

CITY OF BOULDER
CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Boulder, Colorado 80302
Tuesday, November 1, 2016
6 p.m.

AGENDA

1. CALL TO ORDER AND ROLL CALL

A. Presentation of the **Library of the Year Award**

B. Presentation of the **Earth Hour City Challenge Award**

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 August 16, 2016 City Council Meeting Minutes**

B. Consideration of the **following items relating to the 2017 Budget;**

1. Third reading, and consideration of a **motion to adopt Ordinance 8144 that adopts a budget for the City of Boulder, Colorado**, for the fiscal year commencing on the first day of January 2017 and ending on the last day of December 2017, and setting forth details in relating thereto; and

2. Second reading and consideration of a **motion to adopt Ordinance 8145 that establishes the 2016 City of Boulder property tax mill levies** which are to be collected by the County of Boulder, State of Colorado, within the City of Boulder in 2017 **for payment of expenditures by the City of Boulder**, County of Boulder, State of Colorado, and setting forth details in relation thereto; and

3. Third reading and consideration of a **motion to adopt Ordinance 8146 that appropriates money to defray expenses and liabilities of the City of Boulder, Colorado**, for the **2017 fiscal year of the City of Boulder**, commencing on the **first day of January 2017, and ending on the last day of December 2017**, and setting forth details in relation thereto; and

4. Third reading and consideration of a **motion to adopt by Emergency, Ordinance 8147 that amends Section 3-8-3 and Chapter 4-20 of the B.R.C. 1981 changing certain fees**, and setting forth details in relation thereto

C. Third reading and consideration of a motion **to amend and adopt by emergency** the following:

1. Emergency Ordinance 8139 related to the **annexation and initial zoning of enclaves in the vicinity of 55th and Arapahoe**; and

2. Emergency Ordinance 8140 related to **an amendment** to Subsection

11-52-11(a), 11-2-33(a) and 11-5-11(a), B.R.C. 1981 regarding stormwater and flood control utility plant investment fees and water and wastewater fees

- D. Introduction, first reading** and consideration of a motion to order published by title only, **Ordinance 8152 amending** Chapters 8-9 **“Capital Facility Impact Fees,”** 3-8 **“Development Excise Tax,”** and 4-20 **“Fees,”** concerning changes to **Impact Fees and Excise Taxes,** and setting forth details in relation thereto

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. Boulder Community Health Riverbend Site- Site and Use Review**
- 2. 9th & Broadway Civic Area – Floodplain Development Permit and Stream, Wetland, and Water Body permit**

ORDER OF BUSINESS

5. PUBLIC HEARINGS

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

- A. Second reading** and consideration of a motion to **adopt Ordinance 8148 designating the building and a portion of the property at 2935 19th St.,** to be known as the **Tyler-Monroe-Bartlett Property,** as a **local historic landmark** per Section 9-11-5 of the Boulder Revised Code, 1981. Owner/Applicant: Albert A. and Eleanor Frances Roberts Bartlett Trust
- B.** Consideration of the following items related to **Boulder Community Health (BCH) properties located at 4801, 4855, 4865 and 4885 Riverbend Road** which are associated with **BCH requests to redevelop the sites with a new medical facility and parking structure within the Riverbend Office Park:**
- 1. Request to change** the underlying **Boulder Valley Comprehensive Plan (BVCP) Land Use Designation** on the Riverbend Road site **from Transitional Business to Public**
 - 2. Second reading** and consideration of a motion to adopt **Ordinance 8149 amending** Title 9, **“Land Use Code,”** B.R.C. 1981, to **rezone the properties from BT-2 (Business Transitional – 2) to P (Public);** and
 - 3. Second reading** and consideration of a motion to adopt **Ordinance 8150 amending** Title 9, **“Land Use Code,”** B.R.C. 1981, to **amend Ordinance 8028 amending Appendix J of Title 9 adding BCH properties to areas where height modifications may be considered**
- C. Second reading** and consideration of a motion to **adopt Ordinance 8151 to rezone 1.12 acres of land located at 3200 Bluff Street (the AirGas site) from Industrial Mixed Services (IMS) to Mixed Use - 4 (MU-4)**
- D. City Council consideration of Area I public requests for land use map changes** as part of the **Major Update to the Boulder Valley Comprehensive Plan (No new testimony will be received)**

6. **MATTERS FROM THE CITY MANAGER**
7. **MATTERS FROM THE CITY ATTORNEY**
8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL**
 - A. Potential Call-ups
 1. **Boulder Community Heath Riverbend Site- Site and Use Review**
 2. **9th & Broadway Civic Area – Floodplain Development Permit and Stream, Wetland, and Water Body permit**
 - B. **Mayor Pro Tem Indications of Interest**

9. **PUBLIC COMMENT ON MATTERS**

Public comment on any motions made under Matters

10. **DECISION ON MOTIONS**

Action on motions made under Matters

11. **DEBRIEF**

Opportunity for Council to discuss how the meeting was conducted

12. **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.

CITY COUNCIL PROCEEDINGS
MUNICIPAL BUILDING, 1777 BROADWAY
Boulder, Colorado 80302
Tuesday, August 16, 2016

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 6:05 p.m.

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

Council Member Young moved to approve the amended agenda. Council Member Morzel seconded the motion. The motion passed 8:0 at 6:06 p.m. with Council Member Shoemaker absent.

A. US Small Business Administration

Ms. Contreras-Sweet was unable to attend and was represented by Ed Cadena instead.

B. Declaration for Colorado Companies to Watch

Council Member Brockett read and presented the declarations to the seven companies in Boulder as part of the Colorado Companies to Watch.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE:

Open Comment began at 6:10 p.m. and the following spoke:

1. Carse Pustmueller pooled time with Nicole Hugo and Paul Stephani, and spoke in opposition to the current relocation process of the Armory site prairie dogs.
2. Lucy Krank and several youngsters spoke in opposition to the current relocation process of the Armory site prairie dogs.
3. Kristen Marshall spoke in opposition to the current relocation process of the Armory site prairie dogs.
4. Laurie Thayer spoke in opposition to the current relocation process of the Armory site prairie dogs.
5. Kristin Bjornsen spoke in opposition to the current relocation process of the Armory site prairie dogs.
6. Jim Martin spoke in support of the Boulder Healthy Kids sugar tax.
7. Anna Rivas spoke in opposition to the current relocation process of the Armory site prairie dogs.
8. Sarah Silver spoke in opposition to the camping ban.
9. Cary MacDonald spoke in opposition to the current relocation process of the Armory site prairie dogs.
10. Sara-Jane Cohen spoke in support of tiny homes.
11. Earl McGowen spoke in support of water conservation at Orchard Grove.
12. Susan Sommers spoke in opposition to the current relocation process of the Armory site prairie dogs.
13. Jay Prassl pooled time with Cheryl McBay and Lance Boyd and spoke in support of traffic mitigation on Grape Avenue

14. Anne Mitchell spoke in opposition to the current relocation process of the Armory site prairie dogs.
15. Deanna Meyer spoke in opposition to the current relocation process of the Armory site prairie dogs.
16. Bob Crifasi from the Studio Arts/Boulder promoted the September 17, 2016 Studio Arts Event.
17. Barbara Padden pooled time with Elizabeth Weiss and Char Kearns and spoke in opposition to tiny houses.
18. Lindsey Sterling Krank pooled time with Kristen Nelson and Noelle Guernsey and spoke in opposition to the current relocation process of the Armory site prairie dogs.
19. Ken Regelson spoke in support of solar/wind power.
20. Mirabai Nagel spoke in opposition to the current relocation process of the Armory site prairie dogs.
21. Graeme Hoste spoke in support of traffic mitigation efforts needed on Grape Avenue.
22. Chris Hoffman spoke in support of the Sierra Report regarding clean energy.
23. David Inglis of Orchard Grove spoke in opposition of the eviction of a park resident over water bills.
24. Helen Taylor opposed the current relocation process of the Armory site prairie dogs.
25. Seleyn DeYarus spoke in opposition to the current relocation process of the Armory site prairie dogs.
26. Darren O'Connor spoke in support of tiny homes.
27. Rob Smoke spoke in opposition to Proposal 96.
28. Ian Barringer spoke in opposition to the forced annexation of properties at 55th & Arapahoe.
29. Eric Harker spoke in support of the Healthy Boulder Kids sugar tax.
30. Renee Morgan spoke in support of tiny homes.
31. Mike Homner spoke in support of tiny homes.
32. Tim Hattrup spoke in support of speed mitigation efforts needed on Grape Avenue.
33. Morey Bean spoke in support of Eco Villages.
34. Rebecca Shoag spoke in support of "Attention Homes."
35. Chris Murray pooled time with David Meschke and Matt Moseley and spoke in support of the Boulder Healthy Kids sugar tax.
36. Keith Hoffman spoke in opposition to the forced annexation of properties at 55th & Arapahoe.
37. Mark Hartwig spoke in opposition to the forced annexation of properties at 55th & Arapahoe.
38. James Duncan spoke in opposition to the current relocation process of the Armory site prairie dogs. He also spoke in support of the need for more affordable housing.
39. Mark Gelband spoke in opposition to the City Clerk's efforts regarding the Boulder Healthy Kids sugar tax measure and the upcoming hearing.
40. Kristen Daly spoke in support of the Boulder Healthy Kids sugar tax.
41. Anthony Davis spoke in opposition to the current relocation process of the Armory site prairie dogs.

With no further speakers, Open Comment was closed at 7:50 p.m.

3. CONSENT AGENDA began at 7:55 p.m.

- A. Consideration of a motion to accept the June 14, 2016 Study Session Summary regarding the Development-Related Impact Fees and Excise Taxes
- B. Consideration of a motion authorizing the city manager to enter into settlement agreements in excess of \$10,000 arising out of a March 25, 2016 water main break on Hartford Drive
- C. Third reading and consideration of a motion to adopt Ordinance No. 8123 repealing Chapter 4-16, "Police Alarm Systems," B.R.C. 1981, and replacing it with a new Chapter 4-16, "Police Alarm Systems," to require alarm verification before initiating police response and setting forth related details
- D. 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
- E. Second reading and consideration of a motion to adopt Ordinance No. 8132 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 7 of the Boulder Home Rule Charter, relating to council compensation, by adding an option for council members to receive benefits on the same terms and conditions as city employees, and setting forth related details
- F. Second reading and consideration of motion to adopt and order published by title only 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
- G. Introduction, first reading and consideration of a motion to order published by title only 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
- H. Introduction, first reading and consideration of a motion to adopt Emergency Ordinance No. 8135 adopting Supplement No. 128, which codifies previously adopted Ordinance Nos. 8110, 8111, 8112, 8113, 8114, 8121, 8125, and other

miscellaneous corrections and amendments, as an amendment to the Boulder Revised Code, 1981

- I. Introduction and consideration of a motion to order published by title only and adopt by Emergency Ordinance No. 8136 amending Section 6-1-16, "Dogs Running at Large Prohibited," B.R.C. 1981 to add the following properties Tippitt, Wells-East, Benedictine Abbey, Thorne I, Thorne II, Thorne III, Knollwood Outlot, Knollwood Park, McCabe-Sanchez, Madden-Rosenbaum, Brierly I, Arapahoe Chemicals and portions of the Wells West and Holmes open space properties as defined in Attachment A to those areas in which voice and sight control of dogs is permitted, and setting forth related details
- J. Introduction, first reading and consideration of a motion to order published by title only, Ordinance No. 8139 related to the annexation and initial zoning of enclaves in the vicinity of 55th and Arapahoe and Ordinance No. 8140 related to an amendment to Subsection 11-5-11(a). B.R.C. 1981 regarding stormwater and flood control utility plant investment fees

Council Member Appelbaum moved to approve the Consent Agenda with changes to Items 3J (Ordinances 8139 and 8140) and 3F (Ordinance 8133) as attached, and continue Item 3D (Ordinance 8130) to September 6, 2016. Council Member Weaver seconded the motion. Council Member Morzel wanted to state for the record that on Item 3A, she believed the suspension of the park tax is very premature given the additional housing that will happen in coming years and the need for park land. The motion passed 8:0 with Council Members Brocket, Burton and Yates voting Nay on Item 3J and Council Member Shoemaker absent at 8:46 p.m.

4. POTENTIAL CALL-UP CHECK IN

- 8A. Potential Call-Ups
 - 1. 4500 Brookfield Drive - Vacation of a Public Utility Easement
 - 2. 4750 Broadway - Site Review
 - 3. 4525 Palo Parkway - Vacation of Emergency Access Easement

The properties were not called up.

5. PUBLIC HEARINGS

- A. Second reading and consideration of a motion to adopt and order published by title only Ordinance No. 8128 and Ordinance No. 8129 related to the annexation and initial zoning of city-owned parcels and rights of way, and Elmer's Two-Mile Park as an enclave

This item was introduced by Assistant City Attorney Kathy Haddock and Bob Harberg at 8:55 p.m. with a presentation.

The public hearing was opened at 9:00 and closed at 9:00 p.m. with no public comments.

Council Member Brockett moved to adopt Ordinance No. 8128 and Ordinance No. 8129 related to the annexation and initial zoning of city-owned parcels and rights of way, and Elmer's Two-Mile Park as an enclave. Council Member Morzel seconded the motion. The motion passed 8:0 with Council Member Shoemaker absent at 9:00 p.m.

6. MATTERS FROM THE CITY MANAGER

A. Prairie Dog Relocation Policy

Val Matheson and Heather Swanson introduced this item to Council at 9:01 p.m. with a slide show presentation and answered questions for Council. Open Space and Mountain Parks Director Tracy Winfree also answered questions for Council.

Council topics included questions regarding pesticides, environmental aspects, relocation programs, open space policies, possible habitat banking and long-term policy direction for both public and private land.

B. Civic Area Construction Staging

Parks and Recreation Director Yvette Bowden introduced this item to Council and presented an update on the construction launch with a slide show. Parks Planning Manager Jeff Haley showed a "walk-around" video from the website and answered questions.

Council asked questions regarding the trees to be cut down, the bridges to be constructed and construction times.

Council Member Weaver moved to suspend the rules and continue the meeting. Council Member Morzel seconded the motion. The motion passed 8-0 with Council Member Shoemaker absent at 11:11 p.m.

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups

1. 4500 Brookfield Drive- Vacation of a Public Utility Easement
2. 4750 Broadway- Site Review
3. 4525 Palo Parkway- Vacation of Emergency Access Easement

B. Single-Topic Study Session Discussion

Mayor Jones introduced this topic to Council at 11:12 p.m. There was discussion and Council consensus was to follow the suggestions given by Mayor Jones in her hotline email sent earlier that day.

C. Board and Commission Appointments for Arts Commission and Water Resources Advisory Board Vacancies

Mayor Jones introduced this item to Council and asked for nominations.

Council Members nominated candidates at 11:14 p.m. Council voted to appoint Kathleen McCormick to the Arts Commission to fill a vacancy through March 31, 2018. Council voted to appoint Kate Ryan to the Water Resources Advisory Board to fill a vacancy through March 31, 2020 at 11:18 p.m. Council will ratify these appointments during the portion of the meeting titled, “Decisions on Matters.”

D. Public Participation Working Group

City Manager Brautigam introduced this item to Council at 11:18 p.m. There was discussion and Council direction was to have the City Manager add two more members from the public from under-represented groups with two facilitators and Council Member Morzel as a liaison. This group is to report back to Council at the end of the 2nd quarter of 2017. This item concluded at 11:21 p.m.

E. “Nod of Five” regarding Legislative Committee Recommendations

Carl Castillo introduced this item to Council at 11:22 p.m.

Council direction was to consider the four items (#102, #75, #78 and #96), have staff prepare resolutions and to have the resolutions scheduled for an upcoming public hearing by the Council Agenda Committee. This item concluded at 11:27 p.m.

9. PUBLIC COMMENT ON MATTERS

10. DECISION ON MOTIONS

Council Member Yates moved to ratify the Board and Commission Appointments to the Boulder Arts Commission and Water Resources Advisory Board. Council Member Burton seconded the motion. The motion passed 8:0 with Council Member Shoemaker absent at 11:28 p.m.

11. DEBRIEF

Council briefly discussed the “consent agenda” process at 11:29 p.m.

12. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on August 16, 2016 at 11:31 p.m.

Approved this 1st day of November, 2016.

APPROVED BY:

Suzanne Jones, Mayor

ATTEST:

Lynnette Beck, City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: November 1, 2016

AGENDA TITLE Consideration of the following items relating to the 2017 Budget:

1. Third reading and consideration of a motion to adopt Ordinance 8144 that adopts a budget for the City of Boulder, Colorado, for the fiscal year commencing on the first day of January 2017 and ending on the last day of December 2017 and setting forth details in relation thereto; and
2. Second reading and consideration of a motion to adopt Ordinance 8145 that establishes the 2016 City of Boulder property tax mill levies which are to be collected by the County of Boulder, State of Colorado, within the City of Boulder in 2017 for payment of expenditures by the City of Boulder, County of Boulder, State of Colorado, and setting forth details in relation thereto; and
3. Third reading and consideration of a motion to adopt Ordinance 8146 that appropriates money to defray expenses and liabilities of the City of Boulder, Colorado, for the 2017 fiscal year of the City of Boulder, commencing on the first day of January 2017, and ending on the last day of December 2017, and setting forth details in relation thereto; and
4. Third reading and consideration of a motion to amend and adopt by emergency Ordinance 8147 that amends Section 3-8-3 and Chapter 4-20 of the B.R.C. 1981 changing certain fees, and setting forth details in relation thereto.

PRESENTERS

Jane S. Brautigam, City Manager
Mary Ann Weideman, Deputy City Manager
Bob Eichen, Chief Financial Advisor
Cheryl Pattelli, Director of Finance and Risk Management
Peggy Bunzli, Executive Budget Officer

EXECUTIVE SUMMARY

The purpose of this item is the adoption of the 2017 budget and other related ordinances (see **Attachments A-D**) to appropriate city funds as presented in the 2017 Recommended Budget, for the 2017 fiscal year. This includes adoption of the ordinance that establishes the 2016 mill levy for the city and the ordinance that changes certain codified fees. Staff

identified that Ordinance 8147, intended to be effective on the first day of the 2017 fiscal year, Jan.1, 2017, did not contain the necessary clause making the ordinance effective on that start date. Staff has amended the ordinance to contain the Jan. 1, 2017, effectiveness clause. In order to avoid a fourth reading, staff requests that council amend and adopt this ordinance by emergency.

[Agenda item 5A](#), including attachments, for the Oct. 18, 2016 City Council meeting provides additional background information on the development and review of the 2017 Recommended Budget. [Video coverage](#) of the Oct. 18 meeting and the [staff presentation](#) at the Oct. 18 meeting also provide additional information.

STAFF RECOMMENDATION

Staff recommends adoption of the following three ordinances:

- **Budget Adoption Ordinance (Attachment A)**
The Charter of the City of Boulder requires that, before the city establishes the property tax mill levy, the annual budget that summarizes sources and uses must be approved. The ordinance included in this attachment incorporates the 2017 Recommended Budget.
- **Mill Levy Ordinance (Attachment B)**
In order to prevent any ratcheting down of the city's mill levies per the Taxpayer Bill of Rights (TABOR), a temporary mill levy credit was used whenever the calculated revenue forecast exceeded the calculated TABOR revenue limitation by more than 0.10 mill. As a result of the passage of Ballot Issue 201, "Retention of Property Tax Funds" approved by voters on Nov. 4, 2008, the remaining restrictions on property tax collected by the City of Boulder have been eliminated.

Ballot Issue 201 had the effect of reducing the mill levy credit by 0.50 mill each year until the credit was completely eliminated. The mill levy credit was completely eliminated in the 2011 mill levy calculation (for 2012 property tax collections).

Given the most current assessed valuation information received from Boulder County and the passage of Ballot Issue 201, the following is the net mill levy for 2016 (this is unchanged from 2015):

Mill Levy	11.981
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- **Appropriation Ordinance (Attachment C)**
This ordinance appropriates funds as stated in the budget ordinance for 2017.

Staff recommends amendment and emergency adoption of the following ordinance:

- **Fees Ordinance (Attachment D)**
City fees are adjusted based on costs of providing city services and depend on calculations of inflation, pricing guidelines, or service-specific cost analysis. The annual budget process also provides an opportunity to review and clarify the Boulder Revised Code language related to fees and rates.

Suggested Motion Language:

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

- Motion to adopt Ordinance 8144, **as amended on second reading**, adopting the 2017 City of Boulder budget;
- Motion to adopt Ordinance 8145 establishing the City of Boulder property tax mill levy for 2016 to be collected in 2017;
- Motion to adopt Ordinance 8146, **as amended on second reading**, appropriating the 2017 City of Boulder budget;
- Motion to **amend** and adopt by **emergency** Ordinance 8147 changing certain fees.

OTHER IMPACTS

- **Fiscal** - This item will appropriate funds to implement the City of Boulder's 2017 budget. This budget is based on the City Manager's 2017 Recommended Budget and in accordance with City Council's feedback provided during the Sept. 13 Study Session, the Oct. 4 first reading of the budget ordinances, and the Oct. 18 second reading of the budget ordinances. In addition to the budget ordinances, the property tax mill levy is also included. These ordinances are necessary to fund the annual budget in full.
- **Staff time** - Staff time for this process is allocated in the Budget Division's regular annual work plan and in the work plans of all city departments.

BACKGROUND AND ADDITIONAL INFORMATION

A City Council study session on the 2017 Recommended Budget was held on Sept. 13, 2016, a first reading of the budget ordinances, including a public hearing, was held on Oct. 4, 2016, and a second reading of the budget ordinances was held on Oct. 18, 2016.

Transportation safety, the Neighborhood Traffic Mitigation Program, homelessness, and code enforcement were areas of focus for council members at the Sept. 13 budget study session, and the Oct. 4 and Oct. 18 City Council meetings. Staff was asked to consider the possible need for additional resources in these areas. Council also requested that staff consider appropriate timing of City Manager energy contingency funding, for costs related to the potential creation of a municipal electric utility.

At the Oct. 4 first reading, staff brought forward alternate budget options for council consideration. Based on additional council input on and after Oct. 4, and recommendations from the Transportation Advisory Board, staff refined these options and, at the Oct. 18 second reading, provided council with a revised budget proposal and corresponding amended budget ordinances, for consideration. The proposed adjustments to the original [2017 Recommended Budget](#), are noted in the table below.

**Recommended Changes to 2017 Budget
(as reflected in amended ordinances 8144 and 8146)**

	Costs		FTE		Budget Impact	
	one-time	ongoing	fixed-term	ongoing	dollars	FTE
	Budget Addition					
Transportation Safety	\$150,000				\$150,000	
NTMP	\$100,000		1.00		\$100,000	1.00
Emergency Shelter and Services January- April, 2017	\$150,000				\$150,000	
Family Emergency Rental Assistance funding to EFAA	\$150,000				\$150,000	
Homelessness-Working Group	\$250,000				\$250,000	
Homelessness-Coordination, Planning and Analysis		\$250,000		2.00	\$250,000	2.00
Code Enforcement Officer	\$34,000	\$75,000		1.00	\$109,000	1.00
	Budget Adjustment					
City Manager Energy Contingency (removed anticipated spending of \$694,071, including carryover)	\$239,476		-2.00		(\$208,163)	-2.00
					\$950,837	2.00

Council accepted these changes and further directed staff to increase the additional funding to EFAA for emergency rental assistance to \$263,000 (in place of the \$150,000 noted in the table above).

Council also requested a change to the fees ordinance, extending the date that the proposed new SmartRegs fee of \$50 would go into effect, from Jan.1 to April 1, 2017.

Council voted 7-1 in favor of the motion to adopt the amended budget ordinances, with the addition of \$113,000 for emergency rental assistance to families from the Human Services Emergency reserve, and amending section 4-20-18(c) of the fees ordinance by changing the date from December 31, 2016 to March 31, 2017.

A third reading of the budget ordinances is required in order to adopt the 2017 Budget. At the Oct. 18, 2016, council meeting, a third reading of this item was recommended to be included on the consent agenda on Nov. 1 and is provided as such here.

PUBLIC FEEDBACK

Four members of the public spoke at the Oct. 18, 2016, Public Hearing. A representative of the Boulder Area Rental Housing Association expressed concerns about the limited notice associated with the proposed new SmartRegs fee. The Executive Director of the Emergency Family Assistance Association (EFAA) spoke in favor of increasing the proposed funding to EFAA, for expansion of short-term emergency rental assistance to families from two to three months. A third member of the public expressed support for bringing custodial services in-house. The fourth member of the public spoke in favor of increased funding for transportation safety and the Neighborhood Traffic Mitigation Program (NTMP), in particular, articulating the value of addressing the public process for the NTMP and “Toward Vision Zero” in a combined effort, developing the NTMP holistically, and providing statistically valid data in support of transportation program implementation.

NEXT STEPS

- Council provided staff with various comments and questions after the second reading budget memo was published, but prior to the Oct. 18 council meeting. Staff answered some of the questions at the Oct. 18 meeting and will respond to the remainder of the questions through hotline.
- Staff will return to council with information on the Human Services Strategy on Feb. 14.
- Staff will continue to study issues related to Living Wage and will return to council on April 25 with results of these studies, including:
 - Analysis of potential methodologies to determine appropriate rate adjustments
 - Analysis of potential expansion to seasonal positions
 - Analysis of potential inclusion of Living Wage provisions in contracts with non-profits and other governments
 - Follow up information relating to the possibility of providing in-house custodial services.
- Staff will provide regular updates to council on:
 - Compliance with Living Wage provisions in contracts
 - Aggregate data on benefits offered through contracted vendors.

QUESTIONS

Council members may contact [Peggy Bunzli](tel:3034411848) (303-441-1848) in the Budget Division for any questions they have on the contents of this agenda item, including clarification of any budget program or fund status.

BUDGET MATERIALS ONLINE

Budget materials can be found at the following links:

[2017 Recommended Budget](#);

[2017-2022 Draft Capital Improvements Program](#);

[Sept. 13 Budget study session memo](#);

[Additional materials relating to homelessness initiatives for the Sept. 13 Budget study session](#);

[Additional materials relating to items not recommended for funding in the 2017 Budget](#)

[Video of Sept. 13 Budget study session](#) (choose date from list);

[Sept. 13 study session summary](#);

[Agenda item 5A for the Oct. 4, 2016 City Council meeting](#);

[Video of the Oct. 4 City Council Meeting – First Reading of the Budget](#) (choose date from list);

[Agenda item 5A for the Oct. 18, 2016 City Council meeting](#);

[Video of the Oct. 18 City Council Meeting – Second Reading of the Budget](#) (choose date from list);

[2016 Budget \(current year\)](#);

[Past budgets](#)

ATTACHMENTS

- Attachment A** Ordinance 8144, adopting a Budget for the City of Boulder for 2017
- Attachment B** Ordinance 8145, establishing the 2016 City of Boulder property tax mill levy
- Attachment C** Ordinance 8146, appropriating the City of Boulder budget for 2017
- Attachment D** Emergency Ordinance 8147, changing certain fees
- Attachment E** Fund Activity Summary that reflects the impact of 2017 estimated revenues and appropriations on the fund balance for each city fund

ORDINANCE 8144

**AN ORDINANCE ADOPTING A BUDGET FOR THE
CITY OF BOULDER, COLORADO, FOR THE
FISCAL YEAR COMMENCING ON THE FIRST
DAY OF JANUARY 2017 AND ENDING ON THE
LAST DAY OF DECEMBER 2017 AND SETTING
FORTH DETAILS IN RELATION THERETO.**

WHEREAS, the City Manager has submitted a recommended budget for fiscal year 2017 to the City Council as required by Charter; and,

WHEREAS, upon due and proper notice, numerous study sessions and public hearings have been held on said recommended budget;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO THAT THE FOLLOWING FISCAL YEAR 2017 BUDGET IS HEREBY ADOPTED:

Section 1. That estimated expenditures for fiscal year 2017 are as follows (excludes carryover and the General Improvement Districts):

General Operating Fund	\$ 139,792,481
.25 Cent Sales Tax Fund	8,431,714
Affordable Housing Fund	1,737,774
Airport Fund	432,040
Boulder Junction Improvement Fund	958,724
Capital Development Fund	2,206,700
Climate Action Plan Fund	1,828,900
Community Development Block Grant (CDBG) Fund	650,324
Community Housing Assistance Program Fund	3,125,866
Compensated Absences Fund	982,875
Computer Replacement Fund	2,314,707
Equipment Replacement Fund	519,582
Facility Renovation and Replacement Fund	4,122,522
Fleet Operations and Replacement Fund	7,693,346

1	HOME Investment Partnership Grant Fund	825,194
2	Library Fund	1,411,278
3	Lottery Fund	1,557,342
4	Open Space Fund	34,948,528
5	Permanent Parks and Recreation Fund	3,231,303
6	Planning and Development Services Fund	12,378,488
7	Property and Casualty Insurance Fund	2,394,170
8	Recreation Activity Fund	10,918,674
9	Stormwater/Flood Management Utility Fund	13,245,203
10	Telecommunications Fund	548,780
11	Transportation Fund	36,101,318
12	Transportation Development Fund	1,545,109
13	Wastewater Utility Fund	23,443,164
14	Water Utility Fund	34,564,584
15	Worker's Compensation Insurance Fund	1,748,192
16	Less: Interfund Transfers	(12,676,833)
17	Less: Internal Service Fund Charges	(19,847,250)
18	TOTAL (Including Debt Service)	\$ 321,134,799

Section 2. That estimated carryover funds from fiscal year 2016 are as follows

(excludes General Improvement Districts):

19	General Operating Fund	\$ 7,000,000
20	.25 Cent Sales Tax Fund	1,800,000
21	2011 Capital Improvement Bond Fund	292,000
22	Affordable Housing Fund	7,500,000
23	Airport Fund	10,000
24	Boulder Junction Improvement Fund	2,500,000
25	Capital Development Fund	500,000
26	Climate Action Plan Fund	400,000
27	Community Development Block Grant (CDBG) Fund	1,300,000
	Community Housing Assistance Program Fund	4,500,000
	Equipment Replacement Fund	250,000

1	Facility Renovation and Replacement Fund	5,500,000
2	Fleet Operations and Replacement Fund	850,000
3	HOME Investment Partnership Grant Fund	1,500,000
4	Lottery Fund	1,103,073
5	Open Space Fund	25,766,943
6	Permanent Parks and Recreation Fund	400,000
7	Planning and Development Services Fund	1,500,000
8	Stormwater/Flood Management Utility Fund	12,000,000
9	Transportation Fund	27,000,000
10	Transportation Development Fund	2,800,000
11	Wastewater Utility Fund	9,000,000
12	Water Utility Fund	14,000,000
13	TOTAL	\$ 127,472,016

14 Section 3. That estimated revenues and fund balances available for fiscal year 2017
15 to fund the above expenditures are as follows (excludes carryover and General
16 Improvement Districts):

17	Taxes	\$ 190,329,926
18	Charges for Services	74,124,783
19	License Fees and Fines	20,936,681
20	Internal Service Fund Charges	20,374,694
21	Intergovernmental and Grants	14,780,916
22	Transfers-In	8,234,160
23	Interest/Lease/Rent	4,714,078
24	Other Revenue	2,103,243
25	Sale of Goods and Capital Assets	583,384
26	Plus: Fund Balance	13,561,788
27	Less: Transfers-In	(8,234,160)
	Less: Internal Service Fund Charges	(20,374,694)
	TOTAL	\$ 321,134,799

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Section 4. That the proposed budget as submitted and hereinabove summarized be adopted as the budget of the City of Boulder, Colorado, for the 2017 fiscal year.

Section 5. The City Council finds that the budget must be adopted before the mill levy can be certified, and said levy must be certified to the County Assessor of the County of Boulder, State of Colorado, by December 15, 2016.

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

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

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED

2 BY TITLE ONLY the 4th day of October, 2016.

4 _____
5 Mayor

6 Attest:

7 _____
8 City Clerk

10 READ ON SECOND READING AND AMENDED the 18th day of October, 2016.

13 _____
14 Mayor

14 Attest:

15 _____
16 City Clerk

18 READ ON THIRD READING, PASSED AND ADOPTED the 1st day of
19 November, 2016.

21 _____
22 Mayor

22 Attest:

23 _____
24 City Clerk

ORDINANCE 8145

AN ORDINANCE ESTABLISHING THE 2016 CITY OF BOULDER PROPERTY TAX MILL LEVIES WHICH ARE TO BE COLLECTED BY THE COUNTY OF BOULDER, STATE OF COLORADO, WITHIN THE CITY OF BOULDER IN 2017 FOR PAYMENT OF EXPENDITURES BY THE CITY OF BOULDER DURING THE FISCAL YEAR 2017 PROVIDING THAT SAID LEVY BE CERTIFIED TO THE COUNTY ASSESSOR OF THE COUNTY OF BOULDER, STATE OF COLORADO, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, Section 94 of the Charter of the City of Boulder, Colorado requires the City Council to make by ordinance the proper levy in mills on each dollar of the assessed valuation of all taxable property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment during the ensuing fiscal year of the properly authorized demands upon the Treasury, and to cause said total levy to be certified to the County Assessor of the County of Boulder, State of Colorado; and

WHEREAS, after reviewing the requirements for anticipated expenditures as well as anticipated revenues from other sources for 2017, the City Council has determined that for the year of 2016, the proper mill levy, which shall be collected in 2017 by the Treasurer of the County of Boulder, State of Colorado, upon each dollar of the assessed valuation of all taxable property within the city, shall be 11.981 mills; and

WHEREAS, Boulder residents approved Ballot Issue 201 on November 4, 2008, which has the effect of allowing the retention of property tax monies collected above the limits imposed by Article X, Section 20, of the Colorado Constitution, commonly referred to as "TABOR," and reducing the mill levy credit by 0.50 mill each year until the credit is completely eliminated; and

1 WHEREAS, in line with those guidelines, no mill levy credit remains, and a total of
 2 11.981 mills is to be assessed upon each dollar of assessed valuation of all taxable
 3 property with the City.

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

6 Section 1. For the purpose of maintaining funds to defray the general expenses of
 7 the City of Boulder, Colorado, during the fiscal year of the City commencing at 12:00
 8 Midnight at the end of December 31, 2016, and ending at 12:00 Midnight at the end of
 9 December 31, 2017, there is hereby levied for the year of 2016 to be collected in 2017 a
 10 tax of 11.981 mills upon each dollar of the total assessed valuation of all taxable property
 11 within the City of Boulder, Colorado. The levy includes the following components:
 12

13	GENERAL CITY OPERATIONS	8.748
14	PERMANENT PARKS FUND (Charter Sec. 161)	.900
15	LIBRARY FUND (Charter Sec. 165)	<u>.333</u>
16	TOTAL	9.981
17	GENERAL CITY OPERATIONS (PUBLIC SAFETY)	<u>2.000</u>
18	NET MILL LEVY	11.981

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

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

24 Section 4. Pursuant to Section 18 of the Charter of the City of Boulder, this
 25 ordinance shall take effect immediately upon publication after final passage.
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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED

BY TITLE ONLY the 4th day of October, 2016.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED AND ADOPTED the 1st day of

November, 2016.

Mayor

Attest:

City Clerk

ORDINANCE 8146

AN ORDINANCE APPROPRIATING MONEY TO DEFRAID EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, COLORADO, FOR THE 2017 FISCAL YEAR OF THE CITY OF BOULDER, COMMENCING ON THE FIRST DAY OF JANUARY 2017, AND ENDING ON THE LAST DAY OF DECEMBER 2017, AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the City Council has approved a motion to adopt the budget for 2017; and,

WHEREAS, the City Council has by ordinance made the property tax levy in mills upon each dollar of the total assessed valuation of all taxable property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment in part during the City's said fiscal year of the properly authorized demands upon the Treasury; and,

WHEREAS, the City Council is now desirous of making appropriations for the ensuing fiscal year as required by Section 95 of the Charter of the City of Boulder;

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

Section 1. The following appropriations are hereby made for the City of Boulder's fiscal year commencing at 12:00 Midnight at the end of December 31, 2016 and ending at 12:00 Midnight at the end of December 31, 2017, for payment of 2017 City operating expenses, capital improvements, and general obligation and interest payments:

General Operating Fund	\$ 139,792,481
.25 Cent Sales Tax Fund	8,431,714
Affordable Housing Fund	1,737,774
Airport Fund	432,040
Boulder Junction Improvement Fund	958,724

1	Capital Development Fund	2,206,700
2	Climate Action Plan Fund	1,828,900
3	Community Development Block Grant (CDBG) Fund	650,324
4	Community Housing Assistance Program Fund	3,125,866
5	Compensated Absences Fund	982,875
6	Computer Replacement Fund	2,314,707
7	Equipment Replacement Fund	519,582
8	Facility Renovation and Replacement Fund	4,122,522
9	Fleet Operations and Replacement Fund	7,693,346
10	HOME Investment Partnership Grant Fund	825,194
11	Library Fund	1,411,278
12	Lottery Fund	1,557,342
13	Open Space Fund	34,948,528
14	Permanent Parks and Recreation Fund	3,231,303
15	Planning and Development Services Fund	12,378,488
16	Property and Casualty Insurance Fund	2,394,170
17	Recreation Activity Fund	10,918,674
18	Stormwater/Flood Management Utility Fund	13,245,203
19	Telecommunications Fund	548,780
20	Transportation Fund	36,101,318
21	Transportation Development Fund	1,545,109
22	Wastewater Utility Fund	23,443,164
23	Water Utility Fund	34,564,584
24	Worker's Compensation Insurance Fund	1,748,192
25	Less: Interfund Transfers	(12,676,833)
26	Less: Internal Service Fund Charges	(19,847,250)
27	TOTAL (Including Debt Service)	\$ 321,134,799

Section 2. The following appropriations are hereby made for the City of Boulder's fiscal year commencing January 1, 2017 and ending December 31, 2017 for estimated carryover expenditures:

27	General Operating Fund	\$ 7,000,000
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1	.25 Cent Sales Tax Fund	1,800,000
2	2011 Capital Improvement Bond Fund	292,000
3	Affordable Housing Fund	7,500,000
4	Airport Fund	10,000
5	Boulder Junction Improvement Fund	2,500,000
6	Capital Development Fund	500,000
7	Climate Action Plan Fund	400,000
8	Community Development Block Grant (CDBG) Fund	1,300,000
9	Community Housing Assistance Program Fund	4,500,000
10	Equipment Replacement Fund	250,000
11	Facility Renovation and Replacement Fund	5,500,000
12	Fleet Operations and Replacement Fund	850,000
13	HOME Investment Partnership Grant Fund	1,500,000
14	Lottery Fund	1,103,073
15	Open Space Fund	25,766,943
16	Permanent Parks and Recreation Fund	400,000
17	Planning and Development Services Fund	1,500,000
18	Stormwater/Flood Management Utility Fund	12,000,000
19	Transportation Fund	27,000,000
20	Transportation Development Fund	2,800,000
21	Wastewater Utility Fund	9,000,000
22	Water Utility Fund	14,000,000
23	TOTAL	\$ 127,472,016

Section 3. The following appropriations are hereby made for the City of
Boulder's fiscal year commencing January 1, 2017, and ending December 31, 2017, for
Fund Balances:

24	General Operating Fund	\$ 34,608,413
25	.25 Cent Sales Tax Fund	3,266,613
26	Affordable Housing Fund	795,427
27	Airport Fund	1,616,245
28	Boulder Junction Improvement Fund	220,106

1	Capital Development Fund	12,017,761
2	Climate Action Plan Fund	83,412
3	Community Housing Assistance Program Fund	31,692
4	Compensated Absences Fund	1,645,573
5	Computer Replacement Fund	7,770,788
6	Equipment Replacement Fund	6,903,287
7	Facility Renovation and Replacement Fund	4,899,430
8	Fleet Operations and Replacement Fund	17,651,288
9	Library Fund	942,648
10	Lottery Fund	1,853,710
11	Open Space Fund	12,080,821
12	Permanent Parks and Recreation Fund	500,289
13	Planning and Development Services Fund	4,297,706
14	Property and Casualty Insurance Fund	4,692,719
15	Recreation Activity Fund	1,911,399
16	Stormwater/Flood Management Utility Fund	10,049,719
17	Telecommunications Fund	1,807,730
18	Transportation Fund	4,028,623
19	Transportation Development Fund	1,859,617
20	Wastewater Utility Fund	6,146,365
21	Water Utility Fund	26,888,876
22	Worker's Compensation Insurance Fund	2,366,703
23	TOTAL FUND BALANCES AS OF 12/31/2017	\$ 170,936,960

20
 21 Section 4. The City Council hereby appropriates as revenues all 2016 year-end
 22 cash balances not previously reserved for insurance or bond purposes for all purposes not
 23 designated as "emergencies", including without limitation subsequent years' expenditures,
 24 capital improvements, adverse economic conditions and revenue shortfalls, pursuant to
 25 Article X, Section 20 to the Colorado Constitution, approved by the electorate on
 26 November 3, 1992; and
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Section 5. The sums of money as appropriated for the purposes defined in this ordinance shall not be over expended, and that transfers between the various appropriations defined in this ordinance shall not be made except upon supplemental appropriations by ordinance authorizing such transfer duly adopted by City Council of the City of Boulder, Colorado. It is expressly provided hereby that at any time after the passage of this ordinance and after at least one week's public notice, the Council may transfer unused balances appropriated for one purpose to another purpose, and may appropriate available revenues not included in the annual budget and appropriations ordinance.

Section 6. The City Council is of the opinion that the provisions of the within ordinance are necessary for the protection of the public peace, property, and welfare of the residents of the city, and covers matters of local concern.

Section 7. Pursuant to Section 95 of the Boulder City Charter, the annual appropriation ordinance must be adopted by December 1 and to Section 18 of the Charter, this ordinance shall take effect immediately upon publication after final passage.

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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED

BY TITLE ONLY the 4th day of October, 2016.

Mayor

Attest:

City Clerk

READ ON SECOND READING AND AMENDED the 18th day of October, 2016.

Mayor

Attest:

City Clerk

READ ON THIRD READING, PASSED AND ADOPTED the 1st day of
November, 2016.

Mayor

Attest:

City Clerk

ORDINANCE NO. 8147

AN EMERGENCY ORDINANCE AMENDING SECTION 3-8-3 AND CHAPTER 4-20, B.R.C. 1981, CHANGING CERTAIN FEES, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 3-8-3, B.R.C. 1981, is amended to read:

3-8-3. - Tax Imposed on Nonresidential and Residential Development.

(a) Tax Rate: No person engaged in nonresidential or residential development in the city shall fail to pay a development excise tax thereon according to the following rates:

(1) For new or additional floor area for nonresidential development per square foot of floor area:

Transportation	\$2.48
Total:	\$2.48

(2) For new detached dwelling unit:

Park land	\$1,170.03 \$1,194.60
Transportation	2,275.92 \$2,323.71
Total:	3,445.95 \$3,518.31

(3) For new attached dwelling unit or mobile home:

Park land	813.49 \$ 830.57
Transportation	1,686.60 \$1,722.02
Total:	2,500.09 \$2,552.59

(b) Waiver of Tax Imposed on Annexation of Developed Residential Land: For property annexed with existing residential development, the tax imposed by this chapter is prorated in accordance with the following formula: one twenty-sixth of the applicable tax is waived for each full year the residence existed prior to July 17, 1988. The date on which residential development existed for determination of the waiver is the date of the issuance by Boulder County of a certificate of occupancy for the structure.

Section 2. Chapter 4-20, B.R.C. 1981, is amended to read:

....

4-20-3. - Auctioneer License Fees.

An applicant for an auctioneer license shall pay an annual fee of ~~\$83~~ \$4 and \$7 per person submitted for background check review.

4-20-4. - Building Contractor License, Building Permit Fees, and Payment of Estimated Use Tax.

....

(d) The value of the work covered by the permit shall be determined by either the City of Boulder Valuation Table or the estimated value of the work covered by the permit provided by the applicant at time of application. The higher of the two valuations shall be used to calculate the building permit fees and the estimated pre-payment of construction use tax if the applicant chooses to pay use taxes pursuant to Subsection 3-2-14(a), "Methods of Paying Sales and Use Tax," B.R.C. 1981.

(1) *City of Boulder Valuation Table* means a table of per square foot construction values based on type of construction and use. The city has adopted the August ~~2016~~ 2015 version of the cost data as published by the International Code Council. The table rates are for new construction which includes additions. All other scopes of work are expressed as a percentage of the new rates as follows:

Core and Shell	75%
Basement Finish	50%
All Others	50%

....

4-20-5. - Circus, Carnival, and Menagerie License Fees.

An applicant for a circus, carnival, and menagerie license shall pay ~~\$435~~ \$425 per day of operation.

....

1 **4-20-10. - Itinerant Merchant License Fee.**

2 An applicant for an itinerant merchant license shall pay \$57 ~~56~~ per year plus \$7 per person
3 submitted for background check review.

4 **4-20-11. - Mall License and Permit Fees.**

5 The following fees shall be paid before issuance of a revocable permit or lease, kiosk,
6 mobile vending cart, ambulatory vendor, entertainment vending, personal services vending, or
7 animal permit, and rental of advertising space on informational kiosks:

- 8 (a) For revocable permit or leases issued in accordance with Section 8-6-6, "Requirements
9 for Revocable Permits, Short-Term Leases and Long-Term Leases," B.R.C. 1981, an
10 annual fee of \$16.60 ~~16.25~~ per square foot of occupied space;
- 11 (b) For kiosk permits, an annual fee to be negotiated by contract with the city manager;
- 12 (c) For mobile vending carts, \$2,225 ~~2,172~~ per year, payable in two equal payments by
13 April 1 and August 1, or, for substitution or other permits which begin later in the year
14 and are prorated, within thirty days of permit approval;
- 15 (d) For ambulatory vendor permits, \$111 ~~108~~ per month from May through September, and
16 \$55.50 ~~54~~ per month from October through April;
- 17 (e) For any permits requiring use of utilities to be provided by the city, up to a maximum of
18 \$19.50 ~~19~~ per day;
- 19 (f) For rental of advertising space on informational kiosks, \$975 per quarter section per
20 year;
- 21 (g) For animal permits, \$0 per permit;
- 22 (h) For entertainment vending permits, \$15.50 ~~15.00~~ per month;
- 23 (i) For personal services vending permits, \$111 ~~108~~ per month from May through
24 September, and \$55.50 ~~54~~ from October through April; and
- 25 (j) For a newspaper vending machine permit, \$66.50 per year.

....

19 **4-20-17. - Secondhand Dealer and Pawnbroker License Fee.**

20 (a) An applicant for a secondhand dealer license shall pay \$116 ~~113~~ per year plus \$7 per person
21 submitted for background check review.

22 (b) An applicant for a pawnbroker license shall pay \$2,181 ~~2,128~~ per year plus \$7 per person
23 submitted for background check review.

24 (c) The fees for a new license prescribed in subsections (a) and (b) of this section shall be
25 prorated on a monthly basis.

24 **4-20-18. - Rental License Fee.**

25 The following fees shall be paid before the city manager may issue a rental license or renew
a rental license:

- 1 (a) Dwelling and Rooming Units: \$105 per building.
- 2 (b) Accessory Units: \$105 per unit.
- 3 (c) For any rental license or renewal of a rental license that has not passed an inspection
- 4 demonstrating compliance with Chapter 10-2, "Property Maintenance Code" Energy
- 5 Efficiency Requirements as of March 31, 2017: \$50 per rental license.
- 6 (de) To cover the cost of investigative inspections, the city manager will assess to operators
- 7 a \$250 fee per inspection, where the city manager has performed an investigative
- 8 inspection to ascertain compliance with or violations of this chapter.

9

10 **4-20-20. - Revocable Right of Way Permit/Lease Application Fee.**

- 11 (a) An applicant for a revocable right of way permit shall pay:
- 12 (1) Initial application: ~~\$650.00~~.
- 13 (2) Resubmittal within four weeks of initial application: ~~\$325.00~~.
- 14 (3) Renewal: ~~\$113.00~~.
- 15 (b) An applicant for a revocable right of way lease shall pay:
- 16 (1) Initial application: ~~\$750.00~~.
- 17 (2) Resubmittal within four weeks of initial application: ~~\$375.00~~.
- 18 (3) Renewal: ~~\$150.00~~.
- 19 (c) An applicant for an encroachment investigation shall pay the following fees:
- 20 (1) Residential encroachment: ~~\$708.00~~.
- 21 (2) Commercial encroachment: ~~\$1,415.00~~.
- 22 (d) An applicant for an encroachment off the Pearl Street Mall shall pay an annual fee of
- 23 ~~\$11.62~~~~11.38~~ per square foot of leased area.
- 24 (e) An applicant for a monitoring well encroachment shall pay ~~\$530.00~~ per well per year.
- 25 (f) An applicant for a residential encroachment shall pay an annual fee of \$100.
- (gf) Applications for any other encroachments not covered by this section will be reviewed and
- assessed a fee designed to recover city costs associated with the review and inspection.

26

27 **4-20-23. - Water Permit Fees.**

28 An applicant for a water permit under Sections 11-1-14, "Permit to Make Water Main

29 Connections," 11-1-15, "Out of City Water Service," or 11-1-16, "Permit to Sell Water," B.R.C.

30 1981, or for water meter installation under Section 11-1-36, "Location and Installation of Meters;

31 Maintenance of Access to Meters," B.R.C. 1981, or for testing or inspection of backflow

32 prevention assemblies under Section 11-1-25, "Duty to Maintain Backflow Prevention Assembly

33 and Prevent Cross-Connection," B.R.C. 1981, and for inspection for cross-connections under

1 Section 11-1-25, "Duty to Maintain Backflow Prevention Assembly and Prevent Cross-
2 Connection," B.R.C. 1981, shall pay the following fees:

3

(d) Water meter installation fee:

- 4 (1) ¾" meter~~\$666~~ ~~616.00~~
5 (2) 1" meter~~929~~ ~~868.00~~
6 (3) 1½" meter (domestic)~~2,679~~ ~~2,670.00~~
7 (4) 1½" meter (sprinkler)~~2,885~~ ~~2,909.00~~
8 (5) 2" meter (domestic)~~3,282~~ ~~3,264.00~~
9 (6) 2" meter (sprinkler)~~3,128~~ ~~3,178.00~~
10 (7) 3" meter~~3,878~~ ~~3,895.00~~
11 (8) 4" meter~~5,032~~ ~~5,049.00~~
12 (9) Install ¾" meter transponder~~282~~ ~~265.00~~
13 (10) Install 1" meter transponder~~328~~ ~~311.00~~
14 (11) Install 1½" meter transponder~~406~~ ~~378.00~~
15 (12) Install 2" meter transponder (domestic)~~429~~ ~~400.00~~
16 (13) 3" to 8" meter transponder (domestic)~~1,033~~ ~~986.00~~
17 (14) 2" to 8" meter transponder (sprinkler)~~1,033~~ ~~986.00~~
18 (15) Call back for ¾" and 1"~~65~~ ~~55.00~~
19 (16) Call back for 1½" and 2"~~120~~ ~~100.00~~

20 Sales tax is due on materials portion of installation.

21 (e) Tap fee:

- 22 (1) ¾" in DIP or CIP~~\$270~~ ~~117.00~~
23 (2) ¾" in AC or PVC~~270~~ ~~214.00~~
24 (3) 1" in DIP or CIP~~288~~ ~~127.00~~
25 (4) 1" in AC or PVC~~288~~ ~~222.00~~
26 (5) 1½"~~538~~ ~~406.00~~
27 (6) 2"~~706~~ ~~591.00~~
28 (7) 4"~~462~~ ~~357.00~~
29 (8) 6"~~519~~ ~~413.00~~
30 (9) 8"~~601~~ ~~495.00~~
31 (10) 12"~~757~~ ~~651.00~~
32 (11) Call back for installing a water tap~~194~~ ~~110.00~~

1 Sales tax is due on materials portion of installation.

- 2 (f) The emergency water conservation special permit fee is\$75.00
- 3 (g) Tests and inspections for backflow prevention assemblies:
 - 4 (1) To test or inspect first backflow prevention assembly\$115.00
 - 5 (2) Each additional assembly at same location75.00
 - 6 (3) For cross-connection inspection first hour115.00
 - 7 (4) For each additional hour at same location75.00

8 **4-20-24. - Water Service Fees.**

9 A person shall pay the following charges for water services:

- 10 (a) To terminate water service\$37 ~~33.00~~
- 11 (b) To deliver water service termination notice14.00
- 12 (c) To remove water meter78 ~~63.00~~
- 13 (d) To reset water meter64 ~~55.00~~
- 14 (e) To resume water service39 ~~31.00~~
- 15 (f) To resume water service after 3 p.m. or on weekends or holidays76 ~~61.00~~
- 16 (g) Special meter read36 ~~39.00~~
- 17 (h) To test meter and meter tests accurate50.00
- 18 (i) ~~Water monitors110.00~~

19 **4-20-25. - Monthly Water User Charges.**

20 (a) Treated water monthly service charges:

<i>Meter Size</i>	<i>Inside City</i>	<i>Outside City</i>
3/4"	\$ <u>11.28</u> 10.44	\$ <u>16.91</u> 15.67
1"	<u>18.98</u> 17.57	<u>28.46</u> 26.36
1 1/2"	<u>40.87</u> 37.84	<u>61.30</u> 56.76
2"	<u>71.59</u> 66.29	<u>107.39</u> 99.44
3"	<u>159.26</u> 147.46	<u>238.89</u> 221.19
4"	<u>281.99</u> 261.10	<u>422.98</u> 391.65
6"	<u>632.79</u> 585.92	<u>949.19</u> 878.88

8"	1,123.89 1,040.64	1,685.84 1,560.97
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(b) Treated water quantity charges:

(1) Block Rate Structure:

	<i>Block Rates (per thousand gallons of water)</i>	<i>Block Size (% of monthly water budget)</i>
Block 1	\$ 2.99 2.76	0—60%
Block 2	3.98 3.68	61—100%
Block 3	7.96 7.36	101—150%
Block 4	11.94 11.04	151—200%
Block 5	19.90 18.40	Greater than 200%

(2) Definitions:

(A) Block Rate Structure is the water budget rate structure which includes Blocks 1—5. These blocks represent an increasing block rate structure such that the price of water increases as more water is used, particularly when the amount of water used exceeds the customer's water budget. This rate structure is intended to:

- promote water conservation and the efficient use of water;
- support community goals;
- reflect the value of water;
- send a price signal to customers who waste water;
- recover needed revenues for administration, operations, maintenance, capital projects, debt payments, and reserves for the water utility;
- avoid additional costs of new water development; and
- avoid additional costs of new and expanded water treatment.

The rate structure provides an individualized water budget to each customer that is expected to meet the customer's specific water needs. The revenues generated from the block rate structure will be used to satisfy the quantity charge portion of the basic revenue requirements of the water utility.

(B) Monthly water budget means the amount of water allocated to the water utility customers to meet their anticipated watering needs for the month. The monthly water budget shall be the indoor and/or outdoor allocation for each water utility customer. The allocation shall be based on reasonable and necessary indoor and/or outdoor use,

water conservation, and other relevant factors associated with water use in the city. The allocations shall be defined by rules and guidelines issued by the city manager.

- (c) Bulk water and metered hydrant rate: \$8.00 per thousand gallons of water used. (Service charges do not apply.)
- (d) Water leased on an annual basis: Colorado Big Thompson \$35 per acre foot; all other based on cost of assessment plus ten percent administrative fee or \$40.35 per acre foot, whichever is greater.

4-20-26. - Water Plant Investment Fees.

- (a) Water utility customers shall pay the following plant investment fees:

The number of bedrooms, type of units, number of units, irrigated area, and AWC Usage** are used to determine water budgets as well as calculate the Plant Investment Fee. Any changes to these characteristics may require payment of an additional Plant Investment Fee before any water budget adjustments are made.

Customer Description PIF Amount

- (1) Single Unit Dwelling:

<i>Type</i>	<i>Amount of Square Feet of Irrigable Area</i>	<i>Application Rate</i>	
Outdoor [per S.F. of irrigated area (2,000 S.F. minimum)]	First 5,000 square feet of irrigable area	15 gallons per square foot (gpsf)	\$ <u>2.90</u> 2.84
	Next 9,000 square feet of irrigable area	12 gpsf	<u>2.43</u> 2.38
	Irrigable area in excess of 14,000 square feet	10 gpsf	<u>1.94</u> 1.90
Indoor			<u>12,432</u> 12,188.00

Customer Description PIF Amount

- (2) Multi Unit Dwelling:

Outdoor (Separate irrigation service under Paragraph (4) of this section).

<i>Indoor</i>	
1 or 2 bedroom unit (per unit)	\$ <u>7,105</u> 6,966
3 bedroom unit (per unit)	<u>8,881</u> 8,707
4 bedroom unit (per unit)	<u>10,657</u> 10,448

5 or more bedroom unit (per unit)	<u>12,432</u> 12,188
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(3) Nonresidential:

Outdoor (Separate irrigation service under Paragraph (4) of this section).

Indoor:

Meter size *	<i>AWC Usage (Gallons)</i> **		
	25%	50%	85%
¾"	N/A	30,000	165,000
1"	42,000	108,000	503,000
1½"	99,000	228,000	924,000
2"	183,000	483,000	1,941,000

Meter size *	<i>PIF Amount</i>		
	25%	50%	85%
¾"	N/A	\$ <u>4,441</u> 4,354	\$ <u>24,420</u> 23,941
1"	\$ <u>6,216</u> 6,094	<u>15,984</u> 15,671	<u>74,447</u> 72,987
1½"	<u>14,652</u> 14,365	<u>33,745</u> 33,083	<u>136,758</u> 134,076
2"	<u>27,085</u> 26,554	<u>71,488</u> 70,086	<u>287,278</u> 281,645

Water usage other than that listed above may be evaluated and assessed a proportional PIF on a case by case basis.

* Nonresidential meters larger than 2 inches require a special agreement described under Paragraph (5) of this section. The efficiency standard option with a corresponding special agreement is available to all nonresidential customers.

** Average Winter Consumption Usage (AWC Usage), is based on a usage distribution of all nonresidential accounts with a given meter size.

"N/A" means this option is not available for purchase.

(4) Irrigation service:

<i>Usage</i>	<i>Application Rate</i>	<i>PIF Amount</i>
Per S.F. of irrigated area (2,000 S.F. minimum)	15 gallons per square feet (gpsf)	\$ <u>2.90</u> 2.84

(5) The PIF for a customer whose total water demand exceeds the water use demand described in Subsection 11-1-52(j), B.R.C. 1981, is as follows:

(A) Raw Water: [(AYWA/30,650 acre feet) x A] plus

(B) Water Delivery Infrastructure: [(PDWD/53,000,000 gallons per day) x B] =
Total PIF

Where:

AYWA = customer's average year water demand in acre feet

30,650 acre feet = city's usable water rights capacity

A = value of city's raw water

PDWD = customer's peak day water demand in million gallons per day

53,000,000 gallons per day = city's current treated water delivery capacity

B = value of city's water delivery infrastructure

	<i>Water Asset Valuations</i>
A	\$418,072,046
B	<u>904,617,399</u> 886,879,803

4-20-27. - Wastewater Permit Fees.

An applicant for a wastewater tap or permit under Section 11-2-8, "When Connections With Sanitary Sewer Mains Required," or 11-2-9, "Permit to Make Sanitary Sewer Connection," B.R.C. 1981, shall pay the following fees:

(a) Permit fee (stub, connection, enlargement, renewal, abandonment):

- (1) Wastewater residential~~\$127.00~~
- (2) Wastewater nonresidential~~169.00~~
- (3) Wastewater private property repair~~42.00~~
- (4) Sewer main extension permit~~326.00~~

(b) Inspection fee (stub, connection, enlargement, abandonment):

- (1) Wastewater residential (first two inspections inclusive)~~\$169.00~~
- (2) Wastewater nonresidential (first two inspections inclusive)~~211.00~~
- (3) Each inspection after the first two inspections~~94.00~~

(c) Sewer tap fee:

- (1) 4" PVC and VCP~~\$185~~ 125.00
- (2) 4" RCP~~334~~ 190.00

- (3) 6" PVC and VCP~~201~~ 156.00
- (4) 6" RCP~~349~~ 218.00
- (5) Manhole tap~~676~~ 540.00
- (6) Call back for installing a sewer tap~~159~~ 78.00

Sales tax is due on materials portion of installation.

4-20-28. - Monthly Wastewater User Charges.

(a) Monthly service charge:

<i>Meter Size</i>	<i>Inside City</i>	<i>Outside City</i>
¾"	\$ 1.58 <u>1.50</u>	\$ 2.36 <u>2.25</u>
1"	2.77 <u>2.64</u>	4.16 <u>3.95</u>
1½"	6.32 <u>6.02</u>	9.48 <u>9.02</u>
2"	11.14 <u>10.61</u>	16.71 <u>15.91</u>
3"	25.04 <u>23.85</u>	37.56 <u>35.77</u>
4"	44.56 <u>42.44</u>	66.84 <u>63.66</u>
6"	100.26 <u>95.49</u>	150.40 <u>143.23</u>
8"	178.24 <u>169.75</u>	267.36 <u>254.63</u>

(b) Quantity charge:

- (1) Average strength sewage (up to and including two hundred twenty mg/l TSS, twenty-five mg/l NH₃-N, or two hundred thirty mg/l BOD):

<i>Quantity</i>	<i>Inside City</i>	<i>Outside City</i>
Per 1,000 gallons of billable usage	\$6.35 <u>6.05</u>	\$9.53 <u>9.07</u>

- (2) Excess Strength Sewage Charge. In addition to the quantity charge for average strength sewage, fees will be charged for excess strength sewage based on the following:

	<i>Strength Exceeding (mg/l)</i>	<i>Fee per 1000 lbs. of discharge</i>
TSS (Total Suspended Solids)	220	\$ 384 <u>376</u>
BOD (Biological Oxygen Demand)	230	576 <u>565</u>
NH ₃ -N (Ammonia as Nitrogen)	25	2,723 <u>2,670</u>

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4-20-29. - Wastewater Plant Investment Fees.

(a) Sanitary sewer utility customers shall pay the following plant investment fees:

Customer Description

(1) Single Unit Dwelling:

<i>PIF Amount</i>
<u>\$4,849</u> 4,754

(2) Multi Unit Dwelling:

<i>Description</i>	<i>PIF Amount</i>
1 or 2 bedroom unit (per unit)	<u>\$2,770</u> 2,716
3 bedroom unit (per unit)	<u>3,464</u> 3,396
4 bedroom unit (per unit)	<u>4,157</u> 4,075
5 or more bedroom unit (per unit)	<u>4,849</u> 4,754

(3) Nonresidential:

	<i>AWC Usage (Gallons)**</i>		
Meter size *	25%	50%	85%
¾"	N/A	\$-30,000	\$-165,000
1"	\$-42,000	108,000	503,000
1½"	99,000	228,000	924,000
2"	183,000	483,000	1,941,000

	<i>PIF Amount (\$)</i>		
Meter size *	25%	50%	85%
¾"	N/A	\$ <u>1,732</u> 1,698	\$ <u>9,525</u> 9,338
1"	\$ <u>2,425</u> 2,377	<u>6,256</u> 6,113	<u>29,038</u> 28,469
1½"	<u>5,716</u> 5,604	<u>13,163</u> 12,905	<u>53,344</u> 52,298
2"	<u>10,565</u> 10,358	<u>27,884</u> 27,337	<u>112,055</u> 109,858

* Nonresidential meters larger than 2 inches require a special agreement described under Paragraph (4) of this section. The efficiency standard option with a corresponding special agreement is available to all nonresidential customers.

** Average Winter Consumption Usage (AWC Usage) is based on a usage distribution of all nonresidential accounts with a given meter size.

"N/A" means this option is not available for purchase.

(4) The PIF for a customer who exceeds the wastewater discharge described in Subsection 11-2-33(j), B.R.C. 1981, is calculated as follows:

[(PDH/25,000,000 gallons per day) x A] plus

[(ABOD/36,000 lbs. per day) x B] plus

[(ATSS/39,000 lbs. per day) x C] plus

[(ANH₃/4,060 lbs. per day) x D] = Total PIF

Where:

PDH = customer's peak day hydraulic loading in million gallons per day

25,000,000 gallons per day = city's current hydraulic and collection capacity

A = value of city's hydraulic and collection capacity

ABOD = thirty-day average BOD5 loading removal in lbs. per day where BOD5 is the amount of dissolved oxygen consumed in five days by biological processes breaking down organic matter

36,000 lbs. per day = city's current BOD5 removal capacity

B = value of city's BOD5 removal capacity

ATSS = customer's thirty-day average total suspended solids (TSS) loading requiring removal in lbs. per day

39,000 lbs. per day = city's current TSS removal capacity

C = value of city's TSS removal capacity

ANH₃ = customer's thirty-day average ammonia nitrogen as N (NH₃-N) loading requiring removal in lbs. per day

4,060 lbs. per day = city's current NH₃-N removal capacity

D = value of city's NH₃-N removal capacity

	<i>Wastewater Asset Valuations</i>
A	<u>\$278,630,912</u> 273,167,561
B	<u>30,684,979</u> 30,083,313
C	<u>5,401,682</u> 5,295,767

D	<u>12,377,060</u> 12,134,373
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4-20-39. - Animal Impoundment Fee.

The animal impoundment fee prescribed by Subsection 6-1-25(b), B.R.C. 1981, is \$55 per animal with a license; board fee for bite animal quarantine (dangerous animals) is ~~\$20~~25 per day. There is also a ~~\$15~~20 per day fee for feeding and keeping the animal by the city.

4-20-45. - Storm Water and Flood Management Fees.

(a) Owners of detached residences and attached single unit metered residences in the city shall pay the following monthly storm water and flood management fees:

Size of Parcel

- (1) Up to 15,000 sq. ft.~~\$15.12~~ 14.00
- (2) 15,000—30,000 sq. ft.~~18.89~~ 17.49
- (3) 30,001 sq. ft. and over~~22.69~~ 21.01

(b) The owners of all other parcels of land in the city on which any improvement has been constructed shall pay a storm water and flood management fee based on the monthly rate in Paragraph (a)(1) of this section (for up to a fifteen thousand square foot parcel) multiplied by the ratio of the runoff coefficient of the parcel to a coefficient of 0.43 and by the ratio of the area of the parcel in square feet to a seven thousand square foot parcel. If the calculation results in a fee less than the monthly rate in Paragraph (a)(1) of this section, then the fee specified in Paragraph (a)(1) of this section will be assessed.

4-20-46. - Storm Water and Flood Management Utility Plant Investment Fee.

Owners of all parcels of land in the city submitting building permit applications shall pay a storm water and flood management plant investment fee based on the square feet of added impervious area. However, if new storm water detention facilities are built by the owner according to the most current City of Boulder Design and Construction Standards in effect at the time the building permit application is submitted, on or after April 2, 2009, the applicable fee shall be reduced by fifty percent.

	<i>PIF Amount</i>
(Per Square Foot of Impervious Area)	\$2.23 <u>2.19</u>

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4-20-49. - Neighborhood Parking Permit Fee.

- (a) A zone resident applying for a neighborhood parking permit shall pay \$17 for each permit or renewal thereof.
- (b) A business applying for a neighborhood parking permit for employees shall pay \$75 for each permit or renewal thereof.
- (c) An individual who does not reside within the zone applying for a neighborhood parking permit, if permitted in the zone, shall pay \$100 ~~90~~ for each quarterly permit or renewal thereof.

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4-20-62. - Capital Facility Impact Fee.

- (a) Impact Fee Rate: No person engaged in nonresidential or residential development in the city shall fail to pay a development impact fee. Fees shall be assessed and collected according to the standards of Chapter 8-9, "Capital Facility Impact Fee," B.R.C. 1981, and the following rates:

Table 1: Impact Fee Rates for Single Family Residential per Dwelling Unit

<u>Size Range (SF)</u>	<u>IMPACT FEE RATE</u>						<u>TOTAL</u>
	<u>Library</u>	<u>Parks & Recreation</u>	<u>Human Services</u>	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	
<u>900 or less</u>	<u>\$226</u>	<u>\$1,549</u>	<u>\$72</u>	<u>\$139</u>	<u>\$145</u>	<u>\$103</u>	<u>\$2,234</u>
<u>901-1000</u>	<u>\$262</u>	<u>\$1,798</u>	<u>\$84</u>	<u>\$160</u>	<u>\$168</u>	<u>\$119</u>	<u>\$2,591</u>
<u>1001-1100</u>	<u>\$294</u>	<u>\$2,013</u>	<u>\$95</u>	<u>\$179</u>	<u>\$190</u>	<u>\$133</u>	<u>\$2,904</u>
<u>1101-1200</u>	<u>\$322</u>	<u>\$2,212</u>	<u>\$104</u>	<u>\$197</u>	<u>\$207</u>	<u>\$146</u>	<u>\$3,188</u>
<u>1201-1300</u>	<u>\$349</u>	<u>\$2,394</u>	<u>\$113</u>	<u>\$213</u>	<u>\$224</u>	<u>\$160</u>	<u>\$3,453</u>
<u>1301-1400</u>	<u>\$373</u>	<u>\$2,562</u>	<u>\$120</u>	<u>\$227</u>	<u>\$241</u>	<u>\$169</u>	<u>\$3,692</u>
<u>1401-1500</u>	<u>\$398</u>	<u>\$2,721</u>	<u>\$128</u>	<u>\$242</u>	<u>\$254</u>	<u>\$180</u>	<u>\$3,923</u>
<u>1501-1600</u>	<u>\$418</u>	<u>\$2,869</u>	<u>\$136</u>	<u>\$257</u>	<u>\$268</u>	<u>\$191</u>	<u>\$4,139</u>
<u>1601-1700</u>	<u>\$438</u>	<u>\$3,010</u>	<u>\$142</u>	<u>\$267</u>	<u>\$282</u>	<u>\$199</u>	<u>\$4,338</u>
<u>1701-1800</u>	<u>\$460</u>	<u>\$3,139</u>	<u>\$147</u>	<u>\$278</u>	<u>\$294</u>	<u>\$208</u>	<u>\$4,526</u>
<u>1801-1900</u>	<u>\$476</u>	<u>\$3,262</u>	<u>\$154</u>	<u>\$291</u>	<u>\$306</u>	<u>\$217</u>	<u>\$4,706</u>
<u>1901-2000</u>	<u>\$493</u>	<u>\$3,379</u>	<u>\$160</u>	<u>\$301</u>	<u>\$316</u>	<u>\$224</u>	<u>\$4,873</u>
<u>2001-2100</u>	<u>\$509</u>	<u>\$3,489</u>	<u>\$164</u>	<u>\$310</u>	<u>\$325</u>	<u>\$231</u>	<u>\$5,028</u>
<u>2101-2200</u>	<u>\$525</u>	<u>\$3,597</u>	<u>\$169</u>	<u>\$320</u>	<u>\$339</u>	<u>\$239</u>	<u>\$5,189</u>
<u>2201-2300</u>	<u>\$540</u>	<u>\$3,698</u>	<u>\$173</u>	<u>\$327</u>	<u>\$347</u>	<u>\$245</u>	<u>\$5,330</u>
<u>2301-2400</u>	<u>\$555</u>	<u>\$3,796</u>	<u>\$179</u>	<u>\$340</u>	<u>\$357</u>	<u>\$251</u>	<u>\$5,478</u>
<u>2401-2500</u>	<u>\$567</u>	<u>\$3,889</u>	<u>\$184</u>	<u>\$347</u>	<u>\$364</u>	<u>\$259</u>	<u>\$5,610</u>
<u>2501-2600</u>	<u>\$581</u>	<u>\$3,978</u>	<u>\$189</u>	<u>\$355</u>	<u>\$371</u>	<u>\$264</u>	<u>\$5,738</u>

1	<u>2601-2700</u>	<u>\$593</u>	<u>\$4,064</u>	<u>\$193</u>	<u>\$362</u>	<u>\$380</u>	<u>\$269</u>	<u>\$5,861</u>
	<u>2701-2800</u>	<u>\$606</u>	<u>\$4,147</u>	<u>\$196</u>	<u>\$368</u>	<u>\$389</u>	<u>\$275</u>	<u>\$5,981</u>
2	<u>2801-2900</u>	<u>\$617</u>	<u>\$4,228</u>	<u>\$199</u>	<u>\$375</u>	<u>\$397</u>	<u>\$281</u>	<u>\$6,097</u>
	<u>2901-3000</u>	<u>\$628</u>	<u>\$4,305</u>	<u>\$202</u>	<u>\$383</u>	<u>\$404</u>	<u>\$287</u>	<u>\$6,209</u>
3	<u>3001-3100</u>	<u>\$639</u>	<u>\$4,378</u>	<u>\$205</u>	<u>\$391</u>	<u>\$410</u>	<u>\$292</u>	<u>\$6,315</u>
	<u>3101-3200</u>	<u>\$651</u>	<u>\$4,452</u>	<u>\$209</u>	<u>\$397</u>	<u>\$417</u>	<u>\$297</u>	<u>\$6,423</u>
4	<u>3201-3300</u>	<u>\$661</u>	<u>\$4,522</u>	<u>\$213</u>	<u>\$404</u>	<u>\$424</u>	<u>\$301</u>	<u>\$6,525</u>
	<u>3301-3400</u>	<u>\$671</u>	<u>\$4,591</u>	<u>\$217</u>	<u>\$409</u>	<u>\$430</u>	<u>\$306</u>	<u>\$6,624</u>
5	<u>3401-3500</u>	<u>\$679</u>	<u>\$4,657</u>	<u>\$220</u>	<u>\$415</u>	<u>\$436</u>	<u>\$309</u>	<u>\$6,716</u>
	<u>3501-3600</u>	<u>\$690</u>	<u>\$4,722</u>	<u>\$223</u>	<u>\$421</u>	<u>\$441</u>	<u>\$313</u>	<u>\$6,810</u>
6	<u>3601-3700</u>	<u>\$700</u>	<u>\$4,784</u>	<u>\$225</u>	<u>\$425</u>	<u>\$447</u>	<u>\$316</u>	<u>\$6,897</u>

Table 2: Impact Fee Rates for Multifamily Family Residential per Dwelling Unit

		IMPACT FEE RATE						
<u>Size Range (SF)</u>	<u>Library</u>	<u>Parks & Recreation</u>	<u>Human Services</u>	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>TOTAL</u>	
10	<u>600 or less</u>	<u>\$239</u>	<u>\$1,636</u>	<u>\$75</u>	<u>\$145</u>	<u>\$154</u>	<u>\$177</u>	<u>\$2,426</u>
11	<u>601-700</u>	<u>\$290</u>	<u>\$1,981</u>	<u>\$94</u>	<u>\$174</u>	<u>\$187</u>	<u>\$215</u>	<u>\$2,941</u>
12	<u>701-800</u>	<u>\$332</u>	<u>\$2,281</u>	<u>\$107</u>	<u>\$202</u>	<u>\$213</u>	<u>\$248</u>	<u>\$3,383</u>
	<u>801-900</u>	<u>\$370</u>	<u>\$2,544</u>	<u>\$120</u>	<u>\$226</u>	<u>\$239</u>	<u>\$277</u>	<u>\$3,776</u>
13	<u>901-1000</u>	<u>\$406</u>	<u>\$2,778</u>	<u>\$131</u>	<u>\$247</u>	<u>\$261</u>	<u>\$303</u>	<u>\$4,126</u>
	<u>1001-1100</u>	<u>\$436</u>	<u>\$2,992</u>	<u>\$142</u>	<u>\$266</u>	<u>\$281</u>	<u>\$325</u>	<u>\$4,442</u>
14	<u>1101-1200</u>	<u>\$466</u>	<u>\$3,185</u>	<u>\$149</u>	<u>\$284</u>	<u>\$299</u>	<u>\$348</u>	<u>\$4,731</u>
	<u>1201-1300</u>	<u>\$492</u>	<u>\$3,365</u>	<u>\$158</u>	<u>\$300</u>	<u>\$314</u>	<u>\$367</u>	<u>\$4,996</u>
15	<u>1301-1400</u>	<u>\$514</u>	<u>\$3,531</u>	<u>\$166</u>	<u>\$314</u>	<u>\$330</u>	<u>\$385</u>	<u>\$5,240</u>
16	<u>1401-1500</u>	<u>\$538</u>	<u>\$3,686</u>	<u>\$172</u>	<u>\$326</u>	<u>\$346</u>	<u>\$404</u>	<u>\$5,472</u>
17	<u>1501-1600</u>	<u>\$559</u>	<u>\$3,829</u>	<u>\$180</u>	<u>\$342</u>	<u>\$359</u>	<u>\$418</u>	<u>\$5,687</u>

Table 3: Impact Fee Rates for Nonresidential

		Impact Fee Rates Per Square Foot of Nonresidential Floor				
<u>Nonresidential Uses</u>	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>Affordable Housing</u>	<u>TOTAL</u>	
21	<u>Retail/Restaurant</u>	<u>\$0.15</u>	<u>\$0.51</u>	<u>\$0.41</u>	<u>\$7.10</u>	<u>\$8.17</u>
22	<u>Business Park</u>	<u>\$0.17</u>	<u>\$0.12</u>	<u>\$0.10</u>	<u>\$7.85</u>	<u>\$8.24</u>
	<u>Office</u>	<u>\$0.22</u>	<u>\$0.17</u>	<u>\$0.62</u>	<u>\$9.72</u>	<u>\$10.73</u>
23	<u>Hospital</u>	<u>\$0.18</u>	<u>\$0.16</u>	<u>\$0.53</u>	<u>\$8.39</u>	<u>\$9.26</u>
24	<u>School</u>	<u>\$0.05</u>	<u>\$0.08</u>	<u>\$0.14</u>	<u>\$2.28</u>	<u>\$2.55</u>
	<u>Mini-Warehouse</u>	<u>\$0.00</u>	<u>\$0.02</u>	<u>\$0.00</u>	<u>\$0.09</u>	<u>\$0.11</u>
25	<u>Warehousing</u>	<u>\$0.07</u>	<u>\$0.05</u>	<u>\$0.05</u>	<u>\$3.16</u>	<u>\$3.33</u>

1	<u>Light Industrial</u>	<u>\$0.13</u>	<u>\$0.06</u>	<u>\$0.08</u>	<u>\$5.73</u>	<u>\$6.00</u>
2	<u>Impact Fee Rates for Other Nonresidential Uses Based on</u>					
3	<u>Unique Demand Indicators</u>					
4	<u>Other</u>	<u>Municipal</u>	<u>Police</u>	<u>Fire</u>	<u>Affordable</u>	<u>TOTAL</u>
5	<u>Nonresidential</u>					
6	<u>Uses</u>	<u>Facilities</u>			<u>Housing</u>	
7	<u>Nursing Home</u>					
8	<u>(per bed)</u>	<u>\$20.60</u>	<u>\$22.89</u>	<u>\$56.07</u>	<u>\$895.19</u>	<u>\$994.75</u>
9	<u>Day Care (per</u>					
10	<u>student)</u>	<u>\$8.01</u>	<u>\$20.60</u>	<u>\$25.18</u>	<u>\$397.39</u>	<u>\$451.18</u>
11	<u>Lodging (per</u>					
12	<u>room)</u>	<u>\$25.17</u>	<u>\$54.93</u>	<u>\$69.81</u>	<u>\$1,093.89</u>	<u>\$1,243.80</u>

Table 1: Impact Fee Rates for Single Family Residential per Dwelling Unit

<i>Size Range (SF)</i>	<i>IMPACT FEE RATE</i>						
	<i>Library</i>	<i>Parks & Recreation</i>	<i>Human Services</i>	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>Total</i>
900 or less	\$222	\$1,519	\$71	\$136	\$142	\$101	\$2,191
901—1000	\$257	\$1,763	\$82	\$157	\$165	\$117	\$2,541
1001—1100	\$288	\$1,974	\$93	\$175	\$186	\$130	\$2,846
1101—1200	\$316	\$2,169	\$102	\$193	\$203	\$143	\$3,126
1201—1300	\$342	\$2,347	\$111	\$209	\$220	\$157	\$3,386
1301—1400	\$366	\$2,512	\$118	\$223	\$236	\$166	\$3,621
1401—1500	\$390	\$2,668	\$125	\$237	\$249	\$176	\$3,845
1501—1600	\$410	\$2,813	\$133	\$252	\$263	\$187	\$4,058
1601—1700	\$429	\$2,951	\$139	\$262	\$276	\$195	\$4,252
1701—1800	\$451	\$3,077	\$144	\$273	\$288	\$204	\$4,437
1801—1900	\$467	\$3,198	\$151	\$285	\$300	\$213	\$4,614
1901—2000	\$483	\$3,313	\$157	\$295	\$310	\$220	\$4,778
2001—2100	\$499	\$3,421	\$161	\$304	\$319	\$226	\$4,930
2101—2200	\$515	\$3,526	\$166	\$314	\$332	\$234	\$5,087
2201—2300	\$529	\$3,625	\$170	\$321	\$340	\$240	\$5,225
2301—2400	\$544	\$3,722	\$175	\$333	\$350	\$246	\$5,370
2401—2500	\$556	\$3,813	\$180	\$340	\$357	\$254	\$5,500
2501—2600	\$570	\$3,900	\$185	\$348	\$364	\$259	\$5,626
2601—2700	\$581	\$3,984	\$189	\$355	\$373	\$264	\$5,746
2701—2800	\$594	\$4,066	\$192	\$361	\$381	\$270	\$5,864
2801—2900	\$605	\$4,145	\$195	\$368	\$389	\$275	\$5,977
2901—3000	\$616	\$4,221	\$198	\$375	\$396	\$281	\$6,087
3001—3100	\$626	\$4,292	\$201	\$383	\$402	\$286	\$6,190
3101—3200	\$638	\$4,365	\$205	\$389	\$409	\$291	\$6,297
3201—3300	\$648	\$4,433	\$209	\$396	\$416	\$295	\$6,397
3301—3400	\$658	\$4,501	\$213	\$401	\$422	\$300	\$6,495
3401—3500	\$666	\$4,566	\$216	\$407	\$427	\$303	\$6,585
3501—3600	\$676	\$4,629	\$219	\$413	\$432	\$307	\$6,676

3601—3700	\$686	\$4,690	\$221	\$417	\$438	\$310	\$6,762
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Table 2: Impact Fee Rates for Multifamily Family Residential per Dwelling Unit

<i>Size Range (SF)</i>	<i>IMPACT FEE RATE</i>						
	<i>Library</i>	<i>Parks & Recreation</i>	<i>Human Services</i>	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>Total</i>
600 or less	\$234	\$1,604	\$74	\$142	\$151	\$174	\$2,379
601—700	\$284	\$1,942	\$92	\$171	\$183	\$211	\$2,883
701—800	\$325	\$2,236	\$105	\$198	\$209	\$243	\$3,316
801—900	\$363	\$2,494	\$118	\$222	\$234	\$272	\$3,703
901—1000	\$398	\$2,724	\$128	\$242	\$256	\$297	\$4,045
1001—1100	\$427	\$2,933	\$139	\$261	\$275	\$319	\$4,354
1101—1200	\$457	\$3,123	\$146	\$278	\$293	\$341	\$4,638
1201—1300	\$482	\$3,299	\$155	\$294	\$308	\$360	\$4,898
1301—1400	\$504	\$3,462	\$163	\$308	\$324	\$377	\$5,138
1401—1500	\$527	\$3,614	\$169	\$320	\$339	\$396	\$5,365
1501—1600	\$548	\$3,754	\$176	\$335	\$352	\$410	\$5,575

Table 3: Impact Fee Rates for Nonresidential

<i>Nonresidential Uses</i>	<i>Impact Fee Rates Per Square Foot of Nonresidential Floor Area</i>					
	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>Affordable Housing</i>	<i>Total</i>	
Retail/Restaurant	\$0.15	\$0.50	\$0.40	\$6.96	\$8.01	
Business Park	\$0.17	\$0.11	\$0.10	\$7.70	\$8.08	
Office	\$0.21	\$0.17	\$0.61	\$9.53	\$10.52	
Hospital	\$0.18	\$0.16	\$0.52	\$8.23	\$9.09	
School	\$0.04	\$0.08	\$0.13	\$2.24	\$2.49	
Mini Warehouse	\$0.00	\$0.02	\$0.00	\$0.09	\$0.11	
Warehousing	\$0.07	\$0.04	\$0.04	\$3.11	\$3.26	
Light Industrial	\$0.12	\$0.06	\$0.08	\$5.62	\$5.88	
<i>Other Nonresidential Uses</i>	<i>Impact Fee Rates for Other Nonresidential Uses Based on Unique Demand Indicators</i>					
	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>Affordable Housing</i>	<i>Total</i>	
Nursing Home (per bed)	\$20.19	\$22.44	\$54.98	\$877.64	\$975.25	
Day Care (per student)	\$7.85	\$20.20	\$24.68	\$389.60	\$442.33	
Lodging (per room)	\$24.68	\$53.85	\$68.44	\$1,072.44	\$1,219.41	

(b) ~~Additional Floor Area—Affordable Housing Linkage Fee. Section 9-8-2, "Floor Area Ratio Requirements," B.R.C. 1981, permits floor area components above the base floor area in the DT-5 zoning district. No person engaged in nonresidential development that is associated with constructing additional floor area components permitted under the requirements of~~

1 ~~Section 9-8-2, "Floor Area Ratio Requirements," B.R.C. 1981, shall fail to pay a housing~~
2 ~~linkage fee of \$9.53 per sq. ft. for such floor area.~~

3

4 **4-20-66. - Mobile Food Vehicle Sales.**

5 An applicant for a mobile food vehicle permit shall pay a ~~\$242~~ ²³⁶ application fee and a
6 ~~\$242~~ ²³⁶ renewal fee per year.

7 Section 3. This ordinance is effective January 1, 2017.

8 Section 4. The city council finds that this ordinance is necessary for the preservation of
9 the public peace, health, or property. This ordinance is one of four ordinances being adopted for
10 the City's 2017 Budget, and intended to go into effect on the first day of January, the beginning
11 of the fiscal year. Section 3 is added and necessary to ensure the start date of the revised fees is
12 clear. In order to avoid a fourth reading, the city council orders that this ordinance be adopted as
13 an emergency measure and be effective on January 1, 2017.

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

16 Section 6. The city council deems it appropriate that this ordinance be published by title
17 only and orders that copies of this ordinance be made available in the office of the city clerk for
18 public inspection and acquisition.
19
20
21
22
23
24
25

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY the 4th day of October, 2016.

3
4 _____
Attest: Mayor

5
6 _____
7 City Clerk

8
9 READ ON SECOND READING AND AMENDED the 18th day of October, 2016.

10
11 _____
Attest: Mayor

12
13 _____
14 City Clerk

15 READ ON THIRD READING, AMENDED, PASSED, AND ADOPTED AS AN
16 EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT this 1st day
17 of November 2016.

18
19
20 _____
Attest: Mayor

21
22 _____
23 City Clerk

Attachment E: Fund Activity Summary

ACTIVITY BY FUND (in thousands)

Fund Title	Projected Fund Balance 1/1/2017	Estimated Revenues Including Transfers In	Appropriations Including Transfers Out	Projected Fund Balance 12/31/2017	Projected Changes in Fund Balance
1100 General	36,325	138,076	139,793	34,608	-1,717
2180 .25 Cent Sales Tax	2,743	8,955	8,432	3,267	524
2140 Affordable Housing	623	1,910	1,738	795	172
2700 Airport	1,444	604	432	1,616	172
2830 Boulder Junction Access GID TDM	58	311	188	181	123
6800 Boulder Junction GID Parking	406	212	466	152	-254
3500 Boulder Junction Improvement	535	644	959	220	-315
2100 Capital Development	11,630	2,595	2,207	12,018	388
2400 Climate Action Plan	74	1,839	1,829	83	10
2910 Community Development Block Grant (CDBG)	0	650	650	0	0
1150 Community Housing Assistance Program	506	2,652	3,126	32	-474
7190 Compensated Absences	1,771	858	983	1,646	-125
7300 Computer Replacement	7,854	2,231	2,315	7,771	-83
6400 Downtown Commercial District	4,362	8,977	7,333	6,006	1,644
7400 Equipment Replacement	6,244	1,179	520	6,903	660
7500 Facility Renovation and Replacement	5,743	3,279	4,123	4,899	-844
7210 Fleet Operations and Replacement	15,310	10,034	7,693	17,651	2,341
2920 HOME Investment Partnership Grant	0	825	825	0	0
2200 Library	992	1,362	1,411	943	-49
2110 Lottery	2,404	1,007	1,557	1,854	-550
2500 Open Space and Mountain Parks	10,643	36,386	34,949	12,081	1,437
3300 Permanent Parks and Recreation	888	2,844	3,231	500	-388
2120 Planning and Development Services	5,619	11,057	12,378	4,298	-1,321
7110 Property and Casualty Insurance	5,192	1,895	2,394	4,693	-499
2300 Recreation Activity	2,093	10,737	10,919	1,911	-181
6300 Stormwater/Flood Management Utility	11,606	11,689	13,245	10,050	-1,556
7100 Telecommunications	1,634	722	549	1,808	173
2820 Transit Pass GID	16	16	16	15	-1
2800 Transportation	4,733	35,396	36,101	4,029	-705
2810 Transportation Development	2,544	861	1,545	1,860	-684
6500 University Hill Commercial District	770	601	656	715	-55
6200 Wastewater Utility	8,170	21,419	23,443	6,146	-2,024
6100 Water Utility	29,030	32,424	34,565	26,889	-2,141
7120 Worker's Compensation Insurance	2,352	1,763	1,748	2,367	15
Totals	184,314	356,010	362,318	178,007	-6,308

Note:

The table above reflects the impact of the 2017 budget, including estimated revenues (with transfers in) and appropriations (with transfers out), on projected unreserved fund balance.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: NOVEMBER 1, 2016

AGENDA TITLE: Third reading and consideration of a motion to amend and adopt by emergency the following:

- Emergency Ordinance 8139 related to the annexation and initial zoning of enclaves in the vicinity of 55th and Arapahoe; and
- Emergency Ordinance 8140 related to an amendment to Subsection 11-1-52(a), 11-2-33(a) and 11-5-11(a), B.R.C. 1981 regarding stormwater and flood control utility plant investment fees and water and wastewater fees.

PRESENTERS

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
David Gehr, Deputy City Attorney
Kathy Haddock, Senior Assistant City Attorney
David Driskell, Executive Director for Planning, Housing, and Sustainability
Susan Richstone, Deputy Director for Planning
Charles Ferro, Land Use Review Manager
Chris Meschuk, Senior Planner

EXECUTIVE SUMMARY

After first reading, staff provided an extensive Agenda Memorandum including details of the Planning Board considerations, answers to questions from council and marijuana businesses, and changes to ordinance to accommodate businesses, as well as the way the proposed annexation of enclaves meets several goals of the city. That memo is [available here](#). After the public hearing on October 18, 2018, Council directed staff to present the ordinances for third reading with the following changes:

1. Require compliance of the marijuana businesses existing lawfully within the property to be annexed only with state marijuana laws and not the city marijuana codes until January 1, 2018;
2. Impose the county standard for odor regulation for the existing marijuana businesses;

3. Amend both ordinances to give Council an option to change the trigger for connection to city utilities from when an interior tenant improvement project exceeds 25% to 50% of the assessed valuation of the building; and
4. Amend Ordinance 8140 to allow for the same financing option for water and wastewater connection fees as the ordinance currently provides for stormwater plant investment fees.

First reading of both ordinances was held on August 16, 2016. Second reading and public hearing of Ordinance 8139 was rescheduled to October 4, 2016, then continued to, and held on, October 18, 2016.

The changes proposed to Ordinance 8139 after the public hearing are redlined on Attachment A. The amendments to Ordinance 8140 are redlined in Sections 2 and 3 of Attachment B.

STAFF RECOMMENDATION

Suggested Motion Language:

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

- Third reading and motion to amend and adopt Emergency Ord. 8139 related to the annexation and initial zoning of enclaves in the vicinity of 55th and Arapahoe as presented in Attachment A; and
- Third reading and motion to amend and adopt Emergency Ord. 8140 related to an amendment to Subsections 11-1-52(a), 11-2-33(a) and 11-5-11(a), B.R.C. 1981, regarding stormwater and flood control utility plant investment fees, and water and wastewater connection fees as presented in Attachment B.

BACKGROUND

Ordinance 8139 annexes 15 parcels that are enclaves of the city in the vicinity of 55th and Arapahoe. All of the parcels have a designation in the BVCP of Area II. Area II is the area now under county jurisdiction, where annexation to the city can be considered consistent with BVCP policies 1.16 “Adapting to Limits on Physical Expansion,” 1.18 “Growth Requirements,” and 1.24 “Annexation.” There is only one residential parcel affected by the annexation effort, and that owner has consented to the annexation.

The intent of this annexation effort is to make the annexation itself as revenue neutral as possible for the affected properties. As enclave annexations, the property owners:

- Do not pay annexation fees for processing the application; and
- No utility connections are required upon annexation; and
- No public improvements are required upon annexation; and
- No dedication of land for public improvements are required upon annexation; and
- Utility connections and related charges are deferred until the time the property owner desires to connect or the property is redeveloped as defined in the ordinance; and

- Existing uses that do not meet city zoning standards are grandfathered as nonconforming uses; and
- Businesses are required to obtain applicable city licenses except as specifically required in the Ordinance 8139.

Ordinance 8140, amending Subsection 11-1-52 “Water Plant Investment Fees,” 11-2-33 “Wastewater Plan Investment Fee,” 11-5-11 “Storm Water and Flood Management Utility Plant Investment Fee,” B.R.C. 1981, regarding water, wastewater and stormwater and flood control utility plant investment fees (Attachment B), is necessary to make the code consistent with the enclave annexation ordinance. It allows the stormwater plant investment fees to be deferred, in addition to providing other payment options for those plant investment fees and duplicates those sections for water and wastewater plant investment fees if the properties connect within two years of annexation. In a typical annexation, the plant investment fee is required at the time of annexation. Because the plant investment fees are not required at the time of annexation for these unilateral annexations, the proposed amendment adds an additional trigger of building permit(s) obtained after August 16, 2016, valuation of 25 percent of the value of the existing structure for the payment of the plant investment fees. This trigger is consistent with other development standards for upgrading properties. If Council wants to change the trigger to 50 percent of the assessed value of the building, the only change necessary would be:

RECOMMENDED AMENDMENTS TO ANNEXATION ORDINANCES SINCE SECOND READING

Staff has met with all of the affected businesses, including those operating marijuana businesses that responded to offers to meet with the appropriate staff regarding any concerns. Staff that toured the marijuana businesses included the Fire Marshall, Chief Building Official, Police Officer Marijuana Unit, and Licensing Manager. To address concerns raised by those businesses, staff recommended several changes to the proposed ordinance as explained in the second reading memo [available here](#) and the errata sheet presented at second reading [available here](#). At second reading, Council requested the following changes:

1. Require the Existing Marijuana Businesses to Comply with State Marijuana Law, but not City Marijuana Codes until October 31, 2018.

In response to the desire of the marijuana businesses to not be subject to the city marijuana code requirements, the council directed staff to delay the application of the city code and only require compliance with the state code for two years. Assuming this did not mean that the businesses could also delay pursuing obtaining city licenses, staff understands and has amended Ordinance 8139 on Attachment A, so that the businesses are exempt from the requirements of the city code related to operation of their businesses until October 31, 2018, but must comply with the requirements for obtaining a license as currently provided in the license. That would mean that the existing marijuana businesses could ignore the requirements of Sections 8 “Requirements Related to Operation of Medical Marijuana Business,” 9 “Right of Entry - Records to Be Maintained,” 10 “Requirements Related to Monitoring and Security of Restricted Areas and Inventory,” and 11 “Requirements for Public Health and Labeling,” in both Chapter

6-14 “Medical Marijuana,” and 6-16 “Recreational Marijuana,” B.R.C. 1981, but will have to comply with corresponding state requirements, if any. This means these businesses would be allowed to do the following until October 31, 2018. County requirements are a sub-bullet where the county has these requirements:

- Not have an owner or business manager on the premises when the business was open;
- Hours could be 8 a.m. to midnight;
 - (the current code is 8 a.m. to 7 p.m. and the Marijuana Advisory Panel (MAP) is recommending a change to 8 a.m. to 10 p.m.; Attachment A includes county hours);
 - County: 8 a.m. to 10 p.m.
- Use pesticides;
- Allow odor of marijuana off their premises;
 - County: Odors cannot escape the property line;
- Not offset 100% of its electricity consumption by the purchase of renewable energy or carbon offsets, or report to the city any offsets used;
- Not provide:
 - reports of changes of financial interests, business manager, or financiers;
 - file monthly sales and use tax reports to the city;
 - reports of violations of any law by any licensee of the business;
 - notices of any violations of law received by another entity;
 - reports required to the state; or
 - reports of criminal activity at the location of the business.
- Sell marijuana to someone other than the user;
- Deliver marijuana without notice to the Boulder Police Department or packaging the marijuana for transfer within the city;
- Advertise, including sign spinners, coupons, off-site signs and on clothing and products;
 - County: prohibits signs on vehicles, handheld, handbills, leaflets or flyers handed directly to a person (so can put on cars, etc.);
- Not respond to law enforcement;
- Not separate the various business types;
- Not require verification by an industrial hygienist that operations producing marijuana do not produce noxious or dangerous cases or odors or otherwise create a danger to any person or entity in or near the business;
- Package marijuana at centers;
- Not have a scanner to check IDs;
- Not organize the grows so that inspectors can access the grow area to count plants or otherwise enforce laws;
- Comingle books and records rather than maintaining a separate set of books for audit purposes;
 - County: Can comingle everything except between recreational and medical;
- Prevent review of any records of the marijuana business;
- Prevent audits of the marijuana business, except for sales and use tax audits;
- Refuse to allow inspection of the businesses except as allowed by other laws or with a

- warrant;
- Records do not have to include the source or quantity of marijuana;
- Not have to use safes for storage;
- Not use a monitored alarm system;
- Not have to produce marijuana in a place that meets the standards of the Food Protection Act.

Businesses will be required to meet the requirements of Sections 3 “License Required,” 4 “General Provisions,” 5 “Application,” 6 “Persons Prohibited as Licensees and Business Managers,” 7 “Locations of Recreational Marijuana Businesses,” 12 “Compliance With Other Applicable Law,” 13 “Prohibited Acts,” 14 “Suspension or Revocation of License; Imposition of Fines,” and 15 “Term of License - Renewals - Expiration of License,” of both Chapters 6-14 “Medical Marijuana” and 6-16 “Recreational Marijuana” B.R.C. 1981, except as specifically provided in Ordinance 8139, and within the time frames set forth in the ordinance.

2. Odor and Health and Safety Issues

Odor

The county marijuana provisions prohibit odor from escaping the property line. The city prohibits odor from escaping the portion of the building occupied by the marijuana business. Council has requested that the City enforce the county standards upon annexation until October 31, 2018.

Health and Safety

Council directed that the exceptions from compliance with some of the city’s marijuana codes did not include those that go to general health and safety issues. All properties within the area to be annexed will be required to comply with the city’s building, fire and other codes adopted in Title 10 “Structures” B.R.C. 1981.

3. Interior improvements of 25 or 50% assessed value trigger for connection to utilities

Council members inquired about the provision in the annexation ordinance (8139) that provides for connection to the water and wastewater utilities and payment of plant investment fees upon:

- (a) connection to the utility, or
- (b) construction that increases the square footage of existing development upon a parcel of the Property, or
- (c) construction for which the value on the building permit application(s) for the same project after August 16, 2016, exceeds 25% of the assessed value of the building.

The 25% of assessed value standard is proposed in recognition of the fact that renovations at this level often represent major changes for the property. Such times can offer good opportunities to bring a building up to current community health, and safety

standards. Potable water and city sanitary sewer services are commonly accepted approaches to these public health objectives. This standard will allow current uses and minor projects to alter the existing properties, while still requiring connection at the time larger changes are made.

The proposed standard is based on other standards in the Boulder Revised Code that are intended to require property owners to upgrade properties over time. Similar triggers based upon the value of the construction work and the existing building can be found in the B.R.C. 1981, for site access (§9-9-5(a)(1), B.R.C. 1981) landscaping (§9-9-12(b), B.R.C. 1981) and exterior lighting requirements (§9-9-16(c), B.R.C. 1981). In those circumstances the required improvements are phased in based upon the cumulative ratio of the value of the construction versus the assessed value of the building.

The present regulatory standard is to connect immediately to the utility systems upon annexation of buildings that are open to the public or that are used for commercial or industrial purposes. The approach proposed in the annexation ordinance waives the Boulder Revised Code requirement that property owners connect to water and waste water systems upon annexation. See, §11-1-13, “When Connection to Water Mains are Required,” and §11-2-8 “When Connection to Sanitary Sewer Mains are Required,” B.R.C. 1981. Instead, it replaces the immediate connection requirement for three events that require connection later.

The twenty-five percent of value of the existing structure is based upon experience in phasing in requirement in the Boulder Revised Code. The council could choose to remove it, change it to a higher percentage, or develop a different metric, such as specific valuation of a building permit. Staff recommends that the council adopt the ordinance as proposed in this memorandum.

4. Water and Wastewater Financing

History of Financing PIFs for Water and Wastewater

In response to requests from property owners for financing of utility connection or plant investment fees, council requested a history of past circumstances when the city offered such financing. Staff is not aware of any time that non-residential properties have been allowed to finance PIFs or other annexation related costs as a part of annexation. As a part of the 2014 and 2015 flood related annexations (including the Old Tale Road annexation) the city allowed owners of residential properties with a financial hardship to finance water, wastewater and stormwater Plant Investment Fees with the city as a part of their annexations. The Crestview East annexation in 2009 and the Gapter Road annexation in 2010 allowed owners to finance the cost for new public infrastructure through the city but still required payment of all fees at time of connection to the system.

Because of concerns raised by property owners, part of the 55th and Arapahoe enclave annexation of the cost of stormwater plant investment fees, staff prepared Ordinance 8140 to allow the manager the discretion to provide for financing if a property was unilaterally annexed by the city and had a hardship at the time of connection. In response

to requests from the property owners and Council's discussion during the October 18, 2016 public hearing, staff has included Section 6 that would allow the city manager to enter into payment agreements for plant investment fees for water and wastewater connections. In order to encourage connection to the city utility system this option would be limited to properties that connect to the city's water system within two years of the effective date of the annexation.

Required connections to Water and Wastewater

Per 11-1-13 of the B.R.C., all properties that are open to the public or used for commercial or industrial purposes shall be connected to the city's water utility system. This requirement promotes public health, safety and welfare for the community by ensuring access and connection to water that is regulated, monitored and tested for human consumption. A similar provision is in 11-2-8 of the B.R.C., for connection to the wastewater system, and is also considered important to the public health, safety and welfare for the safe disposal of wastewater. In most cases annexation agreements require connection to the city water and wastewater utility within 180 days of the effective date of the annexation to satisfy the B.R.C. requirements.

In the case of this annexation 12 properties are currently not connected to the city's water utility. These properties receive their water either by individual on-site wells or through bulk water being delivered and stored on-site by private operators. All of the properties have access to a city water main adjacent to the property. Four of these properties are also not connected to the city's wastewater utility. In recognition of the desire to allow the existing properties to continue their current operations, the annexation ordinance delays the requirements for connection to the city utility systems. Connection for these properties are required when there is an increase to the square footage of development on the parcel or when the value of a construction project exceeds 25% of the assessed value of the building. Routine maintenance is exempt from the definition of construction project.

5. Staff suggestion - Enforcement of County Laws At a Minimum

In addition to regulating odor, the county marijuana regulations regulate hours of operation, business must be conducted within a building, sales must be made to the user in person, no products can be given away, and restrictions on advertising. Staff suggests, and the attached ordinance has been written to, enforce those county requirements as well as the odor regulations until the businesses meet the operational requirements of Section 8, 9, and 10 on November 1, 2018.

MAP Panel Issues

Council asked staff for ideas of how input from the marijuana businesses could be considered by the Marijuana Advisory Panel. The Panel has been meeting since February and presented its final recommendations to Council at a study session on August 23, 2016. The ordinance for making the recommended changes to the code is set for first reading on November 15 and public hearing on December 6. The Panel has one follow-up meeting in the fall of 2017 to review any

recommendations for changes to the city codes from staff as a result of legislative changes to the state law, and make recommendations as to how the changes to be made are working and any tweaks. Staff will send a draft ordinance of its recommendations before the fall 2017 meeting to all those on the distribution list, which includes anyone person who signs up to receive updates from the marijuana enforcement staff.

The Marijuana Advisory Panel was established with representatives from several different interest areas related to marijuana laws; it was not intended to be a panel of marijuana businesses. One of the recommendations from the Panel is that the next Panel appointed should include more citizens as this Panel had many industry representatives, but not many representing the general public. Therefore staff does not recommend changing the current schedule for the changes recommended by the Panel or changing the make-up of the Panel before its final meeting in fall 2017.

For the ordinance amending the marijuana codes with the Panel recommendations on November 15, staff plans to include any amendments requested by the businesses to be annexed that are not opposed by the Panel.

Agreement with MED to continue licenses

The city staff made arrangements with the state for how to handle the transfer of the local licenses for the businesses within the area to be annexed in late August. Attachment C is a copy of that string of e-mails with the state. The businesses that expressed concern about this issue were included in the e-mails.

SECOND READING QUESTIONS

Below are responses to questions received about the annexations since second reading:

Q. Can City staff require properties to connect to city utilities on a whim?

A. No. The annexation ordinances specifies when connection to utilities will be required: (a) upon the request of the property owner, (b) new construction that increases the square footage of the existing development, or (c) interior improvements for which the value exceeds 25% of the assessed value of the building

Q. Were communications sent to the marijuana businesses on the properties proposed to be annexed?

A. Yes. Confirmation of arrangement with state for licenses were sent between 8/25/16 and 10/3/16. The draft ordinance and FAQs were sent 10/11/16 with a request to let me know before the 10/18/16 meeting if there were still concerns. Numerous communications with individual businesses occurred related to specific issues and touring each of the marijuana businesses.

Q. Can marijuana business assets be transferred to another location even if the license cannot?

- A. Yes. The city does not regulate the transfer of assets of a business, other than the marijuana itself. There is no prohibition against moving marijuana to another marijuana business with the proper transport documents required by the state and the city.

Attachments:

A – Ordinance 8139

B – Ordinance 8140

C – E-mail string from August 25 to October 3, 2016, between CAO and MED re transfer of local license upon annexation

ORDINANCE 8139

AN EMERGENCY ORDINANCE ANNEXING TO THE CITY OF BOULDER ENCLAVES IN THE VICINITY OF 55TH AND ARAPAHOE, WHICH PARCELS ARE SHOWN ON THE MAP INCORPORATED INTO THIS ORDINANCE, WITH AN INITIAL ZONING FOR EACH PARCEL SHOWN ON THE CHART INCORPORATED INTO THIS ORDINANCE AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE SAID PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT; CONSENTING TO THE INCLUSION OF THE PROPERTY INTO THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT AND ITS SUBDISTRICT; AND SETTING FORTH RELATED DETAILS.

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

COLORADO:

Section 1. The city council of the City of Boulder, Colorado, finds:

- A. All of the parcels depicted in **Exhibit A** (the "Property") may be annexed by the city council as enclaves without a hearing or notice other than by publication; however the city has mailed individual notices to the property owners, and is holding a public hearing on this ordinance.
- B. The parcels within the Property include 15 parcels in the vicinity of 55th and Arapahoe that are completely surrounded within the boundaries of the city, all of which are described more particularly on **Exhibit B**.
- C. All of the parcels have more than one-sixth contiguity with city boundaries as required by Colorado law.
- D. It is the intent of the city to include in this annexation all of the Property from the abutting incorporated property so that there is no gap of unincorporated property between the parcels of the Property to be annexed and the boundaries of the adjacent incorporated property.
- E. The requirements of the Colorado Constitution and the Colorado Revised Statutes regarding annexation have been satisfied.
- F. All of the parcels included in the Property are located within Area II as designated in the Boulder Valley Comprehensive Plan (BVCP).

- 1 G. The initial zoning proposed for the 10 properties at 5421 and 5485 Western Ave, and 5565,
2 5575 and 5595 Arapahoe and 1700, 1750, 1780, 1830 and 1840 N. 55th St is “IG” and for
3 the four properties located at 5320 and 5472 Arapahoe Ave and 1530 and 1595 N. 55th St
4 is “BC-1”, and the property at 1415 No. 55th St is “RM-1” all as defined in Title 9, B.R.C.
5 1981.
- 6 H. Annexation of the parcels of the Property in Area II and as enclaves is consistent with the
7 BVCP, and the annexation policies in Section 1.24 of the BVCP.
- 8 I. The city is not proposing a land use designation change for any of the Property.
- 9 J. The Planning Board has recommended annexation of the Property to the City of Boulder
10 and that the Zoning District Map adopted by the City Council be amended to the zone
11 district specified in this ordinance, as provided in Chapter 9-5, “Modular Zone System,”
12 B.R.C. 1981.
- 13 K. The initial zoning of the Property is consistent with the Boulder Valley Comprehensive
14 Plan, and bears a substantial relation to and will enhance the general welfare of the
15 Property and of the residents of the City of Boulder.
- 16 L. The City Council has jurisdiction and the legal authority provided in C.R.S. § 31-12-
17 106(1) to annex and zone the Property as enclaves of the city without a hearing and with
18 notice only by publication.

19 Section 2. The Property shown on the map attached as Exhibit A, and more
20 particularly described in Exhibit B be, and the same hereby is, annexed to and included within the
21 corporate boundaries of the City of Boulder.

22 Section 3. Chapter 9-5, “Modular Zone System,” B.R.C. 1981, and the Zoning District
23 Map forming a part thereof, be, and the same hereby are, amended to include each parcel of the
24 Property in the zoning district specified in this ordinance. Uses existing on the properties on the
25 date of adoption of this ordinance, or uses “existing lawfully” as defined under Section 6 of this
ordinance, shall be considered non-conforming uses pursuant to Chapter 9-10 “Nonconformance
Standards” B.R.C. 1981.

Section 4. Businesses operating on the parcels to be annexed within the Property must
obtain any city licenses that apply to the particular businesses. Businesses requiring a business

1 license under Section 3-2-11 “Sales and Use Tax License” B.R.C. 1981 must obtain such licenses
2 within 30 days of adoption of this ordinance.

3 Section 5. Existing marijuana businesses within the Property to be annexed are
4 required to obtain a marijuana business license in conformance with either Chapter 6-14 “Medical
5 Marijuana Businesses” or 6-16 “Recreational Marijuana Businesses” B.R.C. Each marijuana
6 business within the Property shall submit a complete application to the City for such license
7 within 90 days of the adoption of this ordinance. Such businesses shall meet all requirements for
8 issuance of such license and have been issued such license within six months of the adoption of
9 this ordinance, unless a building permit from the city is required to meet the requirements for the
10 license. If a building permit is required to meet the requirements for a marijuana business license,
11 completed application for such permit(s) must be submitted to the city within 90 days of the
12 adoption of this ordinance. The deadline for issuance of a marijuana business license from the
13 city for those requiring a building permit to qualify shall be one year from the date of adoption of
14 this ordinance. Either the date for submission of a completed application or the dates for meeting
15 all requirements for a license may be extended by the city manager in the event of extenuating
16 circumstances that are not caused by action or inaction of the applicant. All businesses applying
17 for a marijuana business license shall diligently pursue completion of all work, including
18 construction, necessary to meet the requirements for such license and each business shall provide
19 written reports to the Marijuana Licensing Authority every three months from the date of
20 application to the issuance of the license, describing the progress made towards meeting the
21 licensing requirements.
22

23 Section 6. Application of Boulder Revised Code to Marijuana Businesses existing
24 lawfully:
25

1 A. Marijuana businesses existing lawfully within the Property shall not be subject to
2 the density restrictions contained in Section 6-14-7(f) “Location of Recreational Marijuana
3 Businesses- Separation From Schools, Day Care Centers, Addiction Recovery Facilities, or Other
4 Medical Marijuana Uses,” B.R.C. 1981 or Section 6-16-7(e) “Location of Recreational Marijuana
5 Businesses- Separation From Schools and Other Facilities,” B.R.C. 1981, but must comply with
6 all other requirements of Chapter 6-14 “Medical Marijuana Businesses” or Chapter 6-16
7 “Recreational Marijuana Businesses,” B.R.C. 1981, as appropriate. Such businesses are
8 governed by the provisions Section 9-10-2(a) “One-Year Expiration of Nonconforming Uses”
9 B.R.C. 1981.

10 B. An “agent” as defined in 6-14-5(a)(2)(C) and 6-16-5(a)(2)(C) shall not include a
11 person leasing equipment to the marijuana business or providing other services or equipment that
12 are provided to non-marijuana businesses, so long as the payment for the use of such services or
13 equipment is not based on income or profits of the marijuana business.

14 C. Neither marijuana-infused product manufacturing facilities nor marijuana testing
15 facilities existing lawfully shall be subject to 6-16-8(j) “Limitations on Inventory,” B.R.C., until
16 that subsection is amended.

17 D. Testing facilities shall follow the requirements for marijuana infused product
18 manufacturers except where there is a conflicting requirement specifically applicable to marijuana
19 testing facilities.

20 E. “Existing lawfully” shall mean:

- 21 i. businesses that are in compliance with all applicable laws and regulations of
22 the state and the Colorado Department of Revenue Marijuana Enforcement
23 Division (“MED”), and
24
25

- 1 ii. businesses that submitted completed applications for approval of new licenses
- 2 or modification of premises to MED on or before August 16, 2016, and
- 3 iii. businesses and properties in compliance with the codes adopted by Boulder
- 4 County for building requirements; or
- 5 iv. businesses and properties who had obtained land use approvals from Boulder
- 6 County on or before August 16, 2016 and are pursuing those approvals through
- 7 the building permit process; or
- 8 v. properties for which the owner or tenant had obtained a building permit from
- 9 the county prior to August 16, 2016 and was diligently pursuing construction to
- 10 completion.

11 F. ~~The continuation and expiration of marijuana businesses existing lawfully that do~~
12 ~~not comply with the requirements of Chapter 6-14 “Medical Marijuana” or 6-16 “Recreational~~
13 ~~Marijuana” B.R.C. 1981 are governed by the provisions Section 9-10-2(a) “One Year Expiration~~
14 ~~of Nonconforming Uses” B.R.C. 1981. The provisions of Section 6-16-6 “Persons Prohibited as~~
15 ~~Licensees and Business Managers,” B.R.C. 1981 in subsections (9) and (10), regarding limits on~~
16 ~~the number of marijuana business licenses that can be held by any person, shall not apply to any~~
17 ~~business existing lawfully.~~

18 F.G. The provisions of Sections 8 “Requirements Related to Operation of Medical
19 Marijuana Business,” 9 “Right of Entry - Records to Be Maintained,” 10 “Requirements Related
20 to Monitoring and Security of Restricted Areas and Inventory,” and 11 “Requirements for Public
21 Health and Labeling,” in both Chapter 6-14 “Medical Marijuana,” and 6-16 “Recreational
22 Marijuana,” B.R.C. 1981 shall not apply to lawfully existing marijuana businesses until
23 November 1, 2018. Between the time of annexation and October 31, 2018, in addition to
24 complying with all applicable requirements of the state of Colorado, the requirements of
25

1 subsections (a) “Hours of Operation,” (b) “Odor Control,” (c) “Business Conducted within
2 Building,” (d) “Direct Sales,” (e) “Giveways,” (f) “Advertising,” and (g) “Sponsorship” of Article
3 8.5 “Operation Requirements” of the Boulder County Marijuana Licensing Regulations dated
4 January 1, 2016 shall apply to all marijuana businesses within the area to be annexed.

5 Section 7. The property owners of the Property shall not be required to pay any city
6 annexation application costs or fees. Utility fees, including connection and plant investment fees,
7 and requirements to connect to city water or wastewater facilities shall be deferred to the time of
8 (a) connection to the utility, (b) or construction that increases the square footage of existing
9 development upon a parcel of the Property, or (c) construction for which the value on the building
10 permit application(s) for the same project after August 16, 2016, exceeds 25% of the assessed
11 value of the building, whichever occurs first. For purposes of subsection (c),”construction” shall
12 not include routine maintenance that includes without limitation the repair or replacement of
13 exterior building materials such as roofing, siding, or HVAC equipment, or painting, or
14 equipment that supports the building such as plumbing, heating, air conditioning, or lighting.

16 Section 8. The city hereby consents to the inclusion of each parcel of the Property into
17 the Northern Colorado Water Conservancy District (the “District”) and the Municipal Subdistrict
18 of the Northern Colorado Water Conservancy District (the “Subdistrict”); pursuant to C.R.S. 37-
19 45-136(3.6), to the extent such parcels are not already included in said District, Subdistrict or
20 both. Upon inclusion into the District and Subdistrict, said Property shall be subject to the same
21 mill levies and special assessments as are levied or will be levied on other similarly situated
22 property in the District and Subdistrict, respectively.

23 Section 9. The City Council approves any variations or modifications to the Boulder
24 Revised Code or other City ordinances consistent with this ordinance.
25

1 Section 10. The annexation and zoning of the Property is necessary for the protection
2 of the public health, safety, and welfare.

3 Section 11. The City Council deems it appropriate that this ordinance be published by title
4 only and directs the city clerk to make available the text of the within ordinance for public
5 inspection and acquisition.

6 Section 12. This ordinance is necessary for the preservation of the public peace, health,
7 and property. An emergency exists in that the city has an application pending before the
8 Colorado Public Utilities Commission that includes the properties that are the subject of this
9 ordinance as annexed to the City. The legislative process for this annexation effort has taken
10 longer than anticipated, and given the pendency of the application before the Colorado Public
11 Utilities Commission, it is necessary to complete the annexation in a timely manner.
12

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

17 _____
Suzanne Jones
Mayor

18 Attest:

19
20 _____
Lynnette Beck
City Clerk

1 READ ON SECOND READING AND AMENDED this 18th day of October, 2016.

2
3 _____
Suzanne Jones
Mayor

4 Attest:

5
6 _____
Lynnette Beck
City Clerk

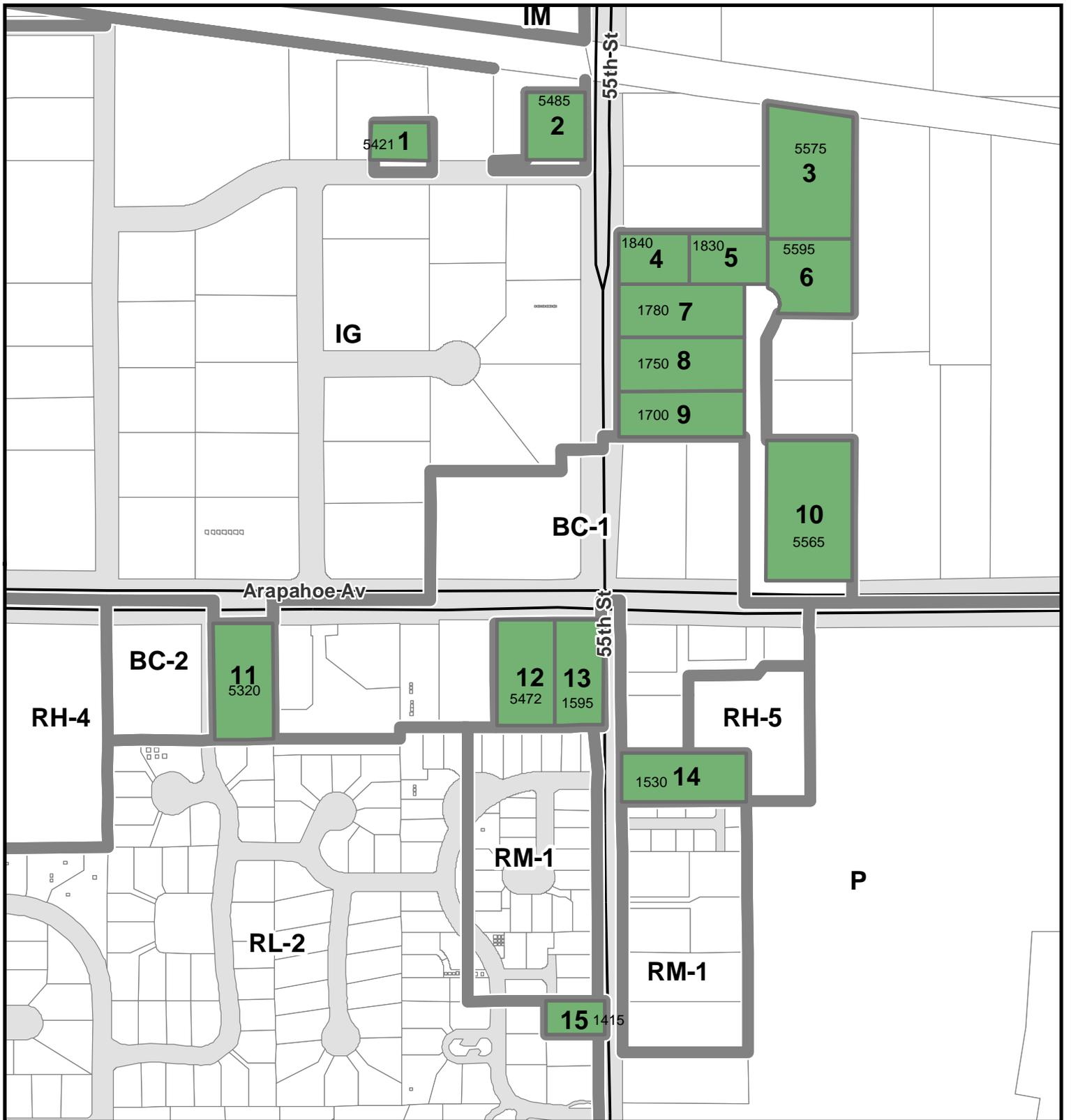
7
8
9 READ ON THIRD READING, AMENDED, PASSED, AND ADOPTED AS AN
10 EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT this 1st day
11 of November 2016.

12
13 _____
Suzanne Jones
Mayor

14 Attest:

15
16 _____
Lynnette Beck
City Clerk

City of Boulder Vicinity Map



55th and Arapahoe Enclave Annexations



1 inch = 350 feet



The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.

Property to be Annexed
(References are to Exhibit A-Map)

#1 – 5421 Western Avenue

Property described in Deed recorded at Reception #02934271 on June 4, 2008, in the records of the Boulder County Clerk and Recorder's Office, together with all that part of the Western Avenue right-of-way between Conestoga Street and 55th Street that is not currently annexed to the City of Boulder.

#2 – 5485 Western Avenue

Property described in Deed recorded at Reception #02459482 on June 23, 2003, in the records of the Boulder County Clerk and Recorder's Office, together with all that part of the Western Avenue right-of-way between Conestoga Street and 55th Street that is not currently annexed to the City of Boulder.

#3 – 5575 Arapahoe Avenue

Property described in Deed recorded at Reception #03514292 on April 27, 2016, in the records of the Boulder County Clerk and Recorder's Office.

#4 - 1840 55th Street

Property described in Deed recorded at Reception #03051194 on Jan. 4, 2010, in the records of the Boulder County Clerk and Recorder's Office.

#5 – 1830 55th Street

Property described in Deed recorded at Reception #03508527 on March 29, 2016, in the records of the Boulder County Clerk and Recorder's Office.

#6 – 5595 Arapahoe Avenue

Property described in Deed recorded at Reception #03196632 on Jan. 17, 2012, in the records of the Boulder County Clerk and Recorder's Office.

#7 – 1780 55th Street

Property described in Deed recorded at Film #2074, Reception #01544560 on Sep. 1, 1995, in the records of the Boulder County Clerk and Recorder's Office.

#8 – 1750 55th Street

Property described in Deed recorded at Reception #03415159 on Nov. 26, 2014, in the records of the Boulder County Clerk and Recorder's Office.

#9 – 1700 N. 55th Street

Property described in Deed recorded at Reception #03196633 on Jan. 17, 2012, in the records of the Boulder County Clerk and Recorder's Office.

#10 – 5565 Arapahoe Avenue

Property described in Deed recorded at Reception #03196631 on Jan. 17, 2012, in the records of the Boulder County Clerk and Recorder's Office.

#11 – 5320 Arapahoe Avenue

Property described in Deed recorded at Film #1605, Reception #01016212 on Dec. 1, 1989, in the records of the Boulder County Clerk and Recorder's Office.

#12 – 5472 Arapahoe Avenue

Property described in Deed recorded at Reception #03002018 on May 26, 2009, in the records of the Boulder County Clerk and Recorder's Office.

#13 – 1595 55th Street

Property described in Deed recorded at Film #2058, Reception #01524944 on June 20, 1995, in the records of the Boulder County Clerk and Recorder's Office.

#14 – 1530 55th Street

Property described in Deed recorded at Film #2035, Reception #01496348 on Feb. 6, 1995, in the records of the Boulder County Clerk and Recorder's Office.

#15 – 1415 15th Street

Property described in Deed recorded at Reception #02481604 on Aug. 1, 2003, in the records of the Boulder County Clerk and Recorder's Office.

RIGHTS-OF-WAY

56th Street ROW

All that part of the 56th Street right-of-way south of the south right-of-way line of the Colorado and Southern Railroad and north of the north right-of-way line of Arapahoe Avenue, that is not currently annexed to the City of Boulder.

55th Street ROW

All that part of the 55th Street right-of-way south of the south right-of-way line of the Colorado and Southern Railroad and north of the north right-of-way line of Lodge Lane, that is not currently annexed to the City of Boulder.

Arapahoe Avenue ROW

All that part of the Arapahoe Avenue right-of-way east of Range Street and west of Old Tail Road that is not currently annexed to the City of Boulder.

ORDINANCE 8140

AN EMERGENCY ORDINANCE AMENDING SUBSECTIONS
11-1-52(a), 11-2-33(a), AND 11-5-11(a), B.R.C. 1981, TO
PROVIDE METHODS OF ASSESSING AND COLLECTING
STORMWATER AND FLOOD CONTROL UTILITY PLANT
INVESTMENT FEES, FOR UNILATERALLY ANNEXED
PROPERTIES AND SETTING FORTH RELATED DETAILS.

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

Section 1. Subsection 11-1-52(a), B.R.C. 1981, is amended to add a new subsection (4)
to read:

11-1-52. – Water Plant Investment Fee.

- (a) Applicability: Any applicant desiring to take and use water from the water utility of the city shall pay to the city a water plant investment fee pursuant to the schedule of fees prescribed by section 4-20-26, “Water Plant Investment Fees,” B.R.C. 1981, in addition to all other charges related to water service elsewhere described in this chapter.

...

(4) In the case of unilaterally annexed property, within two years of annexation, the city manager may enter into agreements with the owner of the property that results in the payment of the fee that is equivalent in amount, prevents an undue hardship to the owner, and in a manner that does not cause a substantial burden to the utility or its rate payers.

Section 2. Subsection 11-2-33(a), B.R.C. 1981, is amended to add a new subsection (4)
to read:

11-2-33. – Wastewater Plant Investment Fee.

- (a) Applicability: Any applicant desiring to connect to the wastewater utility of the city shall pay to the city a wastewater plant investment fee pursuant to the schedule of fees prescribed by section 4-20-29, “Wastewater Plant Investment Fees,” B.R.C. 1981, in addition to all other charges related to sanitary sewer service elsewhere described in this chapter.

1 ...
2 (4) In the case of unilaterally annexed property, within two years of annexation, the city
3 manager may enter into agreements with the owner of the property that results in the
4 payment of the fee that is equivalent in amount, prevents an undue hardship to the
5 owner, and in a manner that does not cause a substantial burden to the utility or its
6 rate payers.

7 Section 3. Subsection 11-5-11(a), B.R.C. 1981, is amended to read:

8 **11-5-11. - Storm Water and Flood Management Utility Plant Investment Fee.**

9 (a) Any person desiring to develop property in the city or to annex developed property into
10 the city shall pay a storm water and flood management plant investment fee pursuant to
11 the schedule of fees set forth in section 4-20-46, "Storm Water and Flood Management
12 Utility Plant Investment Fee," B.R.C. 1981.

13 (1) In the case of annexation of developed property, the plant investment fee prescribed
14 by this section shall be paid prior to the second reading of the annexation ordinance
15 annexing the property into the city.

16 (2) In the case of unilaterally annexed property, the plant investment fee prescribed by
17 this section shall be paid prior to or concurrent with:

18 (A) The issuance of a certificate of occupancy for any new building or final
19 inspection for any building permit that results in additional floor area for that
20 property;~~or~~

21 (B) Improvements to the existing structure after the effective date of annexation
22 exceeding more than 25 percent of the assessed valuation of the structure.
23 The permit applicant may demonstrate the value of the existing structure by
24 submitting either the actual value assessed by the Boulder County Assessor's
25 Office or the fair market value determined by a real estate appraiser licensed
in Colorado; or

(C) The payment of any plant investment fee for water or waste water service for
that property.

In the alternative to the timing of payment of the plant investment fee described
above, the city manager may enter into agreements with the owner of the property
that results in the payment of the fee that is equivalent in amount, prevents an undue
hardship to the owner, and in a manner that does not cause a substantial burden to the
utility or its rate payers.

(3) In the case of development on previously undeveloped property, the plant investment
fee prescribed by this section shall be paid prior to issuance of a certificate of
occupancy by the city for that property.

(34) In the case of a change or addition to developed property, the plant investment fee
prescribed by this section shall be paid prior to issuance of a building permit by the
city for that property.

1 Section 4. This ordinance is necessary to protect the public health, safety, and welfare of
2 the residents of the city, and covers matters of local concern.

3 Section 5. The city council deems it appropriate that this ordinance be published by title
4 only and orders that copies of this ordinance be made available in the office of the city clerk for
5 public inspection and acquisition.

6 Section 6. This ordinance is necessary for the preservation of the public peace, health,
7 and property. An emergency exists in that the city has an application pending before the
8 Colorado Public Utilities Commission that includes the properties that are the subject of this
9 ordinance as annexed to the City. The legislative process for this annexation effort has taken
10 longer than anticipated, and given the pendency of the application before the Colorado Public
11 Utilities Commission, it is necessary to complete the annexation in a timely manner.

12
13 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
14 TITLE ONLY the 16th day of August, 2016.

15
16 _____
Suzanne Jones
Mayor

17 Attest:

18
19 _____
Lynnette Beck
20 City Clerk

1 READ ON SECOND READING AND AMENDED the 18th day of October, 2016.

2
3 _____
Suzanne Jones
Mayor

4 Attest:

5
6 _____
Lynnette Beck
City Clerk

7
8 READ ON THIRD READING, AMENDED, PASSED, AND ADOPTED AS AN
9 EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT this 1st day
10 of November 2016.

11
12 _____
Suzanne Jones
Mayor

13 Attest:

14
15 _____
Lynnette Beck
City Clerk

**Attachment C - E-mail string from August 25 to October 3, 2016,
between CAO and MED re transfer of local license upon annexation**

From: Mendiola - DOR, Dominique [<mailto:dominique.mendiola@state.co.us>]

Sent: Monday, October 03, 2016 4:47 PM

To: Haddock, Kathy

Cc: Ian Barringer; Dan Anglin; Cook, Mishawn; Mark; nolanrosall@gmail.com; Ed Byrne; jeremiahdeherrera@gmail.com; Thacker, Dave; Bookout, Beverly; Lowrey, David; James Burack - DOR; matthew.eaton@state.co.us; Miller - DOR, David; Melissa Osse; Erin Goff; Micki Hackenberger

Subject: Re: Boulder Annexations of Marijuana Business

All,

To follow up on Ms. Haddock's e-mail, on Friday, September 30th, the City of Boulder provided MED with correspondence to document their acknowledgement of continued local approval of all affected licensees between the time of annexation and the date by which licensees are required to submit application for a city license. The City of Boulder also provided a draft certificate reflecting what will be issued to licensees at the time their city application is submitted. I understand the certificate will document conditional approval until the application is approved or denied, which can be provided to MED upon request or at the time of the licensee's state renewal. We will **will ensure the** correspondence provided by the City of Boulder is added to each affected licensee's state file.

Please let me know if you have any questions.

Respectfully,

Dominique

-- Dominique D. Mendiola

Marijuana Enforcement Division



P 303-866-3293

1697 Cole Blvd., Suite 200, Lakewood, CO 80401

Dominique.Mendiola@state.co.us | <http://www.colorado.gov/revenue>

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On Mon, Oct 3, 2016 at 4:40 PM, Haddock, Kathy <Haddockk@bouldercolorado.gov> wrote:

**Attachment C - E-mail string from August 25 to October 3, 2016,
between CAO and MED re transfer of local license upon annexation**

Ian, attached is the e-mail I received from the state confirming that they are accepting the documentation we provided. The documentation is the attached letter and form of the certificate that the city will provide upon receipt of the application from the business.

From: Ian Barringer [mailto:ian@rm3.us]
Sent: Monday, October 03, 2016 4:24 PM
To: Haddock, Kathy; Dan Anglin
Cc: Mendiola - DOR, Dominique; Cook, Mishawn; Mark; nolanrosall@gmail.com; Ed Byrne; jeremiahdeherrera@gmail.com; Thacker, Dave; Bookout, Beverly; Lowrey, David; James Burack - DOR; matthew.eaton@state.co.us; Miller - DOR, David; Melissa Osse; Erin Goff; Micki Hackenberger
Subject: RE: Boulder Annexations of Marijuana Business

Kathy – I take it there has been no change in the city’s plan: we will receive the previously attached certificate upon filing an application, and there will be no other documentation of licensing from the City of Boulder?

Ian

From: Haddock, Kathy [mailto:Haddockk@bouldercolorado.gov]
Sent: Monday, October 03, 2016 12:09 PM
To: Dan Anglin <dan@americannaco.com>
Cc: Mendiola - DOR, Dominique <dominique.mendiola@state.co.us>; Cook, Mishawn <cookm@bouldercolorado.gov>; Ian Barringer <ian@rm3.us>; Mark <mark@bouldercustomhomes.com>; nolanrosall@gmail.com; Ed Byrne <edbyrne@smartlanduse.com>; jeremiahdeherrera@gmail.com; Thacker, Dave <ThackerD@bouldercolorado.gov>; Bookout, Beverly <BOOKOUTB@bouldercolorado.gov>; Lowrey, David <LOWREYD@bouldercolorado.gov>; James Burack - DOR <jim.burack@state.co.us>; matthew.eaton@state.co.us; Miller - DOR, David <davidm.miller@state.co.us>; Melissa Osse <melissa@axiompolitics.com>; Erin Goff <erin@axiompolitics.com>; Micki Hackenberger <micki@axiompolitics.com>
Subject: RE: Boulder Annexations of Marijuana Business

Yes, the city met with MED and AG and DOR by phone at 1 on Friday, and I understood they were going to follow up with you confirming that we had everything in place so there would be no issues transitioning from county to city with annexation and marijuana licenses.

KATHY HADDOCK * SENIOR ASSISTANT CITY ATTORNEY * CITY OF BOULDER * [303.441.3020](tel:303.441.3020)

From: Dan Anglin [mailto:dan@americannaco.com]
Sent: Monday, October 03, 2016 12:05 PM
To: Haddock, Kathy
Cc: Mendiola - DOR, Dominique; Cook, Mishawn; Ian Barringer; Mark; nolanrosall@gmail.com; Ed Byrne; jeremiahdeherrera@gmail.com; Thacker, Dave; Bookout, Beverly; Lowrey, David; James Burack - DOR; matthew.eaton@state.co.us; Miller - DOR, David; Melissa Osse; Erin Goff; Micki Hackenberger
Subject: Re: Boulder Annexations of Marijuana Business

Happy Monday everyone,

Has there been any movement on this issue? Haven't heard any updates yet.

Thanks,

Dan Anglin

President, AmeriCanna

www.americannaco.com

[720-648-4044](tel:720-648-4044)



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On Sep 30, 2016, at 11:35 AM, Haddock, Kathy <Haddockk@bouldercolorado.gov> wrote:

I can talk anytime between now and 2. I am checking Mishawn's availability, but let me know what will work and I can send conference call information.

From: Mendiola - DOR, Dominique [<mailto:dominique.mendiola@state.co.us>]

Sent: Friday, September 30, 2016 11:31 AM

To: Haddock, Kathy

Cc: Ian Barringer; Mark; dan@americannaco.com; nolanrosall@gmail.com; Ed Byrne;

jeremiahdeherrera@gmail.com; Cook, Mishawn; Thacker, Dave; Bookout, Beverly; Lowrey, David; James

**Attachment C - E-mail string from August 25 to October 3, 2016,
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Burack - DOR; matthew.eaton@state.co.us; Miller - DOR, David
Subject: Re: Boulder Annexations of Marijuana Business

Kathy,

Can we please get your team together for a call today with a few of our folks to try to talk through some of the concerns identified by licensees? Then we can follow up with the licensees on this e-mail (ideally today, also). I understand the timeline for the anticipated annexation is creating a lot of concern, so let's work to get some clarification as soon as possible.

Thank you.

Dominique

On Fri, Sep 30, 2016 at 9:50 AM, Haddock, Kathy <Haddockk@bouldercolorado.gov> wrote:

That's not our intent, and all I can tell you is this is what the state is comfortable with unless something has changed. It sounds like you need confirmation from the state that this is their intent too.

Dominique, could you or someone else official give that to Ian? Thanks.

KATHY HADDOCK * SENIOR ASSISTANT CITY ATTORNEY * CITY OF BOULDER * [303.441.3020](tel:303.441.3020)

From: Ian Barringer [mailto:ian@rm3.us]

Sent: Thursday, September 29, 2016 4:07 PM

To: Haddock, Kathy; Mark; dan@americannaco.com; nolanrosall@gmail.com; Ed Byrne; jeremiahdeherrera@gmail.com

Cc: Cook, Mishawn; Thacker, Dave; Bookout, Beverly; Lowrey, David; James Burack - DOR; dominique.mendiola@state.co.us

Subject: RE: Boulder Annexations of Marijuana Business

Kathy – thank you very much for sharing this correspondence. I am, however, at a loss to see how a certificate that would be given to us 60 days after the annexation (particularly one that states on its face that it “shall not be used to indicate either denial or approval of the filed MMB license application”) meets the requirements of C.R.S. 12-43.3-310 and C.R.S. 12-43.4-309 that we may not operate until we have “been licensed by the local licensing authority” (43.3-310; medical) and/or “approved by the local jurisdiction” (43.4-309; retail). Can you please help walk me through this? If we are not licensed by the local licensing authority at any time, we must close our businesses, which I’m sure is not the intent.

All my best,

Ian

Ian Barringer

Founder, Rm3 Labs

**Attachment C - E-mail string from August 25 to October 3, 2016,
between CAO and MED re transfer of local license upon annexation**

o: [720-943-1662](tel:720-943-1662)

c: [303-618-1283](tel:303-618-1283)

ian@rm3.us

From: Haddock, Kathy [<mailto:Haddockk@bouldercolorado.gov>]
Sent: Thursday, September 29, 2016 3:20 PM
To: Ian Barringer <ian@rm3.us>; Mark <mark@bouldercustomhomes.com>; dan@americannaco.com; nolanrosall@gmail.com; Ed Byrne <edbyrne@smartlanduse.com>; jeremiahdeherrera@gmail.com
Cc: Cook, Mishawn <cookm@bouldercolorado.gov>; Thacker, Dave <ThackerD@bouldercolorado.gov>; Bookout, Beverly <BOOKOUTB@bouldercolorado.gov>; Lowrey, David <LOWREYD@bouldercolorado.gov>
Subject: FW: Boulder Annexations of Marijuana Business

Here's the attachment that I forgot in my first e-mail to Dominique

From: Haddock, Kathy
Sent: Thursday, September 29, 2016 3:02 PM
To: Mendiola - DOR, Dominique
Cc: Cook, Mishawn
Subject: RE: Boulder Annexations of Marijuana Business

Dominique, I sent you the form for the business and city to fill out that is what's required for their city license. Attached is the actual certificate form for the timer period between when they submit the application and sign the form I first sent you for the permanent license. I'm sorry I didn't get you both the first time.

From: Haddock, Kathy
Sent: Thursday, September 29, 2016 2:37 PM
To: 'Mendiola - DOR, Dominique'
Cc: Cook, Mishawn
Subject: RE: Boulder Annexations of Marijuana Business

Dominique, you are right that the City's intent is to recognize the marijuana businesses being annexed as licensed until the date for which they need to submit applications for a city license (60 days after the ordinance is adopted). At that time, we would do as we did in 2010, and issue the attached Certificate that would serve as the license for the business until a decision was made on the license application. If this is not sufficient, and you would like a separate e-mail from me or a certificate for each business from Mishawn for the month between when the annexation is effective and the applications are due, please let me know.

Mishawn's practice is to match the state renewal date so that businesses only have to renew once a year. That may mean that some of the initial city licenses issued for these businesses will be for longer than one year. I think Mishawn has received a form of floor plans for the businesses from the state, but

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we have not received other records or any inspections reports for the past 2 years, so I assume there have been no inspections by MED during that time.

Let me know if there is anything else you need from me or anything we can do on our end to make these transitions smooth. Thank you.

KATHY HADDOCK * SENIOR ASSISTANT CITY ATTORNEY * CITY OF BOULDER * [303.441.3020](tel:303.441.3020)

From: Mendiola - DOR, Dominique [<mailto:dominique.mendiola@state.co.us>]
Sent: Wednesday, September 28, 2016 10:58 AM
To: Haddock, Kathy
Subject: Re: Boulder Annexations of Marijuana Business

Good Morning, Kathy. I'm just checking in to ensure we're all on the same page about expectations regarding the approaching annexation. In our last meeting we discussed a written representation from the Boulder Marijuana Licensing Authority that it considers the subject businesses approved by the City so long as the business is in compliance with the annexation ordinance. Were you going to provide a draft of this?

We are receiving questions from licensees about expectations (more specifically, whether we've heard if their county license will continue or whether they will be issued a temporary city license), so it would be helpful to confirm the approach Boulder intends to take.

I appreciate any guidance or feedback you have.

Thank you!

Dominique

On Mon, Aug 29, 2016 at 1:54 PM, Mendiola - DOR, Dominique
<dominique.mendiola@state.co.us> wrote:

Thank you for memorializing our discussion, Kathy. We'll look out for the draft language in the event you'd like our team to review.

I anticipate you can work with Matt and Tom to obtain relevant state licensing information. **Alan and John**, please let us know if you identify any concern with the information we are expected to provide to facilitate the City's review of the businesses. Some of this information might be best for us to obtain directly from the licensee, so the state and local jurisdiction can ensure they have the most up to date information on the licensee (floor and security plans, for instance).

Also, one issue that may warrant further discussion is whether the City intends to provide licensees with a set period of time to come into compliance with City requirements after the expected effective date of the annexation. I understand public safety is the priority and the focus will be to ensure licensees are taking necessary steps that show a clear intent to come into compliance. However, it would be helpful to confirm the City's expectation - that licensees

**Attachment C - E-mail string from August 25 to October 3, 2016,
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become compliant upon annexation or by a date certain after annexation. As MED has an interest in ensuring licensees are compliant at both the State and local level, let's plan to confirm this timeline.

Thank you again!

Dominique

On Thu, Aug 25, 2016 at 12:53 PM, Haddock, Kathy <Haddockk@bouldercolorado.gov> wrote:

Thank you all for the call today. I understand that a written representation of the Boulder Marijuana Licensing Authority that we consider the businesses that will be part of the annexation that are licensed by Boulder County, to be approved by the City so long as the business is in compliance with the annexation ordinance, will be sufficient "approval or assurance" from the local authority. That representation would stand unless you received another written notice from the Boulder Marijuana Licensing Authority that a particular business(es) was out of compliance with the ordinance and the City considered the business unlicensed. I will send you a draft for your review before the annexation ordinance is next considered on October 4th.

The businesses that we are aware of that are part of the annexation ordinance are His Way Herbs, Boom Town, LLC, Canixtracts, Medicine Man, RM3 Labs, Sweet Mary Jane, Green Tree Medicinals. Attached is a map of the annexations with the addresses.

I understand that Bev can coordinate with Matt and Tom to go with one of them to review the businesses. I've asked her to give the Fire Marshall an opportunity to go first, so it will probably be the beginning of September. If you could forward us the relevant state licensing information (inspection reports for the last 2 years, any enforcement actions or notices, floor plan and security plan) that will help us work with the businesses to determine what variances we will need to place in the annexation ordinance.

Let me know if I missed anything, and thanks again. Kathy

KATHY HADDOCK * SENIOR ASSISTANT CITY ATTORNEY * CITY OF BOULDER * [303.441.3020](tel:303.441.3020)

----- Forwarded message -----

From: "Mendiola - DOR, Dominique" <dominique.mendiola@state.co.us>
To: "Cook, Mishawn" <cookm@bouldercolorado.gov>
Cc: "Haddock, Kathy" <Haddockk@bouldercolorado.gov>, William Lukela - DOR <william.lukela@state.co.us>, David Miller - DOR <davidm.miller@state.co.us>
Date: Mon, 3 Oct 2016 21:51:15 +0000
Subject: Re: City letter and certificate for your review
Kathy and Mishawn:

Good afternoon. MED has reviewed the correspondence and certificate you provided Friday, Sept. 30th. I have confirmed these records are sufficient to document continued local approval (until notice of a licensee's failure to timely submit

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application or notice of denial of a city license) such that the affected licensees won't be viewed by MED as lacking local approval between the time of annexation and the date by which licensees are required to submit application for a city license.

Thank you for taking the time to put these together. Please let me know if you have any questions.

Respectfully,

Dominique

On Fri, Sep 30, 2016 at 3:42 PM, Cook, Mishawn <cookm@bouldercolorado.gov> wrote:

Dominique, thank you for your time today. Please review the attached confirmation letter and certificate, and then let us know if it is sufficient for the state MED's purposes for the local licensing regarding the annexation. We would appreciate state confirmation by next Tuesday morning.

Have a nice weekend, Mishawn

Mishawn J. Cook

Licensing Administrator

Certified Municipal Clerk



**City of Boulder
Finance**

O: [#303-441-3010](tel:303-441-3010)

cookm@bouldercolorado.gov

Finance Department

1777 Broadway | Boulder, CO 80302

Bouldercolorado.gov

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: November 1, 2016

AGENDA TITLE:

Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8152 amending Chapters 8-9 “Capital Facility Impact Fees”, 3-8 “Development Excise Tax”, and 4-20 “Fees” concerning changes to Impact Fees and Excise Taxes, and setting forth details in relation thereto.

PRESENTER/S

Jane S. Brautigam, City Manager
David Gehr, Deputy City Attorney
Susan Richstone, Deputy Director for Planning
Chris Hagelin, Senior Transportation Planner
Kristin Hyser, Community Investment Program Manager
Devin Billingsley, Senior Budget Analyst
Lauren Holm, Associate Planner
Chris Meschuk, Project Manager

EXECUTIVE SUMMARY

The purpose of this item is for council to consider the first reading of an ordinance implementing changes to the city’s development Impact Fees and Excise taxes. The second reading and public hearing for this ordinance will be held on Nov. 15, 2016.

This ordinance (**Attachment A**) would implement changes as a part of the development-related impact fees and excise taxes project, which began in May 2015 and is in the decision making phase. The project has had four city council study sessions and one matters discussion, three public meetings, and six technical working group meetings regarding these changes.

Impact Fees and Excise Taxes are one-time payments used to fund capital infrastructure system improvements needed to accommodate new development. Studies to establish the proportionate share of the needed capital improvements must be developed to meet legal requirements. The last time the studies were updated was in 2009.

The city has six existing capital facility impact fees, and a transportation excise tax. This update is an incremental update of the existing fees/tax, based on current master plans and capital plans of the city. The studies for updating these fees were completed by TischlerBise, and are included in **Attachments B-D**. The 2017 recommended budget proposes a 2% inflation factor increase that will take effect January 1, 2017. That increase has been factored into the tables and calculations described below.

For capital facility impact fees, the change based on prototypical developments¹ is a \$0.88/sq. ft. increase for residential, and a \$0.73/sq. ft. increase for non-residential. For the transportation component, council direction in June was to develop a hybrid approach using both the existing excise tax and a new impact fee to fund transportation improvements. With reallocation of the existing parkland excise tax and the new impact fee, the change based on prototypical developments is a \$0.13/sq. ft. increase for residential, and a \$0.24/sq. ft. increase for non-residential. The combined change based on prototypical developments is a \$1.01/sq. ft. increase for residential, and a \$0.97/sq. ft. increase for non-residential.

Staff is recommending the fees become effective on July 1, 2017.

At the Nov. 15, 2016 Public hearing, staff will also be seeking direction regarding changes to the affordable housing commercial linkage fee. The agenda memo for that item will include analysis and a recommendation for changes to that fee.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to introduce and order published by title only, Ordinance 8152 amending Chapters 8-9 “Capital Facility Impact Fees”, 3-8 “Development Excise Tax”, and 4-20 “Fees” concerning changes to Impact Fees and Excise Taxes, and setting forth details in relation thereto.

¹ The residential prototype is a 3-unit townhome building totaling 3,655 sq. ft., with a total development cost of \$1,200,000. The commercial prototype is a 61,466 sq. ft. office building, with a small retail and restaurant space, and a total development cost of \$18,500,000.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** Any increase in development-related taxes and or fees will increase the overall cost of residential and non-residential development. Impact fees and development excise taxes directly fund the facilities to serve new development and therefore also directly benefit the residents and employees of new development and redevelopment. Alternatively, if current fees and excise taxes are not adequate, existing residents pay for these facilities through either declining levels of services or by bearing the capital costs.
- **Environmental:** Inadequate funding of the capital facilities to serve new growth may result in overuse of existing facilities, leading to negative impacts to existing land resources such as parks as well as potential traffic impacts if residents need to drive further for facilities or the transportation infrastructure is not adequate.
- **Social:** Impact fees and/or development excise taxes ensure that new growth pays the costs of the facilities needed to adequately serve new development including affordable housing, parks, and city human service facility needs, and conversely, that existing residents do not bear the impacts of new development through decreasing service levels at existing facilities. The prime beneficiaries will be all future city residents who will benefit from the provision of adequate public parks, libraries, senior centers, transportation facilities, and other needed municipal facilities.

OTHER IMPACTS

- **Fiscal:** The cost to date of the studies is \$302,140. The original contracted scopes of work for the project totaled \$262,820. The breakdown by component is:
 - Impact Fee/Excise Taxes: \$69,160
 - Transportation: \$84,160
 - Housing: \$91,900
 - Public Art: \$17,600Additional requests for information and project rescheduling increased the housing scope of work by \$10,000. In April 2016, Council added an economic impact analysis to the project, which cost \$29,320.

The departments that benefit from the study are sharing in the costs to fund the study, and the relevant excise tax/impact fee funds can be used to fund the excise tax/impact fee studies. Increases in excise taxes or impact fees will increase the city's ability to fund needed capital improvements in the city.
- **Staff time:** The Department of Planning, Housing and Sustainability is providing project management and each of the affected departments are providing support to the consultant's work. This was included in 2015 and 2016 work programs. The project was anticipated to be complete by the end of 2016. Due to rescheduling, the project will extend into 2017, and has caused other work plan items in Planning, Housing and Sustainability, and Public Works – Transportation to be delayed and/or slowed down.

PUBLIC FEEDBACK

Recognizing the technical nature of the studies, this project has utilized several methods to gather public feedback. This has included a public introduction session, an information session, a technical working group and targeted outreach to interested community members and organizations. The project has also been highlighted on Inside Boulder News on Channel 8 on several occasions.

Intro Session

A public introductory seminar was held on Feb. 1, 2016 and provided background information on impact fees, excise taxes, and shared examples of recent developments where fees and taxes were paid. The presentation also included a review of the project scope, purpose and timeline. The presentation was livestreamed online, and a [video of the presentation is available](#) as well as the [handout](#).

Technical Working Group

To assist the city and its consultants in developing recommendations for the studies and potential fee or tax changes, the city selected 13 individuals to join a working group to provide input and feedback on the work products being prepared for different components of the project. The selected members represent a diverse set of perspectives to assist in the project. The group was not expected to come to consensus or otherwise come to an agreement or resolution, or to provide a recommendation. The role of the group was to provide a diverse range of opinions and perspectives to assist the city staff and consultants in the project.

Information Session

A public information session was held on Aug. 31, 2016 to provide information on the project to date, findings from the studies, and final options as directed from Council. The information session included staff stations for Development Fees 101, Capital Facility Impact Fees, Transportation and Affordable Housing. A [handout](#) was available at each station.

Targeted Outreach

During the duration of the project the team maintained an interested community member email list, and presented to four community organizations and at two events about the project and topic.

BACKGROUND

Project Information

The City Council directed staff to initiate updates to the development impact fees and excise taxes in May 2015. Staff hired two consulting firms (TischlerBise and Keyser Marston Associates) in August 2015 to conduct studies in four focus areas (project components).

1. Update the 2009 Capital Facility Development Impact Fees
2. Update the Transportation Excise Tax to focus on multimodal improvements
3. Update the 2009 study on Affordable Housing Linkage fee
4. Conduct a study for private development to support public art

In the interim while the study is on-going, annual inflation updates have been factored into the annual budget process for the existing fees. Those updates will occur through Ordinance No. 8147, effective on Jan. 2, 2017. The proposed ordinance as a part of this item is amending the fees as described in Ordinance No. 8147.

City Council has held four study sessions and one agenda discussion on this project:

- [Oct. 13, 2015](#) – council discussed the project scope and approach.
- [April 12, 2016](#) – council reviewed and discussed initial findings and technical working group feedback. The public art component was moved out of this project and into the Community Cultural Plan implementation.
- [June 14, 2016](#) – council discussed and narrowed the fee options.
- [Aug. 30, 2016](#) – council discussed transportation rate structures and affordable housing credits.
- [Sept. 20, 2016](#) – council discussed and provided direction to develop an ordinance and hold a public hearing for final direction on the fee and tax changes.

For the City of Boulder, sales taxes and property taxes are used to primarily support operations and capital maintenance. Impact Fees and Excise Taxes are the mechanism or tool that the city uses to implement the longstanding community policy that growth pay its share of incremental impact on city infrastructure. As shown in the graphic to the right, impact fees must be based on a study that establishes the proportionate share to meet the rational nexus legal requirements.

Studies and Reports

To establish legally supportable fees and taxes, the city conducts studies to establish the connection between the need and the fee levels.

Updating the studies
Typically, impact fee studies look out five to ten years, with the expectation that fees will be periodically updated (e.g., every 6 - 10 years).

-  **Gather background data** - including capital infrastructure needs based on departmental master plans and facility plans.
-  **Update demographic data** - including population and employment numbers based on BVCP projections.
-  **Calculate the fees/taxes** using accepted allocation methodology to determine appropriate fee levels.

ANALYSIS

Capital Facility Impact Fees

The city has six impact fees for capital facilities:

- *Library Impact Fee* – funds library facilities and materials in the library’s collections; charged on residential development.
- *Parks & Recreation Impact Fee* - funds outdoor parks, recreation center and pool facilities and support facilities; charged on residential development.
- *Human Services Impact Fee* - funds senior center facilities and the Children, Youth and Family Center facility; charged on residential development.
- *Municipal Facilities Impact Fee* – funds municipal building space; charged on residential and non-residential development.
- *Police Impact Fee* - funds police station facilities and communication center space; charged on residential and non-residential development.
- *Fire Impact Fee* - funds fire station facilities, land and fire apparatus; charged on residential and non-residential development.

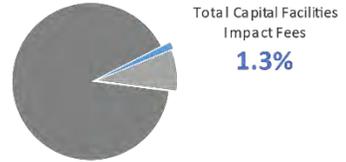
The study completed by TischlerBise (**Attachment B**) has established that an incremental update to the fee levels is necessary based on current capital needs and levels

of service. When the fees are applied to prototypical developments it results in the following fees on a per square foot basis, and as a percent of total development costs:

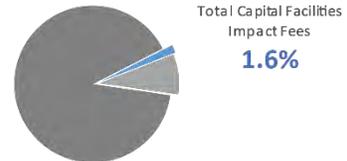
	RESIDENTIAL		
	Current	Proposed	Increase
Capital Facility Impact Fees	\$ 3.89	\$ 4.77	\$ 0.88
Parks & Recreation Impact Fee	\$ 2.62	\$ 3.31	\$ 0.69
Library Impact Fee	\$ 0.38	\$ 0.53	\$ 0.15
Fire Impact Fee	\$ 0.29	\$ 0.24	\$ (0.05)
Police Impact Fee	\$ 0.25	\$ 0.27	\$ 0.02
Municipal Facilities Impact Fee	\$ 0.23	\$ 0.32	\$ 0.09
Human Service Impact Fee	\$ 0.12	\$ 0.10	\$ (0.02)

*Note: The proposed fees have been applied to the prototypical development and are shown here as a cost per square foot factor.

Existing
Total Development Cost Estimate
\$1,200,000.00



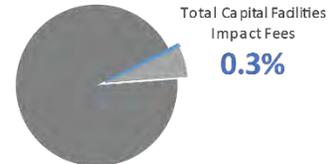
Proposed Update
Total Development Cost Estimate
\$1,200,000.00



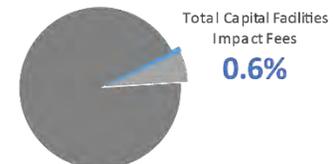
	NON-RESIDENTIAL		
	Current	Proposed	Increase
Capital Facility Impact Fees	\$ 1.00	\$ 1.73	\$ 0.73
Parks & Recreation Impact Fee	n/a	n/a	n/a
Library Impact Fee	n/a	n/a	n/a
Fire Impact Fee	\$ 0.60	\$ 0.87	\$ 0.27
Police Impact Fee	\$ 0.19	\$ 0.31	\$ 0.12
Municipal Facilities Impact Fee	\$ 0.21	\$ 0.55	\$ 0.34
Human Service Impact Fee	n/a	n/a	n/a

*Note: The proposed fees have been applied to the prototypical development and are shown here as a cost per square foot factor.

Existing
Total Development Cost Estimate
\$18,500,000.00



Proposed Update
Total Development Cost Estimate
\$18,500,000.00



Staff is recommending adoption of the new fees as proposed in the 2016 Capital Facility Development Impact Fee Study (**Attachment B**).

Transportation Excise Tax & Impact Fee

The city currently has a development excise tax that funds two categories of capital infrastructure:

- a. *Park Land* – funds park land purchases; charged on residential development.
- b. *Transportation* – funds transportation system capital improvements and enhancements such as road improvements, intersections, bike lanes, underpasses, and pedestrian enhancements; charged on residential and non-residential development.

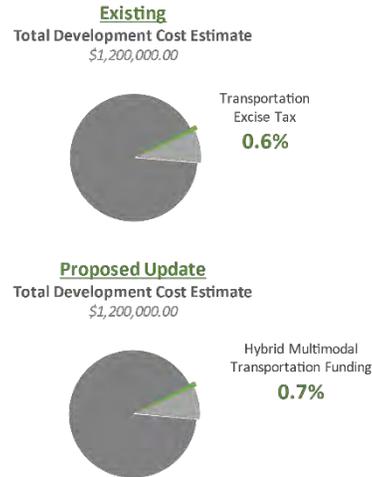
The studies completed by TischlerBise (**Attachments C & D**) have established that the growth share of transportation planned capital improvements is greater than the current development excise tax. Based on feedback from council, a hybrid approach was developed where transportation improvements are split by type, and allocated either to the existing Transportation Excise Tax, or a new Transportation Impact Fee.

Staff is recommending re-allocation of the parkland component of the Development Excise Tax to transportation. This will result in no change in total DET's for a residential development. The addition of a small Impact Fee to both residential and non-residential development is proposed.

When the fees are applied to prototypical developments it results in the following findings on a per square foot basis, and the context of the fees as a percent of total development costs:

	RESIDENTIAL		
	Current	Proposed	Increase
Transportation	\$ 1.90	\$ 2.03	\$ 0.13
Parkland Excise Tax	\$ 0.62	\$ -	\$ (0.62)
Transportation Excise Tax	\$ 1.28	\$ 1.90	\$ 0.62
Transportation Impact Fee	\$ -	\$ 0.13	\$ 0.13

*Note: The proposed fees have been applied to the prototypical development and are shown here as a cost per square foot factor.



	NON-RESIDENTIAL		
	Current	Proposed	Increase
Transportation	\$ 2.48	\$ 2.72	\$ 0.24
Parkland Excise Tax	n/a	n/a	n/a
Transportation Excise Tax	\$ 2.48	\$ 2.48	\$ -
Transportation Impact Fee		\$ 0.24	\$ 0.24

*Note: The proposed fees have been applied to the prototypical development and are shown here as a cost per square foot factor.

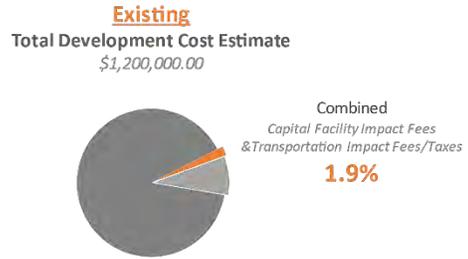


Staff is recommending adoption of a new transportation impact fee as proposed in the 2016 Transportation Impact Fee Study (**Attachment C**), and a slight revision to the allocation of the Transportation Excise Tax to allocate the current Parkland Excise Tax to Transportation, based on the analysis in the 2016 Transportation Excise Tax Study (**Attachment D**).

When the proposed fees are applied combined and applied to prototypical developments it results in the following findings on a per square foot basis, and as a percent of total development costs:

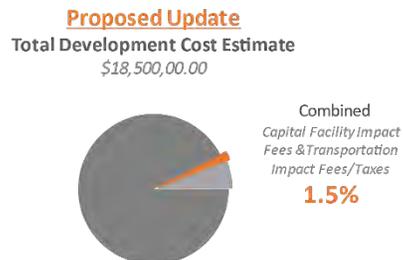
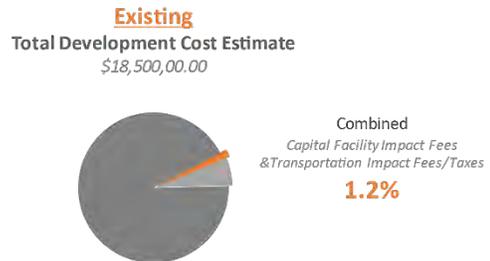
	RESIDENTIAL		
	Current	Proposed	Increase
Combined	\$ 5.79	\$ 6.80	\$ 1.01
Capital Facility Impact Fees	\$ 3.89	\$ 4.77	\$ 0.88
Transportation	\$ 1.90	\$ 2.03	\$ 0.13

*Note: The proposed fees have been applied to the prototypical development and are shown here as a cost per square foot factor.



	NON-RESIDENTIAL		
	Current	Proposed	Increase
Combined	\$ 3.48	\$ 4.45	\$ 0.97
Capital Facility Impact Fees	\$ 1.00	\$ 1.73	\$ 0.73
Transportation	\$ 2.48	\$ 2.72	\$ 0.24

*Note: The proposed fees have been applied to the prototypical development and are shown here as a cost per square foot factor.



Phasing

Staff recommends that the ordinance implementing the capital facility impact fees and transportation fee/tax be effective on July 1, 2017. This timeframe will allow time for developments already in the development review process to plan for these fee changes, and time for the city staff to prepare the software systems for these changes.

Development impact fees and excise taxes are assessed at the time of building permit application and paid at the time of issuance of the certificate of occupancy.

ATTACHMENTS

Attachment A: Ordinance 8152

Attachment B: 2016 Capital Facility Development Impact Fee Study

Attachment C: 2016 Transportation Development Impact Fee Study

Attachment D: 2016 Transportation Development Excise Tax Study

ORDINANCE 8152

AN ORDINANCE AMENDING CHAPTER 3-8
 "DEVELOPMENT EXCISE TAX," SECTION 4-20-62
 "CAPITAL FACILITY IMPACT FEE," AND CHAPTER 8-9
 "CAPITAL FACILITY IMPACT FEES," SETTING THE FEE
 RATES FOR IMPACT FEES AND EXCISE TAXES; AND
 SETTING FORTH RELATED DETAILS

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

Section 1. Section 3-8-1, B.R.C. 1981, is amended to read:

3-8-1. - Purpose and Legislative Intent.

- (a) Purpose: The purpose of this chapter is to impose a development excise tax on persons engaged in nonresidential and residential development in the city to fund the costs of growth related capital improvements for transportation ~~and park land acquisition~~. City council intends that the combined tax for ~~park land acquisition and~~ transportation continue to serve the purposes originally set forth for the two revenue sources.
- (b) Legislative Intent: The city council recites the following legislative findings and statements of intent that were taken into consideration in the adoption of this chapter:
- (1) Prior to 1998, the city collected development-related fees and taxes for public services, including parks and recreation, transportation, human services, municipal facilities, libraries, fire and police facilities, through a development excise tax, a transportation excise tax and a park land acquisition and development fee, to help ensure that new development pay for its growth-related impacts on public facilities.
 - (2) In 1998, under a ballot measure in Ordinance No. 6019, the voters authorized the city council to repeal the city's transportation excise tax and park land acquisition and development fee and consolidate them into the development excise tax.
 - (3) The 1998 ballot measure was based in part from the recommendations in a study entitled "Development Excise Tax, Boulder, Colorado - July 29, 1996," prepared by Tischler & Associates, consultants with expertise in fiscal impact analysis, capital facilities analysis and growth policy planning.
 - (4) The city council stated its intent in Ordinance 6019 that the allocation of the funds from the development excise tax could be changed at any time and the ballot measure stated that the proceeds from the authorized tax could be collected and spent without limitation.

- (5) TischlerBise, a fiscal, economic and planning consulting firm, updated the 1996 study which provides the basis for the transportation and park land acquisition excise taxes of this chapter, entitled “Development Excise Tax Study, City of Boulder Colorado - Jan. 9, 2009.”
- (6) TischlerBise also completed an updated 1996 study which provides the basis for the development impact fees that are in chapter 8-9, “Capital Facility Impact Fee,” B.R.C. 1981, which is entitled “Development Impact Fee Study, City of Boulder Colorado - Jan. 9, 2009.”
- (7) TischlerBise, updated the 2009 study which provides the basis for the transportation excise tax of this chapter, entitled “2016 Transportation Development Excise Tax Study, City of Boulder Colorado – Sept. 20, 2016.”
- (8) TischlerBise also updated 2009 study which provides for the basis for the development fees that are in chapter 8-9, “Capital Facility Impact Fee,” B.R.C. 1981, which is entitled “2016 Capital Facility Development Impact Fee Study, City of Boulder Colorado – Sept. 20, 2016”; and “2016 Transportation Development Impact Fee Study, City of Boulder Colorado – Sept. 20, 2016.”
- (9) The city council intends that the taxes collected pursuant to this chapter and chapter 8-9, "Capital Facility Impact Fees" will recover a portion of the costs related to the capital facilities’ needs associated with nonresidential and residential development for transportation, park land acquisition, library, police, fire, human service, parks and recreation and municipal services.
- (10) The development excise tax applies regardless of the value of the property developed. The development excise tax shall be imposed in addition to the capital facility impact fees imposed by chapter 8-9 and water, sanitary sewer and storm water and flood management plant investment fees imposed by sections 11-1-52, “Water Plant Investment Fee,” 11-2-33, “Wastewater Plant Investment Fee,” and 11-5-11, “Storm Water and Flood Management Utility Plant Investment Fee,” B.R.C. 1981, or any other fees, taxes, or charges of the city.

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

3-8-3. - Tax Imposed on Nonresidential and Residential Development.

- (a) Tax Rate: No person engaged in nonresidential or residential development in the city shall fail to pay a development excise tax thereon according to the following rates:
 - (1) For new or additional floor area for nonresidential development per square foot of floor area:

Transportation	\$2.48
Total:	\$2.48

(2) For new detached dwelling unit:

Park land	\$1,194.60
Transportation	\$2,323.71
	<u>\$3,518.31</u>
Total:	\$3,518.31

(3) For new attached dwelling unit or mobile home:

Park land	\$830.57
Transportation	\$1,722.02
	<u>\$2,552.59</u>
Total:	\$2,552.59

- (b) Waiver of Tax Imposed on Annexation of Developed Residential Land: For property annexed with existing residential development, the tax imposed by this chapter is prorated in accordance with the following formula: one twenty-sixth of the applicable tax is waived for each full year the residence existed prior to July 17, 1988. The date on which residential development existed for determination of the waiver is the date of the issuance by Boulder County of a certificate of occupancy for the structure.

Section 3. Section 3-8-6, B.R.C. 1981, is amended to read:

3-8-6. - Development Excise Tax Revenues to Be Earmarked.

The city council hereby delegates to the city manager the duty to reflect the historical allocation of the recodified development excise tax in each annual budget. The funds collected will be allocated according to the following:

~~(a) — Transportation Development Fund: A portion of the development excise tax imposed by this chapter shall be deposited in the transportation development fund, which shall be exclusively for the purpose of constructing growth-related transportation capital improvements and collection and administration of the tax.~~

~~(b) — Park Land Acquisition: A portion of the development excise tax imposed by this chapter shall be deposited in the permanent park and recreation fund which shall be exclusively for the purpose of acquiring park land to serve the needs of city residents and collection and administration of the tax.~~

Section 4. Section 3-8-7, B.R.C. 1981, is amended to read:

3-8-7. - Development Excise Tax Credit.

(a) Capital Improvements: The city council may grant a development excise tax credit to a taxpayer on any or all of the tax imposed by this chapter if the city council, after receiving a recommendation from the city manager, finds that the taxpayer has agreed to make and dedicate

1 to the city any police, fire, library, human services or municipal offices capital improvements
 2 beyond those required by any provision of this code that would benefit the public at large to the
 3 same degree as collection of the tax, and that granting the credit will not result in a substantial
 4 increase in the city's costs of providing capital improvements in the future. The amount of the
 5 credit shall be equal to the cost of such improvements to the taxpayer, as determined by the city
 6 manager, and in no event shall the credit be greater than the amount of development excise tax that
 7 would be due on the property. No certificate of occupancy, temporary or otherwise, shall be issued
 8 for the property until such improvements have been completed to the satisfaction of the city
 9 manager and dedicated to the city, or a financial guarantee in a form allowed under section 9-12-
 10 13, "Sub-divider Financial Guarantees," B.R.C. 1981, and in an amount sufficient to secure the
 11 full costs, as determined by the city manager, of constructing or installing the improvements, has
 12 been provided by the developer.

8 ~~(b) Park Dedications and Improvements: The city council may grant a development~~
 9 ~~excise tax credit to a taxpayer on any or all of the tax imposed by this chapter and deposited in the~~
 10 ~~permanent park and recreation fund if the city council, after receiving recommendations from the~~
 11 ~~city manager and parks and recreation advisory board, finds that such a credit is in the public~~
 12 ~~interest. In making this determination, the council shall consider whether sufficient public~~
 13 ~~recreational areas, facilities or park land acceptable to the City has been dedicated to the City or~~
 14 ~~provided by the building permit applicant and whether the public receives perpetual use of such~~
 15 ~~recreational areas, facilities or additional park land in documents satisfactory to the city attorney.~~
 16 ~~But public recreational areas, facilities or park land referred to in this subsection does not include~~
 17 ~~yards, setbacks or any other areas required by city zoning and building regulations.~~

14 (e) — Transportation Improvements: The city council may grant a development excise
 15 tax credit to a taxpayer on any or all of the tax imposed by this chapter and deposited in the
 16 transportation development fund if the city council, after reviewing a recommendation from the
 17 city manager, finds that such a credit is in the public interest. In making this determination, the
 18 council shall consider whether such improvements to be constructed by a developer are consistent
 19 with the ultimate configuration of the Transportation Master Plan for the Boulder Valley and do
 20 not solely benefit the private interests of the specific development project. No certificate of
 21 occupancy, temporary or otherwise, shall be issued for the property until such improvements have
 22 been completed to the satisfaction of the city manager and dedicated to the city, or a financial
 23 guarantee in a form allowed under section 9-12-13, "Sub-divider Financial Guarantees," B.R.C.
 24 1981, and in an amount sufficient to secure the full costs, as determined by the city manager, of
 25 constructing or installing the improvements, has been provided by the developer. The amount of
 the credit shall be based on reasonable project costs for constructing the improvement. The amount
 of the credit shall not exceed the total transportation excise tax owed to the city.

22 ~~(d_c) Affordable Housing, Facilities Serving the General Public and Urban Renewal~~
 23 ~~Areas: The city council may grant a development excise tax credit to a taxpayer on any or all of~~
 24 ~~the tax imposed by this chapter if the city council finds the public interest is adequately served and~~
 25 ~~the waiver or reduction is intended to assist in the provision of affordable housing or facilities~~
 serving the general public or in order to promote development in an urban renewal area established
 under state law. Any such decision by the city council to grant a development excise tax credit is
 at its discretion and is legislative in nature.

(de) Waiver of Tax for Permanently Affordable Housing: The development excise tax does not apply to those permanently affordable units that are provided on site within a single development that are in excess of the number of units required by chapter 9-13, "Inclusionary Housing," B.R.C. 1981. In addition, for every permanently affordable unit provided on site within a single development in excess of the number required by chapter 9-13, "Inclusionary Housing," B.R.C. 1981, the development excise tax will be waived for one of the permanently affordable dwelling units required by chapter 9-13, "Inclusionary Housing," B.R.C. 1981. This waiver applies only if the entire inclusionary housing requirement for the development is constructed on the site within a single development.

(ef) Business Incentive Rebates: The city manager may grant rebates of development excise taxes paid by primary employers in connection with equipment acquisition, construction projects, construction equipment and construction materials when, in the judgment of the city manager, the rebate will serve the economic interests of the city by helping attract or retain a primary employer which contributes to a socially, environmentally and economically sustainable community.

Section 5. Section 4-20-62, B.R.C. 1981 is amended to read:

4-20-62. - Capital Facility Impact Fee.

- (a) Impact Fee Rate: No person engaged in nonresidential or residential development in the city shall fail to pay a development impact fee. Fees shall be assessed and collected according to the standards of Chapter 8-9, "Capital Facility Impact Fee," B.R.C. 1981, and the following rates:

Table 1: Impact Fee Rates for Single Family Residential per Dwelling Unit

<i>Size Range (SF)</i>	IMPACT FEE RATE						
	<i>Library</i>	<i>Parks & Recreation</i>	<i>Human Services</i>	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>TOTAL</i>
900 or less	\$226	\$1,549	\$72	\$139	\$145	\$103	\$2,234
901-1000	\$262	\$1,798	\$84	\$160	\$168	\$119	\$2,591
1001-1100	\$294	\$2,013	\$95	\$179	\$190	\$133	\$2,904
1101-1200	\$322	\$2,212	\$104	\$197	\$207	\$146	\$3,188
1201-1300	\$349	\$2,394	\$113	\$213	\$224	\$160	\$3,453
1301-1400	\$373	\$2,562	\$120	\$227	\$241	\$169	\$3,692
1401-1500	\$398	\$2,721	\$128	\$242	\$254	\$180	\$3,923
1501-1600	\$418	\$2,869	\$136	\$257	\$268	\$191	\$4,139
1601-1700	\$438	\$3,010	\$142	\$267	\$282	\$199	\$4,338
1701-1800	\$460	\$3,139	\$147	\$278	\$294	\$208	\$4,526
1801-1900	\$476	\$3,262	\$154	\$291	\$306	\$217	\$4,706
1901-2000	\$493	\$3,379	\$160	\$301	\$316	\$224	\$4,873
2001-2100	\$509	\$3,489	\$164	\$310	\$325	\$231	\$5,028
2101-2200	\$525	\$3,597	\$169	\$320	\$339	\$239	\$5,189
2201-2300	\$540	\$3,698	\$173	\$327	\$347	\$245	\$5,330

1	2301-2400	\$555	\$3,796	\$179	\$340	\$357	\$251	\$5,478
2	2401-2500	\$567	\$3,889	\$184	\$347	\$364	\$259	\$5,610
3	2501-2600	\$581	\$3,978	\$189	\$355	\$371	\$264	\$5,738
4	2601-2700	\$593	\$4,064	\$193	\$362	\$380	\$269	\$5,861
5	2701-2800	\$606	\$4,147	\$196	\$368	\$389	\$275	\$5,981
6	2801-2900	\$617	\$4,228	\$199	\$375	\$397	\$281	\$6,097
7	2901-3000	\$628	\$4,305	\$202	\$383	\$404	\$287	\$6,209
8	3001-3100	\$639	\$4,378	\$205	\$391	\$410	\$292	\$6,315
9	3101-3200	\$651	\$4,452	\$209	\$397	\$417	\$297	\$6,423
10	3201-3300	\$661	\$4,522	\$213	\$404	\$424	\$301	\$6,525
11	3301-3400	\$671	\$4,591	\$217	\$409	\$430	\$306	\$6,624
12	3401-3500	\$679	\$4,657	\$220	\$415	\$436	\$309	\$6,716
13	3501-3600	\$690	\$4,722	\$223	\$421	\$441	\$313	\$6,810
14	3601-3700	\$700	\$4,784	\$225	\$425	\$447	\$316	\$6,897

Table 2: Impact Fee Rates for Multifamily Family Residential per Dwelling Unit

<i>Size Range (SF)</i>	IMPACT FEE RATE						<i>TOTAL</i>
	<i>Library</i>	<i>Parks & Recreation</i>	<i>Human Services</i>	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	
600 or less	\$239	\$1,636	\$75	\$145	\$154	\$177	\$2,426
601-700	\$290	\$1,981	\$94	\$174	\$187	\$215	\$2,941
701-800	\$332	\$2,281	\$107	\$202	\$213	\$248	\$3,383
801-900	\$370	\$2,544	\$120	\$226	\$239	\$277	\$3,776
901-1000	\$406	\$2,778	\$131	\$247	\$261	\$303	\$4,126
1001-1100	\$436	\$2,992	\$142	\$266	\$281	\$325	\$4,442
1101-1200	\$466	\$3,185	\$149	\$284	\$299	\$348	\$4,731
1201-1300	\$492	\$3,365	\$158	\$300	\$314	\$367	\$4,996
1301-1400	\$514	\$3,531	\$166	\$314	\$330	\$385	\$5,240
1401-1500	\$538	\$3,686	\$172	\$326	\$346	\$404	\$5,472
1501-1600	\$559	\$3,829	\$180	\$342	\$359	\$418	\$5,687

Table 3: Impact Fee Rates for Nonresidential

Nonresidential Uses	Impact Fee Rates Per Square Foot of Nonresidential Floor Area				
	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>Affordable Housing</i>	<i>TOTAL</i>
Retail/Restaurant	\$0.15	\$0.51	\$0.41	\$7.10	\$8.17
Business Park	\$0.17	\$0.12	\$0.10	\$7.85	\$8.24
Office	\$0.22	\$0.17	\$0.62	\$9.72	\$10.73
Hospital	\$0.18	\$0.16	\$0.53	\$8.39	\$9.26
School	\$0.05	\$0.08	\$0.14	\$2.28	\$2.55

1	Mini Warehouse	\$0.00	\$0.02	\$0.00	\$0.09	\$0.11
2	Warehousing	\$0.07	\$0.05	\$0.05	\$3.16	\$3.33
3	Light Industrial	\$0.13	\$0.06	\$0.08	\$5.73	\$6.00

Impact Fee Rates for Other Nonresidential Uses Based on Unique Demand Indicators

4 5 6 7 8	<i>Other Nonresidential Uses</i>	Impact Fee Rates for Other Nonresidential Uses Based on Unique Demand Indicators				
		<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>Affordable Housing</i>	<i>TOTAL</i>
6	Nursing Home (per bed)	\$20.60	\$22.89	\$56.07	\$895.19	\$994.75
7	Day Care (per student)	\$8.01	\$20.60	\$25.18	\$397.39	\$451.18
8	Lodging (per room)	\$25.17	\$54.93	\$69.81	\$1,093.89	\$1,243.80

Table 1: Residential Impact Fee Rates per Dwelling Unit

10 11	<u>Size Range (SF)</u>	IMPACT FEE RATES							
		<u>Library</u>	<u>Parks & Recreation</u>	<u>Human Services</u>	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>Trans- portation</u>	<u>TOTAL</u>
12	<u>799 and below</u>	<u>\$432</u>	<u>\$2,709</u>	<u>\$83</u>	<u>\$264</u>	<u>\$220</u>	<u>\$197</u>	<u>\$100</u>	<u>\$4,005</u>
13	<u>800-999</u>	<u>\$544</u>	<u>\$3,404</u>	<u>\$104</u>	<u>\$333</u>	<u>\$276</u>	<u>\$247</u>	<u>\$128</u>	<u>\$5,036</u>
14	<u>1000-1199</u>	<u>\$629</u>	<u>\$3,936</u>	<u>\$121</u>	<u>\$385</u>	<u>\$320</u>	<u>\$286</u>	<u>\$149</u>	<u>\$5,826</u>
15	<u>1200-1399</u>	<u>\$700</u>	<u>\$4,376</u>	<u>\$135</u>	<u>\$427</u>	<u>\$356</u>	<u>\$317</u>	<u>\$167</u>	<u>\$6,478</u>
16	<u>1400-1599</u>	<u>\$759</u>	<u>\$4,746</u>	<u>\$146</u>	<u>\$464</u>	<u>\$387</u>	<u>\$345</u>	<u>\$182</u>	<u>\$7,029</u>
17	<u>1600-1799</u>	<u>\$810</u>	<u>\$5,070</u>	<u>\$156</u>	<u>\$496</u>	<u>\$413</u>	<u>\$368</u>	<u>\$195</u>	<u>\$7,508</u>
18	<u>1800-1999</u>	<u>\$859</u>	<u>\$5,371</u>	<u>\$165</u>	<u>\$525</u>	<u>\$438</u>	<u>\$390</u>	<u>\$206</u>	<u>\$7,954</u>
19	<u>2000-2199</u>	<u>\$896</u>	<u>\$5,603</u>	<u>\$172</u>	<u>\$548</u>	<u>\$456</u>	<u>\$407</u>	<u>\$216</u>	<u>\$8,298</u>
20	<u>2200-2399</u>	<u>\$932</u>	<u>\$5,834</u>	<u>\$180</u>	<u>\$570</u>	<u>\$475</u>	<u>\$423</u>	<u>\$225</u>	<u>\$8,639</u>
21	<u>2400-2599</u>	<u>\$966</u>	<u>\$6,042</u>	<u>\$186</u>	<u>\$591</u>	<u>\$492</u>	<u>\$439</u>	<u>\$234</u>	<u>\$8,950</u>
22	<u>2600-2799</u>	<u>\$1,000</u>	<u>\$6,252</u>	<u>\$193</u>	<u>\$611</u>	<u>\$509</u>	<u>\$454</u>	<u>\$242</u>	<u>\$9,261</u>
23	<u>2800-2999</u>	<u>\$1,029</u>	<u>\$6,436</u>	<u>\$198</u>	<u>\$629</u>	<u>\$524</u>	<u>\$467</u>	<u>\$249</u>	<u>\$9,532</u>
24	<u>3000-3199</u>	<u>\$1,055</u>	<u>\$6,598</u>	<u>\$203</u>	<u>\$645</u>	<u>\$538</u>	<u>\$479</u>	<u>\$255</u>	<u>\$9,773</u>
25	<u>3200-3399</u>	<u>\$1,077</u>	<u>\$6,738</u>	<u>\$207</u>	<u>\$659</u>	<u>\$549</u>	<u>\$490</u>	<u>\$261</u>	<u>\$9,981</u>
26	<u>3400-3599</u>	<u>\$1,103</u>	<u>\$6,899</u>	<u>\$212</u>	<u>\$674</u>	<u>\$562</u>	<u>\$501</u>	<u>\$267</u>	<u>\$10,218</u>
27	<u>3600 and above</u>	<u>\$1,125</u>	<u>\$7,039</u>	<u>\$216</u>	<u>\$687</u>	<u>\$573</u>	<u>\$511</u>	<u>\$272</u>	<u>\$10,423</u>

Table 2: Impact Fee Rates for Nonresidential

23 24 25	<u>Nonresidential Uses</u>	Impact Fee Rates Per Square Foot of Nonresidential Floor Area				
		<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>Affordable Housing</u>	<u>Transportation</u>

Table 2: Impact Fee Rates for Nonresidential

<u>Retail/ Restaurant</u>	<u>\$0.39</u>	<u>\$0.72</u>	<u>\$0.62</u>	<u>\$7.10</u>	<u>\$0.54</u>	<u>\$9.37</u>
<u>Office</u>	<u>\$0.56</u>	<u>\$0.29</u>	<u>\$0.89</u>	<u>\$9.72</u>	<u>\$0.22</u>	<u>\$11.68</u>
<u>Hospital</u>	<u>\$0.46</u>	<u>\$0.34</u>	<u>\$0.72</u>	<u>\$8.39</u>	<u>\$0.27</u>	<u>\$10.18</u>
<u>Institutional</u>	<u>\$0.12</u>	<u>\$0.24</u>	<u>\$0.19</u>	<u>\$2.28</u>	<u>\$0.18</u>	<u>\$3.01</u>
<u>Warehousing</u>	<u>\$0.14</u>	<u>\$0.09</u>	<u>\$0.23</u>	<u>\$3.16</u>	<u>\$0.07</u>	<u>\$3.69</u>
<u>Light Industrial</u>	<u>\$0.36</u>	<u>\$0.17</u>	<u>\$0.57</u>	<u>\$5.73</u>	<u>\$0.14</u>	<u>\$6.97</u>

<u>Other Nonresidential Uses</u>	<u>Impact Fee Rates for Other Nonresidential Uses Based on Unique Demand Indicators</u>					
	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>Affordable Housing</u>	<u>Transportation</u>	<u>TOTAL</u>
<u>Nursing Home/Assisted Living (per bed)</u>	<u>\$132.60</u>	<u>\$70.38</u>	<u>\$208.08</u>	<u>\$895.19</u>	<u>\$56.10</u>	<u>\$1,362.35</u>
<u>Lodging (per room)</u>	<u>\$89.76</u>	<u>\$212.16</u>	<u>\$141.78</u>	<u>\$1,093.89</u>	<u>\$168.30</u>	<u>\$1,705.89</u>

Section 6. Section 8-9-1, B.R.C. 1981, is amended to read:

8-9-1. - Purpose and Legislative Intent.

- (a) Purpose: The purpose of this chapter is to charge an impact fee to applicants for nonresidential and residential development in the city to fund capital improvements needed to address demand attributable to new development for police, fire, library, human services, general municipal facilities and parks and recreation. The purpose of this section is to also charge an impact fee to applicants for nonresidential development in the city attributable to new development for affordable housing.
- (b) Legislative Intent: The city council recites the following legislative findings and statements of intent that were taken into consideration in the adoption of this chapter:
- (1) The fees collected pursuant to this chapter are not intended to fund operation, maintenance or replacement costs or otherwise fund the general costs of government.
 - (2) The capital facility impact fee applies regardless of the value of the property developed. The capital facility impact fee shall be imposed in addition to the development excise taxes imposed by Chapters 3-8 and 3-9 and water, sanitary sewer and storm water and flood management plant investment fees imposed by Sections 11-1-52, "Water Plant Investment Fee," 11-2-33, "Wastewater Plant

1 Investment Fee,” and 11-5-11, “Storm Water and Flood Management Utility
2 Plant Investment Fee,” B.R.C. 1981, or other fees, taxes or charges of the city.

3 (3) The capital facility impact fee established in this chapter and Section 4-20-62,
4 “Capital Facility Impact Fee,” B.R.C. 1981, is based in part on the methodology
5 in the “Development Impact Fee Study” prepared by TischlerBise, Fiscal,
6 Economic & Planning Consultants, dated January 8, 2009.

7 (4) TischlerBise updated the 2009 study which provides the basis for the capital
8 facility impact fee established in this chapter and Section 4-20-62, “Capital
9 Facility Impact Fee,” B.R.C. 1981, based in part on the methodology in the “2016
10 Capital Facility Development Impact Fee Study, City of Boulder Colorado - Sept.
11 20, 2016.” and “2016 Transportation Development Impact Fee Study, City of
12 Boulder Colorado - Sept. 20, 2016.”

13 (5) The portion of the capital facility impact fee for affordable housing established in
14 this chapter and Section 4-20-62, “Capital Facility Impact Fee,” B.R.C. 1981, is
15 based in part on the methodology in the “Development Excise Tax” prepared by
16 TischlerBise, Fiscal, Economic & Planning Consultants, dated January 9, 2009.
17 The methodology used in that study is an approach based on the Boulder Valley
18 Comprehensive Plan goal of at least ten percent of the total existing housing stock
19 as permanently affordable housing. The fee is intended to defray the costs of
20 providing permanently affordable housing that is associated with non-residential
21 development.

22 (6) Keyser Marston Associates, a real estate advisory firm with expertise in
23 calculating the nexus between nonresidential development and its impacts on the
24 communities’ need for affordable housing updated the 2009 study which provides
25 the basis for the affordable housing commercial linkage fee established in this
chapter and Section 4-20-62, “Capital Facility Impact Fee,” B.R.C. 1981, based
in part on the methodology in the “2016 Jobs Housing Nexus Analysis, City of
Boulder Colorado - Sept. 20, 2016.”

(57) The city council finds that the development impact fee study and this
chapter define classifications that are generally applicable to broad classes of
property; quantifies the reasonable impacts of proposed development on capital
facilities; and establishes charges at a level no greater than necessary to defray
such impacts directly related to proposed development.

(68) The city council intends that the impact fees collected pursuant to this
chapter are to be used to fund expenditures for capital facilities attributable to
new development.



DRAFT #3

2016 Capital Facility Development Impact Fee Study

Prepared for:
City of Boulder, Colorado

September 20, 2016



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**Capital Facility
Development Impact Fee Study
City of Boulder, Colorado**

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Executive Summary

The City of Boulder retained TischlerBise to prepare an Impact Fee Study for various infrastructure categories. This report updates the Development Impact Fee Study prepared in 2009 and adopted by the City of Boulder in 2010.

Impact fees are one-time payments used to fund system improvements needed to accommodate development. This report documents the data, methodology, and results of the impact fee calculations. The methods used to calculate impact fees in this study are intended to satisfy all legal requirements governing such fees, including provisions of the U. S. Constitution and the Colorado Development Impact Fee Act. The following infrastructure categories have been developed with methodologies that meet the requirements to be adopted as impact fees.

- Library
- Parks and Recreation
- Human Services
- Municipal Facilities
- Police
- Fire

Impact Fee Summary

As documented in this report, impact fees for the City of Boulder are proportionate and reasonably related to the capital facility service demands of new development. The written analysis of each impact fee methodology, establish that impact fees are necessary to achieve an equitable allocation of costs in comparison to the benefits received. Impact fee methodologies also identify the extent to which newly developed properties are entitled to various types of credits to avoid potential double payment of capital costs. An impact fee represents new growth's proportionate share of capital facility needs. By law, impact fees can only be used for *capital* improvements, not operating or maintenance costs. Furthermore, impact fee revenues can only be used for capital improvements that expand capacity.

Impact fees are subject to legal standards, which require fulfillment of three key elements: need, benefit, and proportionality.

- First, to justify a fee for public facilities, it must be demonstrated that new development will create a **need** for capital improvements.
- Second, new development must derive a **benefit** from the payment of the fees (i.e., in the form of public facilities constructed within a reasonable timeframe).
- Third, the fee paid by a particular type of development should not exceed its **proportionate** share of the capital cost for system improvements.

TischlerBise documented appropriate demand indicators by type of development. Specific capital costs have been identified using local data and costs. This report includes summary tables indicating the specific factors used to derive the impact fees. These factors are referred to as level of service, or infrastructure standards.

Methodologies and Approach

There are three basic *methods* used to calculate impact fees.

- The **incremental expansion method** documents the current level of service for each type of public facility, in both quantitative and qualitative measures. The intent is to use revenue collected to expand or provide additional facilities, as needed to accommodate new development, based on the current cost to provide capital improvements.
- The **plan-based method** is commonly used for public facilities that have adopted plans or engineering studies to guide capital improvements, such as utility systems.
- A third approach, known as the **cost recovery method**, is based on the rationale that new development is paying for its share of the useful life and remaining unused capacity of an existing facility.

A summary is provided in Figure 1 showing the methodologies, infrastructure components, and allocations used to calculate impact fees for the City of Boulder.

Figure 1. Summary of Proposed Fee Methods and Infrastructure Components

Fee Category	Components	Methodology	Cost Allocation
Library	<ul style="list-style-type: none"> ▪ Facilities ▪ Collection Materials 	<ul style="list-style-type: none"> ▪ Incremental ▪ Incremental 	100% Residential
Parks and Recreation	<ul style="list-style-type: none"> ▪ Outdoor Park Improvements ▪ Recreation Facilities and Pools ▪ Parks and Rec Admin & Support Facilities 	<ul style="list-style-type: none"> ▪ Incremental ▪ Incremental ▪ Incremental 	100% Residential
Human Services	<ul style="list-style-type: none"> ▪ Human Services Facilities 	<ul style="list-style-type: none"> ▪ Incremental 	100% Residential
Municipal Facilities	<ul style="list-style-type: none"> ▪ Office Buildings ▪ Land ▪ Municipal Court 	<ul style="list-style-type: none"> ▪ Incremental ▪ Cost Recovery ▪ Plan-Based 	Functional Population
Police	<ul style="list-style-type: none"> ▪ Station Space ▪ Communications Infrastructure 	<ul style="list-style-type: none"> ▪ Incremental ▪ Incremental 	Functional Population
Fire	<ul style="list-style-type: none"> ▪ Station Space ▪ Storage Facility ▪ Apparatus ▪ Land 	<ul style="list-style-type: none"> ▪ Incremental ▪ Plan-Based ▪ Incremental ▪ Incremental 	Calls for Service

Credits

A general requirement common to impact fee methodologies is the evaluation of *credits*. Two types of credits should be considered, **future revenue credits** and **site-specific credits**. Revenue credits may be necessary to avoid potential double payment situations arising from a one-time impact fee plus the payment of other revenues (e.g., property taxes) that may also fund growth-related capital improvements. Because new development may provide front-end funding of infrastructure, there is a potential for double payment of capital costs due to future payments on debt for public facilities. This type of credit is not necessary for any of the impact fees calculated herein.

The second type of credit is a **site-specific credit** for system improvements that have been included in the impact fee calculations. Policies and procedures related to site-specific credits for system improvements should be addressed in the ordinance that establishes the development fees. However, the general concept is that developers may be eligible for site-specific credits only if they provide system improvements that have been included in the impact fee calculations. Project

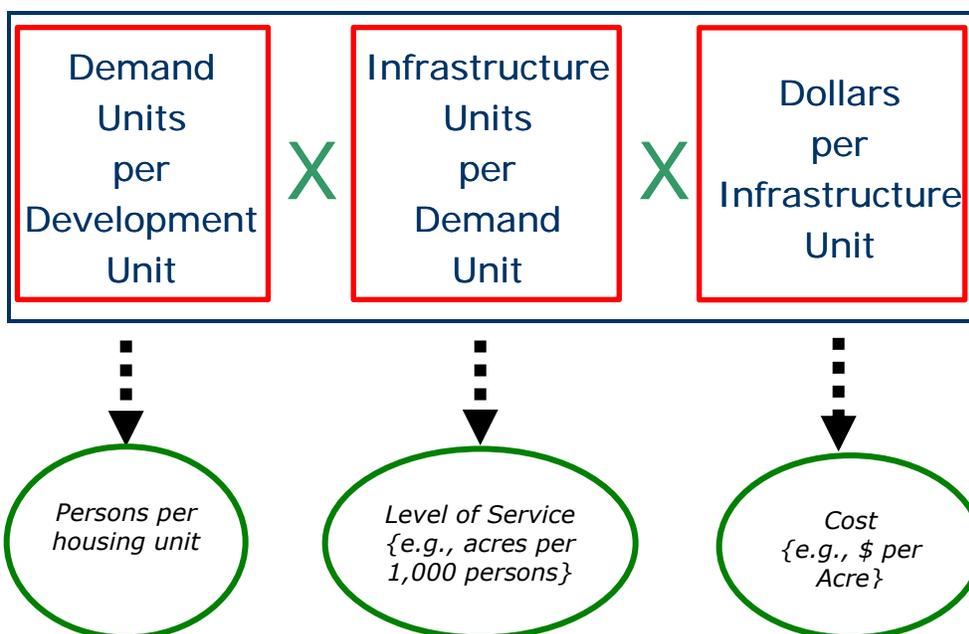
improvements normally required as part of the development approval process are not eligible for credits against impact fees.

Generic Impact Fee Calculation

In contrast to development exactions, which are typically referred to as project-level improvements, impact fees fund growth-related infrastructure that will benefit multiple development projects, or the entire jurisdiction (often referred to as “system-level” improvements). The basic steps in a generic impact fee formula are illustrated in Figure 2. The first step (see the left box) is to determine an appropriate demand indicator, or service unit, for the particular type of infrastructure. The demand/service indicator measures the number of demand or service units for each unit of development.

For example, an appropriate indicator of the demand for parks is population growth and the increase in population can be estimated from the average number of persons per occupied housing unit. The second step in the generic impact fee formula is shown in the middle box below. Infrastructure units per demand unit are typically called Level-Of-Service (LOS) standards. In keeping with the park example, a common LOS standard is park acreage per thousand people. The third step in the generic impact fee formula, as illustrated in the right box, is the cost of various infrastructure units. To complete the park example, this part of the formula would establish the cost per acre for land acquisition and/or development.

Figure 2. Generic Impact Fee Formula



Maximum Allowable Impact Fees by Type of Land Use

The impact fees calculated for the City of Boulder represent the highest amount feasible for each type of applicable land use, or *maximum allowable* amounts, which represents new growth's proportionate share of the cost for the appropriate capital facilities. Figure 3 provides the schedule of *maximum allowable impact fees* by type of land use. For residential impact, fees will be imposed according to square feet of finished floor area. For nonresidential development, fees will be assessed per square feet of floor area or unique demand indicators such as the number of rooms in a hotel. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures and/or a decrease in the City's level of service standards.

Figure 3. Summary of Maximum Allowable Impact Fees

RESIDENTIAL IMPACT FEES		MAXIMUM ALLOWABLE IMPACT FEES Per Development Unit						
Square Feet	Development Unit	Library	Parks & Recreation	Human Services	Municipal Facilities	Police	Fire	TOTAL
600	Dwelling Unit	\$424	\$2,656	\$81	\$259	\$216	\$193	\$3,829
800	Dwelling Unit	\$533	\$3,337	\$102	\$326	\$271	\$242	\$4,811
1,000	Dwelling Unit	\$617	\$3,859	\$119	\$377	\$314	\$280	\$5,566
1,200	Dwelling Unit	\$686	\$4,290	\$132	\$419	\$349	\$311	\$6,187
1,400	Dwelling Unit	\$744	\$4,653	\$143	\$455	\$379	\$338	\$6,712
1,600	Dwelling Unit	\$794	\$4,971	\$153	\$486	\$405	\$361	\$7,170
1,800	Dwelling Unit	\$842	\$5,266	\$162	\$515	\$429	\$382	\$7,596
2,000	Dwelling Unit	\$878	\$5,493	\$169	\$537	\$447	\$399	\$7,923
2,200	Dwelling Unit	\$914	\$5,720	\$176	\$559	\$466	\$415	\$8,250
2,400	Dwelling Unit	\$947	\$5,924	\$182	\$579	\$482	\$430	\$8,544
2,600	Dwelling Unit	\$980	\$6,129	\$189	\$599	\$499	\$445	\$8,841
2,800	Dwelling Unit	\$1,009	\$6,310	\$194	\$617	\$514	\$458	\$9,102
3,000	Dwelling Unit	\$1,034	\$6,469	\$199	\$632	\$527	\$470	\$9,331
3,200	Dwelling Unit	\$1,056	\$6,606	\$203	\$646	\$538	\$480	\$9,529
3,400	Dwelling Unit	\$1,081	\$6,764	\$208	\$661	\$551	\$491	\$9,756
3600+	Dwelling Unit	\$1,103	\$6,901	\$212	\$674	\$562	\$501	\$9,953

NONRESIDENTIAL IMPACT FEES		MAXIMUM ALLOWABLE IMPACT FEES Per Development Unit						
Land Use	Development Unit	Library	Parks & Recreation	Human Services	Municipal Facilities	Police	Fire	TOTAL
Retail / Restaurant / Service	Square Feet of Floor Area	\$0	\$0	\$0	\$0.38	\$0.71	\$0.61	\$1.70
Office	Square Feet of Floor Area	\$0	\$0	\$0	\$0.55	\$0.28	\$0.87	\$1.70
Light Industrial	Square Feet of Floor Area	\$0	\$0	\$0	\$0.35	\$0.17	\$0.56	\$1.08
Warehousing	Square Feet of Floor Area	\$0	\$0	\$0	\$0.14	\$0.09	\$0.22	\$0.45
Institutional	Square Feet of Floor Area	\$0	\$0	\$0	\$0.12	\$0.23	\$0.19	\$0.54
Hospital	Square Feet of Floor Area	\$0	\$0	\$0	\$0.45	\$0.33	\$0.71	\$1.49
Nursing Home/Assisted Living	Bed	\$0	\$0	\$0	\$130.00	\$69.00	\$204.00	\$403.00
Nursing Home/Assisted Living*	Square Feet of Floor Area	\$0	\$0	\$0	\$0.32	\$0.17	\$0.13	\$0.62
Lodging	Room	\$0	\$0	\$0	\$88.00	\$208.00	\$139.00	\$435.00
Lodging**	Square Feet of Floor Area	\$0	\$0	\$0	\$0.14	\$0.34	\$0.06	\$0.54

* For illustration and comparison with per square foot impact fees, assumes an average of 400 sq. ft. per bed

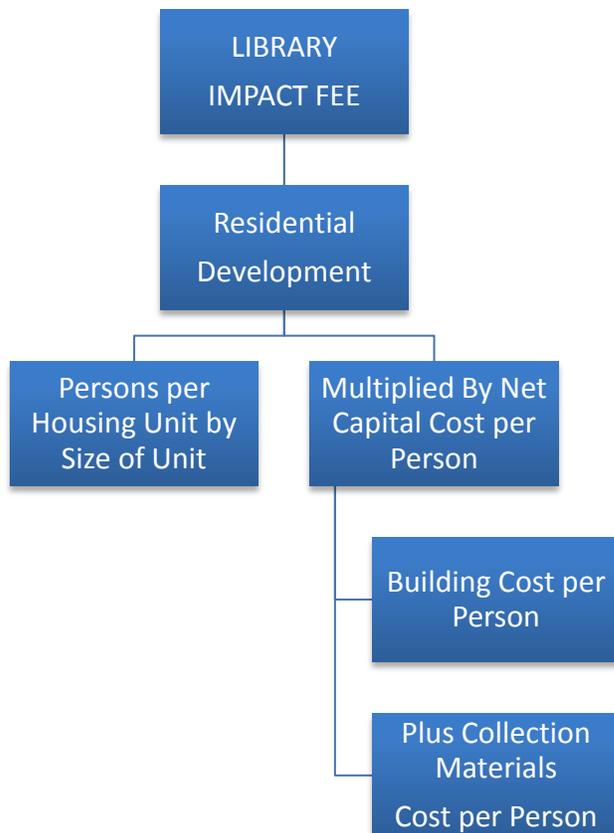
** For illustration and comparison with per square foot impact fees, assumes an average of 600 sq. ft. per room

Library Impact Fees

Methodology

The Library impact fee calculation uses the incremental expansion methodology. Components of the Library fee include costs for Library buildings and materials included in the Library’s collections. The Library system current consists of a Main Library and four branch locations. It is anticipated that the City will expand facilities in the future to serve growth to maintain current levels of service. An incremental approach is also used for collection materials. All costs are allocated 100 percent to residential development. Figure 4 diagrams the general methodology used to calculate the Library Impact Fee. It is intended to read like an outline, with lower levels providing a more detailed breakdown of the impact fee components. The impact fee is derived from the product of persons per housing unit (by type of unit) multiplied by the net capital cost per person. The boxes in the next level down indicate detail on the components included in the fee.

Figure 4. Library Impact Fee Methodology Chart



Library Level of Service Standards and Costs

Library Buildings Incremental Cost Component

The City of Boulder Library System consists of a Main Library and four branch locations. Total library system square footage totals 109,123 square feet. As noted above, the City anticipates expanding the Library System in the future to serve new growth. Therefore an incremental methodology is used where current levels of service and current cost per capita are used.

Figure 5 provides levels of service and costs for the City of Boulder Library System. Current replacement costs for buildings (including contents, equipment, and miscellaneous improvements) are from the City of Boulder 2015 property schedule. To reflect total replacement costs for Library facilities, 30 percent is added to the construction cost to reflect “soft” costs for predevelopment, site improvements, and other non-construction costs (per City of Boulder Facilities and Asset Management (FAM)). According to information provided by the City, the Library System has replacement value of \$27,149,229 reflecting facilities owned by the City. The replacement cost per square foot is \$269 resulting in a cost per person of \$280 (1.04 sq. ft. per person x \$269 = \$280).

Figure 5. Library Buildings Level of Service Standards and Cost Factors

Facility Name	Location	Current Square Feet	Current Replacement Cost (Building Costs)*	Current Replacement Cost (Soft Costs)**	Total Costs	Cost/SF***
Main Library	1001 Arapahoe Ave.	84,760	\$18,191,871	\$5,457,561	\$23,649,433	\$279
Meadows Branch	4800 Baseline Road	7,812	leased	na	na	na
Reynolds Branch	3595 Table Mesa Drive	10,371	\$1,732,088	\$519,626	\$2,251,714	\$217
Carnegie Branch	1125 Pine	5,610	\$960,063	\$288,019	\$1,248,082	\$222
North Boulder Corner Branch	4600 Broadway	570	leased	na	na	na
TOTAL		109,123	\$20,884,022	\$6,265,207	\$27,149,229	
TOTAL City Owned		100,741	\$20,884,022	\$6,265,207	\$27,149,229	\$269

Cost per Square Foot=> \$269

BASED ON TOTAL SPACE (CITY OWNED AND LEASED)

Total Square Feet	109,123
Population in 2015	104,808
Square Feet per Person	1.04
Total Cost per Sq. Ft.	\$269
Cost per Person	\$280

* Building, contents, equipment, miscellaneous improvements (City of Boulder Property Schedule, 2015).

** Soft costs estimated at 30 percent of construction costs per City of Boulder Facilities and Asset Management.

*** Average cost per square foot is average of City owned facilities.

Sources: City of Boulder Property Schedule, 2015; City of Boulder Facilities and Asset Management.

Library Collection Materials Incremental Expansion

The Library System's collection includes adult and juvenile books, electronic/audio books, music CDs, DVDs, periodicals, and an eBook Database. The total number of current units is 522,815 with a total replacement value of approximately \$8.7 million. Based on the current estimated City population of 104,808, this equates to a level of service of \$83 per person. Figure 6 provides detail on the current inventory and average unit costs for each type of material. Unit costs were provided to TischlerBise by City staff.

Figure 6. Library Collection Materials Level of Service Standards

Type of Material	# of units	Unit Price	Current Value
Books	487,221	\$16	\$7,795,536
Audio Books	8,225	\$40	\$329,000
Music CDs	9,575	\$16	\$153,200
DVDs	17,474	\$22	\$384,428
Periodicals: magazines	320	\$60	\$19,200
Periodicals: newspapers	33	\$460	\$15,180
eBook Database	1	\$195,938	\$195,938
TOTAL	522,815		\$8,681,364

Total Units	522,815
Total Cost	\$8,681,364
Population in 2015	104,808
Units per Person	4.99
Cost per Person	\$83

Source: City of Boulder Library Department.

Credit Evaluation

The City does not have any outstanding debt for Library facilities, therefore a credit is not necessary.

Library Input Factors and Maximum Supportable Impact Fees

Infrastructure standards used to calculate the Library impact fees are shown in the boxed area at the top of Figure 7. Impact fees for Libraries are based on household sizes for all types of units by square footage per unit. Level of service standards are based on costs per person for Library buildings and collection materials as described in the previous sections and summarized below. Each cost component of the impact fee is shown as a cost per person.

The bottom portion of Figure 7 shows maximum supportable impact fees for Libraries. The amounts are calculated by multiplying the persons per housing unit for each size of housing unit by the net capital cost per person.

For example, the impact fee for a dwelling unit of 600 square feet or less is calculated by multiplying the persons per housing unit of 1.17 by the net capital cost of \$363 for an impact fee amount of \$424 per unit. (Detail on number of persons by square feet of finished floor area is provided in the Appendix.)

Figure 7. Library Input Factors and Maximum Supportable Impact Fees

Level Of Service

Factors

Building Cost
 Collection Cost
 Debt Service Credit
 Net Capital Cost

	<i>Per Person</i>
	\$280
	\$83
	\$0
	\$363

Square Feet	Development Unit	Persons per Housing Unit	Impact Fee per Housing Unit
<i>(finished floor area)</i>		<i>All Housing Unit Types</i>	<i>All Housing Unit Types</i>
Residential (by square feet of finished living space)			
600	Dwelling Unit	1.17	\$424
800	Dwelling Unit	1.47	\$533
1,000	Dwelling Unit	1.70	\$617
1,200	Dwelling Unit	1.89	\$686
1,400	Dwelling Unit	2.05	\$744
1,600	Dwelling Unit	2.19	\$794
1,800	Dwelling Unit	2.32	\$842
2,000	Dwelling Unit	2.42	\$878
2,200	Dwelling Unit	2.52	\$914
2,400	Dwelling Unit	2.61	\$947
2,600	Dwelling Unit	2.70	\$980
2,800	Dwelling Unit	2.78	\$1,009
3,000	Dwelling Unit	2.85	\$1,034
3,200	Dwelling Unit	2.91	\$1,056
3,400	Dwelling Unit	2.98	\$1,081
3600+	Dwelling Unit	3.04	\$1,103

Comparison to Current Impact Fees

Because the proposed land use categories have changed from the current City of Boulder Impact Fee schedule, the figure below provides a comparison of the **draft calculated cost per person** compared to the **current cost per person** from the current City of Boulder Impact Fee schedule for the Library category. It should be noted that the current cost per person shown below is calculated based on the adopted amount in 2010 and escalated per the annual increases the City has applied in its annual updates.¹ Figure 8 compares the draft calculated cost to the current schedule for the Library category.

Figure 8. Library Fee Comparison: Current Cost per Person to Updated Cost per Person

	<i>Cost per Person (2016)</i>	Current City of Boulder Impact Fee Cost per Person[^]	Increase / Decrease
Library	\$363	\$215	\$148

[^] Cost as originally adopted in 2010 and inflated to current dollars (FY2016) using annual percentage increases per City of Boulder.

¹ The annual increases are as follows:

<i>Fiscal Year</i>	<i>% Increase</i>
2011	0.0%
2012	0.0%
2013	4.7%
2014	1.8%
2015	3.2%
2016	2.0%

Projected Revenue

The revenue projection shown in Figure 9 is calculated based on the preliminary calculated 2016 Library Impact Fee and the development projections described in the land use assumptions (Appendix A). To the extent the rate of development either accelerates or slows down, there will be a corresponding change in Impact Fee revenue and the timing of the need for capital improvements.

Figure 9. Projected Library Impact Fee Revenue

		<i>Residential</i>	
		<i>Fee (Wtd Avg)</i>	\$776
		per housing unit	
<i>Year</i>		<i>Housing Units</i>	
Base	2015		45,740
Year 1	2016		46,012
Year 2	2017		46,288
Year 3	2018		46,566
Year 4	2019		46,846
Year 5	2020		47,127
Year 6	2021		47,409
Year 7	2022		47,694
Year 8	2023		47,980
Year 9	2024		48,268
Year 10	2025		48,557
<i>Ten-Yr Increase</i>			2,817
Projected Revenue =>			\$2,186,294

Parks and Recreation Impact Fees

Methodology

The City of Boulder Parks and Recreation Impact Fee is derived using an incremental expansion methodology. Parks and Recreation impact fees should only be assessed on residential development. Three main components are included in the fee calculation: Outdoor Park Improvements, Recreation Facilities and Pools, and Administrative/Support Facilities. Outdoor Park Improvements include facilities that are community-level facilities serving the entire city, including larger Neighborhood Parks with athletic fields or other improvements that draw users throughout Boulder. Also included in the Outdoor Park Improvement component are Community Parks and Recreation Facilities both of which serve a citywide service area.

Additional land for parks is not included in the impact fee calculation because the City has an inventory of parkland on which it intends to make improvements with impact fees. According to the *2014 Boulder Parks and Recreation Department Master Plan*, “the community is well poised to meet future needs” [for parkland] and that “it is anticipated that there will not be any additional requirements to acquire new lands.”² However, it is assumed that BRPD will develop existing undeveloped park lands to balance recreation needs and “maintaining a balance of developed and natural areas in urban parks.”³

A second major component included in the fee calculation is Recreation Facilities and Pools. The City’s Recreation facilities serve a citywide population and the City expects to expand those types of facilities as well. The third and final component is Parks and Recreation Administrative / Support Facilities.

All facility costs are allocated 100 percent to residential development. Smaller-scale recreation amenities are excluded because they serve more limited areas, which would require implementation of multiple service areas and are not recommended due to higher administrative costs and limited revenue generated by sub-areas.

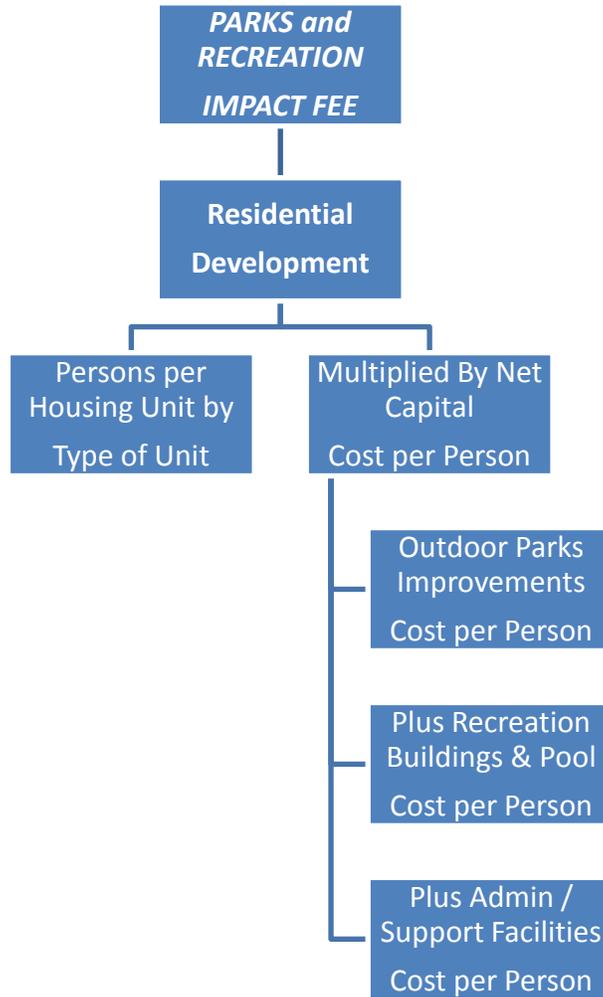
Figure 10 diagrams the general methodology used to calculate the Parks and Recreation Impact Fee. It is intended to read like an outline, with lower levels providing a more detailed breakdown of the

² Boulder Parks and Recreation Department Master Plan, p. 42.

³ Ibid.

impact fee components. The impact fee is derived from the product of persons per housing unit (by type) multiplied by the net capital cost per person. The boxes in the next level down indicate detail on the components.

Figure 10. Parks and Recreation Impact Fee Methodology Chart



Parks & Recreation Level of Service Standards and Costs

Outdoor Park Improvements

The Outdoor Park component of the Parks and Recreation impact fees are based on the City's current inventory of existing citywide parks. The demand base for the City's park facilities is population. Levels of service are based on the current amount of infrastructure provided for the existing population. Outdoor Park Improvements include facilities that are community-level facilities serving the entire City, such as Recreation Facilities, Community, and larger Neighborhood Parks with athletic fields or other recreational amenities that draw from a citywide service area.

The Park impact fee component is based on the incremental expansion methodology, consistent with the City's plans to make improvements to undeveloped parks. Natural lands and smaller more limited neighborhood parks are excluded from the impact fees. Figure 13 provides an inventory of Outdoor Park improvements with current unit prices.

Park improvements have an average total cost of approximately \$309,000 per acre. On a per capita basis, park improvements cost \$1,669 for each additional resident in Boulder. City staff provided unit prices for each type of improvement. Miscellaneous costs equal \$250,000 per acre (included in the \$309,074 per acre cost), which include such items as lighting, paving (parking lots, sidewalks), site work, irrigation, and landscaping.

Figure 11. Outdoor Park Improvements Level of Service Standards and Cost Factors

Site	Park Type	Total Acres	City Owned Improved Acres	Baseball Fields		Softball Fields		Multi-Use Fields			Courts					Other Amenities				
				Premier	General	Premier	General	Premier	Turf Fields	General	Tennis Courts	Sand Volleyball	Basketball	Handball	Roller SportRink	Picnic Shelters	Restrooms	Playgrounds	Dog Parks	
Arapahoe Ridge Park*	Neighborhood Park	7.6	7.6		1.0							2.0					1		1	
Aurora 7 Park*	Neighborhood Park	7.9	7.9		3.0															
Chautauqua	Neighborhood Park	12.5	12.5									1.0					1	1	1	
Crestview	Neighborhood Park	7.8	7.8														1		1	
Eaton	Neighborhood Park	25.3	0.3														1			
Elks	Neighborhood Park	8.6	8.6														1		1	
Howard Heuston Park	Neighborhood Park	7.6	7.6											1.0					1	1
Martin	Neighborhood Park	9.6	9.6		1.0					1.0		2.0					1	1	1	
North Boulder	Neighborhood Park	13.4	13.4		2.0					1.0				1.0			1	1	1	
Park East	Neighborhood Park	4.5	4.5											1.0			1		1	
Scott Carpenter	Neighborhood Park	18.9	18.9	1.0											1	1	1	1		
Tantra Park	Neighborhood Park	21.7	21.7							1.0							1		1	
Tom Watson Park**	Neighborhood Park	31.4	31.4		4.0					1.0	4.0	2.0	1.0	1.0			1	1	1	
East Boulder Community Park	Community Park	53.6	40.6						2.0	1.0	5.0	4.0	2.0	4.0			5	1	1	2
East Boulder Community Center	Recreation Facilities	3.0	3.0																	
Foothills Community Park	Community Park	65.7	46.7							3.0				1.0		2	8	1	3	3
North Boulder Recreation Center	Recreation Facilities	1.5	1.5																	
Harlow Platts Community Park	Community Park	51.3	38.3							1.0	4.0	4.0				1	2	1	1	
South Boulder Recreation Center	Recreation Facilities	0.6	0.6							1.0										
Valmont City Park South	City Park	83.1	40.0							1.0										
Valmont City Park North	City Park	47.0	45.0																	
Boulder Reservoir Regional Park	Recreation Facilities	116.0	116.0														4	1	1	2
East Mapleton Ballfields	Recreation Facilities	8.3	8.3				3.0						15.0				1	1	1	
Gerald Stazio	Recreation Facilities	42.8	30.0				7.0										1	2	1	
Pleasantview Fields	Recreation Facilities	53.8	43.0					10.0									2	1		
Spruce Pool	Recreation Facilities	1.2	1.2																1	
Subtotal Neighborhood Parks		176.8	151.8																	
Subtotal Community Parks		170.6	125.6																	
Subtotal City Parks		130.1	85.0																	
Subtotal Recreation Facilities		227.2	203.6																	
TOTALS		704.7	566.0	1.0	11.0	10.0	0.0	10.0	2.0	11.0	18.0	25.0	7.0	5.0	4.0	35.0	15.0	19.0	8.0	

Unit Price ==>	\$250,000	\$810,880	\$222,600	\$810,880	\$810,880	\$426,250	\$1,535,000	\$185,250	\$70,000	\$10,000	\$45,000	\$30,000	\$55,000	\$80,000	\$150,000	\$193,500	\$222,000
Total Value ==>	\$141,500,000	\$810,880	\$2,448,600	\$8,108,800	\$0	\$4,262,500	\$3,070,000	\$2,037,750	\$1,260,000	\$250,000	\$315,000	\$150,000	\$220,000	\$2,800,000	\$2,250,000	\$3,676,500	\$1,776,000

TOTAL AMENITY VALUE	\$33,436,030
AMENITY VALUE PER ACRE	\$59,074

SUMMARY			
Population in 2015	104,808		
		Total	Improved
Acres***		704.7	566.0
Level of Service: Acres per 1,000 Population		6.7	5.4
Value of Improvements/Assets	\$33,436,030		
Other Site Improvements****	\$141,500,000		
Total Improvements	\$174,936,030		
Cost per Improved Acre	\$309,074		
Cost per Capita	\$1,669		

* Owned by City but jointly used with Boulder Valley School District

** Not owned by the City; City has a 99-year lease on it and therefore included in current level of service.

*** Does not reflect total Park inventory; reflects only those types of parks that include system-level improvements on which the development impact fees are based

**** Estimated @ \$250,000 per acre for design, permitting, and construction (other than amenities).

Recreation Buildings and Pools

The Recreation Buildings and Pools component of the Parks and Recreation impact fee is based on the current square footage and current value of recreational facilities serving the City. As shown in Figure 12, total square footage for the City’s recreational facilities is 182,509 square feet. The incremental expansion approach is used as the City plans to maintain the current level of service to accommodate new development.

Current replacement costs for buildings (including contents, equipment, and miscellaneous improvements) are from the City of Boulder 2015 property schedule and City of Boulder Facility Study (for specified properties). To reflect total replacement costs for Recreation Buildings and Pools, 30 percent is added to the building cost from the property schedule to reflect “soft” costs for predevelopment, site improvements, and other non-construction costs (per City of Boulder Facilities and Asset Management (FAM)). Total estimated current value of these facilities is approximately \$57 million, or \$543 for each additional resident in Boulder.

Figure 12. Recreation Buildings and Pools Level of Service Standards and Cost Factors

Facility Name	Address	Current Square Feet	Year Built	Year Upgraded	Current Replacement Cost (Building Costs)*	Contents \$*	Misc \$*	Current Replacement Cost (Soft Costs)**	Total Costs***	Cost/SF
Salberg Studio	19TH & ELDER	4,054	1974, 1976	2001	\$464,486	\$28,676		\$139,346	\$632,507	\$156
South Boulder Recreation Center	1350 GILLASPIE	35,603	1973	1998	total value*** =====>				\$9,376,617	\$263
North Boulder Recreation Center	3170 BROADWAY	62,166	2002	na	total value*** =====>				\$21,337,047	\$343
East Boulder Community Ctr (77% of total)^	5660 SIOUX DR	42,417	1991	na	total value*** =====>				\$14,558,654	\$343
Pottery Lab	1010 AURORA	2,565	1924	2001	\$296,535	\$18,434	\$0	\$88,961	\$403,930	\$157
Spruce Pool Bath House/Filter	2102 Spruce Street	1,810	1961		\$298,098	\$0	\$0	\$89,429	\$387,527	\$214
Boulder Reservoir (all bldgs)	5151 NORTH 51ST	9,742	1971, 1984, 1986	na	total value*** =====>				\$3,014,557	\$309
Scott Carpenter Pool	30th & Arapahoe	10,550	1963		\$3,113,704			\$934,111	\$4,047,815	\$384
Spruce Pool	2040 21ST STREET	6,466	2001		\$1,269,708			\$380,912	\$1,650,620	\$255
Scott Carpenter Athletic Facilities	30TH & ARAPAHOE	7,136	1963, 1995, 2002	na	\$1,032,097	\$53,255	\$103,500	\$309,629	\$1,498,481	\$210
TOTALS		182,509			\$6,474,628	\$100,365	\$103,500	\$1,942,388	\$56,907,757	\$312

Total Square Feet	182,509
Population in 2015	104,808
Square Feet per Person	1.74
Total Cost per Sq. Ft.	\$312
Cost per Person	\$543

* Building, contents, equipment, miscellaneous improvements (City of Boulder Property Schedule, 2015).

** Soft costs estimated at 30 percent of construction costs per City of Boulder Facilities and Asset Management.

*** Source for properties with values included only in this column: Farnsworth Group/BUILDER, City of Boulder Facility Study (via City of Boulder Parks and Recreation)

^ Facility also houses Senior Center; square footage and value shown is for Recreation Center portion.

Parks and Recreation Administration and Support Facilities

Also included in the fee calculation is a component for Administrative and Support Facilities based on the current square footage and current value of facilities serving the City. As shown in Figure 13, total square footage for the City’s Parks and Recreation support facilities is 68,325 square feet. The incremental expansion approach is used as the City plans to maintain the current level of service to accommodate new development.

Current replacement costs for buildings (including contents, equipment, and miscellaneous improvements) are from the City of Boulder 2015 property schedule. To reflect total replacement costs for Parks and Recreation Administrative and Support Facilities, 30 percent is added to the construction cost to reflect “soft” costs for predevelopment, site improvements, and other non-construction costs (per City of Boulder Facilities and Asset Management (FAM)). Total estimated current value of these facilities is approximately \$6.1 million, or \$58 for each additional resident in Boulder.

Figure 13. Administrative and Support Facilities Level of Service Standards and Cost Factors

Facility Name	Address	Current Square Feet	Year Built	Year Upgraded	Current Replacement Cost (Building Costs)*	Contents \$	Misc \$	Current Replacement Cost (Soft Costs)**	Total Costs	Cost/SF
Iris Center	3198 BROADWAY	16,372	1957	2003	\$1,774,157	\$98,950	\$25,000	\$532,247	\$2,430,354	\$148
Park Operations Building	5200 PEARL ST	10,073	1989	na	\$941,422	\$74,761		\$282,427	\$1,298,611	\$129
Tantra Park Maintenance Shop	585 TANTRA DR	3,062	1984	na	\$242,918	\$37,893		\$72,875	\$353,686	\$116
Stazio Ballfields Maintenance Shop	2445 Stazio Drive	5,150	1997	na	\$356,808	\$0		\$107,042	\$463,850	\$90
Scott Carpenter Athletics Office	30TH & ARAPAHOE	1,052	1963	2003	\$134,137	\$0	\$0	\$40,241	\$174,378	\$166
Valmont Storage Building	5325 Valmont	30,434	1965	na	\$785,595	\$0		\$235,679	\$1,021,274	\$34
Foothills Maintenance Facility	800 Cherry Ave.	2,182	2000	na	\$301,955	\$0	\$0	\$90,587	\$392,542	\$180
TOTALS		68,325			\$4,536,992	\$211,604	\$25,000	\$1,361,098	\$6,134,695	\$90

Total Square Feet	68,325
Population in 2015	104,808
Square Feet per Person	0.65
Total Cost per Sq. Ft.	\$90
Cost per Person	\$58

* Building, contents, equipment, miscellaneous improvements (City of Boulder Property Schedule, 2015).

** Soft costs estimated at 30 percent of construction costs per City of Boulder Facilities and Asset Management.

Credit Evaluation

The City does not have any outstanding debt for Parks and Recreation facilities that will be retired with property taxes, therefore a credit is not necessary.

Parks and Recreation Input Factors and Maximum Supportable Impact Fees

Infrastructure standards used to calculate the Parks and Recreation impact fees are shown in the boxed area at the top of Figure 14. Impact fees for Parks and Recreation are based on household sizes for all types of units by square footage per unit. Level of service standards are based on costs per person for Parks and Recreation Facilities as described in the previous sections and summarized below. Each cost component of the impact fee is shown as a cost per person.

The bottom portion of Figure 14 shows maximum supportable impact fees for Parks and Recreation. The amounts are calculated by multiplying the persons per housing unit for each size of housing unit by the net capital cost per person.

For example, the impact fee for a dwelling unit of 600 square feet or less is calculated by multiplying the persons per housing unit of 1.17 by the net capital cost of \$2,270 for an impact fee amount of \$2,656 per unit. (Detail on number of persons by square feet of finished floor area is provided in the Appendix.)

Figure 14. Parks and Recreation Input Factors and Maximum Supportable Impact Fees

<i>Level Of Service</i>	<i>Factors</i>
Outdoor Park Improvements	<i>Per Person</i> \$1,669
Recreation Buildings & Pools	\$543
Park Offices and Support Facilities	\$58
Debt Service Credit	\$0
Net Capital Cost	\$2,270

RESIDENTIAL IMPACT FEES			
<i>Square Feet</i>	<i>Development Unit</i>	<i>Persons per Housing Unit</i>	<i>Impact Fee per Housing Unit</i>
<i>(finished floor area)</i>		<i>All Housing Unit Types</i>	<i>All Housing Unit Types</i>
<i>Residential (by square feet of finished living space)</i>			
600	Dwelling Unit	1.17	\$2,656
800	Dwelling Unit	1.47	\$3,337
1,000	Dwelling Unit	1.70	\$3,859
1,200	Dwelling Unit	1.89	\$4,290
1,400	Dwelling Unit	2.05	\$4,653
1,600	Dwelling Unit	2.19	\$4,971
1,800	Dwelling Unit	2.32	\$5,266
2,000	Dwelling Unit	2.42	\$5,493
2,200	Dwelling Unit	2.52	\$5,720
2,400	Dwelling Unit	2.61	\$5,924
2,600	Dwelling Unit	2.70	\$6,129
2,800	Dwelling Unit	2.78	\$6,310
3,000	Dwelling Unit	2.85	\$6,469
3,200	Dwelling Unit	2.91	\$6,606
3,400	Dwelling Unit	2.98	\$6,764
3600+	Dwelling Unit	3.04	\$6,901

Comparison to Current Impact Fees

Because the proposed land use categories have changed from the current City of Boulder Impact Fee schedule, the figure below provides a comparison of the **draft calculated cost per person** compared to the **current cost per person** from the current City of Boulder Impact Fee schedule for the Parks and Recreation category. It should be noted that the current cost per person shown below is calculated based on the adopted amount in 2010 and escalated per the annual increases the City has applied in its annual updates.⁴ Figure 15 compares the draft calculated cost to the current schedule for the Parks and Recreation category.

Figure 15. Parks and Recreation Fee Comparison: Current Cost per Person to Updated Cost per Person

	Cost per Person (2016)	Current City of Boulder Impact Fee Cost per Person[^]	Increase / Decrease
Parks and Recreation	\$2,270	\$1,474	\$796

[^] Cost as originally adopted in 2010 and inflated to current dollars (FY2016) using annual percentage increases per City of Boulder.

⁴ The annual increases are as follows:

<i>Fiscal Year</i>	<i>% Increase</i>
2011	0.0%
2012	0.0%
2013	4.7%
2014	1.8%
2015	3.2%
2016	2.0%

Projected Revenue

The revenue projection shown in Figure 16 is calculated based on the preliminary calculated 2016 Parks and Recreation Impact Fee and the development projections described in the land use assumptions (Appendix A). To the extent the rate of development either accelerates or slows down, there will be a corresponding change in Impact Fee revenue and the timing of the need for capital improvements.

Figure 16. Projected Parks and Recreation Impact Fee Revenue

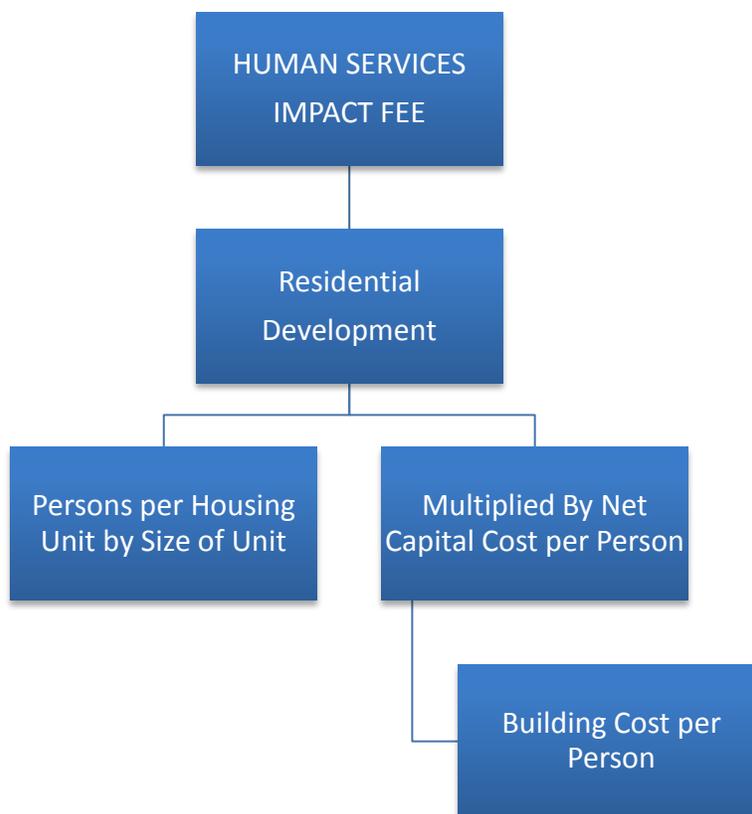
		<i>Residential</i>	
<i>Fee (Wtd Avg)</i>			\$4,858
		per housing unit	
<i>Year</i>		<i>Housing Units</i>	
Base	2015		45,740
Year 1	2016		46,012
Year 2	2017		46,288
Year 3	2018		46,566
Year 4	2019		46,846
Year 5	2020		47,127
Year 6	2021		47,409
Year 7	2022		47,694
Year 8	2023		47,980
Year 9	2024		48,268
Year 10	2025		48,557
<i>Ten-Yr Increase</i>			2,817
Projected Revenue =>			\$13,686,874

Human Services Impact Fees

Methodology

The Human Services impact fee calculation uses the incremental expansion methodology. Components of the Human Services fee include costs for Senior Centers and the Children, Youth and Family Center. All costs are allocated 100 percent to residential development. Figure 17 diagrams the general methodology used to calculate the Human Services Impact Fee. It is intended to read like an outline, with lower levels providing a more detailed breakdown of the impact fee components. The impact fee is derived from the product of persons per housing unit by size of housing unit multiplied by the net capital cost per person. The boxes in the next level down indicate detail on the components included in the fee.

Figure 17. Human Services Impact Fee Methodology Chart



Human Services Level of Service Standards and Costs

The incremental expansion methodology is used to calculate the Human Services impact fee. The first step of the analysis determines the current level of service (LOS) being provided to existing development. The second step involves determining the cost per person to provide the current LOS.

Figure 18 lists the current inventory of Human Services space in the City of Boulder. As shown, the City currently has Human Services space totaling 34,073 square feet. The current value for Human Services buildings and contents is from the City’s 2015 Property Schedule. To reflect total replacement costs for Human Services facilities, 30 percent is added to the building cost to reflect “soft” costs for predevelopment, site improvements, and other non-construction costs (per City of Boulder Facilities and Asset Management (FAM)). Total replacement costs for current facilities are estimated at \$7.2 million, or \$211 per square foot. To derive the cost per demand unit, the current level of service of .33 square feet per person is multiplied by the replacement cost per square foot of \$211, for a cost per demand unit of \$70 per person.

Figure 18. Human Services Level of Service Standards and Cost Factors

Facility	Location	Current Square Feet*	Current Replacement Cost (Hard Costs)*	Current Replacement Cost (Soft Costs)**	Total Costs	Cost/SF
West Senior Center	909 Arapahoe	16,188	\$2,494,628	\$748,388	\$3,243,016	\$200
Children, Youth & Family Center	2160 Spruce	5,215	\$846,048	\$253,814	\$1,099,862	\$211
East Senior Center (23%)	5660 Sioux Drive	12,670	\$2,192,671	\$657,801	\$2,850,473	\$225
TOTAL		34,073	\$5,533,347	\$1,660,004	\$7,193,351	\$211

Cost per Square Foot=> **\$211**

Total Square Feet	34,073
Population in 2015	104,808
Square Feet per Person	0.33
Total Cost	\$211
Cost per Person	\$70

* Building, contents, equipment, miscellaneous improvements (City of Boulder Property Schedule, 2015).

** Soft costs estimated at 30 percent of construction costs per City of Boulder Facilities and Asset Management.

Sources: City of Boulder Property Schedule, 2015; City of Boulder Facilities and Asset Management.

Credit Evaluation

The City does not have any outstanding debt for Human Service facilities, therefore a credit is not necessary.

Human Facilities Input Factors and Maximum Supportable Impact Fees

Infrastructure standards used to calculate the Human Services impact fees are shown in the boxed area at the top of Figure 19. Impact fees for Human Services are based on household sizes for all types of units by square footage per unit. Level of service standards are based on costs per person for Human Services buildings as described in the previous sections and summarized below. Each cost component of the impact fee is shown as a cost per person.

The bottom portion of Figure 19 shows maximum supportable impact fees for Human Services. The amounts are calculated by multiplying the persons per housing unit for each size of housing unit by the net capital cost per person.

For example, the impact fee for a dwelling unit of 600 square feet or less is calculated by multiplying the persons per housing unit of 1.17 by the net capital cost of \$70 for an impact fee amount of \$81 per unit. (Detail on number of persons by square feet of finished floor area is provided in the Appendix.)

Figure 19. Human Services Input Factors and Maximum Supportable Impact Fees

<i>Level Of Service</i>	<i>Factors</i>	
		<i>Per Person</i>
Human Services Buildings		\$70
Debt Service Cost		\$0
Net Capital Cost		\$70

<i>Square Feet</i>	<i>Development Unit</i>	<i>Persons per Housing Unit</i>	<i>Impact Fee per Housing Unit</i>
<i>(finished floor area)</i>		<i>All Housing Unit Types</i>	<i>All Housing Unit Types</i>
<i>Residential (by square feet of finished living space)</i>			
600	Dwelling Unit	1.17	\$81
800	Dwelling Unit	1.47	\$102
1,000	Dwelling Unit	1.70	\$119
1,200	Dwelling Unit	1.89	\$132
1,400	Dwelling Unit	2.05	\$143
1,600	Dwelling Unit	2.19	\$153
1,800	Dwelling Unit	2.32	\$162
2,000	Dwelling Unit	2.42	\$169
2,200	Dwelling Unit	2.52	\$176
2,400	Dwelling Unit	2.61	\$182
2,600	Dwelling Unit	2.70	\$189
2,800	Dwelling Unit	2.78	\$194
3,000	Dwelling Unit	2.85	\$199
3,200	Dwelling Unit	2.91	\$203
3,400	Dwelling Unit	2.98	\$208
3600+	Dwelling Unit	3.04	\$212

Comparison to Current Impact Fees

Because the proposed land use categories have changed from the current City of Boulder Impact Fee schedule, the figure below provides a comparison of the **draft calculated cost per person** compared to the **current cost per person** from the current City of Boulder Impact Fee schedule for the Human Services category. It should be noted that the current cost per person shown below is calculated based on the adopted amount in 2010 and escalated per the annual increases the City has applied in its annual updates.⁵ Figure 20 compares the draft calculated cost to the current schedule for the Human Services category.

Figure 20. Human Services Fee Comparison: Current Cost per Person to Updated Cost per Person

	<i>Cost per Person (2016)</i>	Current City of Boulder Impact Fee Cost per Person [^]	Increase / Decrease
Human Services	\$70	\$70	\$0

[^] Cost as originally adopted in 2010 and inflated to current dollars (FY2016) using annual percentage increases per City of Boulder.

⁵ The annual increases are as follows:

<i>Fiscal Year</i>	<i>% Increase</i>
2011	0.0%
2012	0.0%
2013	4.7%
2014	1.8%
2015	3.2%
2016	2.0%

Projected Revenue

The revenue projection shown in Figure 21 is calculated based on the preliminary calculated 2016 Human Services Impact Fee and the development projections described in the land use assumptions (Appendix A). To the extent the rate of development either accelerates or slows down, there will be a corresponding change in Impact Fee revenue and the timing of the need for capital improvements.

Figure 21. Projected Human Services Impact Fee Revenue

		<i>Residential</i>	
		<i>Fee (Wtd Avg)</i>	\$149
		per housing unit	
<i>Year</i>		<i>Housing Units</i>	
Base	2015	45,740	
Year 1	2016	46,012	
Year 2	2017	46,288	
Year 3	2018	46,566	
Year 4	2019	46,846	
Year 5	2020	47,127	
Year 6	2021	47,409	
Year 7	2022	47,694	
Year 8	2023	47,980	
Year 9	2024	48,268	
Year 10	2025	48,557	
<i>Ten-Yr Increase</i>		2,817	
Projected Revenue =>		\$419,791	

Municipal Facilities Impact Fees

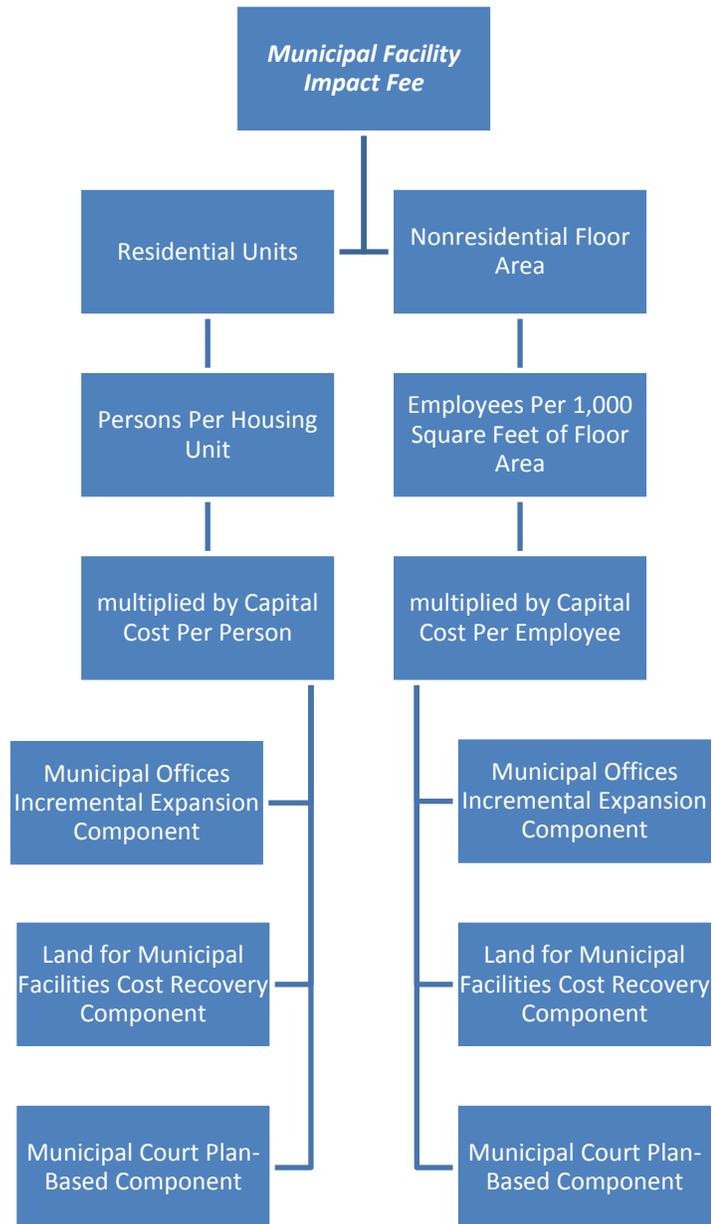
Methodology

The Municipal Facilities impact fees use all three methodologies

- Municipal Facility office buildings: Incremental expansion approach to allow for future expansion in City office space for general government purposes to accommodate growth.
- Land for Municipal Facilities: Cost recovery approach to capture growth's share of the cost of acquiring the Boulder Community Hospital site for use for future Municipal Facilities.
- Municipal Court Facility: Plan-based approach to capture growth's share of future facility.

As illustrated in Figure 22, capital costs are allocated to both residential and nonresidential development. Residential factors are calculated on a per person basis, and converted to an impact fee amount per housing unit using average persons per housing unit by size of the housing unit. Nonresidential development fees are based on a capital cost per employee, where such costs are typically multiplied by the number of employees per square foot of nonresidential floor area (or other appropriate development unit).

Figure 22. Municipal Facilities Impact Fee Methodology Chart



Proportionate Share Factors

The proportionate share factors shown in Figure 23 are used to allocate capital costs to residential and nonresidential development.

Functional population is similar to what the U.S. Census Bureau calls "daytime population" by accounting for people living and working in a jurisdiction. In addition to the Boulder-specific data, TischlerBise has relied on extensive public and private sector input to establish reasonable "weighting factors" to account for time spent at either residential or nonresidential development. These weighting factors are shown below with grey shading.

The functional population analysis starts with 2015 estimates of jobs and population in Boulder (see yellow highlighting), as documented in the draft Land Use Assumptions (see Appendix A). According to the *2013 Transportation Master Plan (TMP) State of the System* report (see page 3-13), approximately 10 percent of Boulder jobs are self-employed persons. The remaining 90 percent of jobs require "journey-to-work" travel. The 2014 Boulder Valley Employee Survey indicates Boulder residents held 38 percent of these jobs, with persons living outside of Boulder holding the remaining 62 percent of journey-to-work jobs. The functional population analysis assumes all workers spend ten hours per weekday (annualized average) at nonresidential locations.

Residents who work in Boulder are assigned 10 hours to nonresidential development (discussed above) and 14 hours to residential development. Residents who work outside Boulder are assigned 14 hours to residential development. Jobs held by non-residents are assigned 10 hours to nonresidential development. Residents who do not work are assigned 20 hours per day to residential development and four hours per day to nonresidential development (annualized averages) to account for time spent shopping, eating out, and other social/recreational activities.

Based on Boulder's 2015 functional population analysis, the cost allocation for residential development is 60 percent, while nonresidential development accounts for 40 percent of the demand for municipal facility infrastructure.

Figure 23. Proportionate Share Factors for Municipal Facilities Impact Fees

Boulder Functional Population Analysis				Demand Hours/Day	Person Hours
Service Units in 2015					
Nonresidential					
	Jobs Located in City*	98,510			
	10% Self-employed	9,851		10	98,510
	Jobs Requiring Journey-To-Work	88,659			
	Jobs Held By Residents**	38%	33,690	10	336,900
	Jobs Held By Non-residents**	62%	54,969 <= 56% of jobs	10	549,690
	Non-working Residents	51,054		4	204,216
					Nonresidential Subtotal 1,189,316
					Nonresidential Share => 40%
Residential					
	Population*	104,808			
	Non-working Residents	51,054		20	1,021,080
	Resident Workers	53,754			
	81% Residents Working in City (includes self-employed)***		43,541 <= 44% of jobs	14	609,574
	19% Residents Working Outside City**	10,213		14	142,982
					Residential Subtotal 1,773,636
					Residential Share => 60%
					TOTAL 2,962,952

* Boulder Land Use Assumptions, TischlerBise 03/25/16.
 ** Percentages from 2014 Boulder Valley Employee Survey, Table 36, Question 32.
 *** Percentages from 2014 Boulder Community Household Survey, Table 112, Question

Municipal Facilities Level of Service Standards and Costs

Municipal Facility Office Buildings Component

The incremental expansion methodology is used to calculate the Office Building component of the Municipal Facilities impact fee. The first step of the analysis determines the current Level of Service (LOS) being provided to existing development. The second step involves determining the cost per person and job to provide this LOS.

Figure 24 lists the current inventory of municipal government space in the City of Boulder. As shown, the City currently utilizes municipal facilities space totaling 108,319 square feet, including space that is owned and leased by the City of Boulder. Of that amount, 72,890 square feet is owned by the City.

Level of service (square feet per demand unit) is calculated by multiplying total square footage by proportionate share then dividing by applicable demand units. For Municipal Facilities, levels of service are:

- Residential: 108,319 sq. ft. x 60% proportionate share / 104,808 population = .62 sq. ft. per capita
- Nonresidential: 108,319 sq. ft. x 40% proportionate share / 98,510 jobs = .44 sq. ft. per job

The current value for general government buildings and contents is from the City’s 2015 Property Schedule. To reflect total replacement costs for general Municipal Facilities, 30 percent is added to the construction cost to reflect “soft” costs for predevelopment, site improvements, and other non-construction costs (per City of Boulder Facilities and Asset Management (FAM)). According to information provided by the City, Municipal Facility space has a replacement value of approximately \$21 million, reflecting facilities owned by the City. The replacement cost per square foot is \$284 resulting in a cost per person of \$175 (.62 sq. ft. per person x \$284 = \$175) and a cost per job of \$124 (.44 sq. ft. per job x \$284 = \$124).

Figure 24. Municipal Facilities Office Buildings Level of Service Standards and Cost Factors

Building	Location	Current Square Feet*	Current Replacement Cost (Hard Costs)*	Current Replacement Cost (Soft Costs)**	Total Cost	Cost/SF
Municipal Building	1777 Broadway	23,657	\$5,701,947	\$1,710,584	\$7,412,531	\$313
Atrium	1300 Canyon Blvd	12,392	\$2,446,604	\$733,981	\$3,180,585	\$257
Park Central	1739 Broadway	20,910	\$4,920,672	\$1,476,202	\$6,396,874	\$306
New Britain	1101 Arapahoe Ave	13,851	\$2,438,570	\$731,571	\$3,170,141	\$229
Center Green Lease	3065 Center Green	31,000	leased	na	na	na
Risk Management	1301 Arapahoe Ave	2,080	\$393,392	\$118,018	\$511,410	\$246
1720 Building LLC	1720 14th Street	4,429	leased	na	na	na
TOTAL		108,319	\$15,901,185	\$4,770,356	\$20,671,541	
TOTAL City Owned***		72,890	\$15,901,185	\$4,770,356	\$20,671,541	\$284

Cost per Square Foot=> \$284

BASED ON TOTAL SPACE (CITY OWNED AND LEASED)

	Proportionate Share	2015 Demand Units	LOS: Sq. Ft. per Demand Unit	Cost per Demand Unit
Residential	60%	104,808 Population	0.62	\$175
Nonresidential	40%	98,510 Jobs	0.44	\$124

* Building, contents, equipment, miscellaneous improvements (City of Boulder Property Schedule, 2015).
 ** Soft costs estimated at 30 percent of construction costs per City of Boulder Facilities and Asset Management.
 *** Average cost per square foot is average of City owned facilities.
 Sources: City of Boulder Property Schedule, 2015; City of Boulder Facilities and Asset Management.

Land Component

The cost recovery methodology is used to calculate the Land component of the Municipal Facilities impact fee. The first step of the analysis determines the Level of Service (LOS) to be provided to existing and future development. The second step involves determining the cost per person and job to provide this LOS.

The City of Boulder recently acquired the 8.8 acre Boulder Community Hospital site. The entire purchase was \$41 million of which \$15.2 million was the land value. This component is included to account for future land needs for Municipal Facilities.

A summary of the cost of the land purchase is provided below:

Figure 25. Boulder Community Hospital Land Purchase Details

Address	Acct	Acres	Total Cost	Cost per Acre
1100 Balsam	R0602588	6.76	\$7,506,300	\$1,110,399
1155 Alpine Ave	R0116926	0.66	\$360,000	\$545,455
2655 Broadway	R0000500	0.69	\$2,478,200	\$3,591,594
1136 Alpine Ave	R0000925	0.48	\$2,506,300	\$5,221,458
1135 North Street	R0008544	0.12	\$1,162,000	\$9,683,333
1125 North Street	R0000927	0.12	\$1,165,000	\$9,708,333
TOTAL		8.83	\$15,177,800	\$1,718,890

Sources: Boulder County Assessor, Online Property Search (data accessed by TischlerBise on Feb. 14, 2016).

Per City Facilities and Asset Management, the City needs less than the full 8.83 acres of the site for future facility needs and anticipates retaining 3 acres of the property for future municipal facility needs. . Therefore, the above figure is adjusted to reflect this and is shown in Figure 26. Because this is a **plan-based approach where the land purchased today has excess capacity to serve growth in the future**, the demand base used in the calculation is population and employment in the **year 2040**. This reflects the period of time for which the purchased land is anticipated to serve.

Level of service (acre per demand unit) is calculated by multiplying total acres by proportionate share then dividing by applicable demand units (population and jobs in the year 2040). For Municipal Facilities, levels of service are:

- Residential: 3 acres x 60% proportionate share / 123,000 population * 1,000 = .015 acres per 1,000 persons
- Nonresidential: 3 acres. x 40% proportionate share / 117,010 jobs * 1,000 = .010 acres per 1,000 jobs

The 3 acres to be retained has an estimated cost of \$5.2 million, using the average cost per acre of \$1.7 million. The cost per person is \$26 (.015 acre per 1,000 persons x \$1,718,890 = \$26) and a cost per job of \$17 (.010 acres per 1,000 jobs x \$1,718,890 = \$17).

Figure 26. Municipal Facilities Land Level of Service Standards and Cost Factors

Site Acquisition	Acres*	Avg. Cost per Acre	Total Cost
Boulder Community Hospital Site	3.00	\$1,718,890	\$5,156,670

	Proportionate Share	2040 Projected Demand Units	LOS: Acres per 1,000 Demand Units	Cost per Demand Unit
Residential	60%	123,000 Population	0.015	\$26
Nonresidential	40%	117,010 Jobs	0.010	\$17

* Per the City, it is assumed the City will retain 3 acres of the property for municipal facility needs.

Sources: City of Boulder Facilities and Asset Management; Boulder County Assessor, Online Property Search (data accessed by TischlerBise on Feb. 14, 2016).

Municipal Court Component

The plan-based methodology is used to calculate the Municipal Court component of the Municipal Facilities impact fee. The first step of the analysis determines the Level of Service (LOS) to be provided to existing and future development. The second step involves determining the cost per person and job to provide this LOS.

The City of Boulder currently leases space from Boulder County for its Municipal Court space (7,587 square feet).⁶ The City conducted a space needs assessment for the court that identified the need for 12,000 square feet of Municipal Court space.⁷

Figure 27 summarizes the Municipal Court component level of service. Level of service (square feet per demand unit) is calculated by multiplying total square feet by proportionate share then dividing by applicable demand units. **The Municipal Court space needs analysis considered future growth therefore, the demand base used is population and jobs in the year 2040.** For Municipal Facilities, levels of service are:

- Residential: 12,000 sq. ft. x 60% proportionate share / 123,000 population = .06 sq. ft. per person
- Nonresidential: 12,000 sq. ft. x 40% proportionate share / 117,010 jobs = .04 sq. ft. per job

⁶ Per City Facilities and Asset Management, Boulder County has expressed its desire to discontinue the lease with the City of Boulder within 3 to 5 years thus requiring the City to provide space for the Municipal Court.

⁷ Trestle Strategy Group, "Space Needs Assessment of City of Boulder's Municipal Court (Draft)," May 11, 2015.

The planned cost is estimated at \$4.2 million, reflecting an average cost per square foot of \$350. The cost per person is \$21 (.06 sq. ft. x \$350 = \$21) and a cost per job of \$14 (.04 sq. ft. x \$350 = \$14).

Figure 27. Municipal Court Level of Service Standards and Cost Factors

Project	Square Feet	Cost/SF	Total Cost
Municipal Court Facility (planned)	12,000	\$350	\$4,200,000

	Proportionate Share	2040 Projected Demand Units	LOS: Sq. Ft. per Demand Unit	Cost per Demand Unit
Residential	60%	123,000 Population	0.06	\$21
Nonresidential	40%	117,010 Jobs	0.04	\$14

Sources: Trestle Strategy Group, "Space Needs Assessment of City of Boulder's Municipal Court (Draft)," May 11, 2015; City of Boulder Facilities and Asset Management.

Credit Evaluation

The City does not have any outstanding property tax-backed debt for municipal facility improvements included in the incremental expansion portion of the Impact Fee calculation, therefore no credit is included.

For the purchase of the Boulder Community Hospital site, the City issued debt (Certificates of Participation) for the full amount of the property (\$41 million). The City has entered into a *Lease Purchase Agreement* with the Boulder Municipal Property Authority (BMPA). BMPA will lease the Leased Property back to the City pursuant to the terms of the Lease Purchase Agreement. The City will (subject to annual appropriation) make Base Rental payments to BMPA **from any legally available revenues of the City**. The Base Rental payments will be held by the Trustee and used to pay debt service on the 2015 Certificates.⁸

The land component of the Municipal Facilities Impact Fee reflects new growth's share of the cost for the property. Therefore other City revenues will be used to cover existing development's share of the cost and no credit is necessary.⁹

⁸ "City of Boulder, Boulder Municipal Property Authority Agenda Item," September 15, 2015, p. 3. Emphasis added.

⁹ However, it is noted that if the City sells land on which current City offices are housed, a credit or offset will need to be included in the calculation.

Residential Impact Fees for Municipal Facilities

Figure 28 provides the schedule of residential impact fees by finished floor area for residential development. Capital cost per person, multiplied by persons per housing unit by size of housing unit, yields the residential impact fee schedule for municipal facilities.

Figure 28. Municipal Facilities Input Factors and Maximum Supportable Residential Impact Fee Schedule

<i>Level Of Service</i>	<i>Factors</i>	
		<i>Per Person</i>
Municipal Facilities Building Cost		\$175
Land Cost		\$26
Municipal Court Cost		\$21
Debt Service Cost		\$0
Net Capital Cost		\$222

RESIDENTIAL IMPACT FEES			
<i>Square Feet</i>	<i>Development Unit</i>	<i>Persons per Housing Unit</i>	<i>Impact Fee per Housing Unit</i>
<i>(finished floor area)</i>		<i>All Housing Unit Types</i>	<i>All Housing Unit Types</i>
<i>Residential (by square feet of finished living space)</i>			
600	Dwelling Unit	1.17	\$259
800	Dwelling Unit	1.47	\$326
1,000	Dwelling Unit	1.70	\$377
1,200	Dwelling Unit	1.89	\$419
1,400	Dwelling Unit	2.05	\$455
1,600	Dwelling Unit	2.19	\$486
1,800	Dwelling Unit	2.32	\$515
2,000	Dwelling Unit	2.42	\$537
2,200	Dwelling Unit	2.52	\$559
2,400	Dwelling Unit	2.61	\$579
2,600	Dwelling Unit	2.70	\$599
2,800	Dwelling Unit	2.78	\$617
3,000	Dwelling Unit	2.85	\$632
3,200	Dwelling Unit	2.91	\$646
3,400	Dwelling Unit	2.98	\$661
3600+	Dwelling Unit	3.04	\$674

Comparison to Current Impact Fees

Because the proposed land use categories have changed from the current City of Boulder Impact Fee schedule, the figure below provides a comparison of the **draft calculated cost per person** compared to the **current cost per person** from the current City of Boulder Impact Fee schedule for the residential component of the Municipal Facilities category. It should be noted that the current cost per person shown below is calculated based on the adopted amount in 2010 and escalated per the annual increases the City has applied in its annual updates.¹⁰ Figure 20 compares the draft calculated cost to the current schedule for the residential component of the Municipal Facilities category.

Figure 29. Municipal Facilities Fee Comparison (Residential): Current Cost per Person to Updated Cost per Person

	<i>Cost per Person (2016)</i>	Current City of Boulder Impact Fee Cost per Person[^]	Increase / Decrease
Municipal Facilities	\$222	\$131	\$91

[^] Cost as originally adopted in 2010 and inflated to current dollars (FY2016) using annual percentage increases per City of Boulder.

¹⁰ The annual increases are as follows:

<i>Fiscal Year</i>	<i>% Increase</i>
2011	0.0%
2012	0.0%
2013	4.7%
2014	1.8%
2015	3.2%
2016	2.0%

Nonresidential Impact Fees for Municipal Facilities

Figure 30 shows the schedule of maximum allowable impact fees for nonresidential development. For nonresidential land uses, such as a retail establishment, the number of employees per square feet (.00251) is multiplied by the capital cost per employee (\$155), for an impact fee of \$0.38 per square foot.

Figure 30. Municipal Facility Input Factors and Maximum Supportable Nonresidential Impact Fee Schedule

Level Of Service	Factors	
		Per Employee
Municipal Facilities Building Cost		\$124
Land Cost		\$17
Municipal Court Cost		\$14
Debt Service Cost		\$0
Net Capital Cost		\$155

NONRESIDENTIAL IMPACT FEES			
Nonresidential Land Use	Development Unit	Jobs per Development Unit	Impact Fee per Development Unit
Retail / Restaurant / Service	Square Feet of Floor Area	0.00251	\$0.38
Office	Square Feet of Floor Area	0.00359	\$0.55
Light Industrial	Square Feet of Floor Area	0.00231	\$0.35
Warehousing	Square Feet of Floor Area	0.00092	\$0.14
Institutional	Square Feet of Floor Area	0.00081	\$0.12
Hospital	Square Feet of Floor Area	0.00294	\$0.45
Nursing Home/Assisted Living	Bed	0.84	\$130.00
Nursing Home/Assisted Living*	Square Feet of Floor Area	0.0021	\$0.32
Lodging	Room	0.57	\$88.00
Lodging**	Square Feet of Floor Area	0.00095	\$0.14

* For illustration and comparison with per square foot impact fees, assumes an average of 400 sq. ft. per bed

** For illustration and comparison with per square foot impact fees, assumes an average of 600 sq. ft. per room

Comparison to Current Impact Fees

Because the proposed land use categories have changed from the current City of Boulder Impact Fee schedule, the figure below provides a comparison of the **draft calculated cost per employee** compared to the **current cost per employee** from the current City of Boulder Impact Fee schedule for the nonresidential component of the Municipal Facilities category. It should be noted that the current cost per employee shown below is calculated based on the adopted amount in 2010 and escalated per the annual increases the City has applied in its annual updates.¹¹ Figure 20 compares the draft calculated cost to the current schedule for the nonresidential component of the Municipal Facilities category.

Figure 31. Municipal Facilities Fee Comparison (Nonresidential): Current Cost per Employee to Updated Cost per Employee

	<i>Cost per Employee (2016)</i>	Current City of Boulder Impact Fee Cost per Employee [^]	Increase / Decrease
Municipal Facilities	\$155	\$54	\$101

[^] Cost as originally adopted in 2010 and inflated to current dollars (FY2016) using annual percentage increases per City of Boulder.

¹¹ The annual increases are as follows:

<i>Fiscal Year</i>	<i>% Increase</i>
2011	0.0%
2012	0.0%
2013	4.7%
2014	1.8%
2015	3.2%
2016	2.0%

Projected Revenue

The revenue projection shown in Figure 32 is calculated based on the preliminary calculated 2016 Municipal Facilities Impact Fee and the development projections described in the land use assumptions (Appendix A). To the extent the rate of development either accelerates or slows down, there will be a corresponding change in Impact Fee revenue and the timing of the need for capital improvements.

Figure 32. Projected Municipal Facilities Impact Fee Revenue

		<i>Residential</i>	<i>Industrial</i>	<i>Retail</i>	<i>Office and Other Services</i>
<i>Fee (Wtd Avg)</i>		\$475	\$0.35	\$0.38	\$0.55
		per housing unit	per sq. ft.	per sq. ft.	per sq. ft.
<i>Year</i>		<i>Housing Units</i>	<i>Square Feet</i>	<i>Square Feet</i>	<i>Square Feet</i>
Base	2015	45,740	13,576,996	8,565,611	14,848,416
Year 1	2016	46,012	13,670,663	8,624,414	14,950,360
Year 2	2017	46,288	13,765,405	8,683,890	15,053,473
Year 3	2018	46,566	13,860,809	8,743,783	15,157,308
Year 4	2019	46,846	13,956,881	8,804,095	15,261,869
Year 5	2020	47,127	14,053,626	8,864,830	15,367,162
Year 6	2021	47,409	14,151,048	8,925,989	15,473,193
Year 7	2022	47,694	14,249,152	8,987,577	15,579,965
Year 8	2023	47,980	14,347,942	9,049,596	15,687,486
Year 9	2024	48,268	14,447,424	9,112,049	15,795,758
Year 10	2025	48,557	14,547,603	9,174,939	15,904,789
<i>Ten-Yr Increase</i>		2,817	970,607	609,328	1,056,373
<i>Projected Revenue =></i>		\$1,338,260	\$339,712	\$231,545	\$581,005
					Total Projected Revenue => \$2,490,522

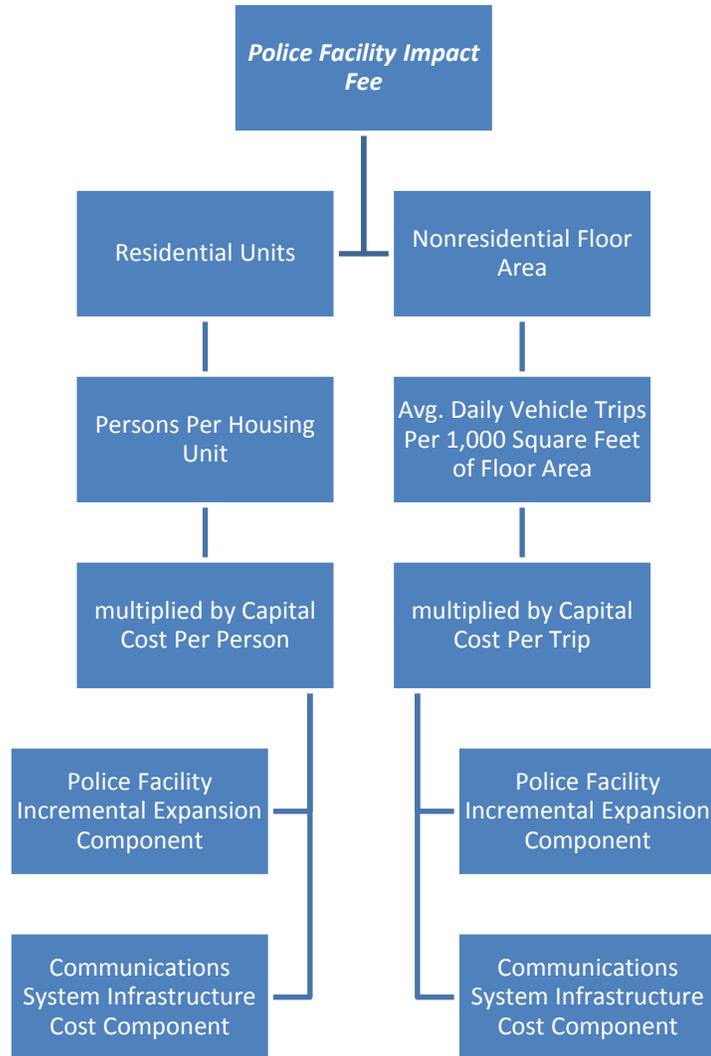
Police Impact Fees

Methodology

The Police impact fee is calculated using an incremental expansion methodology. Because the Colorado State Impact Fee Act requires that infrastructure included in the fee calculation have a useful life of over 5 years, police cars are not eligible for impact fee funding.

As shown in Figure 33, the Police impact fee uses different demand indicators for residential and nonresidential development. Residential impact fees are calculated on a per capita basis and then converted to a proportionate fee amount by type of housing, based on the number of persons by size of housing unit. For nonresidential impact fees, TischlerBise recommends using nonresidential vehicle trips as the best demand indicator for Police facilities. Trip generation rates are used for nonresidential development because vehicle trips are highest for commercial developments, such as shopping centers, and lowest for industrial/warehouse development. Office and institutional trip rates fall between the other two categories. This ranking of trip rates is consistent with the relative demand for Police services from nonresidential development. Other possible nonresidential demand indicators, such as employment or floor area, will not accurately reflect the demand for service. For example, if employees per thousand square feet were used as the demand indicator, Police impact fees would be too high for office and institutional development because offices typically have more employees per 1,000 square feet than retail uses. If floor area were used as the demand indicator, Police impact fees would be too high for industrial development.

Figure 33. Police Facilities Impact Fee Methodology Chart



Proportionate Share Factors

The proportionate share factors shown in Figure 34 are used to allocate capital costs to residential and nonresidential development.

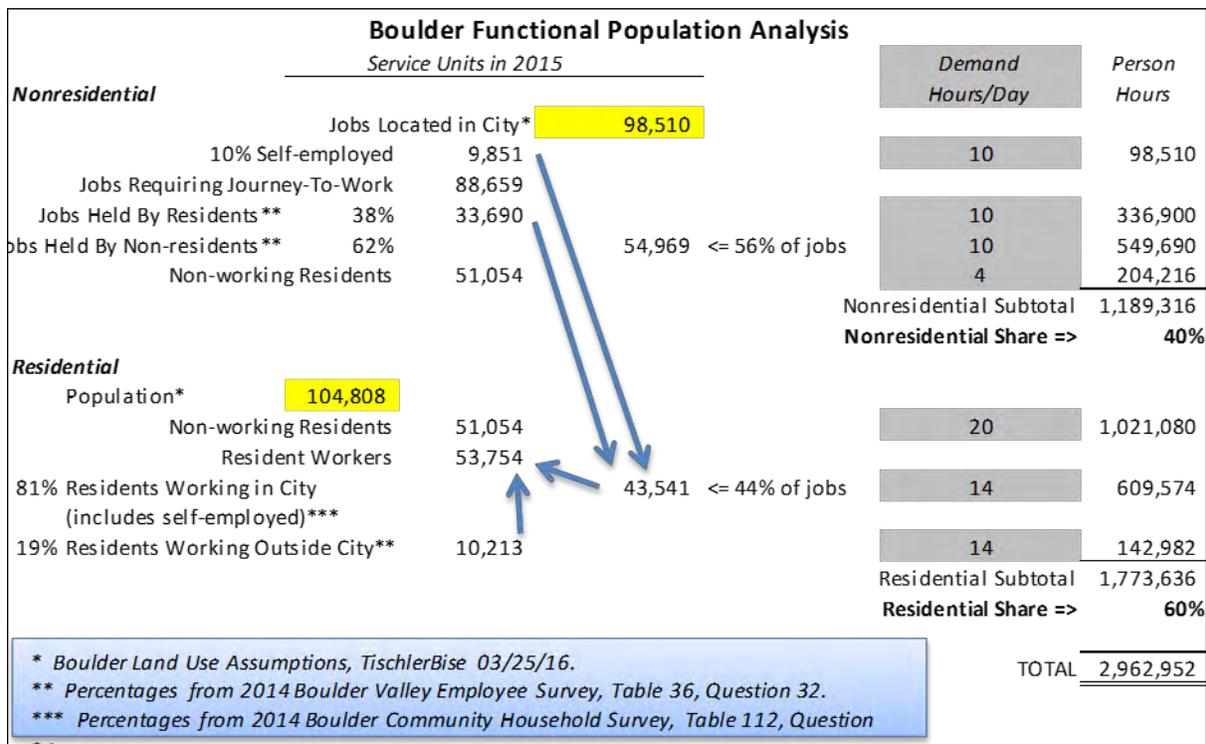
Functional population is similar to what the U.S. Census Bureau calls "daytime population" by accounting for people living and working in a jurisdiction. In addition to the Boulder-specific data, TischlerBise has relied on extensive public and private sector input to establish reasonable "weighting factors" to account for time spent at either residential or nonresidential development. These weighting factors are shown below with grey shading.

The functional population analysis starts with 2015 estimates of jobs and population in Boulder (see yellow highlighting), as documented in the draft Land Use Assumptions (see Appendix A). According to the *2013 Transportation Master Plan (TMP) State of the System* report (see page 3-13), approximately 10 percent of Boulder jobs are self-employed persons. The remaining 90 percent of jobs require "journey-to-work" travel. The 2014 Boulder Valley Employee Survey indicates Boulder residents held 38 percent of these jobs, with persons living outside of Boulder holding the remaining 62 percent of journey-to-work jobs. The functional population analysis assumes all workers spend ten hours per weekday (annualized average) at nonresidential locations.

Residents who work in Boulder are assigned 10 hours to nonresidential development (discussed above) and 14 hours to residential development. Residents who work outside Boulder are assigned 14 hours to residential development. Jobs held by non-residents are assigned 10 hours to nonresidential development. Residents who do not work are assigned 20 hours per day to residential development and four hours per day to nonresidential development (annualized averages) to account for time spent shopping, eating out, and other social/recreational activities.

Based on Boulder's 2015 functional population analysis, the cost allocation for residential development is 60 percent, while nonresidential development accounts for 40 percent of the demand for municipal facility infrastructure.

Figure 34. Proportionate Share Factors for Police Impact Fees



Police Facilities Level of Service Standards and Costs

Police Buildings

The Police impact fee is calculated using the incremental expansion methodology for both Police station space and Communications System Infrastructure. The first step of the analysis determines the current LOS being provided to existing development. The second step involves determining the cost per person and per nonresidential vehicle trip to provide this LOS.

The top portion of Figure 35 lists the current inventory of Police space in the City of Boulder.

As shown, the City currently utilizes Police facility space totaling 95,749 square feet, including space that is owned and leased by the City of Boulder. Of that amount, 93,849 square feet is owned by the City.

Level of service (square feet per demand unit) is calculated by multiplying total square footage by proportionate share then dividing by applicable demand units. For Police Facilities, levels of service are:

- Residential: 95,749 sq. ft. x 60% proportionate share / 104,808 population = .55 sq. ft. per capita
- Nonresidential: 95,749 sq. ft. x 40% proportionate share / 249,903 vehicle trips = .15 sq. ft. per trip

The current value for Police buildings and contents are from the City’s 2015 Property Schedule and the Trestle *Public Safety Space Needs Assessment*. To reflect total replacement costs for general Police space, 30 percent is added to the construction cost to reflect “soft” costs for predevelopment, site improvements, and other non-construction costs (per City of Boulder Facilities and Asset Management (FAM)). According to information provided by the City, current Police facility space has a replacement value of approximately \$30 million, reflecting facilities owned by the City. The average replacement cost per square foot is \$317 resulting in a cost per person of \$184 (.55 sq. ft. per person x \$317 = \$174) and a cost per nonresidential trip of \$48 (.15 sq. ft. per trip x \$317 = \$48).

Figure 35. Police Facilities Level of Service Standards and Cost Factors

Facility	Location	Current Square Feet	Current Replacement Cost (Hard Costs)*	Current Replacement Cost (Soft Costs)**	Total Costs	Cost/SF
Headquarters	Public Safety Building/1805 E. 33rd	72,986	\$17,881,570	\$7,663,530	\$25,545,100	\$350
Training Ctr / Firing Range Addition	Public Safety Building/1805 E. 33rd	16,000	\$2,714,216	\$814,265	\$3,528,481	\$221
Police Storage (only building cost)	Storage/1805 E. 33rd St	4,763	\$461,693	\$138,508	\$600,201	\$126
Downtown Mall Annex	Downtown	850	leased	na	na	na
University Hill Annex	13th Street	450	leased	na	na	na
Bomb Disposal and Storage	N. 26th Street	100	\$41,174	\$12,352	\$53,526	\$535
San Juan del Centro Annex	Valmont Rd	600	leased	na	na	na
TOTAL		95,749	\$21,098,653	\$8,628,655	\$29,727,308	
TOTAL City Owned***		93,849	\$21,098,653	\$8,628,655	\$29,727,308	\$317

Cost per Square Foot=> **\$317**

BASED ON TOTAL SPACE (CITY OWNED AND LEASED)

	Proportionate Share	2015 Demand Units	LOS: Sq. Ft. per Demand Unit	Cost per Demand Unit
Residential	60%	104,808 persons	0.55	\$174
Nonresidential	40%	249,903 nonres trips	0.15	\$48

* Building, contents, equipment, miscellaneous improvements (City of Boulder Property Schedule, 2015) except for Headquarters with replacement cost from City of Boulder Public Safety Building Preliminary Space Needs Assessment, 9/11/14, Trestle Strategy Group.

** Soft costs estimated at 30 percent of construction costs per City of Boulder Facilities and Asset Management.

*** Average cost per square foot is average of City owned facilities.

Sources: City of Boulder Property Schedule, 2015; City of Boulder Facilities and Asset Management; Trestle Strategy Group.

Communications System Infrastructure

For Communications System Infrastructure, an incremental based methodology is used and is based on current levels of service for current towers and equipment with useful life longer than 5 years. It should be noted that the City is embarking on a comprehensive radio infrastructure study. **Once that is complete, a plan-based methodology could be employed to reflect the needs for current and future growth.**

Based on the current value of \$1.9 million and proportionate share factors from above, the per capita cost is \$11 and the cost per trip is \$3.

Figure 36. Police Communications Infrastructure Level of Service Standards and Cost Factors

Facility	Location	Current Value
GUNBARREL Radio Shack Twr/Ant	Gunbarrel Hill	\$127,192
Chautauqua Radio Shack Twr/Ant	Chautauqua	\$149,525
Radio/Communications Equipment	Citywide	\$1,610,475
TOTAL		\$1,887,192

	Proportionate Share	2015 Demand Units	Cost per Demand Unit
Residential	60%	104,808 persons	\$11
Nonresidential	40%	249,903 nonres trips	\$3

Sources: City Property Schedule (2015); City of Boulder Police Department

Credit Evaluation

At present, the City of Boulder does not have any outstanding property-tax backed bonded debt related to the construction of Police facilities. Therefore, a credit for existing bond financing is not applicable to this impact fee.

Residential Impact Fees for Police Facilities

Figure 37 provides the schedule of Police residential impact fees by finished floor area for residential development. Capital cost per person, multiplied by persons per housing unit by size of housing unit, yields the residential impact fee schedule for Police facilities.

Figure 37. Police Input Factors and Maximum Supportable Residential Impact Fee Schedule

<i>Level Of Service</i>	<i>Factors</i>	
		<i>Per Person</i>
Police Buildings Cost		\$174
Communications Infrastructure Cost		\$11
Debt Service Cost		\$0
Net Capital Cost		\$185

RESIDENTIAL IMPACT FEES			
<i>Square Feet</i>	<i>Development Unit</i>	<i>Persons per Housing Unit</i>	<i>Impact Fee per Housing Unit</i>
<i>(finished floor area)</i>		<i>All Housing Unit Types</i>	<i>All Housing Unit Types</i>
Residential (by square feet of finished living space)			
600	Dwelling Unit	1.17	\$216
800	Dwelling Unit	1.47	\$271
1,000	Dwelling Unit	1.70	\$314
1,200	Dwelling Unit	1.89	\$349
1,400	Dwelling Unit	2.05	\$379
1,600	Dwelling Unit	2.19	\$405
1,800	Dwelling Unit	2.32	\$429
2,000	Dwelling Unit	2.42	\$447
2,200	Dwelling Unit	2.52	\$466
2,400	Dwelling Unit	2.61	\$482
2,600	Dwelling Unit	2.70	\$499
2,800	Dwelling Unit	2.78	\$514
3,000	Dwelling Unit	2.85	\$527
3,200	Dwelling Unit	2.91	\$538
3,400	Dwelling Unit	2.98	\$551
3600+	Dwelling Unit	3.04	\$562

Comparison to Current Impact Fees

Because the proposed land use categories have changed from the current City of Boulder Impact Fee schedule, the figure below provides a comparison of the **draft calculated cost per person** compared to the **current cost per person** from the current City of Boulder Impact Fee schedule for the residential component of the Police category. It should be noted that the current cost per person shown below is calculated based on the adopted amount in 2010 and escalated per the annual increases the City has applied in its annual updates.¹² Figure 38 compares the draft calculated cost to the current schedule for the residential component of the Police category.

Figure 38. Police Fee Comparison (Residential): Current Cost per Person to Updated Cost per Person

	Cost per Person (2016)	Current City of Boulder Impact Fee Cost per Person[^]	Increase / Decrease
Police	\$185	\$138	\$47

[^] Cost as originally adopted in 2010 and inflated to current dollars (FY2016) using annual percentage increases per City of Boulder.

¹² The annual increases are as follows:

<i>Fiscal Year</i>	<i>% Increase</i>
2011	0.0%
2012	0.0%
2013	4.7%
2014	1.8%
2015	3.2%
2016	2.0%

Nonresidential Impact Fees for Police Facilities

Figure 39 shows the schedule of maximum allowable impact fees for nonresidential development. For nonresidential land uses, such as a retail establishment, the number of trips per square feet (.04270 x 33%) is multiplied by the capital cost per trip (\$51), for an impact fee of \$0.71 per square foot.

Figure 39. Police Input Factors and Maximum Supportable Nonresidential Impact Fee Schedule

Level Of Service

Police Buildings Cost
 Communications Infrastructure Cost
 Debt Service Cost
 Net Capital Cost

Factors

	<i>Per Trip</i>
	\$48
	\$3
	\$0
	\$51

NONRESIDENTIAL IMPACT FEES				
<i>Nonresidential Land Use</i>	<i>Development Unit</i>	<i>Vehicle Trip Rate per Demand Unit</i>	<i>Trip Adjustment Factors</i>	<i>Impact Fee per Development Unit</i>
Retail / Restaurant / Service	Square Feet of Floor Area	0.04270	33%	\$0.71
Office	Square Feet of Floor Area	0.01103	50%	\$0.28
Light Industrial	Square Feet of Floor Area	0.00697	50%	\$0.17
Warehousing	Square Feet of Floor Area	0.00356	50%	\$0.09
Institutional	Square Feet of Floor Area	0.01403	33%	\$0.23
Hospital	Square Feet of Floor Area	0.01322	50%	\$0.33
Nursing Home/Assisted Living	Bed	2.74	50%	\$69
<i>Nursing Home/Assisted Living*</i>	<i>Square Feet of Floor Area</i>	<i>0.00685</i>	<i>50%</i>	<i>\$0.17</i>
Lodging	Room	8.17	50%	\$208
<i>Lodging**</i>	<i>Square Feet of Floor Area</i>	<i>0.013616667</i>	<i>50%</i>	<i>\$0.34</i>

* For illustration and comparison with per square foot impact fees, assumes an average of 400 sq. ft. per bed

** For illustration and comparison with per square foot impact fees, assumes an average of 600 sq. ft. per room

Comparison to Current Impact Fees

Because the proposed land use categories have changed from the current City of Boulder Impact Fee schedule, the figure below provides a comparison of the **draft calculated cost per trip** compared to the **current cost per trip** from the current City of Boulder Impact Fee schedule for the nonresidential component of the Police category. It should be noted that the current cost per trip shown below is calculated based on the adopted amount in 2010 and escalated per the annual increases the City has applied in its annual updates.¹³ Figure 40 compares the draft calculated cost to the current schedule for the nonresidential component of the Police category.

Figure 40. Police Facilities Fee Comparison (Nonresidential): Current Cost per Trip to Updated Cost per Trip

	<i>Cost per Trip (2016)</i>	Current City of Boulder Impact Fee Cost per Trip[^]	Increase / Decrease
Police	\$51	\$19	\$32

[^] Cost as originally adopted in 2010 and inflated to current dollars (FY2016) using annual percentage increases per City of Boulder.

¹³ The annual increases are as follows:

<i>Fiscal Year</i>	<i>% Increase</i>
2011	0.0%
2012	0.0%
2013	4.7%
2014	1.8%
2015	3.2%
2016	2.0%

Projected Revenue

The revenue projection shown in Figure 41 is calculated based on the preliminary calculated 2016 Police Facilities Impact Fee and the development projections described in the land use assumptions (Appendix A). To the extent the rate of development either accelerates or slows down, there will be a corresponding change in Impact Fee revenue and the timing of the need for capital improvements.

Figure 41. Projected Police Facilities Impact Fee Revenue

		<i>Residential</i>	<i>Industrial</i>	<i>Retail</i>	<i>Office and Other Services</i>
<i>Fee (Wtd Avg)</i>		\$395 per housing unit	\$0.17 per sq. ft.	\$0.71 per sq. ft.	\$0.28 per sq. ft.
<i>Year</i>		<i>Housing Units</i>	<i>Square Feet</i>	<i>Square Feet</i>	<i>Square Feet</i>
Base	2015	45,740	13,576,996	8,565,611	14,848,416
Year 1	2016	46,012	13,670,663	8,624,414	14,950,360
Year 2	2017	46,288	13,765,405	8,683,890	15,053,473
Year 3	2018	46,566	13,860,809	8,743,783	15,157,308
Year 4	2019	46,846	13,956,881	8,804,095	15,261,869
Year 5	2020	47,127	14,053,626	8,864,830	15,367,162
Year 6	2021	47,409	14,151,048	8,925,989	15,473,193
Year 7	2022	47,694	14,249,152	8,987,577	15,579,965
Year 8	2023	47,980	14,347,942	9,049,596	15,687,486
Year 9	2024	48,268	14,447,424	9,112,049	15,795,758
Year 10	2025	48,557	14,547,603	9,174,939	15,904,789
<i>Ten-Yr Increase</i>		2,817	970,607	609,328	1,056,373
<i>Projected Revenue =></i>		\$1,112,869	\$165,003	\$432,623	\$295,784
		<i>Total Projected Revenue =></i>			\$2,006,279

Fire Impact Fees

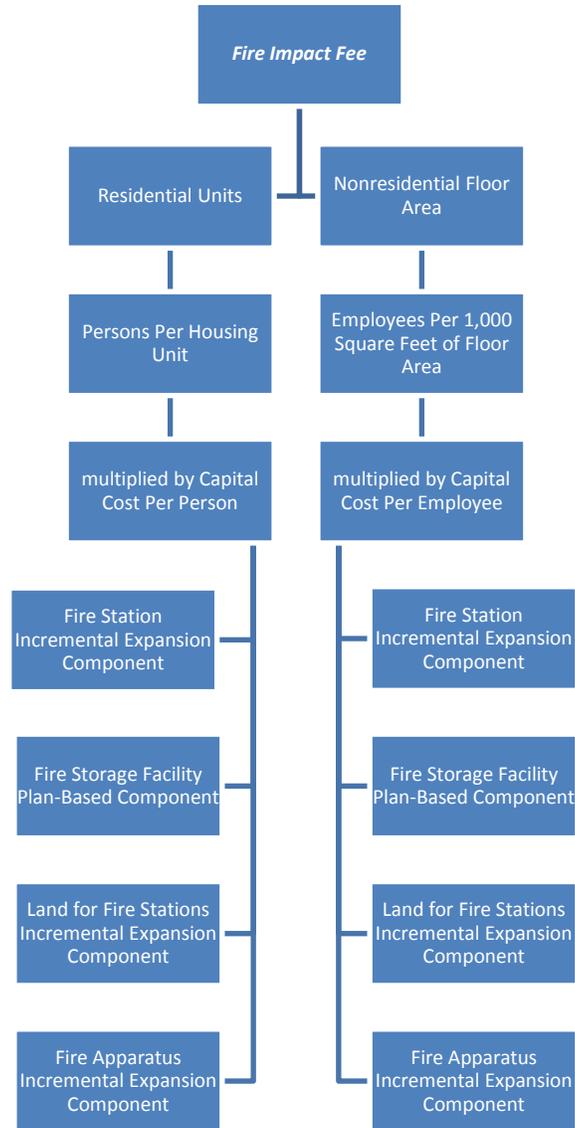
The City of Boulder Fire impact fee is based on the incremental expansion cost of Fire Services facilities, Fire apparatus, and land for future Fire stations. The City has identified future needs for new Fire Stations and expansion and relocations of existing Fire Stations in the following recently completed studies: *Space Needs Assessment for Fire Station 3 and Administration Building*¹⁴ and *Boulder Fire Rescue Station Location Report*.¹⁵ While the *FY2016-2021 City Capital Improvement Plan* identifies future Fire-Rescue projects, specific projects are not yet programmed in the CIP. Therefore, an incremental approach is recommended as this methodology will allow for the greatest flexibility for the City to expand and/or build new Fire facilities in the next few years. Due to requirement of the Colorado Impact Fee Act that capital facilities have useful lives of over five years, only heavy apparatus (e.g., engines, rescue trucks) is included. Also included is a separate land component, which is delineated from Station levels of service and costs and reflects a change from the previous Impact Fee Study.

The demand for Fire infrastructure is a function of both residential and nonresidential growth. To allocate demand for infrastructure, two main approaches can be used: The calls for service approach and the functional population approach. The calls for service approach uses local data on Fire/EMS calls for service to different land use types to establish the relationship between the demand for facilities and the type of development. Calls for service data is available from the City of Boulder Fire Department and is used to allocate costs to residential and nonresidential development.

¹⁴ Trestle Strategy Group, "Space Needs Assessment of Boulder Fire-Rescue Department's Fire Station 3 and Administration Building (Draft)," March 17, 2015.

¹⁵ City of Boulder, "Boulder Fire Rescue Station Location Report," March 2015.

Figure 42. Fire Impact Fee Methodology Chart



Proportionate Share Factors

To determine demand for Fire services and facilities, calls for service to residential and nonresidential land uses are used. Boulder Fire Department provided data on Fire call incidents by land use for calendar year 2014. TischlerBise used this call data to determine the proportionate share factors shown in Figure 43. This data indicated that the City responded to 9,753 calls to known land uses (see bottom of figure). Of those known uses, 42 percent were to residential land uses and 58 percent to nonresidential land uses.

Figure 43. Fire Proportionate Share Factors

	TOTAL	Nonresidential	Residential	Unknown
No Property Use Reported	30			30
000 Property Use, Other	33			33
100 Assembly	906	906		
200 Educational	322	322		
300 Health Care, Detention & Correction	985	985		
400 Residential	3,896		3,896	
449 Hotel/Motel, Commercial	126	126		
500 Mercantile, Business	1,171	1,171		
600 Industrial, Utility, Defense, Agriculture, Mining	58	58		
700 Manufacturing, Processing	41	41		
800 Storage	72	72		
881 Parking Garage (detached residential)	1		1	
899 residential or self-storage	1		1	
900 Outside or Special Property Nonres	1,941	1,941		
962 Residential street, road or residential driveway	233		233	
None	41			41
Undetermined	53			53
TOTALS	9,910	5,622	4,131	157

		% by Land Use
Residential	4,131	42%
Nonresidential	5,622	58%
Total to Known Land Uses	9,753	100%

Unknown	157
Grand Total	9,910

Source: City of Boulder Fire Department, Property Use Report (01/01/2014 - 12/31/2014); TischlerBise analysis.

Fire Level of Service Standards and Costs

Fire Service Facilities Incremental Expansion Cost Component

As discussed above, the Fire impact fees are derived using the incremental expansion approach for buildings and land, based on the current 2015 level of service. As shown in Figure 44, the City of Boulder has eight fire stations, headquarters, and a training center.

As shown, the City currently utilizes Fire Station and Office space totaling 79,318 square feet, including space that is owned and leased by the City of Boulder. Of that amount, 73,318 square feet is owned by the City.

Level of service (square feet per demand unit) is calculated by multiplying total square footage by proportionate share then dividing by applicable demand units. For Fire Facilities, levels of service are:

- Residential: $79,318 \text{ sq. ft.} \times 42\% \text{ proportionate share} / 104,808 \text{ population} = .32 \text{ sq. ft. per capita}$
- Nonresidential: $79,318 \text{ sq. ft.} \times 58\% \text{ proportionate share} / 98,510 \text{ jobs} = .47 \text{ sq. ft. per job}$

The current value for Fire buildings and contents (not apparatus) is from the City's 2015 Property Schedule. To reflect total replacement costs for Fire Facilities, 30 percent is added to the construction cost to reflect "soft" costs for predevelopment, site improvements, and other non-construction costs (per City of Boulder Facilities and Asset Management (FAM)). According to information provided by the City, Fire Facility space has a replacement value of approximately \$17.5 million, reflecting facilities owned by the City. The replacement cost per square foot is \$238 resulting in a cost per person of \$76 ($.32 \text{ sq. ft. per person} \times \$238 = \$76$) and a cost per job of \$112 ($.47 \text{ sq. ft. per job} \times \$238 = \$112$).

Figure 44. Fire Station Inventory and Costs

Facility	Location	Current Square Feet	Current Replacement Cost (Hard Costs)*	Current Replacement Cost (Soft Costs)**	Total Costs	Cost/SF
Station 1	2441 13th Street	7,941	\$1,439,036	\$431,711	\$1,870,747	\$236
Station 2	2225 Baseline	4,752	\$708,697	\$212,609	\$921,306	\$194
Station 3	1585 30th Street	6,160	\$802,289	\$240,687	\$1,042,976	\$169
Station 4	4100 Darley	3,498	\$521,797	\$156,539	\$678,336	\$194
Station 5	4365 19th Street	3,716	\$690,071	\$207,021	\$897,092	\$241
Station 6	5145 N 63rd Street	3,435	\$616,464	\$184,939	\$801,403	\$233
Station 7	1380 55th Street	5,081	\$979,907	\$293,972	\$1,273,879	\$251
Station 8	6055 Reservoir Road	11,268	\$3,425,000	\$1,027,500	\$4,452,500	\$395
Fire Headquarters	Center Green Offices	6,000	leased	na	na	na
Training Center	6055 Reservoir Road	27,467	\$4,254,538	\$1,276,361	\$5,530,899	\$201
TOTAL		79,318	\$13,437,799	\$4,031,340	\$17,469,139	\$220
TOTAL City Owned***		73,318	\$13,437,799	\$4,031,340	\$17,469,139	\$238

Cost per Square Foot=> **\$238**

	Proportionate Share	2015 Demand Units	LOS: Sq. Ft. per Demand Unit	Cost per Demand Unit
Residential	42%	104,808 persons	0.32	\$76
Nonresidential	58%	98,510 jobs	0.47	\$112

* Building, contents, equipment, miscellaneous improvements (City of Boulder Property Schedule, 2015).

** Soft costs estimated at 30 percent of construction costs per City of Boulder Facilities and Asset Management.

*** Average cost per square foot is average of City owned facilities.

Sources: City of Boulder Property Schedule, 2015; City of Boulder Facilities and Asset Management.

Fire Storage Facility Plan-Based Component

The Fire Department has indicated a current and future need for vehicle/apparatus storage, which is separate from the level of service provided in current Fire Station inventory. This facility is identified as a priority in the *2012 Fire-Rescue Master Plan Update* and the *Space Needs Assessment of Fire Station 3 and Administration Building*.¹⁶ The storage facility is currently identified in the CIP as an unfunded project as part of Fire Station 3/Administration.

The current assumption is that the storage facility will be separate from a new and/or relocated Fire Station 3 to allow for cost effective space utilization. Current planning estimates for facility specifications and costs are shown below in Figure 45. It should be noted that land costs are included in the estimate below however it is not known at this time whether a land purchase will be necessary for this facility.

Figure 45. Fire Storage Facility Level of Service Standards and Cost Factors

Project	Square Feet	Building Cost*	Land Cost*	Total Cost*
Fire Apparatus and Equipment Storage Facility (planned)	10,000	\$900,000	\$1,000,000	\$1,900,000

<i>Cost per Square Foot=></i>				\$190
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	Proportionate Share	2040 Demand Units	LOS: Sq. Ft. per Demand Unit	Cost per Demand Unit
Residential	42%	123,000 persons	0.03	\$6
Nonresidential	58%	117,010 jobs	0.05	\$10

* Planning estimates only. Construction costs estimated at \$850,000-\$1 million; 1 acre of land at \$1 million per acre.
Sources: City of Boulder Fire Rescue.

¹⁶ Trestle Strategy Group, "Space Needs Assessment of Boulder Fire-Rescue Department's Fire Station 3 and Administration Building (Draft)," March 17, 2015.

Fire Apparatus Incremental Expansion Component

The Fire impact fees also use an incremental expansion approach for Fire apparatus, based on the current 2015 level of service. Current replacement costs for the City's inventory of Fire apparatus (with a minimum 5-year useful life) are shown in Figure 46 and were provided by the City. As shown in Figure 46, the estimated current value totals approximately \$9.8 million.

Figure 46. Fire Apparatus Inventory and Costs

Item	Units	\$/Unit	Current Value
Fire Engines (Pumpers)	7	\$600,000	\$4,200,000
Fire Engines (Telesquirts)	3	\$850,000	\$2,550,000
Ladder Truck	1	\$1,200,000	\$1,200,000
Rescue Truck	2	\$250,000	\$500,000
Wild-Land Truck (Type 6)	3	\$200,000	\$600,000
Wild-Land Truck (Type 3)	2	\$350,000	\$700,000
TOTAL	18	\$541,667	\$9,750,000

	Proportionate Share	2015 Demand Units	LOS: Sq. Ft. per 1,000 Demand Units	Cost per Demand Unit
Residential	42%	104,808 persons	0.07	\$39
Nonresidential	58%	98,510 jobs	0.11	\$57

Source: City of Boulder Fire Department

Fire Station Land Incremental Expansion Component

The Fire impact fees also use an incremental expansion approach for Fire Station land, based on the current 2015 level of service. It is anticipated the City will need to purchase land for future Fire Station needs. Current levels of service and costs for the City's inventory of Fire Station land are shown in Figure 47. Land values reflect current appraised values for each property. For Fire Station 8 and the Training Center, the City owns substantially more land than is needed for the Fire facilities on the site. Therefore, the amount shown is pro-rated to reflect an average site size based on the building square footage. As shown in Figure 47, the estimated current value of the land inventory is \$10.3 million, which reflects an average cost per acre of \$1.09 million.

Figure 47. Fire Station Land Inventory and Costs

Facility	Location	Current Acres	Current Value*	Value/Acre
Station 1	2441 13th Street	0.47	\$800,000	\$1,702,128
Station 2	2225 Baseline	0.29	\$871,200	\$3,004,138
Station 3	1585 30th	0.97	\$1,045,400	\$1,077,732
Station 4	4100 Darley	0.17	\$370,300	\$2,178,235
Station 5	4365 19th Street	0.54	\$457,400	\$847,037
Station 6	5145 N 63rd Street	0.99	\$638,300	\$644,747
Station 7	1380 55th Street	1.01	\$659,100	\$652,574
Station 8**	6055 Reservoir Road	1.45	\$1,577,546	\$1,090,473
Fire Headquarters	Center Green Offices	leased	leased	na
Training Center**	6055 Reservoir Road	3.53	\$3,845,444	\$1,090,473
TOTAL		9.41	\$10,264,690	\$1,090,473

Cost per Acre=> \$1,090,473

	Proportionate Share	2015 Demand Units	LOS: Sq. Ft. per Demand Unit	Cost per Demand Unit
Residential	42%	104,808 persons	0.04	\$44
Nonresidential	58%	98,510 jobs	0.06	\$65

* Boulder County Assessor, Online Property Search (data accessed by TischlerBise on Feb. 14, 2016).

** Station 8 and Training Center are on a total of 114 acres of City owned land. The acres identified are pro-rated for the facility size based on average Fire Station square feet per acre (floor area ratio). Value is estimated based on the weighted average for Stations 1-7 (\$1.09 million per acre).

Credit Evaluation

At present, the City of Boulder does not have any outstanding property-tax backed bonded debt related to the construction of Fire facilities. Therefore, a credit for existing bond financing is not applicable to this impact fee.

Residential Impact Fees for Fire Facilities and Apparatus

Figure 48 provides the schedule of Fire impact fees by finished floor area for residential development. Capital cost per person, multiplied by persons per housing unit by size of housing unit, yields the residential impact fee schedule for Fire facilities.

Figure 48. Fire Input Factors and Maximum Supportable Residential Impact Fee Schedule

<i>Level Of Service</i>	<i>Factors</i>	
		<i>Per Person</i>
Fire Station Cost		\$76
Fire Storage Facility Cost		\$6
Fire Apparatus Cost		\$39
Fire Station Land Cost		\$44
Debt Service Cost		\$0
Net Capital Cost		\$165

RESIDENTIAL IMPACT FEES			
<i>Square Feet</i>	<i>Development Unit</i>	<i>Persons per Housing Unit</i>	<i>Impact Fee per Housing Unit</i>
<i>(finished floor area)</i>		<i>All Housing Unit Types</i>	<i>All Housing Unit Types</i>
Residential (by square feet of finished living space)			
600	Dwelling Unit	1.17	\$193
800	Dwelling Unit	1.47	\$242
1,000	Dwelling Unit	1.70	\$280
1,200	Dwelling Unit	1.89	\$311
1,400	Dwelling Unit	2.05	\$338
1,600	Dwelling Unit	2.19	\$361
1,800	Dwelling Unit	2.32	\$382
2,000	Dwelling Unit	2.42	\$399
2,200	Dwelling Unit	2.52	\$415
2,400	Dwelling Unit	2.61	\$430
2,600	Dwelling Unit	2.70	\$445
2,800	Dwelling Unit	2.78	\$458
3,000	Dwelling Unit	2.85	\$470
3,200	Dwelling Unit	2.91	\$480
3,400	Dwelling Unit	2.98	\$491
3600+	Dwelling Unit	3.04	\$501

Comparison to Current Impact Fees

Because the proposed land use categories have changed from the current City of Boulder Impact Fee schedule, the figure below provides a comparison of the **draft calculated cost per person** compared to the **current cost per person** from the current City of Boulder Impact Fee schedule for the residential component of the Fire category. It should be noted that the current cost per person shown below is calculated based on the adopted amount in 2010 and escalated per the annual increases the City has applied in its annual updates.¹⁷ Figure 49 compares the draft calculated cost to the current schedule for the residential component of the Fire category.

Figure 49. Fire Fee Comparison (Residential): Current Cost per Person to Updated Cost per Person

	Cost per Person (2016)	Current City of Boulder Impact Fee Cost per Person[^]	Increase / Decrease
Fire	\$165	\$102	\$63

[^] Cost as originally adopted in 2010 and inflated to current dollars (FY2016) using annual percentage increases per City of Boulder.

¹⁷ The annual increases are as follows:

<i>Fiscal Year</i>	<i>% Increase</i>
2011	0.0%
2012	0.0%
2013	4.7%
2014	1.8%
2015	3.2%
2016	2.0%

Nonresidential Impact Fees for Fire Facilities and Apparatus

Figure 50 shows the schedule of maximum allowable Fire impact fees for nonresidential development. For nonresidential land uses, such as a retail establishment, the number of employees per square feet (.00251) is multiplied by the capital cost per employee (\$244), for an impact fee of \$0.61 per square foot.

Figure 50. Fire Input Factors and Maximum Supportable Nonresidential Impact Fee Schedule

<i>Level Of Service</i>	<i>Factors</i>	
		<u><i>Per Employee</i></u>
Fire Station Cost		\$112
Fire Storage Facility Cost		\$10
Fire Apparatus Cost		\$57
Fire Station Land Cost		\$65
Debt Service Cost		\$0
Net Capital Cost		\$244

NONRESIDENTIAL IMPACT FEES			
<i>Nonresidential Land Use</i>	<i>Development Unit</i>	<i>Jobs per Development Unit</i>	<i>Impact Fee per Development Unit</i>
Retail / Restaurant / Service	Square Feet of Floor Area	0.00251	\$0.61
Office	Square Feet of Floor Area	0.00359	\$0.87
Light Industrial	Square Feet of Floor Area	0.00231	\$0.56
Warehousing	Square Feet of Floor Area	0.00092	\$0.22
Institutional	Square Feet of Floor Area	0.00081	\$0.19
Hospital	Square Feet of Floor Area	0.00294	\$0.71
Nursing Home/Assisted Living	Bed	0.84	\$204.00
<i>Nursing Home/Assisted Living*</i>	<i>Square Feet of Floor Area</i>	<i>0.0021</i>	<i>\$0.13</i>
Lodging	Room	0.57	\$139.00
<i>Lodging**</i>	<i>Square Feet of Floor Area</i>	<i>0.00095</i>	<i>\$0.06</i>

* For illustration and comparison with per square foot impact fees, assumes an average of 400 sq. ft. per bed

** For illustration and comparison with per square foot impact fees, assumes an average of 600 sq. ft. per room

Comparison to Current Impact Fees

Because the proposed land use categories have changed from the current City of Boulder Impact Fee schedule, the figure below provides a comparison of the **draft calculated cost per employee** compared to the **current cost per employee** from the current City of Boulder Impact Fee schedule for the nonresidential component of the Fire category. It should be noted that the current cost per employee shown below is calculated based on the adopted amount in 2010 and escalated per the annual increases the City has applied in its annual updates.¹⁸ Figure 51 compares the draft calculated cost to the current schedule for the nonresidential component of the Fire category.

Figure 51. Fire Fee Comparison (Nonresidential): Current Cost per Employee to Updated Cost per Employee

	Cost per Employee (2016)	Current City of Boulder Impact Fee Cost per Employee[^]	Increase / Decrease
Fire	\$244	\$143	\$101

[^] Cost as originally adopted in 2010 and inflated to current dollars (FY2016) using annual percentage increases per City of Boulder.

¹⁸ The annual increases are as follows:

<i>Fiscal Year</i>	<i>% Increase</i>
2011	0.0%
2012	0.0%
2013	4.7%
2014	1.8%
2015	3.2%
2016	2.0%

Projected Revenue

The revenue projection shown in Figure 52 is calculated based on the preliminary calculated 2016 Fire Impact Fee and the development projections described in the land use assumptions (Appendix A). To the extent the rate of development either accelerates or slows down, there will be a corresponding change in Impact Fee revenue and the timing of the need for capital improvements.

Figure 52. Projected Fire Impact Fee Revenue

		<i>Residential</i>	<i>Industrial</i>	<i>Retail</i>	<i>Office and Other Services</i>
<i>Fee (Wtd Avg)</i>		\$353	\$0.56	\$0.61	\$0.87
		per housing unit	per sq. ft.	per sq. ft.	per sq. ft.
<i>Year</i>		<i>Housing Units</i>	<i>Square Feet</i>	<i>Square Feet</i>	<i>Square Feet</i>
Base	2015	45,740	13,576,996	8,565,611	14,848,416
Year 1	2016	46,012	13,670,663	8,624,414	14,950,360
Year 2	2017	46,288	13,765,405	8,683,890	15,053,473
Year 3	2018	46,566	13,860,809	8,743,783	15,157,308
Year 4	2019	46,846	13,956,881	8,804,095	15,261,869
Year 5	2020	47,127	14,053,626	8,864,830	15,367,162
Year 6	2021	47,409	14,151,048	8,925,989	15,473,193
Year 7	2022	47,694	14,249,152	8,987,577	15,579,965
Year 8	2023	47,980	14,347,942	9,049,596	15,687,486
Year 9	2024	48,268	14,447,424	9,112,049	15,795,758
Year 10	2025	48,557	14,547,603	9,174,939	15,904,789
<i>Ten-Yr Increase</i>		2,817	970,607	609,328	1,056,373
<i>Projected Revenue =></i>		\$994,538	\$543,540	\$371,690	\$919,044
		<i>Total Projected Revenue =></i>			\$2,828,812

Implementation and Administration

All costs in the impact fee calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments can be made as part of the recommended annual evaluation and update of impact fees. One approach is to adjust for inflation in construction costs by means of an index specific to construction as opposed to the consumer price index (CPI), which is more general in nature. TischlerBise recommends using the Marshall Swift Valuation Service or Engineering News Record (ENR), which provides comparative cost multipliers for various geographies and types of construction. The multipliers can be applied against the calculated impact fee. If cost estimates change significantly the City should redo the fee calculations.

There are certain accounting procedures that should be followed by the City. For example, monies received should be placed in a separate fund and accounted for separately and may only be used for the purposes authorized in the impact fee ordinance. Interest earned on monies in the separate fund should be credited to the fund.

Credits and Reimbursements

Future Revenue Credits

There are three basic approaches used to calculate impact fees and each is linked to different credit methodology. The first major type of impact fee method is a cost recovery approach. This method is used for facilities that have adequate capacity to accommodate new development for at least a five to six year time frame. The rationale for the cost recovery is that new development is paying for its share of the useful life or remaining capacity of the existing facility. When using a cost recovery method, it is important to determine whether new development has already contributed toward the cost of existing public facilities. This type of credit is not necessary as new growth will pay its share of debt incurred for land purchased for Municipal Facilities through the impact fees.

A second basic approach used to calculate impact fees is the incremental expansion cost method. This method documents current factors and is best suited for public facilities that will be expanded incrementally in the future. Because new development will provide front-end funding of infrastructure, there is a potential for double payment of capital costs due to future principal

payments on existing debt for public facilities. A credit is not necessary for interest payments if interest costs are not included in the impact fees. This type of credit is not necessary for any of the impact fees calculated herein as there is no outstanding debt for capacity expansions.

A third basic approach used to calculate impact fees is the plan-based method. This method is based on future capital improvements needed to accommodate new development. The plan-based method may be used for public facilities that have commonly accepted service delivery factors to determine the need for future projects or the jurisdiction plans to significantly increase the current level of service standards. If a plan-based approach is used to derive impact fees, the credit evaluations should focus on future dedicated revenues that will fund growth-related capital improvements. This type of credit is not necessary for the fees calculated herein.

Site-Specific Credits

If a developer constructs a system improvement that was included in the fee calculations, it will be necessary to either reimburse the developer or provide a credit against the fees in the area benefiting from the system improvement. Project improvements normally required as part of the development approval process are not eligible for credits or offsets against impact fees. Specific policies and procedures related to site-specific credits or developer reimbursements for system improvements should be addressed in the ordinance that establishes the City's fees.

Based on TischlerBise's experience, it is better for the City to establish a reimbursement agreement with the developer that constructs a system improvement rather than provide a credit off of the fee. The latter is often more difficult to administer because it creates unique fees for specific geographic areas. The reimbursement agreement should be limited to a payback period of no more than ten years and the City should not pay interest on the outstanding balance. The developer must provide sufficient documentation of the actual cost incurred for the system improvement. The City of Boulder should only agree to pay the lesser of the actual construction cost or the estimated cost used in the impact fee analysis. If the City pays more than the cost used in the fee analysis, there will be insufficient fee revenue. Reimbursement agreements should only obligate the City to reimburse developers annually according to actual fee collections from the benefiting area.

Collection and Expenditure Zones

The reasonableness of impact fees is determined in part by their relationship to the local government's burden to provide necessary public facilities. The need to show a benefit usually requires communities to evaluate collection and expenditure zones for public facilities that have distinct geographic service areas. Consideration of zones will enable the City to show that developments paying fees are benefiting from the provision of additional capital improvements.

TischlerBise recommends a citywide fee for all impact fee calculated herein. All improvements covered under the impact fee program are derived based on citywide demand and will have a citywide benefit.

Appendix A. Land Use Memo and Demographic Data



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To: Chris Meschuk, AICP
Senior Planner, Department of Community Planning & Sustainability
City of Boulder

From: Dwayne Guthrie, Ph.D., AICP, and Julie Herlands, AICP
TischlerBise

Date: September 20, 2016

RE: Land Use Assumptions for Impact Fee/Excise Tax Studies

Attached please find Draft Land Use Assumptions for the Impact Fee/Excise Tax Studies. This document will become an Appendix to the final report(s) developed for this assignment.

Please let us know if there are any comments or questions. Thank you.

Appendix A: Demographic Data

The population, housing unit, and job projections contained in this document provide the foundation for the Impact Fee/Excise Tax update for the City of Boulder. To evaluate the demand for growth-related infrastructure from various types of development, TischlerBise prepared documentation on population, housing units, jobs, nonresidential floor area, Average Weekday Vehicle Trip Ends (AWVTE), and demand indicators by type and size of dwelling. These metrics (explained further below) are the service units and demand indicators that will be used in the impact fee update.

Impact fees are based on the need for growth-related improvements and they must be proportionate by type of land use. Demographic data and development projections will be used to demonstrate proportionality and anticipate the need for future infrastructure. All land use assumptions and projected growth rates are consistent with socioeconomic data from the 2015 Boulder Valley Comprehensive Plan Trends Report. In contrast to the Comprehensive Plan, that has a long-range horizon, impact fees/excise taxes require a quantitative analysis with a shorter focus. Typically, impact fee studies look out five to ten years, with the expectation that fees will be periodically updated (e.g., every 5 years). Infrastructure standards are calibrated using Fiscal Year 2015 data, with FY16 being the first projection year. In the City of Boulder, the fiscal year begins on January 1st.

Impact Fee/Excise Tax Service Area

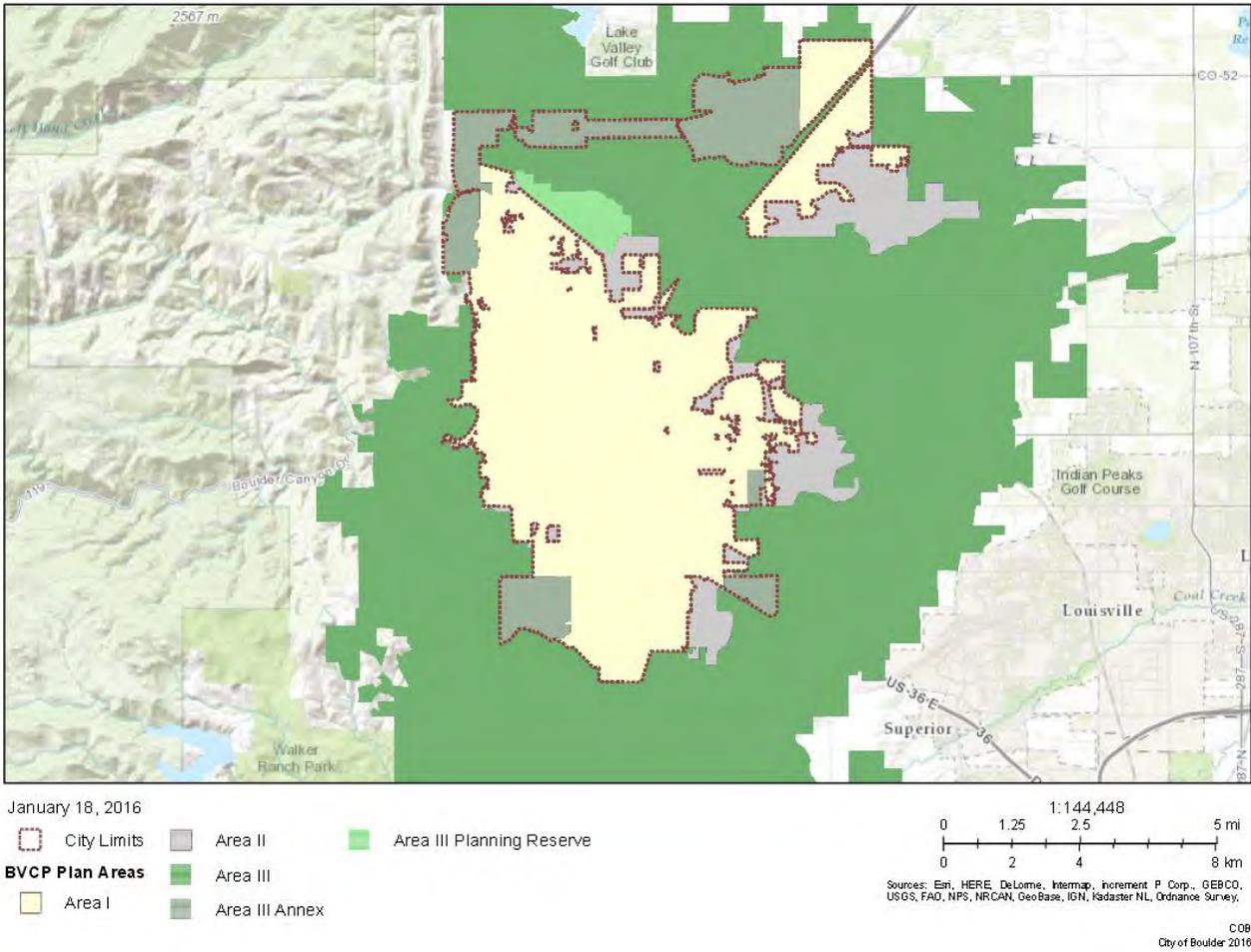
The City of Boulder is part of the Boulder Valley planning area, which is comprised of three areas:

- Area I is the urbanized area of the city.
- Area II is under county jurisdiction but where annexation to the city can be considered and where new urban development may occur coincident with adequate facilities and services.
- Area III is the remaining area in the Boulder Valley, generally under county jurisdiction and where the city and county intend to preserve existing rural land uses and character.¹

The service area for the Impact Fee/Excise Tax study is the city limits. City estimates for 2015 and projections for 2015 to 2040 from the *2015 Boulder Valley Comprehensive Plan (BVCP) Trends Report* are used in this analysis and reflect development within Boulder City limits as defined in the BVCP. **For growth projections, city limits includes future development in both Area I and annexed portions of Area III.**

¹ 2015 BVCP Trends Report.

Figure A1: City of Boulder Planning Areas



Summary of Growth Indicators

Key development projections for the City of Boulder Impact Fee/Excise Tax study are housing units and nonresidential floor area, as shown in Figure A2. These projections will be used to estimate impact fee/excise tax revenue and to indicate the anticipated need for growth-related infrastructure. The goal is to have reasonable projections without being overly concerned with precision. Because impact fee methods are designed to reduce sensitivity to development projections in the determination of the proportionate-share fee amounts, if actual development is slower than projected, fee revenue will decline, but so will the need for growth-related infrastructure. In contrast, if development is faster than anticipated, the City will receive an increase in fee revenue, but will also need to accelerate infrastructure improvements to keep pace with the actual rate of development.

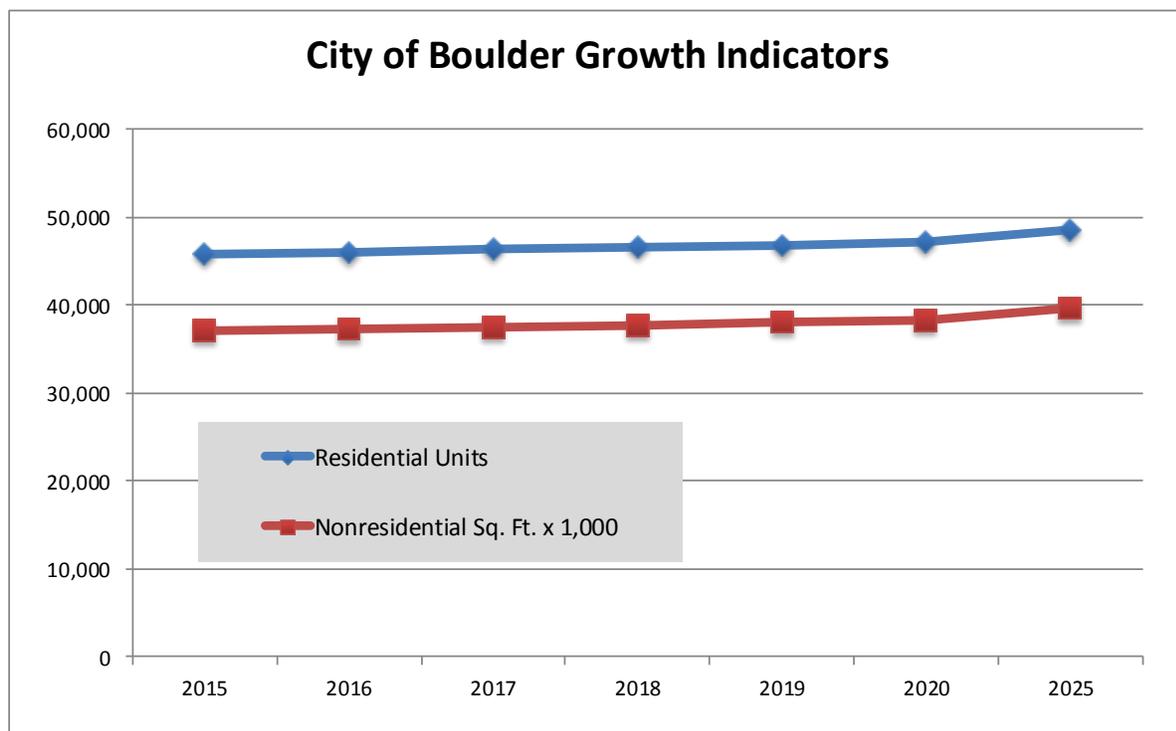
During the next five years, the 2015-2016 impact fee update expects an average increase of 282 housing units per year in the City. In comparison, 365 housing units on average were added per year from 2010 to 2014 and 387 units per year on average from 2004 to 2014.²

For nonresidential development, over the next five years, the City of Boulder expects an average increase of 264,000 square feet of nonresidential floor area per year. Current estimates of floor area by type of nonresidential development are discussed below (see Figure A10 and related text).

² Because approximately 80 percent of recent housing development in the City is multifamily units, development activity is relatively “lumpy,” with yearly increases and decreases reflecting completion of multifamily buildings with multiple buildings coming online as opposed to single units.

Figure A2: Summary of Development Projections and Growth Rates

City of Boulder	10-Year Projection Period								Increase	Compound Growth Rate	
	One-Year Intervals					5-Year Interval		2015 to 2025 Average Annual			
	2015	2016	2017	2018	2019	2020	2025				
Residential Units	45,740	46,012	46,288	46,566	46,846	47,127	48,557	282	0.62%		
Nonresidential Sq. Ft. x 1,000	36,991	37,245	37,503	37,762	38,023	38,286	39,627	264	0.71%		

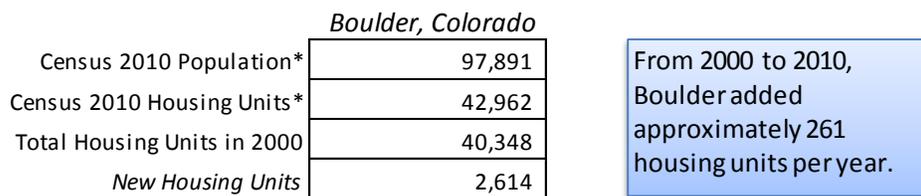


Sources: Figure A12: Population and Housing Unit Projections; Figure A13: Projected Jobs and Nonresidential Floor Area

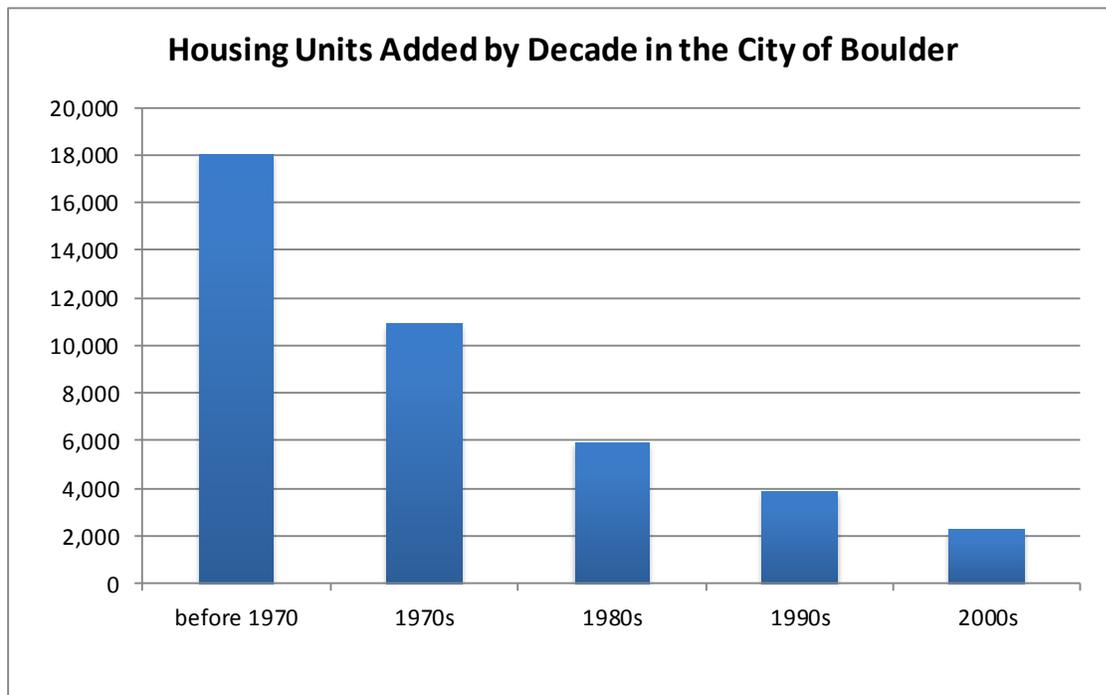
Residential Construction

From 2000 to 2010, the City of Boulder increased by an average of 261 housing units per year. Figure A3 indicates citywide housing units added by decade in the city, according to data obtained from the U.S. Census Bureau and the 2015 BVCP Trends Report. Consistent with the nationwide decline in development activity during the Great Recession, residential construction slowed significantly from 2008 to 2010, thus decreasing the number of units added during the past decade. However, development activity has increased in recent years, and the City of Boulder estimates that over the last five years (2010 through 2014), approximately 365 units have been built per year.

Figure A3: Housing Units by Decade



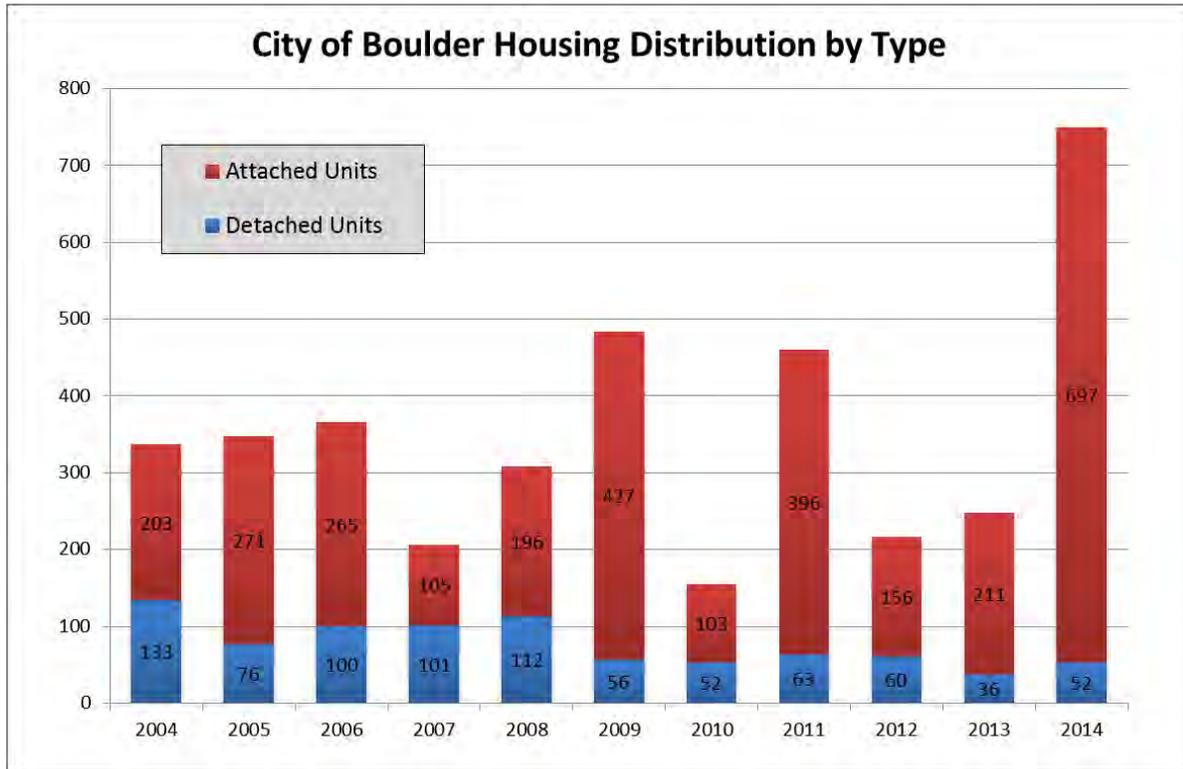
* From City of Boulder, 2015 BVCP Trends Report.



Sources: City of Boulder, 2015 BVCP Trends Report; US Census American Community Survey

Furthermore, recent residential development in the City has been in multifamily structures rather than detached, single family homes. Figure A4 provides detail on residential construction over the last ten years illustrating the recent demand and absorption of multifamily units at a recent trend of approximately 80 percent multifamily attached and 20 percent single family detached, which is consistent with the distribution assumed in the BVCP projections

Figure A4: City of Boulder Housing Unit Distribution Trends by Type



Source: 2015 BVCP Trends Report

Figure A5: City of Boulder Housing Unit 10-Year and 5-Year Trends by Type

	10-Yr Trend	5-Yr Trend
Detached Units	708	263
Attached Units	2,827	1,563
Total Net Increase	3,535	1,826
<i>Average Annual</i>	354	365
Detached %	20%	14%
Attached %	80%	86%

Source: 2015 BVCP Trends Report

Residential Demand Factors

The 2010 Census did not obtain detailed information using a “long-form” questionnaire. Instead, the U.S. Census Bureau has switched to a continuous monthly mailing of surveys, known as the American Community Survey (ACS), which is limited by sample-size constraints. For example, data on detached housing units are now combined with attached single units (commonly known as townhouses). Part of the rationale for deriving fees by bedroom range, as discussed further below, is to address this ACS data limitation. Because townhouses generally have fewer bedrooms and less living space than detached units, fees by house size ensure proportionality and facilitate construction of affordable units.

According to the U.S. Census Bureau, a household is a housing unit that is occupied by year-round residents. Impact fees often use per capita standards and persons per housing unit, or persons per household, to derive proportionate-share fee amounts. TischlerBise recommends that fees for residential development in Boulder be imposed according to the number of year-round residents per housing unit. Figure A6 indicates the average number of year-round residents per housing unit.

Figure A6: Year-Round Persons per Unit by Type of Housing

2013 Summary by Two House Types: City of Boulder

<i>Units in Structure</i>	<i>Persons</i>	<i>Households</i>	<i>Persons per Household</i>	<i>Housing Units</i>	<i>Persons per Housing Unit</i>	<i>Housing Mix</i>	<i>Vacancy Rate</i>
Single Unit*	57,742	22,479	2.57	23,284	2.48	52.9%	3%
All Other	36,747	19,828	1.85	20,767	1.77	47.1%	5%
Subtotal	94,489	42,307	2.23	44,051	2.14		4%
Group Quarters	<u>8,674</u>						
TOTAL	<u>103,163</u>						

* Single unit includes detached and attached (e.g. townhouse).

Source: Tables B25024, B25032, B25033, and B26001.

2013 American Community Survey 1-Year Estimates, U.S. Census Bureau.

Demand Indicators by Dwelling Size

Custom tabulations of demographic data by bedroom range can be created from individual survey responses provided by the U.S. Census Bureau, in files known as Public Use Micro-data Samples (PUMS). PUMS files are available for areas of roughly 100,000 persons, and the City of Boulder is wholly contained in Public Use Micro-data Areas (PUMA) 803. At the top of Figure A7, in the cells with yellow shading, are the survey results for the City of Boulder. Unadjusted persons per dwelling, derived from PUMS data, were adjusted upward to match the control totals for the City of Boulder, as documented above in Figure A6.

Figure A7: Average Number of Persons by Bedroom Range (All Housing Types)

City of Boulder 2013 Data

<i>Bedroom Range</i>	<i>Persons (1)</i>	<i>Vehicles Available (1)</i>	<i>Housing Units (1)</i>	<i>Boulder Hsg Mix</i>	<i>Unadjusted Persons/HU</i>	<i>Adjusted Persons/HU (2)</i>
0-1	114	89	89	19%	1.28	1.31
2	220	162	121	25%	1.82	1.86
3	296	236	134	28%	2.21	2.26
4+	372	300	135	28%	2.76	2.83
Total	1,002	787	479		2.09	2.14

(1) American Community Survey, Public Use Microdata Sample for CO PUMA 803 (2013 One-Year unweighted data).
 (2) Adjusted multipliers are scaled to make the average PUMS values match control totals based on American Community Survey 2013 1-year data for the City of Boulder.

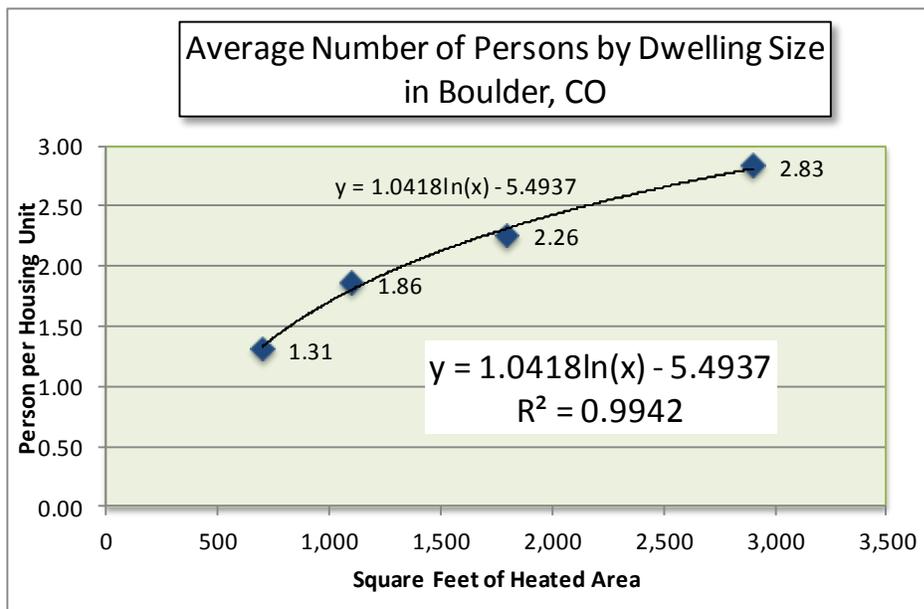
Average Number of Persons by Dwelling Size

Average floor area and number of persons by bedroom range are plotted in Figure A8, with a logarithmic trend line derived from four actual averages in the City. Using the trend line formula shown in the chart, TischlerBise derived the estimated average number of persons, by dwelling size, using five size thresholds. For the purpose of impact fees/excise taxes, TischlerBise recommends a minimum fee based on a unit size of 600 square feet and a maximum fee for units 3600 square feet or larger. Average dwelling sizes by bedroom range in the City was derived from the Property Assessor parcel database.

Figure A8: Persons by Square Feet of Living Space (All Housing Types)

Average dwelling size by bedroom range is from Property Assessor parcel database. Average persons per housing unit by bedroom range are derived from 2013 1-Year ACS PUMS data for CO PUMA 803 (City of Boulder).

Actual Averages per Hsg Unit			Fitted-Curve Values	
Bedrooms	Square Feet	Persons	Square Feet	Persons
0-1	700	1.31	600	1.17
2	1,100	1.86	800	1.47
3	1,800	2.26	1000	1.70
4+	2,900	2.83	1200	1.89
			1400	2.05
			1600	2.19
			1800	2.32
			2000	2.42
			2200	2.52
			2400	2.61
			2600	2.70
			2800	2.78
			3000	2.85
			3200	2.91
			3400	2.98
			3600+	3.04



Nonresidential Development Demand Indicators

In addition to data on residential development, the calculation of impact fees requires data on nonresidential development. TischlerBise uses the term “jobs” to refer to employment by place of work.

Figure A9 indicates the key nonresidential development prototypes that will be used to derive average weekday vehicle trips and Vehicle Miles of Travel (VMT). Current floor area estimates for industrial, commercial, and office/other services, are documented in the next section.

The prototype for future commercial development (i.e., retail and eating/drinking places) is an average-size Shopping Center (ITE code 820). For office and other services, General Office (ITE 710) is the prototype for future development. For future industrial development, two prototypes are included to reflect differences between Light Industrial (ITE code 110) and Warehouse (ITE code 150). (Current industrial estimates and projections use local data.) The remaining nonresidential land use categories included below are anticipated to be included in the impact fee schedule. ITE data for nonresidential land uses are used to reflect the relative average demand on the system from different types of land uses to be used in limited parts of the Impact Fee/Excise Tax Study—Police Impact Fee update and the Multimodal Transportation Funding Study. Further adjustments are anticipated to be made regarding these assumptions particularly for the Multimodal Transportation components of the Study as it progresses.

Figure A9: Nonresidential Service Units per Development Unit

<i>Nonres. Category#</i>	<i>ITE Code</i>	<i>Nonresidential Land Use</i>	<i>Development Unit</i>	<i>ITE Trip Rate per Development Unit</i>	<i>Employees per Development Unit*</i>	<i>Sq. Ft. per Employee*</i>
1	820	Retail / Restaurant / Service	1,000 Sq Ft	42.7	2.51	399
2	710	Office	1,000 Sq Ft	11.03	3.59	279
3	110	Light Industrial [^]	1,000 Sq Ft	6.97	2.31	433
4	150	Warehousing [^]	1,000 Sq Ft	3.56	0.92	1,087
5	520	Institutional ^{**}	1,000 Sq Ft	14.03	0.81	1,235
6	610	Hospital	1,000 Sq Ft	13.22	2.94	340
7	620	Nursing Home/Assisted Living	Bed	2.74	0.84	na
8	310	Lodging	Room	8.17	0.57	na

* Factors derived from ITE trip data except Retail and Office, which is derived from local data (parcel database and current jobs)

[^] Two industrial categories are included here for use in the Impact Fee schedule due to different demand indicators between industrial subcategories.

** Institutional = E.g., schools, churches

Sources: Trip Generation, Institute of Transportation Engineers (ITE), 9th Edition (2012);

Boulder County parcel database for City of Boulder (TischlerBise analysis); QCEW 2014 (CO Dept. of Labor and Employment)

Figure A10 provides the estimate of number and type of jobs located in the City of Boulder in 2015. The 2015 total job estimate of 98,510 is from the City of Boulder *2015 BVCP Trends Report* and reflects total of jobs of any type and any location including self-employment. To determine the estimate of jobs at nonresidential locations, TischlerBise used average annual 2014 Quarterly Census of Employment and Wages (QCEW) data for the City of Boulder and applied that distribution to the 2015 at-place estimate of 89,202.

Figure A10: Jobs Estimate by Type

	<i>Jobs 2014*</i>	<i>% of At-Place</i>	<i>Jobs 2015^</i>	<i>% of Total Jobs</i>
Retail / Restaurant / Services	21,232	24%	21,482	22%
Office / Institutional	52,647	60%	53,268	54%
Industrial	14,283	16%	14,451	15%
Total (At Place Jobs)	88,162	100%	89,202	91%
Self-Employed Estimate**			9,308	9%
Total Jobs			98,510	100%

* Colorado Dept. of Labor and Employment, *Quarterly Census of Employment and Wages (QCEW) 2014 average annual.*

^ City of Boulder 2015 for estimate of at-place jobs and self-employed; distributed based on QCEW 2014 data.

** City of Boulder 2015 estimate.

Using the above data and nonresidential floor area from the City’s parcel database, average square feet per job (and jobs per 1,000 square feet) can be derived. The City currently has approximately 37 million square feet of nonresidential building space in 2015. Dividing floor area by jobs indicates current averages by type of development as shown in Figure A11.

Figure A11: Nonresidential Floor Area Estimates and Demand Factors

	<i>Sq. Ft.*</i>	<i>Jobs 2015^</i>	<i>% Jobs Distribution</i>	<i>Sq. Ft. per Job</i>	<i>Jobs per 1,000 Sq. Ft.</i>
Retail / Restaurant / Services	8,565,611	21,482	24%	399	2.51
Office / Institutional	14,848,416	53,268	60%	279	3.59
Industrial**	13,576,996	14,451	16%	940	1.06
Total Nonresidential	36,991,023	89,202	100%		

* County parcel database for City of Boulder; TischlerBise analysis

^ City of Boulder 2015 for estimate of at-place jobs and self-employed; distributed based on QCEW 2014 data.

** Industrial jobs and square footage reflects the estimated aggregated industrial development of all subcategories in the City of Boulder; therefore the blended average jobs per 1,000 sq. ft. differs from Figure A10.

Detailed Land Use Assumptions

Demographic data shown in Figure A12 will be key inputs for the City of Boulder’s impact fee/excise tax update. Cells with gray shading are from the *2015 BVCP Trends Report*. Per the City projections, it is anticipated that the City will reach residential buildout at 52,000 housing units and 123,000 residents, which occurs prior to 2040.

New housing development is assumed to be predominantly multifamily development. Using recent trends, as shown above in Figure A4 from the *2015 BVCP Trends Report*, new housing units are assumed to be 20 percent single family and 80 percent multifamily.

Figure A12: Population and Housing Unit Projections

	2015	Projections ==>									25-Year Net Increase
		2016	2017	2018	2019	2020	2025	2030	2035	2040	
	Base Yr	1	2	3	4	5	10	15	20	25	
Cumulative Population											
Population [^]	104,808	105,566	106,324	107,082	107,840	108,598	112,388	116,178	119,968	123,000	18,192
Annual Net Increase in Population		758	758	758	758	758	758	758	758	0	
Cumulative Housing Units											
	New %										
Housing Units [^]	45,740	46,012	46,288	46,566	46,846	47,127	48,557	50,032	51,551	52,010	6,270
Single Family Hsg Units	20%	24,242	24,297	24,352	24,407	24,463	24,520	24,806	25,101	25,404	1,254
All Other Hsg Units	80%	21,498	21,716	21,937	22,159	22,382	23,752	24,931	26,146	26,514	5,016
Annual Net Increase in Housing Units		272	276	278	279	281	290	298	307	0	6,270

[^] Includes Colorado University group quarters population (in dormitories) and residential units (apartments)
Source: 2015 BVCP Trends Report; TischlerBise analysis

Figure A13 provides projected jobs, by type of nonresidential floor area. Cells with gray shading are from the *2015 BVCP Trends Report*.

Projected jobs (shown at top of the figure) were converted to projections of nonresidential floor area (at the bottom of the figure) using the current multipliers listed above in Figure A9. The projected “jobs to population” ratio is shown at the bottom of the figure for informational purposes.

Figure A13: Projected Jobs and Nonresidential Floor Area

	Projections ==>										25-Year Net Increase	
	2015	2016	2017	2018	2019	2020	2025	2030	2035	2040		
	Base Yr	1	2	3	4	5	10	15	20	25		
<i>5-Year Intervals</i>												
Cumulative Jobs												
Total Employment	98,510	99,187	99,871	100,561	101,255	101,954	105,523	109,219	113,047	117,010	18,500	
<i>Annual Net Increase in Jobs</i>		677	685	689	694	699	724	750	776	804		
	<i>% of Total</i>											
Retail / Restaurant / Services	22%	21,482	21,630	21,779	21,930	22,081	22,233	23,012	23,818	24,652	25,517	4,034
Office / Institutional	54%	53,268	53,634	54,004	54,377	54,753	55,131	57,061	59,059	61,129	63,272	10,003
Industrial	15%	14,451	14,551	14,651	14,752	14,854	14,957	15,480	16,022	16,584	17,165	2,714
Total (At Place Jobs)		89,202	89,815	90,435	91,059	91,688	92,321	95,553	98,899	102,365	105,954	16,752
Self-Employed Estimate	9%	9,308	9,372	9,437	9,502	9,567	9,633	9,971	10,320	10,682	11,056	1,748
Total Jobs		98,510	99,187	99,871	100,561	101,255	101,954	105,523	109,219	113,047	117,010	18,500
Annual Net Increase in Jobs												
Retail / Restaurant / Services			148	149	150	151	152	158	163	169	175	4,034
Office / Institutional			366	370	373	375	378	391	405	420	435	10,003
Industrial			99	100	101	102	103	106	110	114	118	2,714
Total (At Place Jobs)			613	620	624	629	633	655	679	703	728	16,752
Self-Employed Estimate			64	65	65	66	66	68	71	73	76	1,748
Total Jobs			677	685	689	694	699	724	750	776	804	18,500
Nonresidential Square Footage												
	<i>Jobs/1000sf</i>											
Retail / Restaurant / Services	2.51	8,565,611	8,624,414	8,683,890	8,743,783	8,804,095	8,864,830	9,174,939	9,496,055	9,828,568	10,172,884	1,607,273
Office / Institutional	3.59	14,848,416	14,950,360	15,053,473	15,157,308	15,261,869	15,367,162	15,904,789	16,461,497	17,037,966	17,634,895	2,786,479
Industrial	1.06	13,576,996	13,670,663	13,765,405	13,860,809	13,956,881	14,053,626	14,547,603	15,059,113	15,588,778	16,137,243	2,560,247
Total Nonresidential Square Footage		36,991,023	37,245,437	37,502,768	37,761,900	38,022,846	38,285,618	39,627,331	41,016,665	42,455,312	43,945,021	6,953,998
<i>Annual Net Increase in Nonres Sq. Ft.</i>			254,414	257,331	259,132	260,946	262,773	272,099	281,757	291,757	302,113	
Population		104,808	105,566	106,324	107,082	107,840	108,598	112,388	116,178	119,968	123,000	18,192
Jobs to Population Ratio		0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.95	1.02

Source: 2015 BVCP Trends Report; TischlerBise analysis



2016 Transportation Development Impact Fee Study

Prepared for:
City of Boulder, Colorado

September 20, 2016

TischlerBise
FISCAL | ECONOMIC | PLANNING

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EXECUTIVE SUMMARY

As part of the 2016 transportation work scope, TischlerBise will prepare three products for the City of Boulder. This document focuses on the capital cost of transportation improvements needed to accommodate new development assuming more rigorous Development Impact Fee (DIF) legal requirements. A second work product will provide a Development Excise Tax (DET) study for a broader set of growth-related transportation improvements. The third work product will focus on operational costs and on-going maintenance of Boulder's multimodal transportation system.

As a revenue raising mechanism, an excise tax has less restrictive legal constraints than an impact fee. The latter is a form of land use regulation, imposed under the City's police power, for the purpose of health, safety, and welfare. In Colorado, local governments must establish an impact fee at a level no greater than necessary to defray projected impacts caused by, and directly related to, proposed development. Also, impact fees may only be used for capital facilities, excluding replacement of infrastructure and correcting existing deficiencies [see CRS 29-20-104.5].

This report complies with Colorado's impact fee enabling legislation and applicable legal precedents. The proposed 2016 Transportation DIF schedule is proportionate and reasonably related to the growth cost of capital facilities needed to serve new development [see CRS 29-20-104.5 (1) and (2)]. Specific costs have been identified using local data and current dollars. With input from City staff, TischlerBise determined demand indicators for transportation capacity and calculated proportionate share factors to allocate costs by type of development. Transportation DIF methodologies also identify the extent to which new development is entitled to various types of credits to avoid potential double payment of growth-related capital improvements.

GENERAL IMPACT FEE METHODS

In contrast to project-level improvements, impact fees fund the growth cost of infrastructure that will benefit multiple development projects, or the entire jurisdiction (referred to as system improvements). There are three general methods for calculating one-time development charges for public facilities needed to accommodate new development. The choice of a particular method depends primarily on the timing of infrastructure construction (past, concurrent, or future) and service characteristics of the facility type being addressed. Each method has advantages and disadvantages in a particular situation, and can be used simultaneously for different cost components.

Reduced to its simplest terms, the process of calculating infrastructure costs for new development involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, impact fee calculations can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss three basic methods and how those methods can be applied in Boulder.

Cost Recovery (past improvements)

The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.

Incremental Expansion (concurrent improvements)

The incremental expansion method documents current level-of-service (LOS) standards for each type of public facility, using both quantitative and qualitative measures. This approach ensures that there are no existing infrastructure deficiencies or surplus capacity in infrastructure. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increment to keep pace with development.

Plan-Based (future improvements)

The plan-based method allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a capital improvements plan and development potential is identified by land use assumptions. There are two options for determining the cost per service unit: 1) total cost of a public facility can be divided by total service units (average cost), or 2) the growth-share of the public facility cost can be divided by the net increase in service units over the planning timeframe (marginal cost).

Credits

Regardless of the methodology, a consideration of “credits” is integral to legally defensible impact fee studies. There are two types of “credits” with specific characteristics, both of which should be addressed in studies and ordinances.

- First, a revenue credit might be necessary if there is a double payment situation and other revenues are contributing to the capital costs of infrastructure to be funded by DIF revenue. This type of credit is integrated into the DIF calculation, thus reducing the gross amount. In contrast to some studies that only provide general costs, with credits at the back-end of the analysis, Boulder’s 2016 transportation DIF study uses growth shares to provide an up-front reduction in total costs. Also, the 2016 study provides DIF revenue projections to verify that new development will fully fund the growth share of future infrastructure costs (i.e., only DIF revenue will pay for growth costs).
- Second, a site-specific credit or developer reimbursement might be necessary for dedication of land or construction of system improvements to be funded by DIF revenue. This type of credit is addressed in the administration and implementation of the impact fee program.

CONCLUSIONS

Because local government must quantify reasonable impacts caused by, and directly related to, proposed development [see CRS 29-20-104.5 (1) and (2)], the 2016 transportation study yields lower charges on new development. Proposed dollar amounts shown below are expected to yield just over one million dollars over the next ten years, which will cover the growth cost of planned enhancements to streets. In comparison, the current Transportation DET rate schedule will yield approximately \$11.5 million over the next ten years. TischlerBise also finds the current Transportation DET rate schedule to be inconsistent with best practices to ensure impact fees are proportionate to the need for capital facilities. For residential development, TischlerBise recommends a fee schedule based on dwelling size (measured by square feet of finished living space). To be proportionate, transportation impact fees should also differentiate by type of nonresidential development as shown in Figure DIF2. For ease of administration and comparison, the transportation DIF schedule is consistent with Boulder’s 2016 DIF study for all other types of infrastructure.

PROPOSED 2016 TRANSPORTATION DEVELOPMENT IMPACT FEE

Figure DIF1 summarizes the methods and cost components used in Boulder’s 2016 Transportation DIF study. Both the DIF and DET studies share the same types of improvements. The key difference between the two is that the proposed DET will fund multimodal improvements, such as bus, bike, pedestrian facilities and the DIF will fund street improvements for vehicles and freight.

Figure DIF1: Proposed Transportation DIF Methods and Cost Components

<i>Type of Improvements</i>	<i>Cost Allocation</i>	<i>Service Area</i>	<i>Plan-Based Method (future)</i>
<i>Streets</i>	Vehicle Miles of Travel	Citywide	Arterial/Collector Enhancements and Intersection Improvements

Figure DIF2 shows the proposed 2016 Transportation DIF schedule. For residential development, proposed amounts are based on square feet of finished living space. Garages, porches and patios are excluded from the DIF assessment. For nonresidential development, DIF rates are stated per square foot of floor area, except for "Nursing Home / Assisted Living" (per bed) and "Lodging" (per room). The proposed DIF schedule for nonresidential development is designed to provide a reasonable DIF amount for general types of development. For unique developments, the City may allow or require an independent assessment.

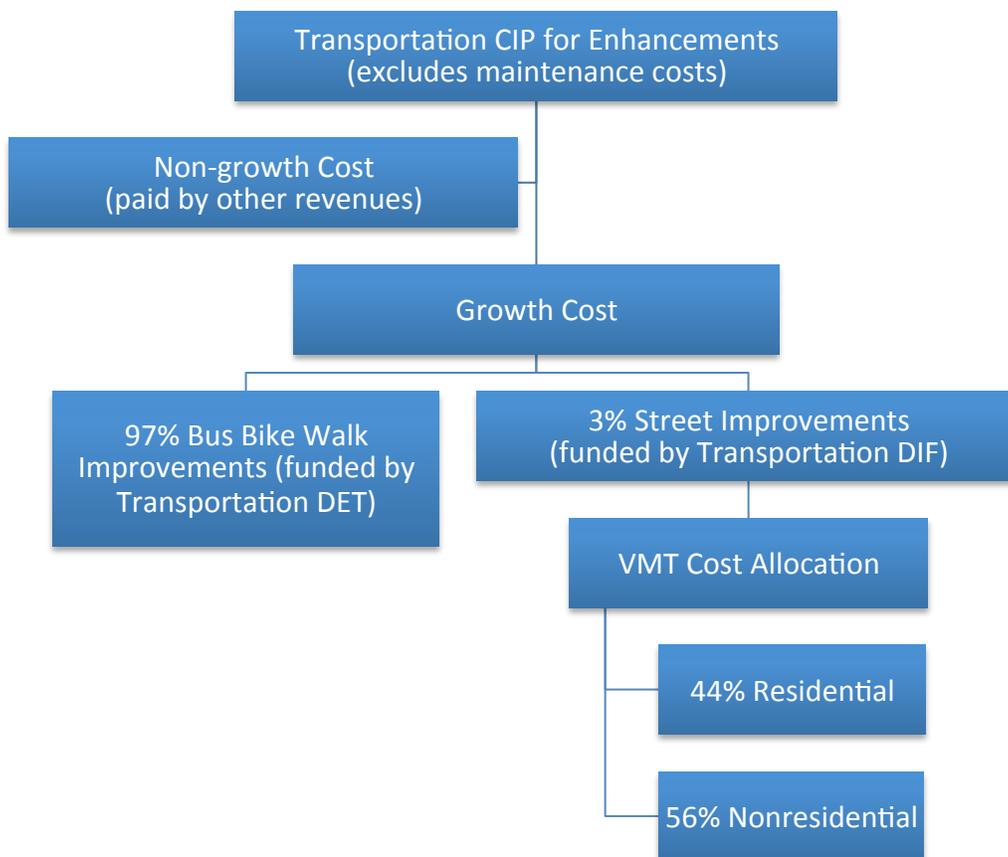
Figure DIF2: Proposed 2016 Transportation DIF Schedule

2016 Transportation DIF	<i>Development Unit</i>	<i>Proposed Transportation DIF</i>
Residential (by square feet of finished living space)		
600	Dwelling Unit	\$98
800	Dwelling Unit	\$125
1000	Dwelling Unit	\$146
1200	Dwelling Unit	\$164
1400	Dwelling Unit	\$178
1600	Dwelling Unit	\$191
1800	Dwelling Unit	\$202
2000	Dwelling Unit	\$212
2200	Dwelling Unit	\$221
2400	Dwelling Unit	\$229
2600	Dwelling Unit	\$237
2800	Dwelling Unit	\$244
3000	Dwelling Unit	\$250
3200	Dwelling Unit	\$256
3400	Dwelling Unit	\$262
3600+	Dwelling Unit	\$267
Nonresidential		
Retail / Restaurant	Square Foot	\$0.53
Office	Square Foot	\$0.22
Light Industrial	Square Foot	\$0.14
Warehousing	Square Foot	\$0.07
Institutional	Square Foot	\$0.18
Hospital	Square Foot	\$0.26
Nursing Home / Assisted Living	Bed	\$55
Lodging	Room	\$165

TRANSPORTATION DIF

The 2016 Transportation DIF study uses a plan-based methodology that includes improvements for vehicular travel on streets. Figure DIF3 provides an overview of the methodology. This study documents the general cost allocation between residential and nonresidential development, including detailed calculations used to derive specific DIF amounts by dwelling size and type of nonresidential development. From the universe of all projects in Boulder’s Capital Improvement Plan (CIP), which is based on the Transportation Master Plan (TMP), staff and consultants identified transportation improvements needed to accommodate new development over ten years. This study refers to these projects as “enhancements” to differentiate them from “maintenance” projects that are not eligible for impact fee funding. Also, each project was evaluated to quantify the reasonable impacts caused by, and directly related to, proposed development, as required by Colorado’s impact fee enabling legislation. These “growth costs” will be funded by DET and DIF revenue, with non-growth costs funded by other revenues. Staff determined that 97% of enhancement projects are for Bus Bike Walk facilities to be funded by the Transportation DET (primarily moving people), with the remaining 3% for street improvements (i.e. primarily moving vehicles and freight) to be funded by the Transportation DIF. The growth cost of street improvements was allocated according to estimated Vehicle Miles of Travel (VMT) for general types of development.

Figure DIF3: DIF Calculation Flow Chart



GROWTH SHARE OF FUTURE TRANSPORTATION ENHANCEMENTS

The 9.9% growth share is based on the projected average annual increase in person trips to and from Boulder from 2010 to 2035 (illustrated by Figure 3-22 in Boulder's State of the System Report). Because internal-external travel is most evident during morning and afternoon peak hours, it is a key factor in our perception of traffic congestion. Figure DIF4 provides a reasonable means of quantifying the minimum impact of growth on transportation facilities.

Figure DIF4: Person Trips To and From Boulder

Communities	2010	2035	Change	%Change
Broomfield	28,130	39,254	11,124	39.5%
Denver	13,643	14,416	773	5.7%
DIA	2,962	4,139	1,176	39.7%
ERIE	11,993	24,546	12,554	104.7%
Lafayette	18,613	21,564	2,950	15.9%
Longmont	40,976	47,774	6,798	16.6%
Lyons	1,892	1,968	77	4.0%
Louisville	25,799	26,214	415	1.6%
Superior	9,988	12,073	2,085	20.9%
TOTAL	153,995	191,947		

0.99% <= Average Annual Growth Rate

9.9% <= Percent Increase Over Ten Years

Data source

H:\Projects - Open\A-E\BOULDER Transit Master Plan 2012.777\05 Background\Travel Demand Model\Person_Trips

CAPITAL IMPROVEMENTS PLAN FOR TRANSPORTATION FACILITIES

Colorado's enabling legislation requires local government to quantify the reasonable impacts on capital facilities caused by, and directly related to proposed development. Boulder's current practice is to derive citywide impact fees and limit fee expenditures to projects that will benefit new development throughout the entire city. As shown in Figure DIF5, the ten-year growth cost of planned street enhancement projects is approximately \$1.12 million. Given the fact that Boulder is not expanding geographically (i.e. no significant additional transportation infrastructure on the periphery), the improvements listed below are primarily enhancements to existing facilities. Thus existing and new development will equally benefit from all projects except those with a 100% growth share. The four line items that are 100% attributable to new development are for development coordination, TIP scoping/prioritization and corridor studies. To account for grant funds, four line items in the table below have growth cost ranging from 16.1% to 49.5% of the local cost. These percentages were derived after applying the 9.9% growth allocation factor to the total project cost.

Figure DIF5: Growth Cost of Transportation Enhancements

CIP#	Description	Ten-Year Cost (less grants)	Growth-Related Enhancement Costs			Growth Share of Local Cost
			FY16-25 Bus Bike Walk	FY16-25 Streets		
310TR151NG	* Boulder Slough - 30th	Local share of multiuse path (to	\$96,000	\$47,500	\$0	49.5%
310TR480NC	East Arapahoe	Transportation Corridor Study	\$100,000	\$75,000	\$25,000	100.0%
310TR154NG	* 19th - Norwood to Up	Local share of reconstruction &	\$157,000	\$16,800	\$8,400	16.1%
310TD021OC	Citywide	Intersection improvements	\$200,000	\$4,000	\$15,800	9.9%
310TR479OC	30th & Colorado	Transportation Corridor Study	\$200,000	\$150,000	\$50,000	100.0%
310TR157NG	Citywide	Bldr Co/City Joint TIP Scoping &	\$289,000	\$289,000	\$0	100.0%
310D004OC	Citywide Funds 2810 & 3	Development coordination	\$450,000	\$337,500	\$112,500	100.0%
310TD019NC	28th St - Baseline to Iris	Complete street elements; turn	\$470,000	\$42,000	\$4,700	9.9%
310BJ002NC	Bluff & 30th St	Traffic signal	\$532,000	\$10,500	\$42,100	9.9%
310TR692OC	Citywide	Tributary greenways	\$585,000	\$57,900	\$0	9.9%
310TR112OC	Citywide	Pedestrian facilities enhance	\$750,000	\$74,300	\$0	9.9%
3102ABCK02	Boulder Creek	Path improvements	\$770,000	\$76,200	\$0	9.9%
310TR743NC	28th St - Valmont to Iris	Multimodal improvements	\$860,000	\$76,900	\$8,500	9.9%
3102ABCK01	Boulder Creek	Path lighting	\$979,680	\$97,000	\$0	9.9%
310TR692OC	Citywide	Bikeway facilities enhancement	\$1,350,000	\$133,700	\$0	9.9%
310TR152NG	* Broadway - Violet to H	Local share of reconstruction &	\$1,825,000	\$661,000	\$34,800	38.1%
3102ABCK03	Boulder Creek - Arapaho	Underpass	\$2,365,000	\$234,100	\$0	9.9%
310TR156NC	Boulder Creek & Aprapa	Reconstruction and multimoda	\$2,500,000	\$248,300	\$0	9.9%
310TR153NG	* 30th St & Colorado	Local share of bike/ped underp	\$3,150,000	\$588,500	\$149,600	23.4%
310TR773OC	Citywide	Pedestrian facilities repair/repl	\$3,774,000	\$375,500	\$0	9.9%
310TR003OC	Citywide	Major capital reconstruction an	\$4,800,000	\$436,900	\$39,700	9.9%
310TR052OG	Citywide Funds 2800 & 2	TIP local match & TMP implem	\$18,363,000	\$1,642,800	\$182,500	9.9%
Years 7-10	Citywide	Additional CIP Projects	\$29,710,500	\$3,783,600	\$449,100	14.2%
Action Plan	Railroad Quite Zone Improvements		\$5,000,000	\$712,319	\$0	14.2%
Action Plan	HOP Conversion to Clean Vehicles		\$12,000,000	\$1,709,567	\$0	14.2%
Action Plan	Community Transit Network Routes Converted to BRT		\$12,833,000	\$1,828,239	\$0	14.2%
Action Plan	East Circulator / Williams Village Improvements		\$16,301,000	\$2,322,304	\$0	14.2%
Action Plan	New and Modified Community Transit Network Routes		\$26,165,000	\$3,727,568	\$0	14.2%
Action Plan	Transit Capital Plan		\$38,900,000	\$5,541,845	\$0	14.2%
Action Plan	Other Bike/Ped Enhancements		\$50,757,000	\$7,231,040	\$0	14.2%
Ten-Year Total =>			\$236,232,180	\$32,531,881	\$1,122,700	14.2%
				97%	3%	

* Projects with grant funding; enhancement cost growth share is approximately 9.9% of total cost

\$33,654,581 <= Ten Year Growth Cost

\$202,577,599 <= Total to be funded by other revenues

VEHICLE MILES OF TRAVEL

Figure DIF5 above indicates street improvements to provide additional vehicular capacity account for 3% of the growth cost, or \$1.12 million over the next ten years. The streets component of the Transportation DIF is derived from custom trip generation rates (see Appendix A), trip rate adjustment factors, and the capital cost per Vehicle Mile of Travel (VMT). The latter is a function of average trip length, trip-length weighting factor by type of development, and the growth cost of transportation improvements. Each component is described below.

VMT is a measurement unit equal to one vehicle traveling one mile. In the aggregate, VMT is the product of vehicle trips multiplied by the average trip length¹. The average trip length of 3.8 miles within Boulder is from the 2012 Modal Shift Report, as derived from a survey of residents (i.e. household travel diaries).

Vehicular Trip Generation Rates

Boulder's 2016 Transportation DIF study is based on Average Weekday Vehicle Trip Ends (AWVTE). For residential development, trip rates are customized using demographic data for Boulder, as documented in Appendix A. For nonresidential development, trip generation rates are from the reference book Trip Generation published by the Institute of Transportation Engineers (ITE 9th Edition 2012). A vehicle trip end represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). To calculate transportation development fees, trip generation rates require an adjustment factor to avoid double counting each trip at both the origin and destination points. Therefore, the basic trip adjustment factor is 50%. As discussed further below, the DIF methodology includes additional adjustments to make the fees proportionate to the infrastructure demand for particular types of development.

Adjustments for Commuting Patterns and Pass-By Trips

Residential development has a slightly larger trip adjustment factor of 52% to account for commuters leaving Boulder for work. According to the Boulder Valley 2012 Modal Shift report (see Figure 46), work or work commute trips by single and multiple occupancy vehicles accounted for 15.9% of production trips (i.e., all out-bound trips, which are 50% of all trip ends). Also, Table 112 (Question 24) in the 2014 Boulder Community Survey indicates that 19% of resident workers traveled outside Boulder for work. In combination, these factors ($0.159 \times 0.50 \times 0.19 = 0.02$) support the additional 2% allocation of trips to residential development.

For commercial development, the trip adjustment factor is less than 50% because retail development and some services, like schools and daycare facilities, attract vehicles as they pass by on arterial and collector roads. For example, when someone stops at a convenience store on the way home from work, the convenience store is not the primary destination. For the average shopping center, ITE indicates that 34% of the vehicles that enter are passing by on their way to some other primary destination. The remaining 66% of attraction trips have the commercial site as their primary destination. Because attraction trips are half of all trips, the trip adjustment factor is 66% multiplied by 50%, or approximately 33% of the trip ends.

Trip Length Weighting Factor by Type of Land Use

The transportation DIF methodology includes a percentage adjustment, or weighting factor, to account for trip length variation by type of land use. As shown in Figure DIF6, trips associated with residential development are approximately 113% of the average trip length. The residential trip length adjustment factor includes data on work commute, driving passengers, social/recreational purposes and other

¹ Typical VMT calculations for development-specific traffic studies, along with most transportation models of an entire urban area, are derived from traffic counts on particular road segments multiplied by the length of that road segment. For the purpose of the DIF study, VMT calculations are based on attraction (inbound) trips to development located in the service area, with trip length limited to the road network considered to be system improvements (arterials and collectors). This refinement eliminates pass-through or external-external trips, and travel on roads that are not system improvements (e.g. state highways).

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work/business travel. Conversely, shopping and eating trips associated with commercial development are roughly 68% of the average trip length while other nonresidential development typically accounts for trips that are 72% of the average for all trips.

Figure DIF6: Average Trip Length by Trip Purpose in Boulder

Type of Development	Trip Purpose	Miles Percent	Miles	Trips Percent	Trips	Miles Per Trip	Weighting Factor
1-Residential	Work Commute	14.9%	2,719	9.2%	444	6.1	1.13
1-Residential	Drive a Passenger	6.6%	1,205	4.8%	232	5.2	
1-Residential	Change Mode & Other	2.9%	529	2.5%	121	4.4	
1-Residential	Social/Recreational	15.0%	2,738	13.4%	647	4.2	
1-Residential	Go Home	35.4%	6,461	34.7%	1,676	3.9	
1-Residential	Other Work/Business	3.7%	675	4.6%	222	3.0	
1-Residential Total			14,327		3,342	4.3	
2-Retail/Restaurant	Shopping	8.4%	1,533	11.1%	536	2.9	0.68
2-Retail/Restaurant	Eat a Meal	4.0%	730	7.1%	343	2.1	
2-Retail/Restaurant Total			2,263		879	2.6	
3-Other Nonresidential	Personal Business	5.7%	1,040	6.3%	304	3.4	0.72
3-Other Nonresidential	School	3.4%	621	6.3%	304	2.0	
3-Other Nonresidential Total			1,661		609	2.7	
TOTAL			100.0%	18,251	100.0%	4,830	3.8

Data Source: Figures 44 and 45, Modal Shift in Boulder Valley, 2012.

DEVELOPMENT PROTOTYPES AND PROJECTED VMT

The relationship between the amount of development within Boulder and Vehicle Miles of Travel (VMT) is documented in Figure DIF7. At the top are data on existing and projected development units. The lower portion of the table indicates the cost allocation for street improvements. VMT per development unit is equal to AWWTE x Trip Adjustment Factor x Mode Share for Single and Multiple Occupancy Vehicles (SOV & MOV) x Trip Length Weighting Factor x Average Trip Length. Based on projected development in Boulder over the next ten years, residential development should pay for approximately 44% of the growth cost of street improvements, with the remaining 56% funded by nonresidential development.

Figure DIF7: Projected VMT Increase to Development within Boulder

Development Type (1)	2015 Development Units (1)	2025 Development Units (1)	Additional Development Units
Single Unit Dwellings	24,242	24,806	564
Multiple Unit Dwellings	21,498	23,752	2,254
Industrial Sq Ft	13,576,996	14,547,603	970,607
Retail Sq Ft	8,565,611	9,174,939	609,328
Office & Other Services Sq Ft	14,848,416	15,904,789	1,056,373
Housing Unit Total	45,740	48,558	2,818
Nonres KSF Total	36,991,023	39,627,331	2,636,308

- (1) Land Use Assumptions, TischlerBise 2016.
- (2) Residential trip rates adjusted to Boulder demographics; nonresidential trip rates are national averages (ITE 2012).
- (3) Residential includes commuting pattern adjustment; Retail includes pass-by adjustment.
- (4) Residential mode share from Figure 1, 2012 Modal Shift; nonresidential mode share from Table 2 (primary mode) 2014 Employee Survey.
- (5) Derived from Figures 44+45, Modal Shift, 2012..
- (6) Figure 19, 2012 Modal Shift

Streets Cost Allocation Based on Vehicle Miles of Travel

Development Type	Avg Wkdy Veh Trip Ends per Dev Unit (2)	Trip Adjustment Factors (3)	SOV+MOV Mode Share (4)	Trip Length Weighting Factor (5)	Vehicle Miles of Travel per Dev Unit	Ten Year VMT Increase	Proportionate Share by Type of Dev
Single Unit Dwellings	8.17	52%	55.5%	113%	10.12	5,710	10.27%
Multiple Unit Dwellings	6.63	52%	55.5%	113%	8.22	18,519	33.31%
Industrial (per KSF)	3.56	50%	73.2%	72%	3.56	3,460	6.22%
Retail (per KSF)	42.70	33%	73.2%	68%	26.65	16,240	29.21%
Office & Other Services (per KSF)	11.03	50%	73.2%	72%	11.05	11,668	20.99%
Average Trip Length in miles (6) =>					3.80	55,598	100.00%
Ten Year Growth Cost of Street Improvements =>						\$1,122,700	
Cost per Additional VMT =>						\$20.19	

COST ALLOCATION FOR STREET IMPROVEMENTS

Input variables for Boulder’s 2016 Transportation DIF schedule are shown in Figure DIF8. Inbound VMT by type of development, multiplied by the capacity cost per VMT, yields the DIF amount. For example, Lodging generates 8.18 VMT per room, multiplied by the capital cost of \$20.19 per VMT, yields a DIF charge of \$165 per room (truncated) for street improvements.

The text below from Trip Generation (ITE 2012) supports the consultant’s recommendation to use ITE 820 Shopping Center as a reasonable proxy for all commercial development (i.e. retail and restaurants). The shopping center trip generation rates are based on 302 studies with an r-squared value of 0.79. The latter is a goodness-of-fit indicator with values ranging from 0 to 1. Higher values indicate the independent variable (floor area) provides a better prediction of the dependent variable (average



weekday vehicle trip ends). If the r-squared value is less than 0.50, ITE does not publish the value because factors other than floor area provide a better prediction of trip rates.

“A shopping center is an integrated group of commercial establishments. Shopping centers, including neighborhood, community, regional, and super regional centers, were surveyed for this land use. Some of these centers contained non-merchandising facilities, such as office buildings, movie theaters, restaurants, post offices, banks, and health clubs. Many shopping centers, in addition to the integrated unit of shops in one building or enclosed around a mall, include out parcels (peripheral buildings or pads located on the perimeter of the center adjacent to the streets and major access points). These buildings are typically drive-in banks, retail stores, restaurants, or small offices. Although the data herein do not indicate which of the centers studied include peripheral buildings, it can be assumed that some of the data show their effect.”

Figure DIF8: Cost of Street Improvements Allocated by VMT

Residential DIF for Streets

Square Feet of Living Space	Development Unit	AWVTE per Dev Unit (2)	Trip Adjustment Factors (3)	SOV+MOV Mode Share (4)	Trip Length Weighting Factor (5)	VMT per Dev Unit	Proposed Streets Component
600	Dwelling Unit	3.94	52%	55.5%	113%	4.88	\$98
800	Dwelling Unit	5.03	52%	55.5%	113%	6.23	\$125
1000	Dwelling Unit	5.87	52%	55.5%	113%	7.27	\$146
1200	Dwelling Unit	6.56	52%	55.5%	113%	8.13	\$164
1400	Dwelling Unit	7.14	52%	55.5%	113%	8.85	\$178
1600	Dwelling Unit	7.65	52%	55.5%	113%	9.48	\$191
1800	Dwelling Unit	8.09	52%	55.5%	113%	10.03	\$202
2000	Dwelling Unit	8.49	52%	55.5%	113%	10.52	\$212
2200	Dwelling Unit	8.85	52%	55.5%	113%	10.97	\$221
2400	Dwelling Unit	9.18	52%	55.5%	113%	11.38	\$229
2600	Dwelling Unit	9.48	52%	55.5%	113%	11.75	\$237
2800	Dwelling Unit	9.76	52%	55.5%	113%	12.10	\$244
3000	Dwelling Unit	10.02	52%	55.5%	113%	12.42	\$250
3200	Dwelling Unit	10.26	52%	55.5%	113%	12.71	\$256
3400	Dwelling Unit	10.49	52%	55.5%	113%	13.00	\$262
3600+	Dwelling Unit	10.71	52%	55.5%	113%	13.27	\$267

Nonresidential DIF for Streets

Type	Development Unit	AWVTE per Development Unit (2)	Trip Adjustment Factors (3)	SOV+MOV Mode Share (4)	Trip Length Weighting Factor (5)	VMT per Dev Unit	Proposed Streets Component
Retail / Restaurant	Sq Ft	0.04270	33%	73.2%	68%	0.02665	\$0.53
Office	Sq Ft	0.01103	50%	73.2%	72%	0.01105	\$0.22
Light Industrial	Sq Ft	0.00697	50%	73.2%	72%	0.00698	\$0.14
Warehousing	Sq Ft	0.00356	50%	73.2%	72%	0.00356	\$0.07
Institutional	Sq Ft	0.01403	33%	73.2%	72%	0.00927	\$0.18
Hospital	Sq Ft	0.01322	50%	73.2%	72%	0.01324	\$0.26
Nursing Home / Assisted Living	Bed	2.74	50%	73.2%	72%	2.74	\$55
Lodging	Room	8.17	50%	73.2%	72%	8.18	\$165

REVENUE CREDIT EVALUATION

A credit for other revenues is only necessary if there is potential double payment for system improvements. In Boulder, sales and gas tax revenue will be used for maintenance of existing facilities, correcting existing deficiencies, and for capital projects that are not DIF system improvements. As shown below in the Figure DIF9, cumulative DIF revenue over the next ten years approximates the growth cost of system improvements. There is no potential double payment from other revenues if Boulder’s elected officials make a legislative policy decision to use Transportation DIF revenue to fund the growth cost of system improvements.

FUNDING STRATEGY FOR TRANSPORTATION IMPROVEMENTS

The revenue projection shown in Figure DIF9 assumes implementation of the proposed 2016 Transportation DIF schedule and the development projections described in the land use assumptions. To the extent the rate of development either accelerates or slows down, there will be a corresponding change in DIF revenue and the timing of capital improvements. Based on the proposed 2016 methodology, residential development will generate approximately 44% of the growth cost for transportation system improvement, with nonresidential development generating 56%.

Figure DIF9: Projected Transportation DIF Revenue

		<i>Residential (assumes 1600 Sq Ft)</i>	<i>Light Industrial</i>	<i>Retail & Restaurants</i>	<i>Office & Other Services</i>
		\$191	\$0.14	\$0.54	\$0.22
<i>Year</i>		<i>per housing unit</i>	<i>per 1000 Sq Ft</i>	<i>per 1000 Sq Ft</i>	<i>per 1000 Sq Ft</i>
		<i>Housing Units</i>	<i>Square Feet</i>	<i>Square Feet</i>	<i>Square Feet</i>
Base	2015	45,740	13,576,996	8,565,611	14,848,416
Year 1	2016	46,012	13,670,663	8,624,414	14,950,360
Year 2	2017	46,288	13,765,405	8,683,890	15,053,473
Year 3	2018	46,566	13,860,809	8,743,783	15,157,308
Year 4	2019	46,846	13,956,881	8,804,095	15,261,869
Year 5	2020	47,127	14,053,626	8,864,830	15,367,162
Year 6	2021	47,409	14,151,048	8,925,989	15,473,193
Year 7	2022	47,694	14,249,152	8,987,577	15,579,965
Year 8	2023	47,980	14,347,942	9,049,596	15,687,486
Year 9	2024	48,268	14,447,424	9,112,049	15,795,758
Year 10	2025	48,557	14,547,603	9,174,939	15,904,789
<i>Ten Year Increase</i>		2,817	970,607	609,328	1,056,373
<i>Projected Revenue =></i>		\$538,000	\$136,000	\$329,000	\$232,000
Total Projected Transportation DIF Revenue (rounded) =>					\$1,235,000
Res Share =>		44%		Nonres Share => 56%	

APPENDIX A: LAND USE ASSUMPTIONS RELATED TO TRANSPORTATION

Most of the demographic data used in the transportation studies are documented in Appendix A of the 2016 Capital Facility Development Impact Fee Study for the City of Boulder (TischlerBise 8/31/16). This Appendix contains additional information specific to the transportation analysis, such as customized vehicle trip generation rates for the City of Boulder.

CUSTOM TRIP GENERATION RATES BY DWELLING SIZE

As an alternative to simply using national average trip generation rates for residential development, as published by the Institute of Transportation Engineers (ITE), TischlerBise derived custom trip rates using local demographic data. Key inputs needed for the analysis (i.e. average number of persons and vehicles available per housing units) are available from American Community Survey (ACS) data for Colorado Public Use Microdata Area 803, which is essentially the City of Boulder.

City of Boulder Control Totals

The 2010 census did not obtain detailed information using a “long-form” questionnaire. Instead, the U.S. Census Bureau has switched to a continuous monthly mailing of surveys, known as the American Community Survey (ACS), which is limited by sample-size constraints. For example, data on detached housing units are now combined with attached single units (commonly known as townhouses). Part of the rationale for deriving development related transportation taxes/fees by bedroom range, as discussed further below, is to address this ACS data limitation. Because townhouses generally have fewer bedrooms and less living space than detached units, fees by dwelling size ensure proportionality and facilitate construction of affordable units.

According to the U.S. Census Bureau, a household is a housing unit that is occupied by year-round residents. Development fees often use per capita standards and persons per housing unit, or persons per household, to derive proportionate-share fee amounts. TischlerBise recommends that fees for residential development in Boulder be imposed according to the number of year-round residents per housing unit. Figure A1 indicates the average number of year-round residents per housing unit in Boulder. In 2013, the control total for the City of Boulder is 2.14 persons per dwelling (i.e. weighted average for all types of housing).

Figure A1: Year-Round Persons per Unit by Type of Housing

2013 Summary by Two House Types

Units in Structure	Persons	House-holds	Persons per Household	Housing Units	Persons per Housing Unit	Housing Mix	Vacancy Rate
Single Unit*	57,742	22,479	2.57	23,284	2.48	53%	3%
All Other	36,747	19,828	1.85	20,767	1.77	47%	5%
Subtotal	94,489	42,307	2.23	44,051	2.14		4%
Group Quarters	8,674						
TOTAL	103,163						

* Single unit includes detached and attached (e.g. townhouse).

Source: Tables B25024, B25032, B25033, and B26001.

2013 American Community Survey 1-Year Estimates, U.S. Census Bureau.

Trip generation rates are also dependent upon the average number of vehicles available per dwelling. Figure A2 indicates vehicles available per housing unit in the City of Boulder. For the purpose of customizing vehicle trip generation rates, the control total for Boulder is an average of 1.55 vehicles available per housing unit.

Figure A2: Vehicles Available per Housing Unit

Tenure	Vehicles Available (1)	Households (2)		
		Single Unit Detached or Attached	All Other	Total
Owner-occupied	35,644	16,469	3,657	20,126
Renter-occupied	32,522	6,010	16,171	22,181
Total	68,166	22,479	19,828	42,307

Units per Structure	Vehicles Available	Housing Units (3)	Vehicles per Housing Unit
Single Detached or Attached	37,979	23,284	1.63
All Other	30,187	20,767	1.45
Total	68,166	44,051	1.55

- (1) Vehicles available by tenure from Table B25046, American Community Survey, 2013.
- (2) Households by tenure and units in structure from Table B25032, ACS, 2013.
- (3) Housing units from Table B25024, American Community Survey, 2013.

Customized Trip Rates by Dwelling Size and Type

Custom tabulations of demographic data by bedroom range can be created from individual survey responses provided by the U.S. Census Bureau, in files known as Public Use Micro-data Samples (PUMS). Because PUMS files are available for areas of roughly 100,000 persons, the City of Boulder approximates Colorado Public Use Micro-data Area (PUMA) 803. At the top of Figure A3, in the cells with yellow shading, are the 2013 survey results for Boulder (latest available). Unadjusted survey results derived from PUMS data (i.e. persons per dwelling and vehicles available per dwelling), were adjusted to match control totals for the City of Boulder, as documented above in Figures A1 and A2.

The middle section of Figure A3 provides nation-wide data from the Institute of Transportation Engineers (ITE). AWWTE is the acronym for Average Weekday Vehicle Trip Ends, which measures vehicles coming and going from a development. Dividing trip ends per household by trip ends per person yields an average of 2.01 persons per occupied apartment and 3.73 persons per occupied single dwelling, based on ITE’s national survey. Applying Boulder’s current housing mix of 47% apartments and 53% single-unit dwellings yields a weighted average of 2.92 persons per household. In comparison to the national data, Boulder only has an average of 2.14 persons per housing unit.

Dividing trip ends per household by trip ends per vehicle available yields an average of 1.30 vehicles available per occupied apartment and 1.58 vehicles available per occupied single dwelling, based on ITE’s national survey. Applying Boulder’s current housing mix of 47% apartments and 53% single-unit dwellings yields a weighted average of 1.45 vehicles available per household. In comparison to the national data, Boulder has more vehicles available, with an average of 1.55 per housing unit.

Rather than rely on one methodology, the recommended trip generation rates shown in the bottom section of Figure A3 (see Boulder AWWTE per Housing Unit in bold numbers), are an average of trip rates based on persons and vehicles available, for all types of housing units by bedroom range. In the City of Boulder, each housing unit is expected to yield an average of 7.45 Average Weekday Vehicle Trip Ends (AWVTE), compared to the national average of 8.17 trip ends per household.

Figure A3: Persons and AWWTE by Bedroom Range and House Type

City of Boulder 2013 Data								
Bedroom Range	Persons (1)	Vehicles Available (1)	Housing Units (1)	Boulder Hsg Mix	Unadjusted Persons/HU	Adjusted Persons/HU (2)	Unadjusted VehAvl/HU	Adjusted VehAvl/HU (2)
0-1	114	89	89	19%	1.28	1.31	1.00	0.95
2	220	162	121	25%	1.82	1.86	1.34	1.27
3	296	236	134	28%	2.21	2.26	1.76	1.66
4+	372	300	135	28%	2.76	2.83	2.22	2.10
Total	1,002	787	479		2.09	2.14	1.64	1.55

National Averages According to ITE							
ITE Code	AWVTE per Person	AWVTE per Vehicle Available	AWVTE per Household	Boulder Hsg Mix	Persons per Household	Veh Avl per Household	
220 Apt	3.31	5.10	6.65	47%	2.01	1.30	
210 SFD	2.55	6.02	9.52	53%	3.73	1.58	
Wgtd Avg	2.91	5.59	8.17		2.92	1.45	

Recommended AWWTE per Dwelling Unit by Bedroom Range			
Bedroom Range	AWVTE per Housing Unit Based on Persons (3)	AWVTE per Housing Unit Based on Vehicles Available (4)	Boulder AWWTE per Housing Unit (5)
0-1	3.81	5.31	4.56
2	5.41	7.10	6.26
3	6.58	9.28	7.93
4+	8.24	11.74	9.99
Total	6.23	8.66	7.45

(1) American Community Survey, Public Use Microdata Sample for CO PUMA 803 (2013 One-Year unweighted data).
 (2) Adjusted multipliers are scaled to make the average PUMS values match control totals based on American Community Survey 2013 1-year data for the City of Boulder.
 (3) Adjusted persons per housing unit multiplied by national weighted average trip rate per person.
 (4) Adjusted vehicles available per housing unit multiplied by national weighted average trip rate per vehicle available.
 (5) Average of trip rates based on persons and vehicles available per housing unit.

AWVTE per Dwelling by House Type						
ITE Code	AWVTE per Housing Unit Based on Persons (3)	AWVTE per Housing Unit Based on Vehicles Available (4)	Boulder AWWTE per Housing Unit (5)	Boulder Persons/HU	Boulder VehAvl/HU	
All Other	5.15	8.11	6.63	1.77	1.45	
210 SFD	7.22	9.11	8.17	2.48	1.63	
All Types	6.23	8.66	7.45	2.14	1.55	

Trip Generation by Dwelling Size

To derive AWWTE by dwelling size, TischlerBise matched trip generation rates and average floor area, by bedroom range, as shown in Figure A4. The logarithmic trend line formula, derived from the four actual averages in Boulder, is used to derive estimated trip ends by dwelling size. The table indicates trip rates for dwellings that range from 600 to 3600+ square feet, with 200 square foot increments to be consistent with Boulder’s current impact fee schedule. TischlerBise does not recommend average fees for all house sizes because it makes small units less affordable and essentially subsidizes larger units.

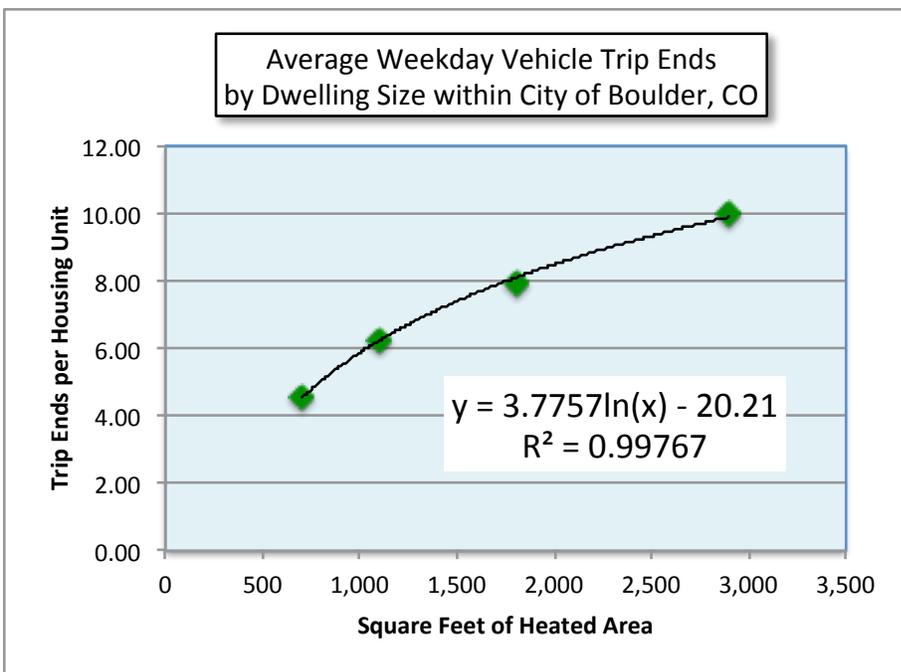


Apartment units will generally be in the lower end of the size range (generally one and two bedroom units). Single-unit dwellings will have floor areas in the upper end of the size range. Smaller units will likely have three bedrooms. All units with 3601 or more square feet of living space are assumed to generate a maximum 10.71 AWWTE per dwelling.

Figure A4: Vehicle Trips by Dwelling Size

Average dwelling size by bedroom range is from Property Assessor parcel database. Average weekday vehicle trip ends are calibrated to 2013 1-Year ACS PUMS data for CO PUMA 803 (City of Boulder).

Actual Averages per Hsg Unit			Fitted-Curve Values	
Bedrooms	Square Feet	Trip Ends	Square Feet	Trip Ends
0-1	700	4.56	600	3.94
2	1,100	6.26	800	5.03
3	1,800	7.93	1000	5.87
4+	2,900	9.99	1200	6.56
			1400	7.14
			1600	7.65
			1800	8.09
			2000	8.49
			2200	8.85
			2400	9.18
			2600	9.48
			2800	9.76
			3000	10.02
			3200	10.26
			3400	10.49
			3600+	10.71





2016 Transportation Development Excise Tax Study

Prepared for:
City of Boulder, Colorado

September 20, 2016

TischlerBise
FISCAL | ECONOMIC | PLANNING

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EXECUTIVE SUMMARY

As part of the 2016 transportation work scope, TischlerBise will prepare three products for the City of Boulder. This work product is a Development Excise Tax (DET) study for a broad set of growth-related transportation improvements. A second work product focuses on the capital cost of transportation improvements needed to accommodate new development assuming more rigorous Development Impact Fee (DIF) legal requirements. The third work product will focus on operational costs and on-going maintenance of Boulder's multimodal transportation system.

Boulder's DET is a one-time revenue imposed on new construction. An excise tax is imposed on the performance of an act, the engaging in an occupation, or the enjoyment of a privilege. In some states, home-rule cities may impose excise taxes using general taxation powers. Other states have limited the use of excise taxes to jurisdictions that have special enabling legislation. Boulder has collected an excise tax for transportation since the 1980s. In 1998, voters approved a consolidated DET that included transportation. By policy, a portion of the consolidated DET authorized by voters is also used to acquire land for parks, but the combined total for parkland and transportation is less than the total DET authorized for residential development.

CURRENT TRANSPORTATION DET

As shown in Figure DET1, the current Transportation DET is \$2.48 per square foot of nonresidential floor area and approximately \$2,227 per detached dwelling and \$1,650 per attached dwelling. Applying these rates to the projected increase in development within Boulder over the next ten years would yield approximately \$11.5 million in Transportation DET revenue, with residential units contributing 43% of the six-year total and 57% from nonresidential development.

Figure DET1: Transportation DET Rates Currently Collected

Tax Name	Nonresidential	Residential	
	Per Square Foot	Per Detached Dwelling Unit	Per Attached Dwelling Unit or Mobile Home
Development Excise Tax			
Park Land	N/A	\$1,144.84	\$795.98
Transportation	\$2.48	\$2,226.93	\$1,650.29
Total	\$2.48	\$3,371.77	\$2,446.27
Housing Excise Tax	\$0.51	\$0.23 per square foot	\$0.23 per square foot

The right column in Figure DET2 indicates the maximum consolidated DET amounts approved by voters in 1998. Nonresidential development is currently paying the maximum rate, but residential development could pay up to \$5,630 per detached dwelling and \$3,624 per attached dwelling. One option to consider during the 2016 DET update is to increase the transportation DET rates up to the maximum for residential units, as approved by voters. This change would increase the DET by \$3,403

per detached dwelling and \$1,974 per attached dwelling. Based on projected development over the next ten years, collecting the maximum DET from residential development would provide an additional \$6.4 million for transportation improvements over the next ten years (i.e. a total of \$17.9 million). Maximum voter-approved DET rates would obtain approximately 63% of future Transportation DET revenue from residential development and 37% from nonresidential development.

Figure DET2: Maximum Voter-Approved DET Rates

TYPE OF DEVELOPMENT	CURRENT	PROPOSED 1999	PROPOSED MAXIMUM (LIMITED BY CPD)
NEW AND ANNEXING DETACHED DWELLING UNIT	3,667.05	4,331.06	5,630.38
NEW AND ANNEXING ATTACHED DWELLING UNIT	2,369.03	2,787.77	3,624.10
NEW, ANNEXING AND EXPANDED NON-RESIDENTIAL DEVELOPMENT	1.45 PER SQUARE FOOT	1.91 PER SQUARE FOOT	2.48 PER SQUARE FOOT

PROPOSED 2016 TRANSPORTATION DEVELOPMENT EXCISE TAX

Figure DET3 summarizes the methods and cost components used in Boulder’s 2016 Transportation DET study. In contrast to the 1996 DET study, TischlerBise recommends switching from an emphasis on moving vehicles to moving people, primarily through bus, bike, and pedestrian facilities. As summarized in Figure DET3, capital costs are allocated to residential and nonresidential development based on a “functional population” analysis, as described further below.

Figure DET3: Proposed Transportation DET Methods and Cost Components

Type of Improvements	Cost Allocation	Service Area	Plan-Based Method (future)
<i>Bus Bike Walk</i>	Functional Population and Jobs	Citywide	Sidewalks, Multi-Use Paths, Bike Lanes and Transit

Figure DET4 shows the proposed 2016 Transportation DET schedule, along with both maximum and current Transportation DET rates. If City Council does not decide to seek voter approval for increasing the DET rates, TischlerBise recommends implementation of the maximum DET rate schedule already approved by voters.

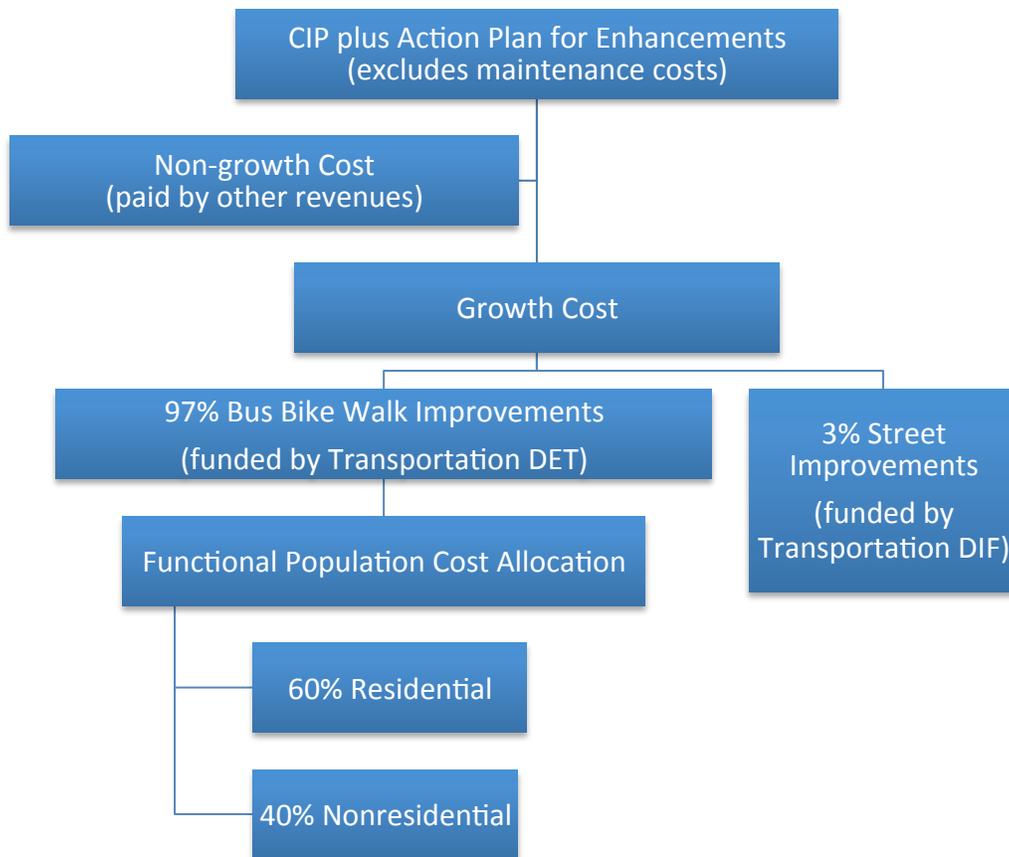
Figure DET4: Proposed 2016 Transportation DET Schedule

2016 Transportation DET	<i>Development Unit</i>	<i>Proposed Transportation DET</i>	<i>Maximum DET</i>	<i>Current Transportation DET</i>
Residential (by dwelling type)				
Attached	Dwelling Unit	\$4,454	\$3,624	\$1,650
Detached	Dwelling Unit	\$6,437	\$5,630	\$2,227
Nonresidential				
All Nonresidential	Square Foot	\$4.47	\$2.48	\$2.48

MULTIMODAL TRANSPORTATION DET

The 2016 Transportation DET study uses a plan-based methodology that includes improvements for all modes of travel. Figure DET5 provides an overview of the methodology. This study documents the general cost allocation between residential and nonresidential development, including detailed calculations used to derive specific DET amounts by dwelling type. From the universe of all projects in Boulder’s Capital Improvement Plan (CIP) and the Action Investment Program of the 2014 Transportation Master Plan (TMP), staff and consultants identified transportation improvements needed to accommodate new development over ten years. This study refers to these projects as “enhancements” to differentiate them from “maintenance” projects that are not eligible for DET funding. Also, each project was evaluated to quantify the “growth costs” to be funded by DET revenue, with non-growth costs funded by other revenues. Staff determined that 97% of enhancement projects are for Bus Bike Walk facilities (primarily moving people), with the remaining 3% for street improvements (i.e. primarily moving vehicles and freight). The growth cost of Bus Bike Walk improvements was allocated to residential and non-residential development based on functional population (described further below). The growth cost of street improvements was allocated according to estimated Vehicle Miles of Travel (VMT) for general types of development, as described in the 2016 Transportation DIF study.

Figure DET5: DET Calculation Flow Chart



GROWTH SHARE OF FUTURE TRANSPORTATION ENHANCEMENTS

The 9.9% default growth share is based on the projected average annual increase in person trips to and from Boulder from 2010 to 2035 (illustrated by Figure 3-22 in Boulder's State of the System Report). Because internal-external travel is most evident during morning and afternoon peak hours, it is a key factor in our perception of traffic congestion. Figure DET6 provides a reasonable means of quantifying the minimum impact of growth on transportation facilities.

Figure DET6: Person Trips To and From Boulder

Communities	2010	2035	Change	%Change
Broomfield	28,130	39,254	11,124	39.5%
Denver	13,643	14,416	773	5.7%
DIA	2,962	4,139	1,176	39.7%
ERIE	11,993	24,546	12,554	104.7%
Lafayette	18,613	21,564	2,950	15.9%
Longmont	40,976	47,774	6,798	16.6%
Lyons	1,892	1,968	77	4.0%
Louisville	25,799	26,214	415	1.6%
Superior	9,988	12,073	2,085	20.9%
TOTAL	153,995	191,947		

0.99% <= Average Annual Growth Rate

9.9% <= Percent Increase Over Ten Years

Data source

H:\Projects - Open\A-E\BOULDER Transit Master Plan 2012.777\05 Background\Travel Demand Model\Person_Trips

CIP PLUS ACTION INVESTMENT PROGRAM FOR TRANSPORTATION FACILITIES

As shown in Figure DET7, the ten-year growth-related cost of planned enhancement projects is approximately \$236 million. The upper two-thirds of the table lists CIP projects. The bottom third of the table lists additional Action Investment Program capital improvements, with updated capital costs as provided by Boulder's transportation staff.

The ten-year, growth share of local costs is 14.2% of the total cost, less grant funding. The proposed transportation DET rate schedule would fund \$32.53 million over ten years. Based on the CIP analysis by staff, approximately 97% of the growth cost is for Bus Bike Walk improvements and 3% will be spent on vehicular capacity (i.e. \$1.12 million over ten years).

Figure DET7: Growth-Related Cost of Transportation Enhancements

CIP#	Description	Ten-Year Cost (less grants)	Growth-Related Enhancement Costs		Growth Share of Local Cost	
			FY16-25 Bus Bike Walk	FY16-25 Streets		
310TR151NG	* Boulder Slough - 30th	Local share of multiuse pat	\$96,000	\$47,500	\$0	49.5%
310TR480NC	East Arapahoe	Transportation Corridor St	\$100,000	\$75,000	\$25,000	100.0%
310TR154NG	* 19th - Norwood to Up	Local share of reconstructi	\$157,000	\$16,800	\$8,400	16.1%
310TD021OC	Citywide	Intersection improvements	\$200,000	\$4,000	\$15,800	9.9%
310TR479OC	30th & Colorado	Transportation Corridor St	\$200,000	\$150,000	\$50,000	100.0%
310TR157NG	Citywide	Bldr Co/City Joint TIP Scop	\$289,000	\$289,000	\$0	100.0%
310TDOO4OC	Citywide Funds 2810 & 3	Development coordination	\$450,000	\$337,500	\$112,500	100.0%
310TD019NC	28th St - Baseline to Iris	Complete street elements;	\$470,000	\$42,000	\$4,700	9.9%
310BJ002NC	Bluff & 30th St	Traffic signal	\$532,000	\$10,500	\$42,100	9.9%
310TR692OC	Citywide	Tributary greenways	\$585,000	\$57,900	\$0	9.9%
310TR112OC	Citywide	Pedestrian facilities enhan	\$750,000	\$74,300	\$0	9.9%
3102ABCK02	Boulder Creek	Path improvements	\$770,000	\$76,200	\$0	9.9%
310TR743NC	28th St - Valmont to Iris	Multimodal improvements	\$860,000	\$76,900	\$8,500	9.9%
3102ABCK01	Boulder Creek	Path lighting	\$979,680	\$97,000	\$0	9.9%
310TR692OC	Citywide	Bikeway facilities enhance	\$1,350,000	\$133,700	\$0	9.9%
310TR152NG	* Broadway - Violet to H	Local share of reconstructi	\$1,825,000	\$661,000	\$34,800	38.1%
3102ABCK03	Boulder Creek - Arapaho	Underpass	\$2,365,000	\$234,100	\$0	9.9%
310TR156NC	Boulder Creek & Aprapa	Reconstruction and multim	\$2,500,000	\$248,300	\$0	9.9%
310TR153NG	* 30th St & Colorado	Local share of bike/ped un	\$3,150,000	\$588,500	\$149,600	23.4%
310TR773OC	Citywide	Pedestrian facilities repair/	\$3,774,000	\$375,500	\$0	9.9%
310TR003OC	Citywide	Major capital reconstructi	\$4,800,000	\$436,900	\$39,700	9.9%
310TR052OG	Citywide Funds 2800 & 2	TIP local match & TMP imp	\$18,363,000	\$1,642,800	\$182,500	9.9%
Years 7-10	Citywide	Additional CIP Projects	\$29,710,500	\$3,783,600	\$449,100	14.2%
Action Plan	Railroad Quite Zone Improvements		\$5,000,000	\$712,319	\$0	14.2%
Action Plan	HOP Conversion to Clean Vehicles		\$12,000,000	\$1,709,567	\$0	14.2%
Action Plan	Community Transit Routes Converted to BRT		\$12,833,000	\$1,828,239	\$0	14.2%
Action Plan	East Circulator / Williams Village Improvements		\$16,301,000	\$2,322,304	\$0	14.2%
Action Plan	New/Modified Community Transit Network Routes		\$26,165,000	\$3,727,568	\$0	14.2%
Action Plan	Transit Capital Plan		\$38,900,000	\$5,541,845	\$0	14.2%
Action Plan	Other Bike/Ped Enhancements		\$50,757,000	\$7,231,040	\$0	14.2%
Ten-Year Total =>			\$236,232,180	\$32,531,881	\$1,122,700	14.2%
				97%	3%	

* Projects with grant funding; enhancement cost growth share is approximately 9.9% of total cost

\$33,654,581 <= Ten Year Growth Cost
 \$202,577,599 <= Total to be funded by other revenues

COST ALLOCATION FOR BUS BIKE WALK FACILITIES

The demand for Bus Bike Walk facilities is a function of both residential and nonresidential development. As shown in Figure DET8, functional population is similar to what the U.S. Census Bureau calls "daytime population" by accounting for people living and working in a jurisdiction. In addition to the Boulder-specific data, TischlerBise has relied on extensive public and private sector input to establish reasonable "weighting factors" to account for time spent at either residential or nonresidential development. These weighting factors are shown below with grey shading.



The functional population analysis starts with 2015 estimates of jobs and population in Boulder (see yellow highlighting), as documented in the Land Use Assumptions by TischlerBise. According to the 2013 TMP State of the System report (see page 3-13), approximately 10% of Boulder jobs are self-employed persons. The remaining 90% of jobs require “journey-to-work” travel. The 2014 Boulder Valley Employee Survey indicates Boulder residents held 38% of these jobs, with persons living outside of Boulder holding the remaining 62% of journey-to-work jobs. The functional population analysis assumes all workers spend ten hours per weekday (annualized average) at nonresidential locations.

Residents who work in Boulder are assigned 10 hours to nonresidential development (discussed above) and 14 hours to residential development. Residents who work outside Boulder are assigned 14 hours to residential development. Jobs held by non-residents are assigned 10 hours to nonresidential development. Residents who don't work are assigned 20 hours per day to residential development and four hours per day to nonresidential development (annualized averages) to account for time spent shopping, eating out, and other social/recreational activities.

Based on Boulder’s 2015 functional population analysis, the cost allocation for residential development is 60%, while nonresidential development accounts for 40% of the demand for Bus Bike Walk infrastructure.

Figure DET8: Functional Population

Boulder Functional Population Analysis				<i>Demand</i>	<i>Person</i>
<i>Service Units in 2015</i>				<i>Hours/Day</i>	<i>Hours</i>
Nonresidential					
	Jobs Located in City*	98,510			
	10% Self-employed	9,851		10	98,510
	Jobs Requiring Journey-To-Work	88,659			
	Jobs Held By Residents**	33,690		10	336,900
	Jobs Held By Non-residents**	54,969	<= 56% of jobs	10	549,690
	Non-working Residents	51,054		4	204,216
				Nonresidential Subtotal	1,189,316
				Nonresidential Share =>	40%
Residential					
	Population*	104,808			
	Non-working Residents	51,054		20	1,021,080
	Resident Workers	53,754			
	81% Residents Working in City	43,541	<= 44% of jobs	14	609,574
	(includes self-employed)***				
	19% Residents Working Outside City***	10,213		14	142,982
				Residential Subtotal	1,773,636
				Residential Share =>	60%
				TOTAL	2,962,952

* Boulder Land Use Assumptions, TischlerBise 01/27/16.
 ** Percentages from 2014 Boulder Valley Employee Survey, Table 36, Question 32.
 *** Percentages from 2014 Boulder Community Household Survey, Table 112, Question 24.

Based on the cost of planned transportation enhancements (see Figure DET7 above) Bus Bike Walk improvements are expected to cost \$32.53 million over the next ten years. As shown in Figure DET9, 60% of this amount, divided by the projected increase in Boulder’s population over the next ten years, yields a capital cost of \$2,575 per additional resident. The Bus Bike Walk component of the 2016 DET for transportation improvements is equal to the cost per person multiplied by the average number of persons per dwelling, by house type. For example, an apartment building would have to pay \$2,575 per person multiplied by an average of 1.73 persons per dwelling, or \$4,454 per dwelling unit (truncated). The DET for nonresidential development is equal to the capital cost per additional job, multiplied by the average number of jobs per development unit.

Figure DET9: Bus Bike Walk Improvements Allocated to Population & Jobs

Ten Year Growth Cost of Bus Bike Walk Improvements =>		\$32,531,881	
Cost Range and Allocation per Service Unit			
	<i>Proportionate Share Based on Functional Population</i>	<i>2015 to 2025 Increase</i>	<i>Cost per Additional Service Unit</i>
Boulder Population	60%	7,580	\$2,575
Boulder Jobs	40%	7,013	\$1,856
	2015	2025	
Population	104,808	112,388	
Jobs	98,510	105,523	
Ten Year Increase in Population plus Jobs		7.2%	
Residential			
<i>Type</i>	<i>Development Unit</i>	<i>Persons per Housing Unit</i>	<i>Proposed Bus Bike Walk Component</i>
Attached	Dwelling Unit	1.73	\$4,454
Detached	Dwelling Unit	2.50	\$6,437
Nonresidential			
<i>Type</i>	<i>Development Unit</i>	<i>Jobs per Development Unit</i>	<i>Proposed Bus Bike Walk Component</i>
All Nonresidential	Sq Ft of Floor Area	0.00241	\$4.47

FUNDING STRATEGY FOR TRANSPORTATION IMPROVEMENTS

The revenue projection shown in Figure DET10 assumes implementation of the maximum, voter-approved DET schedule and the development projections described in the Land Use Assumptions by TischlerBise. To the extent the rate of development either accelerates or slows down, there will be a corresponding change in DET revenue and the timing of capital improvements.

Maximum voter-approved DET rates are expected to yield approximately \$17.9 million over the next ten years, which will cover approximately 55% the growth share of planned transportation improvements (i.e. CIP plus Action Investment Program). In comparison, the current Transportation DET rate schedule would yield approximately \$11.5 million over the next ten years. Based on the maximum voter-approved DET rate schedule, residential development will generate approximately 63% of projected revenue, with nonresidential development generating the remaining 37%.

Figure DET10: Projected Transportation DET Revenue

		<i>Attached Residential</i>	<i>Detached Residential</i>	<i>Industrial</i>	<i>Retail & Restaurants</i>	<i>Office & Other Services</i>
Maximum DET Rates =>		\$3,624	\$5,630	\$2.48	\$2.48	\$2.48
Year		per housing unit	per housing unit	per 1000 Sq Ft	per 1000 Sq Ft	per 1000 Sq Ft
		<i>Housing Units</i>	<i>Housing Units</i>	<i>Square Feet</i>	<i>Square Feet</i>	<i>Square Feet</i>
Base	2015	21,498	24,242	13,576,996	8,565,611	14,848,416
Year 1	2016	21,716	24,297	13,670,663	8,624,414	14,950,360
Year 2	2017	21,937	24,352	13,765,405	8,683,890	15,053,473
Year 3	2018	22,159	24,407	13,860,809	8,743,783	15,157,308
Year 4	2019	22,382	24,463	13,956,881	8,804,095	15,261,869
Year 5	2020	22,607	24,520	14,053,626	8,864,830	15,367,162
Year 6	2021	22,833	24,576	14,151,048	8,925,989	15,473,193
Year 7	2022	23,061	24,633	14,249,152	8,987,577	15,579,965
Year 8	2023	23,290	24,690	14,347,942	9,049,596	15,687,486
Year 9	2024	23,520	24,748	14,447,424	9,112,049	15,795,758
Year 10	2025	23,752	24,806	14,547,603	9,174,939	15,904,789
<i>Ten Year Increase</i>		2,254	563	970,607	609,328	1,056,373
Projected Revenue =>		\$8,168,000	\$3,172,000	\$2,407,000	\$1,511,000	\$2,620,000
Total Projected Transportation DET Revenue (rounded) =>						\$17,878,000
Res Share =>		63%			Nonres Share => 37%	

APPENDIX A: LAND USE ASSUMPTIONS RELATED TO TRANSPORTATION

Most of the demographic data used in the transportation studies are documented in Appendix A of the 2016 Capital Facility Development Impact Fee Study for the City of Boulder (TischlerBise 8/31/16). This Appendix contains additional information specific to the transportation DET analysis, such as average number of persons by house type in Boulder.

PERSONS PER HOUSING UNIT

According to the U.S. Census Bureau, a household is a housing unit that is occupied by year-round residents. Development fees often use per capita standards and persons per housing unit, or persons per household, to derive proportionate-share fee amounts. TischlerBise recommends that the DET for residential development in Boulder be imposed according to the number of year-round residents per housing unit. To be consistent with the current DET rate schedule in Boulder, TischlerBise derived the average number of persons for two dwelling types: 1) “detached” single-family houses, and 2) all other categories of “units in structure”, which is referred to as “attached” housing. Because the U.S. Census Bureau only publishes standard American Community Survey (ACS) tables with single-family detached and attached units combined, TischlerBise created a custom tabulation of 2013 five-year Public Use Microdata Sample (PUMS) for Public Use Microdata Area (PUMA) 803, which closely approximates the City of Boulder. The un-weighted survey results indicate detached units contained 1,224 persons in 490 housing units, which is an average of 2.50 persons per housing unit. For attached housing (i.e. all other dwellings) the PUMS survey found 824 persons residing in 475 housing units, which is an average of 1.73 persons per housing unit.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: November 1, 2016

AGENDA TITLE:

Second reading and consideration of a motion to adopt Ordinance 8148 designating the building and a portion of the property at 2935 19th St., to be known as the **Tyler-Monroe-Bartlett Property**, as a local historic landmark per Section 9-11-5 of the Boulder Revised Code, 1981.

Owner/Applicant: Albert A. and Eleanor Frances Roberts Bartlett Trust

PRESENTERS:

Jane S. Brautigam, City Manager
Susan Richstone, Deputy Director of Planning
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 2935 19th Street 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 June 3, 2016, and was heard by the Landmarks Board on September 7th, 2016. The board voted 5-0 to recommend the designation to City Council. A second reading for this designation is a quasi-judicial public hearing.

STAFF RECOMMENDATION:

Suggested Motion Language:

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

Motion to adopt Ordinance 8148 designating the building and a portion of the property at 2935 19th St., to be known as the **Tyler-Monroe-Bartlett Property**, as an individual landmark under the City of Boulder’s Historic Preservation Ordinance.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

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

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

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

OTHER IMPACTS:

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

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

LANDMARKS BOARD ACTION:

On September 7th, 2016 the Landmarks Board voted 5-0 to recommend to City Council that the building and a lot at 2935 19th Street 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

Constructed in 1917, the two-story eclectic-revival house at 2935 19th St. is located between Elder and Cedar Avenues in the Newland neighborhood. The house is aligned perpendicularly to 18th and 19th streets, its façade and main entry located on the south face, while the east (side) elevation of the house faces onto 19th Street. The surrounding lots were developed primarily in the 1950s and 1960s when the original Tyler Ranch was subdivided. It is not located in a potential or designated historic district, but was found to be potentially eligible for listing in the National Register of Historic Places when it was surveyed during the 1995 *Boulder Survey of Historic Places: Newland & North Boulder*. See Attachment B: Architectural Record Inventory Form.

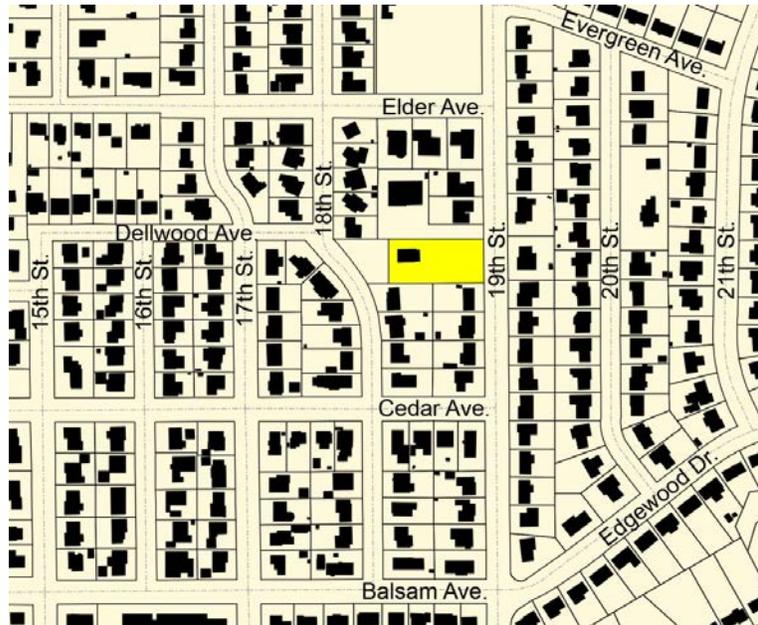


Figure 1: Location Map, 2935 19th St.



Figure 2: 2935 19th St., South Elevation, 2014

Designed in an eclectic variant of the Italian Renaissance Revival with elements of the Prairie School, this prominent house makes use of local stone, a clay tile roof and echoes the Mediterranean Revival found at the University of Colorado, Boulder's campus. The rusticated fieldstone first story, stuccoed second story, prominent concrete lintels, emphasized entrance, and terracotta tile roof are all adapted examples of the university's traditional design vocabulary. A wide projecting eave reminiscent of early twentieth century "Prairie Style" houses of the Midwestern United States features exposed rafters covered at the end by a fascia board, which is itself largely concealed by copper gutters and downspouts. The roof is clad in barrel-shaped red terra cotta tile, and is crowned by a pair of stucco clad chimneys with metal vents.

The façade (south elevation) is dominated by a prominent entry covered by a hipped frame roof clad in red asphalt shingles and supported by carved wooden brackets and two square wood columns. The front entry features a single 6-over-6 light door, surrounded by rose colored decorative panels with curvilinear wooden frames. Three multi-light windows flank the entrance, with a pair of multi-light windows located on the east bay. The second story features three pairs of multi-light windows, with a bay located above the entrance. All windows appear to be original. An abandoned driveway descends to a basement level garage door at the east end of the façade.



Figure 3. East (side) elevation, 2014.

The east elevation features two sets of three double hung, one-over-one double hung windows on the first floor and a similar configuration of three-over-one, double hung sash windows on the second floor. A concrete string course supports the upper story windows while the lower story windows feature concrete lintels matching those on the façade.



Figure 4. Northwest corner, 2014.

The north face of the house features two pairs of six-over-one, double hung windows, and one shorter double hung window near the northwest corner. The lower level of the north elevation features one pair of hung windows near the inset to the narrow east wing, a single hung window in the middle, a shorter hung window just north of the center, and a back door. The back door is accessed via four concrete steps and a landing, which are clad with field stone. A cellar door penetrates the field stone wall at the west face.

ALTERATIONS



Figure 5. Boulder County Assessor's Photo, c.1949

The house retains a high level of historic integrity, with only minor alterations having occurred over the years. The recilinear wood posts at the front entry were a later addition, likely made in 1975, when construction permit records show that work was being done on the front entry. The metal vents on the chimneys were added after the 1950s, and the

westernmost chimney vents have been replaced since 1995. No clear historic imagery of the north or west elevations is available, making the extent of alterations there unclear. However, there is no visual evidence of significant change to the house in these areas.

HISTORY

Until the 1950s, North Boulder was predominately agricultural, with a mix of ranches and small farms. The land now occupied by 2935 19th St. was part of a ranch owned by local judge James H. Decker.¹ It was acquired by Captain Clinton M. Tyler, a prominent Boulder pioneer, in 1872. Tyler was a key early Boulder pioneer, arriving from Baraboo, Wisconsin to Colorado in 1860, where he established one of the most advanced stamp mills in the territory.² He, along with James P. Maxwell, was instrumental in establishing the first roads through the foothills above Boulder, a vital boost for the economy of the then-struggling town.³

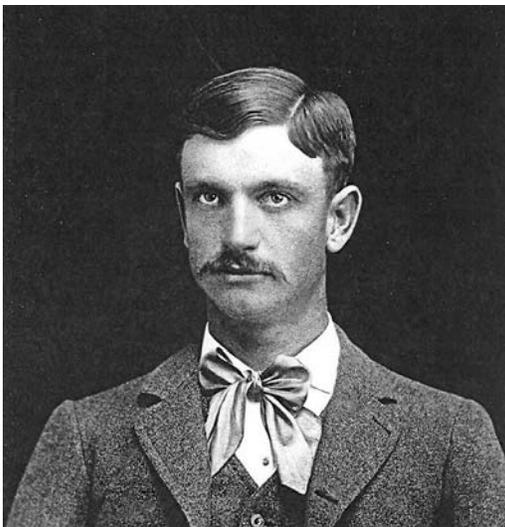


Figure 6: Fred Tyler, undated. Photo courtesy of Boulder Carnegie Library.

Fred Tyler took over his father's landholdings in Wyoming following Clinton's death in 1886, and later mined in Nevada.⁴ It was there he met and married Mae Robinson, originally from Detroit, on December 23, 1907.⁵ They moved to Denver in 1914 and to Boulder in 1917, where at 2935 19th Street they, "built one of the finest country homes to be found in Boulder County".⁶ It was designed and built for them by local building contractor and architect Albert Lawrence.⁷ Fred Tyler operated a quarry for architectural stone and gravel, located in Four Mile Canyon and was a member of the Masons and the Knights Templar.⁸ He died of pneumonia on October 17, 1928. Mae Tyler continued to reside at 2935 19th St. through the 1930s. She was a popular housemother of the Pi Beta Phi Sorority until 1944, when she resigned

the position due to poor health.⁹ Mae sold the house at 2935 19th St. to Lucius P. and LaRue M. Monroe in 1941 and died of a heart attack at Boulder Community Hospital on February 12, 1949.¹⁰

¹ Simmons, R. Laurie and Thomas H. Simmons, *Boulder Survey of Historic Places, 1995: Newland Addition & North Boulder*. City of Boulder, 1995.

² Smith, Phyllis, "Old Boulder: Sketches of the Past." November 17, 1976. Boulder Carnegie Library clipping collection.

³ Ibid.

⁴ Daily Camera, October 17, 1928.

⁵ Ibid.

⁶ Ibid.

⁷ Simmons, 1995.

⁸ Daily Camera, October 17, 1928.

⁹ Daily Camera, "Mrs. Mae Tyler Dies Early this Morning of Heart Disease." February 12, 1949. Boulder Carnegie Library.

¹⁰ Ibid.



Figure 7: 2935 19th (outlined in yellow) and surrounding area in 1938 (left) and 1958 (right)

Lucius “Lu” Paddock Monroe was born in Boulder on December 11, 1907, the son of Dr. Charles A. and Edna H. Monroe.¹¹ He graduated from Boulder Preparatory School in 1926 and from the University of Colorado in 1930.¹² LaRue Myers Monroe was born on March 26, 1907, in Chico, Texas, to Harry E. and Flossie B. Myers.¹³ She attended the Gainesville public schools, the local junior college, and Southwestern Teachers College at Denton, Texas. During her studies, she spent a summer studying at the University of Colorado, which was when she met Lu Monroe. She remained in Gainesville, teaching at the Texas State Girl’s Training School, for two years before marrying Lu on June 23, 1931, and moving to Boulder.

Lu Monroe had an illustrious career with the Boulder Daily Camera, starting as paper boy in 1918, becoming a full-time staff member in 1930, promoted to business manager in 1938, and to general manager in 1946, and finally publisher in 1969, before his retirement in 1970.¹⁴ He was prominent in press organizations, serving as president of both the Colorado Press Association and an officer and member of the board of the Inland Daily Press Association, as well as holding membership in numerous other professional associations.¹⁵ He was also a skilled photographer, receiving frequent recognition for his work which was often used in Daily Camera articles.¹⁶

¹¹ Daily Camera, “Lu Monroe, Retired Camera Publisher, Dies.” November 15, 1976. Boulder Carnegie Library.

¹² Ibid.

¹³ Daily Camera, “Mrs. Lu P. Monroe Dies; Funeral Friday.” December 5, 1968. Boulder Carnegie Library.

¹⁴ Daily Camera, “Lu Monroe Leaves Active Role with Daily Camera.” March 3, 1970. Boulder Carnegie Library.

¹⁵ Daily Camera, November 15, 1976.

¹⁶ Daily Camera, March 3, 1970.



Figure 8: Lucius and LaRue Monroe on a cruise to Hawaii, 1968. Photo Courtesy of the Boulder Carnegie Library.

LaRue Monroe was also an active community member, having been a member of the Boulder P.E.O., a quasi-secret sisterhood devoted to the advancement of education for women, and as president of Women’s Society for Christian Service of Boulder’s First Methodist Church.¹⁷ Like Lu she was an avid golfer.¹⁸ The Monroes owned the property at 2935 19th St. from 1941 until 1956 when they sold the house to Albert A. and Eleanor Bartlett. LaRue Monroe died in Boulder on December 5, 1968, of cancer.¹⁹ Lucius P. Monroe died on November 14, 1976, due to complications from brain surgery he had undergone to remove a tumor.²⁰

Albert A. and Eleanor Bartlett were the longest owners of the property, having resided there for over 40 years, and it remains in the family today. Eleanor was the daughter of Robert Chester and Mabel Stannard Roberts, born November 13, 1924 in Franklin, Indiana.²¹ She attended Denison University in Ohio, from which she graduated with a biology degree in 1946.²²

Albert was born March 21, 1923 in Shanghai, China, where his father, Willard W. Bartlett, was principal of the Shanghai American School.²³ An outbreak of cholera later the same year prompted Willard to send infant Albert and his mother, Marguerite Allen Bartlett, to the home of a relative in Franklin, Indiana.²⁴ Willard soon returned to the United States, where he held prominent administrative and teaching positions at several colleges, culminating with a position as professor and head of the Department of Education at Otterbein College, Westerville, Ohio.²⁵ Albert, having moved several times to follow his father’s career, graduated high school in Ohio in 1940, and enrolled at Otterbein College later that year.²⁶ In 1942, he transferred to Colgate University, Hamilton, New York, and began to focus his studies on physics.²⁷ Albert spent his summers working on the Great Lakes iron ore freighters *Pontiac* and *Peter White*, and pursuing his interest in photography.²⁸ During the summer of 1943, he met Eleanor Roberts.²⁹

¹⁷ Daily Camera, December 5, 1968.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Daily Camera, November 15, 1976.

²¹ Daily Camera, “Obituaries: Eleanor Roberts Bartlett.” March 9, 2008. Boulder Carnegie Library.

²² Ibid.

²³ Historical Collections of the Great Lakes, “Allen Bartlett Collection: Biographical Sketch.” Bowling Green University, October, 1994. Boulder Carnegie Library clipping collection.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Daily Camera, March 9, 2008.



Figure 9: Al Bartlett, 1987. Photo courtesy of Boulder Carnegie Library

Upon graduating from Colgate College with a bachelor of physics degree in 1944, he obtained a position related to mass spectrometry as part of the Manhattan Project at the Los Alamos National Laboratory in New Mexico, which developed the atomic bomb.³⁰ He participated in the 1946 nuclear weapons tests at Bikini Atoll.³¹ On August 24 of that year he and Eleanor were wed, and the couple moved to Cambridge, Massachusetts, where she obtained a staff position at the Massachusetts Institute of Technology while Albert began his graduate studies at Harvard University.³² He obtained his master of physics degree from Harvard in 1948, followed by a doctorate in 1951.³³ While still completing his doctorate in 1950, he was hired to a position in the physics faculty at the University of Colorado, Boulder.³⁴ Eleanor, Albert, and their one year old daughter Caroline moved to Boulder in the summer of 1950.³⁵

Eleanor focused on raising daughters Caroline, Jane, Lois, and Nancy.³⁶ She was also a skilled cellist, playing in informal string quartets that met regularly at her home for over 20 years.³⁷

Albert Bartlett became a prominent member of the University of Colorado's physics faculty and won a number of national awards, including the American Association of Physics Teachers Distinguished Service Citation, the Robert A. Millikan Award and the Melba Newell Phillips Award³⁸. He also held two administrative positions with the university, serving on its Boulder Campus Planning Commission for 25 years and chairing the committee which designed Duane Physical Laboratories Complex, home of the CU Physics and Astrophysical and Planetary Sciences departments.³⁹

Bartlett was highly influential in civic affairs; in 1959, he and fellow professor Bob McKelvey founded the movement to establish the Blue Line, a city charter regulation prohibiting city water service above about 5,750 feet in altitude, which serves to limit

³⁰ Daily Camera, "Drawing the Line on Growth: Blue Line Activist Al Bartlett Helped keep Foothills Green." December 8, 2002. Boulder Carnegie Library.

³¹ Ibid.

³² Daily Camera, March 9, 2008.

³³ Historical Collections of the Great Lakes, 1994.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Daily Camera, March 9, 2008.

³⁷ Ibid.

³⁸ University of Colorado, Boulder. "CU-Boulder Campus Mourns Death of Longtime, Celebrated Physics Professor Al Bartlett." Web. <http://www.colorado.edu/today/2013/09/09/cu-boulder-campus-mourns-death-longtime-celebrated-physics-professor-al-bartlett>

³⁹ Ibid.

development in the foothills above town.⁴⁰ On the heels of that successful effort, Bartlett was one of the founders of People’s League for Action Now, commonly known as PLAN--Boulder.⁴¹ PLAN—Boulder’s original objective was to further limit growth by establishing an Open Space sales tax, which provided funds for city acquisition of open space outside the city itself.⁴² This effort succeeded in 1967, leading to the creation of the greenbelts, over 41,000 acres of preserved open space ringing the city of Boulder.⁴³

Bartlett also attained international notoriety with his famed lecture on growth, “Arithmetic, Population, and Energy.”⁴⁴ In this lecture, with its memorable tagline, “The greatest shortcoming of the human race is our inability to understand the exponential function,” Bartlett explained how seemingly small, continual rates of growth lead to vast gains over time causing massive demand on space and resources.⁴⁵ He argued that society’s focus on perpetual growth as a positive goal will inevitably lead to overconsumption and disaster, no matter how small the rate of growth.⁴⁶ He therefore advocated complete sustainability by reaching a zero growth rate.⁴⁷ From his first presentation of this lecture in 1969, Bartlett went on to give the talk 1,741 times in forty-nine states and seven foreign countries.⁴⁸

Following his death of lymphoma on September 7, 2013, the university initiated a program wherein 50 volunteers were trained to continue delivering Bartlett’s lecture.⁴⁹ Albert’s wife Eleanor died on March 3, 2008.⁵⁰ Shortly after her death, Albert placed 2935 19th St. into the care of a family trust, which is the present applicant for landmark designation.

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.”

Staff and the Landmarks Board find that the designation of the house at 2935 19th St. will protect, enhance, and perpetuate a building reminiscent of a past era, past events, and persons important in local history and preserve an important example of Boulder’s historic

⁴⁰ Talbott, Clint. “Drawing the Line on Growth: Blue Line Activist Al Bartlett Helped keep Foothills Green.” Daily Camera, December 8, 2002. Boulder Carnegie Library.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ University of Colorado, Boulder.

⁴⁵ Al Bartlett, “Arithmetic, Population, and Energy.” Al Bartlett.org. Web. http://www.albartlett.org/presentations/arithmettc_population_energy.html

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ University of Colorado, Boulder.

⁴⁹ Ibid.

⁵⁰ Daily Camera, March 9, 2008.

architecture. Staff considers the application to meet the historic criteria for individual landmark designation as outlined below:

HISTORIC SIGNIFICANCE:

Summary: The house located at 2935 19th St. has historic significance under criteria 1, 2, 3, and 4.

1. Date of Construction: 1917

Elaboration: Well-preserved example of an eclectic variant of the Italian Renaissance Revival with elements of the Prairie School of design.

2. Association with Persons or Events: Fred and Mae Tyler, Lucius and LaRue Monroe, and Albert and Eleanor Bartlett

Elaboration: Constructed in 1918 by local architect and builder Albert Lawrence for prominent Boulder citizens Fred and Mae Tyler. Fred owned and operated a stone quarry in Four Mile Canyon and likely procured the field stone for the house from this location. In 1941 the house was sold to Lucius and LaRue Monroe. Lucius began working at Boulder's *Daily Camera* newspaper as a paperboy in 1918 and continued with the newspaper until 1970 when he retired as its publisher. LaRue was a prominent Boulder citizen involved in various civic organizations over the course of her life. In 1957, Albert and Eleanor Bartlett purchased the property. Noted University of Colorado physicist, Al Bartlett is credited with establishing Boulder's Blue Line in the early 1960s and as the founder of PLAN--Boulder which established a sales tax for the acquisition and development of Boulder's greenbelt in late 1960s.

3. Development of the Community: Meadow Lawn Park and Edgewood Subdivisions

Elaboration: This house is one of the earliest in the area. The neighborhood was developed primarily between 1953 and 1956. The house at 2935 19th St. is representative of the area's rural character in the first half of the twentieth century.

4. Recognition by Authorities: Well-preserved example of eclectic variant of the Italian Renaissance Revival with elements of the Prairie School of design. Recommended individually eligible for listing on the National Register of Historic Places by Front Range Research Associates, 1995.

ARCHITECTURAL SIGNIFICANCE:

Summary: The house at 2935 19th St. has architectural significance under criteria 1, 3, 4, and 5.

1. Recognized Period or Style: Eclectic variant of the Italian Renaissance Revival

Elaboration: Well-preserved example of an eclectic variant of the Italian Renaissance Revival with elements of the Prairie School of design. Recommended individually eligible for listing the National Register of Historic Places by Front Range Research Associates, 1995.

2. Architect or Builder of Prominence: Albert Lawrence

Elaboration: This house was designed and built by local architect and builder Albert Lawrence.

3. Artistic Merit: Eclectic variant of the Italian Renaissance Revival

Elaboration: This structure is a well-constructed, elegantly detailed, and highly intact example of an eclectic variant of the Italian Renaissance Revival with elements of the Prairie School of design.

4. Example of the Uncommon: Use of local field stone likely sourced from Fred Tyler's quarry in Four Mile Canyon.

5. Indigenous Qualities: Local field stone construction

Elaboration: Use of local field stone likely sourced from Fred Tyler's quarry in Four Mile Canyon.

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. The lot was subdivided in 2016, however, staff finds that the new property boundaries preserves the rural character of the lot. Staff believes that the application meets the environmental significance criteria for individual landmarks as outlined below:

ENVIRONMENTAL SIGNIFICANCE:

Summary: The building at 2935 19th St. has environmental significance under criteria 1, 2, 3, and 4.

1. Site Characteristics: Expansive parcel with established vegetation.

Elaboration: 2935 19th St. is an unusually large lot with high quality landscaping featuring many mature trees.

2. Compatibility with Site: Site Integration

Elaboration: House is well integrated into this large property which possesses large trees and mature vegetation.

3. Geographic Importance: Familiar visual feature in north Boulder.

Elaboration: Recognized as one of the most prominent and distinctive properties in north Boulder.

4. Environmental Appropriateness: House is well integrated into this large property which possesses large trees and mature vegetation.

5. Area Integrity: None Observed

Elaboration: The property is surrounded by the Meadow Lawn Park and Edgewood subdivisions, which were primarily developed in the 1950s and 1960s. The property is not located in a designated or identified potential historic district.

Landmark Name:

Staff considers this landmark should be known as the Tyler-Monroe-Bartlett Property, after its builders and first residents Fred and Mae Tyler, noted newspaper man Lucius Paddock Monroe, and its longest residents, CU physics professor and growth expert Albert Bartlett and his wife, Eleanor. 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:

Following a recent subdivision, the building sits on a residential lot measuring 29,994 sq. ft. in size. Staff recommends that the boundary be established as proposed to follow the property lines of the lot, which is the boundary proposed by the applicant and is consistent with current and past practices and the National Register Guidelines for establishing landmark boundaries.

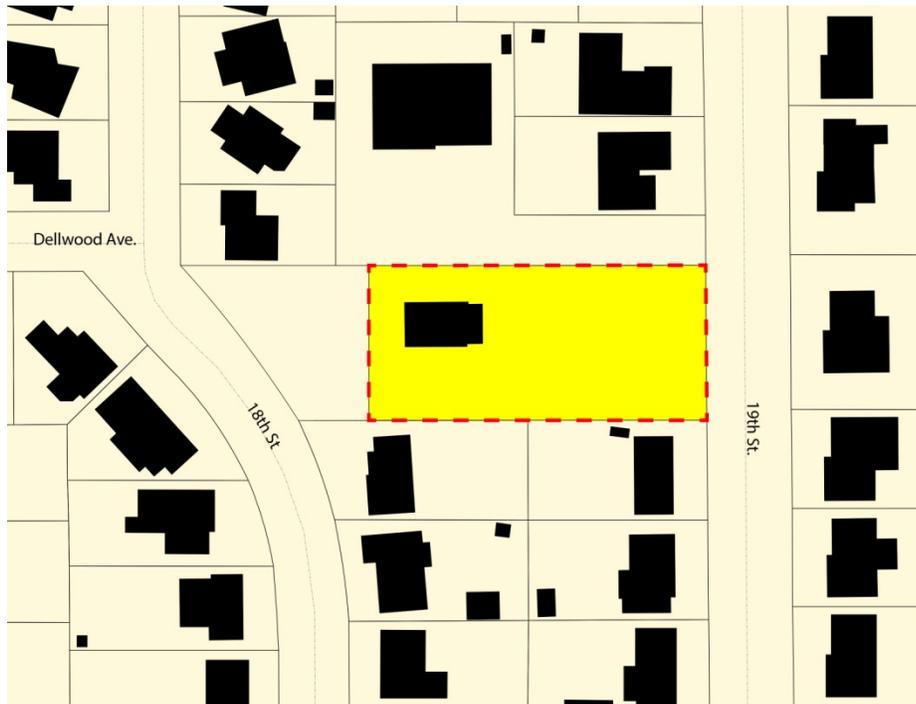


Figure 10: Proposed Landmark Boundary (dashed line).

OPTIONS:

The City Council may approve, modify or not approve the ordinance.

Approved By:

Jane S. Brautigam,
City Manager

ATTACHMENTS:

A: Ordinance 8148

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

C: Significance Criteria for individual landmarks

ORDINANCE 8148

AN ORDINANCE DESIGNATING THE BUILDING AND THE PROPERTY AT 2935 19TH ST., CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE TYLER-MONROE-BARTLETT PROPERTY, 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 June 3, 2016, property owner Nancy M. Bartlett, applied to the City of Boulder to designate the building and property at said property as a landmark; 2) the Landmarks Board held a public hearing on the proposed designation on September 7, 2016; and 3) on September 7, 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 October 18, 2016 and upon the basis of the presentations at that hearing finds that the building and the property at 2935 19th St. possesses a special character and special historic, architectural, or aesthetic interest or value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance is relevant to its construction around 1917, for its association with Fred and Mae Tyler, Lucius and LaRue Monroe, and Albert and Eleanor Bartlett; for its

1 development in the Meadow Lawn Park and Edgewood Subdivisions; and 2) its architectural
2 significance as an example of an eclectic variant of the Italian Renaissance Revival and its
3 association with local architect and builder Albert Lawrence; for its artistic merit and use of local
4 field stone; and 3) its environmental significance for its site characteristics with a large lot with
5 mature vegetation and trees; and as a familiar visual feature in north Boulder.

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

8 Section 6. There is hereby created as a landmark the building and property located at 2935
9 19th St., also known as the Tyler-Monroe-Bartlett Property, whose legal landmark boundary
10 encompasses the legal lots upon which it sits:

11 **JOS. WOLFF'S SUBDIVISION REPLAT A, LOT 18A**

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

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

16 Section 8. The City Council deems it appropriate that this ordinance be published by title
17 only and orders that copies of this ordinance be made available in the office of the City Clerk for
18 public inspection and acquisition.
19

20 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE
21 ONLY THIS 4TH DAY OF OCTOBER, 2016.

22
23
24

Suzanne Jones
Mayor
25

1
2 Attest:

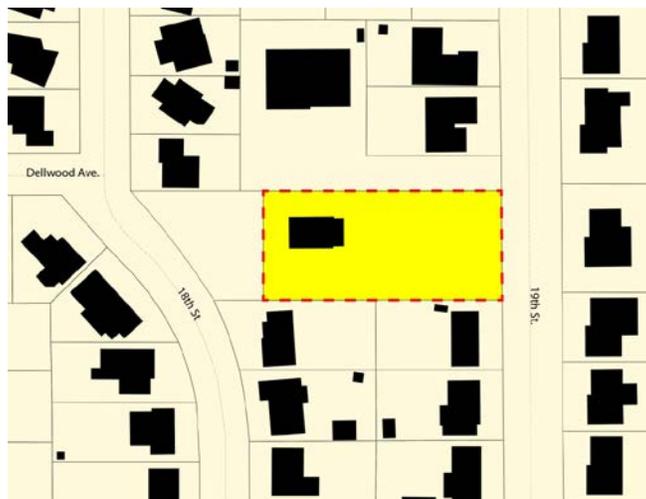
3
4 _____
Lynnette Beck
City Clerk

5
6
7
8 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY
9 TITLE ONLY THIS 1ST DAY OF NOVEMBER, 2016.

10
11 _____
Suzanne Jones
Mayor

12
13 Attest:

14
15 _____
Lynnette Beck
City Clerk



25 **Exhibit A – Landmark Boundary Map for 2935 19th St.**

JOS. WOLFF'S SUBDIVISION REPLAT A, LOT 18A

**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: November 1, 2016

AGENDA TITLE: Consideration of the following items related to Boulder Community Health (BCH) properties located at 4801, 4855, 4865 and 4885 Riverbend Road which are associated with BCH requests to redevelop the sites with a new medical facility and parking structure within the Riverbend Office Park:

1. Request to change the underlying Boulder Valley Comprehensive Plan (BVCP) Land Use Designation on the Riverbend Road site from Transitional Business to Public;
2. Second reading and consideration of a motion to adopt Ordinance 8149 amending Title 9, "Land Use Code," B.R.C. 1981, to rezone the properties from BT-2 (Business - Transitional 2) to P (Public); and
3. Second reading and consideration of a motion to adopt Ordinance 8150 amending Title 9, "Land Use Code," B.R.C. 1981, and Ordinance 8028 amending Appendix J of Title 9 adding BCH properties to areas where height modifications may be considered.

PRESENTER/S

Jane S. Brautigam, City Manager

Tom Carr, City Attorney

David Driskell, Executive Director of Planning, Housing and Sustainability

Susan Richstone, Deputy Director of Planning

Charles Ferro, Development Review Manager

Karl Guiler, Senior Planner/Code Amendment Specialist

EXECUTIVE SUMMARY

Boulder Community Health (BCH) has submitted a Site and Use Review application to redevelop four of its properties at 4801, 4855, 4865 and 4885 Riverbend Road with a new medical building and parking structure adjacent to the BCH Foothills Hospital at 4747 Arapahoe Avenue. The purpose of this memorandum is to consider first reading of two ordinances relevant to the BCH plans.

The plans are to construct a new three-story, 55-foot tall, 70,342 square foot medical office building to house inpatient rehabilitation and neurology facilities as part of the BCH functions at the corner of Arapahoe Ave. and 48th Street. Additionally, the proposal will allow inpatient behavioral health services to be relocated from the North Broadway campus to be closer to BHP's main emergency room as well as other hospital services regularly needed by behavioral health patients. A map is provided below showing the relevant sites at 4801, 4855, 4865 and 4885 Riverbend Road.



The medical building is proposed on the west portion of the site nearest to the existing Boulder Community Health Foothills Hospital at 4747 Arapahoe Avenue. Further, a new parking garage, including 406 parking spaces on six levels, up to 55-feet in height is also proposed on the east portion of the site. The parking is intended to serve the on-site medical building use and accessory retail as well as for overflow parking for the Boulder Community Health Foothills facility across 48th Street. To alleviate some of the parking issues experienced on the hospital site, the applicant intends to provide employee parking (up to 160 parking spaces) within the garage to free up more parking for patients and visitors. A majority of the spaces (250 spaces) would be for visitors to the on-site facility. The proposal requires a Site Review application for the new buildings and a Use Review application to allow the 160 spaces that would serve the off-site hospital at 4747 Arapahoe Avenue.

The proposal required Planning Board action on the BVCP Land Use Map change and the Site and Use Review application as well as recommendations from Planning Board to City Council on the ordinance to rezone to P, Public, and the ordinance to amend Ordinance No. 8028 relative to allowing adding the site to areas where height modifications may be considered.

Planning Board reviewed the proposed requests on Oct. 6, 2016 and unanimously approved the BVCP Land Use Map change, and unanimously recommended approval to City Council of the rezoning and amendment to Ordinance No. 8028. These requests are discussed in detail below and are the subject of this memorandum. These changes are necessary to allow the proposed expansion.

The board also approved the Site and Use Review applications with conditions, which will be subject to City Council call-up consideration on Nov. 1, 2016 within the required 30-day call-up period.

The following requests require City Council decision. After each is an explanation of the required process and applicable criteria:

- BVCP Land Use Map change: A land use designation change from Transitional Business to Public is necessary to permit the hospital/medical uses on the property and to allow for collocation of existing and new hospital facilities. Land Use Map changes require approval from both Planning Board and City Council and are subject to procedures and criteria within the [BVCP](#) (see page 58).
- Rezoning: A rezoning from BT-2 (Transitional Business – 2) to P (Public) is necessary to permit the hospital and medical uses on the site and, if the proposed land use map change is approved, to bring the zoning into compliance with the BVCP. Rezoning requests require Planning Board review and recommendation to City Council and require final approval by council. Rezoning requests are subject to the criteria within [Section 9-2-19, “Rezoning,” B.R.C. 1981 within the Land Use Code](#). The draft ordinance considered for first reading can be found in **Attachment A**.
- Amendment to Ordinance No. 8028: Ordinance No. 8028 was passed by City Council on April 7, 2015 and restricted areas within the city where height modifications could be considered. Ordinance No. 8028 may be reviewed [here](#). With a nod of five, City Council had indicated initial support of the proposed change to allow the BCH properties to be added. The draft ordinance considered for first reading to allow for a height modification can be found in **Attachment B** and would allow for consideration of a height modification on the BCH properties at 4801, 4855, 4865 and 4885 Riverbend Road.

Background on the subject properties and the project can be found in **Attachment C**.

On Oct. 18th, City Council reviewed the ordinances at time of first reading and had no questions.

STAFF RECOMMENDATION

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

Suggested Motion Language:

1. *Motion to adopt Ordinance 8149 amending Title 9, "Land Use Code," B.R.C. 1981, to rezone the properties from BT-2 (Business - Transitional 2) to P (Public); and*
2. *Motion to adopt Ordinance 8150 amending Title 9, "Land Use Code," B.R.C. 1981, and Ordinance 8028 to allow consideration of a height modification to up to 55 feet for the properties at 4801, 4855, 4865 and 4885 Riverbend Road.*

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: Boulder Community Hospital not only provides necessary health services to the broader community, it is a major center of employment in Boulder and is important to the city's economic well-being.
- Environmental: The proposed expansion would occur on four sites that are already developed.
- Social: Boulder Community Hospital provides a critical and important service to the community. The expansion would enable the hospital to improve and modernize its services and relocate critical functions to the foothills location from its current location on Broadway.

OTHER IMPACTS

- Fiscal: None identified.
- Staff time: The proposed requests are within normal staff work plans.

BOARD AND COMMISSION FEEDBACK

Planning Board

Planning Board unanimously approved the BVCP Land Use Map change to Public and recommended approval of the rezoning and modifications to Ordinance No. 8028 relative to height. The relevant motions are below:

On a motion by **B. Bowen**, seconded by **C. Gray**, the Planning Board voted 7-0 to approve the BVCP Land Use Map change (LUR2016-00038).

On a motion by **B. Bowen**, seconded by **J. Putnam**, the Planning Board voted 7-0 to recommend to City Council approval of Rezoning (LUR2016-00039).

On a motion by **H. Zuckerman**, seconded by **B. Bowen**, the Planning Board voted 7-0 to recommend to City Council the adoption of the proposed ordinance to add the Riverbend project site.

ANALYSIS

BVCP Land Use Map Change from Transitional Business to Public

Staff finds that the proposal to change the Boulder Valley Comprehensive Plan (BVCP) land use designation on site meets the criteria within the BVCP. Staff responses to the applicable criteria are provided below.

BVCP Land Use Map Change criteria

The Land Use Map is not intended to be a zoning map. It is intended to provide policy direction and definition for future land uses in the Boulder Valley. Thus, a change to the land use designations may be considered at any time if it is related to a proposed change in zoning or proposed annexation and meets all of the following criteria:

(a) The proposed change is consistent with the policies and overall intent of the comprehensive plan.

The proposal to change the BVCP Land Use Map designation is consistent with the intent of the comprehensive plan to promote the physical health and well-being of residents of the Boulder Valley. Allowing collocation of the existing and new facilities next to the hospital will result in more efficient operations and better services to residents consistent with the policies discussed below.

The BVCP strives to “*maintain a high quality of life for all of its residents*” by “*providing facilities and services, among are human service programs and a focus on promoting cultural, social and economic equity.*” More specifically, the following policies on economic and social sustainability are relevant:

BVCP Policy 1.03 Principles of Economic Sustainability The city and county will strive to develop and maintain a healthy, adaptable economy that is vital to the community’s quality of life and high level of services and amenities by:

- a) Promoting a diverse economy that supports the needs of all community members;*
- b) Promoting a qualified and diversified work force that meets employers’ needs and supports a range of jobs; and*
- c) Providing for and investing in a quality of life, unique amenities, and infrastructure that attracts, sustains, and retains businesses and entrepreneurs.*

BVCP Policy 1.04 Principles of Social Sustainability The city and county will strive to promote a healthy community and address social and cultural inequities by:

- a) *Respecting and valuing cultural and social diversity;*
- b) *Ensuring the basic health and safety needs of all residents are met;*
and
- c) *Providing infrastructure and services that will encourage culturally and socially diverse communities to both prosper within and connect to the larger community.*

The Public Land Use Designation is described as follows:

Public/Semi-Public land use designations encompass a wide range of public and private nonprofit uses that provide a community service. This category includes municipal and public utility services such as the municipal airport, water reservoirs, and water and wastewater treatment plants. Public/Semi-Public also includes: educational facilities, including public and private schools and the university; government offices such as city and county buildings, libraries, and the jail; government laboratories; and nonprofit facilities such as cemeteries, churches, hospitals, retirement complexes and may include other uses as allowed by zoning.

The requested Public land use designation would allow for the expansion of the Boulder Community Health facility consistent with the following BVCP policies:

- BVCP Policy 2.17 Variety of Activity Centers
- BVCP Policy 8.01 Provide for a Broad Spectrum of Human Needs
- BVCP Policy 8.07 Physical Health
- BVCP Policy 8.10 Support for Community Facilities

(b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.

The proposed change is meant to facilitate the expansion of health services in a single location for the Boulder Valley. The change would allow for more efficient provision of services and enhance access to services for residents of the area. There would be no significant cross-jurisdictional impacts to residents, properties or facilities outside the city.

(c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan.

The proposed land use designation change is necessary to facilitate collocation of hospital facilities and will not materially affect the land use and growth projections that were the basis of the comprehensive plan.

(d) The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder.

The proposed land use designation change is necessary to facilitate collocation of hospital facilities and will not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder. Infrastructural upgrades necessary to serve the redevelopment will be evaluated and required as part of the Site Review process.

(e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder.

The proposed land use designation change is necessary to facilitate a new hospital facility on the site and will not materially affect the adopted Capital Improvements Program of the City of Boulder.

(f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.

The proposed change is within Area I and would have no impact on the Area II/Area III boundaries in the comprehensive plan.

In summary, allowing for the expansion of the hospital facilities in the subject location is consistent with BVCP policies and logical considering the proximity and connection to the existing Boulder Community Health facility and enabling an important human resource to better serve the Boulder Valley region.

Rezoning from BT-2 to P

See **Attachment A** for the draft ordinance to rezone. The proposed rezoning is intrinsically connected to the policy decision to change the BVCP land use map to Public (discussed above) to allow the hospital and medical uses of the Boulder Community Health to better serve Boulder and the surrounding area by collocation of its services. If the BVCP land use map changes is supported, it is necessary to change the zoning to Public to allow the hospital use. Rezoning would, therefore, follow a land use map change and would be consistent with the following criterion below:

(1) Is the proposed rezoning consistent with the policies and goals of the Boulder Valley Comprehensive Plan?

The proposal to change the BVCP Land Use Map designation and the city's zoning map is consistent with the intent of the comprehensive plan to promote the physical health and well-being of residents of the Boulder Valley. The BVCP strives to “*maintain a high quality of life for all of its residents*” by “*providing facilities and*

services, among are human service programs and a focus on promoting cultural, social and economic equity.” More specifically, the following policies on economic and social sustainability are relevant:

BVCP Policy 1.03 Principles of Economic Sustainability *The city and county will strive to develop and maintain a healthy, adaptable economy that is vital to the community’s quality of life and high level of services and amenities by:*

- a) Promoting a diverse economy that supports the needs of all community members;*
- b) Promoting a qualified and diversified work force that meets employers’ needs and supports a range of jobs; and*
- c) Providing for and investing in a quality of life, unique amenities, and infrastructure that attracts, sustains, and retains businesses and entrepreneurs.*

BVCP Policy 1.04 Principles of Social Sustainability *The city and county will strive to promote a healthy community and address social and cultural inequities by:*

- a) Respecting and valuing cultural and social diversity;*
- b) Ensuring the basic health and safety needs of all residents are met; and*
- c) Providing infrastructure and services that will encourage culturally and socially diverse communities to both prosper within and connect to the larger community.*

The Public Land Use Designation is described as follows:

Public/Semi-Public land use designations encompass a wide range of public and private nonprofit uses that provide a community service. This category includes municipal and public utility services such as the municipal airport, water reservoirs, and water and wastewater treatment plants. Public/Semi-Public also includes: educational facilities, including public and private schools and the university; government offices such as city and county buildings, libraries, and the jail; government laboratories; and nonprofit facilities such as cemeteries, churches, hospitals, retirement complexes and may include other uses as allowed by zoning.

The requested Public land use designation would allow for the expansion of the Boulder Community Health facility consistent with the following BVCP policies:

- BVCP Policy 2.17 Variety of Activity Centers
- BVCP Policy 8.01 Provide for a Broad Spectrum of Human Needs
- BVCP Policy 8.07 Physical Health
- BVCP Policy 8.10 Support for Community Facilities

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

Based on the staff recommendation to amend land use map designation to advance BVCP policies and goals and consistent with the criteria the BVCP included in the analysis above, and assuming the land use map is amended to reflect this analysis, the rezoning becomes necessary to come into compliance with the Boulder Valley Comprehensive Plan map. The existing zoning of BT-2 is inconsistent with a Public land use map designation. The Public land use map designation and P zoning would match. (See Background in **Attachment C**) for descriptions of land use map designations and zoning districts.

Draft Ordinance to modify Ordinance 8028 relative to Height Modifications

Attachment B contains the proposed ordinance and changes to Appendix J that would add the subject properties to the areas where height modifications may be requested.

The hospital site was already included in the ordinance as an area where a height modification can be considered and that inclusion of these properties being added to the hospital campus would, just like the existing hospital site, implement important community values. Considering the community benefits of the use and the context with other buildings at or greater than 55 feet in the vicinity, staff finds that the ordinance would be appropriate and thus, recommends City Council approval of the change. The height modification is being considered as part of the current Site Review application for the project. The Site Review approval is conditioned on approval of this ordinance. Both staff and Planning Board found the height of the proposed buildings and their designs compatible with its context in the area with other buildings at or greater than 55 feet in the vicinity.

ATTACHMENTS

- A.** Ordinance 8149 to rezone properties from BT-2 to P
- B.** Ordinance 8150 to modify Ordinance 8028
- C.** Background on properties and project

ORDINANCE 8149

AN ORDINANCE REZONING 2.31 ACRES OF LAND LOCATED AT 4801, 4855, 4865, AND 4855 RIVERBEND ROAD FROM THE BUSINESS - TRANSITIONAL 2 (BT-2) TO PUBLIC (P) ZONING DISTRICT AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

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

A. A public hearing before the Planning Board of the City of Boulder was duly held on October 6, 2016, in consideration of rezoning approximately 2.31 acres of land from the Business – Transitional 2 (BT-2) to the Public (P) zoning district generally located at 4801 Riverbend Road, Boulder, CO as more particularly described as Lot 1, Riverbend First Replat, County of Boulder, State of Colorado; 4855 Riverbend Road, Boulder, CO as more particularly described as Lot 1, Riverbend Second Replat, County of Boulder, State of Colorado; 4865 Riverbend Road, Boulder, CO as more particularly described as Lot 2, Riverbend Second Replat, County of Boulder, State of Colorado; and 4885 Riverbend Road, Boulder, CO as more particularly described as Lot 9, Riverbend, County of Boulder, State of Colorado (collectively hereafter referred to as the "Property") and as shown on Exhibit A attached hereto and incorporated herein.

B. The Planning Board found that the rezoning of the Property from the Business – Transitional 2 (BT-2) to the Public (P) zoning district is consistent with the policies and goals of the Boulder Valley Comprehensive Plan; is necessary to bring the Property into compliance with the Boulder Valley Comprehensive Plan map; and meets the criteria for rezoning as provided in Chapter 9-2, "Review Processes," B.R.C. 1981.

C. The Planning Board recommended that the City Council amend the zoning district map to include the Property in the Public (P) zoning district as provided in Chapter 9-5, “Modular Zone System,” B.R.C. 1981.

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

Section 1. Chapter 9-5, “Modular Zone System,” B.R.C. 1981, and the zoning Public (P) district map forming a part thereof are amended to include the Property within the zoning district.

Section 2. The City Council finds that the rezoning of the Property from the Business – Transitional 2 (BT-2) to the Public (P) zoning district is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, is necessary to bring the Property into compliance with the Boulder Valley Comprehensive Plan map, and meets the criteria for rezoning as provided in Chapter 9-2, “Review Processes,” B.R.C. 1981. The City Council adopts the recitals as a part of this ordinance.

Section 3. The City Council has jurisdiction and legal authority to rezone the Property.

Section 4. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern. The rezoning of the Property bears a substantial relation to, and will enhance the general welfare of, the Property and of the residents of the City of Boulder.

Section 5. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED
BY TITLE ONLY this 18th day of October, 2016.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this 1st day of November, 2016.

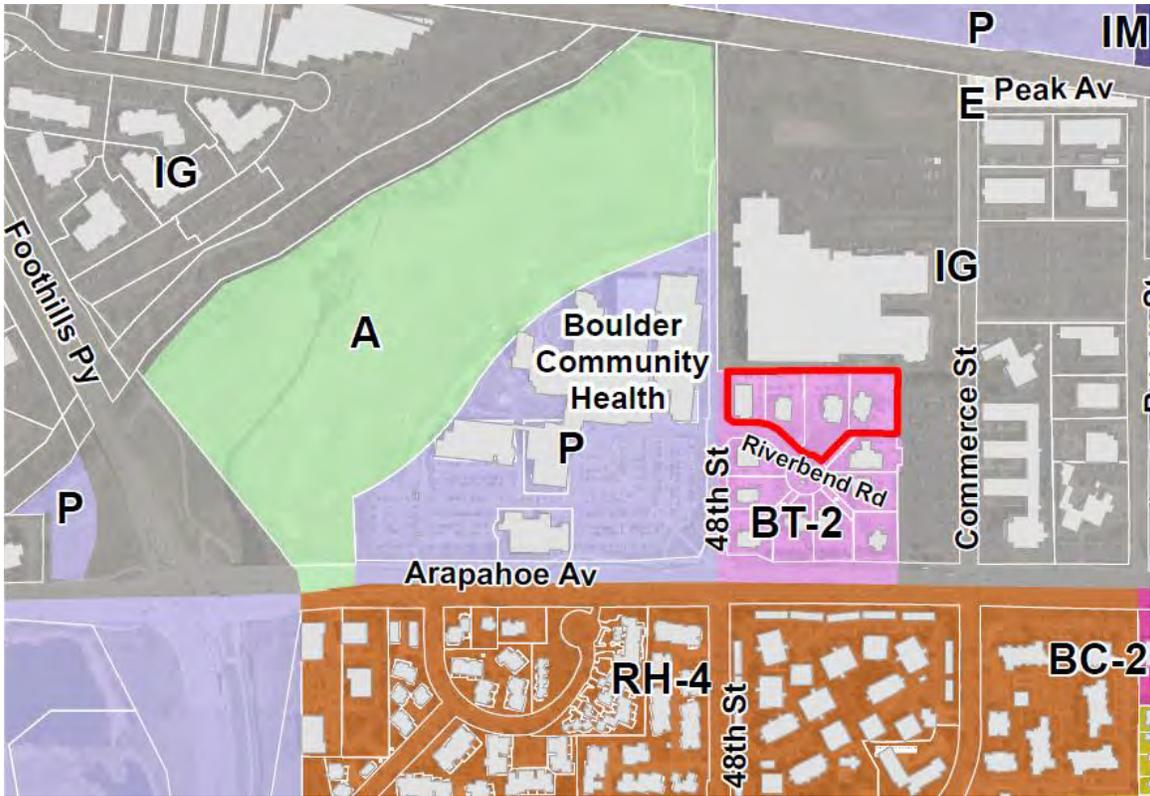
Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

EXHIBIT A

MAP OF AREAS TO BE REZONED



ORDINANCE 8150

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE" B.R.C. 1981, AND ORDINANCE 8028 BY AMENDING APPENDIX J TO TITLE 9 ADDING ADDITIONAL BOULDER COMMUNITY HEALTH PROPERTIES TO THE AREAS WHERE HEIGHT MODIFICATIONS MAY BE CONSIDERED, AND SETTING FORTH RELATED DETAILS.

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

Section 1. The city council finds and recites the following facts leading to the adoption of this ordinance amending interim development regulations related to the height of buildings.

a. On April 7, 2015, the city council adopted Ordinance 8028 amending Title 9, "Land Use Code," B.R.C. 1981, by adopting interim development regulations related to the height of buildings.

b. With Ordinance 8028 the council intended to limit the areas where buildings can be up to fifty-five feet in height to those areas where previous planning efforts have resulted in the adoption of a plan or clear policy intent that supports more intensive forms of development or in instances where important community values are implemented or site topography may result in height-compliance hardship.

c. The provisions of Ordinance 8028 remain in effect until April 19, 2017.

d. The Boulder Community Health has sold its campus near Broadway and Balsam Avenue in an effort to move and centralize its services at and near the location of its hospital campus at 4747 Arapahoe Avenue. As part of this effort, Boulder Community Health is expanding its services to the properties located at 4801, 4855, 4865, and 4885 Riverbend. Co-location of the emergency room with other health services to be located at the Riverbend Office Park, including inpatient behavioral health, would improve the quality and access to health care services provided within the community.

e. The Boulder Community Health hospital and its related services provide important services for the health and wellbeing of the community and thereby implements important community values consistent with the goals and policies of the Boulder Valley Comprehensive Plan.

Section 2. The council repeals "Appendix J to Title 9 - Areas Where Height Modifications May Be Considered," and hereby adopts Attachment A to this ordinance, titled, "Appendix J to

1 Title 9 - Areas Where Height Modifications May Be Considered,” as an amendment to Title 9,
2 “Land Use Code,” B.R.C. 1981.

3 Section 3. The provisions of this ordinance shall amend Ordinance 8028 and shall along
4 with Ordinance 8028 expire on April 19, 2017. The council intends that this ordinance will expire,
5 be amended, or replaced with subsequent legislation after further study of appropriate building
6 heights in the city.

7 Section 4. This ordinance shall apply to building permits or land use approvals for which
8 an application is made following the effective date of this ordinance and building permits and land
9 use applications pending at the time of the adoption or effective date of this ordinance.

10 Section 5. If any section, paragraph, clause, or provision of this ordinance shall for any
11 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining
12 provisions of this ordinance.

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

15 Section 7. The council deems it appropriate that this ordinance be published by title only
16 and orders that copies of this ordinance be made available in the office of the city clerk for public
17 inspection and acquisition.
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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 18th day of October, 2016.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

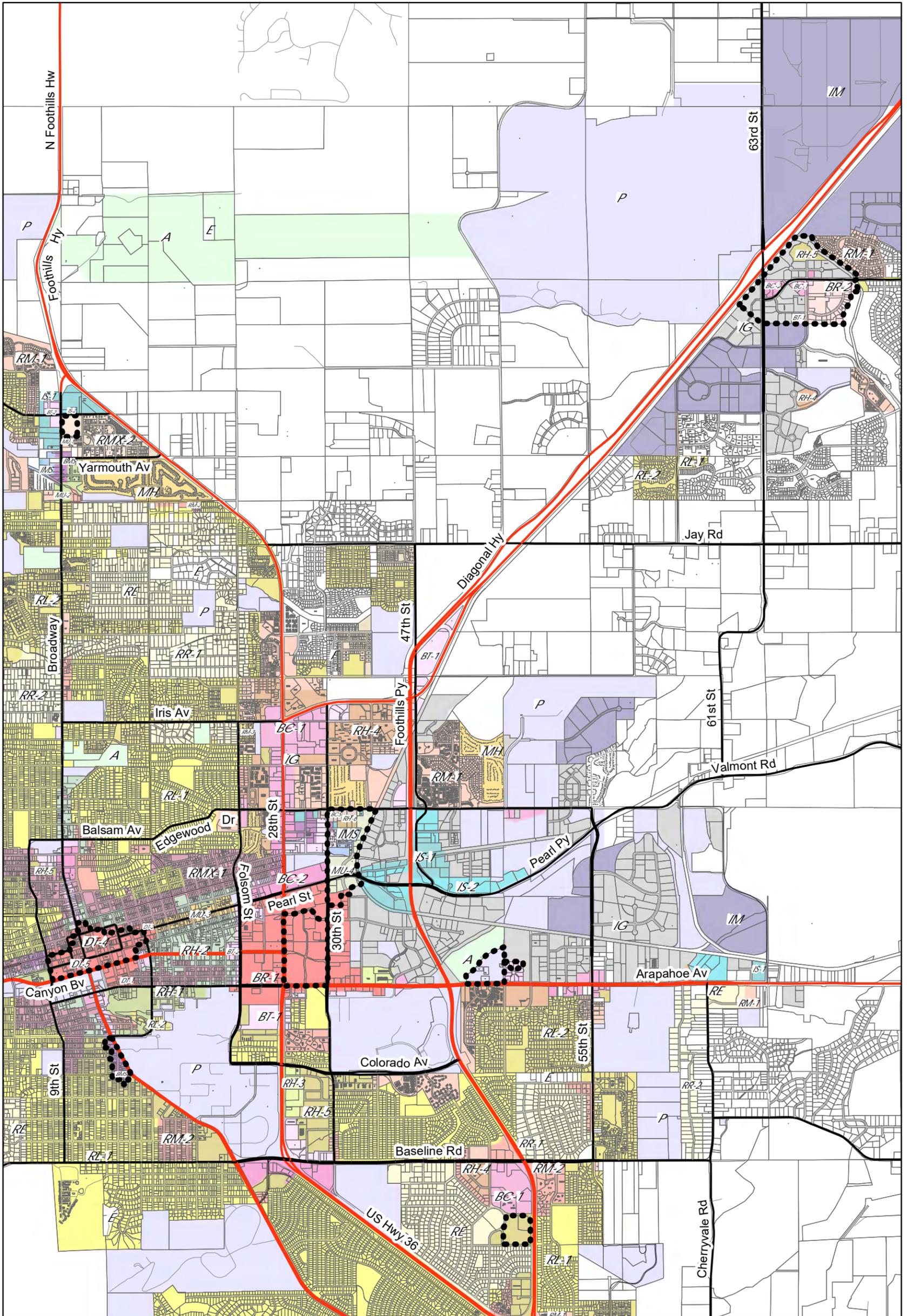
READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED
BY TITLE ONLY this 1st day of November, 2016.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

Appendix J to Title 9 – Areas Where Height Modifications May be Considered



 Areas Where Height Modifications May be Considered



BACKGROUND

BCH plans to move all services from its Broadway location by December 2017. This will include the relocation of its inpatient behavioral health, inpatient rehab and neurology department. BCH has selected the Riverbend Office Park as the new location for the relocated inpatient behavioral health facilities due to its proximity to the existing BCH Foothills hospital and medical center facility at the corner of Arapahoe and Foothills Parkway (i.e., 4747 Arapahoe). Per the applicant, co-location of the emergency room with inpatient behavioral health is a significant benefit for the treatment of patients. The BCH Foothills hospital was approved in 2001 to construct up to 420,000 square feet of floor area in six phases for a period up to 10 years.

Site Review application #LUR2011-00043 was approved by Planning Board on Dec. 1, 2011 to expand the existing 308,255 square foot hospital by over 100,000 square feet of new floor area (totaling up to 440,000 square feet) within new three-story wings and upper floors on the existing hospital building. A height modification was also approved to build the new additions up to 52 feet (similar to existing height). Use Review application #LUR2011-00061 was also approved to permit the heliport. A rezoning was also approved to properly align the zoning with the underlying BVCP land use map designations of Public and Open Space. The BCH Foothills campus provides a total 1,166 parking spaces on the 4747 Arapahoe site.



Figure 1- Vicinity Map (subject site is 4801, 4855, 4865 and 4885 Riverbend Road)

As depicted in **Figure 1**, the 2.55-acre (gross) project site is located off of Arapahoe Ave. immediately to the east of the Boulder Community Hospital Foothills campus. The site is currently the location of the Riverbend Office Park (see addresses here right), which was originally annexed and approved as a PUD with an initial zoning designation of Industrial – Developing (“IG” under current code standards). The original approval also included a Special Review (now called Use Review) approval for an office use. Over the years, several additional Use Reviews were approved for additional office uses on specific sites within the PUD, and several other office uses were established or converted without the benefit of City review. In 2000, the Riverbend Office Park was rezoned from Industrial to Transitional Business in acknowledgment of the fact that the proliferation of office uses within the development, many of which were nonconforming or prohibited, had resulted in the development no longer being consistent with the Industrial zoning designation. Currently, the 12 existing one and two-story buildings within the Riverbend Office Park contain a mix of medical/dental, professional and technical offices and personal service uses, all of which are allowed uses in the BT-2 zone district.

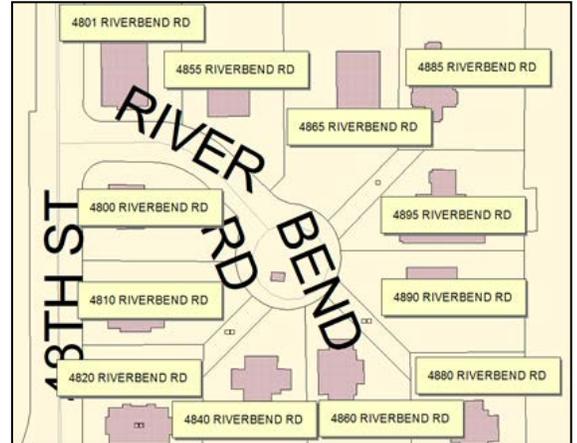


Figure 2: BCH Foothills Campus from corner of 48th & Arapahoe

The project site is located in East Boulder near the intersection of 48th Street and Arapahoe Avenue, just east of the Boulder Community Health Foothills Campus (shown in **Figure 2**). The Boulder Community Health Foothills Campus site is the location of the Boulder Community Foothills Hospital, which was constructed as a branch hospital providing medical services to an expanded area and to take pressure off the main hospital on Broadway, which has recently been sold to the City of Boulder. Eventually, all operations from the Broadway campus will be relocated to the Foothills campus. The existing Foothill campus is nearly 50 acres in size and contains large areas designated for environmental preservation with wetlands and open space areas around Boulder Creek,

which runs on the north side of the site and adjacent to the Ball Aerospace property to the north and east.

Currently, the project site is the location of the Riverbend office park, which consists of twelve individual properties containing a variety of professional and medical office uses. The park is arranged as a series of two-story office buildings arranged around a cul-de-sac with surface parking provided on each lot. The site is surrounded by large, mature trees, which gives it a somewhat secluded feel. The character of the area surrounding the site is somewhat eclectic, with the hospital facilities immediately to the west and the large, industrial buildings of the Ball Aerospace campus immediately to the north and east. The site is bordered on its east side by a large surface parking lot serving Ball Aerospace. The area across Arapahoe to the south consists of high density residential development characterized by 2 to 3-story buildings setback from the street with detached parking garages along the major frontages. The project site as seen from within Riverbend Office Park at the existing roundabout is shown in **Figure 3**, with the Ball Aerospace building in the background. **Figure 4** shows the project site as seen from Commerce St. across the Ball Aerospace parking lot to the east of the site.



Figure 3: Project Site from within Riverbend Office Park



Figure 4: project site as seen from Commerce St. across the Ball Aerospace parking lot to the east

A variety of BVCP land use designations surround the site and reflect the diversity of land uses in the area. Most land east and north of the site are designated light industrial, whereas uses south of Arapahoe are predominantly designated medium to high density residential with low density residential neighborhoods further from Arapahoe. As mentioned above, the project site is located immediately to the east of the existing BCH Foothills campus at the corner of Arapahoe and Foothills, which has a BVCP land use designation of Public. The lands southwest of Foothills and Arapahoe owned by the University of Colorado have a Public land use designation as well. **Figure 5** depicts the surrounding BVCP land use designations.

BVCP Land Use Designation

As shown below in **Figure 5**, the project site has a BVCP land use designation of Transitional Business, which is defined in the [2010 BVCP](#) as follows:

The Transitional Business designation is shown along certain major streets. These are areas usually zoned for less intensive business uses than in the General Business areas, and they often provide a transition to residential areas.

The change in the site's land use designation from Industrial to Transitional Business in 2000 was largely to acknowledge the change in character that had resulted from the proliferation of medical and professional office uses on the site. Under the current proposal, the land use designation would need to be changed from Transitional Business to Public, which is defined in the 2010 BVCP as follows:

Public/Semi-Public land use designations encompass a wide range of public and private non-profit uses that provide a community service. This category includes municipal and public utility services such as the municipal airport, water reservoirs, and water and wastewater treatment plants. Public/Semi-Public also includes: educational facilities, including public and private schools and the university; government offices such as city and county buildings, libraries, and the jail; government laboratories; and nonprofit facilities such as cemeteries, churches, hospitals, retirement complexes and may include other uses as allowed by zoning.

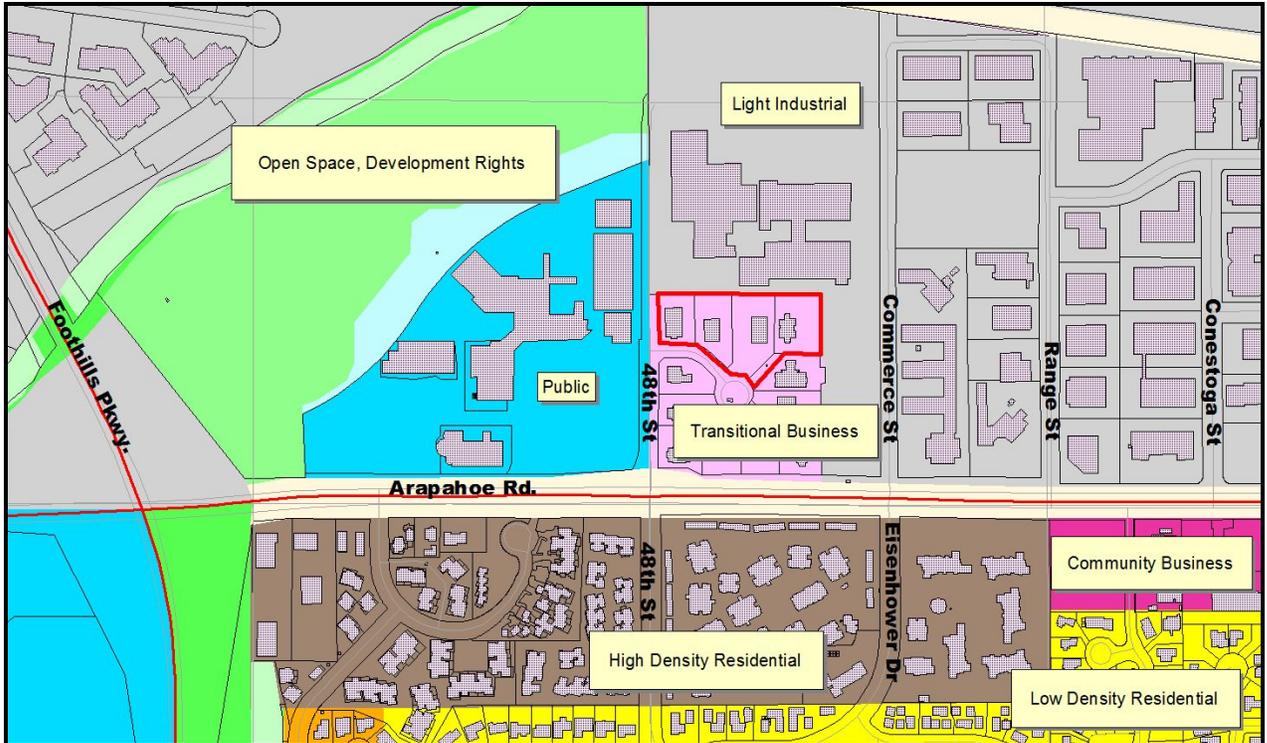


Figure 5: BVCP Land Use Map

The current proposal presents an opportunity to evaluate whether the existing land use designation for the project site should be changed to become consistent with the adjacent BCH site.

Zoning

The project site is zoned BT-2 (Business – Transitional 2). The BT-2 zone district is defined as “*Transitional business areas which generally buffer a residential area from a major street and are primarily used for commercial and complementary residential uses, including without limitation, temporary lodging and office uses*” (section 9-5-2(c), B.R.C. 1981). Please see **Figure 6** below for a zoning map of the site and surrounding area. As part of this project, the applicant would request a rezoning of the project site from BT-2 to P (Public) in order to allow for the proposed hospital use, which is prohibited in the BT-2 zone district but allowed by right within the P zone district per section 9-6-1, B.R.C. 1981. As discussed above, this would also require a change to the underlying BVCP land use designation.

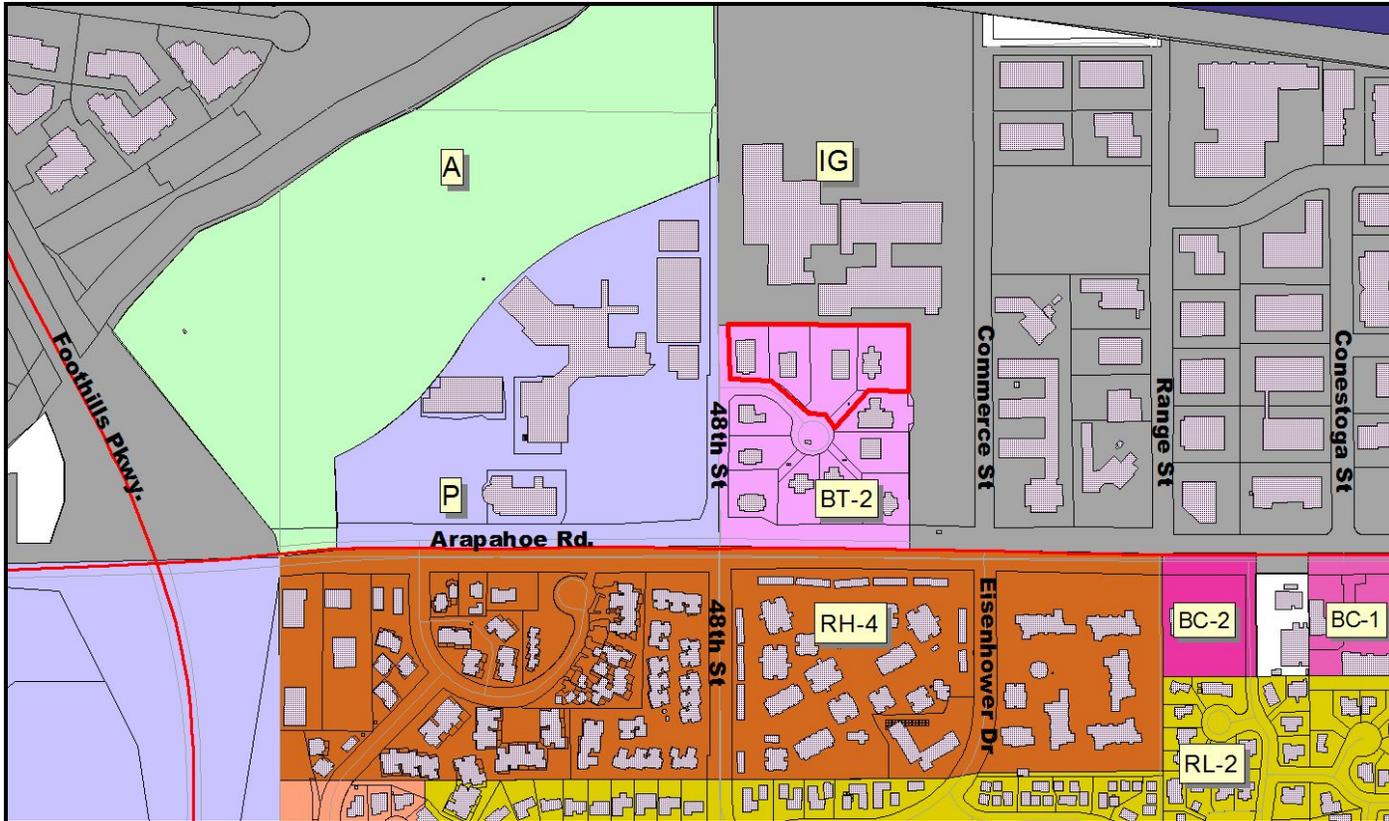


Figure 6: BVCP Land Use Map

Additional Site Characteristics

The project site has a number of unique characteristics that will need to be taken into consideration during the Site Review process. As shown in Figure 7, the site is impacted by the 100-year floodplain and as such any new development will require a floodplain development permit. In addition, because the proposed facility is considered a critical facility per section 9-16, B.R.C. 1981, an Emergency Management Plan would be required. The property is impacted by both the existing FEMA 100-year floodplain and the new mapping study 100-year floodplain. The flood elevations from the new study are generally consistent with the existing FEMA study in this area; therefore, there are no deviations that could impact the site from any changes are anticipated. The new floodplain mapping is anticipated to be effective in the fall of 2017. For additional information please visit: <https://bouldercolorado.gov/flood/boulder-creek-floodplain-mapping-update>.

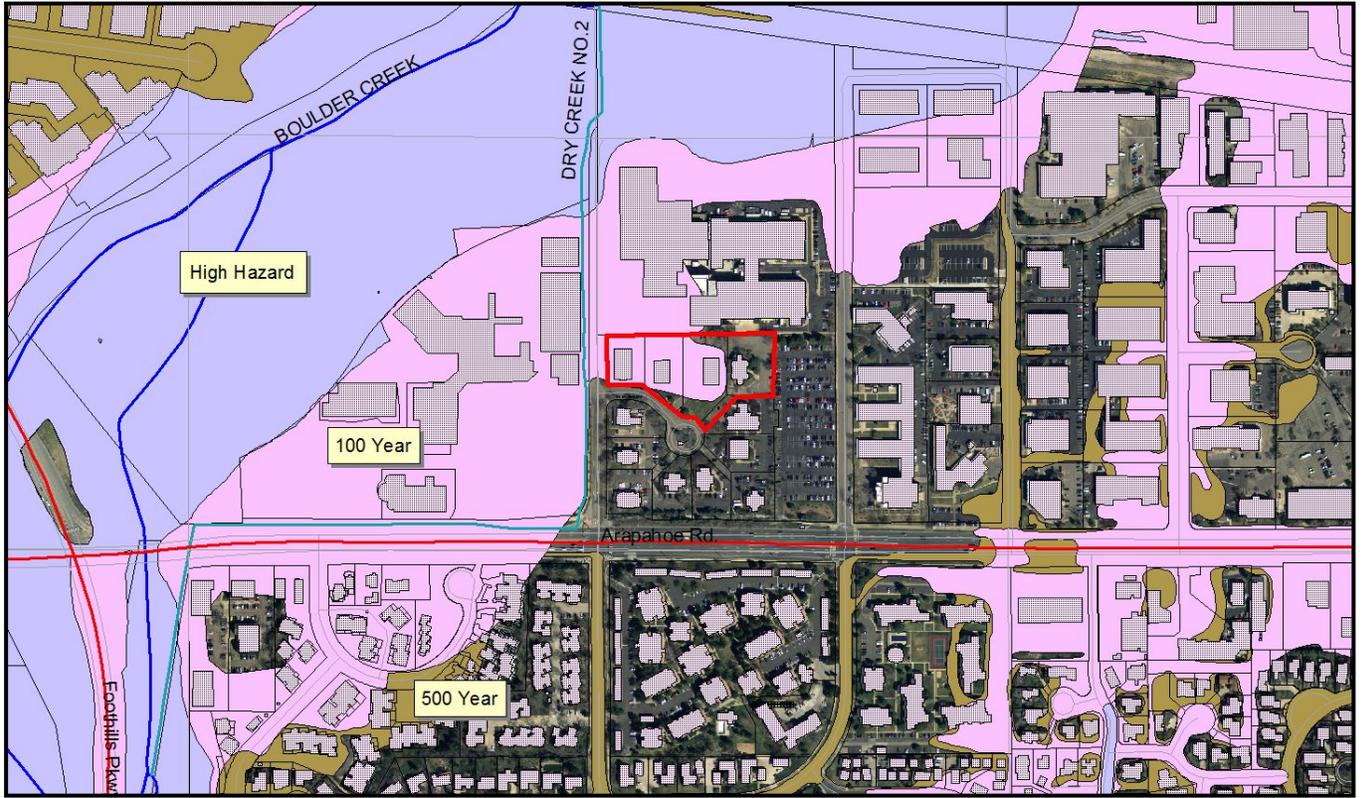


Figure 7: Floodplain Map



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: November 1, 2016

AGENDA TITLE: Second reading and consideration of a motion to adopt Ordinance 8151 to rezone 1.12 acres of land located at 3200 Bluff Street (the AirGas site) from Industrial Mixed Services (IMS) to Mixed Use - 4 (MU-4).

PRESENTER/S

Jane S. Brautigam, City Manager

Tom Carr, City Attorney

David Driskell, Executive Director of Planning, Housing and Sustainability

Susan Richstone, Deputy Director of Planning, Housing and Sustainability

Charles Ferro, Development Review Manager

Karl Guiler, Senior Planner/Code Amendment Specialist

EXECUTIVE SUMMARY

The applicant is requesting approval to rezone 3200 Bluff Street, the AirGas site at the corner of Junction Place and Bluff Street in Boulder Junction, from Industrial Mixed Services (IMS) to Mixed Use – 4 (MU-4) to bring the site into conformance with the Boulder Valley Comprehensive Plan (BVCP) land use designation of Mixed Use Business and to allow a new mixed-use development on the site.

Requests to rezone properties require compliance with the criteria of Section 9-2-19, “Rezoning,” B.R.C. 1981 and review and recommendation by Planning Board and approval by City Council. Pursuant to Section 9-2-19, B.R.C. 1981, *“The planning board shall hear a request for rezoning at a public hearing and shall make a recommendation for approval or denial to the city council. After considering the planning board’s recommendation, the city council shall make the final determination on a request for rezoning at a public hearing held in accordance with the adopted Council Procedure of Title 2, “Government Organization,” (Appendix) B.R.C. 1981.”*

The draft ordinance to rezone can be found in **Attachment A**.

STAFF RECOMMENDATION

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

Suggested Motion Language:

Motion to adopt Ordinance 8151 to rezone 1.12 acres of land located at 3200 Bluff Street (the AirGas site) from Industrial Mixed Services (IMS) to Mixed Use - 4 (MU-4).

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: None identified.
- Environmental: The level of development resulting from the proposed Mixed Use -4 (MU-4) zone has already been evaluated and anticipated as part of the Transit Village Area Plan (TVAP) process which set the land use for the site as Mixed Use Business. MU-4 would be more consistent with the underlying land use designation than the current Industrial Mixed Services zoning.
- Social: None identified.

OTHER IMPACTS

- Fiscal: None identified.
- Staff time: The proposed requests are within normal staff work plans.

BOARD AND COMMISSION FEEDBACK

Planning Board

On Sept. 1, 2016, Planning Board reviewed the proposed rezoning request. The board unanimously approved the rezoning to bring the property into compliance with the Mixed Use Business Boulder Valley Comprehensive Plan (BVCP) Land Use Map Designation and the Transit Village Area Plan (TVAP) land use goals. The board agreed with staff's analysis of the applicable review criteria.

On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board recommended approval (7-0) of the rezoning of the property from IMS to MU-4 having met the criteria for rezoning under Section 9-2-19 (e) and (f).

PUBLIC COMMENT

No public comments were received on the proposal to rezone.

BACKGROUND

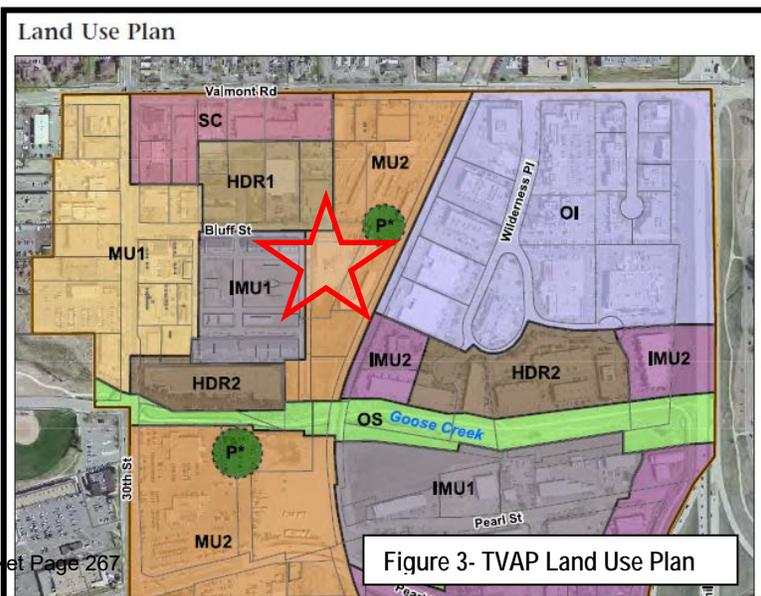
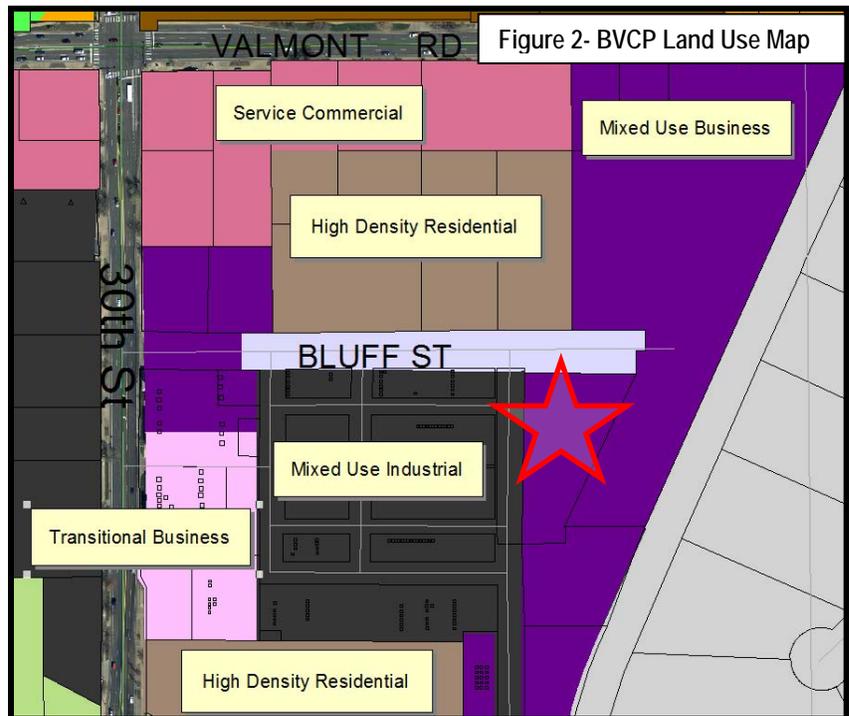
As **Figure 1** shows, the site is roughly one acre in size and is at the southeast corner of Junction Place and Bluff Street. It is generally level and is mostly open with the exception of some deciduous trees. The site has historically been used for industrial uses and is currently occupied by the AirGas company within a one story building on the north side of the site. The other parts of the site are used for parking and storage.

The existing Steelyards development abuts the property to the west and the recently approved S'park development is to the north and east of the site. The Burlington Northern Santa Fe (BNSF) railway is east of the site, but does not abut the site.

The Steelyards is a gridded, mixed-use neighborhood with generally two and three-story buildings. Areas along the rail corridor to the south and as approved within S*park, reflect more urban development with three to five story buildings. Development of the greater neighborhood, Boulder Junction, is informed by the [Transit Village Area Plan \(TVAP\)](#), which is discussed further below.

BVCP Land Use Designation

The [Boulder Valley Comprehensive Plan \(BVCP\)](#) designates the site as Mixed Use Business (see **Figure 2**). Per the BVCP Land Use Map description: *“Mixed Use-Business development may be deemed appropriate and will be encouraged in some business areas. These areas may be designated Mixed Use-Business where business or residential character will predominate. Housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses.”*



Transit Village Area Plan (TVAP)

The project site is within the [Transit Village Area Plan \(TVAP\)](#) area. In accordance with the Mixed Use Business land use designation in the BVCP, the specific TVAP designation for the site is Mixed Use 2 where the predominant uses in mixed-use areas could be business

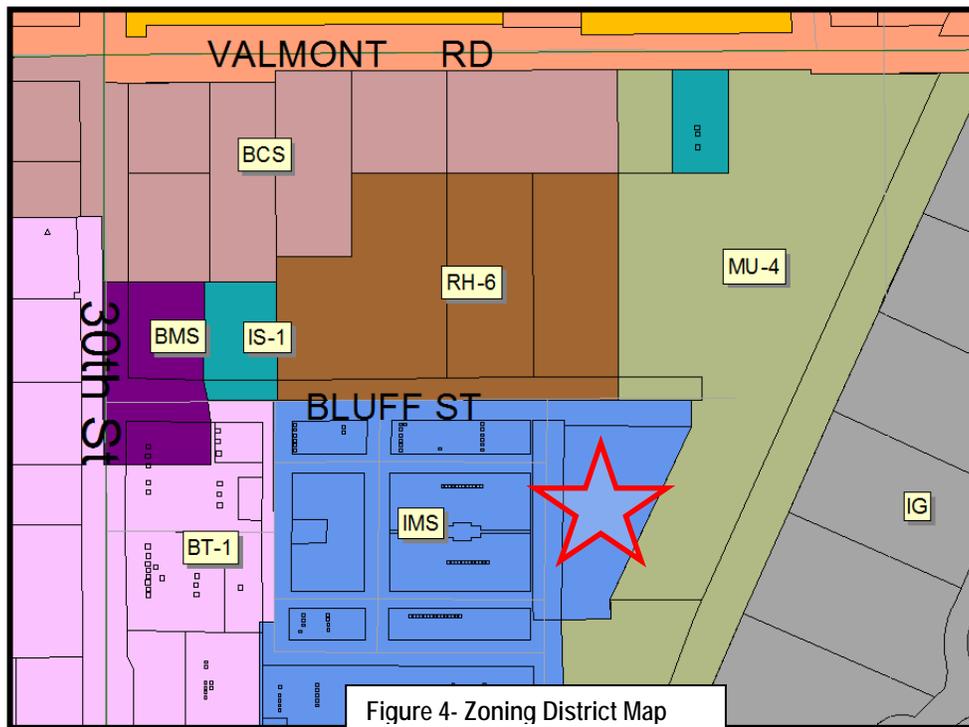
or residential, with homes mixed vertically (above businesses) or horizontally (residential buildings next to commercial buildings.) Page 17 of TVAP notes that areas with a Mixed Use 2 land use allow “three- to four-story mixed use buildings around a floor area ratio (FAR) of 1.5 to 2.0. Predominant use may be business or residential....parking would be “mostly structure or first floor parking; may have some surface parking.” More specifically, the site is within a sub district of TVAP entitled the “Rail Plaza.” The Rail Plaza district is described as an area that will “evolve into a high-density, commercial and residential mixed-use area, with three- to five-story buildings.”

Zoning

The project site is currently zoned IMS, Industrial Mixed Service.

The applicant is proposing to rezone the site to MU-4, Mixed Use – 4, which as can be seen in the **Figure 4** below, is immediately adjacent to the site. MU-4 areas are described as mixed use residential areas generally intended for residential uses with neighborhood-serving retail and office uses; and where complementary uses may be allowed. It is anticipated that development will occur in a pedestrian-oriented pattern, with buildings built up to the street.

Rezoning to MU-4 was anticipated for the site by the TVAP plan in order to be consistent with the established land use designation of Mixed Use 2, as specified in the Transit Village Area Plan (TVAP).



Concept Plan

Recently the applicant submitted a Concept Plan application to consider a proposal for two buildings totaling 98,000 square feet in size comprised of 43,000 square feet of residential space with 36 rental units, 55,000 square feet of commercial space, and a 102 space underground parking garage. Preliminary consideration of a rezoning from Industrial Mixed Service (IMS) to Mixed-Use - 4 (MU-4) was also included.

Planning Board reviewed the Concept Plan proposal at its May 26, 2016 public hearing. The board was generally supportive of the uses and design of the project and found it consistent with the Transit Village Area Plan (TVAP). Some board members had concerns about the massing of the buildings along the streetscapes. Other site design comments related to opportunities for pedestrian connections through the site and the proposed number of garage entries and their locations. The staff memorandum, minutes and audio of the meeting can be accessed at this [link](#).

Form-Based Code (FBC) Review

In June 2016, City Council approved the new Form-Based Code (FBC). The applicant has recently submitted a FBC Review application. The project is currently undergoing review by city staff and the Design Advisory Board (DAB) for compliance with the FBC. The project will be subject to call-up by the Planning Board or the public.

ANALYSIS

Staff finds that the rezoning criteria of Section 9-2-19, "Rezoning," B.R.C. 1981 are met – predominantly because the proposed zoning of MU-4 (Mixed Use – 4) is necessary to come into compliance with the BVCP Land Use Map designation of Mixed Use Business and the TVAP designation of Mixed Use 2 (MU2). Responses to all the criteria are below:

9-2-19. - Rezoning.

(e) Criteria: The city's zoning is the result of a detailed and comprehensive appraisal of the city's present and future land use allocation needs. In order to establish and maintain sound, stable and desirable development within the city, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the city council shall grant a rezoning application only if the proposed rezoning is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, and, for an application not incidental to a general revision of the zoning map, meets one of the following criteria:

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

The proposed rezoning to MU-4 is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, because the proposed zoning will bring site into consistency with the underlying BVCP land use designation, which is Mixed Use Business. Per the BVCP Land Use Map description: *"Mixed Use-Business development may be deemed appropriate and will be encouraged in some business*

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

Further, the project site is within the Transit Village Area Plan (TVAP) area. The area plan implements the broad policies of the BVCP by establishing the vision and goals for the area. Per TVAP, the site is designated Mixed Use 2 where the predominant uses in mixed-use areas could be business or residential, with homes mixed vertically (above businesses) or horizontally (residential buildings next to commercial buildings.) Page 17 of TVAP notes that Mixed Use 2 areas allow “*three- to four-story mixed use buildings around a floor area ratio (FAR) of 1.5 to 2.0. Predominant use may be business or residential.....parking would be “mostly structure or first floor parking; may have some surface parking.”*

The proposed MU-4 (Mixed Use - 4) zoning would render the zoning of the property consistent with the land use map designation discussed above as well as with TVAP. The current zoning of IMS (Industrial Mixed Use) is currently inconsistent with Mixed Use Business designation. TVAP already specifies the expected intensity of the area around an eventual rail stop in the vicinity and the proposed MU-4 would enable the site to better meet this intent. Surrounding properties to the north, east and south are designated Mixed Use Business and have already been rezoned to MU-4. Therefore, there is clear and convincing evidence that the proposed rezoning is necessary to come into compliance with the BVCP map.

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

Not applicable.

(3) The existing zoning of the land was based on a mistake of fact;

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

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

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

The proposed property is located within the Transit Village Area Plan Transportation Connections Plan area.

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

The property is already served by existing public rights-of-way including Junction Place to the west and Bluff Street to the north consistent with TVAP's Transportation Connections Plan.

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

The site is expected to redevelop in the near future. Public infrastructure can be paid for by way of redevelopment under the provisions of section 9-9-8, "Reservations, Dedication and Improvement of Rights-of-Way," B.R.C. 1981, without contribution of funds by the City.

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

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

The infrastructure around the site meets the requirements of the City of Boulder Design and Construction Standards, adopted City master plans, the Boulder Valley Comprehensive Plan, subcommunity plans and area plans.

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

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

The property is in a location that is adequately served by existing adequate water, wastewater and stormwater management and flood control public facilities.

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

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

(C) Whether the property owner has, or will in the future, paid its fair share of the infrastructure needs of the surrounding area, as described in City master plans, subcommunity plans or area plans.

At the time of redevelopment of the 3200 Bluff site, the applicant will be responsible to pay the applicable development fees as well as constructing all of the necessary infrastructural improvements to serve the site.

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

The property is in an area eligible for inclusion within the Boulder Junction Parking and Access District. The applicant has indicated their intent to join the district. If admitted, parking and transportation related services will be provided. If not admitted, project on the site in the future would be subject to section 9-9-22, "Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts," B.R.C. 1981.

ATTACHMENTS

A. Ordinance 8151 to rezone property from IMS to MU-4

ORDINANCE 8151

AN ORDINANCE REZONING 1.12 ACRES OF LAND LOCATED AT 3200 BLUFF STREET FROM THE INDUSTRIAL - MIXED SERVICES (IMS) TO MIXED USE 4 (MU-4) ZONING DISTRICT AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

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

A. A public hearing before the Planning Board of the City of Boulder was duly held on September 1, 2016, in consideration of rezoning approximately 1.12 acres of land from the Industrial – Mixed Services (IMS) to the Mixed Use 4 (MU-4) zoning district generally located at 3200 Bluff Street, City of Boulder, as more particularly described on Exhibit A attached to this ordinance (the "Property").

B. The Planning Board found that the rezoning of the Property from the Industrial – Mixed Services (IMS) to the Mixed Use 4 (MU-4) zoning district is consistent with the policies and goals of the Boulder Valley Comprehensive Plan; is necessary to bring the Property into compliance with the Boulder Valley Comprehensive Plan map; and meets the criteria for rezoning as provided in Chapter 9-2, "Review Processes," B.R.C. 1981.

C. The Planning Board recommended that the City Council amend the zoning district map to include the Property in the Mixed Use 4 (MU-4) zoning district as provided in Chapter 9-5, "Modular Zone System," B.R.C. 1981.

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

1 Section 1. Chapter 9-5, “Modular Zone System,” B.R.C. 1981, and the zoning
2 Mixed Use 4 (MU-4) district map forming a part thereof are amended to include the
3 Property within the zoning district.

4 Section 2. The City Council finds that the rezoning of the Property from the
5 Industrial – Mixed Services (IMS) to the Mixed Use 4 (MU-4) zoning district is consistent
6 with the policies and goals of the Boulder Valley Comprehensive Plan, is necessary to
7 bring the Property into compliance with the Boulder Valley Comprehensive Plan map, and
8 meets the criteria for rezoning as provided in Chapter 9-2, “Review Processes,” B.R.C.
9 1981. The City Council adopts the recitals as a part of this ordinance.

10 Section 3. The City Council has jurisdiction and legal authority to rezone the
11 Property.

12 Section 4. This ordinance is necessary to protect the public health, safety, and
13 welfare of the residents of the city, and covers matters of local concern. The rezoning of
14 the Property bears a substantial relation to, and will enhance the general welfare of, the
15 Property and of the residents of the City of Boulder.

16 Section 5. The City Council deems it appropriate that this ordinance be published
17 by title only and orders that copies of this ordinance be made available in the office of the
18 city clerk for public inspection and acquisition.
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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED

BY TITLE ONLY this 18th day of October, 2016.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED

PUBLISHED BY TITLE ONLY this 1st day of November, 2016.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

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EXHIBIT A

LEGAL DESCRIPTION

LOT 20, EXCEPT THE WEST 55 FEET THEREOF, AND LOT 21, WALKER'S SUBDIVISION; EXCEPT A PORTION THEREOF DECREED TO THE COLORADO AND SOUTHERN RAILWAY COMPANY, A CORPORATION, BY VIRTUE OF CONDEMNATION PROCEEDINGS RECORDED MARCH 11, 1958 IN BOOK 1069 AT PAGE 378;

TOGETHER WITH THE SOUTH 10 FEET OF VACATED BLUFF STREET ABUTTING THE NORTH LOT LINES OF SAID LOT 20, EXCEPT THE WEST 55 FEET THEREOF, AND LOT 21, AS VACATED BY VACATION RESOLUTION RECORDED JUNE 28, 1962 IN BOOK 1235 AT PAGE 324; AND

TOGETHER WITH THAT PORTION OF THE NORTH ONE-HALF OF VACATED HILL STREET ABUTTING THE SOUTH LOT LINE OF SAID PORTION OF LOT 20, EXCEPT THE WEST 55 FEET THEREOF, AS VACATED BY ORDINANCE NO. 4151 OF THE CITY OF BOULDER, RECORDED DECEMBER 9, 1976 ON FILM 947 AS RECEPTION NO. 202633;

COUNTY OF BOULDER, STATE OF COLORADO.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: November 1, 2016

AGENDA TITLE: City Council consideration of Area I public requests for land use map changes as part of the Major Update to the Boulder Valley Comprehensive Plan.

REQUESTING STAFF:

David Driskell, Executive Director, Planning, Housing + Sustainability (PH+S)
Susan Richstone, Deputy Director for Planning (PH+S)
Lesli Ellis, Comprehensive Planning Manager (PH+S)
Jay Sugnet, Senior Planner (PH+S)

The purpose of this item is for the City Council to deliberate and vote on Area I public requests for changes to the Boulder Valley Comprehensive Plan (BVCP) Land Use Map. This is part of a series of hearings and meetings scheduled for Aug. 30 through early 2017 that focus on Area I requested map changes (requires approval of the two city bodies) and Area II requested map changes (requires approval by City Council, Planning Board, Board of County Commissioners and Planning Commission).

The **joint City Council/Planning Board public hearing** was held on **Oct. 13** for the four Area I requested map changes (i.e., Naropa, 385 Broadway, Mt. Calvary Church, and Table Mesa Shopping Center). The Oct. 13 staff memo contains detailed information about each request and is available [here](#). The public hearing was closed that evening, and Planning Board deliberated and voted. The Planning Board meeting minutes are available [here](#) and the following is a brief summary of the actions taken by the board:

- **Naropa Arapahoe Campus:** Planning Board voted 6-0 to approve the designation of Request #1A, 2130 Arapahoe, as Public. *The change recognizes Naropa University as an important public institution.*
- **Naropa Nalanda Campus:** Planning Board voted 6-0 to support staff recommendation to designate 6287 Arapahoe, Request #1B, as Public. *Absent a master plan for the campus, the Public designation and annexation agreement provide sufficient flexibility.*
- **385 Broadway:** Planning Board voted 6-0 to approve changing the current land use designation at 385 Broadway, Request #3, from Transitional Business and Low Density Residential to Low Density Residential. *Future access may need to be through the neighborhood (access through NIST is not guaranteed) and therefore higher intensity of uses is not appropriate.*

- **Table Mesa Shopping Center:** Planning Board voted 4-2 (J. Putnam and H. Zuckerman opposed) to approve staff recommendation of no change to 0, 693, 695 Broadway (Request #12). *The current residential designation on the shopping center may not be ideal, but the majority of the board agreed with staff that some mechanism to address community concerns is necessary.*
- **Mt. Calvary Church:** Planning Board voted 6-0 to approve 3485 Stanford Ct., Request #13, as Medium Density Residential (MR). *The board agreed that this is an appropriate location for housing (near transit and amenities) but expressed concerns that affordable housing could not be guaranteed through the land use designation and therefore suggested a new policy for the comprehensive plan (see new policy below).*
- **Five parcels to the south of Mt. Calvary Church:** Planning Board voted 6-0 to approve 3255, 3305, 3355, 3405, 3455 Stanford Ave., as Medium Density Residential (MR). This is a map correction to be consistent with current zoning.
- **New Comp Plan Policy:** The Planning Board voted 7-0 to “request that staff develop a new comprehensive plan policy for incentive-based zoning to promote permanently affordable housing and/or a requirement that all or a portion of the additional density resulting from an increase in intensity under a residential rezoning be permanently affordable housing.”

The BVCP, jointly adopted by the city and county and updated at least every five years, guides development and preservation in the Boulder Valley. The BVCP articulates a vision for the future and details policies that represent long-standing community values. The public map change request process is one track within the much larger BVCP update. Each phase entails extensive community dialogue and engagement. The webpage for the project, www.BoulderValleyCompPlan.net, includes the full project schedule and a link to the 2010 plan and maps.

STAFF RECOMMENDATION

The motion language below carries forward the action of the Planning Board.

Suggested Motion Language:

Staff requests City Council consideration of this matter and action in the form of the following motions:

For Area I properties that require two-body review

A motion to approve the following Land Use Map changes to the Boulder Valley Comprehensive Plan as shown and described in the Oct. 13 Staff Memo:

- 2130 and 6287 Arapahoe (Request #1): Change to Public
- 385 Broadway (Request #3): Change to Low Density Residential
- 0, 693, 695 Broadway (Request #12): No change
- 3485 Stanford Ct. (Request #13): Change to Medium Density Residential and change 3255, 3305, 3355, 3405, 3455 Stanford Ave., to Medium Density Residential (MR)

NEXT STEPS

- The schedule for the Area II request for Twin Lakes is pending the outcome of the County Planning Commission reconsideration of the Twin Lakes decision. A city hearing is not likely occur until early 2017.
- The schedule for the Area II request for 3rd Street will likely move forward in the coming month.
- January 2017 – **Joint Study Session of City Council and Planning Board** to review scenarios, analysis, community engagement results from fall, survey results, and CU South.
- Spring 2017 – **City Council Study Session** to review the Draft Plan and Focus Areas.

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.

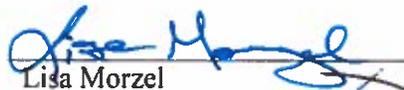
Agreed this 29th day of February, 2016.


Matthew Appelbaum


Aaron Brockett

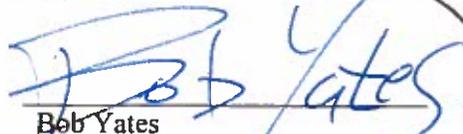

Jan Burton


Suzanne Jones


Lisa Morzel


Andrew Shoemaker


Sam Weaver


Bob Yates


Mary Young

City of Boulder 2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Climate and Energy	Energy Future and Associated Projects	Council	CC: Open Access Transmission Tariff			
			SS: Power Supply	SS (2): Rates, Energy Services, Power Supply	Project update	Project update
		Staff Activities	Budget update	Budget update	Budget update	Budget update
	Climate Commitment	Council	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan
		Staff Activities	Launch action plan	SS: Review interim goals, targets and strategies Energy system transformation; blue print convening	Implementation based on action plan	Implementation based on action plan
Housing/Land Use Planning	Comprehensive Housing Strategy (Housing Boulder)	Council	Briefing	SS (2)		
		Staff Activities	Housing Matters launch event, engagement activities	Draft strategy development	Implementation based on adopted strategy	Implementation based on adopted strategy
	Sustainable Streets and Centers/ East Arapahoe	Council	SS: Direction of preferred scenario	SS : Draft plan and action plan		
		Staff Activities	Develop East Arapahoe action plan	Next Corridor - 30th St or Colorado		
	Resilience	Council	SS	Direction or IP	Direction or IP	Direction or IP
	Boulder Valley Comprehensive Plan	Staff Activities	Develop scoping plan	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
		Council	Issues identification	SS	Direction or IP	Direction or IP
Transportation	Transportation Master Plan Implementation	Council	Update and coordinate with BVCP		Update and coordinate with BVCP	
		Staff Activities				
	Regional Travel	Council		Briefing		Briefing
	Access Management and Parking Strategy (AMPS)	Council			Staff and elected official activities ongoing	
				SS : Review options & Update; including recommendations for TDM tool kit for new development	Council action on TDM Tool Kit for new development	Recommendations including planning code changes
		Staff Activities	Ongoing work plan in 7 focus areas	Ongoing work plan	Ongoing work plan	SS: Review options and update Ongoing work plan
			Alternatives analysis and specific option development		Specific option development/refinements	
	Joint Board workshop & public engagement		Joint Board workshop & public engagement			

City of Boulder 2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	
Civic Area	Civic Area Implementation	Council	SS: Parkland Concepts Plan	CC: Approval of Concept Plan			
		Staff Activities	Outreach to community & partners; create delivery plan for spring, summer, fall events	Deliver spring events	Deliver summer activities and events	Review 2015 activation; compare lessons from 2014 and revise for 2016	
			Draft of parkland concept plan options for public workshop, Boards, Council review	Board/Commission input on Concept Plan	Begin detailed design work on park improvements	Complete detailed design work for bidding	
			Develop overall site master plan concepts, begin to formulate major capital projects	Initial feasibility planning on major capital projects	Continue to develop capital projects, identify potential partners, explore financing options	Continue to develop capital projects, identify potential partners, explore financing options	
Local Food	Sustainable Agriculture and Local Foods	Council	IP and local meals for Council Pilot		Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan	Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan	
		Staff Activities					
Livability	University Hill Moratorium	Council	SS: Review options		IP		
			CC: Public Hearing and Decision				
		Staff Activities	Recommendation & development of ordinances, changes and recommend other strategies to address Moratorium goals	Follow up on other strategies & coordination with Hill Reinvestment Strategy; incorporate strategies into other work plan			
			Board review & public engagement		Board review & public engagement		
	University Hill Reinvestment Strategy	Council			Direction on 14 th Street redevelopment proposal		SS
					SS: Update on strategy		
		Staff Activities	Residential service district (RSD) pilot program	RSD pilot program	RSD pilot program	RSD pilot program	
			Work plan implementation	Work plan implementation	Work plan implementation	On-going work plan implementation	
			Establish benchmarks and evaluation criteria	Commercial district: Eco Pass Study & Commercial bear dumpsters	Implement volunteer program for clean up	Evaluate existing programs	
			14 th Street Lot public/private partnership redevelopment options re: work force affordable housing	14 th Street Lot public/private partnership redevelopment options re: work force affordable housing	Research options for sustainable governance & funding	Develop options for sustainable governance & funding	
		Stakeholder engagement	Stakeholder engagement	Stakeholder engagement	Stakeholder engagement		
	Homeless Action Plan	Council	IP: 2014 Accomplishments	SS: As part of Human Services strategy update		IP - Services and Regional coordination update	
Staff Activities							
Community Cultural Plan	Council	Council update and input on testing phase	Briefing	SS: Adoption of Community Cultural Plan			
	Staff Activities	Research phase complete. Drafting phase complete. Testing phase begins	Testing phase complete. Certification phase begins	Implementation begins. New public art policy drafting	Public Art Policy drafting		

City of Boulder 2015 Work Plan

(Tentative as of December 16, 2014)

	Projects		1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Other	Boulder Junction	Council				
		Staff Activities	Ongoing redevelopment coordination	North Side of Pearl and Goose Creek bridge landscaping install. Bridge opens		Depot Square opens
	Capital Projects Activity	Council	Ongoing and Wastewater Collection System Rehabilitation program begins	Ongoing	SS: 2016-2021 CIP	Ongoing
		Staff Activities				
	CityWide Special Events	Council	Report on 2015 City Events			Summary of 2015 City Events
		Staff Activities	Implement new events application and internal review process	Refine systems as needed	Refine systems as needed	Improve events application for new online Landlinks System in 2016
	Community Broadband	Council	SS			SS
		Staff Activities	Broadband Action Group formation and consultant assessment	Consultant assessment continued	Consultant assessment continued	Present findings and recommendations
	Design Excellence	Council	SS: Staff Recommendations design tools/process changes	IP	CC: Draft recommendations/Adopt strategy	
		Staff Activities	Issues identification/ preliminary work on design tools/ process changes	Technical analysis /develop options	Draft recommendations	
			Public engagement	Boards/public engagement	Boards/public engagement	
	Flood-related Annexations	Council				
		Staff Activities	Flood Annexations - Individual	Flood Annexations - Old Tale Rd	Ongoing	Ongoing
	Human Services Strategy	Council		SS		Public Hearing
		Staff Activities				
	Flood Management	Council			IP: Stormwater Master Plan and Wastewater Collection System Master Plan consideration	
		Staff	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue		
	Smoking Ban - Implementation	Council	CC: Second reading			
		Staff Activities	Education campaign	Enforcement begins	Monitor Outcomes	Monitor Outcomes
	Vacation Rental by Owner (VRBO)	Council	SS			
Staff Activities		Research regulations and possible fees or taxes				

COUNCIL MEMBERS

Suzanne Jones	Mayor
Mary Young	Mayor Pro Tem
Matthew Appelbaum	Council Member
Aaron Brockett	Council Member
Jan Burton	Council Member
Lisa Morzel	Council Member
Andrew Shoemaker	Council Member
Sam Weaver	Council Member
Bob Yates	Council Member

COUNCIL EMPLOYEES

Thomas A. Carr	City Attorney
Jane S. Brautigam	City Manager
Linda P. Cooke	Municipal Judge

KEY STAFF

Mary Ann Weideman	Deputy City Manager
Tanya Ange	Deputy 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	Director of Public Works for Transportation
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)
Metro Mayors Caucus	Jones
National League of Cities (NLC)	Appelbaum
Resource Conservation Advisory Board (RCAB)	Morzel
Rocky Flats Stewardship Council	Morzel, Weaver (alt) (Castillo – 2 nd staff alt)
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)
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) Liaison	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

BOARD MEMBER APPOINTMENTS (to be appointed during annual March recruitment)

Boulder Housing Partners	Shoemaker (2013-2018 term)
Colorado Chautauqua	Morzel (2016-2019 term)

DRAFT
2016 Study Session Calendar

Date	Topic	Time	Location	Contacts	Materials Due
	Legislative Agenda Items	5:30-6:00	Chambers	Carl Castillo/D Marshall	
10/25/2016	30th and Pearl Redevelopment Options	6:00-7:30	Chambers	Eric Ameigh/Emily Richardson	10/13/16
	Middle Income Housing Strategy Subcommittee Report	7:30-9:00	Chambers	Kurt Firnhaber/E Richardson	10/13/16
Thurs 11/10/2016	Special Meeting- See Master Calendar CC Meetings	6 p.m.	Chambers		10/27/16
11/22/16	No Meeting- Thanksgiving Week				
11/29/16	Short Update on Open Space Flood Recovery:Chapman Drive	5:30 pm early start	Chambers	?	11/17/16
	Updated and discussion of the Resilience Strategy-	6-7 p.m.	Chambers	G. Guibert/A. Large	11/17/16
	Renewed Vision for Transit Update	7-9 p.m.	Chambers	Randall Rutsch/M Schleske	11/17/16
12/13/16	Special Meeting for BVCP Deliberation of 4 Body Review and Public Hearing for Nablus Sister City Application and (Kathmandu -if application is reviewed as complete)	6-9 p.m.	Chambers	Planning Dept and CCO	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 Strategy	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	Chris Trice/Tanya Ange	12/06/16
	Middle Income Housing Strategy Subcommittee Report	8-9:00	Chambers	David Driskell/M Melton	SS 10/25/16
	Community Perception Assessment Report	6:00-7:30	Chambers	Tammye Burnette/D Marshall	TBD for 2017
	Human Services Strategy Draft	7:30-9:00	Chambers	Karen Rahn, Corina Marin	02/14/17
	Framework for Lease Negotiations (BMoCA and the Dairy Arts Center)	6:00-7:30	Chambers	Joe Castro/Celia Seaton	01/17/17
	AMPS and CAGID Development Projections	7:30-9:00	Chambers	Jay Sugnet/Ruth Weiss	IP - 11/15/16
Development Related Impact Fees and Excise Tax	8:30-10	Chambers	Chris Meschuk	SS 8/30/16	

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, November 1, 2016

10/20/2016		Preliminary Materials Due
10/26/2016		Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

City Council Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
6:00 PM	6:05 PM	5 min	0:05	CALL TO ORDER AND ROLL CALL			
6:05 PM	6:50 PM	45 min	0:45	OPEN COMMENT AND COUNCIL/STAFF RESPONSE			
6:50 PM	7:05 PM	15 min	0:15	CONSENT AGENDA			
				3rd Reading 2017 Budget			Peggy Buzli/Devin Billingsly
				1st Rdg of Development Related Impact Fees and Excise Taxes	N	Y	Chris Meschuk/E Richardson
				3rd Reading for 55th and Arapahoe Annexation ordinances (8139 and 8140)			Kathy Haddock
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
7:05 PM	7:50 PM	45 min	0:45	Council deliberation to address public requests for changes to the BVCP land use map for four properties within city limits for Area I (no new testimony taken)	Y	N	Lesli Ellis/E Richardson
7:50 PM	8:20 PM	30 min	0:30	2nd Reading Boulder Community Hospital Riverbend facility at 4801 Riverbend- Rezoning and Height ord	Y	Y	Karl Guiler/E Richardson
8:20 PM	8:35 PM	15 min	0:15	2nd Reading 3200 Bluff (Air Gas Site) Rezoning	Y	Y	Karl Guiler/E Richardson
8:35 PM	8:50 PM	15 min	0:15	2nd Reading for 2935 19th Street- Landmark Designation	Y	N	J Hewat/E Richardson
				MATTERS FROM CITY MANAGER			
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
8:50 PM	9:10 PM	20 min	0:20	Mayoral Pro Tem Indications of Interest			
				CALL-UPS			
				9th & Broadway Civic Area- Floodplain Development Permit and a Stream, Wetland, and Water Body Permit	N	N	Jessica Stevens/ C Seaton
				BCH Riverbend Site and Use Review			E Richardson
				Total			
			3:10	If adding your item would bring the total estimated time to over 4 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.			

