost amount to be funded by or through the City.

7. Parking Structure Construction; Shared Costs and Benefit. The City will, at its cost, design and enter into the Garage Contract with the Contractor. The City shall receive all warranties for the work thereunder from the Contractor for direct enforcement by the City. After the Developer has received all of the necessary zoning approvals, the City will be responsible for the design development documents, and construction documents that are necessary for the Parking Structure Garage Contract and building permit applications. The Parking Structure will be designed, permitted and performed with due diligence, in a good and workmanlike manner using new and high quality materials, free of any defects or liens in accordance with the Garage Contract, the approved site plan, the approved garage plans, all applicable laws, and the terms and conditions of this Letter of Intent, and only after having procured and paid for, so far as the same are required, all municipal and other governmental permits and authorizations of the various departments and governmental agencies. The Contractor will work closely with the City and Developer to coordinate the construction contracts to address the common elements needed for both portions of the Project and will provide a guaranteed maximum price (“GMP”) contract for the Parking Structure and related elements which are the City’s payment responsibility. The Parties acknowledge that (a) portions of the structural elements of the Parking Structure are designed in concert with the plans for the Hotel and (b) portions of the structural and base building systems of the Hotel are designed in concert with the plans for the Parking Structure. In connection with the Garage Contract amount payable by the City, an amount equal to the structural support benefit being supplied to the Hotel for the construction of the Hotel improvements thereon shall be allocated to and paid by the Developer under the terms of the Joint Development Agreement (which amount shall be reasonably determined by the Parties and shall be set forth in the Joint Development Agreement). The parties will also identify in the Joint Development Agreement the portions of such improvements that are the common Shared Costs

and will apply the cost sharing Allocable Percentages applicable thereto as described in paragraph 6 above. The Parties may agree to an alternative method of cost sharing in the Joint Development Agreement so long as the net cost sharing is reasonably related to the agreed cost sharing Allocable Percentages described above. In no event will the City be responsible for any Project costs in excess of the GMP and its agreed Shared Costs set forth in the Joint Development Agreement.

8. **Hotel.** The Developer intends to complete all work necessary to construct the Hotel above the Parking Structure and all related Hotel exterior site work. The Hotel will be designed and constructed at Developer's sole cost and expense. Except with respect to the Shared Costs (the cost of which will be borne by the Parties in accordance with their Allocable Percentage subject to the final agreed Shared Cost amounts as described above), the Hotel and all of its elements (such as exterior landscaping on the Hotel property) will be constructed by the Contractor at Developer's sole cost and expense.

9. **Hotel Construction; Coordination on Shared Costs.** The Developer will enter into the Hotel Contract with the Contractor at the time that the City enters into the Garage Contract such that the respective construction contracts are fully coordinated in completion of the work required for the entire Project. The construction elements comprising the Shared Costs will be contained in the most appropriate contract (i.e., relating to the portion of the construction contract (Hotel vs. Parking Structure), as the case may be, which most directly includes the construction of the elements that are to be included as a Shared Cost). The Developer will oversee and be responsible for negotiating the Hotel Contract, but the City shall have the responsibility of negotiating the Garage Contract. After the Developer and the City have received all of the necessary zoning approvals, (i) the City will be responsible for the design development and construction documents that are necessary for the Parking Structure, and (ii) the Developer will be responsible for the design development and construction documents that are necessary for the Hotel and for the portion thereof relating to the structural support aspects of the Parking Structure that will support the Hotel improvements. The Hotel and the Parking Structure will be designed, permitted and performed with due diligence, in a good and workmanlike manner using new and high quality materials, free of any defects or liens in accordance with the Hotel Contract and the Garage Contract, the approved site plan, the approved garage plans, all applicable laws, and the terms and conditions of this Letter of Intent, and only after having procured and paid for, so far as the same are required, all municipal and other governmental permits and authorizations of the various departments and governmental agencies.

10. **Joint Development; Allocated Costs for Environmental and Unforeseen Conditions.** The Parties intend to jointly develop the Project and will pay for their respective costs outlined above and for their Allocable Percentage of Shared Costs. In addition, certain other costs are hereby agreed to be allocated in the Joint Development Agreement (and related agreements as applicable) as follows:

a. **Environmental Costs.** The Parties acknowledge environmental contamination has been documented with respect to portions of the Project property resulting from both off-site migration and from the existence of a prior dry cleaner and related uses on portions of the Project property (but not including the UHGID Property). The Parties have each performed an analysis

with respect to the environmental contamination matters affecting the Project property and agree to that the estimate of the clean-up, monitoring and related costs resulting therefrom total estimated cost of \$1,455,000¹ (the “**Environmental Cost Amount**”). The Developer shall be solely responsible for payment of the Environmental Cost Amount.

b. *Unforeseen Conditions Costs.* The Parties intend to identify solutions for cost overruns related to unforeseen conditions that are not covered under the GMP or otherwise not covered by the contingencies in the Parties’ respective contracts (such matters, the “**Unforeseen Conditions**”). Accordingly, the Parties agree that costs attributable to Unforeseen Conditions shall be allocated and paid as follows: (i) by the Developer to the extent of any excess Environmental Cost Amount, (ii) then by the City for an amount up to \$200,000, then (iii) any excess amounts shall be paid by the Parties in accordance with the Shared Cost Allocable Percentage.

c. *UHGID/City’s Costs.* The City will be solely responsible for

i. The cost of the Parking Structure and including the majority of the cost of the bathtub foundation (less only an amount allocable to the structural support benefit to be paid for by the Developer as a part of the Hotel costs as contemplated in paragraphs 6 and 7above);

ii. Payment of the costs of the City representative and architect who will participate in the design of the Project and approving the Project design and construction documents for the Parking Structure and related public amenities (which shall meet the City standards and specifications applicable to the Project property);

iii. Improvements within the public right of way (but not on any portion of the Project Property) that include, without limitation, curb and gutter, sidewalks, access drives, landscaping, and street furniture designed and improved in accordance with City standards in the University Hills area of Boulder and structured engineering therefor;

iv. The City’s Allocable Percentage of the Shared Costs;

v. Any agreed amounts payable for Unforeseen Conditions as outlined above;

vi. Any taxes and insurance relating to the UHGID Property and for builder’s risk insurance in connection with the Garage Contract including all attorneys’ fees and costs incurred in connection with the negotiation of the Garage Contract;

vii. All financing fees and expenses relating to the COPs financing including all attorneys’ fees and costs incurred in connection therewith; and

¹ Includes discussed categories of contaminated soil management, testing and disposal; water treatment for construction dewatering (with equipment rental and operation); VCUP preparation and application fee; dewatering permit (CRI previous estimate for equipment rental only for 18 months); VCUP oversight, final report; 25% contingency and City water attorney counsel costs.

viii. A construction oversight fee payable to the Developer to be specified in the Joint Development Agreement for overseeing the coordination of the work under the Garage Contract with the work under the Hotel Contract (which amount for which shall not exceed 5% of the hard construction costs plus soft costs relating only to the design and development documents for the City's Parking Structure LESS amounts paid by the City to its own construction oversight representatives and agents involved in such process, which amount is anticipated to be greater if the City has a separate Garage Contract.)

d. *Developer Costs.* The Developer will be solely responsible for all other costs of the Hotel and the Project, including the following:

i. Taking the lead role in preparing the Concept Plan, the Preliminary Plans, and the Approved Site Plan and seeking entitlement and zoning approval therefor (provided that the City will pay for its own architect and owner's representative to participate in this process);

ii. Its own assemblage transaction costs, including all attorneys' fees and costs incurred in connection therewith (and including all negotiations with the Trust);

iii. Demolishing and removing all of the existing surface improvements on the Property, including without limitation all structures and paving materials;

iv. The Environmental Cost Amount;

v. The construction and equipping costs for the Hotel under the Hotel Contract including all attorneys' fees and costs incurred in connection with the negotiation of the Hotel Contract;

vi. Its own financing fees and costs, taxes and insurance (including the builder's risk insurance amounts under the Hotel Contract);

vii. any agreed amounts payable for Unforeseen Conditions as outlined above, and

viii. The Developer's Allocable Percentage of Shared Costs.

e. *Shared Costs.* The Shared Costs will be allocated between the City and the Developer in accordance with the Allocable Percentages and shall be specified in the Joint Development Agreement.

f. *Pursuit Costs.* Prior to the execution of the Joint Development Agreement, the City and the Developer shall be solely responsible for any and all fees incurred by such party in pursuit of the Project, including their own design and related service professionals, including, without limitation, architects and attorneys (for each Party, the "**Pursuit Costs**"). The Joint Development Agreement may set forth remedies of each Party for collection of damages that would be suffered upon an event of default thereunder, which damages may include an agreed amount of Pursuit Costs as liquidated damages.

11. City to Lease Parking to Hotel. The City and the Developer will enter into a lease pursuant to which the Hotel will lease approximately 80 parking spaces within the Parking Structure to the Developer at a fair market rate acceptable to the City for the exclusive use of the Hotel, which lease rate shall be confirmed in the Joint Development Agreement. The Parties intend that these spaces will be in a specific area of the Parking Structure. The Parties agree to negotiate in good faith to determine the details of the lease. The Parties anticipate that a draft lease will be completed contemporaneously with the execution and delivery of the Planned Community Documents and which parking lease will be on terms acceptable to the Developer and the City. The City's rights under the Lease will be collaterally assigned by the City to secure the COPs financing and the Developer's rights under the Lease will be collaterally assigned by the Developer to the Developer's Lender.

12. Future Agreements. The Parties anticipate that, to implement the intent set forth herein, they will enter into future contractual agreements including, without limitation, the following documents (collectively, the "**Future Agreements**"):

a. Joint Development Agreement is the agreement of the Parties to jointly develop the Project in accordance with this Letter of Intent. The Joint Development Agreement shall also set forth the services of each Party for the benefit of one another, including the manner of participation of the Parties' respective design professionals, representatives and the amount agreed to be paid to the Developer for overseeing the Hotel Contract and the Garage Contract as described in paragraph 10(c)(viii) above.

b. The City Development Agreements are the regulatory agreements that are typically required as part of City land use review processes including without limitation for site reviews, use reviews and subdivisions.

c. The City – UHGID Cooperation Agreement is the agreement between the City and UHGID that describes the responsibilities and roles of the two parties with respect to the arrangement for certificates of participation financing that the City intends to issue and coordinate. The Cooperation agreement may require UHGID to convey or otherwise place its property in trust, together with the parking unit in order to obtain the certificate of participation financing.

d. The Planned Community Documents collectively are the documents filed with the Clerk and Recorder of the County of Boulder, Colorado, in order to subdivide and govern the Property as a "planned community," as that term is defined in CCIOA, including, without limitation, the (i) Declaration, and (ii) the Map.

e. The Parking Lease is a lease permitting the Developer to use 80 parking spaces in the Parking Structure, which parking lease will be on terms acceptable to the Developer and the City.

f. The Garage Contract is the construction contract for the Parking Structure work and the additional City's work (to be completed within the public right of way) to be entered into between the City and the Contractor.

g. The Hotel Contract is the construction contract for the Hotel work to be entered into between the Developer and the Contractor.

h. The Completion Guaranty is the guaranty of completion of the Hotel and the related improvements agreed to be constructed by the Developer, which Completion Guaranty shall run to the benefit of the Hotel Reliance Parties (as defined above).

i. The documents associated with the issuance of the COPs to finance construction of the Parking Structure including, without limitation, the Lease between BMPA and the City for the Parking Structure and any other leased property deemed necessary by the City, the Indenture of Trust between BMPA and U.S. Bank, as Trustee for the COPs, the Official Statement and all other documents required in connection therewith.

j. A Joint Disbursement Agreement for disbursement from the Parties' respective funding sources for payment of construction costs requisitioned by the Contractor from time to time during the construction of the Project and including provisions for processing draws and accessing the other Parties' financing proceeds in the event of an uncured default by such party.

k. The Trust Ground Lease between the Trust and the City for the Trust portion of the Garage Structure that will be developed and operated by the City.

l. The Project Design and Development Documents, including the architects' agreements and representative documents.

m. The Developer land ground lease and related documents for the St. John/Dorell, 1335 Broadway, and the Trust portions of the Property.

n. Such other documents and agreements required pursuant to this Letter of Intent to fully address the responsibilities of the Parties to one another regarding the development, construction and operation of the Project on a joint basis.

13. Miscellaneous Provisions.

a. *No Waiver of the Police Power.* This Letter of Intent is not intended to be a binding obligation for the City to approve any matter or grant any entitlement for which notice and hearing or other legislative action is required.

b. *Regular Meetings.* The City, UHGID, and Developer intend to meet regularly with each other to determine the feasibility of the Project and identify the approvals and documents necessary to develop and operate the Project.

c. *Counterpart Originals.* This Letter of Intent may be executed in two (2) counterpart originals which, when taken together, will constitute but one and the same instrument.

d. *Amendment.* This Letter of Intent may not be amended unless agreed as such in writing and certified by the signatures of the Parties hereunder.

e. *Governing Law.* This Letter of Intent will be interpreted and enforced in accordance with the provisions of Colorado laws in effect at the time it is executed, without regard to conflict of law provisions.

f. *Effective Date; Termination.* This Letter of Intent will be effective after it is approved by the Boulder City Council and executed by Developer, the City of Boulder and UHGID. This Letter of Intent may, for any or no reason and without penalty, be revoked or terminated upon notice of either Party.

g. *Non-Binding.* Notwithstanding anything to the contrary set forth herein, the Parties acknowledge that this Letter of Intent is not intended to be binding in any respect. There shall be no binding contract on any other provision of this Letter of Intent unless and until the Future Agreements are executed and delivered by both Parties and approved by all applicable governmental action, including approval thereof by the Boulder City Council. This Letter of Intent is only an expression of interest and may not become part of any eventual contracts. The Letter of Intent is not intended to impose any obligation to bargain other than in good faith but at arm's length. Each Party will be responsible for its own attorneys' fees and costs (including any design costs prepared by it) in connection with this Letter of Intent and until the Future Agreements are executed and delivered.

h. *Financial Obligations of the City and UHGID.* Any and all financial obligations of City and UHGID under this Letter of Intent are contingent upon appropriation, budgeting and availability of specific funds to discharge such obligations. Nothing in this Letter of Intent shall be deemed to be a pledge of the City or UHGID's credit, or a payment guarantee by the City or UHGID to Developer.

i. *Independent Contractor.* The relationship between the Developer and the City or UHGID is that of an independent contractor. The Developer shall not be deemed to be, nor shall it represent itself as, employee, partner, or joint venture with UHGID. No employee or officer of the City or UHGID will supervise Developer.

j. *No Third Party Beneficiaries.* The Parties intend no third party beneficiaries under this Letter of Intent. Any person other than the City, UHGID or the Developer receiving services or benefits under this Letter of Intent is an incidental beneficiary.

[SIGNATURE PAGES FOLLOW]

THE PARTIES INTEND, by affixing their signatures below to take the next steps as described in this Letter of Intent and enters into the necessary agreements to complete the Project. The parties look forward to talking pursuant to the Project.

Sincerely,
City of Boulder, a Colorado home rule city

Attest:

By: _____

Name: Jane S. Brautigam
Title: City Manager

Name: _____
Title: City Clerk

Sincerely,
UNIVERSITY HILL GENERAL
IMPROVEMENT DISTRICT, A Colorado
and City of Boulder General Improvement
District

Attest:

Name: _____
Title: City Clerk

By: _____

Name: Jane S. Brautigam
Title: City Manager and Ex Officio General
Manager

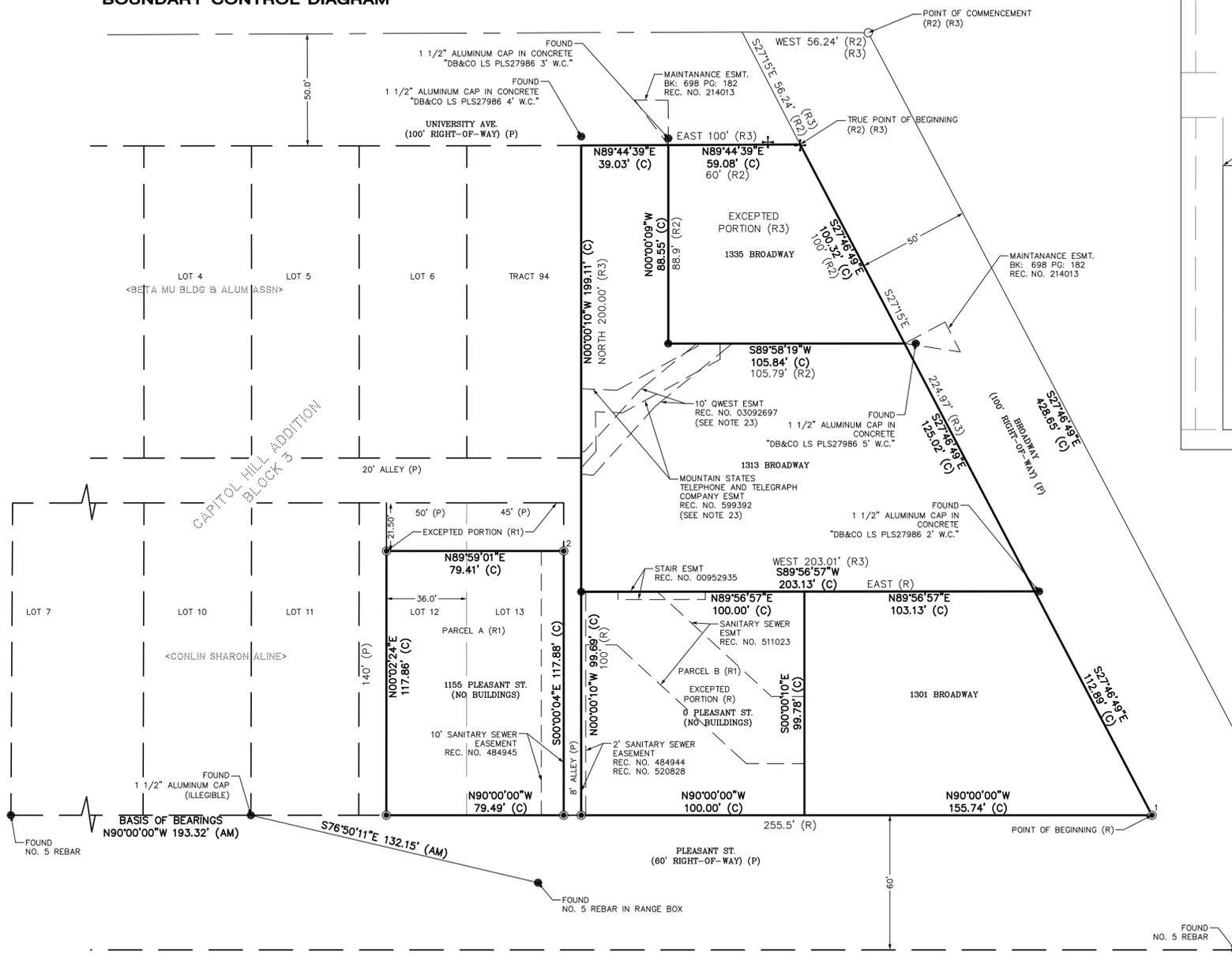
ALTA/ACSM LAND TITLE SURVEY

PARCELS OF LAND, LOCATED IN THE NORTHWEST QUARTER OF SECTION 31,
TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO
SHEET 2 OF 3

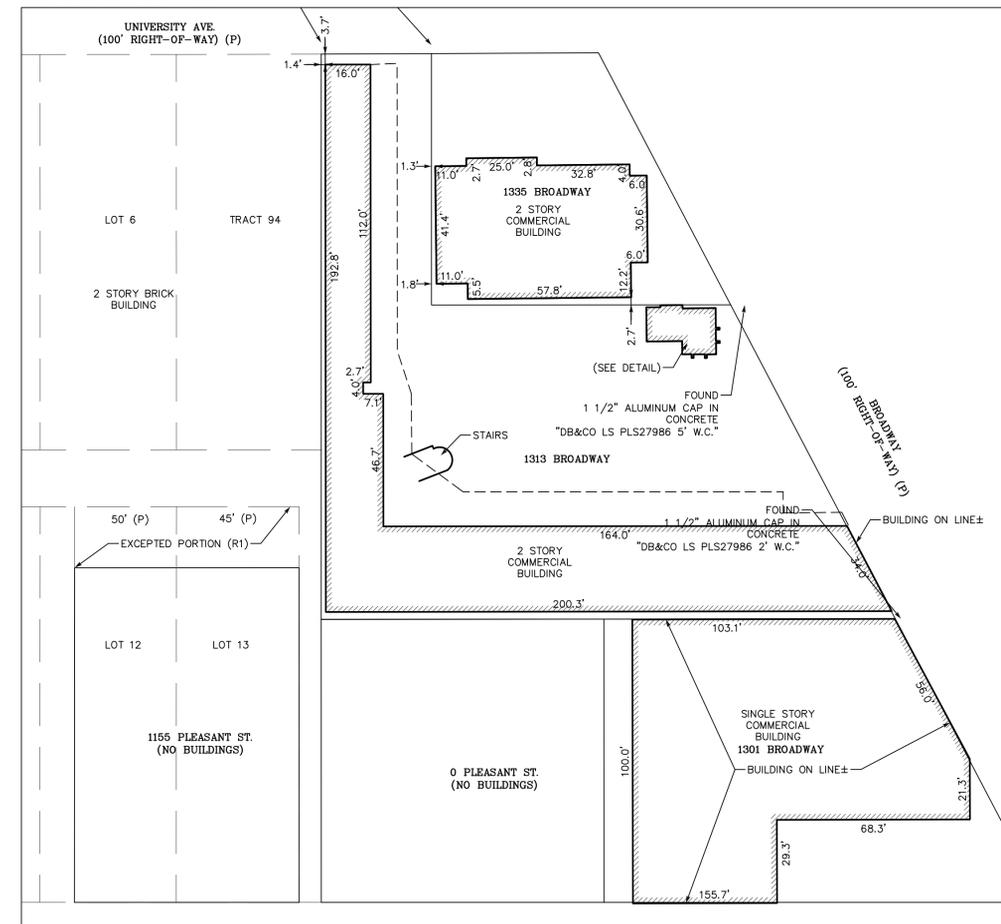
Legend

- + FOUND CHISELED CROSS
- FOUND MONUMENT AS DESCRIBED
- ⊙ SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16406"
- ⊙¹ SET 3/4" BRASS TAG "FSI 16406"
- ⊙² SET 2" ALUMINUM DISK WITH MAG NAIL "FLATIRONS SURVEYING LS 16406"
- CALCULATED POSITION (NOT FOUND OR SET)
- (AM) AS MEASURED AT TIME OF SURVEY
- (C) CALCULATED FROM RECORD AND AS MEASURED INFORMATION
- (P) AS PER THE MAP OF LAND BELONGING TO THE HEIRS OF MARINUS G. SMITH, DEC BOOK 2, PAGE 189-0 DATED MAY 17, 1902
- (R) AS PER RECORD INFORMATION FOR 1301 BROADWAY
- (R1) AS PER RECORD INFORMATION FOR 1155 PLEASANT ST.
- (R2) AS PER RECORD INFORMATION FOR 1335 BROADWAY
- (R3) AS PER RECORD INFORMATION FOR 1313 BROADWAY

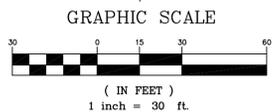
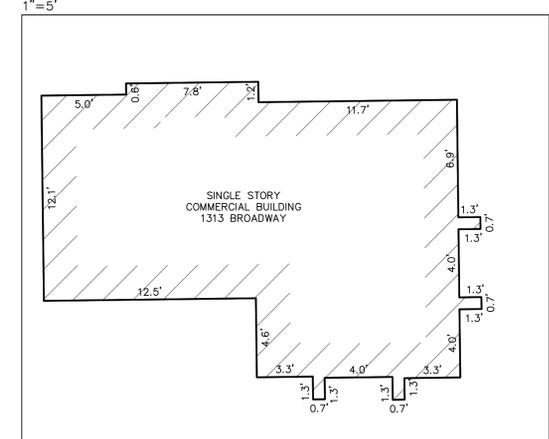
BOUNDARY CONTROL DIAGRAM



BUILDING DETAIL



Building Detail



| REVISION | DATE |
|----------|------|
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| 8 | |
| 9 | |

ALTA/ACSM LAND TITLE SURVEY
PREPARED FOR
ULYSSES DEVELOPERS, LLC
&
Others (See Note 3)
COPYRIGHT 2015 FLATIRONS, INC.

Flatirons, Inc.
Surveying, Engineering & Geomatics
www.FlatironsInc.com
3825 IRLS AVE, STE. 395 3660 DOWNING ST
BOULDER, CO 80501 UNIT E DENVER, CO 80205
PH: (303) 776-1733 PH: (303) 443-7001
FAX: (303) 776-4355 FAX: (303) 443-9830



JOB NUMBER:
15-66,212
DATE:
07-30-2015
DRAWN BY:
B. LUND
CHECKED BY:
TAC/JZC/WW

SHEET 2 OF 3

Exhibit B
SHARED COST CATEGORIES

1. Portions of the design build process relating to (i) structural engineering; (ii) landscape engineering for exterior ground level only (although there may be a different sharing arrangement for such category based on the agreement of the Parties); (iii) civil engineering; (iv) geotechnical engineering; and (v) allocable reimbursable amounts for such engineering services relating to the foregoing.
2. Site utilities relocation (although there may be a different sharing arrangement for such category based on the agreement of the Parties).
3. Project transformer (unless each portion of the project has its own transformer).
4. Permitting fees relating to the portion assessable to the Garage Structure including Boulder impact fees, permit fees and plan check fees.
5. Architectural and construction costs relating to the common elements servicing the Garage access to the Hotel including, allocable elevator costs and stairway access.
6. Mechanical and life safety systems.
7. Project drainage systems.
8. Project landscape irrigation systems (although there may be a different sharing arrangement for such category based on the agreement of the Parties).
9. Any and all other systems identified in the Parties' design-build process that are to be jointly constructed and/or operated as a part of the Project.

University Hill Commercial District
Moratorium Project:
Phase 1 Report
November 20th 2014
Revised 1/21/2015



Contents

| | |
|--|------|
| I. Introduction | 3 |
| II. Physical Form, Land Uses and Demographics | 5 |
| Visual Character and Identity | 6 |
| Summary of Commercial Uses | 7 |
| 2014 Economic & Planning Systems Study | 8 |
| Housing and Demographics | 8 |
| Square Footage and Floor Area Ratio | 9 |
| III. Desired Mix of Uses - Boulder Valley Comprehensive Plan | 10 |
| Underlying Plans and Vision | 11 |
| BVCP Land Use Designations On and Near University Hill | 12 |
| IV. Implementing the Vision - Zoning on University Hill | 13 |
| Zoning of Business District and Immediate Surrounding the District | 14 |
| Summary of Recent Developments | 15 |
| Analysis of How the Existing Zoning Implements the BVCP vision | 15 |
| V. Access, Parking Supply and Demand, and Potential “Catalyst” Development Sites | 16 |
| Access, Parking Supply and Demand | 17 |
| “Catalyst” Sites | 17 |
| VI. History | 19 |
| University Hill History | 20 |
| VII. Existing and Potential Future Incentives | 23 |
| Existing Programs | 24 |
| Potential Incentives | 26 |
| VIII. Preliminary Findings and Potential Strategies to Explore Further | 28 |
| Preliminary Findings | 29 |
| Potential Strategies to Address the Findings | 30 |
| Appendix 1 Uni Hill Moratorium Project Background | i |
| Appendix 2 Detailed Parcel and Land Use Inventory | ii |
| Appendix 3 Historic Preservation Tax Credits Available Programs | xix |
| Appendix 4 BMS Zoning District Analysis | xxi |
| Appendix 5 Hill Reinvestment Strategy Update | xxiv |
| Appendix 6 Overview of Past Studies and Planning Efforts in the Uni Hill Area | xxvi |

I. Introduction



I. Executive Summary

This report summarizes the results of Phase One of the University Hill Commercial District Moratorium project. This includes background information, analysis, and preliminary findings.

This report was assembled in preparation for Phase Two: Public Outreach. The results of Phase Two have also been summarized in a separate summary report. The findings and strategies summarized in this report have continued to be refined as the project team has received feedback.

The project was initiated by City Council to address a concern that the current economic environment strongly favors student rental housing in the Hill commercial district, making it difficult for other uses to compete in the market place. Over-concentration of any single use in this small commercial district would conflict with the community's vision for the Hill, defined in the Boulder Valley Comprehensive Plan (BVCP) as *"an activity center that serves a variety of commercial, entertainment, educational and civic functions,"* and *"also serves as a neighborhood center for the surrounding area, providing a wide range of activities drawing people from the entire city as well as the region."*

In August, 2014, Council passed a temporary moratorium on residential uses in the Business Main Street (BMS) zoning district on the Hill to allow time to analyze and present options to address the concern. The moratorium expires in March, 2015.

Revitalization of Uni Hill is one of Council's top priorities. This project will complement the larger University Hill revitalization and reinvestment efforts already underway, and the moratorium project recommendations will be coordinated and integrated with the Hill Reinvestment Strategy work plan described in Appendix 5.

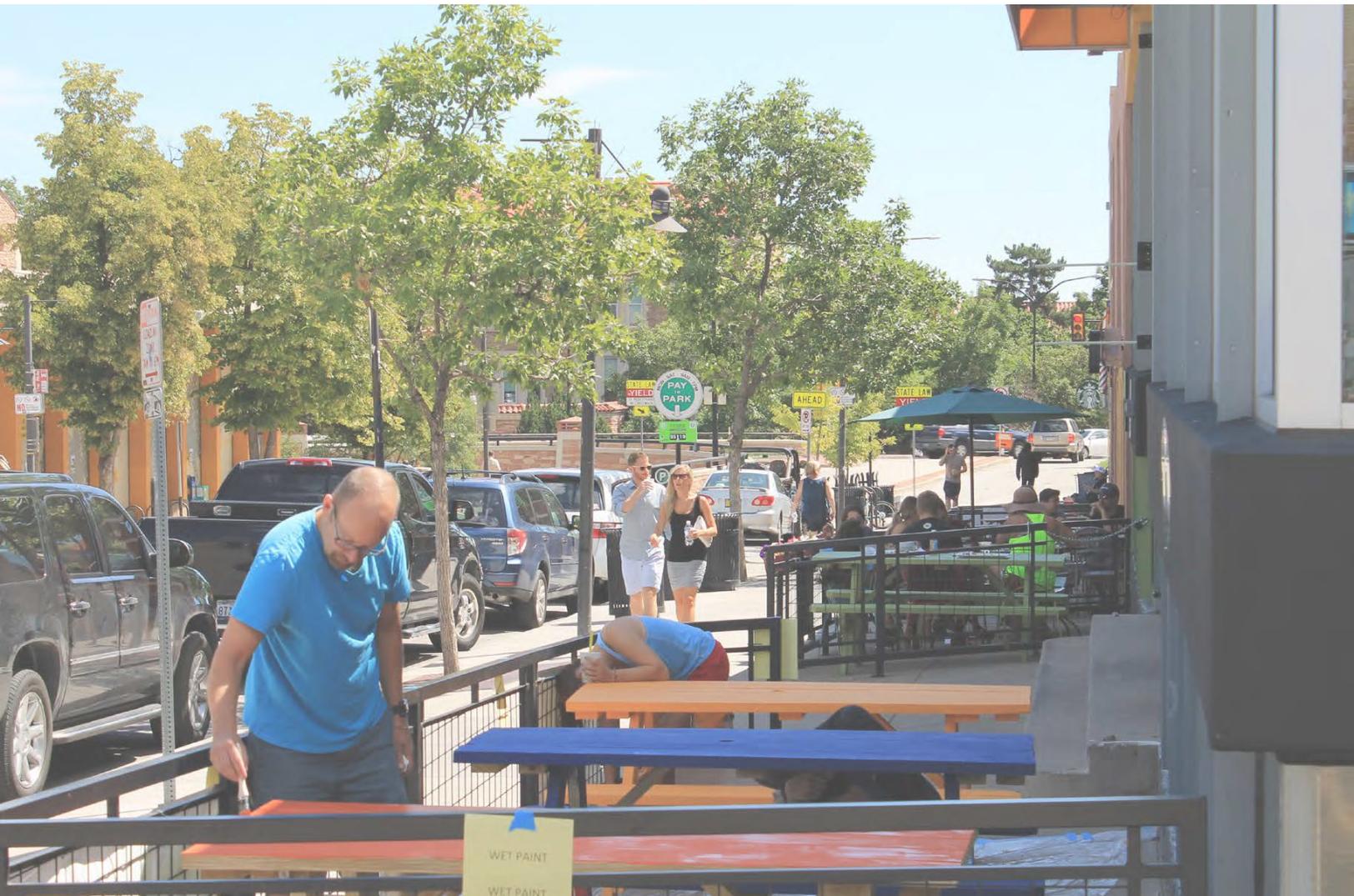
The goals of the project are to:

- Review and analyze University Hill commercial district history, current use composition, and existing zoning district boundaries, uses, and standards;
- Gain a clear understanding of current market dynamics and property owner needs and desires;
- Identify gaps and conflicts between the adopted Boulder Valley Comprehensive Plan vision for the Hill and the current situation (the goal is not to create a new vision for the hill);
- Identify options, including potential refinements to existing zoning, possible creation of new zoning, and other tools to implement the Hill vision in a way that supports larger community goals;
- Support and coordinate with concurrent Hill Reinvestment Strategy efforts to implement the Hill vision.

The project was designed to address this narrow issue in the following five phases:

- Information gathering, issue identification, and analysis - *Sept and Oct 2014*
- Public outreach on preliminary findings and possible strategies - *Nov 2014*
- Refine findings and strategies and develop staff recommendations - *Dec 2014 and Jan '15*
- Planning Board & UHCAMC hearings and recommendations - *Feb 2015*
- City Council public hearings and decision - *Feb and March 2015*

II. Physical Form, Land Uses and Demographics



II. Physical Form, Land Uses and Demographics

Visual Character and Identity

University Hill is a neighborhood business district that has its earliest origins as a residential district. The earliest commercial structures were built around the intersection of 13th Street and Pennsylvania Avenue, directly across Broadway from CU’s historic Norlin Quadrangle, and a new commercial district grew out from there. This model of a college-oriented business district is typical in American college towns, like Boulder, where the campus was slightly too far from downtown for students to walk for their daily needs in the pre-automobile era. In addition to serving students, The Hill has also served as the broader Uni-Hill neighborhood’s local commercial district since its inception.

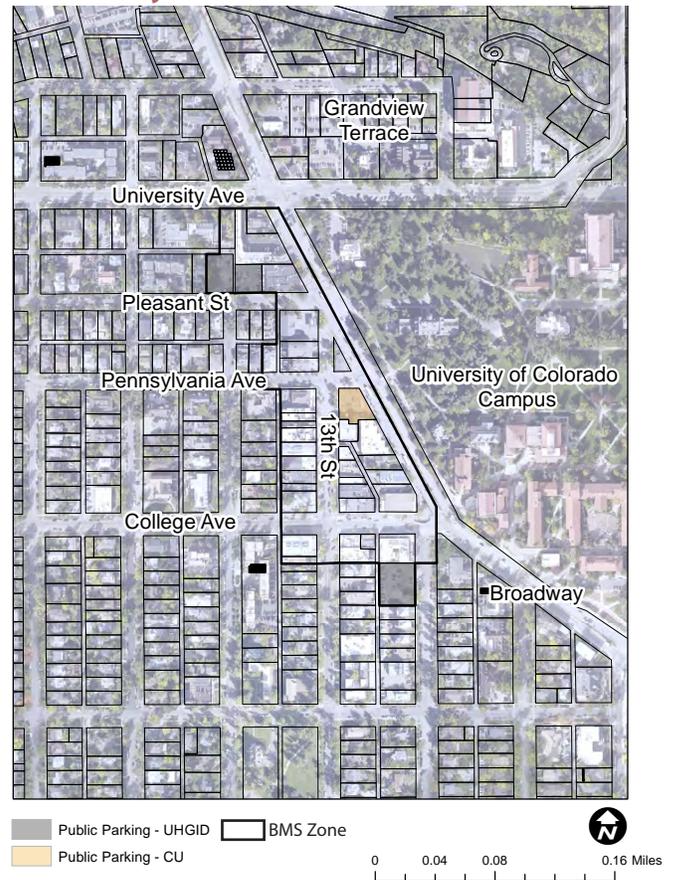
As explained in Section VI. History, many properties on The Hill are in fact homes that include historic commercial additions on the front, as seen in the example below. These buildings are mixed together with the earlier commercial structures, the various music venues, and the low-rise retail structures built throughout the area’s history. The district’s buildings are currently in a wide variety of conditions, some historic and some non-historic, and some in need of basic maintenance.

The commercial district has two primary commercial street frontages, each with its own distinct character. 13th Street is the historic heart of the district, with its historic commercial buildings and music venues. Broadway forms the interface with the CU campus and is a bustling street with an eclectic mix of structures



1226 Pennsylvania Avenue, home of The Sink, with historic commercial addition to an original residential structure.

University Hill BMS Zone



of varying qualities. The cross streets of College, Pennsylvania and Pleasant run perpendicular to, and connect the main streets, and serve as pedestrian corridors between the university and the high density student housing.

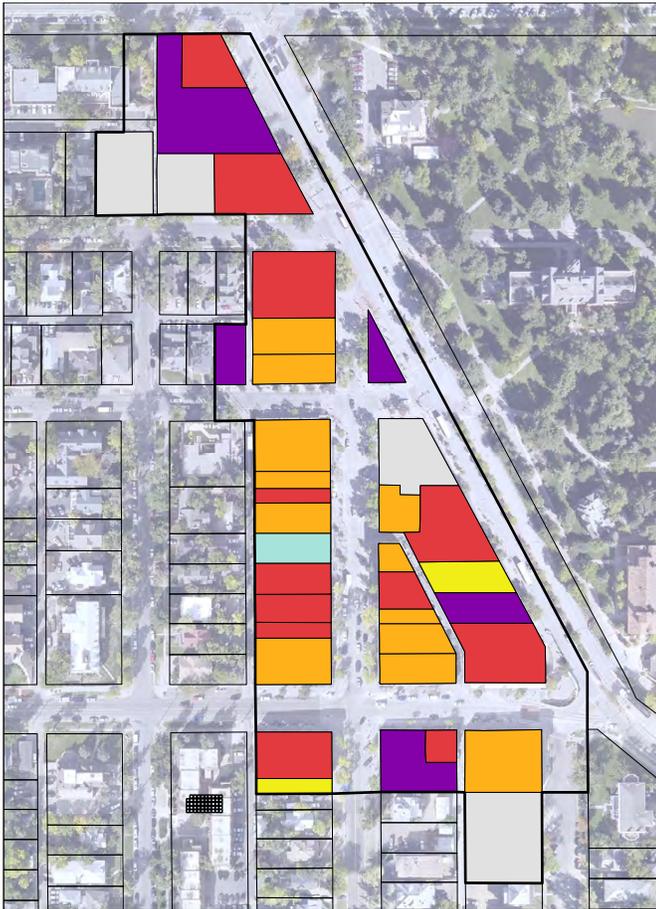
Recently a new wave of mixed-use developments have begun to add a significant amount of residential in the form of small-scale, mixed use buildings with ground floor retail. This has happened either through adaptive reuse of historic structures, or by demolishing structures and building new ones. In addition, there are three vacant lots on The Hill under public ownership. Two are owned by the parking district – UHGID; and one owned by the University of Colorado – at 13th and Pennsylvania. The lot at 14th and College is being considered for a public-private partnership that would create underground parking for the University Hill General Improvement District (UHGD) in exchange for the ability to develop above-ground uses.

II. Physical Form, Land Uses and Demographics

Size of the Area

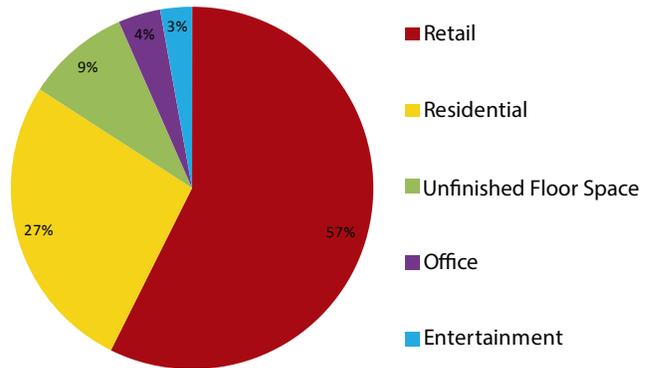
The University Hill BMS zone contains approximately 11.5 acres of land. This compares to approximately 108 acres in Downtown Boulder and 333 acres in the Boulder Valley Regional Center.

University Hill Current Land Uses



■ Retail
■ Residential
■ Unfinished Floor Space
■ Office
■ Entertainment
■ Entertainment
■ Surface Parking Lot
■ Retail and Office
■ Surface Parking Lot
■ Retail and Res.
■ Residential Only

Land Use Share by Square Footage



DRAFT: 12/18/2014

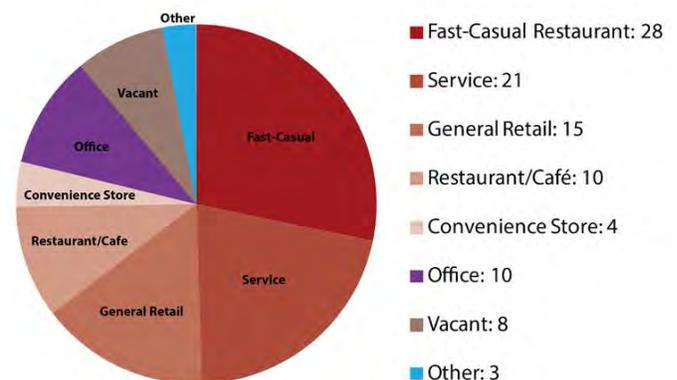
Source: Boulder County Assessor's Data and Property Owner Interviews

The breakdown of these uses by square footage is as follows: Retail -173,633 sq ft, 57%; Residential - 76,428 sq ft, 25%; Unfinished Floor Space - 36,131 sq ft, 12%; Office - 9,149 sq ft, 3%; Entertainment - 8,500 sq ft, 3%.

Summary of Commercial Uses

Commercial uses in the area include a mix of retail and office types. There are 97 businesses located on The Hill at the time of this report. These uses fall into a number of different commercial categories, with office uses representing a small amount in terms of both number of businesses and square footage. See pie chart below².

Total Number of Commercial Uses by Type



Source: Current Survey of Local Businesses

DRAFT: 12/18/2014

Summary of Land Uses

There are 35 parcels in the University Hill BMS zone. They include a mix of retail, office, residential, or a combination of these uses. The map above shows a breakdown of the mix of uses on each property in the business district. These include retail; retail and residential; retail and office; entertainment; residential only; and unfinished space¹. The following pie chart illustrates the percentage share that each use occupies.

¹ Parking Lots, Unfinished Space, and Vacant Retail Units have different meanings. Unfinished Space is in Sq Ft and is based on assessor's data.

² Vacant Retail Units are based on a survey of current tenants, and are *not* based on size (SQ FT). Some retail units may be subdivided or combined based on tenant needs.

II. Physical Form, Land Uses and Demographics

2014 Economic & Planning Systems Study

A recent market study by Economic and Planning Systems, Inc. (EPS) describes the socioeconomic characteristics of the hill's market area and summarizes the demand for retail and office uses in the commercial district (see Appendix 7).

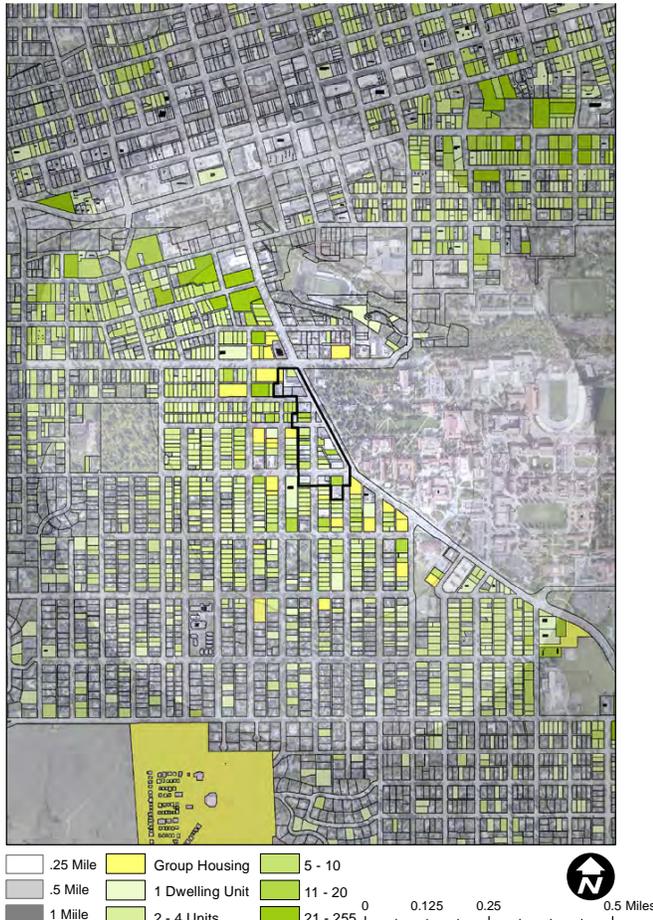
Housing and Demographics

In the Hill Business District there are 105 dwelling units within an 11.5 acre area, while within the Downtown District (or Central Area General Improvement District) there are 130 dwelling units within a 108 acre area.

University Hill has long been known as Boulder's primary student housing neighborhood. Student housing uses in the area date back to the early 20th century. The Hill remains one of the most desirable areas for students in Boulder, with 7,063 enrolled students in the Market Area; 5,969 of those students being undergraduates³.

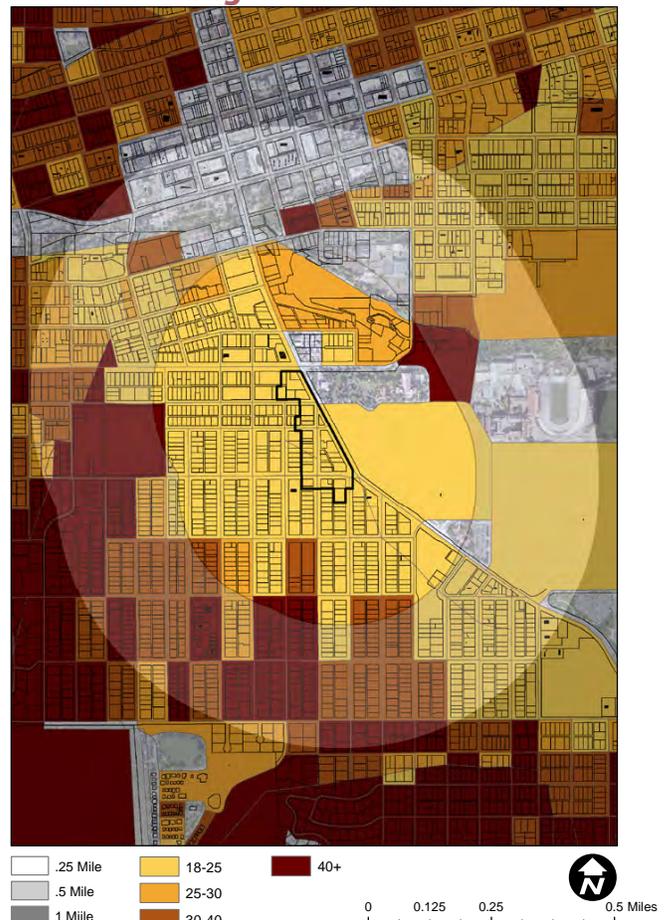
The Hill is by no means however the only student neighborhood in modern Boulder. A recent city housing study estimates that approximately 21,000 of the University's ~31,000 students live in the city limits of Boulder. 15,000 of these students find their housing in the private market (as opposed to on-campus housing), occupying an estimated 7,500 dwelling units in Boulder. This leaves nearly 10,000 students finding their housing in neighboring communities instead, and placing additional demand on the student housing market.

Rental Properties Within Walking Distance of BMS Zone



Location and relative density of rental properties near the Hill, note the clustering of these properties near the University.
Source: City of Boulder Rental Data

Median Resident Age per City Block Within Walking Distance of BMS Zone



2010 Census median age statistics for each city block. This depicts the high concentration of young people near CU, and the relative closeness of the longer-term residents near Chautauqua Park (who tend to have a higher median age).
Source: 2000 Census Blocks

3 Finding from EPS Study, see Economic and Planning Systems, University Hill Reports

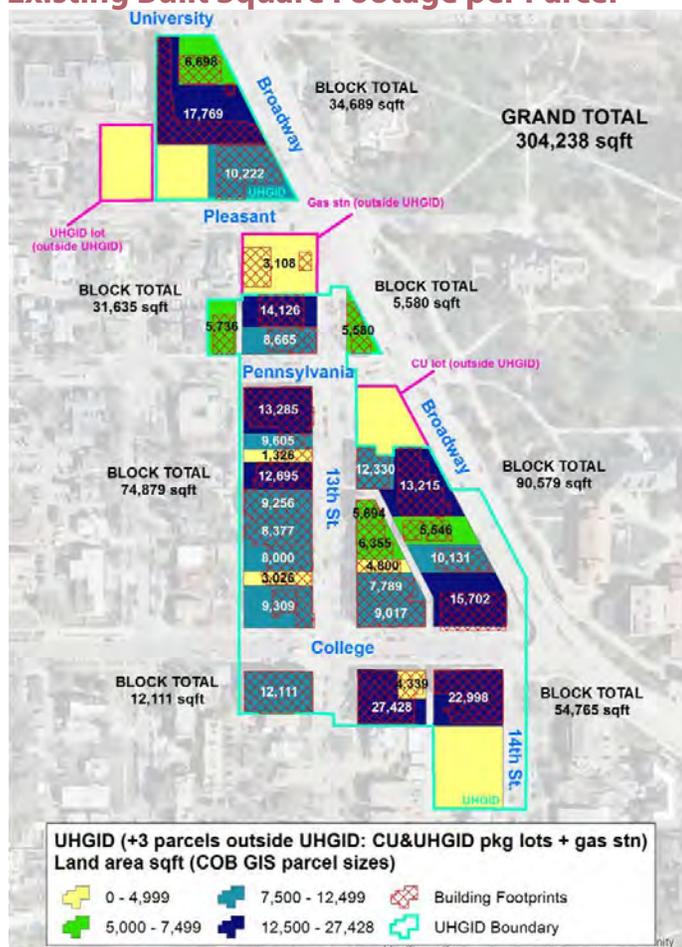
Square Footage and Floor Area Ratio

There are approximately 304,238 built square feet of floor space in University Hill Business District. This amounts to a total gross FAR of 1.04. Since the area is zoned for a maximum FAR of 1.85, this means that 278,504 square feet of built floor space could theoretically still be constructed under current regulations.

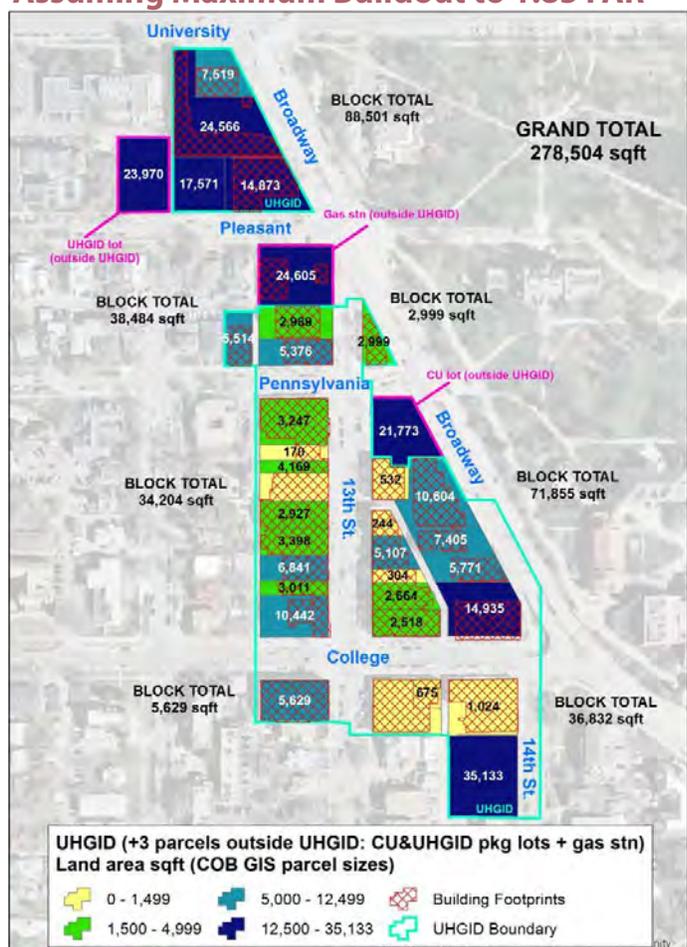
The following maps demonstrate what may be possible in the BMS zone district. The map to the lower left shows a breakdown of existing built square footage per parcel, with yellow representing the least amount of existing square footage and dark blue representing the most. The map on the lower right illustrates additional buildable square footage, in other words the unbuilt sq ft for each parcel that would still be allowed under current zoning. Whether or not it is practical for a given parcel to add this additional square footage varies on a case by case basis, depending on factors such as the parcel's existing floor area, historic designations, setback and parking requirements, etc. For the most part, the parcels with the least square footage already built are the ones with the most additional potential; however there are a few notable exceptions to this trend that can be seen on the maps below.

The historic core of the district is closer to its maximum density than many of the parcels along Broadway; leaving less additional square footage of development possible. This, along with the historic character of these structures, may suggest that adaptive reuse strategies such as was done with "Lofts on the Hill" are more appropriate than wholesale reconstruction in this area.

Existing Built Square Footage per Parcel



Additional Buildable Square Footage Assuming Maximum Buildout to 1.85 FAR



Source: RRC Associates; Boulder County Assessor; City of Boulder GIS, building permit and zoning review records.

III. Desired Mix of Uses - Boulder Valley Comprehensive Plan



III. Desired Mix of Uses - Boulder Valley Comprehensive Plan

Underlying Plans and Vision

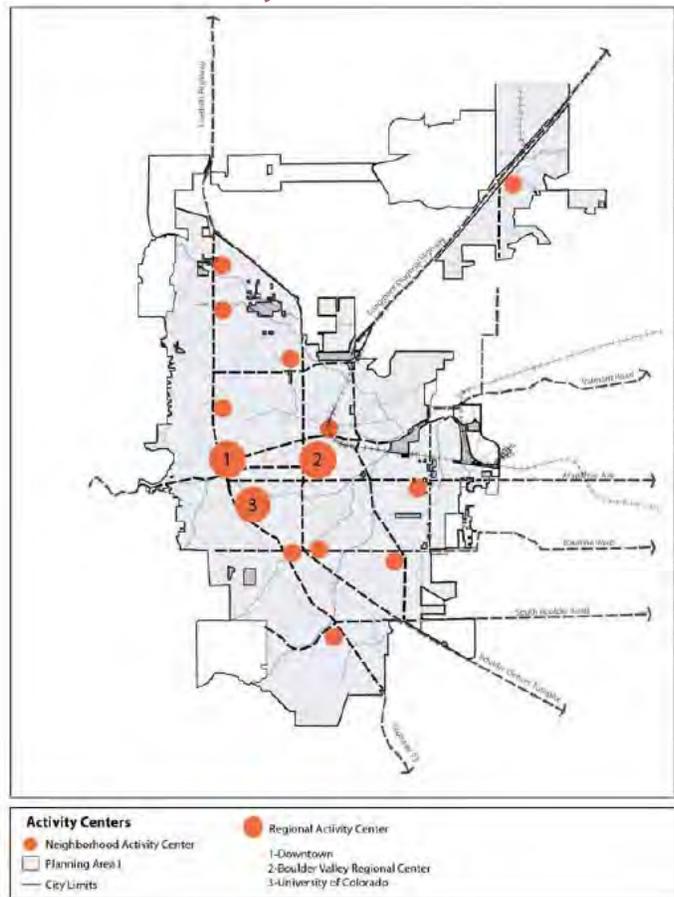
Boulder Valley Comprehensive Plan

The Boulder Valley Comprehensive Plan (BVCP) establishes the policies, goals and visions for different areas of the city (as well as undeveloped and developed areas surrounding the city). It is updated every five years through a process that includes public outreach and input. It is adopted by City Council and Planning Board. Although it is not a regulatory document, the Plan informs all city decisions on land use matters and establishes the long-term vision for specific areas.

The Vision for University Hill

The University of Colorado (CU) with the University Hill business district is considered one of three regional serving activity centers in Boulder. Boulder’s Activity Centers – commercial, entertainment, educational and civic centers that concentrate activities into nodes at a variety of scales and are distributed throughout the community—play an important function in supporting Boulder’s compact, interconnected urban form (see graphic).

Boulder’s Activity Centers



As described in the BVCP:

“at the highest level of intensity are the city’s three regional centers. They form a triangle at Boulder’s geographic center: the Historic Downtown, the Boulder Valley Regional Center (BVRC), and the University of Colorado with the University Hill Business District. The University Hill Business District also serves as a neighborhood center for the surrounding neighborhood. Each of these centers has a distinct function and character.”

In the more detailed University Hill Area Plan adopted by Planning Board and City Council in 1996⁴ and incorporated into the Boulder Valley Comprehensive Plan, the vision is further described as:

“a safe, comfortable, and attractive place to shop, work, visit and live,” and “an activity center that serves a variety of commercial, entertainment, educational and civic functions,” and “also serves as a neighborhood center for the surrounding area, providing a wide range of activities drawing people from the entire city as well as the region.”

What the Vision means in terms of the desired mix of uses

The BVCP defines the desired land uses in an area on the Land Use Map. The Land Use Map designations that apply to the University Hill business district and surrounding areas are Mixed Use Business in the commercial area, High Density Residential immediately adjacent to the Hill, and low and mixed density residential farther west and south as shown on the following map. The University is designated as Public.

4 Included in Appendix 6

III. Desired Mix of Uses - Boulder Valley Comprehensive Plan

BVCP Land Use Designations On and Near University Hill

These designations are defined in the BVCP as follows:

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

High Density Residential: High density residential areas allow 14 or more dwelling units per acre.

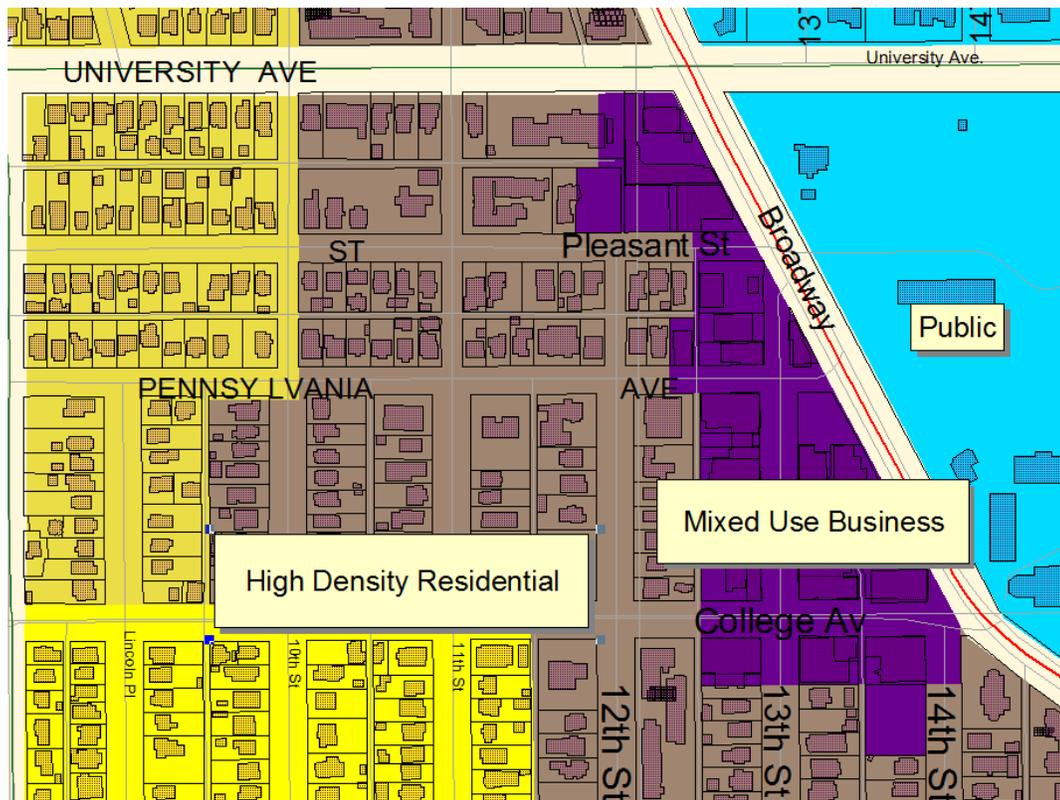
Mixed Density Residential: Mixed density residential areas are permitted for roughly 7 dwelling units per acre.

Low Density Residential: Low density residential areas are permitted for between 2 and 6 dwelling units per acre.

Public: Areas owned and operated by the University of Colorado.



BVCP Land Use Designation Map



IV. Implementing the Vision - Zoning on University Hill



IV. Implementing the Vision - Zoning on University Hill

The city’s zoning regulations are one tool to implement the broader goals and policies of the community as established in Boulder Valley Comprehensive Plan (BVCP), and the desired mix of uses. The two zoning districts that apply to the University Hill commercial district are the Business Main Street (BMS) zoning district in the commercial area and Residential High – 5 (RH-5) zoning district immediately surrounding it as shown below. Areas west and south of the University Hill commercial district are zoned RMX-1 (Residential Mixed – 1) and Residential Low – 1 (RL-1) and are generally single-family in character. As the map shows below, areas subject to the university are zoned P (Public). The zoning districts applicable to the University Hill commercial district (BMS and RH-5) are discussed further below.

Adjacent Residential Area (RH-5): *Immediately surrounding the business district is the Residential High – 5 (RH-5) zoning district. RH zones are high density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment buildings, and where complementary uses may be allowed.*

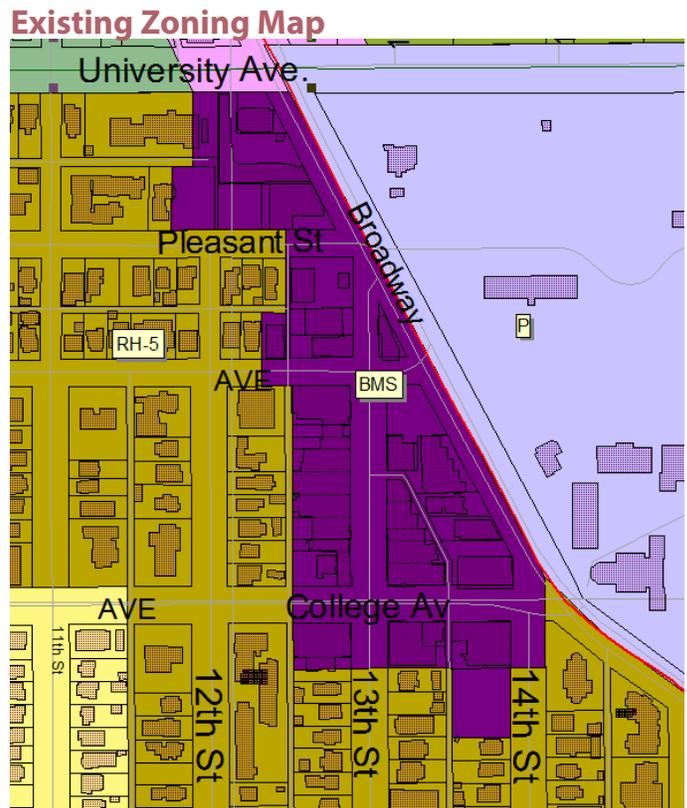
RH-5 zones permit densities of 14 or more dwelling units per acre. Residential uses are allowed by-right and non-residential uses like offices or retail can be permitted with approval of Use Review application from the Planning Board. Other uses that would present more impacts on the neighborhood are prohibited.

The area has traditionally contained a mix of single-family and attached housing units that have been converted to student housing over time.

Site Review is required for any projects on a site greater than 2 acres or proposing 20 or more units. There are no FAR limits in the RH-5 zoning district. Building size limits are instead based on meeting other zoning district standards (e.g., open space, minimum lot area per unit, parking etc.).

Zoning of Business District and Immediate Surrounding the District

Commercial/Mixed-Use District (BMS): *The BMS zone is a commercial mixed-use zoning district patterned after the character of historic Main Street business districts. BMS is designed to encourage development in a pedestrian-oriented pattern, with buildings built up to the street; retail uses on the first floor; residential and office uses above the first floor; and where complementary uses may be allowed. The zoning district is applied to three other areas in the city, and although they share many similar characteristics and goals with Uni Hill (e.g., mixed-use, pedestrian-oriented land use pattern), they are quite different in other ways (e.g., primarily neighborhood-serving and outside a parking district with lower intensity standards). Because of these differences, the zoning is structured so as to call out certain separate standards for Uni Hill (“areas within a parking district”), most notably, the maximum Floor Area Ratio (FAR; total floor area divided by the lot area) for the Hill is 1.85 in comparison to 1.00 FAR for other areas. This recognizes that, because of its location in a city-managed parking district, properties are not required to provide their own on-site parking, except for residential uses.*



Summary of Recent Developments

Most development on University Hill has occurred by-right (without Site Review) This is largely because the threshold for Site Review is relatively high at 50,000 square feet or redevelopment on a lot greater than 3 acres⁵. Further, because many of the design/form and bulk standards (e.g., setbacks, height, building location requirements) in the BMS zoning district are prescriptive and support the massing and context already seen on the Hill, projects have been able to be approved with a building permit.

Some recent redevelopment examples are:

The Lofts on the Hill: Construction of a mixed-use development at 1143 13th per approved Landmark Alteration Certificate. 5 dwelling units. 3,241 square feet for ground floor retail, 8,335 square feet for residential units on 2nd and 3rd floors. Total square footage: 11,576 square feet.

1155 13th: 6 dwelling units. 2,458 parking area, 2072 square feet restaurant/mercantile, 6,258 sf residential; Total square footage: 9605 sf floor area. (2009)

1350 College: Redevelopment of Jones' Drug site at the corner of College and 14th Street. Entailed the construction of two buildings and a parking structure, retail and restaurants on the first level and 13 dwelling units on levels two and three. Total square footage of two buildings: 7,987 and 15,000 square feet. (2010)

Analysis of How the Existing Zoning Implements the BVCP vision

An analysis of the BMS and RH-5 zoning districts for consistency with the adopted vision for the University Hill business district is provided in Appendix 4. The key findings from the analysis are summarized below.

BMS was applied to University Hill in recent history considering the zone's intent of allowing a mixture of uses and forms consistent with historic 'main street' neighborhood centers. BMS has been successfully implemented in other areas of the city, but in the case of the Hill, may be less successful given the intended vision of the area being both neighborhood and regional serving and the fact that the two primary commercial street frontages differ in building type and character. The Hill also differs in that it is within a general improvement district – UHGID – that was created to provide shared, unbundled district-wide parking and public space maintenance. This may suggest the need to create a more tailored zoning district for the Hill commercial district at some point.

Unlike other regional commercial areas, there is no transition between the Hill commercial area and the adjacent residential neighborhoods. Office uses can provide a good transition between commercial areas and adjacent residential neighborhoods; however, because of an existing Use Review criterion that discourages conversion of existing residences into offices, this use is very restricted in the existing High Density Residential zoning district next to the commercial area (i.e., RH-5). This may suggest creating a micro zone or overlay zone for a portion of the adjacent RH-5 zoning district where office uses could be encouraged.

5 As noted in the Zoning District analysis in Appendix 4, staff believes this threshold is an error that occurred in reformatting the zoning code in recent years and should be corrected to set the Site Review Threshold in BMS at 15,000 square feet.

V. Access, Parking Supply and Demand, and Potential “Catalyst” Development Sites



V. Parking Supply and Demand and Development Potential

Access, Parking Supply and Demand

The University Hill commercial area has an overlay parking tax district that was created in the 1970s to supply shared and unbundled parking for the historic commercial district. The district, University Hill General Improvement District – UHGID – is similar to parking districts in the downtown and in Boulder Junction. The district owns and manages two of the three public parking lots in the hill commercial area – one on Pleasant Street, the other on 14th Street. The third parking lot on Pennsylvania is owned and managed by the University of Colorado. Commercial properties within parking districts are not required to provide on-site parking; new residential units are required to provide at least one space per unit. The city manages the UHGID parking as well as the on-street supply.

University Hill has variety of access options for all travel modes. Its location along the Broadway corridor affords it excellent transit access on multiple bus routes, including the high frequency Skip service. The transit stop with the highest boardings in the entire RTD system is several blocks away at Broadway and Euclid. The circulatory bus, the Hop, also provides service to the hill connecting it to the CU campus, downtown and the Boulder Valley Regional center. Being centered between the main campus of the University and adjacent high density student housing provides excellent and easy pedestrian access. Several “last mile” multi-modal options also exist on the hill: a B-cycle station was installed on the hill in 2014 and the Eco car sharing service has a location in the 14th Street district lot for easy access when an automobile is needed.

In the spring of 2014 the city conducted a Transportation Study in the commercial district in order to better understand the travel patterns of hill employees, business owners and visitors. The study also solicited feedback on the hill’s strength and weaknesses. Here are some of the key findings:

Business Survey:

- 62% of employees typically drive alone to work
- 66% of employees live in Boulder
- 22% of employees are CU students
- The average size of hill businesses are 10.2 employees

Intercept Survey:

- 50% walk to hill
- 36% of those surveyed drove; 9% took the bus and 5% biked
- Of those walking, 26% were passing through the hill
- 52% were CU students.

In order to plan for future parking demand, UHGID funds studies that project future development within the entire commercial area. A 2013 development and parking study⁶ projected a “build-out” scenario with a range of a different uses – both commercial and residential – that anticipated a commercial parking demand of between 690 and 612 additional parking spaces assuming a 20% reduction in demand based on multi modal use. In order to meet that demand, both UHGID parking lots would need to be redeveloped adding a total of 490 spaces to the existing parking supply.



“Catalyst” Sites

From as early as the 1993 Hill Plan, the role of “catalyst” sites has been a primary strategy for Hill revitalization. Catalyst sites are defined as key properties that are sufficiently substantial in size to accommodate redevelopment projects that can contribute to implementing the City Council vision for a greater diversity of uses, stakeholder partnerships and multi-modal access. Catalyst sites also provide the opportunity to achieve other Hill priorities such as creating public gathering areas, increasing public

6 2013-2014 University Hill Parking Analysis and Transportation Studies. See project website - <https://bouldercolorado.gov/planning/uh-moratorium>

V. Parking Supply and Demand and Development Potential

art and increasing parking which has been identified as a key foundation to attracting more office use, entertainment and retail.

A diversity of business/residential uses in the Hill commercial district would help to create a year-round vitality to support business retention and attract new businesses. Business diversity has been hard to achieve within the existing historic buildings, and given the shortage of parking for additional office workers and business customers. Redevelopment of larger sites would offer an opportunity to address both these barriers to year-round vitality.

As in many historic areas, the existing surface parking lots present the greatest opportunity for redevelopment efforts. On the Hill, there are three surface parking lots – two are owned by the parking district (UHGID) and one by the University of Colorado. These sites and the gas station at the corner of Pleasant and 13th Street have been repeatedly identified over time as the four opportunity catalyst sites.

Partnerships play an essential role in the redevelopment of Hill catalyst sites for a variety of reasons.

First, as determined by the 2005 Hill Business Plan Study, the size of the Hill commercial district parcels are relatively small and do not provide the economic feasibility and scale of redevelopment to accommodate underground parking. Combining multiple parcels and/or utilizing the UHGID sites enables a scale of development with the highest likelihood of economic feasibility. Currently, negotiations are underway with a private developer for the redevelopment of the UHGID 14th Street parking lot which aggregates the parking lot with a property on 13th Street in order to provide access to the project's proposed underground parking garage from 13th rather than transgressing through the residential neighborhood along 14th Street.

Second, the need for replacing and accommodating parking, along with other multi-modal strategies, is fundamental to providing the infrastructure to create more diverse uses such as office and retail and entertainment that attracts a citywide or regional audience. Due to the confined space on the hill and basic urban design principles, the majority of parking provided within these redevelopments would be underground which is very expensive to build and operate. Creating a large enough building footprint

affords a greater efficiencies of scale and parking layout. Should the hill remain a commercial district primarily catering to the basic needs of CU students as they travel between home and classes, then the need for additional parking would be questionable.

Thirdly, the property tax based parking district, UHGID, lacks the financial resources and muscle to finance the construction of structured and/or underground parking. Again, due to the constrained size of the district the property tax revenue generated within UHGID is \$28,127 (compared with CAGID \$1,110,605). According to analysis by the city's financial advisor, Piper Jaffrey, the UHGID district would not have the property tax valuation and revenues that would justify selling bonds to cover the garage construction costs repayment. This district financing method has been successfully employed to finance and build structured and underground parking facilities in the downtown. Hence, UHGID must explore innovative public/private partnerships with other entities including private developers and potentially new incentives to achieve the parking necessary to support the goals of the hill revitalization efforts.

VI. History



VI. History



1301 Pennsylvania c. 1949, Constructed in 1909. In 1930, this was J. Quine's drug store and R. Mayes Harrison's Beauty shop. Today it is Buchanan's Coffee Shop and the Mac Shack. Photo courtesy of the Carnegie Branch Library for Local History.

University Hill History

Development in the University Hill neighborhood began in 1899 with the establishment of Chautauqua and a streetcar connecting University Hill with downtown. By 1906, steady growth of the neighborhood resulted in the construction of the University Hill School. The area attracted professors and employees of the university, families who planned to send their children to CU, business and professional workers, and university students. Boarding houses sprang up in the area due to limited dormitory space on campus, along with many fraternity and sorority houses. A connection between the university and commercial district existed from the beginning of the area's development, driving demand for businesses near the campus. The first commercial building constructed in the area was the McConnell and Crane drug store at 1301 Pennsylvania Avenue, completed in 1909. Four other buildings, including one to house the Women's Athletic Association, were constructed in the 1910's.

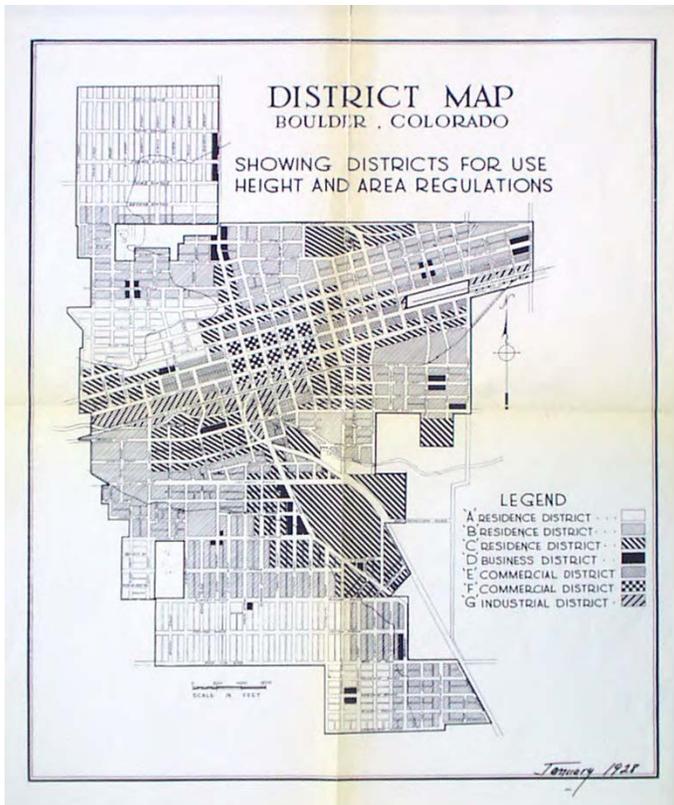
By 1919, the slogan "on the Hill" was already being used in advertisements for the University Hill area. The Hill became a popular site for student gatherings and celebrations, and the Sunken Gardens, the Co-op and Greenman's were popular student hangouts.

While the city experienced little population growth during the 1920s, the University increased enrollment from 1,411 students in 1910 to 3,727 students in 1930. Business growth on University Hill. As such, the commercial district experienced significant growth, as a wall of commercial buildings emerged along the west side of the 1100 block of 13th Street. Faced with the changing character of the neighborhood, residents on the west side of the street began converting their dwellings to commercial uses, principally through the construction of additions onto the fronts and sides of existing houses. This "wrapping" of homes with business additions of incompatible styles engendered the desire among many University Hill residents that the business district be limited. These concerns resulted in the adoption of Boulder's first zoning ordinance in 1928. Centered around a proposed filling station at Pennsylvania Ave. and 13th St., the newly formed Planning and Parks Commission and City Council adopted a zoning code in 1928 that established zoning districts and limited uses. A Daily Camera newspaper article describes the contentious City Council meeting on December 20, 1927:



1101 13th Street c. 1950, Constructed in 1896. Originally the Phi Delta Theta Fraternity, a commercial addition was later added. This commercial addition, in the foreground, is now Yeye's Cafe. Photo courtesy of the Carnegie Branch Library for Local History.

"An ominous silence filled the council chambers. Every seat was taken. The room was filled with hot air from the pipeless furnace. People residing on the west side of Thirteenth Street from College to Euclid avenues sat on one stile of the hall and scowled at persons they suspected of liking the garage."



Boulder's very first, 1928 Zoning Map

The University Hill commercial district was granted the same zoning as the downtown district. While other business districts were proposed across the city, only a handful remained in when the zoning code was revised in 1948.

Due to the Great Depression and the onset of World War II, there was little commercial development during the 1930s and 1940s on the Hill. The Boulder Bookstore opened at 1215 13th St. and relocated in 1111 Broadway in 1965. The neighborhood was evolving into an area where students gathered to voice concerns, celebrate news, and display anger – a home away from home. The 1940's showed little growth in the Hill commercial district. World War II brought a decrease in enrollment at CU, leaving popular student hang out areas deserted. The 1950s, on the other hand, brought booming enrollment, and with it large commercial development on the Hill. A growing student population led to the development of the Flatirons Theater and Tulagi's, marking the beginning of the Hill Commercial Area as a destination for music and entertainment. Both Tulagi's and the Sunken Gardens

received their liquor licenses after some protest from the public, and once again, the Hill was a site for off campus celebration.

The 1960s brought the construction of six new buildings in the Hill commercial district, along with political unrest. Student activities changed from the usual homecoming parades and pep rallies to protests against the Vietnam War, resulting in confrontations, teach-ins, and mass student meetings. Police were assigned foot patrol on the Hill to enforce the new ordinances adopted to combat the increased loitering, panhandling, and vandalism on the Hill.

The Colorado Bookstore relocated to 1111 Broadway in 1965. According to the Daily Camera archives, the building cost \$167,000 and was clad in white quartz with large plate glass windows. However, the building suffered extensive damage during riots in 1971, and many of the window openings were filled in with CMU block.

In 1970, the City created the University Hill General Improvement District (UHGD) to fund parking and maintenance services along the 13th Street commercial corridor. The geographic area of UHGID was doubled in 1978, and the scope of UHGID was expanded in 1985 to include pedestrian, bicycle, transit and aesthetic improvements.

Even into the 1980s, the Hill Commercial Area was a shopping destination that attracted customers from the Hill neighborhood and citywide, with men's and women's apparel stores such as The Regiment, Buchanan's, Scott's Unlimited, Kingsley and Company and Jacque Michelle's.



Colorado Bookstore at 1111 Broadway in the 1960s. Photo courtesy of the Carnegie Branch Library for Local History and the Boulder Daily Camera.

VI. History



1089 13th Street, Constructed in 1950. After its opening in 1951, this building functioned as the Flatirons Theater, and today contains retail uses. Courtesy of the Boulder Carnegie Branch Library for Local History.

In the 1990s and 2000s, several businesses that had attracted customers from across the city closed and were replaced by uses catering to university students. Closures included two professional men and women’s clothing stores--Kingsley and Company and The Regiment--a high end jewelry store and florist, and the Flatirons movie theater.

No new development occurred on the Hill from the 1970’s to 2009, when two new mixed-use residential projects were constructed. The first one included additions above the existing buildings at 1143 and 1155 13th Street and the second one was the redevelopment of the former Jones’ Drug site at the SW corner of College and 14th Street. Both projects added student rental housing above retail stores.

In 2008, the Council expanded the purview of the previously parking-focused UHGID to include other aspects of the Hill Commercial Area including health, safety, aesthetics, economic vitality, and sustainability.

Over the decades, the hill commercial district has been shaped by the interplay between the university and the adjacent residential neighborhoods, as well as the political and social issues of the times. To this day, the Fox is an entertainment venue that attracts nationally known musically acts of the day.



Sanborn Map of the Hill in 1931 with the boundaries of the modern day BMS zone superimposed.

VII. Existing and Potential Future Incentives



VII. Existing and Potential Future Incentives

Existing Programs

Economic Vitality

The City of Boulder’s Office of Economic Vitality offers two programs that are used to support both existing businesses and business attraction efforts. The Flexible Rebate program started as a pilot program in 2007 and is now funded annually, with \$350,000 in funding budgeted in 2014. Primary employers (50% or more of revenues from outside Boulder) may apply for tax and fee rebates. The second program is a revolving loan fund operated by the City in partnership with the Colorado Enterprise Fund. The micro-loan fund targets businesses that may not qualify for conventional loans.

City of Boulder Permanently Affordable Housing Program

The City administers a variety of programs to ensure a supply of affordable ownership and rental units. Since the late 1980s, the city has created over 3,250 units (includes 242 shelter and group home beds) that are considered affordable. Of those approximately 35 percent are ownership units and 65 percent are rental units owned and managed by city partners. The City adds new units every year with a goal of permanently affordable housing units accounting for 10 percent of overall housing stock. At the end of 2013, 7.2 percent of all housing units in Boulder were permanently affordable.

The City uses a variety of funding mechanisms to create and maintain a stock of affordable homes. In addition to federal HOME Investment Partnerships Program and Community Development Block Grant (CDBG) funds, the programs are funded through local Community Housing Assistance Program (CHAP) and Affordable Housing Funds (AHF). The sources of the local funds are property tax revenue, Inclusionary Housing cash-in-lieu contributions, the downtown linkage fee and the Housing Excise Tax.

One major source of affordable units is Inclusionary Housing. Adopted in 2000, Boulder’s Inclusionary Housing (IH) ordinance requires that new residential development contribute at least 20 percent of the total units as permanently affordable housing. Inclusionary Housing options for meeting this requirement include constructing on-site permanently affordable units, dedicating off-site units (existing or newly built) as permanently affordable, dedicating vacant land for affordable unit development or paying cash in lieu. Affordable units produced through IH are priced to be affordable to low- and moderate-income households and have deed restrictions which limit appreciation and require they be sold or rented to income-qualified households in perpetuity.

The cash provided in lieu of providing affordable units is combined with other local and federal funds and used to: develop new affordable homes, acquire and rehabilitate existing building as affordable, fund programs such as new home buyer training and foreclosure prevention, rehabilitate and maintain existing affordable rental units and to purchase land (land banking) for future affordable housing development.

There are two types of units in the Affordable Housing Program – ownership and rental. The City does not own any permanently affordable units. Ownership units are owned by the individual and rental units are owned and maintained by city partners (i.e. Boulder Housing Partners, Thistle).

Ownership Program

The Division of Housing administers the Homeworks program. Homes are sold at below market-rate prices to income eligible buyers. Homes are permanently affordable and governed by an Affordability Covenant that limits the resale price and places other restrictions on the home. Eligibility for the program is a combination of income and assets (shown below). Homes for sale in this program are listed on the Division of Housing website.

VII. Existing and Potential Future Incentives

Income Max

Homes are available for two income groups:

| | 1 person | 2 people | 3 people | 4 people | 5 people |
|----------------------------|----------|----------|----------|-----------|-----------|
| low/moderate income | \$51,490 | \$58,850 | \$66,220 | \$73,520 | \$79,450 |
| middle income | \$76,400 | \$87,360 | \$98,330 | \$109,110 | \$117,990 |

Based on gross income for standard employees and net income for self-employed people

Assets Max

| | 1 person | 2 people | 3 people | 4 people | Each Additional Person |
|-----------------------------|-----------|-----------|-----------|-----------|------------------------|
| low/moderate income | \$55,000 | \$70,000 | \$85,000 | \$100,000 | +\$15,000 |
| middle income | \$140,000 | \$155,000 | \$170,000 | \$185,000 | +\$15,000 |
| recently divorced | \$85,000 | \$100,000 | \$115,000 | \$130,000 | +\$15,000 |
| permanently disabled | \$140,000 | \$155,000 | \$170,000 | \$185,000 | +\$15,000 |
| retired | \$85,000 | \$100,000 | \$115,000 | \$130,000 | +\$15,000 |

Exempt Retirement Assets

Retirement assets can be deducted based on this chart. Assets must be in a designated retirement account to be exempted.

| Age | Exempt Amount |
|-----------------|---------------|
| Under 40 | \$30,000 |
| 40-55 | \$55,000 |
| Over 55 | \$110,000 |

Rental Program

Eligibility for rental units is typically determined by income and other factors. For example, Thistle requires two years of satisfactory rental history and a combined gross income of three times the monthly rent. Income limits are based on household size (see chart).

| Household Size | 1 Person | 2 People | 3 People | 4 People | 5 People |
|--------------------|----------|----------|----------|----------|----------|
| Max Income Allowed | \$38,520 | \$43,980 | \$49,500 | \$54,960 | \$59,400 |

Additional limits vary by property and may include no felony arrests or convictions within five years, no evictions within five years, no monies owed to current or previous landlords, no bankruptcy that has not been discharged, and no wage garnishments which cause the applicant to be outside the rent to income ratio of 30-40 percent.

Students in Affordable units

Permanently affordable ownership units are available to a large segment of the Boulder population. Traditional Boulder students (18-22 years old) are unlikely to qualify to purchase an affordable home through the Homeworks Program. These requirements include documenting paid work that averages a minimum of 30 hours per week and having sufficient income to qualify for a mortgage. By design this program is intended to provide workforce housing solutions and not student housing.

VII. Existing and Potential Future Incentives

Affordable rental units are also not intended to serve traditional Boulder students. For example, rentals utilizing federal tax credits are allowed to serve households comprised entirely of full time students only under very limited circumstances. Thistle only allows full time students with two years of successful rental history that meet one of the following conditions: participants in Aid to Families with Dependent Children, or a federal/state/local job training program, single parent, married filing joint tax returns.

- Consider innovative regulations and new approaches to encourage experimentation; becoming a “test site” for new ideas;
- Create innovative public spaces that promote the arts and creativity such as the Event Street on Pennsylvania Avenue recently approved as part of the Community, Culture and Safety ballot initiative.

Several initiatives have been undertaken to explore this concept. An Urban Land Institute (ULI) Technical Advisory Panel (TAP) was commissioned which offered concepts for district arts and marketing; an application was submitted to the State of Colorado in the first year for a creative district designation which was not received; the CU Maymester workshop about civic engagement and the arts was conducted; the International Town Gown Association Conference hosted events on the Hill; and murals have been painted on the Flatiron and Fox Theaters in 2011 and 2014 by students in the CU Libby Residential Academic Program (RAP). The city’s first pilot parklet was commissioned and installed for six months in 2014, and Spark, a CU student co-working space focused on innovative entrepreneurship was opened at the beginning of 2014.

Potential Incentives

Innovation/Creative/Arts District for the University Hill Commercial District

Building on the essential, innate qualities of the Hill Commercial District including creativity, youthfulness, and energy, and Innovation/Creative/Arts District is envisioned to transform the Hill from a primarily student-services center to an area fostering creativity in the broadest sense. This multi-faceted approach would not be confined specifically to the “arts” in the traditional sense but on the creative process producing a climate and culture of innovation, interaction, inclusion, experimentation and vibrancy within the Boulder context. A special focus could be to recapture and build on the musical tradition of the Hill including such resources as the Fox Theater, Tulagi’s, and Albums on the Hill. The potential strategies include:

- Collaborate with the university’s entrepreneurial, cultural, scientific, and arts programs to bring these creative endeavors across Broadway, including the Conference on World Affairs and Maymester programs;
- Create community partnerships and incentives to develop facilities that would include innovation/creative/artistic components;
- Create incentives for business and redevelopment which fit this special district criteria, including media, design, technology and web based sectors;
- Promote, fund and encourage public arts and arts programming;

Financial Rebate Program

To expand upon the city’s existing programs, the city could consider a pilot rebate program for properties on the Hill that add a specified amount of office use or otherwise do something that addresses the needs that have been identified to fully implement the BVCP vision. Rebates could be related to construction use tax or the city portion of property tax for a specified period (e.g., 5 years, 10 years). Exploring this option will require analysis of what criteria would be used to qualify, what level of incentive would have the needed impact that would justify the city’s investment, and what an appropriate application and approval process would look like. Also, if pursued, the concept of an Innovation/Creative/Arts District role in shaping incentives that meet an agreed upon vision.

VII. Existing and Potential Future Incentives

Historic Preservation Tax Credits

Federal and state tax laws provide tax incentives for historic preservation projects that follow the Secretary of the Interior’s Standards for Rehabilitation and are listed on the national or state register.

In 1996 and 2008, the University Hill Commercial District was surveyed and identified as a potential local and National Register Historic District. Additional survey and community engagement efforts would be required before consideration is given to designating the area. If designated, property owners would be eligible for tax credits of up to 50% of costs for interior and exterior rehabilitation.

Federal Tax Credits

Federal Tax Credits are available for income-producing properties that are listed in the National Register of Historic Places: The 20% tax credit is available to properties that are either listed individually or as a contributing building to a district.

The 10% federal tax credit is available for properties built before 1936 and are not individually eligible. The minimum project cost to be eligible for credits is typically \$5,000, with no maximum credit.

A 20% reduction in the amount of income tax owed is available to owners of properties meeting specific criteria. In brief, the property must be income producing (i.e. owner occupied residential structures are not eligible) and listed or eligible for listing in the National Register of Historic Places, or a contributing building to a National Register District. Work must follow the Secretary of the Interior’s Standards for rehabilitation, be approved by the State Historic Preservation Officer, the National Park Service, and the IRS.

A 10% reduction in the amount of income tax owed is available to owners of historic properties meeting less stringent criteria than the 20% tax credit. This 10% credit is available for properties that are not eligible for the National Register and are not considered contributing to a historic district. The building must be income producing, built before 1936, and reviewed by the IRS.

State Tax Credits

The State Income Tax Credit is available for properties that are locally designated and there is a \$5,000 minimum rehabilitation cost and a maximum credit of one million dollars. In 2014, State legislation was passed to further strengthen the tax credit programs in Colorado. Beginning in 2015, the project cap for state tax credits will increase from \$50,000 to one million dollars per property and the credits are now allowed to be transferred. Projects with qualified

costs over one million dollars are eligible for a 20% state tax credit, while projects under one million are eligible for a 25% tax credit. Additionally, communities such as Boulder that have been declared a disaster relief area by the governor or president are eligible for an additional 5% tax credit available, increasing the potential State Tax Credit to 30% for projects with qualifying costs under one million dollars. Qualifying costs include work to the interior and exterior, such as re-roofing, refinishing floors and replacing or repairing the plumbing and electrical systems.

In Boulder, Tax Credit Applications are reviewed by city Historic Preservation Staff. Additional information on the available programs is available online at www.historycolorado.org/oahp/available-programs.

Local Historic District Incentives

Owners of locally designated properties may be eligible for the following incentives:

- Sales tax waiver on construction materials if at least 30% of the value of materials is for the building’s exterior.
- Waivers from certain provisions of the International Building Code if approved by the Director of Development and Inspection Services. For example, lower railing heights may be permitted if historically compatible and safe.
- The potential for the Board of Zoning Adjustment to grant a variance for a historic building if it is determined that the development in conforming locations on the lot or parcel would have an adverse impact upon the historic character of the individual landmark or the contributing building in a designated historic district. Section 9-2-3 (4)
- An exception to the solar access requirements for additions to properties in an historic district to encourage compatible roof designs. Section 9-8-14(6)(D)
- Eligibility for the Colorado State Historical Fund. Grants are available for projects in the following categories: acquisition and development (must be a local landmark or on the State or National Register), education projects, and survey and planning projects.

See Appendix 3 for a table of Historic Preservation Tax Credits., Available Programs and information on implications of designation at the national, state, or local level.

VIII. Preliminary Findings and Potential Strategies to Explore Further

As Of November, 2014



VII. Preliminary Findings and Potential Strategies to Explore Further

The following section was prepared following the end of Phase One in November, 2014. These findings and strategies have continued to be refined as additional feedback has been received from the public and Planning Board. See recent project documents for updated findings and strategies.

Preliminary Findings

One overall findings is that:

The biggest gap between the City’s adopted vision for the Hill and the current situation is that the uses do not attract a diversity of users. The proximity of the University provides significant economic, intellectual and cultural benefits and has influenced the Hill’s existing unique, student-centric and bohemian character. While it is neither desired nor necessary to change the student-focus of the Hill, diversifying the users and uses will make it more lively year-round and attractive to the community at large.

Specific findings include:

1. There may already be an over-concentration of housing in this small commercial district. There are 103 dwelling units within the Hill Commercial District. This compares with approximately 130 units Downtown, yet the Hill is only 11.5 acres in size whereas the Downtown encompasses approximately 108 acres. While the presence of housing close to any commercial district adds vitality and built-in shoppers, the hill commercial area has an abundance of high density residences on three sides already and residences account for a higher share of square footage than is traditionally expected in a commercial district. Furthermore, the recent economic analysis done by Economic & Planning Systems, Inc. (EPS) concludes that the demand for residences located in the hill commercial area “is almost completely for student oriented housing.”⁷ More student rentals clustered in this small area could create a party-like atmosphere and noise impacts that conflict with the hill vision as a safe, comfortable place to shop, work, visit, and live.

7 November 18, 2014, memorandum from Dan Guimond and Matt Prosser; EPS, see Economic and Planning Systems, University Hill Reports

2. There are very few offices on the hill, yet office uses could potentially play a crucial role in adding a year-round diversity of ages and professions on the hill. There are only 8 office uses housed in only 3% of the total building square footage on the hill, and few more in the immediate neighborhood. Although the EPS re appears to be a strong market for office uses in the core area of the city, few offices have located on the Hill in recent years, despite its proximity to CU and Downtown and its location in one of the most transit-rich locations in the region.
3. The Hill Commercial District has two primary commercial street frontages, each with its own distinct character and relationship to the public realm, and it may be appropriate to identify sub-districts to address the unique opportunities and challenges of each area. 13th Street is the historic heart of the district, with its historic commercial buildings and music venues. Broadway forms the interface with the CU campus and is a bustling street with an eclectic mix of structures. The cross streets of College, Pennsylvania, and Pleasant run perpendicular to, and connect the main streets, and serve as pedestrian corridors between the university and the high density student neighborhoods. These areas have different lotting patterns, building character, and relationships to the public realm.
4. EPS’ updated analysis of the market potentials for future development in the Uni Hill area⁸ found that among the barriers to expanding the diversity of uses and users on the Hill are:
 - a. Insufficient public parking, particularly for professional office uses and city-wide-serving retail uses;
 - b. Lack of another attraction or anchor that could change the current market perception of being just for students and market demand to attract a broader visitor mix; and
 - c. The somewhat run-down aesthetic of portions of the hill.

8 November 18, 2014, memorandum from EPS, Economic and Planning Systems, University Hill Reports

VIII. Preliminary Findings and Potential Strategies to Explore Further

Potential Strategies to Address the Findings

Following public input on this Phase 1 Report, the City will work with EPS to understand the financial gaps that hinder the development of office and other desired uses on the Hill today, and to identify potential approaches the city could take to encourage or require change. Potential strategies that could address the above findings and may be appropriate to analyze further include:

Parking

- A. Promote public/ private redevelopment on the two University Hill General Improvement District (UHGD) surface parking lots to add more parking on the Hill and provide catalyst developments to bring new uses to the Hill.

Uses

- B. Create a density bonus for office uses. (Would need to determine the “base” allowable density; direction to date from city council is not to increase currently allowable FAR. Would also need to determine type of office spaces that would be eligible and what the level of bonus would be.)
- C. Create an overlay zone in the adjacent RH-5 residential zone to encourage office uses in existing residential structures.
- D. Prohibit new residential uses, but allow existing uses to stay by defining them as “conforming” uses.
- E. Prohibit new residential, except Permanently Affordable or Senior Housing.
- F. Prohibit new residential, with exceptions as in E, but only above the 1st floor.
- G. Allow market rate housing only on partial 3rd floors if in conjunction with rehabilitation of an existing building, or in new buildings when in conjunction with a use or “public benefit” that helps implement the Hill vision. (Would need to define what constitutes public benefit.)

Financial Incentives

- H. Consider pilot tax rebate program for properties that add desired uses that are difficult to attract or that provide a “public benefit” that helps implement the BVCP vision. (Would need to define what constitutes “public benefit”, could be in combination with Option I.) Exploring this option would also require analysis of what criteria would be used to qualify, what level of incentive would have the needed impact that would justify the city’s investment, and what an appropriate application and approval process would look like.
- I. Consider National Register Historic District designation, allowing eligible properties to take advantage of up to 50% income tax credits (20% for federal income tax credits plus 30% state income tax credits beginning in 2015). Can be used for maintenance and repair as well as rehabilitation.

Programs

- J. Consider the creation of Innovation/Creative/Arts District. Build on the essential, innate qualities of the Hill including creativity, youthfulness, and energy, and expand it to foster creativity in the broadest sense for a diversity of users. Potential strategies could include:
 - Collaborate with the university’s entrepreneurial, cultural, scientific, and arts programs to bring these creative endeavors across Broadway, including the Conference on World Affairs and Maymester programs;
 - Create community partnerships and incentives to develop facilities that would include innovative/creative/artistic components;
 - Create incentives for business and redevelopment which fit this special district criteria, including media, design, technology, and web based sectors;
 - Promote, fund and encourage public art and arts programming;
 - Consider innovative regulations and new approaches to encourage experimentation; become a “test site” for new ideas;
 - Create innovative public spaces that promote the arts and creativity such as the Event Street on Pennsylvania Avenue recently approved as part of the Community, Culture and Safety ballot initiative.

Appendix 1

Uni Hill Moratorium Project Background

On July 29, 2014, City Council approved an emergency ordinance, to expire on August 20, that suspended acceptance of all building permits or site review applications that would add floor area *of any kind* in the Hill Business District. On August 19, 2014, City Council adopted a substitute ordinance that more narrowly suspends the acceptance of building permit and site review applications to add *residential floor area* within the University Hill business district until March 18, 2015.

The purpose of the ordinance is to provide the time necessary to address a current economic environment that strongly favors student rental housing in the University Hill commercial district, making it difficult for more diverse uses that could help to preserve and enhance the neighborhood's character to compete in the market place.

The timeframe for this project is very tight, so it is important that the scope remain narrowly focused on zoning district standards, uses, and boundaries. The project is not intended to create a new vision nor to address all of the issues surrounding implementing the larger vision for the area.

Although the project will attempt to address some issues related to market dynamics and what it will take to make implementing the Hill vision financially feasible, it will not solve them. Rather, the focus is on preventing a short-term economic situation from imposing long-term changes to the character of the Hill.

Solving the underlying issues and implementing council's goals for the Hill will require a variety of longer-term efforts, including those that are currently underway as part of the city's overall Hill Reinvestment Strategy¹ that consolidate the past efforts and concepts² into a three-pronged approach as directed by Council (e.g., public safety/code enforcement, beautification, pilot residential services district; redevelopment of catalyst sites, and creating organizational structures that can represent the diverse interests of Hill stakeholders and identify funding sources to sustain the vitality of the Hill over time).

The official vision for the University Hill Business District is described in Boulder Valley Comprehensive Plan (BVCP), adopted in 2010 and the University Hill Area Plan Summary, adopted in 1996. In short, both descriptions are of a an activity center that is pedestrian-oriented, with a rich mix of uses to serve the university, adjacent University Hill neighborhood, the city as a whole and the region.

The goals for this moratorium project are to:

- Refine zoning district boundaries, uses, and standards to bring them in line with the BVCP vision for the area
- Demonstrate a clear understanding of market dynamics and property owner needs and desires, as well as those in the adjacent university and surrounding neighborhood
- Identify and/ or develop incentives that make implementing the Hill vision economically feasible
- Support and coordinate with concurrent efforts to implement the Hill vision

Over the years, the University Hill Commercial district has been the subject of many plans and studies as described in Appendix 4. Therefore, this project is not starting over, but rather building on the work that has already been done.

The project includes the following phases and schedule:

- | | |
|--|---------------------|
| 1. Project Start Up, Information Gathering, Issue Identification | Sept. and Oct. 2014 |
| 2. Preliminary Options and Outreach to Stakeholders | Nov. 2014 |
| 3. Refine Options and Develop Staff Recommendation | Dec. 2014 |
| 4. Board and Commission Public Hearings and Recommendations | Jan. 2015 |
| 5. City Council Public Hearings and Decision | Feb. and March 2015 |

This report summarizes the results of Phase 1. A separate report summarizing the results of the Options and Public Outreach will be prepared at the end of Phase 2.

¹ See Appendix 4 for a description of the components of the Hill Revitalization and Reinvestment Strategy

² See Appendix 5 for a summary of past Uni Hill studies and planning efforts

Appendix 2

Detailed Parcel and Land Use Inventory

1) 1335 Broadway



Year Built: 1977

Uses: Restaurant, Residential

2) 1313 Broadway



Year Built: 1958

Uses: Fast Food, Retail, Office, Service

3) 0 and 1155 Pleasant



1153 Pleasant St., c. 1949



1155 Pleasant St., c. 1949



1215 Pleasant St., c. 1949



1223-1225 Pleasant St., c. 1949

Before this parking lot was constructed, this was the location of a few residential homes. 1153 Pleasant St., constructed in 1896, was the home of R. Emmett Arnett, a boulder pioneer and owner of the Arnett Hotel.

Historic photos of selected properties in this section courtesy of the Boulder Carnegie Branch Library for Local History.

4) 1301 Broadway



Year Built: 1925

Uses: Retail, Restaurant

5) 1275 13th Street



Year Built: 1987

Uses: Convenience Store

6) 1211 13th Street



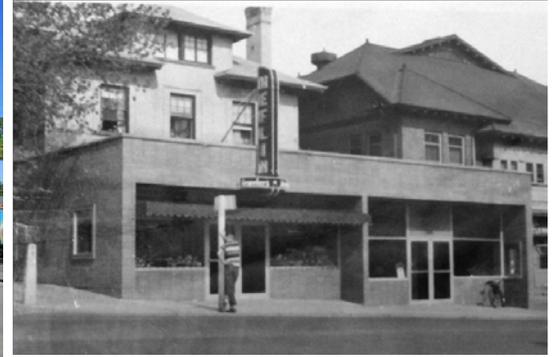
1211 13th Street, c. 1949

Year Built: 1912

Uses: Retail, Fast Food, Residential

This first opened up as the Varsity Hall in the 1910s. Later businesses in the 1930s and 1940s included the Dinner Bell Café, Banta Alf, and "Dugout" cleaners.

7) 1203 13th Street



1203 13th Street, c. 1954

Year Built: 1912

Uses: Unfinished Area, Retail, Residential

This building was originally a fraternity house. In the 1950s, a commercial addition was added. Businesses included Heflin's Jewelry and a dentist's office. Today it is the Innisfree Poetry Bookstore & Café.

8) 1219 Pennsylvania



1219 Pennsylvania Ave., c. 1949

Year Built: 1928

Uses: Retail, Office, Residential

Originally the Tavern restaurant in 1928, this building was later Ross Chiver's athletic goods store in the 1950s. Today it is Al's Barber Shop.

9) 1301 Pennsylvania



1301 Pennsylvania Avenue, c. 1949

Year Built: 1909

Uses: Retail, Restaurant

In 1930, this was J. Quine's drug store and R. Mayes Harrison's Beauty shop. Today it is Buchanan's Coffee Shop and the Mac Shack.

10) 1226 Pennsylvania Avenue



1226 Pennsylvania Avenue, c. 1953

Year Built: 1923

Uses: Retail, Restaurant, Office, Residential

This was originally a house occupied by J.W. and Eva Mott in the 1910s. By 1930, this was Sommer's Sunken Gardens restaurant. Today it is the Sink restaurant.

11) 1155 13th Street



1155 13th Street, c. 1957

Year Built: 1954 - Individual Landmark

Uses: Restaurant, Residential

This first opened as Kinsley & Co. which was a men's clothing store and haberdashery. Today this is the Project Pie restaurant.

12) 1149 13th Street



1149 13th Street, c. 1949

Year Built: 1910

Uses: Restaurant

Businesses in this building during the 1930s included a barber shop and shoe shiner. In the 1940s the barber shop was renamed the University Barber Shop. Today this is Mamacita's restaurant.

13) 1143 13th Street



1143 13th Street, c. 1949

Year Built: 1920 - Individual Landmark

Uses: Restaurant, Residential

Originally the Silver and Gold Cleaners in the 1920s, other tenants included a shoe shop, a post office, and the Buffalo Press. Today it is a Five Guys restaurant.

14) 1135 13th Street



1135 13th Street, c. 1952

Year Built: 1926 - Individual Landmark

Uses: Entertainment

Originally the Rialto Theater, this building also functioned as a dance hall and night club in the 1930s and 1940s and as a cafeteria in the 1950s. Today, it is the Fox Theater.

15) 1129 13th Street



1129 13th Street, c. 1952

Year Built: 1952

Uses: Retail, Restaurant

This building first opened as Tulagi's, a night club and concert venue. It closed in 2003. Today this building is occupied by Boss Lady Pizza and Red Mango smoothie bar.

16) 1121 13th Street



Year Built: 1965

Uses: Unfinished Area, Retail

17) 1119 13th Street



1119 13th Street, c. 1955

Year Built: 1955

Uses: Retail

Originally Scott's Ltd. women's clothing store, today this is a Qdoba restaurant.

18) 1101 13th Street



1101 13th Street, c. 1950

Year Built: 1896

Uses: Restaurant, Residential

Originally the Phi Delta Theta Fraternity, a commercial addition was later added. Tenants included The Elms and McDowell's House of Photography. Today it is the Espresso Roma Café.

19) 0 Broadway



0 Broadway (1165 Broadway), c. 1949

Uses: Parking Lot

Before this parking lot was constructed, the building at 1165 Broadway was located here. It functioned as the Alpha Tau Omega fraternity. The chapter functioned from 1901 to 2002.

20) 1144 13th Street



1144 13th Street, c. 1952

Year Built: 1917

Uses: Unfinished Area, Retail, Residential

In the 1920's, businesses included A&B Kash-Karry Grocery, P.B. Paddock Men's furnishings, and University Hill shoe repair. Today this is the Lollicap Café, Brazil on the Hill, and Doomd Ink.

21) 1130 13th Street



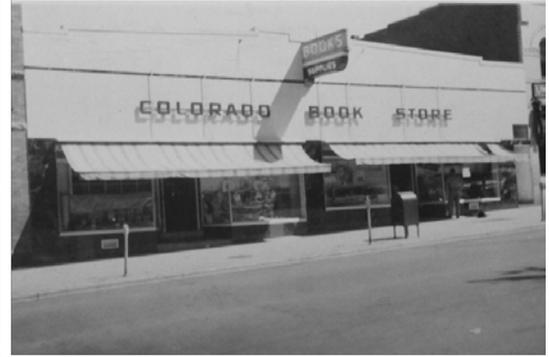
1130 13th Avenue, c. 1949

Year Built: 1900

Uses: Unfinished Area, Convenience Store, Residential

In 1916, this was the University Store. From 1920 to the 1950s, Greenman's Drug Store and University Store Booksellers occupied the building. Today this is the University Hill Market & Deli.

22) 1124 13th Street



1124 13th Street, c. 1949

Year Built: 1939

Uses: Restaurant, Retail

Originally the Colorado Book Store, this building is now occupied by Abo's Pizza and an album store.

23) 1118 13th Street



Year Built: 1911

Uses: Unfinished Area, Retail, Residential

24) 1110 13th Street



Year Built: 1913

Uses: Restaurant, Residential

25) 1321 College Avenue



Year Built: 1927

Uses: Retail, Restaurant, Residential

26) 1089 13th Street (Flatirons Theater)



1089 13th Street, c. 1951

Year Built: 1950 - Individual Landmark

Uses: Retail

Since its opening in 1951, this building has functioned as the Flatirons Theater. The architect Byron Hale Kaufman designed the theater with about 1,000 seats, a fireproof projection room, and a nursery.

27) 1083 13th Street



Year Built: 1979

Uses: Residential

28) 1135 Broadway



Year Built: 1960

Uses: Retail

29) 1127 Broadway



Year Built: 1925

Uses: Residential

30) 1121 Broadway



Year Built: 1964

Uses: Office, Retail

31) 1111 Broadway



1111 Broadway - Colorado Book Store, c. 1960s

Year Built: 1965

Uses: Unfinished Area, Retail

32) 1310 College (Hilltop Building)



Year Built: 1965

Uses: Unfinished Area, Restaurant, Office, Retail

33) 1324 College



1324 College Avenue, c. 1949

Year Built: 1949

Uses: Restaurant

Past businesses of the 1950s included the Little Polar Bar Ice Cream shop and the French Boot Shop. Today it is the Waffle Brothers, Deli Zone, and Illegal Pete's.

34) 1350 College



Year Built: 2011

Uses: Attached Garage, Retail, Residential

35) 0 14th Street



1077 14th St. c. 1958

1061 14th St. C. 1949



1069 14th St. c. 1949

Uses: Parking Lot

Before this parking lot was constructed, this was the location of three residential homes. In the 1950s, 1077 14th St. was the location of the Episcopal Student Center.

Attachment B - The Hill Report

| Number | Address | Existing Square Footage | Square Footage of Each Land Use | Dwelling Units | Projected additional square foot per RRC study | Businesses |
|--------|---------------------|-------------------------|---|----------------------------------|--|--|
| 1 | 1335 Broadway | 6,698 | Restaurant Second Floor | 3,530 2,928 | 7,519 | Vacant The Rib House - 1335 Broadway |
| 2 | 1313 Broadway | 17,769 | Fast Food Retail | 192 17,577 | 24,566 | All Businesses at 1325 Broadway Bova's Frozen Yogurt Bova's Pantry Vacant Santiago's Cosmo's Pizza University Cleaners High on the Hill Glass Hookah House Kim Food to go Doozy Duds Buff Tans Ameritech Construction Dot's Diner on the Hill |
| 3 | 0 and 1155 Pleasant | 0 | Parking Lot | N/A | 23,970 & 17,571 | |
| 4 | 1301 Broadway | 10,222 | Retail Restaurant | 3,172 7,050 | 14,873 | The Goose - 1301 Broadway The Fitter - 1303 Broadway Tra-Lings - 1305 Broadway You and Mee Noodle House - 1311 Broadway |
| 5 | 1275 13th Street | 3,108 | Convenience Store | 3,108 | 24,605 | Everyday Store - 1275 13th |
| 6 | 1211 13th Street | 14,126 | Retail Fast Food Off St. Retail Second Floor | 2,083 2,083 2,160 7,800 | 18 2,969 | Full Cycle - 1211 13th Half Fast Subs - 1215 13th Peace Pipe Hookah Lounge and Smoke Shop |
| 7 | 1203 13th Street | 8,665 | Unfinished Area Retail Retail Second Floor | 1,820 1,855 1,750 3,240 | 11 5,376 | Cafe Aion - 1235 Penn Innisfree Poetry Bookstore and Care - 1203 13th Rush Bowls - 1207 13th |

Attachment B - The Hill Report

| Number | Address | Existing Square Footage | Square Footage of Each Land Use | Dwelling Units | Projected additional square foot per RRC study | Businesses | |
|--------|--------------------------|-------------------------|---------------------------------|----------------|--|------------|---|
| 8 | 1219 Pennsylvania | 5,736 | Residential | 987 | 1 | 5,514 | Al's Barber Shop - 1219 Penn Grenadier Advertising - 1221 Penn. Ste. 10 |
| | | | Office | 3,383 | | | |
| | | | Retail | 1,182 | | | |
| 9 | 1301 Pennsylvania | 5,580 | Retail | 507 | | 2,999 | K & K Piercing - 1212 13th The Mac Shack - 1301 Penn. Buchanan's - 1301 Penn. Four Star on the Hill - 1301 Penn. |
| | | | Off St. Retail | 1,691 | | | |
| | | | Restaurant | 3,382 | | | |
| 10 | 1226 Pennsylvania Avenue | 13,285 | Restaurant | 1,900 | 2 | 3,247 | Sushi Hana - 1220 Penn. The Sink - 1165 13th Boulder Vapor House - 1155B 13th 1 Office (Unnamed) |
| | | | Restaurant | 5,700 | | | |
| | | | Third Floor | 1,800 | | | |
| | | | Second Floor | 1,500 | | | |
| 11 | 1155 13th Street | 9,605 | Deck Area (X3) | 74, 65, & 96 | 6 | 170 | Project Pie |
| | | | Restaurant | 1,894 | | | |
| | | | Second Floor | 4,332 | | | |
| | | | Third Floor | 4,243 | | | |
| 12 | 1149 13th Street | 1,326 | Deck Area | 700 | | 4,169 | Mamacita's |
| | | | Restaurant | 1,326 | | | |
| 13 | 1143 13th Street | 12,695 | Restaurant | 2,652 | 8 | 0 | Five Guys |
| | | | Second Floor | 5,026 | | | |
| | | | Third Floor | 4,732 | | | |
| 14 | 1135 13th Street | 9,256 | Unfinished Area | 756 | | 2,927 | Fox Theater |
| | | | Restaurant | 8,500 | | | |
| 15 | 1129 13th Street | 8,377 | Retail | 2,400 | | 3,398 | Boss Lady Pizza Vacant Core Power Yoga (2nd Floor) |
| | | | Restaurant | 5,947 | | | |

Attachment B - The Hill Report

| Number | Address | Existing Square Footage | Square Footage of Each Land Use | Dwelling Units | Projected additional square foot per RRC study | Businesses |
|--------|------------------|-------------------------|---|----------------------------------|--|---|
| 16 | 1121 13th Street | 8,000 | Unfinished Area Retail | 4,000 4,000 | 6,841 | Vacant Jimmy John's - 1125 13th |
| 17 | 1119 13th Street | 3,026 | Retail | 3,026 | 3,011 | Boulder Bowls |
| 18 | 1101 13th Street | 9,309 | Basement Restaurant Second Floor Third Floor | 2,059 1,982 1,979 3,289 | 7 10,442 | Yeye's Cafe - 1101 13th Salvaggio's Deli - 1107 13th Wild Side Smoke Shop - 1111 13th |
| 19 | 0 Broadway | 0 | Parking Lot | N/A | 21,773 | |
| 20 | 1144 13th Street | 12,330 | Unfinished Area Retail Second Floor | 4,110 4,110 4,110 | 8 532 | Brazil on the Hill - 1140 13th Lollicup Coffee and Tea - 1142 13th |
| 21 | 1130 13th Street | 5,694 | Unfinished Area Convenience Store Second Floor | 1,898 1,898 1,898 | 3 244 | University Hill Market & Deli - 1134 13th |
| 22 | 1124 13th Street | 6,355 | Restaurant Retail | 1,950 1,405 | 5,107 | Illegal Pete's Albums on the Hill - 1128 13th |
| 23 | 1118 13th Street | 4,800 | Unfinished Area Retail Second Floor | 960 1,920 1,920 | 5 304 | Meow Meow |
| 24 | 1110 13th Street | 7,789 | Unfinished Area Restaurant Second Floor | 2,000 4,733 3,056 | 5 2,664 | The Fat Shack |

Attachment B - The Hill Report

| Number | Address | Existing Square Footage | Square Footage of Each Land Use | Dwelling Units | Projected additional square foot per RRC study | Businesses |
|--------|---------------------|-------------------------|--|-------------------------|--|---|
| 25 | 1321 College Avenue | 9,017 | Retail Restaurant Second Floor | 6,081 1,237 1,699 | 1 | 2,518 Shipping on the Hill Iphone Repair Off Campus Cuts - 1319 College Tribal Rites - 1309 College The Corner - 1100 13th Budget Alterations - 1106 13th |
| 26 | 1089 13th Street | 12,111 | Retail | 9,112 | | 5,629 S&G Barber Shop - 1087 13th 7-Eleven - 1091 13th Rose Hill Wine and Spirits - 1087 13th Beat Cycle - 1262 College Cost Cutters - 1264 College |
| 27 | 1083 13th Street | | Basement First Floor Second Floor | 2,169 1,332 1,332 | 4 | Not Studied (Outside UHGID) 100% Residential |
| 28 | 1135 Broadway | 13,215 | Retail Retail | 4,306 8,909 | | 10,604 Meininger Art Supply - 1135 Broadway Cycle Urbano - 1135 Broadway Freaky's - 1135 Broadway |
| 29 | 1127 Broadway | 5,546 | Unfinished Basement Ground Floor (Res.) Second Floor | 160 2,735 2,651 | 13 | 7,405 100% Residential |
| 30 | 1121 Broadway | 10,131 | Office Off St. Retail Retail | 3,309 3,231 3,591 | | 5,771 Gebau Engineering The Root of the Hill Terra Thai Illegal Pete's Commissary |
| 31 | 1111 Broadway | 15,702 | Unfinished Area Retail | 6,161 9,541 | | 14,935 Colorado Bookstore |

Attachment B - The Hill Report

| Number | Address | Existing Square Footage | Square Footage of Each Land Use | Dwelling Units | Projected additional square foot per RRC study | Businesses |
|--------|---------------|-------------------------|--|---|--|---|
| 32 | 1310 College | 27,428 | Unfinished Area Restaurant Office Retail | 5,988 8,380 4,680 8,380 | 0 | Spark Boulder #100 Boulder Salad #200 "Mami's Mexican Cafe" #210 Thai Avenue #220 Gurkhas on the Hill #230 Goody Monster Korean Eats #235 Vacant #250 BoCo Cafe #260 Chase Bank #300 Vacant #310 Vacant #320 Vacant #330 Princeton Review #400 Flatiron Meal Plan #475 Peterson Development Police Station - 13th Street |
| 33 | 1324 College | 4,339 | Restaurant | 4,339 | 675 | Illegal Pete's - 1320 College Brooklyn Hero's Deli Zone - 1322 College Classic Eyebrow Threading - 1326 College |
| 34 | 1350 College | 22,998 | Attached Garage Retail Retail Second Floor Third Floor | 5,285 2,206 3,729 8,672 6,333 | 13 1,024 | College Optical - 1350 College Silver and Gold Barbers - 1350 College Starbucks - 1352 College Aspen Tan - 1352 College |
| 35 | 0 14th Street | 0 | Parking Lot | N/A (Size of the lot) | 35,133 | |

Appendix 3

Historic Preservation Tax Credits Available Programs

| | Federal 20% | Federal 10% | State 20-25% (25-30% in 2015 for Boulder) ¹ |
|---------------------------------|---|---|--|
| Building must be: | Listed individually in the National Register; OR considered eligible for listing; OR a contributing building in a historic district listed in the National Register | Built before 1936; not individually eligible for listing in the National Register; AND not contributing to a historic district | More than 50 years old; listed in the State Register OR land-marked by a Certified Local Government (CLG) |
| Eligible Buildings: | Income-producing properties, including commercial, industrial, agricultural, or rental residential | Income-producing (non-residential) | All buildings meeting the requirements listed above |
| Minimum Cost of Rehabilitation | More than \$5,000 OR the adjusted basis of the property, whichever is greater | More than \$5,000 OR the adjusted basis of the property, whichever is greater | More than \$5,000 |
| Maximum Credit | Unlimited | Unlimited | \$1,000,000 for commercial in 2015 |
| Time Limit | 24 months; if in phases, 60 months total | None | 24 months |
| Credits can be carried forward: | 20 years (also back one year) | 20 years (also back one year) | 10 years (also can be sold or transferred) |
| Rehab requirements: | Must follow the Secretary of the Interior's Standards for Rehabilitation | 50-75% of the building's walls must remain | Must follow the Secretary of the Interior's Standards for Rehabilitation |
| Fees: | \$250 for Part 2; \$0- 6,500 for Part 3 (depending on rehabilitation costs) | None | \$250 for Part 1 (may be waived in some cases); \$250-750 for Part 2 (depending on rehab costs) |
| Reviewed by: | SHPO and NPS; IRS | IRS | CLG (City of Boulder); State Dept. of Revenue |
| Credits claimed: | The year in which the building is placed in service; for phased projects & buildings open during work, the year substantial rehabilitation test is met | The year in which the building is placed in service; if building is open during work, the year substantial rehabilitation test is met | The year work is completed; official verification (Part 2) is needed |
| Process: | Part 1 determination of eligibility (if needed) Part 2 reviewed; Part 3 reviewed; Project certified File IRS Form 3468 | Part 1 determination of non-eligibility (if needed) Project approved File IRS Form 3468 | Part 1 reviewed by CLG or SHPO; Part 2 reviewed (and project certified) by CLG or SHPO *No application needed if also claiming 20% federal credit |

¹ Projects with qualified costs over one million dollars are eligible for a 20% state tax credit, while projects under one million are eligible for a 25% tax credit. Additionally, communities such as Boulder that have been declared a disaster relief area by the governor or president are eligible for an additional 5% tax credit available.

Levels of Designation:

National

The National Register of Historic Places is managed by the National Park Service in conjunction with the State historic Preservation Office. Unless a property is exceptionally significant, a structure must be at least 50 years old to be considered. The National Register is strictly honorary, and does not carry additional regulation or protection from demolition.

State

The State Register is managed by History Colorado's Preservation Office. Properties listed on the National Register are automatically listed on the State Register. Buildings can also be listed separately on the State Register. Like the National Register, buildings must be at least 50 years old to be considered, and are not protected from demolition.

Local

In 1974, the Historic Preservation Ordinance was adopted, providing recognition and protection for buildings and sites that are architecturally, historically and/or environmentally significant to Boulder's history. Today, Boulder has ten historic districts and nearly 170 individual landmarks, totaling over 1,300 designated properties. Exterior changes to designated properties requires review and approval through a Landmark Alteration Certificate, and the work must meet the General Design Guidelines and district-specific guidelines.

Appendix 4

BMS Zoning District Analysis

History of zoning in the University Hill commercial area

Historically, University Hill was zoned for a mix of uses all the way back to the city's first zoning ordinance in 1928. At that time, the "D" business zone was applied to the area, which was experiencing an evolution from predominantly residential uses to commercial uses along 13th Street at the turn of the last century. After a series of "business" zones, the area was zoned CB-E (Commercial Business – Existing) in 1971.

The CB-E zone was based on a more suburban, auto-oriented land use pattern, with large front yard setbacks and parking lots inconsistent with the established character. For this reason, the University Hill Area Plan (1996) recommended various zoning changes and development of design guidelines to better reflect the Hill's unique character.

The current BMS zoning district was created to implement the North Boulder Subcommunity Plan's concept of a village center – a place with a full complement of neighborhood-scale services for residents and employees to visit and congregate. The BMS zone was applied to other areas of the city where this kind of mixed-use center was desired. These include Pearl Street west of Ninth Street and Boulder Junction on the east side of 30th near Bluff, and on 29th Street and Bluff. Because the zone supported a mix of uses and similar form and massing as the Hill, it was applied to the Hill area in 1997.

A summary of zoning changes that have affected the Hill since 1997 are listed below:

- 1997- University Hill Business District rezoned BMS-X given the contextual and use similarities to other areas zoned BMS-X.
- 2002- Ordinance passed to allow restaurants greater than 1,500 square feet but no larger than 4,000 square feet to be allowed on the Hill through staff level conditional use review instead of Use Review. Businesses operated after 11pm would still require Use Review.
- 2004- Code changed to permit buildings within the BMS-X zone to be built up to 38 feet by-right. The previous limit was 35 feet.
- 2006- Land Use Code Simplification (LUCS) project approved. BMS-X renamed BMS. Reorganization of floor area ratio and floor area standards erroneously makes 15,000 sf building maximum standard not subject to modification in the code.
- 2010- Floor area regulations updated to exempt basement space from the floor area calculation in BMS to incentivize redevelopment.
- 2013- New conditional use standards created for restaurants and taverns on the Hill. No new Use Reviews can be requested for establishments open after 11pm. New establishments without a liquor license can operate after 11pm with approval, but those with liquor licenses would have to close at 11pm. New standards on amount of food service also added.

Existing Business Main Street (BMS) Zoning District on the Hill

The BMS zone is a commercial mixed-use zoning district patterned after the character of historic Main Street business districts. BMS is designed to encourage development in a pedestrian-oriented pattern, with buildings built up to the street; retail uses on the first floor, residential and office uses above the first floor; and where complementary uses may be allowed.

Key features of the BMS zone in terms of scale and character are as follows:

- There is a mixture of one-, two- and three-story buildings along the street with retail uses on the first floor, pedestrian interest windows lining the street, and office and residential uses above or below the first floor. Third stories must be setback 20 feet so they have limited visibility from the street. Buildings are permitted up to 38 feet by-right.
- Buildings have a pedestrian scale and are flexible to allow for changes in use over time (maximum by-right building sizes is 15,000 square feet).
- Buildings are oriented to the street, not to parking lots, and front doors face the street.
- Buildings are located up to and continuously along the sidewalk with very few gaps (parking is not allowed in front of buildings except for on-street, and a minimum of 70% of building lot frontage must have a building along it.)
- Sidewalks are wide and lined with street trees planted in tree grates.

BMS floor area and parking regulations:

The total permitted floor area ratio (FAR; total floor area divided by the lot area) on BMS properties in locations other than properties within a parking districts, such as the Hill, is up to 1.0: 1. The base FAR is 0.67. However, if residential uses are proposed within a project, the FAR is permitted to increase by 0.33 FAR to a total of 1.0 in order to encourage residential uses and mixed uses.

In general improvement parking districts like University Hill, however, the allowable FAR is higher at a maximum of 1.85. This correlates to the historic character of the Hill with three story buildings built up to the street, with the third story set-back approximately 20'. Due to the proximity of city managed on-street and off-street parking, on-site non-residential parking is not required for commercial uses on the Hill.

BMS Analysis in relation to the BVCP vision for the Hill

A detailed analysis of the BMS zoning district standards and uses was prepared by city staff. Below is a summary of the preliminary findings of this analysis.

1. BMS was applied to University Hill in recent history considering the zone's intent of allowing a mixture of uses and forms consistent with historic 'main street' neighborhood centers. BMS has been successfully implemented in other areas of the city, but in the case of the Hill, may be less successful given the intended vision of the area being more regional serving. The Hill also differs as it is within a general improvement district.
2. While the BMS zoning permits a diversity of uses, it does not guarantee uses that would be more regional serving or beneficial to wider neighborhood consistent with the BVCP vision for the area.
3. The size of the BMS zone as a commercial district is relatively small and without more specific use standards the diversity of uses could be impacted by an over-concentration of uses contrary to more regional and neighborhood serving uses.
4. While diversity of uses is important on the Hill, there are some uses that are permitted that are not conducive to the pedestrian-oriented setting and the intent to create streetscape activity.
5. The current BMS zoning does not necessarily protect and preserve the variety of unique contexts present in the University Hill business district as evidenced by the different character along Broadway vs. along 13th Street etc.
6. Some design standards that apply to buildings in BMS have not been successful and have resulted in low quality products that are not necessarily pedestrian friendly and harmonious with existing historic building patterns.

1. There appears to be an error in the zoning code that has hindered the option of discretionary reviews, which could have resulted in more high quality projects. The current minimum Site Review threshold of 50,000 square feet of building area was originally 15,000 square feet, was unintentionally changed, and should be corrected.

Adjacent Residential Area (RH-5)

Immediately surrounding the business district is the Residential High – 5 (RH-5) zoning district. RH zones are high density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment buildings, and where complementary uses may be allowed.

RH-5 zones permit densities of 14 or more dwelling units per acre. Residential uses are allowed by-right and non-residential uses like offices or retail can be permitted with approval of Use Review application from the Planning Board. Other uses that would present more impacts on the neighborhood are prohibited.

The area has traditionally contained a mix of single-family and attached housing units that have been converted to student housing over time.

Site Review is required for any projects on a site greater than 2 acres or proposing 20 or more units. There are no FAR limits in the RH-5 zoning district. Building size limits are instead based on meeting other zoning district standards (e.g., open space, minimum lot area per unit, parking

Appendix 5

Hill Reinvestment Strategy Update

Summary

In spring 2014, the Boulder City Council made it a priority to improve the quality of life on University Hill for its residents, visitors and businesses. The University Hill Reinvestment Strategy provides a framework for pursuing the improvements, with the City acting as a catalyst for sustained public/private partnerships and private investment over the long term. The City Council vision for University Hill includes: business and residential diversity; the arts; multi-modal access; health and safety; stakeholder partnerships; and code enforcement.

2014/2015 Implementation

Implementation of the University Hill Reinvestment Strategy began in spring 2014, under the oversight of the Downtown & University Hill Management Division/Parking Services (DUHMD/PS) division and an inter-departmental Hill Staff Planning Group. Initial efforts included:

- Pilot Parklet on Pennsylvania Avenue;
- Alley Mural Projects behind the Fox Theater and the former Flatirons Theater;
- Installation of the Boulder-based B-Cycle bike sharing station on College Ave: www.boulder.bcycle.com;
- Partnership with the Boulder-based non-profit eGO car sharing service for a location at the 14th Street University Hill General Improvement District (UHGD) parking lot: www.carshare.org;
- Support for the formation of a University Hill merchants association, The Hill Boulder: www.thehillboulder.com;
- Entered into a MOU for the mixed use redevelopment of the 14th Street UHGID parking lot;
- Completed a study of Hill commercial district employee/visitor transportation mode shares; and,
- Completed preliminary plans for three projects to be funded by the Community, Culture and Safety tax: creation of an event street on Pennsylvania Ave; commercial area street tree improvements and irrigation; and pedestrian lighting improvements in the Hill residential area.

In September 2014, the City hired its first Hill Community Development Coordinator to work full-time on strategy implementation and building strategic partnerships. Since September, additional progress has been made, including:

- Drafting of an inter-departmental work program to pursue the Hill Reinvestment Strategy;
- Updated and expanded the stakeholder distribution list for regular communications about Hill activities and opportunities. To be added to this list, write to: wiebenson@bouldercolorado.gov;
- Initiated a pilot program with CU student organizations to provide regular cleanup of the commercial district;
- Partnered with CU on a banner program in the commercial district;
- Began the Residential Service District (RSD) as a multi-year pilot cleanup program in high-density residential areas; and,
- Supported the inter-departmental Moratorium effort to investigate possible code changes or other policy measures to pursue a balanced mix of uses in the Hill commercial district for year-round vitality.

The Hill Reinvestment Strategy is notable for its emphasis on strategic partnerships between public and private stakeholders, including the City of Boulder, the University of Colorado (CU), CU Student Government (CUSG), the University Hill Neighborhood Association (UHNA), The Hill Boulder merchants association and

Hill property owners. Efforts completed in 2014 by these partner organizations include:

- Move-in Orientation and 'Welcome Bags' for CU students moving into rental housing on the Hill (CU, UHNA and Four Star Realty);
- Party Registration program (CU, Boulder Police Department); and,
- 'Walk this Way' pedestrian safety and noise reduction effort (CU, CUSG).

Next Steps

Current efforts to coordinate the Hill Reinvestment Strategy are focused on developing partnerships and building coalitions among Hill stakeholders to eventually support a longer-term, sustainable governance structure for continued improvements. The form of this governing organization will be determined as an essential part of the Hill Reinvestment Strategy process.

Additional long-term projects include a looking at the feasibility of incentives to promote desired uses on the Hill, including: enhanced transit access for Hill employees; structured parking on the UHGID sites; additional office uses; permanently affordable housing; an arts/innovation district program; and public open space.

Contact:

Sarah Wiebenson, Hill Community Development Coordinator at 303-413-7335 or wiebensons@bouldercolorado.gov

Appendix 6

Overview of Past Studies and Planning Efforts in the Uni Hill Area

1996 University Hill Area Plan (see following pages) adopted by Planning Board and City Council: established goals to make the area comfortable, safe, and attractive and resulted in a package of civic improvements and land use regulation changes in the business district.

2001 Market Based Study sponsored by the University Hill General Improvement District (UHGID): included a competitive analysis, niche strategy and recommendations for the Hill commercial district.

2004 Ross Consulting Report sponsored by UHGID: studied redevelopment from the property owner/developer perspective noting specific issues that could facilitate development.

Boulder Valley Comprehensive Plan: revised in 2005 to reflect the Hill's unique role as a neighborhood center and - with the adjacent University of Colorado (CU) - an area that also provides education, culture, and entertainment to a large portion of Boulder's population

2007 New Hill Company's Hill Commercial Context Study (HCCS): A privately sponsored urban design study that involved residents, businesses, and property owners.

2008 University Hill Commercial Area Historic District Re-evaluation: produced for the Planning Department: an analysis of the Hill's historic and cultural resources.

2011 Urban Land Institute (ULI) Technical Advisory Panel (TAP): Urban Land Institute convened a Technical Advisory Panel to review and assess revitalization strategies for the University Hill commercial area. The ULI TAP recommendations are organized in three areas: programming, organization, and bricks and mortar, and provide a road map for Hill revitalization. Generally the panel urged Boulder "to revitalize, don't reinvent" the Hill as it is not completely broken and does not need a sweeping fix.

UNIVERSITY HILL AREA PLAN

UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT

Broadway Character



On select corners provide special features including landscaping, and rest areas which create comfortable and interesting places with unifying elements carried throughout the site.



Create a uniquely designed wall at the parking lot at 13th Street and Pennsylvania Avenue which incorporates distinctive art elements, identifies the public realm, screens cars, and provides a special image for a highly visible corner.

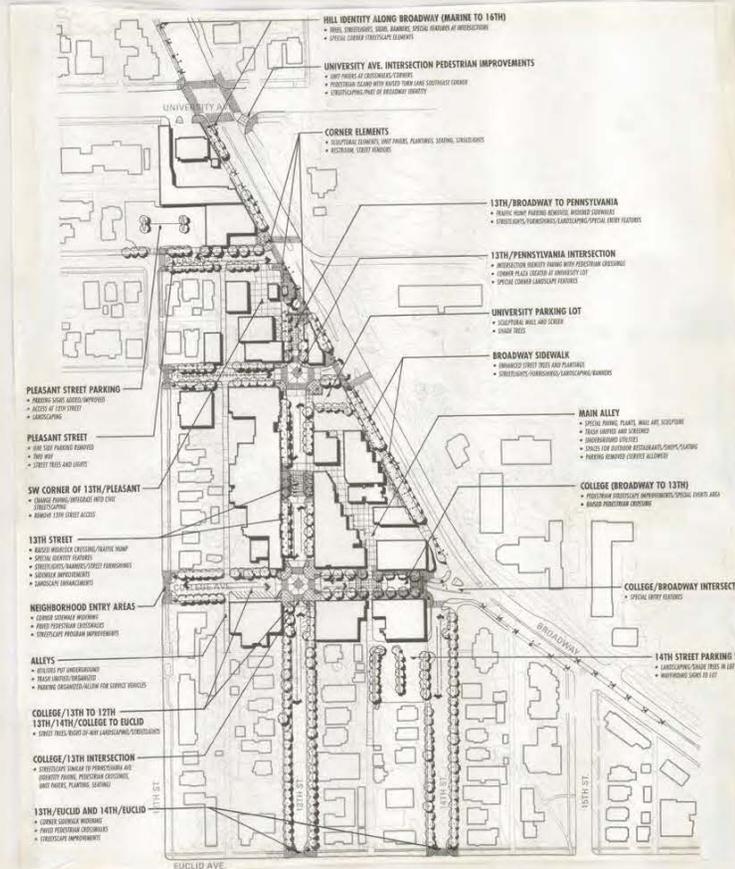


Add colorful flower pots, street trees, and pedestrian scale lights along Broadway to create a more attractive and pedestrian friendly environment.

Vision

To Make the University Hill Commercial Area a Safe, Comfortable, and Attractive Place to Shop, Work, Visit, and Live

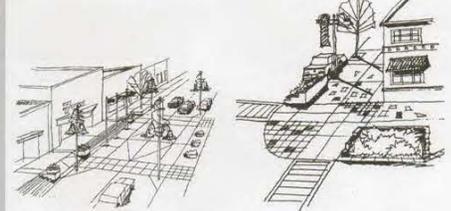
The Civic Improvement Plan



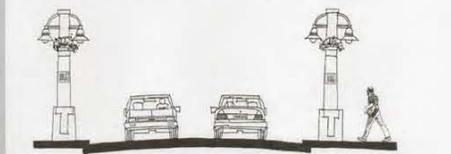
Core Area Character



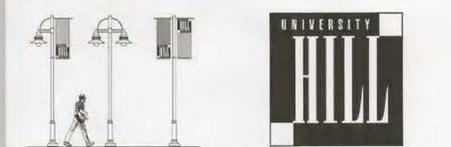
Create a "mini park" on the southeast corner of 13th Street and Pennsylvania Avenue which provides special features such as a fountain, pedestrian scale lights, colorful banners, and artistic paving.



Develop special improvements in front of the Fox Theater to create a multipurpose pedestrian setting and to calm traffic on 13th Street. These improvements include a specially paved raised pedestrian crossing, amphitheater seating, street trees, pedestrian scale lighting, banners and other artistic elements. The development of corner landscape components and unique paving patterns will also express the playful and youthful spirit of the Hill.



This typical section above illustrates a gateway monument feature that will identify the historic commercial area. Two locations are proposed, one at College Avenue, just west of 14th Street, and the other at 13th Street, just south of Broadway Avenue. The purpose of the monument features is to identify the core area from Broadway, and to provide a friendly and attractive welcome to the shopping area. The design will incorporate the timeless character of civic improvements in the area, an identification sign, and public art.



Decorative pedestrian scale streetlights, a banner program, and a new area identification program are proposed to more clearly identify the commercial area, to improve safety, and to enhance the image of the area.

Goals & Principles

1. Encourage an attractive urban village image and development character that is active, inviting, and accessible to all modes of travel, and which strengthens connections with the surrounding community.
2. Promote a diverse mix of neighborhood and community uses to provide the opportunity to live/work/shop/play within the area, and to appeal to a wide variety of users.
3. Develop a transportation system that is designed for pedestrians, bicycles, transit, and cars, and which connects to the regional transportation system.
4. Improve the retail quality and operations within the district to better serve residents, the University, and the surrounding community, and to provide an economically healthy area with opportunities for careful redevelopment.
5. Improve the safety of the public right-of-way so that many different users can participate and enjoy the commercial area.

UNIVERSITY HILL AREA PLAN UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT

Background

The Area Today
The University Hill commercial area is surrounded by the University of Colorado to the east and a high-density residential area to the south and west. To the north, the area transitions between high-density residential and commercial as it approaches the downtown. The University Hill commercial area is a very compact and includes restaurants, bars, entertainment venues, personal services, and specialty retail uses. Its primary user is the University of Colorado. There are some neighborhood services in the area including a small grocery store, a drug store, and two bar/cafes. There is limited office use and a high percentage of alcohol-related establishments.

There is excellent City and regional access to the commercial area from Broadway Avenue. There is also good transit access and around the district. However, vehicular access to the three surface parking lots within the district is indirect and unclear. There are pedestrian and vehicular conflicts at most of the major intersections within the district. The existing streets are not functional for delivery vehicles for pedestrians.

The area has a "north-oriented" character and is a 24-hour environment. The "Hill" is the current identity for the area and there is a strong tie to the University and its services. Maintenance of the image of the area is an ongoing problem due to the nature of the users and the activities of the area.

There is a lot of diversity and an eclectic mix to the buildings in the commercial area. The historic buildings give special character to the area - however many of these historic buildings are not well maintained and many have deep setbacks which are not attractive to pedestrians. There are major pedestrian and vehicular pathways to the area along Broadway Avenue and there is an active pedestrian life in the area. However, there are no areas for special activities.

Purpose of the Plan
The University Hill Area Plan was undertaken in order to give the University Hill General Improvement District (UHIGID) guidance on how to improve the area and deal with problems and concerns that the area is experiencing. The community was concerned with the area's safety, type of uses, conflicts between users, and the area's image and economic health. It was determined that a "treatise plan" for city improvements in the area should be created to guide UHIGID in making improvements.

- Objectives of the plan were:**
- To gain an understanding of the issues and concerns of neighborhood residents, property owners, merchants, the University, students, customers, and other users of the area.
 - To build a vision based on the district and community's needs and desires.
 - To develop integrated strategies to achieve this vision including the economic, transportation, urban design, and marketing components necessary to achieve the intended effect.
 - To develop implementable designs and financing strategies.

Implementation Strategy

The Strategy
Adoption of this plan means that the University Hill General Improvement District and its members will be working together to coordinate and coordinate with improvements to their area. It means that capital improvement projects for the area can be coordinated and prioritized with other City-wide projects for public funding consideration. Two projects are already included in the Transportation Capital Improvement Program (CIP). Others will be proposed as a result of this plan.

- The Projects**
The projects fall into four major categories:
- Transportation Improvements: traffic calming and pedestrian and bike enhancement projects
 - Alley Improvements: undergrounding utilities and reconstructing alleys to shared use and to improve function
 - UHIGID Improvements: lighting, landscaping improvements, seating and civic areas, and image program
 - Neighborhood Improvements: pedestrian safety lighting and trees and landscaping immediately outside of UHIGID to the residential neighborhood

Transportation Traffic Calming and Pedestrian & Bike Access Projects
13th Street Improvements:

- Install two raised pedestrian crossings. One between Pennsylvania and Broadway Avenues and one located mid-block in front of the Fox Theater
- Close driveway access on 13th Street between Pleasant Street and Pennsylvania Avenue
- Improve intersections at 13th Street and Pennsylvania and College Avenues with identity paving and pedestrian crossings, median sidewalks and add corner plaza

College Avenue Improvement:

- Install pedestrian crossings and make special events area
- Install raised pedestrian crossing
- University Avenue Improvements:**
- Acquire University of Colorado right-of-way
- Construct pedestrian island with raised turn lanes on southeast corner
- Install mid-pavers on crosswalks and corners
- Install mid-block raised pedestrian crossing to allow street

Gateway Features/Signage:

- Install gateway features at Broadway Avenue and 13th Street and at College and 14th Street
- Install entryway signage along Broadway Avenue northbound and southbound between 14th and Broadway Avenues
- Add entryway lighting features

Alley Undergrounding and Reconstruction Projects
The alleys will be undergrounded and the following alley reconstructed with special paving, lighting, and other design features:

- Main alley north-south alley between Broadway Avenue and 13th Street, and between College and Pennsylvania Avenues. Improve as well as reconstruct the alley.
- Alley #2: north-south alley between 13th and 14th Streets (College toward Euclid Avenue)

Goals of the Plan
The following goal statements form the basis of the plan:

- Improve connections and relationships to the surrounding community.
- Improve the district by developing an image that appeals to the wider variety of users.
- Improve the pedestrian life for citizens of all ages and types by improving the streetscape amenities and providing a variety of services.
- Mitigate the impacts of the automobile and encourage access by alternate modes of transportation.
- Improve the retail quality, mix, and operations within the district to better service residents, the University, and the surrounding community.
- As a long term goal, spur careful redevelopment of the district and adjacent areas to meet the affordable housing and commercial use needs of the community, and to strengthen the quality and image of the district.

Premises of the Plan
The plan recommends projects that will improve vehicular circulation and access, improve pedestrian and bicycle access and safety, create public spaces, and the design and image of the area, and encourage the area to become a neighborhood center which provides services and uses for its surrounding neighborhood. The primary intent of the plan, and the associated use and design recommendations, is to strengthen the use of the area by making the area more attractive and desirable to the surrounding neighborhoods and University community that is within walking distance to the commercial area. By eventually attracting the close-in market, in addition to the existing user base, the area will eventually be a stronger and more diverse pedestrian district.

- Enhance Pedestrian and Bicycle Access and Safety.**
The pedestrian streetscape and civic environment in the commercial area will include a number of pedestrian features such as seating, landscaping, lighting, and buffers from vehicles. A series of traffic calming features, which include raised pedestrian crossings, raised crosswalks, intersection and corner improvements, and crosswalk improvements will be installed to improve pedestrian and bicycle access and safety.
- Create Attractive and Interesting Street and Public Spaces**
Public street and public spaces along the public right-of-way. Encourage programmed and spontaneous activities in these areas. These "mini-parks" should provide a place for concerts, art fairs, exhibits and other special events.
- Create More Public Open Space**
Provide open public spaces along the public right-of-way. Encourage programmed and spontaneous activities in these areas. These "mini-parks" should provide a place for concerts, art fairs, exhibits and other special events.

commercial area. By directing parking to the perimeter parking lots and providing bike parking, people will leave their cars and bikes on the outside of the district and walk within the area.

- Establish a Unified Design Approach and Adopt Design Guidelines**
The commercial area will establish a unified and special design guidelines. The design elements and materials should enhance the civic environment and provide a uniform and special image that is visible in public spaces on the Hill. The unified approach should be developed and used for private development as renovation and redevelopment of existing structures. Design guidelines for both the historic and non-historic portions of the commercial area should be developed.

7. Provide Landscaping and Seasonal Color
Landscaping to encourage greater pedestrian use by screening and softening building walls and by providing shade and a visual, comfortable "urban park" type feeling. Along public streets and at major intersections, landscaping and ground cover improvements will be achieved through the use of banners.

8. Create More Public Open Space
Provide open public spaces along the public right-of-way. Encourage programmed and spontaneous activities in these areas. These "mini-parks" should provide a place for concerts, art fairs, exhibits and other special events.

example, UHIGID. Special projects with adopted plans will be considered for this funding. UHIGID has requested \$800,000 per year for five years in CIP matching funds. UHIGID will seek funds from a special assessment district per year for its improvements. At this level of funding, UHIGID can complete all of its proposed projects within the year.

Transportation Capital Improvement Program (CIP) funds will be requested over a five-year period for all of the transportation improvements identified in the plan. Funds for the main alley reconstruction project are shown in the 1998 Transportation CIP and funds for the 13th Street improvements are shown in the 1998 CIP. Each transportation project proposed in the plan will be evaluated with other City-wide transportation projects to determine its priority in the overall CIP.

Each year, Public Service Company contributes funds to an alley undergrounding fund managed by the City. This money is available for undergrounding of Public Service lines throughout the City. Funds to underground the utility in the main alley are being shown in the 1996 program. Each future alley project will be evaluated with other proposed alley projects to determine its priority in the overall undergrounding plan.

The neighborhood improvement projects for special amenities, lighting, trees, and landscaping will be applied if the property owners within the neighborhoods are willing to form an assessment district to pay for the improvements. CIP funds will be used to help fund these projects.

Implementation Schedule
The implementation schedule to the right shows the proposed timing for all of the projects. Phase I projects include sidewalk improvements such as lighting and identity features, as well as raised pedestrian crossings and major intersection improvements (13th Street project). Phase II projects will be implemented as funds from the PSCO alley undergrounding credit program become available.

Neighborhood/Transitional Zone Improvements
Add pedestrian safety lighting, trees, and landscaping outside of UHIGID's boundaries in the following transitional zones:

- 13th Street (end of district toward Euclid Avenue)
- College Avenue (end of district to 12th Street)
- Pennsylvania Avenue (end of district toward Euclid)

Financing The Plan
Important Costs
The total cost of the civic improvement plan is estimated at \$2,390,000 - \$2,745,000 in transportation improvements, \$1,050,000 in alley undergrounding improvements, \$9,500,000 in UHIGID improvements, and \$18,000,000 in neighborhood improvements. These costs reflect design, build, and contingency costs.

Funding Sources
Although there may be some federal or state funding for art projects or urban open space, it appears that the most logical funding source for the project will be the City funding mechanisms. The funds that appear the most appropriate for consideration of funding this project are the following:

- Community Improvements Investment Fund (CII), which will be used to finance special projects for special areas, as included in the 1996 City budget. The CIP will be funded by contributions from a combination of the University and special order Code. The CII will be used to match dollar for dollar funds put into the special area for

Community Input

A working group consisting of members representing the various Hill constituency groups helped staff direct the study. Three community meetings were held with the Hill community and interested public. To gain more input on the issues of youth, several classroom projects were developed to involve University high school, and middle school youth in the design process. A special open house was held for youth to participate in the project.



Aerial view looking northwest over Broadway. UHIGID boundaries are denoted by white lines.

A meeting specifically for property and business owners at the commercial area was held to discuss the plan. The plan also was displayed in the Hill Annex throughout its different design stages. An open house was held for public review and input. The plan was reviewed by the UHIGID Advisory Committee and the Transportation Advisory Board, and was adopted by the Planning Board on October 14, 1995, and by City Council on March 19, 1996.

Implementation Schedule

| PROJECT NAME | PROJECT COST | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|---|--|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| PHASE I | | | | | | | | | | | | | | | |
| GATEWAY FEATURES | \$30,000 Traffic Fund | | | | | | | | | | | | | | |
| TWO-WAY PLEASANT ST. | \$5,000 UHIGID Fund | | | | | | | | | | | | | | |
| MAIN ALLEY UNDERGROUNDING/RECONSTRUCTION | \$435,000 PSCO/Transp. Fund | | | | | | | | | | | | | | |
| LIGHTING | \$793,000 UHIGID Fund | | | | | | | | | | | | | | |
| 13TH STREET TRAFFIC IMPROVEMENTS | \$725,000 Transp. Fund | | | | | | | | | | | | | | |
| STREETSCAPE IMPROVEMENTS | \$148,000 UHIGID Fund | | | | | | | | | | | | | | |
| SEATING/CIVIC AREAS | \$64,000 UHIGID Fund | | | | | | | | | | | | | | |
| ALLEY #2 UNDERGROUNDING/RECONSTRUCTION | \$250,000 PSCO/Transp. Fund | | | | | | | | | | | | | | |
| UNIVERSITY AVENUE | \$100,000 Transp. Fund | | | | | | | | | | | | | | |
| NEIGHBORHOOD IMPROVEMENTS | \$216,000 Spec. Assessment District | | | | | | | | | | | | | | |
| PHASE II | | | | | | | | | | | | | | | |
| ALLEY #3 UNDERGROUNDING/RECONSTRUCTION | \$305,000 PSCO/Transp. Fund | | | | | | | | | | | | | | |
| ALLEY #4 UNDERGROUNDING/RECONSTRUCTION | \$230,000 PSCO/Transp. Fund | | | | | | | | | | | | | | |
| ALLEY #5 UNDERGROUNDING/RECONSTRUCTION | \$169,000 PSCO/Transp. Fund | | | | | | | | | | | | | | |

Land Use



Land use or zoning can be used as a tool to manage the development and uses within an area as the desires of the City and the community. Many projects identified by the Hill community can be regulated through different land use zoning.

COMMUNITY BUSINESS ZONE
The business area is zoned C2-E (Community Business-Enhanced). The zoning establishes the permitted uses and things such as building placement and height. The primary land use concern in the Hill commercial area has to do with some of the uses of the area and their impacts - generally nuisance impacts (trash, noise, security). The appropriate mix of uses should be determined and one should be used to reinforce the desired mix.

The zoning district standards should be used to control building placement and overall scale. These bulk chart changes should be augmented with design review of individual projects such as happens in the downtown area under the purview of the Downtown Design Advisory Board. Design guidelines should be established for both the historic and non-historic portions of the commercial area.

The following land use actions should be undertaken:

- In addition to increased enforcement and centralized management, zoning code changes will be explored in the C2-E zone to deal with the operating characteristics of restaurants, taverns, and minor amusement establishments.
- Zoning code changes will be explored to encourage the appropriate location and scale of commercial buildings based on the urban design of the Hill.
- A process will be initiated to develop design guidelines for the Hill and the appropriate approach to implementation.

HISTORIC AREA
The potential exists for a local historic district in the commercial area. The heart of the historic district would be along 13th Street between College and Pennsylvania Avenues. In addition to design review, there is a variety of incentives that would be available to property owners if the area becomes a historic district.

- A dialogue will be initiated with property owners about the potential benefits of historic district designation.

Transportation



The System Today
There is excellent City and regional access to the commercial area from Broadway Avenue. There is also good transit access to and around the district. Vehicular access to the area is provided by major thoroughfares and arterial roads and some of the one-way streets are confusing to motorists. Access to the Hill from parking lots is provided from Broadway Avenue. There are pedestrian and vehicular conflicts at several intersections within the district.

Parking Issues
Review and analysis of parking utilization data show that the existing parking supply is sufficient at this time. In fact, some of the lots seem to be under-utilized at certain times throughout the day. Considering very modest growth and projected vehicle levels, additional parking supply to meet near demand cannot be justified at this time. However, if significant development or redevelopment of the area occurs, then consideration will need to be given to other expanding the parking supply to accommodate the increased demand.

A major emphasis of the plan is to encourage parking at the edge of the district, while providing for improved pedestrian access and activity in the core. To accomplish the improvements, 13 public parking spaces will be removed. If the main alley project is undertaken, and if private businesses along the alley choose to give up their existing private parking, a total of 18 additional spaces will be removed.

Access improvements to existing parking lots as well as better directional signage should provide for increased use of the lots. Implementation of the transportation improvements is projected to take over a 10-year period. Therefore, parking will not be lost or in excess. Parking supply and demand will be monitored to determine if there is a need for replacement parking as these projects progress.

Bicycle System
Conceptualizing bicycle access and parking has been incorporated as an integral element of the civic improvement plan.

- Signage and lighting improvements should be undertaken on 13th and 14th Streets to connect the Hill with the downtown to the north and with local neighborhoods to the south.
- Bicycle traffic from University to Pennsylvania Avenues need to be accommodated. Bicycles should be allowed to use the sidewalk on the west side of the main alley.
- Bicycles will be encouraged to use 13th Street. The traffic calming measures that will be implemented will help encourage bicycle use.
- A study will be undertaken to determine how to address northbound bicycle traffic on 13th Street at the 13th Street and Pennsylvania Avenue intersection.
- Bicycle parking will be distributed throughout the district in available sidewalk locations.

HIGH DENSITY RESIDENTIAL ZONE

The high density residential area surrounding the commercial portion of University Hill is a very compact and is poorly maintained. The area is zoned R1-E (High Density Residential - Established). Many of the residential properties in the area are in poor condition and are in need of renovation or replacement than that permitted under current zoning.

Many of the development standards are considered non-conforming, due to lack of compliance with density and parking standards, as well as various other non-conforming standards. Because there are no standards for the category of non-residential conversions, the area is not subject to the same standards as other conversions. The area is not subject to the same standards as other conversions. The area is not subject to the same standards as other conversions.

The 1992 Boulder Survey of Historic Places found the potential for a University Hill historic district in the area between 9th Street, Pleasant Street, 16th Street, and Baseline Road. A historic district would include the development of design guidelines, review of exterior alterations, provisions dealing with "demolition by neglect," and financial and other incentives for property owners.

The transition between the high density residential area around the commercial district to the low density residential area in the neighborhood to the south of the commercial area is rather abrupt. In many situations around the City, there is an intervening medium density zone. The City should examine techniques to ease this transition.

The following actions should be undertaken:

- Make improvements to the non-conforming high density residential structures easier while still enforcing their impact.
- Examine the potential for a residential historic district.
- Examine techniques to ease the transition from the high density neighborhood to the surrounding low density neighborhood.

TARGET SITES
There are four sites that have special opportunities associated with long term redevelopment within the University Hill area. These are located at the intersection of various locations and the opportunity for further redevelopment or enhancement.

The present Circle K at Pleasant and 13th Streets is located at the edge of the commercial area and 13th Street a significant gateway to the area. It is an important site for suburban development and not consistent with the goal of a more urban pedestrian environment. The large expanse of paving and parking at this location on the sidewalk could be improved over the long term pedestrian improvements.

The plans for owned and operated by the University of Colorado at Pennsylvania Avenue and 13th Street is the most significant redevelopment project in the area. The plans for the site include the addition of new public plaza areas and screening wall to be added to the parking lot area. The long term plan for the site is to create a more urban pedestrian environment. The large expanse of paving and parking at this location on the sidewalk could be improved over the long term pedestrian improvements.

The Colorado Book Store building has not been identified for redevelopment. However, the building is a good example of a building that has a high potential to be a pedestrian ally. The building is also highly visible from Broadway Avenue and could act as more of an appealing gateway.

The historic Theatre at College Avenue and 13th Street is located at the edge of the commercial area. The Theatre is a building that has a high potential to be a pedestrian ally. The building is also highly visible from Broadway Avenue and could act as more of an appealing gateway.

Parking Issues
Review and analysis of parking utilization data show that the existing parking supply is sufficient at this time. In fact, some of the lots seem to be under-utilized at certain times throughout the day. Considering very modest growth and projected vehicle levels, additional parking supply to meet near demand cannot be justified at this time. However, if significant development or redevelopment of the area occurs, then consideration will need to be given to other expanding the parking supply to accommodate the increased demand.

A major emphasis of the plan is to encourage parking at the edge of the district, while providing for improved pedestrian access and activity in the core. To accomplish the improvements, 13 public parking spaces will be removed. If the main alley project is undertaken, and if private businesses along the alley choose to give up their existing private parking, a total of 18 additional spaces will be removed.

Access improvements to existing parking lots as well as better directional signage should provide for increased use of the lots. Implementation of the transportation improvements is projected to take over a 10-year period. Therefore, parking will not be lost or in excess. Parking supply and demand will be monitored to determine if there is a need for replacement parking as these projects progress.

Bicycle System
Conceptualizing bicycle access and parking has been incorporated as an integral element of the civic improvement plan.

- Signage and lighting improvements should be undertaken on 13th and 14th Streets to connect the Hill with the downtown to the north and with local neighborhoods to the south.
- Bicycle traffic from University to Pennsylvania Avenues need to be accommodated. Bicycles should be allowed to use the sidewalk on the west side of the main alley.
- Bicycles will be encouraged to use 13th Street. The traffic calming measures that will be implemented will help encourage bicycle use.
- A study will be undertaken to determine how to address northbound bicycle traffic on 13th Street at the 13th Street and Pennsylvania Avenue intersection.
- Bicycle parking will be distributed throughout the district in available sidewalk locations.

Parking Issues
Review and analysis of parking utilization data show that the existing parking supply is sufficient at this time. In fact, some of the lots seem to be under-utilized at certain times throughout the day. Considering very modest growth and projected vehicle levels, additional parking supply to meet near demand cannot be justified at this time. However, if significant development or redevelopment of the area occurs, then consideration will need to be given to other expanding the parking supply to accommodate the increased demand.

A major emphasis of the plan is to encourage parking at the edge of the district, while providing for improved pedestrian access and activity in the core. To accomplish the improvements, 13 public parking spaces will be removed. If the main alley project is undertaken, and if private businesses along the alley choose to give up their existing private parking, a total of 18 additional spaces will be removed.

Access improvements to existing parking lots as well as better directional signage should provide for increased use of the lots. Implementation of the transportation improvements is projected to take over a 10-year period. Therefore, parking will not be lost or in excess. Parking supply and demand will be monitored to determine if there is a need for replacement parking as these projects progress.

Bicycle System
Conceptualizing bicycle access and parking has been incorporated as an integral element of the civic improvement plan.

- Signage and lighting improvements should be undertaken on 13th and 14th Streets to connect the Hill with the downtown to the north and with local neighborhoods to the south.
- Bicycle traffic from University to Pennsylvania Avenues need to be accommodated. Bicycles should be allowed to use the sidewalk on the west side of the main alley.
- Bicycles will be encouraged to use 13th Street. The traffic calming measures that will be implemented will help encourage bicycle use.
- A study will be undertaken to determine how to address northbound bicycle traffic on 13th Street at the 13th Street and Pennsylvania Avenue intersection.
- Bicycle parking will be distributed throughout the district in available sidewalk locations.

**Questions Asked at the April 19 Council Meeting Not Addressed in the
Agenda Memo**

Q. What will the parking rates be. Will they be the same as everyone else.?

A. It is expected that the rates will be market rate for the area.

Q. Are the COPs amortized?

A. Yes, they are amortized over a 30-year period (shorter if interest rates are lower than projected when they would actually be issued). There is no balloon payment.

Q. What is the current general fund reserve? What percent of property taxes are dedicated?

A. As of December 31, 2015, the general fund’s reserve was \$24 million. The actual amount shown in the audited financial statements as unrestricted reserves is about four million higher but does not account for capital projects and costs that are rolled over in May during the first adjustment to base. The amount of property tax that is dedicated is approximately 27 percent.

Q. Will this be underground parking spaces? Will this cover cost contingency.

A. Yes and yes.

Q. Do the revenue assumptions include a multiplier from increased sales tax that could be created by virtue of the hotel?

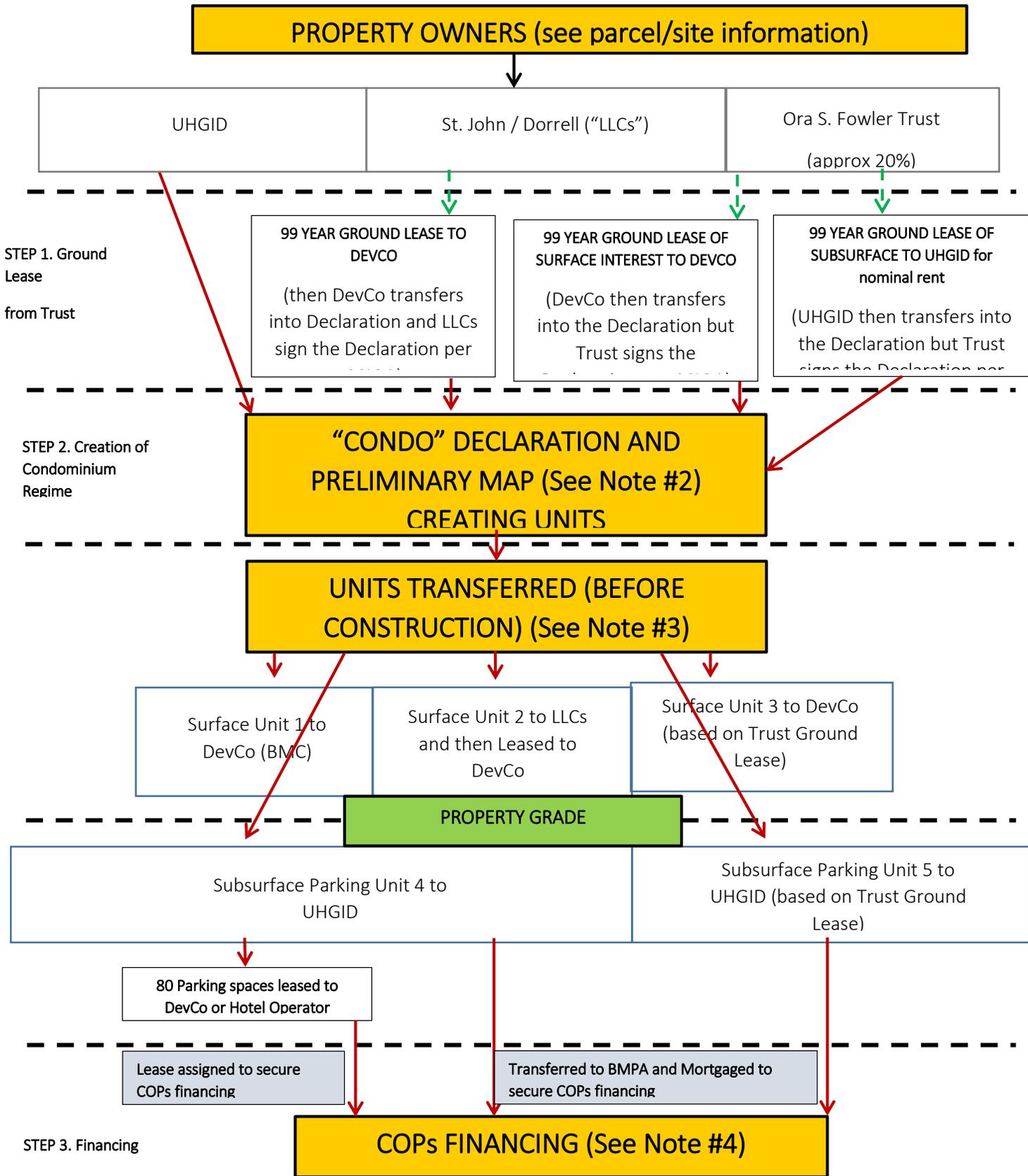
A. Not directly. For transparency purposes, since this is a proposed internal tax increment financing, only direct revenues that can be specifically determined have been used. The multiplier dollars that cannot be specifically determined will support all other services of the city and will help pay for any increased operating costs that may occur in the city as the result of this project. By keeping them separate there is no speculation on the multiplier impact.

Q. What is average investment as a percent of unrestricted general fund revenues for each scenario?

| Case | Average city investment as percentage of 2016 budgeted unrestricted general fund revenues² |
|-------------|--|
| Best | 0.01% to 0.44% |
| Mid | 0.03% to 0.59% |
| Worst | 0.01% to 0.73% |

Attachment D - Structure for Small Planned Community

Structure for Small Planned Community



Attachment D - Structure for Small Planned Community

NOTES TO DIAGRAM:

1. The regime will be under CCIOA (the Colorado Common Interest Ownership Act) but will be 'small planned community' with the general common elements (which will include portions of the structure, stairs and possibly elevators) to be owned by the Association, of which UHGID will be a member. This structure will allow the parties to avoid some of the more restrictive and cumbersome provisions of CCIOA while effectively bifurcating the Property into the separately transferable units outlined above. The interests made subject to the Declaration include both fee and leasehold interests. The leasehold interests between the LLCs/Trust and DevCo allows these development partners to realize their economic benefits of the transaction without being an active part of the hotel development and operations.

2. The Declaration and Preliminary map must be completed before recording. Recording is required to create the separate units and allow them to be transferred and insured. The Preliminary Map may be made based on the plans. Those plans should be sufficiently finalized so that the parties are able to identify what the final project will provide to them. The Final Map is then recorded after the improvements (including those comprising the common elements) are substantially completed. The Declaration will set for the permitted (and required) uses of all of the improvements.

3. Because the legal interest in the units is created by filing the Declaration and the Preliminary Map, the transfers can be accomplished before the actual construction. The appraisal for the COPs should be based on the 'as planned' improvements which will be either a 2 or 3 level parking structure with a specified number of planned parking spaces. The 99 year ground lease will be the basis for a portion of the parking unit 5 but should be easily appraised and financeable.

4. The COPs financing can take place when the above have been completed and the subsurface parking units are created, appraised and insured. This can all happen and the liens and assignments can be accomplished before construction begins. However, this leaves the period prior to the financing can be completed for planning and negotiating the documents outlined above. During that period, all documents (and the transaction structure for the construction and completion of the parking improvements) will have to be completed. The City will have to determine how much pre-financing funding it will need to finalize all plans and structure documents before the actual Declaration can be filed and the COPs issued. That said, there are several ways to accomplish the co-development part of the improvements (i.e., the hotel improvements and the parking structure improvements), including having the City enter into a development agreement with DevCo and agreeing to fund a portion (on a pro rata basis) of the construction costs based on the allocable construction expenses relating to the garage or (ii) having a separate construction document between the contractor and the City for the parking improvements and then a co-development agreement for the remainder of the improvements. The implementation of the COPs financing will involve the following (following planning and filing of the Declaration, but before construction begins):

A. Parking units 4 and 5 are appraised together and transferred by UHGID to BMPA.

B. BMPA leases parking units 4 and 5 to City of Boulder.

C. Lien granted to Trustee on parking units 4 and 5 and title insurance given.

D. At end of COPs financing, termination of lease and transfer back to BMPA and then further transfer of ownership back to UHGID.

E. If condominium regime is terminated at end of 99 year ground lease term, then property reverts to original parcel/lot layout and ownership.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE Consideration of a motion to authorize the city manager to enter into a memorandum of understanding with the University of Colorado related to the siting of a conference center and related facilities including without limitation hotel and event spaces in the area generally referred to as the Grandview I site (generally bounded on the north by Andrews Arboretum, on the east by 13th Street, on the south by University Avenue, and on the west by Broadway) and providing for city revenue sharing of accommodation tax revenues with the university in order to further broader community goals and the financial feasibility of the project.

PRESENTER/S

Jane S. Brautigam, City Manager
Bob Eichen, Chief Financial Adviser
Mary Ann Weideman, Assistant City Manager
David Driskell, Executive Director for Planning, Housing & Sustainability
Maureen Rait, Executive Director for Public Works
Molly Winter, Director, Department of Community Vitality
Ruth McHeyser, Project Manager
David Gehr, Deputy City Attorney
Joanna Crean, Public Works Project Coordinator
Joel Wagner, Special Assistant to Finance/CMO

EXECUTIVE SUMMARY

At a December 8, 2015, study session on the University of Colorado, Boulder hotel/ conference center project, City Council provided feedback to staff on the key issues and city objectives to represent in collaborating with the university on further exploration of CU hotel and conference facility on the CU-owned site at Grandview and University (see **Attachment A, Exhibit A**)¹. Council supported exploring potential city investments in the project that would result in CU prioritizing this site over an alternate site at Folsom and Arapahoe, and to help ensure community benefits associated with the facility's development and operation.

¹ This was a continuation of collaboration with CU on the potential hotel/ conference center starting with a jointly funded site analysis of two potential sites. See Background section for more information.

Staff is requesting City Council consideration of a proposed Memorandum of Understanding (MOU) between the city and the university that supports the development of a CU-affiliated hotel/conference facility on the Grandview site near Broadway and University that will include:

- a hotel with approximately 250 guest rooms,
- a conference facility that includes a 15,000 square foot ballroom in addition to individual meeting rooms and pre-function areas,.
- an appropriately sized underground parking facility,
- other amenities and services included in a contemporary hotel-conference center.

The ballroom would be 5,000 square feet larger than what CU's financial analysis indicates is feasible in relation to the hotel size and overall project investment. The larger size has been previously identified as a community need to accommodate groups who must otherwise go elsewhere for larger group events (e.g., 800- 1000 person banquets).

The proposed MOU in **Attachment A** establishes how the city and the university will collaborate in the next phases of planning and development of the project. Consistent with the goals accepted by council on December 8, the **key provisions in the MOU** are agreement that:

1. The project will include **a clear-span ballroom of at least 15,000 square feet.**
2. The city will **dedicate at least 45% of the accommodation taxes** generated by room occupancy of the hotel for a period of at least 20 years in order to support the city's interest in ensuring **community benefit related to providing a larger ballroom** than the university would otherwise have built, and the site's proximity to the University Hill Commercial District and the Boulder Civic Area.
3. **Dedication of an additional 10% of accommodations taxes** generated by the hotel **for a 'buy-down fund' to support community groups and nonprofits** who wish to use the space.
4. **Other potential tax revenue dedication** can be considered related to the development as the project's details are further defined and understood. These would be considered in order **to realize community benefits related to Council goals** (e.g., creation of public spaces, improved multi-modal connections, preservation of historic resources, etc.).
5. **CU can repurpose 5,000 square feet of the ballroom space after the 20 years** for other purposes if it is being underutilized.

City investment in the project, in the form of recaptured/reinvested tax revenues, supports other community priorities and investments related to revitalization of University Hill, the Civic Area and downtown, including the opportunity to coordinate parking facility investments between the Grandview site and the UHGID redevelopment site across the street. It also helps achieve, without any upfront community investment, a facility need that has been identified and discussed in the Boulder community for over 20 years. And last, but not least, with the creation of the buy-down fund, which is anticipated to collect between \$100,000 to \$150,000 per year, the proposed allocation of project-generated tax revenues will help ensure accessible facility rates for community groups and nonprofits.

The MOU also clarifies shared expectations related to the project's review process and development-related fees, permits and approvals, based on established precedents in areas such

as Williams Village and the East Campus. Also, in recognition that the university is dedicating land in close proximity to the main campus for this purpose, and that such land is in short supply, the MOU outlines a collaborative planning process to review the university's projected facility needs and jointly identify and analyze areas and properties for facility expansion which will meet the needs of the campus community in a manner consistent with the vision, goals and policies of the Boulder Valley Comprehensive Plan.

To implement the MOU's financial arrangements, staff will bring back to Council a formal Memorandum of Agreement, within 90 days, unless otherwise agreed to by the city and the university.

STAFF RECOMMENDATION

Suggested Motion Language:

Motion to authorize the city manager to enter into a memorandum of understanding with the University of Colorado in the substantial form that is attached to this memorandum related to the siting of a conference center and related facilities including hotel and event spaces in the area generally referred to as the Grandview I site and providing for city revenue sharing of accommodation tax revenues with the university in order to further broader community goals and the financial feasibility of the project.

BACKGROUND

CU has been exploring the potential for development of a CU-affiliated hotel/conference facility for the past two years and had previously focused on a site near Folsom and Arapahoe. The city approached the university to request that the opportunities and challenges, both for the university and the community, be studied at two different sites – the Folsom site (near Folsom and Arapahoe) and the Grandview site (near Broadway and University) before proceeding further. A [comparative analysis](#) was undertaken by a consultant team collaboratively chosen and contracted by CU and the city. The results of this analysis were shared with City Council on October 6, 2015 (see <https://bouldercolorado.gov/links/fetch/27167>).

For the purposes of the analysis, it was assumed that the combined hotel/conference center would include the following:

- Approximately 250 guest rooms,
- Dividable conference and meeting space of 35,000 square feet (including “back of house” support space),²
- Between 185,000 – 200,000 of total gross building square footage, and
- Underground parking to meet the project demand.

From the city team's perspective, the report highlights some key strengths and opportunities for the Grandview site, including:

- Adjacency to University Hill, the main campus and the Civic Area / Downtown;
- Existing multi-modal connections, including high frequency transit service on Broadway;

² During follow up conversations with the university and the city, it was determined that the conference space would only need to be 20,000 – 25,000 square feet to meet the needs of the community and university.

- Opportunity to introduce a major “anchor use” that could significantly contribute to the Hill revitalization efforts.

The city team also acknowledges the university’s concern about losing a part of the Grandview site for future expansion of academic uses, as well as the site’s challenges in terms of height, parking and traffic (though significant challenges are also present on the Folsom site).

In December 2016, Council supported the following goals and objectives to frame and guide discussions and collaboration with the university moving forward.

Goals:

- Continue to foster constructive city-university relations and represent larger community goals in the planning and design process.
- Continue to further the community and university benefits of locating a hotel/ conference center at the Grandview site.

Objectives:

1. **Site and Building Design:** Encourage quality site and building design that fits with and connects to the larger area context.
2. **Multi-modal Connections:** Improve the convenience, function and urban design of multi-modal connections between the Grandview site/ CU campus and the civic center area/ downtown, and between Grandview and the Hill Commercial Area.
3. **Parking and Access:** Collaborate with the university to conduct additional analyses and co-develop a comprehensive approach to addressing parking and access issues for the conference/ hotel use and adjacent Hill commercial district uses.
4. **Access by the Community for Meeting Space:** Facilitate input regarding the facility’s size and operation with the aim of ensuring that it meets the broader needs of the community for meeting and event space, and supports the facility’s feasibility and success, while recognizing that the project remains a university-led endeavor.
5. **Historic Resources:** Continue to explore opportunities for incorporating the historic church and/or other historic resources as part of the Grandview site’s redevelopment plans and re-use for hotel and conference-related functions.
6. **City Investment for Community Benefits:** Consider potential city investments that would result in community benefits related to the above objectives and analyze appropriate financing mechanisms.
7. **Public Input:** Work with the university to facilitate opportunities for public information and input, particularly as they relate to potential city participation and related/ adjacent city projects.

CU recently completed a financial analysis that concluded that a project at Grandview could be financially feasible. Prior to issuing a formal RFQ/ RFP and moving forward with subsequent design development with a private developer, city and university staff began discussions about options for city investment to meet community and CU objectives.

ANALYSIS

The chart below summarizes how the above city goals are addressed in the proposed MOU.

| City Objective | MOU Provision |
|-------------------------------------|--|
| 1. Quality Site and Building Design | Section 7 provides for potential revenue to realize the community benefits of “higher quality design and materials of the buildings and public realm”, “creation of public spaces within or adjacent to the HCC, including amenities such as a publicly accessible rooftop garden or courtyard”, and/or “improving public art in the building and public realm”. |
| 2. Multi-modal connections | Section 7 provides for potential revenue for “improved site connectivity (in particular enhanced pedestrian and bicycle facilities) to the Uni Hill Commercial District and Boulder Civic Area” |
| 3. Parking and Access | Section 7 provides for potential revenue to realize the community benefits of the city and the university collaborating on “a shared approach to parking and access management between [this project] and adjacent UHGID parking” |
| 4. Event Space | Recitals and Section 7 commit that the project will include a minimum ballroom size of 15,000 square feet. Section 7 provides city funding to make this financially viable and sets aside funds for community and nonprofit groups. |
| 5. Historic Resources | Section 7 provides a financial incentive to preserve historic resources by providing for potential funding if the final project commits to this. |
| 6. City Investment | Section 7 commits accommodations tax revenues for 20 years and possible other city revenues to realize various community benefits. |
| 7. Public Input | Section 2 (e) stipulates that the city will facilitate a process to share information and collect review comments to share with the university. |

Conference Center/ Hotel Financial Feasibility

Following the December 2015 Council study session, CU completed its initial feasibility analysis of a project on the Grandview site. According to information provided by the university, the analysis concluded that the development of a full service 250-room hotel with 20,000 square feet of flexible meeting space would be financially feasible for a third party developer and allow the university to earn rental income on the project over the first 5 years of the project and into the future. However, this assumed a 10,000 square foot ballroom with 10,000 square feet for individual meeting rooms and pre-function areas. The analysis concluded that additional meeting space would increase cost of the development and reduce the forecasted rate of return for a private developer significantly enough to require project subsidy.

Ballroom/ Meeting Space

Both the university and broader community have an unmet need for in-city conference space to accommodate larger gatherings--not at the scale of a convention center, but to accommodate events for 800 to 1000 people that currently go elsewhere in the region or to other campuses. The [comparative analysis](#) jointly funded by the city and the university concluded that, “for a venue to meet the needs of both the city and CU, 20,000 to 30,000 square feet of contiguous, divisible multipurpose space” would be needed. The Boulder Convention and Visitors Bureau has identified the minimum size ballroom to address the “gap” in the community as 15,000-20,000 square feet. Assuming industry standard space needs per person, the lower end of the range would accommodate at least 1000 people for banquets or 800 people for meetings.

Buy Down Fund for Community Groups

The proposed Buy Down Fund furthers the goal of “ensuring that the project meets the broader needs of the community for meeting and event space, and supports the facility’s feasibility” (see goal #4). As described below, the fund is estimated to generate roughly \$100,000- \$150,000 per year. The fund would be used to support local community groups and nonprofits who cannot afford to pay market rates for meeting rooms. The details of how the fund would be managed, the criteria for who would get subsidies and to what level, etc., will be worked out in the next phases of the project.

City Financial Support

The financial projections below were prepared using information provided by CU from a hotel feasibility analysis for the project. The “Best Case” scenario reflects the consultant’s hotel revenue assumptions. Staff added a “Middle Case” and “Worst Case” scenario to present a range of cash flows. The city’s accommodations tax rate is 7.5 percent of room revenue. Typically, revenues generated by the accommodations tax are shared between the city and the Boulder Convention and Visitors Bureau (CVB), which receives 20% of the revenues generated citywide in order to support their work on behalf of the city’s hotel and tourist industries. However, in recognition of the community benefit of this project and its potential to generate additional hotel revenue, the CVB has agreed to forego its portion of the accommodations tax revenue for the full 20 year period.³ As discussed in the Background section above, a minimum 45 percent of the accommodations tax would be dedicated to the project to ensure financial feasibility of the development. An additional 10 percent of the total accommodations tax would be set aside to assist nonprofits and community groups with affordable use of the conference space (the “Buy Down Fund”). The remaining 45 percent of the accommodations tax would revert to the City of Boulder. The amounts shown in Table 1 below are actual dollars that are projected to occur in each scenario. Since the cash flows are flowing to different organizations which may have different costs of capital, staff felt it was more appropriate to show the actual cash flows that are projected to occur in the various scenarios.

Table 1: Estimated Total Accommodations Tax Dedication Over Twenty Years

| | Best Case | Middle Case | Worst Case |
|---------------|--------------|--------------|-------------|
| City Share | \$14,957,316 | \$11,790,524 | \$8,995,079 |
| CU Share | \$14,957,316 | \$11,790,524 | \$8,995,079 |
| Buy Down Fund | \$3,323,848 | \$2,620,116 | \$1,998,906 |

As has been stated in past discussions, the dedication of revenues reduces flexibility, especially during economic downturns. At the same time the judicious use of dedicated revenues in certain cases can help accomplish policy goals that need fiscal support to succeed. In this case the potential this project adds to the redevelopment and rejuvenation of the Hill area is one of those

³ Section 3-3-1 of the Boulder Revised Code states, “Revenues from the [accommodations] tax shall be deposited in the general fund and shall therefore be available to pay for the general expenses of government. However, although the city council recognizes that it cannot bind future city councils, it nonetheless declares its intention that up to twenty percent of the revenues generated by this tax be appropriated by future city councils for purposes of promoting programs and services that bring increased tourism to the city.”

times that it should be considered. This type of development has not occurred on its own in this area. This opportunity for a public/public partnership to help make it occur is unique and staff feels is one that should consider dedicating part of the accommodations tax that is projected to be generated. The city's portion of the accommodations tax (45 percent) could be used for future opportunities that occur on this site, other costs the city incurs in the area, or for other needs in the city.

Relationship to Other Projects

Adjacent Hill Hotel Project

According to the feasibility analysis performed for CU, the conference center would likely generate demand for hotel space beyond the estimated 250 hotel rooms that would be accommodated on site. Hotels within walking distance of the center will naturally be in highest demand, so the proposed Pleasant Street hotel could benefit from its proximity to a conference facility, and vice versa. The comparative analysis noted that a key benefit of the Grandview site is that it "highlights the unique elements that define Boulder and is surrounded by a very walkable environment offering restaurants, retail and entertainment." The synergy between these two projects is also likely to add significant vitality and age diversity to the Hill commercial district.

Civic Use Pad Project

It is worth noting that the Civic Use Pad project adjacent to the St. Julien Hotel is another project whose aim is to provide flexible space to be available at a discounted rate for civic and cultural functions. This would include approximately 8,000 square feet of contiguous meeting space plus additional ancillary space. The discussions between the city and the hotel owner are underway. If both the conference center and civic use pad projects are completed, they will provide different sized spaces for different functions at discounted rates for community groups and nonprofits.

NEXT STEPS

If City Council approves the motion, next steps will include:

- Develop a Memorandum of Agreement to formalize financial arrangements related to the MOU, with the expectation of returning to Council for approval within 90 days.
- Discuss with the university how the city may collaborate with the university on the Request for Proposals to private developers. While the university will be the lead agency, the city will provide input to ensure a clear statement of community interest and support.
- Undertake analysis of parking and access demand jointly between the UHGID/Hill Hotel site and the CU Hotel/Conference site to inform next stage planning for parking facility size and operations on both sites.
- Develop public information and facilitate opportunities for public input, consistent with the provisions of the MOU.
- Complete survey work and begin design development for the proposed Andrews Arboretum Promenade and other potential enhancements to pedestrian, bike and transit facilities connecting the CU hotel/conference facility to the Boulder Civic Area/Downtown and University Hill commercial district.

- As details of the project become further refined, explore potential additional allocation of accommodations tax revenues and/or other tax revenues generated by the development, consistent with the community benefit priorities defined in the MOU.
- Develop the operating criteria and management procedures for use of the buy-down fund to support use of the facility by community groups and nonprofits.

ATTACHMENTS

Attachment A - Draft Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is made this ___ day of September, 2016, by and between The Regents of the University of Colorado, a body politic and corporate (“the University”), and the City of Boulder, a Colorado Municipal corporation and home rule city (“the City”).

RECITALS

The area of the Boulder Campus known as Grandview I as depicted in Exhibit A is generally bounded on the north by the Andrews Arboretum, on the east by 13th Street, on the south by University Avenue, and on the west by Broadway, in the city of Boulder, Colorado.

The University selected Grandview I as the site for constructing a University-related hotel and conference center (“HCC”) designed and operated to meet the university’s need for facility space to host national and international academic and professional conferences, with the planned facility to include a hotel with approximately 250 guest rooms, and approximately 20,000 square foot conference facility (anticipated to include a divisible ballroom featuring 10,000 square feet of space as well as individual meeting rooms and pre-function areas offering an additional 10,000 square feet of space), an appropriately sized parking facility, and other amenities and services normal and customary to be included in a contemporary hotel-conference center.

The City supports the University’s efforts to develop a hotel-conference facility and encourages the University to locate the facility in close proximity to both the University Hill commercial district and the downtown and civic area given the synergies between uses and the community’s interest in revitalizing the University Hill commercial district by expanding the mix of uses within and adjacent to the area.

Further, given the larger community’s current lack of venues to accommodate meetings of up to 800 people and banquet events of up 1000 seats, the City encourages the University to increase the ballroom space to include a minimum of 15,000 square feet in addition to the individual meeting rooms and pre-function areas. In recognition of the added capital costs that the University will incur to accommodate this larger facility, and in recognition of the community benefit associated with development of the HCC and its location at the Grandview I site, the City agrees to financial support for the HCC as outlined in this MOU.

The parties acknowledge that the University, or a nonprofit corporation acting exclusively on its behalf, may carry out the development of one or more component facilities of the HCC by entering into contractual relationships, including but not limited to joint ventures, partnerships, corporations, long-term ground leases, with one or more non-

University developers for the construction, ownership, operation, and management of the component facilities in said HCC.

The University intends to provide hotel guests and conference attendees similar levels of services and amenities (i.e., food services, telecommunications, recreation, transportation, etc.), as are available to other University guests and building tenants.

The parties have a mutual interest in the timely construction and completion of the HCC at Grandview I.

The parties intend to do everything reasonably necessary to facilitate the timely construction and completion of the HCC.

The Parties assure each other that each party intends to avoid disputes and delays over compliance by non-University developers involved in the HCC project with the City's land use regulations and approval processes. Neither party admits that by entering into this MOU it is conceding its authority with regard to matters within either party's lawful jurisdiction.

In light of these recitals, the parties have reached an understanding, which they hereby memorialize, concerning their agreements and understandings applicable to the HCC project.

TERMS OF THE UNDERSTANDING

Now therefore, in consideration of the above recitals, and the promises and terms hereinafter set forth, the parties understand and agree that:

1. Scope, Application and Compliance with MOU. This MOU applies to the development, including design, construction, financing, ownership, and operation of the component facilities of the HCC project. The University shall require that, as a condition of developing any phase of the HCC project, all non-University developers must consent to and implement the terms, requirements and conditions as set forth in the MOU applicable to their development. The University agrees to require non-University developers to comply or perform in accordance with the terms of this MOU.

2. Site Plan.

(a) Concept Plans and Site Development Plan. The University shall provide timely opportunity for the City to review and provide comments related to conceptual site and building plans for the HCC, including building massing, architectural intent, public space configuration, landscaping, site access and circulation, and parking. In developing conceptual plans, the University shall consult as needed to ensure coordination with city-led efforts toward creating a

pedestrian/bike promenade through the Andrews Arboretum, connecting the Grandview I site to the 13th Street block of the Boulder Civic Area as well as potential improvements to street crossings and amenities to strengthen the site's connection to the University Hill Commercial District. Together, the Parties shall seek to ensure a coordinated design approach that respects the HCC's visual and functional connection to the University campus and its role as a University-affiliated HCC, while also ensuring a strong relationship to the surrounding neighborhood context and the facility's relationship to the larger community.

(b) Submittal of Plans. Prior to construction of any facilities in the HCC project, the University will submit to the City's Planning Director or designee for review and comment sets of each of the following: (1) estimated construction time lines, (2) building plans and specifications, (3) site plans, (4) grading plans, (5) water, wastewater, stormwater management, and flood control plans, (6) landscape plans, (7) shadow analyses, (8) energy and lighting analyses, (9) emergency vehicle access plans, and (10) site circulation, transportation, and street plans.

(c) Format of Submittals. The University may submit the documents set forth in subsections (a), and (b) above in either paper or electronic format.

(d) City Comments. Any City comments shall be provided through the City Planning Director to the Boulder Campus Architect or designee. As long as the comments of the City are provided within 45 days of delivery of a document to the City Planning Director, the University shall take the City's recommendations into consideration before adopting said plans.

(e) Public Information and Comment. The City will facilitate a process to share information about the project with City Council, Planning Board and the public, and collect review comments to share with the University in a manner and schedule consistent with the other provisions of this MOU. The University will consider the input in its refinement of building and site plans but is not required to abide by or formally respond to input received.

3. Construction of HCC Project.

(a) Compliance with State Codes. All development of the HCC Project whether by the University or non-university developers, shall comply with the building codes and/or regulations, or comparable codes and/or regulations, as then adopted by the State of Colorado and revised periodically.

(b) Compliance with Other Laws of the City. This MOU contains all of the obligations of the University and of all non-University developers toward the City in connection with the HCC project. Except as expressly otherwise set forth in this

MOU, the City's ordinances, codes, or regulations applicable to the development of land, or the construction, ownership, or management of improvements thereon, whether by the University or by a non-university developer, shall not apply to the HCC project, as consistent with other campus development on University lands. However, all water, sewer and storm water utility facilities to be dedicated to the City shall be built to comply with the City's Design and Construction Standards.

(c) City Permits, Fees and Taxes for On-site Improvements. The City agrees that neither the University nor non-University developers of the HCC project shall be required to obtain City building permits, or any other city permits, prior to commencement of construction, or during construction, or at the completion thereof, for all on-site improvements. Except as expressly set forth in sections 3(d), 3(e) and 4(b) below, neither a non-University developer nor the University shall be obligated to pay the City, and the City agrees not to charge a non-University developer or the University, any application fees, review fees, building permit fees, or other fees or charges for the HCC project related to the construction of the HCC, including payments in lieu of providing affordable housing units, in lieu of payments or dedications for open space or park land, the capital facility impact fee, transportation, or housing excise taxes or similar charges. The University is exempt from the City's sales and use taxes. If a party other than the University constructs a building or buildings within the site, amounts which are equivalent to the City's applicable sales and use taxes, as set forth in the City's municipal code, shall be paid by that party.

(d) Permits, Fees and Taxes for Off-site Improvements. Except as hereinafter specified, the University or its designated non-University developer agrees to pay all applicable utility fees including, without limitation, plant investment fees for water, sewer and storm utilities, to the City as a condition of connections to the City's utility lines. For purposes of applicable utility fees, HCC shall be deemed to be part of the Main Campus of the University. Any existing and applicable agreements, understandings, or letters that extend credits to the University for water and sewer services at Grandview I shall be honored. All non-University developers constructing buildings within the Project under a ground lease or through some other form of property conveyance with the University shall pay all such fees to the City directly. Work in the public right of way is separately permitted by the City and is not governed by this MOU; but the City shall use normal and customary standards it applies to other parties in granting or denying such permits. The HCC project shall comply with all of the provisions of the City's water, sewer and stormwater plans, regulations and ordinances.

The demand for water and / or sanitary sewer services by the HCC which may be in excess of the credits to be allowed for relocated or demolished buildings on the HCC site shall be subject to the Water and Wastewater Service Agreement of January 1997 between the parties hereto. For purposes of said agreement, HCC shall be deemed to be part of the Main Campus of the University.

(e) Off-site Water, Sewer, and Stormwater Facilities. The City and the University will cooperate in considering the Grandview area to be an extension of the Main Campus for purposes of extending the University's private utilities. The City shall assist and cooperate with the University in planning and conducting technical feasibility of any water, sewer, and storm water utility facilities required for the HCC project and future University development in the Grandview area. All off-site facilities relating directly to the HCC project shall be evaluated and reviewed as a cooperative effort between the University and the City. Costs associated with utility upsizing, necessary off-site infrastructure, or other investment required to serve the HCC's development will be undertaken in a manner consistent with existing City practices for similar development projects.

(f) Inspections of Construction. All inspections of construction within the HCC project shall be conducted by a qualified inspector (who may be a University employee) authorized by the University to conduct such inspections. The University, at its discretion, may request inspections by the City. The City may charge for its services providing such inspections. Inspections for off-site improvements will be undertaken in a manner consistent with existing City practices.

(g) "As Built" Plans. Upon completion of buildings and parking facilities at the HCC project, the University agrees to furnish to the City "as built" plans. The University also agrees to furnish the City the specifications for all buildings and parking facilities constructed within the HCC project.

4. Points of Access and Utility Services.

(a) Access to Public Streets. The University shall be given access to City streets and roadways at such points as are reasonably necessary to develop the HCC project and consistent with applicable provisions of the state highway access code and Boulder's site access standards.

(b) Utility Services. Upon request by the University and upon payment of all customary city fees and charges therefore, the City agrees to furnish to the HCC project water, sanitary sewer, storm water and such other utility services as the

City now or hereafter customarily provides within city limits on the same or similar terms and conditions.

5. University Academic Space Needs. The University and the City recognize that development of the HCC reduces the land area currently designated by the University for its long-term academic building needs. Both parties understand that land for future academic building expansion in close proximity to the Main Campus area is limited.

In recognition of the University's current and future space needs; the University's geographic location within the core area of the City of Boulder and resulting land constraints; and the important role that the University serves in the cultural, economic, and social life of the community, the Parties agree to engage in a collaborative planning effort to consider and address the University's future space needs in a manner consistent with both Parties' interests and values. This effort will be initiated in 2017 and will include identification of potential areas and/or specific properties, close to or adjacent to the Main Campus, that would allow the campus to meet long-term growth needs and in a manner consistent with the Boulder Valley Comprehensive Plan policies and land use plan.

6. Potential Expansion. In the event that expansion of the HCC is desired at a future date, both parties agree to work in good faith to facilitate the expansion in a manner consistent with the spirit of collaboration which has led to this MOU. If a subsequent expansion is pursued, the provisions of this MOU will apply to the expansion project.

7. City Financial Support. In recognition of the Parties' shared interest in development of the HCC on the Grandview I site and in particular the City's interest in ensuring community benefit related to the site's proximity to the University Hill Commercial District and the Boulder Civic Area, and in ensuring a conference facility that includes a ballroom that is a minimum of 15,000 square feet in size as outlined in the Recitals of this MOU, the Parties agree that the City will dedicate at least 45% of the accommodation taxes generated by room occupancy of the HCC to the University once the project receives a certificate of occupancy for a period of at least 20 years in order to support the project's financial feasibility. An additional 10% of accommodations taxes generated by the HCC will be dedicated to a 'buy-down fund' to support use of the space by community groups and nonprofits. After the 20 year revenue-sharing period ends, the University may, at its absolute and sole discretion re-purpose a 5,000 square foot portion of the ballroom of the HCC to support other University-related functions if it deems that it is underutilized.

Further, the Parties shall explore potentially higher percentages or longer terms of accommodations tax dedication, potentially other tax revenue dedication related to the development or necessitated by the operation of the HCC, as the project's details are further defined and understood. By mutual agreement, such additional tax dedications may be considered and warranted to ensure financial feasibility and/or to realize community benefits related to the project's development, including but not limited to:

- Higher quality design and materials of the buildings and public realm;
- Creation of public spaces within or adjacent to the HCC, including amenities such as a publicly accessible rooftop garden or courtyard;
- Expanding the 'buy down' fund to support use of the facility by non-University groups;
- Preservation of historic resources within or adjacent to the site;
- Shared approach to the development and/or management of parking and multi-modal access between the HCC and adjacent UHGID facility;
- Incorporating public art in the building and public realm;
- Improved site connectivity (in particular enhanced pedestrian and bicycle facilities) to the University Hill Commercial District and Boulder Civic Area; and/or
- Improved energy performance and/or onsite renewable energy generation;
- Designating the HCC as a community resilience center, with energy and utility systems capable of operating during disruptive events and serving as a safe haven for both the University and broader communities.

The final agreement related to accommodations tax or other revenues dedicated to supporting the project will be memorialized in a subsequent Memorandum of Agreement between the Parties, to be completed and approved within 90 days or as otherwise mutually agreed by the Parties. The final agreement will be in a form that is consistent with local and state laws, including without limitation, the Tax Payer Bill of Rights, and laws related to pledging credit, local government debt, and the requirements of the Boulder City Charter that require separate independent annual appropriations for the payment of city obligations.

9. Connectivity to Downtown Boulder. The City, at its sole expense, shall use its best efforts to design and construct a pedestrian and bike connection (the

Andrews Arboretum Promenade) and to make other transportation improvements that will increase and improve the connectivity between the HCC and the City's Civic Area and Downtown Business District. The City shall provide copies of design plans for such improvements to the Boulder Campus Architect for review and comment.

10. Cooperation. The parties hereto agree to extend their full cooperation to each other in order to facilitate the development and construction of the HCC project. The parties agree to use their best efforts to resolve disputes which may arise by direct consultation among the appropriate officials, or mediation before commencement of litigation.

11. Pattern for Future Cooperation. By executing this MOU, the parties hereto intend to continue a pattern of cooperation, and further intend to employ cooperative processes for the resolution of issues between the parties in regard to the HCC project.

12. No Liability by City. By this MOU, the City assumes no duty to oversee the development of the HCC project, and neither party assumes liability for the actions of the other party.

13. Financial Commitments Subject to Available Funding. Any commitment made by either party hereunder to provide funding shall be subject to a prior appropriation and the availability of funds.

14. Unenforceability of Parts of this MOU. If any portion of this MOU is held to be unenforceable or unlawful by court of law, the parties hereto intend that the remainder of this MOU shall not be affected thereby but shall remain in force and effect. However, this MOU contains obligations to be performed by one party with corresponding obligations to be performed by the other, and to the extent that one party shall be found to be unable to perform, the other shall be relieved from corresponding performance.

15. Entire Agreement. This MOU sets forth the entire agreement between the parties with respect to the matters set forth in this MOU. With respect to the matters set forth herein, there are no other agreements between the parties that are not otherwise described in the MOU.

16. Binding Effect. This MOU shall be binding upon the parties hereto; their agents, successors and assigns, and any amendment hereto shall be binding only if in writing and signed by both parties hereto.

**Exhibit A
Grandview I Site**



CU Boulder Proposed Hotel- Conference Center Update

IN WITNESS WHEREOF, the parties have set their hands on the date and year first written above.

THE REGENTS OF THE UNIVERSITY OF COLORADO, a body corporate

**City of Boulder, Colorado
A Colorado Municipal
and Home Rule City**

BY: _____

BY: _____

ITS: Chancellor, Boulder Campus

ITS: Mayor

DATE: _____

DATE: _____

Attest: _____

| |
|---|
| <p>Approved as to Legal Sufficiency Office of University Counsel</p> <p>BY: _____</p> <p>DATE: _____</p> |
|---|

| |
|--|
| <p>Approved as to Legal Sufficiency City Attorney</p> <p>BY: _____</p> <p>DATE: _____</p> |
|--|



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 6, 2016

AGENDA TITLE: Consideration of a motion to approve the order of City of Boulder ballot measures in the 2016 Special Municipal Coordinated Election

PRESENTER/S

Jane S. Brautigam, City Manager
Lynnette Beck, City Clerk
Heidi Leatherwood, Deputy City Clerk

EXECUTIVE SUMMARY

The purpose of this item is to establish the order of City of Boulder ballot measures for the upcoming General Municipal Coordinated Election in compliance with state statutes and Colorado Secretary of State Rules. Those rules require the following order, but within each classification, the council can determine the placement. Referred measures are identified by the number for municipalities (2), then a letter. Initiated measures are identified by a number only (municipal measures are 300-399).

2A-2Z Series:

1. Referred TABOR Measures (Issues)
2. Referred Non-TABOR Measures (Questions)

300-399 Series:

3. Initiated TABOR Measures (Issues)
4. Initiated Non-TABOR Measures (Questions)

STAFF RECOMMENDATION

There is no staff recommendation, as this is a decision to be agreed upon by the council.

BACKGROUND

Ballot order is governed by the Colorado Revised Statutes and relevant Colorado Secretary of State Rules. Referred TABOR measures (Issues) are listed first, followed by referred non-TABOR measures (Questions). Initiated TABOR measures (Issues) are listed next, followed by initiated non-TABOR measures (Questions). Referred measures will be designated in the 2A-2Z series. Initiated measures will be designated in the 300-399 series.

On August 16, 2016, Council adopted the following ballot measure:

- Charter Amendment Regarding Council Compensation (Ordinance 8132)

The remaining ballot measures are anticipated to be adopted at this meeting on September 6, 2016:

- Charter Amendment Regarding Qualifications of Council Members (Ordinance 8137)
- Charter Amendment Regarding the Blue Line (Ordinance 8133)
- Sugar-Sweetened Beverages Distribution Tax (Ordinance 8130)

Council has the discretion to decide in which order its referred measures will appear. The Council's referred TABOR measure, if ordinance 8130 is adopted, is the imposition of the tax on sugar-sweetened beverages. As the only TABOR referred measure, it will appear first as 2H. Council's referred non-TABOR measures are (1) Charter Amendment Regarding the Blue Line, and (2) Charter Amendment Regarding Council Compensation. Those measures will appear next as 2I and 2J in the order Council determines.

As such, the proposed ballot order for consideration is:

Referred Issues (1) and Questions (2):

- BALLOT ISSUE 2H: SUGAR-SWEETENED BEVERAGE PRODUCT DISTRIBUTION TAX
- Ballot Question 2I: Water Not to Be Supplied to Areas West of the "Blue Line" **OR** Amending Charter Provisions to Provide Insurance Benefits for Council Members
- Ballot Question 2J: Water Not to Be Supplied to Areas West of the "Blue Line" **OR** Amending Charter Provisions to Provide Insurance Benefits for Council Members

Initiated Issues (None) and Questions (1):

- Ballot Question 301: Amending Charter Provisions Regarding Qualifications of Council Members

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 members 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 message, 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 should any message 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 members agree to email the city manager about issues 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.
- Council members will keep the full council informed on issues from committees, public groups, or other agencies they are following, through Hotline emails, 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 email 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 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 the Mayor and 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 position know to their fellow members as soon as possible;
 - focus their communication with other council members on the positive attributes the member brings to the position; and
 - refrain from making any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals may make presentations that 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 engender trust from the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

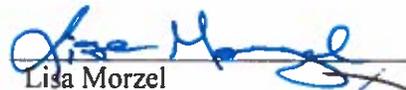
Agreed this 29th day of February, 2016.


Matthew Appelbaum


Aaron Brockett

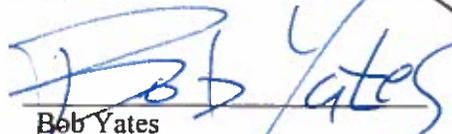

Jan Burton

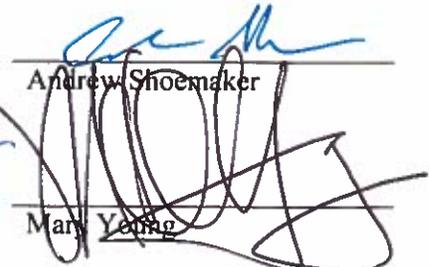

Suzanne Jones


Lisa Morzel


Andrew Shoemaker


Sam Weaver


Bob Yates


Mary Young

City Attorney's Office - Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|---|---|---|---|---|---|---|---|
| <ul style="list-style-type: none"> • <u>Cooperative Housing Code Changes</u> | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> • Council Study Session | <ul style="list-style-type: none"> • Draft Code changes first reading | <ul style="list-style-type: none"> • Finalize code changes | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ |
| <ul style="list-style-type: none"> • <u>Marijuana Code Changes</u> | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> • Council approval of charter and panel • Possible first reading of priority items | <ul style="list-style-type: none"> • Implement Marijuana Panel Recommendations | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ |
| <ul style="list-style-type: none"> • <u>Open Space Land Transfer Ordinance</u> | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> • OSBT Hearing • Introduction and first reading • Second reading and adopting | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ |
| <ul style="list-style-type: none"> • <u>Election Code Revisions</u> | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> • Introduction and first reading • Second reading and adopting | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ |

City Manager’s Office Resilient Boulder Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|---|--|--|---|---|--|---|---|
| <ul style="list-style-type: none"> ▪ City Resilience Strategy draft, completion, and roll out. The City Resilience Strategy provides a roadmap for building resilience in the city. The strategy should trigger action, investment, and support within city government and from outside groups. It will be published in print and online. | <ul style="list-style-type: none"> ▪ Contract Graphic Design ▪ Contract Printing Services ▪ Contract Web design services ▪ Community event support ▪ Impacts to other departments include content contributions, review and revisions, and implementation activities as appropriate | <ul style="list-style-type: none"> ▪ Drafts 1-3 – content, graphics, layout, web design ▪ Council Study Session – Big Sort interactive exercise ▪ 2 large public workshops in cooperation with CU ▪ Resilience metric, valuation and scenario planning methodology development | | <ul style="list-style-type: none"> ▪ Council Study Session | <ul style="list-style-type: none"> ▪ Final strategy approval and release | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ |
| <ul style="list-style-type: none"> ▪ Resilience Americorps community preparedness volunteer program development | <ul style="list-style-type: none"> ▪ Time and management impacts primarily to the Neighborhood Liaison, Fire/Rescue, OEM, and climate commitment ▪ | <ul style="list-style-type: none"> ▪ Project initiation, foundational research, project scoping | <ul style="list-style-type: none"> ▪ On-going program design | <ul style="list-style-type: none"> ▪ On-going program design | <ul style="list-style-type: none"> ▪ Present project proposal to Council ▪ Recruit year 2 Americorps volunteers ▪ | <ul style="list-style-type: none"> ▪ Implementation activities per proposed program design | <ul style="list-style-type: none"> ▪ Implementation activities per proposed program design |
| <ul style="list-style-type: none"> ▪ CityLinks – Shimla, India Climate Adaptation Exchange Program | <ul style="list-style-type: none"> ▪ Project design alignment with Climate Commitment and scenario activity development | <ul style="list-style-type: none"> ▪ Draft and finalize climate impacts on water sector public participation workshop and supporting science materials ▪ Exchange trip | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ |

| | | | | | | | |
|--|---|---|--|---|---|---|---|
| <ul style="list-style-type: none"> ▪ 100 Resilient Cities programmatic elements, network contributions, and partner management | <ul style="list-style-type: none"> ▪ Multiple resource contributions via technical partners to various departments including IR, Climate Commitment, BVCP, OSMP, Economic Vitality | <ul style="list-style-type: none"> ▪ Economic resilience analysis draft ▪ BVCP resilience assessment and recommended integration actions ▪ Community 'Safe Haven' network design draft ▪ Urban Forest Canopy analysis ▪ Foundational research on resilience metric, valuation, and scenario planning methodology | <ul style="list-style-type: none"> ▪ 100RC Network peer exchange ▪ 100RC technical partner platform local showcase and recruitment event ▪ Presentation on resilience metric, valuation, and scenario planning methodology ▪ Partner alignment with strategy initiatives | <ul style="list-style-type: none"> ▪ Development of resilience metrics ▪ Development of community scenario planning activities and exercises ▪ Partner alignment with strategy initiatives | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ |
|--|---|---|--|---|---|---|---|

Communication Department Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|---|--|--|---|--|---|---|--|
| <ul style="list-style-type: none"> ▪ Community Newsletter – The City of Boulder community newsletter would be an 8 to 24–page bimonthly product mailed to postal route residences within the city and additional copies available in public buildings | <ul style="list-style-type: none"> ▪ Contract Graphic Design ▪ Contract Printing Services ▪ Contract Mailing Services ▪ Impacts to other departments include content contributions and artwork | <ul style="list-style-type: none"> ▪ Hire a Communication Specialist 2 to implement newsletter ▪ Hire a contract graphic designer ▪ Solicit print bids and secure printer ▪ Secure mail house services ▪ Design newsletter templates ▪ Develop Volume 1-issue 1 editorial slate, write content, print newsletter | <ul style="list-style-type: none"> ▪ Mail Volume 1-issue 1 ▪ Develop Volume 1-issue 2 editorial slate, write content, print newsletter ▪ Mail Volume 1-issue 2 | <ul style="list-style-type: none"> ▪ Develop Volume 1-issue 3 editorial slate, write content, print newsletter ▪ Mail Volume 1- issue 3 ▪ Develop Volume 1-issue 4 editorial slate, write content, print newsletter | <ul style="list-style-type: none"> ▪ Mail Volume 1-issue 4 ▪ Develop Volume 1-issue 5 editorial slate, write content, print newsletter ▪ Mail Volume 1-issue 5 | <ul style="list-style-type: none"> ▪ Develop Volume 2-issue 1 editorial slate, write content, print newsletter ▪ Mail Volume 2-issue 1 ▪ Develop Volume 2-Issue 2 editorial slate, write content, print newsletter ▪ Mail Volume 2-issue 2 ▪ Develop Volume 2-issue 3 editorial slate, write content, print newsletter ▪ Assess Newsletter for 2018 budget consideration ▪ Mail Volume 2-issue 3 | <ul style="list-style-type: none"> ▪ Develop Volume 2-issue 4 editorial slate, write content, print newsletter ▪ Mail Volume 2-issue 4 ▪ Develop Volume 2-issue 5 editorial slate, write content, print newsletter ▪ Mail Volume 2-issue 5 ▪ Develop Volume 2-issue 6 editorial slate, write content, print newsletter ▪ Mail Volume 2-issue 6 |

Community Vitality Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|--|--|---|---|--|---|--|--|
| <u>University Hill Reinvestment Strategy</u> | Planning, Housing & Sustainability; Boulder Police Department; Library Arts; Finance; City Attorney’s Office; Public Works | <ul style="list-style-type: none"> • RSD evaluation • Draft transients policy handout for businesses • 2A-funded tree irrigation improvements implementation • Coordination of Hillanthropy cleanup program • Engage consultant to prepare National Register Historic District Application • Initiate Hill Employee EcoPass Program • Coordinate design of 2A-funded event street • Coordinate recommendation for long-term Hill governance and funding • Prepare funding options for public improvements • Draft 2017 HRS Work Plan • Coordinate with CU to determine overall process and schedule • Compile data & analyze preliminary options to address city goals re: CU conference center/hotel | <ul style="list-style-type: none"> • RSD recommendation • Start enforcement of commercial bear-proof can requirements • Hillanthropy cleanup of Hill Commercial Area • Submit National Register Historic District application • Initiate planning process for Hill Commercial Area (HCA) façade improvement program • Implementation of Hill Employee EcoPass Program, cont. • Coordinate recommendation for long-term Hill governance and funding, cont. • Present funding options for public improvements to Council • Draft 2017 HRS Budget • Provide input to CU’s conference center/hotel design development process & explore possible city investments | <ul style="list-style-type: none"> • Enforcement of commercial bear-proof can requirements, cont. • Hillanthropy cleanup of Residential Service District • Revise HCA façade improvement program • Implementation of Hill Employee EcoPass Program, cont. • Coordinate recommendation for long-term Hill governance and funding, cont. • Pursue funding options for public improvements • Refine & analyze city investment options relative to CU conference center/hotel • Seek Council direction on city investment options relative to CU conference center/hotel | <ul style="list-style-type: none"> • Enforcement of commercial bear-proof can requirements, cont. • Hillanthropy cleanup with Parks Department • Implementation of Hill Employee EcoPass Program, cont. • Coordinate recommendation for long-term Hill governance and funding, cont. • Pursue funding options for public improvements, cont. • Draft Phase Two HRS Work Plan, 2017-2019 • Implementation of CU conference center/hotel tasks TBD depending on Council direction and CU’s issues and schedule | <ul style="list-style-type: none"> • Work Plan to be determined in 2016 | <ul style="list-style-type: none"> • Work plan to be determined in 2016 |

Access Management and Parking Strategy (AMPS)

Public Works, Transportation; Planning, Housing + Sustainability; City Manager's Office

- CAMP: Planning, process and research on the Chautauqua Access Management Plan (CAMP)
- Parking Code: next steps; data collection
- Civic Area Access/Parking implementation
- TDM plans for new development, draft refined options
- Update downtown (CAGID) development and access projections including parking supply/demand and TDM strategies

- CAMP: Data collection
- Parking Code: data collection; analysis; research coordination with other initiatives
- Satellite Parking evaluation of options, including BCH, outreach
- Civic Area Access/Parking evaluation
- Pricing (including fines): goals, research, outreach
- TDM plans for new development, review options
- Downtown development and access projections – outreach to boards
- AMPS Strategy Document outline

- CAMP: Data collection and evaluation, outreach
- NPP: Scope and analysis, outreach
- Parking Code: Analysis, data collection, best practice research, memos; coordination
- Hill Alleys Master Plan scope and consultant selection
- Satellite Parking – develop recommendations, outreach
- Civic Area Access/Parking evaluation
- Pricing: practitioners panel, outreach
- TDM plans for new development: draft recommendations
- Downtown development and access projections – program recommendations
- Car Share: develop options and draft recommendations for pilot program
- AMPS Strategy Document development

- CAMP: Develop scenarios, outreach
- NPP: Options development, outreach
- Parking Code: study off street parking regulations; coordinate with TDM plan recommendations, memo prep, research new NPP's; analysis
- Hill Alleys Master Plan – plan development, recommendations, outreach
- Satellite Parking pilot implementation
- Pricing: identification of options, outreach
- Market downtown parking cash-out pilot in conjunction with EcoPass renewal
- Car Share proposal for 2017 pilot program
- AMPS Strategy Document draft

- CAMP: evaluate and select pilot scenario
- NPP: program recommendations
- Draft/finalize Parking Code and TDM standards ordinance, Strategy Document evaluation criteria; memo prep
- Pricing: Memo prep, outreach
- Market downtown parking cash-out pilot in conjunction with EcoPass renewal
- Car share pilot program (if approved)
- Finalize AMPS Strategy Document

- CAMP: Pilot implementation
 - Code/TDM: prepare for implementation

Energy Strategy and Electric Utility Development Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|---|---|---|---|--|--|--|---|
| <ul style="list-style-type: none"> ▪ Legal and regulatory filings | <ul style="list-style-type: none"> ▪ City Attorney's Office in lead, support from Energy Strategy and Electric Utility Development | <ul style="list-style-type: none"> ▪ Prepare for filing of transfer of assets supplemental application, including negotiations with Xcel Energy to provide the city data (the model) | <ul style="list-style-type: none"> ▪ Preliminary discovery (Xcel) for Colorado Public Utilities Commission (PUC) filing of transfer of assets supplemental application | <ul style="list-style-type: none"> ▪ File transfer of assets supplemental application with the Colorado PUC | <ul style="list-style-type: none"> ▪ Colorado PUC discovery process, prepare for PUC hearing and rebuttal | <ul style="list-style-type: none"> ▪ Hearing on transfer of assets application ▪ PUC decision on the transfer of assets ▪ Based on PUC outcome, update appraisals and negotiate with Xcel to acquire the assets; if negotiations are not successful, prepare to re-file condemnation with the Boulder District Court ▪ Continue acquisition process by agreement or re-file condemnation petition with the Boulder District Court ▪ File transition plan with the PUC | <ul style="list-style-type: none"> ▪ Condemnation court (if necessary) |

▪ **Transition work plan implementation - including analysis of information provided through discovery and PUC decisions. Key areas of focus: Information Technology systems, Operations and Maintenance, Customer Service, Power Supply, Energy Services, Finance and Accounting, and other support functions**

- Energy Strategy and Electric Utility Development Department
- IT Department
- PW Department
 - Utility Billing
 - Development Review
- Planning, Housing + Sustainability Department
- Finance Department
 - Budget
 - Finance
 - Accounting
 - Purchasing
 - Risk Management
- HR Department
- Legal

- Develop 2017 budget and financial forecast
- Develop agreement with Xcel Energy for discovery information provided for PUC filing and to inform system capital investment and operations planning
- Information Technology Systems: Define scope and budget of Information Technology systems needed for Day 1 operations
- Customer Service: Initiate a work plan for system modifications to the city's existing customer billing and information system, continued work on the key account program, and develop policies and procedures to support a customer focused organization
- Operations and Maintenance: Select potential vendors for operations and maintenance of the electric system
- Power Supply: Continue to work with Xcel to develop terms and conditions that could support power supply for the city
- Energy Services: Continue development of energy services for a new utility, work with the Energy Services Working Group to assist in this process, Energy Services with existing Planning, Housing + Sustainability work

- Develop 2017 budget and financial forecast
- Begin analysis of Xcel Energy discovery information provided for PUC filing and to inform system capital investment and operations planning
- Information Technology Systems: Refine scope and budget, evaluate Information Technology systems needed for Day 1
- Customer Service: Continued work on the key account program, and refine policies and procedures to support a customer focused organization
- Operations and Maintenance: In discussions with selected vendors for operations and maintenance of the electric system, evaluate options and refine operations, maintenance, construction, reliability and safety policies, procedures, standards and requirements
- Power Supply: Continue to work with Xcel to develop terms and conditions that could support power supply for the city
- Energy Services: Continue development and implementation of interim energy services, coordinated with Planning, Housing + Sustainability work

- Continue analysis of Xcel Energy discovery information provided through PUC transfer of assets process
- Information Technology Systems: Refine scope and budget, evaluate Information Technology systems needed for Day 1 operations based on Xcel Energy discovery information provided for PUC filing
- Customer Service: Refine the work plan for system modifications to the city's existing customer billing and information system based on Xcel Energy discovery information provided for PUC filing, continued work on the key account program, and refine policies and procedures to support a customer focused organization
- Operations and Maintenance: Further refine scope for vendors and policies/ procedure for the utility
- Power Supply: Continue to work with Xcel to develop terms and conditions that could support power supply for the city, evaluate Xcel Energy discovery information provided through PUC transfer of assets process, work with the Resource Working Group to monitor market conditions, explore resource opportunities and review potential agreements with power producers

- Continue analysis of Xcel Energy discovery information provided through PUC transfer of assets process
- Information Technology Systems: Implement Information Technology systems needed for Day 1 operations based on Xcel Energy discovery information provided through PUC transfer of assets process
- Customer Service: Implement the work plan for system modifications to the city's existing customer billing and information system based on Xcel Energy discovery information provided through PUC transfer of assets process, continued work on the key account program, and refine policies and procedures to support a customer focused organization
- Operations and Maintenance: Further refine scope for vendors and policies/procedure for the utility
- Power Supply: Continue to work with Xcel to finalize terms and conditions that could support power supply for the city, evaluate Xcel Energy discovery information provided through PUC transfer of assets process, work with the Resource Working Group to monitor market conditions, explore resource opportunities and review potential agreements with power producers, develop a resource modeling tool to evaluate power supply options

- Work with Xcel to negotiate a smooth transition of operations and file plan with the PUC
- Develop 2018 budget and financial forecast
- Information Technology Systems: Continue implementation of Information Technology systems needed for Day 1 operations based on PUC decision regarding transfer of assets, additional IT support staff on-board to assist with implementation
- Customer Service: Implement the work plan for system modifications to the city's existing customer billing and information system based on Xcel Energy discovery information provided through PUC transfer of assets process, continued work on the key account program, and refine policies and procedures to support a customer focused organization
- Operations and Maintenance: Finalize contract negotiations with selected vendors and work with vendors to define operations of the electric system, evaluate options and refine operations, maintenance, construction, reliability and safety policies, procedures, standards and requirements based on PUC decision regarding transfer of assets
- Power Supply: Finalize terms and conditions for power supply for the city based on PUC decision regarding transfer of assets

- Information Technology Systems: Continue implementation of Information Technology systems needed for Day 1 operations
- Customer Service: Implement the work plan for system modifications to the city's existing customer billing and information system based on PUC decision regarding transfer of assets, Operations and Maintenance: Continue to work with selected vendors to define operations of the electric system, evaluate options and refine operations, maintenance, construction, reliability and safety policies, procedures, standards and requirements
- Power Supply: Continue to work with Xcel to support power supply for the city and coordinate a power delivery schedule and ancillary services, work with the Resource Working Group to monitor market conditions, explore resource opportunities and review potential agreements with power producers

| | | | | | | | |
|--|--|---|--|--|--|---|---|
| | | <ul style="list-style-type: none"> ▪ Finance and Accounting: Continue development of the cash flow and budget model, explore methodologies for designing rates for a new utility with the Rates Working Group ▪ Ongoing work with risk management, safety, finance, accounting, and human resources to identify needs and resources to support an electric utility, development of safety and risk management policies and procedures | <ul style="list-style-type: none"> ▪ Finance and Accounting: Refinement of the cash flow and budget model, continue to explore methodologies for designing rates for a new utility with the Rates Working Group, begin to develop utility chart of accounts for tracking and reporting ▪ Ongoing work with risk management, safety, finance, accounting, and human resources to identify needs and resources to support an electric utility, development of safety and risk management policies and procedures | <ul style="list-style-type: none"> ▪ Energy Services: Continue development of energy services for a new utility, work with the Energy Services Working Group to assist in this process, coordinate Energy Services with existing Planning, Housing + Sustainability work ▪ Finance and Accounting: Use cash flow model to refine cost estimates based on Xcel Energy discovery information provided through PUC transfer of assets process, continue to explore methodologies for designing rates for a new utility with the Rates Working Group, continue to develop utility chart of accounts for tracking and reporting ▪ Ongoing work with risk management, safety, finance, accounting, and human resources to identify needs and resources to support an electric utility, development of safety and risk management policies and procedures as informed by Xcel Energy discovery information provided through PUC transfer of assets process | <p>incorporating renewable resources and carbon reduction</p> <ul style="list-style-type: none"> ▪ Energy Services: Continue development of energy services for a new utility, work with the Energy Services Working Group to assist in this process, coordinate Energy Services with existing Planning, Housing + Sustainability work ▪ Finance and Accounting: Use cash flow model to refine cost estimates based on Xcel Energy discovery information provided through PUC transfer of assets process, continue to explore methodologies for designing rates for a new utility with the Rates Working Group, continue to develop utility chart of accounts for tracking and reporting ▪ Ongoing work with risk management, safety, finance, accounting, and human resources to identify needs and resources to support an electric utility, development of safety and risk management policies and procedures as informed by Xcel Energy discovery information provided through PUC transfer of assets process | <ul style="list-style-type: none"> ▪ Energy Services: Finalize energy services including costs, implementation plans, rate structures, and measurement and verification guidelines, continue work with working group and coordinate efforts with the Rate Working Group ▪ Finance and Accounting: Use cash flow model to refine cost estimates based on PUC decision regarding transfer of assets, finalize rates for a new utility with the Rates Working Group ▪ Ongoing work with risk management, safety, finance, accounting, and human resources to identify needs and resources to support an electric utility, development of safety and risk management policies and procedures based on PUC decision regarding transfer of assets, hire key positions including chief engineer and energy financial and regulatory analyst | <ul style="list-style-type: none"> ▪ Energy Services: Finalize energy services including costs, implementation plans, rate structures, and measurement and verification guidelines. Continue work with working group and coordinate efforts with rate working group ▪ Finance and Accounting: Use cash flow model to refine cost estimates, work on financing of transition efforts and acquisition, potential debt issue to finance utility ▪ Ongoing work with risk management, safety, finance, accounting, and human resources to identify needs and resources to support an electric utility, development of safety and risk management policies and procedures, hire key positions including customer service manager, and energy resource specialist ▪ Governance: potential appointment of utility advisory board |
|--|--|---|--|--|--|---|---|

| | | | | | | | |
|--|--|---|--|---|--|--|--|
| <ul style="list-style-type: none"> ▪ Resilient Energy – Resilient Electricity Delivery Infrastructure (REDI) DOE Grant ▪ Energy Policy Reform Coalition ▪ Solar Development | <ul style="list-style-type: none"> ▪ City Manager’s Office ▪ Planning, Housing + Sustainability ▪ Public Works <ul style="list-style-type: none"> • Utilities | <ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Refine scope ▪ Energy Policy Reform Coalition: Focus on recruiting coalition members to Colorado Communities for Climate Action (CC4CA), begin formulating policy agenda for regulatory and legislative changes that support reducing emissions and climate initiatives ▪ Solar Development: Begin development of a comprehensive solar strategy, evaluation of potential solar garden opportunities, other recommendations from the Solar Working Group | <ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Continue to refine scope, issue an RFP and hire contractor ▪ Energy Policy Reform Coalition: Develop RFP and hire lobbying firm to represent CC4CA at state capital, continue development of policy agenda ▪ Solar Development: Continue development of solar strategy, evaluation of potential solar garden opportunities, evaluate other recommendations from the Solar Working Group | <ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Project Implementation ▪ Energy Policy Reform Coalition: Develop RFP for firm to represent CC4CA at PUC and other regulatory bodies, work with legislators between sessions to develop name recognition ▪ Solar Development: Continue development of solar strategy, evaluation of potential solar garden opportunities, evaluate other recommendations from the Solar Working Group | <ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Project Implementation ▪ Energy Policy Reform Coalition: Engage in key legislative and regulatory proceedings concurrent with mission ▪ Solar Development: Finalize solar strategy, align targets with Climate Commitment Goals, implement recommendations from the Solar Working Group | <ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Project Implementation ▪ Energy Policy Reform Coalition: Ongoing work at the local and state level for regulatory and legislative changes that support reducing emissions, local decision making and a new energy future ▪ Solar Development: Work with the Solar Working Group to develop solar projects and generation strategies to further expand solar in the city | <ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Project Implementation ▪ Energy Policy Reform Coalition: Ongoing work at the local and state level for regulatory and legislative changes that support reducing emissions, local decision making and a new energy future ▪ Solar Development: Work with the Solar Working Group to develop solar projects and generation strategies to further expand solar in the city |
|--|--|---|--|---|--|--|--|

Finance Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|--|---|--|---|---|---|---|---|
| <u>Annual Budget Process</u> | Finance in collaboration with all city departments update Council regarding how previous year finished; serves as early warning if there are economic red flags or new concerns | <ul style="list-style-type: none"> • Supplementary Appropriations (Adjustments to Base) • Strategic Planning for financial operations and capital | <ul style="list-style-type: none"> • Supplementary Appropriations (Adjustments to Base) • Strategic Planning • Budget Development • CIP Development, Preparation and Review | <ul style="list-style-type: none"> • Strategic Planning • Budget Development, Preparation and Review • CIP Review • Study Session on the budget | <ul style="list-style-type: none"> • Budget Review and Adoption • Adjustments to Base • Strategic Planning | <ul style="list-style-type: none"> • Adjustments to Base • Strategic Planning • Adjustments to Base • Strategic Planning • Budget Development • CIP Development, Preparation and Review | <ul style="list-style-type: none"> • Strategic Planning • Budget Development, Preparation and Review • CIP Review • Budget Review and Adoption • Adjustments to Base • Strategic Planning |
| <u>Ballot Items</u> | CMO/CAO/Finance/Communications/City Clerk's office, and Departments gather ballot items | <ul style="list-style-type: none"> • Gathering information and background on potential ballot items for the city and what other governmental entities may bring forward in November | <ul style="list-style-type: none"> • May study session and council meeting on potential ballot items. | <ul style="list-style-type: none"> • Final ballot items have to be passed by council by last meeting in August to meet County deadlines | <ul style="list-style-type: none"> • Ballot questions are voted on first Tuesday in November. | <ul style="list-style-type: none"> • Gathering information on potential ballot items • May study session and council meeting on potential ballot items. | <ul style="list-style-type: none"> • Final ballot items have to be passed by council by last meeting in August to meet County deadlines • Ballot questions are voted on first Tuesday in November |

Fire Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|--|--|---|---|--|---|--|--|
| <ul style="list-style-type: none"> ▪ Fire Station Relocation Project | <ul style="list-style-type: none"> ▪ Fire ▪ FAM ▪ Purchasing ▪ Finance ▪ Public Works ▪ Legal ▪ CMO | <ul style="list-style-type: none"> ▪ Property Search | <ul style="list-style-type: none"> ▪ Property search ▪ Develop funding strategy | <ul style="list-style-type: none"> ▪ Property search ▪ Develop funding strategy | <ul style="list-style-type: none"> ▪ Property search ▪ Develop funding strategy ▪ Confidential memo to council | | |
| <ul style="list-style-type: none"> ▪ Emergency Medical Services | <ul style="list-style-type: none"> ▪ Fire ▪ Police ▪ Purchasing ▪ Legal ▪ CMO ▪ Information Resources | <ul style="list-style-type: none"> ▪ EMS service delivery report preparation | <ul style="list-style-type: none"> ▪ EMS service delivery report preparation | <ul style="list-style-type: none"> ▪ EMS service delivery report preparation ▪ Bid evaluations and award for medical direction and ambulance services ▪ Solicitations for medical direction and ambulance service | <ul style="list-style-type: none"> ▪ Presentation to council ▪ Draft plan for EMS delivery | <ul style="list-style-type: none"> ▪ Complete Ambulance specifications ▪ Negotiations with Local 900 ▪ EMS delivery IP to city manager and city council | <ul style="list-style-type: none"> ▪ RFP development for box type ambulance |

Human Services Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|---|---|--|---|--|---|---|--|
| Human Services Strategy Update and Adoption | <ul style="list-style-type: none"> ▪ Communications, Police, Parks and Recreation, Library, Planning, Housing, Transportation, FAM/PW, Budget/Finance ▪ Library Commission, Human Relations Commission, Parks and Recreation Advisory Board, Immigrant Advisory Committee, Youth Opportunity Advisory Board, Human Services Fund Advisory Committee ▪ Civic Area Plan staff coordination ▪ Resilience Strategy coordination | <ul style="list-style-type: none"> ▪ Community Engagement ▪ Community Funding Options Development ▪ Assess partnerships | <ul style="list-style-type: none"> ▪ Community engagement ▪ Development of community funding and direct services options ▪ Internal and external partnerships assessments and projects | <ul style="list-style-type: none"> ▪ Community engagement ▪ Budget, Capital Program ▪ Development of community funding and direct services options ▪ Internal and external partnerships assessments and projects | <ul style="list-style-type: none"> ▪ Draft strategy ▪ Strategy adoption ▪ Organizational Strategy ▪ Implementation Plan | <ul style="list-style-type: none"> ▪ Implementation ▪ Metrics and evaluation plan | <ul style="list-style-type: none"> ▪ Implementation ▪ Metrics and evaluation |
| Homelessness Strategy and Action Plan Adoption | <ul style="list-style-type: none"> ▪ Communications, Police, Municipal Court, Parks and Recreation, Library ▪ Library Commission, Human Relations Commission, Immigrant Advisory Committee | <ul style="list-style-type: none"> ▪ Community Engagement ▪ Homelessness Action Plan Project Implementation | <ul style="list-style-type: none"> ▪ Community Engagement ▪ Portland/Eugene Trip ▪ New projects - TBD | <ul style="list-style-type: none"> ▪ Community Engagement ▪ Draft Strategy | <ul style="list-style-type: none"> ▪ Strategy adoption (PH) ▪ Continued implementation of Action Plan | <ul style="list-style-type: none"> ▪ Homelessness Action Plan Projects Implementation | <ul style="list-style-type: none"> ▪ Homelessness Action Plan Projects Implementation |
| Options to Expand Living Wage Resolution 926 Council Consideration | <ul style="list-style-type: none"> ▪ HR, CAO, Finance, FAM ▪ Human Relations Commission | <ul style="list-style-type: none"> ▪ Analysis of recommendations ▪ City Council: Feb. – Options to Expand Resolution 926 | <ul style="list-style-type: none"> ▪ Analysis of Council direction ▪ Development of options ▪ City Council: June update on analysis and direction | <ul style="list-style-type: none"> ▪ TBD- Analysis of Council recommendations as part of 2017 budget | <ul style="list-style-type: none"> ▪ Final adoption of Living Wage changes | | |

Human Services Key 2016 and 2017 Work Items (page 2)

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|--|--|---|--|--|---|---|------------------|
| Safe + Welcoming Community | <ul style="list-style-type: none"> ▪ City Manager 's Office, Police Dept, Human Relations Commission, CAO | <ul style="list-style-type: none"> ▪ HRC Meetings (3) ▪ Report to City Council on Independent Analysis of Police Data and Review of Professional Police Complaint Processes | <ul style="list-style-type: none"> ▪ Community Perceptions Survey contract development ▪ Survey implementation | <ul style="list-style-type: none"> ▪ Report to City Council on results of Community Perceptions Survey ▪ HRC Work Plan Recommendations to Council ▪ HS Work Plan and Strategy recommendations | <ul style="list-style-type: none"> ▪ Adoption of strategy ▪ Implementation of work plan | <ul style="list-style-type: none"> ▪ Implementation of work plan | |

Information Technology Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|--|---|---|--|--|--|--|--|
| <ul style="list-style-type: none"> ▪ Community Broadband and Wi-Fi Initiatives | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> • Continue consultant-assisted needs assessment | <ul style="list-style-type: none"> • Wrap up needs assessment | <ul style="list-style-type: none"> • Present findings and recommendations | <ul style="list-style-type: none"> • TBD – dependent on outcome of council review of findings and recommendations | <ul style="list-style-type: none"> • TBD – dependent on outcome of council review of findings and recommendations | <ul style="list-style-type: none"> • TBD – dependent on outcome of council review of findings and recommendations |

Library Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|---|--|---|---|--|--|---|---|
| <p>Library Master Plan Update – This includes:</p> <ul style="list-style-type: none"> ▪ A needs assessment ▪ A robust community engagement process ▪ Update of the library’s mission, vision, and guiding principles for decision making ▪ Development and financial analysis of service delivery model options ▪ Development of performance measures and service standards ▪ An action plan and implementation strategy | <ul style="list-style-type: none"> ▪ Consultants and a professional facilitator will be engaged for parts of the project ▪ The project manager will consult colleagues in Parks and Rec, Human Services, Planning and Public Works on project process development. ▪ Members of the City Managers and Budget Teams will serve on the staff Technical Advisory Group ▪ The Library’s Communications Specialist III will assist with public information & document review ▪ The Library’s Budget Analyst will assist with the financial analysis & budget planning ▪ Selected M-Team members will be asked to review the final draft plan & offer constructive feedback on presentations to Planning Board and City Council ▪ Facilities and Asset Management will be consulted on the aspects of the plan that address capital and facilities maintenance. | <ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings | <ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings | <ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings Communications support for outreach, education, & promotion kick off | <ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings ▪ Communications support for public information for community engagement process including surveys ▪ December City Council Study Session – Communications & M-Team support | <ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings (up to 24) ▪ Communications support for public information for community engagement process ▪ Budget Analyst support for financial analysis ▪ Consult with Facilities and Asset Management on the aspects of the plan that address capital and facilities maintenance. | <ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings ▪ July Planning Board Presentation - Communications & M-Team support ▪ October City Council Final Presentation & Plan adoption – Communications & M-Team support ▪ Budget Analyst support for 2018 budget and Capital Development Program planning |

Library Arts Key 2016 and 2017 Work

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|--|--|---|---|---|---|---|---|
| <ul style="list-style-type: none"> ▪ <u>Public Art Policy</u> Drafting and operation of a new policy to govern municipal commissioning, maintenance and legacy of public art. | <ul style="list-style-type: none"> ▪ Consultation with Boards & Commissions including the BAC, BDAB, Boulder Junction, Downtown, Landmarks, Library, PRAB, Planning, Transportation, and Univ. Hill Boards and Commissions. ▪ Consultation on legal and budget matters. ▪ Consultation with staff across city agencies. ▪ Once adopted, the program will require the investment of staff from the P&R, Planning, Transportation, Community Vitality, Public Works, FAM, and other agencies as a team to support Office of Arts + Culture staff on all steps in the public art process. | <ul style="list-style-type: none"> ▪ Drafting, vetting, and adopting the Public Art Policy ▪ Installations for <i>Experiments in Public Art</i> begin. ▪ Other commissioning and maintenance projects continue. ▪ Inquiry for the Public Art Policy drafting. | <ul style="list-style-type: none"> ▪ Drafting, vetting, and adopting the Public Art Implementation Plans. ▪ Commissioning begins for new projects. ▪ New maintenance projects begin. ▪ Events to launch the Public Art program. ▪ Public Inquiry for new commissions begins. | <ul style="list-style-type: none"> ▪ Commissioning continues for new projects. ▪ Continuing events to launch the public art program. ▪ Public Inquiry for new commissions continues. | <ul style="list-style-type: none"> ▪ Investigation of sustainable funding for Public Art begins. ▪ Commissioning continues for new projects. ▪ Public Inquiry for new commissions continues. ▪ Annual Report. | <ul style="list-style-type: none"> ▪ Options for sustainable public art funding developed and vetted. ▪ Commissioning continues for new projects. ▪ Public Inquiry for new commissions continues. ▪ Proposal for sustainable funding finalized. ▪ Language for new rules, policies, procedures or ordinances finalized. ▪ Community engagement on sustainable funding. ▪ Public Inquiry for new commissions continues. | <ul style="list-style-type: none"> ▪ Adoption of new rules, policies, procedures or ordinances. ▪ Budget integration. ▪ Commissioning continues for new projects. ▪ Public Inquiry for new commissions continues. ▪ Preparations for implementation of sustainable funding in Q1 2018. ▪ Commissioning continues for new projects. ▪ A public vote may be required in the Nov election. ▪ Public Inquiry for new commissions continues. ▪ Annual Report. |
| <ul style="list-style-type: none"> ▪ <u>Policy on Murals and Art in Public Places</u> A guidance document to align city staff for the encouragement of the commissioning of artworks for the public by private individuals, businesses, developers, and others. | <ul style="list-style-type: none"> ▪ Consultation with Boards & Commissions including the BAC, BDAB, Landmarks, PRAB, Planning, and Transportation Boards and Commissions. ▪ Consultation on legal and budget matters. ▪ Consultation with staff across city agencies. ▪ Once adopted, the program will require the investment of staff from the Planning and Public Works departments. | | <ul style="list-style-type: none"> ▪ Drafting and vetting of the Murals and Art in Public Places Policy. ▪ Inquiry for the draft policy. | <ul style="list-style-type: none"> ▪ Policy Adoption | <ul style="list-style-type: none"> ▪ Public communication. ▪ Annual Report. | | |

| | | | | | | | |
|---|--|--|---|---|--|---|--|
| <ul style="list-style-type: none"> ▪ <u>New Cultural Grants Program</u> A new series of grants for cultural organizations, arts education, and creative professionals. | <ul style="list-style-type: none"> ▪ Facilitation of the process with the Boulder Arts Commission is required. ▪ Consultation with staff in the Economic Vitality office will enhance the program. | <ul style="list-style-type: none"> ▪ Deadline for Operational Grants. ▪ Deadline for Community Projects and Arts Ed. Grants. ▪ Launch of Professional Development Scholarships. ▪ Launch of Macky Rental Grants. ▪ Launch of Innovation Fund. ▪ Second 2016 Grants Workshop. | <ul style="list-style-type: none"> ▪ Deadline for Innovation Fund. ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Design of 2017 Grants Program begins. | <ul style="list-style-type: none"> ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Design of 2017 Grants Program continues. | <ul style="list-style-type: none"> ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Operational Grant Reporting. ▪ Launch of 2017 All Grants. ▪ 2017 Grants Workshop. ▪ Annual Report. | <ul style="list-style-type: none"> ▪ Recertification of Operational Grants. ▪ Deadline for Community Projects Grants. ▪ Deadline for Art Education Grants. ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Deadline for Innovation Fund. ▪ Operational Grant Reporting. ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Design of 2018 Grants Program begins. | <ul style="list-style-type: none"> ▪ Design of 2018 Grants Program continues. ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Operational Grant Reporting. ▪ Launch of All 2018 Grants. ▪ 2018 Grants Workshop. |
|---|--|--|---|---|--|---|--|

Open Space and Mountain Parks: Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | 1 st half 2017 | 2 nd half 2017 |
|--|---|--|---|--|---|--|--|
| <ul style="list-style-type: none"> North TSA Plan The North TSA plan sets the community vision for 7,700 acres of OSMP-managed lands north of Linden Avenue and the Diagonal Highway. The plan seeks to improve visitor experiences and increase the sustainability of trails and trailheads while conserving and restoring the area's natural, cultural and agricultural resources. | <ul style="list-style-type: none"> OSMP <ul style="list-style-type: none"> <u>Operating Costs:</u> 2016: \$25,000 2017: \$10,000 <u>Capital Costs:</u> 2016: \$100,000 2017: \$200,000 CAO | <ul style="list-style-type: none"> Draft plan document Recommendation that Open Space Board of Trustees approve and recommend City Council acceptance | <ul style="list-style-type: none"> City Council review of and acceptance of North TSA plan. | <ul style="list-style-type: none"> Integration with 2016 work plan (early implementation actions) Integration with 2017 operating budget Integration with 2017-2022 CIP and | <ul style="list-style-type: none"> Integration with 2016 work plan (early implementation actions) Integration with 2017 operating budget Integration with 2017-2022 CIP | <ul style="list-style-type: none"> Implementation of priority plan actions (specific actions dependent upon timing of plan acceptance and content of accepted plan) | <ul style="list-style-type: none"> Implementation of priority plan actions (specific actions dependent upon timing of plan acceptance and content of accepted plan) |
| <ul style="list-style-type: none"> Agricultural Resources Management Plan The OSMP "Ag Plan" provides the framework for OSMP actions to ensure the long-term sustainability of agricultural operations, the ecological health of OSMP lands, and for fostering community connections with local agriculture systems. | <ul style="list-style-type: none"> OSMP <ul style="list-style-type: none"> <u>Operating Costs:</u> 2016: \$5,000 2017: \$5,000 <u>Capital Costs:</u> 2016: \$60,000 2017: \$170,000 | <ul style="list-style-type: none"> Plan element development <ul style="list-style-type: none"> Evaluate alternative lease rate polices & financing structures Develop monitoring protocols ID and prioritize infrastructure improvements Evaluation of community farming | <ul style="list-style-type: none"> Develop Draft Plan Create Plan Outline and internal review of chapters Create content including overview and strategies | <ul style="list-style-type: none"> Draft Internal Review Plan Document <ul style="list-style-type: none"> Internal review Draft Public Review Plan Document Public Review Develop OSBT draft Plan Document for July or Aug meeting | <ul style="list-style-type: none"> Staff recommendation to OSBT to approve plan and recommend acceptance by City Council Oct: 2hrs Recommendation to City Council to accept plan Nov: 1 hr | <ul style="list-style-type: none"> Integration with 2017 operating budget Integration with 2017-2022 CIP Implementation of priority plan actions (specific actions dependent upon timing of plan acceptance and content of accepted plan) | <ul style="list-style-type: none"> Implementation of priority plan actions (specific actions dependent upon timing of plan acceptance and content of accepted plan) |

| | | | | | | | |
|---|--|--|---|--|---|--|---|
| <ul style="list-style-type: none"> Visitor Master Plan Update / OSMP Master Plan <p>The Open Space and Mountain Parks (OSMP) Visitor Master Plan (VMP) was accepted by City Council in 2005 with a 10-year planning horizon. The new Master Plan will include updating/refreshing the Visitor Master Plan component and also will take a comprehensive look at delivering on all chartered purposes for the OSMP system including inventory and analysis, evaluation of options and the development of policy and strategic direction to guide the department for the next ten years. The planning process will also consider City Council identified priorities from previous retreats, including incorporating overarching issues (carrying capacity, night-time use, temporal use, etc) and climate change/adaptation.</p> | <ul style="list-style-type: none"> OSMP <ul style="list-style-type: none"> Operating Costs: <ul style="list-style-type: none"> 2016: none 2017: none Capital Costs: <ul style="list-style-type: none"> 2016: \$252,000 2017: \$200,000 2018: \$100,000 2019: \$100,000 <p>OSMP Leadership team will work across department divisions and with representation from across the city to discuss plan at periodic meetings. Additional consultation likely with Parks and Recreation, Transportation, Greenways and Housing.</p> | <ul style="list-style-type: none"> Background Information Gathering | <ul style="list-style-type: none"> Begin inventory and analysis Identify inventory gaps and needs | <ul style="list-style-type: none"> Continue inventory, surveying and analysis Compile inventory information into dataset with prioritized critical needs | <ul style="list-style-type: none"> Continue Inventory, Compilation and Analysis <ul style="list-style-type: none"> Begin development of MP scope, budget and schedule for plan Begin development of community engagement plan Develop initial staff and partner project team formation | <ul style="list-style-type: none"> Release initial findings from inventory and analysis in terms of portfolio document for OBST, Council and Public Finalize MP scope, budget and schedule for plan Finalize community engagement plan Finalize staff and partner project team formation OSBT Study Session on scope City Council study session on scope Develop community outreach schedule beginning 3rd Qtr 17. | <ul style="list-style-type: none"> Prepare for community listening sessions beginning in 3rd Qtr 17, send out notifications Seek review/feedback Ask for partner input on engagement with city department, other government organizations, non-profits, and CBO's Develop initial needs, opportunities and benefits analysis in geographic focus areas Public hearing with OSBT. Study session with or IP for City Council. Develop project management plan for MP and community engagement <p>Project continues into 2018 → → → Complete plan during 2019</p> |
|---|--|--|---|--|---|--|---|

Parks and Recreation Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|---|--|---|---|---|--|---|---|
| <p>Boulder Urban Forestry Master Plan - In 2015, the Parks and Recreation Department (Forestry Group) presented to Council a proposed strategy to address the on-going Emerald Ash Borer infestation anticipated to affect roughly 11% of Boulder’s urban tree canopy over the next decade. As supported by Council (September 8, 2015), the strategy called for a series of efforts aiding in long-term tree care, directed treatment standards for public trees, community education initiatives, aggressive tree planting and the development of a comprehensive Urban Forestry Master Plan which would aid in the sustainability of Boulder’s urban tree canopy. The development of that Master Plan is the addressed in this project scope.</p> <p>Comprehensive Master Plan document contributing to the sustainability of Boulder’s urban tree canopy. Plan will include and address:</p> <ul style="list-style-type: none"> • Establishment of a baseline figure for urban tree canopy and long term canopy goals; • Tree diversification goals; • Urban heat island mitigation; • Prioritization of tree planting activities; • Pesticide use guidelines for public trees; • Appropriate pesticide use guidelines for private property owners treating public street trees; • Placement and selection of tree species that are | <p>Key work items include Plan Scope Definition, RFP for related Plan Development and Outreach, Contract for Services, Facilitated Community Outreach Sessions and Mechanisms including but not limited web and print materials, PRAB presentation and Council update. Project can launch and continue within the approved 2016 budget and should be concluded within the year. Launch of contract cannot proceed without purchasing approval. Contract for services will be vetted by CAO. Other Parks & Recreation work (including that of the Forestry group) will not largely be affected by the launch of this project except that the Forestry Manager must devote time to development of the scope and monitoring of the consulting services throughout the year.</p> | <ul style="list-style-type: none"> ▪ Scope proposal/definition ▪ Development of potential contractor’s list ▪ Prep of RFP (with Purchasing) ▪ RFP Issuance and selection of consultant ▪ Update website to announce scope of project ▪ Submit application for grant to supplement outreach/engagement and planning efforts. | <ul style="list-style-type: none"> ▪ Coordination with Community Building Plan (tree plantings) ▪ PRAB presentation (public meeting) ▪ PRAB Update Presentation (45 minutes) | <ul style="list-style-type: none"> ▪ Preparation for Council Memo ▪ Website Update with potential social media feedback option ▪ Consulting services and development of the plan ▪ Documenting recommendations and strategies ▪ Development of summary (primary findings and plans) ▪ Community updates, input sessions ▪ CU or other entity involvement | <ul style="list-style-type: none"> ▪ Communications update ▪ Regular updates via social media and web ▪ Exploration of discount program | <ul style="list-style-type: none"> ▪ n/a | <ul style="list-style-type: none"> ▪ n/a |

| | | | | | | | |
|---|---|--|--|---|---|--|---|
| <p>compatible with optimizing rooftop solar capture capacity;</p> <ul style="list-style-type: none"> • Coordination with vegetation management for potential municipalization of the electric utility; • Public outreach and education regarding the benefits of the urban canopy; and • Reforestation of creek corridors with native species. | | | | | | | |
| <p>Capital Project Activity - The department master plan and community input identified the need to keep existing assets at a high quality while also providing for enhanced and new recreation facilities and parks to meet the growing needs of the community. With the adoption of Asset Management best practices the department is working to develop a capital investment strategy plan that will reinvest in existing critical assets while developing new facilities and services within a sustainable framework.</p> <p>The Capital Investment Strategy will provide a development framework plan with specific, implementable urban park design and development recommendations for the enhancement of Boulder’s urban park system. The strategy will address the need to investment up to 40 million in existing assets as well as \$24 million in critical aging infrastructure as well as the desire to invest up to \$50 million in enhanced and new facilities as identified in the department’s Master Plan over the next ten years. The plan identifies three investment scenarios that follow the master plan framework of fiscally constrained, action plan</p> | <p>The development of a data driven capital investment strategy requires that the asset management best practices are implemented on existing assets to allow for accurate and data driven decisions on what assets are most critical to the system and which assets may be removed from the inventory to address limited financial resources. In addition the investment strategy relies on a variety of site plans and studies that identify upgrades and new facilities including the master plan, Valmont City Park, Reservoir Master Plan, urban forest management plan, the aquatics facility study as well as plans for Scott Carpenter, Mapleton, Tom Watson and the recreation facility condition report. Finally to be successful the department’s capital investment plan must align with overall city goals for enhanced capital spending to allocate limited resources to those city wide services that are most critical to the community. This process should be coordinated with the larger CIP effort.</p> | <ul style="list-style-type: none"> ▪ Draft CIS report ▪ Internal staff review ▪ PRAB meetings – 4 hours ▪ PRAB review and recommendations on the CIP | <ul style="list-style-type: none"> ▪ Final CIS report ▪ manager position ▪ Planning Board meeting 2 hours ▪ Planning Board review and recommendation of CIP ▪ BVSD Joint Use Agreement ▪ | <ul style="list-style-type: none"> ▪ Implementation strategy ▪ Council meetings 4 hours as part of CIP budget ▪ Council acceptance of CIP through the budget process ▪ Council study session and budget meetings ▪ Hire capital investment planning support as part of asset | <ul style="list-style-type: none"> ▪ Review and revisions as required to CIS report ▪ Meetings with stakeholders and potential donors | <ul style="list-style-type: none"> ▪ Develop Funding Strategy ▪ Implement funding strategy for key projects ▪ Community Survey and outreach ▪ Continued partnership development ▪ PRAB ▪ Planning Board ▪ Council Study Session | <ul style="list-style-type: none"> ▪ Implement ▪ Implement – possible city wide bond ▪ Partnership development ▪ Partnership development ▪ Council CIP |

| | | | | | | | |
|--|---|--|---|---|---|---|---|
| and vision plan. | | | | | | | |
| <p>Commercial Use of Public Space Consistent with examination of the Civic Area’s potential and the City’s continuing evolution of Special Events policies, the department will explore policies and practices related to commercial use of public spaces, including those efforts that support the local economy and the vibrancy of our communities. This will include examination of policies, practices, permitting and pricing related to in-park concessions, ticketed-gated activity, facility rental and the appropriate balance of protected general public use and city park infrastructure.</p> <p>By the end of the Q3 (2016), develop policies and practices that clearly establish the department’s approach to the commercial use of public spaces.</p> | <ul style="list-style-type: none"> ▪ In response to the evolution of the Civic Area and in anticipation of changes necessary to sustainably and responsibly operate the City’s Parks and Recreation venues, the department will evaluate practices concerning: <ul style="list-style-type: none"> ○ Commercial vending ○ Ticketed-gated activity ○ Public private partnerships | <ul style="list-style-type: none"> • Review and analysis of existing policies and industry best practices | <ul style="list-style-type: none"> ▪ Community engagement and outreach to stakeholders ▪ Hold meeting, round tables, focus groups with stakeholders including DBI, Farmers Market, concessionaires, and existing commercial use permit holder (15-20 hours) | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ Present policies and practices to Parks and Recreation Advisory Board (PRAB) ▪ Public hearing at September 26, 2016 PRAB meeting | <ul style="list-style-type: none"> ▪ n/a | <ul style="list-style-type: none"> ▪ n/a |

| | | | | | | | |
|---|--|---|---|---|---|--|---|
| <p>Community Building and Partnerships - The parks and recreation department will continue to foster community building and pursue/enhance partnerships critical to our sustainable provision of quality spaces and programming meeting the community's needs for recreation and respite. Included in this work will be successful conclusion of our department's negotiations with the Boulder Valley School District defining the joint use of facilities/amenities</p> | <p>This work is interrelated to almost all projects in the department in order to identify scope of need and areas of opportunity. Internal sponsor and donor recognition guidelines need to first be established to ensure consistent and appropriate action.</p> <p>Through the implementation of the departments Service Design and Delivery Model, partnership building will focus on mutually beneficial, mission focused and connection of guiding principles as demonstrated in parks, facilities, and programs. By</p> | <ul style="list-style-type: none"> • Review/recommend changes to sponsorship/donor recognition policy/practice • Review, renew, discontinue 2015 program partnerships through evaluation and service delivery initiatives | <ul style="list-style-type: none"> • Grant and sponsorship solicitation • Activate ongoing community program volunteers • Pursue partnership opportunities for identified capital projects and programming needs • Identify and evaluate 2016 program partnership contractual scope of works • Implementation of service partnership | <ul style="list-style-type: none"> • Grant and sponsorship solicitation • RFP Issuance (concessions @ Golf and Res) • Pursue partnership opportunities for identified capital projects and programming needs • Evaluate JUA between COB and BVSD • 10-15 pre-planned community volunteer events (tree plantings, clean ups, park constructions); 3hr/event | <ul style="list-style-type: none"> • Grant and sponsorship solicitation • Pursue partnership opportunities for identified capital projects and programming needs • Final evaluation of program partnerships from 2016 performance • Finalize program partnership agreements for 2017 • Evaluate JUA between COB and BVSD | <ul style="list-style-type: none"> • Issue calendar of 2017 BPR Community Building Events • Capital Project opportunities list finalized • Develop 2017 pre-planned volunteer events and ongoing programs • 2-3 outreach meetings re. park renovations; 2-3 hrs • Volunteer Appreciation event; | <ul style="list-style-type: none"> • Grant and sponsorship solicitation • Pursue partnership opportunities for identified capital projects and programming needs • 5 pre-planned community volunteer events (tree plantings, clean ups, park openings); 3hr/event • 3 department hosted |
|---|--|---|---|---|---|--|---|

| | | | | | | | |
|---|---|---|---|--|--|--|--|
| <p>owned by each organization. We will also explore the impact of existing programming partnerships (dance, tennis, biking instruction and community gardening, for example) and evaluate the viability of partnerships to support expanded service reach to the underserved and contributions to parks and recreation capital improvements. OUTCOMES: Through strategic development of public-public or public-private partnerships, the parks and recreation department will be able to leverage its resources to increase the service reach, programming impact and sustainability of public amenities. The creation of more strategic and meaningful volunteer opportunities and events will encourage a culture of stewardship and leadership in the Boulder community.</p> <p>The department is focused on Master Plan recommendations to shift the practices that facilitates the delivery of high-quality programs with community partners where most effective and limits the direct delivery of programs to those that align with the highest community values.</p> | <p>considering each individual service's alignment with mission; financial viability; market position; and the competitors that provide a similar service, the department will begin to identify those services that organization should be in the business of providing and how best to provide those services effectively and efficiently. Collaborative partnerships are opportunities to eliminate unnecessary duplication of service while providing for efficient and effective utilization of resources.</p> | <ul style="list-style-type: none"> • Volunteer team restructure and new hire • Grant and sponsorship solicitation • Solidify urban forest outreach strategy for 2016 • Issue calendar of 2016 BPR Community Building Events • Capital Project opportunities list finalized • 2-3 outreach meetings re. park renovations; 2-3 hrs • Volunteer Appreciation event; 3-4 hrs | <p>orientations</p> <ul style="list-style-type: none"> • Issue calendar of partnership milestone dates • Identify 2017 partnership RFP processes • Evaluate JUA between COB and BVSD • 3 department hosted community events; 3-5hr/event (Creek Fest – multiday) • Donor/sponsor recognition policy to PRAB; April, 5 hrs • Public private partnership opportunity listening sessions re. concessions at Golf Course, Res., Civic Area • Host 2 PPP listening session; 4 hrs total | <ul style="list-style-type: none"> • Roll out urban forest outreach program; ongoing • 5 pre-planned community volunteer events (tree plantings, clean ups, park openings); 3hr/event • 3 department hosted community events; 3-5hr/event • Ongoing volunteer projects • PPP PRAB review and liaison selection • | <ul style="list-style-type: none"> • Implementation of JUA between COB and BVSD | <p>3-4 hrs</p> <ul style="list-style-type: none"> • Grant and sponsorship solicitation • Activate ongoing community program volunteers • Pursue partnership opportunities for identified capital projects and programming needs • 3 department hosted community events; 3-5hr/event • 10-15 pre-planned community volunteer events (tree plantings, clean ups, park constructions); 3hr/event | <p>community events; 3-5hr/event</p> <ul style="list-style-type: none"> • Ongoing volunteer projects • 5 pre-planned community volunteer events (tree plantings, clean ups, park openings); 3hr/event • 3 department hosted community events; 3-5hr/event • Ongoing volunteer projects |
|---|---|---|---|--|--|--|--|

Planning, Housing and Sustainability Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other dept.s | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|---|---|--|---|--|---|---|--|
| <p>Comprehensive Plan – This includes four major work tracks, plus renewal of the city/county Intergovernmental Agreement (IGA). Tracks include:</p> <ul style="list-style-type: none"> • Areas of Focus (i.e., core values, resilience/climate, jobs/housing balance, affordable housing including middle income, built environment, subcommunity/ neighborhood issues, BCH coordination, CU South suitability analysis). • Plan Policy Integration • Plan “clean up” and organization • Public change request analysis | <ul style="list-style-type: none"> • PH+S comprehensive planning team leads • Major citywide Interdepartmental effort, including necessary communications support and CAO from time to time. • Will need consultants for technical analysis, survey work and community engagement support • Significant coordination with Housing Boulder and BCH Site Planning efforts | <ul style="list-style-type: none"> • Jan. 5 – Council action on public requests in Area I and Area II enclaves and policy changes • Feb. 2 – Joint Council and Planning Board public hearing for public requests in Area II and III • Coordinate with Resilience Study Session (Feb. 9) and Middle Income Housing Study Session (Mar. 29) • Begin analysis of land use change requests • Start analysis of areas of focus; develop options (See Middle Income housing below). • Community engagement: Continued discussion of survey results | <ul style="list-style-type: none"> • Study Session (May 24) • Areas of focus – options/scenarios analysis (including land use analysis related to housing and jobs, and 3d modeling and visualization) | <ul style="list-style-type: none"> • Review further analysis for focused topics - continue – options/scenarios analysis • Complete plan organization and “clean up” (e.g., non substantive updates and graphic improvements) • Community engagement: Possible focus groups regarding focused topics; local listening sessions; possible survey #2 | <ul style="list-style-type: none"> • Prepare draft plan including the areas of focus topic policy updates; map changes; and actions, strategies, and metrics • Community engagement: draft plan workshops and open house • Council Study Session | <ul style="list-style-type: none"> • Approve draft plan • Begin implementation of BVCP including possible area planning • IGA renewal Implementation of BVCP, including possible area planning | <ul style="list-style-type: none"> • Implementation of BVCP, including possible area planning |
| <p>Development-Related Impact Fees & Excise Taxes Studies - four components:</p> <ul style="list-style-type: none"> • Update current capital facilities impact fee/excise tax studies • Multi-modal Transportation fee analysis for capital and on-going operating costs • Commercial linkage fee for affordable housing | <ul style="list-style-type: none"> • PH+S in lead. • Interdepartmental staff team of all departments with capital assets; includes significant staff resources needed in: <ul style="list-style-type: none"> • Finance • CAO • PW: Transportation, FAM, and Development Review • Planning • Consultant team preparing studies | <ul style="list-style-type: none"> • Technical Working Group Meetings (2) • Public outreach - 101 seminar • Technical Analysis • Policy options development | <ul style="list-style-type: none"> • City Council Study Session (April 12) • Technical Working Group meeting • Technical Analysis • Policy options development • Public outreach • Draft reports on fees and programs • City Council Study Session (June 14) | <ul style="list-style-type: none"> • City Council Public Hearing (July 19) (decision) • Implementation and phase in preparation for 2017 budget | <ul style="list-style-type: none"> • Implementation and phase in preparation for 2017 budget • Scoping next steps with Transportation Operations & Maintenance | <ul style="list-style-type: none"> • Implementation and phase in | <ul style="list-style-type: none"> • Implementation and phase in |
| <p>Form-Based Code (FBC) for Boulder Junction Phase I pilot project</p> <ul style="list-style-type: none"> • Development and adoption of a new form-based code as an appendix in the Land Use Code including new process and review criteria. | <ul style="list-style-type: none"> • PH+S in lead with support from: <ul style="list-style-type: none"> • CAO • Public Works | <ul style="list-style-type: none"> • Work on final draft of FBC | <ul style="list-style-type: none"> • Prepare final draft of FBC and staff memos for adoption hearings • Public outreach, meetings and online materials • Planning Board and City Council adoption hearings | <ul style="list-style-type: none"> • Prepare for implementation with new worksheet materials • FBC training sessions with staff, review boards and local design professionals | <ul style="list-style-type: none"> • TBD based on evaluation of pilot and Council direction | | |

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other dept.s | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|--|--|--|---|--|--|--|---|
| <p>Site Review Criteria - update Site Review criteria to:</p> <ul style="list-style-type: none"> • Include new minimum design standards • Be more prescriptive, specific and clear • Address when/ if additional community benefit should be required (e.g. for height modifications) | <ul style="list-style-type: none"> • PH+S in lead with support from CAO | <ul style="list-style-type: none"> • Receive recommendations from DoverKohl | <ul style="list-style-type: none"> • Develop work plan including outreach plan | <ul style="list-style-type: none"> • Review DoverKohl recommendations • Develop goals and objectives • Research and analysis • Solicit input from Planning Board and DAB • Create & convene stakeholder group | <ul style="list-style-type: none"> • Develop options • Meet with stakeholder group • Planning Board and DAB check in | <ul style="list-style-type: none"> • Begin drafting code changes • Planning Board and DAB check in • City Council check in (matters or Study Session) • Meet with the stakeholder group • Public outreach | <ul style="list-style-type: none"> • Finalize proposed code changes • Host open house • Planning Board and City Council consideration of changes • Prepare for implementation |
| <p>Update to the Downtown Urban Design Guidelines</p> <ul style="list-style-type: none"> • Revisions to the guidelines for better usability and clarity | <ul style="list-style-type: none"> • PH+S in lead with support from: <ul style="list-style-type: none"> • CAO • Communications | <ul style="list-style-type: none"> • Finalize draft document and prepare ordinance • Planning Board, Landmarks Board and City Council adoption • Amend height ordinance map to exempt downtown | | | | | |
| <p>Civic Area Implementation</p> <ul style="list-style-type: none"> • Final design and construction of Phase I – Park at the Core • Long-Term Studies of East & West Bookends to determine future improvements: <ul style="list-style-type: none"> • Comprehensive Flood Analysis • Market Hall Feasibility Study • Urban Design Plan/ Guidelines • Coordination with Canyon Complete Streets (includes Bandshell) and Municipal Facilities Study & BCH • Civic Use Pad - Discussions with St. Julien to construct | <ul style="list-style-type: none"> • Interdepartmental Team with leads from Parks, Public Works and PH+S <ul style="list-style-type: none"> • Consultant support. | <ul style="list-style-type: none"> • Final design Phase I park improvements • Flood Analysis • Market Hall Preliminary Feasibility Analysis (<i>Phase I</i>) & Working Group Meeting • Market Hall Preliminary Space Test Fit (<i>Phase II</i>) • Collect data on parking changes <p>Civic Use Pad</p> <ul style="list-style-type: none"> • Preliminary design work • Financial analysis | <ul style="list-style-type: none"> • Permitting & bidding for park construction • Public Open House (4/4) • Council Meeting Matters (4/5) • Coordinate w/ Canyon Complete Streets – Design Alternatives – May Open House; Joint Board / Commission Mtg; Council Study Session 5/31 • Continued analysis of capital projects • Civic Use Pad • Preliminary design work • Negotiation of management agreement • Financial analysis • Public outreach to potential users | <ul style="list-style-type: none"> • Park construction begins • Coordinate w/ Canyon Complete Streets – Design Options Analysis • Continued analysis of capital projects <p>Civic Use Pad</p> <ul style="list-style-type: none"> • Design work • Negotiation of management agreement • Financial analysis • Public outreach to potential users | <ul style="list-style-type: none"> • Continued park construction • Coordinate w/ Canyon Complete Streets – Design Recommendation • Coordinate w/ Municipal Facilities Study & BCH • Continued analysis of capital projects <p>Civic Use Pad</p> <ul style="list-style-type: none"> • Council consideration of management agreement • Design work | <ul style="list-style-type: none"> • Continued park construction • Tasks related to Civic Area bookends are dependent on outcomes in 2016 & 2017 • Begin Urban Design Plan for East Bookend & Outreach to Boards <p>Civic Use Pad</p> <ul style="list-style-type: none"> • Construction activities begin (St. Julien lead) | <ul style="list-style-type: none"> • Park construction complete in 2017 • East Bookend Urban Design Plan/ Guidelines – Present to Boards & Council • West Bookend Urban Design Plan – Begins in 2018 |

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other dept.s | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|---|---|---|---|---|--|---|---|
| <p>BCH Site & Municipal Facilities Planning</p> <ul style="list-style-type: none"> Establish land use and urban form characteristics taking into consideration the site's interrelation with the larger Broadway corridor, Downtown, Civic Area and University Hill Develop short and long-term municipal facilities needs and locations Develop site specific goals and redevelopment options Implementation Plan | <ul style="list-style-type: none"> PH+S and Public Works in lead. Multi-departmental effort: <ul style="list-style-type: none"> Community Vitality Parks and Recreation City Attorney Finance Consultant support | <ul style="list-style-type: none"> Develop 2016 Project Scope & Schedule Coordination with BVCP Update Begin development of Performance & Design Guidelines for Facilities Conduct BCH Rehab analysis | <ul style="list-style-type: none"> Consultant RFP & Selection for city facilities study & urban design framework Context Analysis – past history and current conditions of BCH & its larger context including Downtown, Civic Area, and Uni-Hill Begin “storytelling” campaign to share memories of BCH Conduct city space needs & analysis Begin visioning of Future Municipal Facilities | <ul style="list-style-type: none"> Continue work on Context Analysis Define boundary for specific BCH Site/Area Planning work Synthesize city space needs in coordination w/Civic Area | <ul style="list-style-type: none"> Develop Planning & Design Framework to illustrate the desired future for BCH and larger context, relationship/ roles relative to other areas. Adopt Guiding Principles for area wide goals and objectives to inform the future of BCH site (<i>land use, urban form, connections, cultural and other facilities, etc.</i>) Oct. 25 Study Session Begin Municipal Facilities Master Plan Adopt Guiding Principles for City Facilities | <ul style="list-style-type: none"> Site/Area Planning Space planning program for city departments and facilities Final determination of facilities & locations Continue Municipal Facilities Masterplan Begin site/area planning (w/consultant support) Continue Municipal Facilities Master Plan Develop Performance & Design Guidelines for Facilities | <ul style="list-style-type: none"> Continue work on Site/Area Planning including evaluation of options & selection of preferred plan Complete Land Use Change & Zoning Designation Continue with Municipal Facilities Masterplan |
| <p>30th and Pearl</p> <ul style="list-style-type: none"> Analyze options for moving forward with redevelopment of the site Select and refine preferred option | <ul style="list-style-type: none"> PH+S in lead. Multidepartment effort including: <ul style="list-style-type: none"> Public Works: Transportation, Utilities Parks | | <ul style="list-style-type: none"> Procure consultant services for options analysis. Begin building scenarios.. | <ul style="list-style-type: none"> Refine scenarios and options analysis. Develop draft success criteria for redevelopment. Refine preferred option | <ul style="list-style-type: none"> Potential RFP for sale, redevelopment, or partnership. | | |

| | | | | | | | |
|--|---|--|--|---|---|---|--|
| <p>Middle Income Housing Strategy</p> <p>- To include:</p> <ul style="list-style-type: none"> • BBC study of what market is currently producing to serve the middle; how unit size and location affect pricing over time • Identification of potential land use and other market interventions to produce desired housing types • Identification of effective mechanisms to support middle income affordability • Methodology to monitor key indicators to measure progress | <ul style="list-style-type: none"> • PH+S in lead. • Citywide Interdepartmental effort. • Need communications support • Will need CMO and CAO support from time to time. • Consultant support for analysis and facilitation. | <ul style="list-style-type: none"> • Finalized consultant study • Identified key policy questions • Analyzed projected housing – what do we expect based on current trends (feeds into BVCP) • Identified range of potential interventions • Feb. 18 Planning Board • Feb. 23 CC Study Session | <ul style="list-style-type: none"> • BVCP: analysis of potential land use changes to produce desired middle income housing types (e.g., duplexes and triplexes, townhomes, courtyard apartments, bungalows) • Form Council and Planning Board working group to identify goals, analyze key policy questions, and recommend interventions (programmatic, funding, and regulatory) | <ul style="list-style-type: none"> • Draft potential policy changes for community conversation • Draft potential interventions (programmatic, funding, and regulatory) for community engagement with associated work plan for each. • Full Board and Council check- in | <ul style="list-style-type: none"> • Identify and monitor key market indicators to measure progress on Middle Market housing provision • Refine potential interventions • Draft strategy | <ul style="list-style-type: none"> • Adoption of policy changes • Adoption of interventions | |
| <p>Other Housing Boulder priorities</p> <p>– Potential work efforts to prioritize include:</p> <ul style="list-style-type: none"> • Housing Strategy Governance (Housing Board) • Neighborhood Pilot • Co-operative Housing • Mobile Home Parks | <ul style="list-style-type: none"> • PH+S in lead. Multi-departmental effort • Need communications support • Will need CMO and CAO support from time to time. • Consultant support for analysis and/ or facilitation | <ul style="list-style-type: none"> • Jan. 26 CC Study Session on Co-ops • Jan. 5 Palo Park Annex and Concept Plan • Ongoing MHP work, including Ponderosa | <ul style="list-style-type: none"> • TBD based on Council direction | <ul style="list-style-type: none"> • TBD based on Council direction | <ul style="list-style-type: none"> • TBD based on Council direction | <ul style="list-style-type: none"> • TBD based on Council direction | <ul style="list-style-type: none"> • TBD based on Council direction |

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other dept.s | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|---|---|--|--|---|---|---|--|
| <p>Climate Commitment</p> <ul style="list-style-type: none"> • Coordination of community efforts to achieve 80% emissions reduction by 2050. • Coordination of city organization efforts to achieve 80% or more emissions reduction by 2050 • Coordination of city organization efforts to prepare for climate change-resilience capacity building | <ul style="list-style-type: none"> • PH+S (Climate and Sustainability) in lead. • Multi-departmental effort: <ul style="list-style-type: none"> ▪ CMO (CRO) ▪ Public Works (Water Resources, Utilities, Transportation) ▪ PH+S (Comprehensive Planning, P+DS) ▪ Energy Future ▪ Parks and Recreation ▪ OSMP ▪ Finance ▪ Communications | <ul style="list-style-type: none"> • Coordinate community engagement • Facilitate city organization staff training • Begin planning for community action campaigns • Launch “whole system energy transformation” and “thermal strategy” work | <ul style="list-style-type: none"> • Coordinate April “Earth Futures Week” focus on climate action • Coordinate staff training on local climate change impacts | <ul style="list-style-type: none"> • Finish revisions of Climate Commitment document and present for approval by City Council • Launch community action campaigns • Conduct climate extremes staff training exercise • Coordinate departmental level assessments of emission reduction/clean energy transition options • Complete “whole energy system transformation” and “thermal strategy” work | <ul style="list-style-type: none"> • Coordinate community climate action campaigns • Lead city organization scenario planning on multi-factor change scenarios | <ul style="list-style-type: none"> • Continue community action campaigns • Coordinate implementation of city organization energy transition implementations • Launch second round of staff climate change training | <ul style="list-style-type: none"> • Continue community climate action campaigns • Continue implementation of city org emissions reduction/clean energy development projects • Continue staff climate mitigation/climate adaptation trainings |
| <p>Energy Codes: Short Term Updates and Long Term Strategy</p> <ul style="list-style-type: none"> • Improving compliance of current commercial and residential energy codes; • Integrate with new Building Performance Ordinance (BPO); • Updating the residential and commercial energy codes for adoption in 2016 and implementation in 2017; and • Long term strategic planning for energy codes updates to reach net zero by 2031. | <ul style="list-style-type: none"> • Public Works (Building Code Compliance) in lead, support from PH+S (Climate + Sustainability) • Staff resources needed in: <ul style="list-style-type: none"> • CAO • Development Review Engineering • Zoning | <ul style="list-style-type: none"> • Select consultant thru RFP process • Develop special lighting permit application for BPO | <ul style="list-style-type: none"> • Develop options for short term code updates • Draft recommendations for long term plans | <ul style="list-style-type: none"> • (4) Public Meetings for community engagement • EAB Feedback • CAO Review Needed • Revise short term options and make final recommendations | <ul style="list-style-type: none"> • Finalize long term strategic plan recommendations • City Council meeting for short term code updates • Evaluate ways to improve compliance in the field | <ul style="list-style-type: none"> • Update website and provide education materials for new code changes • Implement changes to improve compliance • Stakeholder working group – long term strategic plan | <ul style="list-style-type: none"> • Develop proposal for long term strategic plan out to 2031 • City Council Study session • Begin implementation of long term strategic plans |

Police Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|--|---|--|---|---|---|---|---|
| Professional Standards Review Panel | | <ul style="list-style-type: none"> • Feb 9th Council Study Session on HH report • Feb 23rd Council Study Session, HH presented their report and PD staff discussed recommendations and moving forward. | <ul style="list-style-type: none"> • PD staff working with CMO, Human Services and other stakeholders on HH recommendations. | <ul style="list-style-type: none"> • PD staff working on recommendations and providing an update to council. | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • |

Public Works Key 2016 and 2017 Work Items

| Work Plan Item and short description/ project outcome | Project Department Resource needs and impacts to other depts. | 1 st quarter 2016 | 2 nd quarter 2016 | 3 rd quarter 2016 | 4 th quarter 2016 | First half 2017 | Second half 2017 |
|--|---|---|---|--|---|---|---|
| <ul style="list-style-type: none"> ▪ 2A Implementation – a temporary 0.3% tax increase to fund key community, culture and safety infrastructure projects as approved by voters in the 2014 ballot measure. | <p>2A is a multi-departmental effort that requires close-interdepartmental coordination to create opportunities and efficiencies and reduce impacts to the community.</p> <p>Project Coordinators: Joanna Crean & Joel Wagner</p> <p>Note: Civic Area project hours are included in the separate Civic Area section.</p> | <p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Public outreach/open houses ▪ Project design ▪ Project construction ▪ Civic Area Open House ▪ Landmarks Board Presentation (Chautauqua) | <p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Public outreach/open houses ▪ Project design ▪ Project construction ▪ Project completion (Hill Irrigation, Eben G. Fine) ▪ Open house to present final design (Chautauqua) ▪ CEAP Committee Review ▪ Board/Commission meetings: TAB/OSTB/PRAB ▪ Landmarks Board Notice of Disposition to City Council for Potential call-up (Chautauqua) | <p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Public outreach/open houses ▪ Project design ▪ Project construction ▪ CEAP w/TAB & PRAB recommendation to City Council for potential call-up (Boulder Creek Arapahoe Underpass) ▪ Board/Commission brief presentation & review & recommendation joint meetings: TAB/ PRAB (Boulder Creek Arapahoe Underpass) | <p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Public outreach/open houses ▪ Project design ▪ Project construction ▪ Project completion (Dairy Center for the Arts) ▪ Public Open House (Boulder Creek Arapahoe Underpass) | <p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Project construction ▪ Project completion (Chautauqua) | <p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Project construction ▪ Project completion (Boulder Creek Path & Lighting, Hill Event Street, Civic Area, Public Art) |

| | | | | | | | |
|--|---|--|--|---|---|--|--|
| <p>TMP Implementation:</p> <ul style="list-style-type: none"> • Complete Streets: On-going O&M, Safety Corridor Plans Capital Projects Renewed Vision for Transit • Regional • TDM • Funding • Integrated Planning <p>*This Section is now combined with : Capital Improvement Projects for PW -Transportation</p> | <ul style="list-style-type: none"> ▪ PW-Transportation Division plus Communications, Comprehensive Planning, Community Vitality, Finance, City Attorney's Office | <ul style="list-style-type: none"> • Transportation Report on Progress • Corridor Plans – East Arapahoe, Canyon, 30th & Colorado • Capital projects – construction on Diagonal, 28th, and Baseline • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance • North Broadway reconstruction project – planning/design phase • US36 BRT and FLEX transit service begins • Local transit: HOP Study; mobility hub plans; first & final mile connections, analysis of transit service delivery models with agency partners • Regional transit: SH7 & SH119 BRT studies; joint maintenance facility planning with agency partners | <ul style="list-style-type: none"> • Safe Streets Boulder Report ▪ Corridor plans ▪ Capital projects • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance ▪ Living Lab program report ▪ Local & regional transit planning ▪ Community-wide Eco Pass analysis ▪ Analysis/review options for updating TDM plans for new development with stakeholders (coord with AMPS) ▪ DRCOG funding for railroad quiet zones, comments to Federal Railroad Administration on national train horn rule ▪ Transportation impact fee analysis, coordinate milestones with city's broader impact fee study ▪ Board/Commission/Council updates on Civic Area access/parking/TDM programs ▪ Community event with national panel of Complete Streets practitioners | <ul style="list-style-type: none"> • Corridor Plans • Capital projects • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance ▪ Local & regional transit planning, including eastside circulator study with CU ▪ Community-wide Eco Pass analysis ▪ Refine options for updating TDM plans for new development with stakeholders/boards (coord with AMPS) ▪ Transportation impact fee analysis, coordinate milestones with city's broader impact fee study ▪ Outreach, agency/BNSF coordination for quiet zones • ADA transition plan • Monthly TAB updates | <ul style="list-style-type: none"> • Corridor Plans • Capital projects • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance ▪ Local & regional transit planning ▪ Community-wide Eco Pass study complete ▪ Present revised/refined options for updating TDM plans for new development with boards/Council (coord with AMPS) ▪ Transportation impact fee analysis, coordinate milestones with city's broader impact fee study ▪ Outreach, agency/BNSF coordination for quiet zones • ADA transition plan • Monthly TAB updates ▪ City Council Study Session – TMP Implementation Overview: Highlight Complete Streets, Funding, and Integrated | <ul style="list-style-type: none"> ▪ Corridor plans ▪ Capital projects • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance ▪ Local and regional transit planning ▪ Community-wide Eco Pass next steps based on outcomes of 2016 study ▪ TDM plans for new development based on outcomes from 2016 ▪ Transportation impact fees – next steps based on 2016 ▪ Develop plans for quiet zones based on outcomes from 2016 ▪ Report on completion of TMP action plan items from 2014-2016 • Monthly TAB updates ▪ City Council Study Session – TMP | <ul style="list-style-type: none"> ▪ Continuation and completion of existing projects, plans, and programs from 2016-17 • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance ▪ Begin work plan items based upon TMP “near term” Action Plan (2017-2020) based on work program capacity and available funding. ▪ Prepare next edition of Transportation Report on Progress (draft Dec 2017, final document Feb 2018) • Monthly TAB updates ▪ City Council Study Session – TMP Implementation Overview: Highlights include status report on TMP “near-term” |
|--|---|--|--|---|---|--|--|

| | | | | | | | |
|--|--|---|---|--|--|--|---|
| | | <ul style="list-style-type: none"> Community-wide Eco Pass analysis with County/RTD Update TDM plans for new development (coord with AMPS) Transportation Impact Fee analysis (coord with city-wide broader impact fee study) Civic Area access, parking/TDM program monitoring Monthly TAB updates | <p>(Spring)</p> <ul style="list-style-type: none"> Monthly TAB updates City Council Study Session – TMP Implementation Overview: Highlight on Complete Streets, including Canyon Corridor study, Living Lab Phase II – Folsom St. pilot project, and check-in on 2016-17 Renewed Vision for Transit work program | <ul style="list-style-type: none"> City Council Study Session – TMP Implementation Overview: Highlight on Renewed Vision for Transit, including Community-wide Eco Pass update | Planning Focus Areas | Implementation Overview: Highlights include status report on TMP "immediate" action items (2014-2016) | action items (2017-2020) |
| <ul style="list-style-type: none"> Valmont Butte <ul style="list-style-type: none"> Annexation BVCP Land Use Change | <ul style="list-style-type: none"> PH&S Annexation Process PH&S BVCP Land Use Change Consideration Outreach to stakeholders support | <ul style="list-style-type: none"> Stakeholder outreach Joint hearings on BVCP requests Historical and Open Space Analysis | <ul style="list-style-type: none"> Historical and Open Space Analysis Meets and Bounds Survey Stakeholder outreach | <ul style="list-style-type: none"> Historical and Open Space Analysis | <ul style="list-style-type: none"> Landmark Submission & potential call-up | | |
| <ul style="list-style-type: none"> Water, Wastewater, Stormwater and Flood Utility Rate Study | <ul style="list-style-type: none"> A project manager has been dedicated, key SMEs are engaged, and funds are available. No impact to other departments. | <ul style="list-style-type: none"> Consultant contracting. Data analysis and WRAB consultation. | <ul style="list-style-type: none"> Data analysis and WRAB consultation. | <ul style="list-style-type: none"> Data analysis and WRAB consultation. | <ul style="list-style-type: none"> Possible implementation of certain recommendations through 2017 budget process. | <ul style="list-style-type: none"> Refine recommendations and WRAB consultation. | <ul style="list-style-type: none"> Implementation through 2018 budget process. |
| <ul style="list-style-type: none"> Citywide Special Events | <ul style="list-style-type: none"> Project Manager and Staff Time for event policy, review and operations Project Manager and Staff Time for meetings and collaborations IT Staff Time for SharePoint and Software development Purchase of Software, Memberships and Operational Tools | <ul style="list-style-type: none"> Complete criteria and standards for all events including rest periods, capacity, etc. Strengthen CU / City Collaboration with regular event mtgs (ongoing) City Council Events Update and review of the 2017-2018 Ironman Agreement renewal; Policy update under Matters from CMO with Council. | <ul style="list-style-type: none"> Complete Interim Special Event Policy Suggest Code and Policy changes for 2017 Develop short and long term resource needs for 2017 budget | <ul style="list-style-type: none"> Develop cost recovery, cost and data collection methods Clarify city sponsorship policy Finalize 2017 budget City Council Events Update | <ul style="list-style-type: none"> Review special events policy, applications, event documents and websites for changes and updates | <ul style="list-style-type: none"> Complete updates to 2017 Special Event Policy Update criteria and standards for all events including rest periods, capacity, etc. City Council Events Update | <ul style="list-style-type: none"> Finalize Special Event web-based application and payment system City Council Events Update |

| | | | | | | | |
|---|--|---|---|---|--|---|---|
| <ul style="list-style-type: none"> ▪ Capital Improvement Projects for PW - Utilities | <ul style="list-style-type: none"> ▪ Bear Canyon Creek Flood Mitigation Study - Multi-year process. ▪ Stormwater Collection System Master Plan Update - Multi-year process ▪ Wastewater Collection System Master Plan Update - Multi-year process, ▪ Skunk Creek, Bluebell Canyon Creek, and King's Gulch Floodplain Mapping Study - Multi-year process ▪ Fourmile Canyon Creek Mitigation CEAP- Multi-year process | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ Four mile Canyon Creek Mitigation CEAP Call Up Opportunity | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ Bear Canyon Creek Flood Mitigation Study - Public Hearing/Action to Accept Study ▪ Skunk Creek, Bluebell Canyon Creek, and King's Gulch Floodplain Mapping Study - Public Hearing/Action Item ▪ Stormwater Collection System Master Plan Update - Public Hearing/Action Item to Accept Study ▪ Wastewater Collection System Master Plan Update - Public Hearing/Action Item | <ul style="list-style-type: none"> ▪ | <ul style="list-style-type: none"> ▪ |
| <ul style="list-style-type: none"> ▪ Capital Improvement Projects for PW - Transportation | <ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maintenance and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various | <ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maintenance and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various | <ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maintenance and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various | <ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maintenance and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various | <ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maintenance and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various | <ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maint and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various | <ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maint and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various |

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 | 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 | Topic | Time | Location | Contacts | Materials Due |
|--|--|-------------|-----------------------|---------------------------------|---------------|
| 8/23/2016 | Update from Marijuana Advisory Panel | 6:00 - 9:00 | Chambers | Sandra Llanes | 08/11/16 |
| 8/30/2016 | Homelessness Strategy Draft and Homeless Action Plan Update | 6:00-8:30 | Chambers | Karen Rahn/Corina Marin | 08/18/16 |
| | Development Related Impact Fees and Excise Tax | 8:30-10:00 | Chambers | Chris Meschuk | |
| 09/13/16 | BRIEFING: BVCP Update | 5:30-6:30 | Chambers | Lesli Ellis/E Richardson | 09/01/16 |
| | 2017 COB Recommended Budget | 6:30-9:00 | Chambers | Peggy Bunzli/Devin Billingsley | 09/01/16 |
| 9/27/2016 | 30th and Pearl Redevelopment Options | 6:00-7:30 | Chambers | Eric Aneigh/Emily Richardson | 09/15/16 |
| | Middle Income Housing Strategy Subcommittee Report | 7:30-9:00 | Chambers | David Driskell/Melinda Melton | 09/15/16 |
| Thurs,10/13/2016 | Joint "Special Meeting" with Planning Board for the BVCP update on Scenarios SEE | 6:00-9:00 | Chambers | Lesli Ellis/Emily Richardson | 09/29/16 |
| 10/25/2016 | Renewed Vision for Transit Update | 6:00-9:00 | Chambers | | 10/13/16 |
| Thurs 11/10/2016 | Joint "Study Session" with Planning Board BVCP update | 6:00-9:00 | Chambers | Lesli Ellis/Emily Richardson | 10/27/16 |
| 11/22/16 | No Meeting- Thanksgiving Week | | | | |
| 11/29/16 | Human Services Strategy Draft | 6:00-9:00 | Chambers | Patrick Mulcrone/Corina Marin | 11/17/16 |
| 12/13/16 | Community Perception Assessment Report | 6:00-9:00 | Chambers | Tammye Burnette/Dianne Marshall | 12/01/16 |
| 12/27/16 | No Meeting- Christmas Week | | | | |
| Moved/Changed Items | Update Regarding Community Survey | 6:00 - 6:15 | Chambers | Patrick von Keyserling | IP 7/19/16 |
| | Residential and Commercial Energy Codes: Long Term Strategic Plan | 7:45 - 9:15 | Chambers | Kendra Tupper/M Melton | IP 7/19/16 |
| | Check in for 100 Resilient Cities | 7:30-9:00 | Chambers | Greg Guibert/Dianne Marshall | IP 8/2/16 |
| | Briefing - Community Dashboard | 5:30-6:00 | Chambers | | TBD |
| | Middle Income Housing Strategy Subcommittee Report | 8-9:00 | Chambers | David Driskell/M Melton | SS 9/27/16 |
| | Community Perception Assessment Report? | 6:00-7:30 | Chambers | Tammye Burnette/D Marshall | SS 12/13/16 |
| | Human Services Strategy Draft | 7:30-9:00 | Chambers | Karen Rahn, Corina Marin | SS 11/29/16 |
| | Framework for Lease Negotiations (BMoCA and the Dairy Arts Center) | 6:00-7:30 | Chambers | Joe Castro/Celia Seaton | CC 11/15/16 |
| AMPS and CAGID Development Projections | 7:30-9:00 | Chambers | Jay Sugnet/Ruth Weiss | IP - TBD | |
| Added | Development Related Impact Fees and Excise Tax | 8:30-10 | Chambers | Chris Meschuk | SS 8/30/16 |



TO: Mayor and Members of City Council
FROM: Jordan Matthews, City Clerk's Office
DATE: September 6, 2016
SUBJECT: Information Packet

1. CALL UPS

- A. Vacation of a portion of an existing utility easement located in the north 10 feet of a vacated alley along the south property line of the property of 1145 7th Street.
- B. Concept Plan Review 1550 Eisenhower Drive (LUR2016-00043)

2. INFORMATION ITEMS

None

3. BOARDS & COMMISSIONS

- A. Board of Zoning Adjustments – July 10, 2016
- B. Human Relations Commission – August 10, 2016
- C. Human Relations Commission – August 15, 2016
- D. Library Commission – June 1, 2016
- E. Open Space Board of Trustees – August 10, 2016
- F. Planning Board – August 4, 2016

4. DECLARATIONS

- A. 2016 Colorado Companies to Watch Month–August 1-31, 2016
- B. Boulder Pollinator Appreciation Month – September, 2016
- C. LGBT Pride Week – September 6-11, 2016



**INFORMATION PACKET
MEMORANDUM**

To: Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing and Sustainability
Susan Richstone, Deputy Director of Planning, Housing and Sustainability
Charles Ferro, Development Review Manager
Caeli Hill, Associate Planner

Date: September 6, 2016

Subject: Call-Up Item: Vacation of a portion of an existing utility easement located in the north 10 feet of a vacated alley along the south property line of the property of 1145 7th Street.

EXECUTIVE SUMMARY:

The applicant requests vacation of the portion of a utility easement located in the north 10 feet of the vacated alley along the south property line of 1145 7th St. (refer to **Attachment D** for exact location) in order to develop the property consistent with the zoning. The alley was originally dedicated on the plat for Hayden's Addition to the City of Boulder on Mar. 5, 1906. The alley was later vacated by Ordinance No. 1494 on Dec. 4, 1948 with a reservation for a utility easement. This easement has never been used, there are no utilities located within it and there are no indications that it will be needed in the future creating no further public need for the easement. The proposed vacation was approved by staff on Aug. 8, 2016. There are two scheduled City Council meetings within the 30-day call-up period on Aug. 16, 2016 and Sept. 6, 2016.

CODE REQUIREMENTS:

Pursuant to the procedures for easement vacations set forth in subsection 8-6-10(b), B.R.C. 1981, the city manager has approved the vacation of a portion of an existing utility easement located in the north 10 feet of a vacated alley along the south property line of 1145 7th Street. The date of staff approval of the easement vacation was Aug. 8, 2016 (refer to **Attachment E, Notice of Disposition**). This vacation does not require approval through ordinance based on the following criteria:

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

The vacation will be effective 30 days later on Sept. 7, 2016 unless the approval is called up by City Council.

FISCAL IMPACTS:

None identified.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

Economic: None identified.

Environmental: None identified.

Social: None identified.

BACKGROUND:

The subject property is approximately 7,674 square feet in area located in the University Hill neighborhood (refer to Attachment A, *Vicinity Map*). The site is located in a Residential-Low 1 (RL-1) zone district. The alley was dedicated on the final plat of the Hayden’s Addition to the City of Boulder recorded on Mar. 5, 1906, but was vacated by Ordinance No. 1494 on Dec. 4, 1948. This ordinance, while vacating the alley, reserved the land as a utility easement. There have never been any utilities located in this easement and there are no plans to locate utilities in this easement in the future. Additionally, approval of the easement vacation has been received from electric/gas, telephone and cable company representatives. There is no further public need for this easement.

Given that there is no public need for the 10’wide portion of easement for which it was intended, failure to vacate the requested easement would cause hardship to the property owner by limiting the development potential of the property.

ANALYSIS:

Staff finds the proposed vacation of a utility easement consistent with the standards set forth in subsection (b) of section 8-6-10, “*Vacation of Public Easements*”, B.R.C. 1981. Specifically, staff has determined that no public need exists for the 10’wide portion of this easement.

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

- ✓ 1. Change is not contrary to the public interest.
- ✓ 2. All agencies having a conceivable interest have indicated that no need exists, either in the present or conceivable future, for its original purpose or other public purpose.
- ✓ 3. Consistent with the Comprehensive Plan and Land Use Regulations.
- ✓ a. Failure to vacate the easement would cause a substantial hardship to the use of the property consistent with the Comprehensive Plan and Land Use Regulations; or

The use of the property is consistent with the residential use of the property. If this easement is not vacated the use of the property would be restricted.

- N/A b. Would provide a greater public benefit than retaining the property in its present status.

PUBLIC COMMENT AND PROCESS:

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

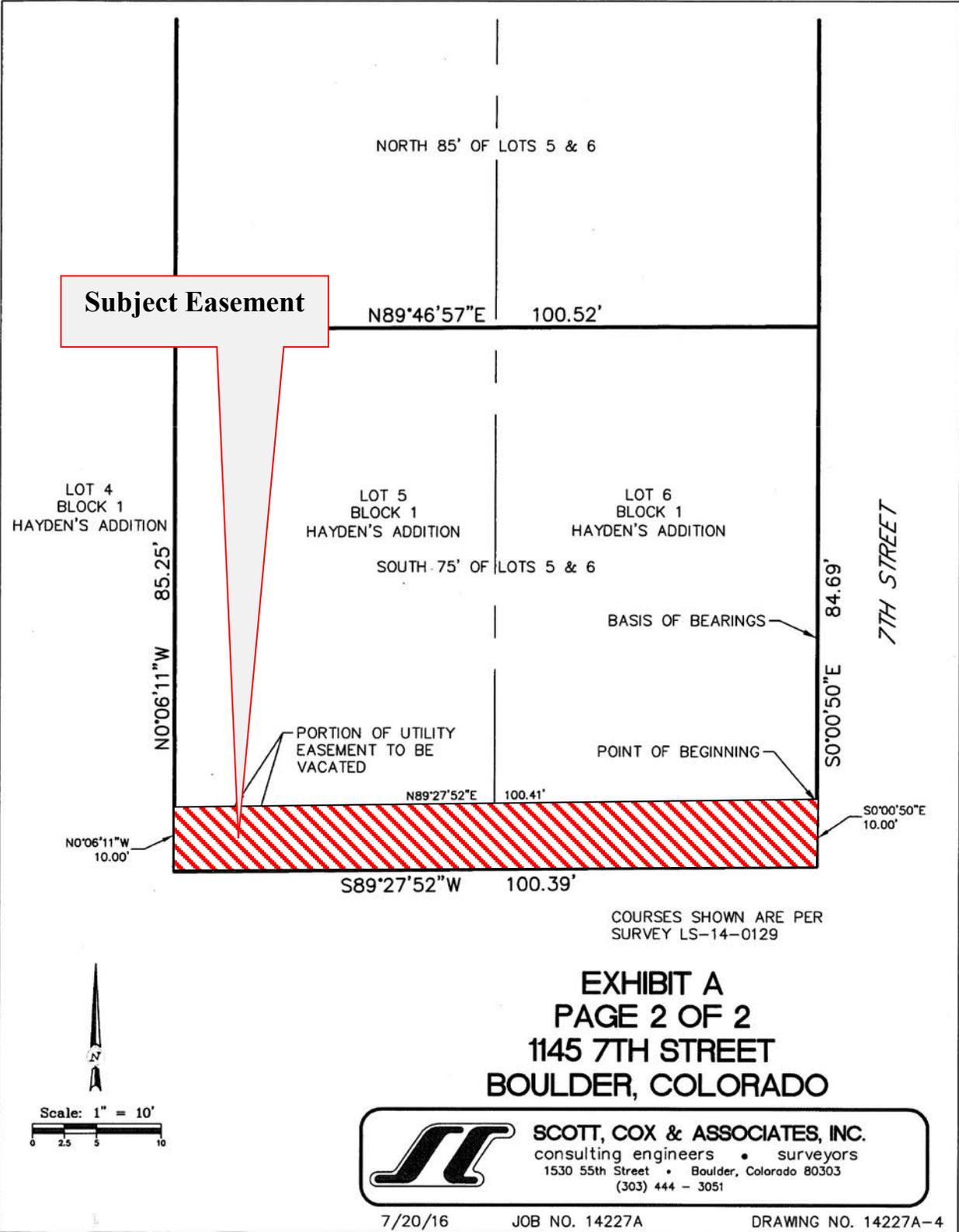
NEXT STEPS:

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

ATTACHMENTS:

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





For Administrative Purposes Only

Address: 1145 7th Street

Case No.: ADR2016-00175

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owner of the subservient land, in a manner prescribed by Subsection 8-6-10(b), B.R.C. 1981, the portion of the public utility easement located in the north 10 feet of the vacated alley abutting Lots 5 and 6, Block 1, Hayden's Addition on the south, which was reserved by the City of Boulder in Ordinance No. 1494 recorded in Book 837, Page 503 on December 4, 1948 in the records of the Boulder County Clerk and Recorder which also vacated the alley in Block 1, Hayden's Addition to the City of Boulder, located at 1145 7th Street, and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The above easement vacation and release of said easement at 1145 7th Street shall extend only to the portion and the type of easements specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the easement.

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

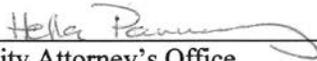
CITY OF BOULDER, COLORADO

By: _____
Jane S. Brautigam, City Manager

Attest:

City Clerk

Approved as to form:



City Attorney's Office

8-29-2016
Date

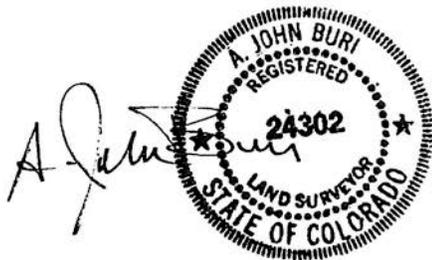
**EXHIBIT A
(PAGE 1 OF 2)**

LEGAL DESCRIPTION – UTILITY EASEMENT VACATION

THAT PORTION OF A UTILITY EASEMENT RESERVED FROM THE VACATION OF THE ALLEY DESCRIBED IN ORDINANCE NO. 1494, RECORDED DECEMBER 4, 1948 AT BOOK 837, PAGE 503 OF THE BOULDER COUNTY RECORDS LOCATED SOUTH OF LOTS 5 AND 6, BLOCK 1, HAYDEN'S ADDITION TO THE CITY OF BOULDER, LOCATED IN THE NE 1/4 OF SECTION 36, T1N, R71W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6, WHENCE THE EAST LINE OF SAID LOT 6 BEARS S00°00'50"E, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE S00°00'50"E ALONG THE EXTENDED EAST LINE, A DISTANCE OF 10.00 TO THE CENTERLINE OF THE UTILITY EASEMENT RESERVED FROM THE VACATED ALLEY; THENCE S89°27'52"W ALONG SAID CENTERLINE, A DISTANCE OF 100.39 FEET TO THE EXTENDED WEST LINE OF SAID LOT 5; THENCE N00°06'11"W ALONG SAID EXTENDED WEST LINE, A DISTANCE OF 10.00 FEET TO THE NORTH LINE OF SAID UTILITY EASEMENT RESERVED FROM THE VACATION OF THE ALLEY; THENCE N89°27'52"E ALONG SAID NORTH LINE 100.41 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 1,004 SQUARE FEET OR 0.023 ACRES.



A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
07/25/16
PROJECT NO. 14227A

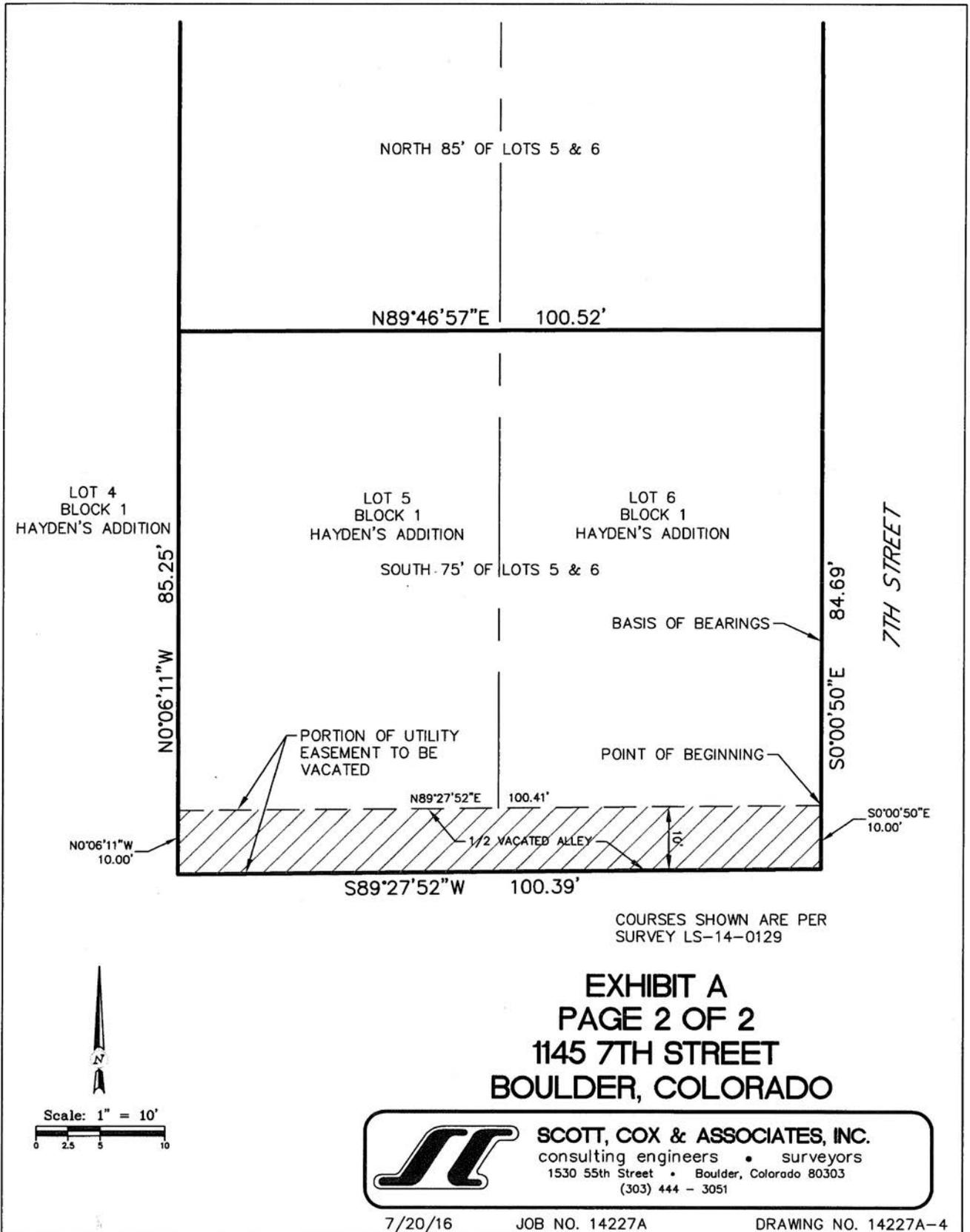


EXHIBIT A
PAGE 2 OF 2
1145 7TH STREET
BOULDER, COLORADO

SCOTT, COX & ASSOCIATES, INC.
 consulting engineers • surveyors
 1530 55th Street • Boulder, Colorado 80303
 (303) 444 - 3051

7/20/16

JOB NO. 14227A

DRAWING NO. 14227A-4



**CITY OF BOULDER
Planning and Development Services**

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

**ADMINISTRATIVE REVIEW
NOTICE OF DISPOSITION**

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

| | |
|---------------------------|---|
| DECISION: | Approved |
| DATE: | August 8, 2016 |
| REQUEST TYPE: | Vacation/Easement |
| ADDRESS: | 1145 7th Street |
| APPLICANT: | Stephen Sparr |
| CASE #: | ADR2016-00175 |
| LEGAL DESCRIPTION: | South 75 feet of Lots 5 and 6, Block 1, Hayden's Addition to the City of Boulder, together with the North 10 feet of the vacated alley abutting said lots on the South, County of Boulder, State of Colorado. |
| DESCRIPTION: | ADMINISTRATIVE REVIEW for the vacation of a portion of an existing utility easement located in the north 10 feet of a vacated alley along the south property line of the property of 1145 7th Street. |

FINAL DECISION STANDARDS

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

This approval is limited to the vacation of the portion of the public utility easement located in the north 10 feet of the vacated alley abutting Lots 5 and 6, Block 1, Hayden's Addition on the south property line, which was reserved by the City of Boulder in Ordinance No. 1494 recorded in Book 837, Page 503 on December 4, 1948 in the records of the Boulder County Clerk and Recorder which also vacated the alley in Block 1, Hayden's Addition to the City of Boulder.

INFORMATIONAL COMMENTS

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

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

By: 
Caeli Hill, Planning Department



INFORMATION PACKET MEMORANDUM

To: Members of City Council

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

Date: August 30, 2016

Subject: Call-Up Item: Concept Plan Review 1550 Eisenhower Drive (LUR2016-00043)

EXECUTIVE SUMMARY

On Aug. 18, 2016 the Planning Board reviewed and commented on the above-referenced application. City Council may vote to call-up the Concept Plan to review and discuss within 30 days of the Planning Board hearing. The call up period concludes on Sept. 17, 2016, because the end of date of the thirty-days falls on a Saturday, the thirty day call up period concludes on the following Monday, Sept. 6, 2016. The staff memorandum to Planning Board, minutes, meeting audio, and the applicant's submittal materials along with related background materials are available on the city website for Planning Board [here](#) (or follow the links: www.bouldercolorado.gov → A to Z → Planning Board → search for past meeting materials planning board → 2016 → 8.18.2016 PB Packet). The draft minutes from the Planning Board hearing are provided in Attachment A.

The proposal on the Concept Plan is to redevelop the existing seven-acre apartment complex, built in 1974 with 236 apartment units in five, three-story buildings that include a range of unit sizes from 33 Efficiency Living Units; 120 one-bedroom units, 59 two-bedroom units 15 two+ bedroom units, and 12 three-bedroom units. The proposal includes 6,800 square feet as "amenity space." Approximately 263,400 square feet is planned as open space including at-grade open space, roof decks and balcony spaces.

At the Planning Board Hearing, there were 12 community members who provided comment and six comment letters had been received on the application. The Planning Board recommended several site changes including: transitioning the height of the buildings along the south property line to two stories; creating two buildings out of one of the larger buildings (Building Four); endeavor for on-site affordable residential units in the mix; and preserve as many mature trees on the site as possible.

Consistent with the Land Use Code section 9-2-13(a)(2), B.R.C. 1981 City Council shall vote to call up the application to review and comment on the Concept Plan within a 30-day call up period which expires on September 6, 2016.

ATTACHMENT

A. Draft Aug. 18, 2016 Planning Board Minutes

**CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
August 18, 2016
1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

John Gerstle, Chair
Liz Payton, Vice Chair
Bryan Bowen
John Putnam
Leonard May
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:

Crystal Gray

STAFF PRESENT:

Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Chris Meschuk, Senior Planner
Kathy Haddock, Senior Assistant City Attorney
Elaine McLaughlin, Senior Planner

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 6:04 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **B. Bowen** and seconded by **L. Payton** the Planning Board voted 6-0 (**C. Gray** absent) to approve the August 4, 2016 minutes as amended.

3. PUBLIC PARTICIPATION

1. **Kari Palazzari** invited the Planning Board members to participate as judges at the Chili Bowl event on September 17, 2016 at the Pottery Lab.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

- A. Call Up Item: University Place Replat D Subdivision (LUR2016-00017) located at 747 12th Street: Final Plat to replat the existing site into two lots.

This item was not called up.

5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public Hearing and recommendation to City Council regarding annexation of enclaves in the vicinity of 55th Street and Arapahoe Avenue.

Staff Presentation:

C. Meschuk and K. Haddock presented the item to the board.

Board Questions:

C. Meschuk and K. Haddock answered questions from the board.

Public Hearing:

1. Gaetano Iannacone spoke in opposition to the annexation.
2. Karin Lazarus spoke in opposition to the annexation.
3. Ian Barringer (pooling time with Kelly Barringer) spoke in opposition of the annexation.
4. Dan Anglin spoke in opposition of the annexation.
5. Mark Hartwig (pooling time with Megan Knies) spoke in opposition of the annexation.
6. Thomas Kee spoke in opposition of the annexation.
7. Grace Guittierrez spoke in opposition of the annexation.
8. Ken Morris, Esq. spoke in opposition of the annexation.
9. Keith Hoffman spoke in opposition of the annexation.
10. Ed Byrne spoke in opposition of the annexation.
11. Allyson Feiler spoke in opposition of the annexation.
12. Paul Danish spoke in opposition of the annexation.

Board Questions:

C. Meschuk and K. Haddock answered additional questions from the board following public comments.

- The Planning Board took a short recess to review the proposed Draft Ordinance with no recommendation presumed.
- The Planning Board returned from recess and agreed to continue deliberation.

Board Questions:

C. Meschuk and K. Haddock answered additional questions from the board pertaining to the proposed Ordinance.

Board Comments:

Key Issue #1: Is the proposed annexation consistent with State of Colorado statutes pertaining to the annexation of a property into the City of Boulder?

- H. Zuckerman stated for the record the definition of the purpose of the annexations in the Colorado Revised State Statutes. He argued that the state law looks at the equitable distribution of costs of municipal services. He stated that he is not saying he disagrees

with the staff recommendation; however, this should be considered. The interpretation of the Ordinance will be key.

- **J. Putnam** agreed with **H. Zuckerman** that his argument could be made. He is in support of staff's view. From the perspective of municipal services, all properties are accessible by city streets. These are enclaves from a service perspective and it makes sense to keep within the city.
- **L. May** supported **J. Putnam's** comments and generally supports staff's recommendation. **B. Bowen** and **L. Payton** stated the same.
- **H. Zuckerman** questioned the fairness of this annexation since it was done so quickly, yet the city has the right to annex enclaves at any time. Since proper notice was given, he is in support of staff's recommendation.
- **J. Gerstle** supports the staff recommendation and added that the Comp Plan has recognized these enclaves before the present industries existed.

Key Issue #2: Is the proposed annexation consistent with the Boulder Valley Comprehensive Plan (BVCP)?

- **L. May** agreed with staff's recommendation.
- **B. Bowen** disagreed. According to Comp Plan (*Item 1.24, Item C*), he stated that he is not sure this annexation is a public safety improvement issue. While he supports the annexation of enclaves, he does not like the impact it will have on the present businesses within those enclaves. He stated that it does not meet with the Comp Plan.
- **L. May** argued that his interpretation of *Item 1.24* in the Comp Plan is that it would apply to residents rather than businesses.
- **L. Payton** supports staff's recommendation.
- **H. Zuckerman** agreed with **B. Bowen** and added that there are no dangerous qualities to the counties regulations toward marijuana or safety issues. He proposed different language in the Ordinance with different timing to be consistent with the BVCP.
- **J. Putnam** agreed with **H. Zuckerman**. The annexation of the enclaves is needed, however, we need conformity with the Comp Plan, specifically *Item 1.24*.
- **J. Gerstle** agreed with **J. Putnam** and **H. Zuckerman**. While this is consistent with the BVCP, the language of the Ordinance needs to be modified.
- **B. Bowen** added that if the Ordinance was rewritten to work with the existing business, it could be in compliance with the Comp Plan. He suggested creating a timeline.

Key Issue #3: Is the initial zoning of each property consistent with the Boulder Valley Comprehensive Plan (BVCP)?

- All board members agreed with staff recommendations.

Key Issue #4: Should the Planning Board recommend annexation based on the Boulder Valley Comprehensive Plan (BVCP)?

- **J. Putnam** stated that changes are warranted to the proposed Ordinance but the board is not prepared to do it tonight. He proposed to recommend denial of the annexation at this time unless specific provisions are developed prior to decision by Council that would address many of the concerns of the existing businesses as long as they are consistent with the health and safety of the city.

- **H. Zuckerman** agreed and proposed that a solution that is in the state law be added. He offered the state law (32.12.106.1.1, *Exceptions to Enclaves*) as a solution which discusses an Annexation Transition Committee.
- **B. Bowen** agreed.
- **L. Payton** would not support a denial of the recommendation. So much is at stake and she supports municipalization. She would support recommending to Council the annexation but with directing staff to work out the difficulties with the businesses.
- **B. Bowen** stated he would be more in favor of denying recommendation but he strongly supports municipalization.
- **L. May** supports **L. Payton**. He stated that he would support the recommendation to Council to approve the annexation but with conditions. He suggested that the board be specific regarding the board's concerns. The board needs to address the timeline for compliance and the extent to which people need to comply with the current city regulations.
- **B. Bowen** added that the provision that strikes the distance between business should be kept and that the reinforcement of cost negotiations needs to remain favorable for the affected people. Force annexation implications need to be considered.
- **J. Gerstle** disagreed with **B. Bowen's** comment of "*forced annexation*" and stated it is not appropriate. It is clearly established and legal. Appropriate for the board to recommend to Council that the Ordinance be revised, to be more acceptable to business, to have more time and relax non-safety conditions of operation. The board can do this by recommending the annexation move ahead with additional recommendations.
- **J. Putnam** added that it would be important to have these businesses within the utility because they are very carbon intensive. Be better to have these businesses on a utility that is moving toward carbon improvement. However, the annexation needs to be done correctly.

Motion:

On a motion by **J. Putnam** seconded by **B. Bowen** the Planning Board voted 3-3 (**C. Gray** absent) to recommend denial to City Council of the proposed annexations of the 15 parcels with the initial zoning as shown in the staff memorandum unless staff and Council can develop provisions in the Ordinance that would ensure continuity of existing businesses where consistent with health and safety of the city. This should include more flexibility in the timeline for compliance and potential waivers of existing city rules. Motion Failed.

Friendly amendment made by **L. May** to recommend to City Council to approve the proposed annexations of the 15 parcels with the initial zoning as shown in the staff memorandum. Friendly amendment Fails.

On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board voted 6-0 (**C. Gray** absent) to recommend approval to City Council of the proposed annexations of the 15 parcels with the initial zoning as shown in the staff memorandum assuming that staff and Council can develop provisions in the Ordinance that would promote continuity of existing businesses where consistent with health and safety of the city. This should include more flexibility in the timeline for compliance and potential waivers of existing city rules.

Friendly amendment made by **L. May** to change the above motion to read “only if” rather than “assuming that”. Accepted by **J. Putnam** and **L. Payton**.

5. PUBLIC HEARING ITEMS

- B. AGENDA TITLE: CONCEPT PLAN & REVIEW** - Redevelopment of the existing seven-acre apartment site located at 1550 Eisenhower Drive with a new three-story apartment complex Eastpointe Apartment Homes, consisting of 236 proposed units in five buildings with below grade parking and on-site recreational amenities under case review no. LUR2016-00043.

Applicant: Jeffrey Smith
Developer: Aimco Eastpointe LLC

Staff Presentation:

- C. Ferro** introduced the item.
E. McLaughlin presented the item to the board.

Board Questions:

- E. McLaughlin** answered questions from the board.

Applicant Presentation:

Patti Shwayder and **Brett Leonhardt**, representing Aimco Eastpointe, LLC, and **Collin Kemberlin** with Tryba Architects, presented the item to the board.

Board Questions:

Leslie Ewy with The Sanitas Group, **Brett Leonhardt** with Aimco Eastpointe, LLC, and **Collin Kemberlin** with Tryba Architects, answered questions from the board.

Public Hearing:

1. **Martha Andrews** spoke concerning the parking and the dog park of the proposed project.
2. **Janet Ryden** spoke concerning the parking and the preservation of the trees of the proposed project.
3. **John Ryden** spoke concerning the density and lighting of the proposed project.
4. **Diane Bergin** spoke concerning the parking of the proposed project.
5. **Jean Rachubinski** spoke concerning the southeast corner of the proposed project.
6. **Tom Rachubinski** spoke concerning the construction process of the proposed project and the possible implementation of a memorial for Officer Haynes who lost her life on that site.
7. **Mike Krietzman** spoke concerning the parking, potential flooding and drainage of the project.
8. **Keith Hoffman** spoke concerning the thorough way along the Arapahoe corridor of the proposed project.
9. **Douglas Ertz** spoke concerning the drainage along Eisenhower and Arapahoe and the

lack of affordable housing needs of the proposed project.

10. John Andrew spoke concerning the thorough way along the Arapahoe corridor of the proposed project.

11. Robert Kiser spoke concerning the construction process and affordable housing needs of the proposed project.

Board Comments:

Key Issue #1: Consistency with Concept Plan Review Criteria

- **B. Bowen** stated overall it is a good project. Would like to see as many at-grade level entries as possible to the units to create better circulation patterns. He likes the patios outside the ground level units and would like to see at the main streets. Traditional style 8-foot deep porches to allow for a buffer should be included. The revised vehicular circulation scheme is a good improvement. Do not approve of the looped drive through the site. Approved of the termination of views at the entrance. Could include a trellis shade structure and a kitchen feature. He proposed splitting Building #4 into two buildings for pedestrian access. Connections to the property to the south should be considered. In regards to the parking below grade, it should be more of a plaza-like place. He encouraged an art program on site and the memorial for the officer who was shot on site. In the below grade parking area, the bike space could be a gathering space and could be designed as such. The applicant should look at a district-wide energy system. And he encouraged the protection of specimen trees.
- **L. May** said that the project is generally consistent with BVCP. He has concerns regarding the affordability component and diversity of housing unit types. He agrees with **B. Bowen** and staff's comments. Building #4 would work better as two buildings. He supports the parking reduction. The project is consistent with city policies.
- **L. Payton** stated that if the city was serious regarding resilience, sustainability and affordability, then incentives and regulations would be in place to rehabilitate the units and not demolish them. She encouraged moving Building #2 out of the floodplain if possible. She agreed with staff's comments regarding the BVCP *Policy 7.06*. She also agreed with staff that some edges should be converted to two-story massing and that the building typology on the south end of the site should be considered a townhome configuration. Green roofs should be converted to PV roofs. Along Arapahoe Avenue, the path should be made to be a multi-use efficient path with trees on both sides. The site needs playground. She agrees regarding the preservation of mature healthy trees. Agrees with **B. Bowen** regarding the memorial for the officer, breaking up Building #4, and the terminal vista from Eisenhower. Ground water studies are needed. Finally, the six-foot wide tree wells over the parking structure are inadequate.
- **H. Zuckerman** would like to see mixed use on site, permeability on site, to connect with the east commercial properties, height transitioning down to the single-family residential and address plans for affordability. These were also as mentioned in **C. Gray's** emailed comments. He stated that the project is a great design. Arapahoe Avenue is currently so wide so can get away with taller buildings. Taller buildings along Arapahoe and smaller to the south such as townhomes and additional streets makes sense. He stated that he would like to see street parking restored along Eisenhower. On-site affordable housing would be ideal for this site.

- **J. Putnam** agreed with making Arapahoe an effective transportation corridor for bikes and pedestrians. Curb greenery would be beneficial. Good design and good use for the site. Accomplish high density site. There are many opportunities to have on-site affordable housing and that is missing. He suggested the applicant look for partnerships. In regards to architectural styles, it would be helpful to reduce the repetition. Need to do a lot with the street face of Arapahoe and this would be a good opportunity with the design and landscaping. He suggested looking for creative opportunities such as putting in a community center, residential art for street interest, or shops. In regards to Building #2 in flood plain, he is less concerned. He recommended building more of a buffer than what is required, put in more elevation and flood proofing. He is in favor of roof decks and would be good amenity. It would be critical to have EV charging stations and PB on the roof. The board would like to see how the applicant intends to comply with the tough energy code and possibly exceed it. Finally, he asked the applicant to look at opportunities regarding sub-metering and have residents participate in the renewable energy aspects.
- **J. Gerstle** agreed with most everything. Encouraged mixed use along the Arapahoe corridor. Consider more on-site affordable housing and he encouraged the applicant work with institutions in Boulder. He stated that the site does need a dog park, but does not have an opinion as to where. Also, he stated he approves of green roofs. In regards to roof decks, he is in full support. Permeability of project is very important and passage to the south property with a path is very important.
- **B. Bowen** stated that there is some board support for along Arapahoe for mixed use buildings and elevating out of the flood plain. Those two items may make the board amenable to a height modification for those buildings along Arapahoe.
- **L. May** suggested parking not be a part of the rent or come with the unit.

Key Issue #2: Concept Plan Response to Surrounding Residential Context

- The board had no comments on this Key Issue.

Board Summary:

J. Gerstle gave a summary of the board's recommendations. Since this is a Concept Review, no action is required on behalf of the Planning Board. The board felt that the proposed plan was generally consistent with the Comp Plan and responsive to the neighborhood. Specifically, it would be beneficial to have grade level entrances and defensive spaces for individual apartments. The board suggested dividing Building #4 into two separate buildings. The board also suggested connecting to south the proposed site to the adjacent site with foot paths. The board had concern about making the egress from the sub-surface garage attractive and usable and at the same time providing daylight to the sub-surface garage. The proposed landscape plans were attractive, but the board asked the applicant to consider innovative energy systems in terms of renewable and in addition to what the Code requires. There was general support for the requested parking reduction. On-site affordable housing should be seriously considered. Building #2 should be moved out of the 100-year flood plain if possible. The board propose the convert the buildings to two-stories along the south and east elevations. Some board members showed a lack of enthusiasm for the proposed "green roofs" and suggested PV roofs. The board expressed concern regarding the multi-use path along Arapahoe Avenue and that it provides sufficient capacity but

not making the public go too fast but still regarded as a serious transit corridor. There was a suggestion that a playground be incorporated in the southeast pocket park. Efforts should be made to preserve the mature trees located on site. An implementation of a memorial for Officer Hanes on-site would be beneficial. The board had strong concerns regarding the ground water impact of the sub-surface garage, therefore there needs to be clear studies done. The board suggested possibly enlarging the tree wells above the garage or make sure that they will be adequate. The board encourages the consideration of mixed use on site. The board felt the parking should be unbundled. There was a recommendation that this proposal should go to the Design Advisory Board (DAB) for review. Finally, the board suggested the proposed buildings flood proof beyond the FEMA requirements.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:43 p.m.

APPROVED BY

Board Chair

DATE

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
July 14, 2016, 5 p.m.
Main Library, 1001 Arapahoe Ave., Boulder Creek Room

Board Members Present: David Schafer (Chair), Jill Grano (V. Chair),
Jill Lester, Michael Hirsch, Ellen McCready

Board Members Absent: None.

City Attorney Representing Board: Erin Poe

Staff Members Present: Robbie Wyler and Sandy Briggs

1. CALL TO ORDER:

D. Schafer called the meeting to order at 5:06 p.m.

2. BOARD HEARINGS:

A. Docket No.: BOZ2016-13

Address: 925 37th Street

Applicant: Miguel Arias & Melissa Eaton

Setback Variance: *(Continuance from June 9, 2016 Meeting)* As a part of a proposal for a second story addition and remodel of an existing residence, including a proposal to construct a new attached garage, the applicants are requesting a variance to the front yard (east) setback. The resulting front yard setback will be approximately 19'-0" where 25'-0" is required and where approximately 25.8' exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

On a motion by **M. Hirsch**, seconded by **E. McCready**, the board unanimously approved (5-0) the application (**Docket 2016-13**) to be heard tonight, July 14, 2016, stating that sufficient public notification had been given to property owners.

Staff Presentation:

R. Wyler presented the item to the board.

Board Questions:

R. Wyler answered questions from the Board.

Applicant's Presentation:

Miguel Arias, the applicant, presented the item to the board.

Board Questions:

Miguel Arias, the applicant, answered questions from the Board.

Public Hearing:

No one from the public addressed the board.

Board Discussion:

- The board received clarification from the staff and the applicant regarding the differences between the original plan and the revised plan.
- **J. Grano** questioned the garage opening size and the potential hardship issue involved with building at the proposed size.
- The board discussed the proposed wheelchair ramp to be included on the project.
- **D. Shafer** was updated on the project as he was absent at the first hearing on June 9, 2016.
- The board continued discussion about the size of the garage door opening and its potential for altering the neighborhood's homogeneity.
- **E. McCready** reminded the board that the project is a "pop-top" and the roof as proposed will be part of the slope on the second floor.
- **J. Lester** does not believe the project offers minimal relief and suggested several alternatives in design. She voiced concerns about what future neighbors might see.
- The board discussed the ramifications of approving, denying and the potential of continuing the case, with clarification from **E. Poe** regarding the process.
- The board discussed the roof slope and provided potential size criteria for conditional approval.
- **M. Hirsh** suggested granting the applicant an approval, but give conditions regarding the garage door.
- The board agreed that defining parameters specifically could be acceptable.
- The board disagreed about the best way to proceed and decided another continuance is needed.
- **D. Schafer** reviewed the board's concerns with the applicant regarding the need for a dramatic reduction of the mass in the slot within the setback.

Motion: On a motion by **D. Shafer**, seconded by **J. Lester**, the Board of Zoning Adjustment voted (4-1, **M. Hirsch** objected) to continue the application (**Docket 2016-13**) for 30 days, to be presented at the next Board of Zoning Adjustments meeting, August 11, 2016.

3. GENERAL DISCUSSION:**Approval of Minutes**

On a motion by **M. Hirsh**, seconded by **J. Grano**, the Board of Zoning Adjustments voted 5-0 to approve the June 9, 2016 minutes as amended.

Matters from the Board

There were no matters from the Board.

- **Matters from the City Attorney**
E. Poe informed the board and staff that Deputy City Attorney, **David Gehr**, will be attending the August 11, 2016 BOZA meeting in E. Poe's place.
- **Matters from Planning and Development Services**
There were no matters from Planning and Development Services.

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 6:18 P.M

APPROVED BY



Board Chair

Aug 11, 2016

DATE

City of Boulder
BOARDS AND COMMISSIONS MEETING SUMMARY FORM

| |
|--|
| NAME OF BOARD/COMMISSION: Human Relations Commission |
| DATE OF MEETING: Aug. 10, 2016 |
| NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Linda Gelhaar 303-441-1911. |
| NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT: Commissioners – José Beteta, Shirly White, Nikhil Mankekar, Emilia Pollauf. Staff –Karen Rahn, Carmen Atilano, Wendy Schwartz, Matt Sundeen, Linda Gelhaar Commissioners absent – L. Gifford. |
| WHAT TYPE OF MEETING (CIRCLE ONE) [REGULAR] [SPECIAL] [QUASI-JUDICIAL] |
| AGENDA ITEM 1 – CALL TO ORDER – The Aug. 10, 2016 HRC Study Session was called to order at 5:32 p.m. by S. White. |
| <p>AGENDA ITEM 2 – HUMAN SERVICES STRATEGY</p> <p>A. Purpose - Human Services Strategy</p> <p>B. Background - Human Services Strategy</p> <p>C. Strategy Development Process</p> <ol style="list-style-type: none"> 1. Community Engagement <ol style="list-style-type: none"> a) Community Surveys <ol style="list-style-type: none"> i. Phone Survey ii. Online survey iii. Business survey b) Focus Groups c) Community Engagement Events <ol style="list-style-type: none"> i. May 18, 2016 – WSC ii. Aug. 24, 2016 – East Boulder Community Center d) Additional Community Outreach <ol style="list-style-type: none"> i. WSC lobby survey ii. Lobby information displays iii. Boulder Farmer’s Market iv. Pop-up events <p>D. Strategy Goals</p> <p>E. Human Services Function and Budget</p> <ol style="list-style-type: none"> 1. Service Provider 2. Funder 3. Leader and Partner 4. HRC Funding |
| <p>AGENDA ITEM 3 – HOMELESSNESS STRATEGY</p> <p>A. Purpose – Homeless Strategy</p> <p>B. Background – Homeless Strategy</p> <p>C. Strategy Development</p> <ol style="list-style-type: none"> 1. Homelessness Bus Tour 2. Selected HAP Updates <ol style="list-style-type: none"> 1. Early Diversion Get Engaged (EDGE) |

2. High Utilizer Project
3. BPD Homeless Outreach Team (HOT Team)
4. Municipal Court Navigator
5. Diversion Program

C. Next Steps

D. Questions for HRC Discussion

AGENDA ITEM 4 – Adjournment – N. Mankekar **moved** to adjourn the Aug. 10, 2016 study session. E. Pollauf **seconded. Motion carries 4-0.** The meeting was adjourned at 8:25 p.m.

City of Boulder
BOARDS AND COMMISSIONS MEETING SUMMARY FORM

| |
|---|
| NAME OF BOARD/COMMISSION: Human Relations Commission |
| DATE OF MEETING: August 15, 2016 |
| NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Linda Gelhaar 303-441-1911. |
| NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT: Commissioners – José Beteta, Shirly White, Nikhil Mankekar, Emilia Pollauf. Staff –Karen Rahn, Carmen Atilano, Linda Gelhaar Commissioners absent – L. Gifford. |
| WHAT TYPE OF MEETING (CIRCLE ONE) [REGULAR] [SPECIAL] [QUASI-JUDICIAL] |
| AGENDA ITEM 1 – CALL TO ORDER – The Aug. 15, 2016 HRC meeting was called to order at 6:04 p.m. by S. White . |
| AGENDA ITEM 2 – AGENDA ADJUSTMENTS None. |
| AGENDA ITEM 3 – APPROVAL OF MINUTES <ul style="list-style-type: none"> • July 25, 2016 – E. Pollauf moved to approve July 25, 2016 minutes. J. Beteta seconded. Motion carries 4-0. |
| AGENDA ITEM 4 – BRIEFING A. City Council Member Matt Appelbaum – spoke to the HRC about the Boards and Commission’s subcommittee, best practices in communicating with council and consistent board handbooks. |
| AGENDA ITEM 5 – COMMUNITY PARTICIPATION (non-agenda action items) – Four members of the community spoke in regard to homelessness in Boulder and agency services. |
| AGENDA ITEM 6 – ACTION ITEMS A. Celebration of Immigrant Heritage Applications – <ol style="list-style-type: none"> 1. <i>Boulder School for German Language and Culture</i> – Representative presented overview of the Reunification Day Celebration. J. Beteta moved to approve \$500 grant. N. Mankekar seconded. Motion carries 4-0. 2. <i>Colorado Events</i> – J. Beteta motioned to not fund event. E. Pollauf seconded. Motion carries 4-0. 3. <i>KGNU and Motus Theater</i> – Representatives presented overview of Community Radio - Immigrant Stories. N. Mankekar moved to approve \$1,500 grant. E. Pollauf seconded. Motion carries 4-0. 4. <i>Playback Theatre West</i> – Representative presented overview of Sharing our Immigration Stories. N. Mankekar moved to approve \$1,430 grant. J. Beteta seconded. Motion carries 4-0. |
| AGENDA ITEM 7 – DISCUSSION/INFORMATIONAL ITEMS A. Incarceration Rate Data of the Unhoused, Darren O’Connor – gave a presentation regarding his research on the Incarceration Rate Data of the Unhoused and encouraged the city to look into using other cities like Albuquerque and San Francisco as models for paying the homeless to work on street clean-up and library |

monitoring, which could also provide them opportunities for positive contact with the city and agency services.

B. Updates were provided for the following items:

- Living Wage Update
- Safe and Welcoming Community Update
- Indigenous Peoples' Day Resolution
- Human Relations Fund
- Welcoming and Inclusive Work Plan Update
- Joint Board Meeting, Boulder Valley Comprehensive Plan
- Upcoming Legislative Issues

C. Event Reports – HRC members provided updates on community events and activities they attended in July and August.

D. Follow Up Items – Staff will follow-up on items identified during the meeting.

AGENDA ITEM 7 – IMMEDIATE ACTION ITEMS – None.

AGENDA ITEM 8 – Adjournment – **N. Mankekar moved** to adjourn the August 15, 2016 meeting. **E. Pollauf seconded. Motion carries 4-0.** The meeting was adjourned at 8:45p.m.

**CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES**

| | |
|---|--|
| Name of Board/ Commission: Library Commission | |
| Date of Meeting: June 1, 2016 at the Main Boulder Public Library, 1001 Arapahoe Ave. | |
| Contact Information Preparing Summary: Jennifer Bray, 303-441-4160 | |
| Commission Members Present: Paul Sutter, Joni Teter, Tim O’Shea, Alicia Gibb, Juana Gomez Commission Members Absent: none | |
| <p>Library staff present: David Farnan, Director of Library & Arts Jennifer Phares, Deputy Library Director Eileen McCluskey, Principal Librarian</p> <p>City staff present: Jennifer Bray, Communication Specialist III</p> <p>Members of the public present: Tom Rouse Margot Branchli</p> | |
| Type of Meeting: Regular | |
| Agenda Item 1: Call to Order and Approval of Agenda | [6:00 p.m., :00:06 Audio min.] |
| The meeting was called to order at 6:01 p.m. Sutter noted that one addition to the agenda was to add a discussion of whether the Library Commission might pursue legislation for libraries as gun-free zones within the city (#7, item B). | |
| Agenda Item 2: Public Comment | [6:01 p.m., 0:01:16 Audio min.] |
| None | |
| Agenda Item 3: Consent Agenda | [6:01 p.m., 0:01:26 Audio min.] |
| <p>Item 3A, Approval of May 4, 2016 meeting minutes Teter moved to approve the May 4, 2016 meeting minutes, O’Shea seconded. Vote 5-0, unanimous.</p> | |
| Agenda Item 4: Thank you to Commissioner Paul Sutter for his service to the City of Boulder and the Boulder Public Library | [6:02 p.m., 0:02:02 Audio min.] |
| David Farnan said a few words about Paul Sutter’s exemplary service on the Library Commission, and presented him with a gift from the city, a plaque. | |
| Agenda Item 5: Library Master Plan update – presentation by Margaret Sullivan, principal, Margaret Sullivan Studios, LLC | [6:07 p.m., 0:07:30 Audio min.] |
| Sullivan presented –Sullivan asked for homework. What is your vision for the future? And what is your definition of success? Please email responses directly to Margaret Sullivan by June 14. | |
| <p>Commission discussion, questions, and comments included:</p> <ul style="list-style-type: none"> ▪ Gomez mentioned a bit of surprise, in the context of discussing Paul’s letter regarding the homeless population, at how much libraries are expected to change and evolve constantly to meet the needs and aspirations of the community. Sutter agreed and also thought that was very exciting and dynamic. ▪ Sutter mentioned that this needs assessment piece is wonderful in not only finding out what the community and staff want from their library, but also helping educate everyone about what Boulder Public Library is as far as awareness. | |
| Agenda Item 6: Policy revision review and approval | [7:41 p.m., 1:27:46 Audio min.] |

- A. **Collection Development Policy – Laura Hankins, collection development manager.** (McCluskey in attendance for Hankins at meeting)

Commission discussion, questions, and comments included:

- Teter: Are there any changes you would make as far as collections of the future? Makerspace materials, consumables, how to fund on a longer-term basis. McCluskey will go back and discuss with the collection development team, as they were thinking about books and digital materials mainly.
- Sutter said the policy was very well-written. He asked whether there are provisions for Carnegie Branch Library to purchase items, besides accepting donations? McCluskey answered that Carnegie does purchase some materials, as well as accepting donations, and is tied into the local history community.
- O’Shea: Media services collection questions, and McCluskey answered by talking about the streaming service BPL uses called Hoopla, for patron downloads of music and movies, and how it has been challenging to their collection budget. Teter mentioned idea of perhaps looking at, after a certain number of a patron’s downloads, for example, perhaps then charging a reasonable fee for any additional downloads in a certain time period.
- O’Shea asked about the possibility of one person creating a flood of challenges to the collection policy, and both McCluskey and Farnan replied that it definitely can and does from time to time, and staff become immediately aware of it and know how to handle that situation.
- Sutter moved to approve the policy with minor revision to Carnegie Branch being mentioned as receiving only donations and now to adding that they do purchase some materials or collections. Teter seconded. Farnan added that he will ask staff to clarify the request for reconsideration of library materials piece of the policy (pg. 18). Staff will bring back those revisions to Library Commission. Unanimous vote of 5-0.

- B. **Canyon Theater and Gallery Terms of Use and Rental Policy and Sponsorship of Programs and Events Policy – Eileen McCluskey, principal librarian.**

Commission discussion, questions, and comments included:

- Clarifying questions about language around pre-rental event time in the theater such as “walk-throughs,” “rehearsal time,” etc. Gibb mentioned adding an administrative fee. Sutter added language around the fee including up to one hour of staff time for a walk-through before the event.
- Sutter asked how much staff time it takes to run the theater, basically wondering if this would equal a full-time employee? McCluskey answered that it really depends on how many events the theater is hosting. Fluctuating demand and a varied schedule make it challenging to accommodate.
- O’Shea asked if these events turn a profit or if that is a goal? Farnan replied that the events cover the library’s costs, and it is a community space, so turning a profit is not the goal.
- Teter: We should continue this conversation in the master plan update process, and possibly need a business plan for the theater. Sutter agreed, and mentioned that this should be revisited in a year as a community resource, potentially deserving of community resources to keep costs down.
- There was commission support to collapse categories, add the administrative fee of \$50 into the theater rental, support of the notion of charging for administrative time over the expected one hour that the administrative fee covers, changing the word “rehearsal” to “preparation time” or “walk-throughs” or something else more specific to identify the difference between rehearsals and preparation for an event.
- Preference is given to events that are free.
- Gibb moved to approve the policy with the suggested changes by the commission; Gomez seconded. Vote was unanimous (5-0) to approve.

Agenda Item 7: Library Commission Update

[8:44 p.m., 2:31:34 Audio min.]

- A. Boulder Library Foundation update
- B. Responses to patron emails from the Library Commission

Teter and Sutter talking about the possibility of pursuing legislation for libraries to become gun-free zones, similar to schools. Teter met with Carl Castillo, the city’s policy advisor, about this issue. Castillo suggested forming a coalition with other public libraries, which would be more effective and strategic, and to be patient as something like this could take years for consideration of legislation. Farnan will check with other libraries/library directors if they might be interested in forming a coalition to discuss/pursue this gun-free zone idea, and then return to the commission for further discussion.

Agenda Item 8: Library and Arts Director’s Report

[8:58 p.m., 2:44:28 Audio min.]

- A. 2016 Q1 BPL Quarterly Performance Report

- B. Meadows Branch Library renovation update
- C. Boulder cinema program
- D. Boulder Public Library Staff Day, Friday, Oct. 14, 2016 (oral update)
- E. Follow up on Sunday, May 22, 2016 incident in a park near to the Main Library (oral update)

Agenda Item 9: Welcome new commissioner and elections

[9:08 p.m., 2:54:07 Audio min.]

Paul Sutter is now a former commissioner, having resigned his position on the commission. Joel Koenig was sworn in as a library commissioner.

Commission officer elections: Joni Teter was nominated for chair, and the commissioners unanimously voted approval. Alicia Gibb was nominated as vice-chair, and commissioners unanimously voted approval.

Library Commission Retreat was scheduled for Saturday, July 30, 2016, from 8 a.m. to 1 p.m., at the Open Space and Mountain Parks Department offices at 66 S. Cherryvale Road. The agenda for the retreat will be worked on by the commission and David Farnan over the next few weeks, and will include the library master plan update status update for the community needs assessment. Farnan will give an update on the Freedom of Information Act.

Agenda Item 10: Adjournment

[9:21 p.m., 3:07:14 Audio min.]

There being no further business to come before the commission at this time, the meeting was adjourned at 9:21 p.m.

Date, time, and location of next meeting:

The Library Commission Retreat will be held from 8 a.m. to 1 p.m. on Saturday, July 30, 2016 at the Open Space and Mountain Parks Department offices at 66 S. Cherryvale Rd.

The next Library Commission meeting will be at 6:00 p.m. on Wednesday, August 3, 2016, in the Canyon Meeting Room at the Main Library, 1001 Arapahoe Ave., Boulder, CO 80302.

Commissioner Teter approved these minutes on August 16, 2016; and Maureen Malone attested to it.

An audio recording of the full meeting for which these minutes are a summary, is available on the Library Commission web page at <http://boulderlibrary.org/about/commission.html>



CITY OF BOULDER
Boards and Commissions Minutes

| | | | |
|--|----------------|--------------|---------|
| NAME OF COMMISSION: Open Space Board of Trustees | | | |
| DATE OF MEETING: August 10, 2016 | | | |
| NAME/EXTENSION OF PERSON PREPARING SUMMARY: Leah Case x2025 | | | |
| NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT: MEMBERS: Frances Hartogh, Molly Davis, Kevin Bracy Knight, Tom Isaacson, Curt Brown STAFF: Tracy Winfree, Jim Reeder, John Potter, Abbie Poniatowski, Brian Anacker, Lauren Kilcoyne, Luke McKay, Topher Downham, Don D'Amico, Phil Yates, Lisa Dierauf, Mark Gershman, Dave Sutherland, Cole Moffatt, Keri Davies, Leah Case, Alycia Knutson GUESTS: Lesli Ellis, Comprehensive Planning Manager; Peggy Bunzli - Executive Budget Officer, Finance; Devin Billingsley - Budget Analyst, Finance; Eric Parish - Executive Vice President, MGT | | | |
| TYPE OF MEETING: | <u>REGULAR</u> | CONTINUATION | SPECIAL |
| SUMMATION: AGENDA ITEM 1 - Approval of the Minutes Tom Isaacson moved that the Open Space Board of Trustees approve the minutes from July 27, 2016 as amended. Curt Brown seconded. This motion passed unanimously. AGENDA ITEM 3 - Public Participation Austin Lear, Boulder, said prairie dogs are an important part of the ecosystem. He requested that 10 acres of Open Space land be donated to the relocation of the Armory prairie dogs. Olivia Thompson, Boulder, said Open Space land is needed in order for the Armory Prairie Dogs to be relocated. She asked the Board to write a letter to City Council with their support for providing land for this purpose. Carse Pustmueller, Boulder, asked the Board to write a letter to City Council stating their support to relocate the Armory prairie dogs onto Open Space property. If the city does not accept this colony the prairie dogs will be killed, which is unacceptable. AGENDA ITEM 4 - Review of and recommendation regarding the 2017 Open Space and Mountain Parks Department Operating Budget. Abbie Poniatowski, Central Services Manager, presented this item. | | | |

This Item Spurred Two Motions:

Frances Hartogh moved the Open Space Board of Trustees make the following statement to City Council: the OSBT appreciates the data and other information provided in connection with the calculation of the cost allocation but wishes to express concern over the sudden increase in cost allocation. Future increases may become detrimental to the mission and purpose of the Open Space program. Curt Brown seconded. This motion passed unanimously.

Tom Isaacson moved the Open Space Board of Trustees to approve, and recommend that City Council approve, an appropriation of \$25,331,999 in 2017 for the Open Space and Mountain Parks Operating Budget from the Open Space Fund as outlined in this department memorandum and related attachments. Kevin Bracy Knight seconded. This motion passed four to one; Molly Davis dissented.

AGENDA ITEM 5 - Matters from Staff

Lesli Ellis, Comprehensive Planning Manager, and Mark Gershman, Environmental Planning Supervisor, gave an update on the Boulder Valley Comprehensive Plan (BVCP) on Initial Policy Edits to Natural Environment Chapter and on CU South Site Suitability assessment process.

Lisa Dierauf, Outreach, Education and Volunteer Supervisor, gave a presentation on Education and Outreach program updates Inclusion efforts: accessibility brochure release and outreach to the Latino community.

Mark Gershman, Environmental Planning Supervisor, gave an update on the Blue Line.

AGENDA ITEM 6 - Matters from the Board

None.

ADJOURNMENT: The meeting adjourned at 9:57 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:

Several members of the public spoke in regard to the budget. All noted that Open Space funds need to stay within Open Space.

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

The next OSBT meeting will be Wed. Sept. 14 at 6 p.m. at 1777 Broadway in the Council Chambers

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
August 4, 2016
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

John Gerstle, Chair
Liz Payton, Vice Chair
Bryan Bowen
Leonard May
Crystal Gray
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:

John Putnam

STAFF PRESENT:

David Driskell, Executive Director of Community Planning
Thomas Carr, City Attorney
Cindy Spence, Administrative Specialist III
Karl Guiler, Senior Planner / Code Amendment Specialist
David Thompson, Civil Engineer II / Transportation

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 6:02 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **L. Payton** and seconded by **H. Zuckerman** the Planning Board voted 6-0 (**J. Putnam** absent) to approve the July 14, 2016 and July 21, 2016 minutes as amended.

3. PUBLIC PARTICIPATION

No one spoke.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Public hearing to consider Site Review application, LUR2015-00012, to develop the Armory site (The Armory Community), an 8.55-acre site located at 4750 Broadway (the southeast corner of Broadway and Lee Hill Dr.), with a mixed-use project with up to 200 dwelling units and 8,400 square feet of storefront retail along Broadway

and two new street connections (13th Street and Zamia Avenue). The proposal includes a 23 percent parking reduction request to permit 261 parking spaces where 341 are required, but otherwise contains no other modifications to the Land Use Code.

Applicant: Bruce D. Dierking
Property Owner: The State of Colorado

Board members were asked to reveal any ex-parte contacts they may have had on this item.

J. Gerstle disclosed that he visited the site in connection with the maintenance on the Silver Ditch Lateral and had brief conversations with the public in person and on the telephone regarding this issue. He feels he can deal with this issue on a fair and objective manner. **B. Bowen** has had numerous conversations with residents in the Holiday neighborhood over the years regarding this project. None would cause him to be biased over this project. **C. Gray** has attended a site tour. **L. Payton** attended a site visit and reviewed numerous emails which all Planning Board members received. Also recently received a phone call regarding the prairie dog issue and asked the caller to send an email. **H. Zuckerman** currently sits on the board of the Colorado Prairie Initiative which is a small non-profit group dedicated to the conservation and rehabilitation of Colorado's prairies. The prairie dogs issue does come up from time to time but he believes that he can be fair and impartial with the review of this project.

Staff Presentation:

D. Driskell introduced the item.
K. Guiler presented the item to the board.

Board Questions:

K. Guiler, T. Carr, D. Driskell and **D. Thompson** answered questions from the board.

Applicant Presentation:

Liz Peterson, with The Mulhern Group, Ltd, the applicant's representative, presented the item to the board.

Board Questions:

Liz Peterson, with The Mulhern Group, Ltd, and **Bruce Dierking**, with the Armory Community, answered questions from the board.

Public Hearing:

1. **Kristen Marshall** spoke concerning the existing prairie dogs at the Armory location and requested they be live-trapped and relocated.
2. **Carse Pustmueller** spoke concerning the existing prairie dogs at the Armory location and requested they be live-trapped and relocated.
3. **Dave Waller** spoke in opposition to the project in regards to the proposed parking reduction.
4. **Terry Palmos**, the developer of Violet Crossing, spoke in support to the project.

Board Comments:

Key Issue #1: Is the proposed project consistent with the BVCP?

- **L. May, B. Bowen and H. Zuckerman** all agreed that the proposed project is generally consistent with the BVCP.
- **C. Gray** also agreed that the proposed project is generally consistent, but added that she may add a motion to further recommend Council to consider the southern grassland habitat conservation area for the relocation of the displaced prairie dogs.
- **L. Payton** stated that the project is generally consistent with the Comp Plan and the Land Use Map. She expressed concern regarding density and the method of calculating net area which determines the amount of square footage that can be placed on the site. She said that including part of the public right-of-way in the net area calculation amounted in a density bonus. In addition, she has concern that the project has no on-site affordable housing. **C. Gray** agreed with **L. Payton**.
- **J. Gerstle** agreed that this project complies with the Comp Plan. He agrees with **L. Payton's** concerns surrounding the calculation of area and right-of-way. With respect to the prairie dogs, he can be sympathetic.
- **H. Zuckerman**, as to affordable housing issues, because the proposed project will be offering over 60% one-bedroom units and pricing will be at the low end of the market, it will be making de-facto affordable housing available and providing a product we need more of. With regard to the density calculation, allowing easement right-of-way as part of the net area complies with the Code and was not inappropriate.
- **B. Bowen** explained that in density impact situations, one will get a fair amount of surface parking and no structured parking. If the buildings are kept at two-story, 0.6 FAR, and meet parking requirements, those areas add up and will reduce consolidated open space. If a building were allowed to be taller and denser, it may actually result in a better public realm and more shared open space. He agreed with **L. Payton** that this method should be reviewed in the Land Use Code because the 0.6 FAR, a two-story cap, and a 15% open space requirement may not be giving the results that are desired.
- **C. Gray** disagreed with **B. Bowen** that the public realm was lost with the lower buildings.

Key Issue #2: Is the proposed site design, open space, street configuration and pedestrian connections consistent with the Site Review criteria of Section 9-2-14(h)(2), B.R.C. 1981?

- **H. Zuckerman** agreed that the staff report showed compliance with the site design, open space landscaping and circulation and parking design criteria. The only issue is whether the parking reduction meets the criteria for a reduction.
- **L. May** supports the parking reduction and site design. It satisfies many community policies.
- **C. Gray** suggested that if the project had less density, then perhaps there would be less parking and more green space. The design is otherwise excellent. There could be more gathering spots to enhance the public realm. She would like to have the retail on the lower floor as it would enliven the neighborhood. She sees the parking as problematic. She would like to offer a condition that the EcoPasses be offered longer than three years. Finally, she suggested more vegetation on the interior area, especially Block 1.
- **B. Bowen** site design is simple and good. He is pleased that the existing Mess Hall building will be saved. The streetscapes and the southern paseo are all positive. The uses

are arranged well on the site. He stated that he is missing the previously proposed plaza from the Concept Plan; however, he finds the parking reduction acceptable.

- **L. Payton** agreed with the other board members. She finds the layout satisfactory. The proposed plan fits within the height limits and setbacks. She mentioned that the existing plan has a lot of hardscape and needs more greenspace. She questioned if shared parking options for future Armory site employees with the Holiday Inn across Broadway have been explored. She supports the parking reduction.
- **J. Gerstle** agreed with the proposed site plan and found it reasonable and attractive. He stated that there seems to be a lack of greenspace. He questioned if the previously proposed plaza could remain on the plans and parking could be moved underground. He supports the parking reduction.
- **L. May** explained that this current proposed plan, in comparison to the Concept Plan, has many smaller buildings at lowered heights and follow the contour of the site. What comes with that more desirable scale is to give up more greenspace. If the buildings were increased in height, then more open greenspace might exist. Regarding balance on the site, the proposed plan is more desirable than what was seen in the Concept Plan.
- **H. Zuckerman** stated that the project is proposing 20% open space where 15% is required. The board agreed that the proposed project meets the open space criteria within the Comp Plan and the Code.

Key Issue #3: Are the proposed building designs consistent with the Site Review criteria of Section 9-2-14(h)(2)(F), B.R.C. 1981?

- **B. Bowen** stated that the Design Advisory Board (DAB) did a good job reviewing this project and the applicant did a good job taking direction from them. He offered no changes in regards to building design. The work performed by the Landmarks DRC in regards to Building E was successful. In regards to the Design Guidelines in the RMX-2 zone, they need to be interpreted by staff used to ensure a positive outcome.
- **H. Zuckerman** echoed **B. Bowen** and he supports the fenestration and solidity of the project.
- **L. Payton** reviewed the individual elevations of the buildings. Overall, she approved of the elevations along Broadway. She expressed concern with the RMX-2 buildings using too many materials, planes and roof levels. She suggested they be simpler and refined. She approves of Buildings D and T. She added that the architecture shown in the elevations along the southern and eastern edges of the Phase 1 area seem chaotic and should be simplified.
- **C. Gray** added that the buildings are properly broken up and scaled for the site. She approves of the entry to the residences off the street.
- **L. May** added that the simple design along Broadway of the proposed plan achieves elegance. He stated the buildings along Lee Hill appear less composed. The proposed Hardy Panel material does not read well. Would not want to approve these plans with these Design Guidelines as they currently read.
- **H. Zuckerman** disagreed with **L. May** regarding the Design Guidelines and would be happy to approve the project with the Guidelines as they are currently written. He approves of variegated architecture. Also impressed by the design of Building T.

- **J. Gerstle** suggested the applicant consider roof-top access to residents. Roof space that is below the maximum height should be put to good use. He added that the permeability of site is successful.

Key Issue #4: Does the 23 percent parking reduction meet the parking reduction criteria of Section 9-2-14(h)(2)(K), B.R.C. 1981?

- The board had already discussed the parking reduction under Key Issue #2.

Key Issue #5: Historic Preservation

- **L. May** suggested that rather than a “good faith effort” to pursue landmarking, a requirement to support landmarking should be done.
 - **T. Carr** responded by stating that this with this project, the applicant has already filed the individual landmark designation application and it is being considered. It is currently active. In addition, the landmarking actually has to be complete before they applicant can receive their permit.

Key Issue #6: Design Guidelines

- **L. Payton** mentioned that she has concerns with the with Design Guidelines and some of the suggested buildings appear complicated and chaotic. She suggested that too much flexibility exists for each element of the buildings. She questioned if the board can make a condition that the Design Guidelines for the RMX-2 buildings be reviewed by DAB or staff.
 - **K. Guiler** suggested the board add a condition stating that “the Design Guidelines shall be revised to address the following...” and to be very specific as to changes so it can be submitted at time of TEC doc. Therefore, when the revised Design Guidelines are received, staff will have specific things to look for.
- **B. Bowen** explained that he had the same concerns regarding the Design Guidelines but he is not prepared to state any specific changes.
- **L. Payton** added that developers focus on the images and character illustrations of Design Guidelines and are critical. Perhaps a condition could be made regarding the Supplemental Information (A through E) within the Design Guidelines to be revised to reflect simpler forms and materials or stricken completely.

Motion:

On a motion by **B. Bowen** seconded by **H. Zuckerman** the Planning Board voted 6-0 (**J. Putnam** absent) to approve Site Review application LUR2015-00012, incorporating this staff memorandum and the attached Site Review criteria checklists as findings of fact, and subject to the recommended conditions of approval.

Friendly amendment made by **L. Payton** to remove the “Supplemental Information” pages A through E within the Design Guidelines and replace the interior image for the Loft Building Type B on page 13 to show an exterior picture of an example loft. Passes unanimously.

Friendly amendment made by C. Gray to extend the EcoPasses for a period of five years unless a community pass is offered sooner. Passes unanimously.

Friendly amendment made by L. May to revise the Design Guideline 2.1 on page 7 to include the following additional statement: "The design should pay special attention to the quality of images provided in this document with respect to simplicity of building form and simplicity of building materials." Passes unanimously.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. Recommendation to City Council regarding Prairie Dogs

• **Motion:**

On a motion by C. Gray seconded by L. Payton the Planning Board voted 5-1 (H. Zuckerman opposed, J. Putnam absent) further recommended the City Council pursue finding an appropriate site for displaced prairie dogs.

B. Net Area Calculation Method

- **L. Payton** suggested to recommend to City Council impose a moratorium regarding this applying this method of density calculation until it has been vetted through the public and City Council.
- After discussion, the board agreed to schedule this topic for a future Planning Board agenda. Staff will prepare a history of using this method to present to the board.

C. Planning Board Calendar Review / August Meetings

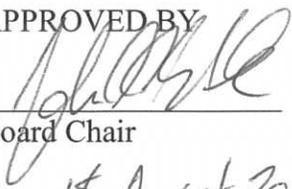
- **C. Spence** reviewed the upcoming Planning Board meetings with the board. She will send an email to the board with all the dates, times and locations.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 9:49 p.m.

APPROVED BY


Board Chair

DATE

18 August 2016

**Boulder Colorado Companies to Watch Month
August 1-31, 2016**

WHEREAS, the Governor of Colorado initiated an annual *Colorado Companies to Watch* award program in 2009 to recognize second-stage companies with high potential for future growth; and

WHEREAS, from more than a thousand nominations, only 50 companies from throughout the state are selected for the award each year and seven of the Colorado Companies to Watch award winners in 2016 are from Boulder, and

WHEREAS, these seven Boulder companies - Agribotix, Avid4 Adventure, Atmospheric and Space Technology Research Associates, Kindara, Purely Elizabeth, Quinn Snacks and SnapEngage - represent a broad range of industries; and

WHEREAS, these seven Boulder companies support the local and state economy by providing more than 180 jobs in the community; and

WHEREAS, the Boulder economy benefits from the expenditures that these companies make in the local community and the wages they pay; and

WHEREAS, the city of Boulder benefits from the innovation and entrepreneurial spirit of these companies and their involvement in the community,

NOW, THEREFORE, BE IT DECLARED by the City Council of the City of Boulder, Colorado, that August 1-31, 2016 is

Boulder Colorado Companies to Watch Month


Suzanne Jones, Mayor



**Boulder Pollinator Appreciation Month
September 2016**

WHEREAS, honey bees, bumblebees, other native bees, butterflies, hummingbirds and many other species are essential partners as pollinators in the production of our food supply; and

WHEREAS, pollinators provide essential services and environmental benefits that maintain the health and beauty of our grasslands, forests, meadows and other natural areas and are necessary for the diverse and thriving ecosystems that support life; and

WHEREAS, pollinators are declining, which is placing our food security and natural environment in peril; and

WHEREAS, it is crucial that all people take action to protect pollinators by planting a variety of native flowers to provide safe forage that is pesticide-free; and

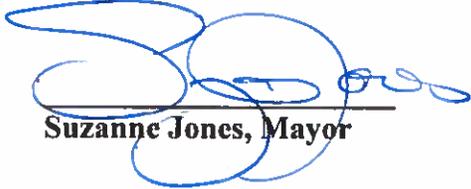
WHEREAS, the City of Boulder has, with Resolution Number 1159, committed to improving pollinator health, and

WHEREAS, our community enjoys the bounty of food and benefits provided by pollinators.

NOW, THEREFORE, BE IT DECLARED by the City Council of the City of Boulder, Colorado, that September 2016 is

Pollinator Appreciation Month

and call upon the people of the City of Boulder to join their fellow citizens in recognizing, protecting and celebrating pollinators.


Suzanne Jones, Mayor



**LGBT Pride Week
September 6-11, 2016**

WHEREAS, for more than 20 years, the City of Boulder has supported **Out Boulder** in its work to create a more just and fair community for its Lesbian, Gay, Bisexual and Transgender community members; and

WHEREAS, this year marks the 20th anniversary of the important United States Supreme Court ruling in *Romer v. Evans* and we acknowledge all the work done by those before us and those among us in creating a diverse and important community; and

WHEREAS, during the month of September, residents of Boulder join together to celebrate and honor the history, diversity and resilience of the Lesbian, Gay, Bisexual and Transgender communities through **Out Boulder County's** Pridefest and other events; and

WHEREAS, Boulder has led the way in the nation on many civil rights issues, fostering acceptance and preventing discrimination based on sexual orientation and gender expression; and

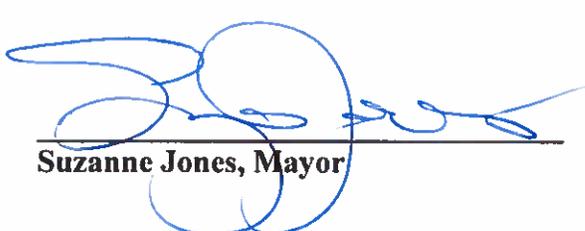
WHEREAS, diversity is a community asset that enhances and enriches Boulder's LGBT community that includes people of many ethnicities, religions and professions; and

WHEREAS, the City of Boulder reaffirms its commitment to the promotion and protection of the human rights of LGBT residents of its community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Boulder, Colorado, that September 6-September 11, 2016 is recognized as

Boulder's Lesbian, Gay, Bisexual, and Transgender Pride Week

and urges all residents to respect and honor our diverse community and celebrate and build a culture of inclusiveness and acceptance.



Suzanne Jones, Mayor

